

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
2163 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

June 16, 2004

Dear Colleague:

Join me in opposing H.R. 4517, the United States Refinery Revitalization Act of 2004. This bill constitutes a direct assault on the ability of qualified State and Federal officials to protect human health, the environment, and the economy. In the name of increased refinery capacity, this bill places the interests of the oil industry over all others.

If enacted, this bill would allow the Secretary of Energy to be the final decision-maker under Federal law, including such venerable statutes as the Federal Water Pollution Control Act. The Department of Energy would be making these decisions, notwithstanding its lack of expertise in implementing laws outside its jurisdiction.

Permitting decisions of EPA and the Corps, including permitting decisions on the protection of wetlands, or to protect the interests of navigation from obstructions, could be overturned. While the authors of this bill may have been targeting environmental laws, it is unlimited in scope, and would allow any Federal, State, or local government decision under a Federal program to be overturned by the Secretary of Energy.

States would be denied the opportunity to protect water quality through the section 401 water quality certification authority. This authority ensures that Federally permitted actions are consistent with State water quality goals. It is illogical to have a Federal entity permit an activity that will have a negative impact on State water quality. Yet this bill would allow it.

For over 100 years, the Corps of Engineers has been charged with regulating activities that could have an adverse affect on use of the Nation's waterways for commerce. Without such protection, private parties could locate wharves, docks, or other structures so as to obstruct the free flow of commerce along the Nation's waterways. This century of effective regulation could be tossed aside by the Secretary of Energy should a refinery facility seek to extend its docking structure into a navigation channel, and to the detriment of all other navigation users.

This is unsound policy of the highest order.

This bill could also affect other authorities such as those of the Federal Aviation Administration to regulate air safety in the vicinity of airports. It would also allow the Secretary of Energy to overrule the decisions of the Coast Guard protecting navigation channels and water safety. The truth is that the total effects of the language are unknown.

Such consequences are not surprising for a bill that has never been considered by any committee; has never been the subject of any hearings; and is not even subject to amendment on the House Floor.

Vote NO on H.R. 4517, the United States Refinery Revitalization Act of 2004.

Sincerely,



James L. Oberstar
Ranking Democratic Member
Committee on Transportation and Infrastructure