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February 11, 2002

Christine Todd Whitman
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Governor Whitman:

As you may be aware, the Subcommittee on National Parks, Recreation, and Public Lands, which I chair, held an oversight hearing on October 30, 2001, to examine the effects of the Army Corps of Engineers' Washington Aqueduct facility on the C & O National Historic Park and the endangered shortnose sturgeon. Given the Environmental Protection Agency's (EPA) role as the permitting authority, an EPA witness testified at the hearing.

Documents from EPA indicate that one of the considerations that may have led to this facility's special treatment is that it is in an "affluent" neighborhood that has a very "political nature" and opposes removal of the sediment by trucks. EPA's behavior would seem to directly contradict your stated dedication to environmental protection. After studying this operation closely I have sincere doubts that sediment treatment would not have been required were this facility located in less "affluent" or less "political" Washington neighborhood.

I understand that the EPA is preparing to issue a new National Pollution Discharge Elimination System (NPDES) permit for the discharge of sediment from the Washington Aqueduct. To establish background data for determining pollutant limits in the permit, the wholesale customers of the Washington Aqueduct sponsored a study of the effects of the Washington Aqueduct's discharges on water quality near the facility.

That study, "Water Quality in the Vicinity of the Washington Aqueduct" was conducted by a consultant, Environmental Associates (EA). It is my understanding that the EPA assisted in designing the study so that it would answer questions EPA posed. As you aware, that study was completed last fall.

Since that time, I requested a peer review of the EA study by a well-credentialed and prestigious panel of scientists. The review is now in draft form and the final report will

be printed in short order. A copy of the section that described the studies undertaken by EA was already provided to the consultant for comment.

I understand that the peer-review panel's findings are highly critical of the EA study and reach fundamentally different conclusions. If the EA report is used as part of the scientific basis for the EPA to grant a new NPDES permit for discharges it would be extremely troubling and could embarrass your agency as happened recently with the National Academy of Science's review of faulty biological studies used to justify federal policies in Klamath, Oregon. Specifically, I understand that the peer review calls into question the validity of the conclusion reached by the EA study regarding the impact of the discharges on aquatic life, which includes the endangered shortnose sturgeon. I strongly recommend that you take the findings of this peer review into consideration before any proposed permit limitations are published for comment.

As I am sure you will want to be confident about the science underlying any new permit, I will provide advance copies of the peer review report so you and your staff are aware of the serious flaws in the EA report and can incorporate this information from the peer review into the development of draft NPDES standards. This information is crucial to EPA making justifiable decisions regarding discharges that affect the C & O Canal National Historic Park, the Potomac River and the Chesapeake Bay.

Sincerely,

A handwritten signature in black ink, appearing to read "George Radanovich". The signature is fluid and cursive, with a large initial "G" and "R".

George Radanovich
Chairman

Subcommittee on National Parks,
Recreation, and Federal Lands