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ONE HUNDRED NINTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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September 14, 2005

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The Honorable Stephen L. Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Dear Administrator Johnson:

The Energy Policy Act of 2005, which was signed into law (Pub. Law 109-58) by the President on August 8, 2005, contains new authorities in Section 392 to help facilitate siting and construction of new refineries. Pursuant to the authority provided by Section 392, the Administrator can accept consolidated permit applications from a refiner and is authorized to enter into memoranda of agreements with other Federal agencies and States to coordinate consideration of refinery applications.

The new law also allows the Administrator to provide financial assistance to States to hire needed personnel to consider refinery permits and provide technical and legal assistance to states to facilitate their review of applications to build new refineries.

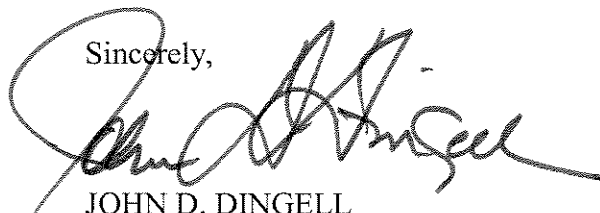
In order to assess the progress the Administration has made in implementing the new law, please provide responses to the following questions, by no later than close of business Wednesday, September 28, 2005:

1. Have any refiners submitted a consolidated application for permits required from the Environmental Protection Agency (EPA)? If so, please identify the refiner and the circumstances of the permit application. Have any refiners inquired about the use of this provision? If so, who, and what locations are being considered?
2. Has the EPA entered into any memoranda of agreement with other Federal agencies to coordinate consideration of refinery applications and permits among Federal agencies? If not, when do you intend to do so? Have any other Federal agencies approached the EPA to enter into memoranda of agreement to coordinate refinery permit applications?

3. Has the EPA entered into memoranda of agreement with any State? Have any such discussions been initiated by the EPA?
4. With respect to financial assistance and technical, legal, or other assistance that EPA is authorized to provide to State governments to facilitate review of new refinery permit applications, does the EPA intend to wait until there is a specific application from a refiner in order to determine the type and amount of assistance or can such assistance be provided in advance? What amount of funding and how many full-time-equivalents (FTEs) does the EPA think will be involved in implementing Section 392(c) and (d).

Thank you for your assistance in this matter. If you have any questions regarding this request, please contact me or have your staff contact Dick Frandsen, Senior Minority Counsel with the Committee at (202) 225-3641.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Dingell", written over a large, stylized circular flourish.

JOHN D. DINGELL
RANKING MEMBER

cc: The Honorable Joe Barton, Chairman
Committee on Energy and Commerce

The Honorable Ralph M. Hall, Chairman
Subcommittee on Energy and Air Quality

The Honorable Rick Boucher, Ranking Member
Subcommittee on Energy and Air Quality

The Honorable Paul E. Gillmor, Chairman
Subcommittee on Environment and Hazardous Materials

The Honorable Hilda L. Solis, Ranking Member
Subcommittee on Environment and Hazardous Materials