

Attorney General contact: James Hallinan, (505) 660-2216

New Mexico Environment Department contact: Allison Scott Majure, (505) 231-8800

New Mexico Sues Colorado in U.S. Supreme Court over Gold King Mine Spill and Historical Acid Mine Drainage

EPA document shares responsibility with Colorado for causing toxic blowout

Santa Fe, NM –Today, New Mexico **Attorney General Hector Balderas** and **Governor Susana Martinez** announced New Mexico filed a [lawsuit](#) in the United States Supreme Court with the State of New Mexico Environment Department to hold the State of Colorado responsible for the downstream contamination of the Animas and San Juan watersheds in New Mexico that was caused by continuing acid mine drainage and the 2015 Gold King Mine massive waste spill. In addition to Colorado’s direct role in the Gold King Mine release, Colorado is directly responsible for the hazardous conditions that preceded the catastrophe. New Mexico filed the lawsuit after discussions and negotiations with Colorado failed.

“The Gold King Mine release is the result of two decades of disastrous environmental decision-making by Colorado, for which New Mexico and its citizens are now paying the price,” said **Attorney General Hector Balderas**. “New Mexicans rely on the Animas and San Juan Rivers for drinking water, ranching, farming, tourism and much more, so our communities must be compensated and protected from future health and safety risks.”

New Mexico Environment Department Secretary Ryan Flynn said, “Colorado was fully aware of the enormous risks to downstream communities associated with their failed strategy of plugging drainage tunnels. They, essentially, authorized the transformation of Colorado mines into an enormous wastewater storage facility, ready to burst. We’re fighting for New Mexicans to hold Colorado accountable for their short-sighted and reckless actions.”

Years ago, the State of Colorado authorized the risky strategy of plugging mining tunnels with bulkheads to attempt to control acid mine wastewater drainage. Following the August 5, 2015 Gold King Mine blowout, Colorado downplayed the effects of the three million gallon toxic spill into the Animas and San Juan rivers flowing southwest through New Mexico and Utah.

Obama Administration agencies pointed toward the State of Colorado when examining the causes of the Gold King Mine Spill. Although the Environmental Protection Agency officials initially claimed responsibility for the Gold King Mine blowout, they zero in on Colorado’s Division of Reclamation and Mine Safety (DRMS) at critical decision points in their [Addendum to EPA’s Internal Review of the Gold King Mine Incident](#). Describing the excavation that caused the blowout, EPA states, “Excavation was...a decision to be made by the EPA OSC with advice from qualified and experienced personnel including DRMS staff,” and “...with consultation from DRMS as well as contractor support, the team began additional excavation...”

Similarly, the Department of the [Interior’s Technical Evaluation of the Gold King Mine Incident](#) describes the error that led to the Gold King Mine failure, “...EPA, in consultation with the Colorado Division of Reclamation, Mining and Safety (DRMS), concluded the adit was partially full of water....It was incorrectly

concluded that the water level inside the mine was...a few feet below the top of the adit roof. This error...led directly to the failure.”

Officials from Colorado’s Department of Public Health and Environment opposed New Mexico’s in-state initiatives for testing of domestic wells for Gold King Mine Spill-related contamination, refusing to follow suit. [Now, Colorado Health officials urge Coloradans to get their wells tested.](#)

The communities, environment, and economy of northwestern New Mexico have been and continue to be at serious risk from upstream pollution generated in Colorado which Colorado has authorized and allowed for years—to the detriment of New Mexico’s people, natural resources and prosperity.

Click here for a copy of the Bill of Complaint that was filed on Monday, June 20, 2016:

http://www.nmag.gov/uploads/FileLinks/7f3e6bf7210a4855947655e6a117c918/New_Mexico_Bill_of_Complaint.pdf

###