

Congress of the United States

Washington, DC 20515

October 6, 2021

Mr. Scott Mabry
Acting Director
Department of the Interior
Bureau of Safety and Environmental
Enforcement
1849 C Street, N.W.
Washington, D.C. 20240

Mr. Tristan Brown
Acting Administrator
Department of Transportation
Pipeline and Hazardous Materials
Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Dear Mr. Mabry and Mr. Brown:

We are writing to request information from the Bureau of Safety and Environmental Enforcement (BSEE) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) regarding the disastrous San Pedro Bay Pipeline oil spill off the coast of California—one of the largest spills in recent Southern California history.¹

According to reports, approximately 144,000 gallons of crude oil leaked into the San Pedro Bay, an inlet of the Pacific Ocean, from an offshore rig pipeline, threatening wetlands and wildlife and potentially harming human health.² While the cause of the leak remains unconfirmed, reports have identified the leak’s source as the 41-year-old San Pedro Bay Pipeline, which is owned by Amplify Energy Corporation (Amplify Energy)—one of the largest producers of oil in Southern California—and operated by its subsidiary, Beta Offshore Operating Company LLC (Beta).³

Since 2011, BSEE has reportedly documented approximately 125 incidents of non-compliance by Beta, which have resulted in at least 53 warnings, 71 “component shut-in

¹ *Leak Stopped, but Major Oil Spill Closes Southern California Beaches*, Christian Science Monitor (Oct. 3, 2021) (online at www.csmonitor.com/Environment/2021/1003/Leak-stopped-but-major-oil-spill-closes-Southern-California-beaches).

² *Huntington Beach Oil Spill: Officials Raise Potential Oil Spill Amount to 144,000 Gallons amid Cleanup Efforts*, ABC News (Oct. 5, 2021) (online at <https://abcnews.go.com/US/major-oil-spill-closes-californias-huntington-beach-airshow/story?id=80378732>).

³ *Another Massive California Oil Spill: What You Need to Know*, Cal Matters (Oct. 4, 2021) (online at <https://calmatters.org/environment/2021/10/california-oil-spill/>); *Oil Spill: What Is Beta Offshore and What Does It Do?*, Mercury News (Oct. 3, 2021) (online at www.mercurynews.com/2021/10/03/oil-spill-what-is-beta-offshore-and-what-does-it-do/); *Oil Spill off California Coast Closes Pipeline, Prompts Warnings of Ecological Disaster*, NBC News (Oct. 3, 2021) (online at www.nbcnews.com/news/us-news/major-cleanup-operation-launched-after-oil-slick-detected-southern-california-n1280638).

violations,” and one “facility shut-in” violation for the company.⁴ In addition, PHMSA has issued several warnings to Beta since 2008, including a Corrective Action Order issued yesterday.⁵

According to reports, Amplify Energy did not report the devastating oil spill to the National Response Center (NRC)—as the company is legally required to do—until Saturday, October 2, at least ten hours after NRC and California authorities were made aware of the spill from other sources.⁶ We are also troubled by reports that local officials and members of the public were not warned of the spill until hours after Amplify Energy notified NRC.⁷ This is particularly concerning because the pipeline reportedly should have been monitored by an automated leak detection system.⁸ Civil and criminal investigations into the oil spill and Amplify Energy’s conduct are currently underway.⁹

The damage from the spill is widespread, and local officials fear that some of it will be irreversible.¹⁰ Despite efforts to contain the damage, dead birds and oil-covered fish have been washing up along the ocean’s shores.¹¹ The extent of the ecological damage has yet to be determined.¹²

⁴ *Operator of Leaking Oil Infrastructure Has Record of Violations*, CNN (Oct. 4, 2021) (online at www.cnn.com/2021/10/04/us/beta-operating-company-violations/index.html).

⁵ *California Oil Spill Closes Beaches and Renews Call for Drilling Ban*, New York Times (Oct. 4, 2021) (online at www.nytimes.com/2021/10/04/us/california-oil-spill-beach.html); *In the Matter of Beta Offshore, a subsidiary of Amplify Energy, Corp.*, CPF No. 5-2021-054-CAO (Oct. 5, 2021).

⁶ *Officials Knew About Oil Spill off O.C. Coast Friday, Sparking New Questions About Response*, Los Angeles Times (Oct. 4, 2021) (online at www.latimes.com/california/story/2021-10-04/oil-spill-amplify-energy-notification-pipeline); *Massive California Oil Spill Was Reported Friday. But Nobody Told the Millions Who Went to the Beaches*, USA Today (Oct. 4, 2021) (online at www.usatoday.com/story/news/2021/10/04/massive-oil-spill-off-california-reported-friday-reports-show-but-risk-public-wasnt-told/5993850001/).

⁷ *Id.*

⁸ *Did an Anchor Strike the Pipeline? Cause of California Oil Spill Catastrophe Could Be Determined Today*, USA Today (Oct. 5, 2021) (online at www.usatoday.com/story/news/nation/2021/10/05/what-caused-california-oil-spill/6001096001/).

⁹ *California Oil Spill: Gov. Gavin Newsom Declares State of Emergency; Criminal, Civil Investigations Underway*, USA Today (Oct. 4, 2021) (online at www.usatoday.com/story/news/nation/2021/10/04/oil-spill-california-dead-wildlife-washes-ashore/5986916001/).

¹⁰ *A Massive Oil Spill in the Pacific Ocean Has Reached the Southern California Coast*, National Public Radio (Oct. 3, 2021) (online at www.npr.org/2021/10/03/1042846846/a-massive-oil-spill-in-the-pacific-ocean-has-reached-the-southern-california-coa).

¹¹ *California Oil Spill Closes Beaches and Renews Call for Drilling Ban*, New York Times (Oct. 4, 2021) (online at www.nytimes.com/2021/10/04/us/california-oil-spill-beach.html).

¹² *Massive California Oil Spill Threatens Wildlife and Closes Beaches*, CNN (Oct. 4, 2021) (online at www.cnn.com/us/live-news/california-oil-spill-10-04-21/h_e94c2cb6acad0d49b17c615b4eaf5466).

To assist us in our review of this matter, we request briefings from BSEE and PHMSA. We further request, by October 15, 2021, the following documents and information from January 1, 2011, to the present:

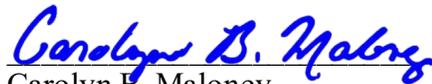
1. Documents sufficient to show all inspections conducted by BSEE or PHMSA, or any entity contracted by BSEE or PHMSA, of the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the inspections' dates, findings, and outcomes, and copies of each inspection report.
2. Documents sufficient to show all enforcement actions for non-compliance by Amplify Energy or Beta relating to the San Pedro Bay Pipeline, Elly oil rig, Ellen oil drilling platform, or Eureka oil platform, including but not limited to the date, nature of the non-compliance, type of enforcement action taken by BSEE or PHMSA (such as warnings, notices of violations, or corrective action orders), fine or penalty imposed, and response or remedial action by Amplify Energy or Beta.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. An attachment to this letter provides additional instructions for responding to the Committee's request. If you have any questions regarding this request, please contact Environment Subcommittee staff at (202) 225-5051.

Sincerely,



Ro Khanna
Chairman
Subcommittee on Environment
Committee on Oversight and Reform



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Alan Lowenthal
Chair
Subcommittee on Energy and Mineral
Resources
Committee on Natural Resources



Katie Porter
Chair
Subcommittee on Oversight and
Investigations
Committee on Natural Resources

Mr. Scott Mabry
Mr. Tristan Brown
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Mike Levin
Member of Congress



Nanette Diaz Barragán
Member of Congress

Enclosure

cc: The Honorable Ralph Norman, Ranking Member
Subcommittee on Environment
Committee on Oversight and Reform

The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Pete Stauber, Ranking Member
Subcommittee on Energy and Mineral Resources
Committee on Natural Resources

The Honorable Paul Gosar, Ranking Member
Subcommittee on Oversight and Investigations
Committee on Natural Resources

Responding to Committees' Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committees.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, including alternate spellings or transliterations of any names, the request shall be read also to include that alternative identification.
4. The Committees' preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committees should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committees should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committees' letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committees.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The terms “relating to” and “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “involving”, with respect to any given subject, means sending, receiving, or being copied (CC or BCC), or being the subject matter on any documents or communications described in the request.
9. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
10. The term “individual” means all natural persons and all persons or entities acting on their behalf.