



SOUTHERN UTE INDIAN TRIBE / STATE OF COLORADO ENVIRONMENTAL COMMISSION MEETING

November 20, 2024

AGENDA



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



November 20, 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

- 1:00 – 1:05 **Call to Order/Introductions**
- 1:05 – 1:10 **New Business**
- Review and Approve November 20, 2024, Agenda (*Action Item*)
 - Review and Approve April 24, 2024, Meeting Minutes (*Action Item*)
- 1:10– 2:00 **Air Quality Updates**
- Introduce new AQD Staff Member
 - Ambient Monitoring Program Updates
 - Title V Updates
 - Permitting
 - Compliance
 - Enforcement
 - TMNSR Delegation Update
 - CPRG Update
 - New EPA Methane Rules
- 2:00 - 2:45 **CDPHE Updates**
- Remote Sensing Research
 - NSPS OOOOc Rule 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

- Approval of November 20, 2024 Meeting Agenda.
- Approval of April 24, 2024 Meeting Minutes.

AIR QUALITY DIVISION UPDATES

- New Staff Member
- Ambient Monitoring Program Updates
- Title V Updates
- TMNSR- Minor Source Program Updates
- CPRG- Climate Pollution Reduction Grant Updates
- NSPS- New EPA Methane Rule Updates



AMBIENT AIR MONITORING PROGRAM UPDATES



AMBIENT MONITORING PROGRAM

MONITORING SITES

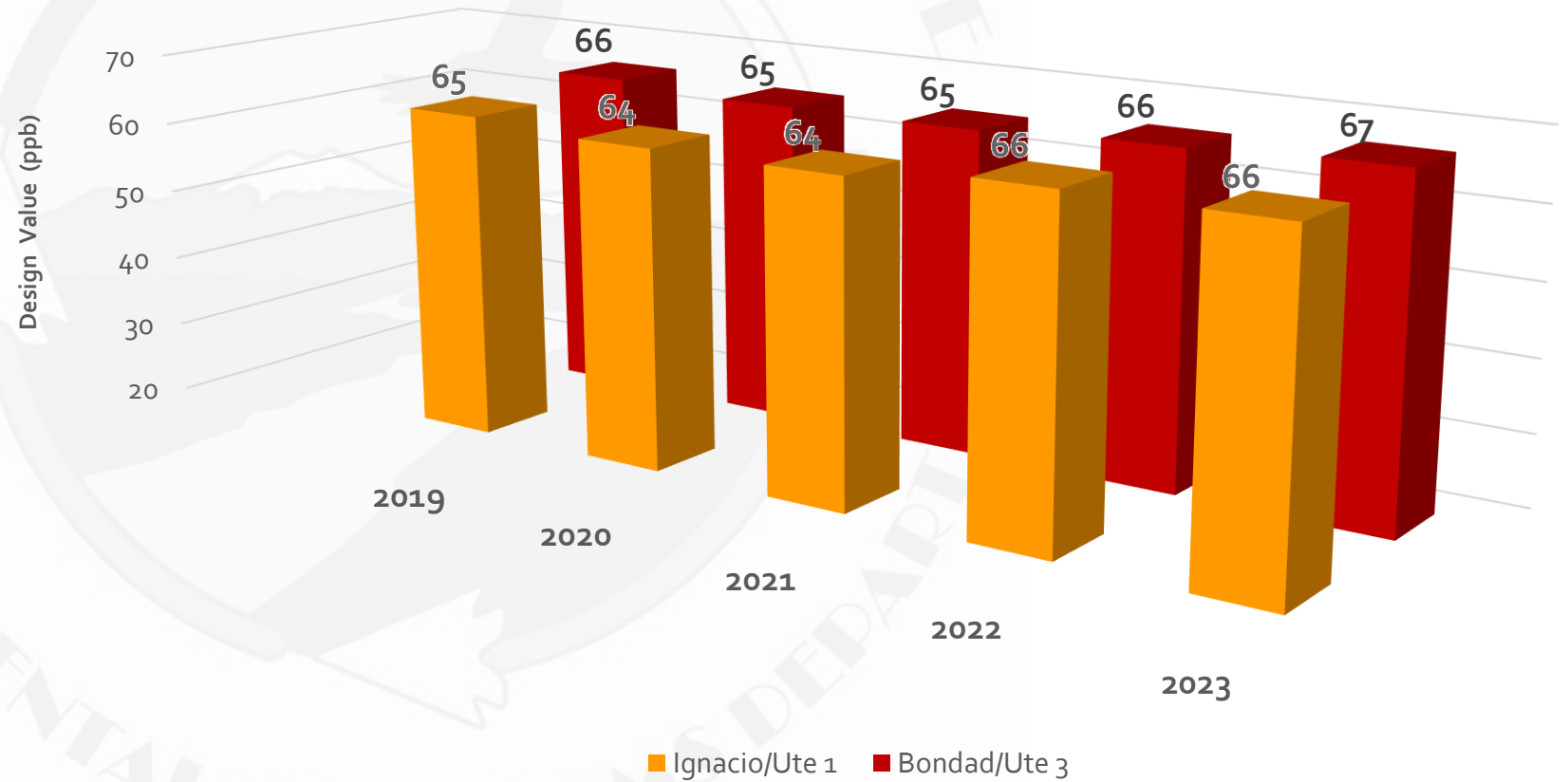
	Ute 1 (Ignacio)	Ute 3 (Bondad)	Mobile (Lake Capote)
Ozone	X	X	X
Nitrogen Dioxide	X	X	X
PM10	X	X	
PM2.5	X	X	
Visibility		X	
Wind Speed/Direction	X	X	X
Relative Humidity	X	X	X
Ambient Temperature	X	X	X
Solar Radiation	X	X	
Precipitation	X	X	



AMBIENT MONITORING PROGRAM

OZONE

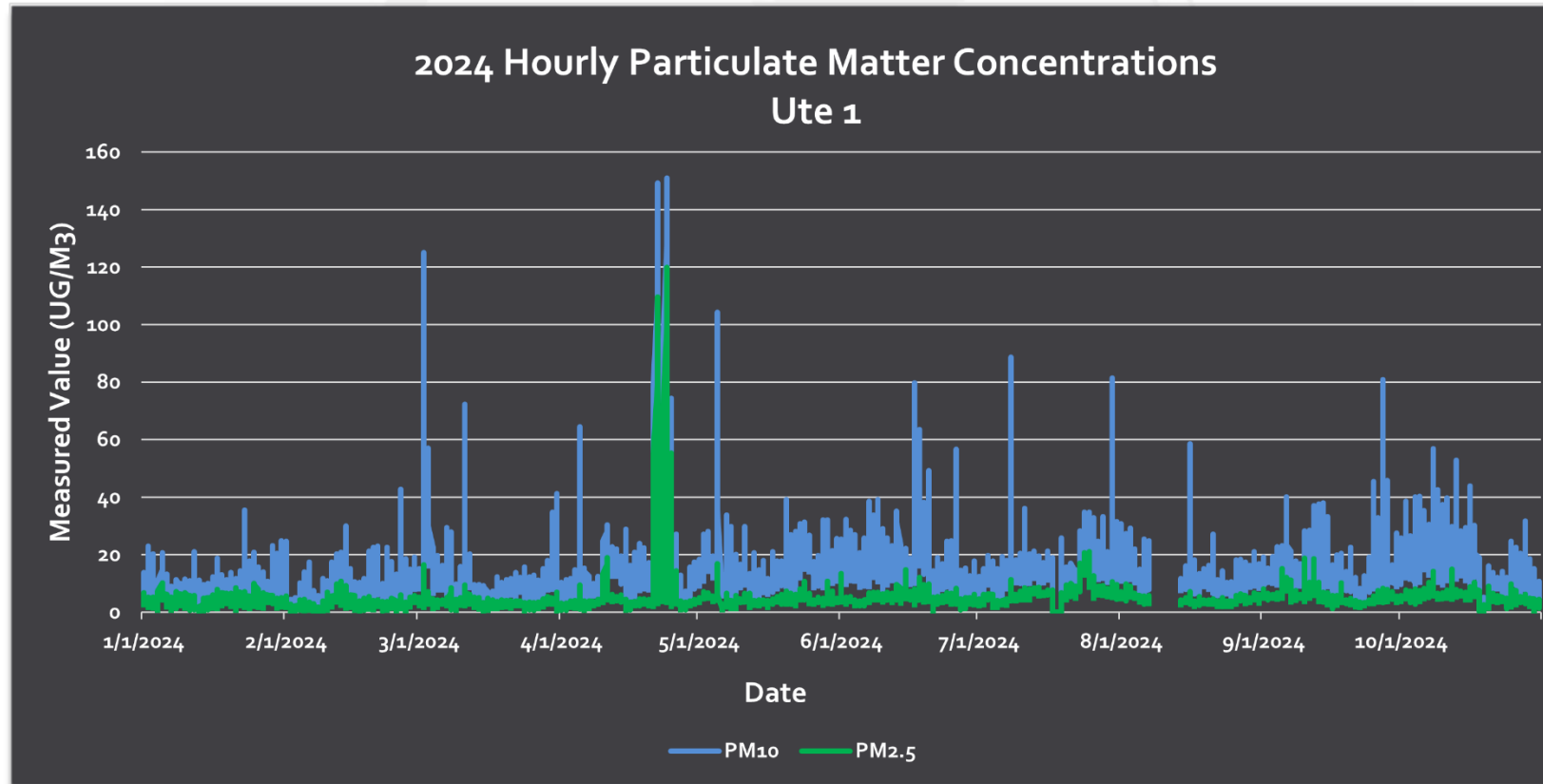
Ozone Standard : 70 ppb



AMBIENT MONITORING PROGRAM

PARTICULATE MATTER

- Continuous PM_{2.5} & PM₁₀ 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 PROGRAM

DIRECT AWARD GRANT

Inflation Reduction Act - Direct Award Monitoring Grant

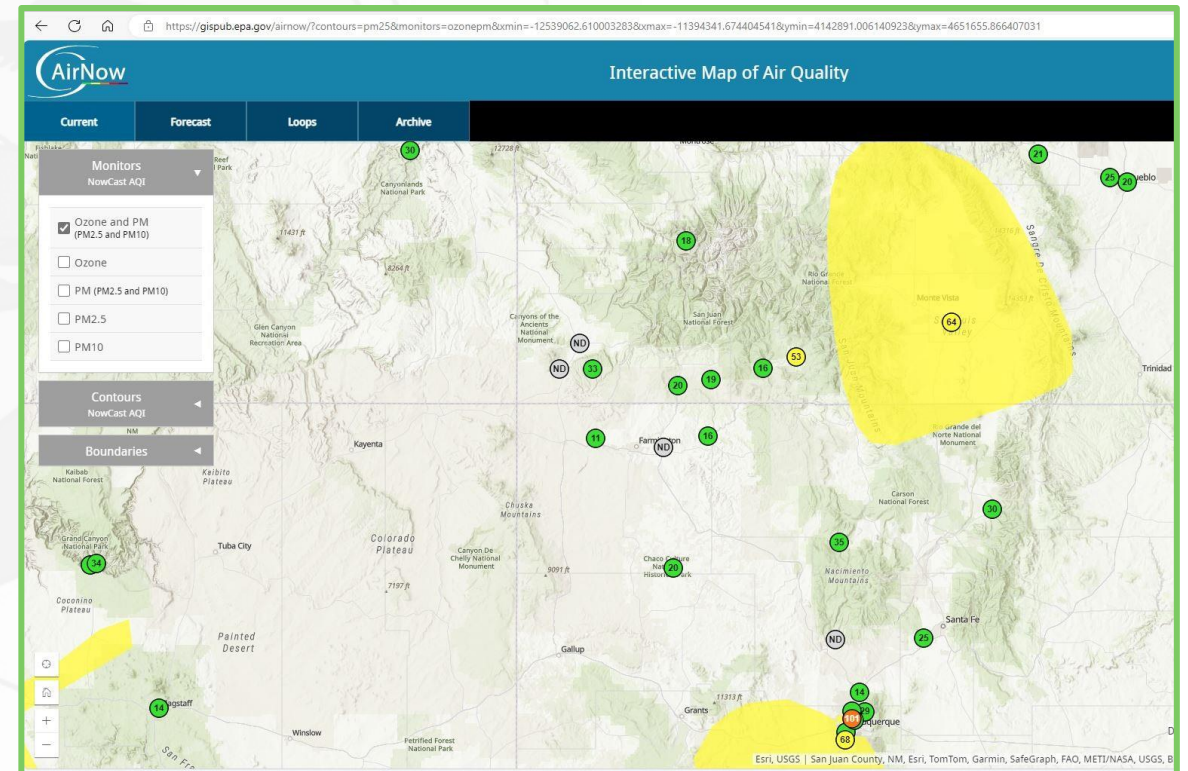
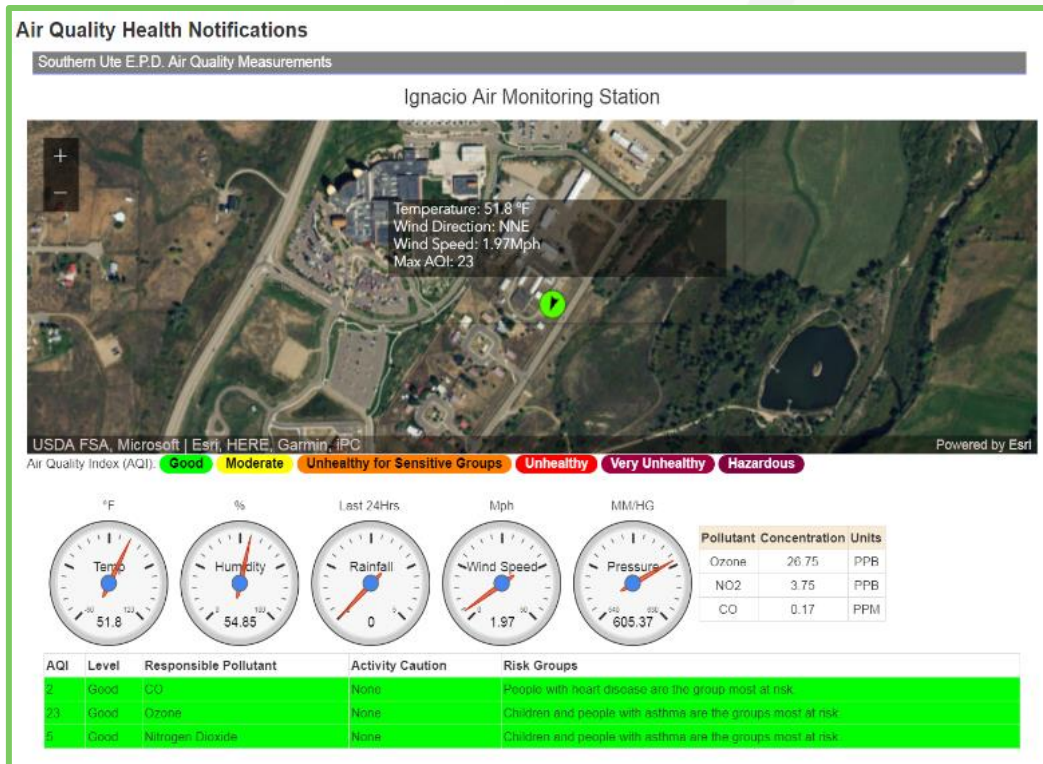
- A non-competitive grant to support States and Tribe's upgrade existing and outdated monitoring equipment at critical air monitoring stations
- Required completion of eligibility survey that assessed value of station to air data in a strategic location or region and the age of the monitors
 - July 1st, 2024: AQD was awarded **\$320,000** to upgrade monitoring equipment at all three AQD air stations
- Once in a decade opportunity with good timing for the AQD, due to the majority of AQD's equipment being 10+ years old



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/>



TITLE V OPERATING PERMIT PROGRAM UPDATES



TITLE V PERMITTING



TITLE V PERMITTING

Current and Recently Completed Permitting

- The AQD currently permits 33 Title V sources on the Reservation (approximately 13% of the Title V sources in Colorado).
- Currently processing 19 permit renewals and 3 initial permits
- Issued 3 permit renewals and 2 minor revisions since last EC meeting
- The AQD is expecting to receive permit applications for 2 or more new Title V sources in the next year
- Continuing to review draft permits from EPA, New Mexico, Colorado, and Navajo Nation.



TITLE V COMPLIANCE

Overview

- Types of facilities with Title V permits on the Reservation include:
 - Natural gas compressor stations, processing plants and transmission facilities, and a municipal solid waste landfill.
- Compliance inspections conducted on a biannual frequency according to compliance monitoring schedule (CMS) approved by EPA.

CMS Progress:

- Fiscal Year 2024 (October 1, 2023 – September 30, 2024):
 - 18 of 18 Title V facility on-site inspections conducted and 11 inspection reports signed and final.
- Fiscal Year 2025 (October 1, 2024-September 30, 2025):
 - 17 Title V facility inspections scheduled in CMS



TITLE V COMPLIANCE

Onsite Inspection

The AQD Compliance team will prepare for an inspection by:

- Reviewing the current permit conditions.
- Verifying emission units and their applicability to Tribal and Federal regulations, as represented in permit application.
- Performing an onsite inspection to identify all applicable emission units and their current operating status. Determine if each unit is:
 - Operational (Yes/No)
 - Running (Yes/No)
 - Status (Verified/Not Verified)- for insignificant emissions Units
- Taking note of any additional observations and surveying the facility with and OGI Camera for leaks and areas of concern.



TITLE V ENFORCEMENT

The AQD conducts **civil** enforcement for findings of non-compliance identified during compliance inspections

The appropriate enforcement path is chosen based on the AQD Enforcement Procedures and Penalty Manual

Two main enforcement pathways:

- **Informal** (minor or moderate violations)
 - Compliance Advisory or Written Warning
 - Do not typically include civil penalty or corrective measures
- **Formal** (Major, Moderate, or Repeat Violations)
 - Notice of Violation - with or without Settlement Agreement
 - Include civil penalty and corrective measures to ensure compliance

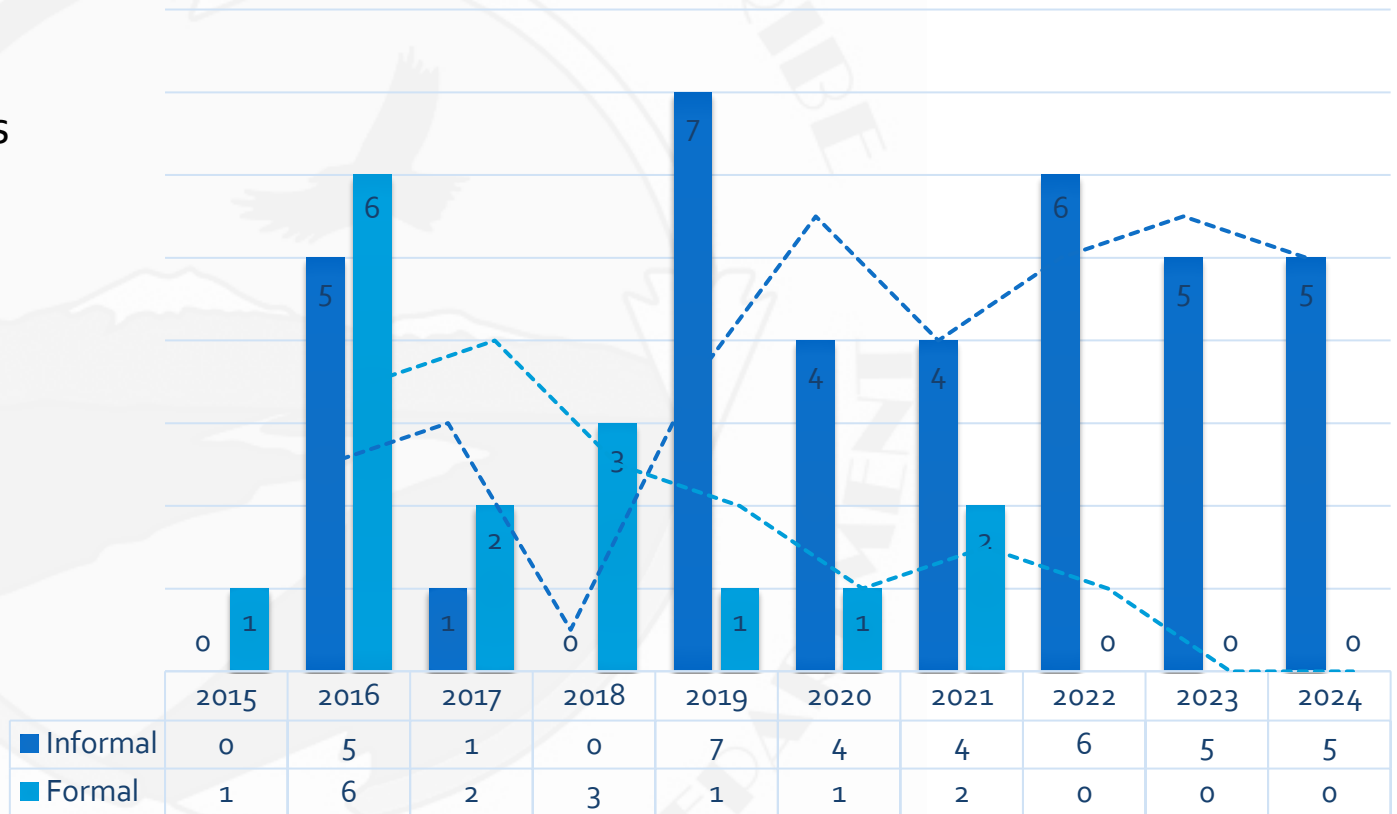


Goal of enforcement program is maintaining environmental compliance and deterring future non-compliance

TITLE V ENFORCEMENT

Informal and Formal Enforcement

- Informal enforcement actions
 - Compliance Advisories/Warning letters
 - 2023= 5
 - 2024=5
- Formal enforcement actions
 - Notices of Violation
 - 2023= 0
 - 2024= 0
- Total enforcement cases = 52
 - Informal = 36
 - Formal = 16



MINOR SOURCE PROGRAM UPDATES



MINOR SOURCE PROGRAM

CURRENT STATUS



MINOR SOURCE PROGRAM

CURRENT STATUS

On June 11, 2024, the Tribe received EPA delegation of two additional Clean Air Act Programs:

- The Tribal Minor New Source Review Program (TMSNR program) – [40 CFR §§49.151 through 49.164](#)
 - Site-specific permits
 - Can be used to establish emissions limitations
 - 6 general permits
- 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 (Oil and Gas FIP) – [40 CFR §§49.101 through 49.105](#).
 - Streamlined pre-construction program for true minor oil and gas sources
 - Includes 8 incorporated NSPS and MACT standards



WHAT IS A MINOR SOURCE?

- **Minor Source** - a source with emission below the New Source Review “major source” permit thresholds (250 tpy of any single criteria pollutant) and above the “minor source” thresholds.
 - Minor sources can be Title V sources also (100 TPY of any single criteria pollutant).
- **Types of Minor Sources**
 - **True minor source** – a source that is below major source thresholds without emissions limitations
 - **Synthetic minor source** – a source that established emissions limits to get below a major source threshold (major NSR or Title V)

Regulated NSR pollutant	Minor NSR thresholds for attainment areas (tpy)
Carbon monoxide (CO)	10
Nitrogen oxides (NO _x)	10
Sulfur dioxide (SO ₂)	10
Volatile Organic Compounds (VOC)	5
PM	10
PM ₁₀	5
PM _{2.5}	3

MINOR SOURCES ON THE SUIR

Source Type	Facility Types	Amount
True Minor NSR Sources (Most of these sources are registered under the FIP)	natural gas and oil production well sites, central delivery points, water injection facilities	160+
Synthetic Minor NSR Sources (These sources are permitted through the TMSNR Program)	natural gas compression facilities, natural gas treatment plants	11

PERMITTING DELEGATION AGREEMENT

WHAT'S DIFFERENT?

Permitting- No significant changes from EPA process

Forms, and Information-

- New AQD TMNSR and FIP Registration forms and program information are available on AQD website: [New Source Review Permitting – Southern Ute Indian Tribe](#)

TMNSR- AQD is now responsible for:

- Issuance of site-specific TMSNR permits and revisions to existing EPA issued permits
- Issuance of General Permits for 6 industries/activities
- EPA still responsible for issuing permits for applications previously deemed complete by EPA

FIP- AQD now responsible for:

- Review and approval of Part 1 and Part 2 FIP Registrations
- EPA still responsible for Part 2 FIP Registrations if they approved the preceding Part 1 Registration



COMPLIANCE DELEGATION AGREEMENT

WHAT'S DIFFERENT?

Compliance- schedule and delegation

Inspection

- The Tribe is required to inspect all TMSNR and FIP sources beginning in 2025 under EPA approved Compliance Monitoring Strategy
- The 160+ FIP sources have never been inspected by EPA
- Inspections will be conducted on a five-year schedule (one inspection every five years)

Enforcement

- Non-compliance of TMSNR or FIP specific requirements will be referred to EPA for enforcement (enforcement not delegable to Tribe's)
- AQD reserves the right under the Delegation Agreement to initiate enforcement of NSPS/MACT violations



AQD COMPLIANCE PROCESS

Compliance- Inspections

Synthetic minor source inspections:

- Comprehensive compliance evaluation and will include an on-site visit and detailed inspection report (similar to Title V inspection)

FIP sources inspections:

- Streamlined inspection process and on-site visits will not always occur
- Pre-inspection form will include pre-populated information regarding emissions units at the source (obtained during development of the AQD's 2023 emissions inventory).
- Operator will be required to complete basic information about the applicability of each emission unit/source to the 8 incorporated NSPS and MACT rules
- Inspectors may request records required of any applicable NSPS or MACT rule
- Inspection report will be MS form and summarize findings of pre-inspection form and records reviews
Excel based

CLIMATE POLLUTION REDUCTION GRANT UPDATES



CLIMATE POLLUTION REDUCTION GRANT (CPRG)

OVERVIEW

- Two phase grant available to States, Tribes and Territories for the development and implementation of plans to reduce greenhouse gas and other harmful pollution.
 - Phase I – Planning Grant – AQD awarded a planning grant in September of 2023 (**\$371,751**)
 - Phase II – Five-year Implementation Grant – AQD notified of being selected for award in September 2024 (**\$4.9 million**).
 - One of 33 applications selected out of 111



**CLIMATE
POLLUTION
REDUCTION
GRANTS**

U.S. Environmental Protection Agency

CLIMATE POLLUTION REDUCTION GRANT (CPRG)

TIMELINE AND DELIVERABLES

- **Phase I grant-** the AQD responsible for four deliverables:
 - (1) **Emissions Inventory Quality Assurance Project Plan (QAPP)** - completed and approved by EPA in January of 2024.
 - (2) **Priority Climate Action Plan (PCAP)** – completed and submitted to EPA April 1, 2024, and later approved.
 - Included a partial GHG emissions inventory (oil and gas minor sources)
 - (3) **Optional - Implementation grant application-** submitted to EPA May 1, 2024
 - (4) **Comprehensive Climate Action Plan (CCAP)** - due in 2027
 - Must include a comprehensive GHG inventory
- **Phase II grant** – the AQD is responsible for one deliverable:
 - (1) Implementation of the PCAP - during the five-year grant cycle



CLIMATE POLLUTION REDUCTION GRANT (CPRG)

PHASE II- IMPLEMENTATION

AQD Plan - Reduce GHG and volatile organic compound (VOC) emissions from minor oil and gas sources on the SUIR through the Tribe's voluntary administration and implementation of several Clean Air Act (CAA) programs and standards including:

1. Implementation of the TMSNR program and Oil and Gas FIP
 - Delegation received June 2024
 2. Adoption and implementation of the New Source Performance Standards (NSPS) for Crude Oil and Natural Gas Facilities (NSPS OOOO series rules)
 - NSPS Subparts OOOO, OOOOa previously adopted by Commission
 - NSPS OOOOb to be proposed for adoption by Commission
 3. Evaluating the development of a Tribal Implementation Plan for adoption and implementation of NSPS Emissions Guidelines for GHG from Existing Crude Oil and Natural Gas Facilities.
 - NSPS Subpart OOOOc.
- Phase II funding will be used to fund the Tribe's implementation of the minor source programs

EPA VOC & METHANE RULE UPDATES



EPA'S UPDATED VOC & METHANE RULE

OOOOb & OOOOc

Two new rules published on March 8, 2024 that reduce methane and VOCs from the oil and natural gas production and transmission sectors

Subpart	Source Type	Applicable Dates
40 CFR part 60, subpart OOOO (2012 NSPS for VOC)	New, modified, or reconstructed sources	After August 23, 2011, and on or before September 18, 2015
40 CFR part 60, subpart OOOOa (2016 NSPS for VOC and Methane)	New, modified, or reconstructed sources	After September 18, 2015, and on or before December 6, 2022
40 CFR part 60, subpart OOOOb (2023 NSPS for VOC and Methane)	New, modified, or reconstructed sources	After December 6, 2022
40 CFR part 60, subpart OOOOc (2023 EG for Methane)	Existing sources	On or before December 6, 2022

NEW SOURCE PERFORMANCE STANDARDS

OOOOc

- EPA established Emissions Guidelines (EG) for states to follow as they develop plans to limit GHG (in the form of limitations on methane emissions) from existing sources.
- Includes a “model rule” that states and tribes can choose to adopt
- Existing source NSPS rules (established under CAA section 111(d)) cannot typically be adopted like other NSPS rules.
 - Authority to implement requires the development of a State Implementation Plan or a Tribal Implementation Plan (SIP or TIP)
- In absence of a SIP or TIP, a Federal Implementation Plan (FIP) will be established and administered by EPA
- Once a SIP, TIP, or FIP is in place for OOOOc, it will replace the NSPS OOOO & OOOOa rules

NEW SOURCE PERFORMANCE STANDARDS

0000c- TIP

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.

- The Tribe is beginning to research the pros and cons of developing a TIP for adopting the EG established in the NSPS 0000c rule.
- State or Tribal plan due to EPA March 9, 2026.
- Development of plan requires public participation/stakeholder outreach component (as outlined in NSPS Ba)
- AQD plans to begin scoping process and public/stakeholder outreach
- Summary of scoping activities will be provided to the Commission
- If the Commission and Tribe finds it would be a benefit to develop a TIP, the AQD will begin development

POSSIBLE ALTERNATE DELEGATION METHOD

DELEGATION OF FEDERAL PLAN for 0000c

New Information to AQD - In lieu of Tribal plan submittal, Tribes may submit a written request for delegation of the Federal Plan to meet its Clean Air Act section 111(d) obligations.

A Federal plan delegation request must include the following:

- A demonstration of adequate resources and legal authority to administer and enforce the Federal plan.
- Inventory of affected facilities and emissions.
- A plan for reporting progress to EPA
- Certification that a public hearing was held
- A commitment to enter into a Memorandum of Agreement with the Regional Administrator.



40 CFR 60.5372c

UP NEXT:

- CDPHE Updates
- Schedule Next Commission Meeting