

EXECUTIVE AUTHORITY

PRESIDENCY OF THE COUNCIL OF MINISTERS

Tamboraque Mountain, located in the San Mateo de Huanchor District, Huarochirí Province, Department of Lima, is declared in a State of Emergency

**SUPREME DECREE
No. 050-2008-PCM**

THE PRESIDENT OF THE REPUBLIC

WHEREAS:

Pursuant to Official Letter No. 305-2008-MEM/VMM dated July 1, 2008, reviewed by the Vice-Minister of Mines, and pursuant to the coordination between the entities involved in the problem created by instability and risk of collapse of tailings deposits 1 and 2, of the San Juan Mining Company (Peru S.A.) located in the "Tamboraque Concentration Plant," Concession of Benefit, 90 km above the Central highway, in the district of San Mateo de Huanchor, province of Huarochirí, department of Lima; we have been notified of the existence of a generalized crack through the foundation and in the natural slopes upstream, a result of leakage caused by the irrigation by flooding of crop lands located in the area cited;

This leakage is saturating the underground water and, therefore, is leaking at the foot of the slope of the deposit of the indicated tailings, the existence of cracks which indicate the imminent danger of

movement of blocks of earth is observed, which may move in a slide of some magnitude, carrying these tailings and the Tamboraque concentration plant of benefit, which in turn would affect the Central highway, the railways crossing the area, and the Rimac River.

The risk of a slide caused by the physical instability referred to in the previous paragraph requires the adoption of immediate measures which allow the Regional Government of Lima, the National Institute for Civil Defense - INDECI, the Sectors jeopardized, and the Local Governments involved, to carry out immediate actions for the purpose of reducing and minimizing the existing risks in the affected areas;

Article 2 of Supreme Decree No. 058-2001-PCM, states that the declaration of the State of Emergency may be requested by persons in charge of Ministries and Decentralized Public Organizations, jeopardized by the emergency, who shall direct their request through the INDECI, and that in special circumstances, the President of the Council of Ministers shall submit on his own initiative to the Council of Ministers the declaration of the State of Emergency of the area or areas affected by major disasters, proposing the measures and/or immediate actions that are appropriate;

Pursuant to the authorities conferred by Article 137 of the Political Constitution of the State, and Law No. 29158 – the Organic Law of the Executive Authority; and

With the vote of approval by the Council of Ministers, and with the duty to report to the Congress of the Republic;

DECREES:

Article 1. – Declaration of the State of Emergency of Tamboraque Mountain in the San Mateo de Huanchor District, Huarochirí Province, Department of Lima.

The State of Emergency of Tamboraque Mountain, located in the San Mateo de Huanchor District, Huarochirí Province, Department of Lima, shall be declared for a period of sixty (60) days, in order to carry out immediate actions for the purpose of reducing and minimizing the existing risks.

Article 2.- Actions to undertake

The Regional Government of Lima, the local governments involved, the National Institute for Civilian Defense - INDECI, the Ministry of Agriculture, the Ministry of the Environment, the Ministry of Energy and Mines, the Ministry of Health, the Ministry of Transport and Communications, the Entity Overseeing Investment in Energy and Mining - OSINERGMIN, shall undertake immediate actions aimed at decreasing current risks and recuperating those areas that might be affected. These actions include but are not limited to carrying out the Risk Assessment assigned to the Regional Government of Lima; moving the tailings and the concentrating plant, and physically stabilizing the area in charge of Compañía Minera San Juan (Peru) S.A.; as well as protecting other public and private installations at risk, as per the competencies accorded (to them) by the law.

The abovementioned public entities are hereby authorized to perform such administrative acts, orders, procedures, and corrective and preventive measures as they deem necessary to reduce the risk generated by this emergency situation during the period of time set forth in Article 1 of this supreme decree so that the aims it was issued to address can be accomplished. Compañía Minera San Juan (Peru) S.A., Ferrovias Central Andina S.A. and other public and private entities are bound, under their responsibility, to comply with such preventive and/or corrective measures.

Article 3.- Countersignature

This Supreme Decree shall be countersigned (into effect) by the President of the Council of Ministers, the Minister of Agriculture, the Minister of the Environment, the Minister of Energy and Mines, the Minister of Health, and the Minister of Transport and Communications.

Issued at the House of Government, in Lima, on the seventeenth of July in the year two thousand and eight.

ALAN GARCIA PEREZ
Constitutional President of the Republic

JORGE DEL CASTILLO GALVEZ
President of the Council of Ministers

ISMAEL BENAVIDES FERREYROS
Minister of Agriculture

ANTONIO JOSE BRACK EGG
Minister of the Environment

JUAN VALDIVIA ROMERO
Minister of Energy and Mines

HERNAN GARRIDO-LECCA M.
Minister of Health

VERONICA ZAVALA LOMBARDI
Minister of Transport and Communications.