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Video: Seven Years After EPA’s Gold King Mine Spill, Agency Still Refuses to Compensate Landowner

Todd Hennis v. The United States of America



Photo: Todd Hennis, Plaintiff, Todd Hennis v. The United States of America

Washington, DC (August 5, 2022) – Todd Hennis spent decades building his nest egg as owner of the Gold King Mine near Silverton, Colorado. But on a day like today, seven years ago, the U.S Environmental Protection Agency (EPA) destroyed the entrance to the mine that was holding back water trapped inside, causing a breach and releasing a toxic sludge of over three million gallons of acid mine drainage and 880,000 pounds of heavy metals. Called the “orange river seen around the world,” the rush of contamination snaked down the Animas River. A [video](#), released today by the New Civil Liberties Alliance, a nonpartisan nonprofit civil rights group, shows the foreseeable, destructive aftermath of EPA’s deliberate actions at the mine entrance and elsewhere.

EPA not only destroyed the environment it is entrusted to protect, but it also violated its own directives, protocols and procedures, while stripping Todd Hennis of access to and use of his hard-earned property. To try to clean up the mess of its own creation, EPA built a gigantic water-treatment facility on another parcel of Mr. Hennis’s land adjacent to the Animas River, but it has refused to compensate him for using and occupying this property. NCLA represents Mr. Hennis in his lawsuit, *Todd Hennis v. The United States of America*, which seeks compensation for the years EPA has been squatting on his property without his permission and in violation of the Fifth Amendment’s Takings Clause, which forbids “private property [to] be taken for public use, without just

compensation.” Oral argument on the Government’s motion to dismiss Mr. Hennis’s takings claim is scheduled to be heard on August 30, 2022 in the U.S. Court of Federal Claims in Washington, DC.

Excerpts from the video:

“My dream for the end of this is to create a clear, legal precedent to prevent EPA from doing this to anybody else, and to prevent other government agencies from replicating EPA’s actions.”

— **Todd Hennis, Plaintiff, *Todd Hennis v. The United States of America***

“Every decision the EPA made that day was a comedy of errors. Without a warning, EPA constructed a \$2.3 million water treatment facility on his property and has refused to pay him a dime ever since.”

— **Kara Rollins, Litigation Counsel, NCLA**

“The EPA could have constructed this water treatment facility on federal land, but chose not to. They chose to take Todd Hennis’s property instead, and threaten him with fines of \$59,000 a day if he did not allow them access to his property and to continue to operate the water treatment facility.”

— **Harriet Hageman, Senior Litigation Counsel, NCLA**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.