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# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RYAN JACKSON, MAJORITY STAFF DIRECTOR  
BETTINA POIRIER, DEMOCRATIC STAFF DIRECTOR

November 2, 2015

The Honorable Estevan Lopez  
Commissioner  
Bureau of Reclamation  
U.S. Department of the Interior  
1849 C Street NW  
Washington DC 20240-0001

Dear Mr. Lopez:

The U.S. Senate Committee on Environment and Public Works (EPW) is conducting oversight of the causes of and response to the blowout of the Gold King Mine near Silverton, Colorado, on August 5, 2015. The blowout was caused by staff and contractors of the U.S. Environmental Protection Agency (EPA or Agency) who were using heavy equipment to excavate the collapsed entrance at the Gold King Mine as part of a time critical removal action to install a bulkhead to prevent acid mine drainage from the nearby Red and Bonita Mine. The blowout released 3 million gallons of contaminated mine water into the Animas River watershed, affecting drinking water, recreation, and agriculture for hundreds of miles downstream. In the weeks following the blowout, EPA announced that the Department of the Interior (DOI) would perform an “independent assessment of the factors that led to the Gold King Mine incident.” The DOI requested the Bureau of Reclamation (BOR) lead the review.

On October 22, 2015, BOR released a report of its evaluation, finding that the blowout could have been prevented had the site been properly evaluated and the engineering plan revised accordingly before excavation work began. According to the BOR report, BOR staff had been providing technical assistance to EPA as part of the removal action at the Red and Bonita Mine. The EPA on-scene coordinator overseeing the removal work reportedly was “unsure about the plans for the Gold King Mine” and arranged for the BOR staff person to visit the Gold King site on August 14, 2015, the on-scene coordinator’s first day back from a vacation. However, as the BOR report indicates, EPA staff and contractors working in consultation with state mining officials began to excavate the collapsed mine entrance on August 4, 2015, and the blowout occurred the following day as work continued at the site.

The BOR report underwent peer review by staff with the U.S. Geological Survey and the U.S. Army Corps of Engineers, who reportedly questioned why the BOR evaluation did not examine the internal decision making by EPA and its contractors or what caused the urgency to begin excavation work while the original on-scene coordinator was on vacation and before BOR staff were scheduled to visit the site.

The Honorable Estevan Lopez

November 2, 2015

Page 2

In order to better understand the circumstances surrounding the blowout at the Gold King Mine, BOR's involvement at the site, and the development of the BOR report, it is requested that complete and unredacted copies of the following documents be provided by 12 noon on November 13, 2015:

- (1) All emails, memoranda, correspondence, or other documents created or received between August 1, 2014 and the present date concerning communications between BOR and EPA related to the time critical removal action at the Red and Bonita Mine site (including any activities at the Gold King Mine No. 7);
- (2) All emails, memoranda, correspondence, or other documents created or received between August 1, 2014 and the present date concerning internal BOR communications related to the time critical removal action at the Red and Bonita Mine site (including any activities at the Gold King Mine No. 7);
- (3) All emails, comments, edits, or other documents concerning communications between BOR and the peer reviewers involved in the October 22, 2015, BOR report.

We look forward to your prompt response to this request. Please have your staff contact Byron Brown with the Committee on Environment and Public Works' majority staff at (202) 224-6176 with any questions concerning this request.

Sincerely,



James M. Inhofe  
Chairman,  
Committee on Environment  
and Public Works



M. Michael Rounds  
Chairman,  
Subcommittee on Superfund, Waste  
Management, and Regulatory Oversight