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photo Jeremy Wade Shockley/SU DRUM

Air Quality Scientist Kyle Hunderman and Air Quality Program Manager Brenda Jarrell in a meeting with the Southern Ute Indian Tribe/State of Colorado Environmental Commission on Thursday, March 1 in the Leonard C. Burch Tribal Administration Building.

Ute Tribe will be the first tribe ever to have Part 70 oversight, so called because of the legal provision that allows the transfer.

There are currently 44 permitted stationary major sources on the Southern Ute Indian Reservation — predominantly in the oil and gas industry, according to Air Quality Scientist Kyle Hunderman. The tribe will look to transition those permits into the tribal program over the next three years, he said, as well as adding new ones.

“Before, an applicant would apply to Region 8 based out of Denver,” he said. “What will happen now is they will actually go to the tribe’s Air Quality Program website and get their applications there, and submit directly to the tribe.”

Hunderman said the reaction among operators has been largely positive. Bringing the program home “will provide reservation residents and affected companies with the benefits of local regulation, including responsiveness, agility and accessibility,” he said.

Apart from the look of the permits, local companies should expect no substantive change in the regulations with which they’re expected to comply, Hunderman said. The EPA will continue to review the program and ensure it’s being run fully and well, just as it does for states, he said.

There is a financial component — the Air Quality Program will begin collecting fees based on emissions at each source — but that money is restricted by statute to sustaining the program and cannot be used elsewhere.

A long time coming

Under the previous arrangement, the EPA served as the permitting authority on behalf of the tribe. But for years, the tribe has been making efforts to increase its role.

In 1999, the tribe and the State of Colorado signed an intergovernmental agreement that President George W. Bush later signed into law, creating the Southern Ute Indian Tribe/State of Colorado Environmental Commission in 2004. That group, composed of three tribal and three state commissioners, allowed both entities to weigh in on EPA issues.

The next step was an application for full oversight of operating permits on reservation lands. The tribe and the EPA went back and forth several times on specific regulations and issues of staffing and capacity, said Carl Daly, director of EPA Region 8’s Air Program.

“This is a real similar process to what we did with all of our states. We used a similar checklist of things that the tribe’s application had to cover,” he said.

Southern Ute Indian Tribal Council Chairman Jimmy R. Newton Jr. said the successful transfer of authority has taken years and the efforts of many tribal members and staffers.

“EPA approval of this program is an achievement that was envisioned by many past tribal leaders, and is the culmination of extensive cooperation among the tribe, EPA, State of Colorado, La Plata County, and oil and gas industry operators,” he said.

Looking after its own

In a modern world where tribes must work diligently to protect and nurture their sovereignty, taking over air quality permitting under Part 70 is another pioneering effort by the Southern Ute Indian Tribe; one that allows it local authority over its local air.

That thought was not far distant from the Air Quality team during the years it took to make it happen, Jarrell said.

“We wanted, in the tribe’s interest, to maintain sovereignty,” she said. “We wanted to maintain that local tribal control.”

Newton said air quality in the area will benefit from the protection of the tribe’s program.

“The tribe looks forward to administering the program in a manner that ensures protection of the reservation air shed and contributes positively to regional air quality,” Newton said.

Martin, whose signature made the transfer official, said it wouldn’t have happened unless the EPA had faith the tribe could handle the responsibility well.

“The assumption of this program is a step forward for the Southern Ute Indian Tribe and the environment,” he said. “EPA’s approval reflects the tribe’s exceptional effort to build the expertise and capacity to manage air quality on the reservation.”

For more information on the Air Quality program and its activities, visit www.southernute.nsn.us/air-quality.

KSUT’s drive thrives



photo Jeremy Wade Shockley/SU DRUM

KSUT Tribal Radio DJs Lorena Richards and Alberta Bison set up to receive callers and donations for their annual “membership” drive in the Leonard C. Burch Tribal Administration Building’s Hall of Warriors on Wednesday, March 7. The one-day drive hauled in \$2,629 in pledges. Velma Armijo won a powwow package including a trip to the Denver March Powwow. The next fund drive is slated for March 27 – 29.

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