STATE OF UTAH

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GOVERNOR

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SPENCER J. COX
LIEUTENANT GOVERNOR

May 2, 2016

The Honorable Gina A. McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Madam Administrator:

I am writing today to seek your further assistance in addressing the very complicated problem of ozone in the Uintah Basin in eastern Utah. It is generally expected that this area will be listed next year as an ozone non-attainment area because of exceeding air quality standards during the recent winter months.

Most emission sources in the Uintah Basin are linked to the extraction of oil and natural gas in this very productive field. The wells are both on tribal lands owned by the Ute tribe and also on lands regulated by the state of Utah. At present, your Region 8 staff is considering regulatory actions on tribal lands in advance of a non-attainment designation.

As you know, Utah took several regulatory actions in 2014 to reduce existing source emissions. However, weather conditions complicate the matter. For example, last year before the dramatic decline in oil and gas revenues, drilling activities were on-going yet air quality standards were met. This year, with virtually no new drilling and reduced production, ozone standards were exceeded four times.

Of course, the downturn in the economic lifeblood of the Uinta Basin also has a human cost, hurting the Basin economy and families. During this sensitive period for investment in the oil and gas industry, a guiding principle should be to avoid imposing any additional regulatory costs on a strained industry without clearly understood benefits.

Since oil and gas sources in the area are competitive and operate on both tribal lands as well as on state-controlled lands, it would make sense to have a coordinated State-EPA approach to assure appropriate controls that are consistent under both jurisdictions. So far, only limited coordination is taking place in Region 8.

To accomplish this objective, I believe we would benefit from an open discussion process between the EPA, the State, and the Ute tribe. I would hope you might consider this opportunity to work together. If you agree, I will be happy to host a meeting of the three parties to begin this important work.

Thank you for your time and attention to this critical matter.

Sincerely,

Gary R. Herbert