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Under the Growth Management Act "all cities and counties in Washington State must designate critical areas and adopt development regulations to protect them. Critical areas include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas (including rivers, streams, lakes, and salt water shorelines); (d) frequently flooded areas; and (e) geologically hazardous areas. RCW 36.70A.030(5), RCW 36.70A.040(3)(b), 36.70A.060(2), and RCW 36.70A.170. Best available science shall be used to designate and manage critical areas. RCW 36.70A.172."

Given this information as Washington State law and knowing that the proposed PacWest Silicon smelter will sit virtually on top of the Little Spokane River Aquifer, the City of Newport's water recharge zone and uphill less than a quarter mile from the City of Newport' new wells, the Pend Oreille River groundwater basin how can DOE justify permitting this proposed silicon metal smelter? How will PacWest mediate the loss of or potential risk to the potable water system? Who is responsible for the potable water contamination? What Best Available Science will DOE and/or PacWest use to protect our vital drinking water?