



# DAVIS GRAHAM

## RADCLIFFE DANN IV PARTNER

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### EXPERTISE

Environmental Law, Climate Change, Energy Industry, Oil & Gas Industry, Mining, and Brownfields

### EDUCATION

Georgetown University Law Center, J.D., 2005  
University of Florida, B.A., 2002

### ADMITTED IN

Colorado

Randy Dann is a partner at Davis Graham & Stubbs LLP, where his practice focuses on complex environmental litigation and enforcement, transactions, permitting and regulatory compliance, and site remediation. Randy regularly counsels clients in the oil and gas, energy, mining, and other natural resources industries on compliance and regulatory issues under federal and state environmental laws. He has experience in a wide variety of matters governed by the Clean Air Act, CERCLA, the Clean Water Act, RCRA, and similar state environmental laws. He has represented clients in both federal and state litigation, including CERCLA cost recovery and contribution actions.

In particular, Randy is a leader in the field of air quality and climate change regulation and enforcement issues facing the energy and natural resources industries in Colorado and across the country. Randy routinely represents clients in air quality enforcement actions brought by EPA and various state agencies, and has significant experience representing energy clients before the Colorado Air Quality Control Commission and in other federal and state rulemaking proceedings. Additionally, he plays a prominent role in developing

air quality and climate change policy for various oil and gas trade associations.

Randy serves as a vice chair on the American Bar Association's (ABA) Air Quality Committee and is a regular contributor to The Foundation for Natural Resources and Energy Law Newsletter. Randy also writes and speaks on various environmental topics, including air quality and climate change issues facing the energy and natural resources industries.

### REPRESENTATIVE EXPERIENCE

- Represents an oil and gas trade association in discussions with a state agency regarding the implementation of significant new air quality regulations.
- Represented oil and gas operators in major air quality rulemaking before the Colorado Air Quality Control Commission regarding the regulation of methane emissions from oil and gas operations.
- Represents energy clients in enforcement actions brought by the

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- Colorado Air Pollution Control Division regarding alleged violations of air quality laws and regulations.
- Represented an energy client in rulemaking before the Air Quality Control Commission regarding stationary internal combustion engine exemptions and requirements.
- Represented an agricultural client in negotiations with the EPA regarding alleged Clean Air Act Risk Management Program violations.
- Represented an energy client in air quality permit appeal before the Pennsylvania Environmental Appeals Board.
- Assisted a client in developing an air quality permitting strategy for operations on state and tribal lands.
- Represented an energy client in rulemaking before the Colorado Oil and Gas Conservation Commission regarding hydraulic fracturing disclosure requirements.
- Represented an energy client in rulemaking before the Colorado Water Quality Control Commission regarding revisions to water quality standards and classifications.
- Represented a mining client in negotiations with the Colorado Water Quality Control Division regarding alleged discharge permit violations.
- Represented clients in cleanup activities under CERCLA and state voluntary remediation programs.
- Represented clients in major environmental litigation defense, including citizen suits under the Clean Water Act and RCRA and cost-recovery and contribution actions under CERCLA.

**PUBLICATIONS & PRESENTATIONS**

- “Colorado Removes SSM Affirmative Defense and Hints at Significant New Air Pollution Control Measures” Davis Graham Legal Alert (June 8, 2023)
- “The North Dakota Department of Environmental Quality Compliance Alert” Davis Graham Legal Alert (October 26, 2020)
- “‘Pulling Back the Curtain’ – EPA Proposing to Increase Transparency for Guidance Documents,” The Energy Law Advisor, Vol. 14, Number 3 (September 2, 2020)
- “Pulling Back the Curtain” – EPA Proposing to Increase Transparency for Guidance Documents, Davis Graham Legal Alert, May 26, 2020
- A Trio of Air Quality Developments Affecting Oil & Gas Facilities, Davis Graham Client Alert, January 2020
- U.S. Supreme Court Upholds Auer Agency Deference, with Some Limitations, Davis Graham Client Alert, June 2019
- Air Quality Summit, Davis Graham Seminar May 24, 2017
- COGCC Issues Statewide Flowline and Pipeline Notice to Operators. Davis Graham Client Alert, May 2017
- Environmental Self-Audits and Self-Disclosure, Davis Graham Environmental Enforcement Seminar Series, October 1, 2015
- Controlling Methane from the Upstream Oil and Gas Sector: Lessons from the Colorado Experience, Air & Waste Management Association’s International Specialty Conference Addressing Climate Change, September 10, 2015

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- Recent Developments in Federal and State Greenhouse Gas Regulation: Implications for your Industry, Rocky Mountain States Section Air & Waste Management Association, September 2014
- EPA Actions on GHG Permitting Following the UARG Decision, Davis Graham Client Alert, August 2014
- The Supreme Court "Tailors" EPA's GHG Permitting Program, Davis Graham Client Alert, June 2014
- Regulation 7 Implementation Workshop, COGA, May 2014
- Troubled Waters Ahead: CWA Rule Sure To Rock The Boat, *Law360*, April 2014
- Game Changer: New Colorado Air quality Regulations for the Oil and Gas Industry, Rocky Mountain Association of Environmental Professionals Meeting, March 2014
- Colorado's Greenhouse Gas Inventory Update: A Work in Progress, Davis Graham Client Alert, January 2014
- The Winds of Climate Change are Blowing, Davis Graham Client Alert, December 2013
- Where There's Smoke There's Fire? – How it Just Got Harder for Colorado Oil and Gas Operators to Meet Air Emissions Requirements, Davis Graham Client Alert, October 2013
- Colorado Air Quality Regulatory Update for Oil & Gas, Colorado Environmental Management Society Fall Conference, October 2013
- Colorado Considering Significant Revisions to Emission Control, Permitting, and Reporting Requirements for the Oil and Gas Industry, Davis Graham Client Alert, March 2013
- Operating in a World of Nonattainment: National Ambient Air Quality Standards and Implications for Energy Development, Rocky Mountain Mineral Law Foundation Special Institute: Air Quality Issues Affecting Oil, Gas, and Mining Development in the West, February 2013
- EPA Finalizes Clean Air Act New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Applicable to the Oil and Gas Industry, Davis Graham Client Alert, July 2012
- EPA Finalizes Ozone Designations Under the 2008 Ozone National Ambient Air Quality Standard, Davis Graham Client Alert, July 2012
- Local Colorado Governments' Focus on Air Quality Impacts from Oil and Gas Operations, Davis Graham Client Alert, July 2012
- EPA's New Rules for Clean Air Act Permitting in Indian Country, Davis Graham Client Alert, July 2012
- EPA and Army Corps of Engineers Issue Proposed New Rapanos Guidance and Announce Follow-Up Rulemaking, Davis Graham Client Alert, May 2011
- Clean Water Act Jurisdiction Over Excavation Activities: The 'Tulloch Rule' Revised, *The Colorado Lawyer*, Vol. 38, No. 7, July 2009.
- GE's Constitutional Challenges to the UAO Regime Rejected by D.C. District Court, ABA Constitutional Law Committee Newsletter, Vol. 5, No. 3, August 2009.