

FOR IMMEDIATE RELEASE
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Governor Susana Martinez Declares State of Emergency, Announces Additional Steps in Coordinated Response to EPA-Caused Mining Waste Spill in Animas River

Santa Fe, NM – Today, Governor Susana Martinez declared a state of emergency in response to the massive 3 million gallon waste spill in the Animas River in Colorado that EPA officials have admitted to causing. The Governor toured the spill by helicopter and met with local officials in San Juan County on Saturday. The day before, Governor Martinez established a multi-agency response team that has been assisting affected communities, and New Mexico Environment Department Secretary Ryan Flynn issued emergency orders allowing for additional hazardous waste funding to be made available to assist with response efforts.

In addition to declaring a state of emergency today, the Governor is also directing the multi-agency team to remain in northwest New Mexico for an indefinite period of time to provide on-the-ground support as residents and community leaders respond to the realities of this spill in the coming days.

“I had the chance to see the spill with my own eyes. It is absolutely devastating, and I am heartbroken by this environmental catastrophe,” Governor Martinez said. “As I’ve said before, I am very concerned by EPA’s lack of communication and inability to provide accurate information. One day, the spill is 1 million gallons. The next, it’s 3 million. New Mexicans deserve answers we can rely on.”

Martinez continued, “I want New Mexicans to know that we are committed to working around the clock to keep local communities informed and protected, and providing whatever resources we can to assist communities in the affected area.”

The Governor’s executive order declaring a state of emergency frees up an additional \$750,000 in state funds. These dollars will be used to test water wells, study the potential long-term effects of the spill, support the efforts of the multi-agency response team, and provide other mitigation or response efforts that become necessary. This is in addition to the \$500,000 in state emergency funds that NMED requested and received on Friday.

Governor Martinez has also directed administration officials to be prepared to take legal action against the EPA, in conjunction with others affected by this spill.

The full text of the Governor's executive order declaring a state of emergency is available below:

EXECUTIVE ORDER 2015-016
DECLARING AN EMERGENCY IN SAN JUAN COUNTY DUE TO GOLD KING
MINE CONTAMINATED WATER RELEASE

WHEREAS, on Wednesday, August 5, 2015 approximately three million gallons of contaminated water were discharged from the Gold King Mine in Silverton, Colorado, into the upper portions of Cement Creek, a tributary of which connects to the Upper Animas River watershed;

WHEREAS, the Gold King Mine wastewater contains high levels of heavy metals, including aluminum, arsenic, cadmium, cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel and zinc; and

WHEREAS, the contamination plume from the Gold King Mine was carried by the Animas River into New Mexico and eventually into the San Juan River; and

WHEREAS, the contamination from the Gold King Mine will adversely impact water supplies for drinking and other domestic uses, agriculture, recreation, and wildlife in San Juan County; and

WHEREAS, all available local and state resources may be insufficient to alleviate this emergency and prevent damage from this contamination plume; and

WHEREAS, subsequent damage to infrastructure, resources, and property will pose a significant threat to the health and safety of citizens and visitors to New Mexico, as well as the economic base of affected local governments; and

WHEREAS, this situation constitutes an emergency situation with potentially catastrophic consequences; and

WHEREAS, this exigent circumstance requires emergency action to preserve and protect the peace, health, safety as well as the lives and property of the people of the State of New Mexico; and

WHEREAS, the magnitude of this emergency requires a response that exceeds local resources, thus requiring the State to mobilize its resources to assist local efforts to minimize economic or physical harm and to take the action necessary to protect public health, safety, welfare, and property.

NOW, THEREFORE, I, Susana Martinez, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and Laws of the State of New Mexico, hereby declare a state of emergency to exist in San Juan County due to the Environmental Protection Agency's release of contaminated mine water from the Gold King Mine.

I DIRECT the Department of Finance and Administration to make available emergency financial resources in an amount not to exceed seven hundred and fifty thousand dollars (\$750,000.00) to the Department of Homeland Security and Emergency Management, pursuant to NMSA 1978, Sections 12-11-23 through 12-11-25. The funds shall be expended for resources and services necessary to avoid or minimize economic or physical harm until the situation becomes stabilized; on a temporary, emergency basis for lodging, sheltering, health care, food and water, any transportation or shipping necessary to protect lives or public property; or for any other action necessary to protect the public health, safety, and welfare and property. The funds shall be paid out upon warrants drawn by the Secretary of Finance and Administration upon vouchers approved by the Governor or the Governor's Authorized Representative.

I FURTHER DIRECT the Department of Homeland Security and Emergency Management to coordinate all requests for assistance and responses to such requests under the authority of and as determined by the Governor and her Authorized Representative and to request such aid and assistance from the Federal Emergency Management Agency as may be appropriate. In addition to such other eligibility criteria as may be established by the Governor and her Authorized Representative, applicants requesting financial assistance from the State for necessary action taken in response to the emergency shall be required to demonstrate that the cost of the necessary action exceeds their available resources, as determined based upon criteria developed in conjunction with the State agencies (if any) with financial and budgetary oversight responsibilities for the applicant.

I FURTHER DIRECT the Adjutant General to order into service any elements of the New Mexico National Guard as are or may be needed to provide military support to civil authorities as needed for this emergency. This action is pursuant to and in accordance with NMSA 1978, Sections 20-1-1 through 20-1-8, NMSA 1978, Sections 20-2-1 through 20-2-8, and NMSA 1978, Sections 20-4-1 through 20-4-14. Such emergency assistance shall be provided during the period of need at the discretion of the Governor's Authorized Representative.

I FURTHER DIRECT all Cabinet Departments and agencies under gubernatorial control to provide any assistance that may be required by the Department of Homeland Security and Emergency Management or by the State Emergency Operations Center under the authority of the Governor's Authorized Representative.

THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as the Governor rescinds it.

SIGNED AT THE EXECUTIVE OFFICE THIS 10th DAY OF AUGUST 2015

WITNESS MY HAND AND THE GREAT SEAL OF THE STATE OF NEW MEXICO

SUSANA MARTINEZ
GOVERNOR OF NEW MEXICO

ATTEST:
DIANNA DURAN
SECRETARY OF STATE

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