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March 30, 2007

The Honorable Stephen Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Johnson:

Thank you for providing my staff the opportunity to review documents relating to the U.S. Environmental Protection Agency's (EPA) handling of the air permit application for the BHP Billiton liquefied natural gas (LNG) floating storage and re-gasification project off the coast of Ventura County, California. On March 23 and 27, my staff was able to review all but two of the documents that EPA has not provided to the Committee in response to my March 5, 2007, request.[1]

I have determined that many of these documents are relevant to the Committee's investigation. The documents indicate EPA developed a sound policy and legal basis for insisting that the project be permitted according to the air quality permitting requirements of the Ventura County Air Pollution Control District. The documents also indicate that this EPA position was reversed on June 29, 2005, after intervention from a political appointee, Jeff Holmstead, Assistant Administrator for Air and Radiation, who may have been acting after consultation with the White House. Finally, the documents indicate that the reversal of EPA's position is likely to result in degraded air quality in California, inconsistent application of air quality regulations, and potential enforcement difficulties for any mitigation project ultimately adopted by BHP Billiton.

Therefore, I am writing to request that EPA provide the relevant documents to the Committee without further delay. Specifically, I request that you provide the Committee with unredacted copies of the following documents:

- An e-mail and attachment from Paul Cort dated June 23, 2006. For purposes of document review, EPA labeled this "document number 1."

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[1] EPA did not provide the attachments to an email from Margaret Alkon, Assistant Regional Counsel, Region 9, U.S. EPA, to Jeff Holmstead, Assistant Administrator, Office of Air and Radiation, EPA dated April 28, 2005. This appeared to be an oversight.

- An e-mail and attachment from Margaret Alkon dated April 18, 2005. For purposes of document review, EPA labeled this "document number 3."

- An email from Michael Ling dated September 5, 2006. For purposes of document review, EPA labeled this "document number 5."

- Handwritten notes that appear to have been taken during a telephone conversation with Jeff Holmstead, Assistant Administrator for Air and Radiation. For purposes of document review, EPA labeled this "document number 7."

- An e-mail from Michael Boydston dated May 3, 2005. For purposes of document review, EPA labeled this "document number 8."

- The attachment to an e-mail from Margaret Alkon dated April 20, 2005. For purposes of document review, EPA labeled this "document number 9."

- The attachment to an e-mail from Margaret Alkon dated April 25, 2005. For purposes of document review, EPA labeled this "document number 10."

- The attachment to an e-mail from Deborah Jordan dated April 26, 2005. For purposes of document review, EPA labeled this "document number 11."

- The document entitled, "Talking Points, Proposed Liquefied Natural Gas Deep Water Port Offshore Ventura County, California" dated April 27, 2005. For purposes of document review, EPA labeled this "document number 20."

- The attachments to an e-mail from Margaret Alkon, Assistant Regional Counsel, Region 9, EPA, to Jeff Holmstead, Assistant Administrator, Office of Air and Radiation, U.S. EPA dated April 28, 2005. These documents have not been provided by EPA for review by the Committee.

Additionally, I request that EPA make the following EPA employees available for transcribed interviews by Committee staff:

- Margaret Alkon, Assistant Regional Counsel, Region 9, EPA

- Kara Christenson, Senior Counsel, Region 9, EPA

- Deborah Jordan, Director, Air Division, Region 9, EPA

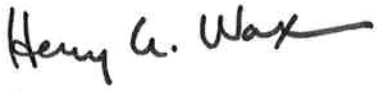
- Gerardo C. Rios, Chief, Permits Office, Air Division, Region 9, EPA

- Amy Zimpfer, Associate Director, Air Division, Region 9, EPA

Please provide the requested documents no later than April 4, 2007. Additionally, please make the EPA staff available for interviews with Committee staff within the next two weeks.

Thank you for your attention to this matter.

Sincerely,



Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member