

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



SEAN D. REYES
ATTORNEY GENERAL

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CONTACT:

Cindy Reinhard
Communications
Utah Attorney General's Office
801-538-1874

**GOLD KING LAWSUIT AGAINST MINING COMPANIES AND EPA CONTRACTOR TO
PROCEED FOR ENVIRONMENTAL CLEANUP AND DAMAGES**

Latest rulings clear the path for the State of Utah's lawsuit

SALT LAKE CITY – Yesterday, a federal judge ordered the State of Utah's lawsuit against three mine owners and one EPA contractor will proceed arising from their roles in causing the Gold King Mine Blowout in August 2015. The resulting massive spill of three-million gallons of toxic mining waste contaminated rivers in Utah, Colorado, New Mexico and the Navajo Nation. Utah and other affected states and private parties assert that the EPA, its contractors, and the mining companies share responsibility for the release of hazardous wastes into the Animas and San Juan Rivers and in Lake Powell, causing one of the largest inland pollution events in the nation's history.

Judge William P. Johnson of the U.S. District Court for New Mexico denied motions to dismiss filed by mining companies Sunnyside Gold Corporation, Kinross Gold USA and Kinross Gold

Corporation, and EPA's contractor Harrison Western Construction Corporation. He ruled the case will proceed under the Clean Water Act and Colorado tort law, among other laws, instead of applying Utah's state civil penalty statutes. The Court also confirmed the availability of punitive damages. The Court rejected the companies' arguments that they should escape liability for the Blowout.

"The Court's decision is a win for our environment and for our efforts to protect the health and safety of the communities impacted by the Blowout," said Utah Governor Gary Herbert. "While we were forced to go to court, we prefer cooperation and urge the EPA and the other responsible parties to work together to clean up their contamination in Utah."

"Our citizens and our environment benefit from this legal decision to move our case forward," said Utah Attorney General Sean D. Reyes. "We have a duty to enforce the environmental laws, to protect and preserve our natural resources, and to provide a legacy for future generations of Utahns."

Yesterday's decision is the third of a series of decisions Utah has won following similar rulings by the Court on February 29 and March 20, which denied motions to dismiss by EPA and its other contractors.

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NOTES:

1. Chief Judge William P. Johnson of the U.S. District Court for New Mexico Memorandum Opinion and Order regarding Sunnyside Gold Corporation and Kinross Gold U.S.A Inc.'s Motion to Dismiss: <https://attorneygeneral.utah.gov/wp-content/uploads/2019/03/Memorandum-Opinion-and-Order-Mining-Defendants.pdf>.

2. Chief Judge William P. Johnson of the U.S. District Court for New Mexico Memorandum Opinion and Order regarding Harrison Western Construction Corporation's Motion to Dismiss State of Utah's First Amended Complaint: <https://attorneygeneral.utah.gov/wp-content/uploads/2019/03/Memorandum-Opinion-and-Order-Harrison-Western.pdf>.

3. March 1, 2019 Utah Attorney General's Office press release regarding the Court's decision to deny the EPA's arguments to avoid responsibility: <https://attorneygeneral.utah.gov/gold-king-lawsuit-to-compel-epa-cleanup-will-proceed/>

4. March 21, 2019 Utah Attorney General's Office press release regarding the Court's decision to deny the EPA's contractors arguments to escape liability: <https://attorneygeneral.utah.gov/epa-contractors-gold-king-spill/>