

JAMES M. INHOFE, OKLAHOMA
SHELLEY MOORE CAPITO, WEST VIRGINIA
JOHN BOOZMAN, ARKANSAS
ROGER WICKER, MISSISSIPPI
DEB FISCHER, NEBRASKA
JERRY MORAN, KANSAS
MIKE ROUNDS, SOUTH DAKOTA
JONI ERNST, IOWA
DAN SULLIVAN, ALASKA
RICHARD SHELBY, ALABAMA

THOMAS R. CARPER, DELAWARE
BENJAMIN L. CARDIN, MARYLAND
BERNARD SANDERS, VERMONT
SHELDON WHITEHOUSE, RHODE ISLAND
JEFF MERKLEY, OREGON
KIRSTEN GILLIBRAND, NEW YORK
CORY A. BOOKER, NEW JERSEY
EDWARD J. MARKEY, MASSACHUSETTS
TAMMY DUCKWORTH, ILLINOIS
KAMALA HARRIS, CALIFORNIA

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

May 20, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

I write with concern and to request information regarding an article in today's New York Times¹ (*How Rollbacks at Scott Pruitt's E.P.A. Are a Boon to Oil and Gas*) that describes an abrupt reversal in willingness by Devon Energy to install technology to detect and reduce emissions of harmful air pollutants since you were sworn in as Administrator of the Environmental Protection Agency (EPA).

According to the article, Devon Energy had been in discussions to install technology that would address claims made by the Obama Administration EPA's Office of Enforcement and Compliance Assistance (OECA) that a site in Wyoming was "illegally emitting 80 tons each year of hazardous chemicals, like benzene, a known carcinogen," and was also discussing the payment of a "six-figure penalty" to settle these claims. However, five days after you became Administrator, Devon Energy sent a letter² stating that it would no longer install the technology, and was now "willing to pay closer to \$25,000 to end the three-year-old federal investigation".

During your confirmation hearing, you asked "What could be more important than protecting our Nation's waters, improving our air, and managing the land that we have been blessed with as a Nation, all the while protecting the health and welfare of our people?"³ You additionally noted that "Clearly, the mission of the EPA, as I indicated in my opening statement, to protect our natural resources, protecting our water quality, improving our air, helping protect the health and welfare of our citizens, is key to the leadership of the EPA, and, where enforcement is necessary, vigorous enforcement." Allowing Devon Energy to back out of both a remedy to 'improve our air' and no longer be subject to 'vigorous enforcement' for violations of the Clean Air Act would seem inconsistent with the statements you made to the Environment and Public Works Committee - as would the 24 percent proposed cut⁴ to the 2018 OECA budget that is expected to be submitted to Congress next week.

So that I can understand whether your commitment to Congress prior to your confirmation is consistent with actions taken since your confirmation occurred, I ask that you respond to the following questions and requests for information no later than close of business on Friday June 23, 2017:

¹ https://www.nytimes.com/2017/05/20/business/energy-environment/devon-energy.html?smid=tw-share&_r=0

² <https://www.documentcloud.org/documents/3727057-Devon-Fights-and-Now-Is-Winning-Battle-Against.html#document/p1/a354353>

³ https://www.epw.senate.gov/public/_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf

⁴ <https://www.bna.com/states-weigh-impact-n57982087298/>

1. Please provide me with copies of all documents (including but not limited to emails, white papers, correspondence, memos, telephone logs, presentations and meeting minutes) related to any pending, prospective or contemplated enforcement action against or settlement with Devon Energy.
2. For each year beginning with 2009, please provide me with the following information:
 - a. The number of civil enforcement actions initiated by EPA;
 - b. The number of criminal enforcement actions initiated by EPA;
 - c. A list of each civil enforcement action that was concluded by EPA, including the name and location of the alleged violator/site, the type of violation, a description of the remedy (if any) and the amount of the penalty (if any); and
 - d. A list of each criminal enforcement action that was concluded by EPA, including the name of the alleged violator/site, the type of violation, a description of the remedy (if any) and the amount of the penalty (if any).
3. For each month since you became EPA Administrator (and for each month going forward), please provide me with the following information:
 - a. The number of civil enforcement actions initiated by EPA;
 - b. The number of criminal enforcement actions initiated by EPA;
 - c. A list of each civil enforcement action that was concluded by EPA, including the name and location of the alleged violator/site, the type of violation, a description of the remedy (if any) and the amount of the penalty (if any); and
 - d. A list of each criminal enforcement action that was concluded by EPA, including the name of the alleged violator/site, the type of violation, a description of the remedy (if any) and the amount of the penalty (if any).
4. Please provide me with a detailed analysis of the impact of the proposed budget cuts for OECA on a) the number of people employed in the office, b) the number of enforcement and compliance inspections that the office will be able to carry out each year, c) the amount of the reductions in compliance assistance that can be provided to each state, and d) the number of enforcement actions that can be undertaken and concluded each year.

Thank you very much for your assistance with this matter. If you have any questions or concerns, please have your staff contact [REDACTED] of my staff at 202-224-8832.

Sincerely,


Tom Carper
Ranking Member