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## ENFORCEMENT

## Pruitt's EPA makes good on pledge to meet with oil and gas firms

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Oil and gas groups have complained to U.S. EPA Administrator Scott Pruitt about enforcement actions concerning emissions from oil storage tanks, such as these at a Continental Resources Inc. oil well site near Alexander, N.D. Mike Soraghan/E&E News

U.S. EPA is holding a roundtable with oil and gas industry leaders next week to hear complaints about regulation and enforcement.

A few environmental groups have also been invited, but the meeting grew out of complaints to EPA Administrator Scott Pruitt that the agency's enforcement was too aggressive, particularly in the Rocky Mountain West.

The meeting is to take place Tuesday at the agency's Region 8 headquarters in Denver. Pruitt is not expected to attend. The session is to be led by Kenneth Wagner, a former law and business partner of Pruitt, who is now in charge of outreach to states.

Several industry groups, including the Colorado Oil and Gas Association and the North Dakota Petroleum Council, laid out their concerns in letters to Pruitt last spring.

Pruitt responded in July with a letter that promised more "judicious" use of the enforcement process they'd complained about, better cooperation with states and a meeting on enforcement.

"We plan to convene a roundtable with representatives of the oil and gas sector and state regulatory agencies to discuss industry concerns and enhance communication while ensuring safe and responsible domestic oil and gas production," Pruitt wrote in a letter obtained by E&E News and first reported in *The New York Times*.

Many of their complaints were focused on enforcement by Region 8. But the meeting has broadened to include a national perspective.

In addition to oil and gas trade groups, attendees are to include the Groundwater Protection Council, a nonprofit group for state water quality regulators; Clean Water Action; the Environmental Defense Fund; and the Pennsylvania Environmental Council.

The Colorado Oil and Gas Association (COGA) sent a [letter](#) to Pruitt last year complaining about an EPA Clean Air Act enforcement campaign that started in 2013 under the Obama administration. In the letter, COGA President and CEO Dan Haley said President Trump's executive order on "energy dominance" required suspending the enforcement campaign until it was reviewed by the new administration. He also noted that Pruitt and other Trump administration officials have supported returning regulatory power to state governments.

"COGA is merely asking that EPA discontinue its targeted enforcement campaign and return to the principle of 'cooperative federalism,'" Haley wrote in the letter, provided to E&E News by COGA.



Kenneth Wagner: Wagner/Facebook

The enforcement effort involved extensive use of information requests commonly referred to as "114 letters," after a section of the Clean Air Act, and spread to Texas and North Dakota.

A letter from the North Dakota Petroleum Council in March of last year said that fulfilling such requests "can take easily six months and hundreds of man-hours."

Two of the information requests sent out in 2016 involved North Dakota oil well sites where workers died from toxic vapors (*Energywire*, May 30, 2017). The National Institute for Occupational Safety and Health (NIOSH) has cited such toxic vapors as possibly contributing to at least nine oil worker deaths.

While President Obama was in office, EPA's Republican and industry critics used the term "sue and settle" to accuse the agency of colluding with litigious environmental groups to toughen up regulatory enforcement. With a new directive in October, Pruitt promised to end EPA regulatory enforcement associated with "sue and settle" cases (*Greenwire*, Oct. 16, 2017).

The petroleum council said that North Dakota officials declined to sign on to a consent decree in its state because of the onerous terms demanded by EPA. A separate Colorado settlement criticized as "sue and settle" was with Noble Energy Inc., and also involved violations caused by emissions from oil storage tanks.

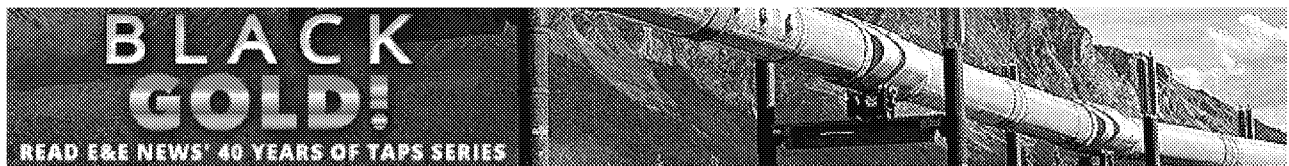
Noble paid a \$5 million civil penalty and agreed to spend about \$60 million on system upgrades, monitoring and inspections to reduce emissions. It also agreed to pay \$4.5 million to fund environmental mitigation projects and \$4 million on supplemental environmental projects. Colorado got \$1.5 million of Noble's civil penalty.

Noble also agreed to reduce or eliminate the opening of "thief hatches" by truck drivers during sampling, which allows petroleum vapors to escape. Two of the nine toxic vapor deaths cited by NIOSH were at Noble well sites.

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