

Congress of the United States
Washington, DC 20515

August 18, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Dear Administrator McCarthy:

On August 5th, the work conducted by the Environmental Protection Agency (EPA) at the Gold King Mine directly led to the release of approximately 3 million gallons of contaminated water and sediment into Cement Creek and the Animas River in southwest Colorado. Previous correspondence to your agency has urged greater interagency cooperation in responding to this catastrophe, as well as asked the EPA to develop short and long-term plans to address the environmental and economic harm caused to the affected communities and the industries and people that sustain them. It is our hope to see these concerns addressed promptly.

We remain completely unsatisfied with the delay in notifying the impacted communities and elected officials responsible for preparing and responding to a disaster such as this one.

- 1) What was the reason for the over 24 hour delay between the time of the incident and official notification and acknowledgment by your agency that a blowout had occurred?
- 2) Why, if the EPA had requested Verizon install a cell tower near the work site, was that work not completed before beginning work on the mine?
- 3) EPA contractors on the ground have told congressional staff that a call was placed to the National Response Center. According to your website, "The NRC receives all reports of releases involving hazardous substances and oil that trigger federal notification requirements under several laws."¹ Were these federal notification requirements followed?
- 4) To what extent was the EPA, or its designees, coordinating with local officials and stakeholders leading up to and during its Gold King Mine project?
- 5) Who in the EPA's regional office was first notified of the blowout and when?
- 6) What steps has the EPA taken, or does it plan on taking in the very near future, to ensure that this type of delay in acknowledgment and notification of the appropriate parties does not happen again? What additional steps will the EPA take to create and implement an emergency response plan for EPA projects such as this?

¹ Available at <http://www2.epa.gov/emergency-response/national-response-center> (July 14, 2015).

Many questions remain about the accident. Regarding the accident itself:

- 1) Under what statutory authority was the EPA operating in the Upper Animas, and more specifically on the Gold King Mine?
- 2) When did operations under this authority begin in the area? On the Gold King Mine? Please provide a timeline from the beginning of work through the accident at Gold King Mine.
- 3) What is the amount of the budget allocation the EPA has made for this project or program?
- 4) Is there a video or pictures that capture any part or all of the accident?
- 5) Are there any other contemporaneous media, including, but not limited to, notes, surveys, maps, or reports, that detail the risks of working on the mine or the immediate aftermath of the blowout?

Regarding the individuals working on the site at the time of the accident:

- 1) Are they EPA employees, contractors employed by the EPA, or both?
- 2) If any or all were contractors, did the contract that the EPA signed with them speak to any liability for damages sustained by individuals or communities based on the work they were performing?
- 3) To what extent, if any, does the EPA plan to hold individuals responsible for this accident?

Lastly, regarding the potential lasting impacts of this accident and long term mitigation efforts going forward:

- 1) Is the EPA testing sediment in the river now, and what are your long term plans to monitor and test sediment during heavy spring runoff?

We request answers to all of these questions prior to the House returning from its August district work period. Thank you in advance for your prompt consideration.

Sincerely,



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Member of Congress



Cynthia Lummis
Member of Congress

Hal Rogers
Hal Rogers
Member of Congress

Michael Burgess, M.D.
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Lynn Westmoreland
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