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OPINION | COMMENTARY

Downstream From a Slippery EPA

In the aftermath of the Gold King spill, the agency is holding itself to a lower standard than polluters.



Wastewater at the entrance of the Gold King Mine in San Juan County, Colo., Aug. 5, 2015. *PHOTO: REUTERS*

By **RYAN FLYNN**

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The bright yellow water that gushed from Colorado's Gold King mine and into the Animas River last summer has dissipated, but the environmental disaster continues downstream. An estimated 880,000 pounds of lead and other metals poured out of the Gold King in August when the Environmental Protection Agency fumbled a construction project and blew out the mine's plug.

This water raced down the Animas River in mountainous Colorado, and then meandered gradually through my state of New Mexico, the territory of the Navajo Nation and Utah, before dumping into Lake Powell. Geography is important here: The slower the flow, the more that heavy metals drop out of the water and into the riverbed.

From the start, the EPA bungled its response to the spill. The first call alerting New Mexico that contaminated water was on its way didn't even come from the agency. The water-quality manager of the Southern Ute Tribe, who live in Colorado right on the border with New Mexico, contacted my department with a warning on Aug. 6.

The New Mexico Environment Department quickly dispatched technical staff to take advance water samples, to establish a water-quality baseline. The Animas River is much more than a kayaking spot or a fishing hole for New Mexicans. The drinking water of eight communities—about 90,000 people—is drawn directly from the river, which also sustains crops and livestock, and supports thousands of people's livelihoods.

After failing to alert New Mexico promptly, the EPA to a large extent left the states and tribes downstream to fend for themselves. No one from the EPA's regional office in Dallas showed up in New Mexico for nearly a week, by which time [the plume had passed](#). New Mexico's representative to the EPA's Incident Command Center in Colorado reported that she was shut out of closed-door meetings where decisions were made.

When EPA staff did finally arrive in New Mexico on Aug. 9, they were rotated out of the state every few days. This led to redundant briefings and inconsistent execution. One EPA communications officer arrived in New Mexico with no capability to text, email or dispatch photos from the field.

As the spill wound its way downstream, EPA Administrator Gina McCarthy repeatedly went on camera to say that the agency would hold itself to a “higher standard.” Instead it engaged in a careful campaign of minimization and misdirection.

About two weeks after the spill, the EPA released an environmental standard for the Gold King mine sediment that was an order of magnitude weaker than those applied to other polluters. The agency used a “recreational” standard and suggested that lead in the soil at 20,000 parts per million would be “safe” for campers and hikers. But in New Mexico people live along the Animas, so a “residential” standard would be more appropriate. During a cleanup of a superfund site in Dallas, in the regional EPA office’s own backyard, the standard for lead in the soil was 500 parts per million.

The EPA released [a chart](#) that seemed to show lead levels in the Animas to be near zero. But the chart used a linear, instead of a logarithmic, scale. As any high-school science student can tell you, a linear scale can visually compress data and make it appear close to the zero line. In reality the lead levels had screamed past maximum contaminant levels for drinking water, defined as 15 parts per billion. We advised communities that drew from the river to close their water intakes and rely on emergency backup supplies, which they did.

Even months later, although the yellow water has passed, the EPA’s data show that storms have disturbed contaminated sediment and pushed lead levels back above the tolerance for safe drinking water. The city of Farmington (pop. 45,000) still shuts its water intakes whenever storms or snowmelt increase water turbulence.

Yet the EPA [persisted in claiming](#) that the watershed had returned to “pre-spill” conditions. Such subterfuge made our job of educating the public on the consequences of the spill much more difficult. It seems clear to me that the EPA sacrificed truth on the altar of image management.

Today, New Mexico and Utah continue to work on a comprehensive long-term plan to monitor the Gold King spill’s effects on health, wildlife and agriculture. We have invited the EPA and the state of Colorado many times to join the effort. Both have refused, preferring to pursue a narrow, short-term plan that ignores critical issues such as damage to wildlife and groundwater. As Utah’s assistant director of water monitoring [said](#) at the beginning of February, the levels of contamination seen so far could be “the tip of the iceberg.”

Citizens who depend on the Animas River for their drinking water, crops and livelihoods deserve better. They deserve answers from the EPA, as they would expect from any other polluter.

Under Gov. [Susana Martinez](#)’s direction, the New Mexico Environment Department is vigilantly monitoring the water to ensure that lead and other heavy metals from the Gold King mine do not find their way into crops, wildlife, livestock or humans. We urge the EPA and Colorado to wake up, drop the charade of minimizing the disaster, and join us.

Mr. Flynn is New Mexico’s secretary of environment.

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