



Southern Ute Indian  
Tribe / State of Colorado  
Environmental  
Commission Meeting

April 24, 2024



# Agenda



SOUTHERN UTE INDIAN TRIBE/STATE OF COLORADO  
ENVIRONMENTAL COMMISSION  
MEETING AGENDA



April 24, 2024  
1:00 p.m. – 3:00 P.M.  
EPD Large Conference Room  
71 Mike Frost Way  
Ignacio, CO 81137  
and  
Remote Platform

For information, call Danny Powers at (970) 563-2265  
Or email [dpowers@southernute-nsn.gov](mailto:dpowers@southernute-nsn.gov)

- 1:00 – 1:05 Call to Order/Introductions
- 1:05 – 1:10 New Business
- Appointment of new Commission Chair
  - Review and Approve April 24, 2024, Agenda (*Action Item*)
  - Review and Approve November 29, 2023, Meeting Minutes (*Action Item*)
- 1:10 - 1:25 Reservation Air Code Revisions (action item)
- 1:25– 2:00 Air Quality Updates
- Introduce new AQD Staff
  - New NSPS Methane Rules
  - TMNSR Delegation Update
  - CPRG Grant Update
  - Title V Updates
    - Permitting
    - Compliance
    - Enforcement
  - Ambient Monitoring Program Updates
  - 2023 Emissions Inventory and Information Collection Request
- 2:00 - 2:45 CDPHE Updates
- New Methane Rules - NSPS OOOOe
  - CDPHE Methane Flyover Campaign
  - State of Colorado AQCC Updates
- 2:45 – 2:55 Open Discussion/Questions and Public Comment
- 2:55 – 3:00 Schedule Next Meeting
- 3:00 Adjourn

## Commissioners

Ember Michel  
Nathan Strong Elk  
Dan Jefferson

Dr. Peter McCormick  
Rolfe Spiegel  
Dr. Rebecca Austin

# New Business

- Appointment of New Commission Chair.
- Approval of April 24, 2024 Meeting Agenda.
- Approval of November 29, 2023 Meeting Minutes.

# Reservation Air Code Revisions

- The AQD is proposing removal of the Title V emergency affirmative defense provisions of 40 CFR §70.6(g) from Article I and Article II: Part 1 of the RAC.
- The revisions are in response to a July 21, 2023, EPA rulemaking titled “*Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program*” (<https://www.federalregister.gov/d/2023-15067>).
- Requires permit authorities to remove affirmative defense provisions within one year of effective date of rule.
- Provided permit holders a mechanism for avoiding liability for non-compliance with technology-based emissions limitations due to unavoidable emergency situations.
- AQD is proposing the revisions via the Commission’s Direct Final Rulemaking process, because the changes are federally mandated, and no adverse comments anticipated.

# New Staff & New Roles

## New Staff

- Rowan Kinney - Air Quality Scientist II - Compliance
- Reyes Shendo - Air Quality Specialist - Monitoring
- Mark Lamoreaux – Air Quality Scientist I – Permitting
- Lori Niewold – Grants Coordinator

# EPA's Updated Methane Rule

## NSPS 0000, 0000a, 0000b, 0000c

- These rules were published on March 8, 2024, and will be in effect beginning May 7, 2024.
- Includes updates to NSPS 0000 series rules to reduce methane and VOCs from new, modified and reconstructed sources.
- Also includes emission guidelines for states to follow as they develop plans to limit methane from existing sources.
- The Tribe has existing CAA authority to implement the NSPS 0000 & 0000a standards and plans to propose to the Commission adoption of 0000b in the fall of 2024.
- Authority to implement 0000c requires the development of a State Implementation Plan or a Tribal Implementation Plan.



# EPA's Updated Methane Rule (Highlights)

- ❖ The final rule ensures that all well sites, centralized production facilities and compressor stations are routinely monitored for leaks.
- ❖ Adds zero emission standard for new process controllers and for most new pumps after a one-year phase in.
- ❖ Eliminates routine flaring of natural gas (methane) from new oil wells after a two-year phase-in.
- ❖ Requires owners and operators to monitor flares and other combustion control devices during routine leaks and monitoring surveys.
- ❖ Sets emissions standards for dry seal compressors, which were not previously regulated.
- ❖ Requires the use of best management practices to minimize or eliminate venting of emissions from gas well liquids unloading.
- ❖ Expands options for LDAR and new technologies for leak detection and repair.
- ❖ Establishes the methane Super-Emitter Program.

# Tribal Implementation Plan (TIP) for OOOOc

- A Tribal Implementation Plan (TIP) is an air quality plan developed by a tribe to help attain and/or maintain NAAQS for CAPs and fulfill other requirements of the CAA.
- Unlike states, tribes are not required to adopt an implementation plan, however if a tribe does not develop a plan, EPA will develop a Federal Implementation Plan that must be followed.
- EPA established Emissions Guidelines (EG) under section 111(d) of the CAA for GHGs emissions (in the form of methane limitations) from existing sources (designated facilities) under the new NSPS OOOOc rule.
- The Tribe is beginning to research the pros and cons of developing a TIP for adopting the EG established in the NSPS OOOOc rule.
- If the Tribe feels it would be a benefit to develop a TIP, we will seek approval from the Commissioners for the development of a TIP at a later Commission meeting.



# Climate Pollution Reduction Grant (CPRG) Update

- The AQD received a Phase I CPRG planning grant in October 2023
- To qualify for the Phase II funding the AQD is responsible for three key deliverables under the Phase I grant:
  - (1) Quality Assurance Project Plan (QAPP) - which was completed and approved in January of 2024.
  - (2) Priority Climate Action Plan (PCAP) - which was submitted to EPA April 1, 2024, and later approved.
  - (3) Implementation grant application- which is in its final stages of development and will be submitted by May 1, 2024.
- Phase I grant also requires the development of a comprehensive GHG emissions inventory and Comprehensive Climate Action Plan (CCAP), due in 2027.
- The CCAP will evaluate the GHG emissions reductions targets and climate resilience strategies which could be realized on the Reservation from various types of projects or activities across different source sectors and actions the Tribe could take to meet these goals.

# Climate Pollution Reduction Grant (CPRG) Update (continued)

- The Tribe's grant proposal for Phase II implementation grant is to reduce greenhouse gas (GHG) and volatile organic compound (VOC) emissions from minor sources of oil and gas on the Reservation through the Tribe's voluntary administration and implementation of several Clean Air Act (CAA) programs and standards including:
  - Delegation of the Federal Minor New Source Review Program in Indian Country - 40 CFR part 49, subpart C, sections 49.151 through 49.164 (TMNSR).
  - Delegation of the Federal Implementation Plan for Managing Air Emissions from True Minor Sources in Indian Country in the Oil and Natural Gas Production and Oil and Natural Gas Processing Segments of the Oil and Natural Gas Sector, 40 CFR Part 49, Subpart C, Sections 49.101 through 49.105 (FIP).
  - Adoption and implementation of the New Source Performance Standards (NSPS) Subparts OOOO, OOOOa, and OOOOb.
  - Evaluating the development of a Tribal Implementation Plan for adoption and implementation of NSPS subpart OOOOc.

# Title V Operating Permit Program Updates



# Title V Permitting

Title V sources are major sources that emit 100 tons of any single criteria air pollutant, and/or 10 tons per year of any single hazardous air pollutant, or 25 tons of any combination of hazardous air pollutants. Title V permits contain all of the regulations/requirements that a facility is subject to (Federal, pre-construction, prevention of significant deterioration, consent decrees, settlement agreements, etc). Title V permits also require the permittee to certify compliance with all applicable rules and regulations every year.

- The Tribe currently permits 33 Title V sources on the Reservation.
- Initial permit applications are required to be submitted within 1 year of becoming subject to Title V.
- Each Title V permit is valid for a period of 5 years.
- Title V permits can be modified by request from the permittee through either the administrative, minor, or significant permit revision process.

# Title V Permitting

## Current and Recently Completed Permitting

- ❑ Processing ten permit renewals
- ❑ Processing two initial permit
- ❑ Processing one minor permit revision
- ❑ Completed one administrative permit revision since last EC meeting.
- ❑ Continuing to review draft NSR and PSD permits from EPA Region 8, and Title V and NSR permits from the State of New Mexico and Colorado
- ❑ The AQD is expecting to permit 2 or more new Title V sources in the next year



# Title V Compliance Overview and Update

## Overview

- The AQD administers compliance inspections to 33 permitted Title V sources on the Reservation.
- Types of facilities with Title V permits on the Reservation include natural gas processing plants, gas transmission facilities, and a landfill.
- Compliance inspections conducted on a biannual monitoring schedule approved by EPA.

## Current Approved Compliance Monitoring Schedule:

- Fiscal Year 2023 (October 1, 2022 – September 30, 2023):
  - 17 of 17 Title V facility inspections conducted.
- Fiscal Year 2024 (October 1, 2023 – September 30, 2024):
  - 9 of 18 Title V facility inspections conducted.



# Title V Enforcement

The AQD conducts civil enforcement for findings of non-compliance identified during compliance inspections. The enforcement team determines if the non-compliance rises to the level of an alleged violation, and the appropriate enforcement path is chosen based on the AQD Enforcement Procedures and Penalty Manual.

- Area of Concern (No violation, but could potentially lead to a violation if unaddressed)
- Informal (Minor or Moderate Violations)
  - Compliance Advisory or Written Warning
- Formal (Major, Moderate, or Repeat Violations)
  - Notice of Violation with Settlement Agreement
- Monetary Penalties are calculated based on EPA Civil Penalty Policy and considering multiple factors
  - Actual or Potential Harm (actual release, toxicity of pollutant, sensitivity of the environment)
  - Length of Time of Violation
  - Regulatory Scheme (reporting, notifications, recordkeeping, testing, etc.)
  - Size of Source
  - Compliance History
  - Mitigating Factors (voluntary disclosure, prompt correction, early settlement, etc.)

# Title V Enforcement

- Informal & Formal Enforcement

## Informal enforcement actions

- Compliance Advisories/Warning letters
  - 2022= 6
  - 2023= 5 (to date)

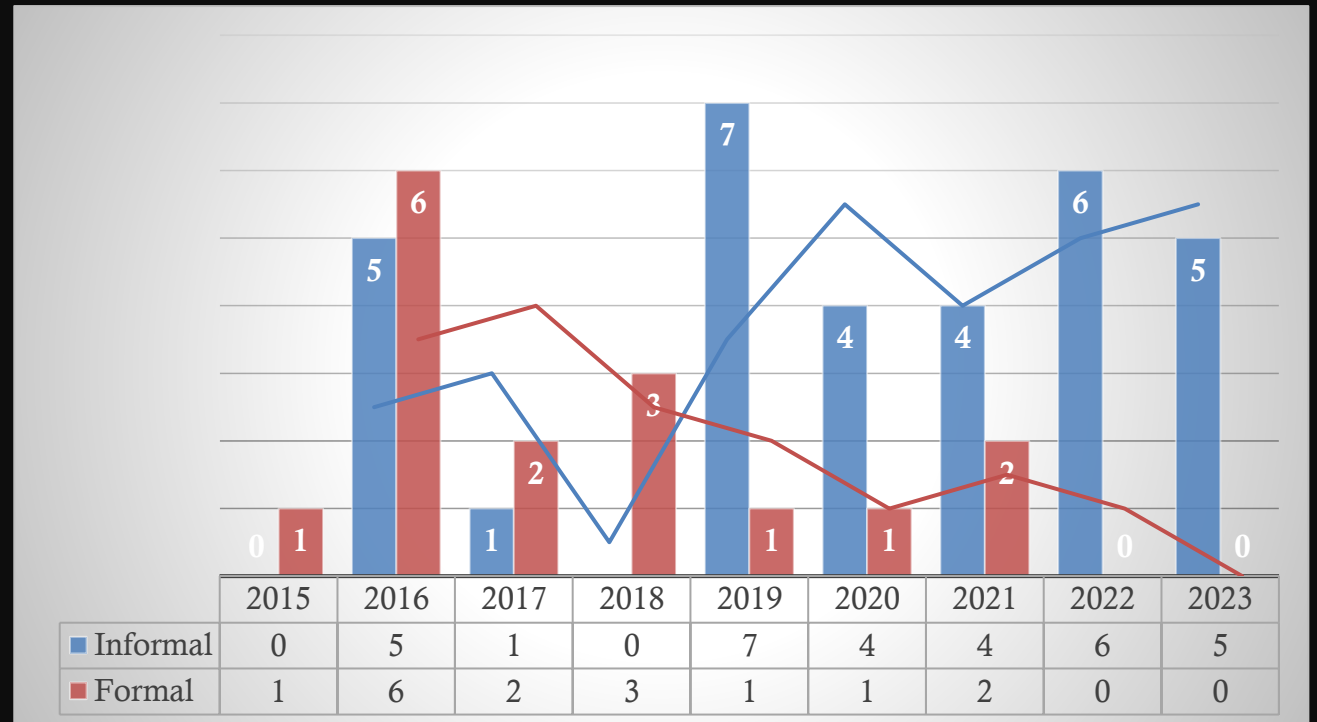
## Formal enforcement actions

- Notices of Violation
  - 2022= 0
  - 2023= 0 (to date)

- Enforcement Summary

Total enforcement cases = 47

- Informal = 31
- Formal = 16





# Minor Source Program

- A program for sources below the CAA “major source” permit thresholds
- Approximately 250 true minor oil and gas sources on the Reservation
- Collectively, these sources emit larger concentrations of ozone precursor emissions than major sources
- These sources are typically well-sites with compressor engines, small compressor stations and produced water injection wells



# Minor Source Program Current Status

- The Tribe and EPA have finalized a delegation agreement
  - Agreement outlines authorities/roles and responsibilities of the Tribe and EPA
- The agreement has been sent to the EPA Region 8 administrator for signature.
- The agreement will then be presented to the Southern Ute Tribal Council for signature.
- After both signatures have been obtained, the agreement will be published in the Federal Register.
- After the effective date, the AQD will be responsible for issuing a minor source permits and processing minor source registrations.
- Compliance inspections may begin as early as 2025.



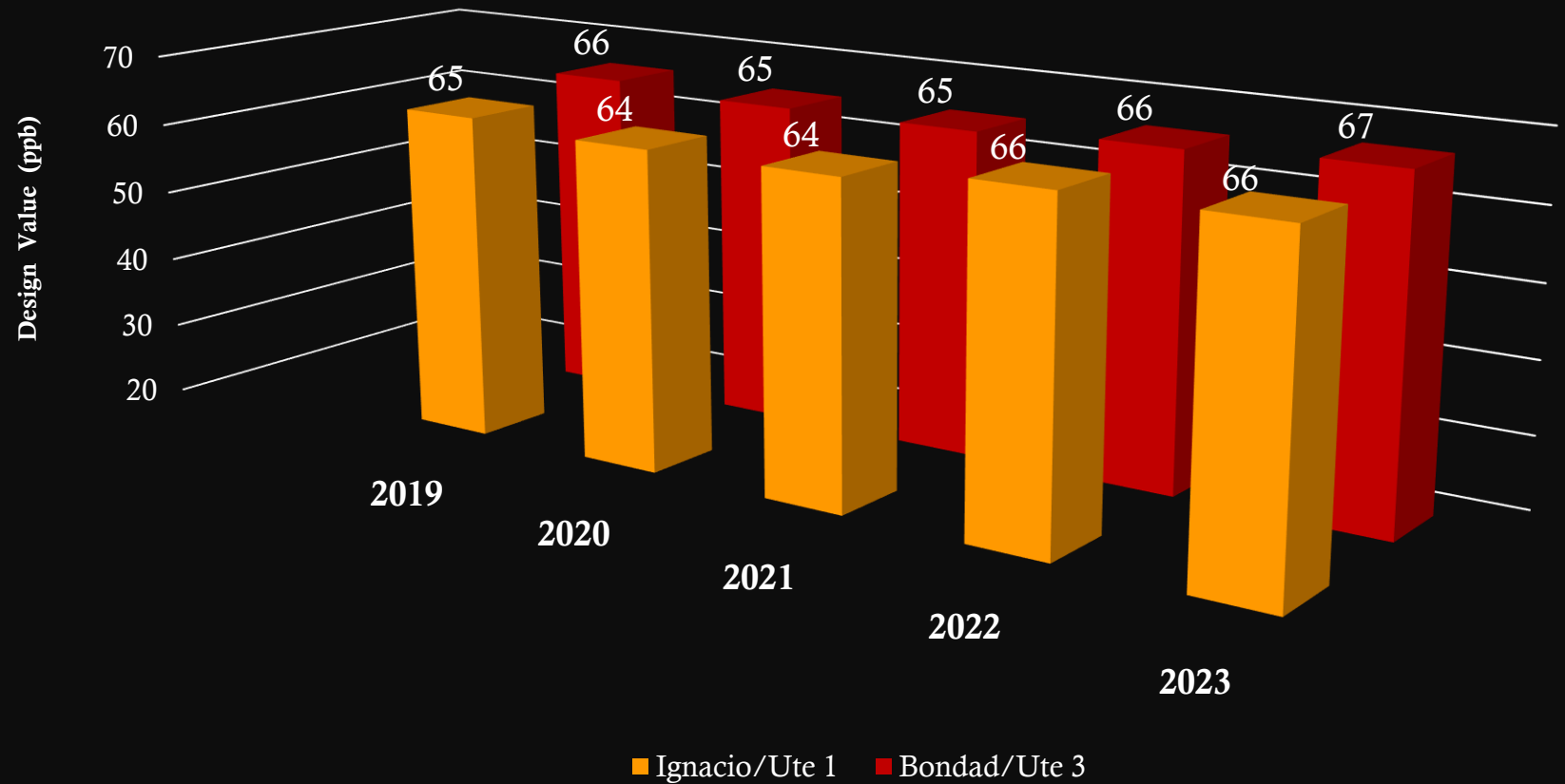
# Ambient Monitoring Program Update

	Ute 1 (Ignacio)	Ute 3 (Bondad)	Mobile (Lake Capote)
Ozone	X	X	X
Nitrogen Dioxide	X	X	X
PM10	X	X	
PM2.5	X	X	
Visibility		X	
Wind Speed/Direction	X	X	X
Relative Humidity	X	X	X
Ambient Temperature	X	X	X
Solar Radiation	X	X	X
Precipitation	X	X	



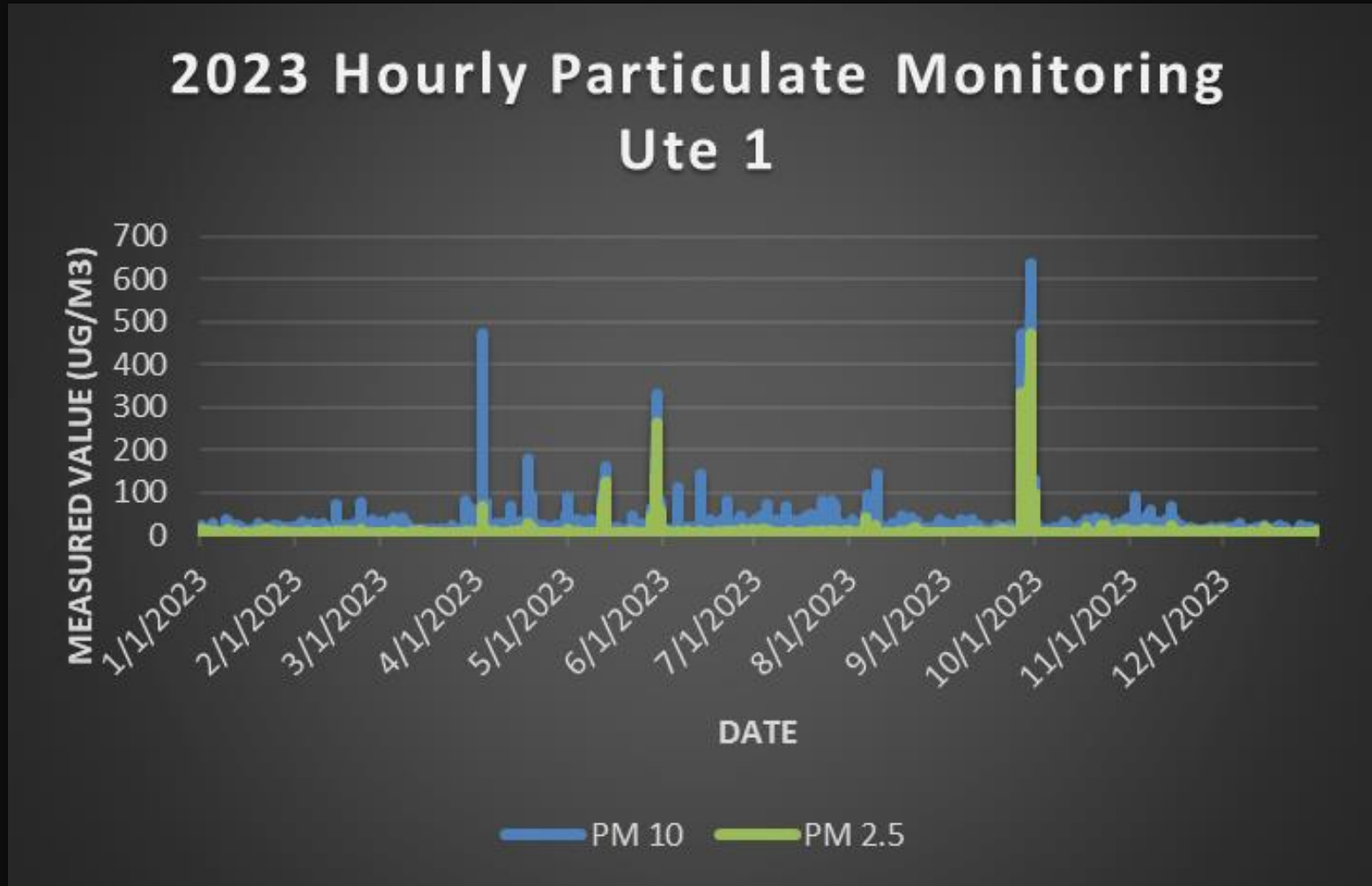
# Ambient Monitoring Program Update - Ozone

Ozone Standard : 70 ppb



# Particulate Matter Monitoring

- Continuous PM<sub>2.5</sub> & PM<sub>10</sub> monitoring at Ignacio and Bondad stations.
- PM Monitoring on the Reservation is non-regulatory because high values are from “exceptional events”.
- Data is collected for the purpose of informing citizens in real-time of hazardous PM levels due to naturally occurring forest fires, prescribed burns, and dust storms.



# Ambient Monitoring Update - Real Time Air Quality and Weather Resources

<https://www.southernuten.gov/government/departments/epd/air-quality/ambient-monitoring/>

US EPA's AirNow Web page:  
<https://www.airnow.gov/>

**Air Quality Health Notifications**  
 Southern Ute E.P.D. Air Quality Measurements

Ignacio Air Monitoring Station

USDA FSA, Microsoft | Esri, HERE, Garmin, IPC  
 Air Quality Index (AQI): **Good** Moderate Unhealthy for Sensitive Groups Unhealthy Very Unhealthy Hazardous

°F	%	Last 24Hrs	Mph	MM/HG	Pollutant Concentration Units		
Temp 51.8	Humidity 54.85	Rainfall 0	Wind Speed 1.97	Pressure 605.37	Ozone	26.75	PPB
					NO2	3.75	PPB
					CO	0.17	PPM

AQI	Level	Responsible Pollutant	Activity Caution	Risk Groups
23	Good	Ozone	None	Children and people with asthma are the groups most at risk
23	Good	Ozone	None	Children and people with asthma are the groups most at risk
8	Good	Nitrogen Dioxide	None	Children and people with asthma are the groups most at risk

Interactive Map of Air Quality

Current Forecast Loops Archive

Monitors NowCast AQI

- Ozone and PM (PM2.5 and PM10)
- Ozone
- PM (PM2.5 and PM10)
- PM2.5
- PM10

Contours NowCast AQI

Boundaries

Esri, USGS | San Juan County, NM, Esri, TomTom, Garmin, SafeGraph, FAO, METI/NASA, USGS, B

# 2023 Comprehensive Emissions Inventory

- The AQD will develop a comprehensive emissions inventory for CY2023 for EPA reporting. This is a summary of all emissions from all sources of emissions on the Reservation.
- An Information Collections Request will be sent out to all oil and gas operators on the Reservation.
- The collections request will be sent out at the end of May or beginning of June to collect emissions data from all facilities.



CDPHE Updates

Schedule Next Meeting