AIR POLLUTION CONTROL DIVISION'S RESPONSES TO THE FIRST SET OF DISCOVERY REQUESTS OF PDC ENERGY, INC.

Colorado Department of Public Health and Environment, Air Pollution Control Division ("Division"), hereby responds to the First Set of Discovery Requests served by PDC Energy, Inc. ("PDC") as follows:

**INTERROGATORIES**

**Interrogatory No. 1:**

Please state the name, address, telephone number, and relationship to you of each person who prepared or assisted in the preparation of the responses to these interrogatories.

**Answer**

The following Division employees participated in responding to these Interrogatories: Jennifer Mattox, Shannon McMillan, Mark McMillan, Heather Wuollet, Ingrid Hewitson, and Megan Garvey. William Allison and Kirsten King of
the Division reviewed these Interrogatories. The Division's address is 4300 Cherry Creek Drive South, Denver, CO 80246, and its phone number is 303-692-3100.

Scott Schultz and Robyn Wille, counsel for the Division, also assisted in the preparation of responses to these Interrogatories.

Interrogatory No. 2

Please identify each and every person involved in the drafting, editing, review, development, preparation, and/or approval of the Division's May 1, 2013 Compliance Alert, including, but not limited to, any Division personnel, EPA personnel, or other third parties.

Answer

The following Division employees participated in the drafting, editing, review, development, preparation, and/or approval of the Division's May 1, 2013 Compliance Alert: Jennifer Mattox, Shannon McMillan, Mark McMillan, Megan Garvey, Kirsten King and William Allison.

Interrogatory No. 3

For each person identified in response to Interrogatory No. 2, please describe in detail their respective role in the drafting, editing, review, development, preparation, or approval of the Division's May 1, 2013 Compliance Alert.

Answer

1. Jennifer Mattox drafted, reviewed and edited the Compliance Alert.
2. Shannon McMillan, Mark McMillan, Megan Garvey and Kirsten King reviewed and edited the Compliance Alert.
3. William Allison reviewed, edited and approved the Compliance Alert.

Interrogatory No. 4

Please identify all Division inspectors, employed on or after May 1, 2013, who conduct Division inspections of oil and gas facilities for potential violations of
Colorado Air Quality Control Commission Regulations No. 3 and No. 7. This interrogatory includes persons no longer employed by the Division.

Answer

The following inspectors perform inspections of oil and gas facilities for potential violations of Colorado Air Quality Control Regulations No. 3 and No. 7. Unless otherwise noted, the inspector is a current employee of the Division.

<table>
<thead>
<tr>
<th>Jennifer Mattox</th>
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<tr>
<td>Alyson Jans</td>
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<td>Ingrid Hewitson</td>
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<td>James Flores</td>
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<td>Joseph Wright</td>
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<td>Kenny Seaver</td>
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<td>Jennifer Morse</td>
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<td>Timothy Taylor</td>
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<td>Warren King</td>
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<td>Emily Everett</td>
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<td>Sarah Koziolkowsky</td>
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<td>Adina Ombadykow</td>
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<td>Rob Leteff</td>
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<tr>
<td>Jeremy Murtaugh</td>
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<tr>
<td>Eric Roesch</td>
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<tr>
<td>(former employee)</td>
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</tbody>
</table>

Current contact information: Phone: (720) 989-9069; Email: eric.roesch@kindermorgan.com

Contact with the above identified individuals should be made only through undersigned counsel.

Interrogatory No. 5

Please identify all documents or communications, including any study, report, assessment, analyses, or data, that tend to support or refute the Division’s conclusion in the Compliance Order that the “impact on, or threat to, the public health or welfare or the environment as a result of the violation...outweigh any applicable mitigating factors.” See Compliance Orders, ¶ 13.
Answer

The Division objects to this Interrogatory as it does not correctly or accurately reflect the language of paragraph 13 of the Compliance Orders. In paragraph 13 of the Compliance Orders, the Division stated, in relevant part, as follows:

Weighing and considering all of the factors, the Division finds the aggravating factors – particularly the impact on, or threat to, the public health or welfare or the environment as a result of the violation – outweigh any applicable mitigating factors.

This Interrogatory No. 5 suggests, without basis, that the Division made a determination that the “the impact on, or threat to, the public health or welfare or the environment as a result of the violation” alone outweighed all the mitigating factors considered by the Division in assessing a penalty for the violations at issue in this matter.

The Division states that there are hundreds of peer-reviewed scientific studies and resources documenting the adverse public health impacts of ozone and other pollutants. Examples of such studies and resources include, but are not limited to the Air Quality Criteria for Ozone and Related Photochemical Oxidants (2006 Final). The Division refers PDC to the materials supporting the Air Quality Control Commission’s 2006 and 2008 rulemakings relating to the State of Colorado’s ozone reduction strategy, including the Statements of Basis for these rule revisions. The Division also refers to the following website: www.epa.gov/aptpi/ozonehealth/population.html. Further, the Division understands that a large volume of materials is available on the website of the Environmental Protection Agency (www.epa.gov or www.regulations.gov) relating to the adoption of 40 C.F.R. Part 60, Subpart OOOO, NSPS KKK and MACT HHH, which materials also identify the impact on and threat to the public welfare, health and environment resulting from emissions from oil and gas sources. Also publicly available on the internet, are the following studies:


Salam MT, Millstein J, Li YF, Lurmann FW, Margolis HG, Gilliland FD. Birth outcomes and prenatal exposure to ozone, carbon monoxide, and particulate matter: Results from the Children's Health Study. Environ Health Perspect. 2005; 113: 1638-1644.

Notwithstanding and subject to the foregoing, to the extent that the Division was able to understand the type and nature of documents requested by this
Interrogatory, the non-privileged documents in the Division’s possession are being produced herewith pursuant to C.R.C.P. 33(d).

**Interrogatory No. 6**

Please identify and describe the test methods and procedures, if any, utilized by the Division in determining PDC’s alleged violations of the prohibition on visible emissions at AQCC Regulation No. 7 § XII.C.1.d., at issue in each of the Compliance Orders.

**Answer**

Ingrid Hewitson and Eric Roesch conducted spot check inspections of the Village and Hankins Facilities on May 10, 2013. The inspectors conducted the necessary activities and followed the necessary procedures required to complete the Spot Check Inspection Form, including a determination of whether they could observe visual emissions from the flare(s).

Copies of the spot check inspection forms and field inspection reports for the May 10, 2013 inspections were provided to PDC in response to PDC’s CORA request. For PDC’s convenience, copies of these documents are again provided to PDC concurrently herewith.

**Interrogatory No. 7**

Please identify and describe any opacity limit, or other limit, the Division utilizes to determine compliance with the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d.

**Answer**

The Division objects to this Interrogatory on the grounds that the term “or other limit” is vague and confusing. The Division cannot guess as to what PDC might consider a “limit” for purposes of its response to this Interrogatory. The Division also objects to this Interrogatory on the grounds that it calls for a legal conclusion. Notwithstanding and subject to the foregoing, the Division answers Interrogatory No. 7 as follows:

AQCC Regulation No. 7, § XII.C.1.d. states:
If a combustion device is used to control emissions of volatile organic compounds to comply with Section XII.D, it shall be enclosed, have no visible emissions, and be designed so that an observer can, by means of visual observation from the outside of the enclosed combustion device, or by other means approved by the Division, determine whether it is operating properly. (emphasis added).

The Division completes spot check inspections of condensate tanks that employ flares to comply with AQCC Regulation No. 7, §XII. As part of a spot check inspection, the Division inspector will visually observe proper operation of the flare, including the presence or absence of visible emissions from the flare. The Division also notes that in the Statement of Basis, Specific Statutory Authority and Purpose for the December 17, 2006 rulemaking (Section XIX.J of Regulation No. 7), the Commission stated as follows:

[T]he Commission has determined that as a general rule during normal operations no emissions should be visible from the air pollution control equipment. Normal operations include reasonably foreseeable fluctuations in emissions from the condensate tank, including the fluctuations that occur during a separator dump. However, a transient (lasting less than 10 seconds) "puff" of smoke when the main burner ignites or shuts down would not be considered a violation of the "no visible emission" standard.

Interrogatory No. 8

Please identify and describe any opacity limit, or other limit, the Division utilizes to determine whether to issue an immediate notice of violation for an alleged violation of the prohibition on visible emissions at AQCC Regulation No. 7, §XII.C.1.d.

Answer

See Division's Answer to Interrogatory No. 7, above. Further, the Division states that the use of the "Immediate" Notice of Violation, as opposed to another type of enforcement mechanism, was a pilot program implemented during the 2013 ozone season. Beginning with the 2013 ozone season, if a violation of the prohibition on visible emissions (or an open thief hatch) is observed, the Division will issue an Immediate Notice of Violation, in lieu of, or in conjunction with, other enforcement mechanisms.
Interrogatory No. 9

Please describe in detail what constitutes a violation of the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d.

Answer

See Answers to Interrogatories No. 6 and 7, above.

Interrogatory No. 10

Please identify and describe any and all instances within the past year in which the Division identified visible emissions from an enclosed flare at an oil and gas facility, and please state whether a Notice of Violation or Compliance Advisory was issued by the Division in each instance.

Answer

Pursuant to C.R.C.P. 33(d), the Division refers PDC to the documents containing the non-privileged information responsive to this Interrogatory, which were produced to PDC in response to their CORA Request. Notwithstanding and subject to the foregoing, the Division specifically states that it is aware of the following instances in which Division inspectors observed visible emissions but did not issue an immediate notice of violation, notice of violation or compliance advisory: a) in the case of emergency situations such as the recent flooding in September 2013; b) in October 2013, a Division inspector observed a puff of smoke but was not able to specifically identify the source of the puff or whether the puff was emitted during periods of main burner ignition or shut down; and c) during the summer of 2013, a Division inspector observed visible emissions while driving on personal business on a weekend. The inspector was off duty and was not equipped with the appropriate safety equipment to go on-site or to conduct a spot check inspection, nor was the inspector able to identify the specific site from which the visible emissions emanated.

The Division also states that the following immediate notice(s) of violation ("I-NOV") were issued after the Division received PDC’s CORA request and are being provided to PDC concurrently herewith:

1. PDC I-NOV for AIRS No. 123-5099 (Case No. 2013-140)
2. Bill Barrett I-NOV for AIRS No. 123-5204 (Case No. 2013-129)
Interrogatory No. 11

Please identify any discretionary factors that the Division may consider in determining whether to issue a Compliance Advisory or Notice of Violation for an alleged violation of the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d.

Answer

The Division objects to this Interrogatory on the grounds that it calls for a legal conclusion to which no response is required. Notwithstanding and subject to the foregoing, the Division states that it has enforcement discretion to determine whether to initiate an enforcement matter after visible emissions are observed, and may consider any event-specific factors pertinent to the analysis. The Division states that it is impossible to identify all factors that might be relevant to such an analysis. Certain discretionary factors may be identified in the Statement of Basis, Specific Statutory Authority and Purpose for the 2006 and 2008 rulemakings (Regulation No. 7).

Interrogatory No. 12

Please identify all instances since May 1, 2013 in which the Division issued a Compliance Order and Assessment of Civil Penalty for an alleged violation of the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d., and please state whether the Division assessed civil penalties of less than $15,000 per alleged violation in each instance.

Answer

There are three instances since May 1, 2013, in which the Division issued a Compliance Order and Assessment of Civil Penalty for a violation of the prohibition on visible emissions at AQCC Regulation No. 7, Section XII.C.1.d:
1. PDC Compliance Order and Assessment of Civil Penalty (Case No. 2013-076) - The Division did not assess civil penalties of less than $15,000 per alleged violation.

2. PDC Compliance Order and Assessment of Civil Penalty (Case No. 2013-077) - The Division did not assess civil penalties of less than $15,000 per alleged violation.

3. Noble Energy Compliance Order and Assessment of Civil Penalty (Case No. 2013-083) - The Division did not assess civil penalties of less than $15,000 per alleged violation.

The Division also specifically avers that it issued an I-NOV to Great Western Operating Co., LLC, and determined that Great Western had violated the prohibition on visible emissions in Regulation No. 7, Section XII.C.1.d. However, given the information provided by Great Western to the Division, the Division assessed no penalty. Further, the Division closed an enforcement matter begun through issuance of an I-NOV by issuing a Compliance Order on Consent to Noble Energy (as opposed to a Compliance Order and Assessment of Civil Penalty).

Documents containing the non-privileged information responsive to this Interrogatory were produced to PDC in response to its CORA Request, except for the Great Western No Further Action letter, which was separately provided to PDC on September 20, 2018. For PDC’s convenience, copies of the documents identified above are again provided to PDC concurrently herewith.

**Interrogatory No. 13**

Do you contend that the Division need not utilize Method 9 or Method 22 to identify potential violations of the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d.?

If so:

(a) describe the basis for your contention;

(b) state the names, addresses, and telephone numbers and identify all persons who have knowledge of the facts described in your response; and
(c) identify all documents and other tangible things that support your contention and state the name, address, and telephone number of the person who has each document or thing.

Answer

The Division is not required by Regulation No. 7 to use Method 9 or Method 22 for the specific purpose of identifying potential violations of the prohibition on visible emissions at AQCC Regulation No. 7, §XII.C.1.d. The basis for this statement includes, without limitation, the text of Regulation No. 7, §XII.C.1.d., the Statement of Basis and Purpose for Regulation No. 7, and the facts identified in the Division's response to Interrogatory No. 7.

Persons with knowledge of the facts described above are too numerous to identify, and generally include almost all employees of the Division in the Stationary Sources program, PDC, anyone who has ever received a notice of violation or compliance advisory in relation to a violation of the prohibition on visible emissions at AQCC Regulation No. 7, §XII.C.1.d., members of the Commission, members of the environmental community, stakeholders in the current process for development of revisions to Regulation No. 7, and the stakeholders and others involved in the previous rulemakings regarding Regulation No. 7, including the 2006 and 2008 rulemakings. It would be unduly burdensome to require the Division to attempt to identify each and every person with knowledge of the Division's historic interpretation of the prohibition on visible emissions in AQCC Regulation No. 7, §XII.C.1.d.

It would also be unduly burdensome to require the Division to attempt to identify any and all documents supporting the Division's answer to this Interrogatory. Notwithstanding and subject to the foregoing, pursuant to C.R.C.P. 33(d), the Division is producing documents in its possession that it was able after a good faith effort to determine are responsive to this Interrogatory.

Interrogatory No. 14:

Do you contend that the Division's current test methods and procedures used to identify potential violations of the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d. are consistent with test methods and procedures
established to determine compliance with visible emissions standards under federal air quality laws and regulations?

If so:

(a) identify each test method and procedure used by the Division that it contends is consistent with test methods and procedures established by EPA;

(b) describe the basis for your contention;

(c) identify all persons who have knowledge of the facts described in your response; and

(d) identify all documents and other tangible things that support your contention and state the name, address, and telephone number of the person who has each document or thing.

Answer

The Division objects to this Interrogatory on the grounds that it calls for a legal conclusion to which no response is required. This Interrogatory is also overbroad and improper insofar as it asks the Division to compare its own regulation to an unlimited universe of "federal air quality laws and regulations." Notwithstanding and subject to the foregoing, the Division refers PDC to its Answers to Interrogatories No. 7 and No. 13, above.

Interrogatory No. 15:

Do you contend that the Division's May 1, 2013 Compliance Alert is consistent with the procedure the Division must follow in assessing civil penalties under C.R.S. § 25-7-122(2)?

If so:

(a) describe the basis for your contention;
(b) identify all persons who have knowledge of the facts described in your response; and

c) identify all documents and other tangible things that support your contention and state the name, address, and telephone number of the person who has each document or thing.

Answer

The Division objects to this Interrogatory on the grounds that it calls for a legal conclusion to which no response is required. Notwithstanding and subject to the foregoing, the Division states that the May 1, 2013, Compliance Alert was an informal courtesy to the regulated community of the Division's focus on specific types of Reg. 7 violations during the 2013 ozone season. In contrast, the consideration of the factors identified in Section 25-7-122, C.R.S., is individual to each enforcement case. The Compliance Alert was never intended to replace the consideration of the factors identified in Section 25-7-122, C.R.S. as they relate to the Division's consideration of a specific penalty to be assessed. The Compliance Alert, a public document directed at the regulated community located in Colorado ozone non-attainment areas, does not and cannot speak to all of these individual factors and circumstances. Therefore, in absence of a substantive discussion of the individual factors and circumstances in § 25-7-122(2) as applied to each Compliance Order issued by the Division, the Division contends that the Compliance Alert is consistent with the procedure for assessment of penalties as specified in C.R.S. § 25-7-122(2).

The individuals identified in the Division's response to Interrogatory No. 2, supra, have knowledge of the facts stated above. The Division also states that COGA was aware, before issuance of the Compliance Alert, of its intended purpose as a notice to the regulated community.

The Compliance Alert itself supports the Division's contention, and is available on the Division's website.

Interrogatory No. 16:

Please identify any person who may present expert testimony on behalf of the Division at the hearing in this appeal.
Answer

At this time, the Division has not made the determination of what experts, if any, it will call to present expert testimony at the recently rescheduled December 19, 2013 hearing. The Division will identify the experts it intends to call in its Prehearing Statement, due to be filed and served on all parties on November 15, 2013.

Interrogatory No. 17:

Please identify the person(s) primarily responsible for considering the mitigating and aggravating factors and calculating the penalties identified in the Compliance Orders, or with final authority to approve or modify those considerations and associated calculations.

Answer

Shannon McMillan.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS

Request for Production No. 1:

Please produce all documents described, referenced, or identified in response to any Interrogatory above, including, without limitation, any documents supporting your claims and any witness statements obtained by you.

Response

Subject to the objections raised in the Division's Answers to the Interrogatories, to the extent that specific documents described, referenced, or identified in response to any Interrogatory above, were not produced in response to PDC's CORA Request, such non-privileged documents are being produced herewith.
Request for Production No. 2:

Please produce all documents related to internal Division communications regarding the development, drafting, editing, review, or implementation of the May 1, 2013 Compliance Alert.

Response

To the extent that there are non-privileged documents responsive to this Request that were not produced in response to PDC's CORA Request, such non-privileged documents are being produced herewith.

Request for Production No. 3:

Please produce all documents related to communications between the Division and any person, including, but not limited to, any EPA personnel or other third parties, regarding the development, drafting, editing, review, or implementation of the May 1, 2013 Compliance Alert.

Response

To the extent that there are non-privileged documents responsive to this Request that were not produced in response to PDC's CORA Request, such non-privileged documents are being produced herewith.

Request for Production No. 4:

Please produce any Attorney General opinion related to the May 1, 2013 Compliance Alert, and if such opinion was verbal, please describe it with specificity.

Response

The Division understands the term "Attorney General opinion" to be a term of art referring to a formal opinion issued by Mr. John Suthers, Attorney General of the State of Colorado. No such document responsive to this Request exists.
Request for Production No. 5:

Please produce all individual air quality construction permits issued by the Division within the past three years that provide for an opacity limitation on any permitted flare.

Response

Pursuant to discussions with counsel for PDC, the Division is producing all individual air quality construction permits containing express limitations or restrictions on flares.

Request for Production No. 6:

Please produce all individual air quality construction permits issued by the Division within the past three years that provide for a Method 9 or Method 22 analysis to determine compliance with any flare emission limitation, term or condition.

Response

Pursuant to discussions with counsel for PDC, the Division is producing all individual air quality construction permits containing express limitations or restrictions on flares.

Request for Production No. 7:

Please produce all documents, including any studies, reports, analyses, assessments, or data, relied upon to date by the Division, that relate to the actual or potential impact on public health or welfare or the environment resulting from visible emissions from a flare, including visible soot or smoke.

Response

The Division objects to this Request on the grounds that it is over broad, and would be unduly burdensome to require the Division to produce all documents that
relate to the actual or potential impact on public health or welfare or the environment resulting from visible emissions from a flare, including visible soot or smoke. Notwithstanding and subject to the foregoing, the Division is producing those non-privileged documents responsive to this Request that it was able to identify after a good faith effort. The Division also refers PDC to its Answer to Interrogatory No. 5, above.

Request for Production No. 8:

Please produce copies of any and all test methods and procedures utilized by the Division to identify potential violations of the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d.

Response

See Answers to Interrogatory Nos. 6 and 7, above.

Request for Production No. 9:

Please produce all training materials relied upon by the Division to date to train persons to conduct Division inspections of oil and gas facilities with respect to visible emissions.

Response

Non-privileged responsive documents are being provided herewith.

Request for Production No. 10:

Please produce all non-privileged documents related to internal Division communications regarding the penalty assessments contained in the Compliance Orders.
Response

To the extent that there are non-privileged documents responsive to this Request that were not produced in response to PDC's CORA Request, such non-privileged documents are being produced herewith.

Request for Production No. 11:

Please produce any statistical compilations and/or summaries regarding the Division's compliance statistics for the oil and gas industry under AQCC Regulation No. 7 for the past five (5) years, and any data, reports, assessments, and information supporting such statistical compilations and/or summaries.

Response

To the extent that there are non-privileged documents responsive to this Request that were not produced in response to PDC's CORA Request, such non-privileged documents are being produced herewith.

REQUESTS FOR ADMISSION

Request for Admission No. 1:

Admit that the Division does not utilize EPA Method 9 to identify violations of the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d.

Answer

The Division admits only that it does not utilize EPA Method 9 for the specific purpose of identifying violations of the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d., nor is the Division required to do so.

Request for Admission No. 2:

Admit that the Division does not utilize EPA Method 22 to identify violations of the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d.
Answer

The Division admits only that it does not utilize EPA Method 22 for the specific purpose of identifying violations of the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d., nor is the Division required to do so.

Request for Admission No. 3:

Admit that the Division does not utilize any EPA-approved test method or procedure to identify violations of the prohibition on visible emissions at AQCC Regulation No. 7, § XII.C.1.d.

Answer

The Division objects to this Request for Admission because it is unclear what is meant by the term “EPA-approved test method or procedure.” The Division specifically refers PDC to its Answers to Interrogatories Nos. 6, 7 and 14, above. The Division also states that because Regulation No. 7, § XII.C.1.d. is found in Colorado’s State Implementation Plan, EPA was required to, and did, in fact, approve both the Commission’s prohibition on visible emissions and the manner in which compliance would be determined.

Request for Admission No. 4:

Admit that the Division, within the past year, has identified visible emissions from enclosed flares at oil and gas facilities and not issued a Compliance Advisory or Immediate Notice of Violation for such visible emissions.

Answer

The Division specifically refers PDC to its Answer to Interrogatory No. 10, above.

Request for Admission No. 5:

Admit that the Division has no opacity limit, or other limit, that it utilizes in determining whether visible emissions identified from an enclosed flare at an oil
and gas facility warrant the issuance of a Compliance Advisory or Immediate Notice of Violation.

**Answer**

The Division specifically refers PDC to its Answers to Interrogatories Nos. 7 and 8, above.

**Request for Admission No. 6:**

Admit that the Compliance Alert constitutes Division policy and/or guidance.

**Answer**

The Division objects to this Request for Admission on the grounds that it is not clear what is meant by “policy and/or guidance.” To the extent that the terms “policy and/or guidance” are defined as they are used in C.R.S. § 25-6.5-102, the Division denies this Request for Admission, and specifically avers that the Compliance Alert is a non-binding and informal courtesy to the regulated community of the Division's focus on particular Reg. 7 violations during the 2013 ozone season.

**Request for Admission No. 7:**

Admit that the Compliance Alert was not promulgated in accordance with notice and comment rulemaking requirements under the Colorado Administrative Procedure Act, C.R.S. §§ 24-4-101 et seq., or the Colorado Air Pollution Prevention and Control Act, C.R.S. §§ 25-7-101 et seq.

**Answer**

The Division admits that it did not “promulgate” the Compliance Alert in accordance with notice and comment rulemaking requirements under the Colorado Administrative Procedure Act, C.R.S. §§ 24-4-101 et seq., or the Colorado Air Pollution Prevention and Control Act, C.R.S. §§ 25-7-101 et seq. and specifically avers that the Compliance Alert is not the type of document (i.e. rule or regulation) required to be so promulgated. The Compliance Alert is a non-binding and informal courtesy to the regulated community of the Division’s focus on particular Reg. 7 violations during the 2013 ozone season.
Respectfully submitted on this 25th day of October, 2013.

JOHN W. SUTHERS  
Attorney General

SCOTT A. SCHULTZ, 38666*  
ROBYN WILLE, 40915  
Assistant Attorney General  
Natural Resources and Environment Section  
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*Counsel of Record

Attorneys for  
Department of Health and Environment  
Air Pollution Control Division
I, William Allison, hereby certify that the foregoing Answers to Interrogatories and Admissions are true and correct, to the best of my knowledge.

William Allison
Director of the Air Pollution Control

Division
STATE OF COLORADO )
COUNTY OF DENVER ) ss

Subscribed and sworn before me on this 25th day of October, 2013, by William Allison.

My Commissioner Expires: 1-30-14

Notary Public: DEBRA BUDNIK

DEBRA BUDNIK
NOTARY PUBLIC
STATE OF COLORADO
MY COMMISSION EXPIRES 01/30/14
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AIR POLLUTION CONTROL DIVISION'S RESPONSES TO THE FIRST SET OF DISCOVERY REQUESTS OF PDC ENERGY, INC. was served by email on the following on October 25, 2013.

John.Jacus@dgslaw.com
Randy.Dann@dgslaw.com
Eric.Waeckerlin@dgslaw.com
Andrew.Casper@coga.org

[Signature]
Robyn Wille