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AND GENERAL GOVERNMENT

January 20, 2016

Gina McCarthy, Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy,

I am writing to express my deep concerns, and those of the residents I serve, with what could be a serious potential threat to the groundwater resources of Clark County. As you know, the Cowlitz Tribe has begun preliminary construction of a mega casino and resort near La Center, Washington and has applied to the Environmental Protection Agency (EPA) for approval to use groundwater injection wells to dispose of the significant wastewater that will be generated once the resort is in operation. Your agency has applied the most rigorous standards possible to proposals much smaller in scope, so it is alarming to hear from countless residents and community stakeholders concerned that the EPA is preparing to sidestep the adequate safeguards and solicitation of public input on this mega casino's plans to inject its sewage into the ground directly above their sole source of drinking water.

In August 2006, the EPA designated the Troutdale Aquifer System in Clark County, Washington a "Sole Source Aquifer." As you know, a Sole Source Aquifer is an underground water supply designated by EPA as the sole or principal source of drinking water for an area. This aquifer lies underneath the western half of Clark County and provides approximately 99% of the available drinking water to people living in the area. In addition, there are approximately 100 domestic wells within one mile of the site boundary which alone would potentially affect a significant portion of this region's population. A further complication is that the East and North Forks of the Lewis River, which are home to federally listed and protected Salmon and Steelhead, are within one mile of the proposed mega casino. Based on information and concerns that have been communicated to my office, I am troubled that the Tribe's proposal may be inconsistent with underground injection control (UIC) regulations authorizing Class V wells, which could endanger the critically important Troutdale Sole Source Aquifer and seriously jeopardize the public health, safety, and environment of Clark County. Due to the critical importance of the aquifer, it is imperative for the Cowlitz Tribe mega casino's wastewater treatment proposal to be consistent with UIC regulations.

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It is my understanding that the Tribe is requesting approval under the Authorization by Rule which would allow the construction to proceed without the normally required permits. Under the Cowlitz Tribe's 2008 Environmental Impact Statement (EIS), only above ground wastewater disposal was addressed and public comment was never sought concerning UIC wells. At a recent public meeting concerning the Tribe's plan to build a new freeway interchange the room was filled to capacity and overflowed into the parking lot. It is highly likely that public input would be similar had the original EIS spelled out underground injection of treated wastewater. Will the agency require a supplement to the EIS to address ground water injection wells? Are there any plans to give the impacted members of the community meaningful input into this proposal that would impact the water they drink?

The mega casino's complex will feature 15 restaurants and retail stores covering 260,225 square feet, a 147,500-square foot convention and entertainment facility, a 250-room hotel, tribal government offices, tribal elder housing and parking space for 200 recreational vehicles and 7,250 vehicles. Millions of gallons of raw sewage and human waste, with potential contamination by chemicals and prescription drugs, will be generated annually. Does the agency believe the project adequately addresses water quality concerns including Endocrine-Disrupting Chemicals (EDC's), effluent standards, nitrates, disinfection by-products and various other chemicals? If so, please explain how this will be done. Furthermore, have there been thorough studies conducted on the long-term impacts on human health for such a waste treatment facility that specifically accounts for the presence of such potentially dangerous chemicals as cleaning agents and prescription drugs? Is it common for the Authority by Rule to be used for a project of the magnitude of this particular Casino and Resort, or will a permit be required? Please explain the agency's rationale and authority for any of the above actions.

Given the critical nature of these concerns, before considering the possibility of proceeding with the underground injection control project, it is important that both the EPA and the people of Southwest Washington fully understand the proposal and its potential impacts. All of the residents of my district that have the potential to be adversely affected by the impacts of this project deserve a full review of the proposal, including public involvement and National Environmental Policy Act compliance. It is my responsibility as a Member of the U.S. House Appropriations Committee to use the tools available to me to ensure that federal agencies make decisions that are in the best interest of the public they serve.

I look forward to your response.

Sincerely,



Jaime Herrera Beutler
Member of Congress