



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

MAR 17 2003

The Honorable James M. Jeffords
United States Senate
Washington, D.C. 20510

Dear Senator Jeffords:

Thank you for your letters dated February 20, 2003 and March 6, 2003 regarding the U.S. Environmental Protection Agency's (EPA) postponement of the requirement to obtain a storm water permit for certain oil and gas construction activities. I appreciate and share your concern regarding the importance of protecting the environment in as responsible a manner as possible.

EPA published this proposed rule modification on December 30, 2002. The comment period ended on January 29, 2003. EPA did not receive any requests to extend the comment period. The Agency did receive numerous comments on the proposed rule, many of which address the same issues raised in your February 20th letter. The responses to these comments are enclosed.

You have raised a number of questions about the information used by the Agency in deciding whether to postpone the permit application deadline for the oil and gas industry. In fact, due primarily to increased demand for natural gas, the Department of Energy's EIA (Energy Information Administration) and other federal agencies have forecast that the number of oil & gas wells drilled in the U.S. for 2003 and the foreseeable future will probably fall in the range of 30,000 - 35,000 wells per year. It is important to note that the Agency's decision was not based only on information prepared by EIA. EPA used the information prepared by DOE, which was consistent with the information we received from a number of sources regarding the average number of oil and gas exploration and production facilities that would be subject to the Storm Water Phase II regulations. During the comment period, the Agency also received data directly from States, the regulated community and other entities which also called into question earlier estimates of the number of sites that would be affected by the rule.

In response to your comments and others, the Agency must now undertake a renewed effort to analyze and better evaluate: the impact of the permit requirements on the oil and gas industry; the appropriate best management practices for preventing contamination of storm water runoff resulting from construction associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities; and the scope and effect of 33 U.S.C. 1342 (1)(2) and other storm water provisions of the Clean Water Act. The Agency will use the next two years to work with States, the regulated community and other

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entities to ensure that we are using the best data possible as we work towards improving regulations that protect our land and water.

EPA will formally consider your March 6 letter in the context of the Agency's Information Quality Guidelines referred to in your letter. As you know, under the guidelines, affected persons may request a correction of the data EPA used to support a regulation, and the guidelines establish a process for responding to such requests.

Again, thank you for sharing your concerns on this issue. Should you need additional information or have further questions, please contact me or your staff may call Steven Kinberg, Office of Congressional and Intergovernmental Relations, at (202) 564-5037.

Sincerely yours,



Christine Todd Whitman

Attachments