



At a Glance

Why We Did This Review

The U.S. Environmental Protection Agency's (EPA's) Office of Inspector General (OIG) conducted this review in response to two congressional requests to examine the cause of, and the EPA's response to, the August 5, 2015, release of mine water from the Gold King Mine near Silverton, Colorado.

On August 5, 2015, the EPA was conducting an investigation and assessment of the mine, which included excavation work. During the excavation, collapsed mine material gave way, opening the mine portal and releasing an estimated 3 million gallons of water into Cement Creek. The creek flows into the Animas River—a source of drinking water and recreation.

In this report, the OIG addresses the issues raised regarding the EPA's mine site work leading up to the release, and the agency's notification actions following the release.

This report addresses the following EPA goal or cross-agency strategy:

- *Cleaning up communities and advancing sustainable development.*

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Gold King Mine Release: Inspector General Response to Congressional Requests

What We Found

Brief compilations of our findings related to the Gold King Mine release are summarized below.

- **EPA work being done, the cause of the release, and EPA expertise**—The EPA was conducting a removal evaluation to find solutions to ongoing mine water drainage. The August 5, 2015, release of mine water was caused by the EPA's excavation activities. The EPA's on-scene coordinators had over 50 years of combined experience as on-scene coordinators. They also directed an experienced contractor crew. The EPA had identified concerns about the water level and the potential blow-out of the blockage, had worked with experts to plan the evaluation work, and was still early in the process of conducting an evaluation of site conditions when the release happened.
- **EPA criteria for approving a contractor and agency staff**—The criteria that the EPA used to approve (hire) a contractor would not apply to agency staff.
- **EPA policy on indemnification of contractors**—The EPA has guidance for providing indemnification for negligence at certain sites, but it does not apply here because no indemnification was offered in the contract solicitation, and the Emergency and Rapid Response Service contract between the EPA and Environmental Restoration LLC does not contain any indemnification provisions. As such, no impediments or obstacles with the standard of care taken during the response activities have been identified.
- **Independence of the Bureau of Reclamation, and the basis for material differences between the bureau's report and other EPA or OIG information or reports**—The bureau's review was conducted independently of the EPA. The bureau's report gave the impression that the EPA was intentionally opening the mine the day of the release. We found that the EPA had no plan to open the mine on August 5, 2015.
- **EPA legal requirements and policies for notification actions**—The EPA followed legal requirements, and current policies and guidelines in reporting the release. We found no delays in required EPA notifications.
- **Additional policies to safeguard against future releases**—The OIG did not identify any additional policies or safeguards beyond the actions the EPA has already taken. There are no recommendations in this report.

Since causing the uncontrolled release of 3 million gallons of contaminated mine water, the EPA has taken steps to improve notification to water consumers, and to minimize the possibility of similar incidents at other mine sites.