



# Commerce City

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## Council Communication

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**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council

**File Type:** Administrative  
Business

Ratification of Mayor's Signature to Letter to Governor Polis regarding WQCC June 2020 Decision

### Summary & Background

Following the October 4th, 2021, regular City Council Meeting, Council requested staff draft a letter to Governor Polis on behalf of City Council requesting the Governor's support for the Water Quality Control Commission to revisit their June 2020 decision regarding the antidegradation rules applicable to Segment 15 of the South Platte River in Commerce City.

#### Information about Segment 15 of the South Platte River

Segment 15 of the South Platte River runs from North Denver through Commerce City and Brighton before reaching Fort Lupton. This Segment runs directly perpendicular to large sections of the Fulton Ditch and includes junctures with Sand Creek, Clear Creek, and Big Dry Creek. Importantly, Suncor Energy Facility sits upstream of this segment and has long discharged industrial waste and runoff into the South Platte River and Sand Creek.

#### Water Quality Control Commission's June 2020 Decision

On June 8th, 2020, the Water Quality Control Commission (WQCC) made a decision on a recommendation by the Water Quality Control Division's staff that Segment 15 of the South Platte River have its water quality status upgraded. The recommendation specifically advised that Segment 15 of the South Platte River no longer be considered "use-protected"; in effect, the recommendation would have subjected any heavy polluters of Segment 15 of the South Platte River to additional scrutiny when discharging pollutants. Despite the recommendation from staff, the WQCC chose to not remove the "use-protected" label from Segment 15 of the South Platte River.

#### Water Quality Control Commission's June 2021 Decision

On June 14th, 2021, the WQCC postponed a decision that would have expanded the "use-protected" label to other urban waterways. They postponed such a decision after the Commission was "surprised" by the amount of public pushback on such a ruling. However, this decision did not roll back the June 2020 decision impacting Segment 15 of the South Platte River despite the WQCC's concerns about the effect the "use-protected" label would have on other urban waterways.

Purpose

This letter for the Council's ratification of the Mayor's Signature is to be sent to Governor Polis to solicit his support in the WQCC reviewing their June 2020 decision to provide further protection to the water quality of Segment 15 of the South Platte River.

**Staff Responsible (Department Head):** Roger Tinklenberg, City Manager

**Staff Presenting:** N/A

**Financial Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:** Approval of Ratification to apply Mayor's Signature to Letter and Send to Governor Polis

**Suggested Motion:**