

LUIS V. GUTIERREZ

MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS

2266 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8203
(202) 225-7810 Fax

DISTRICT OFFICE:
2201 WEST NORTH AVENUE
CHICAGO, IL 60647
(773) 342-0774
(773) 342-0776 Fax

Congress of the United States
House of Representatives
Washington, DC 20515-1304

COMMITTEES:

FINANCIAL SERVICES

SUBCOMMITTEES:
FINANCIAL INSTITUTIONS AND
CONSUMER CREDIT
CHAIRMAN

HOUSING AND COMMUNITY OPPORTUNITY
INTERNATIONAL MONETARY POLICY
AND TRADE

JUDICIARY

SUBCOMMITTEE:
IMMIGRATION, CITIZENSHIP, REFUGEES,
BORDER SECURITY, AND INTERNATIONAL LAW

April 6, 2011

Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Jackson:

I am writing to express grave concern over a proposed natural gas pipeline in Puerto Rico currently awaiting approval from the U.S. Army Corps of Engineers (USACE). The Puerto Rico Electric Power Authority (PREPA) is requesting a Section 404 permit under the Clean Water Act to construct a trans-Island natural gas pipeline, known as "Vía Verde," which would span over 92 miles and cross hundreds of sensitive ecosystems. Although experts, federal agencies, and a majority of the Puerto Rican people have expressed opposition to the pipeline, the Government of Puerto Rico has circumvented the traditional approval process and denied calls for public hearings to openly discuss the project using the pretext of an "energy emergency."

The Caribbean EPA office in San Juan, Puerto Rico has commented twice on the proposed Vía Verde pipeline. The EPA's initial assessment, expressed to the USACE in a letter dated December 21, 2010, determined that the project could cause severe harm to aquatic resources and that PREPA had failed to provide adequate compensation to offset the environmental impact. The EPA found that PREPA had not conducted a thorough analysis of alternatives to the pipeline, had not properly considered potential impact to sensitive karst terrain, and had not prepared an environmental impact statement (EIS) for the project. Based on these concerns, the EPA recommended to the USACE that the project be held in abeyance until these concerns were addressed. In response to these concerns and those raised by other federal agencies, the USACE held Vía Verde in abeyance on December 22, 2010.

However, in a second letter dated April 1, 2011, the Caribbean office of the EPA took the surprising step of notifying the USACE that PREPA had addressed most of the major concerns expressed in the EPA's initial assessment. In what amounts to a conditional approval for construction of the pipeline, the EPA changed its original stance and is now requiring only that PREPA provide a mitigation plan for impacts to wetlands, clarification on right-of-way requirements, and that independent qualified personnel be

present during drilling operations for PREPA to move ahead with the project. Unfortunately, absent from this comment was a detailed explanation as to how the EPA arrived at its decision. Given the magnitude of the project, including the potential for severe and permanent environmental and public harm, I request the EPA make available to the public the criteria it used to make its April 1 decision. Specifically, I request the following information:

- Please provide all information, documentation, reports, or data that was provided to the EPA by PREPA, any of its consultants, or any other party involved in the project.
- Please provide a detailed explanation of the criteria the EPA used to evaluate the materials or information provided by PREPA or others regarding the safety and integrity of the Vía Verde pipeline, including the basis for the conditional approval issued on April 1, 2011.
- Please provide the names of the organizations and persons who have met with the EPA to discuss any aspect of the Vía Verde project, along with the dates and locations of these meetings.
- Tell me whether or not outside groups were consulted during the decision process or allowed to review the information submitted to the EPA by PREPA, with names and affiliations of any such group or individual.
- Tell me whether the EPA sought input or comments from the public, stakeholders, or other federal agencies involved in the project, including a detailed description of how this outreach was conducted, who was targeted, and when they were invited to submit comments.

Based on the very real possibility for serious public and environmental damage, I hope the EPA will make this crucial information available to the public. Considering the deadly accidents that have occurred due to natural gas pipeline explosions--in San Bruno, California in 2010 and in Carlsbad, New Mexico in 2000--I urge the EPA to allow for an honest and open discussion on the Vía Verde pipeline. I appreciate your cooperation with this request and will contact you in the coming days to further discuss my concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis V. Gutiérrez". The signature is stylized with a large initial "L" and a long, sweeping underline.

Luis V. Gutiérrez
Member of Congress