

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051

<http://oversight.house.gov>

August 12, 2015

The Honorable Arthur A. Elkins, Jr.  
Inspector General  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Inspector General Elkins:

On August 5, 2015, the Environmental Protection Agency released mine waste from a site in San Juan County, Colorado, into the regional river system.<sup>1</sup> According to press reports, the spill was caused by EPA's operation of heavy equipment on the site.<sup>2</sup> The plume of mine waste, measuring as long as 80 miles at one point, has spread as far as the San Juan River in Utah, which forms the border between San Juan County and the Navajo Nation.<sup>3</sup> Press reports identify contaminants in the plume include arsenic, lead, copper, aluminum, and cadmium.<sup>4</sup>

The Committee is reviewing how EPA has handled the incident. The Agency first indicated that one million gallons of waste were released into the water. Days later, EPA admitted that the amount of toxic water released was in fact three times higher than previously stated, actually amounting to three million gallons.<sup>5</sup> There have been press reports of tribal and state officials in the affected regions experiencing difficulty in getting information from EPA in a timely fashion.<sup>6</sup> One affected state environmental department official stated that EPA did not take proper action to alert residents to possible dangers nor did they notify the state directly of the incident.<sup>7</sup>

In light of the Committee's findings with respect to the EPA's internal management failures, we are concerned that the Agency is not well-positioned to conduct a competent internal review in this case. A series of embarrassing incidents, including the scam perpetrated by fake

---

<sup>1</sup> Gold King Mine Release Incident, U.S. Environmental Protection Agency, Region 8, *available at* [http://epaoscr.org/site/site\\_profile.aspx?site\\_id=11082](http://epaoscr.org/site/site_profile.aspx?site_id=11082).

<sup>2</sup> Jesse Paul and Bruce Finley, *Animas River Fouled By 1 Million Gallons Of Contaminated Mine Water*, THE DENVER POST, Aug. 6, 2015.

<sup>3</sup> *Gold Mine's Toxic Plume Extends To Utah*, THE DAILY TIMES, Aug. 11, 2015, *available at* <http://www.usatoday.com/story/news/nation/2015/08/10/navajo-nation-epa-mine-wastewater-spill/31399517/>.

<sup>4</sup> *Id.*

<sup>5</sup> Steve Garrison and Joshua Kellogg, *EPA: Pollution From Mine Spill Much Worse Than Feared*, THE DAILY TIMES, Aug. 10, 2015, *available at* <http://www.usatoday.com/story/news/nation/2015/08/09/navajo-nation-epa-spill/31384515/>

<sup>6</sup> *Residents Demand Health Answers As Mine Spill Fouls Rivers*, N.Y. TIMES, Aug. 10, 2015.

<sup>7</sup> Mariano Castillo, *Pollution Flowing Faster Than Facts In EPA Spill*, CNN, Aug. 10, 2015.

The Honorable Arthur A. Elkins, Jr.

August 12, 2015

Page 2

secret agent John Beale<sup>8</sup> and the hiring of a serial sexual harasser in the Office of the Administrator, have demonstrated that EPA lacks the internal controls that are prerequisite for a reliable self-evaluation.<sup>9</sup>

An independent perspective is essential to investigating the cause of and response to this catastrophe. In the aftermath of the Deepwater Horizon oil spill in 2010, former EPA Administrator Lisa Jackson wrote, “[t]he public and the United States Government are entitled to nothing less than complete transparency in this matter.”<sup>10</sup> That standard also applies to the ongoing environmental disaster that has now touched several western states. The EPA should be held to the same benchmark that applies to those it regulates. Accordingly, we request that you investigate this incident and its ensuing management by EPA and provide recommendations to the Agency to ensure that any mistakes will not be repeated in the future.

If you have any questions about this request, please contact Bill McGrath or Ryan Hambleton of the Committee staff at (202) 225-5074. Thank you for your attention to this important matter.

Sincerely,



Jason Chaffetz  
Chairman



Cynthia M. Lummis  
Chairman  
Subcommittee on the Interior



Ken Buck  
Vice Chair  
Subcommittee on the Interior

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Brenda Lawrence, Ranking Member  
Subcommittee on the Interior

Enclosure

---

<sup>8</sup> Robin Bravender, *Fake Spy Furor Exposed Hiring Flaws*, GREENWIRE, Aug. 5, 2015, available at <http://www.eenews.net/greenwire/2015/08/05/stories/1060023035>.

<sup>9</sup> *EPA Mismanagement: Hearing Before the H. Comm. on Oversight and Gov't Reform* (Apr. 30, 2015).

<sup>10</sup> Letter from The Honorable Janet Napolitano, Secretary, U.S. Department of Homeland Security and The Honorable Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency to Dr. Tony Hayward, Group Chief Executive, BP, May 20, 2010.