



Environment Department

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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.

Independence of DOI Investigation Challenged by New Mexico

Santa Fe – Today, New Mexico Environment Department officials questioned the intent, independence, and investigative rigor of the U.S. Dept. of Interior's (DOI) report on the U.S. Environmental Protection Agency's (EPA) Gold King Mine blowout that released 3 million gallons of heavy metals laced mine wastewater into the Animas and San Juan Rivers. "While DOI's technical evaluation squarely places blame for the Gold King Mine blowout on EPA, it suspiciously avoids answering any questions of substance relating to who made the decisions leading to the accident and why they made them," said New Mexico Environment Secretary Ryan Flynn.

"While the report says that EPA teams made an incorrect estimate of Gold King Mine's impounded water levels, it doesn't say why or how that happened. While the report reveals that an EPA decision was made to refrain from validating the flawed water level estimates with a previously used successful procedure (using a drill rig to bore into the mine from above to directly determine the water level of the mine pool prior to excavating the backfill at the portal); the report says absolutely nothing about who made the decision to fly by the seat of their pants, by digging out the closed Gold King Mine tunnel based on un-validated estimates of what volume and pressure of contaminated water would be violently released.

"Here in New Mexico, we are already quite clear on the fact that EPA made a mistake, as the DOI's report underwhelmingly reveals. What we were wondering, and hoped the report could tell us, is why EPA made the mistake, and who at EPA made the decisions that authorized dangerous work to proceed based on un-validated estimates. It is shocking to read the DOI's "independent investigation" only to find that it overlooks the who, the how, and the why.

"Instead of reporting the reason for a change in practice and instead of reporting on who made the call to press ahead with un-validated water level estimates, the DOI report spends a great many pages describing national mining issues and the "current state of practice." This is in complete alignment with EPA's public relations strategy of downplaying the spill's effects and pointing fingers at other mines in the U.S. rather than responding coherently to the Gold King Mine spill's catastrophic effects on the rivers and downstream communities here in New Mexico and elsewhere.

"The independence, intent, and investigative rigor of DOI's report is in serious doubt. Even the report's Army Corp of Engineers' peer reviewer voiced 'serious reservations' about the report's chronology of internal EPA events leading to the disaster. The peer reviewer also flagged the report for being 'non-specific' concerning source data for EPA documents, EPA employee interviews, and onsite contractor interviews, (p. 78).

"With a less-than-confident peer review, very little new information of substance, and a great deal of opining on national mine practices, we find the DOI's independent investigation to be anything but independent," Flynn said.

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