

**Minutes
Of the
Southern Ute Indian Tribe/State
of Colorado Environmental Commission
AKA Energy Building – Conference Room
65 Mercado Street, Suite 250
Durango, Colorado 81301
October 19, 2015**

The meeting of the Southern Ute Indian Tribe/State of Colorado Environmental Commission was called to order at 3:03 p.m.

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

Absent: Dan Jefferson (A proxy was provided for Commissioner Jefferson Jr. to vote on his behalf).

Others Present: Mark Hutson, AQ Program Manager; Danny Powers, AQ Technical Manager; Michael Freeman, AQ Enforcement Coordinator; Chris Ellis, AQ Analyst; Andrew Switzer, AQ Technician; Marlene Scott-Jewett, AQ Analyst 1; Thomas Johnson, EPD Head; Sam Maynes, Tribal Attorney; Kelbie Kennedy, Tribal Attorney Trainee; Robert Bridges, Public in Attendance; Clara Cardoza, Conoco Phillips; Sarah Kelly, Growth Fund; Matt Webre, Williams; Rodney Parker, CETNM; Ethan Hinkley, Growth Fund; Leslie Jakoby, La Plata County; Dan Fauth, Red Cedar Gathering Company; and Kyle Hunderman, Red Willow Production Company.

Call in Participants: Jody Ostendorf, USEPA Region 8; and Nica Hoshijo, WPX Energy.

At this time, there was a round of introductions from all who were present and participating via telephone. Chairperson Jefferson, Jr. announced his reappointed as a Tribal Commissioner, and Commissioner Butler announced his reappointment as a State Commissioner.

It is noted that Mr. Mike Silverstein, Colorado Department of Public Health and Environment (CDH&E), will not be presenting an update, as he is unable to attend due to a family emergency.

October 19, 2015 Agenda Review and Approval

Chairperson Jefferson, Jr. called for a motion to approve the October 19, 2015 agenda. Commissioner Butler motioned to approve and Commissioner Spray seconded the motion. The motion carried (6) for (0) against.

Elect New Commission Chairperson

Under the Intergovernmental Agreement (IGA), the Chairperson must alternate annually between a Tribal appointed and a State appointed Commissioner.

At this time Chairperson Jefferson Jr. called for a nomination for the Commission Chairperson. Commissioner Milofsky nominated Commissioner Peter Butler for the Southern Ute Indian Tribe/State of Colorado Environmental Commission Chairperson, Commissioner Zink seconded the motion. The motion carried (6) for and (0) against.

Newly appointed Chairperson Butler thanked former Chairperson Jefferson Jr. for his leadership and willingness to return to the Commission for another term.

September 24, 2014 Meeting Minutes and February 2, 2015 Update Review and Approve

Chairperson Butler called for a motion to approve the September 24, 2014 meeting minutes. Commissioner Zink motioned to approve and Commissioner Milofsky seconded. The motion carried (6) for (0) against.

Chairperson Butler clarified there was no need to approve the February 2, 2015 SUI/CO Environmental Commission Update document received for informational purposes.

Tribal Air Quality Program and Commission Updates

Present New Staff and AQP Staff with New Roles

Mr. Thomas Johnson, Environmental Programs Division (EPD) Head, provided the update on the Air Quality Program staff's new roles, new hires and two vacant positions. A revised EPD staff chart, showing the Air Quality Program staff positions will be sent to the Commissioners, for informational purposes.

Permitting Program Update

Mr. Danny Powers, AQ Technical Manager, provided the title V operating permit program background, transition of EPA Region 8 permits to Tribal issued permit information update to the Commission and public in attendance.

Compliance and Enforcement

Mr. Mark Hutson, AQ Program Manager, provided an update on the Southern Ute Indian Tribe Compliance Monitoring Strategy (CMS), every facility will be inspected every two years in consistency with the Environmental Protection Agency (EPA) National CMS.

Mr. Michael Freeman, AQ Enforcement Coordinator, provided the update on the completed fiscal year 2015 inspections and twenty-two inspections scheduled for fiscal year 2016. Mr. Freeman clarified to the

Commissioners the difference between a partial and full compliance inspection. Mr. Freeman also provided information regarding hours spent on an inspection of a facility; which ranges from 38 – 60 hours to thoroughly complete an inspection.

Emissions Fee Updates

Mr. Hutson provided the emissions fee update, the part 70 program emission fee rate increase was approved by the Commission at the September 24, 2014 meeting. The Air Quality Program (AQP) staff will be partially transitioning to the emissions fees revenue, as there was a carryover from grant funds for fiscal year 2016 for the Air Quality Permitting Program. The air quality program did not apply for any additional funding from EPA for fiscal year 2016. The program will use the grant funding prior to using the allocated emission fees. The permitting program expects to be fully funded by emission fees for fiscal year 2017.

Minor Source Program and Emission Inventory

Mr. Powers provided the update. The AQ program has been monitoring the Federal Tribal Minor New Source Review Program, 40 CFR Part 49 and provided comments on advanced notices of proposed rulemaking. The Environmental Protection Agency (EPA) published in the Federal Registry a proposed Federal Implementation Plan for Indian Country, and the AQP will be providing comments. The AQP will keep the Commission updated.

An Emission Inventory (EI) for Title V sources will be submitted to the National Emission Inventory for calendar year 2014. For calendar year 2015 a full comprehensive Emissions Inventory; which will include all minor sources, mobile sources and biogenetic sources will be submitted to the National Emission Inventory. The comprehensive emission inventory is a great tool for air quality planning purposes, and if there is interest for the EPA Ozone Advance Program; submission to the EI is a requirement.

Ambient Monitoring Program

Mr. Chris Ellis, AQ Analyst, provided background information on the EPA's AirNow website. The Tribal Council approved submittal of the tribe's information to the EPA AirNow website. Currently, you will be able to see the real time information for the Southern Ute Indian Reservation from the tribe's two monitoring sites. The website is used by the State for Air Quality Index (AQI), in regards to health advisories, ozone, and particulate matter.

RAC Revision (Addition of CAA 114 and Cease-and-Desist Order authorities)

Mr. Powers read the October 19, 2015 memorandum titled Noncontroversial Revisions to the Reservation Air Code (RAC) outlining the following proposed revisions: 1). Addition of an express statement regarding the Tribe's pre-permitting investigation and information requesting authority, 2). Addition of a provision confirming the Tribe's authority to issue emergency cease-and-desist orders, and 3). Addition of an "all other incidental powers" provision.

Attachments to the memorandum include: 1). Draft resolutions to evidence the Commission's approval of the proposed revisions. 2). Draft notice of the proposed rulemaking. 3). Draft notice of direct final rulemaking. 4). Redlined copy of the RAC. 5). Clean copy of the RAC with the accepted revisions.

Mr. Powers stated the Air Quality Program consulted with the State of Colorado and Tribal Council on the recommended revisions. The RAC revisions have been approved by the Southern Ute Indian Tribal Council and a letter of recommendation of adopting the proposed revisions to the RAC, signed by the Tribal Chairman is also included.

Mr. Powers clarified for the Commission the difference between the direct final rulemaking and request for comments, and the proposed revisions to the Reservation Air Code and request for comments.

Chairperson Butler called for a motion to approve the direct final rulemaking or proposed revision to the Reservation Air Code. Commissioner Zink motioned to approve the direct final rulemaking and Commissioner Spray seconded the motion. The motion carried (6) for and (0) against.

Chairperson Butler called for a motion to approve Resolution No. 2015-02 Direct Final Rulemaking. Commissioner Zink motioned to approve the resolution and Commissioner Milofsky seconded the motion. The motion carried (6) and (0) against.

Ozone Advance Program Presentation and Discussion

Ms. Jody Ostendorf, USEPA Region 8, presented a brief background of the ozone advance program. The program is a voluntary collaborative effort by the EPA, States, local communities, and Tribes to encourage emission reductions in ozone attainment and unclassified areas to help maintain the National Air Quality Standards (NAAQS). In order to enroll in the program, a letter of interest from the Commission would need to be submitted to EPA.

AQP seeking Environmental Commission Authorization to Hold Stakeholders Meeting to Gauge Interest

The AQP is seeking approval from the Commission to hold a meeting regarding the ozone advance program with local operators to discuss interest in the program. It was the consensus of the Commission to recommend the Air Quality Program hold a stakeholders meeting with operators on the reservation.

Other Announcements

Four Corners Air Quality Group Meeting – November 9-10 in Durango at Ft. Lewis College

Mr. Powers, provided the draft agenda information to the Commission. The Air Quality Program will be presenting at the meeting. Once finalized, the Air Quality Program will email the finalized Four Corners Air Quality Group meeting agenda to the Commissioners.

Open Discussion/Questions and Public Comment Period

There was one comment received from Mr. Robert Bridges, Breen CO. Mr. Bridges addressed the Commission in a public forum regarding a particulate matter air quality nuisance complaint. It was explained to Mr. Bridges, by the AQP staff, that the RAC does not have any nuisance condition regulations. Due to the reservation's checker board jurisdiction Mr. Sam Maynes, Tribal Attorney, will look into the matter regarding the Intergovernmental Agreement (IGA), regarding State or Tribal jurisdiction.

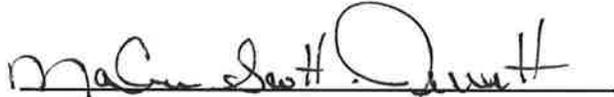
Commission Planning Period/Schedule Next Meeting

The next scheduled Southern Ute Indian Tribe/State of Colorado Environmental Commission meeting is tentatively scheduled for the spring 2016.

Chairperson Butler called for a motion to adjourn. Commissioner Jefferson Jr. motioned and Commissioner Spray seconded the motion. The motion carried (6) for (0) against.

The meeting of the Southern Ute Indian Tribe/State of Colorado Environmental Commission adjourned at 5:00 p.m.

I certify that the foregoing is a true and correct copy of the minutes approved by the Southern Ute Indian Tribe/State of Colorado Environmental Commission on June 8, 2016.



Marlene Scott-Jewett, Recording Secretary

June 8, 2016
Date