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DECLARATION OF LIFE THREATENING SITUATION IN THE VILLAGE OF MAGDALENA

To: The Honorable Susana Martinez, Governor of New Mexico; and, Tom Clifford, Secretary of the Department of Finance

From: Ryan Flynn, Secretary-Designate of Environment

Subject: **Finding of Emergency Conditions in the Village of Magdalena**

Date: June 7, 2013

Based on the circumstances described more fully below, I have determined that a life threatening situation exists in the Village of Magdalena and, therefore, support the Village's request for a declaration of an emergency to support an application for Community Development Block Grant emergency funding.

BACKGROUND: On June 4, 2013, the Village of Magdalena advised the New Mexico Department of Homeland Security and Emergency Management that the Village's only drinking water supply well was not producing any water.

The New Mexico Environment Department's Drinking Water Bureau was notified and the Bureau's staff conducted a preliminary investigation on June 5, 2013, to determine whether the well had indeed gone dry or if there were other causes for the failure to produce usable quantities of water. Based on the findings of Drinking Water Bureau's staff, the Department confirmed that the loss of water was caused by the well going dry.

FINDING: The Village of Magdalena's drinking water supply well failure constitutes an emergency as defined by 2.110.2.11.G NMAC, which states:

> *G. Emergency: The emergency fund provides funding for emergency projects which address life threatening situations resulting from disasters or imminent threats to health and safety.*
>
> *(1) Applications under this category will be accepted throughout the year.*

(2) Application shall include written verification and adequate documentation by a state agency and with the applicant's assessment of the life threatening situation and shall be submitted no later than 18 months from the certification by the applicant and documentation of the need for the emergency project.

(3) An applicant for emergency funding must verify that it does not have sufficient local resources to address the life threatening condition; and that other federal or state resources have been explored and are unavailable to alleviate the emergency.

As determined by a second field inspection on June 6, 2013, conducted by staff from NMED's Construction Program Bureau, Drinking Water Bureau, and Environmental Health Bureau, it was determined that the only functioning well capable of supplying water to the Village was dry and, therefore, the Village was unable to provide water to its residents and businesses.

Unless this situation is addressed immediately, the loss of water within the Village system has the potential to cause serious health problems and possible loss of life. These health risks include bacterial exposure from consuming untreated water, compromised sanitation infrastructure, reduced resources for personal hygiene, and reduced consumption of water resulting in dehydration. All of the concerns are magnified for children, the elderly, and individuals with existing health issues.

Accordingly, in light of the loss of water, I am declaring a life threatening situation in the Village.

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By my signature below, I concur that the circumstances outlined above constitute an "emergency" situation, and that the New Mexico Environment Department verifies such.

Ryan Flynn
Cabinet Secretary

6/7/2013
Date