

April 14, 2021

The Honorable Michael Regan, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Administrator Regan,

The undersigned stakeholders have worked collaboratively for over a decade to reduce ozone levels in the Uinta Basin of Utah ever since elevated ozone levels were first recorded during the winter months. Coming together in the Uinta Basin Ozone Working Group, the undersigned are members of state agencies, the Ute Indian Tribe, counties, academia, industry, and community groups who have worked with EPA to improve air quality in the Basin while enabling economic development and opportunity. These together serve the causes of environmental and social justice.

In the interests of improving air quality in the Basin while ensuring justice for the Ute Indian Tribe, we stand with the Tribe as it encourages EPA to move forward with the Uintah & Ouray Federal Implementation Plan (FIP) and Emissions Reduction Credit (ERC) Banking Rule.¹ Both rules have gone through extensive rulemaking processes that we have participated in as well as consultation with the Tribe. As the Tribe commented regarding the FIP in March 2020, "Continued responsible development allows the Tribe to provide essential government services to its members, exercise its sovereignty, and protect its rights."² We respectfully request that both rules be finalized and promulgated as soon as possible. Should EPA find that workload concerns interfere, we suggest EPA consider prioritizing the FIP and not delaying its release while waiting for the ERC rule process to be complete.

While realizing that a new administration typically reviews work from the old, we urge EPA to move forward expeditiously with these rules as they have benefitted from extensive work by career regulators at EPA, the Tribe, and the Utah Department of Environmental Quality as well as input from our diverse perspectives. We have collectively helped advance the science of wintertime ozone while exploring regulatory and technical mechanisms that protect public health as well as the economic viability of the Tribe and other local communities. We submit that the regulatory certainty provided by these two rules can help achieve both these environmental and economic goals.

We share concern about the impact of Uinta Basin's ozone levels on community health and on the local economy. We furthermore share a keen interest in improving air quality. It is vital that measures we

¹ "Federal Implementation Plan for Managing Emissions From Oil and Natural Gas Sources on Indian Country Lands Within the Uintah and Ouray Indian Reservation in Utah" published at 85 Fed. Reg. 3,492 and "Federal Implementation Plan To Establish a Bank for Ozone Precursor Emission Reduction Credits From Existing Sources on Indian Country Lands Within the Uinta Basin Ozone Nonattainment Area" published at 84 Fed. Reg. 24064.

² Ute Indian Tribe Comments, Uintah & Ouray FIP, March 23, 2020.

take to improve air quality are effective and do not cause undue harm to any segment of our population. The rules provide continuity and an even regulatory environment across the airshed.

We are grateful for your attention to this matter.

Sincerely,

Marc Mansfield, PhD
Research Professor
Utah State University Uintah Basin

Kathleen Sgamma
Executive Director
Western Energy Alliance

Seth Lyman, PhD
Director, Bingham Research Center
Utah State University Uintah Basin

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