



## D 2024 003

### EXECUTIVE ORDER

#### **Amending Executive Order D 2023 022 Declaring a Disaster Emergency Due to the Hazardous Materials Incident in Fremont County**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2, of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Order D 2023 022 concerning funding for the disaster emergency due to the Hazardous Materials Incident in Fremont County.

#### **I. Background and Purpose**

The Governor is responsible for meeting the dangers to the State and people presented by disasters. C.R.S. § 24-33.5-704(1). The Colorado Disaster Emergency Act defines a disaster as “the occurrence or imminent threat of widespread or severe damages, injury or loss of life or property resulting from any natural cause or cause of human origin.” C.R.S. § 24-33.5-703(3).

On October 27, 2023, I issued Executive Order D 2023 022, which memorialized my verbal executive order from October 5, 2023, declaring a state of disaster emergency due to the Hazardous Materials Incident in Fremont County. The Executive Order directed State and federal agencies to coordinate response, consequence management, hazard mitigation, and recovery efforts, and allocated one million dollars (\$1,000,000) for this incident.

During October 2023, 198 deceased individuals were transported from the Fremont County incident site to other locations to identify the deceased individuals and return them to their families for interment.

In January 2024, it was determined that 44 individuals required DNA testing to establish identification. It was further determined that the cost of DNA testing requires additional funding beyond the initial one million dollars (\$1,000,000) allocated. An additional two hundred twenty thousand dollars (\$220,000) is needed to complete the identification process.

This Executive Order allocates an additional two hundred twenty thousand dollars (\$220,000) for response, consequence management, hazard mitigation, and recovery efforts related to the Hazardous Materials Incident.

**II. Amendment**

Section II.E of Executive Order D 2023 022 (Hazardous Materials Incident in Fremont County) is amended to read as follows:

Pursuant to C.R.S. § 24-33.5-706(4)(b), funds in the Disaster Emergency Fund (DEF) are insufficient to pay for response, consequence management, hazard mitigation, and recovery efforts related to the Hazardous Materials Incident in Fremont County.

Therefore, I order that one million two hundred twenty thousand dollars (\$1,220,000) be transferred from the State Emergency Reserve Cash Fund (SERCF) to the DEF. I encumber one million two hundred twenty thousand dollars (\$1,220,000) in the DEF to pay for response, consequence management, hazard mitigation, and recovery efforts related to the Hazardous Materials Incident in Fremont County.

**III. Duration**

This Executive Order shall remain in effect unless modified or rescinded by Executive Order. In all other respects, Executive Order D 2023 022 shall remain in full force and effect as originally promulgated.



GIVEN under my hand and the  
Executive Seal of the State of  
Colorado this ninth  
day of February, 2024.

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis  
Governor