Congress of the United States

Washington, DC 20510

May 8, 2017

Hon. Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Administrator:

On August 5, 2015, three million gallons of acid mine drainage containing sediment, heavy metals, and other contaminants were released into Cement Creek by an Environmental Protection Agency (EPA) team investigating contamination at the Gold King Mine in San Juan County, Colorado. This contaminated water flowed down the Animas River into the San Juan River, resulting in water use restrictions and emergency responses in Colorado, New Mexico, Utah, the Southern Ute reservation, and the Navajo Nation.

The Gold King Mine spill placed a heavy burden on states, tribes, local governments, and communities and hurt businesses, farmers, and ranchers throughout the region. However, on January 13, 2017, the former Administrator of the EPA and the Department of Justice issued a decision that the EPA is not liable under the Federal Tort Claims Act for damages caused by the Gold King Mine spill. This decision represents a broken promise from the EPA that it would fully address this environmental disaster. While the agency has taken steps to clean up the mine, no farmer has received a dime of compensation, and distrust in the government has deepened.

In the Interior, Environment and Related Agencies section of the Consolidated Appropriations Act of 2017, signed into law by President Trump on May 5, 2017, $4 million is provided to the EPA for a long-term water quality monitoring program in areas affected by the Gold King Mine spill, as authorized by the Water Infrastructure Improvements for the Nation (WIIN) Act of 2017, with direction that EPA work with affected states and tribes to implement the program. We would like the EPA to use these funds to support the Long-Term Monitoring Plan prepared by the State of New Mexico's Long-Term impact Review Team. Moreover, the appropriations report states:

> EPA should further explore all legal and financial recourses that could compensate individuals for such damages and, if available, should ensure that recourses will be extended to individuals located in all areas impacted by the spill in New Mexico, Colorado, Arizona, Utah, and the Navajo Nation. The Agency is required to report to the Committees within 60 days of enactment of this Act on the details and timeline for such efforts, including plans for stakeholder engagement in all areas affected by the spill.

We ask that you fulfill this congressional directive as soon as possible. Our offices have requested a meeting with you and we stand ready to work with you to explore all compensation recourses available for impacted stakeholders. The people of New Mexico and the Navajo Nation

have already waited far too long for the EPA to keep its promise and compensate them for the harm caused.

If your staff has questions about this provision, please contact Melissa Zimmerman of the minority Senate Appropriations Committee staff of the Interior, Environment and Related Agencies subcommittee.

Sincerely,

TOM UDALL
United States Senator

MARTIN HEINRICH
United States Senator

STEVE PEARCE
Member of Congress

BEN RAY LUJAN
Member of Congress

MICHELLE LUJAN GRISHAM
Member of Congress