

We need to circle back with you and the Administrator when we complete this review to discuss next steps, hopefully early next week.

**From:** Jackson, Ryan  
**Sent:** Wednesday, May 10, 2017 3:52 PM  
**To:** Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>  
**Subject:** Fwd: Gold King Mine update for the Administrator's travel

Will you look through this because I would like to put a gold king, Westlake and E Chicago in his reading notebook for tomorrow.

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy

Begin forwarded message:

**From:** "Breen, Barry" <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>  
**Date:** May 10, 2017 at 2:37:18 PM EDT  
**To:** "Brown, Byron" <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>, "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Cc:** "Davis, Patrick" <[davis.patrick@epa.gov](mailto:davis.patrick@epa.gov)>  
**Subject:** Gold King Mine update for the Administrator's travel

Dear Ryan,

As you asked, this is to provide an update on the Gold King Mine claims and actions.

**Claims:** the attached awards table reflects CERCLA, WIIN Act, and CWA payments to States, Tribes, local governments, and in one case (for \$335,000) the USGS.

**Actions taken:** we have updated the cross-office 4-pager, also attached.

Here are some highlights:

1. Overall, EPA has dedicated more than \$29 million so far to the Gold King Mine.
2. This includes approximately \$3.7 million so far reimbursed to other state, tribal, and local governments under CERCLA and the WIIN Act, . Additionally, \$2.8 million has been awarded for water monitoring (thank you to OW for managing and reporting the water monitoring).
3. Totals awarded so far include \$1.9 million within Colorado, \$1.5 million to New Mexico, \$1.1 million to the Navajo Nation, \$1.0 million to Utah, and \$39,000 to Arizona.
4. On January 12, 2017, EPA declined payment on 73 administrative claims under the Federal Tort Claims Act, totaling about \$1.2 billion. Since then, 2 additional claims have been denied. At present, there are 6 claims still pending, including one from Utah for \$1.9 billion. (See the 4-pager at pp. 3-4). As Byron mentions below, the Federal Tort Claims Act claims are managed by OGC.
5. There was report language in the recent FY 17 appropriations act: “EPA should further explore all legal and financial recourses [resources?] that could compensate individuals for such damages and, if available, should ensure that recourses [resources?] will be extended to individuals located in all areas impacted by the spill in New Mexico, Colorado, Arizona, Utah, and the Navajo Nation.”

I hope this helps. Would you let us know if you or the Administrator have follow-up questions?

Barry

**From:** Brown, Byron  
**Sent:** Friday, May 05, 2017 7:49 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Breen, Barry <Breen.Barry@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>  
**Subject:** Re:

After our meeting with AG Sessions, I asked OGC to review of all relevant legal authorities, factual record and options for reevaluating. I met with OGC yesterday and got update. David and I can give an update at next morning meeting as well.

Sent from my iPhone

On May 5, 2017, at 7:27 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Gold King Mine

Barry, can OLEM prepare an update on claims and actions taken at the Gold King Mine site? The Administrator may be traveling to the area specifically for a visit in the not too distant future and we would like to get an update to prepare.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy