

Exhibit G

MIKE THOMPSON

1ST DISTRICT, CALIFORNIA

COMMITTEE:

WAYS AND MEANS



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

September 18, 2006

John Tinger  
US EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Re: NPDES Permit No. CA0005241

Dear Mr. Tinger:

Thank you for the opportunity to comment on the proposed NPDES permit for wastewater discharge from the River Rock Casino in Sonoma County, California. I appreciate the time and effort you and your team have put into this project.

Comments made at the public hearing in Geyserville, particularly those offered by Sonoma County Counsel and the Executive Officer of the North Coast Regional Water Quality Control Board (NCRWQB), reinforced my own conclusion that the tribe has not provided sufficient data to adequately evaluate its application. Therefore, it would be premature to issue a permit at this time.

I am respectfully requesting that the tribe be directed to supplement its application and that a final decision on the permit be postponed until such time as the new data can be evaluated. I am also requesting that another public hearing be scheduled once the supplemental data has been provided and that the public comment period on the proposed permit be extended accordingly.

Specifically, the applicant has not adequately demonstrated that the proposed discharge channels have the carrying capacity to accommodate the amount of wastewater that could be produced by the tribe's treatment plant. Additionally, no percolation or evaporation studies were provided that demonstrate that the discharge from the channels would not impact the existing private lands. The data is also insufficient in that it does not address the potential for treated wastewater to seep or infiltrate into existing private domestic wells.

Further, I am requesting that the proposal to discharge into Stream A-1 be eliminated from the permit. According to the NCRWCB, this would constitute a discharge into an isolated water and would be a violation of the state's Basin Plan. I understand that the tribe is not obligated to follow the Basin Plan, but since they have voluntarily agreed to do so, it would be a misjudgment to grant a waiver for such an unorthodox proposal. It is simply wrong on its face for one entity to be able to use the private property of others for an open discharge channel.

I am also disappointed that neither EPA nor the tribe conferred with affected property owners on the possible impacts of the discharges through and on their property. Again, I understand there is

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no obligation to do so, but in the spirit of cooperation and better understanding, it was an unfortunate oversight.

As you were made aware at the public hearing, the environmental impacts of this proposed permit are far reaching. With any other applicant, an environmental impact statement pursuant to the National Environmental Policy Act (NEPA) would be required to help identify, isolate and remedy potential problems before they occur. It is both reasonable and prudent for EPA to exercise its discretion and require compliance with the NEPA review process. I respectfully request that this be done before any permit is issued.

In your briefing with me in Napa, one of your team stated that it was important from EPA's perspective that this applicant be treated no differently than any other applicant. Respectfully, as a sovereign nation, this applicant is different. While your attorneys have expressed confidence that private citizens have legal recourse against any NPDES permit holder, there are probably an equal number of attorneys who believe just as firmly that tribal sovereignty is a shield against private suits. Since this is unsettled, the best way to protect the interests of both the tribe and neighboring land owners would be to make sure the permit is as comprehensive as possible. It is far better to anticipate problems and build in solutions than to rely after the fact on a legal remedy that may not exist.

In summary, discharge into Stream A-1 should be eliminated from consideration and any decision on this permit should be delayed until more data is provided in an environmental impact statement in accordance with NEPA and the public has had the opportunity to comment on any revisions.

Thank you for your consideration of my remarks and please call me at my Napa office if you need clarification or amplification of any of the points I have raised.

Sincerely,



MIKE THOMPSON  
Member of Congress

MT:cd  
cc: Alexis Straus