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From: POLITICO Pro Energy Whiteboard
Sent: Mon 6/26/2017 2:14:17 PM
Subject: Supreme Court turns down New Mexico lawsuit over Gold King spill

By Alex Guillén

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The Supreme Court today in a 7-2 vote declined to take up a lawsuit brought by New Mexico against Colorado over the 2015 Gold King mine spill.

New Mexico's complaint, which as a lawsuit between states went straight to the Supreme Court rather than a lower court, argued that decades of poor environmental oversight by Colorado contributed to the spill, which was inadvertently caused by EPA engineers working to clean up the site.

Justices Clarence Thomas and Samuel Alito voted to allow the lawsuit to proceed, according to the Supreme Court. The duo referred back to an unrelated 2016 case in which they argued in a dissent that the Supreme Court does not have the authority to turn down cases that fall within the court's "original jurisdiction," which includes lawsuits between two states.

Various other lawsuits regarding the spill, including against EPA, are playing out in lower courts. New Mexico may be able to bring its suit against Colorado elsewhere, as the Trump administration suggested in a "friend of the court" brief earlier this month.

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