

The Malibu Times

Wednesday, March 7, 2007

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News

New questions raised over EPA's handling of LNG project

Wednesday, March 07, 2007

Rep. Henry Waxman says that an EPA official personally intervened in the permitting process for the regasification port proposed for Malibu's coast. Meanwhile, Malibu residents Pierce and Keely Shaye Brosnan plan another large LNG protest for Saturday.

By Laura Tate / Associate
Publisher / Editor

Pressure from a high level official with the Environmental Protection Agency overrode EPA staff opposition to the agency's reversal on the air quality permitting of a proposed liquefied natural gas facility by an Australian energy company for the coast of Malibu, according to a letter issued from the office of Congressman Henry Waxman, chair of the Committee on Oversight and Government Reform.

The letter, released Tuesday to the press, addressed to EPA Administrator Stephen Johnson and signed by Waxman, questioned the handling of the oversight committee's request for documentation supporting the federal agency's reversal on its decision to require that BHP Billiton's LNG Cabrillo Port needed to meet the Ventura District's more stringent air quality permitting, which would also require the company to obtain emission offsets.

The oversight committee requested that the EPA provide it with its analysis upon which the reversal was based.



Pierce Brosnan will protest the LNG port Saturday at the pier.



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"However, EPA provided no analysis that justified the reversal of [its] position. Nor does the agency now claim that such an analysis even exists," Waxman wrote in the letter. "In short, while EPA assured the public that its decision was based on sound analysis, EPA has been unable to produce documents to support this claim."

Waxman further notes that some documents the EPA provided reveal that Jeff Holmstead, EPA Assistant Administrator for Air and Radiation, "personally intervened in the decision about the permit."

During the time Holmstead was meeting with BHP officials and phoning a regional EPA office, "career [EPA] staff continued to insist that the project should be subject to the Ventura District rules, including the offset requirements."

Waxman notes specific dates of phone calls and other correspondence between EPA officials and Holmstead, and regional EPA officials and the federal agency's Office of General Counsel in Washington DC, including an e-mail written by Kara Christenson, senior counsel for Region 9, who opposed the EPA reversal.

"We believe offsets are required, but the applicant, BHP, disagrees and has some unusual regulatory interpretations," wrote Christenson in an e-mail to the EPA's Office of General Counsel. "We think the agency should have some OGC input before any significant decisions are made."

"Based on the information provided to the Committee, it appears that career officials at the EPA opposed the permit decision reversal; a senior EPA official intervened in the permit decision after meeting with the company seeking the permit; and the analysis that EPA cited to justify reversing the career official's [decision] does not appear to exist," Waxman states in his letter.

Waxman also notes that the EPA only provided eight full and five partial documents of 20 that the oversight committee requested to see. He requested that the EPA provide the oversight committee with all the documents mentioned by March 16.

"BHP Billiton has known since 2004 that its proposed Cabrillo Port LNG Terminal project was a non-starter under the requirements of the Clean Air Act," stated Susan Jordan, director of the California Coastal Protection Network, in a press release. "BHP's solution was to go behind the public's back and use its political connections to pressure the EPA to reverse course and drop the requirements that every other major new source of

pollution would have to comply with. BHP's disingenuous behavior is reprehensible, EPA's reversal is illegal, and nothing short of full compliance with the Clean Air Act is acceptable."

As this latest news has come to light, local residents, including Pierce and Keely Shaye Brosnan, are planning another major protest against the LNG port. They will gather Saturday at the Malibu Pier.

"Please join Pierce and I, the California Coastal Protection Network, the Sierra Club, the Natural Resources Defense Council, the Environmental Defense Center, and many others who oppose this dangerous project," Keely Shaye said in a prepared statement. "We stand in solidarity with all coastal communities who are being forced to accept LNG terminals they do not want, and we call upon Governor Schwarzenegger to use his absolute veto power to 'Terminate the Terminal.'"

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