

United States Senate

WASHINGTON, DC 20510

November 13, 2015

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

Dear Administrator McCarthy:

We write today to express concern regarding conclusions reached in the Department of Interior's (DOI) report on the Gold King Mine spill released on October 22, 2015. The report concludes that had the Environmental Protection Agency (EPA) used a drill rig to bore into Gold King Mine from above to determine the level of the mine pool, there would have been a revised plan to open the mine, and the blowout would not have taken place.

DOI's report also shows that little engineering analysis or consideration was completed at the Gold King Mine. In this context, we respectfully seek answers to the following:

1. Would you provide a full accounting of individuals who worked on the mine, their level of professional expertise, and if they were under the supervision of a licensed professional engineer?
2. What are EPA's policies and practices for engineering projects?
3. Would you provide an account for all work conducted at the mine that was not performed by a licensed professional engineer?
4. Based on the above answers, is this consistent with what would be required of a private company conducting similar work?

Several months have passed since the initial surge of contaminated water at Gold King Mine on August 5, 2015. To our knowledge, there has not been a reporting of claims paid to affected individuals.

5. Would you clarify if EPA has paid claims related to the spill?
6. If so, what percentage of total claims at this point have been paid?
7. Does the agency intend to compensate for the damages within existing agency funding?
8. Has EPA or does EPA intend to terminate the employment of those responsible for the spill?
9. If EPA has not terminated employment, how does EPA intend to hold those individuals accountable?

The report states that EPA's actions at the Gold King Mine caused the blowout. This conclusion refutes the assertion in EPA's internal review of the spill which states that the blowout was inevitable.

10. Would you explain this discrepancy?
11. Is EPA currently performing similar work on other mines, and, if so, would you provide a list of these sites?
12. If work is being performed at other sites, is EPA changing its actions at these sites to accommodate the findings in DOI's report?
13. Are professional engineers supervising these sites?
14. What steps is EPA taking to respond to the DOI report?
15. Is EPA conducting any further investigation or review of the cause or response to the spill outside of the Office of Inspector General's report?

Thank you for your time and attention to this issue. We look forward to your responses.

Sincerely,



Cory Gardner
United States Senator



Mike Enzi
United States Senator