

## **DOCUMENTS RELATED TO GOLD KING MINE EPA DISASTER OBTAINED BY SUBPOENA**

The following is an email chain generated October 14-16, 2015 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 Thomas Luebke, Director of the Technical Service Center at the U.S. Bureau of Reclamation (BOR), the agency within DOI that was responsible for performing the *Technical Evaluation*.

This document was obtained from the USACE pursuant to a subpoena issued by the House Committee on Natural Resources on February 17, 2016.

The email chain documents that:

- Dr. Olsen had serious reservations about DOI's *Technical Evaluation of the Gold King Mine Incident*—to the point that Dr. Olsen's agreement to sign as a peer reviewer of the report was in question.
- Dr. Olsen stated that the actual cause of the blowout was the result of failures within EPA that ended with the EPA crew digging out the plug. Specifically, he stated that, "[T]he actual cause of failure is some combination of issues related to EPA internal communications, administrative authorities, and/or a break in the decision path."
- Dr. Olsen expressed concern that the investigation and report failed to "describe what happened internal to EPA that resulted in the path forward and eventually caused the failure" and that the report did not explain why "a change in EPA field coordinators cause[d] the urgency to start digging out the plug rather than wait . . . ."
- Dr. Olsen agreed to send his signature upon the BOR's agreement to reference his concerns in the *Technical Evaluation*.
- In responding to Dr. Olsen's concerns about the scope of the *Technical Evaluation*, Mr. Luebke stated that the BOR was asked to "stay clear of the investigative efforts that dealt with communications/admin and how/why certain decisions were made . . . ."
- No document was provided by the USACE or DOI in which Mr. Luebke answered Dr. Olsen's inquiry about the source of the instruction to "stay clear" of issues pertaining to negligence and EPA's decision-making process.



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:** [Luebke, Thomas](#)  
**Subject:** RE: [EXTERNAL] Request for Final Peer Review of the Gold King Mine Incident Report (UNCLASSIFIED)  
**Date:** Friday, October 16, 2015 3:32:00 PM  
**Attachments:** [EPA failure Gold King Mine - USBR review - approval signitures 15+1016 \)oooooof .pdf](#)

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Classification: UNCLASSIFIED

Caveats: NONE

Tom,

Please do as you suggested in your previous email "If we inserted the comments from your email into the report so that the areas of your agreement and concerns were clear, would you be willing to sign and return the attached signature page." When you have inserted my comments please send me a modified version of the report, asap.

I have attached the signature page with my signiture.

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

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

From: Olsen, Richard S HQ02  
Sent: Friday, October 16, 2015 1:52 PM  
To: Luebke, Thomas  
Subject: Re: [EXTERNAL] Request for Final Peer Review of the Gold King Mine Incident Report (UNCLASSIFIED)

Tom,

Whom stated that USBR was "asked to stay clear of the investigative efforts that dealt with communications/admin..." ? Unless such an investigation is being performed paralleled to the USBR effort, it would be my thinking that USBR should have performed it.

We will talk about the suggestions you mentioned below.

Rick Olsen, PhD PE  
USACE Senior Geotech. Engr.  
HQ USACE, Engr. & Constr. Div., Washington DC, USA

From: Luebke, Thomas  
Sent: Friday, October 16, 2015 12:32 PM  
To: Olsen, Richard S HQ02  
Subject: Re: [EXTERNAL] Request for Final Peer Review of the Gold King Mine Incident Report (UNCLASSIFIED)

Rick - thanks much for your review comments.

If we inserted the comments from your email into the report so that the areas of your agreement and concerns were clear, would you be willing to sign and return the attached signature page (note that I have a signature page that has everyone elses signatures from earlier this week and we would splice your signature line onto it when received)?

It has been our understanding from the beginning that we were being hired to perform a technical evaluation of the

causes. Further, we understood that we were asked to stay clear of the investigative efforts that dealt with communications/admin and how/why certain decisions were made, since these separate investigative efforts would be performed by others more suitable to that undertaking.

The inclusion of your concerns in this regard would certainly be helpful in making that point and we could include something like the paragraph above to help address why the report steers clear of "investigative" issues.

Please discuss this possible approach with your folks and let me know if this will satisfy your needs and permit you to sign the signature sheet send me back the scanned version so that we can finalize the report today.

Thanks.

On Fri, Oct 16, 2015 at 10:01 AM, Olsen, Richard S HQ02 [REDACTED] wrote:

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Caveats: NONE

Tom,

I have reviewed the USBR final draft report (dated 2015 Oct 13) on the EPA Gold King Mine failure. I have discussed my findings with USACE HQ during numerous Teleconferences over the last two days. I have serious reservations with the chronology of events internal to EPA from the day of the phone call to USBR and up to the day of the mine failure. I do agree that the report properly describes the technical causes for the failure. However, the actual cause of failure is some combination of issues related to EPA internal communications, administrative authorities, and/or a break in the decision path. In the report there are also numerous narratives where the source of writing is unknown, for example where did a given section come from; USBR authors, internal EPA documentations, interviews with EPA employees, or interviews with the onsite contractor. I believe that the investigation and report should describe what happened internal within EPA that resulted in the path forward and eventually caused the failure. The report discusses field observations by EPA (and why they continued digging) but does not describe why a change in EPA field coordinators cause the urgency to start digging out the plug rather than wait for USBR technical input as prescribe by the EPA project leader.

Rick Olsen, PhD PE

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

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

From: Luebke, Thomas [REDACTED]  
Sent: Wednesday, October 14, 2015 9:22 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 <Richard.S.Olsen@usace.army.mil> 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.

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