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### EPA's air quality decision under fire by Waxman

Subject is proposed LNG terminal

By Charles Levin, [clevin@VenturaCountyStar.com](mailto:clevin@VenturaCountyStar.com)  
March 6, 2007

U.S. Rep. Henry Waxman has accused the federal Environmental Protection Agency of interfering with a decision regarding a federal air quality permit for a proposed floating liquefied natural gas terminal off the Ventura County coast.

In a letter sent Monday to EPA Administrator Stephen Johnson, Waxman charged the agency with stonewalling his request for documents.

At issue is whether Australian mining firm BHP Billiton's Cabrillo Port must conform to air quality regulations on the coast or less stringent standards in the Channel Islands.

Waxman, D-Calif., is investigating the matter as chairman of the House Committee on Oversight and Government Reform. Waxman's 30th District includes Westlake Village and Agoura Hills.

Cabrillo Port would sit 13.8 miles off the Oxnard coast. The facility would accept supercooled natural gas, reheat it and then pipe it ashore near Reliant's Mandalay Beach power plant.

Critics have lambasted the proposal, saying it would hurt air quality and marine wildlife while posing safety and security risks. BHP Billiton has rejected those arguments, touting its environmental credentials and saying its efforts will reduce emissions.

A final environmental impact report on the proposal is due out Friday. Approvals are required by state and federal agencies, but Gov. Arnold Schwarzenegger can veto the project.

According to Waxman's March 5 letter to Johnson, the EPA initially told BHP Billiton it must conform to shore-based Ventura County Air Pollution Control District rules.

On June 29, 2005, the EPA reversed its position. In a Jan. 16 letter, Waxman asked the EPA to explain the change.

The agency provided some documents Jan. 27, but that didn't satisfy Waxman.

Waxman asserted that an EPA official opposed a reversal but a "senior EPA political official intervened in the permit

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decision" after meeting with BHP Billiton representatives.

Waxman concluded that the agency could not justify its action. The agency identified 20 key documents involved in the matter but has only given the committee eight complete documents and portions of five others, Waxman wrote.

"Some of the documents EPA is refusing to provide appear to intensify, rather than diminish, concerns about EPA's handling of this process," he wrote.

In a prepared statement Monday, Waxman reiterated his concerns about the agency's response to his requests.

"Today's letter is a continuation of my efforts to conduct vigorous oversight on this issue," Waxman said.

In a prepared statement on Monday, EPA Press Secretary Jennifer Wood said the agency was "committed to protecting public health and the environment, while increasing our domestic energy supplies by developing alternative sources of energy like liquefied natural gas."

In a prepared statement on Monday, BHP Billiton spokeswoman Kathi Hann called the matter "an issue between a legislator and a regulator.

"The letter is addressed to the EPA, and they're the proper party to respond to it," Hann said, adding that Waxman did not send a copy of the letter to BHP Billiton.

Friday's expected environmental report will show that regional air quality will improve as a result of Cabrillo Port, Hann said.

On Monday, Michael Villegas, executive officer of the Ventura County Air Pollution Control District, said he hoped Waxman's investigation would shed light on the decision.

"It's an extremely complicated determination," Villegas said Monday. "We believe the (Ventura County) rule applies."

— Staff writer Michelle Klampe contributed to this report.

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