

ROB BISHOP, UT  
CHAIRMAN  
DON YOUNG, AK  
LOUIE GOHMERT, TX  
DOUG LAMBORN, CO  
ROBERT J. WITTMAN, VA  
JOHN FLEMING, LA  
TOM McCLINTOCK, CA  
GLENN THOMPSON, PA  
CYNTHIA LUMMIS, WY  
DAN BENISHEK, MI  
JEFF DUNCAN, SC  
PAUL A. GOSAR, AZ  
RAÚL R. LABRADOR, ID  
DOUG LAMALFA, CA  
JEFF DENHAM, CA  
PAUL COOK, CA  
BRUCE WESTERMAN, AR  
GARRET GRAVES, LA  
DAN NEWHOUSE, WA  
RYAN ZINKE, MT  
JODY HICE, GA  
ALUMUA AMATA COLEMAN RADEWAGEN, AS  
TOM MacARTHUR, NJ  
ALEX MOONEY, WV  
CRESENT HARDY, NV  
DARIN LAHOOD, IL

JASON KNOX  
STAFF DIRECTOR

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

RAÚL M. GRIJALVA, AZ  
RANKING MEMBER  
GRACE F. NAPOLITANO, CA  
MADELEINE Z. BORDALLO, GU  
JIM COSTA, CA  
GREGORIO KILILI CAMACHO SABLAN, CNMI  
NIKI TSONGAS, MA  
PEDRO R. PIERLUISI, PR  
JARED HUFFMAN, CA  
RAUL RUIZ, CA  
ALAN LOWENTHAL, CA  
MATTHEW CARTWRIGHT, PA  
DON BEYER, VA  
NORMA J. TORRES, CA  
DEBBIE DINGELL, MI  
RUBEN GALLEGO, AZ  
LOIS CAPPS, CA  
JARED POLIS, CO  
Wm. LACY CLAY, MO

DAVID WATKINS  
DEMOCRATIC STAFF DIRECTOR

December 9, 2015

The Honorable Gene Dodaro  
Comptroller General of the United States  
441 G Street NW  
Washington, DC 20548

Dear Mr. Dodaro:

On August 5, 2015, an Environmental Protection Agency (“EPA”) crew working at the Gold King Mine near Silverton, Colorado spilled approximately 3 million gallons of contaminated mine water into Cement Creek. The plume then flowed into the Animas River, a tributary of the San Juan River. Four states and multiple tribes were affected by the spill.

Following the blowout, EPA Administrator Gina McCarthy “committed to a full review of exactly what happened to ensure it could not happen again.”<sup>1</sup> EPA later announced that it had selected the Department of the Interior (“DOI”) to conduct “an independent assessment of the factors that led to the Gold King Mine incident.”<sup>2</sup> According to EPA, the goal of DOI’s report was to “provide EPA with an analysis of the incident that took place at Gold King Mine, including the contributing causes.”<sup>3</sup> EPA also planned to conduct its own internal technical evaluation.<sup>4</sup>

On September 17, 2015, Administrator McCarthy testified at a joint hearing of the Committee on Natural Resources and the Committee on Oversight and Government Reform that the DOI assessment would identify “where fault lies.”<sup>5</sup> She further explained that DOI’s review would “help inform” whether “someone was found negligent or criminal.”<sup>6</sup>

<sup>1</sup> EPA Administrator Gina McCarthy 8/11/2015 Remarks on Gold King Mine, *available at* <http://www2.epa.gov/goldkingmine/epa-administrator-gina-mccarthy-8112015-remarks-gold-king-mine>.

<sup>2</sup> EPA Announces U.S. Department of the Interior to Lead Independent Review of Gold King Mine Release, <http://www2.epa.gov/goldkingmine/epa-announces-us-department-interior-lead-independent-review-gold-king-mine-release>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *EPA’s Animas Spill: Joint Hearing before the H. Comm. on Natural Resources and the H. Comm. on Oversight and Government Reform*, 114<sup>th</sup> Cong. (2015).

<sup>6</sup> *Id.*

Given the Government Accountability Office's expertise in producing fact-based, impartial, and professional reports, the Committee on Natural Resources requests that GAO review the scope, objectivity, and thoroughness of the DOI report, entitled *Technical Evaluation of the Gold King Mine Incident*, released October 22, 2015.

Specifically, the Committee would like GAO to answer the following questions:

- 1) How did the report come about? Was the DOI's agreement with EPA to produce the report memorialized?
- 2) What was the agreed upon scope and structure of the DOI report? Did the final report comport with EPA Administrator McCarthy's publicly expressed descriptions of what the DOI report would cover?
- 3) What was the U.S. Bureau of Reclamation (BOR) evaluation team's methodology (i.e., who did they interview, what documents did they review, etc.) and was it well-reasoned and thorough?
- 4) Did the DOI report, conducted by the BOR appropriately support assertions regarding the qualifications, role, and authority of involved state agencies?
- 5) Did the BOR take steps to guard against any conflicts of interest among the evaluation team members and among the peer reviewers, and did the BOR properly follow its data quality and peer review selection requirements?
- 6) Was the BOR report's description and depiction of the mine portal, adit, and associated components such as drainage and observation pipes and supporting timbers accurate?
- 7) Why did the BOR report exclude discussion of the following:
  - a) How and why it was decided not to test the hydrostatic pressure prior to excavating the mine adit;
  - b) How the assumed mine pool level was determined and whether the person who made such a determination or assumption was qualified to make this critical assessment;
  - c) Whether the actions at the site were consistent with the planned course of action illustrated in a series of figures in the BOR report;
  - d) Whether EPA had the ultimate authority and responsibility for choosing what actions were taken at the site; and

The Hon. Gene Dodaro  
December 9, 2015  
Page 3

- e) Whether the actions at the site were consistent with Task Orders, Action Plans and schedules that had been prepared for the project? If not, were actions taken inconsistent with contracting requirements and authorities?

Thank you for your assistance with this request. If you have additional questions, please contact Rob Gordon or Jessica Conrad with the Subcommittee on Oversight and Investigations at (202) 225-7107.

Sincerely,



Rob Bishop  
Chairman

Cc: The Hon. Raul Grijalva, Ranking Member, Committee on Natural Resources