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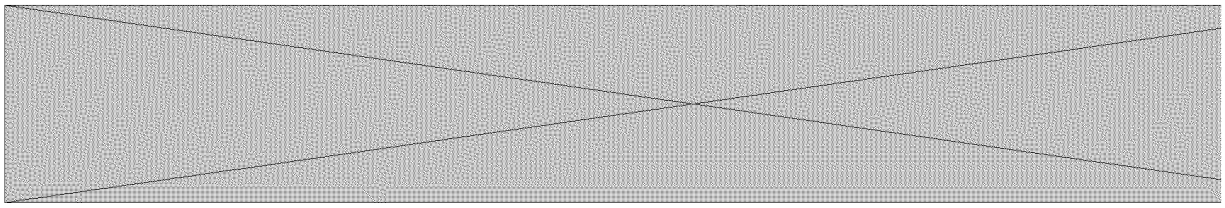

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Administrator

EPA Chief Meets With Canadian Counterpart To Discuss Climate Policy.

The Winnipeg (CAN) Free Press (4/8, Cheadle) reported that EPA Administrator Gina McCarthy appeared at a town hall-style meeting with her Canadian counterpart, Catherine McKenna, in Ottawa last Thursday. The women "played up mutual promises to reduce methane emissions and work co-operatively in the Arctic," while "sing[ing] each other's praises and tout[ing] continental environmental co-operation." McCarthy did not discuss Canada's oil sands crude production or the Keystone XL pipeline, and instead said, "It is not a goal of shutting anything down or keeping anything in the ground. It's all about whether you can reduce the carbon pollution that is fuelling climate change."

The Hill (4/7, Henry) reported that McCarthy's message was that tightening rules of methane emissions will "affirm our leadership on climate," and also keep the fossil fuel industry "sustainable" in the future. The Washington Examiner (4/7, Takala) reported that McCarthy was in Canada to "discuss the creation of a joint framework to cut methane in both countries." McCarthy's Canadian counterpart, Environment Minister Catherine McKenna, "[said] Canada may have to slow walk climate change regulations to prevent the country from becoming too divided." E&E Publishing (4/7, Heikkinen) also provided coverage.

EPA Chief Discusses Food Waste Reduction Initiatives.

Christian Science Monitor (4/8, Maza) reported that EPA Administrator Gina McCarthy used last week's Christian Science Monitor breakfast for reporters to "discuss how her agency is collaborating with faith communities on efforts to reduce food waste." Said McCarthy, "We thought it would be a nice opportunity for us to talk with faith leaders about how they can reduce greenhouse gases, in this case methane, by looking at how they work with their community and divert what would otherwise be wasted food to food pantries." The article noted that cooking and producing food contributes to nearly 30 percent of carbon emissions worldwide.

Researcher Derides The Economic Costs Of "Climate Symbolism".

Writing in the Detroit News, (4/8) H. Sterling Burnett, a research fellow at the Heartland Institute, criticizes EPA Administrator Gina McCarthy's testimony before the House Energy and Commerce Committee on March 22, claiming that she "acknowledged...the Obama administration's climate efforts will do nothing to protect public of environmental health." Burnett then argues that the "costs of climate symbolism are high" by citing various economic costs related to the regulations, such as the closure of coal-fired power plants.

Additional Reading.

- **Gina McCarthy Promises EPA "Won't Go Down Without A Fight" If GOP Wins In November.** HotAir. (4/10, Shaw)
- **Lawmakers Ruin EPA Chief's Earth Day With Plans For A Subpoena.** Daily Caller. (4/7, Bastasch)

Air

Northeast, Mid-Atlantic States Call On EPA To Intervene On Cross-State Air Pollution.

The Connecticut Post (4/9, Shay) reports, in continuing coverage, that Connecticut was among nine "downwind states" urging EPA Administrator Gina McCarthy to add nine "upwind states" to the Ozone Transport Region, requiring them to "install and operate the same air pollution controls that are required from similar sources in the Northeast and Mid-Atlantic states." According to Rob Klee of Connecticut's Department of Energy and Environmental Protection, "it is now time for the upwind states to make similar investments...and stop spewing pollution that is carried over our borders and into the lungs of Connecticut's residents."

Environmental Coalition Calls For EPA To Enact Stricter Regulations On Diesel Pollution.

The Huffington Post (4/8, Baldwin) reports that The Moving Forward Network, a nationwide alliance of environmental groups, is urging the EPA "to take actions to reduce toxic diesel exhaust pollution near ports, rail yards and highway." The group argues that the pollution disproportionately hurts minority communities, calling the areas around freight facilities "diesel death zones." In a meeting with the EPA Administrator Gina McCarhty, the group "asked EPA to encourage zero-emission technology for heavy duty trucks."

EPA Designates DeSoto County In Attainment For Ozone Standard.

The Albuquerque (NM) Express (4/11) reported that the EPA approved Mississippi's request "to redesignate DeSoto County as being in attainment for the ozone standard."

Brownfields/Superfund/Other Cleanups

City Failed To Clean Up Toxic Dust Leaking From Closed Sacramento Gun Range.

The Sacramento (CA) Bee (4/11, Lillis) reports that the shuttered James G. Mangan Rifle and Pistol Range in south Sacramento was closed over 15 months ago "because it was polluted by hazardous levels of lead dust after decades of operation." However, interviews and internal city documents claim the toxic dust from the ranger's interior and roof was never cleaned up. Katharine Hammond, professor of environmental health sciences in the School of Public Health at the University of California, Berkeley, said the location of the gun range and recorded contamination levels created "potentially an environmental hazard," and warned that lead dust "can travel quite a distance."

Children Living Near Exide Plant In Vernon, California Have Higher Levels Of Lead In Blood.

The Los Angeles Times (4/8, Barboza) reports an analysis released Friday by the California Department of Health found 3.58 percent of young children living near the now-closed Exide Technologies facility had elevated levels of lead in their blood in 2012, compared with 2.41 percent of children living further away. The analysis found 285 children with elevated blood levels living in communities near the shuttered Vernon battery recycling plant and noted "a moderate increase in risk associated with children living less than a mile away from the plant."

EPA Investigating Possible Cleanup At Upstate New York Former Paper Mill.

The Watertown (NY) Daily Times (4/11, Avallone) reports the US Environmental Protection Agency and Remedial Response Division is investigating a possible cleanup at the former St. Regis paper mill in Deferiet, New York. EPA on-scene coordinator Dilshad Perera said Brookfield Renewable Power LLC, owner of a hydroelectric plant located on the former mill's property, alerted the agency to the problems. Perera said Deferiet Development LLC acquired the former mill in a tax auction in 2006 for purpose of recovering valuable metals. In the process of dismantling steam pipes, their team left exposed damaged asbestos in buildings. Perera applied polymer sealant as a "temporary protective measure till a long-term solution is developed."

Argonaut Mine Put On Shortlist Of EPA Superfund Sites.

The Sacramento (CA) Bee (4/11, Ortiz) reports the US Environmental Protection Agency has named the 65-acre Argonaut Mine located in Jackson, California as one of eight places nationwide that may be tagged as federal Superfund sites. The mine accrued "extremely high levels of arsenic, lead and mercury" in the 19th and first half of the 20th century. According to Jared Blumenfield, regional director of the EPA, the agency considers the site a special-case scenario due to its proximity near a high school, homes, and an aging dam that has been deemed structurally unstable. Blumenfeld added that the EPA has begun work on the highest contamination at the site.

Ohio Lawmaker Sponsors Legislation To Reclaim Abandoned Mines.

The Martins Ferry (OH) Times Leader (4/10, Cera) reports Ohio Rep. Jack Cera (D) has proposed a bill to redirect 3 percent of collections from the state's Kilowatt Hour Tax Receipts Fund to abandon mine reclamation and acid mine abatement. The legislation also earmarks another 0.75 percent of the tax to the Mine Safety Fund to help with safety training for current coal miners plus the operation of the Mine Training Center. The EPA says "acid mine drainage is metal-rich water formed from chemical reaction between rocks containing sulfur-bearing minerals." According to the Times Leader, "there is evidence of this material throughout Eastern Ohio."

Elevated Copper Levels Found In Ingham County, Michigan Buildings.

The Lansing (MI) State Journal (4/8, Smith) reported elevated levels of copper were detected in seven Ingham County buildings in Mason, plus two schools. County Health Officer Linda Bail said the copper levels are not "excruciatingly high but at the same time they exceed EPA action limits, which means something needs to be done." The EPA's action level for copper is 1.3 milligrams per liter. Comparatively, the highest reading of two dozen county tests was 2.94 mg/l, more than double the EPA maximum. A joint news release issued Thursday by Mason City Administrator Deborah Stuart and school Superintendent Ronald Drzewicki "said 16 of 29 tests showed copper levels exceeding the EPA limit." City and county officials met Friday night to address the problem and possible solutions.

EPA Discovers Asbestos In Partially-Demolished Grant County, Washington School.

The Columbia Basin (WA) Herald (4/8, Minnerly) reports the US Environmental Protection Agency notified the Grant County Health District that it found materials containing asbestos at a partially demolished, vacant elementary school. In a release, the Health District said the EPA plans to clean up the asbestos this spring. Living and working next to the school poses a "relatively low risk," but the GCHD warns against having direct control with the materials that contain asbestos.

Navajo Leader Supports Call For EPA Subpoena Over Gold King Mine Spill.

Law360 (4/11, Sheehan) reported Navajo President Russell Begaye "applauded Sen. John McCain's call for the Senate Indian Affairs Committee to issue a subpoena for" US Environmental Agency Administrator Gina McCarthy to attend an upcoming field hearing on the 2015 Gold King mine spill, "which released millions of toxic wastewater into rivers that flowed into New Mexico and Arizona."

KTVX-TV Salt Lake City (4/11) reports on its website that Begaye said the spill "culturally and economically devastated Navajo communities along the San Juan River, and the federal government's failed response to this crisis is a public health, natural resources and economic disaster." Begaye is also upset that the EPA refuses to "send even a single representative to the upcoming field hearing on the spill." He says the spill happened eight months ago, "and despite promises to take full responsibility for the consequences of the three million gallon toxic spill," the agency has "dragged its feet and has yet to fully reimburse the Navajo Nation's costs."

Additional Reading.

- **Navajo Artists Express Experience With Gold Mine Spill.** Durango (CO) Herald. (4/10, Romeo)
- **EPA Proposes Superfund For San Juan County.** Cortez (CO) Journal. (4/10)

Climate Change

Think Tank Vows To "Vigorously Fight" Climate Change Subpoena.

The Hill (4/8, Henry) reported the attorney general for the US Virgin Islands has issued a subpoena to the Competitive Enterprise Institute, "a conservative think tank based in Washington DC" that "questions global warming alarmism." The group has been working in the Virgin Islands and on its website indicated it would "vigorously fight to quash this subpoena." According to the group's General Counsel Sam Kazman, "It is an affront to our First Amendment rights of free speech and association for Attorney General [Claude] Walker to bring such intimidating demands against a

nonprofit group."

Study: Making Climate Change Policy "Sexy" Will Not Change Public Opinion.

In a Washington Post (4/8) analysis, political scientists Thomas Bernauer and Liam F. McGrath tested new framing techniques that position climate change policies as "sexy," giving the policies a "personal and emotional appeal," to see if the techniques were effective in swaying public opinion. Published in "Nature Climate Change," the study ran two experiments "to see whether such reframing boosts public support for climate change." The findings show "that the reframing does not seem to work" and that "all average framing effects are very close to zero, and are statistically insignificant." Bernauer and McGrath indicated "simple spin-doctoring in climate change communications" will not "change how people view environmental policy" and argue "public figures should stick to emphasizing protecting the climate."

Paris Climate Deal To Be Signed By More Than 130 Countries On Earth Day.

The Hill (4/8, Henry) reported that on Earth Day, April 22, more than 130 countries will sign the Paris climate change agreement. According to the Hill, President Obama and Chinese President Xi Jinping have both indicated they would "sign the accord the first day it's open for signatures, calling it an important signal to other nations that the world's top polluters were committed to the deal." President Obama said, "Our cooperation and our joint statements were critical in arriving at the Paris agreement, and our two countries have agreed that we will not only sign the agreement on the first day possible, but we're committing to formally join it as soon as possible this year."

Op-Ed Blasts EPA Efforts To Reduce Methane Emissions From Oil, Gas Sector.

Canada Free Press (4/11, Driessen) columnist Paul Driessen criticizes the Obama Administration's efforts to reduce methane emissions from the oil and gas sector as less about slowing global warming and more intent on "hogtying and bankrupting US fossil fuel companies...and mandating a costly transition to renewable energy."

Manchin Says Climate Change Debate Has "Deniers" On Both Sides.

The Hill (4/8, Henry) reported that on Friday, West Virginia Sen. Joe Manchin said that "deniers" exist on both sides of the debate on climate change. He said that Republicans who deny humanity's role in climate change are "deniers" but that Democrats also have "deniers" on their side. At a conference hosted by The Wall Street Journal, Manchin said, "Even worse than that, we have deniers that believe we're going to run this country or run this world without fossil. ... That's a worse denier, thinking they're just going to just shift it and everything's going to be hunky-dory." Utilities and fossil fuel groups "have warned that transition will hurt the reliability of the electric grid, something Manchin said on Friday he is concerned about."

Energy

Additional Reading.

- **EPA Finds No Link Between Drilling, Sinkholes In Upper Ringwood.** North Jersey (NJ) Media Group (4/11)
- **EPA, Interior Push To Expand Review Of Big Bakken Oil Pipe.** Energy Daily. (4/11)

Grants

EPA Awards $221,158 To Combat Indoor Pollutants In NM.

The Las Cruces (NM) Sun-News (4/8) reported that the EPA "recently awarded $221,158 to the New Mexico Environment Department to combat residents' exposure to harmful pollutants." The funds will focus on protecting school-age children from indoor air contaminants such as radon and asthma triggers.

International

Additional Reading.

- **Israel To Cut Carbon Emissions, Sees $8 Billion Economic Boost.** Fortune. (4/10)
- **Uber Offers Refunds After Mexico City Pricing Spat.** AP. (4/8)
- **'Sludge' Can Help China Curb Emissions And Power Cities, Says Think Tank.** Reuters. (4/8, Mis)

Pesticides

Additional Reading.

- **Maryland Protects Its Pollinators With Limits On Bee-Addicting Pesticides.** Christian Science Monitor. (4/8)

Rules/Regulations/Policy

Op-Ed Blames EPA For Decline Of The Coal Industry.

In a highly critical op-ed in the Georgetown (KY) News-Graphic (4/11, Vanderbeck) Jeff Vanderbeck, the publisher of the Appalachian News-Express, blames the EPA for the decline of the coal industry. Vanderbeck's tirade against the agency cites new EPA water regulations that were passed "without notifying the city" of Pikeville, and resulted in a fine to the city. Vanderbeck acknowledges that "cleaner water is a good thing," but claims that "when the EPA imposes its will on water municipalities throughout the nation without notice, like they did to the coal industry, it's an extension of their overreaching policies and there is no one there to stop them."

Water

Analysis Of EPA Data Finds Many Water Systems Have Had Elevated Lead Levels.

The AP (4/9, Foley, Hoyer) reports that an analysis of EPA data found that around 1,400 water systems in the US have had elevated lead levels under federal standards in recent years. The AP reports that many of the water systems identified are connected to schools.

Flint Water Committee Says Tap Water Safe Again With Filter. MLive (MI) (4/10, Ridley) reports the Flint Water Interagency Coordinating Committee announced on Friday that it is safe for residents to drink tap water again, if properly filtered. The committee also encouraged residents to regularly flush their plumbing systems in order to clear out remaining lead, but acknowledged that many residents may be hesitant to do so because of the city's high water rates. The Detroit Free Press (4/8, Dolan and Gray) also covered the story noting that an EPA official says the city's water has greatly recovered, but still remains unstable. The Detroit Free Press also reports that there are still parts of the city with high lead levels. The Wall Street Journal (4/8, Maher) adds that pregnant

women and young children are still advised to only drink bottled water.

Also covering the story are: the Detroit News (4/8, Oosting) and Reuters (4/8, Klayman).

Virginia Tech Professor To Present Latest Findings On Flint Water On Tuesday. The Detroit Free Press (4/9, Dolan) reports Virginia Tech University Professor Marc Edwards, one of the experts on the Flint water crisis, is expected to release his latest findings on Tuesday.

Nonprofit Organization Questions Efficacy Of Drinking Water Tests For Safety Of Bathing Or Showering. The Detroit News (4/8, Lynch and Carah) reports the nonprofit Water Defense says that whether or not water is safe for bathing or showering should be determined separately from testing for whether water is safe to drink. The organization's chief technology officer Scott Smith says, "It is irresponsible and incomprehensible for anyone to declare bathing and showering is safe based on testing sinks and using drinking water standards to declare bath/shower water safe — let alone not even testing bath/shower water for the full spectrum of chemical." The EPA issued a statement on Friday saying there is no evidence that Flint's water is not safe for bathing or showering.

Investigation Finds Poor Communication Between Officials Regarding Legionnaires' Disease Outbreak. According to an investigation conducted by the Detroit Free Press (4/10, Anderson), there was poor communication between Flint and Genesee County regarding the Legionnaires' disease outbreak in the city. The investigation reviewed emails exchanged between city and county officials and found that some officials had sought to disclose the outbreak to the public, but the poor communication between officials made that difficult. The investigation also found that county officials contacted the CDC about the problem, but the CDC was not invited to intervene by the state of Michigan until January 2016.

Flint Delaying Distribution Of Water Bill Credits In Order To "Get It Right." The Detroit News (4/8, Oosting) reports Flint City Administrator Sylvester Jones announced on Friday that the city is delaying distribution of $30 million in state funds as credits on people's water bills because the city wants "to take the time to get it right before it goes out."

Lawyers Representing Michigan Governor File Motion To Dismiss Lawsuit Over Flint Water Crisis. The Detroit News (4/8, Chambers) reports lawyers representing Michigan Gov. Rick Snyder have filed a motion to dismiss a class-action lawsuit brought against the governor over the Flint water crisis claiming that the lawsuit was filed too late. The motion to dismiss claims that the plaintiffs failed to file their lawsuit or a notice of intent within six months of when Flint changed its primary water source to the Flint River on April 25, 2014.

Hundreds Of Schools Found With Unsafe Lead Levels.

The AP (4/10, Seewer) reports that 278 schools and day care centers nationwide "violated federal lead levels" during the past three years and approximately a third of those had lead levels "at least double the federal limit," based on EPA data. The problems stem primarily from older buildings with piping and water fixtures made from lead parts, and the high cost of replacement results in many schools relying on bottled water as an alternative. Only one school in ten is required to conduct lead testing, according to the AP, and another 90,000 schools that receive water from "city-owned systems" are not required to undergo regular tests.

Lead Levels Exceed Standards In Thousands Of US Water Systems.

PBS' NewsHour (4/10, 6:15 p.m. EDT) reported, "Looking beyond the lead-tainted drinking water crisis in the city of Flint, Michigan, an Associated Press investigation of Environmental

Protection Agency records has found: nearly 1,400 water systems providing tap water to nearly four million Americans exceeded the acceptable lead level at least once between 2013 and 2015." AP reporter Meghan Hoyer said they looked at "at roughly 77,000 water systems across the US and what we found was you know, the ones that had lead levels higher than the federal standard ranged, they were in almost every state, and they ranged from very small systems with 20 or 25 customers to very large systems. We saw cities and counties that served hundreds of thousands of people that had repeatedly breached over the limit."

Additional Reading.

- **More Than 60 Northwest Water Systems Exceed Federal Lead Limits.** Seattle (WA) Times (4/11).
- **33 Mass. Water Systems Test Over Federal Lead Limit.** Boston (MA) Globe (4/9, Leblanc).
- **High Lead Levels A Costly Concern At Schools In Maryland.** Washington (DC) Times (4/9, Dishneau).
- **Few Examples In Nevada Of Lead Drinking Water Contamination.** Washington (DC) Times (4/9, Ritter).
- **EPA: 6 Arkansas Water Systems Exceed Lead Limit Since 2013.** Washington (DC) Times (4/9, Houston)
- **EPA: 18 Water Systems In Kansas Show High Lead Samples.** Washington (DC) Times (4/9, Hegeman).
- **Analysis: 28 Water Systems In Alaska Exceed EPA Lead Limit.** Washington (DC) Times (4/9, D'oro).
- **More Than 100 Pennsylvania Water Systems Topped Lead Limit.** AP (4/11).

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• District Court Judge Grants VW Extension To Fix Diesel Vehicles. (WSJ, NYT, HILL, AP, SACBEE, WP, LAT, DENP, BLOOM)
• EPA Says Diesel Emissions Reduction Program Has "Greatly Improved" Air Quality. (CALLER, CCJ)
• EPA Plans Stricter Rules On Methane Emissions From New Wells. (MIDREPTEL)
• EPA: 11 States Failed To Submit Sulfur Dioxide Reduction Plans. (MLIVE)
• EPA, Others To Investigate Post-Gas Leak Illnesses In Los Angeles Neighborhood. (KABCTV)
• Port Of Los Angeles Paid For Clean Power Systems For Chinese Ships. (AP)
• Additional Reading.
- Colorado Lawmakers Move To Shut State Air Quality Division. (DENP)

Brownfields/Superfund/Other Cleanups
• Radioactive Material At West Lake Landfill Found In Unexpected Locations, EPA Says. (AP, SLPD, KMOXTV)
• EPA Releases One-Year Monitoring Plan Related To Gold King Mine Spill. (DURHER, AP)
• Colorado Lawmakers Pushing For Legislation To Address Leaking, Inactive Mines. (DENP)

Climate Change
• Study: Most Meteorologists Believe Climate Change Is Human-Caused. (WP, HILL)
• Revkin: Humanity Challenged To Distinguish Between Momentary, Millennial Threats. (NYT)
• Deutch, Curbelo: Climate Solutions Caucus Aims To Advance Bipartisanship On Climate. (HILL)
• Cato's Knappenberger: US Should Not Sign Climate Deal It Cannot Meet. (HILL)
• Former Energy Official Touts Carbon Capture, Utilization, And Storage. (HILL)

Energy
• NREL Study: US Has 80% More Rooftop Solar Potential Than Previously Estimated. (EEPM)
• Mooney: Community Solar Seen As Untapped 30-Gigawatt Middle Market. (WP)

Other
• California EPA Says Chemical Warning Could Discourage Poor Communities From Canned Food. (AP)

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• Hartsfield-Jackson Airport Stocks Up On EPA-Approved Mosquito Repellent In Fight Against Zika. (MYAJC)
• Federal Program To Support Public Health Pesticides Remains Unfunded. (BLOOMBNA)

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• Judge Dismisses Challenge To EPA's Decision Regarding Emissions At Navajo Power Plant. (CHN)
• Environmental Groups Petition EPA To Reexamine Aquifer Exemption Process. (BFLDC)
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• Additional Reading.
- District Says It Has Gone "Far Beyond The EPA Requirements" For PCB Sampling. (MALIBU)
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• NYTIMES: Task Force On Flint Cites Racism, Agency Failures. (NYT)
• North Carolina DEQ Urges Federal Government To Shorten Lead Contamination Notification Period. (CHAROBS)
• Michigan Terminates Flint-Related PR Contract. (HILL, FREEP)
- No Federal Consensus On Flint Yet. (CQRC, CALLER, GRLKECHO, GUARD)
• New York City Education Department Tells Parents That School Water Is Lead-Free. (NYDN)
• Boston Schools Vow To Step Up Lead Testing. (BOSGLOBE)
• Low Levels Of PFOA Found In Vermont Town's Water. (AP)
• Louisiana Town's Tap Water Will Not Be Drinkable For At Least Two To Three Days. (AP)
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- What Happens If US Ignores Water Issues? (CNBC)
Last Laughs
• Late Night Humor.

Administrator

Continuing Coverage: McCarthy Reiterates Support To States That Want To Plan For CPP Compliance.

E&E Publishing (3/24) reports, in continuing coverage, that House Republicans grilled Administrator McCarthy at a hearing this week for "encouraging states to keep working" on Clean Power Plan compliance despite the temporary stay granted by the Supreme Court. While Senate Majority Leader McConnell has revitalized his call for states to take a "wait-and-see" approach, some supporters of the plan "believe judges could adhere to most of the agency's original timeline and require emissions cuts starting in 2022." In the midst of uncertainty, "EPA argues it's premature to say whether deadlines might change, so states are left reading the tea leaves to brace for any legal outcome." In the meantime, McCarthy continues to reiterate her support for any state that wishes to continue planning for the federal climate regulations.

Continuing Coverage: Rep. Jenkins Grills EPA Chief Over Struggling Coal County.

The Logan (WV) Banner (3/25, Banner) reports, in continuing coverage, on the "harsh words" Rep. Evan Jenkins (R-WV) had for Administrator McCarthy during Tuesday's budget hearing.

Mining Engineering (3/25) also reports that lawmakers from West Virginia, Kentucky, and Utah "used a hearing on the U.S. Environmental Protection Agency's (EPA) budget to unload their frustrations on the agency chief."

Editorial Blasts EPA Chief For Failing To Visit West Virginia. An editorial in the Charleston (WV) Gazette-Mail (3/24) criticizes Administrator McCarthy for failing to give an "honest response" when asked by Jenkins whether she had ever visited West Virginia in her official role as the head of the EPA. The editorial blasts McCarthy for visiting Boston, San Francisco, and even China, but failing to visit "any location in West Virginia when the agency launched a national 11-city 'listening tour' to hear from citizens about regulating carbon dioxide as a greenhouse gas."

Air

District Court Judge Grants VW Extension To Fix Diesel Vehicles.

The Wall Street Journal (3/24, Randazzo) reports US District Court Judge Charles Breyer granted Volkswagen an extension to develop a fix for its nearly 600,000 vehicles that the company admitted were equipped with software that allowed it to defeat emissions tests. Judge Breyer stated that the company must provide a "specific and detailed" proposal by April 21. A Volkswagen spokesperson stated that the company "is committed to resolving the US regulatory investigation into the diesel emissions matter as quickly as possible and to implementing a solution for affected vehicles."

The New York Times (3/25, Ewing) reports that some questions doubt whether Volkswagen's noncompliant vehicles could be made street-legal for a reasonable price. Bob Lutz, a former vice chairman of General Motors "said he had long badgered his engineers to match Volkswagen's apparent diesel efficiency, and now understands why they never could." and The Hill (3/24, Cama) also provide coverage.

The AP (3/24, Thanawala) reports Breyer said Thursday that "Volkswagen and government regulators must present a detailed plan within a month on getting nearly 600,000 diesel cars to comply with clean air laws or risk the possibility of a trial this summer" over the emissions cheating scandal. Breyer said ex-FBI Director Robert Mueller, who he appointed to oversee settlement talks, "told him Volkswagen, government regulators and attorneys for car owners had made substantial progress toward a resolution that would get the polluting cars off the road."

The Sacramento (CA) Bee (3/24, Kasler) reports Volkswagen missed Breyer's "deadline Thursday for submitting a fix for its polluting diesel passenger cars, but the judge said he's encouraged and gave the carmaker another month to work on the problem." The Washington Post, (3/24) the Los Angeles Times (3/24, Peltz), the Denver Post (3/24, Thanawala), Bloomberg News (3/24, Burnson), and The Hill (3/24, Cama) also provide coverage.

EPA Says Diesel Emissions Reduction Program Has "Greatly Improved" Air Quality.

The Daily Caller (3/24, Barton) reports the EPA said Wednesday that its "diesel emissions reductions program has 'greatly improved' air quality and public health, although such claims were previously judged unreliable by the agency's inspector general." The EPA said the Diesel Emission Reduction Act "prevented 4.8 million tons of carbon dioxide emissions and saved up to $12.6 billion in monetized health benefits." Commercial Carrier Journal (3/24) reports the program "has also saved 450 million gallons of fuel and prevented 4.8 million tons of carbon dioxide (CO2) emissions – equivalent to the annual CO2 emissions from more than 900,000 cars."

EPA Plans Stricter Rules On Methane Emissions From New Wells.

The Midland (TX) Reporter-Telegram (3/24, McEwen) reports the EPA has expanded its plans "to cut methane emissions from newly drilled oil and natural gas wells." Earlier this month, the EPA said "new rules are planned to cut methane emissions" from the wells. While methane emissions from natural gas systems fell 11% in the decade ended 2014 even with a 25% increase in natural gas production, the EPA says more must be done to meet the goal "of cutting methane emissions by at least 40 percent by 2025."

EPA: 11 States Failed To Submit Sulfur Dioxide Reduction Plans.

MLive (MI) (3/24, Ellison) reports the EPA said last week that "Michigan and 10 other states failed to submit a plan to bring levels of sulfur dioxide (SO2) gas under a new federal threshold passed five years ago." Lynn Fiedler of the Michigan Department of Environmental Quality said, "The

pieces are in place, it just takes a little bit longer to put something this complicated together."

EPA, Others To Investigate Post-Gas Leak Illnesses In Los Angeles Neighborhood.

KABC-TV Los Angeles (3/24, Hernandez) reports on its website that several residents of Los Angeles' Porter Ranch neighborhood "are living in limbo as some who have returned to their homes after the gas leak said they're getting sick again." The EPA "along with UCLA and local public health teams joined forces" to investigate. While the gas leak at Southern California Gas Company's Aliso Canyon facility "has been capped and outdoor benzene levels are reportedly back to normal, reports of illness persist."

Port Of Los Angeles Paid For Clean Power Systems For Chinese Ships.

The AP (3/24) reports the Port of Los Angeles "paid $5 million to outfit 17 oceangoing ships with a clean power system, then didn't get the expected air quality benefits" when China Shipping stopped docking its cargo vessels in Los Angeles. Port officials "quietly agreed in 2009 to let China Shipping ignore a mandate that all ships plug into power supplied from shore instead of running their engines."

Additional Reading.

- **Colorado Lawmakers Move To Shut State Air Quality Division.** Denver Post. (3/24, Finley, Frank)

Brownfields/Superfund/Other Cleanups

Radioactive Material At West Lake Landfill Found In Unexpected Locations, EPA Says.

The AP (3/24) reports that EPA officials said Thursday that radioactive material buried at the West Lake Landfill in Bridgeton, Missouri near St. Louis has been found in areas where it was previously not suspected, but there is no increased health risk to residents or workers. The EPA "released the first phase report of an investigation" of the site where "nuclear waste dating to the Manhattan Project was illegally dumped in the 1970s." Adding to the concern is the "fact that an underground fire is smoldering" at the adjacent Bridgeton Landfill. The EPA's investigation found "radiologically impacted material" in "areas of the landfill not identified during previous site investigations," but not present in areas previously presumed to contain it, the agency said.

The St. Louis Post-Dispatch (3/25, Baker) reports that the EPA "says it has completely mapped the extent of radioactive contamination at the West Lake Landfill," and is now working on plans for a barrier to separate West Lake from an underground fire at the adjacent Bridgeton Landfill. Despite the fact that radiological contamination was discovered beyond the chain-link fence surrounding the West Lake Landfill, EPA official Brad Vann said that the "there's still no significant health risk posed by the radioactive waste." Meanwhile, Missouri Attorney General Chris Koster released a statement reading, "Today's report confirms that EPA has never had a clear picture of the extent of contamination at the West Lake landfill, and it is deeply concerning that it took EPA so long to figure that out." KMOX-TV St. Louis (3/24) also provides coverage on its website.

EPA Releases One-Year Monitoring Plan Related To Gold King Mine Spill.

The Durango (CO) Herald (3/24, McBride) reports that in the wake of the Gold King Mine spill, the EPA released a "one-year water-monitoring plan" to examine water and sediment quality, as well

as biological communities in the Animas River. This spring will be the "first snowmelt season in the Animas and San Juan watershed since the spill," so the monitoring will focus on the possibility of increasing heavy metal concentrations. After one year of monitoring, the EPA will assess the data, "consult with partners and decide what further monitoring or other actions are needed."

The AP (3/24, Elliott) reports that "more than two dozen state, tribal and local agencies said they will monitor the Animas and San Juan rivers" in case runoff from melting snow stirs up potentially toxic metals that settled to the bottom of the rivers following the Gold King Mine spill. Additionally, "cities, counties, health departments and water districts along the rivers" are preparing for possible flooding or other emergencies.

Colorado Lawmakers Pushing For Legislation To Address Leaking, Inactive Mines.

The Denver Post (3/24, Finley) reports that Democratic lawmakers in Colorado and other western states are pushing to advance "stalled legislation to deal with the tens of thousands of inactive mines contaminating waterways." The EPA estimates that are up to 500,000 inactive mines in Western states, and that "tens of thousands are leaking, contaminating water with acidic, metals-laced drainage from mines." Meanwhile, the EPA said it "will consider proposing a Superfund cleanup" for areas impacted by the Gold King Mine spill.

Climate Change

Study: Most Meteorologists Believe Climate Change Is Human-Caused.

The Washington Post (3/24, Samenow) reports that according to a January survey from George Mason University released Thursday, "more than 95 percent of meteorologists think climate change is happening and more than 80 percent of them estimate human activities are at least half-responsible." Meteorologists who participated in the survey "held diverse views about how effective mitigation efforts...would be in reducing future climate change," with only 18% feeling that additional climate change is largely preventable over the next 50 years. The Hill (3/24, Henry) reports that the survey "noted that most of its respondents have meteorological or astronomical degrees and not climate science backgrounds" with only 37% of respondents reporting that they considering themselves experts on climate science.

Revkin: Humanity Challenged To Distinguish Between Momentary, Millennial Threats.

Andrew Revkin writes for the "Dot Earth" blog of the New York Times (3/24) that "the biggest challenge is grappling with divergent scales." Revkin compares the "year-to-year scale at which humans make policy decisions" and the "multi-millennial consequences of today's energy choices." Revkin highlights a column by Nick Kristof which observes that "Brussels survived this week's terror attacks, but it may not survive climate change." Revkin writes that "our brains are not well adapted to most of the biggest threats we actually face in the 21st century."

Deutch, Curbelo: Climate Solutions Caucus Aims To Advance Bipartisanship On Climate.

Reps. Ted Deutch (D-FL) and Carlos Curbelo (R-FL) write for The Hill (3/24) that "across the country, the challenges posed by warming temperatures, storm surge, and severe flooding represent mere previews of the consequences to come due to climate change." The time to debate "whether climate change threatens our economy and our security has long past," they write, highlighting their decision to establish the House Climate Solutions Caucus. The "absence of congressional leadership" has led President Obama to take executive regulatory actions "that not only intensify partisanship but may not prevail in court." They write that their Climate Solutions Caucus is a step toward "restoring dialogue and addressing climate change in a bipartisan way."

Cato's Knappenberger: US Should Not Sign Climate Deal It Cannot Meet.

Paul Knappenberger, assistant director of the Center for the Study of Science at the Cato Institute, writes for The Hill (3/24) that the targets set in the Paris climate accord are "infeasible if not downright impossible" and President Obama should "revise, or better yet, rescind [the] promise" to slash US greenhouse gas emissions by 26%-28% by 2025. "Putting our name on a promise that we know we can't keep would be a disingenuous act," Knappenberger writes, adding that the EPA has been underestimating US methane emissions and that Clean Power Plan "stretched elements of the Clean Air Act to the point of breaking."

Former Energy Official Touts Carbon Capture, Utilization, And Storage.

Former Assistant Secretary of Energy Charles McConnell writes in a column in the "Pundits Blog" of The Hill (3/24) that "clean coal technology does exist and it is possible." Instead of arguing over using coal or quitting coal, McConnell argues we should be seeking to address its emissions. Asserting "quitting coal is not an option for today or the foreseeable future," he touts carbon capture, utilization, and storage, taking the Administration to task for decreasing funding for it.

Energy

NREL Study: US Has 80% More Rooftop Solar Potential Than Previously Estimated.

E&E News PM (3/24) reports that according to a new analysis by the National Renewable Energy Laboratory, "US rooftops could generate 80 percent more energy from solar panels than previously thought." Researchers found rooftop solar holds the potential to generate 1,432 terawatt-hours of energy annually, up from the estimated 800 terawatt-hours in 2008. NREL analyst and lead author of the report Pieter Gagnon, said an accurate estimate of the "technical potential" of rooftop solar provides a critical baseline for regional and city planning. "Armed with this new data, municipalities, utilities, solar energy researchers and others will have a much-improved starting point for PV research and policymaking."

Mooney: Community Solar Seen As Untapped 30-Gigawatt Middle Market.

Chris Mooney writes for the Washington Post (3/24) that solar has been growing "extremely fast" at the large utility scale and small distributed rooftop scale, but analysts are increasingly saying that shared solar, or community solar, is "a middle-range market whose large potential is just becoming clear." As of 2015, "only a tiny sliver of all solar capacity in the US fit into this category," but according to a new report by the Rocky Mountain Institute, the potential for community solar to expand is "vast" at up to 30 gigawatts at the extreme upper cap.

Other

California EPA Says Chemical Warning Could Discourage Poor Communities From Canned Food.

The AP (3/25, Knickmeyer) reports that the California Environmental Protection Agency has decided not to place warning labels on metal cans lined with the chemical BPA, "arguing too-specific warnings could scare stores and shoppers in poor neighborhoods away from some of the only fruits and vegetables available – canned ones."

Pesticides

Hartsfield-Jackson Airport Stocks Up On EPA-Approved Mosquito Repellent In Fight Against Zika.

The Atlanta Journal-Constitution (3/24) reports that Atlanta's Hartsfield-Jackson International airport and state health department officials have asked the airport's concessionaires to begin stocking "Environmental Protection Agency-approved insect repellent" to help prevent the spread of the Zika virus.

Federal Program To Support Public Health Pesticides Remains Unfunded.

Bloomberg BNA (3/25) explains the complicated situation in which the EPA effectively ordered a mosquito-killing insecticide that could help combat the spread of the Zika virus "to be pulled from shelves." Because there is "little to no economic incentive for private companies to keep making" certain products, there exists a federal program that provides funding to companies that makes "'public health pesticides' with little revenue-generating potential to conduct the EPA-mandated toxicity studies needed to keep these chemicals on the market.'" However, the lawmakers that created the program "never followed through and allocated funding to it."

Rules/Regulations/Policy

Judge Dismisses Challenge To EPA's Decision Regarding Emissions At Navajo Power Plant.

Courthouse News (3/24) reports, "A federal judge dismissed Arizona tribal conservation groups' challenge of the Environmental Protection Agency's decision to delay emissions reductions standards" at the 2,250-megawatt power station on the Navajo Indian Reservation. The contention resulted from an EPA rule published in 2013 which required the Navajo power plant to reduce emissions, but which was never implemented because a Technical Working Group – working with the EPA – created an alternative to the rule. US District Judge Vince Chhabria dismissed the complaint from the environmental groups, writing that instead the Ninth Circuit Court of Appeals should hear the claim.

Environmental Groups Petition EPA To Reexamine Aquifer Exemption Process.

The Bakersfield (CA) Californian (3/24, Cox) reports that a coalition of environmental groups have petitioned the US Environmental Protection Agency to "halt or change its process for exempting aquifers from Safe Drinking Water Act protections," arguing that the aquifer exemption process "needs to be updated to reflect improved water purification and drilling technology, as well as current drought conditions in the West." If successful, the petition "could place more areas off-limits to oil field waste injections and...cyclic steaming," which would have "a big impact on California, especially Kern [County]." Rock Zierman, CEO of the California Independent Petroleum Association said that wastewater injections are the most environmentally favorable method of disposing of produced water.

Toxics/TSCA

Additional Reading.

- **District Says It Has Gone "Far Beyond The EPA Requirements" For PCB Sampling.** Malibu (CA) Times. (3/25, Sawicki)

Water

NYTIMES: Task Force On Flint Cites Racism, Agency Failures.

An editorial in the New York Times (3/25, Board) says that the latest report on the tragedy in Flint "makes clear the principle cause of the water crisis...the state government's blatant disregard for the lives and health of poor and black residents of a distressed city." The five-member task force that authored the report identifies the Michigan Department of Environmental Quality as "the agency most at fault" for various failures, and also for "ly[ing] to the EPA, telling it that Flint was properly treating the water." Although congressional Republicans have "sought to pin virtually all of the blame on the Environmental Protection Agency, which many of them oppose for ideological reasons," the Times concludes that the EPA's biggest mistake was that it did not intervene forcefully enough "until it issued an emergency order in January, even though some of its employees began raising concerns about Flint's water early last year."

North Carolina DEQ Urges Federal Government To Shorten Lead Contamination Notification Period.

The Charlotte (NC) Observer (3/25, Henderson) reports that in the wake of the Flint water crisis, North Carolina officials have filed a petition with the EPA "urg[ing] the federal government Thursday to adopt the state's standard for notifying consumers of lead or copper contamination." The North Carolina requires notifications within 48 hours in cases for contaminants in tap water, whereas the federal standard allows for up to 30 days for the notification period.

Michigan Terminates Flint-Related PR Contract.

The Hill (3/24, Wilson) reports that the "controversial public relations contract" between PR firm Mercury and the state of Michigan has ended. Gov. Rick Snyder "came under fire for hiring the high-powered firm to help deal with the fallout from the water contamination crisis in Flint." A Snyder spokesman "confirmed the termination of the contract but declined to give information about how much it was worth." Meanwhile, the Detroit Free Press (3/24) reports that the latest emails released from Snyder's office "include playfully written messages about the quality of Flint's drinking water and the challenge of confronting the issue."

No Federal Consensus On Flint Yet. Roll Call (3/24) reports that after "two months, three oversight hearings and four congressional delegation visits to Flint...no solution and no agreement on the proper level of federal intervention have materialized. But a damning report released Wednesday in Michigan finds plenty of blame at all levels of government," including the EPA. The Daily Caller (3/24, Bastasch) says the report "slams" the EPA, "claiming the agency was unlikely to enforce clean drinking water regulations in Flint in the absence of 'widespread public outrage.'"

Gary Wilson writes in his Great Lakes (MI) Echo (3/24) column that McCarthy "had three prongs to her testimony; blame Michigan, deny any EPA responsibility and repeat. She said EPA was 'strong-armed and misled' by Michigan and 'we couldn't do our jobs effectively.' ... McCarthy's testimony set the bar low. Then she tripped over it." Wilson writes that "unlike McCarthy," Snyder "was contrite and accepted responsibility."

The Guardian (UK) (3/24, Felton) has a feature on the impact of the Flint crisis on children.

New York City Education Department Tells Parents That School Water Is Lead-Free.

The New York Daily News (3/24, Chapman) reports New York City Education Department officials

"sent letters home with the city's 1.1 million public school kids Wednesday to tell families their schools' drinking water is lead-free." The letter "invited parents to visit an online database to find the latest water-testing results for any city school."

Boston Schools Vow To Step Up Lead Testing.

The Boston Globe (3/24, Rocheleau) reports Boston Public Schools officials say they will "step up testing for hazardous lead contamination at the system's 37 buildings that still use tap water for drinking, including about two dozen where the water hasn't been tested for at least six years." More than two-thirds of city school buildings are currently "using bottled water because of concerns about lead."

Low Levels Of PFOA Found In Vermont Town's Water.

The AP (3/24) reports low levels of perfluorooctonaoic acid have been found in the Pownal, Vermont public water supply. The "potentially cancer-causing chemical...has been found in about 100 private wells in neighboring Bennington."

Louisiana Town's Tap Water Will Not Be Drinkable For At Least Two To Three Days.

The AP (3/24) reports Louisiana State Health Officer Jimmy Guidry "says it will be at least two to three days before residents of Donaldsonville can begin drinking their tap water again." Residents of the town "were advised not to drink the water this week after an inspection showed the possibility that it contained levels of chlorine dioxide surpassing federal environmental guidelines."

Additional Reading.

- **What Happens If US Ignores Water Issues?** CNBC. (3/24)

Last Laughs

Late Night Humor.

Jimmy Kimmel: Hillary Clinton and Bernie Sanders are "an interesting pair because they're still competing with each other, but eventually we know they're going to team up to stop the deranged billionaire who wants to take over the world, which, if you think about it, is basically the plot to 'Batman v. Superman.'"

Jimmy Kimmel: "According to a new Bloomberg poll, Clinton leads [Donald] Trump in a hypothetical match-up 54%-36%. And this is interesting: 68% of likely general election voters, according to this poll, view Donald Trump negatively. And the other 32% don't have Twitter or television."

Jimmy Fallon: "The State Department is having to hire more staffers to review all of the requests that are being filed for Hillary Clinton's emails. Or as Hillary put it, 'See, I'm creating jobs already.'"

Jimmy Fallon: "Here's some good news for Hillary Clinton: Yesterday she received the endorsement of 'Rolling Stone' magazine. While Bernie Sanders received the endorsement of 'Kidney Stone' magazine."

Jimmy Fallon: "Hillary also targeted Donald Trump's recent comments on foreign policy, saying if Trump gets his way, it will be like Christmas for Russia. Then Russians were like, 'So, we all get potato in sock?'"

Jimmy Fallon: "Hillary Clinton said that if Donald Trump becomes president, it will be like Christmas in the Kremlin. Christmas in the Kremlin, which actually sounds like an amazing holiday movie starring Vladimir Putin."

Seth Meyers: "People on Wall Street are worried about the negative effects of a Donald Trump presidency. Also worried: people on every street."

Seth Meyers: "Dr. Ben Carson appeared on 'The View' this morning. And when asked afterwards what he thought of 'The View,' he said, 'Blurry.'"

Seth Meyers: "A new poll shows that 55% of voters say Hillary Clinton is more presidential than Donald Trump. I think in terms of who's most presidential it goes by this – Barack Obama, Hillary Clinton, John Kasich, everybody else in the world, Donald Trump, and Turtle from 'Entourage.'"

Seth Meyers: "Last night, former New York City Mayor Rudy Giuliani said Hillary Clinton could be considered a founding member of ISIS. That's ridiculous – ISIS doesn't hire women."

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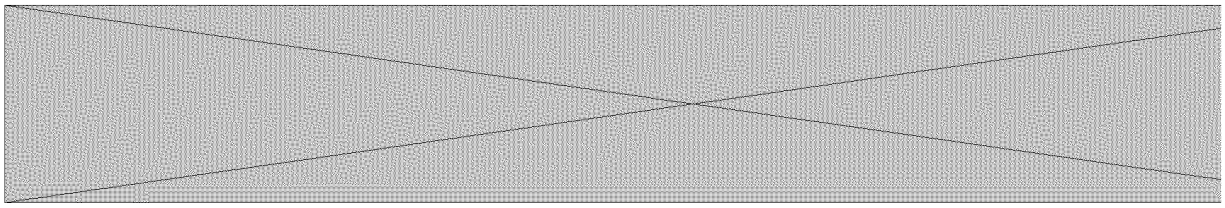

TO: ADMINISTRATOR AND SENIOR EXECUTIVES
DATE: TUESDAY, MARCH 22, 2016 7:00 AM EDT

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- EPA Urges DC Circ. To Uphold Regs On "Sham Recycling." (LAW360)
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• Michigan Governor Lays Out Flint Recovery Plan. (FREEP, AP, MLIVE, DETN, CSM, CALLER)
- Galvanized Pipes May Be Contributing To Water Crisis. (MLIVE)
- Co-Chair Of Michigan Governor's Task Force On Flint Says Final Report Will Have A "Surprise." (MLIVE)
- EPA Water Expert Crucial To Action In Flint Water Crisis. (WDIVTV)
- Genesee County Says State Should Reimburse Them For Aiding Flint Or Else People Will Lose Jobs. (MLIVE)
- Former EPA Official Criticizes Too Little State-Federal Cooperation, Over-Regulation. (WSJ)
- More Commentary. (HILL, MORCON, HUFFPOST)
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- Ohio Village Hit By Lead In Drinking Water Gets US Grant. (AP)
- Where's WARPA? Why Water Needs More Advanced Research. (HILL)
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Administrator

McCarthy To Testify Twice Today Regarding EPA Budget.

Bloomberg BNA (3/21) reports that Administrator McCarthy will be on Capitol Hill today to testify before congressional committees regarding the EPA's 2017 budget request. Politico (3/21, Collins) reports that the committees "will want to discuss the president's budget request to add $127 million to the EPA's overall budget." McCarthy will meet with a subcommittee of the House Appropriations Committee in the morning and two subcommittees of the House Energy and Commerce Committee this afternoon.

Air

Merkley, Wyden Want To Increase EPA Funding For Air Quality Programs.

KTVZ-TV Bend, OR (3/21) reports on its website that Oregon Democratic Sens. Jeff Merkley and Ron Wyden are calling for increased funding for the EPA to support federal air quality programs after several Portland neighborhoods "learn[ed] last month that there are high levels of heavy metals in the air." In a letter to the Senate Appropriations subcommittee responsible for the EPA's funding, the senators wrote, "The EPA aims to protect air quality but, as we are seeing in Oregon this cannot be done without additional funding to implement air quality programs at a scale that is relevant to defend human health." Additionally, the senators have urged a "revision of hazardous air pollution emission standards under the Clean Air Act."

Additional Reading.

- **Colorado Lawmakers Want To Halt Tougher Federal Ozone Standard.** Natural Gas Intelligence (3/21, Nemec)
- **More Air-Quality Alerts Expected For Glynn.** The Florida Times-Union (3/21)

Brownfields/Superfund/Other Cleanups

New Mexico, Colorado Threaten Federal Lawsuits Over Gold King Mine Spill Claims.

The Cortez (CO) Journal (3/21, Marcus) reports that Santa Fe is demanding the EPA reimburse the state of New Mexico $1.5 million for the short-term emergency response work following the Gold King Mine spill. If the EPA does not, New Mexico Environment Department Secretary Ryan Flynn "said his department is prepared to head to court." In addition, Santa Fe is demanding financial and technical support from the EPA "for a long-term monitoring plan it developed in partnership with Utah," as well as a "seat at the table for ongoing Superfund discussions." Marking a "departure from the unity promised" by New Mexico and Colorado immediately after the spill, Flynn told reporters on Tuesday that "his researchers reject assertions" from Gov. John Hickenlooper "that the Animas River quickly returned to safe pre-event conditions." Meanwhile, Colorado Attorney General Cynthia Coffman "asked the EPA to quickly resolve individuals' claims."

Climate Change

McCabe: Specific Deadline For Clean Power Plan Remain Uncertain.

Bloomberg BNA (3/21) reports that Janet McCabe, the EPA's acting assistant administrator for air and radiation, said it is "a little premature to be speculating specifically about the compliance dates in the Clean Power Plan" as litigation moves forward. In the meantime, McCabe said the EPA will continue to work on some Clean Power Plan programs, such as the Clean Energy Incentive Program and model trading plans.

McConnell Tells Governors To Stop Working To Comply With Clean Power Plan.

In a letter addressed to the National Governors Association on Monday, Senate Majority Leader McConnell told state officials "to stop their work toward complying with the Obama Administration's climate change rule for power plants," The Hill (3/21, Cama) reported. In the letter, McConnell said the Supreme Court's decision to stop the Clean Power Plan "validated his earlier advice for states to ignore the regulation and not try to comply." McConnell wrote, "This is precisely why I suggested a 'wait-and-see' approach with respect to the CPP last year. ... ,Given the Supreme Court's recent stay of the CPP and the painful lessons of [the mercury and air toxics standards], 'wait-and-see' remains the most responsible approach today."

The AP (3/21) reports that McConnell's efforts to defy the Obama Administration's fight against climate change will likely push a final decision on the issue to the next president.

Court Denies Conservative Group's Brief Arguing "Collusion" Invalidates Clean Power Plan.

The Hill (3/21, Cama) reports that the Court of Appeals for the District of Columbia Circuit has denied the conservative Energy and Environment Legal Institute's request to file its own argument in the legal case against the Clean Power Plan. E&E Legal wanted to present the argument that the EPA "improperly colluded with environmental lobbyists in formulating the Clean Power Plan" and invalidating the regulations. E&E Legal is still participating in the litigation with other groups, but it isn't allowed to file its own separate brief.

State Department's Climate Envoy Steps Down.

The AP (3/21) reports that Todd Stern, the State Department's "lead negotiator for last year's

global climate deal," has announced he "is stepping down." In a statement, Secretary of State Kerry hailed him for "his mastery of the climate challenge and all of its nuances, his diligence and his negotiating skills." Bloomberg News (3/21, Ryan) reports Kerry praised Stern for his "enormous role in achieving so many of our climate milestones." He also said that Jonathan Pershing, senior climate adviser to US Energy Secretary Ernest Moniz, will take Stern's place. Reuters (3/21) reports Stern will be leaving his post April 1.

UN: Increasingly Warm Global Temperatures New Normal.

The AP (3/21, Keaten, Borenstein) reports that the World Meteorological Organization issued its annual climate report pointing out that "not only was 2015 breaking records on the surface but also hundreds of meters deep in the ocean." David Carlson of the World Climate Research Program said global temperatures are on an upward slope, "so the normal is going to be increases: It's going to be increased temperature, increased ocean heat content, loss of ice, we know all of these things."

Soaring Global Carbon Emissions Explained In Light Of Stagnant Annual Emissions.

Think Progress (3/21) contributor Joe Romm argues that delaying action to reduce carbon dioxide emissions is "dangerous and costly." To make his point, Romm addresses confusion over how recent findings show 2015 experienced the biggest jump in global CO2 levels ever measured, while energy-related CO2 emissions remained flat. He explains "that CO2 levels will continue rising if we merely keep annual CO2 emissions flat," as "annual CO2 emissions are very different from global CO2 levels."

Ex-New Hampshire Governor Gregg Says Nuclear Power Has Bipartisan Appeal.

Writing in The Hill (3/21), former governor and three-term New Hampshire senator Judd Gregg (R) argues that nuclear power is an area where both political parties may be able to find common ground. Gregg says that nuclear power can help Democrats achieve significant carbon emissions, while Republicans can tout nuclear plants as "good economic and energy policy."

Additional Reading.

- **A Vegetarian World Would Be Healthier, Cooler And Richer: Scientists.** Reuters (3/21, Rowling)
- **Feds, Groups Reach Tentative Deal Over Oil Lease Emissions.** The AP (3/21, Volz)
- **Natural Gas Expected To Be Our Top Source Of Electricity This Year For The First Time Ever.** The Washington Post (3/21)

Hazardous Waste

Smith Named To Lead State Hanford Cleanup Regulatory Program.

The Tri-City Herald (WA) (3/21, Cary) reports that Port of Seattle attorney Alex Smith "has been named the new manager of the Washington state office that helps regulate cleanup at the Hanford nuclear reservation." Smith replaces Jane Hedges who is retiring. Smith said she plans to work with DOE, the EPA, the tribes and the local community to ensure a timely and effective cleanup of Hanford,

Other

Additional Reading.

- **Anti-Porn Push At Federal Agencies Enters Latest Chapter.** Bloomberg BNA (3/21)

Pesticides

Daily Caller: EPA "Effectively Banned" Pesticide That Puerto Rico Is Using Against Zika.

The Daily Caller (3/21, Bastasch) writes that "buried at the bottom" of a recent New York Times exposé on Puerto Rico's fight against the Zika virus "is something the Environmental Protection Agency probably doesn't want you to know." According to the Caller, "the EPA effectively banned a powerful pesticide used to kill mosquito larvae by making it unprofitable for companies to produce the chemical," which has left Puerto Rico with only a nine-month supply of the chemical. Audrey Lenhart, a C.D.C. entomologist, describes the situation as a "very inconvenient coincidence," and believes the EPA may issue an emergency use permit for more of the chemical, known as temephos.

Microbes May Replace Conventional Farming Pesticides.

Wired (3/21, Zhang) reports that agricultural companies are looking to microbes and other biological options as a replacement for pesticides. Large companies including Bayer and Monsanto have invested billions of dollars into naturally-derived products. Smaller companies are looking towards non-synthetic biostimulants. Agricultural companies as a whole are facing the challenge of the expensive screening process for organic products; companies that synthesized chemicals already "know how those chemicals work."

Additional Reading.

- **EPA Tells Court It Needn't Mandate Pesticide Disclosure.** Law360 (3/21, Koenig)
- **Fewer Animals Used Under Draft EPA Pesticide Guide.** Bloomberg BNA (3/21, Rizzuto)

Rules/Regulations/Policy

Michigan AG Schuette Petitions Supreme Court To Block EPA Rules On Mercury Pollution.

Crain's Detroit Business (3/21, Greene) reports that Michigan Attorney General Bill Schuette has issued a petition asking the US Supreme Court "to hear his appeal to block the EPA's mercury and air toxics standards rule." Schuette argues that the Supreme Court should freeze implementation of the rule because the previous ruling in July – decided in a 5-4 vote – "didn't consider the costs to industry of implementing the rule." Officials with Michigan utilities Consumers Energy Co. and DTE Energy Co. said they are prepared to meet the EPA's new rules. However, Michigan Gov. Rick Snyder "has suspended action by the state to comply with the rule."

EPA Study Cited In Defense Of Hydraulic Fracturing.

Writing in the Daily Signal (3/21), Nicolas Loris, a fellow at the Heritage Foundation, argues that scientific evidence from government agencies and independent analyses has proven that hydraulic fracturing is safe for America's drinking water. He cites an EPA study published in June of 2015, described as "the most comprehensive government study on fracking's impact so far," which found no evidence of "widespread, systemic impacts on drinking water resources in the United States." Loris touts fracking as a "needed boon to the American economy," and urges Congress to "resist the demands of the environmental lobby and put more authority in the hands of the states, not

less."

Toxics/TSCA

Hundreds Of Baltimore Kids Still Poisoned By Lead Every Year.

On its "All Things Considered" program and in its "Shots" blog, NPR (3/21, Ludden) reports that Baltimore "has seen a dramatic decline in cases of lead poisoning, down 86 percent since 2002." Still, "hundreds of Baltimore children are still poisoned every year." Many of these kids live "in neglected and old houses in low-income neighborhoods." While there is a state law that allows tenants to "to notify their landlord...if they see chipping, peeling or flaking paint and to get the landlord to fix that," landlords "don't always fix the problem." Moreover, the state and the EPA are currently "investigating one private inspector who may have wrongly certified nearly 400 rental units as lead-free."

Additional Reading.

- **As EPA Delves Into Long-Term Health Effects Of Artificial Turf, Towns Continue Field Installation.** WHYY-FM Philadelphia (3/21, Benshoff)

Trash/Recycling/Composting/Solid waste

Additional Reading.

- **EPA Urges DC Circ. To Uphold Regs On "Sham Recycling."** Law360 (3/21, Parker)

Water

Michigan Governor Lays Out Flint Recovery Plan.

The Detroit Free Press (3/21, Egan) reports Michigan Gov. Rick Snyder released a "75-point plan" to help Flint recover from its water crisis. In a news release, Snyder said, "We are committed to addressing immediate concerns and finding long-term solutions to improve the quality of life for the people of Flint." The AP (3/21, Eggert) reports part of the plan calls for Michigan to adopt a "much higher standard" regarding lead-contamination in water. Snyder spokesman Ari Adler criticized the EPA's lead-corrosion rule as "dumb and dangerous" also saying, "About 10 percent of your population could have lead in their water over the action limit and the EPA will sign off and say that your municipal water system is OK."

MLive (MI) (3/21, Acosta) reports the plan includes "short, intermediate and long-term goals focusing on topics including health and human services, water supply and infrastructure, education, jobs and economic development." In a statement, Gov. Snyder said many state departments, local officials, and Flint residents had been involved in developing the plans. In another article MLive (MI) (3/21, Acosta) quotes Flint Mayor Karen Weaver responding to the plan, "As I've said before, we didn't deserve what happened to us, but we definitely deserve the help and resources needed to repair the damaged that has been caused."

The Detroit News (3/21, Oosting) reports that Snyder's proposal could "run into resistance depending on how stringent it is," as higher water quality standards will cost local governments.

Christian Science Monitor (3/21, Mendoza) reports that the needs of children impacted by the

crisis will be a key focus of the plan. The proposal includes funding to build more child health centers to provide "professional support from state health officials for children under 6 who showed high blood-lead levels."

The Daily Caller (3/21, Wolf) reports that the AFL-CIO, the largest federation of unions in the nation, derided Gov. Snyder as unintelligent for dodging Flint water crisis questions at a recent event in Washington, D.C.

Galvanized Pipes May Be Contributing To Water Crisis. MLive (MI) (3/21) reports "state and federal regulators are working to determine if galvanized pipes are also contributing to" Flint's water problems. Michigan Department of Environmental Quality's chief of the Office of Waste Management and Radiological Protection Bryce Feighner said, "(We're) proactively removing some galvanized service lines along with lead service lines."

Co-Chair Of Michigan Governor's Task Force On Flint Says Final Report Will Have A "Surprise." MLive (MI) (3/21, Ellison) reports Ken Sikkema, the co-chair of Gov. Snyder's task force assigned with reviewing the Flint water crisis, has said the group's report will have a surprise. The former Michigan Senate Republican majority leader said, "We're going to cite something that really did work. I'm not going to tell you what it is, but it will surprise you."

EPA Water Expert Crucial To Action In Flint Water Crisis. WDIV-TV Detroit (3/21, Dietz) reports that warnings from EPA water expert Miguel Del Toral were critical in warning people about the danger of lead in Flint's drinking water. Del Toral "first warned Flint in February 2015, 11 months before a state of emergency was issued." When those warnings were ignored, Del Toral "wrote a draft report and leaked it to the public."

Genesee County Says State Should Reimburse Them For Aiding Flint Or Else People Will Lose Jobs. MLive (MI) (3/21, Adams) reports Genesee County Board of Commissioners Chairman Jamie Curtis says the county may lay off two dozen workers if the state does not reimburse the county for $1.1 million it has spent to aid Flint. Curtis said the state reimbursing the county is "the right thing to do because Genesee County did not participate in any way shape or form in the decision for Flint, Michigan to use the river."

Former EPA Official Criticizes Too Little State-Federal Cooperation, Over-Regulation. In a letter to the Wall Street Journal (3/21), Robert Martin Jr., who served as New England regional counsel for the EPA under President Reagan, says that during his seven-year tenure at the EPA he witnessed too little state-federal cooperation and too much regulation. He concludes that the finger-pointing in the wake of the Flint tragedy proves we don't need the EPA in addition to state environmental agencies.

More Commentary. Writing in The Hill (3/21), Rep. Earl Blumeaner (D-OR) says that the tragedy in Flint "sheds light on systemic failures of crumbling water systems all over the country," and calls on national and global efforts to improve water infrastructure.

According to Morning Consult (3/21) columnist Jack Fitzpatrick, "The idea that EPA should have acted when it comes to Flint and been less aggressive in other areas sets up an awkward tension for Tuesday's budget hearings." The hearings will address a bill that would direct the EPA to supersede state agencies to notify the public directly of unsafe drinking water, while discussing the EPA's "relentless regulatory pursuit."

Tracey Ross with the Poverty to Prosperity Program at the Center for American Progress argues in the Huffington Post (3/21) that trust in the government has "effectively been destroyed" in Flint, which has specific consequences for the city's African American residents. She urges

community leaders and local officials to acknowledge and address the long-term impact of this tragedy on that demographic.

Additional Reading.

- **Climate Change Is Contaminating Water Sources With Fecal Matter.** The Huffington Post (3/21, Goldberg)
- **Ohio Village Hit By Lead In Drinking Water Gets US Grant.** The AP (3/21)
- **Where's WARPA? Why Water Needs More Advanced Research.** The Hill (3/21, Rose)

Last Laughs

Late Night Humor.

Jimmy Fallon: "The big story is President Obama's historic visit to Cuba that's going on right now. I saw that after landing yesterday, Obama immediately tweeted out, 'What's up, Cuba?' And Cubans opened up a window and yelled, 'We don't have the Internet! It's like 1955 here!'"

Jimmy Fallon: "Donald Trump tweeted that Raul Castro disrespected the President by not greeting him at the airport. Seriously? Our countries have been enemies for 60 years. I can't even get my best friend to pick me up at the airport."

Jimmy Fallon: "Mitt Romney announced on Facebook that he will vote for Ted Cruz over Donald Trump in tomorrow's Utah caucus because he doesn't believe John Kasich can actually win. And if there's one thing Romney's an expert on, it's not winning."

Jimmy Fallon: "A lot of people actually think John Kasich would make a good pick for vice president. But Kasich said in an interview yesterday that he will not be vice president under any circumstances. When he heard that, Joe Biden was like, 'Seriously? I did it for a $20 gift card to GameStop.'"

Seth Meyers: "A new study shows Donald Trump speaks with the poorest grammar of any presidential candidate. Trump said, 'It's actually the poorliest.'"

Seth Meyers: "Donald Trump announced over the weekend that he will release a list of judges that he would consider appointing to the Supreme Court if he's elected president. Though you can get a sneak peek at the list by checking out TV Guide."

Seth Meyers: "Democratic National Committee head Debbie Wasserman Schultz today denied accusations that she is taking sides in the primary election season, and said, quote, 'There is no shred of evidence to suggest I'm favoring Hillary Clinton over Bernie Socialist – I mean Bernie Sanders, my apologies.'"

Seth Meyers: "Bernie Sanders this weekend gave a speech at the Mexican border. Actually, he was in Vermont, but they could hear him at the Mexican border."

Seth Meyers: "Bernie Sanders' campaign has confirmed that he will not speak at a major pro-Israel lobbying group conference this week, making him the only presidential candidate to skip it. And if any candidate can get away with that, it's Bernie from Brooklyn. Look at him. If Israel were a person, that's what it would look like."

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TO: ADMINISTRATOR AND SENIOR EXECUTIVES
DATE: THURSDAY, MARCH 17, 2016 7:00 AM EDT

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• Kentucky AG Begins Investigation Into Alleged Illegal Dumping. (LCJ)

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• Doubling Renewables By 2030 May Save $4.2 Trillion Per Year Worldwide. (REU)
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• Garland Said To Have "Record Of Siding With Environmental Regulators." (CALLER, REU)
• McCabe To Address Renewable Energy Forum Today. (HILL)
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• House Republicans Concerned Over EPA's Takeover Of Ethanol Fuel Standards In 2022. (HILL)
• Additional Reading.
- US EPA "Analyzing" Potential Shift In RFS Obligation From Refiners To Blenders. (PLATTS)
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• Justice Department Looking Into Lead Contamination In New York Public Housing. (REU, NYT, WSJ, NYDN, NYPOST)
Water
• USA Today Investigation Finds Excessive Lead In Nearly 2,000 Water Systems Nationwide. (USAT, LCJ)
• Newark Public Schools Admit To Knowing About Lead In Water For Several Years. (NYT, WSJ, CNN)
• Thompson Seeks EPA Assessment On Grenada, Mississippi Groundwater Contamination. (WTVATV)
• Additional Reading.
- DHEC Failed To Properly Monitor Water For Lead. (GRNVN)
- Drinking Water Providers Flagged For Contamination. (SSJ)
- Fifteenth Round Of Sebring Water Tests OK. (WFMJTV)
- How Much Lead Is In New Orleans Tap Water? (NOTP)
- Lead In Water At Penfield School: Should Parents Be Concerned? (WHECTV)
- Okaloosa Health Department Releases Water Quality Results. (CRESTVIEW)
- Review Of 5 NC Drinking-Water Systems Reveals Effective Lead-Testing Protocols. (ASHCT)
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Administrator

McCarthy, Snyder To Appear Before House Committee Investigating Flint Today.

The AP (3/16, Flesher) reports Administrator McCarthy "ordered some top staff members in late September to focus on lead contamination in Flint...and said the matter 'could get very big very quickly,' according to emails released Wednesday." In a September 26 email, McCarthy wrote, "Seems like the Flint lead issue is really getting concerning." McCarthy will appear today before the House Oversight and Government Reform Committee, "whose Republican majority has been sharply critical of the agency's actions." Reuters (3/16, Shepardson) reports the email was written several months before the EPA issued an emergency order regarding Flint in January.

The Detroit Free Press (3/16, Spangler) reports that from the emails, "it is clear" that while then-EPA Region 5 Director Susan Hedman "and EPA officials in Chicago had known for months about the problems in Flint, it was only in September that word of how serious those circumstances might turn out to be reached Washington."

The Detroit Free Press (3/16, Spangler) reports that "the two top-most government officials linked to the Flint water crisis" – Gov. Rick Snyder and Administrator McCarthy – will appear before the House committee today. Snyder "will say that the contamination of Flint's water supply was a failure of government at every level: local, state and federal," while McCarthy "will place the blame squarely on the state, criticizing decisions not only by state regulators but by Snyder's hand-picked officials in Flint, saying if the EPA made any mistake it was having been 'so trusting of the state for so long.'"

MLive (MI) (3/16, Fonger) reports that in her statement, McCarthy will say the Flint crisis "is the result of a state-appointed emergency manager's decision to use the Flint River as a water source and state regulators' decision not to require treatment to make the water less corrosive." Roll Call (3/16) reports that Republicans "plan to continuing hammering the EPA on why it knew about the contamination for months but did not ensure that the water was properly treated or that the public was notified." In his prepared opening statement, committee Chairman Jason Chaffetz

says, "If the EPA doesn't know when to step in and ensure a community has safe drinking water, I'm not sure why it exists at all."

WEYI-TV Flint, MI (3/16, 11:05 p.m. ET) reported that Administrator McCarthy "will slam the state, saying, quote, 'From day one, the state provided our regional office with confusing, incomplete, and incorrect information.'" WSMH-TV Flint, MI (3/16, 10:04 p.m. ET) said McCarthy "is expected to get a lot of tough questions, because the EPA has been under fire from the very beginning." WJBK-TV Detroit (3/16, 10:14 p.m. ET), WNEM-TV Flint-Saginaw, MI (3/16, 11:03 p.m. ET), and WXMI-TV Grand Rapids, MI (3/16, 11:23 p.m. ET) also reported on McCarthy's upcoming testimony.

Meanwhile, the AP (3/16) reports that Snyder will say the crisis "represents 'a failure of government at all levels,' but the main culprit" is the Michigan Department of Environmental Quality. The Washington Post (3/16, Bernstein) reports Snyder will say that "'systemic failures' at the state's environmental protection agency led to the poisoning of Flint's water supply." The Hill (DC) (3/16, Cama) reports Snyder plans to use his testimony "to reduce finger-pointing over the Flint drinking water crisis and highlight what he's done to help the city."

The Detroit News (3/16, Livengood) reports Snyder met with Chaffetz and committee ranking Democrat Elijah Cummings on Wednesday "as congressional Democrats said 15 staffers and advisers to Snyder have refused requests to be interviewed or turn over records" related to the Flint crisis. The Detroit Free Press (3/16) reports that a Snyder spokesman said Snyder "has been 'cooperating fully with the congressional investigation and encourage(s) others to do the same.'"

The Detroit News (3/16, Oosting) reports that five families who are in Washington to hear Snyder's testimony have requested a meeting wit the governor, but a spokesperson said it would not fit Snyder's schedule.

Daniel Howes writes in his Detroit News (3/16) column that Snyder will not "point fingers and shift blame because there is plenty to go around" and because "evidence of the state of Michigan's culpability in the Flint water crisis is too overwhelming to ignore. Instead, the governor once again will apologize to Flint residents." But "what good the contrition will do at this point...remains to be seen."

Derrick Z Jackson of the Union of Concerned Scientists (3/16) writes, "It is clear from Tuesday's hearing that the EPA has questions to answer, too. The hearing centered on a preliminary report last June of high lead levels in Flint water by EPA scientist Miguel del Toral. But nearly another half-year passed before the city did anything."

FEMA Rejects Snyder's Request For Additional Funds For Flint. Reuters (3/16, Klayman) reports FEMA has denied Snyder's request for additional funds for Flint. FEMA Associate Administrator Elizabeth Zimmerman said in a letter, "It is recognized that substantial costs have been incurred at the state and local levels in responding to the health concerns associated with the water contamination. The assistance FEMA has provided and continues to provide is intended to address the immediate emergency needs." The Detroit Free Press (3/16, Egan) reports that Snyder, who requested the additional funding two weeks ago, said he is disappointed by the refusal.

The Detroit News (3/16, Burke) reports that Snyder "had specifically requested funding from a program for emergency protective measures to reimburse costs for the provision of food and water and other essential needs, removal of health and safety hazards, activation of state or local emergency operations centers, and emergency measures to protect further damage."

Snyder Calls On Senate To Pass Flint Aid; House Committee Rejects Budget Amendment. The Detroit News (3/16, Burke and Oosting) reports Snyder "is asking Congress to pass 'immediately' the Flint-related bipartisan legislation pending in the Senate 'so we can further protect the health and safety of Flint families.'" It was the first time Snyder "has publicly called on the GOP-controlled U.S. Senate to act on the legislation."

Meanwhile, the Detroit News (3/16, Burke) reports that the House Budget Committee "defeated a Flint-inspired amendment to the proposed Republican budget for $457.5 million in emergency aid targeted at communities with lead-contaminated public drinking water" on a party-line 22-14 vote. The Hill (DC) (3/16, Ferris) reports Rep. Debbie Dingell (D-MI), who has offered the amendment, said, "I'm asking my colleagues to do one vote today in a nonpartisan fashion to just give them hope."

Judge Cancels Hearing On Flint Water Bill Injunction. The AP (3/16) reports that US District Court Judge John Corbett O'Meara, who is "being urged to stop water bills in Flint," has called "a timeout in the dispute," cancelling a hearing on an injunction scheduled for today and instead scheduling a status conference with attorneys on March 23.

Environmental Attorney Hall Joins Michigan AG's Probe. MLive (MI) (3/16, Devereaux) reports that Wayne State University "environmental/water legal expert" Noah Hall, an attorney, has joined Michigan Attorney General Bill Schuette's Flint investigation team. Hall said, "I've never seen an environmental problem affect so many people in such a concentrated way."

Daily Kos (3/16) summarizes the Flint-related events of the week.

McCarthy Addresses National Environmental Justice Advisory Council.

WDAM-TV Hattiesburg, MS (3/16) reports on its website that Administrator McCarthy spoke in Gulfport, Mississippi Wednesday morning at a meeting of the National Environmental Justice Advisory Council. McCarthy said, "Simply put, we're here because there are communities left behind. We are here because there are communities that are continuing to have disproportionate impacts. And for the most part, that's our low income and minority communities."

Additional Reading.

- **I-70 Expansion In North Denver Target Of Lawsuit.** The Denver Post (3/16, Whaley)

Air

EPA Rules That California Air Pollution Reduction Program Is Illegal.

The Los Angeles Business Journal (3/16, Fine) reports that the South Coast Air Quality Management District's controversial Reclaim program, designed "to give local refineries and major manufacturing more flexibility in reduce air pollution," was ruled illegal by the EPA for failing to meet national air standards. The air district has been ordered to "submit new regulations within the next year" to ensure compliance with the Clean Air Act.

Members Of House Divided Over EPA Regulations Affecting Race Cars.

Bloomberg BNA (3/16, Adragna) reports members of the House "went round in circles" this week about whether proposed EPA emissions standards "would effectively outlaw part of the amateur car racing industry. Racing industry representatives and Republicans argued language in the

proposed regulations would contradict decades of precedent under the Clean Air Act" by letting the EPA assert regulatory authority "over vehicles no longer in use on roadways or for transportation," while Democrats said the EPA "was attempting to clarify its long-standing interpretation of the statute and did not intend to pursue enforcement actions against individual car enthusiasts."

Jalopnik (3/16, Schrader) reports that a House panel "hosted three experts to talk about the bill itself and explain what kind of impact the EPA's proposed changes would have on the motorsports industry, the racing community and the environment."

Brownfields/Superfund/Other Cleanups

Senior Engineer Said He Was "Not Happy" With Interior Department Report On Gold King Mine.

The Washington Times (3/16, Richardson) reports US Army Corps of Engineers senior geotechnical engineer Richard Olsen, who was in charge of "reviewing the Interior Department's report on the Gold King Mine spill, said he had misgivings about it but felt under pressure to sign off, according to emails released Tuesday." In an October 14 email, he wrote, "I'm not happy with the report." He also "implied that the department may have been too close to the EPA to conduct a truly independent probe, saying, 'The issue is that they work a lot with EPA on mining issues.'"

Daily Caller: EPA Has "Done Little" To Clear Up Incident. The Daily Caller (3/16, Bastasch, Barton) writes that the EPA has "done little to clear up unexplained aspects surrounding the Gold King Mine blowout" and has "given shifting accounts of how three million gallons of mine waste was spilled into drinking water for three states and the Navajo Nation." The Caller says EPA workers "inexplicably [built] a channel for draining mine waste" and "opened up the mine without the proper equipment on-site that day."

In a letter to the editor of the Wall Street Journal (3/16), James Snead of Virginia Beach, Virginia criticizes the EPA for not firing anyone over the spill.

Climate Change

Scholar Says Supreme Court Stay Does Not Bar All EPA Action On Clean Power Plan.

Richard Revesz of the New York University School and director of the Institute for Policy Integrity, writes for The Hill (DC) (3/16, Revesz) that while last month's Supreme Court stay of the Clean Power Plan "unquestionably bars the Environmental Protection Agency (EPA) from enforcing any of the rule's requirements until the lawsuits against it are fully resolved," claims that "the stay requires the EPA to halt all work" related to the rule are "spurious." Revesz says there is "ample precedent for federal agencies continuing to work on policies stayed by courts."

Fort Collins, Colorado To Join Brief Supporting EPA Over Clean Power Plan. The Fort Collins (CO) Coloradoan (3/16, Duggan) reports the Fort Collins, Colorado City Council voted 5-2 Tuesday evening "to join a coalition of entities from across the country participating in an amicus curiae, or friend of the court, brief expected to be filed" in support of the EPA "and the implementation of its Clean Power Plan Rule."

Smith Says NOAA Climate Data Adjustment Politically Motivated.

The Hill (DC) (3/16, Cama) reports that House Science, Space, and Technology Chairman Lamar Smith "faced off on Wednesday" with NOAA Administrator Kathryn Sullivan. Smith said of the

NOAA's upward adjustment of historical temperature data, "The goal was clear from the start: remove a weakness in the administration's climate change agenda." Sullivan stood by the research and her agency's response to the committee, saying, "We fully respect the committee's oversight responsibilities and have been working diligently since your very first letter to do precisely that."

New Orleans Mayor Urges State To Recognize Climate Change Threat.

The New Orleans Times-Picayune (3/16) reports that New Orleans Mayor Mitch Landrieu on Wednesday urged the state Coastal Protection and Restoration Authority to address the causes and effects of climate change, which he described as an "existential threat" to the city. "We're losing a hundred yards every 45 minutes," Landrieu said, "It's the result of rising sea level, it's the result of hurricanes. It's the result of climate change."

International Energy Agency: World Economy Grows As Carbon Dioxide Emissions Stable.

Think Progress (3/16, Romm) reports that the International Energy Agency "has confirmed that global carbon dioxide emissions have decoupled from economic growth. The IEA reports that for the second year in a row, the world economy has grown while energy-related CO2 emissions – the primary cause of climate change – remained flat, thanks to energy efficiency and a big surge in renewables." US emissions were down two percent "and China's 1.5 percent, 'as coal use dropped for the second year in a row.'"

Additional Reading.

- **Industry Groups Say EPA Methane Reduction Plan Costly, Unneeded.** Bakken Magazine (ND) (3/16, Miller)

Energy

US Opens Up New York Coast For Wind Development.

The AP (3/16, Long) reports that on Wednesday the US government dedicated 125 square miles off New York's coast to develop wind energy, "pushing forward a renewable energy proposal" created in 2011 by New York utilities. The AP writes that at least five companies expressed an interest in developing wind farms in the area. The New York Times (3/16, Schlossberg) adds that "New Yorkers will not be seeing offshore turbines anytime soon," given the leases are 11 nautical miles from the shoreline, and the several-year process of planning the wind farm which includes environmental assessments, an auction and submitting plans for public comment.

POLITICO New York (3/16, Waldman) reports that Interior Secretary Sally Jewell said the state has "tremendous" offshore wind potential, adding that opening these leases "marks another important step in the president's strategy to tap clean, renewable energy from the nation's vast wind and solar resources." Politico writes that the "wind currents off of Long Island" are some of the best in the world, and that large wind farms "will be essential" for New York to meet "Gov. Andrew Cuomo's push to power half of the electrical grid with renewable energy by 2030."

But, Newsday (NY) (3/16, Harrington) reports construction isn't expected to begin until 2022 according to federal officials, "if the site is ultimately approved at all." Newsday writes that busy shipping lanes will complicate the wind development and "commercial fishing interests widely oppose the site."

Additional Reading.

- **This Chart Shows The EPA And Natural Gas Dethroned King Coal.** The Daily Caller (3/16, Follett)

Hazardous Waste

Kentucky AG Begins Investigation Into Alleged Illegal Dumping.

The Louisville (KY) Courier-Journal (3/16, Bruggers) reports Kentucky Attorney General Andy Beshear has "opened an investigation into what other state officials have described as illegal dumping of out-of-state radioactive oil and gas drilling waste" in Estill and Greenup counties. In a written statement, Beshear "said that 'protecting Kentucky families is my top priority, so I am particularly troubled that the Blue Ridge Landfill in Irvine allegedly containing these hazardous materials is located across the road from two schools.'"

International

Doubling Renewables By 2030 May Save $4.2 Trillion Per Year Worldwide.

Reuters (3/16) reports that doubling renewable energy sources to 36% by 2030 could save the global economy as much as $4.2 trillion yearly, according to an International Renewable Energy Agency report released on Wednesday. Reuters writes that under existing frameworks renewables are projected to reach 21% by 2030. The article says IRENA's report estimates that it would cost $290 billion a year to double renewables share in the energy mix, but total savings from pollution and emission reductions would be $1.2 to $4.2 trillion. "Achieving a doubling is not only feasible, it is cheaper than not doing so," says IRENA Director General Adnan Amin in a statement.

Mexico City Extends Air Pollution Alert.

The AP (3/17, Castillo) reports that "authorities in greater Mexico City extended an air pollution alert for a fourth day, as smog levels improved slightly but pollution remained at almost 1 1/2 times acceptable limits in some areas." For the first time in 11 years, "hundreds of thousands of cars" sat idle Wednesday as the city "offered free subway and bus rides." In a "rotating scheme, a different but equivalent set of cars will be told to stay off the streets Thursday."

Other

Garland Said To Have "Record Of Siding With Environmental Regulators."

The Daily Caller (3/16, White) writes that Supreme Court nominee Merrick Garland "has a record of siding with environmental regulators over coal producers, among other fossil fuel groups, according to the Governor's Wind & Solar Energy Coalition." Tom Goldstein of SCOTUSblog wrote in 2010, when Garland was also under consideration for the court, that Garland "is a mixed bag on environmental issues, delivering decisions that both favor 'contesting EPA regulations' and those giving deference to EPA's overarching regulatory hand." He was on the US Court of Appeals for the District of Columbia Circuit when it upheld the EPA's mercury standards for power plants in 2014, a decision later overturned by the Supreme Court. Reuters (3/16, Hurley) also says Garland has shown sympathy toward government regulators on the bench.

McCabe To Address Renewable Energy Forum Today.

The Hill (DC) (3/16, Cama, Henry) reports an annual policy forum will be held today by the American Council for Renewable Energy. EPA Acting Assistant Administrator for the Office of Air and Radiation Janet McCabe is among the scheduled speakers.

Rules/Regulations/Policy

House Republicans Concerned Over EPA's Takeover Of Ethanol Fuel Standards In 2022.

The Hill (DC) (3/16, Henry) reports Republicans on the House Oversight and Government Reform Committee raised questions Wednesday about the EPA's "potential eventual control over the federal ethanol fuel mandate." Congress "has provided the EPA with statutory blending requirements until 2022," at which time the EPA can set Renewable Fuel Standard levels on its own. Republicans, "many of whom oppose the mandate," said they are "confused about what the EPA will do." Rep. Ken Buck (R-CO) asked, "When does the market kick in? When does a consumer get to say, I want E85, I want E10, I want E0?" EPA Office of Transportation and Air Quality Director Christopher Grundler told the committee that Congress "gave it a list of factors to consider should 2022 come around and the EPA takes over the formulation of blending levels."

Additional Reading.

- **US EPA "Analyzing" Potential Shift In RFS Obligation From Refiners To Blenders.** Platts (3/16, Wang)

Toxics/TSCA

Justice Department Looking Into Lead Contamination In New York Public Housing.

Reuters (3/16, Raymond, Pierson) reports the Justice Department has opened a civil investigation regarding lead in New York public housing. The New York Times (3/16, Navarro, Rashbaum) reports the inquiry by US Attorney Preet Bharara is due to "the possibility that the New York City Housing Authority filed false claims to federal housing officials for payment related to the conditions." The Wall Street Journal (3/16, O'Brien) reports prosecutors have asked a federal judge to compel the city to provide information including "documents reflecting complaints of unsafe, unsanitary, or unhealthful conditions in NYCHA public housing."

The New York Daily News (3/16, Smith) reports that Bharara on Wednesday "demanded records from the city Health Department related to 'unhealthy and unsafe' conditions in Housing Authority apartments and shelters, including data on residents with elevated blood-lead levels." The New York Post (3/16) reports that "last November, the government asked the city Department of Health and Mental Hygiene, in a 10-page civil investigative demand for information, 'about individuals with elevated blood-lead levels in NYCHA public housing and documents reflecting complaints of unsafe, unsanitary or unhealthful conditions.'"

Water

USA Today Investigation Finds Excessive Lead In Nearly 2,000 Water Systems Nationwide.

In a 3,500-word front-page feature, USA Today (3/16, A1, Young, Nichols) investigates lead in water across the US, writing that it "has identified almost 2,000 additional water systems spanning all 50 states where testing has shown excessive levels of lead contamination over the past four years." The water systems, "which reported lead levels exceeding Environmental Protection

Agency standards, collectively supply water to 6 million people," with about 350 of them providing "drinking water to schools or day cares." A water sample at one Maine elementary school "was 42 times higher than the EPA limit of 15 parts per billion, while a Pennsylvania preschool was 14 times higher."

The Louisville (KY) Courier-Journal (3/16, Bruggers) reports the USA Today investigation found that "all water utilities in Kentucky and Southern Indiana...comply with a federal lead drinking water rule," but the EPA is still "calling on all states to do more to make sure their residents know which communities have lead problems and where lead service lines remain, amid a growing refrain that the EPA rules aren't protective enough."

Newark Public Schools Admit To Knowing About Lead In Water For Several Years.

The New York Times (3/16, McGeehan) reports Newark Public Schools officials acknowledged Wednesday "that water in the city's schools had contained elevated levels of lead for years." Reports from the New Jersey Department of Environmental Protection to be released today "showed that levels of lead above 15 parts per billion...had been found in about 250 samples of water in the schools in the past four years." Newark Public Schools Superintendent Christopher Cerf told the Times, "As a parent, I too find the fact that the district has identified elevated levels of lead in water in each of these past years extremely concerning."

The Wall Street Journal (3/16, King, Brody) reports that more than 100 people turned out for a school advisory board meeting on the lead issue Wednesday. Cerf, who became superintendent in July, declined to say whether his predecessors should have taken more aggressive action. He said, "I decided that whatever past practices had been, and I'm not going to judge them, that the appropriate thing to do was to contact experts and be transparent by getting the data out into the world." CNN (3/16, Jorgensen) also has a report on its website.

Thompson Seeks EPA Assessment On Grenada, Mississippi Groundwater Contamination.

WTVA-TV Columbus, MS (3/16, 6:02 p.m. CT) reported that Rep. Bennie Thompson (D-MS) "is asking for a new set of eyes on the EPA's investigation into contamination of groundwater and the air in the East Heights Community in Grenada. … Thompson sent a letter to EPA Administrator Gina McCarthy Monday criticizing the agency's handling of industrial solvent contamination under parts of the subdivision off Moose Lodge Road. He says the agency has known of the problem since 1993, but has done nothing to help the residents there. … Thompson wants environmental investigators to do an assessment on the contamination."

Additional Reading.

- **DHEC Failed To Properly Monitor Water For Lead.** The Greenville (SC) News (3/16)
- **Drinking Water Providers Flagged For Contamination.** The Salem (OR) Statesman Journal (3/16, Loew)
- **Fifteenth Round Of Sebring Water Tests OK.** WFMJ-TV Youngstown, OH (3/16)
- **How Much Lead Is In New Orleans Tap Water?** The New Orleans Times-Picayune (3/16, Granger)
- **Lead In Water At Penfield School: Should Parents Be Concerned?** WHEC-TV Rochester, NY (3/16)
- **Okaloosa Health Department Releases Water Quality Results.** The Crestview (FL) News Bulletin (3/16)
- **Review Of 5 NC Drinking-Water Systems Reveals Effective Lead-Testing Protocols.** The Asheville (NC) Citizen-Times (3/16, Cronin)

Last Laughs

Late Night Humor.

Jimmy Kimmel: Tuesday was a "very disappointing night for Bernie Sanders, which was a little bit of a surprise. He seemed to be polling very well among everyone's most annoying Facebook friends."

Jimmy Kimmel: Both Hillary Clinton and Donald Trump "have very high unfavorability ratings. Hillary is 53% unfavorable and Trump clocks in at an extraordinary 63% unfavorable, which I think, like, Jared from Subway has higher than that. This election is going to be the political equivalent of having lunch at Panda Express – nobody wins."

Jimmy Kimmel: "A disappointing finish for Marco Rubio, a man who fueled his campaign with all the fire and spontaneity of Vicki the robot from 'Small Wonder.'"

Jimmy Kimmel: "Rubio dropped out of the race. He went back to Washington and locked his office door to make sure no Supreme Court nominees get in. So good luck to him."

Stephen Colbert: "To secure the nomination at the convention in Cleveland this summer, [Gov. John] Kasich would have to get 116% of the remaining delegates. We'd have to make him governor of every remaining state, plus some states we don't even have yet."

Stephen Colbert: "And if Ted Cruz is right, if every single anti-Trump voter unites behind him, he could get enough delegates to be the nominee. Then the GOP establishment can say, 'Goodbye, candidate we don't like. Hello, candidate we can't stand.'"

Stephen Colbert: "But if Cruz can't do it, there is one other way to deny Trump the nomination: a brokered convention. ... If Donald Trump doesn't get 1,237 delegates in the first round of voting, they're all free to vote for whoever. Great news. The Republican campaign could start all over again, only this time crammed into a week. So you can binge-watch the death of the GOP."

Jimmy Fallon: "It was a huge night for Hillary Clinton, who won in five states. And afterwards she gave a speech and graciously thanked Bernie Sanders for the vigorous campaign he's waging, then said, 'and losing.'"

Jimmy Fallon: "Meanwhile, during Bernie Sanders' speech after the losses, Bernie spoke up against the family that owns Walmart for paying low wages, which could backfire in a couple weeks when Bernie winds up working as a greeter."

Jimmy Fallon: "Donald Trump won every Republican state primary last night except for Ohio, which went to John Kasich. Trump didn't seem to mind since, as he put it, 'The word 'Ohio' is full of zeros.'"

Jimmy Fallon: "The other big story from last night was that Marco Rubio pulled out of the race after losing the Florida primary to Trump by almost 20 points. But it still is a great story. I mean, nothing symbolizes America more than the son of poor immigrants growing up to run for president and then being crushed by a billionaire."

Jimmy Fallon: "President Obama nominated Appeals Court Judge Merrick Garland to serve on the Supreme Court. Judge Garland actually got choked up while accepting President Obama's nomination in the White House Rose Garden, especially when Obama was like, 'Will you accept this rose?'"

Seth Meyers: "Donald Trump won yesterday's Republican primaries in Florida, Illinois, and North Carolina. Trump did especially well with white males, Caucasian men, and non-women of no color."

Seth Meyers: "According to exit poll data, two-thirds of Republican voters in yesterday's Florida primary were older than 50 and the other one-third were their parents."

Seth Meyers: "After finishing a distant second in his home state of Florida, Marco Rubio announced yesterday that he is ending his campaign. Rubio plans to return to his old job as a Lego businessman."

Seth Meyers: "When announcing last night that he is dropping out, Marco Rubio told supporters, 'We should have seen this coming.' If it makes you feel any better, Marco, we did."

Seth Meyers: "Hillary Clinton won yesterday's primaries in Florida, Illinois, North Carolina, and Ohio. And you can tell she's feeling confident, because she gave her victory speech from the Oval Office."

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TO: **ADMINISTRATOR AND SENIOR EXECUTIVES**

DATE: **THURSDAY, MARCH 17, 2016 7:00 AM EDT**

TODAY'S EDITION

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ADMINISTRATOR:

McCarthy, Snyder To Appear Before House Committee Investigating Flint Today. The AP (3/16, Flesher) reports Administrator McCarthy "ordered some top staff members in late September to focus on lead contamination in Flint...and said the matter 'could get very big very quickly,' according to emails released Wednesday." In a September 26 email, McCarthy wrote, "Seems like the Flint lead issue is really getting concerning." McCarthy will appear today before the House Oversight and Government Reform Committee, "whose Republican majority has been sharply critical of the agency's actions." Reuters (3/16, Shepardson) reports the email was written several months before the EPA issued an emergency order regarding Flint in January.

The Detroit Free Press (3/16, Spangler) reports that from the emails, "it is clear" that while then-EPA Region 5 Director Susan Hedman "and EPA officials in Chicago had known for months about the problems in Flint, it was only in September that word of how serious those circumstances might turn out to be reached Washington."

The Detroit Free Press (3/16, Spangler) reports that "the two top-most government officials linked to the Flint water crisis" – Gov. Rick Snyder and Administrator McCarthy – will appear before the House committee today. Snyder "will say that the contamination of Flint's water supply was a failure of government at every level: local, state and federal," while McCarthy "will place the blame squarely on the state, criticizing decisions not only by state regulators but by Snyder's hand-picked officials in Flint, saying if the EPA made any mistake it was having been 'so trusting of the state for so long.'"

MLive (MI) (3/16, Fonger) reports that in her statement, McCarthy will say the Flint crisis "is the result of a state-appointed emergency manager's decision to use the Flint River as a water source and state regulators' decision not to require treatment to make the water less corrosive." Roll Call (3/16) reports that Republicans "plan to continuing hammering the EPA on why it knew about the contamination for months but did not ensure that the water was properly treated or that the public was notified." In his prepared opening statement, committee Chairman Jason Chaffetz says, "If the EPA doesn't know when to step in and ensure a community has safe drinking water, I'm not sure why it exists at all."

WEYI-TV Flint, MI (3/16, 11:05 p.m. ET) reported that Administrator McCarthy "will slam the state, saying, quote, 'From day one, the state provided our regional office with confusing, incomplete, and incorrect information.'" WSMH-TV Flint, MI (3/16, 10:04 p.m. ET) said McCarthy "is expected to get a lot of tough questions, because the EPA has been under fire from the very beginning." WJBK-TV Detroit (3/16, 10:14 p.m.

ET), WNEM-TV Flint-Saginaw, MI (3/16, 11:03 p.m. ET), and WXMI-TV Grand Rapids, MI (3/16, 11:23 p.m. ET) also reported on McCarthy's upcoming testimony.

Meanwhile, the AP (3/16) reports that Snyder will say the crisis "represents 'a failure of government at all levels,' but the main culprit" is the Michigan Department of Environmental Quality. The Washington Post (3/16, Bernstein) reports Snyder will say that "'systemic failures' at the state's environmental protection agency led to the poisoning of Flint's water supply." The Hill (DC) (3/16, Cama) reports Snyder plans to use his testimony "to reduce finger-pointing over the Flint drinking water crisis and highlight what he's done to help the city."

The Detroit News (3/16, Livengood) reports Snyder met with Chaffetz and committee ranking Democrat Elijah Cummings on Wednesday "as congressional Democrats said 15 staffers and advisers to Snyder have refused requests to be interviewed or turn over records" related to the Flint crisis. The Detroit Free Press (3/16) reports that a Snyder spokesman said Snyder "has been 'cooperating fully with the congressional investigation and encourage(s) others to do the same.'"

The Detroit News (3/16, Oosting) reports that five families who are in Washington to hear Snyder's testimony have requested a meeting wit the governor, but a spokesperson said it would not fit Snyder's schedule.

Daniel Howes writes in his Detroit News (3/16) column that Snyder will not "point fingers and shift blame because there is plenty to go around" and because "evidence of the state of Michigan's culpability in the Flint water crisis is too overwhelming to ignore. Instead, the governor once again will apologize to Flint residents." But "what good the contrition will do at this point...remains to be seen."

Derrick Z Jackson of the Union of Concerned Scientists (3/16) writes, "It is clear from Tuesday's hearing that the EPA has questions to answer, too. The hearing centered on a preliminary report last June of high lead levels in Flint water by EPA scientist Miguel del Toral. But nearly another half-year passed before the city did anything."

FEMA Rejects Snyder's Request For Additional Funds For Flint. Reuters (3/16, Klayman) reports FEMA has denied Snyder's request for additional funds for Flint. FEMA Associate Administrator Elizabeth Zimmerman said in a letter, "It is recognized that substantial costs have been incurred at the state and local levels in responding to the health concerns associated with the water contamination. The assistance FEMA has provided and continues to provide is intended to address the immediate emergency needs." The Detroit Free Press (3/16, Egan) reports that Snyder, who requested the additional funding two weeks ago, said he is disappointed by the refusal.

The Detroit News (3/16, Burke) reports that Snyder "had specifically requested funding from a program for emergency protective measures to reimburse costs for the provision of food and water and other essential needs, removal of health and safety hazards, activation of state or local emergency operations centers, and emergency measures to protect further damage."

Snyder Calls On Senate To Pass Flint Aid; House Committee Rejects Budget Amendment. The Detroit News (3/16, Burke and Oosting) reports Snyder "is asking Congress to pass 'immediately' the Flint-related bipartisan legislation pending in the Senate 'so we can further protect the health and safety of Flint families.'" It was the first time Snyder "has publicly called on the GOP-controlled U.S. Senate to act on the legislation."

Meanwhile, the Detroit News (3/16, Burke) reports that the House Budget Committee "defeated a Flint-inspired amendment to the proposed Republican budget for $457.5 million in emergency aid targeted at communities with lead-contaminated public drinking water" on a party-line 22-14 vote. The Hill (DC) (3/16, Ferris) reports Rep. Debbie Dingell (D-MI), who has offered the amendment, said, "I'm asking my colleagues to do one vote today in a nonpartisan fashion to just give them hope."

Judge Cancels Hearing On Flint Water Bill Injunction. The AP (3/16) reports that US District Court Judge John Corbett O'Meara, who is "being urged to stop water bills in Flint," has called "a timeout in the dispute," cancelling a hearing on an injunction scheduled for today and instead scheduling a status conference with attorneys on March 23.

Environmental Attorney Hall Joins Michigan AG's Probe. MLive (MI) (3/16, Devereaux) reports that Wayne State University "environmental/water legal expert" Noah Hall, an attorney, has joined Michigan Attorney General Bill Schuette's Flint investigation team. Hall said, "I've never seen an environmental problem affect so many people in such a concentrated way."

Daily Kos (3/16) summarizes the Flint-related events of the week.

McCarthy Addresses National Environmental Justice Advisory Council. WDAM-TV Hattiesburg, MS (3/16) reports on its website that Administrator McCarthy spoke in Gulfport, Mississippi Wednesday morning at a meeting of the National Environmental Justice Advisory Council. McCarthy said, "Simply put, we're here because there are communities left behind. We are here because there are communities that are continuing to have disproportionate impacts. And for the most part, that's our low income and minority communities."

Additional Reading.

- ***I-70 Expansion In North Denver Target Of Lawsuit.*** The Denver Post (3/16, Whaley)

AIR:

EPA Rules That California Air Pollution Reduction Program Is Illegal. The Los Angeles Business Journal (3/16, Fine) reports that the South Coast Air Quality Management District's controversial Reclaim program, designed "to give local refineries and major manufacturing more flexibility in reduce air pollution," was ruled illegal by the EPA for failing to meet national air standards. The air district has been ordered to "submit new regulations within the next year" to ensure compliance with the Clean Air Act.

Members Of House Divided Over EPA Regulations Affecting Race Cars. Bloomberg BNA (3/16, Adragna) reports members of the House "went round in circles" this week about whether proposed EPA emissions standards "would effectively outlaw part of the amateur car racing industry. Racing industry representatives and Republicans argued language in the proposed regulations would contradict decades of precedent under the Clean Air Act" by letting the EPA assert regulatory authority "over vehicles no longer in use on roadways or for transportation," while Democrats said the EPA "was attempting to clarify its long-standing interpretation of the statute and did not intend to pursue enforcement actions against individual car enthusiasts."

Jalopnik (3/16, Schrader) reports that a House panel "hosted three experts to talk about the bill itself and explain what kind of impact the EPA's proposed changes would have on the motorsports industry, the racing community and the environment."

BROWNFIELDS/SUPERFUND/OTHER CLEANUPS:

Senior Engineer Said He Was "Not Happy" With Interior Department Report On Gold King Mine. The Washington Times (3/16, Richardson) reports US Army Corps of Engineers senior geotechnical engineer Richard Olsen, who was in charge of "reviewing the Interior Department's report on the Gold King Mine spill, said he had misgivings about it but felt under pressure to sign off, according to emails released Tuesday." In an October 14 email, he wrote, "I'm not happy with the report." He also "implied that the department may have been too close to the EPA to conduct a truly independent probe, saying, 'The issue is that they work a lot with EPA on mining issues.'"

Daily Caller: EPA Has "Done Little" To Clear Up Incident. The Daily Caller (3/16, Bastasch, Barton) writes that the EPA has "done little to clear up unexplained aspects surrounding the Gold King Mine blowout" and has "given shifting accounts of how three million gallons of mine waste was spilled into drinking water for three states and the Navajo Nation." The Caller says EPA workers "inexplicably [built] a channel for draining mine waste" and "opened up the mine without the proper equipment on-site that day."

In a letter to the editor of the Wall Street Journal (3/16), James Snead of Virginia Beach, Virginia criticizes the EPA for not firing anyone over the spill.

CLIMATE CHANGE:

Scholar Says Supreme Court Stay Does Not Bar All EPA Action On Clean Power Plan. Richard Revesz of the New York University School and director of the Institute for Policy Integrity, writes for The Hill (DC) (3/16, Revesz) that while last month's Supreme Court stay of the Clean Power Plan "unquestionably bars the Environmental Protection Agency (EPA)

from enforcing any of the rule's requirements until the lawsuits against it are fully resolved," claims that "the stay requires the EPA to halt all work" related to the rule are "spurious." Revesz says there is "ample precedent for federal agencies continuing to work on policies stayed by courts."

Fort Collins, Colorado To Join Brief Supporting EPA Over Clean Power Plan. The Fort Collins (CO) Coloradoan (3/16, Duggan) reports the Fort Collins, Colorado City Council voted 5-2 Tuesday evening "to join a coalition of entities from across the country participating in an amicus curiae, or friend of the court, brief expected to be filed" in support of the EPA "and the implementation of its Clean Power Plan Rule."

Smith Says NOAA Climate Data Adjustment Politically Motivated. The Hill (DC) (3/16, Cama) reports that House Science, Space, and Technology Chairman Lamar Smith "faced off on Wednesday" with NOAA Administrator Kathryn Sullivan. Smith said of the NOAA's upward adjustment of historical temperature data, "The goal was clear from the start: remove a weakness in the administration's climate change agenda." Sullivan stood by the research and her agency's response to the committee, saying, "We fully respect the committee's oversight responsibilities and have been working diligently since your very first letter to do precisely that."

New Orleans Mayor Urges State To Recognize Climate Change Threat. The New Orleans Times-Picayune (3/16) reports that New Orleans Mayor Mitch Landrieu on Wednesday urged the state Coastal Protection and Restoration Authority to address the causes and effects of climate change, which he described as an "existential threat" to the city. "We're losing a hundred yards every 45 minutes," Landrieu said, "It's the result of rising sea level, it's the result of hurricanes. It's the result of climate change."

International Energy Agency: World Economy Grows As Carbon Dioxide Emissions Stable. Think Progress (3/16, Romm) reports that the International Energy Agency "has confirmed that global carbon dioxide emissions have decoupled from economic growth. The IEA reports that for the second year in a row, the world economy has grown while energy-related CO2 emissions – the primary cause of climate change – remained flat, thanks to energy efficiency and a big surge in renewables." US emissions were down two percent "and China's 1.5 percent, 'as coal use dropped for the second year in a row.'"

Additional Reading.

- ***Industry Groups Say EPA Methane Reduction Plan Costly, Unneeded.*** Bakken Magazine (ND) (3/16, Miller)

ENERGY:

US Opens Up New York Coast For Wind Development. The AP (3/16, Long) reports that on Wednesday the US government dedicated 125 square miles off New York's coast to develop wind energy, "pushing forward a renewable energy proposal" created in 2011 by New York utilities. The AP writes that at least five companies expressed an interest in developing wind farms in the area. The New York Times (3/16, Schlossberg) adds that "New Yorkers will not be seeing offshore turbines anytime soon," given the leases are 11 nautical miles from the shoreline, and the several-year process of planning the wind farm which includes environmental assessments, an auction and submitting plans for public comment.

POLITICO New York (3/16, Waldman) reports that Interior Secretary Sally Jewell said the state has "tremendous" offshore wind potential, adding that opening these leases "marks another important step in the president's strategy to tap clean, renewable energy from the nation's vast wind and solar resources." Politico writes that the "wind currents off of Long Island" are some of the best in the world, and that large wind farms "will be essential" for New York to meet "Gov. Andrew Cuomo's push to power half of the electrical grid with renewable energy by 2030."

But, Newsday (NY) (3/16, Harrington) reports construction isn't expected to begin until 2022 according to federal officials, "if the site is ultimately approved at all." Newsday writes that busy shipping lanes will complicate the wind development and "commercial fishing interests widely oppose the site."

Additional Reading.

- ***This Chart Shows The EPA And Natural Gas Dethroned King Coal.*** The Daily Caller (3/16, Follett)

HAZARDOUS WASTE:

Kentucky AG Begins Investigation Into Alleged Illegal Dumping. The Louisville (KY) Courier-Journal (3/16, Bruggers) reports Kentucky Attorney General Andy Beshear has "opened an investigation into what other state officials have described as illegal dumping of out-of-state radioactive oil and gas drilling waste" in Estill and Greenup counties. In a written statement, Beshear "said that 'protecting Kentucky families is my top priority, so I am particularly troubled that the Blue Ridge Landfill in Irvine allegedly containing these hazardous materials is located across the road from two schools.'"

INTERNATIONAL:

Doubling Renewables By 2030 May Save $4.2 Trillion Per Year Worldwide. Reuters (3/16) reports that doubling renewable energy sources to 36% by 2030 could save the global economy as much as $4.2 trillion yearly, according to an International Renewable Energy Agency report released on Wednesday. Reuters writes that under existing frameworks renewables are projected to reach 21% by 2030. The article says IRENA's report estimates that it would cost $290 billion a year to double renewables share in the energy mix, but total savings from pollution and emission reductions would be $1.2 to $4.2 trillion. "Achieving a doubling is not only feasible, it is cheaper than not doing so," says IRENA Director General Adnan Amin in a statement.

Mexico City Extends Air Pollution Alert. The AP (3/17, Castillo) reports that "authorities in greater Mexico City extended an air pollution alert for a fourth day, as smog levels improved slightly but pollution remained at almost 1 1/2 times acceptable limits in some areas." For the first time in 11 years, "hundreds of thousands of cars" sat idle Wednesday as the city "offered free subway and bus rides." In a "rotating scheme, a different but equivalent set of cars will be told to stay off the streets Thursday."

OTHER:

Garland Said To Have "Record Of Siding With Environmental Regulators." The Daily Caller (3/16, White) writes that Supreme Court nominee Merrick Garland "has a record of siding with environmental regulators over coal producers, among other fossil fuel groups, according to the Governor's Wind & Solar Energy Coalition." Tom Goldstein of SCOTUSblog wrote in 2010, when Garland was also under consideration for the court, that Garland "is a mixed bag on environmental issues, delivering decisions that both favor 'contesting EPA regulations' and those giving deference to EPA's overarching regulatory hand." He was on the US Court of Appeals for the District of Columbia Circuit when it upheld the EPA's mercury standards for power plants in 2014, a decision later overturned by the Supreme Court. Reuters (3/16, Hurley) also says Garland has shown sympathy toward government regulators on the bench.

McCabe To Address Renewable Energy Forum Today. The Hill (DC) (3/16, Cama, Henry) reports an annual policy forum will be held today by the American Council for Renewable Energy. EPA Acting Assistant Administrator for the Office of Air and Radiation Janet McCabe is among the scheduled speakers.

RULES/REGULATIONS/POLICY:

House Republicans Concerned Over EPA's Takeover Of Ethanol Fuel Standards In 2022. The Hill (DC) (3/16, Henry) reports Republicans on the House Oversight and Government Reform Committee raised questions Wednesday about the EPA's "potential eventual control over the federal ethanol fuel mandate." Congress "has provided the EPA with statutory blending requirements until 2022," at which time the EPA can set Renewable Fuel Standard levels on its own. Republicans, "many of whom oppose the mandate," said they are "confused about what the EPA will do." Rep. Ken Buck (R-CO) asked, "When does the market kick in? When does a consumer get to say, I want E85, I want E10, I want E0?" EPA Office of Transportation and Air Quality Director Christopher Grundler told the committee that Congress "gave it a list of factors to consider should 2022 come around and the EPA takes over the formulation of blending levels."

Additional Reading.

- ***US EPA "Analyzing" Potential Shift In RFS Obligation From Refiners To Blenders.*** Platts (3/16, Wang)

TOXICS/TSCA:

Justice Department Looking Into Lead Contamination In New York Public Housing. Reuters (3/16, Raymond, Pierson) reports the Justice Department has opened a civil investigation regarding lead in New York public housing. The New York Times (3/16, Navarro, Rashbaum) reports the inquiry by US Attorney Preet Bharara is due to "the possibility that the New York City Housing Authority filed false claims to federal housing officials for payment related to the conditions." The Wall Street Journal (3/16, O'Brien) reports prosecutors have asked a federal judge to compel the city to provide information including "documents reflecting complaints of unsafe, unsanitary, or unhealthful conditions in NYCHA public housing."

The New York Daily News (3/16, Smith) reports that Bharara on Wednesday "demanded records from the city Health Department related to 'unhealthy and unsafe' conditions in Housing Authority apartments and shelters, including data on residents with elevated blood-lead levels." The New York Post (3/16) reports that "last November, the government asked the city Department of Health and Mental Hygiene, in a 10-page civil investigative demand for information, 'about individuals with elevated blood-lead levels in NYCHA public housing and documents reflecting complaints of unsafe, unsanitary or unhealthful conditions.'"

WATER:

USA Today Investigation Finds Excessive Lead In Nearly 2,000 Water Systems Nationwide. In a 3,500-word front-page feature, USA Today (3/16, A1, Young, Nichols) investigates lead in water across the US, writing that it "has identified almost 2,000 additional water systems spanning all 50 states where testing has shown excessive levels of lead contamination over the past four years." The water systems, "which reported lead levels exceeding Environmental Protection Agency standards, collectively supply water to 6 million people," with about 350 of them providing "drinking water to schools or day cares." A water sample at one Maine elementary school "was 42 times higher than the EPA limit of 15 parts per billion, while a Pennsylvania preschool was 14 times higher."

The Louisville (KY) Courier-Journal (3/16, Bruggers) reports the USA Today investigation found that "all water utilities in Kentucky and Southern Indiana...comply with a federal lead drinking water rule," but the EPA is still "calling on all states to do more to make sure their residents know which communities have lead problems and where lead service lines remain, amid a growing refrain that the EPA rules aren't protective enough."

Newark Public Schools Admit To Knowing About Lead In Water For Several Years. The New York Times (3/16, McGeehan) reports Newark Public Schools officials acknowledged Wednesday "that water in the city's schools had contained elevated levels of lead for years." Reports from the New Jersey Department of Environmental Protection to be released today "showed that levels of lead above 15 parts per billion...had been found in about 250 samples of water in the schools in the past four years." Newark Public Schools Superintendent Christopher Cerf told the Times, "As a parent, I too find the fact that the district has identified elevated levels of lead in water in each of these past years extremely concerning."

The Wall Street Journal (3/16, King, Brody) reports that more than 100 people turned out for a school advisory board meeting on the lead issue Wednesday. Cerf, who became superintendent in July, declined to say whether his predecessors should have taken more aggressive action. He said, "I decided that whatever past practices had been, and I'm not going to judge them, that the appropriate thing to do was to contact experts and be transparent by getting the data out into the world." CNN (3/16, Jorgensen) also has a report on its website.

Thompson Seeks EPA Assessment On Grenada, Mississippi Groundwater Contamination. WTVA-TV Columbus, MS (3/16, 6:02 p.m. CT) reported that Rep. Bennie Thompson (D-MS) "is asking for a new set of eyes on the EPA's investigation into contamination of groundwater and the air in the East Heights

Community in Grenada. … Thompson sent a letter to EPA Administrator Gina McCarthy Monday criticizing the agency's handling of industrial solvent contamination under parts of the subdivision off Moose Lodge Road. He says the agency has known of the problem since 1993, but has done nothing to help the residents there. … Thompson wants environmental investigators to do an assessment on the contamination."

Additional Reading.

- ***DHEC Failed To Properly Monitor Water For Lead.*** The Greenville (SC) News (3/16)
- ***Drinking Water Providers Flagged For Contamination.*** The Salem (OR) Statesman Journal (3/16, Loew)
- ***Fifteenth Round Of Sebring Water Tests OK.*** WFMJ-TV Youngstown, OH (3/16)
- ***How Much Lead Is In New Orleans Tap Water?*** The New Orleans Times-Picayune (3/16, Granger)
- ***Lead In Water At Penfield School: Should Parents Be Concerned?*** WHEC-TV Rochester, NY (3/16)
- ***Okaloosa Health Department Releases Water Quality Results.*** The Crestview (FL) News Bulletin (3/16)
- ***Review Of 5 NC Drinking-Water Systems Reveals Effective Lead-Testing Protocols.*** The Asheville (NC) Citizen-Times (3/16, Cronin)

LAST LAUGHS:

Late Night Humor.

Jimmy Kimmel: Tuesday was a "very disappointing night for Bernie Sanders, which was a little bit of a surprise. He seemed to be polling very well among everyone's most annoying Facebook friends."

Jimmy Kimmel: Both Hillary Clinton and Donald Trump "have very high unfavorability ratings. Hillary is 53% unfavorable and Trump clocks in at an extraordinary 63% unfavorable, which I think, like, Jared from Subway has higher than that. This election is going to be the political equivalent of having lunch at Panda Express – nobody wins."

Jimmy Kimmel: "A disappointing finish for Marco Rubio, a man who fueled his campaign with all the fire and spontaneity of Vicki the robot from 'Small Wonder.'"

Jimmy Kimmel: "Rubio dropped out of the race. He went back to Washington and locked his office door to make sure no Supreme Court nominees get in. So good luck to him."

Stephen Colbert: "To secure the nomination at the convention in Cleveland this summer, [Gov. John] Kasich would have to get 116% of the remaining delegates. We'd have to make him governor of every remaining state, plus some states we don't even have yet."

Stephen Colbert: "And if Ted Cruz is right, if every single anti-Trump voter unites behind him, he could get enough delegates to be the nominee. Then the GOP establishment can say, 'Goodbye, candidate we don't like. Hello, candidate we can't stand.'"

Stephen Colbert: "But if Cruz can't do it, there is one other way to deny Trump the nomination: a brokered convention. ... If Donald Trump doesn't get 1,237 delegates in the first round of voting, they're all free to vote for whoever. Great news. The Republican campaign could start all over again, only this time crammed into a week. So you can binge-watch the death of the GOP."

Jimmy Fallon: "It was a huge night for Hillary Clinton, who won in five states. And afterwards she gave a speech and graciously thanked Bernie Sanders for the vigorous campaign he's waging, then said, 'and losing.'"

Jimmy Fallon: "Meanwhile, during Bernie Sanders' speech after the losses, Bernie spoke up against the family that owns Walmart for paying low wages, which could backfire in a couple weeks when Bernie winds up working as a greeter."

Jimmy Fallon: "Donald Trump won every Republican state primary last night except for Ohio, which went to John Kasich. Trump didn't seem to mind since, as he put it, 'The word 'Ohio' is full of zeros.'"

Jimmy Fallon: "The other big story from last night was that Marco Rubio pulled out of the race after losing the Florida primary to Trump by almost 20 points. But it still is a great story. I mean, nothing symbolizes America more than the son of poor immigrants growing up to run for president and then being crushed by a billionaire."

Jimmy Fallon: "President Obama nominated Appeals Court Judge Merrick Garland to serve on

the Supreme Court. Judge Garland actually got choked up while accepting President Obama's nomination in the White House Rose Garden, especially when Obama was like, 'Will you accept this rose?'"

Seth Meyers: "Donald Trump won yesterday's Republican primaries in Florida, Illinois, and North Carolina. Trump did especially well with white males, Caucasian men, and non-women of no color."

Seth Meyers: "According to exit poll data, two-thirds of Republican voters in yesterday's Florida primary were older than 50 and the other one-third were their parents."

Seth Meyers: "After finishing a distant second in his home state of Florida, Marco Rubio announced yesterday that he is ending his campaign. Rubio plans to return to his old job as a Lego businessman."

Seth Meyers: "When announcing last night that he is dropping out, Marco Rubio told supporters, 'We should have seen this coming.' If it makes you feel any better, Marco, we did."

Seth Meyers: "Hillary Clinton won yesterday's primaries in Florida, Illinois, North Carolina, and Ohio. And you can tell she's feeling confident, because she gave her victory speech from the Oval Office."

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TO: **ADMINISTRATOR AND SENIOR EXECUTIVES**

DATE: **TUESDAY, MARCH 22, 2016 7:00 AM EDT**

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ADMINISTRATOR:

McCarthy To Testify Twice Today Regarding EPA Budget. Bloomberg BNA (3/21) reports that Administrator McCarthy will be on Capitol Hill today to testify before congressional committees regarding the EPA's 2017 budget request. Politico (3/21, Collins) reports that the committees "will want to discuss the president's budget request to add $127 million to the EPA's overall budget." McCarthy will meet with a subcommittee of the House Appropriations Committee in the morning and two subcommittees of the House Energy and Commerce Committee this afternoon.

AIR:

Merkley, Wyden Want To Increase EPA Funding For Air Quality Programs. KTVZ-TV Bend, OR (3/21) reports on its website that Oregon Democratic Sens. Jeff Merkley and Ron Wyden are calling for increased funding for the EPA to support federal air quality programs after several Portland neighborhoods "learn[ed] last month that there are high levels of heavy metals in the air." In a letter to the Senate Appropriations subcommittee responsible for the EPA's funding, the senators wrote, "The EPA aims to protect air quality but, as we are seeing in Oregon this cannot be done without additional funding to implement air quality programs at a scale that is relevant to defend human health." Additionally, the senators have urged a "revision of hazardous air pollution emission standards under the Clean Air Act."

Additional Reading.

- ***Colorado Lawmakers Want To Halt Tougher Federal Ozone Standard.*** Natural Gas Intelligence (3/21, Nemec)
- ***More Air-Quality Alerts Expected For Glynn.*** The Florida Times-Union (3/21)

BROWNFIELDS/SUPERFUND/OTHER CLEANUPS:

New Mexico, Colorado Threaten Federal Lawsuits Over Gold King Mine Spill Claims. The Cortez (CO) Journal (3/21, Marcus) reports that Santa Fe is demanding the EPA reimburse the state of New Mexico $1.5 million for the short-term emergency response work following the Gold King Mine spill. If the EPA does not, New Mexico Environment Department Secretary Ryan Flynn "said his department is prepared to head to court." In addition, Santa Fe is demanding financial and technical support from the EPA "for a long-term monitoring plan it developed in partnership with Utah," as well as a "seat at the table for ongoing Superfund discussions." Marking a "departure from the unity promised" by New Mexico and Colorado immediately after the spill, Flynn told reporters on Tuesday that "his researchers reject assertions" from Gov. John Hickenlooper "that the Animas River quickly returned to safe pre-event conditions." Meanwhile, Colorado Attorney General Cynthia Coffman "asked the EPA to quickly resolve individuals' claims."

CLIMATE CHANGE:

McCabe: Specific Deadline For Clean Power Plan Remain Uncertain.

Bloomberg BNA (3/21) reports that Janet McCabe, the EPA's acting assistant administrator for air and radiation, said it is "a little premature to be speculating specifically about the compliance dates in the Clean Power Plan" as litigation moves forward. In the meantime, McCabe said the EPA will continue to work on some Clean Power Plan programs, such as the Clean Energy Incentive Program and model trading plans.

McConnell Tells Governors To Stop Working To Comply With Clean Power Plan. In a letter addressed to the National Governors Association on Monday, Senate Majority Leader McConnell told state officials "to stop their work toward complying with the Obama Administration's climate change rule for power plants," The Hill (3/21, Cama) reported. In the letter, McConnell said the Supreme Court's decision to stop the Clean Power Plan "validated his earlier advice for states to ignore the regulation and not try to comply." McConnell wrote, "This is precisely why I suggested a 'wait-and-see' approach with respect to the CPP last year. ... ,Given the Supreme Court's recent stay of the CPP and the painful lessons of [the mercury and air toxics standards], 'wait-and-see' remains the most responsible approach today."

The AP (3/21) reports that McConnell's efforts to defy the Obama Administration's fight against climate change will likely push a final decision on the issue to the next president.

Court Denies Conservative Group's Brief Arguing "Collusion" Invalidates Clean Power Plan. The Hill (3/21, Cama) reports that the Court of Appeals for the District of Columbia Circuit has denied the conservative Energy and Environment Legal Institute's request to file its own argument in the legal case against the Clean Power Plan. E&E Legal wanted to present the argument that the EPA "improperly colluded with environmental lobbyists in formulating the Clean Power Plan" and invalidating the regulations. E&E Legal is still participating in the litigation with other groups, but it isn't allowed to file its own separate brief.

State Department's Climate Envoy Steps Down. The AP (3/21) reports that Todd Stern, the State Department's "lead negotiator for last year's global climate deal," has announced he "is stepping down." In a statement, Secretary of State Kerry hailed him for "his mastery of the climate challenge and all of its nuances, his diligence and his negotiating skills." Bloomberg News (3/21, Ryan) reports Kerry praised Stern for his "enormous role in achieving so many of our climate milestones." He also said that Jonathan Pershing, senior climate adviser to US Energy Secretary Ernest Moniz, will take Stern's place. Reuters (3/21) reports Stern will be leaving his post April 1.

UN: Increasingly Warm Global Temperatures New Normal. The AP (3/21, Keaten, Borenstein) reports that the World Meteorological Organization issued its annual climate report pointing out that "not only was 2015 breaking records on the surface but also hundreds of meters deep in the ocean." David Carlson of the World Climate Research Program said global temperatures are on an upward slope, "so the normal is going to be increases: It's going to be increased temperature, increased ocean heat content, loss of ice, we know all of these things."

Soaring Global Carbon Emissions Explained In Light Of Stagnant Annual Emissions. Think Progress (3/21) contributor Joe Romm argues that delaying action to reduce carbon dioxide emissions is "dangerous and costly." To make his point, Romm addresses confusion over how recent findings show 2015 experienced the biggest jump in global CO2 levels ever measured, while energy-related CO2 emissions remained flat. He explains "that CO2 levels will continue rising if we merely keep annual CO2 emissions flat," as "annual CO2 emissions are very different from global CO2 levels."

Ex-New Hampshire Governor Gregg Says Nuclear Power Has Bipartisan Appeal. Writing in The Hill (3/21), former governor and three-term New Hampshire senator Judd Gregg (R) argues that nuclear power is an area where both political parties may be able to find common ground. Gregg says that nuclear power can help Democrats achieve significant carbon emissions, while Republicans can tout nuclear plants as "good economic and energy policy."

Additional Reading.

- ***A Vegetarian World Would Be Healthier, Cooler And Richer: Scientists.*** Reuters (3/21, Rowling)

- ***Feds, Groups Reach Tentative Deal Over Oil Lease Emissions.*** The AP (3/21, Volz)
- ***Natural Gas Expected To Be Our Top Source Of Electricity This Year For The First Time Ever.*** The Washington Post (3/21)

HAZARDOUS WASTE:

Smith Named To Lead State Hanford Cleanup Regulatory Program. The Tri-City Herald (WA) (3/21, Cary) reports that Port of Seattle attorney Alex Smith "has been named the new manager of the Washington state office that helps regulate cleanup at the Hanford nuclear reservation." Smith replaces Jane Hedges who is retiring. Smith said she plans to work with DOE, the EPA, the tribes and the local community to ensure a timely and effective cleanup of Hanford,

OTHER:

Additional Reading.

- ***Anti-Porn Push At Federal Agencies Enters Latest Chapter.*** Bloomberg BNA (3/21)

PESTICIDES:

Daily Caller: EPA "Effectively Banned" Pesticide That Puerto Rico Is Using Against Zika. The Daily Caller (3/21, Bastasch) writes that "buried at the bottom" of a recent New York Times exposé on Puerto Rico's fight against the Zika virus "is something the Environmental Protection Agency probably doesn't want you to know." According to the Caller, "the EPA effectively banned a powerful pesticide used to kill mosquito larvae by making it unprofitable for companies to produce the chemical," which has left Puerto Rico with only a nine-month supply of the chemical. Audrey Lenhart, a C.D.C. entomologist, describes the situation as a "very inconvenient coincidence," and believes the EPA may issue an emergency use permit for more of the chemical, known as temephos.

Microbes May Replace Conventional Farming Pesticides. Wired (3/21, Zhang) reports that agricultural companies are looking to microbes and other biological options as a replacement for pesticides. Large companies including Bayer and Monsanto have invested billions of dollars into naturally-derived products. Smaller companies are looking towards non-synthetic biostimulants. Agricultural companies as a whole are facing the challenge of the expensive screening process for organic products; companies that synthesized chemicals already "know how those chemicals work."

Additional Reading.

- ***EPA Tells Court It Needn't Mandate Pesticide Disclosure.*** Law360 (3/21, Koenig)
- ***Fewer Animals Used Under Draft EPA Pesticide Guide.*** Bloomberg BNA (3/21, Rizzuto)

RULES/REGULATIONS/POLICY:

Michigan AG Schuette Petitions Supreme Court To Block EPA Rules On Mercury Pollution. Crain's Detroit Business (3/21, Greene) reports that Michigan Attorney General Bill Schuette has issued a petition asking the US Supreme Court "to hear his appeal to block the EPA's mercury and air toxics standards rule." Schuette argues that the Supreme Court should freeze implementation of the rule because the previous ruling in July – decided in a 5-4 vote – "didn't consider the costs to industry of implementing the rule." Officials with Michigan utilities Consumers Energy Co. and DTE Energy Co. said they are prepared to meet the EPA's new rules. However, Michigan Gov. Rick Snyder "has suspended action by the state to comply with the rule."

EPA Study Cited In Defense Of Hydraulic Fracturing. Writing in the Daily Signal (3/21), Nicolas Loris, a fellow at the Heritage Foundation, argues that scientific evidence from government agencies and independent analyses has proven that hydraulic fracturing is safe for America's drinking water. He cites an EPA study published in June of 2015, described as "the most comprehensive government study on fracking's impact so far," which found no evidence of "widespread, systemic impacts on drinking water resources in the United States." Loris touts fracking as a "needed boon to the American economy," and urges Congress to "resist the demands of the environmental lobby

and put more authority in the hands of the states, not less."

TOXICS/TSCA:

Hundreds Of Baltimore Kids Still Poisoned By Lead Every Year. On its "All Things Considered" program and in its "Shots" blog, NPR (3/21, Ludden) reports that Baltimore "has seen a dramatic decline in cases of lead poisoning, down 86 percent since 2002." Still, "hundreds of Baltimore children are still poisoned every year." Many of these kids live "in neglected and old houses in low-income neighborhoods." While there is a state law that allows tenants to "to notify their landlord...if they see chipping, peeling or flaking paint and to get the landlord to fix that," landlords "don't always fix the problem." Moreover, the state and the EPA are currently "investigating one private inspector who may have wrongly certified nearly 400 rental units as lead-free."

Additional Reading.

- ***As EPA Delves Into Long-Term Health Effects Of Artificial Turf, Towns Continue Field Installation.*** WHYY-FM Philadelphia (3/21, Benshoff)

TRASH/RECYCLING/COMPOSTING/SOLID WASTE:

Additional Reading.

- ***EPA Urges DC Circ. To Uphold Regs On "Sham Recycling."*** Law360 (3/21, Parker)

WATER:

Michigan Governor Lays Out Flint Recovery Plan. The Detroit Free Press (3/21, Egan) reports Michigan Gov. Rick Snyder released a "75-point plan" to help Flint recover from its water crisis. In a news release, Snyder said, "We are committed to addressing immediate concerns and finding long-term solutions to improve the quality of life for the people of Flint." The AP (3/21, Eggert) reports part of the plan calls for Michigan to adopt a "much higher standard" regarding lead-contamination in water. Snyder spokesman Ari Adler criticized the EPA's lead-corrosion rule as "dumb and dangerous" also saying, "About 10 percent of your population could have lead in their water over the action limit and the EPA will sign off and say that your municipal water system is OK."

MLive (MI) (3/21, Acosta) reports the plan includes "short, intermediate and long-term goals focusing on topics including health and human services, water supply and infrastructure, education, jobs and economic development." In a statement, Gov. Snyder said many state departments, local officials, and Flint residents had been involved in developing the plans. In another article MLive (MI) (3/21, Acosta) quotes Flint Mayor Karen Weaver responding to the plan, "As I've said before, we didn't deserve what happened to us, but we definitely deserve the help and resources needed to repair the damaged that has been caused."

The Detroit News (3/21, Oosting) reports that Snyder's proposal could "run into resistance depending on how stringent it is," as higher water quality standards will cost local governments.

Christian Science Monitor (3/21, Mendoza) reports that the needs of children impacted by the crisis will be a key focus of the plan. The proposal includes funding to build more child health centers to provide "professional support from state health officials for children under 6 who showed high blood-lead levels."

The Daily Caller (3/21, Wolf) reports that the AFL-CIO, the largest federation of unions in the nation, derided Gov. Snyder as unintelligent for dodging Flint water crisis questions at a recent event in Washington, D.C.

Galvanized Pipes May Be Contributing To Water Crisis. MLive (MI) (3/21) reports "state and federal regulators are working to determine if galvanized pipes are also contributing to" Flint's water problems. Michigan Department of Environmental Quality's chief of the Office of Waste Management and Radiological Protection Bryce Feighner said, "(We're) proactively removing some galvanized service lines along with lead service lines."

Co-Chair Of Michigan Governor's Task Force On Flint Says Final Report Will Have A "Surprise." MLive (MI) (3/21, Ellison) reports Ken Sikkema, the co-chair of Gov. Snyder's task force assigned with reviewing the Flint water crisis, has said the group's report will have a surprise. The former Michigan Senate Republican majority leader said, "We're going to cite something that really did work. I'm not going to tell you what it is, but it will surprise you."

EPA Water Expert Crucial To Action In Flint Water Crisis. WDIV-TV Detroit (3/21, Dietz) reports that warnings from EPA water expert Miguel Del Toral were critical in warning people about the danger of lead in Flint's drinking water. Del Toral "first warned Flint in February 2015, 11 months before a state of emergency was issued." When those warnings were ignored, Del Toral "wrote a draft report and leaked it to the public."

Genesee County Says State Should Reimburse Them For Aiding Flint Or Else People Will Lose Jobs. MLive (MI) (3/21, Adams) reports Genesee County Board of Commissioners Chairman Jamie Curtis says the county may lay off two dozen workers if the state does not reimburse the county for $1.1 million it has spent to aid Flint. Curtis said the state reimbursing the county is "the right thing to do because Genesee County did not participate in any way shape or form in the decision for Flint, Michigan to use the river."

Former EPA Official Criticizes Too Little State-Federal Cooperation, Over-Regulation. In a letter to the Wall Street Journal (3/21), Robert Martin Jr., who served as New England regional counsel for the EPA under President Reagan, says that during his seven-year tenure at the EPA he witnessed too little state-federal cooperation and too much regulation. He concludes that the finger-pointing in the wake of the Flint tragedy proves we don't need the EPA in addition to state environmental agencies.

More Commentary. Writing in The Hill (3/21), Rep. Earl Blumeaner (D-OR) says that the tragedy in Flint "sheds light on systemic failures of crumbling water systems all over the country," and calls on national and global efforts to improve water infrastructure.

According to Morning Consult (3/21) columnist Jack Fitzpatrick, "The idea that EPA should have acted when it comes to Flint and been less aggressive in other areas sets up an awkward tension for Tuesday's budget hearings." The hearings will address a bill that would direct the EPA to supersede state agencies to notify the public directly of unsafe drinking water, while discussing the EPA's "relentless regulatory pursuit."

Tracey Ross with the Poverty to Prosperity Program at the Center for American Progress argues in the Huffington Post (3/21) that trust in the government has "effectively been destroyed" in Flint, which has specific consequences for the city's African American residents. She urges community leaders and local officials to acknowledge and address the long-term impact of this tragedy on that demographic.

Additional Reading.

- ***Climate Change Is Contaminating Water Sources With Fecal Matter.*** The Huffington Post (3/21, Goldberg)
- ***Ohio Village Hit By Lead In Drinking Water Gets US Grant.*** The AP (3/21)
- ***Where's WARPA? Why Water Needs More Advanced Research.*** The Hill (3/21, Rose)

LAST LAUGHS:

Late Night Humor.

Jimmy Fallon: "The big story is President Obama's historic visit to Cuba that's going on right now. I saw that after landing yesterday, Obama immediately tweeted out, 'What's up, Cuba?' And Cubans opened up a window and yelled, 'We don't have the Internet! It's like 1955 here!'"

Jimmy Fallon: "Donald Trump tweeted that Raul Castro disrespected the President by not greeting him at the airport. Seriously? Our countries have been enemies for 60 years. I can't even get my best friend to pick me up at the airport."

Jimmy Fallon: "Mitt Romney announced on Facebook that he will vote for Ted Cruz over Donald Trump in tomorrow's Utah caucus because he doesn't believe John Kasich can actually win. And if there's one thing Romney's an expert on, it's not winning."

Jimmy Fallon: "A lot of people actually think John Kasich would make a good pick for vice president. But Kasich said in an interview yesterday that he will not be vice president under any circumstances. When he heard that, Joe Biden was like, 'Seriously? I did it for a $20 gift card to GameStop.'"

Seth Meyers: "A new study shows Donald Trump speaks with the poorest grammar of any presidential candidate. Trump said, 'It's actually the poorliest.'"

Seth Meyers: "Donald Trump announced over the weekend that he will release a list of judges that he would consider appointing to the Supreme Court if he's elected president. Though you can get a sneak peek at the list by checking out TV Guide."

Seth Meyers: "Democratic National Committee head Debbie Wasserman Schultz today denied accusations that she is taking sides in the primary election season, and said, quote, 'There is no shred of evidence to suggest I'm favoring Hillary Clinton over Bernie Socialist – I mean Bernie Sanders, my apologies.'"

Seth Meyers: "Bernie Sanders this weekend gave a speech at the Mexican border. Actually, he was in Vermont, but they could hear him at the Mexican border."

Seth Meyers: "Bernie Sanders' campaign has confirmed that he will not speak at a major pro-Israel lobbying group conference this week, making him the only presidential candidate to skip it. And if any candidate can get away with that, it's Bernie from Brooklyn. Look at him. If Israel were a person, that's what it would look like."

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TO: **ADMINISTRATOR AND SENIOR EXECUTIVES**

DATE: **MONDAY, APRIL 11, 2016 7:00 AM EDT**

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ADMINISTRATOR:

EPA Chief Meets With Canadian Counterpart To Discuss Climate Policy. The Winnipeg (CAN) Free Press (4/8, Cheadle) reported that EPA Administrator Gina McCarthy appeared at a town hall-style meeting with her Canadian counterpart, Catherine McKenna, in Ottawa last Thursday. The women "played up mutual promises to reduce methane emissions and work co-operatively in the Arctic," while "sing[ing] each other's praises and tout[ing] continental environmental co-operation." McCarthy did not discuss Canada's oil sands crude production or the Keystone XL pipeline, and instead said, "It is not a goal of shutting anything down or keeping anything in the ground. It's all about whether you can reduce the carbon pollution that is fuelling climate change."

The Hill (4/7, Henry) reported that McCarthy's message was that tightening rules of methane emissions will "affirm our leadership on climate," and also keep the fossil fuel industry "sustainable" in the future. The Washington Examiner (4/7, Takala) reported that McCarthy was in Canada to "discuss the creation of a joint framework to cut methane in both countries." McCarthy's Canadian counterpart, Environment Minister Catherine McKenna, "[said] Canada may have to slow walk climate change regulations to prevent the country from becoming too divided." E&E Publishing (4/7, Heikkinen) also provided coverage.

EPA Chief Discusses Food Waste Reduction Initiatives. Christian Science Monitor (4/8, Maza) reported that EPA Administrator Gina McCarthy used last week's Christian Science Monitor breakfast for reporters to "discuss how her agency is collaborating with faith communities on efforts to reduce food waste." Said McCarthy, "We thought it would be a nice opportunity for us to talk with faith leaders about how they can reduce greenhouse gases, in this case methane, by looking at how they work with their community and divert what would otherwise be wasted food to food pantries." The article noted that cooking and producing food contributes to nearly 30 percent of carbon emissions worldwide.

Researcher Derides The Economic Costs Of "Climate Symbolism". Writing in the Detroit News, (4/8) H. Sterling Burnett, a research fellow at the Heartland Institute, criticizes EPA Administrator Gina McCarthy's testimony before the House Energy and Commerce Committee on March 22, claiming that she "acknowledged...the Obama administration's climate efforts will do nothing to protect public of environmental health." Burnett then argues that the "costs of climate symbolism are high" by citing various economic costs related to the regulations, such as the closure of coal-fired power plants.

Additional Reading.

- ***Gina McCarthy Promises EPA "Won't Go Down Without A Fight" If GOP Wins In November.*** HotAir. (4/10, Shaw)
- ***Lawmakers Ruin EPA Chief's Earth Day With Plans For A Subpoena.*** Daily Caller. (4/7, Bastasch)

AIR:

Northeast, Mid-Atlantic States Call On EPA To Intervene On Cross-State Air Pollution. The Connecticut Post (4/9, Shay) reports, in continuing coverage, that Connecticut was among nine "downwind states" urging EPA Administrator Gina McCarthy to add nine "upwind states" to the Ozone Transport Region, requiring them to "install and operate the same air pollution controls that are required from similar sources in the Northeast and Mid-Atlantic states." According to Rob Klee of Connecticut's Department of Energy and Environmental Protection, "it is now time for the upwind states to make similar investments...and stop spewing pollution that is carried over our borders and into the lungs of Connecticut's residents."

Environmental Coalition Calls For EPA To Enact Stricter Regulations On Diesel Pollution. The Huffington Post (4/8, Baldwin) reports that The Moving Forward Network, a nationwide alliance of environmental groups, is urging the EPA "to take actions to reduce toxic diesel exhaust pollution near ports, rail yards and highway." The group argues that the pollution disproportionately hurts minority communities, calling the areas around freight facilities "diesel death zones." In a meeting with the EPA Administrator Gina McCarhty, the group "asked EPA to encourage zero-emission technology for heavy duty trucks."

EPA Designates DeSoto County In Attainment For Ozone Standard. The Albuquerque (NM) Express (4/11) reported that the EPA approved Mississippi's request "to redesignate DeSoto County as being in attainment for the ozone standard."

BROWNFIELDS/SUPERFUND/OTHER CLEANUPS:

City Failed To Clean Up Toxic Dust Leaking From Closed Sacramento Gun Range. The Sacramento (CA) Bee (4/11, Lillis) reports that the shuttered James G. Mangan Rifle and Pistol Range in south Sacramento was closed over 15 months ago "because it was polluted by hazardous levels of lead dust after decades of operation." However, interviews and internal city documents claim the toxic dust from the ranger's interior and roof was never cleaned up. Katharine Hammond, professor of environmental health sciences in the School of Public Health at the University of California, Berkeley, said the location of the gun range and recorded contamination levels created "potentially an environmental hazard," and warned that lead dust "can travel quite a distance."

Children Living Near Exide Plant In Vernon, California Have Higher Levels Of Lead In Blood. The Los Angeles Times (4/8, Barboza) reports an analysis released Friday by the California Department of Health found 3.58 percent of young children living near the now-closed Exide Technologies facility had elevated levels of lead in their blood in 2012, compared with 2.41 percent of children living further away. The analysis found 285 children with elevated blood levels living in communities near the shuttered Vernon battery recycling plant and noted "a moderate increase in risk associated with children living less than a mile away from the plant."

EPA Investigating Possible Cleanup At Upstate New York Former Paper Mill. The Watertown (NY) Daily Times (4/11, Avallone) reports the US Environmental Protection Agency and Remedial Response Division is investigating a possible cleanup at the former St. Regis paper mill in Deferiet, New York. EPA on-scene coordinator Dilshad Perera said Brookfield Renewable Power LLC, owner of a hydroelectric plant located on the former mill's property, alerted the agency to the problems. Perera said Deferiet Development LLC acquired the former mill in a tax auction in 2006 for purpose of recovering valuable metals. In the process of

dismantling steam pipes, their team left exposed damaged asbestos in buildings. Perera applied polymer sealant as a "temporary protective measure till a long-term solution is developed."

Argonaut Mine Put On Shortlist Of EPA Superfund Sites. The Sacramento (CA) Bee (4/11, Ortiz) reports the US Environmental Protection Agency has named the 65-acre Argonaut Mine located in Jackson, California as one of eight places nationwide that may be tagged as federal Superfund sites. The mine accrued "extremely high levels of arsenic, lead and mercury" in the 19th and first half of the 20th century. According to Jared Blumenfield, regional director of the EPA, the agency considers the site a special-case scenario due to its proximity near a high school, homes, and an aging dam that has been deemed structurally unstable. Blumenfeld added that the EPA has begun work on the highest contamination at the site.

Ohio Lawmaker Sponsors Legislation To Reclaim Abandoned Mines. The Martins Ferry (OH) Times Leader (4/10, Cera) reports Ohio Rep. Jack Cera (D) has proposed a bill to redirect 3 percent of collections from the state's Kilowatt Hour Tax Receipts Fund to abandon mine reclamation and acid mine abatement. The legislation also earmarks another 0.75 percent of the tax to the Mine Safety Fund to help with safety training for current coal miners plus the operation of the Mine Training Center. The EPA says "acid mine drainage is metal-rich water formed from chemical reaction between rocks containing sulfur-bearing minerals." According to the Times Leader, "there is evidence of this material throughout Eastern Ohio."

Elevated Copper Levels Found In Ingham County, Michigan Buildings. The Lansing (MI) State Journal (4/8, Smith) reported elevated levels of copper were detected in seven Ingham County buildings in Mason, plus two schools. County Health Officer Linda Bail said the copper levels are not "excruciatingly high but at the same time they exceed EPA action limits, which means something needs to be done." The EPA's action level for copper is 1.3 milligrams per liter. Comparatively, the highest reading of two dozen county tests was 2.94 mg/l, more than double the EPA maximum. A joint news release issued Thursday by Mason City Administrator Deborah Stuart and school Superintendent Ronald Drzewicki "said 16 of 29 tests showed copper levels exceeding the EPA limit." City and county officials met Friday night to address the problem and possible solutions.

EPA Discovers Asbestos In Partially-Demolished Grant County, Washington School. The Columbia Basin (WA) Herald (4/8, Minnerly) reports the US Environmental Protection Agency notified the Grant County Health District that it found materials containing asbestos at a partially demolished, vacant elementary school. In a release, the Health District said the EPA plans to clean up the asbestos this spring. Living and working next to the school poses a "relatively low risk," but the GCHD warns against having direct control with the materials that contain asbestos.

Navajo Leader Supports Call For EPA Subpoena Over Gold King Mine Spill. Law360 (4/11, Sheehan) reported Navajo President Russell Begaye "applauded Sen. John McCain's call for the Senate Indian Affairs Committee to issue a subpoena for" US Environmental Agency Administrator Gina McCarthy to attend an upcoming field hearing on the 2015 Gold King mine spill, "which released millions of toxic wastewater into rivers that flowed into New Mexico and Arizona."

KTVX-TV Salt Lake City (4/11) reports on its website that Begaye said the spill "culturally and economically devastated Navajo communities along the San Juan River, and the federal government's failed response to this crisis is a public health, natural resources and economic disaster." Begaye is also upset that the EPA refuses to "send even a single representative to the upcoming field hearing on the spill." He says the spill happened eight months ago, "and despite promises to take full responsibility for the consequences of the three million gallon toxic spill," the agency has "dragged its feet and has yet to fully reimburse the Navajo Nation's costs."

Additional Reading.

- ***Navajo Artists Express Experience With Gold Mine Spill.*** Durango (CO) Herald. (4/10, Romeo)
- ***EPA Proposes Superfund For San Juan County.*** Cortez (CO) Journal. (4/10)

CLIMATE CHANGE:

Think Tank Vows To "Vigorously Fight" Climate Change Subpoena. The Hill (4/8, Henry) reported the attorney general for the US Virgin Islands has issued a subpoena to the Competitive Enterprise Institute, "a conservative think tank based in Washington DC" that "questions global warming alarmism." The group has been working in the Virgin Islands and on its website indicated it would "vigorously fight to quash this subpoena." According to the group's General Counsel Sam Kazman, "It is an affront to our First Amendment rights of free speech and association for Attorney General [Claude] Walker to bring such intimidating demands against a nonprofit group."

Study: Making Climate Change Policy "Sexy" Will Not Change Public Opinion. In a Washington Post (4/8) analysis, political scientists Thomas Bernauer and Liam F. McGrath tested new framing techniques that position climate change policies as "sexy," giving the policies a "personal and emotional appeal," to see if the techniques were effective in swaying public opinion. Published in "Nature Climate Change," the study ran two experiments "to see whether such reframing boosts public support for climate change." The findings show "that the reframing does not seem to work" and that "all average framing effects are very close to zero, and are statistically insignificant." Bernauer and McGrath indicated "simple spin-doctoring in climate change communications" will not "change how people view environmental policy" and argue "public figures should stick to emphasizing protecting the climate."

Paris Climate Deal To Be Signed By More Than 130 Countries On Earth Day. The Hill (4/8, Henry) reported that on Earth Day, April 22, more than 130 countries will sign the Paris climate change agreement. According to the Hill, President Obama and Chinese President Xi Jinping have both indicated they would "sign the accord the first day it's open for signatures, calling it an important signal to other nations that the world's top polluters were committed to the deal." President Obama said, "Our cooperation and our joint statements were critical in arriving at the Paris agreement, and our two countries have agreed that we will not only sign the agreement on the first day possible, but we're committing to formally join it as soon as possible this year."

Op-Ed Blasts EPA Efforts To Reduce Methane Emissions From Oil, Gas Sector. Canada Free Press (4/11, Driessen) columnist Paul Driessen criticizes the Obama Administration's efforts to reduce methane emissions from the oil and gas sector as less about slowing global warming and more intent on "hogtying and bankrupting US fossil fuel companies...and mandating a costly transition to renewable energy."

Manchin Says Climate Change Debate Has "Deniers" On Both Sides. The Hill (4/8, Henry) reported that on Friday, West Virginia Sen. Joe Manchin said that "deniers" exist on both sides of the debate on climate change. He said that Republicans who deny humanity's role in climate change are "deniers" but that Democrats also have "deniers" on their side. At a conference hosted by The Wall Street Journal, Manchin said, "Even worse than that, we have deniers that believe we're going to run this country or run this world without fossil. ... That's a worse denier, thinking they're just going to just shift it and everything's going to be hunky-dory." Utilities and fossil fuel groups "have warned that transition will hurt the reliability of the electric grid, something Manchin said on Friday he is concerned about."

ENERGY:

Additional Reading.

- ***EPA Finds No Link Between Drilling, Sinkholes In Upper Ringwood.*** North Jersey (NJ) Media Group (4/11)
- ***EPA, Interior Push To Expand Review Of Big Bakken Oil Pipe.*** Energy Daily. (4/11)

GRANTS:

EPA Awards $221,158 To Combat Indoor Pollutants In NM. The Las Cruces (NM) Sun-News (4/8) reported that the EPA "recently awarded $221,158 to the New Mexico Environment Department to combat residents' exposure to harmful pollutants." The funds will focus on protecting school-age children from indoor air contaminants such as radon and asthma triggers.

INTERNATIONAL:

Additional Reading.

- ***Israel To Cut Carbon Emissions, Sees $8 Billion Economic Boost.*** Fortune. (4/10)
- ***Uber Offers Refunds After Mexico City Pricing Spat.*** AP. (4/8)
- ***'Sludge' Can Help China Curb Emissions And Power Cities, Says Think Tank.*** Reuters. (4/8, Mis)

PESTICIDES:

Additional Reading.

- ***Maryland Protects Its Pollinators With Limits On Bee-Addicting Pesticides.*** Christian Science Monitor. (4/8)

RULES/REGULATIONS/POLICY:

Op-Ed Blames EPA For Decline Of The Coal Industry. In a highly critical op-ed in the Georgetown (KY) News-Graphic (4/11, Vanderbeck) Jeff Vanderbeck, the publisher of the Appalachian News-Express, blames the EPA for the decline of the coal industry. Vanderbeck's tirade against the agency cites new EPA water regulations that were passed "without notifying the city" of Pikeville, and resulted in a fine to the city. Vanderbeck acknowledges that "cleaner water is a good thing," but claims that "when the EPA imposes its will on water municipalities throughout the nation without notice, like they did to the coal industry, it's an extension of their overreaching policies and there is no one there to stop them."

WATER:

Analysis Of EPA Data Finds Many Water Systems Have Had Elevated Lead Levels. The AP (4/9, Foley, Hoyer) reports that an analysis of EPA data found that around 1,400 water systems in the US have had elevated lead levels under federal standards in recent years. The AP reports that many of the water systems identified are connected to schools.

Flint Water Committee Says Tap Water Safe Again With Filter. MLive (MI) (4/10, Ridley) reports the Flint Water Interagency Coordinating Committee announced on Friday that it is safe for residents to drink tap water again, if properly filtered. The committee also encouraged residents to regularly flush their plumbing systems in order to clear out remaining lead, but acknowledged that many residents may be hesitant to do so because of the city's high water rates. The Detroit Free Press (4/8, Dolan and Gray) also covered the story noting that an EPA official says the city's water has greatly recovered, but still remains unstable. The Detroit Free Press also reports that there are still parts of the city with high lead levels. The Wall Street Journal (4/8, Maher) adds that pregnant women and young children are still advised to only drink bottled water.

Also covering the story are: the Detroit News (4/8, Oosting) and Reuters (4/8, Klayman).

Virginia Tech Professor To Present Latest Findings On Flint Water On Tuesday. The Detroit Free Press (4/9, Dolan) reports Virginia Tech University Professor Marc Edwards, one of the experts on the Flint water crisis, is expected to release his latest findings on Tuesday.

Nonprofit Organization Questions Efficacy Of Drinking Water Tests For Safety Of Bathing Or Showering. The Detroit News (4/8, Lynch and Carah) reports the nonprofit Water Defense says that whether or not water is safe for bathing or showering should be determined separately from testing for whether water is safe to drink. The organization's chief technology officer Scott Smith says, "It is irresponsible and incomprehensible for anyone to declare bathing and showering is safe based on testing sinks and using drinking water standards to declare bath/shower water safe — let alone not even testing bath/shower water for the full spectrum of chemical." The EPA issued a statement on Friday saying there is no evidence that Flint's water is not safe for bathing or showering.

Investigation Finds Poor Communication Between Officials Regarding Legionnaires' Disease Outbreak. According to an investigation conducted by the Detroit Free Press (4/10, Anderson), there was poor communication between Flint and Genesee County regarding the Legionnaires' disease outbreak in the city. The investigation reviewed emails exchanged between city and county officials and found that some officials had sought to disclose the outbreak to the public, but the poor communication between officials made that difficult. The investigation also found that county officials contacted the CDC

about the problem, but the CDC was not invited to intervene by the state of Michigan until January 2016.

Flint Delaying Distribution Of Water Bill Credits In Order To "Get It Right." The Detroit News (4/8, Oosting) reports Flint City Administrator Sylvester Jones announced on Friday that the city is delaying distribution of $30 million in state funds as credits on people's water bills because the city wants "to take the time to get it right before it goes out."

Lawyers Representing Michigan Governor File Motion To Dismiss Lawsuit Over Flint Water Crisis. The Detroit News (4/8, Chambers) reports lawyers representing Michigan Gov. Rick Snyder have filed a motion to dismiss a class-action lawsuit brought against the governor over the Flint water crisis claiming that the lawsuit was filed too late. The motion to dismiss claims that the plaintiffs failed to file their lawsuit or a notice of intent within six months of when Flint changed its primary water source to the Flint River on April 25, 2014.

Hundreds Of Schools Found With Unsafe Lead Levels. The AP (4/10, Seewer) reports that 278 schools and day care centers nationwide "violated federal lead levels" during the past three years and approximately a third of those had lead levels "at least double the federal limit," based on EPA data. The problems stem primarily from older buildings with piping and water fixtures made from lead parts, and the high cost of replacement results in many schools relying on bottled water as an alternative. Only one school in ten is required to conduct lead testing, according to the AP, and another 90,000 schools that receive water from "city-owned systems" are not required to undergo regular tests.

Lead Levels Exceed Standards In Thousands Of US Water Systems. PBS' NewsHour (4/10, 6:15 p.m. EDT) reported, "Looking beyond the lead-tainted drinking water crisis in the city of Flint, Michigan, an Associated Press investigation of Environmental Protection Agency records has found: nearly 1,400 water systems providing tap water to nearly four million Americans exceeded the acceptable lead level at least once between 2013 and 2015." AP reporter Meghan Hoyer said they looked at "at roughly 77,000 water systems across the US and what we found was you know, the ones that had lead levels higher than the federal standard ranged, they were in almost every state, and they ranged from very small systems with 20 or 25 customers to very large systems. We saw cities and counties that served hundreds of thousands of people that had repeatedly breached over the limit."

Additional Reading.

- ***More Than 60 Northwest Water Systems Exceed Federal Lead Limits.*** Seattle (WA) Times (4/11).
- ***33 Mass. Water Systems Test Over Federal Lead Limit.*** Boston (MA) Globe (4/9, Leblanc).
- ***High Lead Levels A Costly Concern At Schools In Maryland.*** Washington (DC) Times (4/9, Dishneau).
- ***Few Examples In Nevada Of Lead Drinking Water Contamination.*** Washington (DC) Times (4/9, Ritter).
- ***EPA: 6 Arkansas Water Systems Exceed Lead Limit Since 2013.*** Washington (DC) Times (4/9, Houston)
- ***EPA: 18 Water Systems In Kansas Show High Lead Samples.*** Washington (DC) Times (4/9, Hegeman).
- ***Analysis: 28 Water Systems In Alaska Exceed EPA Lead Limit.*** Washington (DC) Times (4/9, D'oro).
- ***More Than 100 Pennsylvania Water Systems Topped Lead Limit.*** AP (4/11).

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TO: **ADMINISTRATOR AND SENIOR EXECUTIVES**

DATE: **FRIDAY, MARCH 25, 2016 7:00 AM EDT**

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ADMINISTRATOR:

Continuing Coverage: McCarthy Reiterates Support To States That Want To Plan For CPP Compliance. E&E Publishing (3/24) reports, in continuing coverage, that House Republicans grilled Administrator McCarthy at a hearing this week for "encouraging states to keep working" on Clean Power Plan compliance despite the temporary stay granted by the Supreme Court. While Senate Majority Leader McConnell has revitalized his call for states to take a "wait-and-see" approach, some supporters of the plan "believe judges could adhere to most of the agency's original timeline and require emissions cuts starting in 2022." In the midst of uncertainty, "EPA argues it's premature to say whether deadlines might change, so states are left reading the tea leaves to brace for any legal outcome." In the meantime, McCarthy continues to reiterate her support for any state that wishes to continue planning for the federal climate regulations.

Continuing Coverage: Rep. Jenkins Grills EPA Chief Over Struggling Coal County. The Logan (WV) Banner (3/25, Banner) reports, in continuing coverage, on the "harsh words" Rep. Evan Jenkins (R-WV) had for Administrator McCarthy during Tuesday's budget hearing.

Mining Engineering (3/25) also reports that lawmakers from West Virginia, Kentucky, and Utah "used a hearing on the U.S. Environmental Protection Agency's (EPA) budget to unload their frustrations on the agency chief."

Editorial Blasts EPA Chief For Failing To Visit West Virginia. An editorial in the Charleston (WV) Gazette-Mail (3/24) criticizes Administrator McCarthy for failing to give an "honest response" when asked by Jenkins whether she had ever visited West Virginia in her official role as the head of the EPA. The editorial blasts McCarthy for visiting Boston, San Francisco, and even China, but failing to visit "any location in West Virginia when the agency launched a national 11-city 'listening tour' to hear from citizens about regulating carbon dioxide as a greenhouse gas."

AIR:

District Court Judge Grants VW Extension To Fix Diesel Vehicles. The Wall Street Journal (3/24, Randazzo) reports US District Court Judge Charles Breyer granted Volkswagen an extension to develop a fix for its nearly 600,000 vehicles that the company admitted were equipped with software that allowed it to defeat emissions tests. Judge Breyer stated that the company must provide a "specific and detailed" proposal by April 21. A Volkswagen spokesperson stated that the company "is committed to resolving the US regulatory investigation into the diesel emissions matter as quickly as possible and to implementing a solution for affected vehicles."

The New York Times (3/25, Ewing) reports that some questions doubt whether Volkswagen's noncompliant vehicles could be made street-legal for a reasonable price. Bob Lutz, a former vice chairman of General Motors "said he had long badgered his engineers to match Volkswagen's apparent diesel efficiency, and now understands why they never could." and The Hill (3/24, Cama) also provide coverage.

The AP (3/24, Thanawala) reports Breyer said Thursday that "Volkswagen and government

regulators must present a detailed plan within a month on getting nearly 600,000 diesel cars to comply with clean air laws or risk the possibility of a trial this summer" over the emissions cheating scandal. Breyer said ex-FBI Director Robert Mueller, who he appointed to oversee settlement talks, "told him Volkswagen, government regulators and attorneys for car owners had made substantial progress toward a resolution that would get the polluting cars off the road."

The Sacramento (CA) Bee (3/24, Kasler) reports Volkswagen missed Breyer's "deadline Thursday for submitting a fix for its polluting diesel passenger cars, but the judge said he's encouraged and gave the carmaker another month to work on the problem." The Washington Post, (3/24) the Los Angeles Times (3/24, Peltz), the Denver Post (3/24, Thanawala), Bloomberg News (3/24, Burnson), and The Hill (3/24, Cama) also provide coverage.

EPA Says Diesel Emissions Reduction Program Has "Greatly Improved" Air Quality. The Daily Caller (3/24, Barton) reports the EPA said Wednesday that its "diesel emissions reductions program has 'greatly improved' air quality and public health, although such claims were previously judged unreliable by the agency's inspector general." The EPA said the Diesel Emission Reduction Act "prevented 4.8 million tons of carbon dioxide emissions and saved up to $12.6 billion in monetized health benefits." Commercial Carrier Journal (3/24) reports the program "has also saved 450 million gallons of fuel and prevented 4.8 million tons of carbon dioxide (CO2) emissions – equivalent to the annual CO2 emissions from more than 900,000 cars."

EPA Plans Stricter Rules On Methane Emissions From New Wells. The Midland (TX) Reporter-Telegram (3/24, McEwen) reports the EPA has expanded its plans "to cut methane emissions from newly drilled oil and natural gas wells." Earlier this month, the EPA said "new rules are planned to cut methane emissions" from the wells. While methane emissions from natural gas systems fell 11% in the decade ended 2014 even with a 25% increase in natural gas production, the EPA says more must be done to meet the goal "of cutting methane emissions by at least 40 percent by 2025."

EPA: 11 States Failed To Submit Sulfur Dioxide Reduction Plans. MLive (MI) (3/24, Ellison) reports the EPA said last week that "Michigan and 10 other states failed to submit a plan to bring levels of sulfur dioxide (SO2) gas under a new federal threshold passed five years ago." Lynn Fiedler of the Michigan Department of Environmental Quality said, "The pieces are in place, it just takes a little bit longer to put something this complicated together."

EPA, Others To Investigate Post-Gas Leak Illnesses In Los Angeles Neighborhood. KABC-TV Los Angeles (3/24, Hernandez) reports on its website that several residents of Los Angeles' Porter Ranch neighborhood "are living in limbo as some who have returned to their homes after the gas leak said they're getting sick again." The EPA "along with UCLA and local public health teams joined forces" to investigate. While the gas leak at Southern California Gas Company's Aliso Canyon facility "has been capped and outdoor benzene levels are reportedly back to normal, reports of illness persist."

Port Of Los Angeles Paid For Clean Power Systems For Chinese Ships. The AP (3/24) reports the Port of Los Angeles "paid $5 million to outfit 17 oceangoing ships with a clean power system, then didn't get the expected air quality benefits" when China Shipping stopped docking its cargo vessels in Los Angeles. Port officials "quietly agreed in 2009 to let China Shipping ignore a mandate that all ships plug into power supplied from shore instead of running their engines."

Additional Reading.

- ***Colorado Lawmakers Move To Shut State Air Quality Division.*** Denver Post. (3/24, Finley, Frank)

BROWNFIELDS/SUPERFUND/OTHER CLEANUPS:

Radioactive Material At West Lake Landfill Found In Unexpected Locations, EPA Says. The AP (3/24) reports that EPA officials said Thursday that radioactive material buried at the West Lake Landfill in Bridgeton, Missouri near St. Louis has

been found in areas where it was previously not suspected, but there is no increased health risk to residents or workers. The EPA "released the first phase report of an investigation" of the site where "nuclear waste dating to the Manhattan Project was illegally dumped in the 1970s." Adding to the concern is the "fact that an underground fire is smoldering" at the adjacent Bridgeton Landfill. The EPA's investigation found "radiologically impacted material" in "areas of the landfill not identified during previous site investigations," but not present in areas previously presumed to contain it, the agency said.

The St. Louis Post-Dispatch (3/25, Baker) reports that the EPA "says it has completely mapped the extent of radioactive contamination at the West Lake Landfill," and is now working on plans for a barrier to separate West Lake from an underground fire at the adjacent Bridgeton Landfill. Despite the fact that radiological contamination was discovered beyond the chain-link fence surrounding the West Lake Landfill, EPA official Brad Vann said that the "there's still no significant health risk posed by the radioactive waste." Meanwhile, Missouri Attorney General Chris Koster released a statement reading, "Today's report confirms that EPA has never had a clear picture of the extent of contamination at the West Lake landfill, and it is deeply concerning that it took EPA so long to figure that out." KMOX-TV St. Louis (3/24) also provides coverage on its website.

EPA Releases One-Year Monitoring Plan Related To Gold King Mine Spill. The Durango (CO) Herald (3/24, McBride) reports that in the wake of the Gold King Mine spill, the EPA released a "one-year water-monitoring plan" to examine water and sediment quality, as well as biological communities in the Animas River. This spring will be the "first snowmelt season in the Animas and San Juan watershed since the spill," so the monitoring will focus on the possibility of increasing heavy metal concentrations. After one year of monitoring, the EPA will assess the data, "consult with partners and decide what further monitoring or other actions are needed."

The AP (3/24, Elliott) reports that "more than two dozen state, tribal and local agencies said they will monitor the Animas and San Juan rivers" in case runoff from melting snow stirs up potentially toxic metals that settled to the bottom of the rivers following the Gold King Mine spill. Additionally, "cities, counties, health departments and water districts along the rivers" are preparing for possible flooding or other emergencies.

Colorado Lawmakers Pushing For Legislation To Address Leaking, Inactive Mines. The Denver Post (3/24, Finley) reports that Democratic lawmakers in Colorado and other western states are pushing to advance "stalled legislation to deal with the tens of thousands of inactive mines contaminating waterways." The EPA estimates that are up to 500,000 inactive mines in Western states, and that "tens of thousands are leaking, contaminating water with acidic, metals-laced drainage from mines." Meanwhile, the EPA said it "will consider proposing a Superfund cleanup" for areas impacted by the Gold King Mine spill.

CLIMATE CHANGE:

Study: Most Meteorologists Believe Climate Change Is Human-Caused. The Washington Post (3/24, Samenow) reports that according to a January survey from George Mason University released Thursday, "more than 95 percent of meteorologists think climate change is happening and more than 80 percent of them estimate human activities are at least half-responsible." Meteorologists who participated in the survey "held diverse views about how effective mitigation efforts...would be in reducing future climate change," with only 18% feeling that additional climate change is largely preventable over the next 50 years. The Hill (3/24, Henry) reports that the survey "noted that most of its respondents have meteorological or astronomical degrees and not climate science backgrounds" with only 37% of respondents reporting that they considering themselves experts on climate science.

Revkin: Humanity Challenged To Distinguish Between Momentary, Millennial Threats. Andrew Revkin writes for the "Dot Earth" blog of the New York Times (3/24) that "the biggest challenge is grappling with divergent scales." Revkin compares the "year-to-year scale at which humans make policy decisions" and the "multi-millennial consequences of today's energy choices." Revkin highlights a column by Nick Kristof which observes that "Brussels survived this week's terror attacks, but it may not survive climate change." Revkin writes

that "our brains are not well adapted to most of the biggest threats we actually face in the 21st century."

Deutch, Curbelo: Climate Solutions Caucus Aims To Advance Bipartisanship On Climate. Reps. Ted Deutch (D-FL) and Carlos Curbelo (R-FL) write for The Hill (3/24) that "across the country, the challenges posed by warming temperatures, storm surge, and severe flooding represent mere previews of the consequences to come due to climate change." The time to debate "whether climate change threatens our economy and our security has long past," they write, highlighting their decision to establish the House Climate Solutions Caucus. The "absence of congressional leadership" has led President Obama to take executive regulatory actions "that not only intensify partisanship but may not prevail in court." They write that their Climate Solutions Caucus is a step toward "restoring dialogue and addressing climate change in a bipartisan way."

Cato's Knappenberger: US Should Not Sign Climate Deal It Cannot Meet. Paul Knappenberger, assistant director of the Center for the Study of Science at the Cato Institute, writes for The Hill (3/24) that the targets set in the Paris climate accord are "infeasible if not downright impossible" and President Obama should "revise, or better yet, rescind [the] promise" to slash US greenhouse gas emissions by 26%-28% by 2025. "Putting our name on a promise that we know we can't keep would be a disingenuous act," Knappenberger writes, adding that the EPA has been underestimating US methane emissions and that Clean Power Plan "stretched elements of the Clean Air Act to the point of breaking."

Former Energy Official Touts Carbon Capture, Utilization, And Storage. Former Assistant Secretary of Energy Charles McConnell writes in a column in the "Pundits Blog" of The Hill (3/24) that "clean coal technology does exist and it is possible." Instead of arguing over using coal or quitting coal, McConnell argues we should be seeking to address its emissions. Asserting "quitting coal is not an option for today or the foreseeable future," he touts carbon capture, utilization, and storage, taking the Administration to task for decreasing funding for it.

ENERGY:

NREL Study: US Has 80% More Rooftop Solar Potential Than Previously Estimated. E&E News PM (3/24) reports that according to a new analysis by the National Renewable Energy Laboratory, "US rooftops could generate 80 percent more energy from solar panels than previously thought." Researchers found rooftop solar holds the potential to generate 1,432 terawatt-hours of energy annually, up from the estimated 800 terawatt-hours in 2008. NREL analyst and lead author of the report Pieter Gagnon, said an accurate estimate of the "technical potential" of rooftop solar provides a critical baseline for regional and city planning. "Armed with this new data, municipalities, utilities, solar energy researchers and others will have a much-improved starting point for PV research and policymaking."

Mooney: Community Solar Seen As Untapped 30-Gigawatt Middle Market. Chris Mooney writes for the Washington Post (3/24) that solar has been growing "extremely fast" at the large utility scale and small distributed rooftop scale, but analysts are increasingly saying that shared solar, or community solar, is "a middle-range market whose large potential is just becoming clear." As of 2015, "only a tiny sliver of all solar capacity in the US fit into this category," but according to a new report by the Rocky Mountain Institute, the potential for community solar to expand is "vast" at up to 30 gigawatts at the extreme upper cap.

OTHER:

California EPA Says Chemical Warning Could Discourage Poor Communities From Canned Food. The AP (3/25, Knickmeyer) reports that the California Environmental Protection Agency has decided not to place warning labels on metal cans lined with the chemical BPA, "arguing too-specific warnings could scare stores and shoppers in poor neighborhoods away from some of the only fruits and vegetables available – canned ones."

PESTICIDES:

Hartsfield-Jackson Airport Stocks Up On EPA-Approved Mosquito Repellent In Fight Against Zika. The Atlanta Journal-Constitution (3/24) reports that Atlanta's Hartsfield-Jackson International airport and state health department officials have asked the airport's concessionaires to begin stocking "Environmental Protection Agency-approved insect repellent" to help prevent the spread of the Zika virus.

Federal Program To Support Public Health Pesticides Remains Unfunded. Bloomberg BNA (3/25) explains the complicated situation in which the EPA effectively ordered a mosquito-killing insecticide that could help combat the spread of the Zika virus "to be pulled from shelves." Because there is "little to no economic incentive for private companies to keep making" certain products, there exists a federal program that provides funding to companies that makes "'public health pesticides' with little revenue-generating potential to conduct the EPA-mandated toxicity studies needed to keep these chemicals on the market.'" However, the lawmakers that created the program "never followed through and allocated funding to it."

RULES/REGULATIONS/POLICY:

Judge Dismisses Challenge To EPA's Decision Regarding Emissions At Navajo Power Plant. Courthouse News (3/24) reports, "A federal judge dismissed Arizona tribal conservation groups' challenge of the Environmental Protection Agency's decision to delay emissions reductions standards" at the 2,250-megawatt power station on the Navajo Indian Reservation. The contention resulted from an EPA rule published in 2013 which required the Navajo power plant to reduce emissions, but which was never implemented because a Technical Working Group – working with the EPA – created an alternative to the rule. US District Judge Vince Chhabria dismissed the complaint from the environmental groups, writing that instead the Ninth Circuit Court of Appeals should hear the claim.

Environmental Groups Petition EPA To Reexamine Aquifer Exemption Process. The Bakersfield (CA) Californian (3/24, Cox) reports that a coalition of environmental groups have petitioned the US Environmental Protection Agency to "halt or change its process for exempting aquifers from Safe Drinking Water Act protections," arguing that the aquifer exemption process "needs to be updated to reflect improved water purification and drilling technology, as well as current drought conditions in the West." If successful, the petition "could place more areas off-limits to oil field waste injections and...cyclic steaming," which would have "a big impact on California, especially Kern [County]." Rock Zierman, CEO of the California Independent Petroleum Association said that wastewater injections are the most environmentally favorable method of disposing of produced water.

TOXICS/TSCA:

Additional Reading.

- ***District Says It Has Gone "Far Beyond The EPA Requirements" For PCB Sampling.*** Malibu (CA) Times. (3/25, Sawicki)

WATER:

NYTIMES: Task Force On Flint Cites Racism, Agency Failures. An editorial in the New York Times (3/25, Board) says that the latest report on the tragedy in Flint "makes clear the principle cause of the water crisis...the state government's blatant disregard for the lives and health of poor and black residents of a distressed city." The five-member task force that authored the report identifies the Michigan Department of Environmental Quality as "the agency most at fault" for various failures, and also for "ly[ing] to the EPA, telling it that Flint was properly treating the water." Although congressional Republicans have "sought to pin virtually all of the blame on the Environmental Protection Agency, which many of them oppose for ideological reasons," the Times concludes that the EPA's biggest mistake was that it did not intervene forcefully enough "until it issued an emergency order in January, even though some of its employees began raising concerns about Flint's water early last year."

North Carolina DEQ Urges Federal Government To Shorten Lead Contamination Notification Period. The Charlotte (NC) Observer (3/25, Henderson) reports that in the wake of the Flint water crisis, North Carolina officials have filed a petition with the EPA "urg[ing] the federal government Thursday to adopt the state's standard for notifying consumers of lead or copper contamination." The North Carolina requires notifications within 48 hours in cases for contaminants in tap water, whereas the federal standard allows for up to 30 days for the notification period.

Michigan Terminates Flint-Related PR Contract. The Hill (3/24, Wilson) reports that the "controversial public relations contract" between PR firm Mercury and the state of Michigan has ended. Gov. Rick Snyder "came under fire for hiring the high-powered firm to help deal with the fallout from the water contamination crisis in Flint." A Snyder spokesman "confirmed the termination of the contract but declined to give information about how much it was worth." Meanwhile, the Detroit Free Press (3/24) reports that the latest emails released from Snyder's office "include playfully written messages about the quality of Flint's drinking water and the challenge of confronting the issue."

No Federal Consensus On Flint Yet. Roll Call (3/24) reports that after "two months, three oversight hearings and four congressional delegation visits to Flint...no solution and no agreement on the proper level of federal intervention have materialized. But a damning report released Wednesday in Michigan finds plenty of blame at all levels of government," including the EPA. The Daily Caller (3/24, Bastasch) says the report "slams" the EPA, "claiming the agency was unlikely to enforce clean drinking water regulations in Flint in the absence of 'widespread public outrage.'"

Gary Wilson writes in his Great Lakes (MI) Echo (3/24) column that McCarthy "had three prongs to her testimony; blame Michigan, deny any EPA responsibility and repeat. She said EPA was 'strong-armed and misled' by Michigan and 'we couldn't do our jobs effectively.' ... McCarthy's testimony set the bar low. Then she tripped over it." Wilson writes that "unlike McCarthy," Snyder "was contrite and accepted responsibility."

The Guardian (UK) (3/24, Felton) has a feature on the impact of the Flint crisis on children.

New York City Education Department Tells Parents That School Water Is Lead-Free. The New York Daily News (3/24, Chapman) reports New York City Education Department officials "sent letters home with the city's 1.1 million public school kids Wednesday to tell families their schools' drinking water is lead-free." The letter "invited parents to visit an online database to find the latest water-testing results for any city school."

Boston Schools Vow To Step Up Lead Testing. The Boston Globe (3/24, Rocheleau) reports Boston Public Schools officials say they will "step up testing for hazardous lead contamination at the system's 37 buildings that still use tap water for drinking, including about two dozen where the water hasn't been tested for at least six years." More than two-thirds of city school buildings are currently "using bottled water because of concerns about lead."

Low Levels Of PFOA Found In Vermont Town's Water. The AP (3/24) reports low levels of perfluorooctonaoic acid have been found in the Pownal, Vermont public water supply. The "potentially cancer-causing chemical...has been found in about 100 private wells in neighboring Bennington."

Louisiana Town's Tap Water Will Not Be Drinkable For At Least Two To Three Days. The AP (3/24) reports Louisiana State Health Officer Jimmy Guidry "says it will be at least two to three days before residents of Donaldsonville can begin drinking their tap water again." Residents of the town "were advised not to drink the water this week after an inspection showed the possibility that it contained levels of chlorine dioxide surpassing federal environmental guidelines."

Additional Reading.

- ***What Happens If US Ignores Water Issues?*** CNBC. (3/24)

LAST LAUGHS:

Late Night Humor.

Jimmy Kimmel: Hillary Clinton and Bernie Sanders are "an interesting pair because they're still competing with each other, but eventually we know they're going to team up to stop the deranged billionaire who wants to take over the world, which, if you think about it, is basically the plot to 'Batman v. Superman.'"

Jimmy Kimmel: "According to a new Bloomberg poll, Clinton leads [Donald] Trump in a hypothetical match-up 54%-36%. And this is interesting: 68% of likely general election voters, according to this poll, view Donald Trump negatively. And the other 32% don't have Twitter or television."

Jimmy Fallon: "The State Department is having to hire more staffers to review all of the requests that are being filed for Hillary Clinton's emails. Or as Hillary put it, 'See, I'm creating jobs already.'"

Jimmy Fallon: "Here's some good news for Hillary Clinton: Yesterday she received the endorsement of 'Rolling Stone' magazine. While Bernie Sanders received the endorsement of 'Kidney Stone' magazine."

Jimmy Fallon: "Hillary also targeted Donald Trump's recent comments on foreign policy, saying if Trump gets his way, it will be like Christmas for Russia. Then Russians were like, 'So, we all get potato in sock?'"

Jimmy Fallon: "Hillary Clinton said that if Donald Trump becomes president, it will be like Christmas in the Kremlin. Christmas in the Kremlin, which actually sounds like an amazing holiday movie starring Vladimir Putin."

Seth Meyers: "People on Wall Street are worried about the negative effects of a Donald Trump presidency. Also worried: people on every street."

Seth Meyers: "Dr. Ben Carson appeared on 'The View' this morning. And when asked afterwards what he thought of 'The View,' he said, 'Blurry.'"

Seth Meyers: "A new poll shows that 55% of voters say Hillary Clinton is more presidential than Donald Trump. I think in terms of who's most presidential it goes by this – Barack Obama, Hillary Clinton, John Kasich, everybody else in the world, Donald Trump, and Turtle from 'Entourage.'"

Seth Meyers: "Last night, former New York City Mayor Rudy Giuliani said Hillary Clinton could be considered a founding member of ISIS. That's ridiculous – ISIS doesn't hire women."

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To: StClair, Christie[StClair.Christie@epa.gov]
From: Cohen, Nancy
Sent: Mon 3/7/2016 8:16:44 PM
Subject: RE: GKM related request about Superfund

Christie: they should use the resources we have posted on our website and the blog, nancy

Nancy Cohen

U.S. EPA OLEM

202.566.0171

From: StClair, Christie
Sent: Monday, March 07, 2016 2:59 PM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>
Subject: FW: GKM related request about Superfund

No action needed yet, but this just came in – great example of what reporters are looking for.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Valentine, Julia
Sent: Monday, March 07, 2016 2:56 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: GKM related request about Superfund

Hi Nancy and Christie,

I'm late getting this to you, my apologies. He has no specific deadline. He reached out to me because of Superfund. While it is not strictly about GKM, he is inquiring about the process of how and why something becomes a SF site. Seemed obvious to me when I spoke with him that he needs a SF/NPL 101 backgrounder.

I am happy to handle, but George and I both thought you might want to take this one.

Ethan Barton

ethan@dailycallernewsfoundation.org

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

Overall, I'm looking for a Superfund 101. I'm interested to learn about the community's involvement in nearby superfund site designations, the national priorities list, and the overall process of becoming a superfund site. I'd like to learn about the process from start to finish, beginning with the request for a superfund designation to after a site's

clean up is completed, and communities' involvement throughout that process.

I'm also curious about successes, challenges, costs and spending, and the range of timeframes it takes to clean sites.

I became interested in the superfund program after learning that the community near the Gold King Mine is requesting superfund status after decades of delay. While the focus of my story will be about the superfund program in general, I plan to use that request as an example.

Also, I am also aware of the EPA's CERCLIS search. I was hoping to learn more about the database and receive a copy of the raw data.

Julia P. Valentine

Office of Public Affairs

US EPA Headquarters

202.564.2663 desk

202.740.1336 m/txt

To: Belle, Kara[Belle.Kara@epa.gov]; Smith, Paula[Smith.Paula@epa.gov]
Cc: Cohen, Nancy[Cohen.Nancy@epa.gov]; Wells, Suzanne[Wells.Suzanne@epa.gov]; Fitz-James, Schatzi[Fitz-James.Schatzi@epa.gov]; Stalcup, Dana[Stalcup.Dana@epa.gov]; Leclerc, Russell[Leclerc.Russell@epa.gov]; Murray, Bill[Murray.Bill@epa.gov]; Peterson, Cynthia[Peterson.Cynthia@epa.gov]; Lemon, Mollie[Lemon.Mollie@epa.gov]
From: Deitz, Randy
Sent: Thur 4/14/2016 9:15:27 PM
Subject: RE: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

In our response to this guy will someone explain that people have not been pre-August 5th release, and are not now, drinking raw river water from the Animas or San Juan Rivers. Localities that draw their water from these rivers for drinking water purposes treat the water before it goes out through the distribution system to customers - - just like the other thousands of municipalities throughout the U.S. that use river water for drinking water. And once again, that the Aug. 5th release represented a tiny fraction of the billions of gallons of contaminants that have been discharged into those rivers for decades, thus, any risk posted by mine drainage discharges existed long before the Aug. 5th release. And finally, the Bonita Peak Mining District NPL proposal is not the result of the GK Mine release - - the releases sought to be addressed from the other 47 mines in the proposal I have to believe far outweigh the sole contribution from GK. He is trying to say the NPL proposal, is in effect, solely a GK related action - - which is just factually wrong.

Randy Deitz

Attorney Advisor

Office of Land and Emergency Management

(202) 566-0197

From: Belle, Kara
Sent: Thursday, April 14, 2016 4:38 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Cohen, Nancy <Cohen.Nancy@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Leclerc, Russell <Leclerc.Russell@epa.gov>; Murray, Bill <Murray.Bill@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: FW: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Hi Paula,

This is also related to the Daily Caller inquiry I just sent you. Please also send response to Nancy Cohen, Suzanne wells and Schatzi Fitz-James.

Thanks

Kara Belle

Community Involvement and Program Initiatives Branch

Office of Superfund Remediation and Technology Innovation

U.S. Environmental Protection Agency

(703)603-8815

From: Lemon, Mollie
Sent: Thursday, April 14, 2016 4:31 PM
To: Belle, Kara <Belle.Kara@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Cc: Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Glikes, Michael <Glikes.Michael@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: RE: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Hi all – just received this addition from the reporter:

I also just found this sentence in the document relating to drinking water:

"This contamination threatens not only human food chain fisheries, wetlands and wildlife habitat, including endangered species habitat, but also has the potential to impact downstream drinking water supplies serving thousands of people."

How is the river safe if water supplies for thousands of people are threatened?

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: Lemon, Mollie
Sent: Thursday, April 14, 2016 2:52 PM
To: Belle, Kara <Belle.Kara@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Cc: Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Glikes, Michael <Glikes.Michael@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Hi all –

Incoming Gold King inquiry below, with a deadline of 5 pm today. Could you please also loop in and coordinate with the appropriate regional staff?

Thanks in advance!

Mollie

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:25 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

Here's the link to the HRS document, for your convenience:

https://semspub.epa.gov/work/08/1769520.pdf

On Thu, Apr 14, 2016 at 2:24 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Hello,

I have some questions regarding the Bonita Peak Mining District HRS Documentation Record.

I would like to know why the drinking water threat was not scored. The document shows that ground water migration pathway was not scored because of the low population density and because there are "no municipal wells located within the four mile radius that serve as potable supplies."

However, Silverton, Colorado, Farmington, New Mexico, and the Navajo Nation have all had their water supplies affected by the Gold King Mine release, which suggests water supplies are, in fact, impacted by the Bonita Peak Mining District.

Additionally, both the human food chain and the environmental threats scored the max values. How is it that the EPA claims the river is safe for humans and that drinking water is not affected, yet the human food chain is heavily threatened?

Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

In sum:

1. Why was drinking water not assessed in the HRS, given the details provided?

2. How can the human food chain be so heavily threatened, but the drinking water, as well as the Animas River, is safe for humans?

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

My deadline is end of business today.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; StClair, Christie[StClair.Christie@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]
From: Deitz, Randy
Sent: Thur 3/17/2016 8:30:23 PM
Subject: RE: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

If would not hurt to have a statement drafted. There is a reason why the DOI report was scoped, implemented as, and called, a "technical" evaluation.

Randy Deitz

Attorney Advisor

Office of Land and Emergency Management

(202) 566-0197

From: Grantham, Nancy
Sent: Thursday, March 17, 2016 3:50 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Subject: RE: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

Deliberative Process/Ex. 5

From: StClair, Christie
Sent: Thursday, March 17, 2016 3:48 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Subject: FW: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

Deliberative Process/Ex. 5

http://www.navajo-nsn.gov/News%20Releases/OPVP/2016/mar/President%20Begaye's%20Statement%20on%20Federal%20Inve

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Manzanilla, Enrique
Sent: Thursday, March 17, 2016 2:54 PM
To: Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>
Cc: Keener, Bill <Keener.Bill@epa.gov>; Tenley, Clancy <Tenley.Clancy@epa.gov>; Allen, HarryL <Allen.HarryL@epa.gov>; Minor, Dustin <Minor.Dustin@epa.gov>; BERMAN, TESSA <Berman.Tessa@epa.gov>; Mitchell, Stacey <Mitchell.Stacey@epa.gov>
Subject: RE: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

I hadn't seen this…

http://www.navajo-nsn.gov/News%20Releases/OPVP/2016/mar/President%20Begaye's%20Statement%20on%20Federal%20Inve

Enrique Manzanilla

Director, Superfund Division

US EPA Region 9 - Pacific Southwest

(415) 972 3843

From: Chilingaryan, Sona
Sent: Thursday, March 17, 2016 9:34 AM
To: StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>
Cc: Keener, Bill <Keener.Bill@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Tenley, Clancy <Tenley.Clancy@epa.gov>; Allen, HarryL <Allen.HarryL@epa.gov>
Subject: Re: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

Good thinking, Christie. How about adding the sentence in green to this paragraph. I'm also removing the bit about drinking water because that hasn't come up as much in terms of analysis.

The agency has provided the data to the Navajo Nation so that they can compare them to the Nation's standards for agriculture ~~and drinking water~~. **The agency has also compared data for the stretch of the San Juan River on Navajo Nation to Navajo Nation's agricultural standards, and shared that analysis with the Tribe.** On August 24, 2015, Navajo Nation President Begaye reported that the Navajo Nation EPA had determined the water from the San Juan River was safe for irrigation purposes. On August 28, the President lifted irrigation restrictions on the San Juan River for the Chapters of Upper Fruitland, San Juan and Nenahnezad Chapters.

From: StClair, Christie
Sent: Thursday, March 17, 2016 9:18 AM
To: Grantham, Nancy; Chilingaryan, Sona; Zito, Kelly
Cc: Keener, Bill
Subject: RE: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

OK, thanks Nancy.

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

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From: Grantham, Nancy
Sent: Thursday, March 17, 2016 12:09 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>
Cc: Keener, Bill <Keener.Bill@epa.gov>
Subject: RE: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

I would say not to share – given that they are dated and we have lots of things in the mix data wise – so don't want to add anything else thnsk ng

From: StClair, Christie
Sent: Thursday, March 17, 2016 12:04 PM
To: Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>
Cc: Keener, Bill <Keener.Bill@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

I was thinking we'd share them as an example of what we provided during the response, and noting the date.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

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From: Chilingaryan, Sona
Sent: Thursday, March 17, 2016 12:03 PM
To: Zito, Kelly <ZITO.KELLY@EPA.GOV>; StClair, Christie <StClair.Christie@epa.gov>
Cc: Keener, Bill <Keener.Bill@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

Hi! I don't think it's a good idea to share those graphics at this point-- they're out of date and incomplete. We're hoping to update those soon and will have them for future inquiries.

From: Zito, Kelly
Sent: Thursday, March 17, 2016 8:49 AM
To: StClair, Christie; Chilingaryan, Sona
Cc: Keener, Bill; Grantham, Nancy
Subject: RE: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

Adding Sona – since she has a better bead on the data

From: StClair, Christie
Sent: Thursday, March 17, 2016 8:42 AM

To: Zito, Kelly <ZITO.KELLY@EPA.GOV>
Cc: Keener, Bill <Keener.Bill@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

Not sure, I will check.

Also, do we want to provide the reporter with the graphs (attached) that R9 shared with NN stakeholders during the response? They compare water quality to NN's livestock standards, so

Deliberative Process/Ex. 5

Christie St. Clair

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Environmental Protection Agency

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From: Zito, Kelly
Sent: Thursday, March 17, 2016 10:50 AM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Keener, Bill <Keener.Bill@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: Daily Caller (DDL 12:30pm EST): GKM + Navajo Nation

Thanks Christie - We will get back to you this morn. On the $2 million - is that available now, as indicated below, or is some of that funding still in the works?

Thanks-

Kelly

Sent from my iPhone

On Mar 17, 2016, at 7:29 AM, "StClair, Christie" <StClair.Christie@epa.gov> wrote:

Ethan Barton of the Daily Caller has questions based on an interview he just did with President Begaye.

I've drafted responses based on previously used info, with one highlighted exception. The highlighted sentence is based on recent feedback on the data calls – it's the first time we will be saying this.

Please send any edits by 12:30pm EST.

Thanks,

Christie

1. He told me that reported, successful Navajo suicides spiked since the spill, though he couldn't establish a direct correlation.

No comment

2. Begaye also said the EPA isn't holding up to its promises, isn't monitoring the soil and water as promised, and is using a water quality standard that allows for many more contaminants than what is typically allowed for agriculture and drinking. He noted that consistent monitoring and guidance is critical, as farmers will soon need to rely on the contaminated rivers as irrigation sources.

EPA performed the first round of monitoring in October and November in accordance with the September 2015 draft "Post Gold King Mine Release Incident: Conceptual Monitoring Plan for Surface Water, Sediment and Biology." Under the plan, EPA is examining water quality, sediment quality, biological community and fish tissue under a variety of flow conditions at 26 sites, across seasonal conditions. The sites are located within Colorado, Southern Ute Indian Reservation, New Mexico, Ute Mountain Ute Reservation, the Navajo Nation and Utah, spanning Cement Creek, the Animas and San Juan rivers, and the upper section of Lake Powell.

Metals that could pose a risk to human safety at high concentrations were tested against the agency's risk-based recreational screening levels. The conservative screening values assume adults and children who are hiking and camping near the river receive all of their daily water intake

from the river over a 64-day period each year for a combined thirty year period.

All metals, at all sampling sites, were below these risk-based recreational screening levels. Under the federal Safe Drinking Water Act and state water quality standards, metals must be effectively treated and removed from source water used as a drinking water supply.

The agency has made all sampling data available to the Navajo Nation so that they can compare them to the Nation's standards for agriculture and drinking.

Before using the river this spring for recreation, irrigation, agriculture and drinking, local residents should consult local health authorities about normal precautions that result from seasonal changes to the Rivers.

EPA, States, Tribes and local Governments are working together to determine the next steps for monitoring.

3. Begaye also said he doesn't expect the Navajo Nation and affected farmers will receive full compensation from the EPA for the spill, which he estimated to be about $1 million.

On March 10, the U.S. Environmental Protection Agency provided $157,756 to Navajo Nation government agencies for costs incurred during the response to the August 2015 Gold King Mine release.

The reimbursement is for costs incurred by Navajo from August 5 to September 2, 2015 and includes: $42,138 for drinking water; $31,116 for installing a fiber optic cable that provided needed internet access to the Navajo Nation Emergency Operations Center; $63,824 for sampling and supplies and $20,678 for labor, travel and supplies to support the delivery of hay and agricultural water. EPA is continuing to review other response costs submitted by Navajo Nation.

EPA has made $2 million immediately available for State and Tribal grant application to perform monitoring to address both early warning and seasonal monitoring. EPA continues to work with States and Tribes on any additional monitoring needs.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

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To: StClair, Christie[StClair.Christie@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Glikes, Michael[Glikes.Michael@epa.gov]; Stalcup, Dana[Stalcup.Dana@epa.gov]; Mahmud, Shahid[Mahmud.Shahid@epa.gov]; R8 GKM Leadership Team[R8_GKM_LeadershipTeam@epa.gov]
From: Ward, W. Robert
Sent: Fri 3/11/2016 10:24:08 PM
Subject: RE: OLEM/OSRTI/R8 ACTION - Daily Caller (DDL 5pm EST today): GKM

Thanks, Christie. On #3, this seems related to previous questions we have gotten on absence of ESA consultation prior to the release. I recall we have agreed language on this that may fit here. Hope that is helpful, Bob

W. Robert Ward

U.S. Environmental Protection Agency

303-312-7100 (direct)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: StClair, Christie
Sent: Friday, March 11, 2016 1:27 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Glikes, Michael <Glikes.Michael@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Mahmud, Shahid <Mahmud.Shahid@epa.gov>; R8 GKM Leadership Team <R8_GKM_LeadershipTeam@epa.gov>
Subject: OLEM/OSRTI/R8 ACTION - Daily Caller (DDL 5pm EST today): GKM

Daily Caller is working on several stories regarding GKM. Below are their questions and draft answers. Responses needing OLEM/OSRTI/R8 input are marked.

Please respond no later than 5pm eastern.

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

To: Cohen, Nancy[Cohen.Nancy@epa.gov]
From: StClair, Christie
Sent: Mon 3/7/2016 7:59:03 PM
Subject: FW: GKM related request about Superfund

No action needed yet, but this just came in – great example of what reporters are looking for.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Valentine, Julia
Sent: Monday, March 07, 2016 2:56 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: GKM related request about Superfund

Hi Nancy and Christie,

I'm late getting this to you, my apologies. He has no specific deadline. He reached out to me because of Superfund. While it is not strictly about GKM, he is inquiring about the process of how and why something becomes a SF site. Seemed obvious to me when I spoke with him that he needs a SF/NPL 101 backgrounder.

I am happy to handle, but George and I both thought you might want to take this one.

Ethan Barton

ethan@dailycallernewsfoundation.org

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

Overall, I'm looking for a Superfund 101. I'm interested to learn about the community's involvement in nearby superfund site designations, the national priorities list, and the overall process of becoming a superfund site. I'd like to learn about the process from start to finish, beginning with the request for a superfund designation to after a site's clean up is completed, and communities' involvement throughout that process.

I'm also curious about successes, challenges, costs and spending, and the range of timeframes it takes to clean sites.

I became interested in the superfund program after learning that the community near the Gold King Mine is requesting superfund status after decades of delay. While the focus of my story will be about the superfund program in general, I plan to use that request as an example.

Also, I am also aware of the EPA's CERCLIS search. I was hoping to learn more about the database and receive a copy of the raw data.

Julia P. Valentine

Office of Public Affairs

US EPA Headquarters

202.564.2663 desk

202.740.1336 m/txt

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Ward, W. Robert[Ward.Robert@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]
From: Card, Joan
Sent: Mon 2/29/2016 7:53:34 PM
Subject: Re: EPA Gold King Mine

I would refer back to Congressional testimony. I don't believe we called it an accident though I seem to recall that Sec Jewell may have.

Joan Card
Senior Policy Advisor
Region 8

Sent from my EPA iPhone

On Feb 29, 2016, at 2:31 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Any insight into this?

Thanks ng

From: Hull, George
Sent: Monday, February 29, 2016 2:17 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Press <Press@epa.gov>
Subject: FW: EPA Gold King Mine

Nancy,

Flagging for your attention. Christy is compressed today. Thanks, George

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Monday, February 29, 2016 1:40 PM
To: Press <Press@epa.gov>
Subject: EPA Gold King Mine

Hi,

I was wondering if EPA considers the Gold King Mine release an "accident" or not? I only note a handful of instances when the EPA refers to the mine blowout as an "accident" rather than an "incident."

Please let me know. Thanks!

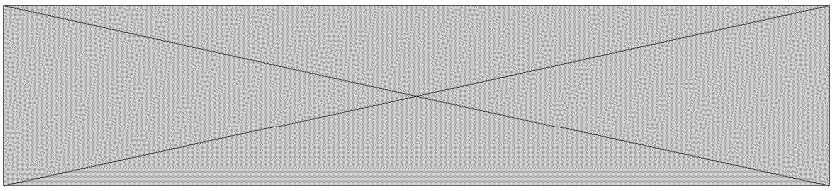
Best,

Mike

--

Michael Bastasch

Daily Caller News Foundation



To: Card, Joan[Card.Joan@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]
Cc: Hamilton, Karen[Hamilton.Karen@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Jenkins, Laura Flynn[Jenkins.Laura@epa.gov]; Miller, Johanna[Miller.Johanna@epa.gov]
From: StClair, Christie
Sent: Mon 2/22/2016 10:32:56 PM
Subject: RE: Animas River health

Thanks, everybody, for your quick help on this. We're all set.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Card, Joan
Sent: Monday, February 22, 2016 5:21 PM
To: Deitz, Randy <Deitz.Randy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Cc: Hamilton, Karen <Hamilton.Karen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Subject: RE: Animas River health

Just so you know, the watershed includes Cement Creek, Mineral Creek and the Upper Animas River.

From: Deitz, Randy
Sent: Monday, February 22, 2016 3:19 PM

To: StClair, Christie <StClair.Christie@epa.gov>; Card, Joan <Card.Joan@epa.gov>
Cc: Hamilton, Karen <Hamilton.Karen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Subject: RE: Animas River health

Joan Card weighed in on the watershed vs. river issue - - watershed wins out. Thanks.

Randy Deitz

Attorney Advisor

Office of Land and Emergency Management

(202) 566-0197

From: StClair, Christie
Sent: Monday, February 22, 2016 5:06 PM
To: Card, Joan <Card.Joan@epa.gov>
Cc: Hamilton, Karen <Hamilton.Karen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Subject: RE: Animas River health

Looks like we're good, just need guidance on watershed vs river in the final section.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

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From: Card, Joan
Sent: Monday, February 22, 2016 4:53 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Hamilton, Karen <Hamilton.Karen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Subject: RE: Animas River health

Thanks. I'm comfortable. If it can wait for Johanna's review, please do. Do we have OSRTI/OLEM concurrence?

Joan

From: StClair, Christie
Sent: Monday, February 22, 2016 2:47 PM
To: Card, Joan <Card.Joan@epa.gov>
Cc: Hamilton, Karen <Hamilton.Karen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Subject: RE: Animas River health

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Card, Joan
Sent: Monday, February 22, 2016 4:42 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Hamilton, Karen <Hamilton.Karen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Subject: RE: Animas River health

Was this on our web site or some other source? Looks like the right answer to me.

From: StClair, Christie
Sent: Monday, February 22, 2016 2:23 PM
To: Card, Joan <Card.Joan@epa.gov>
Cc: Hamilton, Karen <Hamilton.Karen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Subject: RE: Animas River health

Here's a draft response using existing language. Please let me know by 5pm eastern if you have any edits.

While the rivers returned to pre-release conditions downstream, there are still significant metal loadings from numerous mining sources in the Upper Animas mining district.

Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources. There are literally hundreds of old mines, ore processing locations and other places where acid mine drainage containing metals enters small streams and creeks that eventually enter the Animas River.

The USGS conducted sampling in the Animas River in 1995-1996 to measure the amount of metals carried by the river during the spring snowmelt period. They estimated an average metals load of approximately 2,300 kg/day. (In comparison, when the plume from last summer's Gold King Mine release reached the lower Animas River, it carried an estimated average load of 2,000 kg/day.)

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas.

The EPA is currently working with state, local and tribal stakeholders to address long-term solutions, including a potential NPL listing, to the acid mine draining into the Upper Animas.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Card, Joan
Sent: Monday, February 22, 2016 3:54 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Hamilton, Karen <Hamilton.Karen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Subject: Re: Animas River health

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Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

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Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, February 22, 2016 3:33 PM
To: StClair, Christie <StClair.Christie@epa.gov>
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Let me know if that doesn't address your question well enough.

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From: Deitz, Randy
Sent: Mon 2/22/2016 9:58:21 PM
Subject: RE: Animas River health

I have some edits, new text is in bold and deleted text is lined out. Not sure if the word Watershed or River is the right word for my edits in the final two sentences. Thank you.

While the **Animas and San Juan** rivers returned to pre-release conditions downstream, there are still significant metal loadings from numerous mining sources in the Upper Animas mining district.

Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources. There are literally hundreds of old mines, ore processing locations and other places where acid mine drainage containing metals enters small streams and creeks that ~~eventually~~ **ultimately** enter the Animas River.

The **United State Geological Survey** (USGS) conducted sampling in the Animas River in 1995-1996 to measure the amount of metals carried by the river during the spring snowmelt period. They estimated an average metals load of approximately 2,300 kg/day. (In comparison, when the plume from last summer's Gold King Mine release reached the lower Animas River, it carried an estimated average load of 2,000 kg/day.)

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of ~~the~~ **a** community-based collaborative effort, EPA agreed to postpone adding all or a portion of the ~~site~~ **Animas Mining District** to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek ~~and~~ the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions ~~at the site~~ **in the area** in order to understand the major sources of heavy metal contamination in the Upper Animas **Watershed.**

The EPA is currently working with state, local and tribal stakeholders to address long-term solutions, including a potential NPL listing, to the acid mine **drainage** ~~draining~~ **discharging** into the Upper Animas **Watershed**.

Randy Deitz

Attorney Advisor

Office of Land and Emergency Management

(202) 566-0197

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From: Miller, Johanna
Sent: Mon 2/22/2016 9:53:11 PM
Subject: Re: Animas River health

This looks good. The green has been in letter responses to congressional and the NN. Johanna

Sent from my iPhone

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Deliberative Process/Ex. 5

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Was this on our web site or some other source? Looks like the right answer to me.

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I'd welcome your thoughts on how best to describe the agency's reasons and goals for considering an NPL listing.

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, February 22, 2016 3:33 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

Would I be correct to say that making the area a superfund site would combat contaminants from the mines that are impacting fisheries harvested for humans, wetlands, and Canadian Lynx? Though not listed here, I also understand that the acid mine runoff has impacted fish populations.

Even though the contaminants "impact fisheries that are harvested for human consumption," is there a danger to human health, given the EPA's view that the river is safe?

On Mon, Feb 22, 2016 at 3:26 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Ethan,

The agency addressed the goals for a potential Superfund listing in its recent letter to Gov. Hickenlooper:

http://www.epa.gov/sites/production/files/2016-02/documents/letter-to-gov-hickenlooper.pdf

Let me know if that doesn't address your question well enough.

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, February 22, 2016 3:04 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

Great, thank you Christie.

One follow-up:

If the Animas and San Juan rivers are safe, then why has the EPA pushed to designate the area a superfund site?

Thanks,

Ethan

On Mon, Feb 22, 2016 at 2:59 PM, StClair, Christie <StClair.Christie@epa.gov>

wrote:

Ethan, thanks for being so patient.

Please attribute to an agency spokeswoman:

The EPA is confident that the Animas and San Juan rivers are safe for agricultural use and long-term recreational exposure. That's because water sampling has shown that both the Animas and San Juan Rivers have returned to the same condition they were in before the GKM release.

That said, acid mine drainage has been released into the rivers for many decades and winter runoff and major storms may kick up material that had settled to the bottom of the rivers. So those using the river for recreation, agriculture or drinking water should use the same precautions they always have.

EPA is working with city, state, county and tribal stakeholders to develop monitoring plans that will continue to assess the impacts of mine releases on the Animas and San Juan rivers. The monitoring will evaluate seasonal changes, including pre-winter and post-winter runoff and low-flow conditions.

The agency will continue to post water quality information as new data become available.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, February 22, 2016 12:37 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

Great, thank you.

On Mon, Feb 22, 2016 at 12:35 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

I'm working on it, Ethan.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, February 22, 2016 12:01 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

Christie, can I expect a response soon? Thanks.

On Fri, Feb 19, 2016 at 3:55 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Monday is fine, but preferably in the morning. Thanks.
>
> On Fri, Feb 19, 2016 at 3:54 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:
>
> > Deadline COB or Monday?
> >
> > **Christie St. Clair**
> >
> > Office of Public Affairs
> >
> > Environmental Protection Agency
> >
> > Washington, DC
> >
> > o: 202-564-2880
> >
> > m: 202-768-5780
> >
> > **From:** Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
> > **Sent:** Friday, February 19, 2016 3:53 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

Yes, please. That would be great.

On Fri, Feb 19, 2016 at 3:51 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

That's correct. I can get you some more detail if you like.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton
[mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, February 19, 2016 3:43 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

Hi Christie,

Yeah, I looked over this. My understanding is that, in essence, this says that the river is safe for use, though there are pockets with higher contamination unrelated to the Gold King Mine spill, but longterm effects require additional monitoring before conclusions can be made.

Does that sound about right?

Ethan

On Fri, Feb 19, 2016 at 3:35 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Hi Ethan,

You may find this useful – please note it is a DRAFT and will be peer reviewed before the results are finalized: http://www.epa.gov/goldkingmine/epas-draft-analysis-fate-and-transport-metals-animas-and-san-juan-rivers

Let me know if that doesn't do the trick.

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton
[mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, February 19, 2016 2:26 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Animas River health

Hi Christie,

Hope all is well. I'm looking into the current health of the Animas River. I saw on the FAQ page that the EPA doesn't anticipate any adverse health effects to humans, livestock, or agriculture, and data on the impact on fish is promising, though long-term acid mine run-off has been detrimental to fish populations.

Could you please comment on the overall health of the Animas River in Colorado, New Mexico, Utah, and the Navajo Nation? I'm interested in the current quality and the long term quality, as well as the influence the Gold King Mine spill had on both of those.

I think I have a good understanding after doing extensive reading, but I'd like to be certain.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

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Daily Caller News Foundation

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: R8 GKM Leadership Team[R8_GKM_LeadershipTeam@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Glikes, Michael[Glikes.Michael@epa.gov]
From: StClair, Christie
Sent: Fri 2/12/2016 10:03:05 PM
Subject: GKM clips: Deseret News, AP, Daily Caller

More GKM clips:

1. Deseret News: EPA didn't clue in Utah on San Juan River contamination
2. AP: EPA knew mine spill was possible
3. The Daily Caller: Flint Gets Millions, While Gold King Mine Victims Are Ignored

Deseret News: EPA didn't clue in Utah on San Juan River contamination

http://www.deseretnews.com/article/865647572/State-EPA-didnt-clue-in-Utah-on-San-Juan-River-contamination.html?pg=all

Amy Joi O'Donoghue

SALT LAKE CITY — Utah water quality regulators stumbled upon new information gathered by the U.S. Environmental Protection Agency that shows elevated metal concentrations in the San Juan River, a revelation that will prompt new rounds of testing by state scientists.

The federal agency had not directly disclosed the results to the Utah Department of Environmental Quality from September and October sampling in the wake of the Gold King Mine spill last August. Instead, state employees discovered the information in a posting on the EPA's website.

"It is a concern," Alan Matheson, the department's director, said Friday. "If there is something that raises a red flag, we would hope that we would be notified. We would hope we would find out other than through our own search."

The samples show elevated metal concentrations that exceed state water quality standards, but Matheson said the data do not indicate an immediate public health threat.

"We looked at the numbers and shared them with other agencies and concluded there is no immediate threat to public health or agriculture," Matheson said, adding that testing showed the concentrations of metals were episodic and may have been triggered by storm events that stirred river sediment.

Still, Matheson said the results are concerning enough to prompt a three-pronged approach by the state agency to gather additional information and put a long-term monitoring plan in place.

"We are going to take three initial actions to ensure the safety of Utah residents," Matheson said. "First, we filed a Freedom of Information request to gather whatever additional information EPA has on their sampling and we are immediately undertaking are own sampling regime to see if there is ongoing evidence of elevated metals in the San Juan River."

The department is also working with the EPA, tribes and other states to determine the extent and source of contamination. It has posted information gathered so far on its website.

The August spill at the Gold King Mine in Colorado sent 3 million gallons of mustard-colored metal-laden sludge into the Animus River, a 126-mile river which is a tributary of the San Juan River. The rivers are part of the Colorado River system, eventually dumping into Lake Powell.

Lingering metals such as cadmium, arsenic, lead and zinc pose future risks that cannot yet be quantified, and Matheson said it's difficult to tell exactly how and when they made it into the rivers.

"There have been releases of metal-laden water from mining for decades," he said. "It could be from the Gold King Mine or legacy mining or other sources that have not been identified yet."

The Colorado spill above Silverton has evoked a blistering response from local, state and congressional leaders, with the federal agency revealing last week that 880,000 pounds of heavy metals were released into critical waterways as the result of an intentional breach of the mine's plug directed by EPA.

On Thursday, the U.S. House Committee on Natural Resources released a Majority Staff Report on the spill that asserts a series of blunders on the part of the agency and deliberate concealment of key information related to technical evaluations of the mine's structure and integrity.

"When government actions result in harm, it’s our duty to know who was responsible and why decisions failed. They haven’t been forthcoming in this regard,” said Rep. Rob Bishop, R-Utah and the committee chairman.

Matheson said it is unclear at this point how long — and to what extent — the state will have to monitor the San Juan River.

"Our mission is to protect the health and safety of Utah residents and the environment," he said. "We take that seriously. We are going to take a very cautious approach and make sure we get the best information available to ensure that our residents are not being exposed to harmful levels of metals."

AP

EPA knew mine spill was possible

http://www.kob.com/article/stories/s4046672.shtml#.Vr5U9PkrJxA

Matt Brown and Dan Elliott

Created: 02/12/2016 12:30 PM

DENVER (AP) - A probe of a mine waste accident in Colorado that fouled rivers in three states with arsenic, lead and other toxic substances has found further evidence that government workers knew a spill from the gold mine was possible, according to documents released Thursday by a U.S. House committee.

Hays Griswold, a U.S. Environmental Protection agency official in charge of the Gold King mine at the time of the August accident, said in an email that he "personally knew" the plugged, inactive mine could contain large volumes of water.

The email was sent Oct. 28 to other EPA officials and provided Thursday to The Associated Press by the House Natural Resources Committee as it released the findings of its Republican-led probe.

An EPA cleanup crew triggered the spill during excavation work at the mine's entrance, unleashing a 3-million-gallon deluge that contaminated rivers in Colorado, New Mexico and Utah.

The release dumped more than 880,000 pounds of heavy metals into Colorado's Animas River, forcing the closure of downstream public water systems until the plume passed and raising concerns about long-term environmental impacts.

"I personally knew it could be holding back a lot of water, and I believe the others in the group knew as well," Griswold wrote in the email.

EPA officials did not immediately respond to questions from the AP about the email.

The spill occurred when workers for EPA and its contractor, Environmental Restoration LLC, started excavation work that was intended to allow them to safely drain the mine.

An Interior Department investigation pinned responsibility on the EPA for not checking to see if the mine held pressurized water. EPA officials previously said the workers on site determined there was no or low pressure from water backed up inside the mine.

Griswold indicated in the email that the determination of low water pressure was based on mistaken assumptions about the location of the top of the mine's buried entrance, known in mining as the brow.

The excavation work was intended to clear away debris for the entrance before the mine was to be drained at a later date, he wrote.

"We and or I particularly thought we were four or maybe five feet above the brow," Griswold wrote. "However, as it turned out we inadvertently got to probably within a foot or two of the brow. That proved to be too close when rock at the exposed face crumbled out, providing an outlet for the water."

The Daily Caller

Flint Gets Millions, While Gold King Mine Victims Are Ignored

http://dailycaller.com/2016/02/12/flint-gets-millions-while-gold-king-mine-victims-are-ignored/

Ethan Barton – 2/12/16 – 2:23pm

A Native American community that was devastated by a flood of poisoned water released in a man-made pollution crisis is still waiting for compensation from the responsible agency — months after the disaster happened.

But that community isn't Flint, Mich., where President Barack Obama pledged $80 million in assistance after local, state and federal missteps and inaction caused lead poisoning in an unknown number of homes' water supplies.

It's the Navajo Nation that still waits for reimbursement after the Environmental Protection Agency (EPA) poisoned its drinking water in a disastrous incident at Colorado's Gold King Mine in August 2015. An EPA contractor doing the agency's bidding caused a spill that poisoned the Animas River with three million gallons of toxic waste, turning the river and its tributaries yellow in three states.

"It caused hundreds, maybe thousands of farmers to lose their crops and have their crops affected last season," Navajo Nation President Spokesman Mihio Manus told The Daily Caller News Foundation.

"It affected the livelihood of these farmers," Manus said. "A lot of farmers lost a lot of money."

Manus explained many customers were skeptical about buying produce from Navajo farmers – who irrigate their crops with water from the San Juan River, which is fed by the Animas River.
"We are still moving forward with establishing reimbursement and funds to be distributed to the farmers, and we are still addressing the issue of how many contaminants have settled into the river bed," Manus said.
Many Navajo farmers are concerned the San Juan River remains toxic and are avoiding its use, though the EPA declared the water is safe, according to Manus.
New Mexico's environmental agency recently found "levels of contamination that came close to those immediately after the spill" after heavy rains stirred San Juan River's sediment, Indian Country Today Media Network reported Friday.
Meanwhile, the Federal Emergency Management Agency declined the Navajo Nation's funding requests.
The feds recently began a multi-agency criminal investigation into the Flint crisis. Yet, the Gold King Mine disaster is not the focus of a federal criminal investigation — though House Committee on Natural Resources Republicans recently reported that the EPA violated two federal laws in the incident.
It's likely that many details regarding the mine's blowout will remain secret without a criminal investigation, TheDCNF previously reported.
TheDCNF has reported extensively on the striking differences between the federal government's handling of the two disasters.

To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Cavalier, Erin
Sent: Fri 4/15/2016 8:41:12 PM
Subject: Daily Wrap: 4/15/2016

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Gold King Mine

Daily Caller (Received 4/13) – OPEN – follow-up question on NPL enforcement. With OSRE. DDL COB.

Daily Caller News [Received 4/14] – CLOSED – Qs on Bonita Peak Mining District drinking water threat. Sent approved responses.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Georges, Thomas
Sent: Thur 4/14/2016 8:57:55 PM
Subject: Daily Wrap 4/14

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Gold King Mine

Daily Caller News [Received 4/14] – OPEN – Qs on Bonita Peak Mining District drinking water threat. With program. DDL COB 4/14.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Cavalier, Erin
Sent: Wed 4/6/2016 8:22:39 PM
Subject: Daily Wrap: 4/6/16

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Gold King Mine

Daily Caller – OPEN – asking about funding NPL remediation through enforcement actions. With OECA. DDL COB if possible.

Denver Post (received 3/6) – OPEN – NPL questions. With program. Due COB today.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Jones, Enesta
Sent: Wed 3/9/2016 10:38:58 PM
Subject: OMR Daily Wrap: 3/9/2016

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Gold King Mine

Bloomberg BNA (rec'd 3/8) – closed – sent statement on NM's complaints about compensation delays.

Daily Caller (rec'd 3/7) – OPEN – requesting RFS 101. With OSRTI.\

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Jones, Enesta
Sent: Wed 3/30/2016 10:12:08 PM
Subject: OMR Daily Wrap: 3/30/2016

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Gold King Mine

Daily Caller [Received 3/28] – OPEN - CERCLIS database questions. With program.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Jones, Enesta
Sent: Tue 3/15/2016 9:52:20 PM
Subject: OMR Daily Wrap: 3/15/2016

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Gold King Mine

Daily Caller [Received 3/11] – OPEN -- Requesting EPA comment on GKM allegations. With OSRTI.

Denver Post [Received 3/14] – OPEN – NPL questions.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Cavalier, Erin
Sent: Mon 3/14/2016 8:28:11 PM
Subject: Daily Wrap: 3/14

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Gold King Mine (GKM)

Daily Caller (Received 3/7) – closed – Sent reporter NPL 101.

Daily Caller (Received 3/11) – OPEN – requesting EPA comment on GKM allegations.
With OLEM/R8.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Jones, Enesta
Sent: Mon 3/14/2016 11:36:56 AM
Subject: OMR Daily Wrap: 3/11/2016

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Gold King Mine

Daily Caller [Received 3/7] -- OPEN -- Requesting RFS 101. With NG/OPS.

Daily Caller [Received 3/7] -- OPEN -- Requesting EPA comment on GKM allegations. With OLEM/R8.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Jones, Enesta
Sent: Tue 3/8/2016 11:12:40 PM
Subject: OMR Daily Wrap: 3/8/2016

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Gold King Mine

Bloomberg BNA [Received 3/8] -- OPEN -- Requesting statement on NM's complaints about

compensation delays.

Daily Caller [Received 3/7] -- OPEN -- Requesting RFS 101.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Georges, Thomas
Sent: Mon 3/7/2016 9:56:50 PM
Subject: Daily Wrap 3/7/16

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Gold King Mine

Daily Caller – closed 3/7 - sent statement on NN water quality and sampling efforts.

Daily Caller (rec'd 3/7) – OPEN – requesting RFS 101.

Wall Street Journal – closed 3/7 – sent statement on NN water quality and sampling efforts.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Georges, Thomas
Sent: Mon 2/22/2016 9:53:14 PM
Subject: Daily Wrap 2/22

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Gold King Mine

Daily Caller (rec'd 2/19) – closed 2/22 – sent approved water quality statement.

KUNC Media (rec'd 2/10) – OPEN – Interview request on GKM current status and future plans. With OPS.

NPR (rec'd 2/19) – OPEN – Grace Hood requesting interview on Silverton's NPL vote scheduled for Monday. DDL noon Tuesday, 2/23.

WSJ (rec'd 2/19) – closed 2/22 – Superfund listing process questions.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
Cc: Georges, Thomas[Georges.Thomas@epa.gov]; Cavalier, Erin[Cavalier.Erin@epa.gov]
From: Jones, Enesta
Sent: Fri 2/19/2016 10:39:49 PM
Subject: UPDATE: OMR Daily Wrap: 2/19/2016

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Gold King Mine

Daily Caller [Received 2/19] – OPEN – requesting a current water quality statement. DDL TBD.

KUNC Media [Received 2/10] – OPEN – Interview request on GKM current status and future plans. With OPS.

NPR [Received 2/19] – OPEN – Grace Hood requesting interview on Silverton's NPL vote scheduled for Monday. DDL noon Tuesday, 2/23.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
Cc: erin.cavalier@gmail.com[erin.cavalier@gmail.com]
From: Cavalier, Erin
Sent: Fri 2/19/2016 9:21:58 PM
Subject: Daily Wrap, 2/19/2016

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Gold King Mine

Daily Caller (received 2/19) – OPEN – requesting a current water quality statement. Ddl tbd.

KUNC Media (received 2/10) – OPEN – Interview request on GKM current status and future plans. With OPS.

NPR (received 2/19) – OPEN – Grace Hood requesting interview on Silverton's NPL vote scheduled for Monday. DDL noon Tuesday, 2/23.

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Erin Cavalier

Office of Public Affairs Intern

U.S. Environmental Protection Agency

Telephone: (202) 564-8384

cavalier.erin@epa.gov

To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Cavalier, Erin
Sent: Wed 2/17/2016 9:12:28 PM
Subject: Daily Wrap 2/17/2016

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Gold King Mine

KUNC Media (rec'd 2/10) – OPEN – Interview request on GKM current status and future plans. With OPS.

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Erin Cavalier

Office of Public Affairs Intern

U.S. Environmental Protection Agency

Telephone: (202) 564-8384

cavalier.erin@epa.gov

To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Jones, Enesta
Sent: Wed 2/10/2016 10:33:50 PM
Subject: OMR Daily Wrap: 2/10/2016

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Gold King Mine

AP [Received 2/1]- CLOSED 2/10 - Sent approved comments on NM Sec. Flynn's testimony today.

Durango Herald [Received 2/10] - OPEN - Risks to cattle from GKM spill, due to copper. DDL COB Fri.

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To: AO OPA Daily Wrap[AO_OPA_Daily_Wrap@epa.gov]
From: Jones, Enesta
Sent: Tue 1/12/2016 10:00:47 PM
Subject: OMR Daily Wrap: 1/12/2016

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Gold King Mine

5280 Magazine {Received 12/31] – OPEN – Sent approved response on Navajo. Reporter has follow up fact-check question, working with R9.

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To: Smith, Roxanne[Smith.Roxanne@epa.gov]
From: Fort, Daniel
Sent: Fri 4/1/2016 2:56:34 PM
Subject: Re: Please open the attached file and read the "last laughs"

Is this only publication only for Senior Execs? If not, could a lowly ethics officer like me get added to the list?

From: Smith, Roxanne
Sent: Thursday, March 31, 2016 10:32 AM
To: Fugh, Justina; Minoli, Kevin
Cc: Duross, Jeanne; Fort, Daniel; Keith, Jennie
Subject: RE: Please open the attached file and read the "last laughs"

Justina, thanks for the discussion just now. I've notified the contractor to eliminated the late night humor from the news analysis.

Also, Kevin and others, if you would like to be added to receive the news analysis every morning, just let me know. I'll have the contractor add you to the list.

Roxanne Smith

Principal Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

202-564-4455

smith.roxanne@epa.gov

From: Fugh, Justina
Sent: Thursday, March 31, 2016 9:37 AM
To: Smith, Roxanne <Smith.Roxanne@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Fort, Daniel <Fort.Daniel@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: Re: Please open the attached file and read the "last laughs"

I'm teleworking all day today so you can call me anytime between now and 10:45, then again from 11:30 until about 4:30. I can be reached directly at Personal Phone/Ex. 6

From: Smith, Roxanne
Sent: Thursday, March 31, 2016 9:35 AM
To: Fugh, Justina; Minoli, Kevin
Cc: Duross, Jeanne; Fort, Daniel; Keith, Jennie
Subject: RE: Please open the attached file and read the "last laughs"

Yes, this is our news analysis and Bulletin Intelligence is the contractor that puts this together for us. Do you have some time today to meet to go over the concerns?

Roxanne Smith

Principal Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

202-564-4455

smith.roxanne@epa.gov

From: Fugh, Justina
Sent: Thursday, March 31, 2016 9:33 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Smith, Roxanne <Smith.Roxanne@epa.gov>
Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Fort, Daniel <Fort.Daniel@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: Please open the attached file and read the "last laughs"

Hi Kevin and Roxanne,

I received this attachment (also see the email itself that goes out by email, apparently to EPA employees [I don't receive it myself]). The banner bears the EPA logo, but I don't

Nonresponsive

Have you seen this message before?
Justina

From: Bulletin Intelligence [mailto:epa@bulletinintelligence.com]
Sent: Thursday, March 31, 2016 7:00 AM
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Thursday, March 31, 2016

Mobile version and searchable archives available at epa.bulletinintelligence.com.

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Officials Meet To Discuss Inventory Of Inactive Mines In Colorado.

The Denver Post (3/30, Finley) reports officials have "ramped up efforts" to build an inventory of inactive mines that drain into Colorado waterways and prioritize them for cleanup. Agencies represented at a Wednesday meeting to discuss the inventory include: CDPHE, Colorado Geological Survey, Colorado Department of Natural Resources, US Forest Service, Bureau of Land Management, and Environmental Protection Agency. The Denver Post reports "CDPHE and the CGS are leading a $300,000 inventory initiative."

Additional Reading.

- ***EPA: Gulfport Superfund Site Cleanup Complete.*** AP. (3/29)
- ***Gold King Owner Says EPA Forced Access Agreement Renewal.*** Durango (CO) Herald. (3/29)
- ***Gold King Mine Owner Fears EPA's 'Limitless Legal Budget'.*** Daily Caller. (3/30, Barton)

Climate Change

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To: Smith, Roxanne[Smith.Roxanne@epa.gov]
From: Minoli, Kevin
Sent: Thur 3/31/2016 4:17:03 PM
Subject: Thanks! n/m RE: Please open the attached file and read the "last laughs"

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

From: Smith, Roxanne
Sent: Thursday, March 31, 2016 11:20 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Please open the attached file and read the "last laughs"

Yes, it's very easy. We're happy to add any employee who wants to receive it. I've sent your email to the contractor so you should start receiving it tomorrow morning.

Roxanne Smith

Principal Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

202-564-4455

smith.roxanne@epa.gov

From: Minoli, Kevin
Sent: Thursday, March 31, 2016 11:16 AM
To: Smith, Roxanne <Smith.Roxanne@epa.gov>
Subject: RE: Please open the attached file and read the "last laughs"

Yes please! (I didn't know it was that easy to get on the list!)

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

From: Smith, Roxanne
Sent: Thursday, March 31, 2016 10:32 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Fort, Daniel <Fort.Daniel@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: RE: Please open the attached file and read the "last laughs"

Justina, thanks for the discussion just now. I've notified the contractor to eliminated the late night humor from the news analysis.

Also, Kevin and others, if you would like to be added to receive the news analysis every morning, just let me know. I'll have the contractor add you to the list.

Roxanne Smith

Principal Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

202-564-4455

smith.roxanne@epa.gov

From: Fugh, Justina
Sent: Thursday, March 31, 2016 9:37 AM
To: Smith, Roxanne <Smith.Roxanne@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Fort, Daniel <Fort.Daniel@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: Re: Please open the attached file and read the "last laughs"

I'm teleworking all day today so you can call me anytime between now and 10:45, then again from 11:30 until about 4:30. I can be reached directly at Personal Phone/Ex. 6

From: Smith, Roxanne
Sent: Thursday, March 31, 2016 9:35 AM
To: Fugh, Justina; Minoli, Kevin
Cc: Duross, Jeanne; Fort, Daniel; Keith, Jennie
Subject: RE: Please open the attached file and read the "last laughs"

Yes, this is our news analysis and Bulletin Intelligence is the contractor that puts this together for us. Do you have some time today to meet to go over the concerns?

Roxanne Smith

Principal Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

202-564-4455

smith.roxanne@epa.gov

From: Fugh, Justina
Sent: Thursday, March 31, 2016 9:33 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Smith, Roxanne <Smith.Roxanne@epa.gov>
Cc: Duross, Jeanne <Duross.Jeanne@epa.gov>; Fort, Daniel <Fort.Daniel@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>
Subject: Please open the attached file and read the "last laughs"

Hi Kevin and Roxanne,

I received this attachment (also see the email itself that goes out by email, apparently to EPA employees [I don't receive it myself]). The banner bears the EPA logo, but I don't

Personal Phone/Ex. 6

Have you seen this message before?
Justina

From: Bulletin Intelligence [mailto:epa@bulletinintelligence.com]
Sent: Thursday, March 31, 2016 7:00 AM
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Thursday, March 31, 2016

Mobile version and searchable archives available at epa.bulletinintelligence.com.

Personal Phone/Ex. 6

- Gold King Mine Owner Fears EPA's 'Limitless Legal Budget'. (CALLER)

Climate Change

Personal Phone/Ex. 6

Energy

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Officials Meet To Discuss Inventory Of Inactive Mines In Colorado.

The Denver Post (3/30, Finley) reports officials have "ramped up efforts" to build an inventory of inactive mines that drain into Colorado waterways and prioritize them for cleanup. Agencies represented at a Wednesday meeting to discuss the inventory include: CDPHE, Colorado Geological Survey, Colorado Department of Natural Resources, US Forest Service, Bureau of Land Management, and Environmental Protection Agency. The Denver Post reports "CDPHE and the CGS are leading a $300,000 inventory initiative."

Additional Reading.

- ***EPA: Gulfport Superfund Site Cleanup Complete.*** AP. (3/29)
- ***Gold King Owner Says EPA Forced Access Agreement Renewal.*** Durango (CO) Herald. (3/29)
- ***Gold King Mine Owner Fears EPA's 'Limitless Legal Budget'.*** Daily Caller. (3/30, Barton)

Climate Change

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To: Smith, Roxanne[Smith.Roxanne@epa.gov]
From: Heather Stone
Sent: Thur 3/31/2016 2:42:23 PM
Subject: RE: EPA Daily News Briefing for Thursday, March 31, 2016

Thanks, Roxanne. I will be sure to do so.

Our apologies on the misplacement today.

Heather

From: Smith, Roxanne [mailto:Smith.Roxanne@epa.gov]
Sent: Thursday, March 31, 2016 10:40 AM
To: hstone@bulletinintelligence.com
Subject: RE: EPA Daily News Briefing for Thursday, March 31, 2016

Thanks, Heather. Yes, please emphasize the Enforcement category with folks. I'd rather they err in putting something in that category that doesn't belong versus having an enforcement story in the wrong category.

Roxanne Smith

Principal Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

202-564-4455

smith.roxanne@epa.gov

From: Heather Stone [mailto:hstone@bulletinintelligence.com]
Sent: Thursday, March 31, 2016 10:35 AM
To: Smith, Roxanne <Smith.Roxanne@epa.gov>; Bulletin Intelligence

<epa@bulletinintelligence.com>
Subject: RE: EPA Daily News Briefing for Thursday, March 31, 2016

Hi Roxanne,

Thanks for the feedback. Nonresponsive

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We will also move the Terminix story to the Enforcement section online, and I will reiterate that guidance with the team.

Please let me know if there's anything else we can do for you.

Thanks!
Heather

From: Smith, Roxanne [mailto:Smith.Roxanne@epa.gov]
Sent: Thursday, March 31, 2016 10:30 AM
To: Bulletin Intelligence <epa@bulletinintelligence.com>; hstone@bulletinintelligence.com
Subject: RE: EPA Daily News Briefing for Thursday, March 31, 2016

Hi Team:

Nonresponsive

Thanks all.

Roxanne Smith

Principal Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

202-564-4455

smith.roxanne@epa.gov

From: Bulletin Intelligence [mailto:epa@bulletinintelligence.com]
Sent: Thursday, March 31, 2016 7:00 AM
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Thursday, March 31, 2016

Mobile version and searchable archives available at epa.bulletinintelligence.com.

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Officials Meet To Discuss Inventory Of Inactive Mines In Colorado.

The Denver Post (3/30, Finley) reports officials have "ramped up efforts" to build an inventory of inactive mines that drain into Colorado waterways and prioritize them for cleanup. Agencies represented at a Wednesday meeting to discuss the inventory include: CDPHE, Colorado Geological Survey, Colorado Department of Natural Resources, US Forest Service, Bureau of Land Management, and Environmental Protection Agency. The Denver Post reports "CDPHE and the CGS are leading a $300,000 inventory initiative."

Additional Reading.

•□□□□□□□□ ***EPA: Gulfport Superfund Site Cleanup Complete.*** AP. (3/29)

•□□□□□□□□ ***Gold King Owner Says EPA Forced Access Agreement Renewal.*** Durango (CO) Herald. (3/29)

•□□□□□□□□ ***Gold King Mine Owner Fears EPA's 'Limitless Legal Budget'.*** Daily Caller. (3/30, Barton)

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To: Smith, Roxanne[Smith.Roxanne@epa.gov]; Bulletin Intelligence[epa@bulletinintelligence.com]
From: Heather Stone
Sent: Fri 3/18/2016 3:58:57 PM
Subject: RE: EPA Daily News Briefing for Friday, March 18, 2016

Hi Roxanne,

We cannot thank you enough for the kind words! We are incredibly pleased to hear that the briefing is being so well received in the organization. As always, if there's anything else we can do for you, please let me know.

Hope you have a wonderful weekend, as well!

Heather

Heather Stone
Director, Client Relations | Bulletin Intelligence
(703) 483-6178 (work) | (217) 714-0630 (cell) | Email: hstone@bulletinintelligence.com

From: Smith, Roxanne [mailto:Smith.Roxanne@epa.gov]
Sent: Friday, March 18, 2016 11:54 AM
To: Bulletin Intelligence <epa@bulletinintelligence.com>; hstone@bulletinintelligence.com
Subject: RE: EPA Daily News Briefing for Friday, March 18, 2016

Hi Team:

Another outstanding day for the news briefing. It was actually discussed at our morning meeting, particularly the coverage of the Flint hearings. You got it all and we really appreciated how you included there were 3200 media outlets covering the Flint story. Also, I've heard that

earlier in the week that the Administrator mentioned how much she liked the briefings. Kudos to the team and thank you all for your hard work on this.

Have a great weekend!

Roxanne Smith

Principal Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

202-564-4455

smith.roxanne@epa.gov

From: Bulletin Intelligence [mailto:epa@bulletinintelligence.com]
Sent: Friday, March 18, 2016 7:00 AM
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Friday, March 18, 2016

Mobile version and searchable archives available at epa.bulletinintelligence.com.

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TODAY'S TABLE OF CONTENTS

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Brownfields/Superfund/Other Cleanups

- Curry Says EPA Is Providing Funds For Long-Term Gold King Mine Spill Monitoring. (AP)
  - Navajo President Says Suicide Rate Has Increased Since Spill. (CALLER)
- Additional Reading.
  - EPA Advisor Wrote “Independent” Review Of Gold King Mine Spill. (CALLER)

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Curry Says EPA Is Providing Funds For Long-Term Gold King Mine Spill Monitoring.

The AP (3/17) reports the EPA "is acknowledging the concerns of officials in New Mexico and elsewhere

that spring runoff could stir up contaminants left behind by the Gold King Mine spill." In a letter to the New Mexico congressional delegation, EPA Region 6 Administrator Ron Curry said the EPA "is providing $2 million for long-term monitoring and planning. States and tribes can apply their share to monitoring this spring." Curry also confirmed that the EPA "is reviewing the state's most recent request to be reimbursed $1.5 million for expenses related to the August 2015 spill."

Navajo President Says Suicide Rate Has Increased Since Spill. The Daily Caller (3/17, Barton) reports Navajo President Russell Begaye said suicides have spiked since the EPA "caused three million gallons of toxic waste from the Gold King Mine to spill into the native American's main water supply last August. At least 15 Navajo have committed suicide since the spill." Begaye said he "couldn't say 'whether they're directly related,' but said he believes the visibly polluted river 'aggravated urges' of those who were already 'vulnerable.'"

Additional Reading.

•□□□□□□□□ ***EPA Advisor Wrote "Independent" Review Of Gold King Mine Spill.*** The Daily Caller (3/18, Bastasch, Barton)

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To: Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Bailey, Ethel[Bailey.Ethel@epa.gov]; Miles, Erin[Miles.Erin@epa.gov]
Cc: Smith, Roxanne[Smith.Roxanne@epa.gov]
From: Conger, Nick
Sent: Thur 3/17/2016 6:46:43 PM
Subject: RE: Clips
EPA Daily News Briefing for Thursday, March 17, 2016

It comes from "Bulletin Intelligence" and I've attached today's (just in case you missed it b\c it looks totally different). If not, I've copied Roxanne here to check.

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

Cell: (202) 412-2655

From: Giles-AA, Cynthia
Sent: Thursday, March 17, 2016 2:29 PM
To: Bailey, Ethel <Bailey.Ethel@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>
Cc: Conger, Nick <Conger.Nick@epa.gov>
Subject: Clips

I have not been getting clips since we switched to the new vendor. Can you check if I am on the list?

Thanks

To: Smith, Roxanne[Smith.Roxanne@epa.gov]
From: Paul Cincotta
Sent: Tue 3/15/2016 11:26:36 PM
Subject: RE: EPA Daily News Briefing for Tuesday, March 15, 2016

Roxanne, you are so kind; thank you for your note below. I'm forwarding it to our senior execs. I am so proud to have you as one of our clients. Thank you for hanging in with us over multiple years and many hurdles, and thank you for trusting us with your business. -Paul

From: Smith, Roxanne [mailto:Smith.Roxanne@epa.gov]
Sent: Tuesday, March 15, 2016 6:09 PM
To: hstone@bulletinintelligence.com; Bulletin Intelligence
Cc: Paul Cincotta
Subject: FW: EPA Daily News Briefing for Tuesday, March 15, 2016

Hi Team:

You all did an outstanding job on the news briefing today! Folks are just wowed by it. I've never had so many people comment in a positive manner on the new clips. The Flint story in particular just made the whole briefing – it was clear what was happening from the woven story and I didn't need to click on any of the links to the media outlets to fill in gaps. It was very well written. We have moved into a new era and we're so pleased to have you doing this for us.

Could you please add a few people to the 7 am list? Here are their names and email addresses.

Beverly Banister: Banister.Beverly@epa.gov

William Nibeling: Nibeling.william@epa.gov

Kristinn Leonhart: Leonhart.kristinn@epa.gov

Joan Moumbleaux: moumbleaux.joan@epa.gov

Thanks and we look forward to tomorrow's briefing. There should be a lot on Flint because of the hearing today.

Roxanne Smith

Principal Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

202-564-4455

smith.roxanne@epa.gov

From: Bulletin Intelligence [mailto:epa@bulletinintelligence.com]
Sent: Tuesday, March 15, 2016 6:51 AM
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Tuesday, March 15, 2016

Mobile version and searchable archives available at epa.bulletinintelligence.com.

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Brownfields/Superfund/Other Cleanups

• New Mexico Seeks More Than $1.5 Million From EPA For Gold King Mine Costs. (AP)

- Daily Caller Says Email Indicates EPA "Intentionally Breached" Mine. (CALLER, AMSPEC)

- Spring Runoff May Cause Gold King Mine Spill Remnants To Surge Animas River. (KRQETV)

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• Additional Reading.

- Here Are EPA's Mistakes That Poisoned Western Rivers. (CALLER)

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Brownfields/Superfund/Other Cleanups

New Mexico Seeks More Than $1.5 Million From EPA For Gold King Mine Costs.

The AP (3/14) reports that the New Mexico Environment Department wants the EPA to "to reimburse the state for what it spent responding to the Gold King Mine spill." The department sent the EPA "a request for more than $1.5 million – the money New Mexico spent on emergency activities in the wake of the spill."

Daily Caller Says Email Indicates EPA "Intentionally Breached" Mine. The Daily Caller (3/14, Bastasch, Barton) writes that while Obama Administration officials "called the Gold King Mine disaster in Colorado an 'accident,'" an analysis "of government documents and public statements makes clear the disaster was anything but accidental," with "a newly released email between Obama administration officials following the August disaster" indicating that EPA workers "intentionally breached Gold King Mine." The American Spectator (3/14, Zanotti) also has a report based on the Daily Caller item.

Spring Runoff May Cause Gold King Mine Spill Remnants To Surge Animas River. KRQE-TV Albuquerque, NM (3/14) reports on its website that "while the water has turned clear once again, there are new worries that the Gold King Mine spill is about to make a comeback in New Mexico, due to spring weather." According to the article, "while the EPA contends that the Animas and San Juan Rivers have returned to 'pre-spill conditions,' that assurance hasn't eased water quality fears for many living in San Juan County."

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Additional Reading.

- ***Here Are EPA's Mistakes That Poisoned Western Rivers.*** The Daily Caller (3/14, Bastasch, Barton)

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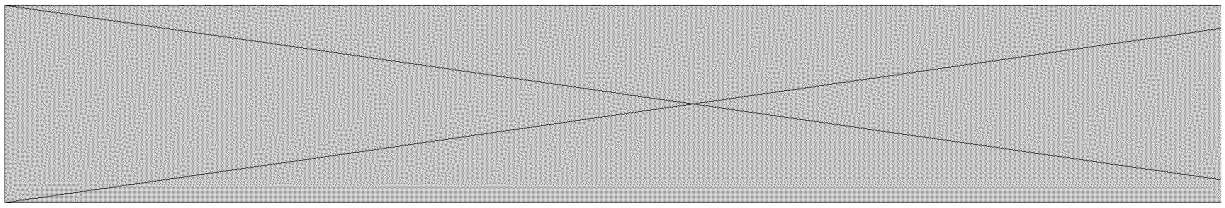
To: epa@BulletinIntelligence.com[epa@BulletinIntelligence.com]
From: Bulletin Intelligence
Sent: Thur 3/17/2016 10:53:36 AM
Subject: EPA Daily News Briefing for Thursday, March 17, 2016
epaNewsBriefing160317.doc

Mobile version and searchable archives available at epa.bulletinintelligence.com.



TO: ADMINISTRATOR AND SENIOR EXECUTIVES
DATE: THURSDAY, MARCH 17, 2016 7:00 AM EDT

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• McCarthy, Snyder To Appear Before House Committee Investigating Flint Today. (AP, REU, FREEP, MLIVE, CQRC, WEYITV, WSMHTV, WJBKTV, WNEMTV, WXMITV, WP, HILL, DETN, UCS)
- FEMA Rejects Snyder's Request For Additional Funds For Flint. (REU, FREEP, DETN)
- Snyder Calls On Senate To Pass Flint Aid; House Committee Rejects Budget Amendment. (DETN, HILL)
- Judge Cancels Hearing On Flint Water Bill Injunction. (AP)
- Environmental Attorney Hall Joins Michigan AG's Probe. (MLIVE, DK)

• McCarthy Addresses National Environmental Justice Advisory Council. (WDAMTV)
• Additional Reading.
- I-70 Expansion In North Denver Target Of Lawsuit. (DENP)

Air
• EPA Rules That California Air Pollution Reduction Program Is Illegal. (LABIZJOU)
• Members Of House Divided Over EPA Regulations Affecting Race Cars. (BLOOMBNA, JALPNK)

Brownfields/Superfund/Other Cleanups
• Senior Engineer Said He Was "Not Happy" With Interior Department Report On Gold King Mine. (WT)
- Daily Caller: EPA Has "Done Little" To Clear Up Incident. (CALLER, WSJ)

Climate Change
• Scholar Says Supreme Court Stay Does Not Bar All EPA Action On Clean Power Plan. (HILL)
- Fort Collins, Colorado To Join Brief Supporting EPA Over Clean Power Plan. (FTCOLNCO)

• Smith Says NOAA Climate Data Adjustment Politically Motivated. (HILL)
• New Orleans Mayor Urges State To Recognize Climate Change Threat. (NOTP)
• International Energy Agency: World Economy Grows As Carbon Dioxide Emissions Stable. (THNKPRO)
• Additional Reading.
- Industry Groups Say EPA Methane Reduction Plan Costly, Unneeded. (BAKKEN)

Energy
• US Opens Up New York Coast For Wind Development. (AP, NYT, CAPITAL, NSDY)
• Additional Reading.
- This Chart Shows The EPA And Natural Gas Dethroned King Coal. (CALLER)

Hazardous Waste
• Kentucky AG Begins Investigation Into Alleged Illegal Dumping. (LCJ)

International
• Doubling Renewables By 2030 May Save $4.2 Trillion Per Year Worldwide. (REU)
• Mexico City Extends Air Pollution Alert. (AP)

Other

• Garland Said To Have "Record Of Siding With Environmental Regulators." (CALLER, REU)
• McCabe To Address Renewable Energy Forum Today. (HILL)
Rules/Regulations/Policy
• House Republicans Concerned Over EPA's Takeover Of Ethanol Fuel Standards In 2022. (HILL)
• Additional Reading.
- US EPA "Analyzing" Potential Shift In RFS Obligation From Refiners To Blenders. (PLATTS)
Toxics/TSCA
• Justice Department Looking Into Lead Contamination In New York Public Housing. (REU, NYT, WSJ, NYDN, NYPOST)
Water
• USA Today Investigation Finds Excessive Lead In Nearly 2,000 Water Systems Nationwide. (USAT, LCJ)
• Newark Public Schools Admit To Knowing About Lead In Water For Several Years. (NYT, WSJ, CNN)
• Thompson Seeks EPA Assessment On Grenada, Mississippi Groundwater Contamination. (WTVATV)
• Additional Reading.
- DHEC Failed To Properly Monitor Water For Lead. (GRNVN)
- Drinking Water Providers Flagged For Contamination. (SSJ)
- Fifteenth Round Of Sebring Water Tests OK. (WFMJTV)
- How Much Lead Is In New Orleans Tap Water? (NOTP)
- Lead In Water At Penfield School: Should Parents Be Concerned? (WHECTV)
- Okaloosa Health Department Releases Water Quality Results. (CRESTVIEW)
- Review Of 5 NC Drinking-Water Systems Reveals Effective Lead-Testing Protocols. (ASHCT)
Last Laughs
• Late Night Humor.

Administrator

McCarthy, Snyder To Appear Before House Committee Investigating Flint Today.

The AP (3/16, Flesher) reports Administrator McCarthy "ordered some top staff members in late September to focus on lead contamination in Flint...and said the matter 'could get very big very quickly,' according to emails released Wednesday." In a September 26 email, McCarthy wrote, "Seems like the Flint lead issue is really getting concerning." McCarthy will appear today before the House Oversight and Government Reform Committee, "whose Republican majority has been sharply critical of the agency's actions." Reuters (3/16, Shepardson) reports the email was written several months before the EPA issued an emergency order regarding Flint in January.

The Detroit Free Press (3/16, Spangler) reports that from the emails, "it is clear" that while then-EPA Region 5 Director Susan Hedman "and EPA officials in Chicago had known for months about the problems in Flint, it was only in September that word of how serious those circumstances might turn out to be reached Washington."

The Detroit Free Press (3/16, Spangler) reports that "the two top-most government officials linked to the Flint water crisis" – Gov. Rick Snyder and Administrator McCarthy – will appear before the House committee today. Snyder "will say that the contamination of Flint's water supply was a failure of government at every level: local, state and federal," while McCarthy "will place the blame squarely on the state, criticizing decisions not only by state regulators but by Snyder's hand-picked officials in Flint, saying if the EPA made any mistake it was having been 'so trusting of the state for so long.'"

MLive (MI) (3/16, Fonger) reports that in her statement, McCarthy will say the Flint crisis "is the result of a state-appointed emergency manager's decision to use the Flint River as a water source and state regulators' decision not to require treatment to make the water less corrosive." Roll Call (3/16) reports that Republicans "plan to continuing hammering the EPA on why it knew about the contamination for months but did not ensure that the water was properly treated or that the public was notified." In his prepared opening statement, committee Chairman Jason Chaffetz

says, "If the EPA doesn't know when to step in and ensure a community has safe drinking water, I'm not sure why it exists at all."

WEYI-TV Flint, MI (3/16, 11:05 p.m. ET) reported that Administrator McCarthy "will slam the state, saying, quote, 'From day one, the state provided our regional office with confusing, incomplete, and incorrect information.'" WSMH-TV Flint, MI (3/16, 10:04 p.m. ET) said McCarthy "is expected to get a lot of tough questions, because the EPA has been under fire from the very beginning." WJBK-TV Detroit (3/16, 10:14 p.m. ET), WNEM-TV Flint-Saginaw, MI (3/16, 11:03 p.m. ET), and WXMI-TV Grand Rapids, MI (3/16, 11:23 p.m. ET) also reported on McCarthy's upcoming testimony.

Meanwhile, the AP (3/16) reports that Snyder will say the crisis "represents 'a failure of government at all levels,' but the main culprit" is the Michigan Department of Environmental Quality. The Washington Post (3/16, Bernstein) reports Snyder will say that "'systemic failures' at the state's environmental protection agency led to the poisoning of Flint's water supply." The Hill (DC) (3/16, Cama) reports Snyder plans to use his testimony "to reduce finger-pointing over the Flint drinking water crisis and highlight what he's done to help the city."

The Detroit News (3/16, Livengood) reports Snyder met with Chaffetz and committee ranking Democrat Elijah Cummings on Wednesday "as congressional Democrats said 15 staffers and advisers to Snyder have refused requests to be interviewed or turn over records" related to the Flint crisis. The Detroit Free Press (3/16) reports that a Snyder spokesman said Snyder "has been 'cooperating fully with the congressional investigation and encourage(s) others to do the same.'"

The Detroit News (3/16, Oosting) reports that five families who are in Washington to hear Snyder's testimony have requested a meeting wit the governor, but a spokesperson said it would not fit Snyder's schedule.

Daniel Howes writes in his Detroit News (3/16) column that Snyder will not "point fingers and shift blame because there is plenty to go around" and because "evidence of the state of Michigan's culpability in the Flint water crisis is too overwhelming to ignore. Instead, the governor once again will apologize to Flint residents." But "what good the contrition will do at this point...remains to be seen."

Derrick Z Jackson of the Union of Concerned Scientists (3/16) writes, "It is clear from Tuesday's hearing that the EPA has questions to answer, too. The hearing centered on a preliminary report last June of high lead levels in Flint water by EPA scientist Miguel del Toral. But nearly another half-year passed before the city did anything."

FEMA Rejects Snyder's Request For Additional Funds For Flint. Reuters (3/16, Klayman) reports FEMA has denied Snyder's request for additional funds for Flint. FEMA Associate Administrator Elizabeth Zimmerman said in a letter, "It is recognized that substantial costs have been incurred at the state and local levels in responding to the health concerns associated with the water contamination. The assistance FEMA has provided and continues to provide is intended to address the immediate emergency needs." The Detroit Free Press (3/16, Egan) reports that Snyder, who requested the additional funding two weeks ago, said he is disappointed by the refusal.

The Detroit News (3/16, Burke) reports that Snyder "had specifically requested funding from a program for emergency protective measures to reimburse costs for the provision of food and water and other essential needs, removal of health and safety hazards, activation of state or local emergency operations centers, and emergency measures to protect further damage."

Snyder Calls On Senate To Pass Flint Aid; House Committee Rejects Budget Amendment. The Detroit News (3/16, Burke and Oosting) reports Snyder "is asking Congress to pass 'immediately' the Flint-related bipartisan legislation pending in the Senate 'so we can further protect the health and safety of Flint families.'" It was the first time Snyder "has publicly called on the GOP-controlled U.S. Senate to act on the legislation."

Meanwhile, the Detroit News (3/16, Burke) reports that the House Budget Committee "defeated a Flint-inspired amendment to the proposed Republican budget for $457.5 million in emergency aid targeted at communities with lead-contaminated public drinking water" on a party-line 22-14 vote. The Hill (DC) (3/16, Ferris) reports Rep. Debbie Dingell (D-MI), who has offered the amendment, said, "I'm asking my colleagues to do one vote today in a nonpartisan fashion to just give them hope."

Judge Cancels Hearing On Flint Water Bill Injunction. The AP (3/16) reports that US District Court Judge John Corbett O'Meara, who is "being urged to stop water bills in Flint," has called "a timeout in the dispute," cancelling a hearing on an injunction scheduled for today and instead scheduling a status conference with attorneys on March 23.

Environmental Attorney Hall Joins Michigan AG's Probe. MLive (MI) (3/16, Devereaux) reports that Wayne State University "environmental/water legal expert" Noah Hall, an attorney, has joined Michigan Attorney General Bill Schuette's Flint investigation team. Hall said, "I've never seen an environmental problem affect so many people in such a concentrated way."

Daily Kos (3/16) summarizes the Flint-related events of the week.

McCarthy Addresses National Environmental Justice Advisory Council.

WDAM-TV Hattiesburg, MS (3/16) reports on its website that Administrator McCarthy spoke in Gulfport, Mississippi Wednesday morning at a meeting of the National Environmental Justice Advisory Council. McCarthy said, "Simply put, we're here because there are communities left behind. We are here because there are communities that are continuing to have disproportionate impacts. And for the most part, that's our low income and minority communities."

Additional Reading.

- **I-70 Expansion In North Denver Target Of Lawsuit.** The Denver Post (3/16, Whaley)

Air

EPA Rules That California Air Pollution Reduction Program Is Illegal.

The Los Angeles Business Journal (3/16, Fine) reports that the South Coast Air Quality Management District's controversial Reclaim program, designed "to give local refineries and major manufacturing more flexibility in reduce air pollution," was ruled illegal by the EPA for failing to meet national air standards. The air district has been ordered to "submit new regulations within the next year" to ensure compliance with the Clean Air Act.

Members Of House Divided Over EPA Regulations Affecting Race Cars.

Bloomberg BNA (3/16, Adragna) reports members of the House "went round in circles" this week about whether proposed EPA emissions standards "would effectively outlaw part of the amateur car racing industry. Racing industry representatives and Republicans argued language in the

proposed regulations would contradict decades of precedent under the Clean Air Act" by letting the EPA assert regulatory authority "over vehicles no longer in use on roadways or for transportation," while Democrats said the EPA "was attempting to clarify its long-standing interpretation of the statute and did not intend to pursue enforcement actions against individual car enthusiasts."

Jalopnik (3/16, Schrader) reports that a House panel "hosted three experts to talk about the bill itself and explain what kind of impact the EPA's proposed changes would have on the motorsports industry, the racing community and the environment."

Brownfields/Superfund/Other Cleanups

Senior Engineer Said He Was "Not Happy" With Interior Department Report On Gold King Mine.

The Washington Times (3/16, Richardson) reports US Army Corps of Engineers senior geotechnical engineer Richard Olsen, who was in charge of "reviewing the Interior Department's report on the Gold King Mine spill, said he had misgivings about it but felt under pressure to sign off, according to emails released Tuesday." In an October 14 email, he wrote, "I'm not happy with the report." He also "implied that the department may have been too close to the EPA to conduct a truly independent probe, saying, 'The issue is that they work a lot with EPA on mining issues.'"

Daily Caller: EPA Has "Done Little" To Clear Up Incident. The Daily Caller (3/16, Bastasch, Barton) writes that the EPA has "done little to clear up unexplained aspects surrounding the Gold King Mine blowout" and has "given shifting accounts of how three million gallons of mine waste was spilled into drinking water for three states and the Navajo Nation." The Caller says EPA workers "inexplicably [built] a channel for draining mine waste" and "opened up the mine without the proper equipment on-site that day."

In a letter to the editor of the Wall Street Journal (3/16), James Snead of Virginia Beach, Virginia criticizes the EPA for not firing anyone over the spill.

Climate Change

Scholar Says Supreme Court Stay Does Not Bar All EPA Action On Clean Power Plan.

Richard Revesz of the New York University School and director of the Institute for Policy Integrity, writes for The Hill (DC) (3/16, Revesz) that while last month's Supreme Court stay of the Clean Power Plan "unquestionably bars the Environmental Protection Agency (EPA) from enforcing any of the rule's requirements until the lawsuits against it are fully resolved," claims that "the stay requires the EPA to halt all work" related to the rule are "spurious." Revesz says there is "ample precedent for federal agencies continuing to work on policies stayed by courts."

Fort Collins, Colorado To Join Brief Supporting EPA Over Clean Power Plan. The Fort Collins (CO) Coloradoan (3/16, Duggan) reports the Fort Collins, Colorado City Council voted 5-2 Tuesday evening "to join a coalition of entities from across the country participating in an amicus curiae, or friend of the court, brief expected to be filed" in support of the EPA "and the implementation of its Clean Power Plan Rule."

Smith Says NOAA Climate Data Adjustment Politically Motivated.

The Hill (DC) (3/16, Cama) reports that House Science, Space, and Technology Chairman Lamar Smith "faced off on Wednesday" with NOAA Administrator Kathryn Sullivan. Smith said of the

NOAA's upward adjustment of historical temperature data, "The goal was clear from the start: remove a weakness in the administration's climate change agenda." Sullivan stood by the research and her agency's response to the committee, saying, "We fully respect the committee's oversight responsibilities and have been working diligently since your very first letter to do precisely that."

New Orleans Mayor Urges State To Recognize Climate Change Threat.

The New Orleans Times-Picayune (3/16) reports that New Orleans Mayor Mitch Landrieu on Wednesday urged the state Coastal Protection and Restoration Authority to address the causes and effects of climate change, which he described as an "existential threat" to the city. "We're losing a hundred yards every 45 minutes," Landrieu said, "It's the result of rising sea level, it's the result of hurricanes. It's the result of climate change."

International Energy Agency: World Economy Grows As Carbon Dioxide Emissions Stable.

Think Progress (3/16, Romm) reports that the International Energy Agency "has confirmed that global carbon dioxide emissions have decoupled from economic growth. The IEA reports that for the second year in a row, the world economy has grown while energy-related CO2 emissions – the primary cause of climate change – remained flat, thanks to energy efficiency and a big surge in renewables." US emissions were down two percent "and China's 1.5 percent, 'as coal use dropped for the second year in a row.'"

Additional Reading.

- **Industry Groups Say EPA Methane Reduction Plan Costly, Unneeded.** Bakken Magazine (ND) (3/16, Miller)

Energy

US Opens Up New York Coast For Wind Development.

The AP (3/16, Long) reports that on Wednesday the US government dedicated 125 square miles off New York's coast to develop wind energy, "pushing forward a renewable energy proposal" created in 2011 by New York utilities. The AP writes that at least five companies expressed an interest in developing wind farms in the area. The New York Times (3/16, Schlossberg) adds that "New Yorkers will not be seeing offshore turbines anytime soon," given the leases are 11 nautical miles from the shoreline, and the several-year process of planning the wind farm which includes environmental assessments, an auction and submitting plans for public comment.

POLITICO New York (3/16, Waldman) reports that Interior Secretary Sally Jewell said the state has "tremendous" offshore wind potential, adding that opening these leases "marks another important step in the president's strategy to tap clean, renewable energy from the nation's vast wind and solar resources." Politico writes that the "wind currents off of Long Island" are some of the best in the world, and that large wind farms "will be essential" for New York to meet "Gov. Andrew Cuomo's push to power half of the electrical grid with renewable energy by 2030."

But, Newsday (NY) (3/16, Harrington) reports construction isn't expected to begin until 2022 according to federal officials, "if the site is ultimately approved at all." Newsday writes that busy shipping lanes will complicate the wind development and "commercial fishing interests widely oppose the site."

Additional Reading.

- **This Chart Shows The EPA And Natural Gas Dethroned King Coal.** The Daily Caller (3/16, Follett)

Hazardous Waste

Kentucky AG Begins Investigation Into Alleged Illegal Dumping.

The Louisville (KY) Courier-Journal (3/16, Bruggers) reports Kentucky Attorney General Andy Beshear has "opened an investigation into what other state officials have described as illegal dumping of out-of-state radioactive oil and gas drilling waste" in Estill and Greenup counties. In a written statement, Beshear "said that 'protecting Kentucky families is my top priority, so I am particularly troubled that the Blue Ridge Landfill in Irvine allegedly containing these hazardous materials is located across the road from two schools.'"

International

Doubling Renewables By 2030 May Save $4.2 Trillion Per Year Worldwide.

Reuters (3/16) reports that doubling renewable energy sources to 36% by 2030 could save the global economy as much as $4.2 trillion yearly, according to an International Renewable Energy Agency report released on Wednesday. Reuters writes that under existing frameworks renewables are projected to reach 21% by 2030. The article says IRENA's report estimates that it would cost $290 billion a year to double renewables share in the energy mix, but total savings from pollution and emission reductions would be $1.2 to $4.2 trillion. "Achieving a doubling is not only feasible, it is cheaper than not doing so," says IRENA Director General Adnan Amin in a statement.

Mexico City Extends Air Pollution Alert.

The AP (3/17, Castillo) reports that "authorities in greater Mexico City extended an air pollution alert for a fourth day, as smog levels improved slightly but pollution remained at almost 1 1/2 times acceptable limits in some areas." For the first time in 11 years, "hundreds of thousands of cars" sat idle Wednesday as the city "offered free subway and bus rides." In a "rotating scheme, a different but equivalent set of cars will be told to stay off the streets Thursday."

Other

Garland Said To Have "Record Of Siding With Environmental Regulators."

The Daily Caller (3/16, White) writes that Supreme Court nominee Merrick Garland "has a record of siding with environmental regulators over coal producers, among other fossil fuel groups, according to the Governor's Wind & Solar Energy Coalition." Tom Goldstein of SCOTUSblog wrote in 2010, when Garland was also under consideration for the court, that Garland "is a mixed bag on environmental issues, delivering decisions that both favor 'contesting EPA regulations' and those giving deference to EPA's overarching regulatory hand." He was on the US Court of Appeals for the District of Columbia Circuit when it upheld the EPA's mercury standards for power plants in 2014, a decision later overturned by the Supreme Court. Reuters (3/16, Hurley) also says Garland has shown sympathy toward government regulators on the bench.

McCabe To Address Renewable Energy Forum Today.

The Hill (DC) (3/16, Cama, Henry) reports an annual policy forum will be held today by the American Council for Renewable Energy. EPA Acting Assistant Administrator for the Office of Air and Radiation Janet McCabe is among the scheduled speakers.

Rules/Regulations/Policy

House Republicans Concerned Over EPA's Takeover Of Ethanol Fuel Standards In 2022.

The Hill (DC) (3/16, Henry) reports Republicans on the House Oversight and Government Reform Committee raised questions Wednesday about the EPA's "potential eventual control over the federal ethanol fuel mandate." Congress "has provided the EPA with statutory blending requirements until 2022," at which time the EPA can set Renewable Fuel Standard levels on its own. Republicans, "many of whom oppose the mandate," said they are "confused about what the EPA will do." Rep. Ken Buck (R-CO) asked, "When does the market kick in? When does a consumer get to say, I want E85, I want E10, I want E0?" EPA Office of Transportation and Air Quality Director Christopher Grundler told the committee that Congress "gave it a list of factors to consider should 2022 come around and the EPA takes over the formulation of blending levels."

Additional Reading.

- **US EPA "Analyzing" Potential Shift In RFS Obligation From Refiners To Blenders.** Platts (3/16, Wang)

Toxics/TSCA

Justice Department Looking Into Lead Contamination In New York Public Housing.

Reuters (3/16, Raymond, Pierson) reports the Justice Department has opened a civil investigation regarding lead in New York public housing. The New York Times (3/16, Navarro, Rashbaum) reports the inquiry by US Attorney Preet Bharara is due to "the possibility that the New York City Housing Authority filed false claims to federal housing officials for payment related to the conditions." The Wall Street Journal (3/16, O'Brien) reports prosecutors have asked a federal judge to compel the city to provide information including "documents reflecting complaints of unsafe, unsanitary, or unhealthful conditions in NYCHA public housing."

The New York Daily News (3/16, Smith) reports that Bharara on Wednesday "demanded records from the city Health Department related to 'unhealthy and unsafe' conditions in Housing Authority apartments and shelters, including data on residents with elevated blood-lead levels." The New York Post (3/16) reports that "last November, the government asked the city Department of Health and Mental Hygiene, in a 10-page civil investigative demand for information, 'about individuals with elevated blood-lead levels in NYCHA public housing and documents reflecting complaints of unsafe, unsanitary or unhealthful conditions.'"

Water

USA Today Investigation Finds Excessive Lead In Nearly 2,000 Water Systems Nationwide.

In a 3,500-word front-page feature, USA Today (3/16, A1, Young, Nichols) investigates lead in water across the US, writing that it "has identified almost 2,000 additional water systems spanning all 50 states where testing has shown excessive levels of lead contamination over the past four years." The water systems, "which reported lead levels exceeding Environmental Protection

Agency standards, collectively supply water to 6 million people," with about 350 of them providing "drinking water to schools or day cares." A water sample at one Maine elementary school "was 42 times higher than the EPA limit of 15 parts per billion, while a Pennsylvania preschool was 14 times higher."

The Louisville (KY) Courier-Journal (3/16, Bruggers) reports the USA Today investigation found that "all water utilities in Kentucky and Southern Indiana...comply with a federal lead drinking water rule," but the EPA is still "calling on all states to do more to make sure their residents know which communities have lead problems and where lead service lines remain, amid a growing refrain that the EPA rules aren't protective enough."

Newark Public Schools Admit To Knowing About Lead In Water For Several Years.

The New York Times (3/16, McGeehan) reports Newark Public Schools officials acknowledged Wednesday "that water in the city's schools had contained elevated levels of lead for years." Reports from the New Jersey Department of Environmental Protection to be released today "showed that levels of lead above 15 parts per billion...had been found in about 250 samples of water in the schools in the past four years." Newark Public Schools Superintendent Christopher Cerf told the Times, "As a parent, I too find the fact that the district has identified elevated levels of lead in water in each of these past years extremely concerning."

The Wall Street Journal (3/16, King, Brody) reports that more than 100 people turned out for a school advisory board meeting on the lead issue Wednesday. Cerf, who became superintendent in July, declined to say whether his predecessors should have taken more aggressive action. He said, "I decided that whatever past practices had been, and I'm not going to judge them, that the appropriate thing to do was to contact experts and be transparent by getting the data out into the world." CNN (3/16, Jorgensen) also has a report on its website.

Thompson Seeks EPA Assessment On Grenada, Mississippi Groundwater Contamination.

WTVA-TV Columbus, MS (3/16, 6:02 p.m. CT) reported that Rep. Bennie Thompson (D-MS) "is asking for a new set of eyes on the EPA's investigation into contamination of groundwater and the air in the East Heights Community in Grenada. … Thompson sent a letter to EPA Administrator Gina McCarthy Monday criticizing the agency's handling of industrial solvent contamination under parts of the subdivision off Moose Lodge Road. He says the agency has known of the problem since 1993, but has done nothing to help the residents there. … Thompson wants environmental investigators to do an assessment on the contamination."

Additional Reading.

- **DHEC Failed To Properly Monitor Water For Lead.** The Greenville (SC) News (3/16)
- **Drinking Water Providers Flagged For Contamination.** The Salem (OR) Statesman Journal (3/16, Loew)
- **Fifteenth Round Of Sebring Water Tests OK.** WFMJ-TV Youngstown, OH (3/16)
- **How Much Lead Is In New Orleans Tap Water?** The New Orleans Times-Picayune (3/16, Granger)
- **Lead In Water At Penfield School: Should Parents Be Concerned?** WHEC-TV Rochester, NY (3/16)
- **Okaloosa Health Department Releases Water Quality Results.** The Crestview (FL) News Bulletin (3/16)
- **Review Of 5 NC Drinking-Water Systems Reveals Effective Lead-Testing Protocols.** The Asheville (NC) Citizen-Times (3/16, Cronin)

Last Laughs

Late Night Humor.

Jimmy Kimmel: Tuesday was a "very disappointing night for Bernie Sanders, which was a little bit of a surprise. He seemed to be polling very well among everyone's most annoying Facebook friends."

Jimmy Kimmel: Both Hillary Clinton and Donald Trump "have very high unfavorability ratings. Hillary is 53% unfavorable and Trump clocks in at an extraordinary 63% unfavorable, which I think, like, Jared from Subway has higher than that. This election is going to be the political equivalent of having lunch at Panda Express – nobody wins."

Jimmy Kimmel: "A disappointing finish for Marco Rubio, a man who fueled his campaign with all the fire and spontaneity of Vicki the robot from 'Small Wonder.'"

Jimmy Kimmel: "Rubio dropped out of the race. He went back to Washington and locked his office door to make sure no Supreme Court nominees get in. So good luck to him."

Stephen Colbert: "To secure the nomination at the convention in Cleveland this summer, [Gov. John] Kasich would have to get 116% of the remaining delegates. We'd have to make him governor of every remaining state, plus some states we don't even have yet."

Stephen Colbert: "And if Ted Cruz is right, if every single anti-Trump voter unites behind him, he could get enough delegates to be the nominee. Then the GOP establishment can say, 'Goodbye, candidate we don't like. Hello, candidate we can't stand.'"

Stephen Colbert: "But if Cruz can't do it, there is one other way to deny Trump the nomination: a brokered convention. ... If Donald Trump doesn't get 1,237 delegates in the first round of voting, they're all free to vote for whoever. Great news. The Republican campaign could start all over again, only this time crammed into a week. So you can binge-watch the death of the GOP."

Jimmy Fallon: "It was a huge night for Hillary Clinton, who won in five states. And afterwards she gave a speech and graciously thanked Bernie Sanders for the vigorous campaign he's waging, then said, 'and losing.'"

Jimmy Fallon: "Meanwhile, during Bernie Sanders' speech after the losses, Bernie spoke up against the family that owns Walmart for paying low wages, which could backfire in a couple weeks when Bernie winds up working as a greeter."

Jimmy Fallon: "Donald Trump won every Republican state primary last night except for Ohio, which went to John Kasich. Trump didn't seem to mind since, as he put it, 'The word 'Ohio' is full of zeros.'"

Jimmy Fallon: "The other big story from last night was that Marco Rubio pulled out of the race after losing the Florida primary to Trump by almost 20 points. But it still is a great story. I mean, nothing symbolizes America more than the son of poor immigrants growing up to run for president and then being crushed by a billionaire."

Jimmy Fallon: "President Obama nominated Appeals Court Judge Merrick Garland to serve on the Supreme Court. Judge Garland actually got choked up while accepting President Obama's nomination in the White House Rose Garden, especially when Obama was like, 'Will you accept this rose?'"

Seth Meyers: "Donald Trump won yesterday's Republican primaries in Florida, Illinois, and North Carolina. Trump did especially well with white males, Caucasian men, and non-women of no color."

Seth Meyers: "According to exit poll data, two-thirds of Republican voters in yesterday's Florida primary were older than 50 and the other one-third were their parents."

Seth Meyers: "After finishing a distant second in his home state of Florida, Marco Rubio announced yesterday that he is ending his campaign. Rubio plans to return to his old job as a Lego businessman."

Seth Meyers: "When announcing last night that he is dropping out, Marco Rubio told supporters, 'We should have seen this coming.' If it makes you feel any better, Marco, we did."

Seth Meyers: "Hillary Clinton won yesterday's primaries in Florida, Illinois, North Carolina, and Ohio. And you can tell she's feeling confident, because she gave her victory speech from the Oval Office."

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TO: **ADMINISTRATOR AND SENIOR EXECUTIVES**

DATE: **THURSDAY, MARCH 17, 2016 7:00 AM EDT**

TODAY'S EDITION

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ADMINISTRATOR:

McCarthy, Snyder To Appear Before House Committee Investigating Flint Today. The AP (3/16, Flesher) reports Administrator McCarthy "ordered some top staff members in late September to focus on lead contamination in Flint...and said the matter 'could get very big very quickly,' according to emails released Wednesday." In a September 26 email, McCarthy wrote, "Seems like the Flint lead issue is really getting concerning." McCarthy will appear today before the House Oversight and Government Reform Committee, "whose Republican majority has been sharply critical of the agency's actions." Reuters (3/16, Shepardson) reports the email was written several months before the EPA issued an emergency order regarding Flint in January.

The Detroit Free Press (3/16, Spangler) reports that from the emails, "it is clear" that while then-EPA Region 5 Director Susan Hedman "and EPA officials in Chicago had known for months about the problems in Flint, it was only in September that word of how serious those circumstances might turn out to be reached Washington."

The Detroit Free Press (3/16, Spangler) reports that "the two top-most government officials linked to the Flint water crisis" – Gov. Rick Snyder and Administrator McCarthy – will appear before the House committee today. Snyder "will say that the contamination of Flint's water supply was a failure of government at every level: local, state and federal," while McCarthy "will place the blame squarely on the state, criticizing decisions not only by state regulators but by Snyder's hand-picked officials in Flint, saying if the EPA made any mistake it was having been 'so trusting of the state for so long.'"

MLive (MI) (3/16, Fonger) reports that in her statement, McCarthy will say the Flint crisis "is the result of a state-appointed emergency manager's decision to use the Flint River as a water source and state regulators' decision not to require treatment to make the water less corrosive." Roll Call (3/16) reports that Republicans "plan to continuing hammering the EPA on why it knew about the contamination for months but did not ensure that the water was properly treated or that the public was notified." In his prepared opening statement, committee Chairman Jason Chaffetz says, "If the EPA doesn't know when to step in and ensure a community has safe drinking water, I'm not sure why it exists at all."

WEYI-TV Flint, MI (3/16, 11:05 p.m. ET) reported that Administrator McCarthy "will slam the state, saying, quote, 'From day one, the state provided our regional office with confusing, incomplete, and incorrect information.'" WSMH-TV Flint, MI (3/16, 10:04 p.m. ET) said McCarthy "is expected to get a lot of tough questions, because the EPA has been under fire from the very beginning." WJBK-TV Detroit (3/16, 10:14 p.m.

ET), WNEM-TV Flint-Saginaw, MI (3/16, 11:03 p.m. ET), and WXMI-TV Grand Rapids, MI (3/16, 11:23 p.m. ET) also reported on McCarthy's upcoming testimony.

Meanwhile, the AP (3/16) reports that Snyder will say the crisis "represents 'a failure of government at all levels,' but the main culprit" is the Michigan Department of Environmental Quality. The Washington Post (3/16, Bernstein) reports Snyder will say that "'systemic failures' at the state's environmental protection agency led to the poisoning of Flint's water supply." The Hill (DC) (3/16, Cama) reports Snyder plans to use his testimony "to reduce finger-pointing over the Flint drinking water crisis and highlight what he's done to help the city."

The Detroit News (3/16, Livengood) reports Snyder met with Chaffetz and committee ranking Democrat Elijah Cummings on Wednesday "as congressional Democrats said 15 staffers and advisers to Snyder have refused requests to be interviewed or turn over records" related to the Flint crisis. The Detroit Free Press (3/16) reports that a Snyder spokesman said Snyder "has been 'cooperating fully with the congressional investigation and encourage(s) others to do the same.'"

The Detroit News (3/16, Oosting) reports that five families who are in Washington to hear Snyder's testimony have requested a meeting wit the governor, but a spokesperson said it would not fit Snyder's schedule.

Daniel Howes writes in his Detroit News (3/16) column that Snyder will not "point fingers and shift blame because there is plenty to go around" and because "evidence of the state of Michigan's culpability in the Flint water crisis is too overwhelming to ignore. Instead, the governor once again will apologize to Flint residents." But "what good the contrition will do at this point...remains to be seen."

Derrick Z Jackson of the Union of Concerned Scientists (3/16) writes, "It is clear from Tuesday's hearing that the EPA has questions to answer, too. The hearing centered on a preliminary report last June of high lead levels in Flint water by EPA scientist Miguel del Toral. But nearly another half-year passed before the city did anything."

FEMA Rejects Snyder's Request For Additional Funds For Flint. Reuters (3/16, Klayman) reports FEMA has denied Snyder's request for additional funds for Flint. FEMA Associate Administrator Elizabeth Zimmerman said in a letter, "It is recognized that substantial costs have been incurred at the state and local levels in responding to the health concerns associated with the water contamination. The assistance FEMA has provided and continues to provide is intended to address the immediate emergency needs." The Detroit Free Press (3/16, Egan) reports that Snyder, who requested the additional funding two weeks ago, said he is disappointed by the refusal.

The Detroit News (3/16, Burke) reports that Snyder "had specifically requested funding from a program for emergency protective measures to reimburse costs for the provision of food and water and other essential needs, removal of health and safety hazards, activation of state or local emergency operations centers, and emergency measures to protect further damage."

Snyder Calls On Senate To Pass Flint Aid; House Committee Rejects Budget Amendment. The Detroit News (3/16, Burke and Oosting) reports Snyder "is asking Congress to pass 'immediately' the Flint-related bipartisan legislation pending in the Senate 'so we can further protect the health and safety of Flint families.'" It was the first time Snyder "has publicly called on the GOP-controlled U.S. Senate to act on the legislation."

Meanwhile, the Detroit News (3/16, Burke) reports that the House Budget Committee "defeated a Flint-inspired amendment to the proposed Republican budget for $457.5 million in emergency aid targeted at communities with lead-contaminated public drinking water" on a party-line 22-14 vote. The Hill (DC) (3/16, Ferris) reports Rep. Debbie Dingell (D-MI), who has offered the amendment, said, "I'm asking my colleagues to do one vote today in a nonpartisan fashion to just give them hope."

Judge Cancels Hearing On Flint Water Bill Injunction. The AP (3/16) reports that US District Court Judge John Corbett O'Meara, who is "being urged to stop water bills in Flint," has called "a timeout in the dispute," cancelling a hearing on an injunction scheduled for today and instead scheduling a status conference with attorneys on March 23.

Environmental Attorney Hall Joins Michigan AG's Probe. MLive (MI) (3/16, Devereaux) reports that Wayne State University "environmental/water legal expert" Noah Hall, an attorney, has joined Michigan Attorney General Bill Schuette's Flint investigation team. Hall said, "I've never seen an environmental problem affect so many people in such a concentrated way."

Daily Kos (3/16) summarizes the Flint-related events of the week.

McCarthy Addresses National Environmental Justice Advisory Council. WDAM-TV Hattiesburg, MS (3/16) reports on its website that Administrator McCarthy spoke in Gulfport, Mississippi Wednesday morning at a meeting of the National Environmental Justice Advisory Council. McCarthy said, "Simply put, we're here because there are communities left behind. We are here because there are communities that are continuing to have disproportionate impacts. And for the most part, that's our low income and minority communities."

Additional Reading.

- ***I-70 Expansion In North Denver Target Of Lawsuit.*** The Denver Post (3/16, Whaley)

AIR:

EPA Rules That California Air Pollution Reduction Program Is Illegal. The Los Angeles Business Journal (3/16, Fine) reports that the South Coast Air Quality Management District's controversial Reclaim program, designed "to give local refineries and major manufacturing more flexibility in reduce air pollution," was ruled illegal by the EPA for failing to meet national air standards. The air district has been ordered to "submit new regulations within the next year" to ensure compliance with the Clean Air Act.

Members Of House Divided Over EPA Regulations Affecting Race Cars. Bloomberg BNA (3/16, Adragna) reports members of the House "went round in circles" this week about whether proposed EPA emissions standards "would effectively outlaw part of the amateur car racing industry. Racing industry representatives and Republicans argued language in the proposed regulations would contradict decades of precedent under the Clean Air Act" by letting the EPA assert regulatory authority "over vehicles no longer in use on roadways or for transportation," while Democrats said the EPA "was attempting to clarify its long-standing interpretation of the statute and did not intend to pursue enforcement actions against individual car enthusiasts."

Jalopnik (3/16, Schrader) reports that a House panel "hosted three experts to talk about the bill itself and explain what kind of impact the EPA's proposed changes would have on the motorsports industry, the racing community and the environment."

BROWNFIELDS/SUPERFUND/OTHER CLEANUPS:

Senior Engineer Said He Was "Not Happy" With Interior Department Report On Gold King Mine. The Washington Times (3/16, Richardson) reports US Army Corps of Engineers senior geotechnical engineer Richard Olsen, who was in charge of "reviewing the Interior Department's report on the Gold King Mine spill, said he had misgivings about it but felt under pressure to sign off, according to emails released Tuesday." In an October 14 email, he wrote, "I'm not happy with the report." He also "implied that the department may have been too close to the EPA to conduct a truly independent probe, saying, 'The issue is that they work a lot with EPA on mining issues.'"

Daily Caller: EPA Has "Done Little" To Clear Up Incident. The Daily Caller (3/16, Bastasch, Barton) writes that the EPA has "done little to clear up unexplained aspects surrounding the Gold King Mine blowout" and has "given shifting accounts of how three million gallons of mine waste was spilled into drinking water for three states and the Navajo Nation." The Caller says EPA workers "inexplicably [built] a channel for draining mine waste" and "opened up the mine without the proper equipment on-site that day."

In a letter to the editor of the Wall Street Journal (3/16), James Snead of Virginia Beach, Virginia criticizes the EPA for not firing anyone over the spill.

CLIMATE CHANGE:

Scholar Says Supreme Court Stay Does Not Bar All EPA Action On Clean Power Plan. Richard Revesz of the New York University School and director of the Institute for Policy Integrity, writes for The Hill (DC) (3/16, Revesz) that while last month's Supreme Court stay of the Clean Power Plan "unquestionably bars the Environmental Protection Agency (EPA)

from enforcing any of the rule's requirements until the lawsuits against it are fully resolved," claims that "the stay requires the EPA to halt all work" related to the rule are "spurious." Revesz says there is "ample precedent for federal agencies continuing to work on policies stayed by courts."

Fort Collins, Colorado To Join Brief Supporting EPA Over Clean Power Plan. The Fort Collins (CO) Coloradoan (3/16, Duggan) reports the Fort Collins, Colorado City Council voted 5-2 Tuesday evening "to join a coalition of entities from across the country participating in an amicus curiae, or friend of the court, brief expected to be filed" in support of the EPA "and the implementation of its Clean Power Plan Rule."

Smith Says NOAA Climate Data Adjustment Politically Motivated. The Hill (DC) (3/16, Cama) reports that House Science, Space, and Technology Chairman Lamar Smith "faced off on Wednesday" with NOAA Administrator Kathryn Sullivan. Smith said of the NOAA's upward adjustment of historical temperature data, "The goal was clear from the start: remove a weakness in the administration's climate change agenda." Sullivan stood by the research and her agency's response to the committee, saying, "We fully respect the committee's oversight responsibilities and have been working diligently since your very first letter to do precisely that."

New Orleans Mayor Urges State To Recognize Climate Change Threat. The New Orleans Times-Picayune (3/16) reports that New Orleans Mayor Mitch Landrieu on Wednesday urged the state Coastal Protection and Restoration Authority to address the causes and effects of climate change, which he described as an "existential threat" to the city. "We're losing a hundred yards every 45 minutes," Landrieu said, "It's the result of rising sea level, it's the result of hurricanes. It's the result of climate change."

International Energy Agency: World Economy Grows As Carbon Dioxide Emissions Stable. Think Progress (3/16, Romm) reports that the International Energy Agency "has confirmed that global carbon dioxide emissions have decoupled from economic growth. The IEA reports that for the second year in a row, the world economy has grown while energy-related CO2 emissions – the primary cause of climate change – remained flat, thanks to energy efficiency and a big surge in renewables." US emissions were down two percent "and China's 1.5 percent, 'as coal use dropped for the second year in a row.'"

Additional Reading.

- ***Industry Groups Say EPA Methane Reduction Plan Costly, Unneeded.*** Bakken Magazine (ND) (3/16, Miller)

ENERGY:

US Opens Up New York Coast For Wind Development. The AP (3/16, Long) reports that on Wednesday the US government dedicated 125 square miles off New York's coast to develop wind energy, "pushing forward a renewable energy proposal" created in 2011 by New York utilities. The AP writes that at least five companies expressed an interest in developing wind farms in the area. The New York Times (3/16, Schlossberg) adds that "New Yorkers will not be seeing offshore turbines anytime soon," given the leases are 11 nautical miles from the shoreline, and the several-year process of planning the wind farm which includes environmental assessments, an auction and submitting plans for public comment.

POLITICO New York (3/16, Waldman) reports that Interior Secretary Sally Jewell said the state has "tremendous" offshore wind potential, adding that opening these leases "marks another important step in the president's strategy to tap clean, renewable energy from the nation's vast wind and solar resources." Politico writes that the "wind currents off of Long Island" are some of the best in the world, and that large wind farms "will be essential" for New York to meet "Gov. Andrew Cuomo's push to power half of the electrical grid with renewable energy by 2030."

But, Newsday (NY) (3/16, Harrington) reports construction isn't expected to begin until 2022 according to federal officials, "if the site is ultimately approved at all." Newsday writes that busy shipping lanes will complicate the wind development and "commercial fishing interests widely oppose the site."

Additional Reading.

- ***This Chart Shows The EPA And Natural Gas Dethroned King Coal.*** The Daily Caller (3/16, Follett)

HAZARDOUS WASTE:

Kentucky AG Begins Investigation Into Alleged Illegal Dumping. The Louisville (KY) Courier-Journal (3/16, Bruggers) reports Kentucky Attorney General Andy Beshear has "opened an investigation into what other state officials have described as illegal dumping of out-of-state radioactive oil and gas drilling waste" in Estill and Greenup counties. In a written statement, Beshear "said that 'protecting Kentucky families is my top priority, so I am particularly troubled that the Blue Ridge Landfill in Irvine allegedly containing these hazardous materials is located across the road from two schools.'"

INTERNATIONAL:

Doubling Renewables By 2030 May Save $4.2 Trillion Per Year Worldwide. Reuters (3/16) reports that doubling renewable energy sources to 36% by 2030 could save the global economy as much as $4.2 trillion yearly, according to an International Renewable Energy Agency report released on Wednesday. Reuters writes that under existing frameworks renewables are projected to reach 21% by 2030. The article says IRENA's report estimates that it would cost $290 billion a year to double renewables share in the energy mix, but total savings from pollution and emission reductions would be $1.2 to $4.2 trillion. "Achieving a doubling is not only feasible, it is cheaper than not doing so," says IRENA Director General Adnan Amin in a statement.

Mexico City Extends Air Pollution Alert. The AP (3/17, Castillo) reports that "authorities in greater Mexico City extended an air pollution alert for a fourth day, as smog levels improved slightly but pollution remained at almost 1 1/2 times acceptable limits in some areas." For the first time in 11 years, "hundreds of thousands of cars" sat idle Wednesday as the city "offered free subway and bus rides." In a "rotating scheme, a different but equivalent set of cars will be told to stay off the streets Thursday."

OTHER:

Garland Said To Have "Record Of Siding With Environmental Regulators." The Daily Caller (3/16, White) writes that Supreme Court nominee Merrick Garland "has a record of siding with environmental regulators over coal producers, among other fossil fuel groups, according to the Governor's Wind & Solar Energy Coalition." Tom Goldstein of SCOTUSblog wrote in 2010, when Garland was also under consideration for the court, that Garland "is a mixed bag on environmental issues, delivering decisions that both favor 'contesting EPA regulations' and those giving deference to EPA's overarching regulatory hand." He was on the US Court of Appeals for the District of Columbia Circuit when it upheld the EPA's mercury standards for power plants in 2014, a decision later overturned by the Supreme Court. Reuters (3/16, Hurley) also says Garland has shown sympathy toward government regulators on the bench.

McCabe To Address Renewable Energy Forum Today. The Hill (DC) (3/16, Cama, Henry) reports an annual policy forum will be held today by the American Council for Renewable Energy. EPA Acting Assistant Administrator for the Office of Air and Radiation Janet McCabe is among the scheduled speakers.

RULES/REGULATIONS/POLICY:

House Republicans Concerned Over EPA's Takeover Of Ethanol Fuel Standards In 2022. The Hill (DC) (3/16, Henry) reports Republicans on the House Oversight and Government Reform Committee raised questions Wednesday about the EPA's "potential eventual control over the federal ethanol fuel mandate." Congress "has provided the EPA with statutory blending requirements until 2022," at which time the EPA can set Renewable Fuel Standard levels on its own. Republicans, "many of whom oppose the mandate," said they are "confused about what the EPA will do." Rep. Ken Buck (R-CO) asked, "When does the market kick in? When does a consumer get to say, I want E85, I want E10, I want E0?" EPA Office of Transportation and Air Quality Director Christopher Grundler told the committee that Congress "gave it a list of factors to consider should 2022 come around and the EPA takes over the formulation of blending levels."

Additional Reading.

- ***US EPA "Analyzing" Potential Shift In RFS Obligation From Refiners To Blenders.*** Platts (3/16, Wang)

TOXICS/TSCA:

Justice Department Looking Into Lead Contamination In New York Public Housing. Reuters (3/16, Raymond, Pierson) reports the Justice Department has opened a civil investigation regarding lead in New York public housing. The New York Times (3/16, Navarro, Rashbaum) reports the inquiry by US Attorney Preet Bharara is due to "the possibility that the New York City Housing Authority filed false claims to federal housing officials for payment related to the conditions." The Wall Street Journal (3/16, O'Brien) reports prosecutors have asked a federal judge to compel the city to provide information including "documents reflecting complaints of unsafe, unsanitary, or unhealthful conditions in NYCHA public housing."

The New York Daily News (3/16, Smith) reports that Bharara on Wednesday "demanded records from the city Health Department related to 'unhealthy and unsafe' conditions in Housing Authority apartments and shelters, including data on residents with elevated blood-lead levels." The New York Post (3/16) reports that "last November, the government asked the city Department of Health and Mental Hygiene, in a 10-page civil investigative demand for information, 'about individuals with elevated blood-lead levels in NYCHA public housing and documents reflecting complaints of unsafe, unsanitary or unhealthful conditions.'"

WATER:

USA Today Investigation Finds Excessive Lead In Nearly 2,000 Water Systems Nationwide. In a 3,500-word front-page feature, USA Today (3/16, A1, Young, Nichols) investigates lead in water across the US, writing that it "has identified almost 2,000 additional water systems spanning all 50 states where testing has shown excessive levels of lead contamination over the past four years." The water systems, "which reported lead levels exceeding Environmental Protection Agency standards, collectively supply water to 6 million people," with about 350 of them providing "drinking water to schools or day cares." A water sample at one Maine elementary school "was 42 times higher than the EPA limit of 15 parts per billion, while a Pennsylvania preschool was 14 times higher."

The Louisville (KY) Courier-Journal (3/16, Bruggers) reports the USA Today investigation found that "all water utilities in Kentucky and Southern Indiana...comply with a federal lead drinking water rule," but the EPA is still "calling on all states to do more to make sure their residents know which communities have lead problems and where lead service lines remain, amid a growing refrain that the EPA rules aren't protective enough."

Newark Public Schools Admit To Knowing About Lead In Water For Several Years. The New York Times (3/16, McGeehan) reports Newark Public Schools officials acknowledged Wednesday "that water in the city's schools had contained elevated levels of lead for years." Reports from the New Jersey Department of Environmental Protection to be released today "showed that levels of lead above 15 parts per billion...had been found in about 250 samples of water in the schools in the past four years." Newark Public Schools Superintendent Christopher Cerf told the Times, "As a parent, I too find the fact that the district has identified elevated levels of lead in water in each of these past years extremely concerning."

The Wall Street Journal (3/16, King, Brody) reports that more than 100 people turned out for a school advisory board meeting on the lead issue Wednesday. Cerf, who became superintendent in July, declined to say whether his predecessors should have taken more aggressive action. He said, "I decided that whatever past practices had been, and I'm not going to judge them, that the appropriate thing to do was to contact experts and be transparent by getting the data out into the world." CNN (3/16, Jorgensen) also has a report on its website.

Thompson Seeks EPA Assessment On Grenada, Mississippi Groundwater Contamination. WTVA-TV Columbus, MS (3/16, 6:02 p.m. CT) reported that Rep. Bennie Thompson (D-MS) "is asking for a new set of eyes on the EPA's investigation into contamination of groundwater and the air in the East Heights

Community in Grenada. … Thompson sent a letter to EPA Administrator Gina McCarthy Monday criticizing the agency's handling of industrial solvent contamination under parts of the subdivision off Moose Lodge Road. He says the agency has known of the problem since 1993, but has done nothing to help the residents there. … Thompson wants environmental investigators to do an assessment on the contamination."

Additional Reading.

- ***DHEC Failed To Properly Monitor Water For Lead.*** The Greenville (SC) News (3/16)
- ***Drinking Water Providers Flagged For Contamination.*** The Salem (OR) Statesman Journal (3/16, Loew)
- ***Fifteenth Round Of Sebring Water Tests OK.*** WFMJ-TV Youngstown, OH (3/16)
- ***How Much Lead Is In New Orleans Tap Water?*** The New Orleans Times-Picayune (3/16, Granger)
- ***Lead In Water At Penfield School: Should Parents Be Concerned?*** WHEC-TV Rochester, NY (3/16)
- ***Okaloosa Health Department Releases Water Quality Results.*** The Crestview (FL) News Bulletin (3/16)
- ***Review Of 5 NC Drinking-Water Systems Reveals Effective Lead-Testing Protocols.*** The Asheville (NC) Citizen-Times (3/16, Cronin)

LAST LAUGHS:

Late Night Humor.

Jimmy Kimmel: Tuesday was a "very disappointing night for Bernie Sanders, which was a little bit of a surprise. He seemed to be polling very well among everyone's most annoying Facebook friends."

Jimmy Kimmel: Both Hillary Clinton and Donald Trump "have very high unfavorability ratings. Hillary is 53% unfavorable and Trump clocks in at an extraordinary 63% unfavorable, which I think, like, Jared from Subway has higher than that. This election is going to be the political equivalent of having lunch at Panda Express – nobody wins."

Jimmy Kimmel: "A disappointing finish for Marco Rubio, a man who fueled his campaign with all the fire and spontaneity of Vicki the robot from 'Small Wonder.'"

Jimmy Kimmel: "Rubio dropped out of the race. He went back to Washington and locked his office door to make sure no Supreme Court nominees get in. So good luck to him."

Stephen Colbert: "To secure the nomination at the convention in Cleveland this summer, [Gov. John] Kasich would have to get 116% of the remaining delegates. We'd have to make him governor of every remaining state, plus some states we don't even have yet."

Stephen Colbert: "And if Ted Cruz is right, if every single anti-Trump voter unites behind him, he could get enough delegates to be the nominee. Then the GOP establishment can say, 'Goodbye, candidate we don't like. Hello, candidate we can't stand.'"

Stephen Colbert: "But if Cruz can't do it, there is one other way to deny Trump the nomination: a brokered convention. ... If Donald Trump doesn't get 1,237 delegates in the first round of voting, they're all free to vote for whoever. Great news. The Republican campaign could start all over again, only this time crammed into a week. So you can binge-watch the death of the GOP."

Jimmy Fallon: "It was a huge night for Hillary Clinton, who won in five states. And afterwards she gave a speech and graciously thanked Bernie Sanders for the vigorous campaign he's waging, then said, 'and losing.'"

Jimmy Fallon: "Meanwhile, during Bernie Sanders' speech after the losses, Bernie spoke up against the family that owns Walmart for paying low wages, which could backfire in a couple weeks when Bernie winds up working as a greeter."

Jimmy Fallon: "Donald Trump won every Republican state primary last night except for Ohio, which went to John Kasich. Trump didn't seem to mind since, as he put it, 'The word 'Ohio' is full of zeros.'"

Jimmy Fallon: "The other big story from last night was that Marco Rubio pulled out of the race after losing the Florida primary to Trump by almost 20 points. But it still is a great story. I mean, nothing symbolizes America more than the son of poor immigrants growing up to run for president and then being crushed by a billionaire."

Jimmy Fallon: "President Obama nominated Appeals Court Judge Merrick Garland to serve on

the Supreme Court. Judge Garland actually got choked up while accepting President Obama's nomination in the White House Rose Garden, especially when Obama was like, 'Will you accept this rose?'"

Seth Meyers: "Donald Trump won yesterday's Republican primaries in Florida, Illinois, and North Carolina. Trump did especially well with white males, Caucasian men, and non-women of no color."

Seth Meyers: "According to exit poll data, two-thirds of Republican voters in yesterday's Florida primary were older than 50 and the other one-third were their parents."

Seth Meyers: "After finishing a distant second in his home state of Florida, Marco Rubio announced yesterday that he is ending his campaign. Rubio plans to return to his old job as a Lego businessman."

Seth Meyers: "When announcing last night that he is dropping out, Marco Rubio told supporters, 'We should have seen this coming.' If it makes you feel any better, Marco, we did."

Seth Meyers: "Hillary Clinton won yesterday's primaries in Florida, Illinois, North Carolina, and Ohio. And you can tell she's feeling confident, because she gave her victory speech from the Oval Office."

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To: McKean, Deborah[mckean.deborah@epa.gov]
From: Smith, Paula
Sent: Thur 4/14/2016 10:08:16 PM
Subject: Fwd: Bonita Peak Mining District HRS

Can you do this one too.

Sent from my iPhone

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Date: April 14, 2016 at 3:53:52 PM MDT
To: "Smith, Paula" <Smith.Paula@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Lemon, Mollie" <Lemon.Mollie@epa.gov>
Subject: FW: Bonita Peak Mining District HRS

Second request

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 4:28 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

I also just found this sentence in the document relating to drinking water:

"This contamination threatens not only human food chain fisheries, wetlands and wildlife habitat, including endangered species habitat, but also has the potential to impact downstream drinking water supplies serving thousands of people."

How is the river safe if water supplies for thousands of people are threatened?

On Thu, Apr 14, 2016 at 2:25 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Here's the link to the HRS document, for your convenience:

https://semspub.epa.gov/work/08/1769520.pdf

On Thu, Apr 14, 2016 at 2:24 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Hello,

I have some questions regarding the Bonita Peak Mining District HRS Documentation Record.

I would like to know why the drinking water threat was not scored. The document shows that ground water migration pathway was not scored because of the low population density and because there are "no municipal wells located within the four mile radius that serve as potable supplies."

However, Silverton, Colorado, Farmington, New Mexico, and the Navajo Nation have all had their water supplies affected by the Gold King Mine release, which suggests water supplies are, in fact, impacted by the Bonita Peak Mining District.

Additionally, both the human food chain and the environmental threats scored the max values. How is it that the EPA claims the river is safe for humans and that drinking water is not affected, yet the human food chain is heavily threatened?

Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

In sum:

1. Why was drinking water not assessed in the HRS, given the details provided?

2. How can the human food chain be so heavily threatened, but the drinking

water, as well as the Animas River, is safe for humans?

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

My deadline is end of business today.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

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--

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Daily Caller News Foundation

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--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

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@ethanrbarton

To: Peterson, Cynthia[Peterson.Cynthia@epa.gov]
From: Smith, Paula
Sent: Thur 4/14/2016 9:57:22 PM
Subject: Fwd: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Might need your hp with this after 4

Sent from my iPhone

Begin forwarded message:

From: "Smith, Paula" <Smith.Paula@epa.gov>
Date: April 14, 2016 at 3:55:40 PM MDT
To: "Miller, Johanna" <Miller.Johanna@epa.gov>
Cc: "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Lemon, Mollie" <Lemon.Mollie@epa.gov>, "McKean, Deborah" <mckean.deborah@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Johanna-Urgent questions from an HQ area reporter with urgent deadline. Here's what we've got so far from Rob. Deb working on #2 and 3. Can you look at #1 to see if there's anything you would add?

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:25 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

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However, Silverton, Colorado, Farmington, New Mexico, and the Navajo Nation have all had their water supplies affected by the Gold King Mine release, which suggests water supplies are, in fact, impacted by the Bonita Peak Mining District.

Additionally, both the human food chain and the environmental threats scored the max values. How is it that the EPA claims the river is safe for humans and that drinking water is not affected, yet the human food chain is heavily threatened?

Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

In sum:

1. Why was drinking water not assessed in the HRS, given the details provided?- Site assessment group

The Hazard Ranking System is not a risk assessment. It is a numerical screening model, prescribed by regulation, used to determine eligibility for the NPL. Using the HRS, EPA assigns certain points for various types of receptors actually or potentially impacted by hazardous substances for each evaluated pathway. For the Bonita Peak site, EPA evaluated the surface water pathway and, using the HRS, documented that the site was eligible to be included on the NPL based on the presence of fisheries and a threatened species relative to the observed releases of hazardous substances at the site. A drinking water assessment was not necessary to document that the site was eligible for the NPL.

2. How can the human food chain be so heavily threatened, but the drinking water, as well as the Animas River, is safe for humans?

EPA is aware that hazardous constituents have been and continue to release to fisheries within the watershed, but it is unknown at this point the risks to the human food chain. Additional data collection is required before risks to the human food chain are understood.

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

My deadline is end of business today.

Thanks,

Ethan

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

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To: Card, Joan[Card.Joan@epa.gov]
From: Smith, Paula
Sent: Thur 4/14/2016 9:49:06 PM
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Yup- that's what I've got going now thanks. Just got Deb. Johanna's in supervisory training. Want her to review Rob's answers. Thanks!

- Paula

From: Card, Joan
Sent: Thursday, April 14, 2016 3:35 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

1-Johanna and Rob. Rob sent some good stuff.

2-Deb

3-Deb

Deb tends to be slow to respond.

You guys will need to put it in the form of answers to the press.

From: Smith, Paula
Sent: Thursday, April 14, 2016 3:32 PM
To: Card, Joan <Card.Joan@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST
Importance: High

Who might best answer questions below. HQ getting extremely anxious for response

In sum:

1. Why was drinking water not assessed in the HRS, given the details provided?

Deliberative Process/Ex. 5

2. How can the human food chain be so heavily threatened, but the drinking water, as well as the Animas River, is safe for humans?

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

From Rob Parker:

Region 8 folks + Jennifer W –

I'm not sure who is taking the lead in responding to these questions, but I wanted to provide a few facts which might help respond to this general discussion. It seems the reporter believes the HRS package identifies EPA's priorities in regard to risk at the site. I want to be really clear that I don't view the Hazard Ranking System as a risk assessment, and I'm sure others would agree. It is a numerical screening model, prescribed by regulation, used to determine eligibility for the NPL.

Using the HRS, EPA assigns certain points for various types of receptors actually or potentially impacted by hazardous substances for each evaluated pathway. For the Bonita Peak site, EPA evaluated the surface water pathway and, using the HRS, documented the site is eligible to be included on the NPL based on the presence of fisheries and a threatened species relative to the

observed releases of hazardous substances at the site.

EPA is aware that hazardous constituents have been and continue to release to fisheries within the watershed, but it is unknown at this point the risks to the human food chain. Additional data collection is required before risks to the human food chain are understood.

Rob

Rob Parker, P.E.

Site Assessment Manager

Environmental Engineer

US EPA, Region 8, Denver

(303) 312-6664

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:25 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

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Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

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Deliberative Process/Ex. 5

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Investigative Reporter

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@ethanrbarton

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Smith, Paula
Sent: Thur 4/14/2016 9:29:35 PM
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Have been talking with Rob Parker to clarify answers below. Sent out urgent call for responses. Deb M in meeting until 4 our time.

- Paula

From: Smith, Paula
Sent: Thursday, April 14, 2016 3:27 PM
To: R8 GKM Leadership Team <R8_GKM_LeadershipTeam@epa.gov>
Cc: Wall, Dan <wall.dan@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>
Subject: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST
Importance: High

Can you help with questions highlighted below? Urgent responses needed for reporter by 6 est.

- Paula

From: Parker, Robert
Sent: Thursday, April 14, 2016 1:55 PM
To: Murray, Bill <Murray.Bill@epa.gov>; Ketellapper, Victor <Ketellapper.Victor@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Cc: Wendel, Jennifer <Wendel.Jennifer@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
Subject: RE: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Region 8 folks + Jennifer W –

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Rob

Rob Parker, P.E.

Site Assessment Manager

Environmental Engineer

US EPA, Region 8, Denver

(303) 312-6664

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:25 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

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Deliberative Process/Ex. 5

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Daily Caller News Foundation

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To: Miller, Johanna[Miller.Johanna@epa.gov]
Cc: Smith, Paula[Smith.Paula@epa.gov]
From: McKean, Deborah
Sent: Thur 4/14/2016 10:17:29 PM
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

I think you need to handle all 3. These are not risk questions, they are all HRS questions.

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To: Smith, Paula[Smith.Paula@epa.gov]
From: Card, Joan
Sent: Thur 4/14/2016 9:34:40 PM
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

1-Johanna and Rob. Rob sent some good stuff.

2-Deb

3-Deb

Deb tends to be slow to respond.

You guys will need to put it in the form of answers to the press.

From: Smith, Paula
Sent: Thursday, April 14, 2016 3:32 PM
To: Card, Joan <Card.Joan@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST
Importance: High

Who might best answer questions below. HQ getting extremely anxious for response

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Deliberative Process/Ex. 5

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To: StClair, Christie[StClair.Christie@epa.gov]; Smith, Paula[Smith.Paula@epa.gov]
From: Peterson, Cynthia
Sent: Thur 4/14/2016 8:42:17 PM
Subject: RE: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

For Silverton, I think they take their drinking water from an upstream tributary to the Animas River that wasn't impacted by the release. I believe Durango shut their intake, and I'm not sure about Farmington and the NN. I thought you might have some vetted answers to that question already.

Cynthia Peterson

Community Involvement Coordinator

Public Affairs and Community Involvement

U.S. Environmental Protection Agency, Region VIII

1595 Wynkoop St. (8OC-PAI)

Denver, CO 80202-1129

303-312-6879 -- direct dial

From: StClair, Christie
Sent: Thursday, April 14, 2016 2:24 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Peterson, Cynthia <Peterson.Cynthia@epa.gov>
Subject: Re: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Deliberative Process/Ex. 5

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 14, 2016, at 4:21 PM, Smith, Paula <Smith.Paula@epa.gov> wrote:

Agreed.

Christie-Thoughts?

- Paula

From: Peterson, Cynthia
Sent: Thursday, April 14, 2016 1:19 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Subject: FW: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Paula,

I don't know if Christie would want to weigh in on this, but my understanding is that drinking water in Silverton was not affected by the release.

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From: Belle, Kara
Sent: Thursday, April 14, 2016 1:09 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Cohen, Nancy

<Cohen.Nancy@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Murray, Bill <Murray.Bill@epa.gov>
Subject: FW: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Hi Paula,

See inquiry from the Daily Caller below. I think you all could provide the best response. Please let me know if you think differently. The deadline is 5pm est

Kara Belle

Community Involvement and Program Initiatives Branch

Office of Superfund Remediation and Technology Innovation

U.S. Environmental Protection Agency

(703)603-8815

From: Lemon, Mollie
Sent: Thursday, April 14, 2016 2:52 PM
To: Belle, Kara <Belle.Kara@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Cc: Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Glikes, Michael <Glikes.Michael@epa.gov>; Hull, George <Hull.George@epa.gov>
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Thanks in advance!

Mollie

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

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Sent: Thur 4/14/2016 8:13:25 PM
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Rob, I believe this was forwarded to Paula for response by the Region.

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Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

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Sent: Thursday, April 14, 2016 4:30 PM
To: Smith, Paula <Smith.Paula@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

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Deliberative Process/Ex. 5

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Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Added sentence below in red to question number 1. Johanna

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Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>
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Importance: High

Johanna-Urgent questions from an HQ area reporter with urgent deadline. Here's what we've got so far from Rob. Deb working on #2 and 3. Can you look at #1 to see if there's anything you would add?

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Subject: FW: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

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From: Lemon, Mollie
Sent: Thursday, April 14, 2016 3:10 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>
Cc: Smith, Paula <Smith.Paula@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: RE: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

+ George

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: StClair, Christie
Sent: Thursday, April 14, 2016 5:07 PM
To: Peterson, Cynthia <Peterson.Cynthia@epa.gov>
Cc: Smith, Paula <Smith.Paula@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

I'm off today and Mollie Lemon is helping with gkm. This may be in one of the original press releases on the gkm site. Or we could call the Silverton mayor and ask.

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 14, 2016, at 4:42 PM, Peterson, Cynthia <Peterson.Cynthia@epa.gov> wrote:

For Silverton, I think they take their drinking water from an upstream tributary to the Animas River that wasn't impacted by the release. I believe Durango shut their intake, some

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Cynthia Peterson

Community Involvement Coordinator

Public Affairs and Community Involvement

U.S. Environmental Protection Agency, Region VIII

1595 Wynkoop St. (8OC-PAI)

Denver, CO 80202-1129

303-312-6879 -- direct dial

From: StClair, Christie
Sent: Thursday, April 14, 2016 2:24 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Peterson, Cynthia <Peterson.Cynthia@epa.gov>
Subject: Re: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Deliberative Process/Ex. 5

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 14, 2016, at 4:21 PM, Smith, Paula <Smith.Paula@epa.gov> wrote:

Agreed.

Christie-Thoughts?

- Paula

From: Peterson, Cynthia
Sent: Thursday, April 14, 2016 1:19 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Subject: FW: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Paula,

I don't know if Christie would want to weigh in on this, but my understanding is that drinking water in Silverton was not affected by the release.

Cynthia Peterson

Community Involvement Coordinator

Public Affairs and Community Involvement

U.S. Environmental Protection Agency, Region VIII

1595 Wynkoop St. (8OC-PAI)

Denver, CO 80202-1129

303-312-6879 -- direct dial

From: Belle, Kara

Sent: Thursday, April 14, 2016 1:09 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Murray, Bill <Murray.Bill@epa.gov>
Subject: FW: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Hi Paula,

See inquiry from the Daily Caller below. I think you all could provide the best response. Please let me know if you think differently. The deadline is 5pm est

Kara Belle

Community Involvement and Program Initiatives Branch

Office of Superfund Remediation and Technology Innovation

U.S. Environmental Protection Agency

(703)603-8815

From: Lemon, Mollie
Sent: Thursday, April 14, 2016 2:52 PM
To: Belle, Kara <Belle.Kara@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Cc: Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Glikes, Michael <Glikes.Michael@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Hi all –

Incoming Gold King inquiry below, with a deadline of 5 pm today. Could you please also loop in and coordinate with the appropriate regional staff?

Thanks in advance!

Mollie

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:25 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

Here's the link to the HRS document, for your convenience:

https://semspub.epa.gov/work/08/1769520.pdf

On Thu, Apr 14, 2016 at 2:24 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Hello,
>
> I have some questions regarding the Bonita Peak Mining District HRS Documentation Record.
>
> I would like to know why the drinking water threat was not scored. The document shows that ground water migration pathway was not scored because of the low population density and because there are "no municipal wells located within the four mile radius that serve as potable supplies."

However, Silverton, Colorado, Farmington, New Mexico, and the Navajo Nation have all had their water supplies affected by the Gold King Mine release, which suggests water supplies are, in fact, impacted by the Bonita Peak Mining District.

Additionally, both the human food chain and the environmental threats scored the max values. How is it that the EPA claims the river is safe for humans and that drinking water is not affected, yet the human food chain is heavily threatened?

Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

In sum:

1. Why was drinking water not assessed in the HRS, given the details provided?

2. How can the human food chain be so heavily threatened, but the drinking water, as well as the Animas River, is safe for humans?

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

My deadline is end of business today.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: StClair, Christie[StClair.Christie@epa.gov]; Ostrander, David[Ostrander.David@epa.gov]
Cc: Wall, Tom[Wall.Tom@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Loop, Travis[Loop.Travis@epa.gov]; Card, Joan[Card.Joan@epa.gov]; Spence, Sandra[Spence.Sandra@epa.gov]; Holdsworth, Susan[Holdsworth.Susan@epa.gov]; Heber, Margarete[Heber.Margarete@epa.gov]; Orme-Zavaleta, Jennifer[Orme-Zavaleta.Jennifer@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]; McKean, Deborah[mckean.deborah@epa.gov]; Jenkins, Laura Flynn[Jenkins.Laura@epa.gov]; Mylott, Richard[Mylott.Richard@epa.gov]; Mattas-Curry, Lahne[Mattas-Curry.Lahne@epa.gov]
From: Hubbard, Carolyn
Sent: Mon 2/22/2016 3:09:02 PM
Subject: RE: Daily Caller q on Water Quality

Adding Lahne

Carolyn Hubbard

Communications

EPA Office of Research and Development

202-564-2189

202-379-6744

From: StClair, Christie
Sent: Monday, February 22, 2016 10:07 AM
To: Ostrander, David <Ostrander.David@epa.gov>
Cc: Wall, Tom <Wall.Tom@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>; Holdsworth, Susan <Holdsworth.Susan@epa.gov>; Heber, Margarete <Heber.Margarete@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>
Subject: RE: Daily Caller q on Water Quality

Hi all, flagging that we need to decide this morning how to respond to Daily Caller's question about current water quality.

I want to be quite sure that we're being fully transparent and accurate about the rivers (a) being safe, and (b) having returned to the same condition they had been in before the release.

Here's the latest version, as edited by David Ostrander. Please voice any concerns with this language as soon as possible – I'd like to send to the reporter by 11am eastern.

Deliberative Process/Ex. 5

Thanks,

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: StClair, Christie
Sent: Friday, February 19, 2016 7:07 PM
To: Ostrander, David <Ostrander.David@epa.gov>
Cc: Wall, Tom <Wall.Tom@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>; Holdsworth, Susan <Holdsworth.Susan@epa.gov>; Heber, Margarete <Heber.Margarete@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; evans.dave@epa.gov; McKean, Deborah <mckean.deborah@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>
Subject: Re: Daily Caller q on Water Quality

Thanks David. Are those pockets higher than pre-incident at this time of the season?

Sent from my iPhone

On Feb 19, 2016, at 6:21 PM, Ostrander, David <Ostrander.David@epa.gov> wrote:

> See changes below. Not sure how we phrase the sediment data at this point, but we are seeing some pockets of sediment where results are higher than pre-incident in the Animas above Durango, based on the data we have. This sediment will be washing downstream with higher flows. EPA will be sampling to monitor changes in river water and sediment quality over time.

> **From:** StClair, Christie
> **Sent:** Friday, February 19, 2016 3:30 PM
> **To:** Wall, Tom <Wall.Tom@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
> **Cc:** Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ostrander, David <Ostrander.David@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>; Holdsworth, Susan <Holdsworth.Susan@epa.gov>; Heber, Margarete <Heber.Margarete@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; evans.dave@epa.gov; McKean, Deborah <mckean.deborah@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>

Subject: RE: Daily Caller q on Water Quality

+ Rich and Laura in R8

Thank you Tom. Deb McKean can likely help us sort this out.

Here is the updated proposal for the language:

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Wall, Tom
Sent: Friday, February 19, 2016 5:27 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ostrander, David <Ostrander.David@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>; Holdsworth, Susan <Holdsworth.Susan@epa.gov>; Heber, Margarete <Heber.Margarete@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; evans.dave@epa.gov; McKean, Deborah <mckean.deborah@epa.gov>
Subject: RE: Daily Caller q on Water Quality
Importance: High

We do not have the data on pre-event conditions. Will reach out to Region 8.

Tom Wall, Director

Assessment and Watershed Protection Division

Office of Wetlands, Oceans and Watersheds

U.S. EPA

Wall.tom@epa.gov

202/564-4179

From: StClair, Christie
Sent: Friday, February 19, 2016 5:21 PM
To: Wall, Tom <Wall.Tom@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ostrander, David

<Ostrander.David@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>; Holdsworth, Susan <Holdsworth.Susan@epa.gov>; Heber, Margarete <Heber.Margarete@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; evans.dave@epa.gov
Subject: RE: Daily Caller q on Water Quality

Are these exceedances above pre-event conditions?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Wall, Tom
Sent: Friday, February 19, 2016 5:19 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ostrander, David <Ostrander.David@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>; Holdsworth, Susan <Holdsworth.Susan@epa.gov>; Heber, Margarete <Heber.Margarete@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; evans.dave@epa.gov
Subject: RE: Daily Caller q on Water Quality

Nancy et al. – we are taking our first look at the fall "objective A" data, comparing it to the thresholds Region 8 sent us that were used during the immediate incident response.

Deliberative Process/Ex. 5

Number of Stations Sampled = 27

Date Range for all data = 10/26/2015-11/19/2016

Number of Parameters Reported on = 29

Number of exceedances = 72

Number of non-duplicate exceedances = 65 (some were duplicates)

Parameters with exceedances = Aluminum(1), Cadmium(1), Cobalt(1), Copper(2), Lead(12), Manganese(51), Zinc(2)

Number of Stations with exceedances = 25

Thus, may want to be more cautious in the response to the inquiry from Daily Caller?

Tom Wall, Director

Assessment and Watershed Protection Division

Office of Wetlands, Oceans and Watersheds

U.S. EPA

Wall.tom@epa.gov

202/564-4179

From: Grantham, Nancy
Sent: Friday, February 19, 2016 3:56 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>
Subject: RE: Daily Caller q on Water Quality

Want to loop ord and ow in on this – to make sure we are all aligned. Thanks ng

From: StClair, Christie
Sent: Friday, February 19, 2016 3:49 PM
To: Deitz, Randy <Deitz.Randy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Daily Caller q on Water Quality

Randy and Nancy,

Ethan Barton of the Daily Caller is asking about current water quality conditions.

Can I send him the graph below, with these edits?

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: StClair, Christie
Sent: Friday, February 19, 2016 11:41 AM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>; Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Subject: RE: can you send me the questions cbs sent you .. rick salinger ..thanks ng

Suggest making it more consumer-friendly. For example:

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Jenkins, Laura Flynn
Sent: Friday, February 19, 2016 11:25 AM
To: Zito, Kelly <ZITO.KELLY@EPA.GOV>; Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Subject: RE: can you send me the questions cbs sent you .. rick salinger ..thanks ng

Here are the two submitted questions RE NN and NM. Please send any revisions to me ASAP as we're prepping the SME at 10:00 am MDT.

1. **The Navajos claim they are not convinced it is safe to open their irrigation canal for their crops. Is the water from the San Juan of accept able quality for irrigation?**

Deliberative Process/Ex. 5

2. **What is EPA's response to claims by New Mexico Environment Director Flynn regarding continuing impairments and the likelihood that spring runoff will disturb sediment, causing additional spikes in contaminants downstream?**

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: Zito, Kelly
Sent: Friday, February 19, 2016 7:50 AM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: can you send me the questions cbs sent you .. rick salinger ..thanks ng

Need to add Sona and Rusty from R9. I think we have some language that we've used previously...

Sent from my iPhone

On Feb 19, 2016, at 9:03 AM, "Jenkins, Laura Flynn" <Jenkins.Laura@epa.gov> wrote:

Interview is scheduled for 3:30 MDT.

Yes, will run NN response past Kelly.

Should be at my desk in about 90 minutes and will route stuff them.

Laura Jenkins

Media Officer

USEPA Region 8

1595 Wynkoop St.

Denver, CO 80208

Mailcode: 8-OC

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

On Feb 19, 2016, at 5:13 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Thanks .. can we make sure the answer on the Navajos is coordinated with Kelly zito – copied here?

Also – looping olem on the last 2 questions – can we get some sort of statement that the region can refer to?

What time is the filming? Thanks ng

From: Mylott, Richard
Sent: Thursday, February 18, 2016 6:19 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Subject: RE: can you send me the questions cbs sent you .. rick salinger ..thanks ng

Plus Laura.

Below is what Rick Sallinger has shared as questions. I told him we'd be able to provide someone who can address 1-3 from solely a water quality assessment and monitoring context, but won't be able to get into any level of detail on 4-5. He seemed to understand but I expect we will have to remind him that Karen represents a very specific task and function and area of expertise.

We know that he has spoken with New Mexico and Navajo and that he will focus on their concerns and criticisms re: WQ impacts.

We can work up very short, general answers on 4 and 5, but Karen will make clear that she hasn't been involved in those activities and that Laura and I can make sure he gets any info he needs. If you want to draft answers for 4-5 that's fine as well…

1. *Six months later how would you describe the state of affairs given what*

what happened at the Gold King?

2. *Where has there been lasting impact from the spill and in what form?*

3. *The Navajos claim they are not convinced it is safe to open their irrigation canal for*

their crops. Is the water from the San Juan of accept able quality for irrigation?

4. *What has been done to prevent a similar reoccurrence of such a spill?*

5. *What impact will Superfund designation have if that occurs for the Bonita Mine area?*

From: Grantham, Nancy
Sent: Thursday, February 18, 2016 3:51 PM
To: Mylott, Richard <Mylott.Richard@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: can you send me the questions cbs sent you .. rick salinger ..thanks ng

Nancy Grantham

202-564-6879

857-829-8250 (cell)

To: Card, Joan[Card.Joan@epa.gov]
From: Jenkins, Laura Flynn
Sent: Wed 4/13/2016 9:10:43 PM
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Deliberative Process/Ex. 5

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: Card, Joan
Sent: Wednesday, April 13, 2016 12:30 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Cc: StClair, Christie <StClair.Christie@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Did ORD approve the "no different in content" language?

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 1:21 PM, Jenkins, Laura Flynn <Jenkins.Laura@epa.gov> wrote:

I'm fine if Joan is fine! ☺

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: StClair, Christie
Sent: Wednesday, April 13, 2016 12:18 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Some tweaks below. GTG from R8? OW?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Jenkins, Laura Flynn
Sent: Wednesday, April 13, 2016 1:41 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Christie:

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Thanks for the chance to review.

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: StClair, Christie
Sent: Wednesday, April 13, 2016 11:00 AM
To: Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Ethan Barton is looking for our response on this by end of today. We've addressed most of this previously, so I'm just looking for OW, OLEM IO, and R8 approval before sending.

1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?

Deliberative Process/Ex. 5

You'll find the sites listed on pages 13-15.

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Here is some additional background on the region you may find useful.

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas. SITE RISK: Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

3. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: StClair, Christie[StClair.Christie@epa.gov]; Wall, Tom[Wall.Tom@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]
Cc: Loop, Travis[Loop.Travis@epa.gov]; Hubbard, Carolyn[Hubbard.Carolyn@epa.gov]; Card, Joan[Card.Joan@epa.gov]; Ostrander, David[Ostrander.David@epa.gov]; Spence, Sandra[Spence.Sandra@epa.gov]; Holdsworth, Susan[Holdsworth.Susan@epa.gov]; Heber, Margarete[Heber.Margarete@epa.gov]; Orme-Zavaleta, Jennifer[Orme-Zavaleta.Jennifer@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]; evans.dave@epa.gov[evans.dave@epa.gov]; McKean, Deborah[mckean.deborah@epa.gov]; Mylott, Richard[Mylott.Richard@epa.gov]
From: Jenkins, Laura Flynn
Sent: Fri 2/19/2016 11:51:50 PM
Subject: RE: Daily Caller q on Water Quality

Sorry, Rich and I were both tied up with the Salinger (CBS) interview and are just now seeing this thread. It looks like others with more in-depth knowledge have already weighed in but if there's anything you need from us please give me a call on my cell: 202-360-8453.

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: StClair, Christie
Sent: Friday, February 19, 2016 3:30 PM
To: Wall, Tom <Wall.Tom@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ostrander, David <Ostrander.David@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>; Holdsworth, Susan <Holdsworth.Susan@epa.gov>; Heber, Margarete <Heber.Margarete@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>;

evans.dave@epa.gov; McKean, Deborah <mckean.deborah@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>
Subject: RE: Daily Caller q on Water Quality

+ Rich and Laura in R8

Thank you Tom. Deb McKean can likely help us sort this out.

Here is the updated proposal for the language:

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Wall, Tom
Sent: Friday, February 19, 2016 5:27 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ostrander, David <Ostrander.David@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>; Holdsworth, Susan <Holdsworth.Susan@epa.gov>; Heber, Margarete <Heber.Margarete@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; evans.dave@epa.gov; McKean, Deborah <mckean.deborah@epa.gov>
Subject: RE: Daily Caller q on Water Quality
Importance: High

We do not have the data on pre-event conditions. Will reach out to Region 8.

Tom Wall, Director

Assessment and Watershed Protection Division

Office of Wetlands, Oceans and Watersheds

U.S. EPA

Wall.tom@epa.gov

202/564-4179

From: StClair, Christie
Sent: Friday, February 19, 2016 5:21 PM
To: Wall, Tom <Wall.Tom@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ostrander, David <Ostrander.David@epa.gov>; Spence,

Sandra <Spence.Sandra@epa.gov>; Holdsworth, Susan <Holdsworth.Susan@epa.gov>; Heber, Margarete <Heber.Margarete@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; evans.dave@epa.gov
Subject: RE: Daily Caller q on Water Quality

Are these exceedances above pre-event conditions?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Wall, Tom
Sent: Friday, February 19, 2016 5:19 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ostrander, David <Ostrander.David@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>; Holdsworth, Susan <Holdsworth.Susan@epa.gov>; Heber, Margarete <Heber.Margarete@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; evans.dave@epa.gov
Subject: RE: Daily Caller q on Water Quality

Nancy et al. – we are taking our first look at the fall "objective A" data, comparing it to the thresholds Region 8 sent us that were used during the immediate incident response.

Deliberative Process/Ex. 5

Number of Stations Sampled = 27

Date Range for all data = 10/26/2015-11/19/2016

Number of Parameters Reported on = 29

Number of exceedances = 72

Number of non-duplicate exceedances = 65 (some were duplicates)

Parameters with exceedances = Aluminum(1), Cadmium(1), Cobalt(1), Copper(2), Lead(12), Manganese(51), Zinc(2)

Number of Stations with exceedances = 25

Thus, may want to be more cautious in the response to the inquiry from Daily Caller?

Tom Wall, Director

Assessment and Watershed Protection Division

Office of Wetlands, Oceans and Watersheds

U.S. EPA

Wall.tom@epa.gov

202/564-4179

From: Grantham, Nancy
Sent: Friday, February 19, 2016 3:56 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>
Subject: RE: Daily Caller q on Water Quality

Want to loop ord and ow in on this – to make sure we are all aligned. Thanks ng

From: StClair, Christie
Sent: Friday, February 19, 2016 3:49 PM
To: Deitz, Randy <Deitz.Randy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Daily Caller q on Water Quality

Randy and Nancy,

Ethan Barton of the Daily Caller is asking about current water quality conditions.

Can I send him the graph below, with these edits?

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: StClair, Christie
Sent: Friday, February 19, 2016 11:41 AM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>; Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Subject: RE: can you send me the questions cbs sent you .. rick salinger ..thanks ng

Suggest making it more consumer-friendly. For example:

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Jenkins, Laura Flynn
Sent: Friday, February 19, 2016 11:25 AM
To: Zito, Kelly <ZITO.KELLY@EPA.GOV>; Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Subject: RE: can you send me the questions cbs sent you .. rick salinger ..thanks ng

Here are the two submitted questions RE NN and NM. Please send any revisions to me ASAP as we're prepping the SME at 10:00 am MDT.

1. The Navajos claim they are not convinced it is safe to open their irrigation canal for their crops. Is the water from the San Juan of accept able quality for irrigation?

Deliberative Process/Ex. 5

2. What is EPA's response to claims by New Mexico Environment Director Flynn regarding continuing impairments and the likelihood that spring runoff will disturb sediment, causing additional spikes in contaminants downstream?

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: Zito, Kelly
Sent: Friday, February 19, 2016 7:50 AM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: can you send me the questions cbs sent you .. rick salinger ..thanks ng

Need to add Sona and Rusty from R9. I think we have some language that we've used previously...

Sent from my iPhone

On Feb 19, 2016, at 9:03 AM, "Jenkins, Laura Flynn" <Jenkins.Laura@epa.gov> wrote:

Interview is scheduled for 3:30 MDT.

Yes, will run NN response past Kelly.

Should be at my desk in about 90 minutes and will route stuff them.

Laura Jenkins

Media Officer

USEPA Region 8

1595 Wynkoop St.

Denver, CO 80208

Mailcode: 8-OC

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

On Feb 19, 2016, at 5:13 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Thanks .. can we make sure the answer on the Navajos is coordinated with Kelly zito – copied here?

Also – looping olem on the last 2 questions – can we get some sort of statement that

the region can refer to?

What time is the filming? Thanks ng

From: Mylott, Richard
Sent: Thursday, February 18, 2016 6:19 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Subject: RE: can you send me the questions cbs sent you .. rick salinger ..thanks ng

Plus Laura.

Below is what Rick Sallinger has shared as questions. I told him we'd be able to provide someone who can address 1-3 from solely a water quality assessment and monitoring context, but won't be able to get into any level of detail on 4-5. He seemed to understand but I expect we will have to remind him that Karen represents a very specific task and function and area of expertise.

We know that he has spoken with New Mexico and Navajo and that he will focus on their concerns and criticisms re: WQ impacts.

We can work up very short, general answers on 4 and 5, but Karen will make clear that she hasn't been involved in those activities and that Laura and I can make sure he gets any info he needs. If you want to draft answers for 4-5 that's fine as well…

1. *Six months later how would you describe the state of affairs given what*

what happened at the Gold King?

2. *Where has there been lasting impact from the spill and in what form?*

3. *The Navajos claim they are not convinced it is safe to open their irrigation canal for*

their crops. Is the water from the San Juan of accept able quality for irrigation?

4. *What has been done to prevent a similar reoccurrence of such a spill?*

5. *What impact will Superfund designation have if that occurs for the Bonita Mine area?*

From: Grantham, Nancy
Sent: Thursday, February 18, 2016 3:51 PM
To: Mylott, Richard <Mylott.Richard@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: can you send me the questions cbs sent you .. rick salinger ..thanks ng

Nancy Grantham

202-564-6879

857-829-8250 (cell)

To: Boydston, Michael[Boydston.Michael@epa.gov]
From: Jenkins, Laura Flynn
Sent: Wed 1/27/2016 4:01:49 PM
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Thanks, this is helpful.

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: Boydston, Michael
Sent: Wednesday, January 27, 2016 8:18 AM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Hi Laura – Here's the email I was talking about.

Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

From: Dolph, Becky

Sent: Wednesday, January 20, 2016 4:25 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Engels, Alan <engels.alan@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
Cc: Mills, Derek <Mills.Derek@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

It will be a while – **Deliberative Process/Ex. 5**

Becky Dolph | Director, FOIA Expert Assistance Team

U.S Environmental Protection Agency

Office of General Counsel | 7309B WJCN | 202-564-5771

From: Grantham, Nancy
Sent: Wednesday, January 20, 2016 5:49 PM
To: Engels, Alan <engels.alan@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

HI – checking in on the status of this FOIA – and review schedule for this office. thanks ng

From: Engels, Alan
Sent: Thursday, January 07, 2016 10:51 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

The current due date is January 28, 2016. A OEI Console search has been requested, however, we don't expect that the results will be available until close to the due date. Based on the large volume of GKM data we are working on reviewing / coordinating, we expect that we will most likely seek an extension of the current due date.

Alan V.J.S. Engels

FOIA Officer

U.S. EPA, 8TMS-I

1595 Wynkoop St., Denver, Colorado 80202

(303)-312-6306

Engels.Alan@EPA.GOV

From: Grantham, Nancy
Sent: Monday, January 04, 2016 10:24 AM
To: Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>; Engels, Alan <engels.alan@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Thanks .. please keep me looped in so we are aware of what is being released prior to the release. What is the due date. Thanks ng

From: Card, Joan
Sent: Monday, January 04, 2016 11:40 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Found this in my inbox just now. Forwarding just to be sure you're aware. Joan

From: Smith, Paula
Sent: Wednesday, December 30, 2015 9:51 AM
To: McGrath, Shaun <McGrath.Shaun@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ward, W. Robert <Ward.Robert@epa.gov>
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

F Y awareness.

- Paula

From: Engels, Alan
Sent: Wednesday, December 30, 2015 9:06 AM
To: Mills, Derek <Mills.Derek@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Cc: Smith, Paula <Smith.Paula@epa.gov>; Dew, Wendy <Dew.Wendy@epa.gov>; Duran, Matt <duran.matt@epa.gov>; Young, Adrea <Young.Adrea@epa.gov>
Subject: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

On 12/29/2015, the Daily Caller News Foundation is: Requesting copies of any and all emails regarding the Gold King Mine that includes the phrase "talking points" from Aug. 1, 2015 to Dec. 21, 2015.

The request was narrowed to only include Emails pertaining to those sent or received by :

-EPA Administrator, Gina McCarthy

-Acting Deputy Administrator, Stan Meiburg

-Office of Congressional And Intergovernmental Relations Acting Associate Administrator, Nichole Distefano

-Office of Congressional And Intergovernmental Relations Principal Deputy Associate Administrator, Joyce Frank

-Office of Public Affairs Acting Associate Administrator, Liz Cunningham-Purchia

-Office of Public Affairs Principal Deputy Associate Administrator, Roxanne Smith

-General Counsel, Avi Garbow

-Region 8 Administrator, Shaun McGrath

-Region 8 Counsel, Robert Ward

-Region 8 Communications and Public Involvement Director, Paula Smith

As indicated below, the OEI Search has been submitted with the search criteria: "Gold King*" OR "GKM" AND "talking points" or the period listed above.

Once we have the results of the search, ORC and OGC will review the results. We will also make sure that the results can be reviewed by the administrator's immediate office to ensure all redactions are applied appropriately.

If you have any questions pertaining to this FOIA request /action, please feel free to contact me.

Alan V.J.S. Engels

FOIA Officer

U.S. EPA, 8TMS-I

1595 Wynkoop St., Denver, Colorado 80202

(303)-312-6306

Engels.Alan@EPA.GOV

From: eDiscovery [mailto:no-reply@sharepointonline.com]
Sent: Wednesday, December 30, 2015 8:44 AM
To: Engels, Alan <engels.alan@epa.gov>
Cc: eDiscovery, eDiscovery <eDiscovery@epa.gov>; MacLeish, Phoebe <Macleish.Phoebe@epa.gov>
Subject: Your eDiscovery Service Request has been Received.

Hello,

We have received your eDiscovery Service Request. You will be notified when a technician has been assigned and work on your request has begun.

Request Title or Identifier: FOIA EPA-R8-2016-002389

Request Status: Started

Note: Click here to access the request.

An Electronic Discovery number (ED #) will be assigned to this request by the technician, and will be included in all future emails regarding this request. When your request has been completed, you will be notified via email and directed to the location where you can retrieve the results of your request.

Please contact the eDiscovery team if you have any questions at eDiscovery@epa.gov or 1-855-372-3472.

Thank you.

(Internal Identifier: 768)

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Jenkins, Laura Flynn
Sent: Wed 1/27/2016 4:01:41 PM
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Spoke with Mike Boydston this morning about this, since I hadn't seen the thread below, and he told me current guesstimate on completion is March, but that was just a guess.

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: Boydston, Michael
Sent: Wednesday, January 27, 2016 8:18 AM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Hi Laura – Here's the email I was talking about.

Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

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Sent: Wednesday, January 20, 2016 4:25 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Engels, Alan <engels.alan@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
Cc: Mills, Derek <Mills.Derek@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

It will be a while – **Deliberative Process/Ex. 5**

Becky Dolph | Director, FOIA Expert Assistance Team

U.S Environmental Protection Agency

Office of General Counsel | 7309B WJCN | 202-564-5771

From: Grantham, Nancy
Sent: Wednesday, January 20, 2016 5:49 PM
To: Engels, Alan <engels.alan@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

HI – checking in on the status of this FOIA – and review schedule for this office. thanks ng

From: Engels, Alan
Sent: Thursday, January 07, 2016 10:51 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

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Alan V.J.S. Engels

FOIA Officer

U.S. EPA, 8TMS-I

1595 Wynkoop St., Denver, Colorado 80202

(303)-312-6306

Engels.Alan@EPA.GOV

From: Grantham, Nancy
Sent: Monday, January 04, 2016 10:24 AM
To: Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>; Engels, Alan <engels.alan@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Thanks .. please keep me looped in so we are aware of what is being released prior to the release. What is the due date. Thanks ng

From: Card, Joan
Sent: Monday, January 04, 2016 11:40 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

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From: Smith, Paula
Sent: Wednesday, December 30, 2015 9:51 AM
To: McGrath, Shaun <McGrath.Shaun@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ward, W. Robert <Ward.Robert@epa.gov>

Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

F Y awareness.

- Paula

From: Engels, Alan
Sent: Wednesday, December 30, 2015 9:06 AM
To: Mills, Derek <Mills.Derek@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Cc: Smith, Paula <Smith.Paula@epa.gov>; Dew, Wendy <Dew.Wendy@epa.gov>; Duran, Matt <duran.matt@epa.gov>; Young, Adrea <Young.Adrea@epa.gov>
Subject: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

On 12/29/2015, the Daily Caller News Foundation is: Requesting copies of any and all emails regarding the Gold King Mine that includes the phrase "talking points" from Aug. 1, 2015 to Dec. 21, 2015.

The request was narrowed to only include Emails pertaining to those sent or received by :

-EPA Administrator, Gina McCarthy

-Acting Deputy Administrator, Stan Meiburg

-Office of Congressional And Intergovernmental Relations Acting Associate Administrator, Nichole Distefano

-Office of Congressional And Intergovernmental Relations Principal Deputy Associate Administrator, Joyce Frank

-Office of Public Affairs Acting Associate Administrator, Liz Cunningham-Purchia

-Office of Public Affairs Principal Deputy Associate Administrator, Roxanne Smith

-General Counsel, Avi Garbow

-Region 8 Administrator, Shaun McGrath

-Region 8 Counsel, Robert Ward

-Region 8 Communications and Public Involvement Director, Paula Smith

As indicated below, the OEI Search has been submitted with the search criteria: "Gold King*" OR "GKM" AND "talking points" or the period listed above.

Once we have the results of the search, ORC and OGC will review the results. We will also make sure that the results can be reviewed by the administrator's immediate office to ensure all redactions are applied appropriately.

If you have any questions pertaining to this FOIA request /action, please feel free to contact me.

Alan V.J.S. Engels

FOIA Officer

U.S. EPA, 8TMS-I

1595 Wynkoop St., Denver, Colorado 80202

(303)-312-6306

Engels.Alan@EPA.GOV

From: eDiscovery [mailto:no-reply@sharepointonline.com]
Sent: Wednesday, December 30, 2015 8:44 AM
To: Engels, Alan <engels.alan@epa.gov>
Cc: eDiscovery, eDiscovery <eDiscovery@epa.gov>; MacLeish, Phoebe <Macleish.Phoebe@epa.gov>
Subject: Your eDiscovery Service Request has been Received.

Hello,

We have received your eDiscovery Service Request. You will be notified when a technician has been assigned and work on your request has begun.

Request Title or Identifier: FOIA EPA-R8-2016-002389

Request Status: Started

Note: Click here to access the request.

An Electronic Discovery number (ED #) will be assigned to this request by the technician, and will be included in all future emails regarding this request. When your request has been completed, you will be notified via email and directed to the location where you can retrieve the results of your request.

Please contact the eDiscovery team if you have any questions at eDiscovery@epa.gov or 1-855-372-3472.

Thank you.

(Internal Identifier: 768)

To: Boydston, Michael[Boydston.Michael@epa.gov]
From: Jenkins, Laura Flynn
Sent: Tue 1/5/2016 6:21:13 PM
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Thanks for the clarifications. Makes perfect sense and also helps explain why the process will take several weeks to complete.

Regards,

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: Boydston, Michael
Sent: Tuesday, January 05, 2016 11:20 AM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Smith, Paula <Smith.Paula@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Thanks, Laura. Just to clarify one perhaps irrelevant point, I won't necessarily be the only one reviewing the search results. We are working with Becky Dolph and the FOIA Expert Assistance Team in OGC on this, and they or others in OGC may be doing part of the review. In any case we'll be consulting closely with them. And, as Alan notes below, we expect to be coordinating

with the Administrator's office so that they have a chance to review any results from that office. We may be checking in with various other offices as well, depending on the results of the search.

Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

From: Jenkins, Laura Flynn
Sent: Tuesday, January 05, 2016 11:14 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Boydston, Michael <Boydston.Michael@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Card, Joan <Card.Joan@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Nancy:

I spoke with Mike Boydston this morning and he said it will probably be another week or two before the emails are compiled. Once compiled, he'll need to go through each email to determine what, if anything, needs to be redacted from each message. Depending on the volume of emails involved, this process could take another few weeks to complete.

Once the redacted versions are ready, he'll route to you so you know what's being transmitted.

Mike said there's a chance this could happen a little bit sooner but he won't know for sure until he speaks with Alan Engels, R8 FOIA Officer, who's out until tomorrow.

Stay tuned as this progresses…..

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: Grantham, Nancy
Sent: Monday, January 04, 2016 10:45 AM
To: Smith, Paula <Smith.Paula@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Thanks .. important that we see before it goes as it is a media request. thanks ng

From: Smith, Paula
Sent: Monday, January 04, 2016 12:44 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Laura- could you follow up with Mike B on request and status as they get ready to release? Thanks!

Sent from my iPhone

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Date: January 4, 2016 at 10:23:57 AM MST
To: "Card, Joan" <Card.Joan@epa.gov>, "Smith, Paula" <Smith.Paula@epa.gov>, "Dolph, Becky" <Dolph.Becky@epa.gov>, "Engels, Alan" <engels.alan@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Thanks .. please keep me looped in so we are aware of what is being released prior to the release. What is the due date. Thanks ng

From: Card, Joan
Sent: Monday, January 04, 2016 11:40 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Found this in my inbox just now. Forwarding just to be sure you're aware. Joan

From: Smith, Paula
Sent: Wednesday, December 30, 2015 9:51 AM
To: McGrath, Shaun <McGrath.Shaun@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ward, W. Robert <Ward.Robert@epa.gov>
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

F Y awareness.

- Paula

From: Engels, Alan
Sent: Wednesday, December 30, 2015 9:06 AM
To: Mills, Derek <Mills.Derek@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Cc: Smith, Paula <Smith.Paula@epa.gov>; Dew, Wendy <Dew.Wendy@epa.gov>; Duran, Matt <duran.matt@epa.gov>; Young, Adrea <Young.Adrea@epa.gov>
Subject: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

On 12/29/2015, the Daily Caller News Foundation is: Requesting copies of any and all emails regarding the Gold King Mine that includes the phrase "talking points" from Aug. 1, 2015 to Dec. 21, 2015.

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-Acting Deputy Administrator, Stan Meiburg

-Office of Congressional And Intergovernmental Relations Acting Associate Administrator, Nichole Distefano

-Office of Congressional And Intergovernmental Relations Principal Deputy Associate Administrator, Joyce Frank

-Office of Public Affairs Acting Associate Administrator, Liz Cunningham-Purchia

-Office of Public Affairs Principal Deputy Associate Administrator, Roxanne Smith

-General Counsel, Avi Garbow

-Region 8 Administrator, Shaun McGrath

-Region 8 Counsel, Robert Ward

-Region 8 Communications and Public Involvement Director, Paula Smith

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If you have any questions pertaining to this FOIA request /action, please feel free to contact me.

Alan V.J.S. Engels

FOIA Officer

U.S. EPA, 8TMS-I

1595 Wynkoop St., Denver, Colorado 80202

(303)-312-6306

Engels.Alan@EPA.GOV

From: eDiscovery [mailto:no-reply@sharepointonline.com]
Sent: Wednesday, December 30, 2015 8:44 AM
To: Engels, Alan <engels.alan@epa.gov>
Cc: eDiscovery, eDiscovery <eDiscovery@epa.gov>; MacLeish, Phoebe <Macleish.Phoebe@epa.gov>
Subject: Your eDiscovery Service Request has been Received.

Hello,

We have received your eDiscovery Service Request. You will be notified when a technician has been assigned and work on your request has begun.

Request Title or Identifier: FOIA EPA-R8-2016-002389

Request Status: Started

Note: Click here to access the request.

An Electronic Discovery number (ED #) will be assigned to this request by the technician, and will be included in all future emails regarding this request. When your request has been completed, you will be notified via email and directed to the location where you can retrieve the results of your request.

Please contact the eDiscovery team if you have any questions at eDiscovery@epa.gov or 1-855-372-3472.

Thank you.

(Internal Identifier: 768)

To: Smith, Paula[Smith.Paula@epa.gov]; R8 GKM Leadership Team[R8_GKM_LeadershipTeam@epa.gov]
Cc: Wall, Dan[wall.dan@epa.gov]; McKean, Deborah[mckean.deborah@epa.gov]
From: Hestmark, Martin
Sent: Thur 4/14/2016 9:39:55 PM
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

From: Smith, Paula
Sent: Thursday, April 14, 2016 3:27 PM
To: R8 GKM Leadership Team <R8_GKM_LeadershipTeam@epa.gov>
Cc: Wall, Dan <wall.dan@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>
Subject: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST
Importance: High

Can you help with questions highlighted below? Urgent responses needed for reporter by 6 est.

- Paula

From: Parker, Robert
Sent: Thursday, April 14, 2016 1:55 PM
To: Murray, Bill <Murray.Bill@epa.gov>; Ketellapper, Victor <Ketellapper.Victor@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Cc: Wendel, Jennifer <Wendel.Jennifer@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
Subject: RE: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Region 8 folks + Jennifer W –

I'm not sure who is taking the lead in responding to these questions, but I wanted to provide a few facts which might help respond to this general discussion. It seems the reporter believes the HRS package identifies EPA's priorities in regard to risk at the site. I want to be really clear that I don't view the Hazard Ranking System as a risk assessment, and I'm sure others would agree. It is a numerical screening model, prescribed by regulation, used to determine eligibility for the NPL.

Using the HRS, EPA assigns certain points for various types of receptors actually or potentially impacted by hazardous substances for each evaluated pathway. For the Bonita Peak site, EPA evaluated the surface water pathway and, using the HRS, documented the site is eligible to be included on the NPL based on the presence of fisheries and a threatened species relative to the observed releases of hazardous substances at the site.

EPA is aware that hazardous constituents have been and continue to release to fisheries within the watershed, but it is unknown at this point the risks to the human food chain. Additional data collection is required before risks to the human food chain are understood.

Rob

Rob Parker, P.E.

Site Assessment Manager

Environmental Engineer

US EPA, Region 8, Denver

(303) 312-6664

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:25 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

Here's the link to the HRS document, for your convenience:

https://semspub.epa.gov/work/08/1769520.pdf

On Thu, Apr 14, 2016 at 2:24 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Hello,

I have some questions regarding the Bonita Peak Mining District HRS Documentation Record.

I would like to know why the drinking water threat was not scored. The document shows that ground water migration pathway was not scored because of the low population density and because there are "no municipal wells located within the four mile radius that serve as potable supplies."

However, Silverton, Colorado, Farmington, New Mexico, and the Navajo Nation have all had their water supplies affected by the Gold King Mine release, which suggests water supplies are, in fact, impacted by the Bonita Peak Mining District.

Additionally, both the human food chain and the environmental threats scored the max values. How is it that the EPA claims the river is safe for humans and that drinking water is not affected, yet the human food chain is heavily threatened?

Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

In sum:

1. Why was drinking water not assessed in the HRS, given the details provided?

Drinking water assessment not necessary to document that the site is eligible for the NPL.Then add some of Robert's language above about the HRS.

2. How can the human food chain be so heavily threatened, but the drinking water, as well

as the Animas River, is safe for humans? (Who said the food chain was heavily threatened?) The drinking water in Silverton comes from water sources unaffected by releases into the Animas River. The drinking water for Durango is mostly from the Florida River(which is not affected by the releases into the Animas River). Both water supplies are monitored by locals consistent/pursuant to the SDWA for compliance with drinking water standards.

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?No

My deadline is end of business today.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Parker, Robert[Parker.Robert@epa.gov]; Miller, Johanna[Miller.Johanna@epa.gov]
Cc: StClair, Christie[StClair.Christie@epa.gov]; Peterson, Cynthia[Peterson.Cynthia@epa.gov]; Jenkins, Laura Flynn[Jenkins.Laura@epa.gov]; Lemon, Mollie[Lemon.Mollie@epa.gov]
From: Smith, Paula
Sent: Thur 4/14/2016 8:58:04 PM
Subject: FW: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Johanna and Rob- Can you answer the reporter's questions highlighted below? Mollie Lemon is the EPA comms contact handling this request today in OSRTI that needs to respond. She's trying to push back with reporter for a deadline tomorrow instead of 5 est today. She'll let us know. Please 'reply all' with your answers as there are numerous interested parties.

Thanks so much!

- Paula

From: Peterson, Cynthia
Sent: Thursday, April 14, 2016 2:42 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
Subject: RE: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Deliberative Process/Ex. 5

Cynthia Peterson

Community Involvement Coordinator

Public Affairs and Community Involvement

U.S. Environmental Protection Agency, Region VIII

1595 Wynkoop St. (8OC-PAI)

Denver, CO 80202-1129

303-312-6879 -- direct dial

From: StClair, Christie
Sent: Thursday, April 14, 2016 2:24 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Peterson, Cynthia <Peterson.Cynthia@epa.gov>
Subject: Re: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Deliberative Process/Ex. 5

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 14, 2016, at 4:21 PM, Smith, Paula <Smith.Paula@epa.gov> wrote:

Agreed.

Christie-Thoughts?

- Paula

From: Peterson, Cynthia
Sent: Thursday, April 14, 2016 1:19 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Subject: FW: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Paula,

I don't know if Christie would want to weigh in on this, but my understanding is that drinking water in Silverton was not affected by the release.

Cynthia Peterson

Community Involvement Coordinator

Public Affairs and Community Involvement

U.S. Environmental Protection Agency, Region VIII

1595 Wynkoop St. (8OC-PAI)

Denver, CO 80202-1129

303-312-6879 -- direct dial

From: Belle, Kara
Sent: Thursday, April 14, 2016 1:09 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Murray, Bill <Murray.Bill@epa.gov>
Subject: FW: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Hi Paula,

See inquiry from the Daily Caller below. I think you all could provide the best response. Please let me know if you think differently. The deadline is 5pm est

Kara Belle

Community Involvement and Program Initiatives Branch

Office of Superfund Remediation and Technology Innovation

U.S. Environmental Protection Agency

(703)603-8815

From: Lemon, Mollie
Sent: Thursday, April 14, 2016 2:52 PM
To: Belle, Kara <Belle.Kara@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Cc: Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Glikes, Michael <Glikes.Michael@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Hi all –

Incoming Gold King inquiry below, with a deadline of 5 pm today. Could you please also loop in and coordinate with the appropriate regional staff?

Thanks in advance!

Mollie

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:25 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

Here's the link to the HRS document, for your convenience:

https://semspub.epa.gov/work/08/1769520.pdf

On Thu, Apr 14, 2016 at 2:24 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Hello,

I have some questions regarding the Bonita Peak Mining District HRS Documentation Record.

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However, Silverton, Colorado, Farmington, New Mexico, and the Navajo Nation have all had their water supplies affected by the Gold King Mine release, which suggests water supplies are, in fact, impacted by the Bonita Peak Mining District.

Additionally, both the human food chain and the environmental threats scored the max values. How is it that the EPA claims the river is safe for humans and that drinking water is not affected, yet the human food chain is heavily threatened?

Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

In sum:

1. Why was drinking water not assessed in the HRS, given the details provided?

2. How can the human food chain be so heavily threatened, but the drinking water, as well as the Animas River, is safe for humans?

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

My deadline is end of business today.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Wall, Dan[wall.dan@epa.gov]; McKean, Deborah[mckean.deborah@epa.gov]
Cc: Miller, Johanna[Miller.Johanna@epa.gov]; Stavnes, Sandra[Stavnes.Sandra@epa.gov]; Hestmark, Martin[Hestmark.Martin@epa.gov]; Jenkins, Laura Flynn[Jenkins.Laura@epa.gov]
From: Card, Joan
Sent: Thur 4/14/2016 1:53:23 PM
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Thanks all.

From: Wall, Dan
Sent: Thursday, April 14, 2016 7:43 AM
To: McKean, Deborah <mckean.deborah@epa.gov>
Cc: Miller, Johanna <Miller.Johanna@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Stavnes, Sandra <Stavnes.Sandra@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

I concur with the language. Neither the supplemental response nor the original response however, answer the original question of whether EPA has a plan in place to protect receptors In the event risks are incurred due to runoff. If I was the reporter, I would interpret both responses

Deliberative Process/Ex. 5

Sent from my iPhone

On Apr 14, 2016, at 7:33 AM, McKean, Deborah <mckean.deborah@epa.gov> wrote:

For clarity I would just add a bit to this:

Deliberative Process/Ex. 5

From: Miller, Johanna
Sent: Thursday, April 14, 2016 7:25 AM
To: Card, Joan <Card.Joan@epa.gov>
Cc: McKean, Deborah <mckean.deborah@epa.gov>; Stavnes, Sandra <Stavnes.Sandra@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Wall, Dan <wall.dan@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

+ Dan Wall

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Then proceed with the info on the notification protocols being developed.

Johanna
Sent from my iPhone

On Apr 13, 2016, at 6:07 PM, Card, Joan <Card.Joan@epa.gov> wrote:

> + Johanna in case she can review for accuracy.
>
> Joan Card
>
> Senior Policy Advisor
>
> Region 8
>
> Sent from my EPA iPhone

On Apr 13, 2016, at 5:55 PM, Card, Joan <Card.Joan@epa.gov> wrote:

Deb, is the statement below accurate for a response to a reporter? Thank you.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

Begin forwarded message:

From: "StClair, Christie" <StClair.Christie@epa.gov>
Date: April 13, 2016 at 5:51:33 PM MDT
To: "Card, Joan" <Card.Joan@epa.gov>
Cc: "Wall, Tom" <Wall.Tom@epa.gov>, "Deitz, Randy" <Deitz.Randy@epa.gov>, "Jenkins, Laura Flynn" <Jenkins.Laura@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Loop, Travis" <Loop.Travis@epa.gov>, "Schollhamer, Mary" <Schollhamer.Mary@epa.gov>, "Belle, Kara" <Belle.Kara@epa.gov>, "Wells, Suzanne" <Wells.Suzanne@epa.gov>, "Mattas-Curry, Lahne" <Mattas-Curry.Lahne@epa.gov>, "Evans, David" <Evans.David@epa.gov>, "Bravo, Antonio" <Bravo.Antonio@epa.gov>, "Holdsworth, Susan" <Holdsworth.Susan@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

No we need r8 concurrence asap please

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 13, 2016, at 7:50 PM, Card, Joan <Card.Joan@epa.gov> wrote:

Christie or Laura, our folks have vetted that statement, correct?

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 3:50 PM, Wall, Tom <Wall.Tom@epa.gov> wrote:

Will defer to Region 8 and ORD re: this statement though, based on my limited experience it seems reasonable:

Deliberative Process/Ex. 5

From: Deitz, Randy
Sent: Wednesday, April 13, 2016 5:47 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Mattas-Curry, Lahne <Mattas-Curry.Lahne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

I think that is an accurate statement, but I will defer to my colleagues more familiar with ongoing sampling. I would remove the word "any".

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Randy Deitz

Attorney Advisor

Office of Land and Emergency Management

(202) 566-0197

From: StClair, Christie
Sent: Wednesday, April 13, 2016 5:33 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Mattas-Curry, Lahne <Mattas-Curry.Lahne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Since the MSI study isn't public and the ORD study isn't final yet, and this is due today for a story running tonight, I'd like to keep this simple.

Could we do something along these lines:

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Jenkins, Laura Flynn
Sent: Wednesday, April 13, 2016 4:45 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

I'll defer to those with more expertise than me for specifics but it seems like we could use one or more these approaches:

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Not super helpful but this is clearly a loaded question and I think correcting his erroneous assumptions straight-on is always a wise choice wit this reporter.

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: StClair, Christie
Sent: Wednesday, April 13, 2016 1:52 PM
To: Card, Joan <Card.Joan@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>;

Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

All, please send me your thoughts on how best to respond to this follow-up from the reporter:

To be clear on my second question: the EPA does not have a plan to immediately protect human health and wildlife if measurements during storm events show contaminates reached dangerous levels. Is that correct?

Thanks,
Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: StClair, Christie
Sent: Wednesday, April 13, 2016 2:54 PM
To: Card, Joan <Card.Joan@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Jenkins, Laura Flynn

<Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Thanks, everybody, for your help. Below is the final I'll send.

1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?

Yes. All monitoring sites are listed in the final plan, which is on the Gold King Mine response site. Here is the document's url: https://www.epa.gov/sites/production/files/2016-03/documents/post-gkm-final-conceptual-monitoring-plan_2016_03_24_16.pdf

You'll find the sites listed on pages 13-15.

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources.

Acid mine drainage has been released into the rivers for many decades and winter runoff and major storms may kick up material that had settled to the bottom of the rivers. So those using the river for recreation, agriculture or drinking water should use the same precautions they always have.

Deliberative Process/Ex. 5

Here is some additional background on the region you may find useful.

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas. SITE RISK: Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

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Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Card, Joan
Sent: Wednesday, April 13, 2016 2:50 PM
To: StClair, Christie <StClair.Christie@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Having heard no other input from LT, ok.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 1:45 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

> Joan, does R8 concur with the version below?

> **Christie St. Clair**
>
> Office of Public Affairs
>
> Environmental Protection Agency
>
> Washington, DC
>
> o: 202-564-2880
>
> m: 202-768-5780

> **From:** Card, Joan
> **Sent:** Wednesday, April 13, 2016 2:33 PM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Wall, Tom <Wall.Tom@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Now I see that deletion. Thanks.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 1:31 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

> I agree – it leans too far in .. in my view.
>
> Thanks ng
>
> **From:** Wall, Tom
> **Sent:** Wednesday, April 13, 2016 2:31 PM
> **To:** StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
> **Cc:** Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
> **Subject:** RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Tom W.

From: StClair, Christie
Sent: Wednesday, April 13, 2016 2:18 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Some tweaks below. GTG from R8? OW?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Jenkins, Laura Flynn
Sent: Wednesday, April 13, 2016 1:41 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Wall, Tom

<Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Christie:

Deliberative Process/Ex. 5

Thanks for the chance to review.

Laura Jenkins

Media Officer

USEPA-Region 8

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Denver, CO 80202

Landline: 303-312-6256

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Fax: 303-312-6961

From: StClair, Christie
Sent: Wednesday, April 13, 2016 11:00 AM
To: Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Ethan Barton is looking for our response on this by end of today. We've addressed most of this previously, so I'm just looking for OW, OLEM IO, and R8 approval before sending.

1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?

Deliberative Process/Ex. 5

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Here is some additional background on the region you may find useful.

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas. SITE RISK: Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

3. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?

[OLEM review – ok to use language from previous responses?.] Prior to completing an RI/FS, EPA will not know

what the site's cleanup scope will be, and, therefore, we can't estimate how long cleanup actions will take. At all sites, the length of time to complete all remediation work depends on a number of site specific factors. For example, it's hard to predict what year the remedial investigation and feasibility study will be done, how many other sites will be in the queue for funding that year, and whether there will be one or more PRPs helping pay for the cleanup. We also don't know yet what the exact problems are, and what the remedies should be --- that information, which will be included in the remediation proposal, will ultimately determine project cost and timeline.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: StClair, Christie[StClair.Christie@epa.gov]
Cc: Jenkins, Laura Flynn[Jenkins.Laura@epa.gov]
From: Card, Joan
Sent: Thur 4/14/2016 1:40:02 PM
Subject: FW: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

See both Johanna's input and Deb's, below.

From: McKean, Deborah
Sent: Thursday, April 14, 2016 7:34 AM
To: Miller, Johanna <Miller.Johanna@epa.gov>; Card, Joan <Card.Joan@epa.gov>
Cc: Stavnes, Sandra <Stavnes.Sandra@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Wall, Dan <wall.dan@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

For clarity I would just add a bit to this:

Deliberative Process/Ex. 5

From: Miller, Johanna
Sent: Thursday, April 14, 2016 7:25 AM
To: Card, Joan <Card.Joan@epa.gov>
Cc: McKean, Deborah <mckean.deborah@epa.gov>; Stavnes, Sandra <Stavnes.Sandra@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Wall, Dan <wall.dan@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

+ Dan Wall

Deliberative Process/Ex. 5

Then proceed with the info on the notification protocols being developed.

Johanna
Sent from my iPhone

On Apr 13, 2016, at 6:07 PM, Card, Joan <Card.Joan@epa.gov> wrote:

+ Johanna in case she can review for accuracy.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 5:55 PM, Card, Joan <Card.Joan@epa.gov> wrote:

Deb, is the statement below accurate for a response to a reporter? Thank you.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

Begin forwarded message:

From: "StClair, Christie" <StClair.Christie@epa.gov>
Date: April 13, 2016 at 5:51:33 PM MDT
To: "Card, Joan" <Card.Joan@epa.gov>
Cc: "Wall, Tom" <Wall.Tom@epa.gov>, "Deitz, Randy" <Deitz.Randy@epa.gov>, "Jenkins, Laura Flynn" <Jenkins.Laura@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Loop, Travis" <Loop.Travis@epa.gov>, "Schollhamer, Mary" <Schollhamer.Mary@epa.gov>, "Belle, Kara" <Belle.Kara@epa.gov>, "Wells, Suzanne" <Wells.Suzanne@epa.gov>, "Mattas-Curry, Lahne" <Mattas-Curry.Lahne@epa.gov>, "Evans, David" <Evans.David@epa.gov>, "Bravo, Antonio" <Bravo.Antonio@epa.gov>, "Holdsworth, Susan" <Holdsworth.Susan@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

No we need r8 concurrence asap please

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 13, 2016, at 7:50 PM, Card, Joan <Card.Joan@epa.gov> wrote:

Christie or Laura, our folks have vetted that statement, correct?

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 3:50 PM, Wall, Tom <Wall.Tom@epa.gov> wrote:

Will defer to Region 8 and ORD re: this statement though, based on my limited experience it seems reasonable:

Deliberative Process/Ex. 5

From: Deitz, Randy
Sent: Wednesday, April 13, 2016 5:47 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Mattas-Curry, Lahne <Mattas-Curry.Lahne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

I think that is an accurate statement, but I will defer to my colleagues more familiar with ongoing sampling. Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Randy Deitz

Attorney Advisor

Office of Land and Emergency Management

(202) 566-0197

From: StClair, Christie
Sent: Wednesday, April 13, 2016 5:33 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Mattas-Curry, Lahne <Mattas-Curry.Lahne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Since the MSI study isn't public and the ORD study isn't final yet, and this is due today for a story running tonight, I'd like to keep this simple.

Could we do something along these lines:

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

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Sent: Wednesday, April 13, 2016 4:45 PM
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Laura Jenkins

Media Officer

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Christie St. Clair

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Deliberative Process/Ex. 5

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Office of Public Affairs

Environmental Protection Agency

Washington, DC

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To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Having heard no other input from LT, ok.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 1:45 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Joan, does R8 concur with the version below?

Christie St. Clair

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Senior Policy Advisor

Region 8

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Thanks ng

From: Wall, Tom
Sent: Wednesday, April 13, 2016 2:31 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Deliberative Process/Ex. 5

Tom W.

From: StClair, Christie
Sent: Wednesday, April 13, 2016 2:18 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
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Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Some tweaks below. GTG from R8? OW?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Jenkins, Laura Flynn
Sent: Wednesday, April 13, 2016 1:41 PM
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Christie:

Deliberative Process/Ex. 5

Thanks for the chance to review.

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

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Fax: 303-312-6961

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Sent: Wednesday, April 13, 2016 11:00 AM
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1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?

[OW review – this is a new response] Yes. All monitoring sites are listed in the final plan, which is on the Gold King Mine response site. Here is the document's url: https://www.epa.gov/sites/production/files/2016-03/documents/post-

gkm-final-conceptual-monitoring-plan_2016_03_24_16.pdf

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Deliberative Process/Ex. 5

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Deliberative Process/Ex. 5

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Office of Public Affairs

Environmental Protection Agency

Washington, DC

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From: Card, Joan
Sent: Thur 4/14/2016 12:54:18 PM
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Thanks to everyone for being dedicated and trying to get accurate information out there.

Joan Card
Senior Policy Advisor
Region 8

Sent from my EPA iPhone

On Apr 14, 2016, at 6:37 AM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Not sure how they live with themselves. **Deliberative Process/Ex. 5** **Deliberative Process/Ex. 5**

Christie St. Clair
U.S. EPA Office of Media Relations
c: 202-768-5780

On Apr 14, 2016, at 8:30 AM, Deitz, Randy <Deitz.Randy@epa.gov> wrote:

Deliberative Process/Ex. 5

Sent from my iPhone

On Apr 14, 2016, at 8:23 AM, "StClair, Christie" <StClair.Christie@epa.gov> wrote:

All,

We weren't able to clear a response statement last night. Here is the story he ran.

http://dailycaller.com/2016/04/14/feds-poison-a-river-with-lead-and-arsenic-still-wont-protect-locals/

Christie

Christie St. Clair
U.S. EPA Office of Media Relations
c: 202-768-5780

On Apr 13, 2016, at 11:41 PM, Jenkins, Laura Flynn <Jenkins.Laura@epa.gov> wrote:

Deliberative Process/Ex. 5

Laura Jenkins

Media Officer

USEPA Region 8

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Denver, CO 80208

Mailcode: 8-OC

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Fax: 303-312-6961

On Apr 13, 2016, at 5:50 PM, Card, Joan <Card.Joan@epa.gov> wrote:

Deliberative Process/Ex. 5

Joan Card
Senior Policy Advisor
Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 3:50 PM, Wall, Tom <Wall.Tom@epa.gov> wrote:

Will defer to Region 8 and ORD re: this statement though, based on my limited experience it seems reasonable:

Deliberative Process/Ex. 5

From: Deitz, Randy
Sent: Wednesday, April 13, 2016 5:47 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Mattas-Curry, Lahne <Mattas-Curry.Lahne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

I think that is an accurate statement, but I will defer to my colleagues more familiar with ongoing sampling. I would remove the word "any".

Deliberative Process/Ex. 5

Randy Deitz

Attorney Advisor

Office of Land and Emergency Management

(202) 566-0197

From: StClair, Christie
Sent: Wednesday, April 13, 2016 5:33 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Mattas-Curry, Lahne <Mattas-Curry.Lahne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Since the MSI study isn't public and the ORD study isn't final yet, and this is due today for a story running tonight, I'd like to keep this simple.

Could we do something along these lines:

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Jenkins, Laura Flynn
Sent: Wednesday, April 13, 2016 4:45 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

I'll defer to those with more expertise than me for specifics but it seems like we could use one or more these approaches:

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Not super helpful but this is clearly a loaded question and I think correcting his erroneous assumptions straight-on is always a wise choice wit this reporter.

Laura Jenkins

Media Officer

USEPA-Region 8

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Sent: Wednesday, April 13, 2016 1:52 PM
To: Card, Joan <Card.Joan@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

All, please send me your thoughts on how best to respond to this follow-up from the reporter:

To be clear on my second question: the EPA does not have a plan to immediately protect human health and wildlife if measurements during storm events show contaminates reached dangerous levels. Is that correct?

Thanks,
Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

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Thanks, everybody, for your help. Below is the final I'll send.

1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?

Deliberative Process/Ex. 5

You'll find the sites listed on pages 13-15.

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

Deliberative Process/Ex. 5

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Here is some additional background on the region you may find useful.

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas. SITE RISK: Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

3. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?

Prior to completing an RI/FS, EPA will not know what the site's cleanup scope will be, and, therefore, we can't estimate how long cleanup actions will take. At all sites, the length of time to complete all remediation work depends on a number of site specific factors. For example, it's hard to predict what year the remedial investigation and feasibility study will be done, how many other sites will be in the queue for funding that year, and whether there will be one or more PRPs helping pay for the cleanup. We also don't know yet what the exact problems are, and what the remedies should be --- that information, which will be included in the remediation proposal, will ultimately determine project cost and timeline.

Christie St. Clair

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Environmental Protection Agency

Washington, DC

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Having heard no other input from LT, ok.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 1:45 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Joan, does R8 concur with the version below?

Christie St. Clair

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Environmental Protection Agency

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Now I see that deletion. Thanks.

Joan Card

Senior Policy Advisor

Region 8

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I agree – it leans too far in .. in my view.

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Deliberative Process/Ex. 5

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Laura Jenkins

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You'll find the sites listed on pages 13-15.

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources.

Acid mine drainage has been released into the rivers for many decades and winter runoff and major storms may kick up material that had settled to the bottom of the rivers. So those using the river for recreation, agriculture or drinking water should use the same precautions they always have.

The EPA is currently working with state, local and tribal stakeholders to address long-term solutions, including recently proposing the Bonita Peak Mining District to the National Priorities List (NPL).

There may be occasions when the metal concentrations fluctuate from time to time because of water surges due to heavy rains or other events that may change the water flow rates or volume, but ~~this should not diminish the fact that~~ the river system as a whole is being maintained at pre-event conditions. We have released a monitoring plan to determine any longer term impacts and are currently working with local and state stakeholders to implement those efforts.

Here is some additional background on the region you may find useful.

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas. SITE RISK: Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

3. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?

Prior to completing an RI/FS, EPA will not know what the site's cleanup scope will be, and, therefore, we can't estimate how long cleanup actions will take. At all sites, the length of time to complete all remediation work depends on a number of site specific factors. For example, it's hard to predict what year the remedial investigation and feasibility study will be done, how many other sites will be in the queue for funding that year, and whether there will be one or more PRPs helping pay for the cleanup. We also don't know yet what the exact problems are, and what the remedies should be --- that information, which will be included in the remediation proposal, will ultimately determine project cost and timeline.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Card, Joan
Sent: Wednesday, April 13, 2016 2:50 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Having heard no other input from LT, ok.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 1:45 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

> Joan, does R8 concur with the version below?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Card, Joan
Sent: Wednesday, April 13, 2016 2:33 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Wall, Tom <Wall.Tom@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Deliberative Process/Ex. 5

Thanks ng

From: Wall, Tom
Sent: Wednesday, April 13, 2016 2:31 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Deliberative Process/Ex. 5

From: StClair, Christie
Sent: Wednesday, April 13, 2016 2:18 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Jenkins, Laura Flynn
Sent: Wednesday, April 13, 2016 1:41 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Christie:

Deliberative Process/Ex. 5

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: StClair, Christie
Sent: Wednesday, April 13, 2016 11:00 AM
To: Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Ethan Barton is looking for our response on this by end of today. We've addressed most of this previously, so I'm just looking for OW, OLEM IO, and R8 approval before sending.

1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?

Deliberative Process/Ex. 5

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

3. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?

Deliberative Process/Ex. 5

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: Jenkins, Laura Flynn[Jenkins.Laura@epa.gov]
From: Boydston, Michael
Sent: Wed 1/27/2016 3:18:09 PM
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Hi Laura – Here's the email I was talking about.

Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

From: Dolph, Becky
Sent: Wednesday, January 20, 2016 4:25 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Engels, Alan <engels.alan@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
Cc: Mills, Derek <Mills.Derek@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

It will be a while – and we're not talking days....

Becky Dolph | Director, FOIA Expert Assistance Team

U.S Environmental Protection Agency

Office of General Counsel | 7309B WJCN | 202-564-5771

From: Grantham, Nancy
Sent: Wednesday, January 20, 2016 5:49 PM
To: Engels, Alan <engels.alan@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

HI – checking in on the status of this FOIA – and review schedule for this office. thanks ng

From: Engels, Alan
Sent: Thursday, January 07, 2016 10:51 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

The current due date is January 28, 2016. A OEI Console search has been requested, however, we don't expect that the results will be available until close to the due date. Based on the large volume of GKM data we are working on reviewing / coordinating, we expect that we will most likely seek an extension of the current due date.

Alan V.J.S. Engels

FOIA Officer

U.S. EPA, 8TMS-I

1595 Wynkoop St., Denver, Colorado 80202

(303)-312-6306

Engels.Alan@EPA.GOV

From: Grantham, Nancy
Sent: Monday, January 04, 2016 10:24 AM
To: Card, Joan <Card.Joan@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>; Engels, Alan <engels.alan@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Thanks .. please keep me looped in so we are aware of what is being released prior to the release. What is the due date. Thanks ng

From: Card, Joan
Sent: Monday, January 04, 2016 11:40 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Found this in my inbox just now. Forwarding just to be sure you're aware. Joan

From: Smith, Paula
Sent: Wednesday, December 30, 2015 9:51 AM
To: McGrath, Shaun <McGrath.Shaun@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ward, W. Robert <Ward.Robert@epa.gov>
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

F Y awareness.

- Paula

From: Engels, Alan
Sent: Wednesday, December 30, 2015 9:06 AM
To: Mills, Derek <Mills.Derek@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Cc: Smith, Paula <Smith.Paula@epa.gov>; Dew, Wendy <Dew.Wendy@epa.gov>; Duran, Matt <duran.matt@epa.gov>; Young, Adrea <Young.Adrea@epa.gov>
Subject: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

On 12/29/2015, the Daily Caller News Foundation is: Requesting copies of any and all emails regarding the Gold King Mine that includes the phrase "talking points" from Aug. 1, 2015 to Dec. 21, 2015.

The request was narrowed to only include Emails pertaining to those sent or received by :

-EPA Administrator, Gina McCarthy

-Acting Deputy Administrator, Stan Meiburg

-Office of Congressional And Intergovernmental Relations Acting Associate Administrator, Nichole Distefano

-Office of Congressional And Intergovernmental Relations Principal Deputy Associate Administrator, Joyce Frank

-Office of Public Affairs Acting Associate Administrator, Liz Cunningham-Purchia

-Office of Public Affairs Principal Deputy Associate Administrator, Roxanne Smith

-General Counsel, Avi Garbow

-Region 8 Administrator, Shaun McGrath

-Region 8 Counsel, Robert Ward

-Region 8 Communications and Public Involvement Director, Paula Smith

As indicated below, the OEI Search has been submitted with the search criteria: "Gold King*" OR "GKM" AND "talking points" or the period listed above.

Once we have the results of the search, ORC and OGC will review the results. We will also make sure that the results can be reviewed by the administrator's immediate office to ensure all redactions are applied appropriately.

If you have any questions pertaining to this FOIA request /action, please feel free to contact me.

Alan V.J.S. Engels

FOIA Officer

U.S. EPA, 8TMS-I

1595 Wynkoop St., Denver, Colorado 80202

(303)-312-6306

Engels.Alan@EPA.GOV

From: eDiscovery [mailto:no-reply@sharepointonline.com]
Sent: Wednesday, December 30, 2015 8:44 AM
To: Engels, Alan <engels.alan@epa.gov>
Cc: eDiscovery, eDiscovery <eDiscovery@epa.gov>; MacLeish, Phoebe <Macleish.Phoebe@epa.gov>
Subject: Your eDiscovery Service Request has been Received.

Hello,

We have received your eDiscovery Service Request. You will be notified when a technician has been assigned and work on your request has begun.

Request Title or Identifier: FOIA EPA-R8-2016-002389

Request Status: Started

Note: Click here to access the request.

An Electronic Discovery number (ED #) will be assigned to this request by the technician, and will be included in all future emails regarding this request. When your request has been completed, you will be notified via email and directed to the location where you can retrieve the results of your request.

Please contact the eDiscovery team if you have any questions at eDiscovery@epa.gov or 1-855-372-3472.

Thank you.

(Internal Identifier: 768)

To: Jenkins, Laura Flynn[Jenkins.Laura@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Smith, Paula[Smith.Paula@epa.gov]; Card, Joan[Card.Joan@epa.gov]; Dolph, Becky[Dolph.Becky@epa.gov]
From: Boydston, Michael
Sent: Tue 1/5/2016 6:20:12 PM
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Thanks, Laura. Just to clarify one perhaps irrelevant point, I won't necessarily be the only one reviewing the search results. We are working with Becky Dolph and the FOIA Expert Assistance Team in OGC on this, and they or others in OGC may be doing part of the review. In any case we'll be consulting closely with them. And, as Alan notes below, we expect to be coordinating with the Administrator's office so that they have a chance to review any results from that office. We may be checking in with various other offices as well, depending on the results of the search.

Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

From: Jenkins, Laura Flynn
Sent: Tuesday, January 05, 2016 11:14 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Boydston, Michael <Boydston.Michael@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Card, Joan <Card.Joan@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Nancy:

I spoke with Mike Boydston this morning and he said it will probably be another week or two before the emails are compiled. Once compiled, he'll need to go through each email to determine what, if anything, needs to be redacted from each message. Depending on the volume of emails involved, this process could take another few weeks to complete.

Once the redacted versions are ready, he'll route to you so you know what's being transmitted.

Mike said there's a chance this could happen a little bit sooner but he won't know for sure until he speaks with Alan Engels, R8 FOIA Officer, who's out until tomorrow.

Stay tuned as this progresses…..

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: Grantham, Nancy
Sent: Monday, January 04, 2016 10:45 AM
To: Smith, Paula <Smith.Paula@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Thanks .. important that we see before it goes as it is a media request. thanks ng

From: Smith, Paula
Sent: Monday, January 04, 2016 12:44 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Laura- could you follow up with Mike B on request and status as they get ready to release? Thanks!

Sent from my iPhone

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Date: January 4, 2016 at 10:23:57 AM MST
To: "Card, Joan" <Card.Joan@epa.gov>, "Smith, Paula" <Smith.Paula@epa.gov>, "Dolph, Becky" <Dolph.Becky@epa.gov>, "Engels, Alan" <engels.alan@epa.gov>
Subject: RE: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Thanks .. please keep me looped in so we are aware of what is being released prior to the release. What is the due date. Thanks ng

From: Card, Joan
Sent: Monday, January 04, 2016 11:40 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

Found this in my inbox just now. Forwarding just to be sure you're aware. Joan

From: Smith, Paula
Sent: Wednesday, December 30, 2015 9:51 AM
To: McGrath, Shaun <McGrath.Shaun@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Ward, W. Robert <Ward.Robert@epa.gov>
Subject: FW: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

F Y awareness.

- Paula

From: Engels, Alan
Sent: Wednesday, December 30, 2015 9:06 AM
To: Mills, Derek <Mills.Derek@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>

Cc: Smith, Paula <Smith.Paula@epa.gov>; Dew, Wendy <Dew.Wendy@epa.gov>; Duran, Matt <duran.matt@epa.gov>; Young, Adrea <Young.Adrea@epa.gov>
Subject: GKM FOIA Request that you should be aware of (EPA-R8-2016-002389)

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-Office of Congressional And Intergovernmental Relations Acting Associate Administrator, Nichole Distefano

-Office of Congressional And Intergovernmental Relations Principal Deputy Associate Administrator, Joyce Frank

-Office of Public Affairs Acting Associate Administrator, Liz Cunningham-Purchia

-Office of Public Affairs Principal Deputy Associate Administrator, Roxanne Smith

-General Counsel, Avi Garbow

-Region 8 Administrator, Shaun McGrath

-Region 8 Counsel, Robert Ward

-Region 8 Communications and Public Involvement Director, Paula Smith

As indicated below, the OEI Search has been submitted with the search criteria: "Gold King*" OR "GKM" AND "talking points" or the period listed above.

Once we have the results of the search, ORC and OGC will review the results. We will also

make sure that the results can be reviewed by the administrator's immediate office to ensure all redactions are applied appropriately.

If you have any questions pertaining to this FOIA request /action, please feel free to contact me.

Alan V.J.S. Engels

FOIA Officer

U.S. EPA, 8TMS-I

1595 Wynkoop St., Denver, Colorado 80202

(303)-312-6306

Engels.Alan@EPA.GOV

From: eDiscovery [mailto:no-reply@sharepointonline.com]
Sent: Wednesday, December 30, 2015 8:44 AM
To: Engels, Alan <engels.alan@epa.gov>
Cc: eDiscovery, eDiscovery <eDiscovery@epa.gov>; MacLeish, Phoebe <Macleish.Phoebe@epa.gov>
Subject: Your eDiscovery Service Request has been Received.

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Request Title or Identifier: FOIA EPA-R8-2016-002389

Request Status: Started

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Please contact the eDiscovery team if you have any questions at eDiscovery@epa.gov or 1-855-372-3472.

Thank you.

(Internal Identifier: 768)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

11 September 2015
(Note: Screening level tables updated as per 20 September 2015 addition)

MEMORANDUM

SUBJECT: Screening Levels for Recreational Receptors at the Gold King Mine Site

FROM: Susan Griffin

TO: Wendy O'Brien

Following the release from the Gold King Mine Site in August 5th into the Animas River, a concern exists for the safety of recreational users of the river. I've provided risk-based screening levels for inorganics in both surface water and soil/sediment for a hiker/ camper to compare to measured data. Table 1 shows screening levels for the hiker/camper exposed to surface water. These levels assume that adults and children receive all of their daily water intake (2 liters/day) from the river over a 64 day period. Table 2 shows the screening levels for the hiker/camper exposed to soils and sediments alongside the riverbank. They also assume that adults and children receive all of their daily soil intake over a 64 day period. These screening levels represent levels which are without adverse non-cancer effects over a chronic period of time. Screening levels based on shorter exposure periods (such as those expected at the Gold King Mine site) would be much higher and less conservative. The exposure assumptions for those screening levels are provided as attachment 1. The toxicity values are in attachment 2.

These screening levels represent a bounding estimate for recreational users. This means they are more conservative than screening levels for fisherman, rafters, swimmers, or other recreational users of the river primarily because their consumption of water and soil/ sediment is higher. These values don't take consumption of fish from the river into consideration. Please feel free to contact me if you have any questions (303) 312-6651.

Table 1 – Screening Values in Surface Water for Hikers/ Campers

Analyte	Screening Level (ug/L)
Aluminum	170,000
Antimony	67
Arsenic	50
Barium	33,000
Beryllium	330
Cadmium	83
Chromium	220,000
Cobalt	50
Copper	6,700
Iron	120,000
Lead	200
Manganese	7,800
Mercury	50
Molybdenum	830
Nickel	3,300
Selenium	830
Silver	830
Thallium	2
Vanadium	830
Zinc	50,000

Table 2 – Screening Levels in Soil/ Sediment for Hikers and Campers

Analyte	Screening Level (mg/kg)
Aluminum	3,300,000
Antimony	1,300
Arsenic	4,200*
Barium	670,000
Beryllium	6,700
Cadmium	1,700
Chromium	4,300,000
Cobalt	1,000
Copper	130,000
Iron	2,300,000
Lead	20,000*
Manganese	160,000
Mercury	1,000
Molybdenum	17,000
Nickel	67,000
Selenium	17,000
Silver	17,000
Thallium	33
Vanadium	17,000
Zinc	1,000,000

*Screening levels for lead and arsenic include site-specific adjustments for bioavailability

Attachment 1

Exposure Parameters for Hikers/ Campers

Exposure Pathway	Exposure Parameter	Units	RME Value	Source
General	Body weight older child	Kg	44	[4,d]
	Body weight adult	Kg	70	[1]
	Exposure Frequency	Days/yr	64	[7,a]
	Exposure duration child	Yr	10	[7]
	Exposure duration adult	Yr	20	[7]
	Total exposure duration	Yr	30	[2]
Ingestion of Surface Water as Drinking Water	Ingestion rate	L/day	2	[1,2]
Ingestion of soil/ sediment	Ingestion rate	Mg/day	100	[7,c]
	Conversion Factor	Kg/mg	1E-06	[2]
	Hazard Index	unitless	1.0	[2]

Sources

[1] USEPA 1991. Standard Default Exposure Factors. OSWER Directive 9285.6-03
[2] USEPA 1989. Risk Assessment Guidance for Superfund. Volume 1, Part A
[4] USEPA 2011. Exposure Factors Handbook
[7] Professional Judgement

Notes

[a] Assumes exposure occurs over the course of 16 weeks at a frequency of 4 days/week
[c] Assumes soil ingestion by a hiker is similar to that of a resident
[d] Age-weighted average based on body weights of children 6-11 years old and 11-16 years old

Attachment 2

Toxicity Factors

Analyte	RfD
Aluminum	1.0E+00
Antimony	9.0E-04
Arsenic	3.0E-04
Barium	2.0E-01
Beryllium	2.0E-03
Cadmium (non-water)	1.0E-03
Cadmium (water)	5.0E-04
Chromium (III)	1.5E+00
Chromium (VI)	3.0E-03
Chromium (6:1)	1.3E+00
Cobalt	3.0E-04
Copper	4.0E-02
Iron	7.0E-1
Manganese (food)	1.4E-01
Manganese (non-food)	4.7E-02
Mercury	3.0E-04
Molybdenum	5.0E-03
Nickel	2.0E-02
Selenium	5.0E-03
Silver	5.0E-03
Thallium	1.0E-05
Vanadium	5.0E-03
Zinc	3.0E-01

To: StClair, Christie[StClair.Christie@epa.gov]
From: Hull, George
Sent: Thur 4/14/2016 11:29:47 PM
Subject: FW: Bonita Peak Mining District HRS

FYI – Second of the two responses I sent to the Daily Caller. - George

From: Hull, George
Sent: Thursday, April 14, 2016 7:00 PM
To: 'Ethan Barton' <ethan@dailycallernewsfoundation.org>
Cc: Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: RE: Bonita Peak Mining District HRS

Mr. Barton,

Please find below our response to your e-mail of 4:28 pm. Again, if you need to attribute, please attribute to an "EPA Spokesperson." Thanks,

George Hull

Office of Media Relations

U.S. EPA

Tel. 202-564-0790

I also just found this sentence in the document relating to drinking water:

"This contamination threatens not only human food chain fisheries, wetlands and wildlife habitat, including endangered species habitat, but also has the potential to impact downstream drinking water supplies serving thousands of people."

How is the river safe if water supplies for thousands of people are threatened?

Our data has shown no impacts to private drinking water wells. In addition municipal drinking water is treated to ensure it meets drinking water quality criteria prior to delivery to homes.

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 4:28 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

I also just found this sentence in the document relating to drinking water:

"This contamination threatens not only human food chain fisheries, wetlands and wildlife habitat, including endangered species habitat, but also has the potential to impact downstream drinking water supplies serving thousands of people."

How is the river safe if water supplies for thousands of people are threatened?

On Thu, Apr 14, 2016 at 2:25 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Here's the link to the HRS document, for your convenience:
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> https://semspub.epa.gov/work/08/1769520.pdf
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> On Thu, Apr 14, 2016 at 2:24 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:
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> > Hello,
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However, Silverton, Colorado, Farmington, New Mexico, and the Navajo Nation have all had their water supplies affected by the Gold King Mine release, which suggests water supplies are, in fact, impacted by the Bonita Peak Mining District.

Additionally, both the human food chain and the environmental threats scored the max values. How is it that the EPA claims the river is safe for humans and that drinking water is not affected, yet the human food chain is heavily threatened?

Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

In sum:

1. Why was drinking water not assessed in the HRS, given the details provided?

2. How can the human food chain be so heavily threatened, but the drinking water, as well as the Animas River, is safe for humans?

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

My deadline is end of business today.

Thanks,

Ethan

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

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@ethanrbarton

To: StClair, Christie[StClair.Christie@epa.gov]
From: Hull, George
Sent: Thur 4/14/2016 11:29:18 PM
Subject: FW: Bonita Peak Mining District HRS

FYI – First of two responses I sent to the Daily Caller. - George

From: Hull, George
Sent: Thursday, April 14, 2016 6:56 PM
To: 'Ethan Barton' <ethan@dailycallernewsfoundation.org>
Cc: Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: RE: Bonita Peak Mining District HRS

Mr. Barton,

I'm sending you our answers to the three questions you sent us earlier today. We continue to work on the additional question you sent us an a later e-mail. If you need to attribute this response, please attribute to an "EPA Spokesperson." Thanks,

George Hull

Office of Media Relations

U.S. EPA

Tel. 202-564-0790

1. Why was drinking water not assessed in the HRS, given the details provided?

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that the site was eligible for the NPL. Addition to the NPL will lead to a detailed assessment of risks from all pathways through the remedial investigation.

2. How can the human food chain be so heavily threatened, but the drinking water, as well as the Animas River, is safe for humans?

EPA is aware that hazardous constituents have been and continue to release to fisheries within the watershed, but it is unknown at this point the risks to the human food chain. Additional data collection is required before risks to the human food chain are understood.

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

Fishing advisories are the province of the state.

On September 1, 2015 CDPHE issued a fact sheet with the following statement: " The Colorado Department of Public Health and Environment recommends that eating trout from the Animas River at this time is considered safe. CDPHE analyzed fish tissue from rainbow and brown trout from the Animas River. Based on the limited samples available, most of the post (Gold King) event fish tissue analyzed showed metals below detectable levels and all results fall below risk screening levels. Because there is a potential for the fish to concentrate metals in their tissue over time, CDPHE and CPW will continue to monitor levels of metals in Animas River fish. New data will be analyzed and the results will be reported when available."

CDPHE conducted a second sampling event in Mid-march to determine if additional metals uptake has occurred and laboratory results are pending.

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:25 PM

To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
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Ethan

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410-829-1738

@ethanrbarton

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Investigative Reporter

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@ethanrbarton

To: StClair, Christie[StClair.Christie@epa.gov]
From: Hull, George
Sent: Thur 4/14/2016 11:28:11 PM
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

I sent in two e-mails. I'll forward both to you. - George

From: StClair, Christie
Sent: Thursday, April 14, 2016 7:27 PM
To: Hull, George <Hull.George@epa.gov>
Subject: Re: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Thank you George. Did you or Mollie send to the reporter?

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 14, 2016, at 7:01 PM, Hull, George <Hull.George@epa.gov> wrote:

Christie,

I got an answer from the region similar to what you suggested. I think we are done. Have a good evening. I'm out tomorrow, but can be reached on my cell if you need me. - George

From: Hull, George
Sent: Thursday, April 14, 2016 6:34 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Hi Christy,

I just tried to call you. We're crashing on inquiry and having trouble finding something to include. Can you call me on 202-564-0790? Thanks, George

From: Grantham, Nancy
Sent: Thursday, April 14, 2016 6:31 PM
To: Hull, George <Hull.George@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Is Christy reachable? I will check the cdphe website

From: Miller, Johanna
Sent: Thursday, April 14, 2016 6:29 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>
Subject: Re: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Paula on question 3 we had an answer in the comm strat about whether the fish are safe to eat - I don't have access to the com strat but hoping Cristy does. It essentially reference the statement that CDPHE has put out about the safety of fish and indicates they are continuing to assess.

Johanna

Sent from my iPhone

On Apr 14, 2016, at 3:55 PM, Smith, Paula <Smith.Paula@epa.gov> wrote:

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In sum:

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Site assessment group

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To: StClair, Christie[StClair.Christie@epa.gov]
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Sent: Thur 4/14/2016 11:01:18 PM
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

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Sent from my iPhone

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To: Nancy Grantham (grantham.nancy@epa.gov)[grantham.nancy@epa.gov]
From: Hull, George
Sent: Thur 4/14/2016 10:42:19 PM
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Looks good to me, if this is the most recent info. Let me know if I can send to the reporter. - George

From: Peterson, Cynthia
Sent: Thursday, April 14, 2016 6:37 PM
To: Miller, Johanna <Miller.Johanna@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Here is the answer from the ComStrat

On September 1, 2015 CDPHE issued a fact sheet with the following statement: " The Colorado Department of Public Health and Environment recommends that eating trout from the Animas River at this time is considered safe. CDPHE analyzed fish tissue from rainbow and brown trout from the Animas River. Based on the limited samples available, most of the post (Gold King) event fish tissue analyzed showed metals below detectable levels and all results fall below risk screening levels. Because there is a potential for the fish to concentrate metals in their tissue over time, CDPHE and CPW will continue to monitor levels of metals in Animas River fish. New data will be analyzed and the results will be reported when available."

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Cynthia Peterson

Community Involvement Coordinator

Public Affairs and Community Involvement

U.S. Environmental Protection Agency, Region VIII

1595 Wynkoop St. (8OC-PAI)

Denver, CO 80202-1129

303-312-6879 -- direct dial

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To: Lemon, Mollie[Lemon.Mollie@epa.gov]
From: Hull, George
Sent: Thur 4/14/2016 6:28:03 PM
Subject: FW: Bonita Peak Mining District HRS

Mollie,

Usually this should go to Nancy Grantham and Christie, as it is about GKM. I'm on a conference call at the moment, can you swing by for a moment? Thanks, George

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:24 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
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410-829-1738

@ethanrbarton

To: AO OPA Media Relations[AO_OPA_Media_Relations@epa.gov]
From: Lemon, Mollie
Sent: Fri 4/15/2016 7:17:14 PM
Subject: Mollie's Daily Wrap 4/15

Land and Emergency Management (OLEM)

Bloomberg BNA [Received 4/14] – OPEN – Qs on RCRA and financial assurance mechanisms. With program. DDL 4 pm 4/18.

Inside EPA [Received 4/12] – OPEN – Reporter asking for copies of OECD policy guidance report from recent G7 Alliance meeting (avail. May), and findings document from G7 meeting (avail. June). With program. DDL May/June.

Inside EPA [Received 4/14] – OPEN – Q on post-closure care guidance for hazardous waste landfills. With program. DDL 4/20.

Inside EPA [Received 4/15] – OPEN – Qs on Longhorn Army Ammunition Plant and perchlorate cleanup. With program. DDL 5 pm 4/19.

NBC Asian America [Received 3/31] – OPEN – profile of Mathy as one of 50 AAPI top executives in the administration. To run online. Brief QA drafted by Mathy, reviewed in OPS and sent. Portrait scheduled for 4/21.

Gold King Mine

Daily Caller News [Received 4/14] – CLOSED – Qs on Bonita Peak Mining District drinking water threat. Sent approved responses.

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

To: Hull, George[Hull.George@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Peterson, Cynthia[Peterson.Cynthia@epa.gov]; Miller, Johanna[Miller.Johanna@epa.gov]; Lemon, Mollie[Lemon.Mollie@epa.gov]; McKean, Deborah[mckean.deborah@epa.gov]
From: Smith, Paula
Sent: Fri 4/15/2016 1:29:21 AM
Subject: Re: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Thanks George for shepherding it through.

Sent from my iPhone

On Apr 14, 2016, at 5:10 PM, Hull, George <Hull.George@epa.gov> wrote:

Yes, thank you all for your help. I've sent to the reporter the answers and he has acknowledged receipt. - George

From: Grantham, Nancy
Sent: Thursday, April 14, 2016 6:53 PM
To: Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
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Thanks everyone for the quick turnaround on this. Much appreciated.

Thanks ng

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Sent: Thursday, April 14, 2016 6:37 PM
To: Miller, Johanna <Miller.Johanna@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Here is the answer from the ComStrat

On September 1, 2015 CDPHE issued a fact sheet with the following statement: " The Colorado Department of Public Health and Environment recommends that eating trout from the Animas River at this time is considered safe. CDPHE analyzed fish tissue from rainbow and brown trout from the Animas River. Based on the limited samples available, most of the post (Gold King) event fish tissue analyzed showed metals below detectable levels and all results fall below risk screening levels. Because there is a potential for the fish to concentrate metals in their tissue over time, CDPHE and CPW will continue to monitor levels of metals in Animas River fish. New data will be analyzed and the results will be reported when available."

CDPHE conducted a second sampling event in Mid-march to determine if additional metals uptake has occurred and laboratory results are pending.

Cynthia Peterson

Community Involvement Coordinator

Public Affairs and Community Involvement

U.S. Environmental Protection Agency, Region VIII

1595 Wynkoop St. (8OC-PAI)

Denver, CO 80202-1129

303-312-6879 -- direct dial

From: Miller, Johanna
Sent: Thursday, April 14, 2016 4:29 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>
Subject: Re: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Paula on question 3 we had an answer in the comm strat about whether the fish are safe to eat - I don't have access to the com strat but hoping Cristy does. It essentially reference the statement that CDPHE has put out about the safety of fish and indicates they are continuing to assess.

Johanna

Sent from my iPhone

On Apr 14, 2016, at 3:55 PM, Smith, Paula <Smith.Paula@epa.gov> wrote:

> Johanna-Urgent questions from an HQ area reporter with urgent deadline. Here's what we've got so far from Rob. Deb working on #2 and 3. Can you look at #1 to see if there's anything you would add?
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> **From:** Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
> **Sent:** Thursday, April 14, 2016 2:25 PM
> **To:** Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
> **Subject:** Re: Bonita Peak Mining District HRS
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However, Silverton, Colorado, Farmington, New Mexico, and the Navajo Nation have all had their water supplies affected by the Gold King Mine release, which suggests water supplies are, in fact, impacted by the Bonita Peak Mining District.

Additionally, both the human food chain and the environmental threats scored the max values. How is it that the EPA claims the river is safe for humans and that drinking water is not affected, yet the human food chain is heavily threatened?

Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

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1. Why was drinking water not assessed in the HRS, given the details provided?-
Site assessment group

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EPA is aware that hazardous constituents have been and continue to release to fisheries within the watershed, but it is unknown at this point the risks to the human food chain. Additional data collection is required before risks to the human food chain are understood.

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

My deadline is end of business today.

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Ethan

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Daily Caller News Foundation

410-829-1738

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Investigative Reporter

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@ethanrbarton

To: Hull, George[Hull.George@epa.gov]
From: StClair, Christie
Sent: Fri 4/15/2016 12:32:38 AM
Subject: Re: Bonita Peak Mining District HRS

Thank you. Really appreciate the back up on gkm today from both you and Mollie.

Christie St. Clair
U.S. EPA Office of Media Relations
c: 202-768-5780

On Apr 14, 2016, at 7:29 PM, Hull, George <Hull.George@epa.gov> wrote:

FYI – Second of the two responses I sent to the Daily Caller. - George

From: Hull, George
Sent: Thursday, April 14, 2016 7:00 PM
To: 'Ethan Barton' <ethan@dailycallernewsfoundation.org>
Cc: Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: RE: Bonita Peak Mining District HRS

Mr. Barton,

Please find below our response to your e-mail of 4:28 pm. Again, if you need to attribute, please attribute to an "EPA Spokesperson." Thanks,

George Hull

Office of Media Relations

U.S. EPA

Tel. 202-564-0790

I also just found this sentence in the document relating to drinking water:

"This contamination threatens not only human food chain fisheries, wetlands and wildlife habitat, including endangered species habitat, but also has the potential to impact downstream drinking water supplies serving thousands of people."

How is the river safe if water supplies for thousands of people are threatened?

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To: Hull, George[Hull.George@epa.gov]
From: StClair, Christie
Sent: Thur 4/14/2016 11:27:13 PM
Subject: Re: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Thank you George. Did you or Mollie send to the reporter?

Christie St. Clair
U.S. EPA Office of Media Relations
c: 202-768-5780

On Apr 14, 2016, at 7:01 PM, Hull, George <Hull.George@epa.gov> wrote:

Christie,

I got an answer from the region similar to what you suggested. I think we are done. Have a good evening. I'm out tomorrow, but can be reached on my cell if you need me. - George

From: Hull, George
Sent: Thursday, April 14, 2016 6:34 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Hi Christy,

I just tried to call you. We're crashing on inquiry and having trouble finding something to include. Can you call me on 202-564-0790? Thanks, George

From: Grantham, Nancy
Sent: Thursday, April 14, 2016 6:31 PM
To: Hull, George <Hull.George@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Is Christy reachable? I will check the cdphe website

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Sent: Thursday, April 14, 2016 6:29 PM
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Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>
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@ethanrbarton

To: Press[Press@epa.gov]; Lemon, Mollie[Lemon.Mollie@epa.gov]
From: Ethan Barton
Sent: Thur 4/14/2016 11:03:07 PM
Subject: Re: Bonita Peak Mining District HRS

Thank you, I'll pass this to my editor, as well.

On Thursday, April 14, 2016, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> I also just found this sentence in the document relating to drinking water:
>
> "This contamination threatens not only human food chain fisheries, wetlands and wildlife habitat, including endangered species habitat, but also has the potential to impact downstream drinking water supplies serving thousands of people."
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To: Hull, George[Hull.George@epa.gov]
From: Lemon, Mollie
Sent: Thur 4/14/2016 11:00:35 PM
Subject: Re: Bonita Peak Mining District HRS

Thanks George!

Sent from my iPhone

On Apr 14, 2016, at 7:00 PM, Hull, George <Hull.George@epa.gov> wrote:

Mr. Barton,

Please find below our response to your e-mail of 4:28 pm. Again, if you need to attribute, please attribute to an "EPA Spokesperson." Thanks,

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Office of Media Relations

U.S. EPA

Tel. 202-564-0790

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To: Hull, George[Hull.George@epa.gov]
Cc: Lemon, Mollie[Lemon.Mollie@epa.gov]
From: Ethan Barton
Sent: Thur 4/14/2016 10:58:58 PM
Subject: Re: Bonita Peak Mining District HRS

Got it, thank you. I'll pass these along to my editor.

On Thursday, April 14, 2016, Hull, George <Hull.George@epa.gov> wrote:

Mr. Barton,

I'm sending you our answers to the three questions you sent us earlier today. We continue to work on the additional question you sent us an a later e-mail. If you need to attribute this response, please attribute to an "EPA Spokesperson." Thanks,

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EPA is aware that hazardous constituents have been and continue to release to fisheries within the watershed, but it is unknown at this point the risks to the human food chain. Additional data collection is required before risks to the human food chain are understood.

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

Fishing advisories are the province of the state.

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To: Hull, George[Hull.George@epa.gov]
From: Grantham, Nancy
Sent: Thur 4/14/2016 10:46:21 PM
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Perfecdt ..thanks ng

From: Hull, George
Sent: Thursday, April 14, 2016 6:42 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Looks good to me, if this is the most recent info. Let me know if I can send to the reporter. - George

From: Peterson, Cynthia
Sent: Thursday, April 14, 2016 6:37 PM
To: Miller, Johanna <Miller.Johanna@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
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On Thu, Apr 14, 2016 at 2:24 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Hello,
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Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

In sum:

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2. How can the human food chain be so heavily threatened, but the drinking water, as well as the Animas River, is safe for humans?

EPA is aware that hazardous constituents have been and continue to release to fisheries within the watershed, but it is unknown at this point the risks to the human food chain. Additional data collection is required before risks to the human food chain are understood.

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

My deadline is end of business today.

Thanks,

Ethan

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Ethan Barton

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Daily Caller News Foundation

410-829-1738

@ethanrbarton

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Ethan Barton

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@ethanrbarton

To: Hull, George[Hull.George@epa.gov]
Cc: Peterson, Cynthia[Peterson.Cynthia@epa.gov]
From: Smith, Paula
Sent: Thur 4/14/2016 10:35:30 PM
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

So I just added the last phrase in question 3, based on Johnna's answers.

- Paula

From: McKean, Deborah
Sent: Thursday, April 14, 2016 4:30 PM
To: Smith, Paula <Smith.Paula@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

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the watershed, but it is unknown at this point the risks to the human food chain. Additional data collection is required before risks to the human food chain are understood.

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

Fishing advisories are the province of the state. Currently, the State of Colorado has no fish advisory for the Animas River but they continue to assess.

From: Miller, Johanna
Sent: Thursday, April 14, 2016 4:04 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Added sentence below in red to question number 1. Johanna

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Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST
Importance: High

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Sent: Thursday, April 14, 2016 2:25 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>

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However, Silverton, Colorado, Farmington, New Mexico, and the Navajo Nation have all had their water supplies affected by the Gold King Mine release, which suggests water supplies are, in fact, impacted by the Bonita Peak Mining District.

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From: Grantham, Nancy
Sent: Thur 4/14/2016 10:35:01 PM
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

https://www.colorado.gov/pacific/cdphe/animas-river-spill-health-recommendations

would the info on this cdphe link work to send to the reporter … thanks ng

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Sent: Thursday, April 14, 2016 6:29 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>
Subject: Re: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Paula on question 3 we had an answer in the comm strat about whether the fish are safe to eat - I don't have access to the com strat but hoping Cristy does. It essentially reference the statement that CDPHE has put out about the safety of fish and indicates they are continuing to assess.

Johanna

Sent from my iPhone

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To: Smith, Paula[Smith.Paula@epa.gov]; Hull, George[Hull.George@epa.gov]
From: McKean, Deborah
Sent: Thur 4/14/2016 10:30:04 PM
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

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To: Hull, George[Hull.George@epa.gov]
From: Smith, Paula
Sent: Thur 4/14/2016 10:29:10 PM
Subject: Re: Bonita Peak Mining District HRS

Answer below.

Sent from my iPhone

On Apr 14, 2016, at 4:08 PM, Smith, Paula <Smith.Paula@epa.gov> wrote:

Can you do this one too.

Sent from my iPhone

Begin forwarded message:

From: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Date: April 14, 2016 at 3:53:52 PM MDT
To: "Smith, Paula" <Smith.Paula@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Lemon, Mollie" <Lemon.Mollie@epa.gov>
Subject: FW: Bonita Peak Mining District HRS

Second request

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 4:28 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

I also just found this sentence in the document relating to drinking water:

"This contamination threatens not only human food chain fisheries, wetlands and wildlife habitat, including endangered species habitat, but also has the potential to impact downstream drinking water supplies serving thousands of people."

How is the river safe if water supplies for thousands of people are threatened?

Our data has shown no impacts to private drinking water wells. In addition municipal

drinking water is treated to ensure it meets drinking water quality criteria prior to delivery to homes.

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To: Smith, Paula[Smith.Paula@epa.gov]; Hull, George[Hull.George@epa.gov]; Lemon, Mollie[Lemon.Mollie@epa.gov]
From: Grantham, Nancy
Sent: Thur 4/14/2016 9:57:06 PM
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Thanks ..just sent you second request.

Thanks ng

From: Smith, Paula
Sent: Thursday, April 14, 2016 5:47 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Got no second request. Deb M. is working on question 2 and 3. Trying to get ahold of site assessment for #1.

- Paula

From: Grantham, Nancy
Sent: Thursday, April 14, 2016 3:36 PM
To: Smith, Paula <Smith.Paula@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Paula – do you have the second request the reporter sent?

Thanks ng

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To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST
Importance: High

Have been talking with Rob Parker to clarify answers below. Sent out urgent call for responses. Deb M in meeting until 4 our time.

- Paula

From: Smith, Paula
Sent: Thursday, April 14, 2016 3:27 PM
To: R8 GKM Leadership Team <R8_GKM_LeadershipTeam@epa.gov>
Cc: Wall, Dan <wall.dan@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>
Subject: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST
Importance: High

Can you help with questions highlighted below? Urgent responses needed for reporter by 6 est.

- Paula

From: Parker, Robert
Sent: Thursday, April 14, 2016 1:55 PM
To: Murray, Bill <Murray.Bill@epa.gov>; Ketellapper, Victor <Ketellapper.Victor@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Cc: Wendel, Jennifer <Wendel.Jennifer@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
Subject: RE: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Region 8 folks + Jennifer W –

I'm not sure who is taking the lead in responding to these questions, but I wanted to provide a few facts which might help respond to this general discussion. It seems the reporter believes the HRS package identifies EPA's priorities in regard to risk at the site. I want to be really clear that I don't view the Hazard Ranking System as a risk assessment, and I'm sure others would agree. It is a numerical screening model, prescribed by regulation, used to determine eligibility for the NPL.

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Rob

Rob Parker, P.E.

Site Assessment Manager

Environmental Engineer

US EPA, Region 8, Denver

(303) 312-6664

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Additionally, both the human food chain and the environmental threats scored the max values. How is it that the EPA claims the river is safe for humans and that drinking water is not affected, yet the human food chain is heavily threatened?

Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

In sum:

1. Why was drinking water not assessed in the HRS, given the details provided?- Site assessment group

The Hazard Ranking System is not a risk assessment. It is a numerical screening model, prescribed by regulation, used to determine eligibility for the NPL. Using the HRS, EPA assigns certain points for various types of receptors actually or potentially impacted by hazardous substances for each evaluated pathway. For the Bonita Peak site, EPA evaluated the surface water pathway and, using the HRS, documented that the site was eligible to be included on the NPL based on the presence of fisheries and a threatened species relative to the observed releases of hazardous substances at the site. A drinking water assessment was not necessary to document that the site was eligible for the NPL.

2. How can the human food chain be so heavily threatened, but the drinking water, as well as the Animas River, is safe for humans?

EPA is aware that hazardous constituents have been and continue to release to fisheries within the watershed, but it is unknown at this point the risks to the human food chain. Additional data collection is required before risks to the human food chain are understood.

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

My deadline is end of business today.

Thanks,

Ethan

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

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Investigative Reporter

Daily Caller News Foundation

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@ethanrbarton

To: Smith, Paula[Smith.Paula@epa.gov]; Hull, George[Hull.George@epa.gov]; Lemon, Mollie[Lemon.Mollie@epa.gov]
From: Grantham, Nancy
Sent: Thur 4/14/2016 9:53:52 PM
Subject: FW: Bonita Peak Mining District HRS

Second request

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 4:28 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

I also just found this sentence in the document relating to drinking water:

"This contamination threatens not only human food chain fisheries, wetlands and wildlife habitat, including endangered species habitat, but also has the potential to impact downstream drinking water supplies serving thousands of people."

How is the river safe if water supplies for thousands of people are threatened?

On Thu, Apr 14, 2016 at 2:25 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

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To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Hull, George[Hull.George@epa.gov]; Lemon, Mollie[Lemon.Mollie@epa.gov]
From: Smith, Paula
Sent: Thur 4/14/2016 9:47:18 PM
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Got no second request. Deb M. is working on question 2 and 3. Trying to get ahold of site assessment for #1.

- Paula

From: Grantham, Nancy
Sent: Thursday, April 14, 2016 3:36 PM
To: Smith, Paula <Smith.Paula@epa.gov>; Hull, George <Hull.George@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

Paula – do you have the second request the reporter sent?

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Sent: Thursday, April 14, 2016 5:30 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST
Importance: High

Have been talking with Rob Parker to clarify answers below. Sent out urgent call for responses. Deb M in meeting until 4 our time.

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From: Smith, Paula
Sent: Thursday, April 14, 2016 3:27 PM
To: R8 GKM Leadership Team <R8_GKM_LeadershipTeam@epa.gov>
Cc: Wall, Dan <wall.dan@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>
Subject: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST
Importance: High

Can you help with questions highlighted below? Urgent responses needed for reporter by 6 est.

- Paula

From: Parker, Robert
Sent: Thursday, April 14, 2016 1:55 PM
To: Murray, Bill <Murray.Bill@epa.gov>; Ketellapper, Victor <Ketellapper.Victor@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>
Cc: Wendel, Jennifer <Wendel.Jennifer@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>
Subject: RE: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Region 8 folks + Jennifer W –

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Rob

Rob Parker, P.E.

Site Assessment Manager

Environmental Engineer

US EPA, Region 8, Denver

(303) 312-6664

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Sent: Thur 4/14/2016 9:36:08 PM
Subject: RE: URGENT: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 6 EST

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To: Hull, George[Hull.George@epa.gov]
From: Lemon, Mollie
Sent: Thur 4/14/2016 9:31:02 PM
Subject: FW: Bonita Peak Mining District HRS

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 4:28 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

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To: StClair, Christie[StClair.Christie@epa.gov]; Peterson, Cynthia[Peterson.Cynthia@epa.gov]
Cc: Smith, Paula[Smith.Paula@epa.gov]; Hull, George[Hull.George@epa.gov]
From: Lemon, Mollie
Sent: Thur 4/14/2016 9:09:36 PM
Subject: RE: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

+ George

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: StClair, Christie
Sent: Thursday, April 14, 2016 5:07 PM
To: Peterson, Cynthia <Peterson.Cynthia@epa.gov>
Cc: Smith, Paula <Smith.Paula@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

I'm off today and Mollie Lemon is helping with gkm. This may be in one of the original press releases on the gkm site. Or we could call the Silverton mayor and ask.

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 14, 2016, at 4:42 PM, Peterson, Cynthia <Peterson.Cynthia@epa.gov> wrote:

> For Silverton, I think they take their drinking water from an upstream tributary to the Animas River that wasn't impacted by the release. I believe Durango shut their intake, and I'm not sure about Farmington and the NN. I thought you might have some vetted answers to that question already.

Cynthia Peterson

Community Involvement Coordinator

Public Affairs and Community Involvement

U.S. Environmental Protection Agency, Region VIII

1595 Wynkoop St. (8OC-PAI)

Denver, CO 80202-1129

303-312-6879 -- direct dial

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Cc: Peterson, Cynthia <Peterson.Cynthia@epa.gov>
Subject: Re: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Can't remember if they shut the intakes

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 14, 2016, at 4:21 PM, Smith, Paula <Smith.Paula@epa.gov> wrote:

Agreed.

Christie-Thoughts?

- Paula

From: Peterson, Cynthia
Sent: Thursday, April 14, 2016 1:19 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Subject: FW: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Paula,

I don't know if Christie would want to weigh in on this, but my understanding is that drinking water in Silverton was not affected by the release.

Cynthia Peterson

Community Involvement Coordinator

Public Affairs and Community Involvement

U.S. Environmental Protection Agency, Region VIII

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Denver, CO 80202-1129

303-312-6879 -- direct dial

From: Belle, Kara
Sent: Thursday, April 14, 2016 1:09 PM
To: Smith, Paula <Smith.Paula@epa.gov>
Cc: Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Murray, Bill <Murray.Bill@epa.gov>
Subject: FW: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Hi Paula,

See inquiry from the Daily Caller below. I think you all could provide the best response. Please let me know if you think differently. The deadline is 5pm est

Kara Belle

Community Involvement and Program Initiatives Branch

Office of Superfund Remediation and Technology Innovation

U.S. Environmental Protection Agency

(703)603-8815

From: Lemon, Mollie
Sent: Thursday, April 14, 2016 2:52 PM
To: Belle, Kara <Belle.Kara@epa.gov>; Gartner, Lois <Gartner.Lois@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Cc: Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Glikes, Michael <Glikes.Michael@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: ACTION: Daily Caller; Bonita Peak Mining District HRS; DEADLINE 5 pm today

Hi all –

Incoming Gold King inquiry below, with a deadline of 5 pm today. Could you please also loop in and coordinate with the appropriate regional staff?

Thanks in advance!

Mollie

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

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To: Press[Press@epa.gov]; Lemon, Mollie[Lemon.Mollie@epa.gov]
From: Milbourn, Cathy
Sent: Thur 4/14/2016 9:05:05 PM
Subject: RE: Bonita Peak Mining District HRS

Yours Mollie

Catherine C. Milbourn

U.S. EPA HQ

Office of the Administrator

Office of Media Relations

202-564-7849 (office)

202-420-8648 (mobile)

Milbourn.cathy@epa.gov

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To: AO OPA Media Relations[AO_OPA_Media_Relations@epa.gov]
From: Lemon, Mollie
Sent: Thur 4/14/2016 7:48:00 PM
Subject: Mollie's Daily Wrap 4/14

Land and Emergency Management (OLEM)

Engineering News-Record [Received 4/11] – CLOSED – Writing story on utility responses to the CCR rule; asking for a national overview of the progress toward complying with the rule. Also asking for info on effluent guidelines (OW). Sent OLEM responses. DDL 4/14.

Inside EPA [Received 4/12] – OPEN – Reporter asking for copies of OECD policy guidance report from recent G7 Alliance meeting (avail. May), and findings document from G7 meeting (avail. June). With program. DDL May/June.

Inside EPA [Received 4/14] – OPEN – Q on post-closure care guidance for hazardous waste landfills. With program. DDL 4/20.

Gold King Mine

Daily Caller News [Received 4/14] – OPEN – Qs on Bonita Peak Mining District drinking water threat. With program. DDL COB 4/14.

Air

WSKG News (NY, PA) [Received 4/12] – CLOSED – Qs on amt of CO_2 created by textiles and other industrial processes. Sent response – EPA doesn't track this type of data. DDL 4 pm 4/14

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To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: StClair, Christie[StClair.Christie@epa.gov]; Hull, George[Hull.George@epa.gov]
From: Lemon, Mollie
Sent: Thur 4/14/2016 6:48:24 PM
Subject: RE: Bonita Peak Mining District HRS

Will do.

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: Grantham, Nancy
Sent: Thursday, April 14, 2016 2:39 PM
To: Lemon, Mollie <Lemon.Mollie@epa.gov>
Cc: StClair, Christie <StClair.Christie@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: RE: Bonita Peak Mining District HRS

Thanks – if you could send to the region and olem and ask them to coordinate sending responses back to you – that would be great.

Thanks ng

From: Lemon, Mollie
Sent: Thursday, April 14, 2016 2:36 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: StClair, Christie <StClair.Christie@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: RE: Bonita Peak Mining District HRS

Meant to add – note requested deadline of COB today. Thanks!

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: Lemon, Mollie
Sent: Thursday, April 14, 2016 2:35 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: StClair, Christie <StClair.Christie@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: FW: Bonita Peak Mining District HRS

Hi Nancy,

Wanted to flag this GKM inquiry for you. Please let us know if you'd like to handle or if we can help (Christie is out today). Thanks!

Mollie

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:25 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

Here's the link to the HRS document, for your convenience:

https://semspub.epa.gov/work/08/1769520.pdf

On Thu, Apr 14, 2016 at 2:24 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Hello,

I have some questions regarding the Bonita Peak Mining District HRS Documentation Record.

I would like to know why the drinking water threat was not scored. The document shows that ground water migration pathway was not scored because of the low population density and because there are "no municipal wells located within the four mile radius that serve as potable supplies."

However, Silverton, Colorado, Farmington, New Mexico, and the Navajo Nation have all had their water supplies affected by the Gold King Mine release, which suggests water supplies are, in fact, impacted by the Bonita Peak Mining District.

Additionally, both the human food chain and the environmental threats scored the max values. How is it that the EPA claims the river is safe for humans and that drinking water is not affected, yet the human food chain is heavily threatened?

Given the threat to the human food chain, have residents who live in the area who consume wildlife, such as fishers in Silverton, Colorado, been warned of this threat and been given guidance?

In sum:

1. Why was drinking water not assessed in the HRS, given the details provided?

2. How can the human food chain be so heavily threatened, but the drinking water, as well as the Animas River, is safe for humans?

3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

My deadline is end of business today.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Lemon, Mollie[Lemon.Mollie@epa.gov]
Cc: Hull, George[Hull.George@epa.gov]
From: Valentine, Julia
Sent: Thur 4/14/2016 6:44:45 PM
Subject: FW: Bonita Peak Mining District HRS

This looks like GKM, not OLEM.

Or water

Julia P. Valentine

Office of Public Affairs

U.S. EPA

202.564.2663 direct

202.740.1336 m/txt

From: Milbourn, Cathy
Sent: Thursday, April 14, 2016 2:28 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: RE: Bonita Peak Mining District HRS

Minus reporter –

Hi Mollie- I think this is yours.

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:25 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Bonita Peak Mining District HRS

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Thanks,

Ethan

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Hull, George[Hull.George@epa.gov]
From: StClair, Christie
Sent: Thur 4/14/2016 6:32:05 PM
Subject: Re: Bonita Peak Mining District HRS

I'm out of pocket from now till about 3:30. Can Mollie help?

Christie St. Clair
U.S. EPA Office of Media Relations
c: 202-768-5780

On Apr 14, 2016, at 2:29 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

I think we need to discuss this. Thanks ng

From: Milbourn, Cathy
Sent: Thursday, April 14, 2016 2:28 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: RE: Bonita Peak Mining District HRS

Minus reporter –

Hi Mollie- I think this is yours.

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:25 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
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My deadline is end of business today.

Thanks,

Ethan

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Hull, George[Hull.George@epa.gov]; StClair, Christie[StClair.Christie@epa.gov]
From: Grantham, Nancy
Sent: Thur 4/14/2016 6:26:25 PM
Subject: FW: Bonita Peak Mining District HRS

Is mollie going to be working gkmine? Thanks ng

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:24 PM
To: Press <Press@epa.gov>; Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Bonita Peak Mining District HRS

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3. Has the EPA warned local residents and provided guidance on the threat to the human food chain?

My deadline is end of business today.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: AO OPA Media Relations[AO_OPA_Media_Relations@epa.gov]
From: StClair, Christie
Sent: Thur 3/17/2016 9:21:28 PM
Subject: Daily Wrap, 3/17

OAR

Green Car Reports (rec'd 3/8) – OPEN – asking about Tesla. With program.

Bloomberg (rec'd 3/9) – OPEN – questions on fleet-wide fuel economy. DDL flexible.

Associated Press (rec'd 3/15) – closed 3/16 – sent info on NM reimbursement request.

Bloomberg (rec'd 3/15) – OPEN – seeking statement on NM reimbursement request. DDL 4pm.

AutoWeek (rec'd 3/17) – closed 3/17 – no update on SEMA.

OPIS (rec'd 3/17) – closed 3/17 – sent CFTC statement.

ARGUS (rec'd 3/17) – closed 3/17 – sent CFTC statement.

Gold King Mine

Daily Caller (rec'd 3/11) – open – requesting EPA comment on GKM allegations. With OSRTI.

Denver Post (rec'd 3/14) – closed 3/15 – Sent NPL info.

Daily Caller (rec'd 3/17) – closed 3/17 – sent info on NN and water sampling, reimbursements.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: Press[Press@epa.gov]
From: Ethan Barton
Sent: Thur 3/17/2016 1:54:44 PM
Subject: Navajo president comments

Hello,
I'm seeking EPA comment on some things Navajo President Russell Begaye told me in an interview about the Gold King Mine spill on the Navajo nation.

He told me that reported, successful Navajo suicides spiked since the spill, though he couldn't establish a direct correlation.

Begaye also said the EPA isn't holding up to its promises, isn't monitoring the soil and water as promised, and is using a water quality standard that allows for many more contaminants than what is typically allowed for agriculture and drinking. He noted that consistent monitoring and guidance is critical, as farmers will soon need to rely on the contaminated rivers as irrigation sources.

Begaye also said he doesn't expect the Navajo Nation and affected farmers will receive full compensation from the EPA for the spill, which he estimated to be about $1 million.

My deadline is 1 pm today.

Thank you,

Ethan

--
Ethan Barton
Investigative Reporter
Daily Caller News Foundation
410-829-1738
@ethanrbarton

To: AO OPA Media Relations[AO_OPA_Media_Relations@epa.gov]
From: StClair, Christie
Sent: Mon 3/14/2016 7:11:55 PM
Subject: Daily wrap, 3/15

OAR

Green Car Reports (rec'd 3/8) – OPEN – asking about Tesla. With program.

NYT (rec'd 3/9) – closed 3/11 – sent info to help fact check stringency standards.

Bloomberg (rec'd 3/9) – OPEN – seeking help understanding fleetwide gas numbers. Possible Jeff Alson backgrounder to be done on Monday. DDL COB Mon.

Gaston Gazette (rec'd 3/11) – closed – sent info on SEMA.

OLEM

Fusion magazine (rec'd 3/7) – OPEN – requesting interview on recycling volumes. With ORCR. DDL COB today.

Gold King Mine

Daily Caller (rec'd 3/7) – closed – Sent reporter NPL 101.

Daily Caller (rec'd 3/11) – OPEN – requesting EPA comment on GKM allegations. With OLEM/R8.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: AO OPA Media Relations[AO_OPA_Media_Relations@epa.gov]
From: StClair, Christie
Sent: Fri 3/11/2016 9:19:31 PM
Subject: Daily Wrap, 3/11

OAR

Detroit Free Press (rec'd 3/7) – closed –Sent OAR info and Detroit-specific info. DDL asap.

Green Car Reports (rec'd 3/8) – OPEN – asking about Tesla. With program.

NYT (rec'd 3/9) – OPEN – fact checking stringency standards. With OAR. DDL COB today.

Bloomberg (rec'd 3/9) – OPEN – seeking help understanding fleetwide gas numbers. Possible Jeff Alson backgrounder to be done on Monday. DDL COB Mon.

Gaston Gazette (rec'd 3/11) – OPEN – Seeking comment on SEMA.

OLEM

Fusion magazine (rec'd 3/7) – OPEN – requesting interview on recycling volumes. With ORCR. DDL COB today.

Gold King Mine

Daily Caller (rec'd 3/7) – OPEN – requesting RFS 101. With NG/OPS.

Daily Caller (rec'd 3/11) – OPEN – requesting EPA comment on GKM allegations. With OLEM/R8.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: Hull, George[Hull.George@epa.gov]
From: StClair, Christie
Sent: Fri 3/11/2016 5:18:14 PM
Subject: FW: Gold King Mine inquiry from the daily caller.

George I got this email the first time, since I'm on the Press distro list. Melissa then responded, minus reporter, saying Nancy and I have this inquiry. Then Cathy sends it.

Our system needs some tweaks, methinks!

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Milbourn, Cathy
Sent: Friday, March 11, 2016 12:17 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: FW: Gold King Mine inquiry from the daily caller.

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]

Sent: Friday, March 11, 2016 9:47 AM
To: Press <Press@epa.gov>
Cc: Michael Bastasch <Mike@dailycallernewsfoundation.org>
Subject: Gold King Mine stories

Hello,

Michael Bastasch and I are working on several stories regarding Gold King Mine.

First, we would like to know if both breaching the mine and spilling mine waste was an accident. If it was, can you please point to any EPA statements where the agency called it an accident?

Second, has anyone been punished or disciplined for the incident?

Third, why didn't the EPA consult with Fish and Wildlife Service before opening the mine if it would impact any endangered species or critical habitats, given that the EPA Internal Review noted that a blowout was likely?

Fourth, why was the Department of the Interior selected to conduct the Technical Evaluation, given its heavy involvement with both the project and the spill?

Lastly, we would like to give the EPA the opportunity to comment on our findings:

-Internal emails asserting that the Aug. 5 work was intended to relieve pressure suggest breaching the adit was likely not an accident;

-The mine was never tested for pressure, even though the EPA knew it was at least somewhat pressurized. No explanation for this has been given so far; and

-The EPA crew believed they were digging at the top of the adit due to erroneous determinations

from work in 2014. It's mostly unknown how those determines were made. The crew, in fact, dug at the mine's entrance.

We would prefer responses before end of business today, but can amend our story until 6 pm Sunday.

Please don't hesitate to contact myself or Mike with any questions.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Press[Press@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; StClair, Christie[StClair.Christie@epa.gov]
From: Harrison, Melissa
Sent: Fri 3/11/2016 2:58:42 PM
Subject: RE: Gold King Mine stories

-reporters

Nancy and Christie will handle.

Melissa J. Harrison

Press Secretary

U.S. Environmental Protection Agency

Office: (202) 564-8421

Mobile: (202) 697-0208

Harrison.Melissa@epa.gov

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, March 11, 2016 9:47 AM
To: Press <Press@epa.gov>
Cc: Michael Bastasch <Mike@dailycallernewsfoundation.org>
Subject: Gold King Mine stories

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Please don't hesitate to contact myself or Mike with any questions.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: AO OPA Media Relations[AO_OPA_Media_Relations@epa.gov]
From: StClair, Christie
Sent: Wed 3/9/2016 8:25:21 PM
Subject: Daily Wrap, 3/9

OAR

Detroit Free Press (rec'd 3/7) – OPEN – Questions on Asbestos NESHAP. Sent OAR info, checking with R5 about possible Detroit-specific info. DDL asap.

Detroit Free Press (rec'd 3/9) – closed – declined comment on SEMA legislation.

Air Conditioning, Heating & Refrigeration News (rec'd 3/7) – closed 3/9 – Sent info on recycling natural refrigerants.

Green Car Reports (rec'd 3/8) – OPEN – asking about Tesla. With program.

NYT (rec'd 3/9) – OPEN – fact checking stringency standards. With OAR. DDL COB today.

Bloomberg (rec'd 3/9) – OPEN – seeking help understanding fleetwide gas numbers. Checking to see if OPS wants to handle directly. DDL tbd.

OLEM

Fusion magazine (rec'd 3/7) – OPEN – requesting interview on recycling volumes. With ORCR. DDL COB today.

Gold King Mine

Daily Caller (rec'd 3/7) – OPEN – requesting RFS 101. With OSRTI.

Bloomberg BNA (rec'd 3/8) – closed – sent statement on NM's complaints about compensation delays.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: Purchia, Liz[Purchia.Liz@epa.gov]; Harrison, Melissa[Harrison.Melissa@epa.gov]; Allen, Laura[Allen.Laura@epa.gov]; Lee, Monica[Lee.Monica@epa.gov]; Hull, George[Hull.George@epa.gov]; Hart, Daniel[Hart.Daniel@epa.gov]; Orquina, Jessica[Orquina.Jessica@epa.gov]; Shirey, John[Shirey.John@epa.gov]
From: Smith, Roxanne
Sent: Wed 3/9/2016 5:50:05 PM
Subject: FW: EPA Daily News Briefing for Wednesday, March 9, 2016
epaNewsBriefing160309.doc

All:

Here's the news briefing from Bulletin Intelligence. I had them send it to my personal email account and I was able to forward it to my work account. Please take a look and let me know if you have any comments on it.

Danny, can you please work with OEI on the IT issues? Thanks.

Roxanne Smith

Principal Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

202-564-4455

smith.roxanne@epa.gov

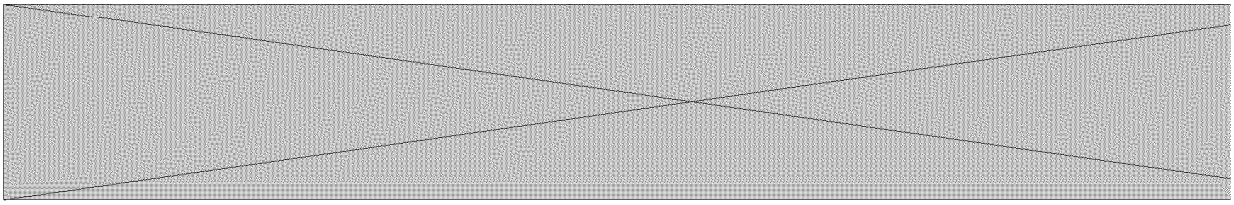
From: Roxanne Smith [mailto **Personal Email/Ex. 6**
Sent: Wednesday, March 09, 2016 12:24 PM
To: Smith, Roxanne <Smith.Roxanne@epa.gov>
Subject: Fwd: EPA Daily News Briefing for Wednesday, March 9, 2016

Sent from my iPhone

Begin forwarded message:

From: Heather Stone <hstone@bulletinintelligence.com>
Date: March 9, 2016 at 12:21:55 PM EST
To: <Personal Email/Ex. 6>
Subject: EPA Daily News Briefing for Wednesday, March 9, 2016

Mobile version and searchable archives available at epa.bulletinintelligence.com.



TO: ADMINISTRATOR AND SENIOR EXECUTIVES

DATE: WEDNESDAY, MARCH 9, 2016 7:00 AM EST

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- Snyder Seeks $1.2 Million In Taxpayer Funds For Legal Costs.

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- Five Michigan TV Stations To Air Flint Telethon.

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• Hansen Lawsuit Argues That Federal Fossil Fuel Policies Are Unconstitutional.

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• Dallas ISD Employees Moved To New Building Due To Lead.

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- Jimmy Kimmel:

- Jimmy Kimmel:

- Jimmy Kimmel:

Administrator

McCarthy: Climate Change Argument "All About Moving A Market."

TransWorld Business (3/8, Bradstreet) interviewed Administrator McCarthy at the 2016 SIA Snow Show on efforts to protect nature. McCarthy said in part, "EPA can speak to the science and we can challenge things from a regulatory perspective, but...it's all about moving a market. It's all about recognizing that climate change is about protecting the future of our kids."

Inhofe Questions Whether Meiburg Is Allowed To Serve Under Federal Vacancies Reform Act.

Greenwire (3/9, Bogardus, Cahlink) reports Senate Environment and Public Works Chairman Jim Inhofe

has written to Administrator McCarthy saying it is "'unclear' if Stan Meiburg is allowed to serve as acting deputy administrator, citing the Federal Vacancies Reform Act and a recent appeals court decision. Inhofe notes that the vacancies law restricts certain government officials from serving in jobs on an acting basis that they have been nominated to take on permanently." Referencing Beth Cobert, acting director of the Office of Personnel Management, Greenwire adds that, "as with Cobert, the White House believes Meiburg is acting within the law serving as deputy administrator of EPA."

News Across Programs

Senate Nearing Agreement On Flint Aid.

Politico (3/8, Kim, Goode) reports senators said Tuesday that "they were on the cusp of a deal" to provide aid to Flint. While there were "some reservations on the GOP side that the lead crisis was primarily a state and local issue, and that an aid package could set a dangerous precedent, the vast majority of Republicans are willing to move ahead with the measure." Sen. Mike Lee "signaled on Tuesday that he may relinquish his hold" on the aid measure. The Hill (3/8, Cama) reports Sen. David Vitter has removed his hold.

Genevieve Wood of the Daily Signal (3/8) writes that Lee had been concerned about the precedent of federal aid going to Flint when there have been similar crises in Crystal City, Texas and elsewhere.

Latest Flint Lawsuit Rooted In Cancer Fears. USA Today (3/8, Baldas) reports that a new lawsuit over the Flint water crisis "is seeking damages on behalf of residents who fear they might get cancer in the future because of their exposure to the city's toxic water." While plaintiffs "have not been diagnosed with cancer, the lawsuit claims 'there is a reasonable certainty that...cancers will develop at some future date,' thus entitling them to compensation."

The Christian Science Monitor (3/8, Banchiri) reports the lawsuit cites the EPA Lead and Copper Rule and the Safe Drinking Water Act. The federal suit, "which is seeking class-action status, alleges that tens of thousands of residents have suffered physical and economic injuries and damages as a result of exposure to lead." Newsweek (3/8, Gorman) reports on its website that the plaintiffs "allege current and former authorities failed to take action and downplayed the levels of water contamination while residents suffered."

Snyder Seeks $1.2 Million In Taxpayer Funds For Legal Costs. The AP (3/8) reports the office of Gov. Rick Snyder said Tuesday that the state's "outside legal fees related to the ongoing Flint lead-contaminated water crisis could climb as high as $2.7 million." The Detroit News (3/8, Oosting) reports Snyder is seeking $1.2 million in taxpayer funds for the costs, while Attorney General Bill Schuette "is seeking at least $1.5 million for his probe." MLive (MI) (3/8, Devereaux) reports Michigan Democratic Party Chair Brandon Dillon said in a statement, "It's beyond outrageous that Snyder wants to take $1.2 million from Michigan taxpayers to pay for defense attorneys over his involvement in the poisoning of Flint's water."

Fitch Ratings Retracts Estimate On Cost Of Replacing US Lead Pipes. The Detroit Free Press (3/8, Dolan) reports Fitch Ratings has "corrected its cost estimate for replacing the nation's lead service lines, saying the amount would be 'a few billion to $50 billion.'" Fitch said, "We believe the capital costs to replace these lines could exceed $275 billion. The EPA's latest survey estimated the entire sector needs $385 billion in water infrastructure improvements through 2030, and this estimate includes the costs to only partially replace lead pipes."

Five Michigan TV Stations To Air Flint Telethon. The Detroit Free Press (3/8, Riley) reports that five Michigan television stations will broadcast a daylong telethon called "Flint Water Crisis: 4 Our Families" to "raise funds for the Community Foundation of Greater Flint's Flint Child Health and

Development Fund" on March 15.

Source: Justice Department Subpoenas VW Under Banking Law.

Reuters (3/8) reports that the Justice Department has subpoenaed Volkswagen AG under the Financial Institutions Reform, Recovery and Enforcement Act, according to an unnamed source. The law, which has previously been used to subpoena auto finance companies, allows the government to investigate alleged fraud over the previous ten years.

CARB May Allow Partial VW Fix. Reuters (3/8, Carroll) reports that the California Air Resources Board is considering allowing owners to continue operating partially fixed VW diesel cars because the company may not be able to offer a complete fix, according to a Tuesday legislative hearing. CARB enforcement division head Todd Sax said, "Our goal has been to fix the vehicles and return them to their certified configuration as expeditiously as possible. Unfortunately, this may not be possible." He added that the company would have to pay for further damage caused if this option is chosen. According to Reuters, Sax said the agency is hopeful that an agreement will be reached but is willing to litigate if the parties cannot reach a settlement.

German Prosecutors Widen VW Probe. Prosecutors in Germany have expanded their investigation of Volkswagen's diesel emissions cheating activities from six employees to 17, Reuters (3/8, Taylor) reports. Prosecutor Klaus Ziehe said Tuesday, "This is part of the diesel investigation, the number of suspects has risen, although none are from the management board." According to the New York Times (3/8, Ewing), Ziehe added that prosecutors are investigating individuals that were aware of the cheating but did not act, as well as those responsible for the unlawful programming. He said the team is "looking at all levels, including the management board level." Names of the suspects have not been disclosed, as required by German privacy rules.

Regarding last week's civil filing in a shareholder suit, in which VW claimed that former CEO Martin Winterkorn was informed about the cheats as early as May of 2014, the Wall Street Journal (3/8, Boston) reports that Ziehe said, "We read the newspapers just like everyone else and are aware of Volkswagen's filing in the civil court. The question is whether there is probable cause to suspect someone knew about the defeat device or cheating software and let it continue instead of taking action. That's why it is certainly relevant to know who knew what when." He stressed, though, that the ongoing investigation has not uncovered evidence contradicting VW's claim that the scandal was perpetrated by a few engineers and without executives' knowledge.

French Prosecutors Announce Formal Investigation Into VW's Suspected Fraud. Reuters (3/8, Bon) reports that the Paris prosecutor's office announced Tuesday that France has launched a formal investigation of VW on suspicions of "aggravated fraud" in relation to the scandal. The office began a preliminary investigation in October, in which it seized material from the company's offices in the country.

Environmental Groups Call On McConnell, Reid To Act On Obama SCOTUS Nominee.

The Washington Post (3/8, Ho) reports 17 major environmental groups including Greenpeace USA, the Natural Resources Defense Council, and the Sierra Club are calling on Senate Majority Leader McConnell and Minority Leader Reid "to hold prompt confirmation hearings and a vote on President Obama's nominee to the Supreme Court." In a "brief but pointed letter" to the leaders, the groups "argue that Obama has the right to fill Supreme Court vacancies during the entirety of his term, and that it is the Senate's duty to move the process forward."

Legal Scholars Say GOP President Unlikely To Successfully Abolish EPA.

Bloomberg BNA (3/8) writes that legal scholars warn against accepting "any promises from Republican

presidential candidates to abolish federal entities such as the Environmental Protection Agency and Energy Department," saying that "eradicating federal agencies would require congressional cooperation and, even if an agency were dissolved, its statutory mandates would linger on for other parts of the federal government to pick up."

Air

California State Senate Leader To Resist Loosening Of Air Quality Rules.

The Los Angeles Times (3/8, Barboza) reports California State Senate President Pro Tem Kevin de León will push to reverse efforts by the South Coast Air Quality Management District board "to adopt pollution rules friendlier to industry, saying swift action is needed to prevent a rollback of environmental gains." De León said he will introduce legislation to add three new members to the board: "one public health expert and two environmental justice members, to represent communities suffering from pollution."

Bill To Keep Race Cars Legal Under Clean Air Act Discussed.

Under the headline, "This Bill Could Save Your Race Car From The EPA," Jalopnik (3/8) reports on H.R. 4175, which SEMA says would "keep conversions of road cars into race cars legal without running afoul of the Clean Air Act." Jalopnik adds that "the EPA is much more likely to go after the companies that make non-street-legal parts for competition use instead of seizing your questionably swapped, smoke-belching crapcan racer directly. But H.R. 4175, dubbed the Recognizing the Protection of Motorsports Act of 2016 (or RPM Act for short), seeks to ensure that road cars modified for competition use and competition use only will remain legal, despite the EPA's efforts to clarify the wording of the Clean Air Act."

Climate Change

Obama, Trudeau Expected To Commit To Significant Reduction In Methane Emissions.

The Globe and Mail (CAN) (3/8, McCarthy) reports that President Obama and Canadian Prime Minister Justin Trudeau "are expected to commit their two countries to slash methane emissions from the oil and gas industry" by at least 40% when they meet. US climate envoy Todd Stern confirmed Tuesday "that the two leaders will aim for an agreement on several climate initiatives, including stricter standards for heavy-duty vehicles, greater cross-border trade in clean electricity and efforts to reduce the release of methane."

Bloomberg BNA (3/8, Scott) says "environmental groups are hoping to get a big climate change announcement" during the visit, "one they hope would ban future Arctic oil and gas drilling, accelerate regulatory efforts to cut methane from the oil and gas sector, and commit the U.S. and Canada to new clean energy cooperation."

Obama Administration Makes First Payment Into UN Climate Change Fund.

The Hill (3/8, Cama) reports that the Obama Administration "has made the first of its promised payments to the United Nations' controversial climate change fund." An official with the State Department "said that the United States made the $500 million payment on Monday to the South Korea-based Green Climate Fund." It is "the first of a series of payments President Obama has pledged." The State official said, "With this announcement, which comes less than three months after the historic Paris climate agreement, the United States continues to demonstrate leadership in the international climate arena."

Lower 48 States See Warmest Winter On Record.

The Hill (3/8, Cama) reports National Oceanic and Atmospheric Administration researchers said yesterday that the Lower 48 states had the warmest winter on record. From December through February temperatures "averaged 36.8 degrees Fahrenheit on the lower 48's surfaces." The agency "attributed the record mainly to the extraordinarily strong El Niño pattern in the Pacific Ocean this year, as well as the exceptionally warm December."

The AP (3/8, Borenstein) reports NOAA climate scientist Jake Crouch "said a super-hot December pushed the winter to record territory. The fall of 2015 also was a US record."

Majority Of Americans Represented In Washington By Climate Change Deniers.

Think Progress (3/8, Koronowski) reports new Center for American Progress Action Fund research finds that "more than six in ten Americans are represented by someone in Congress who denies the reality of climate change." There are "182 climate deniers in the 114th Congress in 2016 – 144 in the House and 38 in the Senate." Between them, they represent nearly 203 million Americans.

Hansen Lawsuit Argues That Federal Fossil Fuel Policies Are Unconstitutional.

James Hansen of the Department of Earth and Environmental Sciences at Columbia University writes in the Boston Globe (3/9) that today, a federal judge in US District Court in Oregon "will consider whether a constitutional challenge to federal actions that underwrite fossil fuel emissions may proceed." The suit, brought by Hansen and other plaintiffs, "alleges that by permitting, authorizing, and subsidizing the exploitation, production, transport, and burning of fossil fuels, our government has caused or substantially contributed to the present emergency in which the very viability of a hospitable climate system is at stake." The suit argues this infringes "upon the fundamental guarantees of the Fifth Amendment, including the rights to life, liberty, property, and equal protection of the law."

Study: Governments Should Try Limiting Climate Change's Impact On African Farmers.

The Christian Science Monitor (3/8) reports that the "sub-Saharan Africa's agricultural landscape will experience notable transformation from climate change as early as 2025," according to researchers with the International Center for Tropical Agriculture. In some regions, climate change has already "impacted the land to the point of no return and the area is no longer suitable for current staple crops." Thus, say the study authors, "governments need to start planning now" so "farmers across sub-Saharan Africa won't lose their jobs or their food source."

Energy

Future Of Ethanol Remains Uncertain.

The Houston Chronicle (3/8, Osborne) reports that "a decade after Congress voted to expand ethanol production," the program is surrounded by "uncertainty." The renewable fuel standard "is set to expire in 2022," and "at that point the program would be taken over" by the EPA, "raising the specter of some mandates being frozen or eliminated." Under the schedule set out by Congress in 2007, "so-called cellulosic ethanol...was supposed to make up 19 percent of the biofuels supply this year." But data from the EPA show "that less than 1 percent of the more than 14 billion gallons of fuel produced under the fuel standard last year came from cellulosic ethanol."

EPA Allocating $26 Million For Clean Diesel Upgrades.

Fleets & Fuels (3/8) reports the EPA "is anteing $26 million in the latest round of its Clean Diesel Funding Assistance Program." The goal of the program "is to help operators pay to repower or retrofit their legacy trucks, or deploy new ones with engines meeting current emissions standards."

Miami-Dade Commission Discusses Turkey Point Plant.

WTVJ-TV Miami (3/8, 11:12 a.m. EST) reported, "Right now, the Miami-Dade commission discussing the Turkey Point Nuclear Plant on the Biscayne Bay. We have been reporting the latest developments, including the report testing for levels of chemicals being found in the bay that are usually associated with nuclear reactors. The levels higher than what is naturally occurring but still below the minimum set by the EPA. The commission hearing this issue right as we speak." WPLG-TV Miami (3/8, 6:02 p.m. EST) ran a similar story.

Groups Ask Obama To Abandon Plan To Delay Federal Oil Revenue Payments To Gulf States.

The Hill (3/8, Henry) reported that more than 330 environmental and conservation organizations asked President Obama on Tuesday to back away from a proposal in the 2017 budget to delay federal oil revenue payments to Alabama, Louisiana, Mississippi and Texas. The funding, which would give 37.5% of federal oil revenue from drilling operations on the Gulf Coast to the states, "is seen as especially important for coastal and wetland restoration."

Faison: "Conservative Clean Energy" Should Be "Priority" For GOP.

Bloomberg Politics (3/8, Dlouhy) reports activist Jay Faison "says Republicans' political survival depends on embracing clean energy – whether a candidate believes in climate change or not – and he's backing that up with tens of millions of dollars." Faison, who is opening a new Washington office for his environmental foundation ClearPath, said Tuesday, "Our mission is to make conservative clean energy a priority for the GOP." Faison added, "It may take some time, but absolutely, we can do it. It's critical for the longevity of the Republican party."

The Hill (3/8, Henry) reports that ClearPath's policy agenda "centers on more traditional energy sources" and opposes new EPA power sector pollution rules. ClearPath's "four planks" include using cleaner-burning coal and natural gas, as well as expanding nuclear and hydroelectric power. Faison has said he is skeptical about the long-term costs of solar and wind power. McClatchy (3/8, Gordon) reports that Faison has "recalibrated his campaign to focus on a 'conservative clean-energy policy agenda' that nonetheless is aimed at fighting global warming by reducing greenhouse gas emissions."

Analysis: Sanders, Clinton Show "Significant Difference" On Fracking Stance.

The Washington Post (3/8, Mooney) reported on the "significant difference" between Hillary Clinton and Sen. Bernie Sanders when it comes to their stance on fracking. At Sunday night's debate in Flint, Michigan, Sanders said, "I do not support fracking. ... I talk to scientists who tell me that fracking is doing terrible things to water systems all over this country. We have gotta be bold now. We gotta transform our energy system to energy efficiency and sustainable energy." Clinton's view "was more nuanced," and while she said she doesn't support fracking in several situations, "she came far short of opposing it outright."

WPost: Sanders' Stance On Fracking Is "Utterly Unrealistic." In an editorial, the Washington Post (3/8) says Sanders' statements on fracking during Sunday night's debate "were more firmly grounded in ideology than reality." Calling Sanders' position "utterly unrealistic," the Post argues he is claiming "without sufficient evidence" that "fracking is so intrinsically dangerous that the government must ban it rather than regulate it."

Hazardous Waste

Scientists Express Concerns Over CRE Superbug Getting Into Sewage Treatment Plants.

CBS News (3/8, Kraft) reports on its website that "some scientists are raising alarms" about what happens when the CRE superbug "gets into sewage treatment plants." CRE, which is resistant to traditional antibiotics, has been found to have "a welcoming environment in which to proliferate in sewage plants." Last fall, EPA scientists "detected the bacteria in a sewage treatment plant in Southern California, thought to have been brought there with the millions of gallons of raw sewage from area hospitals." Southern California Public Radio (3/8) reports on its website that "regional wastewater managers say it's unlikely any CRE coming from hospitals through sewage would pose a public health problem."

State Officials Act To Halt Illegal Radioactive Waste Shipment Into Kentucky.

The Louisville (KY) Courier-Journal (3/8, Bruggers) reports that Kentucky officials are beginning to take enforcement actions in the investigation of radioactive oil and gas drilling wastes brought illegally into the state and dumped at two landfills. State health officials with the Kentucky Energy and Environment Cabinet ordered Advanced TENORM Services, the "company they say hauled the fracking waste into Kentucky," to "stop or face $100,000 per incident fines and potential criminal charges." The officials also sent violation notices to the two landfills claiming the landfill operators in Greenup and Estill counties "failed to accurately characterize the waste for what it was."

Rules/Regulations/Policy

Gold King Mine Investigators Ordered Not To Review EPA Actions.

The Daily Caller (3/8, Barton) reports that internal emails indicate that Interior Department investigators were ordered to avoid aspects of their investigation related to the EPA's conduct related to spilling 3 million gallons of mine waste into drinking water. According to BOR Technical Service Director Thomas Luebke, "It has been our understanding from the beginning that we were being hired to perform a technical evaluation of the causes," and inquiry into the EPA's handling of the mine was to be conducted "by others more suitable to that undertaking." Asked by the Army Corps of Engineers' Richard Olsen, who peer reviewed the resulting report, who issued the order, Luebke failed to provide the information.

West Virginia Environmental Protection Secretary Slams EPA Regulations.

The Charleston (WV) Gazette-Mail (3/8, Ward) reports West Virginia Secretary of Environmental Protection Randy Huffman says the EPA is "wrongly pressuring West Virginia environmental officials on air quality and water pollution issues in an effort to 'totally remake the American regulatory landscape.'" In a letter to the Senate Environment and Public Works Committee, Huffman criticized "what he called a 'continual parade of new regulatory demands' that are over-burdening state agencies that 'are already resource-constrained in carrying out existing mandates.'" Huffman is one of the state officials who will testify before the committee today on the relationship between state agencies and the EPA.

National Mining Association Head Defends Analysis On EPA Rule.

In the Indianapolis Star (3/8), Hal Quinn, president and CEO, National Mining Association, responds to a recent IndyStar "Truth Squad" analysis that discounts studies broadcast by Americans for Prosperity in support of Gov. Mike Pence's decision to reject the EPA's plan restricting gas emissions from power plants. Quinn points out that the Truth Squad elects to "discount studies by our organization and others showing the high costs of this rule," but touts the EPA's "own low-cost estimates," even though the

agency's previous predictions on the power plant rule have been inadequate.

EPA IG Announces Fieldwork Into Compliance With Federal Information Security Modernization Act.

E&E Publishing (3/9, Bogardus) reports on a Friday notice in which "the EPA inspector general said it would begin fieldwork on the agency's compliance with the Federal Information Security Modernization Act. The IG's audit is required under law and was included in the watchdog's annual plan."

Toxics/TSCA

Oregon To Release Soil Test Results From Portland Factories This Week.

Reuters (3/8, Sebens) reports that the Oregon Health Authority this week intends to release US Forest Service soil test results from the neighborhoods near two glass factories in Portland, Oregon that are facing a class action lawsuit for emissions of arsenic and cadmium that local residents fear have polluted their communities.

Water

Critics Seek EPA Intervention Into Florida Power & Light Canal Issues.

The Miami Herald (3/8, Staletovich) reports critics said Tuesday that Florida Power & Light's "troubled cooling canals, blamed for contaminating groundwater and now found to be leaking into Biscayne Bay, are likely violating local water laws and federal operating permits." Democratic state Rep. Jose Javier Rodriguez and others "also demanded the U.S. Environmental Protection Agency intervene." Rodriguez said, "This is the last straw. Evidence of radioactive material at high density in Biscayne Bay? How much more do we need to see?"

Dallas ISD Employees Moved To New Building Due To Lead.

The Dallas Morning News (3/8) reports that several hundred Dallas Independent School District employees are being relocated "after water testing found lead and other problems" at their building. EFI Global senior project manager Kim McGraw "said some samples showed lead and byproducts of disinfectant in the water supply. He also said some of the water samples had cloudiness, which the Environmental Protection Agency would consider higher than normal." KDFW-TV Dallas (3/8, 10:19 p.m. CT) broadcast a brief report.

North Carolina Health Department Lifts Water Advisories On Private Wells Near Duke Energy Ash Ponds.

The Charlotte (NC) Observer (3/8, Henderson) reports the North Carolina Department of Health and Human Services said it was rescinding advisories concerning the safety of drinking well water in Gaston and Rowan counties near Duke Energy's ash ponds. About a year ago, the department issued the advisories and Duke Energy began providing residents affected by the advisories with bottled water, although it claims it is not responsible for the elevated levels of hexavalent chromium and vanadium found in some of the area's private wells.

Salt Lake Tribune Notes Utah Bill On Scientific Review Of Administrative Lawmaking Action.

The Salt Lake (UT) Tribune (3/9) reports on a Utah bill that would make it "the third state," after Minnesota and California, "to pass legislation on scientific review of administrative lawmaking action." The Tribune reports that the bill has "drawn criticism from the Environmental Protection Agency, which sent a letter to the state Division of Water Quality warning that the bill could cause the state to violate federal law. Under the Clean Water Act, the EPA could require the state to revise the law or even revoke the state's authority to manage water quality independently."

Last Laughs

Late Night Political Humor.

Jimmy Kimmel: "From the popular Donald Trump reality show, Mitt Romney is here with us tonight. You know in the movies when the monster's rampaging through the city and all hope seems to be lost, and then the government tracks down a scientist who swore he would never come out of retirement and asks him to save us? That's why Mitt Romney is here tonight. To destroy the Donald on National Pancake Day."

Jimmy Kimmel: "Today is what CNN is calling Super Tuesday Two. There were primaries and caucuses in four states today: Michigan, Hawaii, Idaho and Mississippi. Donald Trump was in Mississippi yesterday. And I don't know if he was confused. Maybe he's forgetting where he is now. He's been in so many places. But weirdly, he took time out of his speech in Mississippi to talk about the potatoes in Idaho."

Jimmy Kimmel: [Referring to the various presidential candidates' campaign stores] "Dr. Ben Carson had some fun items for sale. ... Like this – the Ben Carson scrub top, complete with a name tag that says Ben Carson, pediatric neurosurgeon. It isn't so much a great way to support Ben Carson as it is a way to impersonate Ben Carson. It's a way to do illegal surgery under an assumed name."

Jimmy Kimmel: "Surprisingly, Donald Trump's shop is slightly more subdued than the other candidates. Other than the fact that he's offering 17 different kinds of 'Make America Great Again' hats. He's also selling baby onesies. Because you know, babies scream all day, also. So that's a perfect gift for them."

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To: AO OPA Media Relations[AO_OPA_Media_Relations@epa.gov]
From: StClair, Christie
Sent: Mon 3/7/2016 9:50:18 PM
Subject: Daily Wrap, 3/7

OAR

Detroit Free Press (rec'd 3/7) – OPEN – Questions on Asbestos NESHAP. With OAQPS. DDL COB Tues.

Air Conditioning, Heating & Refrigeration News (rec'd 3/7) – Questions on recycling natural refrigerants. With program. DDL 10am Wed.

OLEM

Fusion magazine (rec'd 3/7) – OPEN – requesting interview on recycling volumes. Story focus, DDL tbd.

Gold King Mine

Wall Street Journal – closed 3/7 – sent statement on NN water quality and sampling efforts.

Daily Caller – closed 3/7 - sent statement on NN water quality and sampling efforts.

Daily Caller (rec'd 3/7) – OPEN – requesting RFS 101.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: Valentine, Julia[Valentine.Julia@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Hull, George[Hull.George@epa.gov]
From: StClair, Christie
Sent: Mon 3/7/2016 7:58:01 PM
Subject: RE: GKM related request about Superfund

Thanks Julia. Nancy and I will definitely handle.

Also, Nancy Cohen says Mathy is glad to do an NPL refresher call with reporters prior to the April NPL rule. Let's talk about details when you're back tomorrow.

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Valentine, Julia
Sent: Monday, March 07, 2016 2:56 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: GKM related request about Superfund

Hi Nancy and Christie,

I'm late getting this to you, my apologies. He has no specific deadline. He reached out to me because of Superfund. While it is not strictly about GKM, he is inquiring about the process of how and why something becomes a SF site. Seemed obvious to me when I spoke with him that he needs a SF/NPL 101 backgrounder.

I am happy to handle, but George and I both thought you might want to take this one.

Ethan Barton

ethan@dailycallernewsfoundation.org

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

Overall, I'm looking for a Superfund 101. I'm interested to learn about the community's involvement in nearby superfund site designations, the national priorities list, and the overall process of becoming a superfund site. I'd like to learn about the process from start to finish, beginning with the request for a superfund designation to after a site's clean up is completed, and communities' involvement throughout that process.

I'm also curious about successes, challenges, costs and spending, and the range of timeframes it takes to clean sites.

I became interested in the superfund program after learning that the community near the Gold King Mine is requesting superfund status after decades of delay. While the focus

of my story will be about the superfund program in general, I plan to use that request as an example.

Also, I am also aware of the EPA's CERCLIS search. I was hoping to learn more about the database and receive a copy of the raw data.

Julia P. Valentine

Office of Public Affairs

US EPA Headquarters

202.564.2663 desk

202.740.1336 m/txt

To: Hull, George[Hull.George@epa.gov]
Cc: Press[Press@epa.gov]
From: Grantham, Nancy
Sent: Mon 2/29/2016 7:30:42 PM
Subject: RE: EPA Gold King Mine

Thanks

From: Hull, George
Sent: Monday, February 29, 2016 2:17 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Press <Press@epa.gov>
Subject: FW: EPA Gold King Mine

Nancy,

Flagging for your attention. Christy is compressed today. Thanks, George

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Monday, February 29, 2016 1:40 PM
To: Press <Press@epa.gov>
Subject: EPA Gold King Mine

Hi,

I was wondering if EPA considers the Gold King Mine release an "accident" or not? I only note a handful of instances when the EPA refers to the mine blowout as an "accident" rather than an "incident."

Please let me know. Thanks!

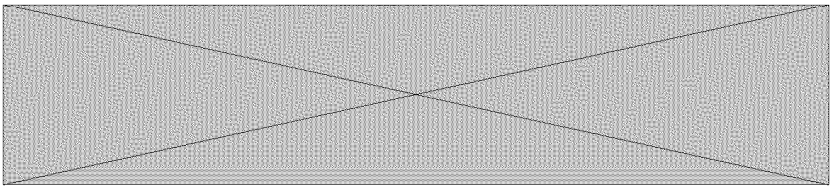
Best,

Mike

--

Michael Bastasch

Daily Caller News Foundation



To: Press[Press@epa.gov]
Cc: StClair, Christie[StClair.Christie@epa.gov]
From: Harrison, Melissa
Sent: Mon 2/29/2016 6:48:20 PM
Subject: RE: EPA Gold King Mine

-reporter

+Nancy/Christie who will take the lead.

Melissa J. Harrison

Press Secretary

U.S. Environmental Protection Agency

Office: (202) 564-8421

Mobile: (202) 697-0208

Harrison.Melissa@epa.gov

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Monday, February 29, 2016 1:40 PM
To: Press <Press@epa.gov>
Subject: EPA Gold King Mine

Hi,

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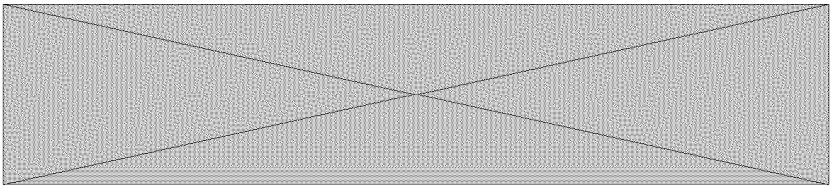
Mike

--

Michael Bastasch

Daily Caller News Foundation



To: Valentine, Julia[Valentine.Julia@epa.gov]
Cc: Hull, George[Hull.George@epa.gov]
From: Cavalier, Erin
Sent: Mon 2/22/2016 2:26:25 PM
Subject: RE: Daily Wrap, 2/19/2016

Hi Julia,

Nonresponsive

Thank you,

Erin Cavalier

Office of Public Affairs Intern

U.S. Environmental Protection Agency

Telephone: (202) 564-8384

cavalier.erin@epa.gov

From: Valentine, Julia
Sent: Friday, February 19, 2016 4:48 PM
To: Cavalier, Erin <Cavalier.Erin@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: RE: Daily Wrap, 2/19/2016

Thanks, Erin.

Nonresponsive

Ty!

Julia P. Valentine

Office of Public Affairs

U.S. EPA

202.564.2663 direct

202.740.1336 m/txt

From: Cavalier, Erin
Sent: Friday, February 19, 2016 4:22 PM
To: AO OPA Daily Wrap <AO_OPA_Daily_Wrap@epa.gov>
Cc: Personal Email/Ex. 6
Subject: Daily Wrap, 2/19/2016

Air

ClimateWire [Received 2/19] -- OPEN -- Methane regulation of existing sources. Request with program. DDL: 2/19.

Consumer Goods Forum [Received 2/16] -- OPEN -- Challenges and assessment of switching to sustainable refrigerants. Request with program. DDL: 2/19.

Discovery Channel – OPEN – Dr. Haugen interview/lab filming set for all day Mon, Feb. 29.

Greenwire [Received 2/18] -- OPEN -- Follow up on the number of exceptional events packages received from states since 2007. Request with program. DDL: 2/19.

Houston Chronicle [Received 2/19] -- CLOSED 2/19 -- Sent follow up on well aggregation rule.

ICIS – OPEN - # RINs produced by INEOS Bio.

Inside EPA [Received 2/19] -- CLOSED 2/19 -- Link to Bull Run petition.

Longview (Texas) News-Journal [Received 2/18] -- CLOSED 2/18 - Sent reviewed responses on sulfur dioxide attainment.

Mirror Evening (Beijing) [Received 2/17] -- OPEN -- Air pollution in China. Request with program. DDL: 2/19.

Newsweek [Received 2/17] -- CLOSED 2/19 -- Sent reviewed response on cumulative effect from air pollution.

NYT (Received 12/18) – OPEN – interview request for CG on start/stop tech. DDL Tues.

Science mag [Received 2/17] -- OPEN -- Follow up on Harvard's methane study. Request with program. DDL: 2/19.

VICE News [Received 2/17] -- OPEN -- Interview with Jeremy Martinich on his role as a scientist and the CIRA report sked for 2/25, 2 p.m.

Budget

Inside EPA (Maria Hegstad) [Received 2/18] – OPEN – Funding for EPA Mass. Research lab; sent to OCFO, ORD and OARM – DDL 2/19

Chemicals and Pesticides

Agri-Pulse [Received 2/18] – CLOSED – Corn rootworm; response sent

Algemeen Dagblad (Netherlands) [Received 2/1] – OPEN - PFOA and DuPont/Chemours; reporter's document request in program – DDL 2/12

BNA/Bloomberg (David Schulz) [Received 2/19] – Corn Rootworm agreements; proposed response awaiting OPS approval – DDL 2/19

Farm Journal (Sonja Begemann) [Received 2/16] – OPEN – Bayer's belt decision follow-up; proposed response awaiting OPS approval – DDL 2/19 COB

Fortune Magazine [Received 2/10] – CLOSED – Lead in home paint; response sent

Freelance Reporter (Natasha Gilbert) [Received 2/17] – OPEN – TOXCAST; proposed response awaiting OPS approval – DDL FLEX

Greenpeace UK [Received 2/16] CLOSED– Neonics; sent the reporter general language

The Intercept (Sharon Lerner) [Received 2/4] – OPEN – Follow-up on PFA inquiry; response awaiting OPS approval – DDL 2/23

Los Angeles Times [Received 2/17] – CLOSED – Agent Orange use in Globe, AZ; no further info from reporter

Science News Magazine [Received 2/16] – OPEN – Scientists' Glyphosate regulation statement; response awaiting OPS approval – DDL 2/18 Noon

Tire Review [Received 2/17] – OPEN – Mosquito breeding in tires; questions in program – DDL 3/15

WFTS (ABC-10, Tampa, FL) [Received 2/12] – OPEN – Hartz flea and tick drops; in program – DDL unclear

Clean Power Plan

Argus [Received 1/28] -- OPEN -- Systems using to help states comply with Clean Power Plan. Request with program. DDL: 2/22.

Enforcement

InPaint [Received 2/16] – CLOSED – Lead paint enforcement action; OPS-approved response sent

Environmental Information

FedTech [Received 2/5] – OPEN – Fighting insider threats; OEI and OPA discussing possible response – DDL 2/20

Gold King Mine

Daily Caller (received 2/19) – OPEN – requesting a current water quality statement. Ddl tbd.

KUNC Media (received 2/10) – OPEN – Interview request on GKM current status and future plans. With OPS.

NPR (received 2/19) – OPEN – Grace Hood requesting interview on Silverton's NPL vote scheduled for Monday. DDL noon Tuesday, 2/23.

General Counsel

Dartmouth Alumni Magazine [Received 1/4/16] – OPEN – Interview with Sammie nominee Stephanie Hogan from OGC conducted 1/14; follow-up info and headshot to be sent soon – DDL early March.

International and Tribal

Independent State Dept. Contract TV producer [Received 12/11] – OPEN – Request for on-camera interview for Indonesian TV on EPA water management; discussing with OITA and OW – DDL March 2016

Policy

SPAN mag (published by the U.S. Embassy in New Delhi, India) [Received 2/9] -- OPEN -- Smart growth. Request with program. DDL: 2/23.

Water

Alaska Airlines [Received 2/17] – OPEN – Water conservation practices in Western states; sent to WS, R9 and R10 – DDL 2/22.

AZ Public Radio; CQ Roll Call; BNA/Bloomberg (Amena Saiyid); Ensia (Lizzie Grossman); DWMAPS – OPEN – DDL Various

Bloomberg [Received 2/12] – OPEN – Drinking Water quality dataset; in program (OW); DDL 2/19 COB

Capital News Service [Received 2/2] – CLOSED – Maryland drinking water lead levels; response sent

Charleston Gazette-Mail [Received 2/19] – OPEN – Request to comment on lawyer's WV PFOA letter; discussing with OW – DDL 4 PM

Farm Journal [Received 2/17] – OPEN – Hypoxia Task Force state strategies; questions in program – DDL 2/25

The Federal Times [Received 2/11] – OPEN – Critical water and chemical infrastructure; discussing with OW and OHS – DDL 2/25 (tentative)

Inside EPA (Suzanne Yohannan) [Received 2/19] – OPEN – Monitoring and regulation of PFOA levels in water; in program – DDL 2/24

Inside EPA (David LaRoss) [Received 2/18] – OPEN – Senate's Flint/GKM letters; OPS and OW handling – DDL 2/19

Public Source [Received 2/17] – CLOSED – Lead testing in water; OPS handling through Flint PIO group.

Reuters (David Bailey) [Received 2/18] – OPEN – NRDC's PCB litigation; proposed response awaiting OPS approval – DDL ASAP

Reuters (Josh Schneyer & Mike Fell) [Received 2/1] – OPEN – PH in drinking water; questions from reporter in; OW response in; OECA input sought on last question – DDL End of the week.

Reuters (Krista Mahr) [Received 2/16] – OPEN – Analysis of water treatment data in Pakistan; OITA declining input; OW to provide general information on relevant chemicals – DDL 2/23

Erin Cavalier

Office of Public Affairs Intern

U.S. Environmental Protection Agency

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cavalier.erin@epa.gov

To: AO OPA Media Relations[AO_OPA_Media_Relations@epa.gov]
From: Daguillard, Robert
Sent: Wed 2/17/2016 9:14:50 PM
Subject: RE: Daily Wrap 2/17/2016

And kudos to Erin for completing her first OMR wrap!

From: Cavalier, Erin
Sent: Wednesday, February 17, 2016 4:12 PM
To: AO OPA Daily Wrap <AO_OPA_Daily_Wrap@epa.gov>
Subject: Daily Wrap 2/17/2016

Air

Arizona freelancer (rec'd 2/16) – OPEN – follow up questions on off-gassing. With Dan Abrams. DDL COB today.

Automotive News – OPEN – CG interview request on midterm evaluation. OTAQ considering. DDL Fri.

Consumer Goods Forum [Received 2/16] -- OPEN -- Challenges and assessment of switching to sustainable refrigerants. Request with program. DDL: 2/19.

Detroit News (Henry Payne, columnist) (rec'd 12/17) – OPEN –questions on SEMA. With programs.

Houston Chronicle [Received 2/17] -- OPEN -- Follow up on well aggregation rule. Request with program. DDL: 2/17.

PBS – OPEN – Gina McCarthy interview request for ethanol documentary.

Roadracing magazine (rec'd 2/16) – CLOSED – sent approved SEMA responses.

The Shop mag (rec'd 2/16) – OPEN – SEMA. Draft response with OECA/Nick Conger.

SNL Energy [Received 2/17] -- CLOSED 2/17 -- Sent reviewed response on SO2 designations.

VICE News [Received 2/17] -- OPEN -- Interview request for a feature on a climate scientist. Request with OAR and ORD. DDL: 2/24.

Chemicals and Pesticides

Algemeen Dagblad (Netherlands) [Received 2/1] – PFOA and DuPont/Chemours; reporter's document request in program – DDL 2/12

Farm Journal (Sonja Begemann) [Received 2/16] – OPEN – Bayer's belt decision follow-up; questions in progam – DDL 2/19 COB

Environmental Health News [Received 2/16] – CLOSED – Request for reaction to scientists' statement of concern on Glyphosate; sent OPS-approved response

Fortune Magazine [Received 2/10] – OPEN – Lead in home paint; proposed OCSPP response awaiting OPS approval – DDL overdue

Freelance Reporter (Natasha Gilbert) [Received 2/17] – OPEN – TOXCAST; reporter questions in program – DDL FLEX

Greenpeace UK [Received 2/16] – OPEN – Neonics; in program – DDL 2/19 COB

The Intercept (Sharon Lerner) [Received 2/4] – OPEN – Follow-up on PFA inquiry; sent to OCSPP and ORD – DDL 2/11

Live Science [Received 2/16] – CLOSED – Pyriproxyfen and Microcephaly; OPS-approved statement sent

Los Angeles Times [Received 2/17] – OPEN – Agent Orange use in Globe, AZ; sent to OPS – DDL Flex.

Science News Magazine [Received 2/16] – OPEN – Scientists' Glyphosate regulation statement; awaiting questions from reporter – DDL 2/18 Noon

Tire Review [Received 2/17] – OPEN – Mosquito breeding in tires; questions in program – DDL 3/15

WFTS (ABC-10, Tampa, FL) [Received 2/12] – OPEN – Hartz flea and tick drops; in program – DDL unclear

Clean Power Plan

Argus [Received 1/28] -- OPEN -- Systems using to help states comply with Clean Power Plan. Request with program. DDL: 2/22.

Daily Caller [Received 2/17] -- CLOSED 2/17 -- Sent reviewed statement on our work with states.

Detroit News [Received 2/16] -- CLOSED 2/16 -- Sent reviewed response on Michigan's plan to suspend activities and deadlines for states.

watchdog.org [Received 2/16] -- CLOSED 2/16 -- Sent link to fact sheet on costs/benefits in response to criticism by Independence Institute of the plan.

Enforcement

InPaint [Received 2/16] – OPEN – Lead paint enforcement action; in program (OECA) – DDL 3/16

Environmental Information

FedTech [Received 2/5] – OPEN – Fighting insider threats; OEI and OPA discussing possible response – DDL 2/20

Government Computer News [Proactive] – CLOSED – Ann D. contacted reporter to correct inaccuracies in published story.

Take Part [Received 2/9] – CLOSED – Ag discharges to waterways; OPS-approved response sent on 2/16

Fracking

Inside EPA [Received 2/10] – CLOSED 2/12 – Reporter interviewed Jeff Frithsen and Kevin Teichman for 2/18 publication. Reviewed by Melissa, Dale. Reporter has now changed focus of her FOIA. Additional follow up being handled by Melissa.

StateImpact Pennsylvania [Received 2/10] – CLOSED 2/11 – Reporter sent follow up to an earlier question about whether the EPA sought information from the Marcellus Shale Coalition about its pre-drill water testing. Sent response from ORD, reviewed by Dale and Melissa. Deadline 2/11

General Counsel

Dartmouth Alumni Magazine [Received 1/4/16] – OPEN – Interview with Sammie nominee Stephanie Hogan from OGC conducted 1/14; follow-up info and headshot to be sent soon – DDL early March.

Gold King Mine

KUNC Media (rec'd 2/10) – OPEN – Interview request on GKM current status and future plans. With OPS.

International and Tribal

Independent State Dept. Contract TV producer [Received 12/11] – OPEN – Request for on-camera interview for Indonesian TV on EPA water management; discussing with OITA and OW – DDL March 2016

Land and Emergency Management

Center for Public Integrity [Received 2/3] – CLOSED 2/17 – Requested interview with ORCR staffer. Referred to DOI per program. Reporter reiterated request to talk with someone about coal ash, sent questions. Program provided responses. Sent to reporter, reviewed by George. Deadline extended.

ClimateWire [Received 2/11] – CLOSED 2/11 - Reporter asked about new listing in Fed Reg about Additions to List of Categorical Non-Waste Fuels. Sent long standing statement reviewed by George and Julia. Deadline 2/11

Fayetteville Observer [Received 2/10] – CLOSED (for OLEM, open with ORD) 2/11– Questions about hexavalent chromium. Wrote for today but would like to write a follow up. OLEM provided response sent to reporter, clarified follow up question. OW deferred to ORD.

Inside EPA [Received 2/3] – OPEN – Risk Policy Report editor requesting to speak w OSRTI re: comments by DoE last fall and ques about screening for radioactive waste in backyard gardens. Reporter holding story to in order to interview.

MSNMoney [Received 2/11] – OPEN – freelancer working on an infographic asked for EPA data on recycling rates. FYI to Melissa. Sent to program.

Resource Recycling [Received 2/12] – CLOSED 2/17 – reporter writing about storage of broken CRTs outdoors. We responded earlier in the week and he came back today with follow up questions. Forwarded program response on 2/17 after review by George, Julia.

Science Magazine [Received 2/17] – OPEN – Questions about National Contingency Plan. OEM working on it. No specific deadline.

New York Times [Received 2/10] – CLOSED 2/11 – Writing about recycling rates and asked what they are for plastic, aluminum, and others. Provided response from

program. Reviewed by OMR, OPS. Sent info for follow up q. Also reviewed by OPS. Deadline 2/11

Policy

Baltimore Sun [Received 2/16] -- OPEN -- Interview on Local Foods, Local Places grant that Baltimore received in January sked for 2/18, 11 a.m.

SPAN mag (published by the U.S. Embassy in New Delhi, India) [Received 2/9] -- OPEN -- Smart growth. Request with program. DDL: 2/23.

Research and Development

Rubber and Plastic News [Received 2/16] -- CLOSED 2/16 -- Timing for draft report on tire crumb.

The Mike Trivisonno Show

(WTAM 1100 Cleveland) [Received 2/17] -- CLOSED 2/17 -- Declined interview on tire crumb; provided web link.

Volkswagen

AP [Received 2/17] Spoke with one of our regular reporters who asked about status of VW.

ARD TV [Received 2/17] – CLOSED 2/17 – German TV producer based in L.A. requested interview with the administrator for a documentary. Explained that we cannot entertain any interviews while we have an open and ongoing investigation or litigation.

ClimateWire [Received 2/12] – CLOSED 2/12 – Transportation reporter asked to be added to VW press list. And asked if anything was new.

Die Welt [Received 2/15] – CLOSED 2/15 – Reporter was continuing to ask about rumors. Spoke with him off the record. No story.

German Press Agency dpa [Received 2/10] – OPEN – Requested Chris Grundler's schedule and in person interview after because he has "seen two interviews with Chris in German media lately." Working with OTAQ on whether and when to provide interview.

Handelsbladtt [Received 2/9] – OPEN – Interview scheduled for 2/23 with Chris Grundler.

Handelsbladtt [Received 2/14] – CLOSED 2/14 – Asked for comment regarding leak of VW docs out of Germany. Told reporter we have nothing for her on this.

MotorMouth [Received 2/4] – OPEN – Writer asked for some specific numbers under Tier 2 standards. Working with reporter to clarify his questions. No set deadline.

National Observer (Ca) (Mike De Souza) [Received 1/31] – OPEN -- re testing and update of work w Enviro Canada. Working closely w OTAQ on how to respond.

New York Times [Received 2/14, 2/17] – CLOSED 2/17 – Frankfurt bureau chief asked for comment about leak of VW docs. Told reporter on 2/14 we have nothing for him on this. He asked again on 2/17 and we, again, declined to comment. Article scheduled to appear 2/18.

Reader's Digest [Received 2/9] – OPEN - Working with reporter writing brief piece for RD's "That's Outrageous" page for publication in May. Sent links as follow up. Deadline: End of March. Will stay in contact to make sure reporter has latest info come 3/31.

Reuters [Received 2/11] Spoke with one of our regular reporters who asked about status of VW.

ZDF public broadcasting [Received 2/17] – CLOSED 2/17 -- German production company based in Hamburg, Nordend Film GmbH, requested an interview with the administrator for a documentary for public television. Explained that we cannot entertain any interviews while we have an open and ongoing investigation or litigation.

Water

Alaska Airlines [Received 2/17] – OPEN – Water conservation practices in Western states; sent to WS, R9 and R10 – DDL 2/22.

Bloomberg [Received 2/12] – OPEN – Drinking Water quality dataset; in program (OW); DDL 2/19 COB

Capital News Service [Received 2/2] – OPEN – Maryland drinking water lead levels; OW response awaiting OPS approval – DDL Flex

Consumer Products (Karin Weisburgh) [Received 2/8] – OPEN – Lead testing kits; response awaiting OPS approval – DDL 2/16

The Federal Times [Received 2/11] – OPEN – Critical water and chemical infrastructure; discussing with OW and OHS – DDL 2/25 (tentative)

JAMA Medical News and Perspectives [Received 2/16] – CLOSED – Definition of small water systems; sent OPS-approved response

Public Source [Received 2/17] – OPEN – Lead testing in water; sent to OPS for review – DDL TBD

Republican-American (Waterbury, CT) [Received 2/8] – OPEN – Safe drinking water standards in CT; combined OW/R1 response awaiting OPS approval – DDL 2/16

Reuters (Josh Schneyer & Mike Fell) [Received 2/1] – OPEN – PH in drinking water; questions from reporter in; OW response in; OECA input sought on last question – DDL 2/18.

Reuters (Krista Mahr) [Received 2/16] – OPEN – Analysis of water treatment data in Pakistan; OITA declining input; OW to provide general information on relevant chemicals – DDL 2/23

Erin Cavalier

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U.S. Environmental Protection Agency

Telephone: (202) 564-8384

cavalier.erin@epa.gov

To: Press[Press@epa.gov]
From: Michael Bastasch
Sent: Thur 2/11/2016 6:06:59 PM
Subject: House Gold King Mine report

Hey,
I was wondering if EPA had a response to the House natural resources committee report on the Gold King Mine spill. Among other things, it says EPA may have violated the Clean Water Act and Endangered Species Act.

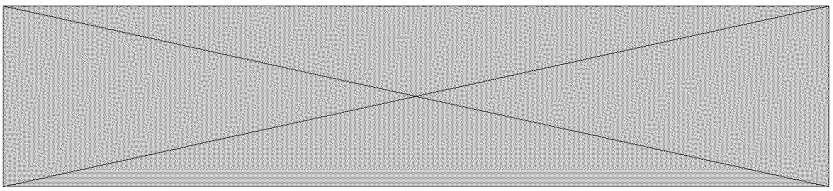
http://naturalresources.house.gov/uploadedfiles/house_committee_on_natural_resources_gold_king_mine_repor

Please let me know if EPA has a response. My deadline is 2 pm EST. Thanks!

Best,

Mike

--
Michael Bastasch
Daily Caller News Foundation



To: Press[Press@epa.gov]
From: Ethan Barton
Sent: Wed 2/3/2016 4:06:46 PM
Subject: Flint criminal investigation

Hello,
I saw that the EPA, among others, is conducting a criminal investigation into Flint. Could you please tell me why there is a criminal investigation into Flint, but not into the Gold King Mine spill?

Thank you,

Ethan

--
Ethan Barton
Investigative Reporter
Daily Caller News Foundation
410-829-1738
@ethanrbarton

To: Purchia, Liz[Purchia.Liz@epa.gov]; Harrison, Melissa[Harrison.Melissa@epa.gov]
Cc: Hull, George[Hull.George@epa.gov]
From: Smith, Roxanne
Sent: Tue 1/5/2016 4:20:04 PM
Subject: FW: 382 Incoming FOIA Requests from 12/14/15 - 1/3/16; 26 below may be of interest to you/your office

Liz & Melissa:

Here are the most recent FOIAs of interest.

Nonresponsive

•□□□□□□□□ Ethan Barton, Daily Caller, 3 FOIAs: all emails that include phrase talking points from 8/1 to 12/21/2015; all emails on GKM that include phrase talking points from 8/1 to 12/21/2015; all docs on USACE peer review of Interior's report on GKM.

Nonresponsive

Nonresponsive

Roxanne Smith

Principal Deputy Associate Administrator

Office of Public Affairs

U.S. Environmental Protection Agency

202-564-4455

smith.roxanne@epa.gov

From: Dolph, Becky
Sent: Monday, January 04, 2016 5:50 PM
To: Distefano, Nichole <DiStefano.Nichole@epa.gov>; Frank, Joyce <Frank.Joyce@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Smith, Roxanne <Smith.Roxanne@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Carey, Curtis <Carey.Curtis@epa.gov>; Vaught, Laura <Vaught.Laura@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Leopard, Matthew <Leopard.Matthew@epa.gov>; OGC FEAT <OGC_FEAT@epa.gov>
Subject: 382 Incoming FOIA Requests from 12/14/15 - 1/3/16; 26 below may be of interest to you/your office

All – for the period from 12/14/15 - 1/3/16 the Agency received 382 FOIA requests; the 26 requests below may be of interest to your offices.

Thanks,

Becky

Becky Dolph | Director, FOIA Expert Assistance Team

U.S Environmental Protection Agency

Office of General Counsel | 7309B WJCN | 202-564-5771

Tracking No.	Requester	Organization	Request

Nonresponsive

Nonresponsive

				polychlorinated biphenyls.
6	EPA-HQ-2016-002288	Ethan Barton	Daily Caller News Foundation	all emails that includes the phrase "**talking points"** from Aug. 1, 2015 to Dec. 21, 2015.
7	EPA-R8-2016-002389	Ethan Barton	Daily Caller News Foundation	all emails regarding the **Gold King Mine** that includes the phrase "talking points" from Aug. 1, 2015 to Dec. 21, 2015. See as attached list of custodians
8	EPA-HQ-2016-002287	Ethan Barton	Daily Caller News Foundation	Requesting copies of any and all documents regarding U.S. Army Corps of Engineers Senior Geotechnical Engineer Dr. Richard S. Olsen's peer review of the U.S. Department of the Interior's Bureau of Reclamation report titled "Technical Evaluation of the **Gold King Mine** Incident" released on Oct. 22, 2015.

Nonresponsive

Nonresponsive

Nonresponsive

Nonresponsive

Nonresponsive

EPA | Daily News Briefing
United States Environmental Protection Agency
Bulletin INTELLIGENCE

Online version available at epa.bulletinintelligence.com

TO: ADMINISTRATOR AND SENIOR EXECUTIVES

DATE: WEDNESDAY, MARCH 9, 2016 7:00 AM EST

TODAY'S EDITION

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ADMINISTRATOR:

McCarthy: Climate Change Argument "All About Moving A Market." TransWorld Business (3/8, Bradstreet) interviewed Administrator McCarthy at the 2016 SIA Snow Show on efforts to protect nature. McCarthy said in part, "EPA can speak to the science and we can challenge things from a regulatory perspective, but...it's all about moving a market. It's all about recognizing that climate change is about protecting the future of our kids."

Inhofe Questions Whether Meiburg Is Allowed To Serve Under Federal Vacancies Reform Act. Greenwire (3/9, Bogardus, Cahlink) reports Senate Environment and Public Works Chairman Jim Inhofe has written to Administrator McCarthy saying it is "'unclear' if Stan Meiburg is allowed to serve as acting deputy administrator, citing the Federal Vacancies Reform Act and a recent appeals court decision. Inhofe notes that the vacancies law restricts certain government officials from serving in jobs on an acting basis that they have been nominated to take on permanently." Referencing Beth Cobert, acting director of the Office of Personnel Management, Greenwire adds that, "as with Cobert, the White House believes Meiburg is acting within the law serving as deputy administrator of EPA."

NEWS ACROSS PROGRAMS:

Senate Nearing Agreement On Flint Aid. Politico (3/8, Kim, Goode) reports senators said Tuesday that "they were on the cusp of a deal" to provide aid to Flint. While there were "some reservations on the GOP side that the lead crisis was primarily a state and local issue, and that an aid package could set a dangerous precedent, the vast majority of Republicans are willing to move ahead with the measure." Sen. Mike Lee "signaled on Tuesday that he may relinquish his hold" on the aid measure. The Hill (3/8, Cama) reports Sen. David Vitter has removed his hold.

Genevieve Wood of the Daily Signal (3/8) writes that Lee had been concerned about the precedent of federal aid going to Flint when there have been similar crises in Crystal City, Texas and elsewhere.

Latest Flint Lawsuit Rooted In Cancer Fears. USA Today (3/8, Baldas) reports that a new lawsuit over the Flint water crisis "is seeking damages on behalf of residents who fear they might get cancer in the future because of their exposure to the city's toxic water." While plaintiffs "have not been diagnosed with cancer, the lawsuit claims 'there is a reasonable certainty that...cancers will develop at some future date,' thus entitling them to compensation."

The Christian Science Monitor (3/8, Banchiri) reports the lawsuit cites the EPA Lead and Copper Rule and the Safe Drinking Water Act. The federal suit, "which is seeking class-action status, alleges that tens of thousands of residents have suffered physical and economic injuries and damages as a result of exposure to lead." Newsweek (3/8, Gorman) reports on its website that the plaintiffs "allege current and former authorities failed to take action and downplayed the levels of water contamination while residents suffered."

Snyder Seeks $1.2 Million In Taxpayer Funds For Legal Costs. The AP (3/8) reports the office of Gov. Rick Snyder said Tuesday that the state's "outside legal fees related to the ongoing Flint lead-contaminated water crisis could climb as high as $2.7 million." The Detroit News (3/8, Oosting) reports Snyder is seeking $1.2 million in taxpayer funds for the costs, while Attorney General Bill Schuette "is seeking at least $1.5 million for his probe." MLive (MI) (3/8, Devereaux) reports Michigan Democratic Party Chair Brandon Dillon said in a statement, "It's beyond outrageous that Snyder wants to take $1.2 million from Michigan taxpayers to pay for defense attorneys over his involvement in the poisoning of Flint's water."

Fitch Ratings Retracts Estimate On Cost Of Replacing US Lead Pipes. The Detroit Free Press (3/8, Dolan) reports Fitch Ratings has "corrected its cost estimate for replacing the nation's lead service lines, saying the amount would be 'a few billion to $50 billion.'" Fitch said, "We believe the capital costs to replace these lines could exceed $275 billion. The EPA's latest survey estimated the entire sector needs $385 billion in water infrastructure improvements through 2030, and this estimate includes the costs to only partially replace lead pipes."

Five Michigan TV Stations To Air Flint Telethon. The Detroit Free Press (3/8, Riley) reports that five Michigan television stations will broadcast a daylong telethon called "Flint Water

Crisis: 4 Our Families" to "raise funds for the Community Foundation of Greater Flint's Flint Child Health and Development Fund" on March 15.

Source: Justice Department Subpoenas VW Under Banking Law. Reuters (3/8) reports that the Justice Department has subpoenaed Volkswagen AG under the Financial Institutions Reform, Recovery and Enforcement Act, according to an unnamed source. The law, which has previously been used to subpoena auto finance companies, allows the government to investigate alleged fraud over the previous ten years.

CARB May Allow Partial VW Fix. Reuters (3/8, Carroll) reports that the California Air Resources Board is considering allowing owners to continue operating partially fixed VW diesel cars because the company may not be able to offer a complete fix, according to a Tuesday legislative hearing. CARB enforcement division head Todd Sax said, "Our goal has been to fix the vehicles and return them to their certified configuration as expeditiously as possible. Unfortunately, this may not be possible." He added that the company would have to pay for further damage caused if this option is chosen. According to Reuters, Sax said the agency is hopeful that an agreement will be reached but is willing to litigate if the parties cannot reach a settlement.

German Prosecutors Widen VW Probe. Prosecutors in Germany have expanded their investigation of Volkswagen's diesel emissions cheating activities from six employees to 17, Reuters (3/8, Taylor) reports. Prosecutor Klaus Ziehe said Tuesday, "This is part of the diesel investigation, the number of suspects has risen, although none are from the management board." According to the New York Times (3/8, Ewing), Ziehe added that prosecutors are investigating individuals that were aware of the cheating but did not act, as well as those responsible for the unlawful programming. He said the team is "looking at all levels, including the management board level." Names of the suspects have not been disclosed, as required by German privacy rules.

Regarding last week's civil filing in a shareholder suit, in which VW claimed that former CEO Martin Winterkorn was informed about the cheats as early as May of 2014, the Wall Street Journal (3/8, Boston) reports that Ziehe said, "We read the newspapers just like everyone else and are aware of Volkswagen's filing in the civil court. The question is whether there is probable cause to suspect someone knew about the defeat device or cheating software and let it continue instead of taking action. That's why it is certainly relevant to know who knew what when." He stressed, though, that the ongoing investigation has not uncovered evidence contradicting VW's claim that the scandal was perpetrated by a few engineers and without executives' knowledge.

French Prosecutors Announce Formal Investigation Into VW's Suspected Fraud. Reuters (3/8, Bon) reports that the Paris prosecutor's office announced Tuesday that France has launched a formal investigation of VW on suspicions of "aggravated fraud" in relation to the scandal. The office began a preliminary investigation in October, in which it seized material from the company's offices in the country.

Environmental Groups Call On McConnell, Reid To Act On Obama SCOTUS Nominee. The Washington Post (3/8, Ho) reports 17 major environmental groups including Greenpeace USA, the Natural Resources Defense Council, and the Sierra Club are calling on Senate Majority Leader McConnell and Minority Leader Reid "to hold prompt confirmation hearings and a vote on President Obama's nominee to the Supreme Court." In a "brief but pointed letter" to the leaders, the groups "argue that Obama has the right to fill Supreme Court vacancies during the entirety of his term, and that it is the Senate's duty to move the process forward."

Legal Scholars Say GOP President Unlikely To Successfully Abolish EPA. Bloomberg BNA (3/8) writes that legal scholars warn against accepting "any promises from Republican presidential candidates to abolish federal entities such as the Environmental Protection Agency and Energy Department," saying that "eradicating federal agencies would require congressional cooperation and, even if an agency were dissolved, its statutory mandates would linger on for other parts of the federal government to pick up."

AIR:

California State Senate Leader To Resist Loosening Of Air Quality Rules. The Los Angeles Times (3/8, Barboza) reports California State Senate President Pro Tem Kevin de León will push to reverse efforts by the South Coast Air Quality Management District board "to adopt pollution rules friendlier to industry, saying swift action is needed to prevent a rollback of environmental gains." De León said he will introduce legislation to add three new members to the board: "one public health expert and two environmental justice members, to represent communities suffering from pollution."

Bill To Keep Race Cars Legal Under Clean Air Act Discussed. Under the headline, "This Bill Could Save Your Race Car From The EPA," Jalopnik (3/8) reports on H.R. 4175, which SEMA says would "keep conversions of road cars into race cars legal without running afoul of the Clean Air Act." Jalopnik adds that "the EPA is much more likely to go after the companies that make non-street-legal parts for competition use instead of seizing your questionably swapped, smoke-belching crapcan racer directly. But H.R. 4175, dubbed the Recognizing the Protection of Motorsports Act of 2016 (or RPM Act for short), seeks to ensure that road cars modified for competition use and competition use only will remain legal, despite the EPA's efforts to clarify the wording of the Clean Air Act."

CLIMATE CHANGE:

Obama, Trudeau Expected To Commit To Significant Reduction In Methane Emissions. The Globe and Mail (CAN) (3/8, McCarthy) reports that President Obama and Canadian Prime Minister Justin Trudeau "are expected to commit their two countries to slash methane emissions from the oil and gas industry" by at least 40% when they meet. US climate envoy Todd Stern confirmed Tuesday "that the two leaders will aim for an agreement on several climate initiatives, including stricter standards for heavy-duty vehicles, greater cross-border trade in clean electricity and efforts to reduce the release of methane."

Bloomberg BNA (3/8, Scott) says "environmental groups are hoping to get a big climate change announcement" during the visit, "one they hope would ban future Arctic oil and gas drilling, accelerate regulatory efforts to cut methane from the oil and gas sector, and commit the U.S. and Canada to new clean energy cooperation."

Obama Administration Makes First Payment Into UN Climate Change Fund. The Hill (3/8, Cama) reports that the Obama Administration "has made the first of its promised payments to the United Nations' controversial climate change fund." An official with the State Department "said that the United States made the $500 million payment on Monday to the South Korea-based Green Climate Fund." It is "the first of a series of payments President Obama has pledged." The State official said, "With this announcement, which comes less than three months after the historic Paris climate agreement, the United States continues to demonstrate leadership in the international climate arena."

Lower 48 States See Warmest Winter On Record. The Hill (3/8, Cama) reports National Oceanic and Atmospheric Administration researchers said yesterday that the Lower 48 states had the warmest winter on record. From December through February temperatures "averaged 36.8 degrees Fahrenheit on the lower 48's surfaces." The agency "attributed the record mainly to the extraordinarily strong El Niño pattern in the Pacific Ocean this year, as well as the exceptionally warm December."

The AP (3/8, Borenstein) reports NOAA climate scientist Jake Crouch "said a super-hot December pushed the winter to record territory. The fall of 2015 also was a US record."

Majority Of Americans Represented In Washington By Climate Change Deniers. Think Progress (3/8, Koronowski) reports new Center for American Progress Action Fund research finds that "more than six in ten Americans are represented by someone in Congress who denies the reality of climate change." There are "182 climate deniers in the 114th Congress in 2016 – 144 in the House and 38 in the Senate." Between them, they represent nearly 203 million Americans.

Hansen Lawsuit Argues That Federal Fossil Fuel Policies Are Unconstitutional. James Hansen of the Department of Earth and Environmental Sciences

at Columbia University writes in the Boston Globe (3/9) that today, a federal judge in US District Court in Oregon "will consider whether a constitutional challenge to federal actions that underwrite fossil fuel emissions may proceed." The suit, brought by Hansen and other plaintiffs, "alleges that by permitting, authorizing, and subsidizing the exploitation, production, transport, and burning of fossil fuels, our government has caused or substantially contributed to the present emergency in which the very viability of a hospitable climate system is at stake." The suit argues this infringes "upon the fundamental guarantees of the Fifth Amendment, including the rights to life, liberty, property, and equal protection of the law."

Study: Governments Should Try Limiting Climate Change's Impact On African Farmers. The Christian Science Monitor (3/8) reports that the "sub-Saharan Africa's agricultural landscape will experience notable transformation from climate change as early as 2025," according to researchers with the International Center for Tropical Agriculture. In some regions, climate change has already "impacted the land to the point of no return and the area is no longer suitable for current staple crops." Thus, say the study authors, "governments need to start planning now" so "farmers across sub-Saharan Africa won't lose their jobs or their food source."

ENERGY:

Future Of Ethanol Remains Uncertain. The Houston Chronicle (3/8, Osborne) reports that "a decade after Congress voted to expand ethanol production," the program is surrounded by "uncertainty." The renewable fuel standard "is set to expire in 2022," and "at that point the program would be taken over" by the EPA, "raising the specter of some mandates being frozen or eliminated." Under the schedule set out by Congress in 2007, "so-called cellulosic ethanol...was supposed to make up 19 percent of the biofuels supply this year." But data from the EPA show "that less than 1 percent of the more than 14 billion gallons of fuel produced under the fuel standard last year came from cellulosic ethanol."

EPA Allocating $26 Million For Clean Diesel Upgrades. Fleets & Fuels (3/8) reports the EPA "is anteing $26 million in the latest round of its Clean Diesel Funding Assistance Program." The goal of the program "is to help operators pay to repower or retrofit their legacy trucks, or deploy new ones with engines meeting current emissions standards."

Miami-Dade Commission Discusses Turkey Point Plant. WTVJ-TV Miami (3/8, 11:12 a.m. EST) reported, "Right now, the Miami-Dade commission discussing the Turkey Point Nuclear Plant on the Biscayne Bay. We have been reporting the latest developments, including the report testing for levels of chemicals being found in the bay that are usually associated with nuclear reactors. The levels higher than what is naturally occurring but still below the minimum set by the EPA. The commission hearing this issue right as we speak." WPLG-TV Miami (3/8, 6:02 p.m. EST) ran a similar story.

Groups Ask Obama To Abandon Plan To Delay Federal Oil Revenue Payments To Gulf States. The Hill (3/8, Henry) reported that more than 330 environmental and conservation organizations asked President Obama on Tuesday to back away from a proposal in the 2017 budget to delay federal oil revenue payments to Alabama, Louisiana, Mississippi and Texas. The funding, which would give 37.5% of federal oil revenue from drilling operations on the Gulf Coast to the states, "is seen as especially important for coastal and wetland restoration."

Faison: "Conservative Clean Energy" Should Be "Priority" For GOP. Bloomberg Politics (3/8, Dlouhy) reports activist Jay Faison "says Republicans' political survival depends on embracing clean energy – whether a candidate believes in climate change or not – and he's backing that up with tens of millions of dollars." Faison, who is opening a new Washington office for his environmental foundation ClearPath, said Tuesday, "Our mission is to make conservative clean energy a priority for the GOP." Faison added, "It may take some time, but absolutely, we can do it. It's critical for the longevity of the Republican party."

The Hill (3/8, Henry) reports that ClearPath's policy agenda "centers on more traditional energy sources" and opposes new EPA power sector

pollution rules. ClearPath's "four planks" include using cleaner-burning coal and natural gas, as well as expanding nuclear and hydroelectric power. Faison has said he is skeptical about the long-term costs of solar and wind power. McClatchy (3/8, Gordon) reports that Faison has "recalibrated his campaign to focus on a 'conservative clean-energy policy agenda' that nonetheless is aimed at fighting global warming by reducing greenhouse gas emissions."

Analysis: Sanders, Clinton Show "Significant Difference" On Fracking Stance. The Washington Post (3/8, Mooney) reported on the "significant difference" between Hillary Clinton and Sen. Bernie Sanders when it comes to their stance on fracking. At Sunday night's debate in Flint, Michigan, Sanders said, "I do not support fracking. ... I talk to scientists who tell me that fracking is doing terrible things to water systems all over this country. We have gotta be bold now. We gotta transform our energy system to energy efficiency and sustainable energy." Clinton's view "was more nuanced," and while she said she doesn't support fracking in several situations, "she came far short of opposing it outright."

WPost: Sanders' Stance On Fracking Is "Utterly Unrealistic." In an editorial, the Washington Post (3/8) says Sanders' statements on fracking during Sunday night's debate "were more firmly grounded in ideology than reality." Calling Sanders' position "utterly unrealistic," the Post argues he is claiming "without sufficient evidence" that "fracking is so intrinsically dangerous that the government must ban it rather than regulate it."

HAZARDOUS WASTE:

Scientists Express Concerns Over CRE Superbug Getting Into Sewage Treatment Plants. CBS News (3/8, Kraft) reports on its website that "some scientists are raising alarms" about what happens when the CRE superbug "gets into sewage treatment plants." CRE, which is resistant to traditional antibiotics, has been found to have "a welcoming environment in which to proliferate in sewage plants." Last fall, EPA scientists "detected the bacteria in a sewage treatment plant in Southern California, thought to have been brought there with the millions of gallons of raw sewage from area hospitals." Southern California Public Radio (3/8) reports on its website that "regional wastewater managers say it's unlikely any CRE coming from hospitals through sewage would pose a public health problem."

State Officials Act To Halt Illegal Radioactive Waste Shipment Into Kentucky. The Louisville (KY) Courier-Journal (3/8, Bruggers) reports that Kentucky officials are beginning to take enforcement actions in the investigation of radioactive oil and gas drilling wastes brought illegally into the state and dumped at two landfills. State health officials with the Kentucky Energy and Environment Cabinet ordered Advanced TENORM Services, the "company they say hauled the fracking waste into Kentucky," to "stop or face $100,000 per incident fines and potential criminal charges." The officials also sent violation notices to the two landfills claiming the landfill operators in Greenup and Estill counties "failed to accurately characterize the waste for what it was."

RULES/REGULATIONS/POLICY:

Gold King Mine Investigators Ordered Not To Review EPA Actions. The Daily Caller (3/8, Barton) reports that internal emails indicate that Interior Department investigators were ordered to avoid aspects of their investigation related to the EPA's conduct related to spilling 3 million gallons of mine waste into drinking water. According to BOR Technical Service Director Thomas Luebke, "It has been our understanding from the beginning that we were being hired to perform a technical evaluation of the causes," and inquiry into the EPA's handling of the mine was to be conducted "by others more suitable to that undertaking." Asked by the Army Corps of Engineers' Richard Olsen, who peer reviewed the resulting report, who issued the order, Luebke failed to provide the information.

West Virginia Environmental Protection Secretary Slams EPA Regulations. The Charleston (WV) Gazette-Mail (3/8, Ward) reports West Virginia Secretary of Environmental Protection Randy Huffman says the EPA is "wrongly pressuring West Virginia environmental officials on air quality and water

pollution issues in an effort to 'totally remake the American regulatory landscape.'" In a letter to the Senate Environment and Public Works Committee, Huffman criticized "what he called a 'continual parade of new regulatory demands' that are over-burdening state agencies that 'are already resource-constrained in carrying out existing mandates.'" Huffman is one of the state officials who will testify before the committee today on the relationship between state agencies and the EPA.

National Mining Association Head Defends Analysis On EPA Rule. In the Indianapolis Star (3/8), Hal Quinn, president and CEO, National Mining Association, responds to a recent IndyStar "Truth Squad" analysis that discounts studies broadcast by Americans for Prosperity in support of Gov. Mike Pence's decision to reject the EPA's plan restricting gas emissions from power plants. Quinn points out that the Truth Squad elects to "discount studies by our organization and others showing the high costs of this rule," but touts the EPA's "own low-cost estimates," even though the agency's previous predictions on the power plant rule have been inadequate.

EPA IG Announces Fieldwork Into Compliance With Federal Information Security Modernization Act. E&E Publishing (3/9, Bogardus) reports on a Friday notice in which "the EPA inspector general said it would begin fieldwork on the agency's compliance with the Federal Information Security Modernization Act. The IG's audit is required under law and was included in the watchdog's annual plan."

TOXICS/TSCA:

Oregon To Release Soil Test Results From Portland Factories This Week. Reuters (3/8, Sebens) reports that the Oregon Health Authority this week intends to release US Forest Service soil test results from the neighborhoods near two glass factories in Portland, Oregon that are facing a class action lawsuit for emissions of arsenic and cadmium that local residents fear have polluted their communities.

WATER:

Critics Seek EPA Intervention Into Florida Power & Light Canal Issues. The Miami Herald (3/8, Staletovich) reports critics said Tuesday that Florida Power & Light's "troubled cooling canals, blamed for contaminating groundwater and now found to be leaking into Biscayne Bay, are likely violating local water laws and federal operating permits." Democratic state Rep. Jose Javier Rodriguez and others "also demanded the U.S. Environmental Protection Agency intervene." Rodriguez said, "This is the last straw. Evidence of radioactive material at high density in Biscayne Bay? How much more do we need to see?"

Dallas ISD Employees Moved To New Building Due To Lead. The Dallas Morning News (3/8) reports that several hundred Dallas Independent School District employees are being relocated "after water testing found lead and other problems" at their building. EFI Global senior project manager Kim McGraw "said some samples showed lead and byproducts of disinfectant in the water supply. He also said some of the water samples had cloudiness, which the Environmental Protection Agency would consider higher than normal." KDFW-TV Dallas (3/8, 10:19 p.m. CT) broadcast a brief report.

North Carolina Health Department Lifts Water Advisories On Private Wells Near Duke Energy Ash Ponds. The Charlotte (NC) Observer (3/8, Henderson) reports the North Carolina Department of Health and Human Services said it was rescinding advisories concerning the safety of drinking well water in Gaston and Rowan counties near Duke Energy's ash ponds. About a year ago, the department issued the advisories and Duke Energy began providing residents affected by the advisories with bottled water, although it claims it is not responsible for the elevated levels of hexavalent chromium and vanadium found in some of the area's private wells.

Salt Lake Tribune Notes Utah Bill On Scientific Review Of Administrative Lawmaking Action. The Salt Lake (UT) Tribune (3/9) reports on a Utah bill that would make it "the third state," after Minnesota and

California, "to pass legislation on scientific review of administrative lawmaking action." The Tribune reports that the bill has "drawn criticism from the Environmental Protection Agency, which sent a letter to the state Division of Water Quality warning that the bill could cause the state to violate federal law. Under the Clean Water Act, the EPA could require the state to revise the law or even revoke the state's authority to manage water quality independently."

LAST LAUGHS:

Late Night Political Humor.

Jimmy Kimmel: "From the popular Donald Trump reality show, Mitt Romney is here with us tonight. You know in the movies when the monster's rampaging through the city and all hope seems to be lost, and then the government tracks down a scientist who swore he would never come out of retirement and asks him to save us? That's why Mitt Romney is here tonight. To destroy the Donald on National Pancake Day."

Jimmy Kimmel: "Today is what CNN is calling Super Tuesday Two. There were primaries and caucuses in four states today: Michigan, Hawaii, Idaho and Mississippi. Donald Trump was in Mississippi yesterday. And I don't know if he was confused. Maybe he's forgetting where he is now. He's been in so many places. But weirdly, he took time out of his speech in Mississippi to talk about the potatoes in Idaho."

Jimmy Kimmel: [Referring to the various presidential candidates' campaign stores] "Dr. Ben Carson had some fun items for sale. ... Like this – the Ben Carson scrub top, complete with a name tag that says Ben Carson, pediatric neurosurgeon. It isn't so much a great way to support Ben Carson as it is a way to impersonate Ben Carson. It's a way to do illegal surgery under an assumed name."

Jimmy Kimmel: "Surprisingly, Donald Trump's shop is slightly more subdued than the other candidates. Other than the fact that he's offering 17 different kinds of 'Make America Great Again' hats. He's also selling baby onesies. Because you know, babies scream all day, also. So that's a perfect gift for them."

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As-it-happens update March 31, 2016

NEWS

Alaska Dispatch News

EPA's retired scientist comes back to the US to testify about Pebble

Alaska Dispatch News

North worked as a Soldotna-based ecologist for the U.S. **Environmental Protection Agency**, and Pebble contends he came up with the scheme for **EPA** ...

Flag as irrelevant

Daily Caller

EPA Keeping Secrets On Gold King Mine Disaster

Daily Caller

Environmental Protection Agency (**EPA**) officials refuse to answer two questions surrounding the August 2015 Gold King Mine spill that would help ...

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As-it-happens update March 30, 2016

NEWS

Billings Gazette

Former **EPA** lead investigator in Pavillion releases study linking fracking to water contamination

Billings Gazette
The study, by DiGulio and fellow Stanford University researcher Robert Jackson, concludes much of the alarm over the **EPA's** 2011 draft report was ...

Flag as irrelevant

Daily Caller

Gold King Mine Owner Fears **EPA's** 'Limitless Legal Budget'

Daily Caller
Environmental Protection Agency (**EPA**) officials forced Gold King Mine owner Todd Hennis to give them access to his property, but he won't sue the ...

Flag as irrelevant

POWER magazine

Clean Power Plan Backers Petition Court in Support of **EPA**

POWER magazine
A diverse coalition of major investor-owned utilities, public power authorities, and one of the largest independent power producers, as well as a ...

Flag as irrelevant

US **EPA** requires Southern California contractor to warn residents of lead-based paint dangers

U.S. EPA.gov (press release)
SAN FRANCISCO – The U.S. **Environmental Protection Agency** recently fined G.D. Friend, Inc. (operating as Everlast Home Energy Solutions) ...

Flag as irrelevant

Business Wire (press release)

Xcel Energy Joins **EPA's** Methane Challenge

Business Wire (press release)
MINNEAPOLIS--(BUSINESS WIRE)--Xcel Energy joined the launch of the U.S. **Environmental Protection Agency's** Natural Gas STAR Methane ...

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As-it-happens update March 22, 2016

NEWS

EPA collects 3000 tons of eastern Missouri flood debris

Bryan-College Station Eagle

LOUIS (AP) — The **Environmental Protection Agency** says its contractors collected nearly 3,000 tons of residential debris and hazardous material as ...

EPA teams collected nearly 3000 tons of residential debris and hazardous materials from ... - Lakenewsonline.com

Full Coverage

Flag as irrelevant

EPA Chief Says There Was No 'Negligence' In The Gold King Mine Blowout

Daily Caller

Environmental Protection Agency Administrator Gina McCarthy told federal lawmakers Tuesday morning investigators looking into the agency-caused ...

Flag as irrelevant

EPA steps in to protect clean air near power plants, citing state failure

Southgate News Herald

The U.S. **Environmental Protection Agency** announced this month that the Michigan Department of Environmental Quality violated federal clean air ...

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As-it-happens update March 18, 2016

NEWS

Arkansas Online

Lawmakers urge leaders of **EPA**, Michigan to quit

Arkansas Online

WASHINGTON -- The head of the **Environmental Protection Agency** and the governor of Michigan faced calls to resign from angry lawmakers ...

Flag as irrelevant

Truth In Media

Navajo Prez Says Suicides Spiked After **EPA's** Gold King Mine Disaster

Truth In Media

By Ethan Barton – Navajo suicides have allegedly spiked since the **Environmental Protection Agency** (**EPA**) caused three million gallons of toxic waste ...

Double Standards Pollute **EPA** Enforcement - Town Hall

Full Coverage

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As-it-happens update February 18, 2016

NEWS

Two Ohio **EPA** employees fired, one demoted over Sebring water

WYTV

SEBRING, Ohio (WYTV) – Two employees of the Ohio Environmental Protection Agency have been terminated and one has been demoted due to the ...

Flag as irrelevant

EDITORIAL: Don't hesitate to sue **EPA** again

Colorado Springs Gazette

Colorado has no plans to sue the **EPA** for causing the toxic Gold King Mine spill into the Las Animas River last summer. So says a spokeswoman for ...

Flag as irrelevant

Gov't Report Slams **EPA** For Not Enforcing Drinking Water Law In Flint

Daily Caller

CRS reported Tuesday the federal Safe Drinking Water Act (SWDA) "provides that, when **EPA** finds that a water system is not in compliance, **EPA** must ...

Flag as irrelevant

EPA forced to put safeguards to protect communities from spills

WOWK

The lawsuit was filed in this past July and the lawsuit alleged the **EPA** failed to prevent hazardous spills from industrial facilities, including ...

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As-it-happens update February 3, 2016

NEWS

Daily Caller

EPA May Have Influenced Gold King Mine Report's Independence

Daily Caller

New evidence may "contradict" **Environmental Protection Agency** Administrator (**EPA**) Gina McCarthy's "repeated assertions" to the Senate Committee ...

Flag as irrelevant

Jezebel

In Flint, the FBI, EPA and Congress Are All Hunting for Who's to Blame

Jezebel

The search for who's responsible for Flint's lead poisoned water crisis has begun in earnest, as the FBI, **EPA** and Congress drill down on who did what ...

'The most critical witness of all' was notably absent from a heated hearing on the poisoning of Flint ... - Business Insider

What Good is the EPA? - Roll Call (registration) (blog)

The Latest: EPA water chief says Flint crisis was avoidable - The Sun Herald

Full Coverage

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POWER magazine

EPA, DOE Experts Upbeat on Regulatory Agenda

POWER magazine

The **Environmental Protection Agency's** (**EPA's**) acting administrator of the Office of Air and Radiation, and the Department of Energy's (DOE's) head of ...

Flag as irrelevant

EPA Publishes FIFRA Use Site Index for Antimicrobial Pesticides

The National Law Review

On January 27, 2016, the U.S. **Environmental Protection Agency** (**EPA**) issued an Antimicrobial Pesticide Use Site Index (USI) to provide guidance to ...

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As-it-happens update February 3, 2016

NEWS

The Guardian

Flint water crisis: Michigan officials ignored **EPA** warnings about toxicity

The Guardian

The **Environmental Protection Agency** warned of an unfolding toxic water crisis in Flint but was "met with resistance" by Michigan authorities, a fiery ...

EPA water chief says Flint crisis was avoidable - WPSD Local 6

Tale of Two Rivers Part 2: **EPA** Criminally Investigates Flint, Not Gold King Mine - Daily Caller

EPA water chief: Flint water crisis was 'avoidable' - New Jersey 101.5 FM Radio

Full Coverage

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Toledo Blade

Brown addresses allegations against Ohio **EPA**

Toledo Blade

"The Ohio **EPA** failed to step in," Mr. Brown told reporters during a noon hour conference call, saying his conclusion was based on discussions with ...

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Huffington Post

Risky Business: Court Requires **EPA** to Issue Financial Assurance Rules for Industries Handling ...

Huffington Post

Hardrock mining has left a toxic legacy in communities across the country. Under a new court-approved settlement, **EPA** must issue regulations that ...

Flag as irrelevant

Crooksville gas leak shows need for US **EPA** to issue comprehensive oil and gas methane standards

Earthworks (blog)

The U.S. **EPA** has recently taken action to hold the oil and gas industry accountable for detecting and repairing methane leaks for oil and gas ...

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As-it-happens update January 1, 2016

NEWS

Daily Caller

These Are The Most ABSURD 2015 **EPA** Power-Grabs Of Dubious Legality

Daily Caller

The **EPA** has made a lot of power grabs of dubious legality over the last year, from forcing unpopular regulations through over the objections of ...

Flag as irrelevant

The Year in Pollution: Here Are The Nastiest Cases of Toxic Discharge in 2015

Newsweek

The U.S. **Environmental Protection Agency** said that a cleanup team was working with heavy equipment to secure an entrance to the Gold King Mine.

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From: StClair, Christie
Sent: Thur 4/14/2016 12:22:56 PM
Subject: Re: NANCY - Fwd: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Not sure it's worth it at this point. Here is the story that he ran:

http://dailycaller.com/2016/04/14/feds-poison-a-river-with-lead-and-arsenic-still-wont-protect-locals/

Christie St. Clair
U.S. EPA Office of Media Relations
c: 202-768-5780

On Apr 14, 2016, at 8:15 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Thanks .. so joan should continue the vetting in 8? Thanks ng

From: StClair, Christie
Sent: Thursday, April 14, 2016 8:15 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: NANCY - Fwd: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

No, not without your approval.

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 14, 2016, at 7:31 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Did we send a statement last night. Thanks ng

From: StClair, Christie
Sent: Wednesday, April 13, 2016 8:47 PM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: NANCY - Fwd: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

The question is: To be clear on my second question: the EPA does not have a plan to immediately protect human health and wildlife if measurements during storm events show contaminates reached dangerous levels. Is that correct?

Our answer would be:

"We are going to continue monitoring, fund state and tribal monitoring, and if additional action is required we will take it."

I don't think that responds to the question. It also sets us up to take additional action if water quality is poor. Which it is, because of the broader issues of mine drainage in the region.

Also would we not need to also vet with OLEM and OW before sending this very different new version?

I don't understand why there are any concerns with the original version.

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 13, 2016, at 8:40 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

> See Joan suggestion - I agree it is a better approach thx ng
>
> Sent from my iPhone

Begin forwarded message:

From: "Card, Joan" <Card.Joan@epa.gov>
Date: April 13, 2016 at 8:36:12 PM EDT
To: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Subject: Re: NANCY - Fwd: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

IMight be easier to stay our plan is to continue monitoring, fund state tribal plans and and if it indicates specific additional action is required we will take it. It doesn't satisfy people, I know.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 6:09 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

What do you think thx ng

Sent from my iPhone

Begin forwarded message:

From: "StClair, Christie" <StClair.Christie@epa.gov>
Date: April 13, 2016 at 7:57:29 PM EDT
To: "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Subject: NANCY - Fwd: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

I'd like to go ahead and send without r8 concurrence.

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

Begin forwarded message:

From: "StClair, Christie" <StClair.Christie@epa.gov>
Date: April 13, 2016 at 7:56:27 PM EDT
To: "Card, Joan" <Card.Joan@epa.gov>
Cc: "Wall, Tom" <Wall.Tom@epa.gov>, "Deitz, Randy" <Deitz.Randy@epa.gov>, "Jenkins, Laura Flynn" <Jenkins.Laura@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Loop, Travis" <Loop.Travis@epa.gov>, "Schollhamer, Mary" <Schollhamer.Mary@epa.gov>, "Belle, Kara" <Belle.Kara@epa.gov>, "Wells, Suzanne" <Wells.Suzanne@epa.gov>, "Mattas-Curry, Lahne" <Mattas-Curry.Lahne@epa.gov>, "Evans, David" <Evans.David@epa.gov>, "Bravo, Antonio" <Bravo.Antonio@epa.gov>, "Holdsworth, Susan" <Holdsworth.Susan@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

His story is posting tonight and will say we have no plan for water quality spikes.

This is the response we'd like to send right away:

> EPA does not anticipate ~~any~~ threats to human health or wildlife that are greater than what the watershed has historically experienced.

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 13, 2016, at 7:54 PM, Card, Joan <Card.Joan@epa.gov> wrote:

> I don't expect it will come tonight, but perhaps. Please be

sure to point out new language so Laura and I can get it to the right folks.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 5:51 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

> No we need r8 concurrence asap please
>
> Christie St. Clair
>
> U.S. EPA Office of Media Relations
>
> c: 202-768-5780
>
> On Apr 13, 2016, at 7:50 PM, Card, Joan <Card.Joan@epa.gov> wrote:
>
>> Christie or Laura, our folks have vetted that statement, correct?
>>
>> Joan Card
>>
>> Senior Policy Advisor
>>
>> Region 8
>>
>> Sent from my EPA iPhone
>>
>> On Apr 13, 2016, at 3:50 PM, Wall, Tom <Wall.Tom@epa.gov> wrote:
>>
>>> Will defer to Region 8 and ORD re: this statement though, based on my limited experience it seems reasonable:

From: Deitz, Randy
Sent: Wednesday, April 13, 2016 5:47 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Mattas-Curry, Lahne <Mattas-Curry.Lahne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

I think that is an accurate statement, but I will defer to my colleagues more familiar with ongoing sampling. I would remove the word "any".

EPA does not anticipate ~~any~~ threats to human health or wildlife that are greater than what the watershed has historically experienced. Local authorities have response protocols in place for high-flow events. San Juan Basin Health Department, for example, recently performed a notification exercise for just that type of scenario.

Randy Deitz

Attorney Advisor

Office of Land and Emergency Management

(202) 566-0197

From: StClair, Christie
Sent: Wednesday, April 13, 2016 5:33 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>; Mattas-Curry, Lahne <Mattas-Curry.Lahne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Since the MSI study isn't public and the ORD study isn't final yet, and this is due today for a story running tonight, I'd like to keep this simple.

Could we do something along these lines:

EPA does not anticipate any threats to human health or wildlife that are greater than what the watershed has historically experienced. Local authorities have response protocols in place for high-flow events. San Juan Basin Health Department, for example, recently performed a notification exercise for just that type of scenario.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Jenkins, Laura Flynn
Sent: Wednesday, April 13, 2016 4:45 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8

ACTION - Daily Caller (DDL COB today): GKM water quality

I'll defer to those with more expertise than me for specifics but it seems like we could use one or more these approaches:

1. State upfront that we do not anticipate a threat to human health or wildlife during high flow events (e.g., dilution factor in play) and then cite ORD study/MSI report/other studies indicating spring runoff is expected to be similar to previous years

2. Specifically refute assumption that we don't have a plan, as well as assumption that we will do nothing

a. Reference local response protocols for high flow events, e.g., SJBHD's notification process that was recently exercised; while also explaining the roles/responsibilities of local health departments in these types of situations

b. Reference our existing monitoring plan and notification procedures

Not super helpful but this is clearly a loaded question and I think correcting his erroneous assumptions straight-on is always a wise choice wit this reporter.

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: StClair, Christie
Sent: Wednesday, April 13, 2016 1:52 PM
To: Card, Joan <Card.Joan@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

All, please send me your thoughts on how best to respond to this follow-up from the reporter:

To be clear on my second question: the EPA does not have a plan to immediately protect human health and wildlife if measurements during storm events show contaminates reached dangerous levels. Is that correct?

Thanks,
Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: StClair, Christie
Sent: Wednesday, April 13, 2016 2:54 PM
To: Card, Joan <Card.Joan@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Thanks, everybody, for your help. Below is the final I'll send.

1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?

Yes. All monitoring sites are listed in the final plan, which is on the Gold King Mine response site. Here is the document's url: https://www.epa.gov/sites/production/files/2016-03/documents/post-gkm-final-conceptual-monitoring-plan_2016_03_24_16.pdf

You'll find the sites listed on pages 13-15.

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources.

Acid mine drainage has been released into the rivers for many decades and winter runoff and major storms may kick up material that had settled to the bottom of the rivers. So those using the river for recreation, agriculture or drinking water should use the same precautions they always have.

The EPA is currently working with state, local

and tribal stakeholders to address long-term solutions, including recently proposing the Bonita Peak Mining District to the National Priorities List (NPL).

There may be occasions when the metal concentrations fluctuate from time to time because of water surges due to heavy rains or other events that may change the water flow rates or volume, but ~~this should not diminish the fact that~~ the river system as a whole is being maintained at pre-event conditions. We have released a monitoring plan to determine any longer term impacts and are currently working with local and state stakeholders to implement those efforts.

Here is some additional background on the region you may find useful.

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in

2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas. SITE RISK: Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

3. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?

Prior to completing an RI/FS, EPA will not know what the site's cleanup scope will be, and, therefore, we can't estimate how long cleanup actions will take. At all sites, the length of time to complete all remediation work depends on a number of site specific factors. For example, it's hard to predict what year the remedial investigation and feasibility study will be done, how many other sites will be in the queue for funding that year, and whether there will be one or more PRPs helping pay for the cleanup. We also don't know yet what the exact problems are, and what the remedies should be --- that information, which will be included in the remediation proposal, will ultimately determine project cost and timeline.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Card, Joan
Sent: Wednesday, April 13, 2016 2:50 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Having heard no other input from LT, ok.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 1:45 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Joan, does R8 concur with the version below?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Card, Joan
Sent: Wednesday, April 13, 2016 2:33 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Wall, Tom <Wall.Tom@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Now I see that deletion. Thanks.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 1:31 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

> I agree – it leans too far in .. in my view.
>
> Thanks ng
>
> **From:** Wall, Tom
> **Sent:** Wednesday, April 13, 2016 2:31 PM
> **To:** StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
> **Cc:** Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
> **Subject:** RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Defer to Region 8 and ORD, but I think it's safer to omit this sentence, which is shown as struck in the proposed text below: ~~***The metals detected from the August 5th release are no different in content than what would be expected from historical discharges.***~~

Tom W.

From: StClair, Christie
Sent: Wednesday, April 13, 2016 2:18 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Some tweaks below. GTG from R8? OW?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Jenkins, Laura Flynn
Sent: Wednesday, April 13, 2016 1:41 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Christie:

I found the 1st part of the response to #2 a bit confusing so embedded some language from a similar response that might work. The language I embedded was previously vetted – however – it was written before the monitoring plan was finalized so I updated it to reflect that change. OW/ORD should also confirm that the following sentence is still accurate and, if not, it should be stricken: ***The metals detected from the August 5th release are no***

different in content than what would be expected from historical discharges.

Thanks for the chance to review.

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: StClair, Christie
Sent: Wednesday, April 13, 2016 11:00 AM
To: Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Ethan Barton is looking for our response on this by end of today. We've addressed most of this previously, so I'm just looking for OW, OLEM IO, and R8 approval before sending.

1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?

[OW review – this is a new response] Yes. All monitoring sites are listed in the final plan, which is on the Gold King Mine response site. Here is the document's url: https://www.epa.gov/sites/production/files/2016-03/documents/post-gkm-final-conceptual-monitoring-plan_2016_03_24_16.pdf

You'll find the sites listed on pages 13-15.

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

[Do R8 or OW have anything to add? This is from previous responses, and the fact sheet on the GKM site.] Historically, the Animas River has an elevated

"normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources. ~~There are literally hundreds of old mines, ore processing locations and other places where acid mine drainage containing metals enters small streams and creeks that ultimately enter the Animas River.~~

Acid mine drainage has been released into the rivers for many decades and winter runoff and major storms may kick up material that had settled to the bottom of the rivers. So those using the river for recreation, agriculture or drinking water should use the same precautions they always have.

The EPA is currently working with state, local and tribal stakeholders to address long-term solutions ~~to the acid mine drainage discharging into the Upper Animas watershed~~, including **recently proposing the Bonita Peak Mining District to the National Priorities List (NPL)** ~~a proposed NPL listing~~,

~~Please note that water discharge from several mines in this area have been flowing into the Animas and San Juan river system for over 100 years. The metals detected from the August 5th release are no different in content than what would be expected from historical discharges.~~ Results of samples taken subsequent to the release indicate that metal concentrations in the surface waters and sediments have been generally at those pre-

event conditions. ~~It should be noted that~~ There may be occasions when the metal concentrations fluctuate from time to time because of water surges due to heavy rains or other events that may change the water flow rates or volume, but ~~this should not diminish the fact that~~ the river system as a whole is being maintained at pre-event conditions. We have released a monitoring plan to determine any longer term impacts and are currently working with local and state stakeholders to implement those efforts.

Here is some additional background on the region you may find useful.

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with

Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas. SITE RISK: Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

3. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost

estimates to finish cleaning just Gold King Mine and the Animas River?

[OLEM review – ok to use language from previous responses?.] Prior to completing an RI/FS, EPA will not know what the site's cleanup scope will be, and, therefore, we can't estimate how long cleanup actions will take. At all sites, the length of time to complete all remediation work depends on a number of site specific factors. For example, it's hard to predict what year the remedial investigation and feasibility study will be done, how many other sites will be in the queue for funding that year, and whether there will be one or more PRPs helping pay for the cleanup. We also don't know yet what the exact problems are, and what the remedies should be --- that information, which will be included in the remediation proposal, will ultimately determine project cost and timeline.

EPA does not anticipate ~~any~~ threats to human health or wildlife that are greater than what the watershed has historically experienced.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: Deitz, Randy[Deitz.Randy@epa.gov]
From: StClair, Christie
Sent: Wed 4/13/2016 6:57:00 PM
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

I didn't see this version! Sorry. Will re-send to reporter.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Deitz, Randy
Sent: Wednesday, April 13, 2016 2:56 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

NO, please use the revised final paragraph I sent (Q.3.) See below.

Prior to completing a Remedial Investigation and Feasibility Study (RI/FS), EPA will not know what the site's cleanup scope will be, and, therefore, we can't estimate how long cleanup actions may take. At all Superfund sites, the length of time to complete remediation work depends on a number of site specific factors. For example, it's hard to predict when the RI/FS will be done, how many other Superfund projects will be in the queue for construction funding that year, and whether there will be one or more responsible

parties (PRPs) helping to pay for the cleanup. We also don't know yet what are all of the problems that need to be addressed, and therefore what the cleanup remedies should be --- that information, which will be included in the proposed remediation plan, will ultimately help determine project cost and timeline.

Randy Deitz

Attorney Advisor

Office of Land and Emergency Management

(202) 566-0197

From: StClair, Christie
Sent: Wednesday, April 13, 2016 2:54 PM
To: Card, Joan <Card.Joan@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Thanks, everybody, for your help. Below is the final I'll send.

1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?

Yes. All monitoring sites are listed in the final plan, which is on the Gold King Mine response site. Here is the document's url: https://www.epa.gov/sites/production/files/2016-03/documents/post-gkm-final-conceptual-monitoring-plan_2016_03_24_16.pdf

You'll find the sites listed on pages 13-15.

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources.

Acid mine drainage has been released into the rivers for many decades and winter runoff and major storms may kick up material that had settled to the bottom of the rivers. So those using the river for recreation, agriculture or drinking water should use the same precautions they always have.

The EPA is currently working with state, local and tribal stakeholders to address long-term solutions, including recently proposing the Bonita Peak Mining District to the National Priorities List (NPL).

There may be occasions when the metal concentrations fluctuate from time to time because of water surges due to heavy rains or other events that may change the water flow rates or volume, but ~~this should not diminish the fact that~~ the river system as a whole is being maintained at pre-event conditions. We have released a monitoring plan to determine any longer term impacts and are currently working with local and state stakeholders to implement those efforts.

Here is some additional background on the region you may find useful.

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement

Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas. SITE RISK: Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

3. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?

Prior to completing an RI/FS, EPA will not know what the site's cleanup scope will be, and, therefore, we can't estimate how long cleanup actions will take. At all sites, the length of time to complete all remediation work depends on a number of site specific factors. For example, it's hard to predict what year the remedial investigation and feasibility study will be done, how many other sites will be in the queue for funding that year, and whether there will be one or more PRPs helping pay for the cleanup. We also don't know yet what the exact problems are, and what the remedies should be --- that information, which will be included in the remediation proposal, will ultimately determine project cost and timeline.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Card, Joan
Sent: Wednesday, April 13, 2016 2:50 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Having heard no other input from LT, ok.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 1:45 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

> Joan, does R8 concur with the version below?
>
> **Christie St. Clair**
>
> Office of Public Affairs
>
> Environmental Protection Agency
>
> Washington, DC
>
> o: 202-564-2880
>
> m: 202-768-5780

From: Card, Joan
Sent: Wednesday, April 13, 2016 2:33 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Wall, Tom <Wall.Tom@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: Re: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Now I see that deletion. Thanks.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Apr 13, 2016, at 1:31 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

> I agree – it leans too far in .. in my view.
>
> Thanks ng
>
> **From:** Wall, Tom
> **Sent:** Wednesday, April 13, 2016 2:31 PM
> **To:** StClair, Christie <StClair.Christie@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
> **Cc:** Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
> **Subject:** RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality
>
> Defer to Region 8 and ORD, but I think it's safer to omit this sentence, which is shown as struck in the proposed text below: ~~***The metals detected from the August 5th release are no different in content than what would be expected from historical discharges.***~~

Tom W.

From: StClair, Christie
Sent: Wednesday, April 13, 2016 2:18 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Some tweaks below. GTG from R8? OW?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Jenkins, Laura Flynn
Sent: Wednesday, April 13, 2016 1:41 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: RE: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Christie:

I found the 1st part of the response to #2 a bit confusing so embedded some language from a similar response that might work. The language I embedded was previously vetted – however – it was written before the monitoring plan was finalized so I updated it to reflect that change. OW/ORD should also confirm that the following sentence is still accurate and, if not, it should be stricken: ***The metals detected from the August 5th release are no different in content than what would be expected from historical discharges.***

Thanks for the chance to review.

Laura Jenkins

Media Officer

USEPA-Region 8

1595 Wynkoop St.

Mailcode: 8-OC

Denver, CO 80202

Landline: 303-312-6256

Cell: 202-360-8453

Fax: 303-312-6961

From: StClair, Christie
Sent: Wednesday, April 13, 2016 11:00 AM
To: Wall, Tom <Wall.Tom@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Belle, Kara <Belle.Kara@epa.gov>; Wells, Suzanne <Wells.Suzanne@epa.gov>
Subject: OW, RANDY, R8 ACTION - Daily Caller (DDL COB today): GKM water quality

Ethan Barton is looking for our response on this by end of today. We've addressed most of this previously, so I'm just looking for OW, OLEM IO, and R8 approval before sending.

1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?

[OW review – this is a new response] Yes. All monitoring sites are listed in the final plan, which is on the Gold King Mine response site. Here is the document's url: https://www.epa.gov/sites/production/files/2016-03/documents/post-gkm-final-conceptual-monitoring-plan_2016_03_24_16.pdf

You'll find the sites listed on pages 13-15.

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

[Do R8 or OW have anything to add? This is from previous responses, and the fact sheet on the GKM site.] Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources. ~~There are literally hundreds of old mines, ore processing locations and other places where acid mine drainage containing metals enters small streams and creeks that ultimately enter the Animas River.~~

Acid mine drainage has been released into the rivers for many decades and winter runoff and major storms may kick up material that had settled to the bottom of the rivers. So those using the river for recreation, agriculture or drinking water should use the same precautions they always have.

The EPA is currently working with state, local and tribal stakeholders to address long-term solutions ~~to the acid mine drainage discharging into the Upper Animas watershed~~, including **recently proposing the Bonita Peak Mining District to the National Priorities List (NPL)** ~~a proposed NPL listing~~,

~~***Please note that water discharge from several mines in this area have been flowing into the Animas and San Juan river system for over 100 years. The metals detected from the August 5th release are no different in content than what would be expected from historical discharges.***~~ ***Results of samples taken subsequent to the release indicate that metal concentrations in the surface waters and sediments have been generally at those pre-event conditions.*** ~~***It should be noted that***~~ ***There may be occasions when the metal***

concentrations fluctuate from time to time because of water surges due to heavy rains or other events that may change the water flow rates or volume, but ~~this should not diminish the fact that~~ the river system as a whole is being maintained at pre-event conditions. We have released a monitoring plan to determine any longer term impacts and are currently working with local and state stakeholders to implement those efforts.

Here is some additional background on the region you may find useful.

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas. SITE RISK: Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

3. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?

[OLEM review – ok to use language from previous responses?.] Prior to completing an RI/FS, EPA will not know what the site's cleanup scope will be, and, therefore, we can't estimate how long cleanup actions will take. At all sites, the length of time to complete all remediation work depends on a number of site specific factors. For example, it's hard to predict what year the

remedial investigation and feasibility study will be done, how many other sites will be in the queue for funding that year, and whether there will be one or more PRPs helping pay for the cleanup. We also don't know yet what the exact problems are, and what the remedies should be --- that information, which will be included in the remediation proposal, will ultimately determine project cost and timeline.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: Ethan Barton[ethan@dailycallernewsfoundation.org]
From: StClair, Christie
Sent: Wed 3/30/2016 6:54:27 PM
Subject: RE: Gold King Mine owner

If not, no worries, it's just more accurate because of its specificity.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 2:53 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Gold King Mine owner

I'll see if I can get that added.

On Wed, Mar 30, 2016 at 2:49 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

If it's not too late, I'd love a slight tweak to that comment:

EPA has not formally noticed any potentially responsible parties (PRPs) at this site and no decisions have been made concerning from which PRPs, if any, the agency will seek

recovery of its response costs.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 2:33 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Gold King Mine owner

Got it, thanks.

On Wed, Mar 30, 2016 at 2:15 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

From a spox:

EPA has not formally noticed any potentially responsible parties (PRPs) at this site and no decisions have been made concerning which PRPs, if any, the agency might pursue.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 12:25 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Gold King Mine owner

Thanks, Christie, I'll include this. Will Hennis be one of the parties EPA could seek funding from for the Bonita Peak Mining District site?

Any updates on my CERCLIS questions?

On Wed, Mar 30, 2016 at 12:19 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Ethan,

Here is a copy of a letter to Rep. Tipton that hopefully answers the question about threatening Hennis.

Please let me know if you need anything more.

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 12:13 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Gold King Mine owner

Hi Christie,

Does the EPA have a response to Gold King Mine owner Todd Hennis' claim that the EPA forced him to sign a Consent for Access to Property agreement and his fear of the EPA's "limitless legal budget"?

I'm writing this for immediate publication and expect to have the story to my editor before 2 pm.

Here's the link to the original article.

http://www.durangoherald.com/article/20160329/NEWS01/160329594/Gold-King-owner-says-EPA-forced-access-agreement-renewal

Also, any updates on my additional superfund questions?

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: StClair, Christie
Sent: Sat 3/12/2016 2:30:08 AM
Subject: Re: OLEM/OSRTI/R8 ACTION - Daily Caller (DDL 5pm EST today): GKM

I'll send him 1, 2 and 3 - I couldn't track down any previous responses for 4.

Sent from my iPhone

On Mar 11, 2016, at 6:19 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

> Seems that 1-2-3-4 have been used before - send him those and on Monday?
>
> Sent from my iPhone
>
> On Mar 11, 2016, at 6:08 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:
>
> > First of two
> >
> > Sent from my iPhone
> >
> > Begin forwarded message:
> >
> > **From:** "StClair, Christie" <StClair.Christie@epa.gov>
> > **Date:** March 11, 2016 at 3:26:47 PM EST
> > **To:** "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Cohen, Nancy" <Cohen.Nancy@epa.gov>, "Deitz, Randy" <Deitz.Randy@epa.gov>, "Glikes, Michael" <Glikes.Michael@epa.gov>, "Stalcup, Dana" <Stalcup.Dana@epa.gov>, "Mahmud, Shahid" <Mahmud.Shahid@epa.gov>, R8 GKM Leadership Team <R8_GKM_LeadershipTeam@epa.gov>
> > **Subject: OLEM/OSRTI/R8 ACTION - Daily Caller (DDL 5pm EST today): GKM**
> >
> > Daily Caller is working on several stories regarding GKM. Below are their questions and draft answers. Responses needing OLEM/OSRTI/R8 input are marked.
> >
> > Please respond no later than 5pm eastern.
> >
> > Thanks!

Christie

1. We would like to know if both breaching the mine and spilling mine waste was an accident. If it was, can you please point to any EPA statements where the agency called it an accident?

[From Administrator testimony – Anything I've missed?] As Administrator McCarthy has said, "This was a tragic and unfortunate incident, and EPA has taken responsibility to ensure that it is cleaned up appropriately. While the Office of Inspector General's investigation is ongoing, information the agency has received to date from both external and internal reviews of the matter has revealed no evidence that the blowout was in any way intentional."

2. Has anyone been punished or disciplined for the incident?

[From Administrator testimony – Anything I've missed?] As Administrator McCarthy has said, "EPA and external entities will be thoroughly investigating the full facts regarding this incident and the response, and the agency will respond based on that information."

3. Why didn't the EPA consult with Fish and Wildlife Service before opening the mine if it would impact any endangered species or critical habitats, given that the EPA Internal Review noted that a blowout was likely?

[From the Addendum – OLEM/R8, anything to add?:] The work goals for Aug. 4 and 5, 2015, were to assess the site conditions and to help prepare for a decision on future work, which would be discussed during a consultation meeting planned for August 14, 2015. [Should we add – "the work team was not attempting to open the mine."?]

4. Why was the Department of the Interior selected to conduct the Technical Evaluation, given its heavy involvement with both the project and the spill?

•□□□□□□ http://www.epa.gov/goldkingmine/epa-announces-us-department-interior-lead-

independent-review-gold-king-mine-release

Need OLEM input.

5. Lastly, we would like to give the EPA the opportunity to comment on our findings:

a. Internal emails asserting that the Aug. 5 work was intended to relieve pressure suggest breaching the adit was likely not an accident;

b. The mine was never tested for pressure, even though the EPA knew it was at least somewhat pressurized. No explanation for this has been given so far; and

c. The EPA crew believed they were digging at the top of the adit due to erroneous determinations from work in 2014. It's mostly unknown how those determines were made. The crew, in fact, dug at the mine's entrance.

[From Addendum - *OLEM - Anything to add?]* As stated in the Dec. 8, 2015 Addendum to the Agency's internal review, the Gold King Mine project manager identified preparatory and assessment work to be conducted at the GKM site. The preparatory and assessment work identified was: adit drainage control; water management system; excavation above adit/hill slope; and adit face excavation.

The Addendum notes that the work goals were to assess the site conditions and to help prepare for a decision on future work, which would be discussed during a consultation meeting planned for August 14, 2015. For example:

- The water management system would be needed if there was a decision to open the GKM site adit since there was potentially significant water buildup in the adit.

- The excavation above and at the face of the adit was needed to determine the exact location and condition of the blockage, and the exact

location of the bedrock above and around the adit.

In addition to providing the direction via e-mail, the project manager also provided clear verbal direction to [REDACTED], the EPA contractors, and DRMS staff not to proceed with any work on actually opening the adit prior to a planned consultation [with BLM] on August 14.

The Addendum then details the actions taken on Aug. 4 and Aug. 5, 2015:

[REDACTED] and the team (including [REDACTED] of DRMS and contractors) arrived at the site and began some excavation work on August 4. Under [REDACTION] direction, the team slowly and carefully scraped away loose soil and rubble near the face of the adit with the initial goal of locating the primary blockage. By the end of the day, the team had located the blockage, which they were able to identify as the blockage based on the tightness and condition of the material. They decided to wait until the following day, when [REDACTED] and [REDACTED] of DRMS would also join them, to continue additional excavation. On August 5, 2015 under the direction of [REDACTED], and with consultation from DRMS as well as contractor support, the team began additional excavation to identify the location of bedrock above and around the adit. Through this careful scraping and excavation, they were able to locate the bedrock. Prior to the final excavation and cleanup, the DRMS personnel left the site to proceed to other nearby mining sites. [REDACTED] continued to oversee the final cleanup work, which included clearing of the loose colluvium near the adit. Just prior to finishing, the team noticed a water spout a couple of feet high in the air near where they had been excavating above the top of the adit. Within a few minutes, the spout had turned into a large gush of yellow/orange water that ultimately resulted in a release of an estimated three million gallons.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: StClair, Christie
Sent: Wed 3/9/2016 5:48:27 PM
Subject: FW: GKM Update

Flagging the Daily Caller piece for you. No inquiries have come in on that, at least to me.

Gold King Mine Investigators Secretly Ordered To 'Stay Clear' Of EPA's Negligence

http://dailycaller.com/2016/03/08/exclusive-gold-king-mine-investigators-secretly-ordered-to-stay-clear-of-epas-negligence/#ixzz42QPpF2j1

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Henderson, Dedre
Sent: Wednesday, March 09, 2016 11:47 AM
To: Bohan, Suzanne <bohan.suzanne@epa.gov>; Buhl, Rick <Buhl.Rick@epa.gov>; Card, Joan <Card.Joan@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Garcia, Bert <Garcia.Bert@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>; McClain-Vanderpool, Lisa <Mcclain-Vanderpool.Lisa@epa.gov>; McGrath, Shaun <McGrath.Shaun@epa.gov>; Miller, Johanna <Miller.Johanna@epa.gov>;

Murray, Bill <Murray.Bill@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>; Natarajan, Nitin <Natarajan.Nitin@epa.gov>; Ostrander, David <Ostrander.David@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Russo, Rebecca <Russo.Rebecca@epa.gov>; Smith, Paula <Smith.Paula@epa.gov>; Spence, Sandra <Spence.Sandra@epa.gov>; Stanislaus, Mathy <Stanislaus.Mathy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>; Ward, W. Robert <Ward.Robert@epa.gov>; Way, Steven <way.steven@epa.gov>
Subject: GKM Update

March 9

Conference- May 17-19, 2018

Environmental conditions of the Animas River and San Juan watersheds with emphasis on Gold King Mine

And other mine waste issues

http://animas.wrri.nmsu.edu/

Gold King Mine Investigators Secretly Ordered To 'Stay Clear' Of EPA's Negligence

http://dailycaller.com/2016/03/08/exclusive-gold-king-mine-investigators-secretly-ordered-to-stay-clear-of-epas-negligence/#ixzz42QPpF2j1

Dedre Henderson
Librarian, ASRC Primus

U.S.EPA Region 8 Technical Library

1595 Wynkoop Street, 80C-L

Denver, CO 80202-1129

303.312.6745

henderson.dedre@epa.gov

Library hours: 8:00-4:00, M-TR

To: Valentine, Julia[Valentine.Julia@epa.gov]
From: StClair, Christie
Sent: Mon 3/7/2016 8:24:51 PM
Subject: FW: GKM related request about Superfund

Nonresponsive

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Cohen, Nancy
Sent: Monday, March 07, 2016 3:17 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: RE: GKM related request about Superfund

Christie: they should use the resources we have posted on our website and the blog, nancy

Nancy Cohen

U.S. EPA OLEM

202.566.0171

From: StClair, Christie
Sent: Monday, March 07, 2016 2:59 PM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>
Subject: FW: GKM related request about Superfund

No action needed yet, but this just came in – great example of what reporters are looking for.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Valentine, Julia
Sent: Monday, March 07, 2016 2:56 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>
Subject: GKM related request about Superfund

Hi Nancy and Christie,

I'm late getting this to you, my apologies. He has no specific deadline. He reached out to me because of Superfund. While it is not strictly about GKM, he is inquiring about the

process of how and why something becomes a SF site. Seemed obvious to me when I spoke with him that he needs a SF/NPL 101 backgrounder.

I am happy to handle, but George and I both thought you might want to take this one.

Ethan Barton

ethan@dailycallernewsfoundation.org

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

Overall, I'm looking for a Superfund 101. I'm interested to learn about the community's involvement in nearby superfund site designations, the national priorities list, and the overall process of becoming a superfund site. I'd like to learn about the process from start to finish, beginning with the request for a superfund designation to after a site's clean up is completed, and communities' involvement throughout that process.

I'm also curious about successes, challenges, costs and spending, and the range of timeframes it takes to clean sites.

I became interested in the superfund program after learning that the community near the Gold King Mine is requesting superfund status after decades of delay. While the focus of my story will be about the superfund program in general, I plan to use that request as an example.

Also, I am also aware of the EPA's CERCLIS search. I was hoping to learn more about the database and receive a copy of the raw data.

Julia P. Valentine

Office of Public Affairs

US EPA Headquarters

202.564.2663 desk

202.740.1336 m/txt

To: Ethan Barton[ethan@dailycallernewsfoundation.org]
From: StClair, Christie
Sent: Mon 2/22/2016 10:12:42 PM
Subject: RE: Animas River health

Please attribute to an agency spokeswoman:

While the Animas and San Juan rivers returned to pre-release conditions downstream, there are still significant metal loadings from numerous mining sources in the Upper Animas mining district.

Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources. There are literally hundreds of old mines, ore processing locations and other places where acid mine drainage containing metals enters small streams and creeks that ultimately enter the Animas River.

The United State Geological Survey (USGS) conducted sampling in the Animas River in 1995-1996 to measure the amount of metals carried by the river during the spring snowmelt period. They estimated an average metals load of approximately 2,300 kg/day. (In comparison, when the plume from last summer's Gold King Mine release reached the lower Animas River, it carried an estimated average load of 2,000 kg/day.)

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of a community-based collaborative effort, EPA agreed to postpone adding all or a portion of the Animas Mining District to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek ~~and~~ the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions in the area in order to understand the major sources of heavy metal contamination in the Upper Animas watershed.

The EPA is currently working with state, local and tribal stakeholders to address long-term solutions, including a potential NPL listing, to the acid mine drainage discharging into the Upper Animas watershed.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, February 22, 2016 3:04 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

Great, thank you Christie.

One follow-up:

If the Animas and San Juan rivers are safe, then why has the EPA pushed to designate the area a superfund site?

Thanks,

Ethan

On Mon, Feb 22, 2016 at 2:59 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Ethan, thanks for being so patient.

Please attribute to an agency spokeswoman:

The EPA is confident that the Animas and San Juan rivers are safe for agricultural use and long-term recreational exposure. That's because water sampling has shown that both the Animas and San Juan Rivers have returned to the same condition they were in before the GKM release.

That said, acid mine drainage has been released into the rivers for many decades and winter runoff and major storms may kick up material that had settled to the bottom of the rivers. So those using the river for recreation, agriculture or drinking water should use the same precautions they always have.

EPA is working with city, state, county and tribal stakeholders to develop monitoring plans that will continue to assess the impacts of mine releases on the Animas and San Juan rivers. The monitoring will evaluate seasonal changes, including pre-winter and post-winter runoff and low-flow conditions.

The agency will continue to post water quality information as new data become available.

Christie St. Clair

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Environmental Protection Agency

Washington, DC

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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, February 22, 2016 12:37 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

Great, thank you.

On Mon, Feb 22, 2016 at 12:35 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

I'm working on it, Ethan.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, February 22, 2016 12:01 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

Christie, can I expect a response soon? Thanks.

On Fri, Feb 19, 2016 at 3:55 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Monday is fine, but preferably in the morning. Thanks.
>
> On Fri, Feb 19, 2016 at 3:54 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:
>
> > Deadline COB or Monday?
>
> **Christie St. Clair**
>
> Office of Public Affairs
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> Washington, DC
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> o: 202-564-2880
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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, February 19, 2016 3:53 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

Yes, please. That would be great.

On Fri, Feb 19, 2016 at 3:51 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

That's correct. I can get you some more detail if you like.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, February 19, 2016 3:43 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

Hi Christie,

Yeah, I looked over this. My understanding is that, in essence, this says that the river is safe for use, though there are pockets with higher contamination unrelated to the Gold King Mine spill, but longterm effects require additional monitoring before conclusions can be made.

Does that sound about right?

Ethan

On Fri, Feb 19, 2016 at 3:35 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

> Hi Ethan,
>
> You may find this useful – please note it is a DRAFT and will be peer reviewed before the results are finalized: http://www.epa.gov/goldkingmine/epas-draft-analysis-fate-and-transport-metals-animas-and-san-juan-rivers
>
> Let me know if that doesn't do the trick.
>
> Christie
>
> **Christie St. Clair**
>
> Office of Public Affairs
>
> Environmental Protection Agency
>
> Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, February 19, 2016 2:26 PM
To: StClair, Christie <StClair.Christie@epa.gov>
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Hi Christie,

Hope all is well. I'm looking into the current health of the Animas River. I saw on the FAQ page that the EPA doesn't anticipate any adverse health effects to humans, livestock, or agriculture, and data on the impact on fish is promising, though long-term acid mine run-off has been detrimental to fish populations.

Could you please comment on the overall health of the Animas River in Colorado, New Mexico, Utah, and the Navajo Nation? I'm interested in the current quality and the long term quality, as well as the influence the Gold King Mine spill had on both of those.

I think I have a good understanding after doing extensive reading, but I'd like to be certain.

Thanks,

Ethan

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Ethan Barton[ethan@dailycallernewsfoundation.org]
From: StClair, Christie
Sent: Mon 2/22/2016 8:26:45 PM
Subject: RE: Animas River health

Ethan,

The agency addressed the goals for a potential Superfund listing in its recent letter to Gov. Hickenlooper:

http://www.epa.gov/sites/production/files/2016-02/documents/letter-to-gov-hickenlooper.pdf

Let me know if that doesn't address your question well enough.

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

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Ethan

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Ethan Barton

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Daily Caller News Foundation

410-829-1738

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Michael Bastasch[mike@dailycallernewsfoundation.org]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: StClair, Christie
Sent: Thur 2/11/2016 6:29:25 PM
Subject: Re: House Gold King Mine report

Please attribute to Nancy Grantham:

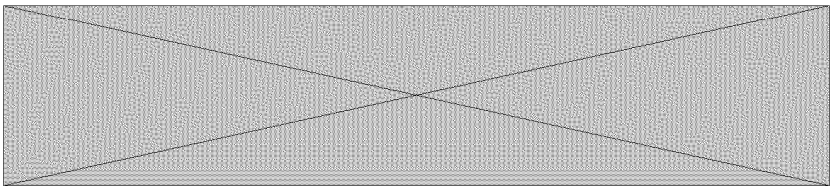
We're reviewing the report and will respond appropriately.

Christie

Sent from my iPhone

On Feb 11, 2016, at 1:07 PM, Michael Bastasch <mike@dailycallernewsfoundation.org> wrote:

> Hey,
> I was wondering if EPA had a response to the House natural resources committee report on the Gold King Mine spill. Among other things, it says EPA may have violated the Clean Water Act and Endangered Species Act.
>
> http://naturalresources.house.gov/uploadedfiles/house_committee_on_natural_resources_gold_king_mine_rep
>
> Please let me know if EPA has a response. My deadline is 2 pm EST. Thanks!
>
> Best,
>
> Mike
>
> --
> Michael Bastasch
> Daily Caller News Foundation



To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: StClair, Christie
Sent: Thur 2/11/2016 6:13:13 PM
Subject: Nancy - ok to send daily caller the current statement ? Fwd: House Gold King Mine report

Sent from my iPhone

Begin forwarded message:

From: Michael Bastasch <mike@dailycallernewsfoundation.org>
Date: February 11, 2016 at 1:06:59 PM EST
To: Press <press@epa.gov>
Subject: House Gold King Mine report

Hey,
I was wondering if EPA had a response to the House natural resources committee report on the Gold King Mine spill. Among other things, it says EPA may have violated the Clean Water Act and Endangered Species Act.

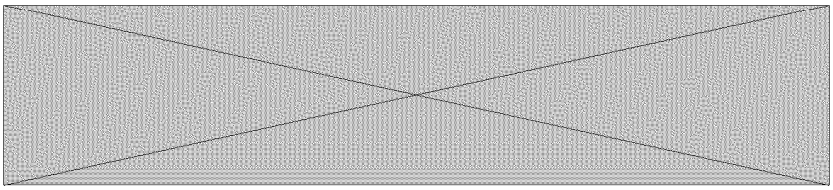
http://naturalresources.house.gov/uploadedfiles/house_committee_on_natural_resources_gold_king_mine_rep

Please let me know if EPA has a response. My deadline is 2 pm EST. Thanks!

Best,

Mike

--
Michael Bastasch
Daily Caller News Foundation



To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Conger, Nick[Conger.Nick@epa.gov]; Lee, Monica[Lee.Monica@epa.gov]
Cc: Loop, Travis[Loop.Travis@epa.gov]; Senn, John[Senn.John@epa.gov]
From: StClair, Christie
Sent: Wed 2/3/2016 4:42:52 PM
Subject: RE: Criminal investigation in Flint

Here's what we've used:

To determine what happened and help prevent it from happening again, EPA completed an internal review of the activities leading up to the incident and made those findings and recommendations available to the public. In addition, we have shared our internal review with the Department of Interior (DOI) and the EPA's Office of Inspector General (OIG). The Department of Interior (DOI) and EPA Office of Inspector General (OIG) investigations will help inform how we move forward. We have received the DOI report and are currently awaiting the report on the OIG investigation.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Grantham, Nancy
Sent: Wednesday, February 03, 2016 11:37 AM
To: Conger, Nick <Conger.Nick@epa.gov>; Lee, Monica <Lee.Monica@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Senn, John <Senn.John@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Subject: RE: Criminal investigation in Flint

Thanks .. adding Christie – Christie .. can you find our gkm criminal language and respond to all? Thanks ng

From: Conger, Nick
Sent: Wednesday, February 03, 2016 11:31 AM
To: Lee, Monica <Lee.Monica@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Senn, John <Senn.John@epa.gov>
Subject: RE: Criminal investigation in Flint

I'm thinking we say something like: "The U.S. Attorney's Office for the Eastern District of Michigan is leading a criminal investigation regarding Flint, and EPA is assisting. We cannot comment further on this active investigation." And then insert whatever language you guys have used on GKM regarding how we've responded?

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

Cell: (202) 412-2655

From: Lee, Monica
Sent: Wednesday, February 03, 2016 11:18 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Senn, John <Senn.John@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>
Subject: Re: Criminal investigation in Flint

Thank you. He's writing for 1:00

Monica Lee

(202) 713-6902

On Feb 3, 2016, at 11:16 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

> Not that I know of – let's loop in john senn and nick conger ..thanks ng

From: Lee, Monica
Sent: Wednesday, February 03, 2016 11:15 AM
To: Loop, Travis <Loop.Travis@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: Criminal investigation in Flint

Do we have any draft responses on a GKM vs flint?

Monica Lee

(202) 713-6902

Begin forwarded message:

> **From:** Ethan Barton <ethan@dailycallernewsfoundation.org>
> **Date:** February 3, 2016 at 11:09:48 AM EST
> **To:** Lee.Monica@epa.gov
> **Subject: Criminal investigation in Flint**
>
> Hi Monica,
>
> I sent an email to the standard EPA mailbox but got a bounce back from Melissa Harrison saying to contact you for questions regarding Flint.
>
> Could you please tell me why the EPA is conducting a criminal investigation regarding Flint, but hasn't launched one for the Gold King Mine spill?
>
> Thank you,
>
> Ethan
>
> --

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

Gold Mine Release Press Responses – As of 2/3/16

BACKGROUND ON GOLD KING MINE

What triggered EPA's most recent interest in the Gold King Mine?

While the American Tunnel treatment plant operated, water quality in the Animas River improved. However, since 2005, water quality in the Animas River has not improved and has actually declined 20 miles below the confluence with Cement Creek. Fish population surveys conducted by Colorado Parks and Wildlife found no fish in the Animas River below Cement Creek for approximately two miles and showed declines in fish populations as far as 20 miles downstream since 2005.

Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area would qualify for inclusion on the National Priorities List (NPL). This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the NPL. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas.

A previous study indicates this mine was considered a high priority for clean up. When was the last time it was assessed? Were there any prior attempts to clean it?

There have been ongoing site assessments in the Animas watershed. The Colorado Department of Reclamation, Mining and Safe (CDRMS) conducted limited work at the site in 2008 and 2009 to re-route the emergent mine drainage off of the top of the waste pile and safeguard the hazardous mine openings, as required in the reclamation permit for this site. This work was performed under a bond-forfeiture action associated with Permit M-1981-013. The EPA's first attempt to assess the Gold King Mine for potential cleanup was Aug. 5, 2015.

Todd Hennis, owner of the Gold King Mine, claims EPA coerced him to grant access to this mine on threat of a $35,000 a day fine.

Todd Hennis and his two corporations, Salem Minerals Inc. and San Juan Corporation, own a number of mining claims in the Upper Cement Creek area, including the Gold King Mine. Prior to the spring of 2011, Hennis had provided EPA access to all his properties for sampling and investigations. EPA indicated to the community in 2010 that EPA was investigating a targeted listing on the NPL of the Upper Cement Creek area (including the Gold King Mine). Hennis opposed that potential listing (see Open Letter to Community) and refused to provide future access. As a result, EPA issued an Administrative Order Directing Compliance With Request For Access - Docket No. CERCLA-08-2011-0008 on May 12, 2011 (See Order). Not complying with such an order without sufficient cause may subject the party to penalties as high as $37,500 per day if the matter goes to court. Hennis and his counsel met with EPA soon thereafter and agreed to consent to access (See June 2011 Access). In regards to the Gold King Mine Removal Assessment, Hennis provided a consent for access on Aug. 8, 2014 (see Consent).

What is the latest update on flow?

- [8/16] The Gold King Mine is releasing water on average, at the rate of approximately 559 gallons per minute. Water continues to be treated at a series of settling ponds before being discharged to Cement Creek.

- [9/3] The current discharge rate from the Gold King Mine ranges from about 500 to 600 gallons per minute.

- [9/3] The flow varies, but is averaging approximately 550 gallons per minute to 625 gallons per

minute.

- [9/9] The mine continues to release water at a rate averaging 550 gallons per minute. Yesterday's specific rate was 593 gallons per minute so it does vary from day to day. This water runs through 4 newly constructed treatment ponds on the mine site prior to being released into the creek. Treatment helps settle out suspended metals and adjusts the PH of the mine water before it enters the creek.

- [9/10] We measure the flow at the mine. It varies from day to day. Yesterday, it measured 585 gallons per minute.

Do you know at what time the orange plume reached Silverton?

On August 27, 2015, EPA released the August 17th, 2015 Site File Memo from the On-Scene Coordinator that provides a chronology of events. It does not specify an exact time for when the spill reached Silverton, but indicates it is sometime on August 5, 2015 between 12:47 pm and 11:26 pm. The memo is available at: http://www2.epa.gov/sites/production/files/2015-08/documents/memo_august_17_2015_08-1547102.pdf

I have an urgent fact check about the Gold King spill based on an interview today with Governor John Hickenlooper. The Colorado Statesman newspaper quotes your office saying that the same amount of contaminated water that spilled on Aug 5 flows out of the mine every four days. Is that correct information?

You can find information about flow rates in attachment E (attached) to our internal review. The attachment also provides a nice historical summary of flow. Based upon 2009-2014 flow data, the average annual discharge from the Gold King Mine and three nearby mines (Mogul, Red and Bonita, and American Tunnel) reached approximately 330 million gallons per year. Here is the link to the entire document that I am referencing: http://www2.epa.gov/sites/production/files/2015-08/documents/epa_mnt_gold_king_internal_review_attachments_a-f_aug_24_2015_0.pdf. Regarding the total release volume - USGS measured increased flows at a streamgage starting at about 12:30 p.m. and ending about 7:15 p.m. This resulted in a provisional calculated flow volume of 3,043,067 gallons discharged from the Gold King Mine. A streamgage is an instrument that measures volume by measuring flow, which is much more precise. The mine continues to release water at a rate averaging 550 gallons per minute. This water runs through 4 newly constructed treatment ponds on the mine site prior to being released into the creek. Treatment helps settle out suspended metals and adjusts the PH of the mine water before it enters the creek.

It looks like the owner of Gold King is accusing the agency of lying about the spill's causes. Any perspective?

The agency's Internal Review did not make a finding of what caused the release. That was made clear by Mr. Stanislaus when he appeared before the House Science, Space, and Technology Committee on Sept. 9, 2015. As Mr. Stanislaus has said, we are awaiting the results of the independent investigation from the U.S. Department of the Interior and the EPA Inspector General before determining the cause of the release. Agency staff in our Region 8 office have had several discussions with Mr. Hennis's legal counsel since Aug. 5.

Can you or anyone at EPA provide me with a comment about the cave-in issue?

Page 7 of the internal investigation mentions a mine cave-in as a possible scenario that could have contributed to blockage that reduced water flows, thus causing water to back-up in the mine. You should also review page 5 of the investigation, which mentions the rock giving way above the adit appeared to result in a spurt of water to flow from the mine. And I do want to clarify Mathy did not say that a cave in "caused" the release. Our internal review did not make a finding of what "caused" the release. http://www2.epa.gov/goldkingmine/epa-releases-internal-report-gold-king-mine-response . There is also a

ton of great stuff under the "Gold King Mine Documents" section of the site, too. http://www2.epa.gov/goldkingmine/epa-posts-gold-king-mine-file-documents.

The agency's Internal Review did not make a finding of what caused the release. That was made clear by Mr. Stanislaus when he appeared before the House Science, Space, and Technology Committee on Sept. 9, 2015.

Was there cell phone coverage in the area during the time of the spill?

Following up on your question with some background Environmental Restoration's Site Health and Safety Plan required the work team to have a mobile telephone, two-way radios, and vehicle horns/air horn. At the time of the release, the road was destroyed and the EPA crew was trapped with no cell phone coverage. The EPA crew radioed to an EPA ERRS contractor who was off-site to notify him of the situation. The contractor contacted a team from the Colorado Division of Reclamation, Mining and Safety (DRMS) who had been assisting EPA at Gold King Mine but who were off-site at that time. EPA and DRMS personnel then communicated via radio and the OSC instructed DRMS to make notifications. Although not required in the work plan, the work team also was equipped with a satellite phone. The day of the release, the subcontractor working with the mine team was given the satellite phone because they were conducting underground operations at the nearby Red and Bonita Mine.

Reports claim the EPA signed off on its plan to put drainage pipe in the Gold King Mine and you were aware of the potential disaster. Is this true?

While the EPA Inspector General(IG) received the letter from CO DNR Executive Director King on September 2, 2015, because the IG is an independent entity within EPA, others at the agency did not receive the letter until November 10, 2015. It was shared with the media at that time in response to a CO open records law request, and subsequently shared by CO DNR with others at EPA.

We continue to have a productive working relationship with the state of Colorado and will review the matters outlined in their letter.

The EPA has claimed they underestimated the pressure inside the mine. Why was that never tested before work began on the mine?

For the Adit, a determination of no or low mine water pressurization was made by professionals with substantive mining and engineering experience. The reasons for this determination include:

1. The hill above the Adit was inspected for seeps which would have indicated outward flow from mine water that had a pressure head above the top of the Adit. It was reported that there were no seeps.
2. The mine was draining, which indicated that since water was able to escape, buildup of pressure was less likely.
3. The “seep” level coming from the Adit during excavation seemed to be at the midlevel of the material blocking the Adit, indicating a partially filled adit as opposed to a pressurized one (See Attachment D, bottom of two metal pipes).
4. The Red and Bonita Mine Adit was lower in elevation (a few hundred feet) and found to be unpressurized after it was accessed by drilling from above. 8. The DRMS experts indicated that similar techniques have been employed at other similar mine sites. One DRMS expert noted that a similar investigation technique was implemented at the Captain Jack Mine in Colorado but did not result in a blowout.

Regarding the decision by EPA not to use a drill rig to bore into the Gold King Mine (GKM) from above and directly determine the level of the mine pool, EPA’s GKM Internal Review Team found that site conditions made it difficult to undertake such drilling to determine pressure within the mine. The Review Team identified technical challenges, safety, timing, and cost as factors in considering this technique—and also identified the steepness and instability of slopes at the site as a key safety consideration.

Is the EPA better prepared in case something like this happens again?

EPA will be looking closely at the results of the Department of Interior report, our internal review, and the Office of the Inspector General's forthcoming report. Those reports will help inform our current and future mine remediation projects.

CLAIMS

The forms I received, what time frame is that from?

The forms concern claims filed after the date of the GKM incident through Oct 13, 2015

What is the deadline for submitting Form 95s?

Claims must be presented to EPA within two years after the claim accrues.

How are Form 95s reviewed?

The EPA Claims Officer and the Department of Justice will review the Standard Form 95s and supporting documentation to determine whether the Federal Tort Claims Act provides a means of compensating claims for money damages arising from the Gold King Mine incident. Also see answer to Question 5.

If the applicant is unhappy with the EPA's settlement, can they challenge it? How does that process work?

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. A claimant may seek to negotiate a settlement of the claim which the claimant deems favorable. In the event a settlement agreement is not reached, the Agency would ultimately deny the claim. The claimant then has six months within which to "appeal" the denial by filing a lawsuit in federal district court.

When will the Form 95s related to GKM be decided upon?

EPA has undertaken its own internal review of the events leading up to the Gold King Mine incident, including the actions undertaken by Agency and other officials following the release. We also sought an independent evaluation of the events surrounding the Gold King Mine release from various experts at the U.S. Department of Interior, and we recently received the results of that investigation. Finally, the Agency is awaiting a report by the Office of Inspector General (OIG) and its review of the matter.

The findings and conclusions of these reports and investigations, once complete, will be carefully reviewed by EPA's Claims Officer in order to assess the applicability of the FTCA for purposes of paying legitimate claims against the United States for money damages arising from the Gold King Mine incident. In addition, EPA regulations provide that no award, compromise, or settlement in excess of $25,000 may be effected without the prior approval of the Attorney General or designee. Further, under these regulations , the EPA cannot settle any claims, even those under $25,000, that have the potential to set precedent, involve policy, or control disposition of related claims without consultation of the Department of Justice. See 40 C.F.R. § 10.10. This process, involving EPA's Claims Officer and relevant officials from the U.S. Department of Justice, is required by law and regulation, for the receipt and processing of any claims under the FTCA. Upon reviewing the relevant facts, the EPA Claims Officer together with officials in the Department of Justice, will determine whether the FTCA provides a means of compensating claims for money damages arising from the Gold King Mine incident. We will endeavor to complete this process as soon as possible.

Have any been reimbursed to date?

No.

Tribes, farmers, businesses and others have yet to be reimbursed for their damages and losses. When will the EPA be doing so?

The agency has received 36 Federal Torts Claim Act (FTCA) administrative claims so far, and will process them within the six-month timeframe required by FTCA. EPA has not received any cooperative agreement applications to date, but has received inquiries regarding the cooperative agreement process from ten entities in the area impacted by the spill, including the Southern Ute Indian Tribe.

CLEANUP AND REMEDIATION ACTIVITIES

What will EPA be doing to make sure that the mines in the Upper Animas basin are safe?

EPA will be working with our partners at Colorado Division of Reclamation, Mining and Safety to evaluate the impact of the Gold King Mine release and to determine if additional measures are necessary to address potential discharges.

What procedures are underway to remediate the problem?

As water exits the mine, the water flows into a treatment pond system. The treatment ponds provide retention time to allow the pH adjustment to happen. Flocculation compounds are added during the process to settle the metals to the bottom of the retention ponds. There are currently four ponds; one additional retention pond is being added to the treatment system to allow crews to manage the sludge that have settled out to date. This additional pond will allow the treatment system to maintain efficiency as the crews are managing the existing ponds. A commercial water treatment system will be placed on site as part of short-term actions for water treatment. Planning is in place for a treatment solution that includes piping discharge to a lower mine site with a better location for water treatment to continue into the fall. Longer-term treatment needs and options are being evaluated.

The EPA has built four containment ponds to clean and then discharge continuing runoff from the mine. How long does the EPA expect those containment ponds to remain in place? What other work at the site of the spill is under consideration immediately?

We are currently evaluating viable treatment alternatives at this remote location while reinforcing the portal area and rebuilding the road leading to the mine for safety and site.

EPA has been involved in the Animas River Stakeholders group for 20-plus years and has known for years that heavy metal drainage was increasing in the Animas watershed, yet it took until 2014 to get a task order approved on the Gold King. Why? The task order is from 2014, so why wasn't the work done then?

Work to address large and complicated mining sites takes time and in most cases years. The task order could not be implemented until EPA completed necessary steps.

Why did work not begin earlier in the summer?

Work began at the site based on the availability of personnel and equipment, and appropriate weather conditions.

Were appropriate water treatment and sludge management systems in place before the drainage process began?

The activities were consistent with the activities outlined in the schedule.

When did the Division of Reclamation, Mining and Safety (DRMS) create mine drainage as mentioned in the documents? Documents said the drainage included a culvert pipe and concrete flume – how much water was draining through that? And it appears to have been conveyed directly to Cement Creek without settling ponds or any treatment. Is that correct?

Contact the Colorado Division of Reclamation, Mining and Safety (CDRMS) regarding work they performed.

Why was heavy equipment being used to check the debris from the portal collapse that was holding back the water? Knowing of the potential for a blowout, why wasn't a more delicate approach taken?

The Department of Interior is conducting an independent review of the release which will determine the adequacy of the activities leading up to the incident. We are not speculating on the findings of this independent review. In addition, EPA conducted its own internal technical examination of the incident. Click here for the information: http://www2.epa.gov/goldkingmine/internal-investigation-documents

What long-term plans for stopping the flow of wastewater from Gold King are under consideration?

It's too early to determine the technical solution that will be effective in stopping water flow from the mine. Our short term goal is to stabilize the site and repair the road before winter snows set in.

Mines have been leaking contamination into some of these rivers for many years; will the Gold King spill appreciably increase the contamination load in the sediments for the Animas, San Juan or other water bodies?

The data EPA has collected before the Gold King Mine release and after the release indicate that the metal concentrations in sediment analyzed are currently similar to those detected in pre-incident sediment samples.

What long-term plans for stopping the flow of wastewater from Gold King are under consideration?

It's too early to determine the technical solution that will be effective in stopping water flow from the mine. Our short term goal is to stabilize the site and repair the road before winter snows set in.

Why was work being done on Aug. 5 when these documents show it wasn't officially slated to begin until Aug. 17?

Work began at the site based on the availability of personnel and equipment, and appropriate weather conditions. The activities were consistent with the activities outlined in the schedule.

What, if any, new protocols have been put in place re: notification of state and locals of events such as Gold King Mine?

A new Gold King Mine / Animas River Stakeholders alert and notification plan has been drafted. It is currently being reviewed by local government officials.

As for the commercial water treatment facility to be installed ahead of the winter, where would it be placed?

The Agency is evaluating treatment options for Gold King Mine discharge. If a water treatment facility is decided upon, it will likely be placed in Gladstone, Colorado.

Are you adding ponds at Gladstone?

Yes.

How much would the apparatus cost?

The Agency is evaluating treatment options, but our preliminary estimate is that the treatment options under consideration would likely be over $3 million including set-up and treatment for a year.

Where will the money for this plant come from?

The Agency is evaluating treatment options. Once a course of action is decided on, the funds will likely come from the Superfund appropriation.

Will the plant be permanent or temporary?

The Agency is evaluating treatment options. If a water treatment facility is decided upon, it will likely be a temporary plant.

Is that $3M just for set up or it is for the first year? Or is $3M for each year?

$3 million for set up and treatment for the first year.

Results of samples taken of both sediments and water have been steadily trending downward; is that expected to continue? Have levels reached pre-spill levels all around? The metal concentrations of the samples are below surface water and sediment/soil recreational screening levels, and are being maintained at pre-event conditions.

Given what's been learned so far, is a significant recurrence of contamination in the water still considered unlikely?

EPA has reviewed the data which includes comparison to screening levels for exposure during recreational use. The metal concentrations of the samples are below surface water and sediment/soil recreational screening levels, and are being maintained at pre-event conditions. Given that there is no change in the sediment contaminant levels, we don't expect any re-mobilization of Gold King event-related contaminants to pose health risks.

In the EPA's view, is there any reason for irrigation systems along the path of the spill still to be shut down? Does the EPA foresee any future high-water events necessitating the closure of those systems (and/or drinking water intakes)?

It's not uncommon for sediments to move, especially in areas of fast water flow or in times of fast water flow, such as heavy rain events or snow melt. Because the metal concentrations in sediments analyzed after the Gold King Mine release are similar to those before the release, we do not expect the movement of the sediments during high water flow events would result in water or sediment concentrations unusual for this area.

Has further progress been made in a long-term solution for Gold King and adjacent mines? Any details on what is being considered beyond the retention ponds now in place would be appreciated.

It's too early to determine the technical solution that will be effective in stopping water flow from the mine. Our short term goal is to stabilize the site and repair the road before winter snows set in.

Someone told me the containment pond below the Gold King Mine in Silverton failed and released water recently. Is this true?

There isn't a containment pond. There are a series of 4 treatment ponds for the mine water. They are all working fine. The mine flow averages about 550 gallons per minute. The mine water is treated to help remove suspended metals and PH before entering the creek.

With whom could I speak to discuss the details of the plan in Utah? Really quick question: Is this comment period open to the general public, and if so, where do people send their comments?

The agency is seeking comment from states, tribes and local communities. People should contact their city or state Department of Environmental Quality if they'd like to provide input. You can attribute the following quotes to Sandra Spence, chief of EPA's Region 8 Water Quality Unit. (Region 8 includes Utah): We've selected draft locations in the plan, and we're soliciting input on whether those are the right sites to sample or whether other locations would be better. In Utah, we're suggesting that we sample at two locations --- on the San Juan River at Bluff, Utah, and on the San Juan River inlet to Lake Powell. We are proposing to do at least five sampling events at those locations over the next year. We would be doing macroinvertibrate surveys and fish surveys, and we would also be sampling total and recoverable metals in water and sediment, from both within the water column and along the shore. What it means for Utah is that there will be additional data to compare against water quality standards and benchmarks to see if there has been a change from historic conditions and, if there has been a change, if it has resulted in an exceedance of these important benchmarks.

What does the long-term monitoring plan mean for the other jurisdictions in Colorado, New Mexico, Navajo Nation, Southern Ute Tribe and Ute Mountain Ute Tribe?

Here's a summary of the number of sites that are on in the various jurisdictions. It's too complex to name the sites as many just have a site number and GPS coordinate. Perhaps we can just be more general and refer people to the plan to take look at the map and list of sampling locations.
Here's the breakdown of the locations – though we have 23 proposed locations, some are multijurisdictional and are counted more than once in the following list.

Here is the breakdown for a particular jurisdiction:
Colorado – 11 sites
Southern Ute Tribe – 3 Sites
New Mexico – 5 sites
Ute Mountain Ute Tribe – 1 sites
Navajo Nation – 6 sites
Utah – 2 sites
Here's the multi-jurisdictional breakdown that adds up to 23 sites:
Colorado only – 10 sites
Colorado/Southern Ute – 1 site
Southern Ute only – 2 sites
New Mexico only – 3 sites
New Mexico/Navajo Nation – 2 sites
Navajo only – 2 sites
Navajo/Utah – 2 sites
Ute Mountain Ute – 1 sites

Here's some language taken directly from the plan to explain what we will do if we see a change from historic conditions that exceeds an important benchmark:

"After completing one year of monitoring under this plan, if results indicate a return to pre-release/historic trends, monitoring efforts under this plan will end and routine monitoring per State, Tribal and Federal program strategies and priorities. If pre-release/historic trends across the watershed are not maintained at some locations in the watershed, the EPA will conduct additional site-specific investigations as appropriate and use its authorities to work with other federal agencies, States, Tribes and local entities to address these problems. The EPA is coordinating with its regulatory partners and affected stakeholders to understand other organizations' monitoring efforts, prevent duplication and promote data sharing."

COMMUNITY OUTREACH

Why did it take almost 24 hours to notify the communities downstream?

There were notifications on the same day of the incident for the downstream communities in immediate proximity to the release. This allowed drinking water intake systems to be closed prior to the spill reaching these intakes. Notifications further downstream were also made – although 24 hours later – well in advance of the spill reaching those areas of the river. This too allowed for drinking water intakes to be closed prior to the spill reaching these further downstream areas.

What is EPA's response to Animas River Stakeholders Group's claims that the Agency did not discuss or collaborate on the Gold King Mine?

EPA disagrees with this assertion. ARSG co-coordinators and attendees at ARSG meetings were provided with information and were asked for input on EPA's findings and the conceptual approach for planned work at the Red and Bonita and Gold King Mines through in-person meetings, presentations at public meetings, and email correspondence over the past year. EPA has been a regular participant in monthly ARSG meetings and site tours, and we will continue to use those as opportunities for communication and dialogue with local partners as we move forward.

Has a new communication post been established at the site and how has that helped improve alert notifications downstream?

A communication post is included as part of the emergency response operation.

Is a new wireless tower under construction?

EPA has no information about a new wireless tower.

Are satellite phones required there now?

A satellite link is available to enable communication with sources outside the site.

Can you explain the notification process in New Mexico following the Gold King mine spill a bit more?

We have posted a chronology of activities following the incident on our website which you can review at www.epa.gov/goldkingmine. We have also posted an internal review. Other independent reviews are underway by DOI and EPA's IG. NMED was notified after the Region 6 office in Dallas was alerted to the incident.

Do we know when the public and the effected tribes were notified? Were they notified by the EPA, the National Response Center, or the Coast Guard? When did the spill occur and what time were the tribes notified? Has any money been obligated to any Indian tribes related to the Gold King Mine spill? Has a hazardous waste disposal facility been established?

Regarding incident, I would focus on our internal review that was released recently. It is available online at http://www2.epa.gov/goldkingmine/epa-releases-internal-report-gold-king-mine-response. In addition the site file memo will be helpful – it is at http://www2.epa.gov/goldkingmine/gold-king-mine-chronology and includes a chronlogy. DOI is conducting an independent review and the EPA IG is also reviewing the incident. Those reviews will provide additional details when they are public. Regarding your last question – no hazardous waste disposal facility has been established.

Are you receiving a lot of calls from people in La Plata County, or not just in La Plata, but in general, from homeowners who have sediment in their small waterways and want to know how to dispose of it, and if their water is safe for their gardens, etc? Does the EPA dispose of the sludge, or is that up to those homeowners?

EPA has received approximately 10 requests from LaPlata County property owners to sample sediment on their property. Data will be released to homeowners. EPA is currently evaluating sediment sample results to make determinations on further actions.

Is it the homeowner's responsibility to call in if they have concerns, or did the EPA check in on everyone? Do you respond to each call? What is the protocol for that?

EPA receives citizen inquiries through the Gold King Mine call in center and follows up on each inquiry.

The owner of the Tribune Claim in San Juan County has filed a complaint with the county alleging that EPA trespassed on his property on Sep 5-6 in the dark of night and built a temporary pipeline next to Cement Creek without his permission. He says there is a dispute about the boundaries and that EPA built the pipeline without a survey and/or proper resolution of the dispute.

I can confirm that we are aware of the complaint regarding the placement of materials which have not been installed and addressing the concern.

New Mexico Environment Sec. Ryan Flynn says that EPA officials would not share data on surface water samples, sediment sampling plan. Can you please respond? Is Mr Flynn's description of events accurate? Why was data withheld? Was only partial data released, as Mr. Flynn says?

To assess the impacts of the release at the Gold King Mine, water quality samples were collected from the Northern Border of New Mexico to Navajo Nation at numerous intervals beginning on Aug. 7, 2015. Based on consultation with affected communities, the results were compared against Recreational Screening Levels and then posted publicly. The EPA has closely coordinated with our federal partners and with officials in Colorado, New Mexico, Utah, the Southern Ute and Ute Mountain Ute tribes and the Navajo Nation to keep them apprised of water and sediment sampling results, which are routinely posted on our website. All results were made available on EPA's website as soon as they were validated and reviewed. One of our foremost priorities is to keep the public informed about the impacts from the Gold King Mine release and our response activities.

Todd Hennis told me the only people at EPA he's been able to talk to are workers at the site. That "all attempts to talk to anyone up the chain-of-command have been rebuffed." Is that true and do you know if it's standard operating procedure?

As Mr. Stanislaus has said, we are awaiting the results of the independent investigation from the U.S. Department of the Interior and the EPA Inspector General before determining the cause of the release. Agency staff in our Region 8 office have had several discussions with Mr. Hennis's legal counsel since Aug. 5. The agency's Internal Review did not make a finding of what caused the release. That was made clear by Mr. Stanislaus when he appeared before the House Science, Space, and Technology Committee on Sept. 9, 2015. As Mr. Stanislaus has said, we are awaiting the results of the independent investigation from the U.S. Department of the Interior and the EPA Inspector General before determining the cause of the release. Agency staff in our Region 8 office have had several discussions with Mr. Hennis's legal counsel since Aug. 5.

How does EPA respond to criticisms on its water sampling methods?

EPA follows published sampling methodologies that are used throughout the country to create reproducible samples. As we've said before, these samples are analyzed by a private lab accredited by the National Environmental Laboratory Accreditation Conference, an independent, non-governmental laboratory certification organization. After the lab conducts its analyses, data reports generated are validated by an independent data validation service provider.
EPA has a clear chronological picture of water and sediment throughout the regions in addition to a historical data set that is based on decades of information gathering. Find more about our cumulative data here: http://www2.epa.gov/goldkingmine/data-gold-king-mine-response#samplingdataresults

CONGRESSIONAL HEARINGS

Can you comment on the upcoming Congressional Hearings?

We aren't providing comment on pending hearings before Congress. Thank for you writing us and we look forward to working with you.

Hi, I saw that that the House Science, Space & Tech committee is holding a Sept. 9 hearing on the Animas River spill. The chairman had asked EPA administrator Gina McCarthy to testify, but I saw that another EPA official is testifying instead. Can you tell me why Ms. McCarthy is not planning to testify?

As the Assistant Administrator for the Office of Solid Waste and Emergency Response and Senate confirmed, Mathy Stanislaus is uniquely qualified to represent EPA at the House Science, Space & Technology Committee regarding the Gold King Mine response efforts. Thanks!

Your rep at the congressional hearing indicated that the Animas River spill happened because of a cave-in and a fact sheet also says this. Can you expound on this? When did the cave-in happen (if you know)? Also, how did the drainage pipe get plugged up?

The cave-in in the nearby Old Adit is discussed on p. 7 of EPA's internal investigation. To read the report and its associated documents: http://www2.epa.gov/goldkingmine/internal-investigation-documents. Additional info: On Aug. 26, the U.S. Environmental Protection Agency (EPA) released the findings of an internal review of the agency's response to the Gold King Mine incident. Led by five EPA personnel from multiple EPA regions and Headquarters, the reviewers were tasked with developing a detailed, chronological description of events as well as identifying potential factors contributing to the release. The report provides observations, conclusions, and recommendations that regions may apply to ongoing and planned site assessments, investigations, and construction or removal projects at similar types of sites across the country. EPA will implement all the recommendations from the report and has shared its findings with external reviewers. In addition to the internal review, the U.S. Department of the Interior (DOI) is leading an independent assessment of the factors that led to the Gold King Mine incident. The assessment began on Tuesday, August 18, and it is anticipated that DOI will provide the assessment report to EPA and the public within 60 days. The goal of DOI's independent review is to provide EPA with an analysis of the incident that took place at Gold King Mine, including the contributing causes. Details about the independent review will be made available by DOI when they become available. Both internal and external reviews will help inform EPA with ongoing and planned site assessments, investigations, and construction or removal projects.

Does the EPA have any reaction to Rep. Bill Johnson's contention at today's House hearing that the EPA removed audio from its website video footage in which a worker at the mine says, "What do we do now?" Did the EPA remove the audio, and if so, can you tell me why?

The redacted video was posted by mistake. The unredacted version was meant to be shared on the EPA website. We've since removed the redacted version and replaced it with the unredacted version, as was originally intended.

CONTRACTING

Could you please tell me how frequently the EPA includes nondisclosure or confidentiality agreements in its contracts?

EPA does not have a database that can identify the specific number of clauses included in solicitations and contracts.

Are there specific parameters that dictate when a nondisclosure or confidentiality agreement must be included in a contract? If so, what are they?

The Federal Acquisition Regulation (FAR) clause 52.203-16, entitled "Preventing Personal Conflicts of Interest" requires contractors to secure non-disclosure agreements in all contracts that (1) Exceed the simplified acquisition threshold; and (2) Include a requirement for services by contractor employee(s) that involve performance of acquisition functions closely associated with inherently governmental functions for, or on behalf of, a Federal agency or department. See FAR 3.1106.

The U.S. Environmental Protection Agency's (EPA or Agency) supplement to the FAR, the EPA Acquisition Regulation (EPAAR) prescribes a clause that requires contractor and subcontractor employees to execute confidentiality agreements. See EPAAR clause 1552.227-76, entitled "Project Employee Confidentiality Agreement." EPAAR clause 1552.227-76 is required to be inserted "in all Superfund solicitations and contracts in excess of the simplified acquisition threshold and, as appropriate, in simplified acquisitions for Superfund work" and may also be inserted in solicitations and contracts pursuant to Contracting Officer discretion. See EPAAR 1527.409.

The EPAAR also includes several contract clauses requiring contractor employee confidentiality in the handling of confidential business information. See e.g., EPAAR clauses 1552.235-71, 1552.235.73, 1552.235-75, 15520235-76 and 1552.235-77.

Nondisclosure agreements in federal contracts have been used in the past to silence whistleblowers, even when considering whistleblower protection laws. Is this something whistleblowers both with contractors and with the EPA should be concerned about when signing an NDA? If not, why not?

With regard to whistleblower protections, on March 24, 2015, EPA issued FAR clause 52.203-98 (Deviation), entitled "Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements-Representation," which is required to be included in all solicitations that will use federal funds. FAR clause 52.203-98 (Deviation), inter alia, requires contractors to represent "that it does not require employees or subcontractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or subcontractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information."

Was this (the NDA for Environmental Restoration's work on GKM) just written for GKM or is it typical?

In the GKM contract with Environmental Restoration, all terms and conditions relating to company or contractor/subcontractor employee NDAs or confidentiality agreements are prescribed in Federal or EPA regulation – a process that requires public vetting via the Federal Register before going final.

In addition, the statement of work includes a standard requirement that the contractor shall not publish or otherwise release, distribute, or disclose any work product generated under the contract without obtaining EPA's express advance written approval. This does not require either an NDA or confidentiality agreement be signed by individual employees.

The clause referenced above, "Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements-Representation" is also in the GKM contract.

If it's not typical, why is it part of the GKM contract? If it is typical – why is it typical to have NDA's in contracts?

All terms, conditions and requirements in the Gold King Mine contracts with Environmental Restoration are typical, since they reflect prescribed language specified in federal and/or EPA regulations. For additional detail, see response to #2.

COST OF CLEANUP

What is the cost estimate for long term-remediation for Gold King (or the Gold King area including other mines)?

There are currently no cost estimates for the long-term remediation for Gold King Mine.

How much money has been earmarked for remediation?

EPA is committed to helping the people throughout the Four Corner Regions who rely on these rivers for their drinking water, irrigation water and recreation. Because the Gold King Mine was not a National Priorities List site, there was no specific dollar amount identified for remediation. As of September 9, 2015, the estimated total costs are approximately $8 million. Future costs will be managed as they are incurred.

Why are the cost estimated for work at the Gold King redacted?

EPA contractors are entitled to make claims of confidential business information, or CBI, before their EPA documents become public records. Redactions to this document were claimed CBI by the contractor, or made to protect EPA employee privacy and safety.

Could you please provide me with an update soonest on what other projects were being funded? And I have two other questions: How much has Environmental Restoration been paid total since it started to work on the Gold King Mine? Was any money spent down river in Regions 6 and 9 after the leak?

Your request is a much deeper dive into EPA accounting records than I can accomplish. I always try to answer as much as I can without sending reporter to FOIA. But – I want to make sure your get everything you need and I don't miss anything. You can file a FOIA online at https://foiaonline.regulations.gov/foia/action/public/home and it will get into a process that helps make certain you get all the items you are seeking. Here is what I was able to find out . The accounting modifications (32 and 33) were for other projects in Region 8. As I reported to you earlier, (34 and 77) made about 1.47 M in funding available for the Gold King Mine project in Colorado. I don't know how much has been drawn down by the contractor. None of this money would have been for Regions 6 or 9.

We are hoping for a response from the EPA on this morning's announcement from Silverton and San Juan county that they are asking for federal disaster funds from Congress to deal with mine clean up in the Upper Animas district. If federal disaster funds were designated for Silverton, San Juan County, would EPA be the one to do the clean up work? Did Silverton, San Juan County ever touch base with you on this resolution?

I haven't seen the resolution and can't speak to is specifically. I'd say clean up at mining sites is often expensive and can multiple years to complete. We will continue to work with communities, like Silverton, to address the historical problems posed by mining operations.

I have some questions about costs at the Gold King. I read in the Silverton paper that response to the leak has cost $14 million so far, and that continuing work is costing $100,000 per day. Are those numbers correct? How long do you expect this level of work (and cost) to continue? This sounds to me like it could be more costly per day than many Superfund projects. Is that the case?

You might see if there is any superfund expenditure documentation on our website. Here's what I was able to get so far. Please attribute to an EPA spokeswoman: As of Oct. 13, total expenditures were $14,458,094

DEVIATIONS

(Unknown question about deviation and claims.)

Please see attachment with the deviation request. And here is HQ's updated response, attributable to an agency spokeswoman: EPA Regions 6, 8 and 9 have submitted to HQ for consideration a 180-day deviation for pre-award costs and fully expect such deviations to be approved. We expect to have the final decision early this week. Please be assured that EPA remains committed to ensuring that state, local and tribal entities that were critical to the initial response efforts will be given adequate time to

submit cooperative agreements.

DOCUMENT RELEASE

What is your response to the accusation that EPA has not been transparent regarding its recent release of documents?

EPA will continue to make data and information publicly available as quickly as possible. Information is posted on our website at www.epa.gov/goldmineresponse and we are operating a community hotline at 844-607-9700.

Why has it taken time to release documents?

EPA takes it commitment to transparency seriously. EPA has been compiling the documents and consulting with contractors regarding confidential business information, conducting quality assurance, and loading the documents into our document management system for public release.

Is EPA withholding information?

EPA takes it commitment to transparency seriously. Since the Gold King Mine incident, EPA has been inundated with requests for documents related to the response. EPA has posted a large number of documents on our response website, many of which are responsive to the requests from stakeholders, local communities, the media, the general public and members of Congress. EPA is continuing to identify additional documents responsive to the request and will provide them to the committee, as soon as they are available.

Who are the stakeholders in the EPA's Gold King Mine Stakeholders Alert and Notification Plan?

San Juan County Colorado, Montrose Regional Communication Center, Colorado Department of Public Safety, Colorado State Emergency Line, La Plata County Colorado, San Juan Basin Health, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Colorado Department of Public Safety, Colorado State Emergency Line, Mountain Studies Institute, New Mexico Environment Department, Office of the State Engineer, Department of Game and Fish, New Mexico Department of Agriculture, Department of Homeland Security, San Juan County, New Mexico Department of Homeland Security and Emergency Management, New Mexico Environmental Department, Navajo Nation, Navajo Nation Emergency Operations Center (NN EOC), Bureau of Reclamation, RTOC Chairman, InterTribal Council of Arizona, Arizona DEQ, Arizona Office of Emergency and Military Affairs, Arizona Department of Water Resources, Nevada DEP, CalEPA, CA State Water Board, UTDEQ, DOI

DOI REPORT

What is EPA's reaction to the DOI report that came out today?

EPA requested the Department of Interior report, Technical Evaluation of the Gold King Mine Incident, to provide an independent assessment of factors that contributed to the August 5, 2015 Gold Mine incident. EPA will carefully review the report. This report, in combination with the findings of EPA's internal review of the incident, will help inform EPA's ongoing efforts to work safely and effectively at mine sites as we carry out our mission to protect human health and the environment.

Just checking on whether EPA had any more to say on this following the statements from lawmakers calling on some responsible party to be fired or disciplined, or the report saying it wasn't tasked with determining fault. It also seems like the owner of Gold King is sending out an "I told you so" statement.

I also want to be sure you had this additional statement we put out yesterday. You can attribute to Nancy. Regarding the decision by EPA not to use a drill rig to bore into the Gold King Mine (GKM) from above and directly determine the level of the mine pool, EPA's GKM Internal Review Team found that site

conditions made it difficult to undertake such drilling to determine pressure within the mine. The Review Team identified technical challenges, safety, timing, and cost as factors in considering this technique—and also identified the steepness and instability of slopes at the site as a key safety consideration.

EPA WORK ON MINES

How does EPA monitor the maintenance and condition of mines and dams that are holding contaminated water?

EPA routinely monitors hard rock mine sites that are placed on the Superfund National Priorities List (NPL). However, EPA does not maintain records of the number of mines or tailings dams in the US. Tailings dam safety falls under the jurisdiction of State Dam Safety Agencies, and the Federal Land Management Agencies (e.g., Bureau of Land Management, Fish and Wildlife Service, National Park Service and the Forest Service) that have jurisdiction for monitoring the dams on federal lands. EPA does investigate or respond to incidents that are brought to our attention. In August 1994, the EPA report entitled "Technical Report: Design and Evaluation of Tailings Dams" noted that "EPA estimates that there may be several thousand tailings impoundments associated with active non-coal mining, and tens of thousands of inactive or abandoned impoundments."

How do government mine inspectors do their jobs?

EPA routinely monitors hard rock mine sites that are placed on the Superfund National Priorities List (NPL). EPA also investigates or responds to incidents that are brought to our attention. EPA coordinates with a team of experts (e.g. site assessment managers, risk assessors) to identify the source, nature and extent of contamination at a site to determine the appropriate remedial or removal action objectives.

The Mine Safety and Health Administration (MSHA) carries out the mandates of the Federal Mine Safety and Health Act of 1977 at all mining and mineral processing operations in the United States, regardless of size, number of employees, commodity mined, or method of extraction (www.msha.gov).

It's our understanding that 15 other mine investigations were put on hold to assess whether there were risks of another accident; do those remain on hold? If not, why not? If so, what is expectation on when that assessment will be complete?

We're compiling a list of mining sites under EPA jurisdiction where the Administrator's statement on field investigations would apply.

The "Interim Guidance" memo from James Woolford mentions 10 sites, but we were told earlier that the cease work order applied to 15. Has work resumed at five of those?
I am looking for an EPA press release/documentation lending credence to a story that The Hill ran late last week. I've provided the link to that story below. Essentially, I need to know if mine reclamation activities at these 10 sites were actually halted for the reasons provided in the story.
http://thehill.com/policy/energy-environment/253470-epa-halts-work-at-10-polluted-mines-fearing-possible-spill

We initially identified 15 mining related sites as candidates for the pause directive, but of those, we ultimately determined to pause work at 10 of those sites. Below are the sites impacted by cease work memo. Please note that as part of the agency evaluation process, the status of a site may change.

Work Stopped Pending Further Investigation:

SW Jefferson County, Missouri, R7 - Work was stopped on a tailings dam, but residential yard removal work continues in order to address the human health threat.

Standard Mine , Colorado, R8 - Standard Mine investigation resumed on September 4, 2014 after study was conducted that showed that an appropriate measures were being carried out to continue work.
Leviathan Mine, California, R9 - Ongoing AMD treatment and RI/FS work is continuing. The beaver dam removal is stopped.
Iron Mountain Mine, California, R9 - Ongoing AMD treatment and RI/FS is continuing. One planned chute plug replacement is stopped. As part of the agency evaluation process, the status of a site may change.

Field Work Initiation is on Hold:

Argonaut Mine, California, R9 - Dam retrofit design work and emergency planning efforts are underway. Discussions underway with California on emergency storm water management options.

Further Assessment Needed to Determine Whether Work Should be Conducted:

Flat Creek/Iron Mountain Mine, Montana, R8 - No mechanical activities are occurring. State has performed an EE/CA and is working on an action memo.
Upper Tenmile Creek, Montana, R8 - No site work is planned for this year.
Camp Bird Mine, Colorado, R8 - On-Scene Coordinator has been conducting the assessments and no work has been initiated.
James Creek Release, Colorado, R8 - On-Scene Coordinator has been conducting the assessments and no work has been initiated.
Eagle River, Colorado, R8 - On-Scene Coordinator has been conducting the assessments and no work has been initiated.

Among those projects was one along the Eagle River, with the cryptic note: "No further information is available." What I've been told by the people at the Eagle River Watershed Council is that EPA was evaluating abandoned mined above the Eagle Mine site – a currently remediated Superfund project – to investigate possible metal loading into the river from those site. I'm told that project was completed, which is why your agency stopped work. Can you confirm this?

The Eagle River site mentioned in the Washington Post article is an abandoned mine near the Eagle River and not within the boundary of the Eagle Mine National Priorities List (NPL) site. It is a site that EPA has not yet fully assessed. On-Scene Coordinators from our Region 8 office in Denver, Colorado have been conducting the assessments and no work has been initiated.

It would be great if I could get a few quotes from someone there. Is there anyone I could talk with briefly-- maybe just about the EPA's work with abandoned mines in general?

Abandoned mines are a complicated issue to address, involving mine engineering, biogeochemistry, and hydrogeology in locations that are frequently remote. There are hundreds of thousands of abandoned hardrock mines in the United States. There is no one Federal agency that has overall authority to respond to these mines, and the funding the federal agencies have to address these mines is limited. However, EPA has worked successfully to address environmental concerns at hundreds of abandoned mine sites across the West. From Mathy Stanislaus's testimony on September 9 before the House Science and Technology Committee: To help address the legacy of hardrock mining across the country, the Administration has proposed in the FY 2016 and prior budgets to create an Abandoned Mines Lands (AML) Program for hardrock mines. The program would be funded through a new AML fee which would hold the hardrock mining industry responsible for the remediation of abandoned hardrock mines, just as the coal mining industry pays to reclaim abandoned coal mines.

Throughout its history, EPA has worked successfully to address environmental concerns at hundreds of abandoned mine sites across the West. However, in total, the United States has hundreds of thousands of abandoned mine sites. The problem of abandoned mines is large in scope and complexity. The Administration has proposed in the FY 2016 and prior budgets to create an Abandoned Mines Lands

(AML) Program for hardrock mines. The program would be funded through a new AML fee which would hold the hardrock mining industry responsible for the remediation of abandoned hardrock mines, just as the coal mining industry pays to reclaim abandoned coal mines.

Last, I saw a report this weekend on the EPA halting work at other mines to prevent blowouts similar to the spill last month. Can you confirm if this report is accurate? http://wapo.st/1Qwl3mM

On September 4, 2015, EPA issued the "Interim Guidance for Continuation of Work and Development of Comprehensive List of Superfund Mining and Mineral Processing Sites". This report can be found online at: http://www2.epa.gov/goldkingmine/september-8-2015-documents-related-mine-work-and-stakeholder-notifications

To confirm, is investigative field work at other mines still suspended, as McCarthy announced on August 12? [Asked on 10/22]

We flagged 15 mines as potentially posing similar risks to Gold King Mine. No work was planned in the immediate future at five of those mines. We either continued work or stopped planned work at the remaining 10 mines. Of those, there is currently ongoing work at six sites in order to prevent an immediate risk to human health or environmental safety. Thanks, please let us know if we can help with anything else.

There are still hundreds of leaking mines across the U.S. Is the EPA aware of this and do you plan on working on any other projects?

There are currently 137 abandoned hardrock mines and mineral processing sites proposed, final, or deleted from the National Priorities List (NPL) as well as mining sites being cleaned up using the Superfund Alternative Approach (SAA). Information provided online for each site highlights the state and EPA Region in which the site is located, provides a current status update of the site and links to additional information about the site.

HUMAN HEALTH ISSUES

Will crops in this area be safe for human consumption?

We are certain that crops are safe for consumption. When the plume came through, irrigation ditches that impacted crops and livestock were shut down. Water quality data show the water meets criteria for agricultural purposes established by the state of Colorado.

What information do you have on the testing of drinking wells?

GET UPDATED NUMBERS FROM AREA COMMAND BEFORE SENDING: As of Aug. 25, we have tested 310 private wells in Colorado and 114 private wells in New Mexico. After the initial round of sampling, we identified seven wells that required a follow-up test. Following the confirmation tests, only two of the original seven wells still indicated exceedances for Arsenic, Iron and Manganese. These two wells are located near Durango, CO, between Baker's Bridge and the 32nd St. Bridge. These homes are being provided bottled water and the EPA is coordinating with the Colorado Department of Public Health and the Environment, LaPlata County and the homeowners to explore next steps.

[Also see 9/19 Press Release on Gold King Mine website for most recent update.]

After testing 282 private wells in CO and 114 in New Mexico for a total of 396 wells, how many had exceedances?

Of 396 tests, seven private wells had initial exceedances and two had confirmed exceedances.

What were the levels of arsenic, iron and manganese?

Information regarding private domestic well sampling is provided directly to well owners and is not being

released to the public.

For analytes listed in the tables of data results (including arsenic, cadmium, chromium, lead, iron, barium, etc) can you please provide corresponding EPA water quality criteria?

For emergency response purposes, EPA uses Recreational and Agricultural uses as measurement criteria rather than water quality criteria. We consider these tools to be better suited to assessing risks to the primary uses and exposure pathways. These values are established by each state.

Can you clarify the statement: "EPA's long-term concern is the effect of metals deposited in sediments in the entire watershed and their release during high-water events and from long periods of recreational use"? What exactly is the fear of the effect of sediments on long periods of recreational use? Is the worry of the recreational use on stirring up the sediments or on the impacts of humans who recreate often in the rivers?

For surface water, the recreation-based screening levels assume that the adult or child would receive all of their daily water intake (2 liters/day) from the river over a continuous 64 day period. For sediment, the recreation-based screening levels are based on a hiker/camper that may become exposed to sediments alongside the riverbank over a continuous 64-day period. These RSLs are conservative, representing levels that are not expected to cause adverse effects over an extended period of time, based on a continuous 64-day exposure. These screening criteria represent the most conservative scenario for recreational users. Since we know water will drop out of the water – we are also testing sediments.

(Additional response: Risks to humans from metals in the sediments are based upon the total exposure a person may have over a given period of time. Exposure from sediments would be from hand to mouth exposures. We want to ensure that the concentration of metals in the sediments are sufficiently low enough to ensure that a recreational person will not be exposed to harmful levels of metals over a period of time expected that the person would be recreating.)

Has a survey taken place on the river fish and the impact of their exposure to the plume?

I understand FDA has responded to your question stating that 'no FDA regulated products have been found to date which were exposed to potentially contaminated water from the spill'. FDA is the correct agency to provide you with this evaluation. I wanted to also share a copy of the Sept. 2 Colorado Department of Public Health and Environment regarding trout from the Animas River. It includes contact information should you want to follow up directly with them.

NAVAJO NATION

Navajo officials and local farmers say that a water tank provided by the EPA for their use for agricultural purposes is contaminated. Has EPA checked this out?

THIS RESPONSE WILL NEED TO BE UPDATED ON AN ONGOING BASIS, DO NOT SEND WITHOUT UPDATING: The U.S. EPA is working closely with Navajo Nation authorities to investigate a recent complaint about water contamination in one tank provided by U.S. EPA for agricultural purposes in the Shiprock, New Mexico area. Aside from this complaint, EPA has received no other complaints about tank water contamination.

Following the Gold King Mine release, an EPA contractor has been providing storage and delivery of agricultural water in Shiprock and other parts of the Navajo Nation. EPA did not administer distribution of water from the tanks. Specifically, thirteen tanks were deployed to provide watering service within the Navajo Nation following the Gold King Mine release, which impacted the San Juan River. Nine of these tanks were deployed in the Shiprock area. These tanks were sourced from the water division of Triple S Trucking Company, an Aztec, N.M.-based tanker truck company. According to the contractor, the tanks were steam cleaned and inspected prior to use at Shiprock. Water distributed by Triple S tanks, under contract to EPA, was provided by the Bloomfield Utility Department, the municipal water utility company

for the City of Bloomfield, N.M.

Based on EPA surface water data collected following the August 5, 2015 Gold King Mine release, San Juan River water quality in the Navajo Nation has returned to pre-event conditions. This determination is based on a review of water quality data collected from August 7-15, 2015 at EPA's sampling point near Hogback, N.M. EPA Administrator Gina McCarthy and Navajo Nation President Russell Begaye had a productive phone conversation on August 19 to review water quality data. It was agreed on that call, that Friday August 21, would be the last day for EPA water deliveries for agricultural use on the Navajo Nation. EPA will continue to work with the Navajo Nation in the coming weeks to ensure that a long-term monitoring plan for the San Juan River is implemented. In addition, EPA is positioned to provide technical assistance in flushing irrigation ditches on the Navajo Nation.

What is being done to provide water to the Navajo Nation?

EPA and the Navajo Nation agreed that Friday Aug. 21 would be the last day that EPA would make agricultural water available on the Navajo Nation. As of August 21, EPA had provided a total of 418,000 gallons of water for livestock and agriculture. EPA is currently working with federal and tribal partners to evaluate alternative methods of supporting water delivery.

EPA continues to provide hay for livestock, and has delivered a total of [3,556/2,304] bales to date. EPA has also provided technical assistance to the Navajo Nation for irrigation ditch flushing, similar to the assistance provided in Colorado and Utah, and believe the irrigation ditch water is suitable for use.

Based on EPA sampling data at Hogback, N.M, San Juan River water quality has returned to pre-event conditions. The City of Durango has resumed taking water from the Animas River for use in their drinking water system, the State of New Mexico has lifted restrictions on the use of the San Juan River for drinking water, and the State of Utah has lifted restrictions for using San Juan River water for irrigation and livestock watering.

EPA and its federal partners continue to evaluate the need for resources and to engage the Navajo Nation.

Can you say whether any of the Navajo farmers have submitted compensation claims yet?

The agency has not yet received any claims from members of the Navajo Nation. They have two years to file a claim for consideration.

Do you have any comment on the September 4 statement by Navajo President Begaye?

Sent her Jared's letter to President Begaye, the FEMA response to their request for assistance and asked her to look at the most recent data and press release on the status of the San Juan. (Followed up with this additional info: http://www2.epa.gov/goldkingmine/epa-update-gold-king-mine-response-navajo-nation-additional-data-public-records Specifically for Navajo Nation, EPA's conclusions are based on comparisons of San Juan River water and sediment data to EPA and Navajo EPA standards. Results consistent with this data set have been utilized by other jurisdictions along the Animas and San Juan Rivers to lift use restrictions for irrigation, livestock watering, and recreational purposes. Last night, Navajo Nation President Russell Begaye gave the directive to open the Fruitland Irrigation canal, which delivers water from the San Juan River for irrigation to three Navajo chapters.)

Is there someone who can chat with me briefly this AM about the effects of the Gold King mine spill on the Navajo Nation? The tribal leadership has issued a steady stream of rhetoric about 'cultural and economic devastation' and I'd like to hear the EPA's side of this. How has the Gold King mine spill affected the Navajo Nation? Is there science to back up the nation's claim of economic/cultural devastation?

Reporter asked about the economic and cultural damage GKM spill caused to Navajo. She needed clarification on the status of water quality. Jared confirmed that the watershed is at pre-existing conditions and has been for a while now. He pointed to 2011-2013 data that shows variability to the river regardless of spill conditions. Jared explained Navajo doesn't used San Juan for drinking water purposes, instead drawing from wells in the area. Reporter asked about the Navajo Nation's decision not to open the river for irrigation and livestock consumption purposes. Jared reiterated our role is to provide data, and that Navajo as a sovereign government has to decide what to do with that information. She

pushed for comment on why Navajo would keep the river closed if science says that it's safe. Jared said that's a question for Navajo. She also asked Jared to speculate as to whether or not Navajo has been affected more so than other communities by the spill, because of their heavy reliance on agricultural. Jared again said that's a question for Navajo, emphasizing the resources we provide to Navajo Nation EPA, including 3 native speakers, close to 70 people in the regional office, and repeated our commitment to provide additional support for any cultural needs of Navajo Nation.

I am working on a short story about the Gold King Mine spill ahead of tomorrow's hearing, and I would like to please request an interview with someone to discuss the EPA's response thus far, particularly as it pertains to the Navajo nation. Is there someone available for a short, recorded interview on this topic today? If so, I would like to please request that the guest record their side of the interview with a smartphone to ensure optimum audio quality. I have attached instructions.

Reporter asked generally how the cleanup is going and how Navajo has been affected. Jared said the San Juan has returned to pre-event conditions, and that it was mostly the agricultural operations that were affected, not drinking water needs. He talked about the longstanding relationship EPA has with Navajo and the resources and support we provide to them. She asked about the claims process, how many claims had been filed, what EPA has done to help people navigate submitting the forms, and for Jared's reaction to President Begaye's assertion that Navajo will pursue a lawsuit. Jared said we've helped folks figure out how to submit claims forms, but he's not aware of any claims or lawsuits that have been filed. He also told her that our relationship with Navajo is good and communication has been consistent. EPA provided data to Navajo so they can make a decision about opening the river for irrigation and livestock consumption purposes. Reporter asked why it was necessary for EPA to send tanks. Jared said they asked for us to send water for irrigation and livestock, and that we, along with BIA, provided that assistance.

I'm a reporter with NBC Phoenix – Erin Brockovich toured parts of the Navajo Nation today and expressed a lot of criticism toward the EPA for the Gold King Mine Spill. She said she is "disgusted" with the EPA and has witness similar situations regarding natural resource contamination at the hands of the EPA across the country. Here is another direct quote from my interview with her: "Should there be criminal charges? Should whoever was in charge of the breach be looked at criminally? Of course. But will it happen? Probably not. The system is broke and the agency is an absolute failure."Any response from the EPA toward these comments? Also, Navajo Nation president Russell Begaye said he is not pleased the EPA is not providing further testing to the San Juan River or continuing to work to help supply irrigation water to the Navajo people. My deadline is 5:30 p.m. Arizona time – would like to include something from the EPA in my story please.

To determine what happened and help prevent it from happening again, EPA completed an internal review of the activities leading up to the incident and made those findings and recommendations available to the public. In addition, we have shared our internal review with the Department of Interior which is conducting an independent review of the incident and the Agency's Inspector General who is also conducting an investigation. We have a long-term relationship with the Navajo Nation and is committed to working collaboratively with the Tribe on response activities related to the Gold King Mine release. Since August 13, EPA has had a full-time liaison officer to the Navajo Nation's Command Center in Window Rock to discuss and plan ongoing activities and we continue holding regular calls with the Navajo Nation since the spill. (Letter to the Navajo Nation attached)

The Navajos said late Friday that EPA and FEMA declined the tribe's request for continued assistance in the wake of the Gold King spill. What's the agency's position here? What requests have been denied? These questions apply to FEMA as well.

I'd defer to FEMA to respond to your question. Attached is a copy of their letter if you haven't seen it.

Erin Brockovich is touring the Navajo Nation today. During an address in Shiprock she stated the agency isn't telling the truth about the amount of wastewater spilled from the mine, suggesting it was far more than 3 million gallons. The Navajo president has asserted the same.Can you please weigh in here?

Here is the information regarding the calculation of the release as it made its way downstream. Perhaps

their reference is to the continued flow from the mine. You can find information about flow rates in one of the attachments to our internal review - which has a nice historical summary too. Based upon 2009-2014 flow data, the average annual discharge from the Gold King Mine and three nearby mines (Mogul, Red and Bonita, and American Tunnel) reached approximately 330 million gallons per year. USGS measured increased flows at a streamgage starting at about 12:30 p.m. and ending about 7:15 p.m. This resulted in a provisional calculated flow volume of 3,043,067 gallons discharged from the Gold King Mine. The EPA's original estimate of 1 million gallons discharged from the Gold King Mine was based on an estimate of the size of the adit. A streamgage is an instrument that measures volume by measuring flow, which is much more precise.

The Navajos said late 9/4 that EPA and FEMA declined the tribe's request for continued assistance in the wake of the Gold King spill. What's the agency's position here? What requests have been denied?

Reporter asked about the Navajo Nation's decision not to open the river for irrigation and livestock consumption purposes. Jared reiterated our role is to provide data, and that Navajo as a sovereign government has to decide what to do with that information. She pushed for comment on why Navajo would keep the river closed if science says that it's safe. Jared said that's a question for Navajo. She also asked Jared to speculate as to whether or not Navajo has been affected more so than other communities by the spill, because of their heavy reliance on agricultural. Jared again said that's a question for Navajo, emphasizing the resources we provide to Navajo Nation EPA, including 3 native speakers, close to 70 people in the regional office, and repeated our commitment to provide additional support for any cultural needs of Navajo Nation.

I'm wondering if you might be able to give me the EPA's position on Navajo Nation President Russell Begaye's recent statement below. He asserts that the EPA, and FEMA, won't be offering further assistance to the tribe following the Gold King Mine spill. Is this true, in regard to the EPA?

We have a long-term relationship with the Navajo Nation and is committed to working collaboratively with the Tribe on response activities related to the Gold King Mine release. Since August 13, EPA has had a full-time liaison officer to the Navajo Nation's Command Center in Window Rock to discuss and plan ongoing activities. We continue holding regular calls with the Navajo Nation since the spill and had one yesterday (9/8). We have identified a number of areas for collaboration and assistance between EPA and the Navajo Nation. This is by no means a comprehensive list, but rather a way to initiate discussions regarding specific items to address the Navajo Nations short-term and long-term needs in connection with the Gold King Mine incident. Our goal would be for our teams to work together to prioritize action items.
Reimbursement for Response Costs:
EPA is committed to reimburse all eligible response costs incurred by the Navajo Nation. This could include Navajo Nation expenses incurred in carrying out temporary emergency measures during this incident. The mechanism would be in the form of a Cooperative Agreement. In addition to reimbursement of eligible response costs, we have discussed a number shorter term items to assist the Navajo related to the incident, including:
Data: Explore third party interpretation/validation of pre-incident and incident data sets; and Assist Navajo Nation EPA or third party with the collection and analysis of additional sediment and shoreline samples
Risk Communication: Assist with messaging of incident related potential risks to crops and livestock for farmers, ranchers and other members of the Navajo Nation. In addition, we would like to work with the Navajo Nation on longer term issues:
Cultural Resources: Help characterize incident-related impacts to the Navajo Nation's cultural resources and
Long Term Watershed Monitoring: Support the Navajo Nation inputs and engagement into the long term watershed monitoring strategy.

Does EPA have a response to President Russell Begaye's request the Upper Animas Mining District be listed on the NPL as a Superfund site?

We will review President Begaye's letter and respond appropriately.

Can we have an on-camera interview with Jared to discuss the effect of the spill on Navajo Nation while they're in Farmington on Monday?

Attached is a letter Regional Administrator Jared Blumenfeld sent to Navajo Nation President Begaye last Thursday. It outlines EPA and Navajo's progress on Gold King Mine, specifically noting the feedback the Navajo Attorney General gave confirming that the water in the EPA tanks met Navajo water quality standards. Below is the most recent press release specifically addressing water quality in the San Juan: http://www2.epa.gov/goldkingmine/epa-update-gold-king-mine-response-san-juan-river-data. And this last link specifically addresses water quality affecting Navajo Nation: http://www2.epa.gov/goldkingmine/epa-update-gold-king-mine-response-navajo-nation-additional-data-public-records.

Is it true that EPA's response to the toxic spill is legal maneuvering, without regard to the public health and livelihood of the Navajo people?

The EPA's focus is the public health of all people affected by this tragic event. Senior agency staff have been talking with Navajo Nation leaders and meeting with tribes within the Navajo Nation, and are working hard to address their concerns and meet their needs.

Is it true that EPA removed water it was supplying to the Nation for their crops without prior notice? President Begaye says that in a phone call with Gina M. that she said EPA did not do so. He disagrees.

President Begaye and Administrator discussed in a phone call that the river had returned to pre-event conditions and that because of that EPA would stop delivering water after August 21st. This conversation was also documented in a press release issued on August 19th. In early September EPA demobilized and retrieved 5 tanks; another 6 EPA tanks remain in Navajo Nation and will remain until they're empty. BIA continues to provide water at Shiprock and Hogback.

Data gathered by EPA and by Navajo has determined that the San Juan River has returned to pre-event conditions. The Navajo Nation EPA indicated that the water in the San Juan River is suitable for irrigation of crops. Nevertheless, the Navajo Nation has maintained irrigation and livestock restrictions on most of the river and has asked community members to put a resolution before their respective chapters to vote on opening the river for irrigation. 3 chapters just west of Farmington requested lifting all restrictions and received permission to lift irrigation restrictions on 8/28.

Did the EPA send an alert as early as Monday that more contaminants were released and are heading to the Nation's waterways?

A "Notification Only" alert level per the *Gold King Mine Stakeholders Alert and Notification Plan* was issued on September 12 for "…an identified non-mine site related event affecting Cement Creek or the Animas River that will not pose a physical or safety concern for downstream users…". This event was a temporary increase in the turbidity in Cement Creek that has now largely dissipated.

Ok, here are some comments President Begaye made in our interview that I wanted to run by you guys. Let me know if you have comment or background on this (or if you've already made public comment that I missed). Thanks.

-He said the USDA wants to help with removal of riverbed contaminants "but the EPA is stopping them."

EPA is unaware of any proposal by USDA to clean up river sediment.

In September, USDA Rural Development and Texas Tech circulated a proposal to use an XRF to survey river bank sediments. EPA was not involved in this proposal and didn't prevent its implementation. Please contact USDA Rural Development and/or Texas Tech for information on their proposal.

Decisions for sediment cleanup will vary greatly through the watershed, with decisions made first at the source near Silverton. Decisions for the source cleanup may be much different from decisions throughout the watershed. EPA is currently conducting a one-year monitoring study of the Animas-San Juan watershed that includes sediments and storm-event sampling. EPA will determine what additional response, if any, is needed based upon the information provided by this study.

We believe it's important to note that, as stated in the BOR external report, the orange/yellow sediment is iron-oxyhydroxide (i.e., a form of rust). Although the yellow/orange sediment may build up along some parts of the river, it is in a chemically stable form and is not a human health hazard.

-He said the EPA had pressured some Navajo farmers to sign paperwork taking immediate financial compensation for their losses due to the spill but forfeiting the rights to future compensation. He said this is a problem given that the EPA has said clean-up could take decades.

EPA personnel never distributed standard claim forms (SF-95) on the Navajo Nation. Following the spill, these forms were made available at community meetings in Colorado and New Mexico. When claim-related questions were raised during meetings with Navajo community members, due to concerns raised by Navajo Nation about the claims process, EPA staff referred individuals with questions to the Navajo Nation's Attorney General's office, or to information available on the EPA website here: http://www2.epa.gov/goldkingmine/claims-process-and-standard-form-95-damage-injury-or-death-result-gold-king-mine

-He said the Indian Health Service told the they had the funds to pay for drilling 12 wells along the San Juan river to provide livestock drinking water, but that the EPA said it would deal with the livestock drinking water problem, and that it hasn't.

On August 19, based on EPA surface water data collected following the August 5, 2015 Gold King Mine release, EPA determined that San Juan River Water quality in the Navajo Nation returned to pre-event conditions. EPA Administrator Gina McCarthy discussed this determination with Navajo Nation President Russell Begaye on August 19. In the middle of August, state and local decision-makers both upstream and downstream from Navajo Nation lifted water restrictions, including restrictions for livestock, along the Animas and San Juan Rivers. On October 15, the Navajo Nation President's Office issued a notice indicating that San Juan River water was safe for livestock and irrigation use.

EPA is not aware of the status of IHS funding for drilling 12 wells for livestock drinking water. We suggest confirming this with John Hubbard, the Navajo Area Director of the Indian Health Service.

-Speaking generally, Begaye said the EPA has only provided limited help and that he believes this is because doing more to take responsibility for damage could make them more liable in court.

EPA's deployment to the Navajo Nation following the August 5 Gold King Mine release was extensive. EPA Region 9 alone deployed well over 30 personnel, the majority of whom were at the Incident Command Post (ICP) in Farmington, New Mexico. The Farmington ICP ran operations for sampling on the San Juan River and delivery of hay and water on Navajo Nation. EPA provided nearly 8,500 bales of hay to Navajo communities along the San Juan River. EPA and the Bureau of Indian Affairs (supported by EPA funding) provided over one million gallons of livestock and agricultural water to farmers and ranchers on the Navajo Nation.

The responses below have not been sent out to press, working on updating our internal information:

Navajo Nation was notified of a spill by EPA Region 9 at 9:58pm PT on 8/6/15. Who specifically was notified then?

USEPA first notified the Diane Malone with the Navajo Nation Environmental Protection Agency (NNEPA) and David Taylor with the Navajo Nation Department of Justice (NNDOJ) of the release in an email sent the evening of 8/6.

EPA began delivering livestock irrigation water to Navajo Nation and has delivered 13 tanks, each containing 16,000 gallons of water, throughout the San Juan River corridor. How many tanks are now empty and have been picked up? Is this the total? What was the timeframe of the deliveries?

Starting August 13, USEPA deployed 13 tanks throughout the San Juan River corridor with the original intent of providing water for irrigation purposes. Drinking water from Bloomfield, N.M. was used to fill these tanks, and the water was suitable for irrigation and livestTruffock purposes. EPA sampling results, as well as sampling results from NNEPA, confirmed that water in the tanks met all applicable NN water quality standards. Of these 13 tanks, five have been emptied and removed. The remaining eight may still have water in them, and will be removed when empty.

EPA has delivered nearly 5000 bales of hay to Navajo ranchers and farmers to ensure livestock has access to food while their movement and grazing was constrained because of restrictions on the San Juan River. These deliveries will continue through at least September 18, 2015 What is the update on this and current numbers?

[On 9/18] EPA has delivered nearly 6,000 bales of hay to Navajo ranchers and farmers to date. These deliveries will continue through September 30, 2015.

EPA will pay $45,000 for the Navajo Tribal Utility Authority's delivery of 31,500 gallons of emergency drinking water to the 420-person community of Montezuma Creek, Utah for 25 days. Is this a current statement?

Yes, this is accurate. On August 27, NNEPA noted in a letter to Navajo Tribal Utility Authority, that the river posed no threat to the public water system at Montezuma Creek.

OTHER MINES

Is the Red and Bonita mine connected to the Gold King Mine?

We have assessed the Red and Bonita mine and to our knowledge, it is not hydraulically connected to the Gold King Mine.

Are there any other efforts underway with other nearby mines?

The removal assessment at the Gold King Mine had been planned in conjunction with a plan to install a bulkhead (plug) at the nearby Red and Bonita Mine.

What will EPA doing about other potential mine work?

Once the investigations stemming from the Gold King Mine incident are completed, EPA will issue guidance on future mine work.

Can you tell me about the work being done in the Ophir area?

The area around Ophir is part of the "Iron Springs Mining District." There are several sites (areas) that are being addressed in this district. They include:

1. Silver Bell Tailings – was cleaned up jointly by EPA and USFS. It is completed.

2. Carribeau Tailings & Draining Adit – Joint effort by EPA and USFS – this project is in the planning phase. The plan is to move the tailings to a repository. For the flowing adit, the plan is to make the drainage permanent and to direct the discharge to some settling ponds with no treatment. Implementation of the plans for this project would be on hold per the Administrator's directive.

3. Carbonaro Adit – This site is being investigated by DRMS under EPA direction. The plan is to conduct an investigation by opening up the adit to determine if clean water can be diverted away from the mineralized zone and determine where a plug can placed. This project is on hold per the Administrator's directive.

4. A joint project between EPA & USFS at the North Star Tailings to move the tailings to a repository was completed sometime ago.

Is additional work planned for any nearby mines that are interrelated with Gold King? Please provide names of those mines, what work is being considered and any timeline for when it will be conducted.

EPA is conducting ongoing investigations at several mines, including the nearby Red and Bonita mine, to determine the nature and extent of the contamination in the Upper Animas Mining District Site, including discharging mine adits.

How many mine sites are impacted by the Administrator's cease work order for field investigations at other mine sites?

EPA is compiling a list of mining sites under EPA jurisdiction where the Administrator's statement on field investigations would apply.

Does the order apply to cleanup work that is ongoing or simply investigative work that would come before a cleanup?

This does not mean cleanup work will stop. Ongoing cleanup work that is necessary to protect human health and the environment will continue unless there is a reason to evaluate a site specific situation.

Does the EPA maintain a database of mines on non-public lands? Can you provide this list?

The Superfund National Priorities List (NPL) Mining and Mineral Processing Site contains information about mining sites and mineral processing in general. You can access this information at http://www.epa.gov/superfund/programs/aml/amlsite/npl/htm

AMLs are defined as those lands, waters and surrounding watersheds where extraction, beneficiation or processing of ores and minerals has occurred.

Is additional work planned for any nearby mines that are interrelated with Gold King? Please provide names of those mines, what work is being considered and any timeline for when it will be conducted?

EPA is conducting ongoing investigations at several mines, including the nearby Red and Bonita mine, to determine the nature and extent of the contamination in the Upper Animas Mining District Site, including discharging mine edits.

Does EPA have other documentation showing blow-out risk at other mines in Colorado?

This request will require extensive file review by the agency. We do not know of documentation showing blow-out risk at other mines in Colorado that can be shared with you immediately.

What does this mean for other mines, specifically those in South Carolina?

EPA has worked successfully to address environmental concerns at hundreds of abandoned mine sites across the West. EPA will thoroughly investigate this incident, and it is committed to applying all lessons learned to its work as it moves forward.

While EPA continues to investigate the root causes of the release of mining waste at the Gold King Mine, all EPA regional offices will immediately cease any field investigation work at mines, including tailings facilities.

U.S. Environmental Protection Agency (EPA) released the findings of an internal review of the agency's response to the Gold King Mine incident. Led by five EPA personnel from multiple EPA regions and Headquarters, the reviewers were tasked with developing a detailed, chronological description of events as well as identifying potential factors contributing to the release.

The report provides observations, conclusions, and recommendations that regions may apply to ongoing and planned site assessments, investigations, and construction or removal projects at similar types of sites across the country. EPA will implement all the recommendations from the report and has shared its

findings with external reviewers.

In addition to the internal review, the U.S. Department of the Interior (DOI) is leading an independent assessment of the factors that led to the Gold King Mine incident. The assessment began on Tuesday, August 18, and it is anticipated that DOI will provide the assessment report to EPA and the public within 60 days. The goal of DOI's independent review is to provide EPA with an analysis of the incident that took place at Gold King Mine, including the contributing causes. Details about the independent review will be made available by DOI when they become available. Both internal and external reviews will help inform EPA with ongoing and planned site assessments, investigations, and construction or removal projects.

Based on the outcome, EPA will determine what actions may be necessary to avoid similar incidents at other sites.

While EPA stops work on existing field investigations and assessments at these mining sites, EPA also is instructing its regional offices to identify existing sites with similarities to the Gold King Mine site, to identify any potential immediate threats and to consider appropriate response actions.

Can you provide a list of mine sites where the EPA has entered into agreements similar to the one with the Animas River Stakeholders Group?

So far we've identified two Good Samaritan sites that have had Administrative Orders on Consent for Removal Action (AOCs): American Fork Canyon and Kerber Creek.

American Fork Canyon http

This site had two Administrative Orders on Consent for Removal Action (AOC). One AOC addressed construction of an access road and another addressed moving some waste rock. Both were with Trout Unlimited.

Here is some additional information on American Fork Canyon you might find useful: ://1.usa.gov/1PwWFAe

Kerber Creek

For additional information on Kerber Creek: http://kerbercreek.org/

What is the current condition of dams or containment walls that hold back water at the Barite Hill site?

A spillway was constructed during the removal action to prevent the catastrophic release of contaminated water from the Main Pit. The walls of the main pit and the spillway appear to be sound and do not pose a risk of failure.

Is there any seepage through pond walls or dams?

No, there does not appear to seepage through the walls or spillway. There are some seeps at the base of the pit, but these seeps do not compromise the integrity of the pit walls or spillway. Furthermore, it is suspected that the seeps are not from the pond, but rather they are groundwater.

Have there been any releases from any of the Barite ponds to nearby creeks in the past year?

No releases from the ponds have been documented in the past year.

Can you give me more information on the interagency agreement the EPA has with the Bureau of Reclamation regarding the Leadville Mine Drainage Tunnel? When did that agreement officially happen? What is the EPA's role in that agreement?

An interagency agreement is a document, generally between government agencies and departments, that defines cooperative work between them. The agreement defines the parties involved, the work performed

and the transfer of technologies and funds. Starting in 1994, EPA had a broad interagency agreement with the US Bureau of Reclamation to provide technical assistance in remedial investigation, feasibility studies, proposed plans, and reports supporting records of decisions at the California Gulch Superfund site. Additionally the US Bureau of Reclamation provided technical assistance in the remedial design, response actions and remedial action for Operable Unit 6, the Stray Horse Gulch area. Technical assistance included project management, scheduling, contracting, community relations, cultural resource surveys, engineering, hydrologic (surface and groundwater) and mine land reclamation. EPA paid the US Bureau of Reclamation for the services provided. The amended record of decision for Operable Unit 6 was signed in September 2010. (More information about the California Gulch Superfund Site can be found at http://www2.epa.gov/region8/california-gulch .) To help clarify EPA's and the US Bureau of Reclamation's roles going forward in 2010, the previous interagency agreement was replaced with an interagency agreement specific to the work in Operable Unit 6, Stray Horse Gulch, for which the EPA pays for completed work. The Statement of Work provides for the US Bureau of Reclamation to perform the following activities to support EPA: 1. Treat and monitor water that EPA puts into the Leadville Mine Drainage Tunnel. Treatment includes reducing the acidity of the water, removing heavy metals from the water and disposal of the produced sludge. Monitor water that enters the Marion Shaft via the Marion Pond, includes measuring the volume and maintaining of the monitoring system. 2. Provide technical support which may include design of diversion ditches and retention ponds as needed. 3. Provide consultation which may include advice on drainage system as needed. Note: The parts of the Leadville Mine Drainage Tunnel are in Operable Unit 6, Stray Horse Gulch of the California Gulch Superfund Site.

Will plugging the R&B increase flows from the GKM?

EPA is not aware of direct mining tunnel connections between the Red & Bonita Mine and the Gold King Mine, though there may be hydraulic connections. Thus, as work is completed at the Red & Bonita Mine, EPA plans to monitor flow rates at the Gold King Mine. EPA plans to address any flow rate concerns at the Gold King Mine by the flow-through bulkhead at the Red & Bonita Mine. A flow-through bulkhead allows mine pool water levels and hydraulic pressure to be controlled through opening or closing of a gate valve.

OTHER MINES: BREWER MINE, SC

EPA had spent $7 million treating water from 2007 to 2014 at the Brewer site - Please provide the updated cost as of this year.

$8 million.

There are 18 million gallons (MG) of contaminated water in Pad 6, correct?

The Pad-6 Pond contains about 200,000 gallons and is not allowed to accumulate more than 2.5 million gallons. The pound has the ability to store 18 million gallons.

What contaminants are contained in that water?

The water contains several dissolved metals including iron and manganese. See attached table. (Note that micrograms per liter (ug/l) are parts per billion and milligrams per liter (mg/l) are parts per million.)

Please list other contaminated basins at the Brewer site and how many gallons of water are in them?

There is a 6 million gallon sediment control pond at the site.

Is the Pad 6 pond, or other ponds, held back by an earthen dam or dams?

The Pad 6 pond and the sediment control pond are contained by maintained and engineered earthen dams.

What is the condition of those dams or containment walls? Is there any seepage?

The dams for both of the ponds are maintained and in good condition. There has been no visible seepage through the dams to date.

Please explain whether EPA is doing anything differently at the Brewer gold mine site in light of the Animas River spill in Colorado.

EPA has also asked regional offices to identify existing sites with similarities to the Gold King Mine site to identify any potential immediate threats and to consider appropriate response actions. This effort is currently underway.

How was the work being done on the Animas River alike or different than work being done at the Brewer gold mine in South Carolina?

The Brewer Gold Mine is not an underground mine like the Gold King Mine in Colorado.

Is there any concern that a spill like that on the Animas River could occur at the Brewer gold mine?

EPA has asked regional offices to identify existing sites with similarities to the Gold King Mine site to identify any potential immediate threats and to consider appropriate response actions. This effort is currently underway.

At the Brewer mine, what is the status of the new water treatment plant? Has construction started? When will it be completed?

The new water treatment plant is still in the design phase. Construction of the water treatment plant will likely not start for at least two more years.

How does the Pad 6 pond relate to the existing water treatment system? Would it be replaced when a new system is built?

The Pad 6 pond is used for storing untreated water prior to treatment. The pond will be replaced by a new water storage pond once the new treatment plant is fully operational.

Explain the process for treating water at Brewer. After collecting the water, how is it treated before it is released?

Water is pumped through the treatment plant where lime slurry is used to neutralize the acidic water and cause the dissolved metals to become insoluble and settle out as sludge. The sludge is dried and stockpiled on site. The treated water is tested to make sure it is clean and then pumped either to the discharge point in Little Fork Creek or to the two clean water storage ponds. The water in the clean water storage ponds is ultimately discharged to Little Fork Creek.

Was the limestone drain issue related to the treatment pond or to some other feature at the Brewer site?

The limestone drain is not related to the treatment ponds. The limestone drain was incorporated into the backfilled and capped surface pit when it was reclaimed by the Brewer Gold mining company in the 1990s. The company planned for the ground water in the backfilled pit to rise to the elevation of the limestone drain and ultimately discharge through it as a means of treating the AMD water rising in the backfilled pit. Unfortunately, the groundwater in the pit began discharging via springs and seeps to the surface at an elevation well below the limestone drain. The AMD water has been collected and treated ever since. First by the mining company then by the EPA when the mining company abandoned the site

in 1999.

When would EPA turn the Brewer mine site over to the state of South Carolina?

EPA will turn the operation of the new water treatment plant over to the state of South Carolina once the treatment plant is running and operating reliably and consistently.

Would it be possible to visit the Brewer mine site this week?

We can arrange a tour in the future.

OTHER MINES: SUNNYSIDE

Is EPA aware of water buildup inside the Sunnyside Mine?

Yes. The Sunnyside Gold Corporation, pursuant to its mining permit and an agreement with the State of Colorado, installed bulkheads in the American Tunnel in several locations in the late 1990s and early 2000s. The American Tunnel drained the Sunnyside Gold Mine workings during the mine's operating years. When the bulkheads were installed, water elevations rose in the mountain and flooded the Sunnyside Gold mine workings. EPA understands that the water levels in mine pool have been stable for several years. The Colorado Division of Reclamation, Mining and Safety (DRMS) would be a good resource for additional information and estimates on volume.

Does the agency have any concerns about a potential spill from Sunnyside?

We have no information indicating an immediate risk of a release from the Sunnyside Mine. EPA will be working with our partners at Colorado Division of Reclamation, Mining & Safety (CDRMS) to evaluate the Gold King Mine release and its impact on conditions in the area to determine if additional measures are necessary to address potential discharges.

Were the actions taken at Sunnyside responsible for water that was coming out of Gold King Mine?

The relationship between the water in the Sunnyside Gold Mine and other mines in the area is a complex topic. Many of the mines in the area either intersect the same geologic structures and/or are in close proximity to the same structures. The Colorado Division of Reclamation, Mining & Safety has extensive knowledge and details on Sunnyside and other mines in the area, and that information has been the subject of extensive discussion and review with EPA and the Animas River Stakeholder Group (ARSG) over the last several years.

Hennis said Sunnyside is the source of the contaminated water in Gold King, Mogul, and Red and Bonita. Is that correct?

I cannot confirm this statement.

SEDIMENT AND SLUDGE

If the contaminants do re-mobilize, what are the chances that they will pose enough of a threat to prompt more drinking water advisories or closing of rivers?

It is not uncommon for sediments to move, especially in areas of fast water flow or in times of fast water flow, such as heavy rain events or snow melt. Since the metal concentrations in sediments analyzed after the Gold King Mine release are similar to those before the release, the movement of the sediments during high water flow events would not result in water or sediment concentrations unusual for this area.

Are there any plans to try to remove contamination from sediment? Is that even possible?

There are no plans to decontaminate sediment. That is not currently being considered as an option.

Are we testing Submerged and/or Shoreline sediment?

EPA will likely sample both if necessary.

How likely are the contaminants to re-mobilize? How long will this remain a potential problem?

The areas around the upper reaches of the Animas River have been associated with hard rock mining for a number of years. Some of those mines have been shown to leak water containing heavy metals into rivers and their tributaries throughout this area. Although the movement of contaminated water from the Gold King Mine resulted in a pulse of contaminated water that traveled from the Animas River to the San Juan River and beyond, the pulse of contamination was relatively short-lived and based on sampling tests thus far, is not likely to result in a long-lasting change in water or sediment metal concentrations in these water bodies.

In short, water and sediment sampling indicate that there is no change in the sediment contaminant levels. As such, we don't expect the remobilization of Gold King event-related contaminants to pose health risks.

What should people do if they've dug sediment out of their ponds and ditches? How do they get rid of it properly?

Sediment metals concentrations are below sediment/soil recreational screening levels and are being maintained at pre-event conditions. For property owners who choose to remove sediment and want to know how to dispose of it, samples analyzed thus far have shown that the material is suitable for disposal at a solid waste landfill, such as the Bondad Solid Waste Landfill. Property owners are encouraged to follow the requirements of transporters and the landfill including requirements for containerization and limitations on free liquids.

Is it accurate to say that the EPA's tests show metal concentrations in sediment tested by the EPA have returned to pre-spill levels?

Yes.

Does the EPA have any plans to remove any contaminated soil or sludge from along the Animas River in New Mexico or Colorado? Dr. David Weindorf of Texas Tech University and Russell Begaye of the Navajo Nation have both raised the issue. Does the EPA think the sludge should be removed? Has EPA considered removing it, or requesting that another state or federal agency remove it?

The EPA yesterday announced a long-term monitoring plan to help inform the agency's next steps on the incident. We've asked Navajo Nation -- along with the states of Colorado, New Mexico and Utah; Southern Ute, and Ute Mountain Ute tribes --- for their input, so that we can initiate the work before the fall. All of the affected residents of Colorado, and New Mexico and members of the Southern Ute, Ute Mountain Ute, and Navajo Nation Tribes can be assured that the EPA has and will continue to take responsibility to help ensure that the Gold King Mine release is cleaned up. As background, please see: The draft monitoring plan (attached) we are orgcirculating for review. Yesterday's testimony (attached) by Larry Wolk, from CDPHE, in which he states that Colorado does not anticipate adverse health affects from exposure to river water or sediment during typical recreational activities.

I'm writing a quick story about a recent spate of independent studies that show lingering contamination in the Animas River, even after EPA published data showing that metal

concentrations have returned to pre-spill levels. Wondering if the EPA has any comment on the studies (one from Water Defense, one from Texas Tech, one from New Mexico State University)?

I'm responding to the inquiry you sent to Tom Reynolds on September 25, 2015, regarding independent studies that show lingering contamination in the Animas River. Please find below our response to your request. This response can be attributed to EPA. Please let me know if we can be of additional assistance. EPA has provided an extensive amount of data from the watershed. This data was generated from nationally accredited laboratories providing state-of-the-art confirmatory analyses. The data has been validated by our reviewers, and is made publicly available. The data has been compared to surface water and sediment recreational screening levels generated specifically for the mine release. Sample results have been, and continue to be below these levels. Sample results have also been compared against pre-event conditions. Please note that water discharge from several mines in this area have been flowing into the Animas and San Juan river system for over 100 years, and one would certainly expect to find metals in these discharge waters as well. The metals detected from the August 5threlease are no different in content than what would be expected from historical discharges. Results of samples taken over the last several weeks indicate that metal concentrations in the surface waters and sediments have been generally at those pre-event conditions. It should be noted that there may be occasions when the metal concentrations fluctuate from time to time because of water surges due to heavy rains or other events that may change the water flow rates or volume, but this should not diminish the fact that the river system as a whole is being maintained at pre-event conditions. We have released a draft long-term monitoring plan to determine any longer term impacts and are currently working with local and state stakeholders to finalize those efforts.

SUPERFUND

Was the Gold King Mine proposed to be listed on the National Priority List (NPL)?

The Gold King Mine site has never been proposed to be listed on the National Priority List (NPL). At this time we haven't received any requests from the governor to propose listing this site on the NPL, which we look for as part of the agency's policy and practice.

Can the EPA designate a site a Superfund area without support from a community?

The 1986 amendment of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, better known as Superfund) contains public participation provisions that direct the EPA to engage communities affected by actual and potential Superfund. NPL sites about cleanup decisions, including the decision to list a site. The Superfund National Priorities List (NPL) identifies the most serious sites that the EPA has designated to be eligible for long-term cleanup. When the EPA proposes to add a site to the National Priorities List (NPL), the Agency publishes a public notice about its intention in the Federal Register. The EPA also issues a public notice through the local media to notify the community, so interested members of the community can comment on the proposal. The EPA must respond to the comments it receives. After consideration of those comments and weighing other factors, the Agency may propose that a site be placed on the NPL.

How long does it take to clean up a Superfund site?

Construction of a Superfund remedy can exceed 10 years, and then operation and maintenance of constructed remedy components, such as water treatment plants, need to continue to treat water well into the future. While this may seem like a long time to complete a cleanup, it is important to remember that the environmental damage to the watershed began over a century ago.

Will EPA be liable for the spill under CERCLA, or how does CERCLA come into play in this scenario?

There are a number of factors courts use to determine liability under CERCLA, many of which depend on site-specific facts and circumstances. At this point, it is too early to speculate about the role of CERCLA's

liability provisions on what happened at the Gold King Mine site. EPA has been using its CERCLA authorities to address the release from the Gold King Mine site, and will continue to use all of its authorities under federal law to fully address this situation.

Has this issue had any impact on the Nelson Tunnel Superfund site above Creed?

We haven't halted or delayed work at Nelson Tunnel due to the cessation of mining activities order.

It is my understanding that the EPA has said a water treatment plant estimated to cost $12-$17M (and $1M a year to operate) would be able to clean the water in the Animas. Is that correct? And if so, is it the type of expense that Superfund would cover?

Costs for constructing water treatment plants at similar large mining sites in Colorado have ranged from $12M to $20 M in recent years. Annual operating costs range from slightly less than $1M to $1.5M. The studies the EPA and other federal and state agencies have been conducting are designed to determine the scope and feasibility of water treatment in the Animas River Watershed. The agencies have not yet arrived at a final decision regarding the best alternative for conducting water treatment in the watershed.

Funding for water treatment remedies depends on a variety of factors, such as whether there is a viable and liable responsible party to implement the remedy or whether the site is listed on the National Priorities List and is therefore eligible for more extensive federal funding. If the site is listed on the NPL, there is no responsible party, and water treatment is necessary, EPA must seek a commitment from the State to pay a 10% cost share for construction of the plant. The State must also commit to assume full operation and maintenance responsibilities ten years after the construction of a water treatment plant.

Is there a gauge of how often resistance to a Superfund designation by local officials has prevented a site's listing?

No.

Had Gold King Mine been designated a Superfund site, what would have been the chances of the spill happening?

We cannot speculate on whether a Superfund designation would have prevented the incident.

People have stated that EPA intentionally created this release so the Gold Mine could be listed as a Superfund site? Is this true?

In terms of audacity, this ridiculous conspiracy claim ranks next to the moon landing and the President's birth certificate both being fake. At its core, EPA is dedicated to protecting the environment and public health. We've stated from the onset that the August 5 release at the Gold King Mine was an accident and that the agency will take responsibility to ensure it is cleaned up. EPA has also announced that the U.S. Department of the Interior (DOI) will lead an independent assessment of the factors that led to the Gold King Mine incident and it is anticipated that DOI will provide the assessment report to the public within 60 days.

EPA continues to work closely with first responders and local, state and tribal officials to ensure public safety and to provide information to local communities as we work to analyze any effects the spill may have on water resources and public health.

Without Superfund what can the EPA realistically do to clean up such a complex orphaned mine and other like it around the West?

EPA continues to work with our partners and stakeholders to determine the best path forward in addressing mining impacts in the Animas River watershed. Just today, we released our internal review of the incident. The report, along with other documents, is available to the public on our website at www.epa.gov/goldkingmine. We are releasing data and documents in response to a variety of requests and they are all being posted to assure availability to the public.

Clean up of mining sites can be very expensive and take multiple years to accomplish. Superfund has really good public participation provisions that has us engage communities affected by actual and potential Superfund National Priorities List sites about cleanup decisions, including the decision to list a site. NPL identifies the most serious sites that the EPA has designated to be eligible for long-term cleanup.

When the EPA proposes to add a site to the National Priorities List (NPL), the Agency publishes a public notice about its intention in the Federal Register. The EPA also issues a public notice through the local media to notify the community, so interested members of the community can comment on the proposal. The EPA must respond to the comments it receives. After consideration of those comments and weighing other factors, the Agency may proceed with adding a site to the NPL.

The tax on polluters that fed the Superfund Trust Fund expired in 1995, correct?

Correct.

And the balance of that fund, according your numbers, dropped to $0 in FY 2003, correct?

Correct.

Is NPL listing worth it?

Superfund's National Priorities List (NPL) contains the nation's most serious uncontrolled or abandoned hazardous waste sites. Adding a site to the NPL is the first step in investigation and long-term cleanup of these sites. The list serves as the basis for prioritizing both enforcement actions and long-term EPA Superfund cleanup funding; only sites on the NPL are eligible for such funding. With all NPL sites, EPA first works to identify the parties responsible for the contamination at a site and requires them to conduct or pay for the cleanup. Once public health risks and environmental contamination is reduced or eliminated, previously contaminated properties can be transformed into productive community resources that can enhance property values, create jobs and broaden tax bases.

The Superfund program has provided important benefits for people and the environment since Congress established the program in 1980. Those benefits are both direct and indirect, and include reduced threats to human health and ecological systems in the vicinity of Superfund sites, improvement of the economic conditions and quality of life in communities affected by hazardous waste sites, prevention of future releases of hazardous substances, and advances in science and technology. Recent academic research demonstrated that Superfund cleanups reduce the incidence of birth defects for those living within 2000 meters of a site.

Superfund actions frequently convert contaminated land into productive local resources and increase local property values by eliminating or reducing real and perceived health risks and environmental contamination associated with hazardous waste sites. An academic study found that residential property values increased 18.6-24.5 percent when sites were cleaned up and deleted from the NPL.

How much has funding for projects decreased since the polluters tax went away?

Congress appropriates funding for the Superfund program, and sources for these appropriations have drawn on a mixture of funds from general revenues and the Trust Fund. Superfund appropriation-levels have remained relatively constant in nominal terms since the Superfund tax expired (but have not been adjusted for inflation). See chart below for EPA's Hazardous Substance Superfund enacted appropriations from 2006 through 2015.

Fiscal Year	Hazardous Substance Superfund Enacted Appropriation in Millions
2006	$1,235.0

2007	$1,255.0
2008	$1,254.0
2009*	$600.0
2009	$1,285.0
2010	$1,307.0
2011	$1,280.9
2012	$1,213.8
2013	$1,113.3
2014	$1,088.8
2015	$1,088.8

*Represents the American Recovery and Reinvestment Act of 2009 resources

How long does it take for funding to be available once a project is added to the NPL?

Final addition of a site to the NPL begins the process of investigation, study and design that can take several years. Only when a remedy for long-term cleanup is finally decided does a site become eligible for long-term clean-up funding. In addition, EPA searches for responsible parties. Therefore, it can be several years after a site is placed on the NPL before funds for remediation (i.e., long-term cleanup—as opposed to investigation, study and design) activities become available for a given project. Also, additional factors affect when EPA funds a project, including other projects' funding needs, available funds and site-specific conditions (e.g., size, contaminant types, geology, hydrology, overall site geography, site accessibility). It's important to note that EPA monitors sites for any changes in status, and, in the event EPA identifies an emergency situation at any Superfund site, we can use our removal authority to address any imminent threat to human health or the environment.

What are some Superfund success stories, particularly any involving tourism-heavy regions?

A good example of a Superfund success story at a mining site in a tourism-heavy area is the California Gulch site located in Lake County, Colorado. Mining operations from the 1800s left mining byproducts on site that contaminated soils and waterways, including the Arkansas River. Since it was added the site to the NPL in 1983, EPA has removed much of the site from the list as cleanup actions have been completed. Residents have continued living and working safely in Leadville during the site cleanup process.

Over the years, EPA worked with the State, the local community and the site's potentially responsible parties to coordinate ecological restoration work and redevelopment on specific portions of the site. In 1998, EPA and the State signed agreements to provide public access to open space near the Arkansas River. State and local governments purchased more than 2,300 acres of ranch land that serve as wildlife habitat and recreational resources.

There are several aspects to the recreational resources that have been part of the site's redevelopment activities. One aspect involves construction of a $1.5 million public sports complex, including a soccer field built in 2009 on a portion of the site where a former zinc smelter operated. One of EPA's national partners, the United States Soccer Foundation, awarded a $10,000 grant to develop initial plans for the facility. Community support also led to the creation of a 21,000-square-foot concrete skate park that opened in fall 2013. This was one component of a community-driven initiative called the Huck Finn Park Project. The project will upgrade an existing Leadville park with new skating facilities, repaired tennis courts, and a new building for park equipment storage, restrooms and concessions. The community also incorporated reuse of remaining site byproducts into the design of the Mineral Belt Trail, which opened in 2000. This nationally recognized recreational trail highlights the community's history and heritage. In 2014, the Colorado Parks and Wildlife Commission honored the site with a Gold Medal Trout Waters designation. The designation highlights the Upper Arkansas River's improved water quality and revitalized habitats for trout and other wildlife.
See http://www.epa.gov/superfund/programs/recycle/live/region8_co.html#1for more information about

this site cleanup.

How much more money could be expected with a Superfund designation and placement on the NPL?

A given site's funding level depends upon a number of factors, including site-specific conditions (e.g., size, contaminant types, geology, hydrology, overall site geography, accessibility); other projects' funding needs; and available long-term cleanup funds. An estimate of a given site's remedial funding needs do not become available until EPA selects a site's remedy(ies). That estimate becomes further refined as a remedy is designed and implemented.

How long would that process take and how high on the NPL list would Silverton be given it is not an immediate hazardous health concern (although downstream towns might argue that point)?

Listing on the NPL is a multi-step process. After initial investigation and sampling has determined that the site warrants further evaluation and potential remediation, the data gathered is used to assign a Hazard Ranking System (HRS) score. Sites with an HRS score of 28.50 or greater are eligible for placement on the NPL. The time it takes to propose a site to the NPL varies depending on many factors, for example, the complexity of the site, the extent of stakeholder interest, the support from the state, and the availability of other cleanup options. Sites are first proposed for addition to the NPL in the Federal Register. EPA then accepts public comments for 60 days, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. EPA carries out this process as a rulemaking published in the *Federal Register*. EPA generally follows a schedule of issuing two rulemakings per year, one set of proposed/final rulemakings in the spring and one in the fall. For most sites, the time between proposal and final listing is six months.

The HRS, a mathematical model, is the principal mechanism EPA uses to evaluate a site for potential placement on the NPL. It should be emphasized that the HRS score does not represent a specific level of risk at a site. Rather, the score serves as a screening-level indicator of the relative risk among sites reflecting the hazardous substance releases or potential releases at sites. As a matter of policy, EPA does not score additional pathways if the listing decision would not be affected by such action (i.e., the site already scores 28.50 or greater). EPA must balance the need to fully characterize a site and to perform the analysis with the limited resources available to collect and analyze site data. For these reasons, the HRS score cannot be used to determine its "position" on the NPL.

This GAO report paints a fairly bleak funding picture for NPL remediation - http://www.gao.gov/new.items/d10380.pdf

How many NPL sites were cleaned up during peak funding era in the 1990s when Polluter's Pay Superfund Tax was in place? How many sites are cleaned up in more recent years when the EPA has had to rely on general funds from Congress?

At the EPA website, Number of NPL Site Actions and Milestones by Fiscal Year (1988-2015), EPA has posted Superfund site action data from fiscal year (FY) 1988 to FY 2015 (which ends on September 30, 2015). These actions include the number of sites reaching the "construction completion" milestone, which EPA developed in 1988 to better communicate the successful completion of cleanup activities. Sites achieve this milestone when:

- any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; or
- EPA has determined that the response action should be limited to measures that do not involve construction; or
- the site qualifies for Deletion from the NPL.

Today, approximately 68 percent of the sites on the NPL are construction complete. Many of the sites listed in the program's first decade have reached this milestone. Funding and enforcement efforts do play

an important role in the ability to address sites. However, many of the remaining sites are often large, complex, technically challenging, and more difficult to remediate. Contamination at these sites is the result of activities and operations that occurred over decades. They include area-wide groundwater sites, mining sites, sediment sites and federal facility sites. These sites can span hundreds of square miles, have complex geology and extensive groundwater contamination, involve hundreds of contaminants and impact thousands of residential properties. As a result, the pool of candidate construction sites has become much smaller in recent years, thus having a significant impact on the number of sites reaching construction completion in a given fiscal year. In part, this shrinking pool is because many of the sites listed in the program's first decade have reached construction completion. Also, as the number of site listings declined in the 1990s, so did the pool of construction completion candidates.

Where does the current EPA stand on the Superfund tax issue, which Oregon Rep. Earl Blumenaur has filed a bill to reinstate?

One of EPA's top priorities for funding Superfund Cleanup is to get those responsible for the contamination—known as the Potentially Responsibly Party or PRP—to clean up the site. If the PRP cannot be found or cannot perform or pay for the cleanup work, the Federal Government funds the cleanup.

Under the Superfund law, EPA is able to make those who are responsible for the contamination perform and pay for the cleanup. EPA negotiates to get them to pay for the plans and the work carried out under Agency supervision. EPA also may use Federal Government funds to pay cleanup costs, then attempt to recover the money through legal action.

The Administration has supported reinstating the lapsed Superfund taxes. Since the expiration of Superfund taxes, Superfund program funding (the "Superfund appropriation") has been largely financed from General Revenue transfers to the Superfund Trust Fund, thus burdening the individual taxpayer with the costs of cleaning up hazardous waste sites. In order to provide a stable, dedicated source of revenue for the Superfund Trust Fund and to restore the historic nexus that parties who benefit from the manufacture or sale of substances that commonly contaminate hazardous waste sites should bear the cost of cleanup when viable potentially responsible parties cannot be identified, the Administration supports reinstating Superfund taxes.

EPA uses the Superfund appropriation to address sites where there are no viable, liable parties. The proposed taxes would apply to a more narrowly defined taxable group rather than the general taxpayer, which is consistent with other Trust Funds such as the Leaking Underground Storage Tank Trust Fund. Based upon past appropriations practices, we would expect appropriated levels of general revenue to decline as Superfund Trust Fund tax revenues are generated to fund Superfund program appropriations.

Additional info you may find useful, from Mathy Stanislaus's testimony today before the House Science and Technology Committee: To help address the legacy of hardrock mining across the country, the Administration has proposed in the FY 2016 and prior budgets to create an Abandoned Mines Lands (AML) Program for hardrock mines. The program would be funded through a new AML fee which would hold the hardrock mining industry responsible for the remediation of abandoned hardrock mines, just as the coal mining industry pays to reclaim abandoned coal mines.

Could you please send me the studies Mr. Stanislaus cited about property values going up once Superfund sites are finished?

The academic study *Does cleanup of hazardous waste sites raise housing values? Evidence of spatially localized benefits* by Shanti Gamper-Rabindran and Christopher Timmins identifies that residential property values within three miles of Superfund sites increased 18.6-24.5 percent when sites were cleaned up and deleted from the National Priorities List.

Was it a tax or taxes on polluters that funded the Superfund Trust Fund?

Plural - Superfund taxes lapsed. They consisted of a corporate environmental tax and an excise tax on imported and domestically produced petroleum and an excise tax on certain chemical feedstocks.

Is it accurate to say that the drop off in annual number of 'construction completions' is due (or due in part) to the lack of a dedicated revenue stream?

The drop in annual construction completions is generally unrelated to the lapse in Superfund taxes, the Superfund program has always relied upon annual congressional appropriations to fund the program.

Also, is there any new consideration of placing any other area/mine near the Gold King Mine on the NPL?

EPA's Region 8 Administrator and the Office of Solid Waste and Emergency Response Assistant Administrator met with representatives from Silverton, Durango, La Plata County, San Juan County, Southern Ute Tribe, and other stakeholders on September 2 and 3, 2015, to discuss the National Priorities List (NPL) process and possible next steps. Following this meeting, EPA continues to engage in dialogue with all pertinent stakeholders.

THIRD PARTY INVESTIGATION

When will be know more about what really happened and who is to blame for the breach?

EPA and external entities will be thoroughly investigating the full facts regarding this incident and the response, and the agency will respond based on that information. The U.S. Department of the Interior (DOI) is leading an independent assessment of the factors that led to the Gold King Mine incident on August 5, 2015, in Colorado that affected the Animas and San Juan rivers. More information is available at: http://www2.epa.gov/goldkingmine/epa-announces-us-department-interior-lead-independent-review-gold-king-mine-release .

Administrator McCarthy said that EPA is "standing down" on cleanups at sites similar to Gold King. Is this still in effect and how many sites does that affect?

Until investigations are complete as to the root causes of the release of mining waste at the Gold King Mine, all EPA regional offices will cease any field investigation work at mines, including tailings facilities. While EPA stops work on existing field investigations and assessments at these mining sites, EPA is also instructing its regional offices to identify existing sites with similarities to the Gold King Mine site, to identify any potential immediate threats and to consider appropriate response actions.

UPPER ANIMAS RIVER BASIN PROJECT PROPOSAL

Has the EPA seen and reviewed the proposal? Is the EPA considering any or all of the proposal for remediation in the Upper Animas River Basin? Does the proposal have merit? Does it have significant drawbacks?

EPA is reviewing the September 11, 2015, proposal, "Upper Animas River Basin Acid Mine Water Remediation: The Project Proposal" along with ideas and proposals received from various parties with an interest in solutions for the watershed. EPA has made no determinations regarding long-term cleanup needs and actions. We continue to work closely with the State of Colorado, tribes, and local stakeholders to evaluate information and options for improving water quality in the basin.

Could the proposal be eligible for funding through the Superfund program?

EPA is reviewing the September 11, 2015, proposal, "Upper Animas River Basin Acid Mine Water Remediation: The Project Proposal." We are also reviewing other ideas and proposals received from various parties with an interest in solutions for the watershed. We continue to work closely with the State of Colorado, tribes, and local stakeholders to evaluate information and options for improving water quality in the basin. EPA has made no determinations regarding long-term cleanup needs and actions, so it is premature to discuss what actions might be taken and how such actions would be funded.

Could it be eligible for other types of funding through the EPA?

EPA is reviewing the September 11, 2015, proposal along with ideas and proposals received from various parties with an interest in long-term solutions for the watershed. EPA has made no determinations regarding specific cleanup needs and actions in the watershed. It is premature to speculate about potential cleanup actions and EPA funding; however, EPA's authorities and resources beyond those associated with Superfund are limited in terms of being able to address mine impacts of the scope and complexity found in the Upper Animas Mining District.

WASTEWATER TREATMENT PLANT AND LONG-TERM MONITORING

How many mining districts/big mines could benefit from a wastewater treatment plant similar to the one proposed north of Silverton?

Melissa Harrison asked me to look into your question about how many mining districts/big mines could benefit from a wastewater treatment plant like the one being considered for north of Silverton. This is not something we track. EPA's principal involvement is at NPL sites (133 of which are mine-related). This is a very, very, small fraction of the hundreds of thousands of inactive and abandoned mines sites in the U.S. Perhaps the United States Geological Service (USGS) has some data on how abandoned and inactive mining sites impact U.S. water. Thanks, and please let me know if we can help with anything else.

It's my understanding EPA has received six bids for a water treatment plant for Gold King. Can you discuss this more?

The issuance of a work order doesn't mean that there has been a final decision to build a wastewater treatment plant. Agency staff initiated the RFP process immediately after the spill, so that the procurement process would be well underway if that decision were to be made. (It can take several weeks to specify, solicit proposals, conduct technical evaluations, and then mobilize and deploy.) We have continued to proceed with the necessary steps to procure a system. Our contractor has solicited proposals and is evaluating 6 company proposals. This evaluation is in process. At the same time, the agency is conducting an analysis to determine if a temporary treatment plant provides a measurable benefit to water quality downstream in the Animas River. The agency is closely coordinating with officials in Colorado, New Mexico, Utah, Southern Ute tribe, Mountain Ute tribe, and Navajo Nation to develop a comprehensive, long-term plan for the Gold King Mine site.

BACKGROUND You can read the RFP here: http://www2.epa.gov/sites/production/files/2015-09/documents/08-1574715.pdf In particular, you'll want to see: Page 6, 3.0, "Project Technical Requirements":"EPA has directed ER to procure an interim water treatment plant for the treatment of mine discharge for an emergency response action at the Gold King Mine Site in Colorado. ..."Page 26, 11.0 Award of Subcontract: Bidders should note this is an EPA time-critical removal project and that bidder's inability to provide an aggressive, but realistic, schedule and demonstrated ability to provide all required resources on schedule, will be considered during the evaluation process. Be advised this RFP does not guarantee the work will be performed, and makes no guarantee on quantities. The actual quantities may be greater than or less than the quantity specified in the Scope of Work.

In an Aug. 6 task order to Environmental Restoration LLC the EPA said it wanted a temporary wastewater treatment plant at Gladstone by Sept. 15. That, to my understanding, has not happened. Can you discuss why not?

The task order was placed to prepare EPA for treating water, recognizing we would need some lead time if we were going to have a treatment plant in place before winter. A decision on treating through the winter and the practical aspects and benefits were not available at the time this task order was issued.

The Environmental LLC request for a wastewater treatment plant bid from Aug. 21 says bids were due by Aug. 26. Have those bids come in yet? Were there any bids?

We have received bids from 6 companies and are in the process of evaluating those bids. We are not at liberty to discuss any proposals during the competitive procurement process.

The EPA earlier said it definitively planned to build a treatment plant and then last we spoke you said the agency is looking at several treatment options. Why the delay here? What changed?

EPA is evaluating data to determine the impacts of the GKM on water quality currently and going into the winter months. GKM is one of many mines contributing to poor water quality in the Animas and treating or not treating water only from the GKM may or may not have a measurable impact downstream going forward.

Is there a proposal for a mine wastewater treatment plant near or on Cement Creek near Silverton that the EPA is considering building/might build or fund construction? I understand that at NPL sites, the EPA/federal government contributes 90 percent of the funds for construction and operating costs for 10 years before the wastewater treatment plant is turned over to local governments. There is a good example of this process near Denver at the Argo Tunnel Wastewater Treatment Plant in Idaho Springs, which is now state operated. Another mine wastewater treatment plant is planned not far from where the 1859 gold rush began. These mine wastewater treatment plants, based on the history of the Argo Tunnel plant aren't hastily built. There is a long process, often with local community opposition before construction even begins. Speaking with folks down in Silverton, there has been a proposal/discussion to build a wastewater treatment plant, possibly with EPA funding, near or on Cement Creek near Silverton for some years.

Within days of the Aug. 5 event, EPA staff initiated the process to gather bids on constructing a temporary wastewater treatment plant to address the ongoing flow from Gold King Mine. We have received 6 bids and are currently considering them, as well as analyzing whether such a plant is warranted.

Are there other places near or at big mines/mining districts where this type of discussion, to build a mine wastewater treatment plant, is currently under way?

Yes, water treatment facilities have been built at a number of hardrock mining sites on the NPL. Here are some examples that should give you a sense of the different types of facilities that exist. Some examples of the response actions that address mine waste influenced waters at hardrock mining sites include the Central City/Clear Creek Mine site in Colorado where surface water was diverted and the acid mine drainage is being treated through an active treatment system which uses lime to raise the pH and the resulting metals sludge is being properly disposed. Part of the drainage at the Central City site is also being treated through a bioreactor, or passive treatment process. At the Iron Mountain site in California, surface water is also being diverted and the acidic waters are also being treated through a chemical neutralization process. The sludge generated from the treatment process is being disposed in a repository. Sites such as the Gilt Edge Mine in South Dakota and Kennecott site in Utah are using passive bioremediation technologies to treat mine waste influenced waters at those sites.

Are there other places near or at big mines/mining districts where the EPA has considered building a mine wastewater treatment plant but has tabled that discussion, planning because of costs, local opposition or other reasons? Are there mine wastewater treatment plants that the EPA is involved with that are currently out for bid or are under construction?

After reaching out to our regions, we have not identified instances where we considered building a mine wastewater treatment plant but that plans were tabled because of costs or local opposition. Nor have we identified instances where we have mine wastewater treatment plant construction out for bids etc. If we receive further information from our regions regarding these questions, we will let you know.

How did you guys come to the decision to allow ER, LLC to handle the bidding process for the treatment plant? Readers have been asking us about this. They point out that ER was working on the mine when the problem occurred. So, why allow them to handle the contract for the treatment plant if they were part of the error in the first place? Why hasn't the EPA terminated its contract with ER following the error? And why allow them to continue the work moving forward?

Please find below our response to your inquiry on the Gold King Mine contractor Environmental Restoration. This response can be attributed to EPA. Please let me know if we can be of additional assistance. Environmental Restoration is a primary emergency response contractor for EPA in Colorado and elsewhere. This standing contract allows us to immediately respond to emergencies and time critical response actions. The contractor operates under the direct supervision of EPA employees on a cost reimbursable basis. They do not make independent decisions on site operation. ER has done work for many years for the agency. We are waiting on the results of the independent review and the inspector general's report to determine if any actions with respect to the contract are appropriate.

Exactly where is the treatment plant going to be installed?

The plant will be installed at the Gladstone, CO command post area, about 10 miles north of Silverton, CO and the junction of Country Rtes 110 and 35.

How will the plant treat the toxic wastewater? (i.e. what is the exact process by which the toxic material will be removed from the water?) How effective will the plant be/what are the expectations?

Here is basic technical information provided by the sub-contractor, based on their experience they are confident that the plant design will achieve:

- Discharging treated water from the system will have a neutral pH in the range of betwee 6.0 and 9.0 pH units. (pH, or the acidity of a fluid ranges from 0.0 for acid to 14.0 for caustic fluids and neutral is 7.0)
- Dissolved solids will be reduced by removal of metals and formation of metal hydroxide sludge.
- Total solids will be reduced by coagulation, flocculation, and settling through the clarifier.
- Color is currently caused primarily by iron oxidation, and staining is caused both by iron and manganese in the mine water forming precipitates on rocks and in sediments. The treatment process will remove both iron and manganese by more than 90%, reducing the potential for color.
- For metals of concern, the treatment process typically removes metals between 95% and 99%.

After treatment, will the water be of high enough quality for drinking?

This plant is not designed to output drinking quality water; see EPA's September 23, 2015 press release for more detail on intent and purpose: [Attached press release]

Is this really going to make any difference given how much toxic wastewater has already been released into the environment?

The above answers address the contaminant removal of this system. The mines in the area have been releasing contaminated mine wastewater into the environment for decades and is a complicated problem. Dealing with this legacy of the mining industry is why EPA was originally called upon.

Can you tell me whether the interim water treatment plant for the Gold King discharge is operating yet [asked 10/16]?

Please attribute to an EPA spokeswoman: The system is now operating 24 hours a day. It is treating flows from 200 to 800 gpm, which includes all the flow from the mine, plus water that has been stored in ponds prior to start-up. Modifying the flow range has allowed plant engineers to adjust the instrumentation to a range of influent flow rates. Start-up adjustments and equipment testing will likely continue for another week. Based on field testing, treatment effectiveness appears to be very good so far. I've got some photos but they're pretty low-res. I've asked the command post if they have high-res versions for you.

I'm looking towards the future of the area. There's a lot of interest in how Silverton will react

moving forward and how to deal with the problem of mitigation and clean up in the Upper Animas. Any thoughts on that?

It is our understanding that CDPHE is convening a conversation on long-term mitigation strategies, which might include NPL listing. I suggest contacting Monica Desch Sheets,303-692-3439,Monica.Sheets@state.co.us or Doug Jamison, 303-692-3404,Doug.Jamison@state.co.us for more information. For additional background on the role of EPA: The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, better known as Superfund) contains public participation provisions that direct the EPA to engage communities affected by actual and potential Superfund. Last month, at the request of the local communities, EPA's Region 8 Administrator and the Office of Solid Waste and Emergency Response Assistant Administrator met with representatives from Silverton, Durango, La Plata County, San Juan County, Southern Ute Tribe, and other stakeholders on, to discuss the National Priorities List (NPL) process and possible next steps. Following this meeting, EPA continues to engage in dialogue with all pertinent stakeholders. At this time we haven't received any requests from the governor to propose listing this site on the NPL, which we look for as part of the agency's policy and practice.

Without a plume model, it seems that the sampling plan lacks pertinent information. Specifically, how does the sampling plan provide statistically meaningful information on the plume itself? The aerial photographs do not provide any information about what is happening on the bottom of the river, or the flora and soil on the riverbanks or its tributaries. The plan mentions Region 8, but not Region 6 or 9. It seems to omit Colorado altogether. Are there separate plans for each region? 2) The interim plan seems to lack any input from veterinarians, medical toxicologists or agricultural toxicologists. How will EPA assess potential health impacts to humans, wildlife, livestock and crops? 3) Also, we had requested information about the concentrations in the containment ponds. We viewed three ponds where lime is being added, which we understand results in heavy metals forming hydroxates that fall to the bottom. How will that waste be dealt with? Will it be tested for safety, and where will it end up? How will the EPA determine when the ponds will be opened and released downstream? Is there a plan to monitor those discharges?

I'm following up on your question about where the waste will go from the Gold King Mine treatment plant. The concentrations of metals in the solids in the pond will inform where the material is ultimately disposed of. Our options are to dispose of the material in a Superfund repository, or to dispose of the material in a solid waste landfill.

What are the baselines for determining whether it goes to the repository or the landfill? I'm asking for the specific criteria EPA uses to make the decision. Is there a table or any type of listing I can look at?

Please attribute to an agency spokeswoman: The settling ponds and associated solids may be reclaimed in place in compliance with the substantive provisions of the DRMS regulations. Alternatively, the solids may be excavated and disposed in an on-site repository constructed in compliance with the substantive provisions of federal and state solid waste regulations. Solids generated by the water treatment operation will be handled in the same manner. For the off-site option, all solids would need to be characterized and then based on that characterization, would be transported and disposed at an appropriate disposal facility.

When was construction of the system completed?

Water started flowing on Oct. 16. The system is now operating 24 hours a day. It is treating flows from 200 to 800 gpm, which includes all the flow from the mine, plus water that has been stored in ponds prior to start-up. Modifying the flow range has allowed plant engineers to adjust the instrumentation to a range of influent flow rates. Start-up adjustments and equipment testing took about a week. Based on field testing, treatment effectiveness appears to be very good so far.

What does the treatment system consist of (i.e., what are its different components/steps)?

Here is basic technical information provided by the sub-contractor:

- Discharging treated water from the system will have a neutral pH in the range of between 6.0 and 9.0 pH units. (pH, or the acidity of a fluid ranges from 0.0 for acid to 14.0 for caustic fluids and neutral is 7.0)

- Dissolved solids will be reduced by removal of metals and formation of metal hydroxide sludge.

- Total solids will be reduced by coagulation, flocculation, and settling through the clarifier.

- Color is currently caused primarily by iron oxidation, and staining is caused both by iron and manganese in the mine water forming precipitates on rocks and in sediments. The treatment process will remove both iron and manganese by more than 90%, reducing the potential for color.

Further details, including schematics, can be found in the subcontractor's proposal: http://www2.epa.gov/sites/production/files/2015-10/documents/alexco-proposal-gold-king-mine-redacted.pdf

How much did it cost to construct?

The subcontract for treatment includes $1.78 million for mobilization and system install and $20,000/week for operations. Other costs include demobilization and bonding totaling $53,200.

How long will it remain in operation?

The subcontract provides for 42 weeks of treatment. EPA will have the option with the contractor to start or stop treatment as needed.

What else is planned to address the site over the long term?

EPA's immediate focus has been on getting the temporary treatment system constructed and operating at the Gold King Mine. We are actively engaged in discussions with the Colorado Department of Public Health and Environment, Bureau of Land Management, tribes and local stakeholders regarding next steps toward long-term solutions.

What support has EPA provided Navajo Nation?

We have a long-term relationship with the Navajo Nation and the agency is committed to working collaboratively with the Tribe on response activities related to the Gold King Mine release.

EPA and the Bureau of Indian Affairs (with EPA funding) provided over 1 million gallons of livestock and agricultural water, and nearly 8,500 bales of hay, to Navajo communities along the San Juan River. The agency deployed staff to the Navajo Nation Emergency Operations Center (EOC) in Window Rock, Arizona, and sent community involvement staff to engage with Navajo communities impacted by the spill. The agency continues to offer the Navajo Nation support regarding data collection and analysis and long-term watershed monitoring.

Additionally:

- In the immediate aftermath of the release, EPA established an Area Command Post in Durango, Colorado. EPA Region 9 and EPA Region 6 also established Incident Command Posts (ICP) in Farmington, New Mexico.
- Throughout the response, EPA worked closely with the Navajo Nation Emergency Operations Center (EOC) in Window Rock, Arizona.
- EPA deployed a full-time liaison to the Window Rock EOC from August 13 through September 18.
- EPA provided an On-Scene-Coordinator and Coast Guard personnel from September 21 through October 2 to support the operations of the Navajo Nation EOC.
- EPA Region 9's Farmington ICP coordinated sampling activities on the San Juan River and Lake Powell, and delivery of hay as well as livestock and agricultural water to Navajo Nation.
- The Farmington ICP had a Community Involvement Unit composed of two to four community involvement staff who engaged with Navajo communities affected by the Gold King Mine release.
- Community involvement staff attended meetings at the invitation of Chapter presidents and local officials, and shared critical information about emergency water and hay provisions and response activities with residents, reaching an estimated 1,100 community members at nine public meetings over ten days.

Question 1: What are the latest gpm flows from Gold King, Mogul, R &B, and Sunnyside/AT?

Flow from the WTP averaged 530 gpm from 10/23/2015 to 12/11/2015 as measured at the water treatment system.

1. The Post-Release Average Flow:

Mogul	66 gpm
R&B	474 gpm
GKM	530 gpm
AT	100 gpm

Question 2: What is water quality in Cement Creek below the treatment plant where R and B, Mogul and Sunnyside/AT flows continue?

Animas River immediately below Silverton: The water quality based on total and dissolved metals data is effectively equivalent to or improved for all metals of concern when comparing post Interim Water Treatment System operation (Oct 2015) to EPA data sets from 2009 through 2014.

Cement Creek: Samples collected in Cement Creek below the discharge point from the Interim Water Treatment System as compared to historic sampling in approximately the same area near Gladstone also shows that all metals of concern are equivalent to or less than historic concentrations.

We understand that you're looking for specific data on post-WTP water quality data. The latest water quality data available is posted on our website. As new data becomes available, we will analyze and validate it and then post it on the website for public review.

Question 3: What is the latest WQ data at the location where the creek reaches Silverton?

Answer 3: OTR, I haven't tracked this down yet but want to get you the other answers asap.

Question 4: How much Superfund money is controlled by Region 8? How far would that go on Animas situation?

The Region 8 annual removal budget is approximately $5,000,000 for cleanup projects and emergency removals plus an additional $2,000,000 for removal assessment work. The region completes on average

22 removal actions a year. The region also has an annual budget of more than $9 million to fund Superfund functional support activities such as site characterization, remedy selection and design, community involvement and non-National Priorities List site assessment work. Headquarters determines, on a site-specific basis, funding levels for remedial (i.e., long-term) construction projects.

Question 5: We understand EPA now paying $16,000 a week to run temporary treatment plant. Correct? Is this Superfund emergency response funds?

The weekly cost was estimated at $16,000 for the subcontractor to perform operation and maintenance including chemical costs. Yes, these are Superfund emergency response funds.

Question 6: Is EPA saying in general there will be funding available for Silverton/San Juan and Animas or have officials been able to refer to a specific amount available in Region 8 for remediation work here?

The Gold King Mine site is and will remain a priority for the agency. If EPA adds a site to the NPL, that action begins the process of investigation, study, and design. When a remedy for long-term cleanup is selected, a site cleanup project becomes eligible for long-term remedial funding. However, if site conditions change, EPA can use our removal authority to address an imminent threat to human health and the environment.

Question 7: Can you address on the record whether Hennis is considered a PRP? Or is Kinross (Sunnyside) the only PRP?

EPA has been in discussions and expects to continue discussions with Mr. Hennis and his counsel regarding access and Mr. Hennis' status at the site.

Question 8: When locals (I am in Silverton for public meeting which now has been canceled) say EPA is the RP that should pay for permanent water treatment plant, what is EPA conveying about extent to which Feds would handle share of costs of long term water treatment on upper cement creek?

It is premature to discuss long-term water treatment on Upper Cement Creek, so we cannot speculate about funding.

Question 9: I understand both the state and the EPA have conducted myriad studies on the upper animas for decades and I am wondering whether a Superfund designation necessarily would mean going back to the starting gate --- with a remediation study investigation and then a feasibility study investigation --- before anything actually happened?

We generally don't have this much data associated with a potential NPL site. Whenever possible, EPA uses existing information and builds upon it as necessary to identify specific cleanup needs and actions. But EPA is still working with state, local and tribal stakeholders as we deliberate whether to list the site on the NPL, so it is premature to speculate on next steps.

Does BLM own any part of the GKM? Who are the PRPs?

The ownership information that EPA has had for several years indicates that San Juan Corp owns the Gold King mine portal. Recent San Juan County Surveyor work verified this information. The surveyor work also determined that a portion of the mine dump – in other words, the pile of waste rock in front of the mine entrance – lies on BLM land.

The agency's investigation is ongoing, so it is premature to speculate on PRPs or liability at this time.

1. **Why was there no criminal investigation regarding the Gold King Mine spill, especially regarding neglect? Can the public expect one in the near future?**

As we have said previously, the Department of Interior (DOI) and EPA Office of Inspector General (OIG) investigations will help inform how we move forward. We have received the DOI report and are currently awaiting the report on the OIG investigation.

2. **Some have accused the EPA's policies as hypocritical for declining to conduct a criminal investigation into the Gold King Mine spill (for example: http://www.heritage.org/research/reports/2015/12/agencies-not-coming-clean-about-the-epas-responsibility-for-poisoning-the-animas-river). Would a private entity have been criminally investigated were it responsible for the Gold King Mine Spill, and if so, why isn't the EPA or Environmental Restoration LLC being criminally investigated?**

See answer to Question #1 above.

3. I previously asked about nondisclosure agreements used in EPA contracts and was told:

"The statement of work includes a standard requirement that the contractor shall not publish or otherwise release, distribute, or disclose any work product generated under the contract without obtaining EPA's express advance written approval. This does not require either an NDA or confidentiality agreement be signed by individual employees."

Jonathan Romeo, Durango Herald

Spring Run-off:

Question 1: Is the water treatment facility capable of handling a possible increase in Gold King mine discharges as a result of spring run off?

Response 1: The treatment system is designed to process a continuous flow up to approximately 900 gpm with shorter periods up to 1200 gpm. The current flow from the mine is approximately 480 gpm. The potential flow increases associated with snow melt are difficult to predict.

Question 2: Will the EPA monitor the water as sediment is kicked up, possibly raising metal concentrations in the river to unsafe levels?

Response 2: Yes, EPA plans to monitor before, during, and after spring run-off to capture water quality conditions during those flow events. Seasonal run-off and storm events routinely increase the sediment load, as observed historically.

Going into Gold King:

Question 3: Does the EPA intend to explore the GKM to find possible sources of increased flows? When will this decision be made?

Response 3: The scope and priorities for the 2016, field operations at the mine will be determined over the next several months.

Question 4: What are the benefits of entering the mine?

Response 4: The potential benefits of investigating further underground include the possibility to identify locations that may be suitable for bulkhead installation or other controls associated with controlling the water entering the mine.

Contract with Todd Hennis:

Question 5: With Mr. Hennis's contract set to expire in March, what is the EPA's plan to continue operations at the water treatment facility?

Response 5: Mr. Hennis' Consent for Access to EPA expires at the end of March. EPA intends to discuss extension of the access agreement in the near future.

Question 6: Is a long term solution being made?

Response 6: Discussions regarding long-term solutions to mining-related impacts on water quality in the Animas River between CDPHE, EPA, San Juan County, Silverton, and other stakeholders are ongoing. EPA and CDPHE have been working diligently with stakeholders to answer their questions about a potential listing on the National Priorities List. Progress has been made and those discussions continue.

Bulk-heading Red and Bonita:

Question 7: When will the decision be made to bulkhead Red and Bonita?

Response 7: Plans for closing the bulkhead valve and incrementally increasing the water level behind the bulkhead are being developed and include various monitoring procedures.

Question 8: Please go into length why the decision to bulkhead was made, and what are the hopeful outcomes.

Response 8: An engineered reinforced concrete plug (bulkhead) installed in an "abandoned" i.e., non-working mine, offers four distinct advantages to protecting the environment. First, it prevents future uncontrolled releases from the mine. Second, with a flow through pipe and valve built into the plug the water can be managed and monitored. Third, with the capability of managing the water, the water can potentially be backed up into the mine workings and the hydrogeology (water table) re-established to near pre-mining conditions reducing the amount of oxygen available to the mineralized rock in the workings reducing acid generation and leaching of metals. Fourth, the backed up water is likely to move into old and new outlets in the form of springs and seeps that that represent normal rates of drainage from the mountain fracture systems. The objective is to reduce the rate at which water can move through underground mine workings. The ultimate decision as to how best to manage water behind a bulkhead is based on the hydrogeology and mine workings associated with a particular site.

Reimbursements:

Question 9: Has any individual been reimbursed for costs associated with GKM? (If not, when can residents expect that to happen?)

Response 9: As of February 1, 2016, the Agency has received 45 GKM FTCA claims. To date, FTCA claims have not been paid.

Question 10: Please include a list of total checks written to municipalities (I believe Silverton and La Plata have received funds from EPA, any others?)

Response 10: CDPHE has paid both La Plata and San Juan counties from funds in an EPA/CDPHE Cooperative Agreement. 197,792.20 was paid by CDPHE to La Plata County and $220,666.91 was paid by CDPHE to San Juan County.

Water Treatment Plant:

Question 11: How long is the temporary plant capable of operating?

Response 11: The temporary water treatment system was intended to allow water treatment, as determined appropriate by EPA, to provide some degree of control of the metals releases given uncertainties associated changing flows from the Gold King mine and the variable surface water quality conditions.

Question 12: If Silverton misses March review, does the EPA intend on operating the plant through the summer? And into next fall? (assuming the town tries for the Sept. consideration)

Response 12: The Agency is still deliberating on this issue.

However, requiring "work product" to remain undisclosed is different from a "nondisclosure agreement." That being the case, why has Environmental Restoration refused to discuss the Gold King Mine spill with the public, citing a nondisclosure agreement with the EPA?

We would suggest you contact Environmental Restoration directly. As you know, Dennis Greaney, the President and Managing Partner of Environmental Restoration, testified at a Congressional Hearing regarding the Gold King Mine matter on September 9, 2015.

Following up on question three, is Environmental Restoration using the same argument when facing inquires from investigators with the Bureau of Reclamation's report, the inspector general, and Congress?

See answer Question #3 above. Also, you may want to contact Dan DuBray, the Chief of Public Affairs at the Bureau of Reclamation at 202-513-0574 (ddubray@usbr.gov) and Jeffrey Lagda, the communications contact at the EPA OIG at 202-566-2584 (lagda.jeffrey@epa.gov).

Environmental Restoration has never returned any of my phone calls, and that other news articles have stated that the company has relied on their nondisclosure agreement to avoid answer reporters' questions. Given that, could you please expand on your response? Is Environmental Restoration relying on a nonexistent nondisclosure agreement to avoid cooperating with the press?

As previously stated:

The statement of work includes a standard requirement that the contractor shall not publish or otherwise release, distribute, or disclose any work product generated under the contract without obtaining EPA's express advance written approval. This does not require either an NDA or confidentiality agreement be signed by individual employees.

We cannot comment on Environmental Restoration's corporate media policies.

Also, in Dennis Greaney's written testimony from Sept. 9, he mentions that his company was "directed to remove rubble and debris that had caved in over the mine opening," which ultimately caused the spill. Who gave the order to remove the rubble and debris? Have they been held accountable for giving that order?

From Addendum to EPA Internal Review of Gold King Mine Incident dated December 8, 2015:

"Under (EPA On Scene Coordinator (name redacted)'s direction, the team slowly and carefully scraped away loose soil and rubble near the face of the adit with the initial goal of locating the primary blockage."

1. When would EPA decide on an NPL listing and begin a superfund cleanup process - if locals agree that they want this and the governor as he has said he will do supports them and requests the listing?

   Here is the process for NPL proposals. When EPA proposes to add a site to the NPL, the Agency publishes a public notice about its intention in the Federal Register and issues a public notice through the local media to notify the community, so interested members of the community can comment on the proposal. EPA then responds to comments received. If, after the formal comment period, the site still qualifies for cleanup under Superfund, it is formally listed on the NPL. Once it is listed, the Agency will publish a notice in the Federal Register and respond formally to comments received. In addition, EPA may issue a fact sheet or flyer to notify the community impacted by the site.

2. What concerns, if any, does EPA have with locals' insistence that the NPL listing must cover only the upper Cement Creek area?

   The local communities have a key seat at the table. As our discussions with them continue, we are staying very focused on addressing all of their comments and concerns.

3. Why did EPA four years or so ago do the analysis of PRPs in upper animas? It looked at 62 mining sites. If that was because funding was a challenge then, how can EPA be certain it will have funds to embark on aggressive superfund approach this year?

   As we've said previously, it's premature to discuss funding.

4. How much metals sludge and other material has been collected at the temporary water treatment plant? Where is it being stored? When will EPA move it? Where to?

   It is estimated that approximately 2,500 to 3,000 cubic yards of treatment solids will be generated from the interim water treatment plant by early summer 2016. The solids have been tested for the required hazard characterization and are not classified as hazardous waste.

   Currently, the interim water treatment solids are contained in the dewatering bags located within the lined solids dewatering area adjacent to the treatment facility. Solids generated during the two months of temporary treatment operations in 2015 are being stored onsite in a temporary impoundment near the retention ponds at Gladstone.

   Consistent with EPA's response authority under CERCLA, the lime treatment solids will be temporarily stored near the onsite treatment facility until a suitable permanent location is identified. They may be permanently stored onsite or transported off-site for disposal in an approved landfill.

What are next steps for the Upper Animas listing?

DRAFT from Randy Deitz, not approved for distribution: Our current written Agency policy for proposing a site for listing on the NPL is that we seek state concurrence. EPA will send a letter to the state Governor's office seeking a letter of concurrence for proposing a site to the NPL. Typically, we will get a letter from the governor saying they support or don't object to a listing. Occasionally, the governor will defer and let the state's EPA/DNR etc. Secretary or Director send in a letter of support or no objection. Regarding local communities, we have no formal written policy to seek official concurrence. However, in practice, depending on site/local dynamics, regions do varying levels of outreach to local communities to help support arriving at consensus and support for an NPL listing. It is not unusual that total consensus may not be achieved, however, it is important for us to make the case how the NPL listing and

subsequent cleanup actions will help address the risk posed to the community by hazardous substance releases from a site. In practice, it may be difficult to obtain a state concurrence if the affected local community(ies) oppose listing. When local officials/community supports listing, it is not unusual for local officials to send a letter to the governor and/or to EPA expressing that support.

EPA's efforts to support Navajo Nation:

We have a long-term relationship with the Navajo Nation and the agency is committed to working collaboratively with the Tribe on response activities related to the Gold King Mine release. In total, EPA and the Bureau of Indian Affairs (with EPA funding) provided over 1 million gallons of livestock and agricultural water to farmers and ranchers on the Navajo Nation. EPA also provided nearly 8,500 bales of hay to Navajo communities along the San Juan River.

In the immediate aftermath of the release, EPA established an Area Command Post in Durango, Colorado. EPA Region 9 and EPA Region 6 also established Incident Command Posts (ICP) in Farmington, New Mexico. Throughout the response, EPA also worked closely with the Navajo Nation Emergency Operations Center (EOC) in Window Rock, Arizona. EPA deployed a liaison to the Window Rock EOC from August 13 through September 18. EPA also provided an On-Scene-Coordinator and Coast Guard personnel from September 21 through October 2 to support the operations of the Navajo Nation EOC.

EPA Region 9's Farmington ICP coordinated sampling activities on the San Juan River and Lake Powell, and delivery of hay as well as livestock and agricultural water to Navajo Nation. The Farmington ICP also had a Community Involvement Unit composed of 2-4 community involvement staff that engaged with Navajo communities affected by the Gold King Mine release. Community involvement staff attended meetings at the invitation of Chapter presidents and local officials, and shared critical information about emergency water and hay provisions and response activities with residents, reaching an estimated 1100 community members at nine public meetings over ten days.

EPA is committed to reimbursing all eligible response costs incurred by Navajo Nation, in addition to offering support regarding data collection and analysis, risk communication, assessing impact on cultural resources, long-term watershed monitoring, and individual claims for reimbursement.

On Timing for an NPL listing – this was sent to CO Public Radio, On Background:

Presuming the letter is received from the Governor by about mid-February, and the other work previously identified is completed in a timely manner, the proposed listing would be published in the Federal Register, probably mid- to late-March 2016. As stated, that begins the public comment period. The earliest the site could be finalized on the NPL would be approximately September 2016. Once the site is finalized, it will proceed through the entire Superfund remedial process: remedial investigation and feasibility [for detailed site characterization], publication of the proposed and then final Record of Decision [which includes public comment prior to going final] identifying the selected remedy, and then remedial design and remedial action. The time between finalization on the NPL and actual construction work is typically several to many years. Please visit www.epa.gov/superfund/superfund-cleanup-process for more detailed information about each stage and the overall process.
On that page is a link for a community guide to EPA's Superfund program.

What is the current water quality in the Animas and San Juan rivers?

The EPA is confident that the Animas and San Juan rivers are safe for agricultural use and long-term recreational exposure. That's because water sampling has shown that both the Animas and San Juan

Rivers have returned to the same condition they were in before the GKM release.

That said, acid mine drainage has been released into the rivers for many decades and winter runoff and major storms may kick up material that had settled to the bottom of the rivers. So those using the river for recreation, agriculture or drinking water should use the same precautions they always have.

EPA is working with city, state, county and tribal stakeholders to develop monitoring plans that will continue to assess the impacts of mine releases on the Animas and San Juan rivers. The monitoring will evaluate seasonal changes, including pre-winter and post-winter runoff and low-flow conditions.

The agency will continue to post water quality information as new data become available.

If the Animas and San Juan rivers are safe, then why has the EPA pushed to designate the area a superfund site?

While the Animas and San Juan rivers returned to pre-release conditions downstream, there are still significant metal loadings from numerous mining sources in the Upper Animas mining district.

Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources. There are literally hundreds of old mines, ore processing locations and other places where acid mine drainage containing metals enters small streams and creeks that ultimately enter the Animas River.

The United State Geological Survey (USGS) conducted sampling in the Animas River in 1995-1996 to measure the amount of metals carried by the river during the spring snowmelt period. They estimated an average metals load of approximately 2,300 kg/day. (In comparison, when the plume from last summer's Gold King Mine release reached the lower Animas River, it carried an estimated average load of 2,000 kg/day.)

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of a community-based collaborative effort, EPA agreed to postpone adding all or a portion of the Animas Mining District to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions in the area in order to understand the major sources of heavy metal contamination in the Upper Animas watershed.

The EPA is currently working with state, local and tribal stakeholders to address long-term solutions, including a potential NPL listing, to the acid mine drainage discharging into the Upper Animas watershed.

1. Could you tell me if the proposed listing of the Bonita Peak Mining District is unique in terms of size or the way in which the site would be comprised? In other words, is this the first-time EPA would be listing a site with dozens of mines on it? And is it unique in that the site wouldn't encompass all the land mass between mines, but just the mines and contaminated areas and avoid listing private lands that are not contaminated but may sit among the mines?

   There have been mining related NPL sites targeted to individual mines but this is a unique approach for a large scale mining district.. We were fortunate to have significant data from the local stakeholder group, as well as other State and federal agencies that allowed us to focus on mines and mine related sources that are likely significant contributors to metal loading. This level of information is not always available at this stage for such a complex area.

2. How large is the proposed site? Do you have a map of it?

   The Bonita Peak Mining District consists of 48 historic mines or mining-related sources (maps attaches) , where ongoing releases of metal-laden water and sediments are occurring within Mineral Creek, Cement Creek and the Upper Animas. These drainages join to form the Animas River near Silverton, Colorado, which is used for drinking water, recreation and agricultural purposes. Assessment work completed by the state of Colorado, the United States Geological Survey, the EPA and the Animas River Stakeholders group was used to identify these sources as significant contributors of metals found in the surface water and sediments throughout the mining district and the Animas River.

   The 48 historic mines or mining-related sources are located within Mineral Creek, Cement Creek and the Upper Animas as can be seen in the attached figures. Two study areas, which are included in the count of 48 sources, were identified as areas where additional information is needed to evaluate environmental concerns. They are not included in these figures as the boundaries are not understood at this time. These two areas are located in Prospect Gulch and the Sunnyside Mine Pool area in the upper reaches of Cement Creek and Upper Animas.

3. Would this listing set a precedent in any way in terms of listing mining sites on the NPL? If so, in what way?

   This does not set any new precedents as EPA has listed individual mines on the NPL such as the Standard Mine and Captain Jack Mines, both in Colorado.

4. I understand the town of Silverton was going to vote Tuesday on whether they support the NPL listing. Do you know the outcome of that vote? How does that affect the listing?

   The Silverton Town Council, and the San Juan County Commissioners, both voted unanimously on February 22, 2016, to seek Superfund listing for 46 mining sites and two study areas in the area north of the Town of Silverton now referred to as the Bonita Peak Mining District. On February 23, they sent a letter to Governor requesting his support for an NPL designation.

   As a matter of policy, EPA seeks concurrence from the state governor or a tribe, when the tribe

has jurisdiction, prior to NPL proposal. The Agency expects the Governor to support the Silverton/ San Juan county request and we have requested that the Governor provide his support or concurrence with the NPL designation by February 29th to provide adequate time to meet the next NPL update scheduled for March.

EPA proposes sites to the Superfund NPL through a Notice of Rulemaking where all relevant documentation that forms the basis of EPA's decision is published in the Federal Register. This is followed by a 60-day public comment period during which those with concerns can provide input on the proposed listing. After evaluating and responding to comments, EPA makes a final determination whether to add the site on the NPL. EPA is committed to continue investigation work this spring

1. How long would it take to get a Superfund cleanup done along the Animas?

As a matter of policy, EPA seeks concurrence from the state governors or a tribe, when the tribe has jurisdiction, prior to NPL proposal. The Agency expects the Governor to support the Silverton/ San Juan county request and we have requested that the Governor provide his support or concurrence with the NPL designation by February 29th to provide adequate time to meet the next NPL update scheduled for March.

The first step following NPL listing is the development of, followed by the implementation of, a plan for a detailed, comprehensive investigation into the contamination sources (called a Remedial Investigation) followed by the development of feasible cleanup alternatives (called a Feasibility Study).

The EPA has contracts in place to begin this work immediately after the site is proposed to the NPL. The remedial investigation serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the waste;
- assess risk to human health and the environment; and
    - conduct treatability testing to evaluate the potential performance and cost of the treatment technologies that are being considered.

The FS is the mechanism for the development, screening, and detailed evaluation of alternative remedial actions.

The RI and FS are conducted concurrently - data collected in the RI influence the development of remedial alternatives in the FS, which in turn affect the data needs and scope of treatability studies and additional field investigations. This phased approach encourages the continual scoping of the site characterization effort, which minimizes the collection of unnecessary data and maximizes data quality.

Initial investigation work in the Upper Animas Mining District has been done through the previous efforts of EPA, Bureau of Land Management, U.S. Forest Service and the Animas River Stakeholder Group. EPA would work with the communities and stakeholders and look carefully at this existing information in determining the additional investigation needed. EPA takes public input on a proposed cleanup plan.

Once a remedy is selected (called Record of Decision), it is designed and the cleanup work (called remedial action) begins. Community involvement, interim actions (such as, mine portal stabilizations and bulkhead installations), and potential enforcement actions occur throughout the

entire process.

If warranted, removal actions, short-term responses used to handle threats of releases, may be taken at any step of the process to ensure public safety. For example, EPA took early removal actions to address imminent threats at 35 percent of hardrock mining or mineral processing NPL sites prior to their being added to the NPL.

The length of time it takes for remedial action to begin depends on a variety of site-specific factors. At the end of FY 13, remedial action work had begun at approximately 130 hardrock mining or mineral processing NPL sites. At these sites, it took approximately 6 years for remedial action to begin after NPL listing.

At the end of FY13, 51 hardrock mining and mineral processing NPL sites had reached construction complete status. At these sites, it took approximately 12 years from NPL listing to achieve construction complete status. Note that most of these sites that have achieved construction complete are mineral processing sites which tend to be less complex than hard-rock mining sites.

Hardrock mining sites often have a requirement for long-term water treatment, and this often lengthens the period of time a site remains on the NPL.

In the case of the Upper Animas, we expect to move quickly into the investigations needed to begin identifying appropriate clean up actions.|

EPA has work plans in place for additional sampling this summer and fall that will be part of the remedial investigation that will serve to further delineate the nature and extent of the contamination.

Operations at the Gold King Mine will resume as early as possible in the late spring/early summer, dependent upon road conditions and any remaining avalanche hazards around the mine (which can extend into May). We expect the primary objective at this time to be completing work to stabilize the first 60 feet of the adit and constructing the temporary low-head flow control structure. The extent to which additional rehabilitation work (mucking solids and ground support) is continued into the mine remains to be determined.

If not, what is the basis for the assurances local officials tell me they've been given repeatedly by the EPA that money will be available to get the job done?

Here is an example that may be useful: In FY 2014, the agency started 66 new remedial construction projects, including 38 government-funded projects and 28 PRP-funded projects, and continued to conduct or provide oversight at more than 413 remedial construction projects started in prior fiscal years. Because of funding issues, EPA was unable to proceed with new construction work at five NPL sites with projects ready to start construction in FY2014.

4. **We've reported on how Congress has reduced money for Superfund from around $2 billion for cleanups nationwide in the late 1990s to less than $1 billion for cleanups nationwide today. Is that still the best number range to use? Can EPA be more precise?**

The Superfund annual enacted appropriation for FY 2006-2015 is presented below.

Fiscal Year	Hazardous Substance Superfund Enacted Appropriation in Millions
2006	$1,235.0
2007	$1,255.0

2008	$1,254.0
2009*	$600.0
2009	$1,285.0
2010	$1,307.0
2011	$1,280.9
2012	$1,213.8
2013	$1,113.3
2014	$1,088.8
2015	$1,088.8

*Represents the American Recovery and Reinvestment Act of 2009 resources

5. In view of this sharp reduction, and in view of the average time taken to complete a Superfund cleanup, what is the EPA's position on whether it will be able to get the job done on the upper Animas within five years.

Prior to completing an RI/FS, EPA will not know what the site's cleanup scope will be, and, therefore, we can't estimate how long cleanup actions will take. At all sites, the length of time to complete all remediation work depends on a number of site specific factors. For example, it's hard to predict what year the remedial investigation and feasibility study will be done, how many other sites will be in the queue for funding that year, and whether there will be one or more PRPs helping pay for the cleanup. We also don't know yet what the exact problems are, and what the remedies should be --- that information, which will be included in the remediation proposal, will ultimately determine project cost and timeline.

How much is in that regional discretionary fund? And would that be enough to cover the cost of the remedial investigation and the feasibility study?

Regions receive funding to do remedial investigation and feasibility studies. Called "pipeline funding," in recent years Region 8's total pipeline budget has been $8-10 million annually. This funding supports Region 8 Superfund pre-remedial and remedial work, aside from construction. Region 8's highest priority is to fund and begin this site's investigation work.

If not, what is the basis for the assurances local officials tell me they've been given repeatedly by the EPA that money will be available to get the job done?

The response to question #2 provides information on how Region 8 can apply funding for non-construction work. For construction work, a national risk-based process is utilized to help prioritize which projects can begin construction in a given fiscal year based on construction funding available nationally. While some sites may have construction work that goes unfunded for multiple fiscal years, the national process attempts to provide resources to any project that has been awaiting new construction funding for longer than three years. In fiscal years 2014 and 2015, only three to five projects nationally have gone unfunded in a given fiscal year. Currently, our Region 8 office does not have any projects awaiting allocation of new construction funding.

Here is an example that may be useful: In FY 2014, the agency started 66 new remedial construction

projects, including 38 government-funded projects and 28 PRP-funded projects, and continued to conduct or provide oversight at more than 413 remedial construction projects started in prior fiscal years. Because of funding issues, EPA was unable to proceed with new construction work at five NPL sites with projects ready to start construction in FY2014.

1) Does the agency have any ballpark estimate on how much the cleanup might eventually cost?

   At this point, we have no way of knowing as we only have limited Site data. Full Site characterization is necessary prior to considering cleanup options and associated costs.

2) When will the agency know if there are potentially responsible parties that it may choose to seek payment from for the cleanup?

   The Superfund program operates on the principle that polluters should pay for the cleanups, rather than passing the costs to taxpayers. Early in the cleanup process EPA searches for potentially responsible parties (PRPs). EPA looks for evidence to determine liability by matching wastes found at the site with parties that may have contributed wastes to the site. EPA has initiated a search for potentially responsible parties (PRPs) for some of the mines in the proposed Bonita Peak Mining District, but at this time does not know when that process will be complete and PRPs identified.

3) Once the agency decides on PRPs, if any, how can we the public learn about that decision and who those parties are?

   When PRPs are identified, EPA may send them a letter notifying them of their PRP status. At that time, those letters are available to the public.

What is the EPA's reaction to House Republicans' assertion today that EPA crew "deliberately" removed small part of plug at Gold King before deluge. House NR Committee chairman Rob Bishop made the assertion while grilling Interior Secretary Jewell on her agency's review of EPA actions leading up to the Aug. 5 disaster.

As stated in the Dec. 8, 2015 Addendum to the Agency's internal review, the Gold King Mine project manager identified preparatory and assessment work to be conducted at the GKM site. The preparatory and assessment work identified was: adit drainage control; water management system; excavation above adit/hill slope; and adit face excavation.

The Addendum notes that the work goals were to assess the site conditions and to help prepare for a decision on future work, which would be discussed during a consultation meeting planned for August 14, 2015. For example:

- The water management system would be needed if there was a decision to open the GKM site adit since there was potentially significant water buildup in the adit.
- The excavation above and at the face of the adit was needed to determine the exact location and condition of the blockage, and the exact location of the bedrock above and around the adit.

In addition to providing the direction via e-mail, the project manager also provided clear verbal direction to [REDACTED], the EPA contractors, and DRMS staff not to proceed with any work on actually opening

the adit prior to a planned consultation [with BLM] on August 14.

The Addendum then details the actions taken on Aug. 4 and Aug. 5, 2015:

> [REDACTED] and the team (including [REDACTED] of DRMS and contractors) arrived at the site and began some excavation work on August 4. Under [REDACTION] direction, the team slowly and carefully scraped away loose soil and rubble near the face of the adit with the initial goal of locating the primary blockage. By the end of the day, the team had located the blockage, which they were able to identify as the blockage based on the tightness and condition of the material. They decided to wait until the following day, when [REDACTED] and [REDACTED] of DRMS would also join them, to continue additional excavation. On August 5, 2015 under the direction of [REDACTED], and with consultation from DRMS as well as contractor support, the team began additional excavation to identify the location of bedrock above and around the adit. Through this careful scraping and excavation, they were able to locate the bedrock. Prior to the final excavation and cleanup, the DRMS personnel left the site to proceed to other nearby mining sites. [REDACTED] continued to oversee the final cleanup work, which included clearing of the loose colluvium near the adit. Just prior to finishing, the team noticed a water spout a couple of feet high in the air near where they had been excavating above the top of the adit. Within a few minutes, the spout had turned into a large gush of yellow/orange water that ultimately resulted in a release of an estimated three million gallons.

Sent to Dan Elliott 3/2, in response to questions on next steps now that Gov. Hickenlooper supports NPL listing.

The agency is deliberating on proposing the Bonita Peak Mining District to the NPL in the next NPL update, which is scheduled for late March or early April.

When EPA issues a rule proposing to add a site to the NPL, the Agency publishes the rule and a public comment notice about its intention in the Federal Register and issues a public notice through the local media to notify the community, so interested members of the community can comment on the proposal. EPA then responds to the comments it receives. If, after the formal comment period, the site still qualifies for cleanup under Superfund, it is listed on the NPL through another rulemaking.-

The first step following NPL listing is the development and implementation of a plan for a detailed, comprehensive investigation into the contamination sources (called a Remedial Investigation) followed by the development of feasible cleanup alternatives (called a Feasibility Study).

The EPA has contracts in place to begin this work immediately after the site is proposed to the NPL.

The remedial investigation serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the waste;
- assess risk to human health and the environment; and
- conduct treatability testing to evaluate the potential performance and cost of the treatment technologies that are being considered.

The FS is the mechanism for the development, screening, and detailed evaluation of alternative remedial actions.

The RI and FS are conducted concurrently - data collected in the RI influence the development of remedial alternatives in the FS, which in turn affect the data needs and scope of treatability studies and additional field investigations. This phased approach encourages the continual scoping of the site characterization effort, which minimizes the collection of unnecessary data and

maximizes data quality.

Initial investigation work in the Bonita Peak Mining District has been done through the previous efforts of EPA, Bureau of Land Management, U.S. Forest Service and the Animas River Stakeholder Group. EPA would work with the communities and stakeholders and look carefully at this existing information in determining the additional investigation needed. EPA takes public input on a proposed cleanup plan.

Once a remedy is selected (called Record of Decision), it is designed and the cleanup work (called remedial action) begins. Community involvement, interim actions (such as, mine portal stabilizations and bulkhead installations), and potential enforcement actions occur throughout the entire process.

If warranted, removal actions, short-term responses used to handle threats of releases, may be taken at any step of the process to ensure public safety. For example, EPA took early removal actions to address imminent threats at 35 percent of hardrock mining or mineral processing NPL sites prior to their being added to the NPL. The length of time it takes for remedial action to begin depends on a variety of site-specific factors.

In the case of the Bonita Peak Mining District, we expect to move quickly into the investigations needed to begin identifying appropriate clean up actions.

EPA has work plans in place for additional sampling this summer and fall that will be part of the remedial investigation that will serve to further delineate the nature and extent of the contamination.

Operations at the Gold King Mine will resume as early as possible in the late spring/early summer, dependent upon road conditions and any remaining avalanche hazards around the mine (which can extend into May). We expect the primary objective at this time to be completing work to stabilize the first 60 feet of the adit and constructing the temporary low-head flow control structure. The extent to which additional rehabilitation work (mucking solids and ground support) is continued into the mine remains to be determined.

Was the spill intentional?

This was a tragic and unfortunate incident, and EPA has taken responsibility to ensure that it is cleaned up appropriately. While the Office of Inspector General's investigation is ongoing, information the agency has received to date from both external and internal reviews of the matter has revealed no evidence that the blowout was in any way intentional.

Airborne sediments?

Water in the Animas River and its tributaries typically carries large metal loads during high flow events such as spring runoff and heavy rainstorms. Significant discharges of acid mine drainage have entered the Animas River and its tributaries for many years. For example, based upon 2009 – 2014 flow data, approximately 330 million gallons of contaminated water was being discharged from mines in the Upper Animas watershed into the Animas River each year – more than 100 times the August 5, 2015 release from the Gold King Mine. The contaminants in the Gold King Mine plume were generally similar to contaminants found throughout the Upper Animas Basin. High levels of metals are also found in surrounding soils due to the highly mineralized nature of the area and to historic mining activities.

Sediments are typically covered by water or associated with moisture. This makes an inhalation concern extremely low.

Should sediments become dry, they behave as soils. The human health risks from inhalation of windborne particulates from soils have been found to be minimal (approximately 100 to 1000 times less than risk via the ingestion pathway of exposure). In Silverton, the contribution of potentially dry sediment from Cement Creek to airborne particulates is low in comparison to the contribution from all other soils in the area.

This information applies to particulates generated by windborne dispersion. Mechanical disturbances, such as ATV riding, may release much higher levels of particulates into the air.

This assessment has been demonstrated in several mining and smelting sites in Region 8, including:

- Standard Mine in Gunnison County CO – This site has a long history of mining for gold, silver, zinc and copper since 1874
- Gilt Edge Mine in the Black Hills of SD –This is a 258 acre open pit gold mine where mining and processing began in the late 1880's.
- Walkerville Residential Site – Butte MT – This has been a mining, milling and smelting district for ~100 years which was mined for copper, lead, zinc, molybdenum, gold, and silver
- International Smelting and Refining Site in Toole UT – This is a copper, lead and zinc mining and processing site from 1910 – 1970.
- Barker-Hughesville Mine Site in Cascade County, MT – Mined for silver and lead between 1880 – 1980.

1. **Can you be more specific on the date or dates of the next NPL update?**

   The NPL package will be released in late March or early April.

2. **When would the rule proposing to add Bonita Peak Mining District to the NPL be issued – during the NPL update meetings, immediately after, a few days after?**

   The NPL package will be released in late March or early April.

3. **How long is the public comment period after the rule is published in the Federal Register?**

   The agency's typical public comment periods for proposed NPL rules are 30 day or 60 days.

4. **What has the range of time been between the end of the public comment period and the second rulemaking on previous Superfund sites – a month to a year, etc.?**

   It depends. Some proposed NPL sites are final listed in the next NPL package. If the site proposal receives extensive comments, the final listing may spill into a later NPL rule package. We generally issue NPL rule packages – including both proposed sites and final sites – in spring and fall of each year.

5. **What is the "temporary low-head flow control structure" planned for the Gold King adit, and what would it do?**

   The primary purpose for this steel structure, located approximately 60 ft inside the adit, will be to provide a control for potential surges of flow that might develop in the short-term (3 to 5 years). It will be capable of impounding an increased water level within the mine while containing the increased flow within the piping system exiting the mine. The flow control system will include

instrumentation to remotely monitor water levels behind the structure. The flow control structure can be replaced and/or removed when necessary to conduct work beyond that point in the mine adit.

Regarding NM Envt Secretary Flynn's quote, "Unfortunately, the polluter, in this case the EPA, continues to turn a blind eye to the long-term effects of the Gold King Mine Spill, and has refused to support the regional Long-Term Monitoring Plan or the Spring Run-off Preparedness Plan."

EPA appreciates the concerns that states, tribes, and communities have regarding the potential for the spring runoff to mobilize sediments deposited by the Gold King Mine release and decades of drainage from the many mines in the Silverton area.

EPA is providing $2 million in funding to support states' and tribes' long-term monitoring plans. Utah, New Mexico, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Colorado may apply those funds to spring monitoring and preparedness planning as well.

EPA is also supporting a stakeholder-driven effort – called the Animas-San Juan Preparedness Plan – to coordinate monitoring efforts. The group's latest meeting on Feb. 29 was attended by the states of New Mexico, Utah and Colorado, the Southern Ute and Navajo Nation, and local jurisdictions. EPA is providing the group with technical and infrastructure support to help stakeholders better coordinate their monitoring plans and share environmental data.

EPA is conducting its own comprehensive post-release sampling of the Animas and San Juan Rivers from above Silverton, Colorado to Lake Powell, Utah. The first round of sampling results will be released this month. The next sampling event will take place at the end of March, followed by additional sampling in June and in the fall. EPA will also coordinate with local jurisdictions to sample the rivers during storm events in the summer.

Plans for the Water Treatment Plant

The interim water treatment plant, installed in November 2015, is treating ongoing acid mine drainage being discharged from the Gold King Mine (GKM). The plant, which replaced the temporary treatment ponds that were put in after the August 2015 release to treat mine water discharge, will be operated over the winter, with removal work resuming this summer. EPA is still assessing the appropriate overall duration of the plant's operations. As part of our continuing discussions over longer term efforts to address wide-spread acid mine drainage in the Upper Animas Watershed, the EPA, and CDPHE will continue to work with local, tribal, nongovernmental and other stakeholders on water treatment options and other long-term solutions to the impacts from mining in the Upper Animas Watershed. Regardless of what solutions these discussions lead to, downstream communities will not be asked to pay for water treatment.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: ENF-L

MAR 25 2016

The Honorable Scott Tipton
United States Representative
Washington, D.C. 20515-0603

Dear Congressman Tipton:

Thank you for your letter to Administrator Gina McCarthy of February 19, 2016, regarding Colorado resident Mr. Todd Hennis, his businesses, and his Gladstone and Gold King Mine properties. We appreciate this opportunity to clarify the U.S. Environmental Protection Agency's actions.

The EPA values Mr. Hennis' cooperation with the Agency's efforts to respond to the releases from the Gold King Mine prior to and following the August 5, 2016, incident. The EPA first accessed the Gladstone property and the Gold King Mine property pursuant to a consent for access signed by Mr. Hennis in 2014. In November of 2015, the EPA requested that Mr. Hennis extend that consent for access through December 2016. After several weeks of discussion between the EPA and Mr. Hennis, Mr. Hennis signed a consent for access extending the access to the Gladstone property through the end of March 2016. Mr. Hennis' corporations extended the EPA's access to the Gold King Mine property through December 2016. After recent discussions between Mr. Hennis' attorney and the EPA, Mr. Hennis agreed to extend access to the Gladstone properties through December 31, 2016.

While the EPA's goal is always to achieve consensual access to property, Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), provides the Agency with significant legal authorities to obtain access in the event a property owner is unwilling to consent to access. The EPA informed Mr. Hennis of these authorities, including CERCLA's penalty provisions, and discussed these authorities at length with Mr. Hennis and his attorney. The EPA has never sought civil penalties from Mr. Hennis or his companies.

Mr. Hennis' attorney sent the EPA a settlement proposal to resolve Mr. Hennis' potential CERCLA liability at the Upper Animas Mining District Site in September 2015. On February 5, 2016, in order to fully and fairly analyze Mr. Hennis' request, the EPA sent Mr. Hennis an information request under the authority of Section 104(e) of CERCLA to gather the information needed to understand Mr. Hennis' activities, ownership, potential involvement in, and relationship to the mining activities the EPA is investigating at the upper Animas Mining District Site. Our evaluation of this information will inform future discussions with Mr. Hennis.

If you or your staff have further concerns, please contact me, or your staff may wish to contact Paula Smith, Acting Regional Congressional Liaison, at (303) 312-6630, or smith.paula@epa.gov.

Sincerely,

Shaun L. McGrath
Regional Administrator

To: StClair, Christie[StClair.Christie@epa.gov]
Cc: Lemon, Mollie[Lemon.Mollie@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Ethan Barton
Sent: Fri 4/15/2016 8:10:22 PM
Subject: Re: Superfund questions from 4/13

Got it, thanks.

On Fri, Apr 15, 2016 at 4:09 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

From a spokesperson:

The 3,009 number includes sites that are not on the National Priorities List (NPL) but are Superfund sites that had cleanup work done, for example, as removal actions or under the Superfund Alternative Approach (SAA).

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, April 15, 2016 12:47 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Lemon, Mollie <Lemon.Mollie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: Re: Superfund questions from 4/13

These are great, thank you. One follow-up:

"Negotiated 6774 cleanup agreements to perform work, pay for cleanup, or reimburse the government for cleanup work at **3009 Superfund sites."**

Haven't there only been 1,719 superfund sites total? (adding the current sites and the deleted sites: https://www.epa.gov/superfund/superfund-national-priorities-list-npl)

On Fri, Apr 15, 2016 at 12:41 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

They are done. Please attribute to an agency spokesperson.

The New York Times wrote an editorial in 1994 calling Superfund a complete failure, and highlighted the low number of sites cleaned up (then 217), inefficiency, and cost-ineffectiveness, as well as the "interminable litigation that delays action." (http://www.nytimes.com/1994/02/07/opinion/not-so-super-superfund.html?scp=2&sq=superfund%20reagan&st=cse)

How has the EPA made improvements in these areas 22 years later, especially considering the relatively few additional deletions since that editorial (174 more)?

Specifically, I'm looking for:

Q1 and Q3.How the EPA improved efficiency regarding the "transaction costs" for lawyer and consultant fees mentioned in the article, which says such fees

accounted for 1/4 of Superfund spending. How the EPA ensures "interminable litigation" no longer "delays action."

A1 and A3. We encourage you to look at more recent coverage of the Superfund program, such as this December 2014 National Geographic article. Regarding your enforcement questions, amendments and reforms to CERCLA have encouraged and promoted the use of voluntary settlements, which result in less protracted and litigious interaction with PRPs.

Since 1980, the Superfund enforcement program has:

- Negotiated 6774 cleanup agreements to perform work, pay for cleanup, or reimburse the government for cleanup work at 3009 Superfund sites.

- Negotiated 632 settlements with 32,921 small waste contributors at 277 Superfund sites.

- Obtained over $35.1 billion in private party commitments for cleanup work conducted at approximately 2551 NPL and Non-NPL sites.
- Obtained over $6.9 billion in cost recovery of past cleanup costs.

Q2.How the EPA improved cost-efficiency regarding how "slightly contaminated soil that might have been paved over or otherwise quarantined at modest cost has been dug up and incinerated at great cost."

A2. Over the last decade or longer incineration remedies have become rare in Superfund cleanups. One of the clear trends in remedies at Superfund sites is an increase in the selection of targeted in situ remedies, which tend to focus the greatest efforts in areas of higher contaminant concentration. In situ thermal treatment methods, in general, are ways to move or mobilize harmful chemicals through soil and groundwater for treatment onsite which can be quicker and cheaper. On average, half of recent source treatment Superfund decision documents at NPL sites included in situ treatment, as highlighted in the 14th Edition of the Superfund Remedy Report. This trend is also evident in groundwater cleanup projects. In general, we are using the whole portfolio of tools to clean up contaminated sites, and we find that more recent remedies often addressed complex sites involving more than one contaminated media by selecting remedial strategies with multiple components to target different site areas, media or both. Often more aggressive remedies are used for areas of higher contamination or risk, while less intensive and expensive options are applied elsewhere.

Q4. I'd also like a response to how the Times said Superfund "failed the performance test" by only cleaning 217 sites, and how that number has only risen to 391 after 22 years.

A4. Because it takes many years for a site to achieve final cleanup levels, the Agency believes construction completion is an important site progress milestone. At sites that are construction complete, physical construction of all cleanup actions are complete, all immediate threats have been addressed, and all long-term threats are under control. As of April 14, 2016, 70 percent (i.e., 1178) National Priorities List construction completions (CCs) have been achieved. In addition, five CCs have also been achieved at Superfund Alternative Approach sites over the life of the Superfund Program to date.

In addition, the Sitewide Ready for Anticipated Use (SWRAU) measure was developed to comply with EPA's responsibility to report long-term, outcome-based accomplishments under the Government Performance and Results Act. In order for a site to be designated SWRAU, all aspects of the cleanup are in place and have been achieved for any media that may affect current and reasonably anticipated future land uses, so that there are no unacceptable risks, all land use restrictions or other controls required as part of the cleanup are in place, and the site has reached the construction completion milestone. At the end of FY15, 752 sites had achieved SWRAU status.

For a full list of program accomplishments, broken down by year, please go to: https://www.epa.gov/superfund/superfund-remedial-annual-accomplishments.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, April 15, 2016 12:26 PM
To: Lemon, Mollie <Lemon.Mollie@epa.gov>
Cc: StClair, Christie <StClair.Christie@epa.gov>

Subject: Re: Superfund questions from 4/13

Christie, will these be finished today?

Thanks.

On Thu, Apr 14, 2016 at 2:37 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Excellent, thank you.

On Thu, Apr 14, 2016 at 2:37 PM, Lemon, Mollie <Lemon.Mollie@epa.gov> wrote:

Hi Ethan,

Christie St. Clair (CC'ed) will be getting back to you re: your Superfund questions. We've also received your questions on Gold King Mine.

Thanks,

Mollie

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 2:22 PM

To: Lemon, Mollie <Lemon.Mollie@epa.gov>
Subject: Re: Superfund questions from 4/13

Mollie, I can extend my deadline for the end of business tomorrow for my questions regarding the NYT article on superfund. However, I have a hard deadline of end of business today for new inquiries on Gold King Mine in light of recent findings. I'll send them over to the general press EPA inbox in case you're not the right person to send those to, but I'll copy you on them all well.

Thanks,

Ethan

On Thu, Apr 14, 2016 at 11:41 AM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Great, thanks. Let me know what your prediction on all responses are and I'll let you know what I can do about extending my deadline.

On Thu, Apr 14, 2016 at 11:38 AM, Lemon, Mollie <Lemon.Mollie@epa.gov> wrote:

I'll check. We can certainly focus on those two questions for COB today, and will aim for the others.

Thanks,

Mollie

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 11:36 AM
To: Lemon, Mollie <Lemon.Mollie@epa.gov>

Subject: Re: Superfund questions from 4/13

Do you have an estimate when you could get back to me? I may be able to push my deadline some, but if not, the most important parts are the comparison of NPL deletions and the "interminable litigation."

On Thu, Apr 14, 2016 at 11:26 AM, Lemon, Mollie <Lemon.Mollie@epa.gov> wrote:

Hi Ethan,

I can work with our program staff on your request. Is there any flexibility on your deadline? I'm not sure we'll be able to meet a deadline of COB today.

Thanks,

Mollie

Mollie Lemon

U.S. Environmental Protection Agency

Office of Media Relations

202.343.9859

From: Ethan Barton
[mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 11:11 AM
To: Valentine, Julia <Valentine.Julia@epa.gov>
Cc: Lemon, Mollie <Lemon.Mollie@epa.gov>

Subject: Re: Superfund questions from 4/13

Great, thanks Julia, thanks Mollie.

On Thu, Apr 14, 2016 at 11:10 AM, Valentine, Julia <Valentine.Julia@epa.gov> wrote:

Hi Ethan,

This is actually handled by Mollie Lemon in our office. I have copied her here and she can work with the Superfund program.

Julia P. Valentine

Office of Public Affairs

U.S. EPA

202.564.2663 direct

202.740.1336 m/txt

From: Ethan Barton
[mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 10:48 AM
To: Valentine, Julia <Valentine.Julia@epa.gov>
Subject: Re: Superfund questions from 4/13

See below:

The New York Times wrote an editorial in 1994 calling Superfund a complete failure, and highlighted the low number of sites cleaned up (then 217), inefficiency, and cost-ineffectiveness, as well as the "interminable litigation that delays action." (http://www.nytimes.com/1994/02/07/opinion/not-so-super-superfund.html?scp=2&sq=superfund%20reagan&st=cse)

1. How has the EPA made improvements in these areas 22 years later, especially considering the relatively few additional deletions since that editorial (174 more)?

Specifically:

2. How has the EPA improved efficiency regarding the "transaction costs" for lawyer and consultant fees mentioned in the article, which says such fees accounted for 1/4 of Superfund spending?

3. How has the EPA improved cost-efficiency as a whole for Superfund in regards to the numerous studies, remedial design, construction, remedial action, etc.?

The Times article used the example that "slightly contaminated soil that might have been paved over or otherwise quarantined at modest cost has been dug up and incinerated at great cost."

4. How does the EPA ensure "interminable litigation" no longer "delays action"?

I'm looking for specific improvements for these or comments that explain why such improvements were unnecessary.

Thanks,

Ethan

On Thu, Apr 14, 2016 at 10:42 AM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Great, thanks Julia. I'll send them to you in just a minute.
>
> On Thu, Apr 14, 2016 at 10:41 AM, Valentine, Julia <Valentine.Julia@epa.gov> wrote:
>
> > Yes, sir!
> >
> > I am putting together the questions from the email Christie copied me on. So if you send one new, clean email with your qs as of now, that would be awesome!
> >
> > Thanks you
> >
> > Julia P. Valentine
> >
> > Office of Public Affairs

U.S. EPA

202.564.2663 direct

202.740.1336 m/txt

From: Ethan Barton
[mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, April 14, 2016 10:40 AM
To: Valentine, Julia
<Valentine.Julia@epa.gov>
Subject: Superfund questions from 4/13

Hi Julia,

I sent Christie StClair some questions regarding Superfund yesterday with a deadline for end of business today. I just pinged her to remind her and received a bounce back that she's out of the office.

I just wanted to confirm that my responses are being worked on. I can resend my inquiries if necessary.

Thanks,

Ethan

--

Ethan Barton

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To: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Thur 4/14/2016 2:36:36 PM
Subject: Re: Superfund and Gold King Mine

Just wanted to remind you my deadline for the updates since the 1994 NYT article is end of business today. Thanks.

On Wed, Apr 13, 2016 at 3:47 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> To be clear on my second question: the EPA does not have a plan to immediately protect human health and wildlife if measurements during storm events show contaminates reached dangerous levels. Is that correct?
>
> On Wed, Apr 13, 2016 at 3:16 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:
>
> > Got it, thanks, Christie. I'll use the updated response.
> >
> > On Wed, Apr 13, 2016 at 3:01 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:
> >
> > > Ethan, I've edited the response to #3 a bit to be sure it is very clear. If possible, please use this updated response.

Christie St. Clair

Office of Public Affairs

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Washington, DC

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From: StClair, Christie
Sent: Wednesday, April 13, 2016 2:56 PM
To: 'Ethan Barton' <ethan@dailycallernewsfoundation.org>
Subject: RE: Superfund and Gold King Mine

Ethan,

The GKM info is below. Please attribute to an agency spokesperson.

Christie

1. I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events. Does this monitoring also include the San Juan River?

Yes. All monitoring sites are listed in the final plan, which is on the Gold King Mine response site. Here is the document's url: https://www.epa.gov/sites/production/files/2016-03/documents/post-gkm-final-conceptual-monitoring-plan_2016_03_24_16.pdf

You'll find the sites listed on pages 13-15.

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources.

Acid mine drainage has been released into the rivers for many decades and winter runoff and major storms may kick up material that had settled to the bottom of the rivers. So those using the river for recreation, agriculture or drinking water should use the same precautions they always have.

The EPA is currently working with state, local and tribal stakeholders to address long-term solutions, including recently proposing the Bonita Peak Mining District to the National Priorities List (NPL).

There may be occasions when the metal concentrations fluctuate from time to time because of water surges due to heavy rains or other events that may change the water flow rates or volume, but the river system as a whole is being maintained at pre-event conditions. We have released a monitoring plan to determine any longer term impacts and are currently working with local and state stakeholders to implement those efforts.

Here is some additional background on the region you may find useful.

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas. SITE RISK: Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

3. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?

Prior to completing a Remedial Investigation and Feasibility Study (RI/FS), EPA will not know what the site's cleanup scope will be, and, therefore, we can't estimate how long cleanup actions will take. At all Superfund sites, the length of time to complete all remediation work depends on a number of site specific factors. For example, it's hard to predict when the RI/FS ~~what year the remedial investigation and feasibility study~~ will be done, how many other Superfund projects ~~sites~~ will be in the queue for funding that year, and whether there will be one or more responsible parties (PRPs) helping pay for the cleanup. We also don't know yet what are all of the problems that need to be addressed, and therefore what the cleanup remedies should be ~~what the exact problems are, and what the remedies should be~~ --- that information, which will be included in the proposed remediation plan ~~remediation proposal~~, will ultimately help determine project cost and timeline.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, April 13, 2016 10:06 AM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Superfund and Gold King Mine

Hi Christie,

I'm working on another Gold King Mine story and a separate Superfund story. I'm on deadline for the Gold King Mine story for end of business today and the Superfund story for tomorrow by end of business.

Gold King Mine:

I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events.

1. Does this monitoring also include the San Juan River?

2. Does the EPA have a plan to protect human and wildlife health if that monitoring shows spiked contaminant levels during storm events?

2. How long will it take to complete cleaning at the Bonita Pike Mining District and how much will it cost? Additionally, what are the time and cost estimates to finish cleaning just Gold King Mine and the Animas River?

For Superfund:

The New York Times wrote an editorial in 1994 calling Superfund a complete failure, and highlighted the low number of sites cleaned up (then 217), inefficiency, and cost-ineffectiveness, as well as the "interminable litigation that

delays action." (http://www.nytimes.com/1994/02/07/opinion/not-so-super-superfund.html?scp=2&sq=superfund%20reagan&st=cse)

How has the EPA made improvements in these areas 22 years later, especially considering the relatively few additional deletions since that editorial (174 more)?

Please let me know if you have any questions or need clarity for on any of these.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

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@ethanrbarton

To: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Wed 4/13/2016 4:42:10 PM
Subject: Re: Superfund and Gold King Mine

Thanks.

On Wed, Apr 13, 2016 at 12:41 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Got it.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, April 13, 2016 12:11 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Superfund and Gold King Mine

Did you get my first email that was sent at 10:06? It had my deadlines and the link to the NYT article, which is where those quotes came from. I sent the second email for clarity. I pasted the first below:

Hi Christie,

I'm working on another Gold King Mine story and a separate Superfund story. I'm on deadline for the Gold King Mine story for end of business today and the Superfund story for tomorrow by end of business.

Gold King Mine:

I understand that part of the monitoring plan at the Animas River involves monitoring contaminant levels during storms events.

1. Does this monitoring also include the San Juan River?

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How has the EPA made improvements in these areas 22 years later, especially considering the relatively few additional deletions since that editorial (174 more)?

Please let me know if you have any questions or need clarity for on any of these.

Thanks,

Ethan

On Wed, Apr 13, 2016 at 12:05 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Sorry. Lots going on today and I missed that.

We have a lot of incoming questions. It will help us move this forward quicker if you tell me what you're quoting from for each of these questions, and which Times article you're referencing.

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, April 13, 2016 11:56 AM

To: StClair, Christie <StClair.Christie@epa.gov>

Subject: Re: Superfund and Gold King Mine

Yes, as mentioned in my first email, my deadline for the Gold King Mine questions is end of business today and my deadline for the superfund questions is end of business tomorrow.

On Wed, Apr 13, 2016 at 11:51 AM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Should have asked if you have a deadline for this.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, April 13, 2016 10:25 AM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Superfund and Gold King Mine

Thanks.

On Wed, Apr 13, 2016 at 10:22 AM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Okay

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

On Apr 13, 2016, at 10:20 AM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Just wanted to clarify my question on superfund.

I'd like to know:

How the EPA improved efficiency regarding the "transaction costs" for lawyer and consultant fees mentioned in the article, which says such fees accounted for 1/4 of Superfund spending;

How the EPA improved cost-efficiency regarding how "slightly contaminated soil that might have been paved over or otherwise quarantined at modest cost has been dug up and incinerated at great cost."

How the EPA ensures "interminable litigation" no longer "delays action."

I'm looking for specific improvements or comments that explain why such improvements were unnecessary.

I'd also like a response to how the Times said Superfund "failed the performance test" by only cleaning 217 sites, and how that number has only risen to 391 after 22 years.

Thanks,

Ethan

On Wed, Apr 13, 2016 at 10:06 AM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Hi Christie,

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Ethan

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Ethan Barton
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Daily Caller News Foundation
410-829-1738
@ethanrbarton

To: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Wed 4/13/2016 3:55:43 PM
Subject: Re: Superfund and Gold King Mine

Yes, as mentioned in my first email, my deadline for the Gold King Mine questions is end of business today and my deadline for the superfund questions is end of business tomorrow.

On Wed, Apr 13, 2016 at 11:51 AM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Should have asked if you have a deadline for this.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, April 13, 2016 10:25 AM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Superfund and Gold King Mine

Thanks.

On Wed, Apr 13, 2016 at 10:22 AM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Okay

Christie St. Clair

U.S. EPA Office of Media Relations

c: 202-768-5780

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Thanks,

Ethan

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How has the EPA made improvements in these areas 22 years later, especially considering the relatively few additional deletions since that editorial (174 more)?

Please let me know if you have any questions or need clarity for on any of these.

Thanks,

Ethan

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To: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Wed 3/30/2016 8:43:56 PM
Subject: Re: Gold King Mine owner

Perfect. Thanks, Christie!

On Wed, Mar 30, 2016 at 4:43 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

We're a go. I'll call you at 9:30 at 410-829-1738.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 4:35 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Gold King Mine owner

That's perfect. Thanks.

On Wed, Mar 30, 2016 at 4:34 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

I'll confirm with the expert and then let you know we're a go.

This will be on background, and he's only qualified to help you work with the database more effectively – policy questions aren't his area.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 4:31 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Gold King Mine owner

Yes, 9:30 works.

On Wed, Mar 30, 2016 at 4:29 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

He's only free until 1. Can you talk at 9:30?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 4:26 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Gold King Mine owner

I think 30 minutes should be fine, but can we say 45 to be safe?

On Wed, Mar 30, 2016 at 4:23 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

> Think you can cover everything in 30 minutes?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 4:23 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Gold King Mine owner

Hey sorry I missed your call. I was away from my phone for a bit. Can we do 11:30 tomorrow?

On Wed, Mar 30, 2016 at 4:10 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

> Hi Ethan, good news – I've found a great CERCLIS expert on staff who is happy to talk with you on background about working with the database.
>
> He's available today until 5, tomorrow from 9-10:30, or 11:30-1.
>
> Do any of those windows work for you?
>
> Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 12:25 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Gold King Mine owner

Thanks, Christie, I'll include this. Will Hennis be one of the parties EPA could seek funding from for the Bonita Peak Mining District site?

Any updates on my CERCLIS questions?

On Wed, Mar 30, 2016 at 12:19 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Ethan,

Here is a copy of a letter to Rep. Tipton that hopefully answers the question about threatening Hennis.

Please let me know if you need anything more.

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 12:13 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Gold King Mine owner

Hi Christie,

Does the EPA have a response to Gold King Mine owner Todd Hennis' claim that the EPA forced him to sign a Consent for Access to Property agreement and his fear of the EPA's "limitless legal budget"?

I'm writing this for immediate publication and expect to have the story to my editor before 2 pm.

Here's the link to the original article.

http://www.durangoherald.com/article/20160329/NEWS01/160329594/Gold-

King-owner-says-EPA-forced-access-agreement-renewal

Also, any updates on my additional superfund questions?

Thanks,

Ethan

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

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To: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Wed 3/30/2016 6:53:14 PM
Subject: Re: Gold King Mine owner

I'll see if I can get that added.

On Wed, Mar 30, 2016 at 2:49 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

If it's not too late, I'd love a slight tweak to that comment:

EPA has not formally noticed any potentially responsible parties (PRPs) at this site and no decisions have been made concerning from which PRPs, if any, the agency will seek recovery of its response costs.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 2:33 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Gold King Mine owner

Got it, thanks.

On Wed, Mar 30, 2016 at 2:15 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

From a spox:

EPA has not formally noticed any potentially responsible parties (PRPs) at this site and no decisions have been made concerning which PRPs, if any, the agency might pursue.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, March 30, 2016 12:25 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Gold King Mine owner

Thanks, Christie, I'll include this. Will Hennis be one of the parties EPA could seek funding from for the Bonita Peak Mining District site?

Any updates on my CERCLIS questions?

On Wed, Mar 30, 2016 at 12:19 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Ethan,

Here is a copy of a letter to Rep. Tipton that hopefully answers the question about threatening Hennis.

Please let me know if you need anything more.

Christie

Christie St. Clair

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I'm writing this for immediate publication and expect to have the story to my editor before 2 pm.

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Also, any updates on my additional superfund questions?

Thanks,

Ethan

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Ethan Barton

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To: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Wed 3/30/2016 4:24:58 PM
Subject: Re: Gold King Mine owner

Thanks, Christie, I'll include this. Will Hennis be one of the parties EPA could seek funding from for the Bonita Peak Mining District site?
Any updates on my CERCLIS questions?

On Wed, Mar 30, 2016 at 12:19 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

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Ethan Barton
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@ethanrbarton

To: StClair, Christie[StClair.Christie@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Ethan Barton
Sent: Tue 3/29/2016 5:06:15 PM
Subject: Re: Superfund questions

Great, thank you.

On Tue, Mar 29, 2016 at 1:05 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

> Yes, got them - program is working on a response.
>
> Christie
>
> Sent from my iPhone
>
> On Mar 29, 2016, at 12:51 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:
>
>> Christie,
>> Just wanted to be sure you got these follow-ups.
>>
>> Thanks,
>>
>> Ethan
>>
>> On Mon, Mar 28, 2016 at 1:36 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:
>>
>>> Christie,
>>> I noted the mistake in Q4 and will make sure it's corrected in my copy.
>>>
>>> As for the Gold King Mine responses, these were requested several weeks ago. I'll discuss with Michael Bastasch, who co-wrote the articles, and my editor.
>>>
>>> Additionally, on superfund:
>>>
>>> 1. On question 1, SEMS and CERCLIS, essentially, if I want complete data, I should look at the CERCLIS database, but note that it is only updated through November 2013. Is that correct?
>>>
>>> 2. On question 2, I want to be clearing that I'm asking about the "frozen" CERCLIS files, rather than the SEMS report, for several reasons, including the fact that, as you mentioned, SEMS is incomplete and relies on CERCLIS.
>>>
>>> So, to be clear, anything in the second tab of this

page https://www.epa.gov/superfund/superfund-data-and-reports titled "CERCLIS Reports & Data Files" are sites that still have work remaining, even though many of the sites listed have been removed from the NPL. Is that correct?

Meanwhile, anything under the third tab, titled "Archived Site Reports & Data Files" are completed, cleaned, and removed from the NPL, though they can be unarchived if necessary. Is that correct?

3. If that's the case, why are there sites in the "Active" database that have been removed from the NPL? Why aren't those "archived"?

Some additional new questions regarding Superfund data:

4. Regarding the NPL, what is the difference between "deleted," "removed," and "withdrawn"?

5. In CERCLIS, are the financial transactions in actual dollars? Ie, if a financial transaction (FT_AMT field in the FIN_TRA table) shows "5000", does that mean $5,000?

6. In CERCLIS, how can I determine what type of RFTT_Code in FT_AMT denote how much was actually spent in a transaction? Not "obligated" or "committed," but how many dollars a site spent in regards to any given transaction date.

I'm on deadline for these by 5 pm tomorrow, but receiving answers piecemeal would be preferred, since the answers will aid me in querying the database. Additionally, as I've mentioned in the past, speaking with a data person, even off the record, would be ideal, since they are fluent with the database, would likely allow for a quicker question-response, and would be able to immediately clear up any uncertainties I have, since CERCLIS clearly isn't designed for public use or understanding.

Thanks,

Ethan

On Fri, Mar 25, 2016 at 1:49 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

> Ethan,
>
> We made a mistake in the answer to Q4. The Milltown site is in Montana, not Wyoming.

Christie

Sent from my iPhone

On Mar 24, 2016, at 11:41 AM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Thanks.
>
> On Thu, Mar 24, 2016 at 11:39 AM, StClair, Christie <StClair.Christie@epa.gov> wrote:
>
> > They're working on it and hope to send it today.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, March 24, 2016 11:36 AM

To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: Superfund questions

Got it, thank you.

On Thu, Mar 24, 2016 at 11:35 AM, StClair, Christie <StClair.Christie@epa.gov> wrote:

I heard from the Superfund program that they are just doing a final fact check on their response, Ethan.

I'll ask them now where things stand.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, March 24, 2016 11:33 AM

To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: Superfund questions

Christie,

Have you heard back from the superfund folks? Knowing more about this database would greatly help me and would ensure accuracy, completeness, and fairness in forthcoming articles. But if I need to write without that help, we'll start publishing stories and denote the uncertainties as a result of EPA's unresponsiveness.

If it's any help, I'd happily speak with a data person over the phone completely off the record with the intent of just learning more about the database.

I can't give you a hard deadline for when my first article on this will be published, but I expect to start breaking stories next week, when I'll also want comment on my findings.

Thanks,

Ethan

On Wed, Mar 23, 2016 at 11:01 AM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Any updates, Christie? Those first two questions about the databases are especially crucial. And as I've begun querying the "Active" CERCLIS database, I already know I'll have additional questions about it.
>
> On Mon, Mar 21, 2016 at 2:58 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:
>
> > Great, thank you.

On Mon, Mar 21, 2016 at 2:56 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Hi Ethan, checking with them now.

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, March 21, 2016 2:50 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: Superfund questions

Christie,

Any updates on these, especially the questions about the databases?

Thanks,

Ethan

On Wed, Mar 16, 2016 at 3:57 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Great, thanks Christie.
>
> On Wed, Mar 16, 2016 at 3:56 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:
>
> > No worries, Ethan, but the program office will appreciate your saying that, I'll share it with them.
> >
> > I've not heard from them so assuming they are swamped and will turn to this tomorrow or Friday.
> >
> > Christie
> >
> > Sent from my iPhone
> >
> > On Mar 16, 2016, at 3:30 PM, Ethan Barton <ethan@dailycallernewsfoundation.org>

wrote:

> Sorry to keep sending emails piecemeal like this. Learning superfund feels much like learning a new language, and I'm trying to gain hold on the various terminology.
>
> Just to clarify my second question regarding the data files, does "archived" only refer to sites that were proposed or considered for the NPL, or were they at one time listed on the NPL and later removed?
>
> Similar, do the "active" data files include sites that are both under evaluation for NPL consideration, as well as those currently on the NPL?
>
> Thanks,
>
> Ethan
>
> On Tue, Mar 15, 2016 at 5:20 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:
>
> > Great, thanks. The first two questions are definitely priority. I can wait until early next week

for the remainder of the questions, but those first two are crucial to make sure I'm querying the correct data and querying it accurately.

On Tuesday, March 15, 2016, StClair, Christie <StClair.Christie@epa.gov> wrote:

> Nope, got those! Just misunderstood what you still need.
>
> I'm submitting the q's below right now. However, I need to let you know that the Superfund/NPL team is incredibly busy right now. These guys are great, and very responsive, but it's possible they won't get to all this until early next week.
>
> Is anything here a major priority you'd like them to tackle first?
>
> Christie

1. I'm confused about SEMS. Right now, I'm looking at the CERCLIS data files, which I understand only goes through 2013. So, are the SEMS data files more up to date? Are those files available?

2. Also, could you please explain the difference between the CERLCIS data files and the archived CERCLIS files? Even with the descriptions on the site, I'm not sure I understand the difference.

3. On funding, the years you sent show a small drop in appropriations. It's my understanding that the drop was more significant going back to the 90s. I've read several news articles spanning the last 10 years are so arguing that this funding decline is the major challenge for Superfund's success. Could you please tell me EPA's plan to combat this funding challenge?

4. In the last set of questions, I asked about success stories. Are there any sites that have been particularly challenging? I'm interested in learning about sites that have been extremely difficult to decontaminate, sites that have been listed but are challenging to begin decontamination (i.e., challenges moving beyond the RI/FS phase), and sites that are challenging to get listed, even if they meet the necessary criteria.

5. As you mentioned, the study showed that property values near or within superfund sites increased after a project was completed to above property values before listing. Do you know if there's any data about how property value changes after a listing? I'm interested in learning how a superfund listing may be an investment in such terms – Does

property value decline once an area is listed, then quickly increase higher than pre-listing after site cleanup has finished or when reuse begins?

6. Thank you for describing the process. That makes things very clear for me and is easy to understand. However, I'd like to know the funding breakdown for each of these phases since 1980. With that, I'd also like to include overhead and administrative costs, include expenditures on salaries.

7. Why is Flint, Michigan not being proposed as a superfund site? I understand the city is getting funding from several sources for remediation/removal, but I'm curious why it isn't being listed as a superfund site.

8. Now that the Bonita Peak Mining District in

Colorado is requesting superfund listing, does EPA have an estimate for how much the project will cost from start to finish and any time frame? What are the expected results and how will the site be used upon completion?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Tuesday, March 15, 2016 4:46 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: Superfund questions

Hopefully I found it. I'm working on importing it, so I may find it's not what I'm looking for after all after I open it.

Yes, I'm still looking for that information, but I also had several questions below what I initially asked about data. I can resend them if you need.

On Tue, Mar 15, 2016 at 4:43 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

> Glad you checked in, Ethan. Impressed you were able to find the data you were looking for.
>
> Is this the only thing you need me to track down at this point?
>
> I'm still confused about SEMS.

Right now, I'm looking at the CERCLIS data files, which I understand only goes through 2013. So, are the SEMS data files more up to date? Are those files available?

Also, could you please explain the difference between the CERLCIS data files and the archived CERCLIS files? Even with the descriptions on the site, I'm not sure I understand the difference.

Christie St. Clair

Office of Public Affairs

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Washington, DC

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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Tuesday, March 15, 2016 4:11 PM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: Superfund questions

Christie,

I first wanted to make sure that you saw my follow-up questions I sent last night.

Second, I believe I figured out the answer to most of my questions related to the databases, though, I expect to have questions

as I begin to
query it.

However, I'm
still confused
about SEMS.
Right now, I'm
looking at the
CERCLIS data
files, which I
understand only
goes through
2013. So, are the
SEMS data files
more up to date?
Are those files
available?

Also, could you
please explain
the difference
between the
CERLCIS data
files and the
archived
CERCLIS files?
Even with the
descriptions on
the site, I'm not
sure I understand
the difference.

Thanks,

Ethan

On Mon, Mar 14, 2016 at 5:02 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Christie, this was a big help. I think I have a good understanding of how the program works. It still seems pretty complex, so I may ask a few clarity questions later on. I have a few follow-ups immediately. If you could get back to me sometime this week, that would be great.
>
> 1. On the data:
>
> Essentially, what I'm looking for is a list of all

superfund sites, proposed, final, deleted, withdrawn, etc., since 1980, their locations, their current status, how much money was spent on them annually, the type of site (whether it's removal or remedial), and a brief overview of any actions taken.

I saw the raw files in the link you sent me, but I'm a little confused about the information you sent and the link you attached in terms of how SEMS and CERCLIS, what the differences

are between them, other than that SEMS is replacing CERCLIS, and what data would be missing from each.

If I need to download multiple databases or tables for all the data I'm looking for, that's fine. I just want to be very careful to make sure I get the right ones to ensure that there's no gaps or redundancies in the data or my queries.

2. On funding, the years you sent show a small drop in appropriations. It's my

understanding that the drop was more significant going back to the 90s. I've read several news articles spanning the last 10 years are so arguing that this funding decline is the major challenge for Superfund's success. Could you please tell me EPA's plan to combat this funding challenge?

3. In the last set of questions, I asked about success stories. Are there any sites that have been particularly challenging? I'm interested in learning

about sites that have been extremely difficult to decontaminate, sites that have been listed but are challenging to begin decontamination (i.e., challenges moving beyond the RI/FS phase), and sites that are challenging to get listed, even if they meet the necessary criteria.

4. As you mentioned, the study showed that property values near or within superfund sites increased after a project was completed to above property values

before listing. Do you know if there's any data about how property value changes after a listing? I'm interested in learning how a superfund listing may be an investment in such terms – Does property value decline once an area is listed, then quickly increase higher than pre-listing after site cleanup has finished or when reuse begins?

5. Thank you for describing the process. That makes things very clear for me

and is easy to understand. However, I'd like to know the funding breakdown for each of these phases since 1980. With that, I'd also like to include overhead and administrative costs, include expenditures on salaries.

6. Why is Flint, Michigan not being proposed as a superfund site? I understand the city is getting funding from several sources for remediation/removal, but I'm curious why it isn't being listed as a superfund site.

7. Now that the Bonita Peak Mining District in Colorado is requesting superfund listing, does EPA have an estimate for how much the project will cost from start to finish and any time frame? What are the expected results and how will the site be used upon completion?

Please let me know if you have any questions or need any clarity on these. Also, please forgive any misused terms and point out my error. I

absolutely
want to
have a firm
understanding
and have no
such
mistakes.

Thanks,

Ethan

--

Ethan Barton

Investigative
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To: StClair, Christie[StClair.Christie@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Ethan Barton
Sent: Thur 3/17/2016 5:18:23 PM
Subject: Re: Navajo president comments

Great, thanks Christie.

On Thu, Mar 17, 2016 at 1:14 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Hi Ethan,

Please attribute to an agency spokeswoman:

1. 1. He told me that reported, successful Navajo suicides spiked since the spill, though he couldn't establish a direct correlation.

No comment

2. 2. Begaye also said the EPA isn't holding up to its promises, isn't monitoring the soil and water as promised, and is using a water quality standard that allows for many more contaminants than what is typically allowed for agriculture and drinking. He noted that consistent monitoring and guidance is critical, as farmers will soon need to rely on the contaminated rivers as irrigation sources.

EPA performed the first round of monitoring in October and November in accordance with the September 2015 draft "Post Gold King Mine Release Incident: Conceptual Monitoring Plan for Surface Water, Sediment and Biology." Under the plan, EPA is examining water quality, sediment quality, biological community and fish tissue under a variety of flow conditions at 26 sites, across seasonal conditions. The sites are located within Colorado, Southern Ute Indian Reservation, New Mexico, Ute Mountain Ute Reservation, the Navajo Nation and Utah, spanning Cement Creek, the Animas and San Juan rivers, and the upper section of Lake Powell.

Metals that could pose a risk to human safety at high concentrations were tested against the agency's risk-based recreational screening levels. The conservative screening values assume adults and children who are hiking and camping near the river receive all of their daily water intake from the river over a 64-day period each year for a combined thirty year period.

All metals, at all sampling sites, were below these risk-based recreational screening levels. Under the federal Safe Drinking Water Act and state water quality standards, metals must be effectively treated and removed from source water used as a drinking water supply.

The agency has provided the data to the Navajo Nation so that they can compare them to the Nation's standards for agriculture. The agency has also compared data for the stretch of the San Juan River on Navajo Nation to Navajo Nation's agricultural standards, and shared that analysis with the Tribe. On August 24, 2015, Navajo Nation President Begaye reported that the Navajo Nation EPA had determined the water from the San Juan River was safe for irrigation purposes. On August 28, the President lifted irrigation restrictions on the San Juan River for the Chapters of Upper Fruitland, San Juan and Nenahnezad Chapters.

Before using the river this spring for recreation, irrigation, agriculture and drinking, local residents should consult local health authorities about normal precautions that result from seasonal changes to the Rivers.

EPA, States, Tribes and local Governments are working together to determine the next steps for monitoring.

3. 3. Begaye also said he doesn't expect the Navajo Nation and affected farmers will receive full compensation from the EPA for the spill, which he estimated to be about $1 million.

On March 10, the U.S. Environmental Protection Agency provided $157,756 to Navajo Nation government agencies for costs incurred during the response to the August 2015 Gold King Mine release.

The reimbursement is for costs incurred by Navajo from August 5 to September 2, 2015 and includes: $42,138 for drinking water; $31,116 for installing a fiber optic cable that provided needed internet access to the Navajo Nation Emergency Operations Center; $63,824 for sampling and supplies and $20,678 for labor, travel and supplies to support the delivery of hay and agricultural water. This funding reimburses Navajo government agencies for certain costs incurred responding to the incident that are eligible under EPA's response authorities and allowable under federal grant principles. EPA is continuing to review other response costs submitted by Navajo Nation.

Through a separate process, EPA is continuing to review individual claims asserted pursuant to the Federal Tort Claims Act (FTCA).

EPA is making $2 million available for State and Tribal grant application to perform monitoring to address both early warning and seasonal monitoring. EPA continues to work with States and Tribes on any additional monitoring needs.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, March 17, 2016 10:03 AM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: Navajo president comments

Great, thanks Christie.

On Thu, Mar 17, 2016 at 10:02 AM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Hey Ethan,

Back to you shortly.

Christie

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Thursday, March 17, 2016 9:55 AM
To: Press <Press@epa.gov>
Subject: Navajo president comments

Hello,

I'm seeking EPA comment on some things Navajo President Russell Begaye told me in an interview about the Gold King Mine spill on the Navajo nation.

He told me that reported, successful Navajo suicides spiked since the spill, though he couldn't establish a direct correlation.

Begaye also said the EPA isn't holding up to its promises, isn't monitoring the soil and water as promised, and is using a water quality standard that allows for many more contaminants than what is typically allowed for agriculture and drinking. He noted that consistent monitoring and guidance is critical, as farmers will soon need to rely on the contaminated rivers as irrigation sources.

Begaye also said he doesn't expect the Navajo Nation and affected farmers will receive full compensation from the EPA for the spill, which he estimated to be about $1 million.

My deadline is 1 pm today.

Thank you,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

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--

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To: StClair, Christie[StClair.Christie@epa.gov]
From: Grantham, Nancy
Sent: Tue 3/15/2016 8:16:48 PM
Subject: RE: Denver Post (ddl cob): NPL

Yes .. thanks

From: StClair, Christie
Sent: Tuesday, March 15, 2016 2:51 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Denver Post (ddl cob): NPL

Nancy, all of this info comes from the Daily Caller responses, that were previously approved by OLEM and R8. OK to send to Bruce now?

Christie

1. When is EPA likely to add the Animas (Bonita) site to the superfund list?

The agency is deliberating on proposing the Bonita Peak Mining District to the NPL in the next NPL update, which is scheduled for late March or early April.

2. Have EPA officials proposed a superfund listing (following receipt of the governor's posture)? If so, when?

See first response.

3. How much are they requesting?

It is premature to speculate on costs for cleanup, since a remedy has not yet been selected.

Here's some additional info on the listing process you may find useful:

When EPA issues a rule proposing to add a site to the NPL, the Agency publishes the rule and a public comment notice about its intention in the Federal Register and issues a public notice through the local media to notify the community, so interested members of the community can comment on the proposal. EPA then responds to the comments it receives. If, after the formal comment period, the site still qualifies for cleanup under Superfund, it is listed on the NPL through another rulemaking.-

The first step following NPL listing is the development and implementation of a plan for a detailed, comprehensive investigation into the contamination sources (called a Remedial Investigation) followed by the development of feasible cleanup alternatives (called a Feasibility Study).

The EPA has contracts in place to begin this work immediately after the site is proposed to the NPL.

The remedial investigation serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the waste;
- assess risk to human health and the environment; and
- conduct treatability testing to evaluate the potential performance and cost of the treatment technologies that are being considered.

The FS is the mechanism for the development, screening, and detailed evaluation of alternative remedial actions.

The RI and FS are conducted concurrently - data collected in the RI influence the development of remedial alternatives in the FS, which in turn affect the data needs and scope of treatability studies and additional field investigations. This phased approach encourages the continual scoping of the site characterization effort, which minimizes the collection of unnecessary data and maximizes data quality.

Initial investigation work in the Bonita Peak Mining District has been done through the previous efforts of EPA, Bureau of Land Management, U.S. Forest Service and the Animas River Stakeholder Group. EPA would work with the communities and stakeholders and look carefully at this existing information in determining the additional investigation needed. EPA takes public input on a proposed cleanup plan.

Once a remedy is selected (called Record of Decision), it is designed and the cleanup work (called remedial action) begins. Community involvement, interim actions (such as, mine portal stabilizations and bulkhead installations), and potential enforcement actions occur throughout the entire process. **It is premature to speculate on costs for cleanup, since a remedy has not yet been selected.**

If warranted, removal actions, short-term responses used to handle threats of releases, may be taken at any step of the process to ensure public safety. For example, EPA took early removal actions to address imminent threats at 35 percent of hardrock mining or mineral processing NPL sites prior to their being added to the NPL. The length of time it takes for remedial action to begin depends on a variety of site-specific factors.

In the case of the Bonita Peak Mining District, we expect to move quickly into the investigations needed to begin identifying appropriate clean up actions.

EPA has work plans in place for additional sampling this summer and fall that will be part of the remedial investigation that will serve to further delineate the nature and extent of the contamination.

4. What work is being done, if any, to stabilize the GKM portal now that snow is melting away? 4) What is the latest estimated gallons-per-minute flow rate from GK mine? What about Red and Bonita and Mogul? Others in the group of 48?

Operations at the Gold King Mine will resume as early as possible in the late spring/early summer, dependent upon road conditions and any remaining avalanche hazards around the mine (which can extend into May). We expect the primary objective at this time to be completing work to stabilize the first 60 feet of the adit and constructing the temporary low-head flow control structure. The extent to which additional rehabilitation work (mucking solids and ground support) is continued into the mine remains to be determined.

Regarding the temporary low-head flow control structure, the primary purpose for this steel structure, located approximately 60 ft inside the adit, will be to provide a control for potential surges of flow that might develop in the short-term (3 to 5 years). It will be capable of impounding an increased water level within the mine while containing the increased flow within the piping system exiting the mine. The flow control system will include instrumentation to remotely monitor water levels behind the structure. The flow control structure can be replaced and/or removed when necessary to conduct work beyond that point in the mine adit.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

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To: StClair, Christie[StClair.Christie@epa.gov]
Cc: Michael Bastasch[Mike@dailycallernewsfoundation.org]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Ethan Barton
Sent: Fri 3/11/2016 3:31:21 PM
Subject: Re: Gold King Mine stories

Got it, thanks.

On Fri, Mar 11, 2016 at 9:54 AM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Not sure we can meet your deadline considering the volume of info you are asking for, Ethan.

We'll be back in touch shortly.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, March 11, 2016 9:47 AM
To: Press <Press@epa.gov>
Cc: Michael Bastasch <Mike@dailycallernewsfoundation.org>
Subject: Gold King Mine stories

Hello,

Michael Bastasch and I are working on several stories regarding Gold King Mine.

First, we would like to know if both breaching the mine and spilling mine waste was an accident. If it was, can you please point to any EPA statements where the agency called it an accident?

Second, has anyone been punished or disciplined for the incident?

Third, why didn't the EPA consult with Fish and Wildlife Service before opening the mine if it would impact any endangered species or critical habitats, given that the EPA Internal Review noted that a blowout was likely?

Fourth, why was the Department of the Interior selected to conduct the Technical Evaluation, given its heavy involvement with both the project and the spill?

Lastly, we would like to give the EPA the opportunity to comment on our findings:

-Internal emails asserting that the Aug. 5 work was intended to relieve pressure suggest breaching the adit was likely not an accident;

-The mine was never tested for pressure, even though the EPA knew it was at least somewhat pressurized. No explanation for this has been given so far; and

-The EPA crew believed they were digging at the top of the adit due to erroneous determinations from work in 2014. It's mostly unknown how those determines were made. The crew, in fact, dug at the mine's entrance.

We would prefer responses before end of business today, but can amend our story until 6 pm Sunday.

Please don't hesitate to contact myself or Mike with any questions.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--
Ethan Barton
Investigative Reporter
Daily Caller News Foundation
410-829-1738
@ethanrbarton

To: StClair, Christie[StClair.Christie@epa.gov]
From: Grantham, Nancy
Sent: Fri 3/11/2016 3:28:22 PM
Subject: RE: Gold King Mine stories

Yes .. we did a statement recently on the blame issue will send

From: StClair, Christie
Sent: Friday, March 11, 2016 10:28 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: Gold King Mine stories

I've asked our intern Erin to pull from existing statements and public testimony to draft a response for us to take a look at.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, March 11, 2016 9:47 AM
To: Press <Press@epa.gov>
Cc: Michael Bastasch <Mike@dailycallernewsfoundation.org>
Subject: Gold King Mine stories

Hello,

Michael Bastasch and I are working on several stories regarding Gold King Mine.

First, we would like to know if both breaching the mine and spilling mine waste was an accident. If it was, can you please point to any EPA statements where the agency called it an accident?

Second, has anyone been punished or disciplined for the incident?

Third, why didn't the EPA consult with Fish and Wildlife Service before opening the mine if it would impact any endangered species or critical habitats, given that the EPA Internal Review noted that a blowout was likely?

Fourth, why was the Department of the Interior selected to conduct the Technical Evaluation, given its heavy involvement with both the project and the spill?

Lastly, we would like to give the EPA the opportunity to comment on our findings:

-Internal emails asserting that the Aug. 5 work was intended to relieve pressure suggest breaching the adit was likely not an accident;

-The mine was never tested for pressure, even though the EPA knew it was at least somewhat pressurized. No explanation for this has been given so far; and

-The EPA crew believed they were digging at the top of the adit due to erroneous determinations from work in 2014. It's mostly unknown how those determines were made. The crew, in fact, dug at the mine's entrance.

We would prefer responses before end of business today, but can amend our story until 6 pm

Sunday.

Please don't hesitate to contact myself or Mike with any questions.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Tue 3/8/2016 7:38:05 PM
Subject: Re: Superfund 101

I would prefer to get it in its entirety. I imagine it's large, but that would be the best way for me to query it.

On Tue, Mar 8, 2016 at 2:20 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

For the data, it depends on exactly what you want. The key will be what type of data you're looking for – the universe of Superfund sites, location, activities that have occurred at the sites? It's best to be able to narrow it the request because it can be a very large data set.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, March 07, 2016 5:29 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: Superfund 101

Overall, I'm interested in Superfund's successes and challenges. I understand that funding has decreased significantly, which has been a major burden on the EPA. I also understand that many sites are highly contaminated and may take years, or even decades to clean, even

without a funding issue. So, I'm curious about how EPA will combat these challenges, its plan to clean its more than 1,000 superfund sites, and any timeframe estimates.

I'd also like to hear about success stories, sites that have been declared clean, how long it took and how much money it cost, and how the sites are now used.

I also understand that localities often resist superfund listings because of effects on property value, I'm told. I'd like to know if there are other reasons for such resistance and how the EPA can combat that.

Lastly, I'm curious about how expenditures are broken down from beginning to end of a listing.

For CERCLA data, I was hoping to get the data used in EPA's database as a .xslx, .db, .accdb, or .csv so that I could use Microsoft Access to query the data.

On Mon, Mar 7, 2016 at 5:04 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

> Thanks, Ethan. It will help me connect you with the right person if I have a better sense of where you want to dig a little deeper into the process.
>
> For the CERCLA data, can you narrow down what raw data you're looking for?
>
> Christie
>
> **Christie St. Clair**

Office of Public Affairs

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Washington, DC

o: 202-564-2880

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From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, March 07, 2016 4:54 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: Superfund 101

Great, thanks Christie.

I've read the Superfund portion of the website, but I didn't see the blog post. I'll take a look at that either tonight or tomorrow morning. I'll let you know when I've finished. Thanks.

Ethan

On Mon, Mar 7, 2016 at 4:01 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

For Superfund 101, it would be good to start by boning up on the basics. Can you take a look at this and then let me know where you'd like to dig in and get more info?

- OLEM's Assistant Administrator wrote a blog giving a great overview – a lot of reporters have found it helpful. https://blog.epa.gov/blog/2015/10/learn-about-superfund-

npl/

- The Superfund section of our site has a more detailed overview of the process, start to finish - http://www.epa.gov/superfund/superfund-cleanup-process

For CERCLA data, I'm working on it now.

For a statement, this is attributable to Nancy Grantham:

EPA appreciates the concerns that states, tribes, and communities have regarding the potential for the spring runoff to mobilize sediments deposited by the Gold King Mine release and decades of drainage from the many mines in the Silverton area.

EPA is providing $2 million in funding to support states' and tribes' long-term monitoring plans. Utah, New Mexico, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Colorado may apply those funds to spring monitoring and preparedness planning as well.

EPA is also supporting a stakeholder-driven effort – called the Animas-San Juan Preparedness Plan – to coordinate monitoring efforts. The group's latest meeting on Feb. 29 was attended by the states of New Mexico, Utah and Colorado, the Southern Ute and Navajo Nation, and local jurisdictions. EPA is providing the group with technical and infrastructure support to help stakeholders better coordinate their monitoring plans and share environmental data.

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I was also hoping I could receive a copy of the raw data for the CERCLA database. (http://www.epa.gov/enviro/cerclis-search)

And yes, please send along a statement.

Thanks,

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On Mon, Mar 7, 2016 at 2:59 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Hi Ethan,

Julia Valentine tells me you're interested in a Superfund 101.

What is your timeframe looking like?

Also, let me know if you're interested in updating your NM piece from 3/1, I'd be glad to send you our statement.

Thanks,

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From: Ethan Barton
Sent: Mon 3/7/2016 10:29:12 PM
Subject: Re: Superfund 101

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From: Ethan Barton
Sent: Mon 3/7/2016 9:54:27 PM
Subject: Re: Superfund 101

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Office of Public Affairs

Environmental Protection Agency

Washington, DC

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Office of Public Affairs

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Washington, DC

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

--
Ethan Barton
Investigative Reporter

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To: Valentine, Julia[Valentine.Julia@epa.gov]
Cc: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Mon 3/7/2016 8:11:23 PM
Subject: Re: Superfund

Thanks, Julia. Just responded to her email.

On Mon, Mar 7, 2016 at 3:05 PM, Valentine, Julia <Valentine.Julia@epa.gov> wrote:

My bad, Ethan. I needed to move this to my colleague Christie St Clair. She will help you. I her the background.

Best,

Julia

Julia P. Valentine

Office of Public Affairs

US EPA Headquarters

202.564.2663 desk

202.740.1336 m/txt

From: Ethan Barton <ethan@dailycallernewsfoundation.org>
Sent: Monday, March 7, 2016 2:38 PM
To: Valentine, Julia
Subject: Re: Superfund

Julia,
I haven't heard from you in more than a week since we spoke on the phone. Can you update me, please?

Ethan

On Wed, Mar 2, 2016 at 10:32 AM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Julia,

Any updates?

Thanks,

Ethan

On Mon, Feb 29, 2016 at 10:53 AM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

> Hi Julia,
> Just wanted to check on what the status of this is. Also, it turns out I'll be unavailable until about 2:30 tomorrow, rather than 2.
>
> Thanks,
>
> Ethan
>
> On Fri, Feb 26, 2016 at 1:46 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:
>
>> Thanks for taking my call. I should be free for interviews anytime next week except Tuesday before 2 pm.
>> Overall, I'm looking for a Superfund 101. I'm interested to learn about the community's involvement in nearby superfund site designations, the national priorities list, and the overall process of becoming a superfund site. I'd like to learn about the process from start to finish, beginning with the request for a superfund designation to after a site's clean up is completed, and communities' involvement throughout that process.
>>
>> I'm also curious about successes, challenges, costs and spending, and the range of timeframes it takes to clean sites.
>>
>> I became interested in the superfund program after learning that the community near the Gold King Mine is requesting superfund status after decades of delay. While the focus of my story will be about the superfund program in general, I plan to use that request as an example.
>>
>> Also, I am also aware of the EPA's CERCLIS search. I was hoping to learn more about the database and receive a copy of the raw data.
>>
>> Thanks,
>>
>> Ethan
>>
>> On Fri, Feb 26, 2016 at 11:06 AM, Ethan Barton

<ethan@dailycallernewsfoundation.org> wrote:

Great, thank you.

On Fri, Feb 26, 2016 at 10:55 AM, Valentine, Julia <Valentine.Julia@epa.gov> wrote:

Hi Ethan,

I did, thank you for pinging me again on it.

Will call you shortly.

Julia P. Valentine

Office of Public Affairs

U.S. EPA

202.564.2663 direct

202.740.1336 m/txt

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Friday, February 26, 2016 10:38 AM
To: Valentine, Julia <Valentine.Julia@epa.gov>
Subject: Re: Superfund

Julia,

Just wanted to check if you got my email.

Ethan

On Thu, Feb 25, 2016 at 5:34 PM, Ethan Barton <ethan@dailycallernewsfoundation.org> wrote:

Hi Julia,

I'm working on a news story about superfund. I've done a lot of research, but I still have a lot of questions. It's a pretty lengthy list. Could I please send these your way? I'd be happy to discuss anything on the phone, as well.

Thanks,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

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To: Hull, George[Hull.George@epa.gov]
Cc: Press[Press@epa.gov]
From: Grantham, Nancy
Sent: Mon 2/29/2016 7:30:42 PM
Subject: RE: EPA Gold King Mine

Thanks

From: Hull, George
Sent: Monday, February 29, 2016 2:17 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Press <Press@epa.gov>
Subject: FW: EPA Gold King Mine

Nancy,

Flagging for your attention. Christy is compressed today. Thanks, George

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Monday, February 29, 2016 1:40 PM
To: Press <Press@epa.gov>
Subject: EPA Gold King Mine

Hi,

I was wondering if EPA considers the Gold King Mine release an "accident" or not? I only note a handful of instances when the EPA refers to the mine blowout as an "accident" rather than an "incident."

Please let me know. Thanks!

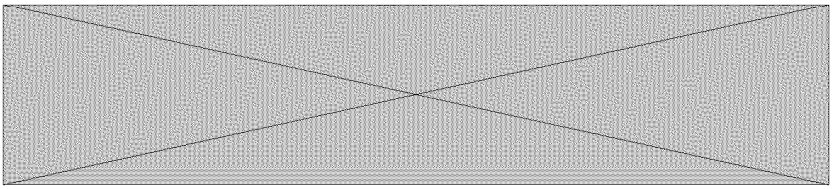
Best,

Mike

--

Michael Bastasch

Daily Caller News Foundation



To: Press[Press@epa.gov]
Cc: StClair, Christie[StClair.Christie@epa.gov]
From: Harrison, Melissa
Sent: Mon 2/29/2016 6:48:20 PM
Subject: RE: EPA Gold King Mine

-reporter

+Nancy/Christie who will take the lead.

Melissa J. Harrison

Press Secretary

U.S. Environmental Protection Agency

Office: (202) 564-8421

Mobile: (202) 697-0208

Harrison.Melissa@epa.gov

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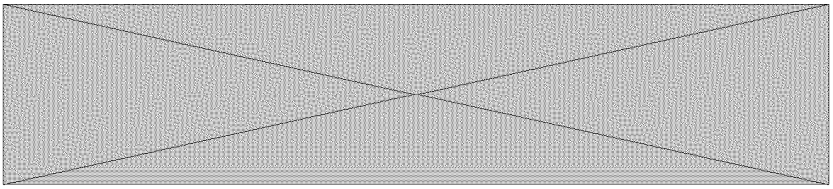

To: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Mon 2/22/2016 10:15:43 PM
Subject: Re: Animas River health

Great, thank you.

On Mon, Feb 22, 2016 at 5:12 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Please attribute to an agency spokeswoman:

While the Animas and San Juan rivers returned to pre-release conditions downstream, there are still significant metal loadings from numerous mining sources in the Upper Animas mining district.

Historically, the Animas River has an elevated "normal" (pre-event) level of metals independent of the Gold King Mine release, due to the constant supply of acid mine drainage into the river from many sources. There are literally hundreds of old mines, ore processing locations and other places where acid mine drainage containing metals enters small streams and creeks that ultimately enter the Animas River.

The United State Geological Survey (USGS) conducted sampling in the Animas River in 1995-1996 to measure the amount of metals carried by the river during the spring snowmelt period. They estimated an average metals load of approximately 2,300 kg/day. (In comparison, when the plume from last summer's Gold King Mine release reached the lower Animas River, it carried an estimated average load of 2,000 kg/day.)

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of a community-based collaborative effort, EPA agreed to postpone adding all or a portion of the Animas Mining District to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River. Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek ~~and~~ the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005. Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions in the area in order to understand the major sources of heavy metal contamination in the Upper Animas watershed.

The EPA is currently working with state, local and tribal stakeholders to address long-term solutions, including a potential NPL listing, to the acid mine drainage discharging into the Upper Animas watershed.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, February 22, 2016 3:04 PM

To: StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: Animas River health

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To: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Mon 2/22/2016 8:32:33 PM
Subject: Re: Animas River health

Would I be correct to say that making the area a superfund site would combat contaminants from the mines that are impacting fisheries harvested for humans, wetlands, and Canadian Lynx? Though not listed here, I also understand that the acid mine runoff has impacted fish populations. Even though the contaminants "impact fisheries that are harvested for human consumption," is there a danger to human health, given the EPA's view that the river is safe?

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Ethan,

The agency addressed the goals for a potential Superfund listing in its recent letter to Gov. Hickenlooper:

http://www.epa.gov/sites/production/files/2016-02/documents/letter-to-gov-hickenlooper.pdf

Let me know if that doesn't address your question well enough.

Christie

Christie St. Clair

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To: StClair, Christie[StClair.Christie@epa.gov]
From: Cavalier, Erin
Sent: Fri 2/12/2016 9:41:14 PM
Subject: RE: News Clips - 2/12/2016

Here are some more clips regarding the Gold King Mine

1. The Daily Caller
2. Indian Country Today Media Network

The Daily Caller

http://dailycaller.com/2016/02/12/flint-gets-millions-while-gold-king-mine-victims-are-ignored/

Flint Gets Millions, While Gold King Mine Victims Are Ignored

Ethan Barton – 2/12/16 – 2:23pm

A Native American community that was devastated by a flood of poisoned water released in a man-made pollution crisis is still waiting for compensation from the responsible agency — months after the disaster happened.

But that community isn't Flint, Mich., where President Barack Obama pledged $80 million in assistance after local, state and federal missteps and inaction caused lead poisoning in an unknown number of homes' water supplies.

It's the Navajo Nation that still waits for reimbursement after the Environmental Protection Agency (EPA) poisoned its drinking water in a disastrous incident at Colorado's Gold King Mine in August 2015. An EPA contractor doing the agency's bidding caused a spill that poisoned the Animas River with three million gallons of toxic waste, turning the river and its tributaries yellow in three states.

"It caused hundreds, maybe thousands of farmers to lose their crops and have their crops affected last season," Navajo Nation President Spokesman Mihio Manus told The Daily Caller News Foundation.

Indian Country Today Media Network

http://indiancountrytodaymedianetwork.com/2016/02/12/gold-king-mine-spill-concerns-linger-six-months-later-163394

Gold King Mine Spill: Concerns Linger Six Months Later

Six months after the Gold King Mine spill dumped nearly three million gallons of toxins into the Animas River, regulators say the immediate threat has passed and that an abandoned mine survey has “not discovered anything similar” in Arizona.

But environmental and tribal leaders near the spill say the long-term threat remains.

“The contaminants are settled into the soil and in the banks, but the EPA says the water is back to normal,” Navajo Nation President Russell Begaye said. “What happens when there’s a storm or when the snow melts? There’s no assurance that when the water is at a high level the contaminants won’t flow downriver into farmlands."

The Navajo declared a state of emergency, along with the states of Colorado and New Mexico, after a cleanup crew working for the Environmental Protection Agency accidentally opened a tunnel at the abandoned mine in Silverton, Colorado, on August 5.

The Navajo were directly affected because the Animas runs into the San Juan River, which runs through 215 miles of tribal lands and is a major agricultural resource. The spill also threatened the region’s drinking water, on and off the reservation.

Arizona environmental officials monitored water quality but said at the time that they did not expect the toxins would have a major impact on the state’s waters, hundreds of miles downstream.

“The event was never an emergency crisis for Arizona,” said Trevor Baggiore, director of the Arizona Department of Environmental Quality’s Water Quality Division. “We never saw a significant spike in contamination levels, and plan to continue monitoring as we have been.”

Jayson Barangan of the Bureau of Land Management’s Arizona office said his agency is also monitoring mines as a part of the Abandoned Mine Lands program, which he says oversees about 7,000 sites in the state.

“We have not discovered anything similar to the Gold King Mine site,” Barangan said this week. “Most of the state’s abandoned mines are located in sites that have very low precipitation or deep groundwater.”

In a January 15 update on its response, the EPA said it had provided water for the Navajo, their livestock and farms after the spill, and that more “may be provided as

determined appropriate by EPA." The plan says the remaining clean up and repairs from the spill will cost around $20 million and continue through November.

But Begaye expressed frustration with the EPA, saying the agency was "not forthright"—something he finds particularly troublesome in light of the response to reports of the lead-tainted water supply in Flint, Michigan.

"The amount of attention being given to Flint by the EPA—in comparison to what's happening to us – it's a world of difference," Begaye said. "The EPA is sending resources to Michigan and almost none to the Navajo Nation."

Sandy Bahr, the director of the Grand Canyon chapter of the Sierra Club, said that while water quality in the state has improved since the spill, there is still more work to be done to keep another Gold King Mine from happening.

"The EPA is much more engaged now," Bahr said. "But what hasn't changed is that we're still not requiring more regulations on abandoned mines or funding cleanup actions for those mines."

While the EPA has approved water from the San Juan River as safe for irrigation and agricultural purposes, Begaye said the Navajo are taking a cautious approach as they prepare for the regular May opening of their irrigation system.

He pointed to a recent test by New Mexico's environmental agency after a heavy monsoon that showed levels of contamination that came close to those immediately after the spill. He said snow melt and heavy rainfall could stir up sediment, and that the Navajo will continue to run their own tests before using the San Juan River again for irrigation.

In the meantime, he said, tribal staff are working on agreements to present to Congress and the EPA regarding compensation for the costs the nation incurred from the spill.

"Whether they like it or not, it's their responsibility," Begaye said. "They claimed responsibility for the spill in the Senate hearings, and none of those promises they made have been kept."

Erin Cavalier

Office of Public Affairs Intern

U.S. Environmental Protection Agency

Telephone: (202) 564-8384

cavalier.erin@epa.gov

From: StClair, Christie
Sent: Friday, February 12, 2016 11:58 AM
To: Cavalier, Erin <cavalier.erin@epa.gov>
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Thank you so much!!!

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Sent: Friday, February 12, 2016 11:57 AM
To: StClair, Christie <StClair.Christie@epa.gov>
Subject: RE: News Clips - 2/12/2016

Flynn/Gold King Mine

1. Washington Times
2. Washington Post
3. FOX News
4. Durango Herald

Washington Times

http://www.washingtontimes.com/news/2016/feb/11/epa-coordinator-knew-of-gold-king-mines-blowout-da/?utm_source=RSS_Feed&utm_medium=RSS

EPA coordinator knew of Gold King Mine's blowout danger, email reveals

Didn't check to see how much water behind plug

By Valerie Richardson - The Washington Times - Thursday, February 11, 2016

An internal email unearthed by House Republicans shows that the Environmental Protection Agency on-site coordinator knew that there was "a lot of water" behind the plug at the Gold King Mine — but didn't check to see how much before removing loose dirt.

"I personally knew it could be holding back a lot of water, and I believe the others in the group knew as well," said EPA on-site coordinator Hays Griswold in an Oct. 28 email.

The result was the Animas River spill, an ecological and public-relations nightmare that sent 3 million gallons of contaminated orange wastewater into Colorado, New Mexico and Utah.

In a report released Thursday, the House Natural Resources Committee detailed a series of EPA missteps that led to the Aug. 5 accident, including erroneous assumptions about the location of the waste, a lack of communication between the on-site coordinators, and the head-scratching decision not to check the mine for water pressure.

"Neither EPA nor [the Interior Department] has offered a substantive explanation of EPA's decision to forego hydrostatic testing — a precautionary measure which, if it had been conducted, could have revealed that the mine was pressurized and prevented the blowout," the 73-page report said.

"In fact, the agencies have not even provided documentation that EPA actually considered testing the pressure prior to beginning work," said the report.

The report, prepared by the Republican-led majority staff, also accuses the EPA and Interior of deliberately concealing information from the committee. For example, the Oct. 28 email by Mr. Griswold was not included in the EPA's December addendum to the committee.

EPA spokeswoman Nancy Grantham said in a statement Thursday, "We're going to take a look at the report and will respond appropriately."

Reaction from Colorado Republicans was swift. Rep. Scott Tipton, who represents the southwest Colorado region where the spill occurred, said the report shows the EPA "deliberately misled the public."

"The EPA has been caught deliberately deceiving the public in order to cover up the fact that it was aware of the risks at the Gold King Mine and yet did nothing, leading to the disaster. This is an outrage that cannot go unpunished," said Mr. Tipton in a statement.

"There must be severe consequences for those involved in the deception and those who were aware of the dangers at the Gold King Mine and were willfully negligent," he said.

Former Colorado state Rep. Jon Keyser, who's seeking the Republican U.S. Senate nomination, said it was "criminal that the EPA knew the possibility of a tragic spill existed, failed to take the proper precautions, then caused the tragedy at Gold King Mine."

The report also faulted the post-spill analyses undertaken by the Obama administration, saying the EPA internal review and Interior Department technical review "offer shifting accounts of the events leading up to the spill and contain numerous errors, omissions, and inconsistencies."

Some of those "are not attributable to error or incompetence alone," said the report's executive summary.

EPA administrator Gina McCarthy has apologized on behalf of the agency for the spill and pledged to clean up the resulting contamination, while other officials have pointed out that the agency was attempting to clean up a mess it did not create.

At a Dec. 9 committee hearing, Interior Secretary Sally Jewell insisted the EPA had been held accountable, although she admitted that nobody had been fired or demoted over the spill. She also said she did not know who made the decision to clear the debris without testing the water level.

The House committee's Democrats have called for additional funding to facilitate the clean-up of thousands of leaking and abandoned mines, some left over from the Gold Rush days, that pepper the West.

Washington Post

https://www.washingtonpost.com/national/apnewsbreak-report-says-epa-knew-mine-spill-was-possible/2016/02/11/f2785d18-d0df-11e5-90d3-34c2c42653ac_story.html

House report details EPA missteps in Colorado mine spill

By Matthew Brown and Dan Elliott | AP February 11 at 4:07 PM

DENVER — A probe of a mine waste accident in Colorado that fouled rivers in three states with arsenic, lead and other toxic substances has found further evidence that government workers knew a spill from the gold mine was possible, according to documents released Thursday by a U.S. House committee.

Hays Griswold, a U.S. Environmental Protection agency official in charge of the Gold King mine at the time of the August accident, said in an email that he “personally knew” the plugged, inactive mine could contain large volumes of water.

The email was sent Oct. 28 to other EPA officials. It was obtained Thursday by The Associated Press as the House Natural Resources Committee released the findings of its Republican-led probe.

An EPA cleanup crew triggered the spill during excavation work at the mine’s entrance, unleashing a 3 million-gallon deluge that contaminated rivers in Colorado, New Mexico and Utah and highlighted the dangers posed by tens of thousands of abandoned mines across the U.S.

The Colorado release dumped more than 880,000 pounds of heavy metals into Colorado’s Animas River, forcing the closure of downstream public water systems until the plume passed and raising concerns about long-term environmental impacts.

“I personally knew it could be holding back a lot of water, and I believe the others in the group knew as well,” Griswold wrote in the email.

EPA spokeswoman Nancy Grantham said the agency was reviewing the House committee’s findings and had no further comment at this time.

The committee’s ranking Democrat, Rep. Raul Grijalva of Arizona, said Republicans were using the EPA’s role in the accident to shift responsibility away from the mining industry for toxic mines that have been abandoned by owners.

The spill occurred when workers for EPA and its contractor, Environmental Restoration LLC, started excavation work that was intended to allow them to safely drain the mine.

An Interior Department investigation pinned responsibility on the EPA for not checking to see if the mine held pressurized water. EPA officials previously said workers on site determined there was no or low pressure from water backed up inside the mine.

The email from Griswold suggests that the determination of low water pressure was based in part on mistaken assumptions about the location of the top of the mine's buried entrance, known in mining as the brow.

The excavation work was intended to clear away debris blocking the entrance before the mine was to be drained at a later date, he wrote.

"We and or I particularly thought we were four or maybe five feet above the brow," Griswold wrote. "However, as it turned out we inadvertently got to probably within a foot or two of the brow. That proved to be too close when rock at the exposed face crumbled out, providing an outlet for the water."

Griswold's email also raised new questions about the accuracy of the investigation by the Interior Department's Bureau of Reclamation, which examined the causes of the spill. The email used such terms as "patently false" and "mischaracterization of the facts" to describe parts of the report.

Griswold wrote that a Reclamation report, released in October, incorrectly described what his crew was trying to do at the mine, and that it understated how much water Griswold thought was inside.

Griswold also wrote that bureau officials took soil samples from the wrong material at the mine site when they were investigating the spill, and that a bureau official "slept through my interview and presentation" about the incident.

Colorado officials have also disputed key parts of the report.

Natural Resources Committee Chairman Rob Bishop of Utah said federal officials still have not turned over some information on Gold King requested by his committee, and the government appeared to be engaged in a "pattern of deception" about events surrounding the spill.

Reclamation spokesman Dan DuBray said Thursday the agency stands behind its report on the accident.

FOX News

http://www.foxnews.com/us/2016/02/11/locals-fume-as-epa-reveals-gold-king-mine-spill-much-worse-than-initially-stated.html

Locals fume as EPA reveals Gold King mine spill much worse than initially stated

By Perry Chiaramonte

Published February 11, 2016

FoxNews.com

advertisement

The disclosure that the Environmental Protection Agency's toxic spill at an old gold mine in Colorado was far worse than previously stated has unleashed a flood of anger at the agency, which was already facing numerous lawsuits from states and individuals along the affected waterways.

On Thursday, the House Committee on Natural Resources released a damning report on the EPA and its handling of the Gold King Mine disaster last August. The report detailed how the EPA and the Department of the Interior were inaccurate and misleading in their conflicting accounts of the wastewater spill, which the EPA said last week released 880,000 pounds of toxic metals.

“When government actions result in harm, it’s our duty to know who was responsible and why decisions failed. They haven’t been forthcoming in this regard,” Committee Chairman Rob Bishop, R-Utah, said in a released statement. “This report peels back one more layer in what many increasingly view as a pattern of deception on the part of EPA and DOI.

“Once the color returned to normal [in the rivers], there were those in the EPA that were hoping that this would be swept under the rug.”

- Secretary Ryan Flynn, New Mexico Environmental Department

"The agencies continue to withhold information requested by the Committee," Bishop's statement continued. "They need to come clean and produce the missing documents.”

The committee’s findings support recent claims made by New Mexico Environment Secretary Ryan Flynn, who recently asked members of the House agriculture committee to get behind a proposal that calls for a long-term water monitoring plan. Flynn also said before the committee that federal officials are downplaying the effects of the spill.

“The EPA is saying one thing and their own experts say another,” Flynn told

FoxNews.com. “Once the color returned to normal [in the rivers], there were those in the EPA that were hoping that this would be swept under the rug.”

New Mexico last month announced its intent to sue the EPA over the spill, in which agency contract workers caused a massive release of toxic wastewater into the Animas while attempting to mitigate pollutants from the shuttered mine.

Some of the metals in the wastewater reached the San Juan River, which the Animas joins in New Mexico, but most settled into the Animas riverbed before that, the EPA said in a preliminary report on the metals.

Utah officials have said some contaminants reached their state, but Friday's report didn't address that.

Metals released in the spill are believed to include cadmium, copper, lead, mercury, nickel and zinc. Tests done after the spill also found arsenic and lead in the wastewater.

Flynn and others in the Land of Enchantment are concerned about metal levels in the Animas River in the northern part of the state that shares its border with Colorado. The region’s watershed is connected to the Gold King site in Silverton, but New Mexico has more residents living along the Animas, which is used for crops through irrigation ditches, ranching, and even for home use by residents.

“This river literally feeds us and helps the economy in this region,” Flynn says.

Flynn said field-level EPA officials have been helpful, but said "something gets lost in translation once it gets to the leadership level. They would be happy to see this just all go away.”

When reached for comment regarding the matter, EPA spokeswoman Nancy Grantham said in a written statement: “We’re going to take a look at the report and will respond appropriately.”

The EPA says it won't consider the site for Superfund status without the support of state and local officials.

Durango Herald

http://www.durangoherald.com/article/20160211/NEWS01/160219927/0/News01/EPA-says-it-knew-of-Gold-King-danger

EPA says it knew of Gold King danger

By Peter Marcus, Herald staff writer

DENVER – Documents released Thursday stemming from a congressional investigation into the Gold King Mine spill offer further evidence that federal officials were aware of the potential for a blowout and may have deceived the public following the catastrophe.

But an Environmental Protection Agency employee who led efforts at the mine said having knowledge of the blowout offers evidence that EPA officials were taking precautions to avoid the incident.

The U.S. House Committee on Natural Resources issued the 73-page report. It included an email from Hays Griswold, the EPA employee who led restoration efforts at Gold King, when a massive release of about 3 million gallons of orange mining sludge poured into the Animas River and other waters on Aug. 5.

Water initially tested for spikes in heavy metals, including lead, arsenic, cadmium, aluminum and copper.

“I personally knew it could be holding back a lot of water and I believe the others in the group knew as well,” Griswold wrote in an Oct. 28, 2015, email released by the committee. “This is why I was approaching this adit as if it were full.”

Griswold goes on to say that he was aware of “some pressure” behind the blockage.

He took issue with an Oct. 22, 2015, independent 132-page report by the Bureau of Reclamation which said the EPA team should have drilled into the mine from above in order to determine the level of the mine pool.

“It was incorrectly concluded that the water level inside the mine was at a similar elevation, a few feet below the top of the adit roof. This error resulted in development of a plan to open the mine in a manner that appeared to guard against blowout but instead led directly to the failure,” the report by the Bureau of Reclamation stated at the time.

But the email from Griswold – which was sent to fellow EPA employees – highlights a divide between the independent report’s account and that of the EPA.

“The BOR report indicates that we had no knowledge of this – it is incorrect,” wrote Griswold, a geological engineer with 12 years experience in the mining industry and 28 years of EPA experience on mining site response work.

“Contrary to statements made in the BOR report, there was never any discussion or decision made by the group or myself independently to actually open the mine adit in any way shape or form (from top down or directly in),” Griswold states repeatedly in the email.

“I was approaching the adit on the assumption that it was full,” he added. “The BOR report incorrectly reports that we were not aware of the characteristics of the blockage.

“Perhaps the author would have got these details correctly (sic) had he not slept through my interview and presentation,” Griswold emphasized.

On Aug. 6, 2015, Griswold told The Durango Herald that the EPA planned to clear the dirt blocking the tunnel to install a pipe to pump out the contaminated water in the mine. Around the same time, Griswold told the Denver Post “nobody expected (the acid water backed up in the mine) to be that high.”

Both those statements appear to contradict the comments he made to fellow EPA employees.

Griswold went on in the email to state that the “fatal flaw” was that the top of the adit turned out to be at least two times the height above the floor, more than was expected.

“As it turned out, we inadvertently got to probably within a foot or two of the brow,” Griswold said. “That proved to be too close when rock at the exposed face crumbled out providing an outlet for the water within.”

The contradictory account is not the first time issues have been raised with the Bureau of Reclamation’s investigation. The Colorado Department of Natural Resources disagrees with the bureau’s assertion that mining experts from the state backed a plan to reopen the adit.

A spokesman for the Bureau of Reclamation responded: “Reclamation and its Technical Service Center stand behind our peer-reviewed report.”

An EPA spokeswoman said the agency was reviewing the report released Thursday.

Meanwhile, Republicans say the recent findings underscore “inaccurate and misleading accounts” by both the EPA and Reclamation, a bureau within the Interior Department.

“The EPA has been caught deliberately deceiving the public in order to cover up the fact that it was aware of the risks at the Gold King Mine and yet did nothing leading to the disaster,” said U.S. Rep. Scott Tipton of Cortez. “This is an outrage that cannot go unpunished.

“There must be severe consequences for those involved in the deception and those who were aware of the dangers at the Gold King Mine and were willfully negligent,” Tipton continued. “The EPA’s statements on how this disaster happened and who was responsible cannot be trusted.”

Race Cars

1. Jalopnik
2. FOX News
3. FOX Sports

Jalopnik

http://jalopnik.com/what-happened-to-motor-trends-story-on-the-sema-vs-epa-1758599661

What Happened to *Motor Trend's* Story on SEMA vs. EPA Debacle?

Motor Trend, a wholly-owned subsidiary of Dodge, wasn't the only publication to weigh in on SEMA's wild-but-plausible allegations against the Environmental Protection Agency's "clarifying" that it can regulate track car emissions. We covered it, lots of outlets covered it, so did they. But so far *MT* is the only publication to have their story on the subject disappear after it was published. Both Reddit's r/cars and the *Truth About Cars* this afternoon pointed out that a *Motor Trend* article about this topic—one that downplayed the idea of the aftermarket parts barons at SEMA being altruistic about this issue and instead called them "paranoid and reactionary, shooting from the hip"—is now gone. Disappeared. Vanished from the face of the Internet.

"Oops! That page can't be found," the page now says. How mysterious!

But despite being a print outlet, surely *MT* must know that nothing on the Internet really goes away forever, and thanks to one Reddit user it can be read in full on this Google cached page

Here are some relevant excerpts from *Motor Trend's* story:

Make no mistake: This issue is complicated. The rule the EPA is proposing to change is somewhat vague and contradictory, as are the EPA's proposed changes and its motivation for doing so. A degree in public policy is required to untangle all the legalese. SEMA, meanwhile, is being paranoid and reactionary, shooting from the hip and making a mountain out of a molehill. Neither side can claim much of a moral high ground here.

[...] As car and racing enthusiasts, we should care about this controversy because it indirectly affects us. If the EPA's intent is to eventually crack down on race car emissions, it will have a major effect on the motorsports we enjoy and participate in as well as the companies we buy performance parts from. The evidence, however, doesn't yet support that conclusion, and SEMA has done us all a serious disservice by crying wolf. SEMA's kneejerk reaction hurts its credibility and exposes it (again) as the lobbying firm it is as much as it actually informs us all of important regulatory activity. The government is not coming for your race car, and it's disingenuous and manipulative for SEMA to suggest so. What's worse, it's created a false controversy that will cloud the important discussion to be had about the actual regulation.

They're not wrong! The magazine is right to call the issue complicated; it certainly is, which is why the hot takes from various news outlets have been all over the place (and why writers and readers alike have had such a hard time wrapping their heads around what's going on.)

And *MT's* actually right here to comment on SEMA's true motivations: they lobby on behalf of and represent the parts business, which could be impacted if the EPA really starts regulating parts for your race car. We have said the same thing in our stories! *MT's* article is, however, a lot more trusting of the EPA's stance and dependent an assumption that no enforcement will occur than I have been. Fine. Agree to disagree.

The story doesn't matter anyway because it is now gone.

Advertisement

It's not clear why the article vanished, whether it was pulled down intentionally or otherwise. I emailed *Motor Trend* editor Ed Loh to ask, but he hasn't gotten back to me.

Naturally, some are raising the question: could *Motor Trend* have buckled under some sort of external pressure? In the car magazine business, where keeping automakers and sources and advertisers happy is often Job No. 1, stuff like that is certainly not unprecedented. Or maybe the editors decided to pull it for some other unknown reason.

We do not know!

TTAC's Jack Baruth demanded *Motor Trend* "either re-publish the editorial or to formally retract it, with apologies to SEMA." If nothing else, the magazine would be best served to simply be more honest and transparent with its readers.

FOX News

http://www.foxnews.com/leisure/2016/02/11/white-house-to-pipe-in-on-epa-race-car-emissions-rules/

White House to pipe in on EPA race car emissions rules

Published February 11, 2016

| FoxNews.com

advertisement

Car racers are fast.

The Specialty Equipment Market Association (SEMA) launched a WhiteHouse.gov petition on February 9th in response to new EPA regulations it says could ban the practice of removing emissions control equipment from street cars to turn them into race cars. SEMA represents the aftermarket parts industry.

Just two days later it had well more than the 100,000 signatures required to get an official response from the Obama administration.

At issue is a section in an EPA rules proposal that mainly covers greenhouse gas emissions in medium and heavy duty vehicles that reads:

"Certified motor vehicles and motor vehicle engines and their emission control devices must remain in their certified configuration even if they are used solely for competition or if they become non-road vehicles or engines."

The EPA maintains that this has always been its position, and that the new regulation is merely a clarification.

After the topic caught fire online among the auto racing community, however, an EPA spokeswoman told RoadandTrack.com that the agency "remains primarily concerned with cases where the tampered vehicle is used on public roads, and more specifically with aftermarket manufacturers who sell devices that defeat emission control systems on vehicles used on public roads."

But while this comment appears to reduce the threat of EPA officials showing up at your local drag strip to round up offending cars, the petition, which asks President Obama to order the removal of the provision, still must be responded to in a "timely fashion."

FOX Sports

http://www.foxsports.com/motor/story/epa-road-car-racecar-conversions-020916

EPA clarifies stance on road-to-racecar conversions

By Mark GlendenningRACER.com Feb 9, 2016 at 5:07p ET

525shares

The Environmental Protection Agency has issued a clarification in response to claims that it is proposing a ban on converting road vehicles into race cars.

The Specialty Equipment Market Association (SEMA) issued a statement on Monday indicating its intention to fight an EPA proposal to change the wording to the Clean Air Act as it applies to the installation of aftermarket parts that might circumvent stock emission-control devices. But in a separate statement released to the media today, the EPA said that the proposed change is merely intended to clean up the wording of an existing law:

"People may use EPA-certified motor vehicles for competition, but to protect public health from air pollution, the Clean Air Act has – since its inception – specifically prohibited tampering with or defeating the emission control systems on those vehicles," the agency said in its statement.

"The proposed regulation that SEMA has commented on does not change this long-standing law, or approach. Instead, the proposed language in the Heavy-Duty Greenhouse Gas rulemaking simply clarifies the distinction between motor vehicles and nonroad vehicles such as dirt bikes and snowmobiles. Unlike motor vehicles – which include cars, light trucks, and highway motorcycles – nonroad vehicles may, under certain circumstances, be modified for use in competitive events in ways that would otherwise be prohibited by the Clean Air Act.

"EPA is now reviewing public comments on this proposal."

There is no wording in the proposal to outline how the rule might be policed and breaches penalized, and RACER is awaiting additional details regarding what sort of vehicles or circumstances might be eligible for exemption. Current modified-production racing takes place under the existing wording of the rules without any EPA intervention.

Even so, the reworded law – if passed – will not go into effect until 2018, and will not be retroactive. Consequently, current race-modified production cars appear unlikely to be affected either way.

Erin Cavalier

Office of Public Affairs Intern

U.S. Environmental Protection Agency

Telephone: (202) 564-8384

cavalier.erin@epa.gov

From: StClair, Christie
Sent: Friday, February 12, 2016 11:19 AM
To: Cavalier, Erin <cavalier.erin@epa.gov>
Cc: Georges, Thomas <Georges.Thomas@epa.gov>
Subject: RE: News Clips - 2/12/2016

Thanks, Erin. Could you please re-send with the full text of each story?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Cavalier, Erin
Sent: Friday, February 12, 2016 11:14 AM
To: StClair, Christie <StClair.Christie@epa.gov>
Cc: Georges, Thomas <Georges.Thomas@epa.gov>
Subject: News Clips - 2/12/2016

Christie,

Here are the news clips on Flynn/Gold King Mine and race cars.

Flynn/Gold King Mine

1. Washington Times
2. Washington Post
3. FOX News
4. Durango Herald

1. Washington Times

EPA coordinator knew of Gold King Mine's blowout danger, email reveals

http://www.washingtontimes.com/news/2016/feb/11/epa-coordinator-knew-of-gold-king-mines-blowout-da/?utm_source=RSS_Feed&utm_medium=RSS

An internal email unearthed by House Republicans shows that the Environmental Protection Agency on-site coordinator knew that there was "a lot of water" behind the plug at the Gold King Mine — but didn't check to see how much before removing loose dirt.

2. Washington Post

House report details EPA missteps in Colorado mine spill

https://www.washingtonpost.com/national/apnewsbreak-report-says-epa-knew-mine-spill-was-possible/2016/02/11/f2785d18-d0df-11e5-90d3-34c2c42653ac_story.html

DENVER — A probe of a mine waste accident in Colorado that fouled rivers in three states with arsenic, lead and other toxic substances has found further evidence that government workers knew a spill from the gold mine was possible, according to documents released Thursday by a U.S. House committee.

3. FOX News

Locals fume as EPA reveals Gold King mine spill much worse than initially stated

http://www.foxnews.com/us/2016/02/11/locals-fume-as-epa-reveals-gold-king-mine-spill-much-worse-than-initially-stated.html

The disclosure that the Environmental Protection Agency's toxic spill at an old gold mine in Colorado was far worse than previously stated has unleashed a flood of anger at the agency, which was already facing numerous lawsuits from states and individuals along the affected waterways.

4. Durango Herald

EPA says it knew of Gold King danger

http://www.durangoherald.com/article/20160211/NEWS01/160219927/0/News01/EPA-says-it-knew-of-Gold-King-danger

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Race Cars

1. Jalopnik
2. FOX News
3. FOX Sports

1. Jalopnik

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http://jalopnik.com/what-happened-to-motor-trends-story-on-the-sema-vs-epa-1758599661

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in on SEMA's wild-but-plausible allegations against the Environmental Protection Agency's "clarifying" that it can regulate track car emissions. We covered it, lots of outlets covered it, so did they. But so far *MT* is the only publication to have their story on the subject disappear after it was published.

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White House to pipe in on EPA race car emissions rules

http://www.foxnews.com/leisure/2016/02/11/white-house-to-pipe-in-on-epa-race-car-emissions-rules/

Cars race fast. The Specialty Equipment Market Association (SEMA) launched a WhiteHouse.gov petition on February 9th in response to new EPA regulations it says could ban the practice of removing emissions control equipment from street cars to turn them into race cars. SEMA represents the aftermarket parts industry.

3. FOX Sports

EPA clarifies stance on road-to-racecar conversions

http://www.foxsports.com/motor/story/epa-road-car-racecar-conversions-020916

The Environmental Protection Agency has issued a clarification in response to claims that it is proposing a ban on converting road vehicles into race cars.

Let me know if you need anything else.

Erin Cavalier

Office of Public Affairs Intern

U.S. Environmental Protection Agency

Telephone: (202) 564-8384

cavalier.erin@epa.gov

To: StClair, Christie[StClair.Christie@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Michael Bastasch
Sent: Thur 2/11/2016 6:30:10 PM
Subject: Re: House Gold King Mine report

Thanks!

On Thu, Feb 11, 2016 at 1:29 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Please attribute to Nancy Grantham:

We're reviewing the report and will respond appropriately.

Christie

Sent from my iPhone

On Feb 11, 2016, at 1:07 PM, Michael Bastasch <mike@dailycallernewsfoundation.org> wrote:

Hey,
I was wondering if EPA had a response to the House natural resources committee report on the Gold King Mine spill. Among other things, it says EPA may have violated the Clean Water Act and Endangered Species Act.

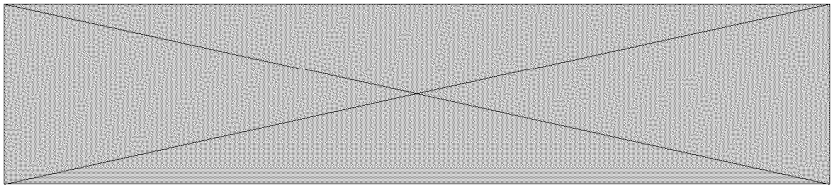
http://naturalresources.house.gov/uploadedfiles/house_committee_on_natural_resources_gold_king_mine_

Please let me know if EPA has a response. My deadline is 2 pm EST. Thanks!

Best,

Mike

--
Michael Bastasch
Daily Caller News Foundation



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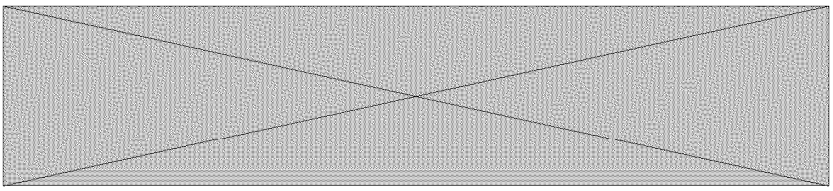
Michael Bastasch
Daily Caller News Foundation



To: StClair, Christie[StClair.Christie@epa.gov]
From: Grantham, Nancy
Sent: Thur 2/11/2016 6:13:48 PM
Subject: Re: Nancy - ok to send daily caller the current statement ? Fwd: House Gold King Mine report

Yes

Sent from my iPhone

On Feb 11, 2016, at 1:13 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: Michael Bastasch <mike@dailycallernewsfoundation.org>
Date: February 11, 2016 at 1:06:59 PM EST
To: Press <press@epa.gov>
Subject: House Gold King Mine report

Hey,
I was wondering if EPA had a response to the House natural resources committee report on the Gold King Mine spill. Among other things, it says EPA may have violated the Clean Water Act and Endangered Species Act.

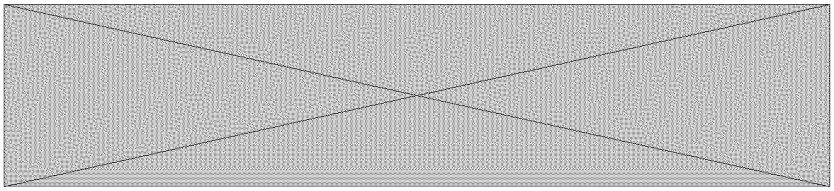
http://naturalresources.house.gov/uploadedfiles/house_committee_on_natural_resources_gold_king_mine_

Please let me know if EPA has a response. My deadline is 2 pm EST. Thanks!

Best,

Mike

--
Michael Bastasch
Daily Caller News Foundation



To: Conger, Nick[Conger.Nick@epa.gov]; Lee, Monica[Lee.Monica@epa.gov]
Cc: Loop, Travis[Loop.Travis@epa.gov]; Senn, John[Senn.John@epa.gov]; StClair, Christie[StClair.Christie@epa.gov]
From: Grantham, Nancy
Sent: Wed 2/3/2016 4:37:03 PM
Subject: RE: Criminal investigation in Flint

Deliberative Process/Ex. 5

From: Conger, Nick
Sent: Wednesday, February 03, 2016 11:31 AM
To: Lee, Monica <Lee.Monica@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Senn, John <Senn.John@epa.gov>
Subject: RE: Criminal investigation in Flint

Deliberative Process/Ex. 5

Nick Conger

U.S. Environmental Protection Agency

Office: (202) 564-6287

Cell: (202) 412-2655

From: Lee, Monica
Sent: Wednesday, February 03, 2016 11:18 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>; Senn, John <Senn.John@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>
Subject: Re: Criminal investigation in Flint

Thank you. He's writing for 1:00

Monica Lee

(202) 713-6902

On Feb 3, 2016, at 11:16 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Not that I know of – let's loop in john senn and nick conger ..thanks ng

From: Lee, Monica
Sent: Wednesday, February 03, 2016 11:15 AM
To: Loop, Travis <Loop.Travis@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: Criminal investigation in Flint

Do we have any draft responses on a GKM vs flint?

Monica Lee

(202) 713-6902

Begin forwarded message:

From: Ethan Barton <ethan@dailycallernewsfoundation.org>
Date: February 3, 2016 at 11:09:48 AM EST
To: Lee.Monica@epa.gov
Subject: Criminal investigation in Flint

Hi Monica,

I sent an email to the standard EPA mailbox but got a bounce back from Melissa Harrison saying to contact you for questions regarding Flint.

Could you please tell me why the EPA is conducting a criminal investigation regarding Flint, but hasn't launched one for the Gold King Mine spill?

Thank you,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: StClair, Christie[StClair.Christie@epa.gov]
From: Grantham, Nancy
Sent: Wed 2/3/2016 4:18:01 PM
Subject: RE: Flint criminal investigation

Monica and I have it ..thanks ng

From: StClair, Christie
Sent: Wednesday, February 03, 2016 11:10 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: Flint criminal investigation

Nancy – how would you like to handle this one?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, February 03, 2016 11:07 AM
To: Press <Press@epa.gov>
Subject: Flint criminal investigation

Hello,

I saw that the EPA, among others, is conducting a criminal investigation into Flint. Could you please tell me why there is a criminal investigation into Flint, but not into the Gold King Mine spill?

Thank you,

Ethan

--

Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: StClair, Christie[StClair.Christie@epa.gov]
From: Google Alerts
Sent: Fri 1/8/2016 4:02:34 PM
Subject: Google Alert - Gold King Mine

Gold King Mine

Daily update ▢ January 8, 2016

NEWS

Daily Caller

Republicans Demand Answers To **Gold King Mine** Disaster

Daily Caller

Yellow mine waste water is seen at the entrance to the **Gold King Mine** in San Juan County, Colorado, in this picture released by the Environmental ...

Flag as irrelevant

St. Augustine Receives Last Major Permit for **King-king Mine**

Investing News Network (press release) (registration) (blog)

St. Augustine Copper and **Gold** Ltd. (TSX:SAU) announced that the Philippines' **Mines** and Geosciences Bureau has approved the declaration of ...

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House Dem Pushes Interior Dept. For **Mine** Cleanup Regs

Law360 (subscription)

... for reopening abandoned mines, saying the measure would help prevent another environmental disaster like last year's **Gold King Mine** toxic spill.

Flag as irrelevant

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Send Feedback

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Mon 1/4/2016 11:00:04 PM
Subject: Re: FW: Gold King Mine investigations

Great, thanks Nancy.

On Mon, Jan 4, 2016 at 5:32 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Hi Ethan,

Thanks for your patience. Please answers highlighted in yellow below.

Thanks

Nancy Grantham

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, December 30, 2015 1:56 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: DuBray, Daniel <ddubray@usbr.gov>; Lagda, Jeffrey <Lagda.Jeffrey@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Subject: Re: FW: Gold King Mine investigations

Great, thank you. I'll reach out to Jeff and Dan.

In regards to question 3, I'd like to mention that Environmental Restoration has never returned any of my phone calls, and that other news articles have stated that the company has relied on their nondisclosure agreement to avoid answer reporters' questions. Given that, could you please expand on your response? Is Environmental Restoration relying on a nonexistent nondisclosure agreement to avoid cooperating with the press?

As previously stated:

The statement of work includes a standard requirement that the contractor shall not publish or otherwise release, distribute, or disclose any work product generated under the contract without obtaining EPA's express advance written approval. This does not require either an NDA or confidentiality agreement be signed by individual employees.

We cannot comment on Environmental Restoration's corporate media policies.

Also, in Dennis Greaney's written testimony from Sept. 9, he mentions that his company was "directed to remove rubble and debris that had caved in over the mine opening," which ultimately caused the spill. Who gave the order to remove the rubble and debris? Have they been held accountable for giving that order?

From Addendum to EPA Internal Review of Gold King Mine Incident dated December 8, 2015:

"Under (EPA On Scene Coordinator (name redacted)'s direction, the team slowly and carefully scraped away loose soil and rubble near the face of the adit with the initial goal of locating the primary blockage."

On Wed, Dec 30, 2015 at 12:55 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Hi Ethan,

Please see responses to your inquiry in bold below.

Thank you.

Nancy Grantham

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, December 28, 2015 9:48 AM
To: Press <Press@epa.gov>
Subject: Gold King Mine investigations

Hello,

I have some questions regarding the Gold King Mine incident. My questions are:

1. Why was there no criminal investigation regarding the Gold King Mine spill, especially regarding neglect? Can the public expect one in the near future?

As we have said previously, the Department of Interior (DOI) and EPA Office of Inspector General (OIG) investigations will help inform how we move forward. We have received the DOI report and are currently awaiting the report on the OIG investigation.

2. Some have accused the EPA's policies as hypocritical for declining to conduct a criminal investigation into the Gold King Mine spill (for example: http://www.heritage.org/research/reports/2015/12/agencies-not-coming-clean-about-the-epas-responsibility-for-poisoning-the-animas-river). Would a private entity have been criminally investigated were it responsible for the Gold King Mine Spill, and if so, why isn't the EPA or Environmental Restoration LLC being criminally investigated?

See answer to Question #1 above.

3. I previously asked about nondisclosure agreements used in EPA contracts and was told:

"The statement of work includes a standard requirement that the contractor shall not publish or otherwise release, distribute, or disclose any work product generated under the contract without obtaining EPA's express advance written approval. This does not require either an NDA or confidentiality agreement be signed by individual employees."

However, requiring "work product" to remain undisclosed is different from a "nondisclosure agreement." That being the case, why has Environmental Restoration refused to discuss the Gold King Mine spill with the public, citing a nondisclosure agreement with the EPA?

We would suggest you contact Environmental Restoration directly. As you know, Dennis Greaney, the President and Managing Partner of Environmental Restoration, testified at a Congressional Hearing regarding the Gold King Mine matter on September 9, 2015.

Following up on question three, is Environmental Restoration using the same argument when facing inquires from investigators with the Bureau of Reclamation's report, the inspector general, and Congress?

See answer Question #3 above. Also, you may want to contact Dan DuBray, the Chief of Public Affairs at the Bureau of Reclamation at 202-513-0574 (ddubray@usbr.gov) and Jeffrey Lagda, the communications contact at the EPA OIG at 202-566-2584 (lagda.jeffrey@epa.gov).

If I could have answers to my questions by 5 pm tomorrow (Tuedsay), that would be great, though, sooner would be preferred. I understand that many of your staff may be out of the office and if you do not think you can make my deadline, please let me

know.

Thank you,

Ethan

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@ethanrbarton

To: Ethan Barton[ethan@dailycallernewsfoundation.org]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; StClair, Christie[StClair.Christie@epa.gov]
From: Grantham, Nancy
Sent: Mon 1/4/2016 10:32:16 PM
Subject: RE: FW: Gold King Mine investigations

Hi Ethan,

Thanks for your patience. Please answers highlighted in yellow below.

Thanks

Nancy Grantham

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, December 30, 2015 1:56 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: DuBray, Daniel <ddubray@usbr.gov>; Lagda, Jeffrey <Lagda.Jeffrey@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
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On Wed, Dec 30, 2015 at 12:55 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Hi Ethan,

Please see responses to your inquiry in bold below.

Thank you.

Nancy Grantham

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Monday, December 28, 2015 9:48 AM
To: Press <Press@epa.gov>
Subject: Gold King Mine investigations

Hello,

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1. Why was there no criminal investigation regarding the Gold King Mine spill, especially regarding neglect? Can the public expect one in the near future?

As we have said previously, the Department of Interior (DOI) and EPA Office of Inspector General (OIG) investigations will help inform how we move forward. We have received the DOI report and are currently awaiting the report on the OIG investigation.

2. Some have accused the EPA's policies as hypocritical for declining to conduct a criminal investigation into the Gold King Mine spill (for example: http://www.heritage.org/research/reports/2015/12/agencies-not-coming-clean-about-the-epas-responsibility-for-poisoning-the-animas-river). Would a private entity have been criminally investigated were it responsible for the Gold King Mine Spill, and if so, why isn't the EPA or Environmental Restoration LLC being criminally investigated?

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Thank you,

Ethan

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: StClair, Christie[StClair.Christie@epa.gov]
From: Ethan Barton
Sent: Mon 1/4/2016 2:49:12 PM
Subject: Re: FW: Gold King Mine investigations

Great, thanks Nancy. Happy New Year to you, as well.

On Mon, Jan 4, 2016 at 7:50 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Hi Ethank,

Happy New Year.

We will have responses to your inquiry this morning.

Thanks

Nancy Grantham

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, December 30, 2015 1:56 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: DuBray, Daniel <ddubray@usbr.gov>; Lagda, Jeffrey <Lagda.Jeffrey@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
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Thank you,

Ethan

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Investigative Reporter

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410-829-1738

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Investigative Reporter
Daily Caller News Foundation
410-829-1738
@ethanrbarton

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: StClair, Christie
Sent: Wed 2/3/2016 4:10:13 PM
Subject: FW: Flint criminal investigation

Nancy – how would you like to handle this one?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

From: Ethan Barton [mailto:ethan@dailycallernewsfoundation.org]
Sent: Wednesday, February 03, 2016 11:07 AM
To: Press <Press@epa.gov>
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Thank you,

Ethan

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Ethan Barton

Investigative Reporter

Daily Caller News Foundation

410-829-1738

@ethanrbarton

To: Manzanilla, Enrique[Manzanilla.Enrique@epa.gov]; Tenley, Clancy[Tenley.Clancy@epa.gov]; BERMAN, TESSA[Berman.Tessa@epa.gov]; Zito, Kelly[ZITO.KELLY@EPA.GOV]; Hashimoto, Janet[Hashimoto.Janet@epa.gov]
From: Chilingaryan, Sona
Sent: Sat 3/19/2016 12:40:34 AM
Subject: fyi - daily caller article -- some of what's below is based on answers we gave to this reporter on Thur

http://790talknow.com/foxfeedspro/details/item_305039/navajo-prez-says-suicides-spiked-after-epa%E2%80%99s-gold-king-mine-disaster/

Navajo Prez Says Suicides Spiked After EPA's Gold King Mine Disaster

Posted 2016-03-18 01:49:32 - by Admin

4947019

Navajo suicides have allegedly spiked since the Environmental Protection Agency (EPA) caused three million gallons of toxic waste from the Gold King Mine to spill into the native American's main water supply last August.

At least 15 Navajo have committed suicide since the spill, which contaminated the San Juan River – a crucial water source for the nation — according to Navajo President Russell Begaye, who noted that number doesn't include unsuccessful attempts.

"Our suicides started like three weeks after the spill occurred," Begaye told The Daily Caller News Foundation. He couldn't say "whether they're directly related," but said he believes the visibly polluted river "aggravated urges" of those who were already "vulnerable."

That many suicides over just seven months is "unusual," Begaye said, though he couldn't provide figures for the same period in 2015. The Navajo Nation already sees a disproportionate number of suicides compared to the rest of the U.S., The Daily Beast reported in January, when the suicide count was only six.

The EPA declined to comment on the suicides.

No EPA employee or contractor has been disciplined or otherwise punished for the Gold King Mine incident, and there is currently no criminal investigation into the spill. Conversely, the Flint, Mich., water crisis led to several resignations and terminations, and a multi-agency investigation.

Begaye has been highly critical of how the EPA handled the disaster that resulted from seriously mistaken actions taken by agency employees and contractors.

"The Gold King Mine spill culturally and economically devastated the Navajo Nation, and the federal government's failed response to this crisis has only added insult to injury," Begaye said in a recent statement.

The EPA response created an "environment of distrust," which, when coupled with a polluted physical environment, fueled preexisting suicidal urges, Begaye told TheDCNF. The spill harmed farmers' crops and forced the Navajo Nation to haul water from other sources, he said.

The Navajo are awaiting an estimated $1 million in compensation from the EPA.

"I know we'll only get a fraction of it," Begaye told TheDCNF. "They'll fight us for every penny. That's how they operate. It's an injustice to the Navajo nation, to the farmers and to the people who have been hurt, and it's just wrong to treat our people in this manner."

Begaye claimed EPA officials waited for the intense media attention prompted by the disaster to die down before playing hard ball. "We predicted this was going to happen," he said.

The Navajo aren't alone in their fight. New Mexico recently requested $1.5 million from the EPA, and 51 individuals requested $5 million, reported The Durango Herald.

The Navajo Nation and the states of New Mexico and Utah threatened to sue the agency if they aren't compensated. Colorado Democrats killed a state legislative bill that would have allowed the state to sue the EPA, making it the only affected territory to forgo legal action, TheDCNF previously reported.

"On March 10, the U.S. Environmental Protection Agency provided $157,756 to Navajo Nation government agencies for costs incurred during the response to the August 2015 Gold King Mine release," an EPA spokesman told TheDCNF. "EPA is continuing to review other response costs submitted by Navajo Nation.

"Through a separate process, EPA is continuing to review individual claims asserted pursuant to the Federal Tort Claims Act," she said. "EPA is making $2 million available for State and Tribal grant application to perform monitoring to address both early warning and seasonal monitoring."

But the spill impacted the Navajo most, according to Begaye.

Even though Gold King Mine is located in Colorado, the elevated terrain kept contaminants flowing until the river flattened out in Navajo territory. "When it gets to Navajo land, the flow really slows down so the flow isn't strong enough to move contaminants down the river," he told TheDCNF.

The river still isn't safe for humans, contrary to EPA claims.

"All metals, at all sampling sites, were below these risk-based recreational screening levels," the EPA spokeswoman said.

To: Zito, Kelly[ZITO.KELLY@EPA.GOV]
From: Google Alerts
Sent: Thur 3/17/2016 10:02:10 PM
Subject: Google Alert - EPA

EPA

Daily update March 17, 2016

NEWS

WZZM13.com

Gov. Snyder & head of **EPA** to testify during congressional hearing about Flint Water Crisis

WZZM13.com

Rick Snyder and **EPA** Administrator Gina McCarthy — will go before a congressional committee Thursday and tell two vastly different stories about ...

Gov. Snyder, **EPA** head at odds over Flint water crisis response - MLive.com
Emails: **EPA** Chief Warned Flint Crisis Could Get 'Very Big' - ABC News
Snyder blames bureaucrats, **EPA** faults state in Flint crisis - Washington Post
Full Coverage

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TheBlaze.com

Green Justice: A Glimpse at How Obama's SCOTUS Pick Would Likely Rule on **EPA** Cases on the ...

TheBlaze.com

During his time on the D.C. Circuit Court of Appeals, Chief Judge Merrick Garland has stood with the **EPA** in nearly every case — a likely hint of where ...

US Supreme Court nominee may draw attention for **EPA** rulings affecting Texas - KGBT-TV
Merrick Garland, Obama's Court Pick, is the **EPA's** Favorite Judge - FrontPage Magazine
Full Coverage

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Twitchy

Gina McCarthy testifies **EPA** was 'strong armed' on #FlintWaterCrisis

Twitchy

Both Michigan Gov. Rick Snyder and **EPA** administrator Gina McCarthy are being grilled before a congressional committee today about the Flint water ...

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Daily Caller

Republican Budget Would Dismantle **EPA** Regulatory Overreach

Daily Caller

The budget proposed by House Republicans would rein in the **Environmental Protection Agency's** ability to issue onerous regulations, especially ...

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EPA reviewing Minnesota's water permits

Bemidji Pioneer

ST. PAUL — The U.S. **Environmental Protection Agency** has laid out its plan to investigate allegations that the Minnesota Pollution Control Agency ...

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EPA's Gold King Mine Explanations Leave Gaping Holes

The Libertarian Republic

Environmental Protection Agency (**EPA**) officials have done little to clear up unexplained aspects surrounding the Gold King Mine blowout. In fact, the ...

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US EPA 'analyzing' potential shift in RFS obligation from refiners to blenders

Platts

The US **Environmental Protection Agency** is considering a request by several independent refiners to shift the responsibility for complying with the ...

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ENVIRONMENT: EPA rejects AQMD clean-up plan

Press-Enterprise

The U.S. **Environmental Protection Agency** has rejected a South Coast Air Quality Management District clean-up plan, saying it does not require the ...

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EPA boss says environmental justice is everyone's concern

Mississippi News Now

The session involved a discussion about the various disasters that have impacted the Mississippi Gulf Coast. (Photo source: WLOX News).

EPA boss says environmental justice is everyone's concern - WDAM-TV

Full Coverage

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Congressional committee denounces EPA?s actions during Flint water crisis

Bend Bulletin

WASHINGTON — Members of a congressional oversight committee excoriated a former **Environmental Protection Agency** official Tuesday for not ...

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WEB

Emails: EPA chief warned Flint crisis could get 'very big'

The Big Story - Associated Press

Over the next two months, the **EPA** established a task force to help state ... Emails show **EPA** officials were surprised when DEQ Director Dan Wyant ...

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Bost Protects Southern Illinois Coal Plant from EPA Overreach

Congressman Mike Bost

The House-passed Satisfying Energy Needs and Saving the Environment (SENSE) Act turns back two **EPA**

regulations that would have prevented the ...

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EPA Knew About Flint Early On

Morning Consult

However, by August, an **EPA** official wrote that he was concerned after being sent a photo of dark colored water, and told emergency personnel and ...

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Congress urges resignations of Michigan governor, EPA chief over Flint

NewsDaily

Sitting in an overflow room, Flint, Michigan residents watch a live video feed as Michigan Governor Rick Snyder and **EPA** Administrator Gina McCarthy ...

Flag as irrelevant

EPA chief warned in September Flint water crisis could 'get big'

NewsDaily

In response to concerns from her deputy about the **EPA** possibly intervening, McCarthy wrote on Sept. 26, "There is danger if we do not weigh in as ...

Flag as irrelevant

DEP rules bill dies in dispute over EPA wood stove efficiency regulation

SuddenLink

Some changes were made to a water quality rule change for toxic selenium, for example, that were aimed at making it more likely that **EPA** would ...

Flag as irrelevant

VERBATIM: Michigan gov., EPA chief trade barbs

Reuters TV

Michigan Governor Rick Snyder and Environmental Protection Agency administrator Gina McCarthy point the finger at each other Thursday during ...

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EPA listens to those who seek justice

Energy Central

An **EPA** advisory committee -- set up by federal law to find out if communities are getting a chance for meaningful input -- is in town, and the issue is ...

Flag as irrelevant

Governor, EPA chief agree: Michigan agency failed Flint

Cookeville's News Talk 100.9

Governor, **EPA** chief agree: Michigan agency failed Flint. Gov. Rick Snyder before testifying. WASHINGTON (AP) — The Michigan Department of ...

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EPA

Daily update March 30, 2016

NEWS

The Durango Herald

Gold King owner says **EPA** forced access agreement renewal

The Durango Herald

Gold King owner says **EPA** forced access agreement renewal ... Hennis' strife with the **EPA** began in 2014 when the federal agency decided acid mine ...

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ThinkProgress

New Study Confirms Fracking Contamination That The **EPA** Walked Back On In 2011

ThinkProgress

In 2011 the **EPA** got involved, first issuing a draft report that connected fracking to the contamination. The agency later walked back on the report, ...

Former **EPA** lead investigator in Pavillion releases study linking fracking to water contamination - Billings Gazette

Full Coverage

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Albany Times Union

EPA Aims to Cut Methane Leaks From Natural Gas Companies

ABC News

The **Environmental Protection Agency** unveiled the Natural Gas STAR Methane Challenge Program at this week's Global Methane Forum held in ...

EPA Launches New Voluntary Methane Challenge Program To Reduce Emissions from the Oil and ... - U.S. EPA.gov (press release)

EPA again urges companies to voluntarily seek out methane leaks - FuelFix (blog)

Washington Gas Joins the **EPA's** Natural Gas STAR Methane Challenge Program as Founding ... - Business Wire (press release)

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STLtoday.com

EPA administrator McCarthy meets with West Lake activists

STLtoday.com

Activists who want nearby residents moved away from a radioactively contaminated site in Bridgeton met with **Environmental Protection Agency** ...

EPA proposes St. Regis Paper Co. Cleanup Plan; .... - U.S. EPA.gov (press release)

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Daily Outlook

Gold King Mine Owner Fears **EPA's** 'Limitless Legal Budget'

Daily Caller

Environmental Protection Agency (**EPA**) officials forced Gold King Mine owner Todd Hennis to give them access to his property, but he won't sue the ...

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Air board may replace ousted leader with an industry consultant with **EPA** experience

Los Angeles Times

The top candidate to lead Southern California's air quality agency is a former U.S. **Environmental Protection Agency** official who now works as a ...

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Newly-released email details complicity of Obama's **EPA** in Flint poisoning

World Socialist Web Site

In a just-released June 25, 2015 internal email, US **Environmental Protection Agency** (**EPA**) Region 5 water expert Miguel Del Toral described the ...

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Government Will Study How **EPA** Has Managed Weed Resistance

KTIC

The Office of Inspector General (OIG) for the **Environmental Protection Agency** announced Friday it will investigate how **EPA** has managed weed ...

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EPA drops $177K complaint against Tennessee Rep. Andy Holt

Chattanooga Times Free Press

NASHVILLE, Tenn. (AP) — The U.S. **Environmental Protection Agency** has dropped a complaint seeking $177,500 in fines from a state lawmaker for ...

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EPA: Gulfport Superfund site cleanup complete

Mississippi News Now

GULFPORT, Miss. (AP) - The **Environmental Protection Agency** says cleanup has been completed at the old Chemfax site in Gulfport, but long-term ...

Officials say **EPA** Superfund site cleaned up, ready for use - Mississippi News Now

Review of 6-year Hudson River cleanup started by **EPA** - NEWS10 ABC

Officials say **EPA** Superfund site cleaned up, ready for use - WRAL.com

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WEB

81 FR 17694 - Agency Information Collection Activities; Proposed New Collection

GPO

81 FR 17694 - Agency Information Collection Activities; Proposed New Collection (**EPA** ICR No. 2532.01); Comment Request.

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Dominion Recognized As Founding Partner In **EPA's** Methane Reduction Strategy
Dominion
RICHMOND, Va., March 30, 2016 /PRNewswire/ -- Dominion (NYSE: D) was recognized today by the U.S. Environmental Protection Agency as a ...
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EPA Recognizes BOMA International with 2016 ENERGY STAR® Partner of the Year Sustained ...
BOMA
Award Marks Ninth Earned by BOMA International. (WASHINGTON, D.C. – March 28, 2016) The U.S. Environmental Protection Agency (**EPA**) has ...
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Ayotte Calls on **EPA** to Act on Water Contamination
Kelly Ayotte
WASHINGTON, D.C. - U.S. Senator Kelly Ayotte today wrote to Environmental Protection Agency (**EPA**) Administrator Gina McCarthy urging her to ...
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EPA Honors 2016 Energy Star Partners of the Year for Outstanding Achievements in Energy ...
Energy Star
Recipients of the 2016 Energy Star Partner of the Year Award include Beazer Homes, The Home Depot and Verizon. **EPA** Press Release ...
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EPA defends CPP in brief to federal appellate court
American Public Power Association
EPA defends CPP in brief to federal appellate court. From the March 31, 2016 issue of Public Power Daily. Originally published March 30, 2016 ...
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EPA aims to cut methane leaks from natural gas companie...
AccessWDUN
EPA aims to reduce methane emissions by at least 40 percent over the next decade. The Associated Press. The Associated Press is an American ...
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Klobuchar, Grassley Urge **EPA** to Release Strong Renewable Fuel Standard to Support ...
Senator Amy Klobuchar
The bipartisan letter to the **EPA** is the latest in a long line of advocacy from Klobuchar for a strong RFS that will support U.S. jobs and the economy, ...
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Oregon Ice Cream Company fined $55000 for **EPA** violation
KMTR
The federal government ordered the Oregon Ice Cream Company to pay $55000 for violating federal safety rules at its Eugene plant.In 2011, **EPA** ...
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EPA to develop rules to reduce methane emissions from existing O and G sources
JJ Keller & Associates, Inc.
According to **EPA**, it will begin developing regulations for methane emissions from existing oil and gas (O&G) sources. In a blog, **EPA** said it will begin ...
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EPA

Daily update February 4, 2016

NEWS

Illinois EPA no longer sending emission test notices

WLS-TV

The tests are required when drivers try to renew their license plates, but the **EPA** stopped sending out the notices back in December. That's the same ...

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Lack of EPA oversight let Flint water crisis go from bad to worse

FederalNewsRadio.com

Lawmakers say officials with the **Environmental Protection Agency** "cast a blind eye" to the worsening situation in Flint, Michigan, and didn't enforce its ...

EPA Deflects Blame as It's Accused of Massive Failures in Flint's Water Crisis - GovExec.com

In Flint, the FBI, EPA and Congress Are All Hunting for Who's to Blame - Jezebel

Upton demands more Flint info from EPA, DEQ - The Detroit News

Full Coverage

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EPA May Have Influenced Gold King Mine Report's Independence

Daily Caller

New evidence may "contradict" **Environmental Protection Agency** Administrator (**EPA**) Gina McCarthy's "repeated assertions" to the Senate Committee ...

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5 Reasons Why the EPA Should Limit Methane Pollution from All Sources in the Oil and Gas Sector

Center For American Progress

In August 2015, the U.S. **Environmental Protection Agency**, or **EPA**, took one important step toward that goal by proposing "new source performance ...

RELEASE: 5 Reasons the EPA Should Regulate Methane Emissions from Existing Oil and Gas ... - Center For American Progress

Full Coverage

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Environmental groups push for the elimination of some exemptions included in EPA rules on ...

The Advocate

The petition to **EPA** is required under the Clean Air Act before a lawsuit can be filed, Earthjustice attorney Emma Cheuse said. A main issue for the ...

8th Circ. Backs EPA Revamp Of Neb. Regional Haze Plan - Law360 (subscription)

Full Coverage

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Report: **EPA** worker ran personal business on state time

Columbus Dispatch (blog)

An Ohio **Environmental Protection Agency** employee operated a personal business on state time, according to a report issued today by Ohio's ...

Investigation may confirm claims that Ohio **EPA** employee in Twinsburg was operating personal ... - Akron Beacon Journal

Full Coverage

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Salt Lake Tribune

EPA funding research of 'air toxics' in West Valley City

Salt Lake Tribune

This study, funded by a $355,000 grant from the **EPA**, will give the DAQ insight into air toxics concentrations in another part of the valley, he said, and ...

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KITV Honolulu

Two Ohio **EPA** staffers on leave over lead in village's water

KITV Honolulu

The Ohio **Environmental Protection Agency** has put two employees from its field office that covers Sebring on administrative leave pending the results ...

Ohio **EPA** says tests show Sebring water improving - WFMJ

Ohio **EPA** releases results from voluntary testing in Sebring - WKBN.com

Ohio **EPA** releases results of voluntary testing in Sebring - WKYC-TV

Full Coverage

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Washington Post

EPA regional chief resigns in connection with Flint crisis

FOX13 Memphis

TRAVERSE CITY, Mich. (AP) — A regional director of the U.S. **Environmental Protection Agency** resigned Thursday in connection with the drinking ...

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Sydney Morning Herald

Victorian Environment Minister Lisa Neville hits out at **EPA** over Hazelwood charges delay

Sydney Morning Herald

In September it was revealed that the **EPA** had collected a brief of evidence and was receiving legal advice about whether to press environmental ...

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WEB

Lawmakers Press **EPA**, Michigan Water Officials on Flint Crisis

Morning Consult

House Oversight and Government Reform Committee members grilled officials from the **Environmental Protection Agency** and Michigan's Department ...

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Letters to **EPA** & MDEQ Regarding Flint Water Situation

Energy & Commerce Committee - U.S. House of Representatives
Letters to **EPA** & MDEQ Regarding Flint Water Situation. February 3, 2016. Excerpt: "As part of our ongoing oversight, which we are conducting ...

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Whitfield Examines Two Bills to Counter **EPA** Overreach
Representative Ed Whitfield
Ed Whitfield (KY-01) today examined two commonsense bills to counter the **Environmental Protection Agency's** (**EPA**) regulatory overreach. H.R. 3797 ...

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ohio **epa** releases results from voluntary testing in sebring
Ohio Environmental Protection Agency
News releases from the Ohio **Environmental Protection Agency**.

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