FRED UPTON, MICHIGAN
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115

Majority (202) 225–2927
Minority (202) 225–3641

October 26, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

Pursuant to Rules X and XI of the United States House of Representatives, we write today to request information regarding recent lawsuits, settlements and consent decrees resolving litigation filed against the Environmental Protection Agency (EPA). In particular, we seek information about lawsuits settled, pending, or filed since January 1, 2009. We also seek information relating to the agency's current process for negotiating and concluding settlements of litigation, including cases in which EPA commits as part of the settlement to undertake new rulemakings.

To assist the Committee in understanding these matters, please provide the following information by November 9, 2011:

1. A list of all lawsuits filed under the Clean Air Act, (42 U.S.C. 7401 et seq.), the Clean Water Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et. seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Superfund Amendments and Reauthorization Act (Public Law 99-499), including successor amendments and the Emergency Planning and Community Right-To-Know Act (42 U.S.C. 11001 et seq.), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.), naming the EPA Administrator, the EPA, or any of its employees as defendant(s). The list should include the titles of all such actions, the date of the filing of the lawsuit, and, to the extent applicable, the date of the settlement of the lawsuit or entry into a consent decree (if any), as well as the names of all parties, including intervenors, to the lawsuit. Please include all lawsuits settled, pending, or filed since January 1, 2009.

2. Does EPA notify all parties to the litigation, including intervenors, of EPA's and/or the Department of Justice's (DOJ) intention to potentially settle the lawsuit?

3. When settlement negotiations have commenced, does EPA and/or DOJ notify all parties to the litigation, including intervenors, that there are ongoing settlement discussions?

4. What is EPA's and/or DOJ's process for deciding who will be included in the settlement discussions and therefore a party to the settlement agreement?

5. Prior to announcing a settlement of litigation, does EPA and/or DOJ inform all of the parties to the litigation, including intervenors, of the anticipated resolution of the lawsuit?

6. Prior to announcing a settlement of litigation, does EPA and/or DOJ solicit the views of all of the parties to the litigation, including intervenors, on the draft terms of the anticipated settlement or resolution of the lawsuit?

7. For each of the actions listed in response to Question 1, please state whether there have been payments made to any parties to the litigation pursuant to statutory cost or fee recovery provisions, including but not limited to the Equal Access to Justice Act, and, if so, the amount.

8. For those lawsuits specified in Question 1 that have been resolved through a settlement or consent decree, please identify all settlement agreements and consent decrees that have resulted or will result in regulatory action by the agency.

If you have any questions regarding this request, please contact Sam Spector with the Committee staff at (202) 225-2927.

Sincerely,

Fred Upton
Chairman

Cliff Stearns
Chairman
Subcommittee on Oversight and Investigations

Joe Barton
Chairman Emeritus

Sue Myrick
Vice Chairman

Ed Whitfield
Chairman
Subcommittee on Energy and Power

John Shimkus
Chairman
Subcommittee on Environment and the Economy

Joseph R. Pitts
Chairman
Subcommittee on Health

Mary Bono Mack
Chairman
Subcommittee on Commerce, Manufacturing, and Trade

Greg Walden
Chairman
Subcommittee on Communication and Technology

Cathy McMorris Rodgers

Charles F. Bass

Bill Cassidy

John Sullivan

Steve Scalise

Tim Murphy

Gregg Harper

Mike Rogers

Marsha Blackburn

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

LIST OF SIGNATORIES

Fred Upton
Joe Barton
Ed Whitfield
Joseph Pitts
Greg Walden
Brian Bilbray
Michael Burgess
Bill Cassidy
Phil Gingrey
Leonard Lance
Tim Murphy
Mike Rogers
Cory Gardner
Pete Olson
Brett Guthrie
Adam Kinzinger
Cliff Stearns
Sue Myrick
John Shimkus
Mary Bono Mack
Cathy McMorris Rodgers
Lee Terry
Charles Bass
Robert Latta
John Sullivan
Steve Scalise
Gregg Harper
Marsha Blackburn
Mike Pompeo
David McKinley
Morgan Griffith

Congress of the United States
Washington, DC 20515

May 7, 2012

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

We are concerned about the Environmental Protection Agency's use of the Integrated Risk Information System (IRIS) to assess halogenated platinum salts. We believe EPA is using the IRIS assessment program to address a specific application that IRIS is unsuited to address.

The EPA's Office of Research and Development has indicated that its original scope was limited to the evaluation of platinum fuel additives for diesel engines in EPA's diesel retrofit program. Using an IRIS assessment to address this concern with a specific application unnecessarily threatens the production of platinum and products containing platinum. We believe adequate authority exists in the Clean Air Act to address any concerns the Agency might have with approved fuel additives.

In specific, the proposed IRIS assessment establishes a reference concentration (RfC) 8000 times lower than any level ever set by EPA, a level that cannot be accurately measured. This level is based upon a single study so limited that even its author has repeatedly rejected it as a basis for an exposure threshold. The Scientific Committee for Occupational Exposure Limits of the European Union also rejected the study as unsuitable for setting exposure limits. If this RfC becomes the basis for new workplace standards, the likely result will be off shoring of major parts of the platinum industry – an element considered "critical" by the National Academy of Sciences. We have serious concerns with the merit of the scientific basis on which the proposed IRIS value rests.

EPA's proposed exposure threshold would eliminate jobs, decrease tax revenue, and delay future technological investments and growth. And, ironically, EPA's inappropriate use of IRIS and its establishment of this new threshold endanger some of our most significant tools for environmental protection. One of the greatest benefits derived from platinum has been in the deployment of catalytic converters for automobiles and heavy-duty engines, providing a 90 percent reduction in vehicle emissions. Moreover, platinum is essential for petroleum refining and the production of high-octane gasoline, a loss of which would limit the ability of automobile manufacturers to meet future CAFE standards.

Beyond these vital environmental benefits, platinum compounds are critical for the production of nitrogen fertilizer, which greatly enhances the efficient production of food and fiber. And platinum compounds are essential for the production of anti-cancer drugs, medical devices, and

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over-the-counter health care products such as acetaminophen. The proposed RfC could result in shutdown of U.S. production creating delays and increasing patient costs.

EPA must not inadvertently risk the fruits of the U.S. platinum industry through an inappropriate IRIS assessment. Even if such an assessment were the only tool available to EPA to address its concern over the fuel additive, the Agency must develop a risk value grounded in sound science –one that can be met and measured with a sufficient degree of certainty. Those standards have not been met in this instance.

EPA should suspend further action on the IRIS assessment of halogenated platinum salts and choose a more appropriate course of action to address concerns of risk from the fuel additive. It is unacceptable to place the entire U.S. platinum industry at risk through this action. Thank you for your attention to this matter and we look forward to your response.

Sincerely,

John Sullivan
Member of Congress

John Barrow
Member of Congress

Jeff Duncan SC-03
Jeff Duncan
Member of Congress

Bill Shuster
Member of Congress

Mo Brooks
Member of Congress

Leonard Lance
Member of Congress

Dan Boren
Member of Congress

Jim Gerlach
Member of Congress

Denny Rehberg
Member of Congress

Patrick McHenry
Member of Congress

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 17 2013

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Leonard Lance
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Lance:

Thank you for your letter dated May 7, 2012, to the U.S. Environmental Protection Agency (EPA) regarding the draft Integrated Risk Information System (IRIS) assessment of halogenated platinum salts. Because the Office of Research and Development is responsible for the IRIS Program, your letter was referred to me for response.

In your letter, you expressed concern regarding how the draft IRIS assessment of halogenated platinum salts, once final, will be used. The EPA began an assessment of the potential human health effects of halogenated platinum salts in order to address questions focused on the use of a platinum fuel additive in some clean diesel projects under the Diesel Emission Reduction Act. The EPA has since removed the platinum fuel additive from the list of registered additives for use in on-road diesel vehicles. Because of this, the agency no longer has a need for the IRIS assessment of halogenated platinum salts.

Again, thank you for your interest in the IRIS Program and its draft IRIS assessment of halogenated platinum salts. If you have further questions, please contact me or your staff may contact Laura Gomez in the EPA's Office of Congressional and Intergovernmental Relations at 202-564-5736.

Sincerely,

Lek Kadeli
Principal Deputy Assistant Administrator

Congress of the United States
Washington, DC 20515

August 2, 2013

The Honorable Gina McCarthy
Administrator
U.S. Department of Environmental Protection
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy:

We are writing to call your attention to a serious regulatory issue that is causing higher gasoline and diesel prices during the summer driving season at a time when higher gas prices could slow economic recovery in the United States. Specifically, uncertainty about the obligations associated with the Renewable Fuel Standard (RFS) has led to a spike in prices of Renewable Identification Number (RIN) credits, placing upward pressure on fuel prices. We are committed to working in a bipartisan manner to explore a longer term legislative solution to the issue; however, we believe the severity of this problem requires your immediate attention and action in order to alleviate uncertainty and reduce pressure on gas prices.

The primary cause of the spike in RIN prices is well known by regulators and the market. There is a practical limit - known as the "E10 blend wall" - on the amount of renewable fuels that can be safely and effectively blended into gasoline sold in the United States to generate the RIN credits required for annual compliance. Because of uncertainty about whether the E10 blend wall will be reached in late 2013 or early 2014, market participants are concerned there may not be enough RINs to meet the mandate, sending their price skyrocketing and resulting in an RFS program that is no longer functioning.

While we work together to explore a longer-term legislative solution, we believe it is imperative that the EPA act now through its 2013 RFS rulemaking process to bring rationality to the RIN market and lower costs. More specifically, the EPA should send a clear signal that it will exercise its waiver authority under the RFS to ensure that blending requirements are in line with market realities. The market for RINS has spiked because of uncertainty over the future of the program. Only through a clear signal from the EPA will the market for RINS function normally again.

Sincerely,

Jim Matheson
Member of Congress

Pat Meehan
Member of Congress

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John Barrow
Member of Congress

Tom Graves
Member of Congress

Peter Welch
Member of Congress

Austin Scott
Member of Congress

Leonard Lance
Member of Congress

Jim Costa
Member of Congress

Rob Woodall
Member of Congress

Jack Kingston
Member of Congress

David Scott
Member of Congress

Charles Dent
Member of Congress

Renee Ellmers
Member of Congress

Bill Owens
Member of Congress

Markwayne Mullin
Member of Congress

Bob Goodlatte
Member of Congress

Joe Pitts
Member of Congress

Robert A. Brady
Member of Congress

Billy Long
Member of Congress

Tom Cole
Member of Congress

Lynn Westmoreland
Member of Congress

Chris Stewart
Member of Congress

Jason Chaffetz
Member of Congress

Phil Gingrey
Member of Congress

Rob Bishop
Member of Congress

Sanford Bishop
Member of Congress

Steve Chabot
Member of Congress

Doug Collins
Member of Congress

Pete Olson
Member of Congress

Mike Rogers
Member of Congress

Mike McIntyre
Member of Congress

Dennis Ross
Member of Congress

James Lankford
Member of Congress

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR AND RADIATION

OCT 29 2013

The Honorable Leonard Lance
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter dated August 2, 2013, co-signed by 31 of your colleagues, expressing concerns that the Renewable Fuel Standard (RFS) volume obligations and the ethanol blendwall have led to increased prices of Renewable Identification Numbers (RINs). You requested that the U.S. Environmental Protection Agency address these concerns through the 2013 RFS rulemaking process The EPA Administrator recognizes the importance of this issue to you and your constituents and I have been asked to respond on the agency's behalf.

Compliance with the RFS program is demonstrated through the use of RINs – tradable credits that represent production of qualifying renewable fuel. In the final rule establishing the required RFS volumes for 2013, the EPA determined that there will be sufficient RINs available in the market to comply with the statutory volume requirements for advanced biofuel and total renewable fuel in 2013.

However, a number of obligated parties and other stakeholders have communicated their concerns to the EPA about constraints on the ability to consume ethanol in excess of the level at which the fuel supply is all or nearly all E10 – commonly referred to as the ethanol "blendwall" – and they indicated that compliance with the 2014 statutory volume requirements is expected to be difficult. As the EPA stated in the final rule for 2013, we plan to address this issue by proposing adjustments to the 2014 volume requirements, including to both the advanced biofuel and total renewable fuel categories. The EPA is in the process of completing the 2014 proposal now and we understand the importance of proposing this rule quickly.

In the 2013 RFS final action, the EPA also provided additional lead time to obligated parties by extending the date by which compliance with the 2013 standards must be demonstrated to June 30, 2014. The EPA chose this date because we anticipate issuing a final rule setting the RFS volume requirements for 2014 before that date. This should allow obligated parties to take their 2014 obligations into consideration as they determine how to utilize RINs for 2013 compliance. We believe that this addresses concerns that have been expressed about the short-term uncertainty in the market for RINs.

Together with the U.S. Department of Agriculture (USDA) and the U.S. Department of Energy (DOE), we have been monitoring RIN price activity closely. We recognize the importance of this issue and we will continue to engage with our partners at the USDA and the DOE to assess current RIN price activity and any related impacts.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023 or mackay.cheryl@epa.gov.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

1135887

Congress of the United States
Washington, DC 20515

April 4, 2014

President Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. President,

The Environmental Protection Agency's (EPA or the Agency) recent proposal to lower the Renewable Fuel Standard (RFS) volume requirements for 2014 was a necessary and welcome acknowledgement of the economic, environmental and infrastructure barriers facing the RFS program. The Agency's recent statement that it does not expect to issue a final rule until the summer of 2014, however, is a troubling development with significant economic consequences. In fact, news of a potential delay jolted the market, sent the cost of RINS up by 60% in one day and could create upward pressure on gas prices as we get closer to the spring and summer seasons.

For the reasons outlined below, we urge you to ensure that a final rule setting RFS standards for 2014 be promulgated as soon as possible and no less than sixty (60) days prior to the compliance deadline for the 2013 RFS standards.

The statutory deadline for promulgation of annual RFS requirements is November 30 of the *prior* year so that regulated parties can make important business decisions that affect the method and cost of compliance. EPA has already missed this deadline for the 2014 standards. It did not publish the *proposed* 2014 standards until November 29, 2013 - just one day before the statutory deadline for promulgation *of a final* rule. Following a sixty (60) day public comment period that closed on January 28, 2014, the Agency released a statement indicating that it expects to issue a final rule "by the summer of 2014," months after the statutory deadline.

Failure to issue a final 2014 rule well before the compliance deadline for the 2013 RFS standards is inconsistent with prior statements from the EPA, creates significant, unnecessary uncertainty for regulated parties, and adversely affects all stakeholders - renewable fuel producers, petroleum refiners and importers, and the consuming public. Every day the final rule is delayed is another day of uncertainty for all stakeholders, ultimately harming consumers of gasoline and other refined products the most.

EPA published the final 2013 RFS standards on August 15, 2013, more than eight (8) months late and applied them retroactively to January 1, 2013. In that final rule, the Agency extended the 2013 compliance deadline from February 28, 2014 to June 30, 2014. EPA correctly acknowledged the importance of having the 2014 final rule promulgated *before* regulated parties have to demonstrate compliance with the 2013 standards and provided this explanation for the extension: *"EPA chose this date both to provide additional time for a compliance demonstration and because we anticipate issuing a final rule establishing the 2014 RFS standards as soon as possible before that date. Establishing a 2013 compliance deadline on a date that occurs after promulgation of the final rule setting the 2014 standards should allow obligated parties to take their 2014 obligations into consideration as they determine how to utilize RINs for 2013 compliance. "*

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Prompt promulgation of a final 2014 RFS rule well before the compliance deadline for the 2013 rule is in the best interest of all stakeholders and we urge you to ensure prompt, timely promulgation of the final 2014 RFS standards.

Sincerely,

Patrick Meehan
Member of Congress

Robert Brady
Member of Congress

Austin Scott
Member of Congress

Doug Collins
Member of Congress

Keith Rothfus
Member of Congress

Phil Gingrey
Member of Congress

Mario Diaz-Balart
Member of Congress

Tom Graves
Member of Congress

Joe Heck
Member of Congress

Scott Rigell
Member of Congress

Pete Olson
Member of Congress

Dennis Ross
Member of Congress

Chuck Fleischmann
Member of Congress

James Lankford
Member of Congress

Tom Cole
Member of Congress

Charlie Dent
Member of Congress

Jim Gerlach
Member of Congress

Paul Broun
Member of Congress

Lynn Westmoreland
Member of Congress

Michael Conaway
Member of Congress

Michael Fitzpatrick
Member of Congress

Jack Kingston
Member of Congress

Steve Chabot
Member of Congress

Matt Salmon
Member of Congress

Don Young
Member of Congress

Mike Simpson
Member of Congress

Bob Goodlatte
Member of Congress

Rodney Frelinghuysen
Member of Congress

Peter Welch
Member of Congress

Joe Wilson
Member of Congress

Jeb Hensarling
Member of Congress

Jim Matheson
Member of Congress

Marcy Kaptur
Member of Congress

Marc Veasey
Member of Congress

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 17 2014

OFFICE OF
AIR AND RADIATION

The Honorable Leonard Lance
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter dated April 4, 2014, to President Barack Obama concerning the U.S. Environmental Protection Agency's proposal to reduce the 2014 federal volume mandates under the Renewable Fuels Standard (RFS) program, and urging the EPA to promulgate the final standards as soon as possible.

The EPA is currently working to issue the final RFS volume standards for 2014 as quickly as possible. We recognize that the process for issuing the annual RFS volume standards needs to get back on the schedule established by the law. To that end, we are currently considering how to improve the annual RFS rule development process in order to meet the statutory deadlines in the future. That said, the RFS touches on a range of complex environmental, energy and agricultural issues, and many of the topics we are addressing in the 2014 proposed rulemaking are novel and complex.

As you know, on November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013.

The EPA sought input on many aspects of the proposed rule, including the methodology for determining volumes. The comment period for the proposal ended on January 28, 2014, and we received over 300,000 comments. We are currently in the process of reviewing those comments and assessing new data that will help inform the final rule. Reviewing and incorporating information from these comments and from the most recent data takes time, but we anticipate issuing the final 2014 RFS volumes before the end of June.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

FRED UPTON, MICHIGAN
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115

Majority (202) 225–2927
Minority (202) 225–3641

April 27, 2012

Dr. Al Armendariz
Regional Administrator, Region 6
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, TX 75202
Mail Code: 6RA

Dear Regional Administrator Armendariz:

Pursuant to Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce seeks information relating to the Environmental Protection Agency's (EPA) enforcement philosophy, strategies, and procedures. In statements you made in 2010 which were highlighted by Senator Inhofe in an April 25, 2012, letter to Administrator Jackson, you described an enforcement philosophy that raises significant concerns about environmental enforcement both in your region and across the agency, including with respect to energy production.

While you have apologized for these comments, there is genuine concern that your comments reflect the agency's overall enforcement philosophy. The recently dismissed enforcement action against Range Resources is a concrete example of this concern. In light of this concern, we seek to examine how enforcement policies are being developed and implemented in your region.

Accordingly, we specifically request that you provide the following information and documents not later than May 14, 2012.

1. Please identify and describe your enforcement strategies and procedures for Region 6, including any changes to those strategies and procedures during your tenure.

2. Please describe the standards EPA uses to measure the success of its enforcement efforts, and how those standards have changed during your tenure.

3. Provide all documents relating to your enforcement priorities, strategies and procedures for Region 6, including but not limited to internal guidance, memoranda, emails and correspondence distributed by you to staff.

4. Provide all documents reflecting communications between Region 6 and EPA headquarters regarding enforcement strategies or procedures.

5. Provide all documents relating to coordination between EPA and other offices within the Executive Branch regarding EPA enforcement strategies or procedures.

6. Provide all documents reflecting communications between EPA and third parties regarding EPA enforcement strategies or procedures.

7. Describe how EPA Region 6 enforcement officials are evaluated in their job performance reviews, including what factors can affect bonuses and raises.

The relevant time period for this request is January 2009 through the present. We ask that you follow the instructions for responding to the Committee's document requests, included as an attachment to the letter.

Further, the Committee anticipates that it will request your presence at a hearing in the near future to examine enforcement priorities and practices of the agency. We note that you declined to attend the field hearing our Committee conducted in March 2011 in Texas. However, you stated at that time that you would be willing to make yourself available in the future to discuss your office's work. Committee staff will be in contact with you with regard to the scheduling of the hearing. As this will be our second request to have you appear before our Committee, and in light of the seriousness of the concerns that need to be addressed, the Committee is prepared to use all authorities at its disposal to ensure your attendance.

Thank you for your attention to this matter. Should you have any questions, please contact Mary Neumayr of the Majority Committee staff at (202) 225-2927.

Sincerely,

Fred Upton
Chairman

Joe Barton
Chairman Emeritus

Cliff Stearns
Chairman
Subcommittee on Oversight
and Investigations

Ed Whitfield
Chairman
Subcommittee on Energy and Power

John Shimkus
Chairman
Subcommittee on Environment
and the Economy

Brian Bilbray

Bill Cassidy

Mike Ross

Cathy McMorris Rodgers

T. Murphy

Mike Pompeo

Tom Graves

Brett Guthrie

Gregg Harper

Pete Olson

Marsha Blackburn

Gene Green

Joseph R. Pitts

Leonard Lance

John Sullivan

Sue Myrick

Mike Rogers

Tim Murphy

Mary Bono Mack

Steve Scalise

cc: The Honorable Lisa Jackson, Administrator
Environment Protection Agency

The Honorable Henry A. Waxman, Ranking Member

The Honorable John Dingell, Chairman Emeritus

The Honorable Bobby L. Rush, Ranking Member
Subcommittee on Energy and Power

Attachment

RESPONDING TO COMMITTEE DOCUMENT REQUESTS

In responding to the document request, please apply the instructions and definitions set forth below:

INSTRUCTIONS

1. In complying with this request, you should produce all responsive documents that are in your possession, custody, or control or otherwise available to you, regardless of whether the documents are possessed directly by you.

2. Documents responsive to the request should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.

3. In the event that any entity, organization, or individual named in the request has been, or is currently, known by any other name, the request should be read also to include such other names under that alternative identification.

4. Each document should be produced in a form that may be copied by standard copying machines.

5. When you produce documents, you should identify the paragraph(s) and/or clause(s) in the Committee's request to which the document responds.

6. Documents produced pursuant to this request should be produced in the order in which they appear in your files and should not be rearranged. Any documents that are stapled, clipped, or otherwise fastened together should not be separated. Documents produced in response to this request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued. Indicate the office or division and person from whose files each document was produced.

7. Each folder and box should be numbered, and a description of the contents of each folder and box, including the paragraph(s) and/or clause(s) of the request to which the documents are responsive, should be provided in an accompanying index.

8. Responsive documents must be produced regardless of whether any other person or entity possesses non-identical or identical copies of the same document.

9. The Committee requests electronic documents in addition to paper productions. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, back up tape, or removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), you should immediately consult with Committee staff to determine the appropriate format in which to produce the information. Documents produced in electronic format should be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in (6) and (7) above.

10. If any document responsive to this request was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this request, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party.

11. If any document responsive to this request was, but no longer is, in your possession, custody or control, state:

a. how the document was disposed of;
b. the name, current address, and telephone number of the person who currently has possession, custody or control over the document;
c. the date of disposition;
d. the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.

12. If any document responsive to this request cannot be located, describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction or unavailability.

13. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

14. The request is continuing in nature and applies to any newly discovered document, regardless of the date of its creation. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

15. All documents should be bates-stamped sequentially and produced sequentially. In a cover letter to accompany your response, you should include a total page count for the entire production, including both hard copy and electronic documents.

16. Two sets of the documents should be delivered to the Committee, one set to the majority staff in Room 316 of the Ford House Office Building and one set to the minority staff in Room 564 of the Ford House Office Building. You should consult with Committee majority staff regarding the method of delivery prior to sending any materials.

17. In the event that a responsive document is withheld on any basis, including a claim of privilege, you should provide the following information concerning any such document: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; (e) the relationship of the author and addressee to each

other; and (f) any other description necessary to identify the document and to explain the basis for not producing the document. If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced. As used herein, "claim of privilege" includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.

18. If the request cannot be complied with in full, it should be complied with to the extent possible, which should include an explanation of why full compliance is not possible.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; (2) documents responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee since the date of receiving the Committee's request or in anticipation of receiving the Committee's request, and (3) all documents identified during the search that are responsive have been produced to the Committee, identified in a privilege log provided to the Committee, as described in (17) above, or identified as provided in (10), (11) or (12) above.

DEFINITIONS

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail ("e-mail"), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, power point presentations, spreadsheets, and work sheets. The term "document" includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto. The term "document" also means any graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotapes, recordings, and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, back up tape, memory sticks, recordings, and removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, electronic format, disk, videotape or otherwise. A document bearing any notation not part of the original text is considered to be a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "documents in your possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

3. The term "communication" means each manner or means of disclosure, transmission, or exchange of information, in the form of facts, ideas, opinions, inquiries, or otherwise, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, instant message, discussion, release, personal delivery, or otherwise.

4. The terms "and" and "or" should be construed broadly and either conjunctively or disjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

5. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, limited liability corporations and companies, limited liability partnerships, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, other legal, business or government entities, or any other organization or group of persons, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

6. The terms "referring" or "relating," with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

7. The terms "you" or "your" mean and refers to

For government recipients:

"You" or "your" means and refers to you as a natural person and the United States and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, or any other persons acting on your behalf or under your control or direction; and includes any other person(s) defined in the document request letter.

April 27 letter from the House Committee on Energy and Commerce to Dr. Al Armendariz

Signatories

Fred Upton

Cliff Stearns

John Shimkus

Brian Bilbray

Robert E. Latta

H. Morgan Griffith

Cory Gardner

Gregg Harper

Marsha Blackburn

Joseph R. Pitts

John Sullivan

Mike Rogers

Mary Bono Mack

Steve Scalise

Joe Barton

Ed Whitfield

Michael C. Burgess

Bill Cassidy

Adam Kinzinger

Michael R. Pompeo

Brett Guthrie

Pete Olson

David B. McKinley

Leonard Lance

Sue Myrick

Tim Murphy

Lee Terry

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 23 2009

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Leonard Lance
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Lance:

The Environmental Protection Agency's (EPA) Superfund program will be finalizing the Curtis Specialty Papers, Inc. site, located in Milford, New Jersey, to the National Priorities List (NPL) by rulemaking. EPA received a governor/state concurrence letter supporting the listing of the site on the NPL. Listing on the NPL provides access to federal cleanup funding for the nation's highest priority contaminated sites.

Because the site is located within your Congressional District, I am providing information to help in answering questions you may receive from your constituency. The information includes a brief description of the site, and a general description of the NPL listing process.

If you have any questions, please contact me or your staff may contact Carolyn Levine, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-1859. We expect the rule to be published in the Federal Register in the next several days.

Sincerely,

Mathy Stanislaus
Assistant Administrator

Enclosures

United States Environmental Protection Agency

OSWER/OSRTI
Washington, DC 20460

NATIONAL PRIORITIES LIST (NPL)

Final Site

September 2009

CURTIS SPECIALTY PAPERS, INC. | Milford, New Jersey
Hunterdon County

Site Location:

The Curtis Specialty Papers, Inc. site is located in Milford, Hunterdon County, New Jersey.

Site History:

The Curtis Specialty Papers, Inc. site is an abandoned paper mill occupying approximately 40 acres. The property consists of a complex of buildings, including the main mill building, former coatings facility, a cogeneration power plant, and a wastewater treatment plant. The paper mill operated on the property for approximately 90 years. The main mill, known as the Milford Mill, consists of approximately 61 separate areas. The Milford Mill converted paper pulp to finished food grade paper. The former coatings facility is located approximately 400 feet northwest of the main Milford Mill building. The coatings facility operated from approximately 1935 to 1988 where solvent-based resins were compounded and coated onto paper and other products.

Site Contamination/Contaminants:

The primary contaminant is polychlorinated biphenyls (PCBs). PCBs have been detected in soil located within areas at the facility and Quequacommisacong Creek.

Potential Impacts on Surrounding Community/Environment:

PCBs have been detected in Quequacommisacong Creek which is a fishery and provides habitat for federal and state threatened species.

Response Activities (to date):

In August 2001, Curtis Specialty Papers submitted a preliminary assessment report and remedial investigation work plan to the New Jersey Department of Environmental Protection (NJDEP) as part of the State's Industrial Site Recovery Act. The company identified 20 areas of concern at the Curtis Specialty Papers, Inc. site. In July 2003, Curtis Specialty Papers shut down its operations and declared bankruptcy. The facility was abandoned and left unsecured. On October 20, 2006, NJDEP and their emergency response contractor began activities that included securing oil and hazardous materials containers, classifying materials for waste disposal, inspecting above ground storage tanks, collecting and stowing empty containers at the former hazardous materials storage area, and transporting and disposing of materials. Approximately two dozen drums and lab packs were removed from the facility.

Need for NPL Listing:

The State of New Jersey referred the site to EPA. Other federal and state programs were evaluated but are not viable at this time. The State has written a letter of support for placing this site on the NPL.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at http://www.atsdr.cdc.gov/toxfaq.html or by telephone at 1-888-42-ATSDR or 1-888-422-8737.

United States Environmental Protection Agency

OSWER/OSRTI
Site Assessment and Remedy Decisions Branch
Washington, DC 20460

NATIONAL PRIORITIES LIST (NPL)

WHAT IS THE NPL?

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

1. **Scores at least 28.50:**
   A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

2. **State Pick:**
   Each state and territory may designate one top-priority site regardless of score.

3. **ATSDR Health Advisory:**
   Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

   a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory that recommends removing people from the site;
   b. EPA determines that the release poses a significant threat to public health; and
   c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit www.regulations.gov.

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit www.epa.gov/superfund/sites/npl/.

Congress of the United States
Washington, DC 20515

October 8, 2010

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

The Honorable Nancy Sutley
Chair
Council on Environmental Quality
730 Jackson Place, NW
Washington, D.C. 20503

Secretaries Vilsack and Salazar, Administrator Jackson, and Chairwoman Sutley,

As members of the bipartisan House Land Conservation Caucus and other concerned members of Congress, we write today to thank you for your commitment to community-driven open space preservation embodied by the America's Great Outdoors (AGO) Initiative. Here in Congress, we've worked with members on both sides of the aisle to promote and enact common sense policies that allow landowners and state and local governments to conserve and protect threatened farms, forestland, and other treasured natural landscapes. We appreciate your efforts to solicit input from a broad array of stakeholders, and we would like to offer several proposals for inclusion in your final report to the President.

We urge you to prioritize long-term – and permanent, where appropriate – renewals of tax deductions and credits that incentivize land conservation. For example, we have labored mightily to secure periodic renewals of the qualified conservation easement income tax deduction (26 U.S.C. 170e), which expired in calendar year 2010. The federal estate tax, also lapsed, increasingly drives the development of open space by making it more difficult to preserve working lands from one generation to the next. The uncertainty and unpredictability of continually-lapsing tax incentives severely limits their utility, as conservation often requires complex, multi-year transactions that rely on a stable tax environment to work.

Along with many of our colleagues, we have long been proponents of full and dedicated funding for the Land and Water Conservation Fund (LWCF). In addition to the work done by the LWCF on federally-owned and protected lands, the LWCF stateside program provides crucial funding that allows states to provide expanded access to parks and recreational spaces.

Recreational hunters also provide an important constituency when it comes to land conservation; sportsmen have long been some of our nation's strongest supporters of land conservation. In recent decades, encroaching development and competing public land uses have limited access to high quality hunting and fishing areas. As you develop your final recommendations, we urge you to protect and expand access to public lands for hunters and anglers.

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As we work to rejuvenate America's urban centers, drive sustainable development, and promote healthier lifestyles, we would strongly urge the creation of more urban parks and other protected areas at the local, state, and national levels. Put simply, increasing green space improves health. Studies show that residents exercise more frequently where there are neighborhood parks and trails in close proximity. Conversely, the same studies show that where there are no parks, residents often go without exercise. Developing and expanding recreational opportunities and conserving more public lands will improve and increase access to the outdoors, now and for generations to come.

In your effort to encourage greater leveraging of existing outdoor conservation resources, we believe federal programs could be better integrated both between agencies (horizontally) and amongst existing state and local programs (vertically) to cost-effectively conserve larger landscapes and watersheds. Currently, federal resources for voluntary land conservation are spread across a half-dozen agencies, ranging from the U.S. Forest Service to the National Park Service and the U.S. Fish and Wildlife Service. Private landowners, non-profits, and county and municipal governments too often have a difficult time negotiating this maze. Providing more user-friendly centralized access to (and guidance amongst) the various tax benefit, grant, and technical assistance programs will allow for greater synergy between them and allow a broader range of applicants to participate.

Although we strongly support enhanced and streamlined federal programs, we also believe it's important to stress that many of the best open space preservation solutions are emerging across the nation in a "bottom-up," locally-driven fashion. Our communities are generating home-grown, collaborative solutions to conservation challenges that deserve a willing and nimble federal partner with the resources and wherewithal to leverage and implement them. For example, resources like the National Park Service's River, Trails and Conservation Assistance (RTCA) program -- which provides technical assistance and guidance for recreation and park projects -- allow the federal government to supplement and enhance the innovative work done by local communities.

We encourage the administration to continue to work with Congress and communities to create, expand and better protect our shared outdoors spaces including national forests, parks, monuments, wildlife refuges, wilderness areas, trails, wild and scenic rivers and historic sites. Thank you again for all your work to help Americans confront our 21st-century conservation challenges.

Sincerely,

Rep. Joseph R. Pitts
Caucus Co-Chair

Rep. Christopher S. Murphy
Caucus Co-Chair

Rep. Jim Gerlach
Caucus Co-Chair

Rep. Martin Heinrich
Caucus Co-Chair

Rep. Joe Courtney

Rep. Allyson Y. Schwartz

Rep. Joe Sestak

Rep. Earl Blumenauer

Rep. Donna M. Christensen

Rep. Mazie K. Hirono

Rep. Todd Russell Platts

Rep. Gerald E. Connolly

Rep. David Wu

Rep. Rush D. Holt

Rep. Michael H. Michaud

Rep. Jared Polis

Rep. Scott Garrett

Rep. John W. Olver

Rep. Leonard Lance

Rep. Betsy Markey

Rep. Lynn C. Woolsey

Rep. Judy Chu

Rep. Mike Thompson

Rep. Heath Shuler

Rep. Leonard L. Boswell

Rep. Jay Inslee

Rep. Bart Gordon

Rep. Ron Kind

Rep. Rosa L. DeLauro

Rep. Jerry McNerney

Rep. Mark S. Critz

Rep. Paul W. Hodes

Rep. Jesse L. Jackson, Jr.

Rep. Michael N. Castle

Rep. Paul Tonko

Rep. Maurice D. Hinchey

STEVE DAINES
MONTANA

206 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3211

Congress of the United States
House of Representatives
Washington, DC 20515–2600

July 11, 2014

The Honorable Gina McCarthy
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20460

Dear Administrator McCarthy:

We are writing to express our deep concerns with a recent Environmental Protection Agency (EPA) claim to have authority to "garnish non-Federal wages to collect delinquent non-tax debts owed the United States without first obtaining a court order."

This claim seems to violate American citizens' Constitutionally-guaranteed right to due process by placing the burden of proof on the debtor, rather than the agency. The process for challenging fines and wage garnishment is not satisfactory because it allows the agency to decide if the accused can even present a defense.

The increasingly punitive nature of the agency is also of concern. According to the agency's annual reports, the amount of fines collected by the EPA has gone from $96 million in 2009 to $252 million in 2013. Though we agree stakeholders must be responsible and the EPA should enforce rules reasonably, the more than 160 percent increase in a span of only four years indicates that some of these fines may have been excessive.

The EPA has said the rule was not subject to review because it is not a "significant regulatory action." But it has recently been reported that a Wyoming homeowner was threatened with a $75,000 fine for building a pond on his property. That might seem like a drop in the bucket to a bureaucratic agency with a multi-billion dollar budget, but for the vast majority of Americans, $75,000 is a lot of money. The proposed rule would make it both more difficult to dispute such fines and provide incentive for the EPA to issue penalties against more Americans. Its impact, therefore, would certainly create "significant" hardships on affected individuals.

The agency has fast-tracked the rule to take effect on September 2nd, 2014 absent sufficient opposing comment by August 1st, 2014. We are writing to voice our strongest opposition to the rule and the EPA's inadequate engagement with the public concerning it. Further, we ask that you reverse your decision and not follow through with this rule. By doing so, your agency will demonstrate respect for the right to due process under the law that is guaranteed to all Americans by the Constitution.

Sincerely,

Steve Daines (MT-AL)
Member of Congress

Cynthia Lummis (WY-AL)
Member of Congress

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Walter B. Jones (NC-03)
Member of Congress

Tim Griffin (AR-02)
Member of Congress

Leonard Lance (NJ-07)
Member of Congress

Robert Hurt (VA-05)
Member of Congress

Scott Perry (PA-04)
Member of Congress

Dan Benishek M.D. (MI-01)
Member of Congress

Mac Thornberry (TX-13)
Member of Congress

Mike Pompeo (KS-04)
Member of Congress

Kevin Cramer (ND- AL)
Member of Congress

Jack Kingston (GA-01)
Member of Congress

Rodney Davis (IL-13)
Member of Congress

Tom Cotton (AR-04)
Member of Congress

Tom McClintock (CA-04)
Member of Congress

Markwayne Mullin (OK-02)
Member of Congress

Scott Tipton (CO-03)
Member of Congress

Lynn Jenkins (KS-02)
Member of Congress

Steve Womack (AR-03)
Member of Congress

Matt Salmon (AZ-05)
Member of Congress

Bill Posey (FL-08)
Member of Congress

Thomas Massie (KY-04)
Member of Congress

Bob Goodlatte (VA-06)
Member of Congress

Bob Gibbs (OH-07)
Member of Congress

Michael T. McCaul (TX-10)
Member of Congress

Ralph Hall (TX-04)
Member of Congress

Gregg Harper (MS-03)
Member of Congress

Rick Crawford (AR-01)
Member of Congress

J. Randy Forbes (VA-04)
Member of Congress

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 21 2014

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Leonard Lance
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter of July 11, 2014, to the U.S. Environmental Protection Agency's Administrator, Gina McCarthy. I appreciate this opportunity to clarify the EPA's direct final rule, "Administrative Wage Garnishment," which we published in the Federal Register on July 2, 2014, at 79 FR 37644. Due to comments the agency has received and per the Federal Register notice, we published a withdraw notice for the direct final rule in the Federal Register on July 17, 2014, at 79 FR 41646. However, our proposed rule to use administrative wage garnishment as a debt collection tool remains open. On July 23, 2014, the EPA extended the comment period to September 2, 2014, in order to provide additional time for public comment to the agency on this proposed rule.

The Debt Collection Improvement Act of 1996 gives federal agencies the authority to collect delinquent nontax debt owed to the United States through administrative wage garnishment. Currently, at least 30 federal agencies use such wage garnishment to collect federal debt. We are unaware of any successful constitutional due process challenges to the Debt Collection Improvement Act of 1996.

The EPA will begin using administrative wage garnishment after the proposed rule becomes final and following negotiations with the Department of Treasury on a memorandum of understanding, as the EPA has chosen for Treasury to conduct any administrative wage garnishment hearings on the EPA's behalf. When the EPA begins using administrative wage garnishment, the Department of Treasury will send a wage garnishment notice to the debtor, the debtor will be afforded the full opportunity to exercise his/her due process rights, and, if administrative wage garnishment ensues, the EPA will receive the proceeds from the collection minus fees charged by the Treasury to the EPA for performing this service. The EPA's ability to use the money will depend on the nature of the appropriation from which the collection occurred.

Administrative wage garnishment is only one of a suite of debt collection tools used by federal agencies to collect delinquent nontax debt. Our proposed rule will make available this tool to the EPA, so the EPA can join with other federal agencies in ensuring that nontax delinquent debts are recovered for appropriate public use per the Debt Collection Improvement Act of 1996.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Christina Moody in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

Maryann Froehlich
Acting Chief Financial Officer

Congress of the United States
Washington, DC 20515

June 6, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

RE: PennEast Pipeline Company, LLC; FERC Docket No. CP15-558-000

Dear Administrator McCarthy:

We are writing to express our concern regarding the perceived absence of an integrated approach for assessing the proposed PennEast pipeline.

As you know, as an interstate natural gas pipeline proposal, the Federal Energy Regulatory Commission (FERC) has a responsibility to coordinate its PennEast review with the U.S. Environmental Protection Agency (EPA) as a cooperating agency to satisfy federal environmental review requirements under the National Environmental Policy Act (NEPA). We therefore request that EPA, in reviewing the PennEast docket as a cooperating agency, assist FERC in meeting its NEPA obligations by implementing a series of measures to ensure compliance with federal guidelines.

Specifically we ask that your agency work with FERC to meet the NEPA requirements of a regional economic analysis of need. This analysis should account for changes in scheduling and delivery; demand response; efficiency; and renewables as potential alternatives to new construction. FERC must not solely accept precedent contracts as evidence of project need, just as simply assessing a private shipper's ability to profit does not satisfy FERC's mandate to consider the public interest.

Second, we ask that EPA retain vigilant oversight of the PennEast project, including providing continued support to the United States Army Corps of Engineers and New Jersey Department of Environmental Protection in fulfilling their respective obligations to fully implement all required protections for streams and wetlands.

We respectfully request to be kept apprised of EPA's communications with FERC regarding the PennEast Project going forward. Thank you for your attention to this matter.

Sincerely,

LEONARD LANCE
Member of Congress

BONNIE WATSON COLEMAN
Member of Congress

MATT CARTWRIGHT
Member of Congress

MIKE FITZPATRICK
Member of Congress

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

AUG 2 0 2016

The Honorable Leonard Lance
U.S. House of Representatives
Washington, DC 20515

Dear Representative Lance:

Thank you for your June 6, 2016 letter to U.S. Environmental Protection Agency (EPA) Administrator Gina McCarthy concerning the PennEast Pipeline Company, LLC; FERC Docket No. CP15-558-000. The Federal Energy Regulatory Commission (FERC) has prepared a Draft Environmental Impact Statement (EIS) in compliance with the National Environmental Policy Act (NEPA) for the proposed PennEast Pipeline Project. In your letter, you request EPA, as a cooperating agency in the preparation of the EIS, to assist FERC in meeting the obligations of NEPA. In particular, for FERC's EIS to present a substantive analysis of project need and a range of alternatives including renewable energy. You also request EPA to maintain a vigilant oversight role of the project. On July 22, 2016, FERC released the Draft EIS for the PennEast Pipeline for public comment.

As a cooperating agency, EPA has been working with FERC during the preparation of the Draft EIS; FERC is the lead Federal agency for compliance with NEPA on this project. Under NEPA and Section 309 of the Clean Air Act, EPA has a responsibility to review FERC's EIS and to provide comment on the adequacy of the analysis and the acceptability of the environmental impacts of the proposed action. Pursuant to these responsibilities, EPA is completing its review of the Draft EIS and preparing formal comments. EPA's letter on the PennEast Draft EIS will provide critical observations and recommendations for FERC's consideration and will focus on many of the topics raised in your letter, including project purpose and need, alternatives analysis, and assessment of impacts to streams and wetlands. We understand that a robust analysis is essential to an EIS and to informed decision making. During our review, we will continue to engage other appropriate federal and state resource agencies, including the U.S. Army Corps of Engineers, and New Jersey and Pennsylvania Departments of Environmental Protection, as necessary.

Upon the completion of our review, EPA will provide you with a copy of our comment letter to keep you apprised of our involvement on the PennEast Pipeline Project. If you have any questions, please do not hesitate to contact me or have your staff contact Ms. Kinshasa Brown, EPA's Pennsylvania Liaison, at 215-814-5404.

Sincerely,

Shawn M. Garvin
Regional Administrator

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Customer Service Hotline: 1-800-438-2474

FRED UPTON, MICHIGAN
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115

Majority (202) 225–2927
Minority (202) 225–3641

October 26, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

Pursuant to Rules X and XI of the United States House of Representatives, we write today to request information regarding recent lawsuits, settlements and consent decrees resolving litigation filed against the Environmental Protection Agency (EPA). In particular, we seek information about lawsuits settled, pending, or filed since January 1, 2009. We also seek information relating to the agency's current process for negotiating and concluding settlements of litigation, including cases in which EPA commits as part of the settlement to undertake new rulemakings.

To assist the Committee in understanding these matters, please provide the following information by November 9, 2011:

1. A list of all lawsuits filed under the Clean Air Act, (42 U.S.C. 7401 et seq.), the Clean Water Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et. seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Superfund Amendments and Reauthorization Act (Public Law 99-499), including successor amendments and the Emergency Planning and Community Right-To-Know Act (42 U.S.C. 11001 et seq.), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.), naming the EPA Administrator, the EPA, or any of its employees as defendant(s). The list should include the titles of all such actions, the date of the filing of the lawsuit, and, to the extent applicable, the date of the settlement of the lawsuit or entry into a consent decree (if any), as well as the names of all parties, including intervenors, to the lawsuit. Please include all lawsuits settled, pending, or filed since January 1, 2009.

2. Does EPA notify all parties to the litigation, including intervenors, of EPA's and/or the Department of Justice's (DOJ) intention to potentially settle the lawsuit?

Joseph R. Pitts
Chairman
Subcommittee on Health

Mary Bono Mack
Chairman
Subcommittee on Commerce, Manufacturing, and Trade

Greg Walden
Chairman
Subcommittee on Communication and Technology

Cathy McMorris Rodgers

Brian P. Bilbray

Charles F. Bass

Bill Cassidy

Bill Sarpalius

John Sullivan

Leonard Lance

Steve Scalise

Tim Murphy

Gregg Harper

Mike Rogers

Marsha Blackburn

Congress of the United States
House of Representatives
Washington, DC 20515

September 24, 2010

The Honorable Tom Vilsack
Agriculture Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue., N.W.
Washington, D.C. 20460

Dear Secretary Vilsack and Administrator Jackson:

We request your assistance with a serious problem facing our national agriculture community: the invasive species the Halyomorpha halys, commonly known as the Brown Marmorated Stink Bug. Both farmers and our local economies face profound harm if we fail to take action; damage from this insect could prove to be a national crisis. Just in the past few weeks, orchards in the Mid-Atlantic have discovered more than 50 percent crop damage attributed to the stink bug, up from zero in past years.

Introduced to the U.S. in the mid-1990's, Halyomorpha halys damages all types of crops including apples, corn, soybeans, peaches, pears, watermelons, cantaloupe, tomatoes, peppers, blueberries, raspberries, blackberries, wine grapes, and more. It affects which in turn might affect the quality of milk from dairy cows. Young trees such as sugar maples and other ornamentals also incur damage. While its most profound damage is occurring in the mid-Atlantic region, the Halyomorpha halys is fast moving and now found in 29 states.

The Halyomorpha halys has no known predators in the United States. The mechanism by which it migrates has made control and eradication difficult, a situation which is exacerbated by its classification as an unregulated pest. Existing plant protection products are only minimally effective because of the way the insect feeds. The Halyomorpha halys uses its straw like structure to pierce the fruit or vegetable thereby avoids contact with plant protection products.

If we are to avoid future crop loss, it is crucial for government, industry and academia to collaborate both on research programs, and on control and eradication strategies. This collaboration is particularly important as it relates to the vital resources that can be brought to bear from the USDA and EPA. The lack of action by your department and agency respectively may result in a major national crisis.

In the long-term, critical research programs will need to be carried-out through USDA, state colleges of agriculture and the private sector. In the short term, however, we ask that the USDA fast track the re-classification of Halyomorpha halys from a non-regulated pest to one that is regulated.

Additionally, we request that resources be made available through APHIS to expand monitoring activities as well as control and eradication programs. Likewise, we ask that EPA evaluate existing plant protection tools and facilitate collaboration amongst the various federal research agencies, universities and private companies to ultimately facilitate the registration and/or emergency use of effective pesticides.

Time is of the essence. The goal is to marshal all available government resources to develop an effective control that can be implemented by next spring. Your cooperation is necessary and immediate action is imperative.

Sincerely,

Roscoe G. Bartlett (MD-6)

Todd Russell Platts (PA-19)

Shelley Capito (WV-2)

Bill Shuster (PA-9)

Frank Kratovil (MD-2)

C.A. Dutch Ruppersberger (MD-2)

Steny Hoyer (MD-5)

Dennis Cardoza (CA-18)

Charlie Dent (PA-15)

Frank Lucas (OK-3)

Halyomorpha halys continued.

Leonard Lance (NJ-7)

Collin Peterson (MN-7)

Frank Wolf (VA-10)

Tim Holden (PA-17)

Peter Welch (VT-at large)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 1 2 2010

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Leonard Lance
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter of September 24, 2010, to U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson regarding the brown marmorated stink bug (Halymorpha halys). In your letter you raise concern with the damage stink bugs can do to farmers and local economies in the Mid-Atlantic States. Administrator Jackson asked me to respond on behalf of the Agency since my Office is responsible for the regulation of pesticides.

EPA supports efforts to respond to this serious pest issue and is working with the U.S. Department of Agriculture (USDA) and land-grant universities to address the management challenges posed by this pest.

As you know, EPA makes decisions under FIFRA on the basis of safety and exposure data that inform our regulatory position on a requested pesticide. At this time, there are a number of products available that can be used against stink bugs, including both conventional and biopesticide ingredients.

In the near term, if growers, extension agents, and other experts conclude that existing pesticide control measures are not adequate to avert an emergency situation, Section 18 of FIFRA contains provisions for states and federal partners to seek an emergency clearance from EPA for the time-limited use of an unregistered pesticide that may be necessary for insect management. USDA is taking a leadership role in coordinating the effort and is bringing together experts from across the impacted states. In the event that any emergency requests are submitted for this problem, EPA will work diligently to evaluate them consistent with the statutory requirements and to provide a timely review and response. We have already begun our collaboration and advance coordination efforts with USDA and my staff will continue its support for control initiatives for this difficult emerging pest problem.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Mr. Sven-Erik Kaiser in EPA's Office of Congressional and Intergovernmental Relations at (202) 566-2753.

Sincerely,

Stephen A. Owens
Assistant Administrator

Congress of the United States
Washington, DC 20515

November 4, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Administration
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

We are writing in support of expedient consideration of an application for ethyl formate as a fumigant (EPA File Symbol 38719-I). This issue is of great importance to U.S. agricultural exports and the thousands of fruit and citrus growers, packers and shippers across the country.

In an effort to comply with the Montreal Protocol on Ozone Depletion, and requests from our trading partners, growers and packers have begun to phase out the use of methyl bromide as a fumigant. Laboratory tests have shown ethyl formate to be an effective replacement that kills pests in food shipments and does not contribute to ozone depletion.

Researchers have found ethyl formate to be a promising post-harvest treatment particularly for insect pests such as bean thrips and Fuller's rose beetles. The U.S. Food and Drug Administration considers ethyl formate to be Generally Recognized As Safe (GRAS) and it is currently used in a number of food products as a flavoring agent.

Timely access to this safe fumigant is critical to maintaining and expanding U.S. fruit and citrus trade exports in markets like Australia and Korea. Without approval, U.S. exports to these countries could be drastically reduced or ceased entirely, causing significant losses for growers. Several agricultural industry groups consider this matter to be very time-sensitive.

Furthermore, under the Pesticide Registration Improvement Act (PRIA 2), companies pay a substantial user fee to ensure timely consideration of applications for pesticides. Maintaining a firm timeline is crucial to both companies and their customers as they plan for the future.

We are concerned about any additional delays in the consideration of this application, and the prospect of further delays in the availability of a product that is important to facilitating U.S. exports. In light of FDA's GRAS designation, we respectfully request that you complete the review of the application as expeditiously as possible and keep us informed of the expected timeline for completing the review. Thank you for your consideration of our request.

Sincerely,

PRINTED ON RECYCLED PAPER

Ken Calvert
Member of Congress

Jim Costa
Member of Congress

Jeff Denham
Member of Congress

Leonard Lance
Member of Congress

Kevin McCarthy
Member of Congress

Devin Nunes
Member of Congress

David G. Valadao
Member of Congress

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 10 2014

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Leonard Lance
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter of November 4, 2013, to the U.S. Environmental Protection Agency Administrator Gina McCarthy regarding your support for an expedited consideration of the application for ethyl formate as a fumigant alternative to methyl bromide. I want to assure you that the EPA shares your interest in finding safe and effective alternatives to methyl bromide and we are committed to completing a thorough review of this application as expeditiously as possible. I am pleased to have the opportunity to respond to your concerns.

On March 2, 2012, the EPA received an application for a product containing ethyl formate and an associated tolerance petition. The EPA completed a full preliminary screen for these applications and determined they were seriously deficient because of missing and/or inadequate data required to evaluate the safety of the product for human health and the environment. Consistent with the Pesticide Registration Improvement Act, the EPA requested the company submit additional data. The company requested a due date extension to address the scientific deficiencies determined by the EPA.

When there are deficiencies in application packages due to missing or inadequate data to evaluate safety, registration decision due dates typically need to be renegotiated. Earlier this year, the EPA asked for and the company agreed to resubmit a full application. The EPA and the company renegotiated the PRIA due date to October 2014. Though the resubmitted application package is still being processed by the agency, the EPA's Office of Pesticide Programs has already started an initial review.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at Kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,

James J. Jones
Assistant Administrator

Congress of the United States
Washington, DC 20515

July 24, 2013

Ms. Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: EPA Proposed Rule: Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training (EPA–HQ–UST–2011–0301)

Dear Ms. McCarthy:

We are writing to express our concern about the U.S. Environmental Protection Agency's (EPA) proposed rule amending 40 CFR Parts 280 and 281; Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training (EPA–HQ–UST–2011–0301), published in the Federal Register on November 18, 2011. In light of the regulatory cost impact of the proposed rule on small businesses, we respectfully request that the EPA withdraw the proposed rule and form a Small Business Advocacy Review (SBAR) panel.

After doing its own evaluation of the economic impacts of the proposed rule, the EPA estimated a compliance cost of $900 which they conclude would not constitute a significant economic impact on small businesses. However, according to industry experts, a more realistic estimate of the cost of compliance is $6,960 annually which could be particularly burdensome, especially since much of the convenience store industry is comprised of small businesses. Many of those businesses who were interviewed by EPA as part of the cost evaluation tell us that the scope of evaluation was not adequate to determine the full impact of the proposed rule.

Also, the Small Business Administration's (SBA) Office of Advocacy was not contacted as contemplated by the Regulatory Flexibility Act, and EPA has not had the benefit of a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel process to evaluate the costs and benefits of the proposed rule. We believe EPA would benefit from the panel and the expertise of the industry in assessing costs and perhaps finding a more effective and economical tank release and monitoring program.

Ultimately, the discrepancy between the agency cost estimates and the industry estimates cause us concern and warrants further evaluation. We respectfully suggest that the proper remedy would be to withdraw the proposed rule and form a Small Business Advocacy Review (SBAR) panel to address the issues raised.

Thank you for your consideration. We look forward to hearing from you.

Sincerely,

Gregg Harper
Member of Congress

John Barrow
Member of Congress

Leonard Lance
Member of Congress

Mike Simpson
Member of Congress

Tim Griffin
Member of Congress

Steve Womack
Member of Congress

Renee Ellmers
Member of Congress

Mark Amodei
Member of Congress

Alan Nunnelee
Member of Congress

Bill Cassidy
Member of Congress

Mike Pompeo
Member of Congress

Robert E. Latta
Member of Congress

Marsha Blackburn
Member of Congress

Steve Pallazzo
Member of Congress

Rick Crawford
Member of Congress

Gus Bilirakis
Member of Congress

Lee Terry
Member of Congress

Tom Cotton
Member of Congress

Tom Latham
Member of Congress

Adam Kinzinger
Member of Congress

Steve Daines
Member of Congress

Billy Long
Member of Congress

Paul A. Gosar
Member of Congress

Jason Chaffetz
Member of Congress

Rob Bishop
Member of Congress

Walter Jones
Member of Congress

Jeff Duncan
Member of Congress

Mick Mulvaney
Member of Congress

David P. Roe, M.D.
Member of Congress

Cory Gardner
Member of Congress

Cathy McMorris Rodgers
Member of Congress

Brett Guthrie
Member of Congress

Robert B. Aderholt
Member of Congress

Bill Johnson
Member of Congress

Bill Huizenga
Member of Congress

Mo Brooks
Member of Congress

Virginia Foxx
Member of Congress

Greg Walden
Member of Congress

Mike Rogers (AL)
Member of Congress

Daniel Webster
Member of Congress

Adrian Smith
Member of Congress

Ann Wagner
Member of Congress

Mike Rogers (MI)
Member of Congress

Gene Green
Member of Congress

Steve Southerland II
Member of Congress

Vicky Hartzler
Member of Congress

Rodney Davis
Member of Congress

Todd Young
Member of Congress

Markwayne Mullin
Member of Congress

Jackie Walorski
Member of Congress

Todd Rokita
Member of Congress

Steven Fincher
Member of Congress

Kevin Cramer
Member of Congress

Scott DesJarlais
Member of Congress

Martha Roby
Member of Congress

Diane Black
Member of Congress

Blaine Luetkemeyer
Member of Congress

Jim Matheson
Member of Congress

CC:
Ms. Carolyn Hoskinson
Director
Office of Underground Storage Tanks

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 22 2013

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Leonard Lance
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter of July 24, 2013, regarding the proposed revisions to the U.S. Environmental Protection Agency's (EPA) underground storage tank regulations. Knowing that the majority of our regulated entities are small businesses, we agree it is important to recognize potential impacts to this sector. This was one of the main reasons why, when drafting the proposal, we made a concerted effort to propose provisions which would not require costly retrofits to existing underground storage tank (UST) systems, yet would help ensure protection of public health and the environment.

The EPA carefully evaluated the costs associated with the proposal and explained the agency's analysis in the regulatory impact assessment (RIA). Our analysis determined that the potential costs of the proposal did not reach a level that would require convening a Small Business Advocacy Review Panel. Although EPA did not convene a Panel, we sought extensive stakeholder input to help inform our rulemaking proposal.

Prior to the November 2011 proposal, the EPA engaged in a multi-year effort with stakeholders to identify appropriate updates and modifications to the UST regulations. Before the EPA started to draft regulatory language, the agency reached out to potentially affected parties to ask for their input on what changes to make to the UST regulations. Starting in March 2008, the EPA had conference calls, in person meetings, and shared emails with stakeholders. The EPA reached out to petroleum marketers and other owners and operators of UST systems, equipment manufacturers, vendors and service providers who work on the equipment, among others. Specifically, the EPA met with industry representatives of Petroleum Marketers Association of America (PMAA), American Petroleum Institute (API), National Association of Convenience Stores (NACS), SIGMA, National Association of Truckstop Owners (NATSO) and the Petroleum Transportation and Storage Association (PTSA). In addition to meeting with these stakeholders, the EPA also met with several individual marketing, equipment and service companies. The EPA held a series of in person meetings with these groups to gain their input on potential changes to the UST regulations. The feedback included information about field experience with UST system equipment, requests not to require extensive retrofits, and general support for a focus on operations and maintenance activities. These meetings were held March 17, 2008, April 17, 2008, June 18, 2008 and November 18, 2008.

The EPA documented a list of all of the ideas submitted by stakeholders during these meetings as well as through email. In January 2009, the EPA emailed this list of potential changes to the UST regulations to all stakeholders, and asked for their comments on the ideas. Based on all of the comments received in

response to the January 2009 email, the EPA narrowed the list of potential changes to the UST regulations. In June 2009, the EPA emailed the narrowed list to stakeholders. We invited stakeholders to submit their thoughts to us and to let us know if they would like to set up a phone call to discuss any of the issues. The EPA met with all industry representatives who asked to do so. Before, during, and since the end of the rulemaking comment period, we have held more than 100 meetings with stakeholders. From the list that the EPA developed through extensive stakeholder input, we drafted the proposal. In addition to meeting with all interested stakeholders, the EPA worked with the Small Business Administration's Office of Advocacy (SBA) before the proposal was published as well as during the public comment period. Following the EPA's rulemaking process, before publishing the proposal in the federal register, all other federal agencies were given an opportunity to review and comment on the proposal. SBA was an integral part of this process. In addition, we worked with SBA during the public comment period. SBA brought to our attention that many small businesses were confused by the proposed changes to wastewater treatment tanks. The EPA and SBA worked together to develop explanatory materials on these UST systems to provide the clarity sought by small business.

In order to ensure that members of the public had an opportunity to comment on the proposal, the EPA extended the comment period from 90 to 150 days. The agency takes the comments we receive during regulatory comment periods very seriously. After receiving comments, the EPA worked diligently to understand industry's cost information comments so that we could thoroughly evaluate our cost analysis. The EPA appreciates the detailed response from commenters, and has fully considered the comments including the compliance costs submitted by industry representatives. We are currently working to determine the appropriate path forward using the comments we received to help inform our decision making. Some of the changes to the proposal that the EPA is considering would reduce the costs of the final rule. We share your concern about the potential burden on small businesses and are working to minimize the costs while we maintain appropriate public health and environmental protection.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at Snyder.Raquel@epa.gov or (202) 564-9586.

Sincerely,

Mathy Stanislaus

Mathy Stanislaus
Assistant Administrator

LEONARD LANCE
SEVENTH DISTRICT, NEW JERSEY

COMMITTEE:
ENERGY AND COMMERCE

SUBCOMMITTEES:
HEALTH

COMMERCE, MANUFACTURING
AND TRADE

Congress of the United States
House of Representatives

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23 ROYAL ROAD, SUITE 101
FLEMINGTON, N.J. 08822
PHONE: 908-788-6900
FAX: 908-788-2869

June 6, 2011

The Honorable Lisa P. Jackson
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

I am writing concerning recent actions by the U.S. Environmental Protection Agency (EPA) to ban the sale and distribution of certain pest control products.

It has come to my attention that the EPA intends to finalize the ban on the residential consumer sale and distribution of pest control products containing four specific rodenticides without a hearing as required under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

As a member of the House Energy and Commerce Committee and responsible for congressional oversight of the FIFRA I ask that you examine the protocols as required by law that allow for a specific administrative process for any product that is being examined and considered for recall or discontinuation.

Following these protocols will allow for a complete examination of the issue based upon sound science and allow all parties to work collaboratively toward cost-effective and a flexible alternative solution that will protect children and animals not only from exposures to pesticides but from the rats and mice and the diseases they may spread.

I applaud your efforts to protect children, pets and wildlife from residential-use rodenticides and respectfully request the EPA follow the FIFRA protocols as directed by law and conduct a hearing on the rodenticide ingredients in question to allow for a fair and science-based examination of the chemicals and their potential effect on the environment and wildlife.

Thank you for consideration to my request. I look forward to your response. Best personal wishes.

Sincerely,

Leonard Lance

Leonard Lance
Member of Congress

cc: The Honorable Steve Owens, Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 11 2011

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Leonard Lance
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter of June 6, 2011, to Administrator Lisa P. Jackson of the U.S. Environmental Protection Agency regarding the agency's implementation of the May 2008 Risk Mitigation Decision for Ten Rodenticides, specifically the agency's intent to cancel certain consumer-use products that do not conform with the 2008 decision. Your letter was sent to the Office of Chemical Safety and Pollution Prevention because this office is responsible for regulating pesticides in the United States.

In 2008, EPA issued the rodenticides risk mitigation decision to satisfy the requirements of section 4(g)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act, specifying changes that must be made in these products to allow for continued use that does not cause unreasonable adverse effects to human health or the environment.

The changes identified in EPA's rodenticides risk mitigation decision were developed over more than a decade, based on an extensive scientific assessment and an open, collaborative process that offered numerous opportunities for stakeholder and public input. Changes such as prohibiting sale of the more toxic second-generation anticoagulant active ingredients and most loose bait and pellet products to residential consumers and requiring that all newly registered rodenticide products marketed to residential consumers be enclosed in bait stations were designed to better protect children, pets and wildlife. These improvements will help prevent the accidental exposures of thousands of children each year due to current household rodenticide marketing and use practices, as well as direct and secondary poisonings of non-target wildlife.

To minimize disruption in the marketplace, EPA's May 2008 decision provided rodenticide registrants a 3-year timeframe, until June 4, 2011, to research, develop and register products that conform to the agency's decision. Over the past 3 years, EPA has worked with companies to achieve that goal, and there are now new products on the market with improved bait delivery systems and less toxic baits. These products, which are highlighted on our website at http://www.epa.gov/pesticides/mice-and-rats/rodent-bait-station.html, are safer to children, pets and wildlife but still provide effective rodent control for most residential consumers.

While most companies that produce rodenticide products have agreed to adopt EPA's new safety measures embodied in the 2008 risk mitigation decision, some companies have advised the agency that they do not intend to do so. The registrations for some of these products expired on

June 4, 2011, and while those expirations occurred without a FIFRA section 6 hearing, the affected registrants had the opportunity for such a hearing but nevertheless agreed to the expiration conditions (*see Woodstream Corporation v. Jackson*, No. 11-867 (JEB) *slip op.* at 10-12 (D.D.C., June 3, 2011)). On June 7, 2011, EPA announced its intent to initiate cancellation proceedings under section 6 of FIFRA against the remaining residential consumer-use rodenticide products for which registrants refuse to voluntarily cancel or adopt the risk mitigation measures in the 2008 risk mitigation decision.

EPA continues to believe that additional mitigation is necessary to protect children and wildlife. The agency also believes that there will be sufficient product available to consumers to meet their pest control needs. For further information and updates, please see http://www.epa.gov/pesticides/mice-and-rats/.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Sven-Erik Kaiser in EPA's Office of Congressional and Intergovernmental Relations at (202) 566-2753.

Sincerely,

Stephen A. Owens
Assistant Administrator

Congress of the United States

Washington, DC 20515

August 10, 2011

U.S. Environmental Protection Agency
Water Docket
Mail Code: 4203M
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OW-2008-0667

Dear Administrator Jackson:

We are pleased to provide these comments on the proposed Environmental Protection Agency rulemaking published in the *Federal Register* on April 20, 2010.[1] The proposed rule would require power plants and other industrial or manufacturing facilities to minimize adverse environmental impacts associated with the operation of cooling water intake structures (CWIS). The proposal will affect virtually every power plant in the country and could have significant adverse economic, environmental, and energy consequences. Thus, we believe it is important for EPA to take a measured approach to the rulemaking, ensuring that any final rule includes sufficient flexibility and that the benefits of any requirements it imposes are commensurate with the costs. We believe that there is more EPA can do to achieve these objectives.

The proposed rule would require most electric generating facilities and many manufacturing facilities that use cooling water to meet an array of new requirements, even though these facilities have been minimizing adverse environmental impacts under state-issued Clean Water Act permits for years. Given the long history of state regulation in this area, the proposed rule appropriately gives the states primary responsibility for making technology decisions regarding how best to minimize entrainment of aquatic organisms at affected facilities. This approach recognizes the importance of site-specific factors, such as the composition of aquatic populations, source water characteristics, and facility configuration and location. Consideration of factors like these is vital in determining the extent of any environmental impacts, defining the range of available solutions, and evaluating the feasibility and cost-effectiveness of such solutions.

Unfortunately, EPA has not adopted a similar approach to minimizing the impacts of impingement. In contrast to the approach applied to entrainment, EPA is proposing to adopt uniform national impingement standards that have not been demonstrated to be widely achievable and that, in fact, many facilities may not be able to meet. This approach to impingement takes the technology determination out of the states' hands, and provides no credit for impingement reduction technologies that have already been approved by the states as best technology available.

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[1] "National Pollutant Discharge Elimination System – Cooling Water Intake Structures at Existing Facilities and Phase I Facilities; Proposed rule," 76 Fed. Reg. 22,174.

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Instead, the rule should provide an approach to impingement and entrainment that allows for simultaneous consideration of unaddressed adverse impacts, if any, and gives state environmental regulators the discretion to perform site-specific assessments to determine the best technology available for both impingement and entrainment. This would allow consideration of a range of factors that vary on a site-by-site basis, such as the cost of a specific technology at a facility and the likely benefits of that technology, given the unique mix of species in the water body and other site-specific factors. This approach would also provide consistency, allowing permitting authorities to develop holistic solutions to the related issues of entrainment and impingement.

EPA has proposed a rule that, by its own estimate, would impose costs more than twenty times greater than estimated benefits. Notably, EPA's cost estimate does not include the cost of controls to address entrainment. Given the wide disparity between the costs and benefits associated with imposing a national impingement standard, we believe that permittees should be able to select from a full range of compliance options that would minimize adverse environmental impacts, as warranted, while accounting for site-specific variability including benefits and costs. Furthermore, given the inherent variability of how technology will perform at each site, EPA should focus on simply identifying beneficial technology options rather than setting rigid performance standards. In addition, any facility that already employs closed-cycle cooling, including the use of cooling ponds or other impoundments, should be considered compliant.

The proposed rule as presently crafted could result in premature power plant retirements, energy capacity shortfalls, and higher costs for consumers. These results would not be helpful to our efforts to restore the nation's economic health and a private sector capable of robust job creation. Therefore, we further urge you to modify the proposed rule to ensure that any new requirements will produce benefits that are at least commensurate with, if not greater than costs, and will maximize the net benefits of the options available, consistent with President Obama's Executive Order No. 13563.

Sincerely,

Joe Barton (TX)

Mike Ross (AR)

Ed Whitfield (KY)

Jason Altmire (PA)

John Shimkus (IL)

Dan Boren (OK)

Cliff Stearns (FL)

Heath Shuler (NC)

Joe Wilson (SC)

John Barrow (GA)

Mike Simpson (ID)

Bill Owens (NY)

John Sullivan (OK)

Leonard Boswell (IA)

Tim Huelskamp (KS)

Larry Kissell (NC)

Tim Scott (SC)

Mike McIntyre (NC)

Sue Myrick (NC)

Jerry Costello (IL)

Cynthia Lummis (WY)

Charles Boustany (LA)

Denny Rehberg (MT)

Steve Scalise (LA)

Lynn Westmoreland (GA)

Mario Diaz-Balart (FL)

Brian Bilbray (CA)

Tom Latham (IA)

Leonard Lance (NJ)

Alan Nunnelee (MS)

Adam Kinzinger (IL)

Mike Pompeo (KS)

Raul Labrador (ID)

Bill Huizenga (MI)

Blaine Luetkemeyer (MO)

Rich Nugent (FL)

Trey Gowdy (SC)

Jeff Duncan (SC)

Steve Womack (AR)

Mick Mulvaney (SC)

David Rivera (FL)

Tim Walberg (MI)

Renee Ellmers (NC)

Tim Griffin (AR)

Bob Gibbs (OH)

Todd Akin (MO)

Rodney Alexander (LA)

Lynn Jenkins (KS)

Cory Gardner (CO)

Sam Graves (MO)

Rick Crawford (AR)

Vicky Hartzler (MO)

Bill Cassidy (LA)

Dennis Ross (FL)

Gus Bilirakis (FL)

Aaron Schock (IL)

Rick Berg (ND)

Billy Long (MO)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 2 2011

The Honorable Leonard Lisa Lance
U.S. House of Representatives
Washington, D.C. 20515

OFFICE OF WATER

Dear Congressman Lance:

Thank you for your letter of August 10, 2011, to the U.S. Environmental Protection Agency (EPA) regarding the proposed regulation on cooling water intakes. Your concerns over potential economic, environmental, and energy impacts echo the concerns we are hearing from others during the public comment period.

Our goal was, and continues to be, a process that results in a common sense and cost-effective approach to protecting aquatic life without sacrificing electricity services on which households and businesses across the country depend. I have strived to take a measured approach to this proposal by establishing a strong baseline level of protection, and then allowing states the primary responsibility to develop additional safeguards for aquatic life through a rigorous site-specific analysis. This approach allows states to consider technologies already employed by facilities, to address site-specific water characteristics and facility configuration, and to perform best technology available assessments by a process under which factors such as costs and benefits may be considered. Several of your specific comments on the proposed approach have resonated with us. For example, you mention the need for a more flexible approach to the impingement standard. Others have expressed a similar concern, and we have already had productive stakeholder discussions about alternatives.

The EPA is proposing these standards to meet its obligations under the Clean Water Act pursuant to a recent settlement agreement with environmental groups whereby the EPA agreed to issue a final decision by July 2012. When the Agency takes final action we will be providing the public and our regulated stakeholders with the regulatory certainty they have lacked for 30 years, and that certainty – in conjunction with the considerable flexibility our federal regulation provides to states – will allow regulated stakeholders to make sound investment decisions, and hasten our economic recovery.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Greg Spraul in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0255.

Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

May 11, 2011

The Honorable Lisa Jackson
Administrator, U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

Gas prices have skyrocketed these past few months. According to the Energy Information Administration (EIA), the price per gallon of gasoline has jumped a dollar in the past two months alone. Many have predicted that gas prices could spike even higher by the end of next year. These prices demonstrate the vulnerability of our energy supply to the many factors affecting the price of gasoline in the United States.

EIA stated in a 2002 report that one factor affecting gas price volatility is the increased use of different types of fuels in different localities. The proliferation of these specialty or "boutique" fuels increases the chance that localities using them will experience faster inventory depletion when nationwide gas supplies are low. This makes these localities especially vulnerable to a surge in gas prices. From this, the report concludes that addressing the boutique fuel problem would most likely diminish the frequency and magnitude of price surges.

In the Energy Policy Act (EPACT) of 2005, we took the first important step to address this problem by capping the number of fuels allowed and giving EPA authority to waive fuel specifications in the event of a natural disaster. In 2005, when Hurricane Katrina hit, 20 percent of this nation's refinery capacity was shut down. The waiver authority proved integral to the response to this massive supply disruption.

Temporary measures such as these are important and aim to reduce the brunt of price spikes during a disruption, but they will not bring us closer to a permanently streamlined and more reliable fuel delivery system. That's why Congress directed EPA and the Department of Energy (DOE) in Section 1509 of EPACT of 2005 to jointly undertake a Fuel Harmonization Study in order to ascertain the effects varying fuel standards might have on issues like price, and to assess the feasibility of developing national or regional fuel standards. Indeed, EPA devoted a large portion of its Section 1541(c) Boutique Fuels Report to Congress explaining how it would approach a more "comprehensive assessment" of the impacts of boutique fuels in the Fuel Harmonization Study. This report was due to Congress by June of 2008, and Congress is still waiting.

Unfortunately, EPA and DOE never did the report, and has provided no explanation as to why it disregarded its congressional directive. Comprehensive empirical evidence assessing the give and take between reliability and price stabilization is much needed. Congress seeks to draw upon

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the expertise in the different agencies by commissioning studies in cases such as these, and it is incumbent upon agencies to respond in a timely way and to follow congressional intent.

Therefore, we respectfully ask that you respond to this letter with an answer to the following questions:

- Will EPA and DOE ever conduct the Fuel Harmonization Study that was required by Section 1509 of EPACT of 2005? If so, when can Congress expect to see the final report?
- Since the demand for oil continues to increase, and the price of gasoline continues to rise, as the country recovers from the economic recession, does EPA not see the utility in conducting a study to aid in the simplification of our fuel delivery system?

The global supply and demand factors affecting the price of oil paired with our heavy reliance on foreign sources of oil leaves us susceptible to price volatility when that oil is refined into gasoline and sold on the open market. Increasing the domestic exploration for our American energy is one important way to decrease our dependence on foreign oil and make us less vulnerable to price spikes and volatility. Another way to achieve this goal is to simplify our nation's increasingly complex gasoline supply to resolve the distribution issues that would otherwise lead to potential gasoline price spikes. We expect EPA and DOE to follow the congressional intent that was outlined in EPACT of 2005 and conduct the Fuel Harmonization Study as soon as possible, to better inform us on how the reduction of unnecessary domestic energy constraints caused by the proliferation of boutique fuel use will affect the price of gasoline.

Thank you for your consideration. We look forward to your prompt response.

Sincerely,

Lee Rheubottom

Mike Crapo

Roger W. Wicker

Pat Toomey

Alan Kim

Rand Paul

John Hoven

John Barrasso

Tim Murphy

G-11

Steve Scalise, LA-1

WV-01

KY-2

IL 19

PA-16

Greg Walden

Charles F. Bass

HILL OF SHANGHAI

Joe Barton TX 6

TX 26

TN 7

WA-05

CO-4

TN-7

IL-11

Leonard Lance NJ 7

Gregg Harper MS-3

Paul C Broun GA 11

cc: The Honorable Steven Chu, U.S Department of Energy

Re: New letter for CMS
Patricia Haman to: Patricia Haman 05/12/2011 12:11 PM
Cc: Cassaundra Eades, Kathy Mims

OK: here is the list of signatories:

List of signatures:

Sen. Blunt
Sen. Murkowski
Sen. Crapo
Sen. Wicker
Sen. Toomey
Sen. Kirk
Sen. Cochran
Sen. Hoeven
Sen. Barrasso

Cong. Walden
Cong. Upton
Cong. Bass
Cong. Griffith
Cong. Barton
Cong. Burgess
Cong. Blackburn
Cong. Whitfield
Cong. McMorris-Rodgers
Cong. Bono-Mack
Cong. Pompeo
Cong. Murphy
Cong. Bilbray
Cong. Gingrey
Cong. Scalise
Cong. McKinley
Cong. Guthrie
Cong. Shimkus
Cong. Rogers
Cong. Pitts
Cong. Gardner
Cong. Kinzinger
Cong. Lance
Cong. Harper
Cong. Broun
Cong. Terry

Patricia Haman
Office of Congressional and Intergovernmental Relations
202-564-2806

Patricia Haman Good Morning: Here is a new one for cms. I sh... 05/12/2011 10:20:17 AM

From: Patricia Haman/DC/USEPA/US
To: Cassaundra Eades/DC/USEPA/US@EPA, Kathy Mims/DC/USEPA/US@EPA
Date: 05/12/2011 10:20 AM
Subject: New letter for CMS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 29 2011

OFFICE OF
AIR AND RADIATION

The Honorable Leonard Lance
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter of May 11, 2011, co-signed by 34 of your colleagues, to Administrator Lisa Jackson in which you express concerns over gasoline prices and discuss the relationship between gas prices and the use of different types of fuels in different localities in the U.S. The Administrator asked that I respond on her behalf.

I understand that the spike in gas prices, driven by increased global demand and compounded by unrest and supply disruptions in the Middle East, is of concern to American citizens. Clean fuel programs are not, however, the reason for this increase. Your letter notes that, in 2002, the U.S. Energy Information Administration (EIA) stated that one factor affecting gas price volatility was the increased use of different types of fuels in different localities. Since then, there have been a number of changes to clean fuel programs to address this issue. As a result, a number of reports and other studies have concluded that the refining and distribution system works efficiently to supply and distribute all types of fuels in the U.S, including fuel meeting local requirements.[1]

The number of localized clean fuel requirements has decreased since 2002. Passage of the Energy Policy Act of 2005 (EPAct) and the Energy Independence and Security Act of 2007, along with other U.S. Environmental Protection Agency Clean Air Act regulatory changes, have greatly altered the transportation fuels landscape. Collectively these changes—which include nationwide instead of regional gasoline sulfur and benzene standards, removal of federal reformulated gasoline's oxygenate requirement, widespread use of E10, and the transition to lower sulfur diesel—have resulted in the fuel supply system being more fungible today than it has been in many years. Today, state summertime fuel volatility programs represent the only remaining difference in fuel formulations for certain markets. The number of fuels is less of an issue for today's fuel markets than it has been in years past.

States' ability to adopt new clean fuel programs has been significantly curtailed. Section 1541(b) of EPAct required EPA, in consultation with the Department of Energy, to publish a list of state clean fuel programs approved as a clean air strategy in State Implementation Plans (SIPs). Publication of the list and action taken under this authority ultimately set limits on the type of fuels that various areas can be authorized to require under their state plans. The EPA published this list in December of 2006, and to date there has been no change to this listing.[2]

The Agency's authority under the Clean Air Act (Section 211)(c)(4)(C) to waive local clean fuel requirements in emergency situations has proven useful in addressing possible supply disruptions that could lead to gas price spikes that might otherwise occur when local fuel specifications inhibit the ability to supply a specific product to a specific locality.[3] When the fuel supply and distribution systems are

functioning normally, local fuel requirements do not cause gas price spikes. However, gas price spikes can occur when there is an emergency that disrupts the normal, local supply and distribution networks (e.g., a refinery supplying fuel for an area is disabled due to a hurricane or some other unforeseen reason) and local fuel requirements prevent the sale of fuel from other markets. The first significant test of this authority occurred in 2005 when Hurricane Katrina shut down a significant portion of the country's refinery capacity. As you noted in your letter, the EPA's waiver authority proved integral to the response to this massive supply disruption.

Clean fuel programs add very little to the price of gasoline. For instance, the cost to control summertime gasoline volatility for air quality purposes, including programs implemented by states, ranges from less than a penny a gallon to about 2 cents per gallon. By comparison, the EIA's April breakdown for refining costs are 69% for the cost of crude oil, 16% for refinery processing, 5% for product distribution and marketing, and 10% for federal and state taxes. The price paid by consumers at the pump, which is currently around $3.65 per gallon, reflects all these costs.

In spring 2006, President Bush established a Boutique Fuels Task Force to gather information from numerous stakeholders including state officials, refiners, public health officials and automakers. That Task Force issued a report to the President in June 2006. Following this report, in compliance with Section 1541(c) of EPAct, the EPA and the Department of Energy (DOE) submitted a report to Congress in December 2006 on the impact state fuel programs have on air quality, fuel availability, and fuel costs. The Section 1541(c) Report built upon the Task Force Report findings and described important regulatory and legislative revisions that had already or would soon change the landscape of the transportation fuels market.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Gina McCarthy
Assistant Administrator

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[1] **Boutique Fuels: State and Local Clean Fuels Programs** Main Boutique Fuels Weblink: http://www.epa.gov/otaq/boutique.htm; **EPAct Section 1541(c) Boutique Fuels Report to Congress** Weblink: http://www.epa.gov/otaq/boutique/420r06901.pdf, Document Number: EPA420-R-06-901 December 2006, Authored by Office of Policy and International Affairs, Department of Energy and Office of Transportation and Air Quality, Environmental Protection Agency; **Study of Boutique Fuels & Issues Relating to Transition from Winter to Summer Gasoline** (PDF, 11 pp, 36K, EPA420-R-01-051, October 2001) Weblink: http://www.epa.gov/otaq/regs/fuels/r01051.pdf; **Study of Unique Gasoline Fuel Blends ("Boutique Fuels"), Effects on Fuel Supply and Distribution and Potential Improvements** (PDF, 105 pp, 610K, EPA420-P-01-004, October 2001) Weblink: http://www.epa.gov/otaq/regs/fuels/p01004.pdf

[2] Boutique Fuels List: http://www.epa.gov/otaq/regs/fuels/boutique-list.htm

[3] EPA Fuel Waivers Website Link: http://www.epa.gov/compliance/civil/caa/fuelwaivers

Congress of the United States
Washington, DC 20515

July 31, 2012

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Administrator Jackson:

We are writing to express our concerns regarding the Environmental Protection Agency's (EPA) proposed rule governing cooling water intake structures under Section 316(b) of the Clean Water Act. This proposed rule will affect more than a thousand coal, nuclear, and natural gas power plants and manufacturing facilities across the country and has the potential to impose enormous costs on consumers without providing human health benefits or significant improvements to fish populations. We believe it is critically important that the final rule provides ample compliance flexibility to accommodate the diversity of these facilities, allows for multiple pre-approved technologies, ensures that the definition of closed-cycle systems at existing facilities is not more stringent than for new facilities, and forgoes the use of its "willingness to pay" public opinion survey.

Flexibility

The proposed rule correctly provides states with the lead authority to make site-specific evaluations to address entrainment. It is vitally important that EPA's final rule retain this compliance flexibility, allowing technology choices to be made on a site-specific basis reflecting costs and benefits. We encourage the EPA to adopt these features in the impingement parts of the rule as well.

Impingement Requirements

The proposed rule includes a stringent national numeric impingement standard that would be extremely difficult for facilities with state-of-the-art controls to meet. Even the technology EPA prefers—advanced traveling screens and fish return systems—cannot meet the proposed standard on a reliable basis. The final rule must, instead, provide multiple pre-approved technologies that, once installed and properly operated, would be recognized as sufficient to address impingement concerns. In cases where such technologies are not feasible or cost-beneficial, we ask that the rule provide an alternative compliance option and relief where it can be shown there are minimal impingement or entrainment impacts on fishery resources. Further, the final rule should extend the compliance deadline for impingement to the longer proposed deadline for entrainment, and provide adequate time to allow companies to make integrated, cost-effective compliance decisions.

Definition of Closed-Cycle Cooling

Many facilities today have closed-cycle cooling systems. The rule must ensure that the definition of what qualifies as closed-cycle systems at existing facilities is not more stringent than the one EPA already has adopted for new facilities. The definition should include any closed-cycle system that

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recirculates water during normal operating conditions, and the definition must not exclude impoundments simply because they are considered waters of the United States.

Public Opinion Survey

We ask that the EPA abandon the use of its "willingness to pay" public opinion survey discussed in its second Notice of Data Availability (NODA). The public opinion survey method is highly controversial and does not provide a basis for reliable results. The survey results EPA has published to date are incomplete, insufficiently analyzed, and lack peer review. This approach to economic analysis is far too speculative to serve as a basis for national regulatory decisionmaking and presents very worrisome national, legal, policy, and governance implications that go well beyond this rulemaking. EPA's conventional cost-benefit analysis produced an unwarranted cost to benefit ratio of 21:1. Using the incomplete public opinion survey approach instead of the accepted conventional cost-benefit analysis causes an alarming shift in this ratio to 1:5, a change of 10,000 percent. Such an extreme change in benefits raises questions about the validity of the survey. Furthermore, the survey itself is misleading and inaccurate. Scientific studies have not demonstrated that reducing impingement and entrainment by regulating cooling water intake structures will result in measurable improvements in fish populations, yet that is what the survey clearly suggests.

We appreciate your consideration of the above improvements to the proposed rule and hope that the EPA will adopt them before finalizing the rule. These changes would help to reduce the current substantial disparity between the proposed rule's costs and benefits. Such actions by the EPA would conform to the President's January 2011 Executive Order 13563, which directs agencies to adopt rules that minimize regulatory burden and produce maximum net benefits.

Sincerely,

Jason Altmire
Member of Congress

Joe Barton
Member of Congress

Mike Pompeo
Member of Congress

Jeff Duncan
Member of Congress

Mark E. Amodei
Member of Congress

W. Todd Akin
Member of Congress

Erik Paulsen
Member of Congress

Bill Shuster
Member of Congress

Jeffrey M. Landry
Member of Congress

Marsha Blackburn
Member of Congress

Patrick T. McHenry
Member of Congress

Sue Wilkins Myrick
Member of Congress

Gregg Harper
Member of Congress

Kurt Schrader
Member of Congress

Bill Johnson
Member of Congress

Rick Berg
Member of Congress

Aaron Schock
Member of Congress

Michael F. Doyle
Member of Congress

Cory Gardner
Member of Congress

Scott R. Tipton
Member of Congress

Kristi L. Noem
Member of Congress

Todd Rokita
Member of Congress

Brett Guthrie
Member of Congress

Rodney Alexander
Member of Congress

Tim Murphy
Member of Congress

Paul C. Broun
Member of Congress

Bob Gibbs
Member of Congress

Gus M. Bilirakis
Member of Congress

John R. Carter
Member of Congress

Leonard Lance
Member of Congress

Ted Poe
Member of Congress

Joe Walsh
Member of Congress

Mario Diaz-Balart
Member of Congress

Christopher P. Gibson
Member of Congress

Robert T. Schilling
Member of Congress

Michael Grimm
Member of Congress

Mick Mulvaney
Member of Congress

Leonard L. Boswell
Member of Congress

Tim Walberg
Member of Congress

Steve Scalise
Member of Congress

William L. Owens
Member of Congress

John Sullivan
Member of Congress

Doug Lamborn
Member of Congress

Paul A. Gosar
Member of Congress

James Lankford
Member of Congress

Patrick Meehan
Member of Congress

Vicky Hartzler
Member of Congress

Tom Reed
Member of Congress

Daniel Webster
Member of Congress

Tim Scott
Member of Congress

David Schweikert
Member of Congress

Robert E. Latta
Member of Congress

Sam Graves
Member of Congress

Alan Nunnelee
Member of Congress

Steve Womack
Member of Congress

Richard B. Nugent
Member of Congress

Renee L. Ellmers
Member of Congress

Jeff Denham
Member of Congress

H. Morgan Griffith
Member of Congress

Stephen Lee Fincher
Member of Congress

Adam Kinzinger
Member of Congress

Eric A. "Rick" Crawford
Member of Congress

Tim Ryan
Member of Congress

Charles A. Gonzalez
Member of Congress

Reid J. Ribble
Member of Congress

Raul R. Labrador
Member of Congress

Billy Long
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Ann Marie Buerkle
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Larry Kissell
Member of Congress

Blaine Luetkemeyer
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John Barrow
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Tom Latham
Member of Congress

Jo Ann Emerson
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Robert E. Andrews
Member of Congress

Cliff Stearns
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Charles F. Bass
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Jerry F. Costello
Member of Congress

Daniel Lipinski
Member of Congress

Mike McIntyre
Member of Congress

Greg Walden
Member of Congress

Mac Thornberry
Member of Congress

Joe Wilson
Member of Congress

Edolphus Towns
Member of Congress

Bobby L. Rush
Member of Congress

Lee Terry
Member of Congress

Ed Whitfield
Member of Congress

Brian P. Bilbray
Member of Congress

Tim Holden
Member of Congress

Frank A. LoBiondo
Member of Congress

Dan Boren
Member of Congress

C.A. Dutch Ruppersberger
Member of Congress

Mike Rogers
Member of Congress

Heath Shuler
Member of Congress

Pete Sessions
Member of Congress

Cathy McMorris Rodgers
Member of Congress

Jim Matheson
Member of Congress

Denny Rehberg
Member of Congress

Tom Cole
Member of Congress

Bill Flores
Member of Congress

Phil Gingrey
Member of Congress

Danny K. Davis
Member of Congress

cc: Michael Goo, EPA
Jim Laity, OMB
Jack Lew, The White House
The Honorable Robert Perciasepe, EPA
Bruce Reed, The White House
Gene Sperling, NEC
The Honorable Cass R. Sunstein, OMB
The Honorable Jeffrey Zients, OMB

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 31 2012

OFFICE OF WATER

The Honorable Leonard Lance
House of Representatives
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter of July 31, 2012, to the U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson regarding the proposed rule for cooling water intake structures that the EPA published in April 2011. During the public comment period for the proposed rule, we received many comments on how to make national standards work better for the diverse community of interests, including more than 1200 industrial facilities, state permitting authorities, and commercial and recreational fishermen. Your letter reflects some of the concerns we heard during the public comment period. The EPA is carefully considering the comments and new data we have received from the regulated community and other stakeholders as it works toward a final rule. As the senior policy manager of the EPA's national water program, I am pleased to respond to your letter on behalf of Administrator Jackson.

The proposed rule would establish national standards under section 316(b) of the Clean Water Act for certain existing power plants and manufacturing facilities. Under the Clean Water Act, section 316(b) standards must reflect the best technology available for "minimizing adverse environmental impact." The proposed rule seeks to minimize adverse environmental impact through standards that protect aquatic organisms from death and injury resulting from the withdrawal of water by cooling water intake structures. The largest power plants and manufacturing facilities in the United States (that each withdraw at least two million gallons per day) cumulatively withdraw more than 219 billion gallons of water each day, resulting in the death of billions of aquatic organisms such as fish, larvae and eggs, crustaceans, shellfish, sea turtles, marine mammals, and other aquatic life. Most impacts are to early life stages of fish and shellfish through impingement[1] and entrainment[2]. The proposed rule would establish a baseline level of protection from impingement and then allow additional safeguards for aquatic life to be developed through site-specific analysis by the states. This flexible approach would ensure that the most up-to-date technologies are considered and appropriate cost-effective protections of fish and other aquatic populations are used.

[1] Impingement is the pinning of fish and other larger aquatic organisms against the screens or other parts of the intake structure.
[2] Entrainment is the injury or death of smaller organisms that pass through the power plant cooling system.

Your letter expresses concerns regarding the potential costs that our rule may have on power plants and on consumers. Let me assure you that the EPA takes these concerns very seriously. The agency is working hard to develop a final rule that achieves environmental benefits consistent with the Clean Water Act and in a way that ensures that our nation's energy supplies remain reliable and affordable.

Your letter expressed concern about the impingement mortality standards, related alternatives and flexibility, and the timeline for compliance in the proposed rule. Since proposal, the EPA has received new data related to the performance of impingement mortality control technologies. In particular, the EPA obtained more than 80 studies that provided additional data on the costs and performance of these technologies. These data include important information related to how the EPA might approach the definition of impingement mortality and compliance alternatives.

On June 11, 2012, the EPA published a Notice of Data Availability (NODA) setting forth a number of possible approaches to increase flexibility for impingement requirements. Perhaps most significantly, the NODA described a streamlined regulatory process for facilities that simply opt to employ specific pre-approved technologies that have been consistently demonstrated to protect the greatest numbers of fish and other aquatic life. The NODA solicited comment on how to establish impingement controls on a site-specific basis in those circumstances in which the facility demonstrates that the typical controls are not feasible. The NODA also identified a possible site-specific impingement category that would reduce or even eliminate new technology requirements for facilities with very low rates of fish and aquatic life death or injury. The EPA also requested comment on how best to define closed-cycle recirculating systems to ensure effective operation of these systems at existing facilities. We were pleased that stakeholders submitted the information requested in the NODA, and the EPA is considering all of this new information as we move toward completing the final rule.

Your letter also indicated concern with an EPA survey that is described in a second NODA published June 12, 2012. As stated in the NODA, the EPA's work in this area is preliminary and, "the agency has not yet determined what role, if any, the survey will play in the benefits analysis of the final 316(b) rulemaking." This survey was conducted to provide the public with more complete information about the benefits of reducing fish mortality. The benefits to society of preventing ecological damage to the aquatic environment are difficult to assess because it is hard to place a monetary value on the ecological services and public benefits of a healthy ecosystem. At the time of proposal, the EPA made it clear that the Regulatory Impact Analysis (RIA) underestimated the actual benefits and that the agency had already commenced a stated preference survey in order to do a better job of capturing the benefits of the rule.

The stated preference method poses hypothetical policy options, allowing researchers to directly inquire about citizens' willingness to pay for environmental improvements. This method can assess ecological benefits in a more complete manner than the methodologies the EPA used for the proposed rule. Stated preference methodologies have been refined for over 30 years in the academic literature, have been extensively tested and validated through years of research, and are widely accepted by both government agencies and the U.S. courts as a reliable technique for

Congress of the United States
House of Representatives
Washington, DC 20515

October 30, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Room 300, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

Nearly eight years ago, Congress approved the Energy Policy Act of 2005, establishing the first Renewable Fuel Standard ("RFS"). In 2007, Congress significantly expanded the 2005 law when it passed the Energy Independence and Security Act of 2007, which increased the mandate to 36 billion gallons of biofuels by 2022. Unfortunately, despite the best intentions of the RFS, its premise and structure were based on many assumptions that no longer reflect the current market conditions, and the imposition of the 2014 volumes now threatens to cause economic and environmental harm. As Congress continues its bi-partisan work to address these concerns, we are writing to request that the EPA use its authority to adjust the 2014 RFS volumes.

As you are aware, the U.S. corn market has been increasingly volatile since the expansion of the RFS in 2007. This reflects the reality that more than 40 percent of the corn crop now goes into ethanol production, a dramatic rise since the first ethanol mandates were put into place in 2005. While well intentioned, the rigid nature of the federal law has not allowed it to change as new realities emerge in the market place. Ethanol now consumes more corn than animal agriculture, a fact directly attributable to the federal mandate. Corn prices are just one example of the economic harm caused by the RFS.

Due to the dramatic expansion of corn ethanol, volatile corn prices have led to the conversion of millions of acres of sensitive wetlands and grasslands into production. According to the EPA's analysis, the lifecycle emissions of corn ethanol in 2012 were higher than those of gasoline – and will be for years to come. Despite promised environmental benefits when the RFS was implemented, the National Academy of Sciences has noted that overall ethanol production and use lowers air and water quality.

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Perhaps the newest challenge is the imposition of the statutory requirement of 18.15 billion gallons of renewable fuels in 2014, of which approximately 14.4 billion gallons will be made up by corn ethanol. In particular, the combination of rising ethanol mandates and declining gasoline demand has exacerbated the onset of the E10 blendwall- the point at which the gasoline supply is saturated with the maximum amount of ethanol that current vehicles, engines, and infrastructure can safely accommodate. The EPA explicitly acknowledged this challenge in its final rule implementing the 2013 volumes—"EPA does not currently foresee a scenario in which the market could consume enough ethanol sold in blends greater than E10, and/or produce sufficient volumes of non-ethanol biofuels to meet the volumes of total renewable fuel and advanced biofuel as required by statute for 2014."[1] We understand that the EPA signaled its intention to address these concerns in the 2014 rulemaking and commend the EPA's willingness to use the authority Congress granted to it when crafting the RFS.

While the blendwall is a pressing issue, the federal government can help avoid a dangerous economic situation by adjusting the normally rigid Renewable Fuel Standard mandate down to align with gasoline market conditions and realities. We therefore urge the EPA to consider a fair and meaningful nationwide adjustment to the ethanol mandate in the Renewable Fuel Standard. Prompt action by the EPA can help to ease short supply concerns, prevent engine damage, save jobs across many U.S. industries, and keep families fed. We strongly urge you to exercise your authority and take the necessary steps to protect American consumers and the economy. Thank you for your immediate consideration of this request.

Sincerely,

Bob Goodlatte
Member of Congress

Jim Costa
Member of Congress

Steve Womack
Member of Congress

Peter Welch
Member of Congress

[1] Regulation of Fuels and Fuel Additives: 2013 Renewable Fuel Standards, 78 Fed. Reg. 49,794, 49,823 (Aug. 15, 2013) (to be codified at 40 C.F.R. pt. 80).

Robert Aderholt
Member of Congress

Mark Amodei
Member of Congress

Robert Andrews
Member of Congress

Lou Barletta
Member of Congress

John Barrow
Member of Congress

Dan Benishek
Member of Congress

Kerry Bentivolio
Member of Congress

Gus Bilirakis
Member of Congress

Diane Black
Member of Congress

Marsha Blackburn
Member of Congress

Charles Boustany, Jr.
Member of Congress

Kevin Brady
Member of Congress

Jim Bridenstine
Member of Congress

Mo Brooks
Member of Congress

Paul Broun
Member of Congress

Michael Burgess
Member of Congress

G.K. Butterfield
Member of Congress

Ken Calvert
Member of Congress

John Campbell
Member of Congress

Shelley Moore Capito
Member of Congress

John Carter
Member of Congress

Steve Chabot
Member of Congress

Jason Chaffetz
Member of Congress

Howard Coble
Member of Congress

Tom Cole
Member of Congress

Chris Collins
Member of Congress

Doug Collins GA-9
Member of Congress

Mike Conaway
Member of Congress

Gerry Connolly
Member of Congress

Paul Cook
Member of Congress

Tom Cotton
Member of Congress

Rick Crawford
Member of Congress

Henry Cuellar
Member of Congress

John Culberson
Member of Congress

Steve Daines
Member of Congress

Peter DeFazio
Member of Congress

Jeff Denham
Member of Congress

Charles Dent
Member of Congress

Ron DeSantis
Member of Congress

Scott DesJarlais
Member of Congress

Mario Diaz-Balart
Member of Congress

Jeff Duncan
Member of Congress

John Duncan
Member of Congress

Renee Ellmers
Member of Congress

Blake Farenthold
Member of Congress

Chuck Fleischmann
Member of Congress

John Fleming
Member of Congress

Bill Flores
Member of Congress

Virginia Foxx
Member of Congress

Trent Franks
Member of Congress

Pete Gallego
Member of Congress

John Garamendi
Member of Congress

Scott Garrett
Member of Congress

Jim Gerlach
Member of Congress

Chris Gibson
Member of Congress

Phil Gingrey
Member of Congress

Louie Gohmert
Member of Congress

Paul Gosar
Member of Congress

Kay Granger
Member of Congress

Tom Graves
Member of Congress

Gene Green
Member of Congress

Tim Griffin
Member of Congress

H. Morgan Griffith
Member of Congress

Ralph Hall
Member of Congress

Richard Hanna
Member of Congress

Gregg Harper
Member of Congress

Andy Harris
Member of Congress

Joe Heck
Member of Congress

Jeb Hensarling
Member of Congress

Jim Himes
Member of Congress

Rubén Hinojosa
Member of Congress

George Holding
Member of Congress

Randy Hultgren
Member of Congress

Duncan Hunter
Member of Congress

Robert Hurt
Member of Congress

Darrell Issa
Member of Congress

Sam Johnson
Member of Congress

Walter Jones
Member of Congress

Jack Kingston
Member of Congress

Ann McLane Kuster
Member of Congress

Raul Labrador
Member of Congress

Doug LaMalfa
Member of Congress

Doug Lamborn
Member of Congress

Leonard Lance
Member of Congress

James Lankford
Member of Congress

Frank LoBiondo
Member of Congress

Billy Long
Member of Congress

Ben Ray Luján
Member of Congress

Cynthia Lummis
Member of Congress

Kenny Marchant
Member of Congress

Tom Marino
Member of Congress

Jim Matheson
Member of Congress

Kevin McCarthy
Member of Congress

Michael McCaul
Member of Congress

Tom McClintock
Member of Congress

Patrick McHenry
Member of Congress

David McKinley
Member of Congress

Cathy McMorris Rodgers
Member of Congress

Mark Meadows
Member of Congress

Pat Meehan
Member of Congress

Mike Michaud
Member of Congress

Jeff Miller
Member of Congress

Jim Moran
Member of Congress

Markwayne Mullin
Member of Congress

Mick Mulvaney
Member of Congress

Randy Neugebauer
Member of Congress

Richard Nugent
Member of Congress

Devin Nunes
Member of Congress

Alan Nunnelee
Member of Congress

Pete Olson
Member of Congress

Bill Owens
Member of Congress

Steven Palazzo
Member of Congress

Steve Pearce
Member of Congress

Scott Perry
Member of Congress

Chellie Pingree
Member of Congress

Robert Pittenger
Member of Congress

Joe Pitts
Member of Congress

Ted Poe
Member of Congress

Tom Price
Member of Congress

Trey Radel
Member of Congress

Tom Reed
Member of Congress

Tom Rice
Member of Congress

Cedric Richmond
Member of Congress

Scott Rigell
Member of Congress

Phil Roe
Member of Congress

Mike Rogers (MI)
Member of Congress

Dana Rohrabacher
Member of Congress

Tom Rooney
Member of Congress

Dennis Ross
Member of Congress

Keith Rothfus
Member of Congress

Loretta Sanchez
Member of Congress

Kurt Schrader
Member of Congress

David Schweikert
Member of Congress

Austin Scott
Member of Congress

Bobby Scott
Member of Congress

David Scott
Member of Congress

James Sensenbrenner
Member of Congress

Pete Sessions
Member of Congress

Bill Shuster
Member of Congress

Mike Simpson
Member of Congress

Lamar Smith
Member of Congress

Chris Stewart
Member of Congress

Bennie Thompson
Member of Congress

Glenn Thompson
Member of Congress

Mac Thornberry
Member of Congress

David Valadao
Member of Congress

Marc Veasey
Member of Congress

Filemon Vela
Member of Congress

Tim Walberg
Member of Congress

Greg Walden
Member of Congress

Bill Posey
Member of Congress

Randy Weber
Member of Congress

Daniel Webster
Member of Congress

Lynn Westmoreland
Member of Congress

Roger Williams
Member of Congress

Joe Wilson
Member of Congress

Robert Wittman
Member of Congress

Frank Wolf
Member of Congress

Rob Woodall
Member of Congress

Ted Yoho
Member of Congress

Don Young
Member of Congress

Rodney P. Frelinghuysen
Member of Congress

Stephen Fincher
Member of Congress

Mike Kelly
Member of Congress

Chris Smith
Member of Congress

Member of Congress

Mims, Kathy

From: Mackay, Cheryl
Sent: Thursday, October 31, 2013 11:33 AM
To: Mims, Kathy; Eades, Cassaundra
Subject: FW: RFS Letter
Attachments: RFSLetterToAdminMcCarthy.pdf

Please save in CMS and control to OAR/OTAQ. Here is the list of signatories to the letter. Thanks!

Aderholt, Robert B. (R-AL, 4th)
Amodei, Mark (R-NV, 2nd)
Andrews, Robert E. (D-NJ, 1st)
Barletta, Lou (R-PA, 11th)
Barrow, John (D-GA, 12th)
Benishek, Dan (R-MI, 1st)
Bentivolio, Kerry (R-MI, 11th)
Bilirakis, Gus (R-FL, 12th)
Black, Diane (R-TN, 6th)
Blackburn, Marsha W. (R-TN, 7th)
Boustany, Charles W. (R-LA, 3rd)
Brady, Kevin (R-TX, 8th)
Bridenstine, Jim (R-OK, 1st)
Brooks, Mo (R-AL, 5th)
Broun, Paul (R-GA, 10th)
Burgess, Michael C. (R-TX, 26th)
Butterfield, G. K. (D-NC, 1st)
Calvert, Ken (R-CA, 42nd)
Campbell, John (R-CA, 45th)
Capito, Shelley Moore (R-WV, 2nd)
Carter, John R. (R-TX, 31st)
Chabot, Steve (R-OH, 1st)
Chaffetz, Jason (R-UT, 3rd)
Coble, Howard (R-NC, 6th)
Cole, Tom (R-OK, 4th)
Collins, Chris (R-NY, 27th)
Collins, Doug (R-GA, 9th)
Conaway, Mike (R-TX, 11th)
Connolly, Gerry (D-VA, 11th)
Cook, Paul J. (R-CA, 8th)
Costa, Jim (D-CA, 16th)
Cotton, Tom (R-AR, 4th)
Crawford, Rick (R-AR, 1st)
Cuellar, Henry (D-TX, 28th)
Culberson, John (R-TX, 7th)
Daines, Steve (R-MT, At Large)
DeFazio, Peter A. (D-OR, 4th)
Denham, Jeff (R-CA, 10th)
Dent, Charles (R-PA, 15th)
DeSantis, Ron (R-FL, 6th)
DesJarlais, Scott (R-TN, 4th)
Diaz-Balart, Mario (R-FL, 25th)

Duncan, Jeff (R-SC, 3rd)
Duncan, John J. Jr. (R-TN, 2nd)
Ellmers, Renee (R-NC, 2nd)
Farenthold, Blake (R-TX, 27th)
Fincher, Stephen (R-TN, 8th)
Fleischmann, Chuck (R-TN, 3rd)
Fleming, John (R-LA, 4th)
Flores, Bill (R-TX, 17th)
Foxx, Virginia (R-NC, 5th)
Franks, Trent (R-AZ, 8th)
Frelinghuysen, Rodney (R-NJ, 11th)
Gallego, Pete (D-TX, 23rd)
Garamendi, John (D-CA, 3rd)
Garrett, Scott (R-NJ, 5th)
Gerlach, Jim (R-PA, 6th)
Gibson, Chris (R-NY, 19th)
Gingrey, Phil (R-GA, 11th)
Gohmert, Louie (R-TX, 1st)
Goodlatte, Bob (R-VA, 6th)
Gosar, Paul (R-AZ, 4th)
Granger, Kay (R-TX, 12th)
Graves, Tom (R-GA, 14th)
Green, Gene (D-TX, 29th)
Griffin, Tim (R-AR, 2nd)
Griffith, Morgan (R-VA, 9th)
Hall, Ralph M. (R-TX, 4th)
Hanna, Richard L. (R-NY, 22nd)
Harper, Gregg (R-MS, 3rd)
Harris, Andy (R-MD, 1st)
Heck, Joe (R-NV, 3rd)
Hensarling, Jeb (R-TX, 5th)
Himes, Jim (D-CT, 4th)
Hinojosa, Rubén (D-TX, 15th)
Holding, George E. (R-NC, 13th)
Hultgren, Randy (R-IL, 14th)
Hunter, Duncan D. (R-CA, 50th)
Hurt, Robert (R-VA, 5th)
Issa, Darrell (R-CA, 49th)
Johnson, Sam (R-TX, 3rd)
Jones, Walter B. (R-NC, 3rd)
Kelly, Mike (R-PA, 3rd)
Kingston, Jack (R-GA, 1st)
Kuster, Ann McLane (D-NH, 2nd)
Labrador, Raúl (R-ID, 1st)
LaMalfa, Doug (R-CA, 1st)
Lamborn, Doug (R-CO, 5th)
Lance, Leonard (R-NJ, 7th)
Lankford, James (R-OK, 5th)
LoBiondo, Frank A. (R-NJ, 2nd)
Long, Billy (R-MO, 7th)
Luján, Ben R. (D-NM, 3rd)
Lummis, Cynthia M. (R-WY, At Large)

Marchant, Kenny E. (R-TX, 24th)
Marino, Tom (R-PA, 10th)
Matheson, Jim (D-UT, 4th)
McCarthy, Kevin (R-CA, 23rd)
McCaul, Michael (R-TX, 10th)
McClintock, Tom (R-CA, 4th)
McHenry, Patrick (R-NC, 10th)
McKinley, David B. (R-WV, 1st)
McMorris Rodgers, Cathy (R-WA, 5th)
Meadows, Mark (R-NC, 11th)
Meehan, Pat (R-PA, 7th)
Michaud, Mike (D-ME, 2nd)
Miller, Jeff (R-FL, 1st)
Moran, Jim (D-VA, 8th)
Mullin, Markwayne (R-OK, 2nd)
Mulvaney, Mick (R-SC, 5th)
Neugebauer, Randy (R-TX, 19th)
Nugent, Richard (R-FL, 11th)
Nunes, Devin (R-CA, 22nd)
Nunnelee, Alan (R-MS, 1st)
Olson, Pete (R-TX, 22nd)
Owens, Bill (D-NY, 21st)
Palazzo, Steven (R-MS, 4th)
Pearce, Steve (R-NM, 2nd)
Perry, Scott (R-PA, 4th)
Pingree, Chellie M. (D-ME, 1st)
Pittenger, Robert (R-NC, 9th)
Pitts, Joe (R-PA, 16th)
Poe, Ted (R-TX, 2nd)
Posey, Bill (R-FL, 8th)
Price, Tom (R-GA, 6th)
Radel, Trey (R-FL, 19th)
Reed, Tom (R-NY, 23rd)
Rice, Tom (R-SC, 7th)
Richmond, Cedric L. (D-LA, 2nd)
Rigell, Scott (R-VA, 2nd)
Roe, Phil (R-TN, 1st)
Rogers, Mike (R-MI, 8th)
Rohrabacher, Dana (R-CA, 48th)
Rooney, Tom (R-FL, 17th)
Ross, Dennis A. (R-FL, 15th)
Rothfus, Keith J. (R-PA, 12th)
Sanchez, Loretta (D-CA, 46th)
Schrader, Kurt (D-OR, 5th)
Schweikert, David (R-AZ, 6th)
Scott, Austin (R-GA, 8th)
Scott, Bobby (D-VA, 3rd)
Scott, David (D-GA, 13th)
Sensenbrenner, Jim Jr. (R-WI, 5th)
Sessions, Pete (R-TX, 32nd)
Shuster, Bill (R-PA, 9th)
Simpson, Mike (R-ID, 2nd)

Smith, Lamar S. (R-TX, 21st)
Stewart, Chris (R-UT, 2nd)
Thompson, Bennie G. (D-MS, 2nd)
Thompson, Glenn W. (R-PA, 5th)
Thornberry, Mac (R-TX, 13th)
Valadao, David G. (R-CA, 21st)
Veasey, Marc (D-TX, 33rd)
Vela, Filemon (D-TX, 34th)
Walberg, Tim (R-MI, 7th)
Walden, Greg (R-OR, 2nd)
Weber, Randy (R-TX, 14th)
Webster, Daniel A. (R-FL, 10th)
Welch, Peter (D-VT, At Large)
Westmoreland, Lynn A. (R-GA, 3rd)
Williams, Roger (R-TX, 25th)
Wilson, Joe (R-SC, 2nd)
Wittman, Rob (R-VA, 1st)
Wolf, Frank R. (R-VA, 10th)
Womack, Steve (R-AR, 3rd)
Woodall, Rob (R-GA, 7th)
Yoho, Ted (R-FL, 3rd)
Young, Don (R-AK, At Large)

From: Vaught, Laura
Sent: Thursday, October 31, 2013 10:11 AM
To: Mackay, Cheryl
Cc: Lewis, Josh; Distefano, Nichole
Subject: Fw: RFS Letter

Can you get this into system? Thanks! Sending separately a handy list she sent of signatories.

From: Meadows, Carrie <Carrie.Meadows@mail.house.gov>
Sent: Thursday, October 31, 2013 9:53:26 AM
To: Vaught, Laura
Subject: RFS Letter

Hi Laura,

I hope you are well! We faxed this, but I wanted to send to you too so you had a copy. Please let me know if you have any questions.

Carrie

Carrie Meadows
Legislative Director
Office of Congressman Bob Goodlatte
(202) 225-5431 Phone
(202) 225-9681 Fax

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 24 2014

OFFICE OF
AIR AND RADIATION

The Honorable Leonard Lance
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter dated October 30, 2013, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the 2014 volume requirements under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond to you on her behalf.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we have requested comment on whether to raise the biomass-based diesel volume requirement.

I want to emphasize that this is a proposal, and that the EPA has requested comment on many aspects of the proposed rule, including the methodology for determining volumes. The EPA also expects to receive additional data before finalizing the rule. We will take your input under consideration as we, in conjunction with the U.S. Department of Agriculture and the U.S. Department of Energy, work towards finalizing this rule. Your letter has been placed in the rulemaking docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV 10 2010

Honorable Leonard Lance
U.S. House of Representatives
Washington, DC 20515

Dear Representative Lance:

Thank you for recently meeting with me and allowing me to share with you some of my priorities to protect our environment, improve public health, create jobs and promote sustainable economic development.

During our meeting, we discussed the Regional Greenhouse Gas Initiative and I wanted to follow up to provide background information on the multi state program. Attached is a fact sheet that I hope will be helpful to you and your staff, which includes a website for further information.

We face many important challenges ahead and I look forward to working closely with you on issues of concern and interest in your district and our region. Please feel free to contact me at 212-637-5000 or your staff may contact Peter Brandt, Chief for Intergovernmental and Community Affairs at 212-637-3657.

Sincerely,

Judith A. Enck

Judith A. Enck
Regional Administrator

Attachment

Regional Greenhouse Gas Initiative

an Initiative of the Northeast and Mid-Atlantic States of the U.S.

Fact Sheet: The Regional Greenhouse Gas Initiative (RGGI)

- **What is RGGI?**
  The Regional Greenhouse Gas Initiative (RGGI) is the nation's first mandatory, market-based program to reduce emissions of carbon dioxide (CO_2), the principal human-caused greenhouse gas.

  The ten states participating in RGGI have established a regional cap on CO_2 emissions from the power sector and are requiring power plants to possess a tradable CO_2 allowance for each ton of CO_2 they emit.

- **What does RGGI do?**

  RGGI reduces CO_2 emissions by establishing a regional cap on the amount of CO_2 that power plants can emit through the issuance of a limited number of tradable CO_2 allowances. This approach allows market forces to determine the most economic means of reducing emissions and creates market certainty needed to drive long-term investments in clean energy.

RGGI Quick Facts

Ten Participating States: CT, DE, MA, MD, ME, NH, NJ, NY, RI, VT

Coverage: Fossil fuel-fired power plants 25 megawatts or greater in size (currently 209 facilities region-wide)

Initial CO_2 Emissions Cap: 188 million short tons per year for the 10-state region

Timing of CO_2 Reductions: 2009-2014, cap stabilizes emissions at 188 million tons annually; 2015-2018, cap declines by 2.5 percent per year for total reduction of 10 percent

CO_2 Allowance Auctions: Regional, held quarterly, open to all who qualify

Compliance Period: Three years, first compliance period January 1, 2009 – December 31, 2011

CO_2 Emission Offsets: Qualifying GHG reduction projects outside the electricity sector. Currently, power plants may use offsets to meet 3.3 percent of their compliance obligation (limit on use increases to 5–10 percent of compliance obligation under specified conditions)

Auction Proceeds: Overall, 80% invested in consumer benefit programs, including energy efficiency, renewable energy, direct energy bill assistance and other greenhouse gas reduction programs

RGGI lays the foundation for a North American carbon market.
The RGGI program has created the infrastructure for a market-based approach to regulating CO_2 emissions with strong market oversight. The RGGI emissions allowance tracking system and independent market monitor reports allow the public to view, customize and download reports of CO_2 allowance market activity and RGGI program data.

RGGI re-invests in the clean energy economy. The RGGI participating states have each chosen to auction nearly all CO_2 allowances and to invest proceeds in consumer benefit programs to build a clean energy economy. Overall, participating states are investing two thirds of RGGI auction proceeds in programs to improve end-use energy efficiency and accelerate the deployment of renewable energy technologies. These investments reduce greenhouse gas emissions and generate important consumer benefits, including lower energy bills, greater electric system reliability, and more jobs.

RGGI provides a model for a national program to reduce CO_2 emissions. RGGI shows that a program to reduce CO_2 emissions can benefit both the environment and the economy. Innovative aspects of RGGI, including allowance auctions and strategic reinvestment of auction proceeds, are serving as a model for federal cap-and-trade proposals, as well as other U.S. regional cap-and

trade programs, including the Western Climate Initiative (WCI) and the Midwest Governors Greenhouse Gas Reduction Accord (MGGRA).

- **Why do the RGGI states auction CO_2 allowances?**
  Auctioning CO_2 allowances ensures that all parties have access to CO_2 allowances under uniform terms. At the same time, auctioning allowances, rather than distributing them for free, realizes the value of the CO_2 allowances for reinvestment in strategic energy programs that save consumers money and create jobs.

- **What is the RGGI cap?**
  The RGGI cap is the total number of CO_2 allowances issued by participating states, and establishes a regional budget for CO_2 emissions from the power sector. From 2009 to 2014, the RGGI cap is 188 million short tons of CO_2 per year. Beginning in 2015, the cap will decrease by 2.5 percent per year, for a total reduction of 10 percent by 2018.

- **Will RGGI affect retail electricity prices?**
  The cost of CO_2 emissions allowances is a very small part of overall electricity bills. On average, the cap on CO_2 emissions accounts for 0.4 to 1% of average residential electricity bills, depending on the state. Based on typical household electricity usage, that translates into 73 cents per month for residential consumers. This very small increase is offset by strategic reinvestment of CO_2 allowance proceeds in energy efficiency measures which reduce demand for electricity and give households and businesses control over their energy bills.

- **How can market participants obtain CO_2 allowances?**
  Market participants can obtain CO_2 allowances in quarterly CO_2 allowance auctions or through various secondary markets, including the Chicago Climate Futures Exchange (CCFE) and the Green Exchange.

- **How do power plants comply with RGGI?**
  RGGI compliance occurs in three-year control periods. At the end of each control period, each regulated power plant must submit one CO_2 allowance for each ton of CO_2 emitted over the preceding three years. The first control period began on January 1, 2009, and extends through December 31, 2011.

- **What role do offsets play in RGGI?**
  An *offset* represents project-based greenhouse gas emissions reductions or carbon sequestration achieved outside of the capped electricity sector. Offsets provide compliance flexibility for regulated power plants, and create significant environmental and economic co-benefits for offset project sponsors (such as landfill operators or farmers). RGGI participating states currently allow regulated power plants to use a carefully chosen group of qualifying offsets to meet up to 3.3 percent of their CO_2 compliance obligation. Examples of eligible offset project categories include projects that capture or destroy methane from landfills or through agricultural manure management operations. Both of these projects reduce emissions of the potent greenhouse gas methane.

- **To learn more about how RGGI works and how states are investing in the clean energy economy visit the RGGI website at: http://www.rggi.org**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JAN 12 2011

Honorable Leonard Lance
U.S. House of Representatives
425 North Avenue East
Westfield, NJ 07090

Dear Representative Lance:

Each year, the U.S. Environmental Protection Agency (EPA) recognizes and honors those individuals and organizations who contributed significantly to improving the environment during the past year in New Jersey, New York, Puerto Rico and the U.S. Virgin Islands through our annual Environmental Quality Awards.

The awards recognize achievement in six categories: Individual Citizen; Non-Profit Organization, Environmental or Community Group; Environmental Education; Business and Industry; Federal, State, Local or Tribal Government or Agency; and Press and Media. Nominations for the awards are solicited from individuals within EPA and from the larger community.

This coming April, as we celebrate Earth Day, I can think of no better way for us to mark this occasion than by honoring those organizations, businesses, governmental bodies, unions and individuals whose work has protected public health and the environment and whose dedication stands as an inspiration to us all.

I invite you to consider nominating one or more of your constituents who have made an exceptional contribution to protecting our shared environment in 2010. The nomination deadline is February 22, 2011. Award recipients will be honored at a ceremony in April at the EPA office in lower Manhattan.

Further information is available by visiting EPA's Environmental Quality Awards Web page at www.epa.gov/region2/eqa. It provides details on award categories, award criteria, prior winners and nomination instructions.

For more information, please have your staff contact Peter Brandt, Chief for Intergovernmental and Community Affairs, at (212) 637-3657. Thank you.

Sincerely,

Judith A. Enck

Judith A. Enck
Regional Administrator

cc: Member's Washington Office

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JAN 16 2013

The Honorable Leonard Lance
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lance:

Each year, the U.S. Environmental Protection Agency honors individuals and organizations that contributed significantly to improving the environment and protecting public health during the past year in New Jersey, New York, Puerto Rico, the U.S. Virgin Islands and eight federally recognized Indian Nations with Environmental Quality Awards. I invite you to nominate one or more of your constituents who have made exceptional contributions to protecting the environment in 2012. Award recipients will be honored at a ceremony on April 19, 2013 at the EPA regional office in lower Manhattan.

The awards recognize achievements in six categories:

- Business and Industry
- Individual
- Non-profit Organization, Environmental or Community Group
- Environmental Education
- Federal, State, Local or Tribal Government or Agency
- Print and Broadcast Media

The nomination deadline is February 19, 2013. Nomination forms and further information is available by visiting EPA's Environmental Quality Awards webpage at www.epa.gov/region2/eqa. It provides details on award categories, award criteria, prior winners and nomination instructions.

I can think of no better way to mark Earth Day 2013 this April than by honoring people whose work has protected public health and the environment and whose dedication stands as an inspiration to us all.

If you have further questions, you can contact me directly at 212-637-5000 or your staff may contact Elizabeth Myer, Environmental Quality Award Events Coordinator, at (212) 637-3860. Thank you.

Sincerely,

Judith

Judith A. Enck
Regional Administrator

cc: Member's District Office