

Congress of the United States
Washington, DC 20515

February 7, 2005

The Honorable Paul E. Gillmor
Chairman
Subcommittee on Environment
and Hazardous Materials
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Gillmor:

As Members of the Subcommittee on Environment and Hazardous Materials, we look forward to serving on the Subcommittee and working with you on the important public health and environmental issues within the Subcommittee's jurisdiction. We believe it is important to provide all members the opportunity to address these issues, including issues in the context of the energy bill, at the subcommittee level.

As you know, the Leaking Underground Storage Tanks program (LUST), which is authorized by the Solid Waste Disposal Act, is one of the most important programs within the jurisdiction of the Subcommittee on Environment and Hazardous Materials. Every member has underground storage tanks in their district. The LUST program has not been amended or reauthorized by the Congress in nineteen years. We therefore request that any amendments to the LUST program be taken up and considered in the Subcommittee on Environment and Hazardous Materials. The Subcommittee's jurisdictional responsibility should not be circumvented by including LUST amendments in the energy bill without our consideration.

As you know the LUST amendments contained in Subtitle B, Section 1522 of the Energy Conference Report (H.R. 6) have never had the benefit of a legislative hearing or markup by the Subcommittee or the full Committee on Energy and Commerce. There has been no consideration by the House of Representatives of these provisions following regular order, nor were the LUST provisions amending the Solid Waste Disposal Act included in H.R. 1644 as passed by the full House in the 108th Congress. These provisions were inserted in the Conference Report (during a conference from which the Democrats were excluded).

Following regular order and providing Subcommittee consideration of this program would allow Members from both sides of the aisle to fulfill their responsibilities and allow consideration of amendments to improve and strengthen this national program that affects every member's district.


The Subcommittee should give consideration to amendments that would cure the “polluter pays” problem with the Energy Conference Report language that has been raised by the Bush Administration. Members should also have the opportunity to strengthen the enforcement and inspection regime and consider proposals that would help contain MTBE and petroleum contamination before it reaches the environment and drinking water supplies, and thus avoid costly cleanups.

In short, the Members of the Subcommittee on Environment and Hazardous Materials should be given the opportunity to perform their duties as members of the Subcommittee and full Committee. We strongly urge you to bring the LUST provisions contained in Subtitle B of Title XV the Energy Conference Report, and other issues from this subcommittee’s jurisdiction which may be included in the energy bill, before the Subcommittee for consideration following regular order in a fair, democratic, and bipartisan process.


Sincerely,


HILDA L. SOLIS


FRANK PALLONE, JR.


BART STUPAK


ALBERT R. WYNN

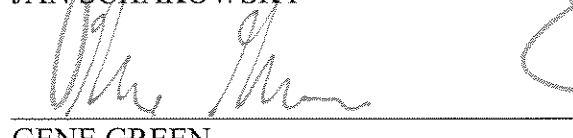

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