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August 11, 2015

Administrator Gina McCarthy
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Administrator McCarthy,

As I write to you, over three million gallons of highly-contaminated water are surging toward the pristine Colorado River. These millions of gallons of toxic sludge spewing from the Gold King Mine in Colorado and into the Animas River not only threaten the integrity of Arizonans' limited drinking water resources, but also surrounding farmland and ecosystems, including the world-renowned Grand Canyon.

Ironically, this enormous spill is a direct consequence of the Environmental Protection Agency's (EPA) clumsy error in releasing what scientists call "the largest untreated mine drainage in the state." Even more shocking is the fact that the EPA continues to be tight-lipped and reluctant to share vital information with local residents who are suffering in the wake of this spill. This is simply unconscionable.

Of course, the Animas River is just the beginning. It has been reported that the Animas River, which was the primary waterway through which this toxic sludge entered, now has more than 3,500 times more lead flowing toward the aforementioned areas. As you know, this environmental calamity comes on the heels of the implementation of one of the EPA's most onerous rule changes yet: the Clean Water Rule: Definition of "Waters of the United States" or (WOTUS).

The (WOTUS) rule, which the House of Representatives voted to block with bipartisan support, has been interpreted by many to give the EPA complete control over all water resources in the United States. In fact, dry streambeds that haven't carried water in years and even small cattle ponds and would fall under EPA control. Despite overwhelming, bipartisan, grassroots opposition to this rule, the EPA chose to ignore the American people and to put politics before responsible environmental policy by finalizing its new interpretation of the WOTUS definition.

Clearly, this incident reveals the fact that the EPA cannot handle the responsibilities it had before unilaterally expanding its regulatory authority with the new WOTUS definition. It cannot go unmentioned that had such a spill been caused by a private entity the EPA would have levied onerous fines and punishments against it. In fact, just last year the EPA collected $163 million in federal administrative, civil judicial penalties, and criminal fines, alone. In light of this event, I

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ask that the EPA withdraw the new WOTUS definition in order to ensure that the agency's resources are focused on priorities like the spill in the Animas River.

So, I ask: How will the EPA be held accountable for this devastating spill and sickening breach of public trust? Who will be held accountable? How many EPA employees do you plan to fire? When will residents and downstream users receive complete answers to their questions about the degree of contamination of their irrigation, bathing, and drinking water? What proactive efforts are being made to mitigate the "downstream" effects of this spill and to protect the vital water resources of the American West? Just as any private entity would be required to do, will the EPA voluntarily implement substantial cost savings within the agency in order to pay for the damages caused by this horrific spill? The EPA ought to be held to a higher standard, and I firmly believe that the consequences of this error ought to meet or exceed those that would be borne by a private entity.

Thank you for your attention in this matter. We look forward to swift action to ensure that the EPA is held accountable and that those who have been and will be affected are made whole. I look forward to your prompt reply.

Sincerely,

Matt Salmon
Member of Congress