



Environment Department

SUSANA MARTINEZ, GOVERNOR

Ryan Flynn, Cabinet Secretary
Butch Tongate, Deputy Secretary**NEWS RELEASE**

January 14, 2016

NMED's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

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New Mexico Environment Department Announces Intent to Sue U.S. EPA for 2015 Massive Waste Spill

Santa Fe, NM — Today, the New Mexico Environment Department announced its [intention to sue the U.S. Environmental Protection Agency](#)—along with the State of Colorado and the owners of the Gold King and Sunnyside Mines—to address the environmental impacts resulting from the 2015 massive waste spill in the Animas River that EPA officials admitted to causing. In August of last year, the EPA caused a release of three million gallons of toxic mine waste into the Animas and San Juan Rivers, depositing toxins on the riverbed, agricultural lands, and elsewhere in New Mexico, Colorado, Utah, and Arizona.

“From the very beginning, the [EPA failed to hold itself accountable in the same way that it would a private business](#),” said [New Mexico Environment Department Cabinet Secretary Ryan Flynn](#). “The EPA caused an unprecedented disaster that may affect our state for years to come; they must take responsibility.”

Flynn added, “Because EPA headquarters continues to [shirk their duties for meaningful support and collaboration \[min. mark 3:40:21\]](#), we have no choice but to turn to the justice system to hold EPA accountable to New Mexicans.”

Under one component of the lawsuit, the New Mexico Environment Department is required by law to notify the federal agency at least 90 days before any lawsuit is lodged. The [Department gave notice this week and says it will pursue a lawsuit](#) if the EPA does not begin to take meaningful measures to clean up the affected areas and [agree to a long-term plan that will research and monitor the effects of the toxic spill](#).

[New Mexico Governor Susana Martinez](#) established a [long-term impact review team to conduct research, collaborate with local communities and members of the public, and share information](#) in order to learn more about the potential consequences of the spill on the health of local communities, sediment, water, wildlife, and agriculture. However, as the river began to clear up, the EPA continued to leave questions unanswered. New Mexico leaders, including Governor Martinez and Secretary Flynn, continue to make New Mexico’s concerns clear to EPA leaders, such as Administrator Gina McCarthy, yet the EPA has maintained a defiant attitude, failing to communicate or provide accurate information in addressing these concerns and those of local communities.

On Aug. 5, 2015 when [EPA caused the massive release of toxic mine waste from the Gold King Mine in Colorado, EPA failed to notify New Mexico of the spill or communicate effectively \[min. mark 1:38:30\] with the state](#) and its

environmental agencies. In fact, the first word New Mexico received of this spill came not from the EPA, but from the Southern Ute Tribe. Since then, the EPA has continued in its failure to cooperate with state and local agencies and communities.

In the weeks following the EPA-caused waste spill, Governor Martinez ordered an investigation to determine the specific cause of the spill, and all details surrounding how EPA and Colorado officials allowed the mine owners to create the situation and allow such a large amount of waste to flow out of the abandoned Gold King Mine into the Colorado/New Mexico/Utah/Arizona watershed below. This investigation is ongoing. Additionally, the investigation is examining how affected residents, businesses, and communities along the river were notified in the aftermath of the spill, such as why the first notification came not from the EPA, but from an official with the Southern Ute Tribe. The environmental and economic impacts of long-term contamination from the Gold King and Sunnyside mines are also being investigated.

Multiple New Mexico agencies, including the Departments of Homeland Security and Emergency Management (DHSEM), Health (DOH), Game and Fish (DGF), Agriculture (DOA), and the Office of the State Engineer (OSE), coordinated the state's response to the spill and [worked together to develop and implement the long-term monitoring plan](#). However, the EPA has refused to support the comprehensive plan while claiming the region has returned to pre-spill conditions, despite the fact that storm events have been [scientifically proven to kick up unsafe levels of lead in the Animas River](#), which supplies drinking water to the region's 130,000 residents.

[New Mexico agencies and officials will continue to monitor and review the impact of the spill](#) and work with [local leaders, communities and residents to keep the region informed and protected](#).

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