

April 1, 2021

Governor Jared Polis
Office of the Governor
State of Colorado
200 E. Colfax Ave., Rm. 136,
Denver, CO 80203
governorpolis@state.co.us

Attorney General Phil Weiser
Office of the Attorney General
Colorado Department of Law
Ralph J. Carr Judicial Building
1300 Broadway, 10th Floor
Denver, CO 80203
coag@coag.gov

**Re: Need for Immediate Action to Address Illegal Air Pollution Permitting,
Official Misconduct in Colorado**

Dear Governor Polis and Attorney General Weiser:

The undersigned call on you to take immediate action to address illegal air pollution permitting by the Colorado Air Pollution Control Division and to investigate whether officials within the Division have broken the law and denied Coloradans their right to clean air and a healthy environment.

This week, it was revealed by whistleblowers that the Air Pollution Control Division has been routinely issuing air pollution permits that violate national ambient air quality standards, contrary to state and federal air quality laws and regulations. It was further revealed that the Division Director ordered agency staff to stop analyzing the air quality impacts of pollution permits in order to cover up potential violations of ambient air quality standards.

The details of the whistleblowers reports are documented in a March 30, 2021 letter from Public Employees for Environmental Responsibility to Colorado Department of Public Health and Environment Director, Jill Hunsaker-Ryan. This correspondence is enclosed with this letter.

Suffice it to say, these revelations are outrageous and unacceptable. It is clear that the Air Pollution Control Division and its leadership have not only turned their backs on the law, but turned their backs on the health, safety, and well-being of Coloradans. The Air Pollution Control Division hasn't just shirked responsibility. Here, the agency seems to have stooped to a corrupt low in order to serve polluters at the expense of people.

The conduct of the Air Pollution Control Division and the Division Director is inexcusable and must be confronted forcefully. We are very concerned that this is not an isolated instance of the agency overlooking the law to advance polluter interests. Rather, we believe there is a culture of flagrant and constant disregard for law and duty within the Air Pollution Control Division that has been sustained too long by its leadership. This must change and must change now.

In the wake of this week's revelations, as well as ongoing concern over the conduct and culture within the Air Pollution Control Division, we request the following actions be undertaken immediately:

- The Division Director must be relieved of his duties and new leadership must be installed. A new Director must be hired from outside of the agency and charged with restoring trust, confidence, and focus on health, safety, and the environment in the regulation of air quality in Colorado.
- A review of the conduct of other supervisors within the Air Pollution Control Division must be undertaken to identify and relieve others in leadership positions who may have been complicit and culpable in flouting clean air laws and regulations.
- Immediately halt the issuance of permits for new or modified sources of air pollution pending a full resolution of the whistleblowers' concerns.
- A review of all air pollution permitting actions undertaken since 2012 must be completed. Where permits were approved despite modeling or other evidence indicating the source of pollution would violate national ambient air quality standards, these permits must be revoked.
- Pursuant to C.R.S. § 24-31-113, the Attorney General must conduct an investigation into the Air Pollution Control Division Director's actions to determine whether there is reasonable cause to initiate a civil action over the pattern and practice of violating state and/or federal air quality laws and regulations and depriving Coloradans of their

right to clean and healthy air. This investigation must also determine whether there is cause to initiate a civil action over the actions of other culpable or complicit supervisors within the Air Pollution Control Division.

With Colorado's air quality suffering, particularly in the face of our climate crisis, we need you to act. We call on you to undertake the aforementioned actions in order to clearly demonstrate to the people of Colorado that you take our health, safety, and well-being seriously, and to demonstrate your commitment to upholding the law and integrity of state government.

We request that you provide a written response within one week as to whether you intend to take the aforementioned actions.

Sincerely,

Ean Thomas Tafoya
Colorado Latino Forum

Jeremy Nichols
WildEarth Guardians

Micah Parkin
350 Colorado

Lucy Molina
Impacted Community

Brian Highland
Clean Energy Action

Jim Smith
Colorado Businesses for a Liveable Climate

Stefanie Klass
CatholicNetwork

Marie Venner

Call to Action Colorado

Fran Aguirre
Unite North Metro Denver

Paddy McClelland
Wall of Women

Mark Meeks
Capitol Heights Presbyterian Church

Nick Venner
Our Children's Trust Plaintiff

Theron Makley
DeSmog Denver

Alison Burchell
Empower our Future

Cindy Chang
Groundwork Denver

Fred Kirsch
Community for Sustainable Energy

Gordon MacAlpine
Estes Valley Clean Energy Coalition

Elijah "Eagle" Lewis
Colorado Democrat Party Energy and Environment Initiative

Babara Mills Bria
Be The Change

Bridget Walsh
Member, VB/I-70 Superfund Site
Community Advisory Group

Joe Salazar
Colorado Rising

Doug Henderson
Larimer Alliance for Health, Safety and Environment

Rev. Jenny Shultz-Thomas
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