



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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Office of the Regional Administrator

March 16, 2016

The Honorable Martin Heinrich
United States Senate
Washington, D.C. 20510

Dear Senator Heinrich:

Thank you for your March 2, 2016, letter to Administrator McCarthy regarding the long-term monitoring activities and claims for reimbursement following the August 5, 2015, release at the Gold King Mine. Your letter was forwarded to this office because New Mexico falls within our jurisdiction.

Over the past many months, the EPA has been engaged in discussions with our state, local and tribal partners to work through ideas and suggestions needed to consistently evaluate and monitor impacts to public health and the environment following the Gold King mine release. We agree with the states, tribes, and communities regarding the potential for the spring runoff to mobilize sediments deposited by the Gold King Mine release and decades of drainage from the many mines in the Silverton area. The EPA is providing \$2 million to perform monitoring to address preparedness planning, spring monitoring and longer term monitoring. Utah, New Mexico, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Colorado may apply those funds to spring monitoring and preparedness planning as well. We have requested an application from the New Mexico Environment Department for their share of this funding, and we expect to receive their application within the next week. The EPA continues to work with States and Tribes on any additional monitoring.

The EPA is also supporting a stakeholder-driven effort, the Animas-San Juan Preparedness Plan, to coordinate monitoring efforts. The group's last meeting held on February 29, 2016, included representatives from New Mexico, Utah and Colorado, as well as the Southern Ute, Ute Mountain Ute and Navajo Nation, and local jurisdictions. The EPA is providing the group with technical and infrastructure support to help coordinate monitoring plans and share environmental data. The draft Plan was routed today by Mr. Patrick Pfaltzgraff, Colorado Public Health and Environment Department, for final review and should be issued shortly. We will make certain that a copy is provided to your offices. EPA funding has already been utilized to install two real-time monitoring stations as part of New Mexico's early implementation of this draft plan.

The EPA announced a cooperative agreement with Navajo Nation government agencies for costs incurred during the response to the August 2015 Gold King Mine release. These funds are in addition to more than \$1.1 million spent by the agency in response costs on the Navajo Nation immediately following the spill. The EPA has been working closely with the New Mexico Environment Department as the designated lead agency for response reimbursement in New Mexico to request costs to cover response cost. Last week, we received a reimbursement request for approximately \$375,000 for the New Mexico Environment Department response costs from August 5 to December 2015, and I have

instructed our team to expedite payment of approvable response costs to the state. This week, we received an additional reimbursement request for other entities in the state for a total of \$1.5 million. We are working with the New Mexico Environment Department to review the additional request for response costs. Again, we will expedite this response reimbursement request now that it has been received.

Regarding claims for reimbursement, individuals, businesses or governmental entities that believe they have suffered money damages resulting from personal injury, property damage or economic loss caused by negligent or wrongful U.S. government actions may file a claim with the EPA under the Federal Tort Claims Act for injury or damage. The EPA has posted claim forms and processing information on our website at www.epa.gov/goldkingmine and claims may be submitted to R8_GKM_Claims@epa.gov or by mail. To date, no determination has been made regarding claims submitted to the EPA. As a general matter, claims must be presented to the EPA within two years after the claim accrues. A person may amend the claim at any time prior to reaching a settlement with the EPA. The agency will keep your office apprised on the status of reimbursement to both states and tribes.

Again, thank you for your letter. If you have further questions, please contact me at (214) 665-2100, or your staff may contact David Gray, Director, Office of External Affairs at (214) 665-2200.

Sincerely,


Ron Curry
Regional Administrator

Identical letters sent to: The Honorable Tom Udall
United States Senate

The Honorable Ben Ray Lujan
House of Representatives

The Honorable Steve Pearce
House of Representatives

The Honorable Michelle Lujan Grisham
House of Representatives