



October 18th, 2021

Governor Jared Polis  
Colorado State Capitol  
Room 136  
200 E. Colfax Ave,  
Denver, CO 80203

Re: Water Quality Control Commission's Antidegradation Rules

Dear Governor Jared Polis,

On behalf of the City Council of Commerce City, I am writing to strongly urge you to encourage the Colorado Department of Public Health and Environment to reconsider the Water Quality Control Commission's ("WQCC") June 2020 rulemaking decision regarding antidegradation rules in urban waterways. The WQCC's June 2020 ruling made it easier for polluters to discharge dangerous chemicals into the South Platte River, which presents a direct threat to public health and safety in Commerce City, North Denver, and other metro communities. The City Council of Commerce City is looking for your support for the WQCC to revisit that ruling to protect our citizens and environment from preventable pollution.

### **WQCC's June 2020 Ruling**

The WQCC's June 2020 decision referred specifically to Regulation #31 of the State's Water Quality Control Commission regulations. In that decision, the WQCC ignored its own previously outlined antidegradation rules and continued the designation of portions of the South Platte River as "use protected", allowing industry to further degrade water quality beyond its current limits. The City was not only appalled by the decision but also surprised that the WQCC made a decision directly impacting our community without notifying the City or the residents of the hearing or the decision. Because of these actions, both our environmental safety and community trust in State regulatory agencies has been harmed.

### **Importance of Urban Water Quality and Protection**

Water quality and the protection of urban waterways is critical to support the health, safety, and prosperity of not only Commerce City but all communities in the Denver Metro area. Our community has been previously and continues to be impacted by a number of environmental issues caused by heavy industry, including the Suncor Oil Refinery. The WQCC's June 2020 decision cleared the way for heavy industry groups like Suncor to continue to degrade water quality with pollutants like per- and polyfluoroalkyl substances, commonly known as PFAS. These "forever chemicals" have been directly linked to developmental effects in infants, several types of cancer, and numerous other dangerous health conditions. By allowing more of these dangerous pollutants, this decision presents a direct threat to public health in Commerce City and North Denver, as well as a threat to other communities downstream.

Governor Polis, you have already acted to protect many vulnerable communities and firefighters from exposure to contaminants like PFAS by signing HB20-1119 in May 2020. Supporting a review of the WQCC's June 2020 decision would continue to advance your commitment to protecting our waterways and our communities.

### **Action Steps Going Forward**

In June 2021, a Commerce City Council member and other concerned citizens were grateful to hear that the WQCC postponed a rulemaking procedure that would have allowed even more urban waterways to be degraded similarly to the South Platte River. However, that decision did not stop the continued degradation of our waterways resulting from the June 2020 ruling. Without changing that decision, Commerce City waterways will be subject to additional increased levels of dangerous and potentially deadly pollutants. Given that the WQCC postponed the June 2021 hearing due to push back from impacted communities, it is only responsible for the WQCC to revisit the June 2020 ruling to protect the communities already impacted by that decision. Such a review would begin to restore community trust and prevent future damage to the City's public and environmental health and safety.

On behalf of the City Council of Commerce City, we look forward to your support to ensure we build a quality community for a lifetime.

Thank you.

Sincerely,  
Benjamin Huseman  
Mayor  
Commerce City

