**EPA’s 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**

**Who:** This rule applies to any person who owns or operates certain new, modified, or existing oil or natural gas production or natural gas processing facilities located on Indian country lands within the Uintah and Ouray Indian Reservation (U&O Reservation).

**What:** EPA Region 8 is issuing a Federal Implementation Plan (FIP) under the Clean Air Act (CAA) specific to the U&O Reservation. In the FIP, the EPA is regulating volatile organic compound (VOC) emissions from certain new, modified, and existing oil and natural gas facilities located on Indian country lands within the U&O Reservation.

**Why:** This U&O FIP will improve air quality on the U&O Reservation by addressing emissions from oil and natural gas production and natural gas processing activities on Indian country lands that:

* Contribute to the winter ozone problem in the physiographic region known as the Uinta Basin, within which the U&O Reservation is located; and
* Where ambient ozone levels have exceeded both the 2008 and the 2015 ozone National Ambient Air Quality Standards (NAAQS).

In 2018, the EPA designated portions of the Uinta Basin, including large portions of the Indian country lands within the U&O Reservation, as a Marginal nonattainment area for the 2015 ozone NAAQS of 70 parts per billion (ppb). Emissions inventory data collected for the Uinta Basin for calendar year 2017 shows that 76 percent of all existing oil and natural gas production facilities in the Uinta Basin are located on Indian country lands within the U&O Reservation. According to the inventory, almost 73,000 tons of VOC and over 6,700 tons of NOx emissions were emitted in 2017 from existing oil and natural gas sources on Indian country lands within the U&O Reservation. That is approximately 89 percent of the total oil and natural gas-related VOC emissions in the Uinta Basin and approximately 63 percent of the total oil and natural gas-related NOx emissions in the Uinta Basin. These data confirm that the bulk of the ozone-related emissions in the Uinta Basin are released from sources on the Indian country lands within the U&O Reservation. Many of the oil and natural gas sources on Indian country lands within the U&O Reservation are uncontrolled.

**How:** The EPA is establishing federally enforceable requirements for owners and operators of certain new, modified and existing oil and natural gas facilities to reduce the VOC emissions released during the production and processing of hydrocarbon fluids. Unless and until replaced by a Tribal Implementation Plan, this final U&O FIP will be implemented by the EPA, or by the Ute Indian Tribe if the EPA delegates that authority to the Tribe. This rule would: (1) establish emissions control requirements for oil and natural gas activity that contribute to the Uinta Basin’s winter ozone problem; (2) establish regulatory requirements that are the same or consistent between Indian country and neighboring jurisdictions within the Basin; and (3) allow for reasonable continued development of the Basin’s oil and natural gas resources on the Indian country lands within the U&O Reservation that are included in the current Uinta Basin Ozone Nonattainment Area.

The final rule requirements are generally consistent with Utah Division of Air Quality’s requirements for existing, new, and modified oil and natural gas facilities in the Uinta Basin for crude oil, condensate, and produced water storage tanks, glycol dehydrators, pneumatic pumps, closed-vent systems, enclosed combustors and utility flares, pneumatic controllers, tank truck loading and unloading, and equipment leak detection and repair. The control technologies in the final rule are also consistent with those in the federal New Source Performance Standards for the oil and natural gas sector at 40 CFR part 60, subparts OOOO and OOOOa.

On January 20, 2020, the Agency published a proposed rule to establish standards for controlling VOC emission from existing, new, and modified oil and natural gas sources on the Indian country lands within the U&O Reservation. We held a 60-day public comment period through March 21, 2020. We conducted a public hearing on February 6, 2020, on the reservation in Fort Duchesne, Utah.

On April 13, 2022, the EPA proposed to grant a 1-year attainment date extension for the Uinta Basin Ozone Nonattainment area. That proposal explains that preliminary 2021 ozone monitoring data indicate that the area may not attain the 2015 ozone NAAQS by the proposed extended attainment date of August 3, 2022, but that the area could meet the air quality criteria for a second 1-year extension. The Uinta Basin area’s preliminary 2019–2021 design value was 78 ppb and the preliminary 2021 fourth highest daily maximum 8-hour concentration value was 72 ppb. To qualify for a second 1-year extension, an area’s fourth highest daily maximum 8-hour value, averaged over both the original attainment year and the first extension year, must be 70 ppb or less. If the preliminary 2021 ozone data are certified, then the fourth highest daily maximum 8-hour value, averaged over 2020 and 2021, would be 69 ppb. If the Uinta Basin nonattainment area is ultimately classified to Moderate sometime after the proposed extended attainment date of August 3, 2022, Moderate area requirements include implementation of Reasonable Available Control Technology (RACT). Equipment controlled under the FIP is expected to meet RACT and is not expected to require additional controls if the Uinta Basin is bumped up to Moderate.

**Status:** A pre-publication version of the Notice of Final Rulemaking is available at <https://www.epa.gov/air-quality-implementation-plans/proposed-fip-oil-and-natural-gas-sources-uintah-and-ouray-indian>. The notice will be published in the Federal Register. The notice and all supporting information used in development of the rule are available in the official docket for the rulemaking at <http://www.regulations.gov> (Docket #EPA-R08-OAR-2015-0709). The rule will be effective 60 days after publication in the Federal Register.

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