



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

**JUL 27 2007**

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

The Honorable John D. Dingell  
Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

Dear Chairman Dingell:

Thank you for your letter to Stephen L. Johnson, Administrator of the U.S. Environmental Protection Agency (EPA) dated July 5, 2007, requesting additional information concerning EPA's Criminal Investigation Division's investigation of drinking water contamination at the Marine Corps Base Camp Lejeune. Please note we first received the letter by a fax transmission only on July 13, 2007.

This letter supplements our previous responses seeking information about this matter. Your June 7, 2007 request sought an unredacted copy of EPA's case file and the participation of several EPA witnesses at the Subcommittee's June 12, 2007 hearing on the Camp Lejeune matter. As previously explained, EPA has identified an important privacy interest and Executive Branch confidentiality interest in these documents because they are protected from unauthorized public disclosure by the Privacy Act and contain law enforcement sensitive material concerning a criminal investigation.

EPA sought to accommodate the Committee's oversight interest in this matter by providing an unredacted copy of the case file for inspection by Committee members and staff and a redacted version for the record. EPA also voluntarily provided the Director of the Office of Criminal Enforcement, Forensics, and Training, and the Director of the Region 4 Superfund Program to testify at the hearing. The EPA special agent involved in the Camp Lejeune investigation also provided a briefing to Subcommittee staff prior to the hearing and, as a further accommodation, answered questions from Subcommittee members at the hearing.

Your July 5, 2007, letter seeks additional documents or information in response to 12 categories or questions by July 27, 2007. EPA respects your role as Chairman and is committed to providing the Committee with information to the extent possible, consistent with our Constitutional and statutory obligations. EPA is working diligently to review the Camp Lejeune investigatory files and other information you requested, and we expect to be able to provide you with a further response to your request for information and

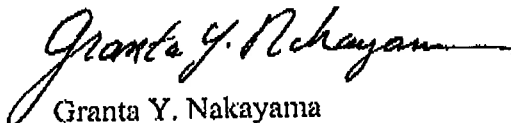
to be able to provide you with a further response to your request for information and documents by August 3, 2007. Because this request covers records authored by or originating from the Department of Justice, we are also coordinating with the Department of Justice, consistent with established Executive Branch practices.

I would also like to respond to the statement in your letter that you "are concerned that the EPA witnesses may not have been entirely forthcoming" at the Subcommittee hearing on June 12, 2007. I was surprised at this statement, as the record of the hearing will show that the three EPA witnesses who appeared before the Subcommittee hearing fully answered every question that was posed to them. We share the Committee's interest in assuring the public that EPA conducted a full and professional investigation into the allegations of potential criminal violations of federal environmental laws at Camp Lejeune, and that the decision not to bring any criminal charges was made by professional prosecutors based on the law and the evidence. We believe that is amply demonstrated by the testimony and other information that EPA has provided to the Committee and the public.

Nevertheless, we will continue to work with you and your staff to accommodate the Committee's request for additional information, consistent with our obligations to protect the privacy of the individuals who were investigated, but not prosecuted, and the confidentiality of sensitive law enforcement files that you have requested.

If you have further questions, please contact me, or your staff may contact Carolyn Levine in the Office of Congressional and Intergovernmental Relations at (202) 564-1859.

Sincerely,



Granta Y. Nakayama