

Executive Document

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Governor, Administration: Utah Exec. Order No. 2015-7

Issued: August 12, 2015

EXECUTIVE ORDER

San Juan River Gold King Mine Contamination

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; and

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 in Colorado and flowed into the San Juan River in New Mexico, and has the potential to enter into Utah; and

WHEREAS, the contamination plume from the Gold King Mine will most certainly adversely impact downstream water supplies for drinking and other domestic uses, agriculture, economy, recreation and wildlife in San Juan and Kane Counties; and

WHEREAS, the contamination plume from the Gold King Mine requires immediate action to monitor and assess impact, minimize environmental impacts, support local businesses and recover from impacts to the economic base; and

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

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

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

WHEREAS, on August 12, 2015, San Juan County issued an Emergency Declaration; and

WHEREAS, on August 9, 2015, the Navajo Nation issued an Emergency

Declaration; and

WHEREAS, this exigent circumstance requires emergency action to preserve and protect the peace, health, safety, and welfare of the lives and property of the people of the State of Utah; and

WHEREAS, the conditions caused by the spill require a response that exceeds local resources, and require the State to mobilize its resources to assist local efforts and take the action necessary to protect public health, safety, welfare, and property and to minimize economic or physical harm; and

WHEREAS, these conditions do create a "State of Emergency" as defined by Section 53-2a-206 of the Utah Code, therefore;

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by the power vested in me by the Constitution and Laws of the State of Utah, do hereby find, determine, and declare that that a "State of Emergency" does exist due to the threat to public safety, property, critical infrastructure, economy, natural resources and the environment for thirty days, effective as of August 12, 2015 requiring aid, assistance, and relief available pursuant to the provisions of State Statutes and the State Emergency Operations Plan, which is hereby activated;

IT IS ORDERED, that all agencies of the state government are authorized to utilize and employ state personnel, equipment and facilities for the performance of any and all activities consistent with the direction of the State of Utah Emergency Operations Plan; and

IT IS FURTHER ORDERED, that the Division of Finance make available emergency financial resources from the State Disaster Recovery Restricted Account to the Department of Public Safety, Division of Emergency Management, pursuant to Section 53-2a-603 of the Utah Code for activities related to this incident since its inception; and

IT IS FURTHER ORDERED that the Director of the Division of Emergency Management is authorized and directed to allocate the above funding to the appropriate State Agencies and execute awards, purchase orders, contracts, or other mechanisms to effect the allocation of the funds. These funds shall remain available for this purpose for thirty-six months from August 9, 2015, and any unexpended funds shall remain in the Disaster Recovery Restricted Account.

IN TESTIMONY, WHEREOF, I have here unto set my hand and caused to be affixed the Great Seal of the State of Utah this August 12th, 2015.

(State Seal)

Gary R. Herbert
Governor, State of Utah

ATTEST:

Spencer J. Cox
Lieutenant Governor, State of Utah

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