

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641
April 12, 2019

The Honorable Ronald J. Tenpas, JD
Partner
Vinson & Elkins LLP
2200 Pennsylvania Avenue, NW, Suite 500 West
Washington, DC 20037

Dear Mr. Tenpas:

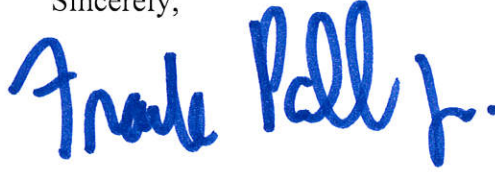
Thank you for appearing before the Subcommittee on Oversight and Investigations on Wednesday, February 26, 2019, at the hearing entitled "EPA's Enforcement Program: Taking the Environmental Cop Off the Beat." We appreciate the time and effort you gave as a witness before the Subcommittee on Oversight and Investigations.

Pursuant to Rule 3 of the Committee on Energy and Commerce, members are permitted to submit additional questions to the witnesses for their responses, which will be included in the hearing record. Attached are questions directed to you from certain members of the Committee. In preparing your answers to these questions, please address your responses to the member who has submitted the questions using the Word document provided with this letter.

To facilitate the publication of the hearing record, please submit your responses to these questions by no later than the close of business on Friday, April 26, 2019. As previously noted, this transmittal letter and your responses, as well as the responses from the other witnesses appearing at the hearing, will all be included in the hearing record. Your written responses should be transmitted by e-mail in the Word document provided with this letter to Jourdan Lewis with the Committee staff (jourdan.lewis@mail.house.gov). You do not need to send a paper copy of your responses to the Committee. Using the Word document provided for submitting your responses will also help maintain the proper format for incorporating your answers into the hearing record.

Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Jourdan Lewis at (202) 225-2927.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." with a stylized flourish at the end.

Frank Pallone, Jr.
Chairman

Attachment

cc: Hon. Greg Walden, Ranking Member
Committee on Energy and Commerce

Hon. Diana DeGette, Chair
Subcommittee on Oversight and Investigations

Hon. Brett Guthrie, Ranking Member
Subcommittee on Oversight and Investigations

Subcommittee on Oversight and Investigations
Hearing on
“EPA's Enforcement Program: Taking the Environmental Cop Off the Beat”
February 26, 2019

The Honorable Ronald J. Tenpas, JD, Partner, Vinson & Elkins LLP

The Honorable Michael C. Burgess, M.D. (R-TX)

1. In your testimony, you describe two different matters that you and your team resolved during your time as an Assistant Attorney General. These include the largest Clean Air Act criminal penalty achieved up until that time and the largest Clean Air Act injunctive civil environmental settlement, involving an estimated \$4.6 billion in injunctive relief.
 - a. Can you describe how long each of these matters took from start to finish to resolve?
 - b. How did the Department of Justice work with the EPA to resolve these matters?
 - c. Did the Department of Justice work with state and local governments to resolve these matters? [*If yes, please describe*]
2. For the last ten years in private practice, you have interacted with both the Department of Justice and the EPA on behalf of clients on matters involving the Clean Air Act, the Clean Water Act, etc.
 - a. Can you describe how the EPA typically works with companies to help ensure compliance with environmental statutes?
 - b. In your opinion, what actions can the EPA take that are likely to result in the highest compliance rate with environmental laws after EPA identifies a company that is not in compliance with federal laws and regulations?

The Honorable Brett Guthrie (R-KY)

1. In your testimony, you caution against critiques of particular case decisions because there are oftentimes so many complexities of a case that are only known to the government and not the public.
 - a. To the extent you are able, can you explain some of the factors that might impact the government's enforcement approach in any given case?
 - b. Can you elaborate on why it may be considered "unjust" to hit a minor violation with a major penalty to create a deterrence effect? What are the advantages of doing so?