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# Congress of the United States
## House of Representatives
## Committee on Appropriations
## Washington, DC 20515–6015

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CLERK AND STAFF DIRECTOR
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April 9, 2019

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington DC 20004

Dear Administrator Wheeler:

I am writing to you to follow up to your testimony last week before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies.

During the hearing, I asked you several questions with respect to EPA's review of a National Pollution Discharge Elimination System (NPDES) water permit prepared by the Minnesota Pollution Control Agency (MPCA) for Poly Met Mining Inc.'s NorthMet mining project in St. Louis County, Minnesota.

In particular, I asked you if EPA staff had shared their concerns about MPCA's draft NPDES permit, and you indicated that EPA staff had done so, in a face-to-face meeting with MPCA staff. I also asked you if there were written notes or other documents prepared by EPA that documented the concerns EPA staff shared with MPCA staff. You responded that you were searching EPA records for this and other documents on response to a FOIA request, and that you would provide them to me when you located those records.

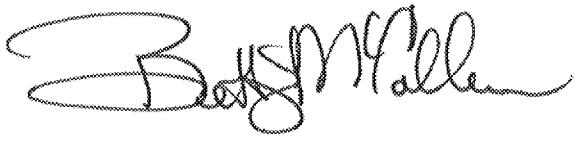
The following day, on April 3 2019, in a response filed with the U.S. District Court for the District of Columbia regarding a FOIA lawsuit, EPA admitted that "it has retained a copy of the draft document that memorialized what was shared verbally with MPCA staff."

I find it highly unlikely that EPA located this document on the afternoon of April 2, sometime between when you appeared before the subcommittee and when EPA filed its response with the Court. Rather, it is far more likely that you or your staff were fully aware that EPA had in its possession the documents I was asking about. The letter your staff sent me on April 1 and your

testimony on April 2 appears to have been intended to obfuscate this fact, and delay the production and release of the requested documents.

It is now abundantly clear that EPA has located the document in question which you committed to giving me. I therefore ask you to immediately provide this document, as well as any other relevant records I had requested in my February 25, 2019 letter, by no later than Wednesday April 10, 2019.

Sincerely,



Betty McCollum
Chair,
Subcommittee on Interior, Environment,
and Related Agencies