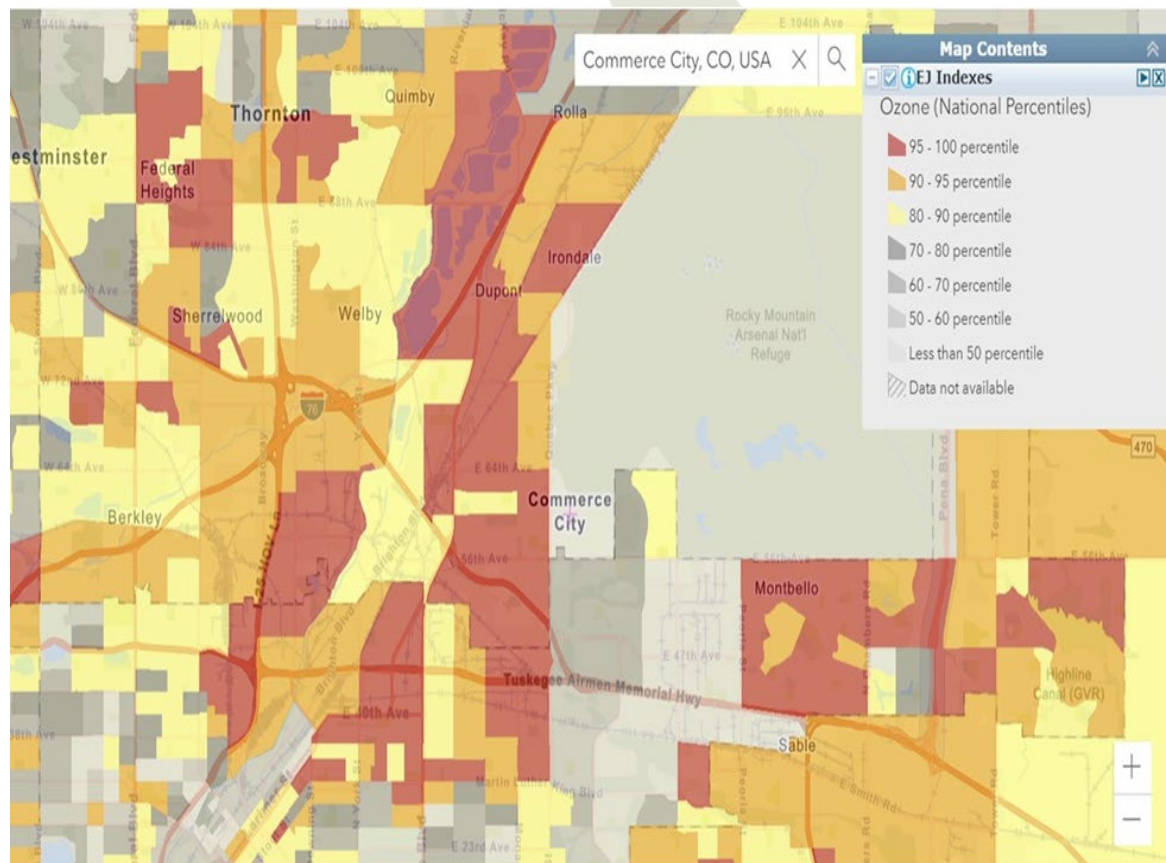




April 3, 2023

Colorado Department of Public Health and Environment
4300 E Cherry Creek South
Denver, CO 80246

On behalf of the City Council of the City of Commerce City, I write to express our concerns about several issues impacting our community's health and to offer recommendations to address cumulative impacts on our citizens. Commerce City has a painful legacy of exposure to toxic air, soil, and water contamination and suffers from multiple environmental justice issues. Using the Environmental Protection Agency's Environmental Justice Screen (EJScreen) – Commerce City ranks in the 90th percentile for seven of twelve EJ variables, including indices for PM 2.5, 2017 diesel PM, air toxic cancer risks, respiratory risk, Superfund site proximity, hazardous waste proximity, and Risk Management Plan facility proximity. Additionally, the following map shows Commerce City's ozone criteria for air pollution exposure in comparison with national averages and adjacent areas:



In addition to multiple industrial facilities and three major highways, the Suncor refinery – one of the largest emitters of greenhouse gases in the State – is located within our

city limits. Suncor operations between December and January 2023 have resulted in the following:

- 37 exceedances of the Clear Air Act permits;
- 1 exceedance of their Clean Water Act NPDES permit;
- 2 violations of the Emergency Planning and Community Right to Know Act (> 500 lbs. SO₂ in 24 hrs.);
- 2 fires -December 24 and 27, 2022 (resulting in 2 hospitalizations);
- Ongoing investigations under OSHA and both the Air and Water Pollution Control Divisions of CDPHE.

Given that the nine ambient air community monitors did not detect levels above the health advisory limits (HAL) for any of the 144 exceedances, perhaps similar to the process that was implemented in June 2022 regarding lowering HALs for PFOA and PFOS the air HALs should be re-evaluated as well to protect public health.

The PFOS/PFOAS limit of 70 parts per trillion (ppt) was significantly lowered to 0.004 ppt. for PFOA and 0.02 ppt. for PFOS. Since CDPHE required Suncor to provide PFAS data in June 2019, Suncor has exceeded these limits and, more often than not, exceeded even the prior 70 ppt. limit. In 2018, South Adams County Water and Sewer District voluntarily tested 39 water wells. The wells with high concentrations were drawn from the Quebec I-70 Paleo channel—one of ten water samples tested above the HAL for the regulated substances. One sample had measurable levels for two PFAS compounds, Perfluoro-n-hexanoic acid (PFHxA) at 11.,5 ppt. and Perfluoro-n-pentanoic acid (PFPeA) at 16.6 ppt. While these two compounds are not yet part of the EPA HAL, the Council is concerned that the HAL for listed and unlisted contaminants may not protect public health. This is especially concerning in communities vulnerable to cumulative exposures through air, soil, and water media. Council recognizes that the community’s monitors are not meant for regulatory enforcement.

Preliminary data indicates Suncor exceeded their air permits 144 times in 2022. Data from 2018 through 2022 shows that Suncor has been out of compliance at its facilities for approximately 11,500 hours. However, regulatory limits in Suncor’s Clean Air Act Title V permits continue to be violated. See the table below.

| | Plants 1 & 3 | Plant 2 | Totals |
|-------------------------------|-------------------------|----------------|---------------|
| Hydrogen Sulfide (H2S) | 2868 | 810 | 3678 |

| | | | |
|----------------------------------|------|------|--------|
| Sulfur Dioxide (SO2) | 4510 | 655 | 5165 |
| Carbon Monoxide | 1308 | 394 | 1702 |
| Nitrogen Oxides (NO2)* | 284 | 0 | 284 |
| Opacity | 546 | 126 | 672 |
| * 2022 NO2 data wasn't available | 9516 | 1985 | 11,501 |

Given that Suncor is the highest emitter of NOx, SOx, and CO in the county and the second largest emitter of Hazardous Air Pollutants with approximately 19.74 tons per year, the City Council respectfully requests the following:

- Increase the number and frequency of inspections at the facility;
- Apply the maximum fines allowed under statute;
- Apply Compliance Order fines to community projects including but not limited to tree plantings; mycelium restoration projects along Sand Creek, cumulative impact health studies, and additional stack and fence line monitoring;
- Petition the Colorado Water Quality Control Commission to re-designate Segment 16 of Sand Creek as reviewable;
- Conduct an equity analysis of cumulative impacts within Commerce City and North Denver communities, centered on the one-mile radius of Suncor and beyond;
- Combine Suncor's two permits into a single permit and reduce permit limits for each contaminant listed above;
- Require the Best Available Control Technology for units with repeated violations;
- Coordinate enforcement between federal and state air permitting and environmental justice staff;
- Deny Suncor the option of emission trading under the GEMMs 2 Rule-making;
- Require Suncor to undergo a comprehensive third-party audit from a consultant chosen by CDPHE or EPA within the year.



As leaders of a community with socioeconomic stressors, disproportionate environmental burdens, vulnerability to environmental degradation, and limited public participation, it is imperative that we address these issues that continue to contribute to persistent and unacceptable disparities. If you need additional information or have comments, please get in touch with Dr. Rosemarie Russo at rrusso@c3gov.com. I appreciate your consideration.

Respectfully submitted,

Benjamin A. Huseman
Mayor
City of Commerce City
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cc: Ann Nedrow, CO Emergency Coordinator
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Adam Eisle, EPA Environmental Justice Investigator
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