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2157 RAYBURN HOUSE OFFICE BUILDING

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MAJORITY (202) 225-5051
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July 16, 2008

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Johnson:

I have written to you three times regarding the proposed rulemaking entitled "Prevention of Significant Deterioration New Source Review: Refinements of Increment Modeling Procedures." Staff at the Environmental Protection Agency (EPA) and the National Park Service (NPS) have expressed concern that this proposal will "make it much easier to build power plants" near national parks and will increase air pollution in our national parks.¹ Staff are also concerned that the rule could also adversely affect the air quality in other "class 1" areas, such as wildlife refuges and wilderness areas. EPA has failed to provide assurances — or even express an expectation — that these concerns are unwarranted. The agency has explicitly stated that it was "unable to conclusively confirm or deny" the potentially serious impacts from this rulemaking.²

I believe that EPA and NPS staff have raised serious, credible concerns about the likely adverse effects of this rulemaking. Rather than hiding behind self-imposed ignorance, EPA should analyze the impacts of the proposed rule so that the public can fully understand the potential impact of the proposal.

¹ E-mail from Valerie Naylor, Superintendent, Theodore Roosevelt National Park, National Park Service, to Don Shepherd, National Park Service (May 31, 2007); Environmental Protection Agency, Region 10, Compilation of Regional Comments — Second Round of Comments (responses to Rothblatt e-mail) (Dec. 19, 2006).

² Letter from Robert J. Meyers, Principal Deputy Assistant Administrator, Environmental Protection Agency, to Henry A. Waxman, Chairman, House Oversight and Government Reform Committee (April 24, 2008).

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I request that you fully analyze the environmental and public health impacts of this rulemaking and make the results of that analysis available for public comment. Moreover, I request your commitment that you will not finalize any rule that will allow air pollution in national parks or other class 1 areas to increase. Please inform me whether you will provide this assurance by July 31, 2008.

If you have any questions concerning this request, please have your staff contact Greg Dotson of the Committee staff at (202) 225-4407.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive, slightly slanted style.

Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member