



SOUTHERN UTE INDIAN TRIBE

FOR MORE INFORMATION CONTACT

Melvin J. Baker, Chairman – 970.563.2320

Summer Begay, Communication Specialist– 970.563.2313

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Tribe Calls for Urgent Action from Enterprise Products to Address Pipeline Spill

Southern Ute Indian Reservation – The Southern Ute Indian Tribe is calling on Enterprise Products to immediately act with more urgency and transparency to address and mitigate the gasoline pipeline failure that occurred five months ago on the Southern Ute Indian Reservation.

The pipeline failure, which happened on December 5, 2024 near County Road 219 and Riverview Ranch Road, has resulted in the *largest gasoline pipeline spill in Colorado history* with an estimated 23,000 gallons of gasoline being released on fee land within the exterior boundaries of the Reservation. This call-to-action was mandated by Chairman Melvin J. Baker, Tribal Council, and Tribal staff during a meeting on May 1st with representatives from Enterprise and the Colorado Department of Public Health and Environment (CDPHE).

“We will not stand by while our ground and surface water, Tribal resources, and the health of our Tribal Members are put at risk,” said Chairman Melvin J. Baker. “Enterprise must treat this with the seriousness and urgency it deserves—not just from a regulatory standpoint, but from a moral and environmental one. Failure to move now will impact our water rights, wildlife, cultural sites, and properties for years to come. It is our duty as leaders and original stewards to protect the land that has been home to our ancestors since time immemorial and will be home for our future generations to come.”

The Tribe has been actively engaged from the beginning to address the pipeline failure and spill. The Tribe’s Environmental Programs Department immediately contacted CDPHE upon learning of the spill to ensure the Tribe was fully consulted and included in the response. Since then, although CDPHE has taken the lead in coordinating mitigation efforts with Enterprise, Tribal staff have worked tirelessly to monitor the situation and advocate for the protection of Tribal Members, natural resources, the environment (particularly water quality), and the local community.

As a result of the spill and poor recovery efforts from Enterprise, benzene – a known carcinogen found in gasoline – has migrated away from the release and has been increasingly detected in a spring approximately 0.3 miles away from the Animas River. To date, current levels of groundwater

contamination from the spill has forced Enterprise to install 12 cistern systems for homes whose wells have been completely contaminated and install 15 Point of Entry Treatment (POET) filtration systems, with many more under threat of the same. If the spill were to reach the nearby Animas River in elevated concentrations, the danger to plant, animal, and human life in the local area and potentially downstream along the river could be widespread. Despite this, Enterprise still does not have a site-specific contingency plan in place to protect the Animas River.

Due to the severity of the spill, the U.S. Environmental Protection Agency has also issued a Notice of Federal Interest in the pipeline failure and spill, underscoring the Tribe's call for urgency and the need for immediate action to protect the Reservation, Tribal Members, and surrounding communities from the escalating harms of continued inaction.

As the original stewards of this land, the Tribe has made multiple formal requests for data and timely information to assess and respond to the spill's current and potential impacts. Additionally, with the limited data the Tribe has received, technical experts from the Tribe's Environmental Programs Department and Growth Fund's Department of Energy have requested specific action items to address discrepancies associated with the inadequate data associated with the geologic evaluation and engineering aspects of the response. These action items included a site-specific contingency plan which will assist in determining the actual threat and cleanup measures that would be implemented if this spill migrates to the Animas River and methods for gasoline source removal and recovery from the spill location. Despite these efforts, the response from Enterprise has lacked the urgency and transparency this situation demands to minimize impacts and risk to the Animas River and Tribal resources. Chairman Baker and Tribal Council emphasized this fact at the May 1st meeting.

At that meeting, Tribal Council also expressed concerns with CDPHE about why no one from the State had ever visited the site of the spill considering that it occurred five months ago, is the largest pipeline gasoline spill in Colorado history, and CDPHE has been the lead regulatory body. CDPHE visited the site for the first time on May 1st. In comparison, Tribal staff and consultants have visited the site numerous times and have been collecting their own samples. Because the spill occurred on the Tribe's Reservation and near the Tribe's water resources, the Tribe cannot ignore it and has proactively mobilized significant resources to address it. The citizens of southwestern Colorado and the Reservation deserve the same swift government response as the rest of the State, and where the Tribe sees an inadequate response to an environmental issue on the Reservation, the Tribe will address it. Tribal Council made clear during the meeting that, because of the potential spread of contamination, the Tribe would continue to work closely with the State as a stakeholder and would be monitoring the progress and ensuring it was adequately evaluated and addressed. Tribal Council informed both Enterprise and CDPHE that the Tribe's technical experts are ensuring that all scientific and engineering aspects of the spill will adequately address the release. It would further hold Enterprise accountable for all damage to the Tribe and Tribal Members, and any impact on natural and cultural resources.

The Tribe remains committed to ensuring a thorough and accountable cleanup process and will continue to advocate for the health, safety, and rights of its community.

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