



# SOUTHERN UTE INDIAN TRIBE

June 5, 2007

Re: NPDES Phase II Storm Water Compliance Request

To Whom It May Concern:

The Southern Ute Indian Tribe acknowledges the permanent exemption from Federal storm water regulations that was granted to oil and gas operators by the United States Environmental Protection Agency (USEPA) pursuant to Phase II of the National Pollution Discharge Elimination Systems (NPDES). As a result of the exemption, oil and gas operators no longer need to submit a Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), or any other documentation of storm water monitoring to the U.S. EPA.

In order to ensure protection of the Southern Ute Indian Reservation and its resources, the Southern Ute Indian Tribe is requesting that all oil and gas operators conducting business on lands subject to the Tribe's jurisdiction adhere to the attached Southern Ute Indian Tribe Storm Water Recommendations ("Recommendations").

The Recommendations follow the NPDES Phase II regulations in many respects, but the Southern Ute Water Quality Program has attempted to streamline the paperwork for companies that operate on the Reservation. The Recommendations require that a one page NOI form and separate SWPPP be submitted to the Southern Ute Water Quality Program prior to project activity.

The Recommendations can assist you in developing a SWPPP for the Southern Ute Indian Tribe Water Quality Program for any of your projects that disturb one acre or greater. The State of Colorado's Storm Water requirements may also be referenced as a guideline. If the Water Quality Program has questions or concerns, they will contact your project manager to address those concerns.

The Southern Ute Indian Tribe Water Quality Program is available to assist you in preparing and submitting the documents required by the Recommendations. The Water Quality Program can be reached at 970.563.0135.

Thank you for your cooperation in this matter. Together we can ensure continued protection of the environment and economic development on the Southern Ute Indian Reservation.

Sincerely,

A handwritten signature in cursive script that reads "Clement J. Frost".

Clement J. Frost  
Chairman, Southern Ute Indian Tribe

# STORM WATER RECOMMENDATIONS FOR OPERATIONS ON TRIBAL LANDS WITHIN THE SOUTHERN UTE INDIAN RESERVATION

Southern Ute Indian Tribe Water Quality Program requests that any oil & gas exploration and production (E&P) companies submit the Notice of Intent (NOI) form and a Storm Water Pollution Prevention Plan (SWPPP) when proposing any ground disturbing activities of one (1) acre or greater.

Oil & gas construction operations on Tribal lands are currently required to install proper BMPs and control sedimentation and erosion according to the BIA and Tribal right-of-way agreements. These recommendations will aid the operator, BIA, and the Tribe with documenting the storm water controls that are being implemented.

The SWPPP will include the following:

**Identification of Potential Sources of Pollution:** All potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction activity from the site must be identified; and the practices to be used to reduce the pollutants in storm water discharges associated with construction activity at the facility must be described. The SWPPP must ensure the practices are selected, installed, implemented and maintained in accordance with good engineering practices.

At a minimum, each of the following shall be evaluated for the potential for contributing pollutants to runoff:

- Vehicle and equipment maintenance and fueling areas
- Concrete truck/equipment washing
- Areas for unloading/loading materials
- Above-ground tanks of liquid storage
- On-site waste management areas (waste piles, liquid wastes, dumpsters, etc)
- Management
- Outside storage areas for chemicals and building materials
- Sanitation areas (port-a-potties)

**Site Narrative (should be included):** a site narrative must describe the phases of construction and the implementation and maintenance of BMPs for each phase as well as BMP removal once 70% vegetative groundcover has been established. The site narrative must describe the re-vegetation efforts that will be performed including seedbed preparation, seeding methods and seed mixtures and straw mulching and crimping. The Southern Ute Tribe strongly encourages native grass, shrub and forest species be utilized for re-vegetation purposes.

**Site Map (should be included):** The map must provide all information noted on the Notice of Intent form

- construction site boundaries;
- all areas of ground surface disturbance;
- areas of cut and fill;

- areas used for storage of building materials, equipment, soil, or waste ;
- location of major structural and non-structural BMPs identified in the SWMP;
- location(s) where storm water discharges offsite
- location of any springs,
- locations of all potential receiving waters. **Receiving waters include ditches, ephemeral and intermittent streams, arroyos, creeks, rivers, lakes, and wetlands as well as tributaries to these waters.**

**Soil Type;** Please indicate the predominant soil type in the area of the project.

**Site Photos:** Color photos of the site prior to ground disturbing activities will be used to determine when 70% re-vegetation has been achieved.

**Drainage Patterns:** This submittal should describe the natural drainages and any new drainages that will be anticipated after site grading.

**Pollution Prevention Team list:** Included in this list will be the names of the team members, their contact numbers, and responsibilities.

**Materials Handling and Spill Prevention:** The SWPPP shall clearly describe and locate all practices implemented at the site to minimize impacts from procedures or potential pollutant sources that could contribute pollutants to runoff. Areas or procedures where potential spills can occur shall have spill prevention and response procedures identified in the SWPPP.

**THE SOUTHERN UTE INDIAN TRIBE RESERVES THE RIGHT TO REVIEW AND INSPECT THE FOLLOWING:**

**Best Management Practices (BMP):** Prior to project construction, installation of BMPs must be completed and detailed in the SWPP. The selection of BMP installation is up to the O&G exploration company and or its contractors. An inspection report will include the following:

**Photographic Documentation:** In addition to initial photos, O&G E&P will maintain photo points and photographic records of on-going progress of revegetation to be included in any required or requested monitoring reports. The photographic documentation will be submitted for final stabilization and termination determinations.

**Inspection and Maintenance:** A schedule of routine BMP inspections and inspection reports should be kept on site and completed every 30 days or following a greater than 0.5 inch rain event. The inspection report should be signed by the project manager. Inspection of the site will continue until 70% revegetation is attained for the project site as detailed above.

Upon termination, O&G E&P operator will submit copies of all inspection reports and photo documentation of site re-vegetation. The Southern Ute Indian Tribe will review the submitted records and will issue a Notice of Termination.

If there are any questions please contact the Southern Ute Indian Tribe's Water Quality Program at (970) 563-0135.

**Southern Ute Indian Tribe**  
**OIL & GAS STORM WATER**

**NOTICE OF INTENT (N01)**

Southern Ute Indian Tribe requests that any oil and gas companies submit the following information when proposing any ground disturbing activities of **one (1) acre or greater**.

**Project Name:** \_\_\_\_\_ **Location Legal Description:** \_\_\_\_\_

**Company:** \_\_\_\_\_ **Project Contact Person:** \_\_\_\_\_

**Office Phone #:** \_\_\_\_\_ **Cell Phone #:** \_\_\_\_\_

**Total Disturbance Area:** \_\_\_\_\_ **acres Predominate Soil Type:** \_\_\_\_\_

**Purpose of Project:** \_\_\_\_\_

**Required Documents and Plans:**

1. Site Map D Included      D Not Included - Reason:.

A detailed and legible site map must be submitted that includes the following:

- Detailed footprint of the site and the anticipated size of the project area including any infrastructure(s).
- All drainages, outfalls, and receiving waters (receiving waters include ephemeral and intermittent streams, arroyos, creeks, tributaries and the primary water sources).

- Location and type of all BMPs that will be installed.
- Topography of site and surrounding area.
- Location of all exposed significant materials and high-risk waste-generating areas and activities associated

with the project - i.e. fueling stations, washing & maintenance area (including concrete washout areas), above ground storage tanks, industrial waste management areas, outside storage for chemicals, secondary containment areas, sanitation areas, etc.

- Mud control locations (ingress/egress areas). 2. **Site Photos** D Included      D Not included -

Reason: \_\_\_\_\_

Companies will submit color photos of proposed site prior to ground disturbing activity. The photographs will be used to determine when 70% of pre-existing re-vegetation has been achieved.

*The Southern Ute Indian Tribe requests the right to review and inspect all BMPS and monitoring reports until 70% revegetation has been achieved and a Notice of Termination has been issued.*