



**National Society of
Professional Engineers®**

November 9, 2015

Administrator Gina McCarthy
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Secretary Sally Jewell
Department of the Interior
1849 C Street, NW
Washington, DC 20240

RE: Department of the Interior's Technical Assessment-Gold King Mine

Dear Administrator McCarthy and Secretary Jewell,

The National Society of Professional Engineers (NSPE) serves as the recognized voice and advocate of licensed Professional Engineers in the United States. The licensed Professional Engineer's, or "PE", foremost responsibility is to practice engineering in a manner that protects the public health, safety and welfare. The PE license demonstrates an engineer's commitment to the highest standards of engineering practice of ethical conduct and shows that the individual has the proper education, experience and qualifications to provide these engineering services to the public.

As you know, federal statute can exempt federal employees from state engineering licensure laws. However, this exemption can sometimes create an unintended but serious risk to the public health, safety and welfare. The Gold King Mine blowout appears to be such a case where public health, safety and welfare was compromised but preventable.

As stated in the Department of the Interior's October 22nd *Technical Evaluation of the Gold King Mine*:

"BOR found that the conditions and actions that led to the Gold King Mine incident are not isolated or unique and are, in fact, surprisingly prevalent. The standards of practice for reopening and remediating flooded inactive and abandoned mines are inconsistent from one agency to another. Various guidelines exist for this type of work, but there is little in actual written requirements that government agencies are required to follow when reopening an abandoned mine...

The incident at Gold King Mine is somewhat emblematic of the current state of practice in abandoned mine remediation. The current state of practice appears to focus attention on the environmental issues. Abandoned mine guidelines and manuals provide detailed guidance on environmental sampling, waste characterization, and water treatment, with little appreciation for the engineering complexity of some abandoned mine projects that often require, but do not receive, a significant level of expertise".

We all share a common goal: to protect the public health, safety and welfare. As such, NSPE is concerned that the technical report's recommendations unfortunately do not directly address the urgent issue, the need for an improved, standardized requirement.

On behalf of the more than 32,000 members of NSPE, I offer NSPE's resources and support to the Environmental Protection Agency and the Department of the Interior to establish standards and best practices so that, in moving forward, we can work to ensure that the proper engineering expertise, which can best be provided by licensed professional engineers, is applied to all federal projects.



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We appreciate the opportunity to provide this comment. Please contact either me or NSPE staff to discuss this matter further. For immediate questions, please contact Arielle Eiser, NSPE Senior Manager of Government Relations, at aeiser@nspe.org.

Sincerely,

Timothy R. Austin, P.E., F.NSPE
President
National Society of Professional Engineers

cc: Lt. General Thomas P. Bostick, Commanding General and Chief of Engineers, U.S. Army
Corps of Engineers
Estevan Lopez, P.E., Commissioner, Bureau of Reclamation
Suzette Kimball, Acting Director, US Geological Survey