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August 24, 2015

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

Dear Administrator McCarthy:

I am writing regarding the August 5, 2015 Animas River spill that was caused by the negligence of the Environmental Protection Agency (EPA) and your contract workers who ruptured a containment wall at the abandoned Gold King mine near Silverton, Colorado. This breach resulted in the uncontrollable release of at least 3 million gallons of toxic chemicals from the mine into Cement Creek and the Animas River in southwestern Colorado. And according to media reports, the abandoned mine is still continuing to leak contaminated wastewater and sediment into the river.

The response by your agency has been unsatisfactory since the beginning of this catastrophe, having failed to notify elected officials in a timely manner and practicing a general ineffectiveness in containing the spread of contaminated water and sediment to communities and tribes downstream. The plume of contaminated water that contains high levels of arsenic, lead and other potentially toxic heavy metals now impacts not only Colorado but also New Mexico and Utah. And while the mustard-yellow hue of the Animas River is slowly fading, leading toxicologists say there could be health effects for many years to come from the high levels of heavy metals that spilled into the water due to the negligence of your agency.

Test samples from the Animas River have shown lead levels nearly 12,000 times higher than the acceptable level set by the EPA. One of the samples of mercury was nearly 10 times higher than the EPA acceptable levels. Samples of beryllium and cadmium were 33 times higher, and the level of arsenic was more than 800 times higher than acceptable levels.

Exposure to high levels of these metals can cause an array of health problems from cancer and kidney disease to developmental problems in children. And these metals don't simply disappear. Even if the level of heavy metals goes down to acceptable levels in the water, there could still be a ticking time bomb of heavy metals contained in the sediment that could be kicked up into the water at any time. Incredibly, your agency, despite causing this catastrophe, has failed to provide any long-term plan to address the

economic and environmental harm caused by this release. Local residents, recreationalists, and business owners need to know that the EPA will commit to a full cleanup and will ensure the full environmental and economic recovery of the affected area.

The blatant hypocrisy your agency has shown since the toxic release is outrageous. If a private company caused this type of contamination, they would be subject to millions of dollars in fines by your agency and face the possibility of being sent to prison. The EPA employees and the EPA contractors responsible for unleashing this economic and ecological disaster on our region should be held accountable for their willful negligence.

I appreciate your consideration of this critical issue and look forward to your prompt response detailing what actions you are taking to ensure that your agency is held to the same standard as everyone else in the country.

Sincerely,



Doug Lamborn  
Chairman  
Subcommittee on Energy and  
Mineral Resources

Cc: Alan Lowenthal, Ranking Member, Subcommittee on Energy and Mineral Resources