

TRIBAL CONSULTATION REPORT
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
JUNE 30, 2017

DIVISION OF AIR QUALITY (AQ):

Background

Air quality monitoring in the Uinta Basin indicates high wintertime ozone values whenever there is snow covered ground and a persistent temperature inversion. The vast majority of the emissions driving the photochemical formation of ozone come from the energy extraction industry in the Basin. Efforts to improve air quality have been shared by the State, EPA and the Ute Tribe (Tribe). The Tribe and EPA have air jurisdiction over areas of the Basin that are classified as Indian Country and the State has jurisdiction over the rest of the area. Approximately two thirds of the producing oil and gas wells are located on Indian Country (see map below).

Tribal Interface

Recognizing that the mitigation of air quality in the Basin is a joint responsibility between the agencies having jurisdictional authority, none of which can succeed independently, the State's Department of Environmental Quality (UDEQ) began an effort about 4 years ago to directly engage the Tribe in air quality discussions. Staff from UDEQ meets with air quality staff from the Tribe on a monthly basis, alternating meet locations between Ft Duchesne tribal offices and UDEQ offices. Topics of discussion have covered agency interaction and recognition of jurisdictional autonomy, the need for a holistic approach to solving a Basin-wide air quality problem, consistency in regulation across jurisdictions, design of voluntary mitigation actions, and the potential future delegation of the federal air program to the Tribe, and the development of a basin-wide oil and gas emissions inventory.

Accomplishments

- Continued a framework for regular, on-going meetings
- Both the Tribe and the State continue to participate in EPA's Ozone Advance Program
- Voluntary seasonal control strategies issued to energy producers on both State and Tribal lands
- Sharing real-time air monitoring data from stations located on both Tribal and State lands
- Request by, and a commitment to, the Tribe for UDEQ to provide monitoring and permitting expertise
- Coordinated with Tribe and EPA to assist in submittal of a stratospheric intrusion exceptional event report that has impact on potential classification for ozone designation
- Incorporated Tribal monitors into Utah Air application allowing cellular phone users to see current air quality for Tribal as well as State monitors

Current Efforts

- Continued coordination with Tribe to finalize 2014 Emission Inventory for Basin and share results with operators
- Working cooperatively to provide EPA with an update for continued participation in the Ozone Advance Program
- Sharing potential rule developments and including Tribe in stakeholder processes
- Including Tribe in ULend program to encourage use of infrared camera technology to inspect oil and gas facilities in the Basin

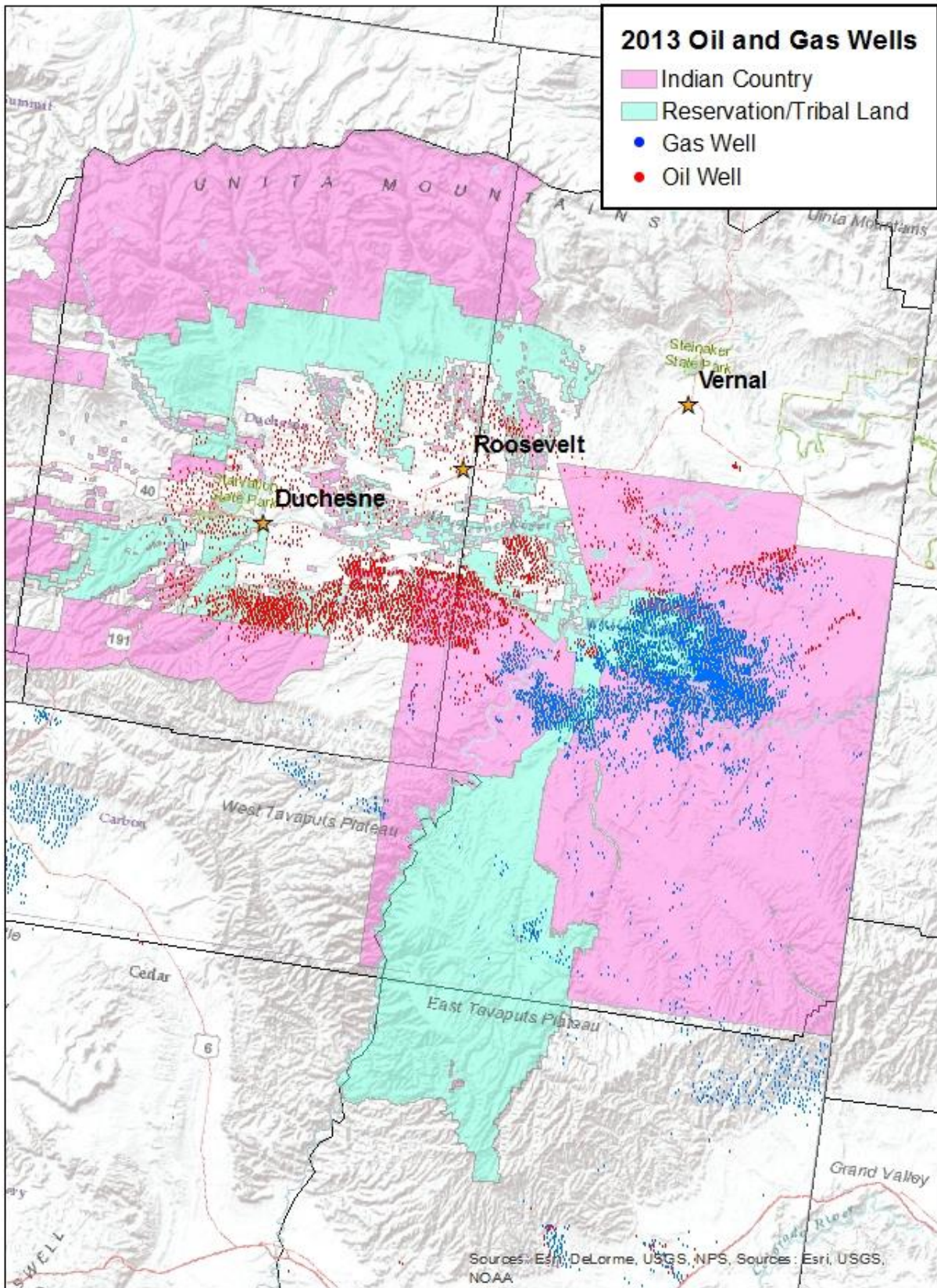
Meetings with the Ute Tribe

<i>Meeting</i>	<i>Location</i>	<i>Date</i>
EPA/State/Tribal Coordination Mtg	Teleconference	6/22/16
State/Tribal Coordination Mtg	UDEQ	6/30/16
EPA/State/Tribal Coordination Mtg	Teleconference	7/21/16
State/Tribal Coordination Mtg	Ft Duchesne	8/10/16
State/Tribal Coordination Mtg	UDEQ	8/24/16
Uinta Basin Energy Summit	Vernal	8/31-9/1/16
State/Tribal Coordination Mtg	UDEQ	9/20/16
EPA/State/Tribal Coordination Mtg	Teleconference	11/15/16
State/Tribe Coordination Mtg	CANCELLED	12/19/17
State/Tribe Coordination Mtg	UDEQ	2/2/17
EPA/State/Tribal Coordination Mtg	Teleconference	2/21/17
State/Tribal Coordination Mtg	Ft Duchesne	3/8/17
EPA/State/Tribal Coordination Mtg	Teleconference	3/21/17
State/Tribe Coordination Mtg	UDEQ	4/6/17
EPA/State/Tribal Coordination Mtg	Teleconference	4/18/17
EPA/State/Tribal Coordination Mtg	Teleconference	5/16/17
State/Tribal Coordination Mtg	Ft Duchesne	5/25/17

Ute Tribe Air Contacts

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*Other ad hoc teleconference meetings were held throughout the year to discuss specific topics, e.g., the 2014 emissions inventory or the helicopter leak detection study.



DIVISION OF ENVIRONMENTAL RESPONSE AND REMEDIATION:

Spill Notifications: DEQ receives notifications when spills of hazardous materials occur in the state. These spill notifications are provided to the Ute Tribe in the Uintah Basin.

State Emergency Response Commission (SERC): Ute Tribe representatives have occasionally attended SERC and SERC Advisory Committee meetings in the past, but did not attend any meetings during State Fiscal Year 2017. To ensure that the correct representatives were being notified of scheduled SERC meetings, DERR vetted and updated the contact information on record. The Tribe is notified of any meetings or other pertinent information related to the SERC and invited to attend the quarterly SERC meetings.

Underground Storage Tank Program: The DERR continues to coordinate with the Navajo Nation when scheduling inspections within tribal boundaries. Tribal inspectors conducted their inspections at different times from DERR inspections again this year. Facilities inspected within the Navajo Nation include: San Juan School District (Monument Valley), Goulding Grocery (Monument Valley), and Red Mesa Express #516 (Montezuma Creek).

The Ute Mountain Ute and Paiute Tribes each continue to use the Utah Petroleum Storage Tank Trust Fund to provide financial responsibility for the Ute owned White Mesa Travel Center (White Mesa) and the Paiute owned Shivwits Convenience Market (Ivins). A Memorandum of Agreement between the respective tribes and the DERR is in force for each of these facilities.

DIVISION OF WASTE MANAGEMENT AND RADIATION CONTROL (WMRC):

White Mesa Mill: On August 9, 2016 representatives of the Utah Department of Environmental Quality (DEQ) met with representatives of the Ute Mountain Ute Tribe at the Multi-Agency State Office Building (MASOB) in Salt Lake City. The purpose of the meeting was to discuss the Tribe's questions and concerns regarding groundwater contamination at the White Mesa Uranium Mill.

The Utah Division of Waste Management and Radiation Control (DWMRC) has committed to the Tribe to place all environmental monitoring reports submitted by Energy Fuels Resources on the DEQ website. These reports include: quarterly groundwater reports, quarterly chloroform reports, quarterly nitrate reports, semi-annual effluent monitoring reports, annual wastewater reports, and annual seeps and springs reports. When the reports are uploaded an email is sent to the Tribe notifying them that the information is available.

DWMRC communicates frequently with the Tribe and keeps them updated on the status of activities at the White Mesa Mill. The public comment period for the Radioactive Material License Renewal and Groundwater Permit began on May 1, 2017. On April 11, 2017 the DWMRC sent to the Ute Mountain Ute Tribe all the documents associated with this action, that were to be sent out for public comment. This allowed the Tribe to present any questions or concerns for the licensing/permitting action to the DWMRC before the documents were sent out for public comment. No questions or concerns were heard from the Tribe regarding the action before the public comment period began of May 1, 2017.

A public hearing was held on June 8th in the MASOB, and a public information meeting was held in Blanding on June 15th. Representatives of the Tribe attended both meetings and provided comments. The Director of DWMRC received a request to extend the public comment period. The request was granted and the comment period was extended by 31 days to July 31, 2017.

DIVISION OF WATER QUALITY:

Gold King Mine Spill: The Division of Water Quality continues to coordinate with the Ute Mountain Ute Tribe, the Southern Ute Tribe and the Navajo Nation to develop and implement long-term monitoring and assessment plans following the Gold King Mine Spill. DWQ staff attended a multi-jurisdictional meeting in Albuquerque, NM in November 2016 that included all three tribes and started a discussion about how to better co-manage the San Juan River.

Water Quality Sampling on Navajo Nation Land: DWQ renewed an annual MOU with Navajo Nation EPA to grant access to perform the sampling for the National Aquatic Resource Survey.

Duchesne City Loan: The Utah Clean Water State Revolving Fund (CWSRF) program is providing funding to Duchesne City in support of the City's planned wastewater treatment plant improvement project. As part of the loan approval process a legal opinion was furnished by the City's attorney indicating that civil jurisdiction and/or property rights to Duchesne City streets are being contested by the Ute Indian Tribe. Resolution of this case is not expected in the foreseeable future. After reviewing the situation with the Attorney General's office, CWSRF staff recommended that the loan to Duchesne City should be completed while recognizing that the loan carries some additional risk as a result of this dispute.

Lakes Monitoring and Training: The Watershed Protection section is in the process of scheduling a lakes monitoring training for this summer between DWQ and Bart Powaukee, Water Quality Coordinator of the Ute Indian Tribe of the Uintah & Ouray Reservation.