



Denise Kennedy

Of Counsel

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Denise Kennedy represents major natural resource companies and utilities in Clean Air Act regulatory, enforcement, and permitting matters.

With over 20 years of Clean Air Act experience, her practice focuses on Clean Air Act matters, including environmental litigation and counseling.

Denise also provides counsel in the environmental aspects of property and business acquisitions, environmental auditing, Superfund, hazardous waste cleanup, and litigation issues, including issues unique to mining and other natural resource sites.

Denise works closely with industry and national trade associations on issues related to climate change and Clean Air Act regulatory and legislative reform.

PRACTICES

Environmental and Natural Resources
Environmental Compliance and Enforcement
Environmental and Natural Resources Litigation
Government Affairs

EDUCATION

University of Denver, J.D., 1985
Order of St. Ives
Colorado College, B.A., 1981

BAR ADMISSIONS

Colorado

EXPERIENCE

Clean Air Act Matters

- NSR enforcement
- Increment tracking
- Power plant and other major industrial source permitting and compliance
- Regional haze
- BACT determinations
- PSD permitting and compliance
- MACT development and implementation

Climate Change Issues

- Greenhouse gas reporting and emissions analysis
- Major modification analyses
- Emission reduction credits and nonattainment offsets

CLIENT RESULTS

Denise has been involved in the following major Clean Air Act cases and rulemakings:

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- US v. Noble Energy, Inc., US Dist. Colo, Consent Decree resolving

VOC emissions, June 2015

- Comments on EPA Clean Power Plan proposal, December 2014
- Responses to Section 114 Information Requests with focus on NSR Enforcement, April 2012
- Comments on EPA proposed SO₂ NAAQS Implementation, Dec. 2011
- Comments and development of expert reports for EPA proposed disapproval of North Dakota Regional Haze SIP, Nov. 2011. EPA final rule in April 2012 agreed with comments
- Desert Citizens Against Pollution and Sierra Club v. EPA, No. 11-1113, D.C. Circuit (EPA's final gold mining MACT rule upheld against environmental group challenge)
- Permitting of coal-fired power plant and defense of PSD permit before Wyoming Supreme Court
- Permitting of coal-fired power plant and defense of PSD permit before the EPA Environmental Appeals Board
- Natural Resources Defense Council v. EPA, D.C. Circuit, pending, challenge to NSR fugitive emissions rule
- National Cattlemen's Beef Association v. EPA, D.C. Circuit, pending, appeal of Fine PM Implementation Rule
- American Farm Bureau Federation v. EPA, D.C. Circuit 2009, challenge to particulate matter air quality standards
- New York v. EPA, D.C. Circuit 2005, NSR Reform; ongoing challenge to fugitive emissions rule
- Great Basin Mine Watch v. EPA, 9th Circuit 2005, PSD baseline area redesignation upheld
- Reno Sparks Indian Tribe v. EPA, 9th Circuit 2003, designation of PSD baseline areas upheld

RECOGNITION

- *The Best Lawyers in America*© Environmental Law, 2006-2019
- *The Best Lawyers in America*© Lawyer of the Year, Environmental Law – Denver, 2016
- *Who's Who in Environmental Law*
- *Who's Who in American Law*
- *Corporate Counsel's Guide to Energy, Environmental, and Natural Resource Lawyers*
- *Denver Business Journal*, Best Lawyers in Denver
- Martindale-Hubbell®, AV Preeminent® Rating

PROFESSIONAL AND CIVIC AFFILIATIONS

- National Mining Association, Air Quality Subcommittee, Member
- The Colorado Association of Commerce and Industry, Member
- The Colorado Mining Association, Member

- The Nevada Mining Association, Member
- American Bar Association, Natural Resources, Energy, and Environmental Law Section, Member
- Colorado Bar Association, Environmental Law Section, Member