

DOCUMENTS RELATED TO GOLD KING MINE EPA DISASTER OBTAINED BY SUBPOENA

The following email chains generated on August 20, 2015 and October 14, 2015 are between Dr. Richard Olsen, the U.S. Army Corps of Engineers (USACE) Peer Reviewer for the Department of the Interior's (DOI) *Technical Evaluation of the Gold King Mine Incident*, and his USACE colleagues. The emails include the USACE team's impressions of DOI's *Technical Evaluation*. The Bureau of Reclamation (BOR or USBR), a bureau of the U.S. Department of the Interior, led the investigation and produced the *Technical Evaluation*.

These documents were obtained from the USACE pursuant to a subpoena issued by the House Committee on Natural Resources on February 17, 2016.

The emails document that:

- The USACE peer reviewer did not agree with the scope of DOI's *Technical Evaluation*. He was unhappy with the report at the time he received it, and he appears to have been under pressure to sign it: "I'm not happy with the report . . . The discussions and involvement of people a month before and up to the day of the failure does not read good. I don't really want to sign off on the report (which they want)."
- The USACE peer reviewer initially rejected BOR's statement that "the results [of the *Technical Evaluation*] are sound and consistent with current professional practice" stating that "my single simple answer is no." He only agreed to provide his signature after DOI agreed to include his objections in the Executive Summary of the report. He acknowledged that doing so would, "place me on a slipper[y] path but it's good for USACE because we must act and perform as the government experts."
- The USACE peer reviewer discussed his hesitation to sign off on the report with his USACE colleagues, who suggested that he sign only in part and reject the portions of the *Technical Evaluation* with which he disagreed.

Note: the portions highlighted in yellow were initially redacted by USACE at the discretion of DOI in the name of protecting "important executive branch confidentiality interests."

From: [Olsen, Richard S HQ02](#)
To: [Dalton, James C SES HQ02](#); [Bank, Robert HQ02](#)
Bcc: [Olsen, Richard S HQ02](#)
Subject: Re: Peer Review Progress
Date: Wednesday, October 14, 2015 1:13:42 PM
Importance: High

I got the draft final report last night and started reviewing it late last night and today. I'm not happy with the report - they say it goes final on Thursday. The report in concept is an independent investigation of a failure. The issue is that they work a lot with EPA on mining issues. The report reads like an internal investigation of a failure. The reason for the failure outlined in the report is good. The discussions and involvement of people a month before and up to the day of the failure does not read good. I don't really want to sign off on the report (which they want).

Sent from my BlackBerry 10 smartphone.

Olsen, Richard S HQ02

From: Olsen, Richard S HQ02
Sent: Wednesday, October 14, 2015 1:56 PM
To: Koester, Joseph P HQ02; Bank, Robert HQ02; Dalton, James C SES HQ02
Subject: Re: [EXTERNAL] Request for Final Peer Review of the Gold King Mine Incident Report (UNCLASSIFIED)

The final reviewer signature page (with my name and not showing USACE) for the USBR report on the EPA failure states "The results, findings, and recommendations provided in this Technical Evaluation of the Gold King Mine Incident are technically sound and consistent with current professional practice."

My single simple answer is no. This will place me on a slipper path but it's good for USACE because we must act and perform as the government experts.

Sent from my BlackBerry 10 smartphone.

Original Message

From: Koester, Joseph P HQ02
Sent: Wednesday, October 14, 2015 1:35 PM
To: Olsen, Richard S HQ02; Bank, Robert HQ02
Subject: RE: [EXTERNAL] Request for Final Peer Review of the Gold King Mine Incident Report (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

If you are in the building, I suggest trying to see Richard Frank in the OC area. He was once a geotech, and has been very helpful to me on the Katrina stuff.

I wonder if there is a way to sign an amended form that indicates your concurrence where appropriate, but absolves you of agreement with parts you reject?

Joseph P. Koester, PE, PhD
Geotechnical and Materials Community of Practice Lead
DC Office: [REDACTED]
Mobile: [REDACTED]

-----Original Message-----

From: Olsen, Richard S HQ02
Sent: Wednesday, October 14, 2015 1:30 PM
To: Bank, Robert HQ02; Koester, Joseph P HQ02
Subject: Fw: [EXTERNAL] Request for Final Peer Review of the Gold King Mine Incident Report

See attached signature form . Do we do such a thing - if a professor signs it that's one thing but I represent USACE geotech. What does CC think of this direction

Sent from my BlackBerry 10 smartphone.

From: Luebke, Thomas [REDACTED]
Sent: Wednesday, October 14, 2015 9:23 AM
To: Olsen, Richard S HQ02

Cc: Randall Jibson; Michael Gobla; Leslie Stone; David Gillette; Christopher Gemperline; Bank, Robert HQ02; Koester, Joseph P HQ02

Subject: Re: [EXTERNAL] Request for Final Peer Review of the Gold King Mine Incident Report

See attached for the blank signature page.

On Tue, Oct 13, 2015 at 6:39 PM, Olsen, Richard S HQ02 [REDACTED] wrote:

Tom,

Thanks for report but 1-1/2 days to review the final version is really not enough time. i'm traveling tomorrow and Thursday. I just returned to the office to print this report for a proper viewing. What does the signature page state; reviewed only, agree 100%, agree in general, etc?

Sent from my BlackBerry 10 smartphone.

From: Luebke, Thomas

Sent: Tuesday, October 13, 2015 7:09 PM

To: Randall Jibson; Olsen, Richard S HQ02

Cc: Michael Gobla; Leslie Stone; David Gillette; Christopher Gemperline

Subject: [EXTERNAL] Request for Final Peer Review of the Gold King Mine Incident Report

Dr. Jibson, Dr. Olsen - Please find attached the final draft of the Gold King Mine Incident Report. You will note that we again had to divide the report into 3 parts because the size of the report was preventing delivery (at least to USACE). I will send the second and third parts momentarily.

In addition, we have a signature page that has been signed thru the 4 Reclamation folks who prepared and peer reviewed the report. Les Stone will be contacting Dr. Jibson in the morning and get the signature page to him next since he is in town. We will then send the signature page to Dr. Olsen.

We appreciate any further improvements that you believe need to be made at this time, though our original due date for final transmittal of the report is drawing near (cob October 15th).

Please let me know if you have any concerns at this time, otherwise we look forward to your final comments for inclusion in the report in the next couple of days.

Thanks.

Classification: UNCLASSIFIED

Caveats: NONE

From: [Baker, Karen J HQ02](#)
To: [Olsen, Richard S HQ02](#); [Bank, Robert HQ02](#); [Dalton, James C SES HQ02](#)
Subject: Re: [EXTERNAL] Fwd: Reclamation Scope of Work - Gold King Mine (UNCLASSIFIED)
Date: Thursday, August 20, 2015 7:37:27 AM

Rick -

Just checking in - have you connected with the Bureau of Rec team yet?

Thanks,

Karen

Sent from my BlackBerry 10 smartphone.

Original Message

From: Baker, Karen J HQ02
Sent: Tuesday, August 18, 2015 9:21 PM
To: Olsen, Richard S HQ02; Bank, Robert HQ02; Dalton, James C SES HQ02
Subject: Re: [EXTERNAL] Fwd: Reclamation Scope of Work - Gold King Mine (UNCLASSIFIED)

Thanks - I think it's important to have the subject matter experts speaking with each other as soon as possible - I will be first to admit this is not my area of expertise - I just had the EPA relationships.

I think you are copied on some messages from Lowell, but his cell is [REDACTED]

His primary concern in reaching out to us today was ensuring that USACE was on board with the plan before there was a commitment announced in the press. I think he would welcome a call and your thoughts.

Sent from my BlackBerry 10 smartphone.

Original Message

From: Olsen, Richard S HQ02
Sent: Tuesday, August 18, 2015 9:14 PM
To: Baker, Karen J HQ02; Bank, Robert HQ02; Dalton, James C SES HQ02
Subject: RE: [EXTERNAL] Fwd: Reclamation Scope of Work - Gold King Mine (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Karen,

I will initially email Lowell Pimley [REDACTED] tomorrow morning for the telephone number then call.

Rick Olsen, PhD PE

USACE Senior Geotechnical Engineer • [REDACTED] HQ USACE E&C (Washington, DC) •
from my Desk

-----Original Message-----

From: Baker, Karen J HQ02
Sent: Tuesday, August 18, 2015 9:08 PM
To: Olsen, Richard S HQ02; Bank, Robert HQ02; Dalton, James C SES HQ02
Subject: Re: [EXTERNAL] Fwd: Reclamation Scope of Work - Gold King Mine (UNCLASSIFIED)

Rick,

I appreciate your concerns. We have not committed to this as of yet.

I do think the best way to facilitate the right outcome is have you talk directly with the folks at Reclamation. Do you have Lowell's information? I think the two of you should discuss.

Karen

Sent from my BlackBerry 10 smartphone.

Original Message

From: Olsen, Richard S HQ02

Sent: Tuesday, August 18, 2015 8:58 PM

To: Baker, Karen J HQ02; Bank, Robert HQ02; Dalton, James C SES HQ02

Subject: RE: [EXTERNAL] Fwd: Reclamation Scope of Work - Gold King Mine (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Karen,

I reviewed USBR proposed work effort below [REDACTED]

My worry is the limited scope and responsibilities for the USACE review as defined by USBR. It is proposed that the USACE review occurs after the final report is completed and internally reviewed at USBR - This type of review is only as good as statements and figures in a report. Let us not forget that this type of failure is more about finding difficult to extract information rather than just collecting basic data.

I had thought the USACE review effort would have included some overview efforts during the 60 day investigation work such as in office progress meetings and a site assessment. If major issues are found during review of a completed report then it's never possible to redirect or refocus efforts - The most that occurs is an exchange of statements and finally allowing the issue to be marked resolved.

Rick Olsen, PhD PE

USACE Senior Geotechnical Engineer • [REDACTED] HQ USACE E&C (Washington, DC) •
from my Desk

-----Original Message-----

From: Baker, Karen J HQ02

Sent: Tuesday, August 18, 2015 5:02 PM

To: Olsen, Richard S HQ02; Bank, Robert HQ02; Dalton, James C SES HQ02

Subject: FW: [EXTERNAL] Fwd: Reclamation Scope of Work - Gold King Mine (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Rick,

Bureau of Rec is looking to see if we think we can meet the timeline....

Karen

-----Original Message-----

From: Pimley, Lowell [REDACTED]

Sent: Tuesday, August 18, 2015 4:56 PM

To: Baker, Karen J HQ02; Stalcup, Dana
Subject: [EXTERNAL] Fwd: Reclamation Scope of Work - Gold King Mine

Karen/Dana: FYI - draft scope of work.

As we discussed - we'd deliver our report to the Corps folks on about 9/25/15, ask for a peer review by about 10/7/15, then we'd finalize for EPA by 10/17/15.

----- Forwarded message -----

From: Luebke, Thomas [REDACTED]
Date: Tue, Aug 18, 2015 at 2:10 PM
Subject: Reclamation Scope of Work - Gold King Mine
To: "Stalcup, Dana" [REDACTED]
Cc: Elizabeth [REDACTED] Lowell Pimley [REDACTED] Leslie Stone
[REDACTED] Michael Gobla [REDACTED]

Dana - Lowell Pimley asked that I provide you with our draft scope of work for Reclamation's Engineering Review of the Gold King Abandoned Mine:

We currently envision our review will cover:

- Description of the incident
- Geologic setting
- History of mining operations in and around Gold King
- History of remediation activities in and around Gold King
- Site conditions prior to incident
- Remediation workplan/HASP/EAP
- Activities leading up to incident
- Site conditions following incident

- Industry standards and practices for abandoned mine remediation
- Lessons learned

The review report will be subjected to internal review at Reclamation and then released to Dr. Olsen at the Corps of Engineers. In addition, we hope to contract with Dr. Dirk Van Zyl, a recognized expert in this field, as a second peer review (not clear whether we can make this happen within the 60 day time frame).

Reclamation preliminary estimate for performing this work is \$80,000 in labor \$10,000 for travel, and \$20,000 for contracting. EPA will need to develop a separate agreement with COE for the involvement of Dr. Olsen

We anticipate that our draft report will be ready for peer review before September 30.

Mike Gobla will be Reclamation's principal reviewer on this work. A short description of his background follows:

Mr. Gobla has over 35 years of experience in civil, mining, and environmental engineering. He graduated from the Colorado School of Mines in 1976 with a B.S. in Mining Engineering. In 1991 he earned an M.S. degree in Mining Engineering from New Mexico Tech. He is currently a registered professional engineer in the States of Colorado and Montana and he formerly also practiced professional engineering in New Jersey and New Mexico.

Mike is currently the manager of one of four geotechnical engineering groups at the US Department of the Interior, Bureau of Reclamation, Technical Service Center in Denver, Colorado. He oversees eleven geotechnical engineers

in dam safety evaluation, dam design and modification projects, slope stability investigations, abandoned mine remediation, and waste site repository design.

Prior to joining the Federal Government he worked in the mining industry on mine design, permitting, operations, and closure and as a civil engineer in road and utility design. His industry experience includes coal, uranium, and precious metals mining operations in Colorado and Montana. As a mining engineer with Peabody Coal Company, Mike designed and permitted the Bluff Extension reclamation plan for the Big Sky Mine at Colstrip, Montana and developed mine plans and reclamation plans for the Seneca mine in Colorado.

As an engineer with the U.S. Bureau of Mines he researched innovative underground mine closure methods. He has also served as technical consultant to the EPA, USDA Forest Service, USDI Bureau of Land Management, and State of South Dakota on mine closure projects.

We were unable to locate the email address for Dr. Olsen and hope that you will be able to forward this information and others at COE who may be involved.

Thanks.

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Caveats: NONE

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