

**To:** Hupp, Millan[hupp.millan@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Blu Hulsey  
**Sent:** Tue 4/11/2017 5:01:24 PM  
**Subject:** Fwd: {EXTERNAL}-NDPC Letter to EPA Administrator Scott Pruitt  
[image003.png](#)  
[ATT00001.htm](#)  
[NDPC LTR to Scott Pruitt 3.31.2017.pdf](#)  
[ATT00002.htm](#)  
[ND vs EPA.pdf](#)  
[ATT00003.htm](#)

Millian,  
This is request letter for NDPC. We'd love to have Scott there.  
Thanks  
Blu

Blu Hulsey  
(405) 628-9831

Begin forwarded message:

**From:** NDPC <ndpc@ndoil.org>  
**Date:** March 31, 2017 at 3:40:22 PM CDT  
**To:** Blu Hulsey <blu.hulsey@clr.com>, Roger Kelley <Roger.Kelley@clr.com>, "shelley.shelby@clr.com" <shelley.shelby@clr.com>  
**Subject:** {EXTERNAL}-NDPC Letter to EPA Administrator Scott Pruitt

External email – beware of links and attachments



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RESOURCES



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March 31, 2017

Environmental Protection Agency  
Mr. Scott Pruitt, Administrator  
Mail Code 28221T  
1200 Pennsylvania Ave, NW  
Washington, DC 20460


Dear Mr. Pruitt:

Congratulations on your appointment as Administrator of the Environmental Protection Agency. I am the President of the North Dakota Petroleum Council (NDPC) and wanted to take this opportunity to tell you about the outreach of the prior administration that continues to affect NDPC members. Under the previous administration, EPA initiated sweeping Clean Air Act (CAA) Section 114 information requests and threatened company-ending sanctions under the CAA against oil companies operating in North Dakota. EPA's style and process were often contrary to the North Dakota Department of Health's (NDDoH) alternative approach to Clean Air Act Enforcement. In the one consent decree that EPA completed before the election, North Dakota refused to sign the final decree, even though NDDoH had participated fully in months of EPA driven negotiations with the operator. The North Dakota approach produced industry-wide results that immediately benefited the environment in a shorter timeframe, with substantially less cost and included continued future compliance opportunities. Unfortunately, despite the successful North Dakota effort, we continue to see EPA focused on an aggressive, federal-only approach adopted under the earlier administration.

We respectfully request, consistent with your recent internal directive and President Trump's March 28, 2017 Executive Order, *Promoting Energy Independence and Economic Growth*, that you promptly review EPA's ongoing enforcement activities in North Dakota to determine whether they are consistent with your and the Trump Administration's approach to environmental protection and regulation. We also ask that you seriously consider EPA's adoption of the NDDoH approach to Clean Air Act enforcement and take steps to amend, with court approval, the existing federal consent decree to add North Dakota (ND) so that the state continues to play an important role in protecting its environment. The attached documents describe the EPA Section 114 enforcement process, and contrast it with the approach that North Dakota utilized. The information provided will show that ND achieved industry-wide compliance plus (above current regulations) in one-third of the time required by EPA to negotiate a settlement with one ND operator. NDPC believes that you will find this information of interest as you seek to make EPA a more effective and efficient agency, which works with states to implement, enforce and adopt resolutions that directly benefit the environment.

Please call or email with any questions you may have. We welcome the opportunity to discuss this with you and would be available to travel to Washington, DC if you feel it would be beneficial.

Thank you for your time and consideration.

Sincerely,  
  
Ron Ness  
President

cc: President Donald Trump  
ND Governor Doug Burgum  
Senator John Hoeven  
Senator Heidi Heitkamp  
Senator Cory Gardner  
Congressman Kevin Cramer

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We understand that, on March 2, 2017, EPA Headquarters Assistant Administrators (AAs) and Regional Administrators (RAs) were notified that the Administrator was retaining approval authority for actions having significant regulatory and enforcement effect. The AAs and RAs were directed to "identify and send upward any proposed decisions or final agency actions for the Administrator's review" those items that "would limit the flexibility of the States, limit energy resource use, impose significant costs on industry or commerce, or otherwise likely result in significant public attention on the proposed decisions or final agency actions." See Pruitt Withdraws Decision-Making Powers From Senator Officials, <https://www.dccpr.com/daily-news/pruit-will-withdraws-decision-making-powers-senior-officials-email-shows>.