

All community water system owners, operators, board members, managers and attorneys:

This is your official notification of the NM WARN. This is a statewide network that will assist NM water and wastewater utilities in responding and providing assistance to member utilities during any kind of emergency or incident. The attached draft mutual aid agreement will form the basis of this network. Upon an authorized official from the utility executing this agreement and forwarding it to the NM WARN Committee, that utility will become a member of the NM WARN.

This agreement (or ones that are very similar) have been very well vetted nationwide and at least 27 states have adopted this agreement (or one like it) and formed statewide WARNs. This agreement is being provided to you for your attorney, owner, board member or operator to review and comment on. The review period will last 3 months from the date this e-mail is sent. Please respond during this time.

EPA and AWWA (American Water Works Association) recommend that states create a mutual aid agreement that is very similar to the model agreement. The NM draft agreement follows the model agreement, with only a few minor modifications. This is partly for inter-state WARN co-operation. We want to keep the existing style, formatting and general layout as is. Therefore, we request that utilities keep their comments within the following framework:

1. "Deal breaking" legal issues
2. Inconsistencies between this agreement and NM law or statutes
3. Inconsistencies within this agreement
4. Other legal issues
5. Minor grammatical or other errors

This agreement and ones like it have been used in emergency situations around the nation. Recently, the Colorado WARN was activated to respond to the salmonella outbreak in Alamosa, Colorado. Alamosa received assistance from the City of Denver in disinfecting distribution lines. This aid was critical in quickly and safely restoring service to their customers.

Once the NM WARN Mutual Aid Agreement is finalized, water and wastewater utilities will be encouraged to execute the agreement and become original members of the NM WARN. We hope to have 2 – 3 (or more) utilities execute the agreement prior to the end of 2008.

The NM WARN program will be coordinated by a state committee and through a website, which has not been developed yet. This website will contain all of the information and details on how the WARN works as follows:

1. The WARN agreement
2. Policies, guidelines, and information regarding how to use the agreement during the requesting, provision and removal of aid
3. Incident tracking, requestors, responders, progress, problems encountered, solutions, etc.
4. Resource typing (what response team or portion of a team a utility can provide)
5. Tabletop exercise design for practicing WARN activation/deactivation

A note to smaller community water systems: This agreement contains provisions for paying reimbursement to utilities for assistance provided during the response. However, because NM has many small and very small water systems, that may not be able to afford this, a provision has been added to allow for non-reimbursable assistance. This will allow for a system requesting assistance to ask for aid on a non-reimbursement basis. Small water systems will also be able to provide non-reimbursable assistance.

The NM WARN Steering Committee is sending this notification to you and we encourage as much review and comment as possible. We also strongly encourage your interest and participation in the NM WARN. If a utility would like to get copies of meeting minutes and other updates, please contact Jerry Lewis (NMED/DWB) at (505) 222-9534, jerome.lewis@state.nm.us or Matt Holmes (NMRWA) at (505) 884-1031, matt@nmrwa.org.

The draft agreement will also be posted on pertinent websites (NMRWA, NMED/DWB, the NM Municipal League, Rural Community Assistance Corp. (RCAC), etc.) for review and comment.

Links:

www.nmrwa.org/warn.php

www.nmenv.state.nm.us/dwb/ Please click on security, then the NM WARN

Please send responses, comments to Matt Holmes or Jerry Lewis.

Contacts:

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