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KSFR Interviews Clifford Villa on the Animas River spill

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First News: N.M. Governor, Senators Seek Answers From EPA Over Mine Spill

By Tom Trowbridge

**KSFR First News
August 20, 2015**

New Mexico US Senators Tom Udall and Martin Heinrich are joining a bipartisan group of their senate colleagues in Colorado and Utah to urge the Environmental Protection Agency's Office of The Inspector General to examine a critical set of questions regarding the Gold King Mine spill that occurred in the Animas River earlier this month. The senators' announcement comes as New Mexico Governor Susana Martinez ordered the New Mexico Environment Department to investigate the waste spill that impacted the Animas in northwest New Mexico and southwest Colorado.

Meanwhile, the initial outrage aimed at the Environmental Protection Agency over the August fifth disaster initially focused on its lack of communicating news of the spill to down-river locations. Then EPA took heat, too, for its under-estimating the size of the spill. The criticism coming from state and local governments and the Navajo Nation. But UNM Law Professor, Cliff Villa, says it's not unusual that initial estimates of the volume of such a spill change over time. And Villa speaks from experience—he's served as an attorney with the EPA, where his work emphasized cleanup of contaminated sites under the federal Superfund program. And Villa says the EPA seems to have recovered, adding that it helped to have the head of the agency in the affected area.

[Villa] "I think what really matters, going forward for the reputation of the EPA is how the agency continues to respond to the spill. I think the EPA has a pretty robust emergency response program. I think that they have brought in the people to carry out that emergency response and to keep it going. I think the public will continue to observe and judge the EPA based on its continuing response."

Villa says the Gold King spill is a situation where it would have been very helpful to have the site designated a superfund site in 1994, but local authorities successfully fought off that effort.

[Villa] "Well, I think this is one the clear cases where hindsight being as it is, it would have been very, very helpful to have the site designated as a Superfund site back in 1994. If it had been designated I think that there would have been a lot more resources available to EPA to provide for the final cleanup of this mine site. If that had happened, then I don't think the spill could have ever happened."

Villa says it's not unusual to see local opposition to Superfund listing—he's seen that happen in numerous cases across the west. (End 2:40)