



OFFICE OF AIR AND RADIATION

WASHINGTON, D.C. 20460

August 26, 2024

MEMORANDUM

SUBJECT: Tribal Consultation with the Southern Ute Indian Tribe on March 21, 2024, regarding Proposed Waste Emissions Charge for Petroleum and Natural Gas Systems

FROM: Sharyn Lie, Director, Climate Change Division
Office of Atmospheric Protection (OAP)

TO: Docket ID: EPA-HQ-OAR-2023-0434
Waste Emissions Charge for Petroleum and Natural Gas Systems

On January 26, 2024, EPA sent letters to invite all 574 Federally Recognized Tribes, Alaska Native Villages, and Alaska Native Corporations to participate in Tribal Consultation on the proposed rule, "Waste Emissions Charge for Petroleum and Natural Gas Systems".

The following consultation was held:

- Southern Ute Indian Tribe

A memo for this consultation is included in the docket for this rulemaking.

Below is the email sent to all 574 Federally Recognized Tribes and to Alaska Native Villages, and Alaska Native Corporations with a tribal consultation offer letter.

From: Bollerud, Erica (she/her/hers)

Sent: Friday, January 26, 2024 11:30 AM

Subject: USEPA consultation offer on proposed rulemaking: Waste Emissions Charge for Petroleum and Natural Gas Systems

Dear Tribal Leader:

On January 12, 2024, the U.S. Environmental Protection Agency (EPA) announced the proposed rulemaking "Waste Emissions Charge for Petroleum and Natural Gas Systems." The EPA is proposing this regulation to implement the requirements of Clean Air Act (CAA) section 136(c) through (g). Under CAA section 136, the EPA

is required to impose and collect an annual charge on methane emissions that exceed specified waste emissions levels from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to the petroleum and natural gas systems source category requirements of the Greenhouse Gas Reporting Rule (codified as 40 CFR part 98, subpart W).

The EPA will be accepting public comments for 45 days after the publication date in the *Federal Register* at <https://www.regulations.gov/>, Docket ID No. EPA-HQ-OAR-2023-0434. The EPA, in the development of the final actions will consider all comments submitted during the public comment period.

Please see the attached letter for a formal offer of consultation on this proposed rule.

For more information about this action, please review the [fact sheet](#) for this proposed rule or for an unofficial prepublication version of this action, please visit our Web site: www.epa.gov/merp. The *Federal Register* notice for this proposal will be posted on this webpage when it is available.

If you believe your Tribe may be affected by these proposed actions, the EPA invites you or your designee to consult with the EPA prior to the Agency issuing the final rule. If you would like to initiate government-to-government consultation with the EPA, please contact Erica Bollerud at 202-343-9282 or email at Bollerud.Erica@epa.gov. Please contact us by February 27, 2024, to allow time to schedule the consultation before the close of the comment period.

Best,

Erica Bollerud
Tribal and Environmental Justice Coordinator
Office of Atmospheric Protection
U.S. EPA

From: Bollerud, Erica (she/her/hers)

Sent: Friday, January 26, 2024 11:50 AM

Subject: USEPA consultation offer on proposed rulemaking: Waste Emissions Charge for Petroleum and Natural Gas Systems

Dear ANCSA Executive:

On January 12, 2024, the U.S. Environmental Protection Agency (EPA) announced the proposed rulemaking “Waste Emissions Charge for Petroleum and Natural Gas Systems.” The EPA is proposing this regulation to implement the requirements of Clean Air Act (CAA) section 136(c) through (g). Under CAA section 136, the EPA is required to impose and collect an annual charge on methane emissions that exceed specified waste emissions levels from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to the petroleum and natural gas systems source category requirements of the Greenhouse Gas Reporting Rule (codified as 40 CFR part 98, subpart W).

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The EPA invites you or your designee to consult with the EPA prior to the Agency issuing the final rule. If you would like to initiate consultation with the EPA, please contact me at 202-343-9282 or email at Bollerud.Erica@epa.gov. Please contact us by February 27, 2024, to allow time to schedule the consultation before the close of the comment period.

Best,

Erica Bollerud
Tribal and Environmental Justice Coordinator
Office of Atmospheric Protection
U.S. EPA