



## **NAVAJO NATION DEPARTMENT OF JUSTICE**

### *OFFICE OF THE ATTORNEY GENERAL*

DOREEN N. MCPAUL  
Attorney General

KIMBERLY A. DUTCHER  
Deputy Attorney General

#### **FOR IMMEDIATE RELEASE**

Contact: Marquita Garnenez

Phone: (928) 871-6345

Date: June 16, 2022

### **NAVAJO NATION SETTLES CLAIMS AGAINST THE U.S. EPA FOR THE AUGUST 2015 GOLD KING MINE DISASTER**

WINDOW ROCK, NAVAJO NATION – The Navajo Nation Department of Justice today announced a settlement with the United States Environmental Protection Agency (USEPA), resolving the Navajo Nation’s claims against the USEPA for triggering the August 2015 Gold King Mine spill. This unprecedented disaster released millions of gallons of toxic acid mine waste into the waters upstream of the Nation, which then coursed downstream in a yellow plume through two hundred miles of the Navajo Nation’s sacred San Juan River. Under the terms of the settlement, the USEPA will pay the Navajo Nation thirty-one (31) million dollars. To date, the Navajo Nation has recovered forty-one (41) million dollars from responsible parties. Trial is also set for November 2022 against two of USEPA’s contractors.

The Nation filed suit in United States District Court for the District of New Mexico in August 2016. The complaint detailed the USEPA and its contractors’ reckless excavation into the abandoned Gold King Mine that had highly pressurized conditions inside. Discovery revealed that the backup USEPA On-Scene Coordinator (OSC)—who lacked any familiarity with the site—threw out the work plans and directed excavation into the face of the plug holding back the water. Last year, the Navajo Nation won a motion for sanctions against the USEPA for destroying evidence from the lead and backup OSCs.

“When the spill occurred, we went to the Gold King Mine site and saw firsthand the environmental impacts to the land and water. The Gold King Mine blowout damaged entire communities and ecosystems in the Navajo Nation,” said Navajo Nation President Jonathan Nez. “We pledged to hold all those who caused or contributed to the spill. I am thankful that the Biden-Harris Administration acknowledges the devastation that it caused and took the steps necessary to reach this settlement. This important settlement reflects the USEPA’s recognition of the suffering it caused the Navajo Nation and our people.”

The Navajo Nation is represented by Attorney General Doreen N. McPaul, Deputy Attorney General Kimberly A. Dutcher, and Assistant Attorney General Paul Spruhan of the Navajo Nation Department of Justice, and John C. Hueston, Moez M. Kaba, and Andrew K. Walsh of Hueston Hennigan LLP.

“This settlement compensates the Navajo Nation for the USEPA’s role in causing this devastating spill,” said Attorney General McPaul. “We will continue to pursue the Nation’s claims against the USEPA’s contractors—Environmental Restoration, LLC, and Weston Solutions, Inc.—who have refused to take responsibility for their roles in triggering this preventable disaster that has so harmed the Navajo Nation.”

“Securing this important settlement is the most significant step yet in our commitment to obtain full and fair compensation for the Navajo Nation,” said Hueston Hennigan partner Andrew K. Walsh. “We look forward to holding the USEPA’s contractors accountable at trial later this year.”

Claims on behalf of approximately 300 individual Navajo tribal members are pending. Those claims were filed in a separate 2018 lawsuit and are handled by the Egolf Ferlic Martinez & Harwood Law Firm in Santa Fe, New Mexico.

###