



COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

My Copy

September 4, 2018

Via electronic mail to: john.cooke.senate@state.co.us

Senator John Cooke
State Capitol
200 E. Colfax Avenue
Denver, Colorado 80203

RE: Request for public records

Dear Senator Cooke:

The Colorado Department of Public Health and Environment (Department) is in receipt of two separate requests for records delivered to the Department by email on August 29, 2018. One request was addressed to the Department and one was addressed to the Mike Silverstein, Administrator and Technical Secretary for the Air Quality Control Commission (AQCC), however the Department is providing one response to both requests.

Your requests seek copies of all public records held by the Department or the AQCC dated between May 18, 2018 and the August 29, 2018, which contain any information about or discussion of Governor Hickenlooper's Executive Order B 2018 006 and the Department's efforts to research, draft, and propose a regulation adopting California's low emission vehicle regulations and/or zero emission vehicle regulations and the Department's involvement in the same (collectively, the "Subject Matter"), and which meet any of the following descriptions:

1. All public records to or from Doug Decker or any other person(s) employed or contracted by the CDPHE, Mike Silverstein, the AQCC, any individual Commissioner, or AQCC staff and any third person, organization outside of the Governor's office, or state or local government representative or entity concerning the Subject Matter.
2. All public records to or from Doug Decker or any other person(s) employed or contracted by the CDPHE, Mike Silverstein, the AQCC, any individual Commissioner, or Commission staff and any public or private media service or any individual representative thereof (including but not limited to the Denver Post) concerning the Subject Matter.
3. All public records to or from Doug Decker or any other person(s) employed or contracted by the CDPHE, Mike Silverstein, the AQCC, any individual Commissioner, or Commission staff and any employee or representative of the United States Environmental Protection Agency (and any regional or local office thereof) concerning the Subject Matter.
4. All public records to or from Doug Decker or any other person(s) employed or contracted by the CDPHE, Mike Silverstein, the AQCC, any individual Commissioner, or Commission staff and Governor Hickenlooper or the Governor's office and Governor's staff concerning the Subject Matter.
5. All public records to or from Doug Decker or any other person(s) employed or contracted by the CDPHE, Mike Silverstein, the AQCC, any individual Commissioner, or Commission staff and any employee or representative of the California Air Resources Board (and any regional or local office thereof) or any other California public governmental agency concerning the Subject Matter.
6. All public records to or from Doug Decker or any other person(s) employed or contracted by the CDPHE, Mike Silverstein, the AQCC, any individual Commissioner, or Commission staff and any non-governmental organizations, including any employee or representative of the non-governmental organization, including but not limited to the Sierra Club, the Natural Resources Defense Council, Southern Colorado Clean Cities Coalition, Refuel Colorado, Denver Clean Cities, Northern Colorado Clean Cities, Clean Energy Economy for the Region, the Southwest Energy Efficiency Project, the Clean Cities Coalition Network, Environment Colorado, Conservation Colorado, the Colorado Automobile Dealers Association, the Association of Global



Administrator + Tech Sec.
(Doug) Program Manager of Air Pollution Mobile Source

Automakers, the Alliance of Automobile Manufacturers, and the Colorado Motor Carriers Association concerning the Subject Matter.

7. All public records to or from Doug Decker or any other person(s) employed or contracted by the CDPHE, Mike Silverstein, the AQCC, any individual Commissioner, or Commission staff and any employee or representative of state and local governmental entities in Colorado, including but not limited to the City of Aspen, Pitkin County, Boulder County, City and County of Denver, the City of Fort Collins, and the City of Colorado Springs concerning the Subject Matter.
8. All public records to or from Doug Decker or any other person(s) employed or contracted by the CDPHE and the Air Quality Control Commission (AQCC), any individual Commissioner, or AQCC staff (such as its Technical Secretary, Mike Silverstein) concerning the Subject Matter.
All public records to or from Mike Silverstein, the AQCC, any individual Commissioner, or Commission staff and the CDPHE, CDPHE office, and CDPHE staff concerning the Subject Matter.
9. All public records to or from Doug Decker or any other person(s) employed or contracted by the CDPHE, Mike Silverstein, the AQCC, any individual Commissioner, or Commission staff and the Office of the Attorney General (AG's Office), including but not limited to Robyn Wille, Tom Roan, Clay Clarke or any other person(s) employed or contracted by the AG's Office concerning the Subject Matter.
10. All public records to or from Doug Decker or any other person(s) employed or contracted by the CDPHE, Mike Silverstein, the AQCC, any individual Commissioner, or Commission staff, and Richard Rykowski or any person employed by or representing the Environmental Defense Fund.
11. All public records to or from Doug Decker or any other person(s) employed or contracted by the CDPHE, Mike Silverstein, the AQCC, any individual Commissioner, or Commission staff, and the Colorado Energy Commission.

Staff has performed a preliminary review and estimates that it will take approximately 20 hours of staff time to research, retrieve and review the requested records. The estimated minimum cost associated with fulfilling this portion of the records request is \$600.00 (\$30 per hour for 20 hours) in accordance with our Department Open Records Act policy. We understand that you have requested that the Department waive any fees associated with this request; however, the work associated with responding to your requests is significant. If you would like to narrow your request to reduce the number of potentially responsive materials, we would be happy to work with you to do so.

Public records held by the AQCC that are partially responsive to your request are available online at: <https://www.colorado.gov/pacific/cdphe/aqcc-annual-meeting-documents>. In regards to records held specifically by Mike Silverstein, there are no records responsive to your request. Mike Silverstein ended employment with the Department prior to your request and his email and network accounts had already been deleted.

The Department does not maintain paper records, Google mail accounts or any other electronic accounts for the AQCC members, so we will ask the AQCC members to search their records in the manner you have described, and will provide you with any additional estimates as needed.

If you authorize the \$600.00 charges as described above, please take the following action:

1. Notify me by email at ann.hause@state.co.us, and
2. Remit a check payable to the Colorado Department of Public Health and Environment and mail to:

CO Dept. of Public Health and Environment
Attn: Monica Wilkerson
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Upon receipt of payment, staff will begin compiling the response. It may be that the review can be accomplished in less than 20 hours; if this is the case, the applicable portion of your deposit will be returned to you. It may be that,

upon further review, staff will determine that additional document review time is needed to respond to your request. If that is the case, the Department will notify you prior to performing the work.

It may be that, during the review process, it is determined that there are privileged records or that it is necessary to redact portions of the documents. This estimate does not include time and costs for creating a privilege log or affidavit for privileged information. Creation of a privilege log or affidavit will be charged based upon actual costs. If privileged records are identified, the Department will contact you regarding the estimated charges prior to performing the work.

Records that were identified during the preliminary review will be retained for 30 calendar days after the date of this estimate. If authorization and payment as described above are not received within the 30-day timeframe, records will be returned to their normal records retention cycles according to Department policy.

Sincerely,

Ann Hause

Digitally signed by Ann Hause
DN: cn=Ann Hause, o=CDPNE,
ou=OLAC,
email=ann.hause@cdpne.ca, c=CA
#44

Ann Hause, Director
Office of Legal and Regulatory Compliance

cc: Karin McGowan, Interim Executive Director
Martha Rudolph, Director of Environmental Programs
Michael Nicoletti, Legislative Liaison

