

**Congress of the United States**  
Washington, DC 20510

March 2, 2016

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

Dear Administrator McCarthy:

The spill at Gold King Mine on August 5, 2015 is now over six months old, but the health and financial impacts are very current. We write to you today with concern about EPA's proposed water monitoring plan and to ensure that impacted communities are fully compensated for financial burdens that they incurred during and after the spill.

Resolution on these issues is incomplete. The U.S. Bureau of Reclamation has made clear in their own review that the spill was preventable and caused by the actions of EPA and its contractor on site. As a result of these actions, the governments of the State of New Mexico and the Navajo Nation incurred millions of dollars of expenses responding to the spill. It is our understanding that both governments have conveyed the extent of their expenses to EPA.

Furthermore, the 2016 Omnibus spending legislation directed EPA to coordinate with impacted states and tribes on the development of a robust, long-term plan for independent monitoring. EPA was instructed to use existing funds to provide States and tribes with support for their contribution to monitoring efforts.

We are deeply troubled that these two issues are still far from resolved six months after the spill. The EPA has publicly taken responsibility for the spill and the investigation by the Department of the Interior found that EPA failed to consider complex engineering involved in the blowout and that the blowout could have been prevented. Therefore, we expect that the EPA will compensate victims of the spill for any losses impacting health, property, business and personal finances under the Federal Tort Claims Act.

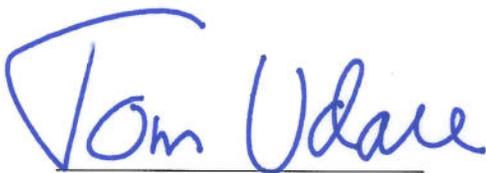
We expect EPA to respond quickly to the State of New Mexico and the Navajo Nation on their requests for reimbursement and for EPA to support the state of New Mexico's long-term water-quality monitoring plan to ensure that public health is protected. Very soon the spring snowmelt will dramatically increase water flow to the region. We feel strongly that the water and soil

should be remediated and heavy metals removed before further contamination is spread. The EPA should reprogram funds or use other means to ensure that a plan acceptable to the state of New Mexico is implemented as soon as possible to protect the health and safety of downstream users

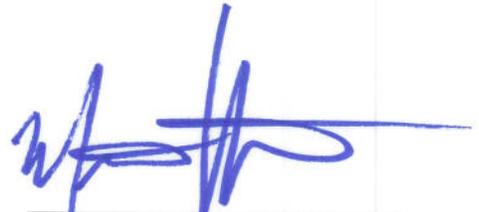
Finally, we urge EPA to set up an Office of Gold King Mine Spill Claims to begin processing compensation for victims. Many are still feeling the economic impacts and health uncertainties of the spill and need a better process for processing claims. In particular, we believe EPA should work with Tribes to designate a special liaison within the Office of Gold King Mine Spill Claims to work specifically with impacted tribal communities; EPA should expedite claims to victims; and EPA should ensure that victims are not prevented from submitting claims in the future as new damages are discovered.

Thank you for your attention to these matters.

Sincerely,



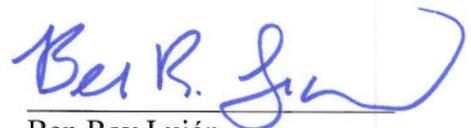
Tom Udall  
United States Senator



Martin Heinrich  
United States Senator



Steve Pearce  
United States Representative



Ben Ray Luján  
United States Representative



Michelle Lujan Grisham  
United States Representative