



## Legislation Details (With Text)

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|-----------------------|---|----------------------|---|----------------------|--|
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| <b>Type:</b>          | Presentation  | <b>Status:</b>       |   | <b>Status:</b>       | Filed  |
| <b>File created:</b>  | 1/10/2022   | <b>In control:</b>   |   | <b>In control:</b>   | City Council                                 |
| <b>On agenda:</b>     | 1/24/2022   | <b>Final action:</b> |   | <b>Final action:</b> |  |
| <b>Title:</b>         | Suncor Water Quality Permit Comment Letter  |                      |   |                      |  |
| <b>Sponsors:</b>      |   |                      |   |                      |  |
| <b>Indexes:</b>       |   |                      |   |                      |  |
| <b>Code sections:</b> |   |                      |   |                      |  |
| <b>Attachments:</b>   | 1. Council Communication, 2. Suncor Letter - Draft, 3. Suncor Permit Outline, 4. Suncor Permit Review |                      |   |                      |  |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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### Suncor Water Quality Permit Comment Letter

#### Summary & Background

The State of Colorado issues permits for two water quality laws, the Federal Clean Water Act and the Colorado Water Control Act. Any facility that discharges wastewater or pollutants to surface waters must obtain a water quality discharge permit from the State, sometimes referred to as a discharge permit. These permits last for five years but can be continued until they can be renewed. The permit is an enforceable mechanism that limits the amount of used water from a facility, including treated groundwater, and stormwater.

As it relates to Suncor, the water quality discharge permit regulates the water that Suncor can put into Sand Creek. It also places conditions of many types on Suncor including those related to monitoring, spill prevention, maintenance failures and transparency.

Suncor had two separate permits issued in 2012. One permit pertained to wastewater and one to stormwater discharges. This current renewal process combines the two permits into one and enacts stricter regulations. It will incorporate new water quality standards, policies, and lessons learned.

The Colorado Department of Public Health and Environment (CDPHE) is asking the public to comment on the draft permit and has established a public comment period that will allow written comments to be submitted until February 10, 2022.

The City is working with our Environmental Consultants, Lotus Sustainability and Engineering and Pinyon Environmental, to draft a letter to CDPHE commenting on the draft permit. The letter will lobby for new and stricter requirements in the permit to protect Sand Creek and downstream waters and will advocate for the health of the residents of Commerce City.

The comment letter will summarize the differences between the existing and draft permits and will provide comments on the changes. Special note will be given to the impact discharges from the

facility, and what effect they may have on Commerce City residents, particularly its most vulnerable populations. Finally, the letter will note any missing elements in the draft permit proposal in order to ensure that any key points to improve community quality of life are not missed.

A draft of the comment letter will be presented to the City Council at the January 24 study session along with a presentation that reviews the letter contents. The feedback from City Council will be used to refine the comment letter so that it will be ready for approval and signature at the February 7 City Council meeting.

**Staff Responsible (Department Head):** Jim Tolbert, Community Development Director

**Staff Presenting:**

Anita Riley, Principal Planner

Caroline Byus, Pinyon Environmental

Emily Artale, Lotus Sustainability and Engineering

**Financial Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:** N/A

**Suggested Motion:** No motion, as this is a discussion item