

# Critics of carbon regulations using mine spill to skewer EPA

August 15 2015, by Michael Biesecker

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Water flows through a series of sediment retention ponds built to reduce heavy metal and chemical contaminants from the Gold King Mine wastewater accident, in the spillway about 1/4 mile downstream from the mine, outside Silverton, Colo., Friday, Aug. 14, 2015. Officials have said that federal contractors accidentally released more than 3 million gallons of wastewater laden with heavy metals last week at the Gold King Mine near Silverton. The pollution flowed downstream to New Mexico and Utah. (AP Photo/Brennan Linsley)

Authorities say rivers tainted by last week's massive spill from an

abandoned Colorado gold mine are starting to recover, but for the Environmental Protection Agency the political fallout from the disaster could linger.

The federal agency's critics are already seeking to use its much-maligned handling of the mine spill to undercut the Obama administration's rollout of major regulations aimed at cutting [greenhouse gas emissions](#) at the nation's power plants. Members of oversight committees in both the House and Senate say they are planning hearings after Congress returns from its August recess.

"The EPA is supposed to help prevent environmental catastrophes, not cause them," said Rep. Steve Scalise, R-La., a member of the House leadership and the Energy and Commerce Committee. "But, sadly, President Obama's EPA has been too busy threatening American jobs with radical regulations instead of focusing on what should be their core mission."

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater as they inspected the idled Gold King mine on Aug. 5, just two days after Obama unveiled his Clean Power Plan during an event at the White House.

The timing could hardly be worse for the beleaguered regulatory agency, a frequent target for congressional Republicans and pro-industry groups. Attorneys general for at least 15 states say they plan to sue over the new carbon restrictions, and such coal-mining backers as Senate Majority Leader Mitch McConnell, R-Ky., are urging states to simply ignore new carbon rules from Washington.



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Over the last week, even Democrats representing states affected by the spill have publicly criticized the agency's response as anemic. That has forced top administration officials off-message just as they were launching an effort to sell the new carbon rules to the American people.

On Tuesday, EPA Administrator Gina McCarthy gave a policy speech about the new carbon-reduction program at an event in Washington. But at a news conference afterward, every question was about the mine spill. McCarthy said her agency takes full responsibility for the accident and expressed deep sorrow for the environmental harm caused to the Animas



and San Juan rivers.

Following bipartisan pressure from the congressional delegations of Colorado and New Mexico, the EPA chief then departed Washington for a two-day fence-mending trip out West aimed at showing that her agency is responsive and competent.

For Republicans, it was an opportunity to put the EPA on the defensive.

"I think we have seen what happens when the EPA comes after private industry—they come after them with heavy hand," said Sen. Cory Gardner, R-Colo. "Now, the shoe is on the other foot, and we have seen a lack of communication and coordination. ... This goes to the core competency of the EPA."



A plastic container feeds additives through tubes into mine wastewater flowing into a series of sediment retention ponds, part of danger mitigation in the

aftermath of the blowout at the site of the Gold King Mine, outside Silverton, Colo., Friday, Aug. 14, 2015. Officials have said that federal contractors accidentally released more than 3 million gallons of wastewater laden with heavy metals last week at the Gold King Mine near Silverton. The pollution flowed downstream to New Mexico and Utah. (AP Photo/Brennan Linsley)

Bob Deans, a spokesman for the environmental group Natural Resources Defense Council, predicted that people would see efforts to link the spill to regulations aimed at addressing climate change for what it is—political theater.

"The public wants action on climate change and we expect our waters to be protected from mining waste," Deans said. "We count on the EPA to do both. This tragic accident hasn't changed that. If anything, it's highlighted the risks we take and the price we pay when we allow environmental threats to fester."

Still, the EPA's handling of the Gold King [spill](#) is likely to remain an issue of political debate for months to come.

"The House will continue to monitor the situation and the appropriate committees will conduct rigorous oversight to make sure the administration is assessing the damage the EPA has caused and taking action to clean it up," said House Speaker John Boehner, R-Ohio. "Now that his EPA has accepted full responsibility, I expect President Obama to demand full accountability for what happened here."

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Citation: Critics of carbon regulations using mine spill to skewer EPA (2015, August 15) retrieved 26 June 2024 from <https://phys.org/news/2015-08-critics-carbon-skewer-epa.html>

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