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**Written Statement of
Christie Todd Whitman
Administrator
United State Environmental Protection Agency
Before the Committee on Indian Affairs
United States Senate
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INTRODUCTION

Good afternoon, Mr. Chairman and Members of the Committee. I appreciate this opportunity to provide the Administration's views on S.2065, the "Southern Ute and Colorado Intergovernmental Agreement Act of 2002."

PROTECTING CLEAN AIR AND THE AGREEMENT

The Environmental Protection Agency (EPA) is charged with responsibility, under the Clean Air Act, with ensuring protection of the Nation's air quality. In discharging our responsibilities, we work closely with States and Tribes and encourage them to take the leadership role within their jurisdictions to provide for the protection of their air quality. EPA has been privileged to work with the Southern Ute Indian Tribe and the State of Colorado for over 5 years in the development of this unique Intergovernmental Agreement concerning air quality control. The Tribe and the State jointly led the effort and EPA played a supportive role of providing technical assistance. EPA participated at the signing of the Agreement on December 13, 1999, between the Governor of Colorado and the Vice Chairman of the Southern Ute Indian Tribe.

Since the Agreement was entered into in 1999, the State and the Tribe have made considerable progress in developing the capacity of the Southern Ute/State of Colorado Environmental Commission to provide for the regulation of air quality within the exterior boundaries of the Southern Ute Indian Reservation. Further, the Tribe has begun to build its professional, managerial, and regulatory capacity so as to be able to effectively provide for the many responsibilities of regulating air quality including permit writing, inspection and enforcement of the Clean Air Act and rules to be written by the Commission. The State has provided—and continues to provide – technical assistance to the Tribe.

Currently, EPA is the issuing agent within the Reservation for Clean Air Act Title V Operating Permits and has, to date, issued 22 and has 9 in process. In the event that S.2065 becomes law and the Tribe applies for and EPA grants authorization to the Tribe to administer the Title V Operating Permits Program, the EPA will, in an orderly manner, "turn over" those permits to the Tribe to administer.

CONCLUSION

The Administration views the Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado as an appropriate instrument that can serve the needs of protecting and effectively regulating air quality within the exterior boundaries of the Reservation in a manner consistent with the Clean Air Act. EPA has worked cooperatively with both the Tribe and the State to implement the Agreement and will continue to provide support and encouragement. For those reasons, the Administration supports passage of S.2065.

Thank you Mr. Chairman and Members of the Committee for the opportunity to present the Administration's views.