



Commerce City

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Council Communication

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Business

City Comments for Suncor Water Quality Permit Renewal Hearing

Summary and Background Information:

At the December 6th, 2021 City Council meeting, Council directed staff to draft brief comments for the Mayor to give during the January 8th, 2022 Colorado Department of Public Health and Environment (CDPHE) hearing on the Suncor Refinery's water quality permit draft. Included in the packet tonight is a draft copy of those comments for Council to review. Staff is looking for feedback from Council on the draft for the Mayor's attendance at the January 8th hearing.

CDPHE Water Quality Permit Process:

The Water Quality Control Division of CDPHE issues water quality permits for five year periods that allow for specified entities to discharge into urban waterways. The Suncor Refinery, an oil refinery that sits on the banks of Sand Creek to the East of the Core City, applied for a renewal of their permit in the Fall of 2021. A draft of the new five-year permit was posted with public notice on November 12th, 2021; CDPHE is accepting public comments on the contents of the draft permit for 90 days until February 17th, 2022.

Major Updates in Draft Permit:

A copy of the draft permit, as well as a brief summary of the changes, are included in the Council packet for this meeting. The most notable aspects of the draft permit are outlined below. The draft permit:

- Places new limits on Per- and Polyfluoroalkyl Substances (PFAS) discharged into waterways. It sets the maximum allowable limit for PFAS chemicals to the EPA-recommended limit of 70 parts per trillion.
- Closes loopholes that allowed Suncor to discharge additional waste through storm water outfalls.
- Implements new monitoring requirements specific to Suncor's oil refinery process to limit the discharge of dangerous organic chemicals.
- Sets new limits for pollutants associated with 41 commercially available chemicals not included in previous permit.
- Restricts storm water outfall limits to protect against the build-up of dangerous chemicals including benzene.
- Creates a new regime of reporting and monitoring requirements designed to prevent future spills, unpermitted discharges, and other consequences stemming from maintenance issues. The permit specifically references Suncor's poor record of handling

spills and their propensity to discharge beyond their allowable limits into Sand Creek, the South Platte River, and the Burlington Ditch. Based on this record, Suncor is required to create an 'asset management' plan and to complete comprehensive, regular reviews of groundwater seepage into Burlington Ditch.

CDPHE is collecting feedback from experts, community members, and leaders of effected communities until February 17th, 2022. There will be two public hearings held on the draft permit; one was held on December 9th, 2021, and the next will be held on January 8th, 2022. Speakers at the hearings must register in advance and will be given three minutes to give their oral comments.

Staff Responsible (Department Head): Roger Tinklenberg

Staff Member Presenting: Trenten Robinson

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Provide feedback to staff regarding draft comments.

Suggested Motion: N/A