

**Minutes  
Of the  
Southern Ute Indian Tribe/State  
of Colorado Environmental Commission  
Leonard C. Burch Administration Building- Buckskin Charlie Room  
356 Ouray Drive  
Ignacio, Colorado 81137  
September 24, 2014**

**The meeting of the Southern Ute Indian Tribe/State of Colorado Environmental Commission was called to order at 3:04 p.m.**

**Present:** Jeffery Jefferson, Jr., Chairperson; Gerald Zink; Robert Milofsky; Peter Butler; Dan Jefferson; and Karen Spray.

**Others Present:** Sam W. Maynes, Tribal Attorney; Thomas Johnson, EPD Head; Brenda Jarrell, AQ Program Manager; Danny Powers, AQ Scientist; Mark Hutson, AQ Technical Manager; Michael Freeman, AQ Compliance Specialist; Oakley Hayes, AQ Analyst/MSP; Kaibah Tsosie, AQ Compliance Specialist; Marlene Scott-Jewett, EPD Administrative Assistant; Julie Best, BP; Kyle Hunderman, Red Willow Production Company; Matt Armstrong, Williams; Bill Rose, Bondad Landfill; Lori Marquez, Conoco Phillips; Dan Fauth, Red Cedar Gathering; Collette Brown, Conoco Phillips; Curtis Hartenstine, WQ Program Manager; and Lorelyn Hall, Tribal Attorney.

**Call in Participants:** Mike Silverstein, Colorado Department of Public Health and Environment; Matthew Langenfeld, USEPA Region 8 and Randy Brown, USEPA Region 8.

**At this time, Chairperson Jefferson, Jr. introduced Ms. Karen Spray, newly appointed Tribal Commissioner. Commissioner Spray provided her background information. Next, there was a round of introductions from all who were present and participating via telephone.**

#### **Agenda/ June 3, 2014 Minutes Review and Approval**

Chairperson Jefferson, Jr. called for a motion to approve the September 24, 2014 agenda. Commissioner Butler motioned to approve and Commissioner Milofsky seconded the motion. The motion passed (6) for (0) against.

Chairperson Jefferson, Jr. called for a motion to approve the June 3, 2014 meeting minutes. Commissioner Butler motioned to approve and Commissioner Zink seconded. The motion passed (6) for (0) against.

#### **Tribal Air Quality Program and Commission Updates**

Ms. Brenda Jarrell, AQ Program Manager, announced that she is back from maternity leave and also introduced Ms. Kaibah Tsosie, AQ Compliance Specialist. Ms. Tsosie provided her background information to the Commission.

Mr. Thomas Johnson, EPD Head, updated the Commission on Mr. Chris Ellis' condition. Mr. Ellis, who is the tribal Air Quality Analyst was in a serious vehicle accident and is currently in the hospital in Denver, Colorado.

Ms. Jarrell provided the Commission with copies of five public comment letters on the Environmental Protection Agency's (EPA's) Proposed Rule – *Docket ID No. EPA- HQ- OAR- 2011-0151 – Managing Emissions from Oil and Natural Gas Productions in Indian Country.*

Mr. Oakley Hayes, AQ Analyst-MSP, shared information he has collected on the number of minor source engines on the Reservation that the Commission requested request at the previous Commission meeting. The Air Quality Program is continuing to gather the requested information from operators so the Commission can make a better informed decision on the Tribe's minor source program recommendation.

Mr. Mike Silverstein, CDPH&E, updated the Commission on the vacant senior manager positions within the Colorado Air Pollution Control Division.

#### **Reservation Air Code**

##### **Part 1- Title V Program**

##### Update on the Part 70 Program Implementation

Mr. Danny Powers, AQ Scientist, updated the Commission on the status of the Tribe's implementation of the Commission's Part 70 Program. As of today's date, thirty permits have been issued and the program implementation is on schedule.

#### Part 70 Compliance and Enforcement Update

Mr. Mark Hutson, AQ Technical Manager, summarized the Tribe's Enforcement Procedures Penalties Policy, Compliance Monitoring Strategy, and Inspector Protocol Manual. The Tribe has submitted its Compliance Monitoring Strategy to EPA. The staff is trained on the EPA's Integrated Compliance Information System (ICIS) for compliance reporting.

#### Status in the Tribe's Title V Air Permitting Database

Mr. Michael Freeman, AQ Compliance Specialist, stated that the Air Quality Program staff has completed the testing and development phases for the Program's new air permitting database, the database has been downloaded to the Tribe's webserver and is now in the final production phase for the staff to utilize the database; and the process is set to be completed by the end of October 2014.

#### Update to the Revisions to the Reservation Air Code

Mr. Powers shared that no adverse comments were received in response to the Commission's Direct Final Rulemaking. EPA had no comment and advised that its "no comment" can be considered as final approval of the proposed revisions. The final revisions to the Reservation Air Code (RAC) became effective on August 23, 2014.

#### **Part 70 Program Emission Fee Rate Increase**

Mr. Johnson summarized the reasons why an emission rate increase is needed.

Mr. Hutson recommended an emission fee rate increase of \$140.00 per ton and shared information on why the fee increase is needed to sustain the Tribe's Title V Program. The staff has reviewed the program costs, estimated emissions, and emission fees to operate the Part 70 Program. According to Mr. Hutson, emissions have decreased, due to decreases in gas production, and facilities opting out of the Title V program by becoming synthetic minors. The staff also provided a visual presentation for the recommended increase to the Commission.

The staff has been in contact with the affected operators regarding the fee adjustment and the operators are aware of the proposed fee increase. There have been no adverse comments received from the operators.

Commissioner Butler motioned to approve Resolution 2014-03 with the \$140.00 per ton included. Commissioner Spray seconded the motion. The motion passed (6) for (0) against.

Mr. Powers will follow up and contact the operators regarding the approved fee increase. The AQP will also provide an email notification to the Commission contact list.

#### **Public Comment Period**

There were no public comments.

#### **Commission Planning Period/Schedule Next Meeting**

The next scheduled Southern Ute Indian Tribe/State of Colorado Environmental Commission meeting is tentatively scheduled for February 2015.

Chairperson Jefferson, Jr. called for a motion to adjourn. Commissioner Dan Jefferson motioned and Commissioner Peter Butler seconded. The motion passed (6) for (0) against.

**The meeting of the Southern Ute Indian Tribe/State of Colorado Environmental Commission adjourned at 4:20 p.m.**