



## Environment Department

SUSANA MARTINEZ, GOVERNOR

Ryan Flynn, Cabinet Secretary  
Butch Tongate, Deputy Secretary

### **NEWS RELEASE**

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*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 Testimony at Joint Congressional Hearing Reveals that EPA Misled with Incomplete Cherry-Picked Data**

**Santa Fe** – At Thursday's Joint Congressional Hearing for Natural Resources and Oversight & Government Reform, New Mexico Environment Secretary Ryan Flynn clarified numerous discrepancies from testimony made earlier in the day by the Environmental Protection Agency, including the agency's summary-level, cherry-picked data that sought to downplay the severity of the Gold King Mine spill.

Flynn testified that the EPA neglected to include a key contaminant, arsenic, among the data supplied. Nor did EPA include total metals (just dissolved metals), which skirted a health comparison with Safe Drinking Water Act levels and downplayed the severity of the spill. EPA inappropriately presented the data creating a visual impression that lead and cadmium measurements were at zero, and EPA neglected to plot Safe Drinking Water Act standards showing that metal concentrations exceeded safe limits. [See Charts 1, 2 & 3 and <http://bit.ly/1LDntfa> 1:17:40–1:18:20]

When asked about New Mexico's long-term monitoring efforts, Flynn said, "Their [EPA's] Plan should be to support our [New Mexico] Plan. I don't think the fox should be guarding the henhouse. They created the situation." [ <http://bit.ly/1LDntfa> 1:32:46–1:33:03]

New Mexico's multi-agency Long-Term Impact Review Team is made up of the same agencies that were in San Juan County immediately following EPA's Gold King Mine Spill: Environment, State Engineer, Game & Fish, Health, Agriculture, and Homeland Security.

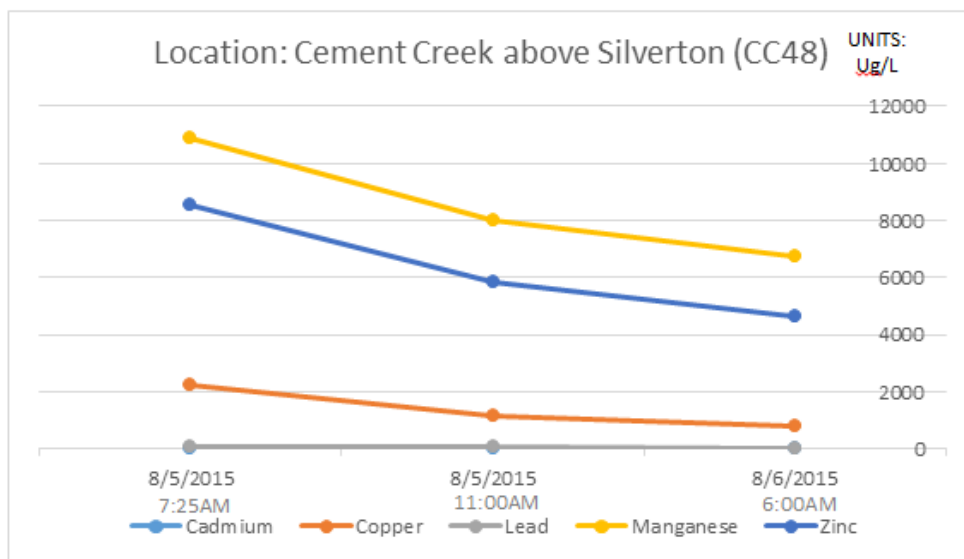
Governor Susana Martinez named these agencies to the team, so that they could continue investigating the results of the spill. The team is collaborating with local communities, universities and colleges, federal officials, and members of the public. The team will shortly announce a Long-Term Road Map Meeting to include all citizen stakeholders, along with New Mexico's technical experts.

(more)

## EPAs Graph of Dissolved Metals Data (Provided by EPA to NMED on August 7, 2015)

Problems with EPA’s graph:

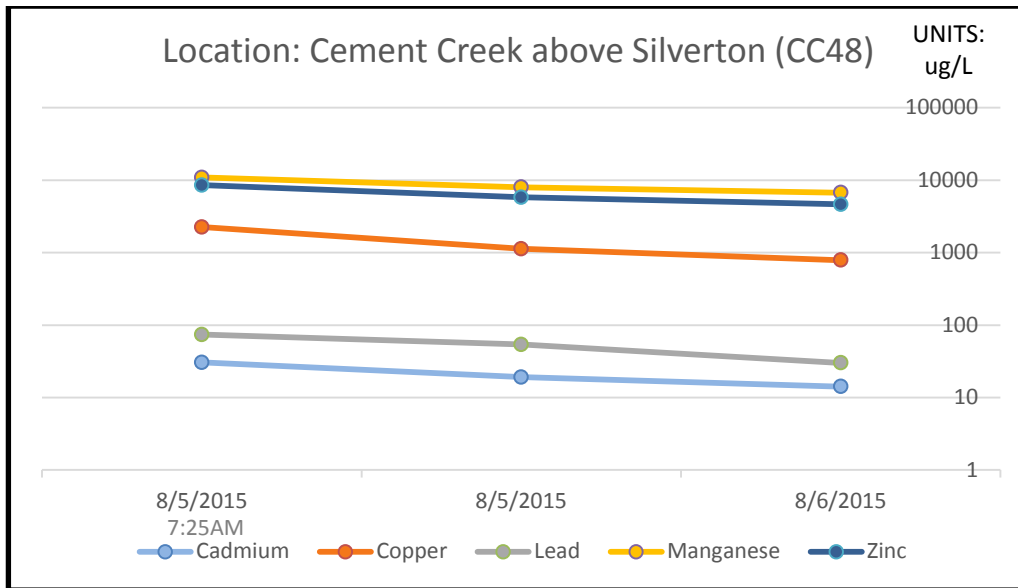
1. EPA plotted the metals all on the same graph with a linear scale, even though the manganese and zinc levels were much higher than cadmium and lead. As such, the cadmium and lead concentrations appear to run along the zero axis.
2. EPA only provided graphs of dissolved metals.
3. Concentrations of total metals in the GKM spill are much higher than dissolved.
4. EPA’s Drinking Water Maximum Contaminant Levels (MCLs) are based on total, not dissolved, concentrations.



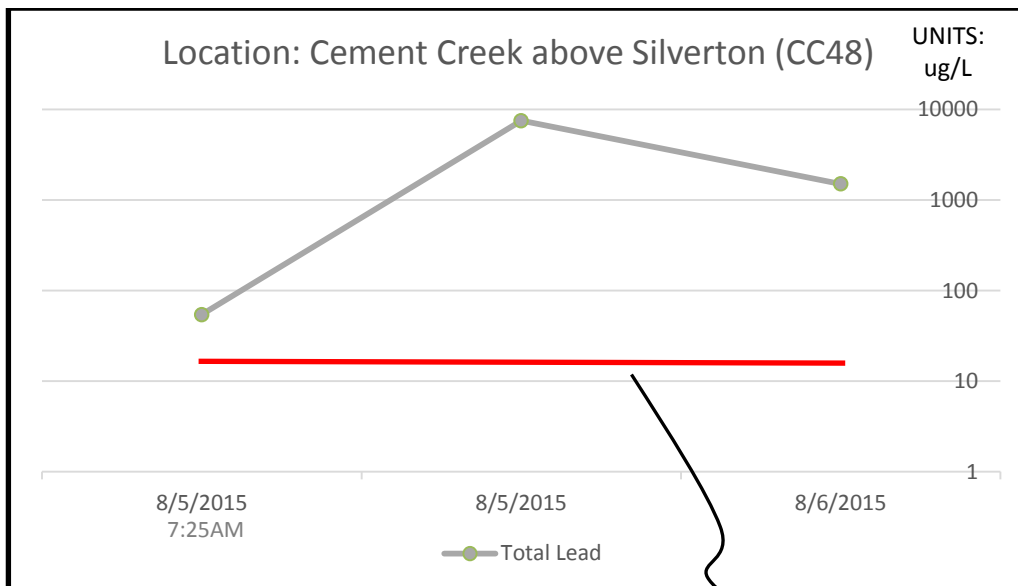
Baseline Average	Cadmium	Copper	Iron	Lead	Manganese	Zinc
	4.31	73.93	7870	14.71	1952	1251

## Dissolved Metals Plotted on Logarithmic Graph

A logarithmic graph of exactly the same data shows that cadmium and lead were detected at significant concentrations.



## Total Lead Plotted on Logarithmic Graph with the Drinking Water MCL



Drinking Water MCL for lead is 15 ug/L.