

What is EPA Doing to Clean Up the Gold King/Animas River Disaster?

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July 31, 2018

Three years ago, on August 5, 2015, the Environmental Protection Agency Region 8 caused the Gold King Mine blowout, negligently spilling three million gallons of toxic acid rock drainage into the Animas River in Southwestern Colorado. The spill severely impacted downstream water quality in Colorado, New Mexico, Utah and the Navajo Nation.

EPA says that it accepts responsibility for the Gold King disaster. However, as the third anniversary of the blowout approaches, EPA has paid only a fraction of damage claims made by water users, which currently exceed one billion dollars. Just last week, EPA asked a federal court in New Mexico to dismiss damage lawsuits brought against it by New Mexico, Utah and the Navajo Nation. Most perplexing of all, three years later, EPA is still allowing millions of gallons of untreated toxic water to flow annually into the Animas River.

In October 2015, EPA began operation of a temporary water treatment system at the Gladstone town site to remove metals from the water flowing out of the blown-out Gold King portal. However, it recently came to light that EPA has been operating the treatment plant at only half its capacity, and is allowing other untreated acid rock drainage – discharged from the nearby EPA-operated Red and Bonita Portal and the United States-owned American Tunnel Portal – to bypass the treatment plant and discharge directly into Cement Creek, and from there into the Animas. In the three years since the Gold King blowout, EPA has allowed hundreds of millions of gallons of this untreated water to reach the Animas River. This water is acidic, and laden with toxic aluminum, lead, cadmium, arsenic, and other heavy metals that EPA's treatment plant had (and has) the capacity to handle. It is difficult to understand why, when EPA has the treatment capacity to remove hundreds of thousands of pounds of toxic metals from acid rock drainage, it has so far declined to do so.

When questioned in a public forum earlier this year about its treatment of acid rock drainage at Gladstone, EPA avoided giving a complete answer, saying only that “[t]he plant is running the way it was designed to....” However, when asked directly in writing by Congressman Scott Tipton, EPA acknowledged in a June 22, 2018 letter response that the plant “... has the capacity to treat up to 1200 gallons per minute of water and it is currently treating over 600 gallons per minute.”

In responding to Congressman Tipton, EPA carefully avoided any mention of the acid rock drainage that is currently discharging from the Red and Bonita Portal and the American Tunnel. Instead, EPA advised Congressman Tipton that it “is currently treating all the

discharge from the Gold King Mine and is not diverting any mine-impacted water around the treatment plant.” EPA also noted that it is investigating options to increase the amount of acid rock drainage being treated at Gladstone. These two assertions, both made in the June 22 letter, do not add up. If EPA is, as it claims, not allowing any untreated acid rock drainage to bypass the treatment plant, why would the Agency need to look at increasing the amount of water being treated?

Also in the June 22 letter, EPA credits Sunnyside Gold Corporation’s successful operation of an earlier treatment plant at the same site. A recent article in the *Engineering and Mining Journal* summarized what happened when Sunnyside bought the then-closed mine from its bankrupt owner in 1985:

[Sunnyside Gold Corporation] promptly brought all discharge permits into compliance.... [The company] ... made drainage improvements, and constructed a new water treatment plant at Gladstone.

From 1985 to 2003, SGC treated the entire American Tunnel discharge ..., even though not all of the discharge was generated from SGC property. In addition, from 1996 until 2003, SGC treated the entire flow of Cement Creek for nine months each year, removing thousands of pounds of metals from the Animas River tributary, again even though there were significant natural and third party sources of heavy metals to the creek.

In its letter to Congressman Tipton, EPA agreed that during “the period Sunnyside Gold Corporation operated the treatment facility at Gladstone,” Cement Creek had significantly improved water quality “because much of the creek was diverted to the treatment facility....” By acknowledging Sunnyside’s success, EPA tacitly concedes that it also could be treating the acid rock drainage from the American Tunnel and the Red and Bonita Portal, but does not explain to Congressman Tipton that it has chosen not to do so.

Rather than spending money operating the Gladstone treatment plant at full capacity and finding disposal space for the treatment sludge, EPA is planning to spend millions of dollars elsewhere, on projects of questionable value. Community members are questioning EPA’s failure to treat all of the acid rock drainage. A spokesman for the Animas River Stakeholders Group noted: “You could get a lot bigger bang for the buck in treating [these mines] and get substantially more metal reductions than you will with these kinds of projects.” Trout Unlimited has stated: “[EPA] could bring the already-existent treatment facility at Gladstone to full capacity.... This would have an almost immediate and measurable reduction in metals impacting our beloved Animas.”

EPA’s response to Congressman Tipton is not coherent because it tells only part of the story. A complete and truthful answer to Congressman Tipton’s questions would be that (1) EPA is treating Gold King mine water, but (2) is allowing Red and Bonita Portal and American Tunnel water to flow untreated to the Animas River, despite (3) having ample treatment capacity to

treat that water, (4) as Sunnyside Gold Corporation was able to do when it operated a similar treatment plant at the same site.

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