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Congress of the United States
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**COMMITTEE ON
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COMMUNICATIONS AND TECHNOLOGY

**COMMITTEE ON
NATURAL RESOURCES**
NATIONAL PARKS, FORESTS, AND PUBLIC LANDS
ENERGY AND MINERAL RESOURCES

May 19, 2021

Ms. Jill Hunsaker Ryan
Executive Director
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246

Dear Director Ryan:

I am writing regarding the proposed renewal of the operating permit under Title V of the federal Clean Air Act of the Suncor refinery in Commerce City.

Suncor's continuing violations of its existing operating permit, even in the wake of its 2020 consent decree with the Colorado Department of Public Health and Environment (CDPHE) and years of public scrutiny, strongly indicate that Suncor is incapable of operating in a way that protects public health in a manner consistent with the Clean Air Act, and indeed may never come into compliance with a renewed operating permit. I am especially concerned that the failure of Suncor to follow the law has had and will continue to have a significant negative impact on the health of the residents in the surrounding communities, including those in Elyria-Swansea and Globeville, whom I represent in the U.S. House of Representatives.

Because of Suncor's repeated violations, I have serious concerns about whether the company will ever comply with its permit and believe you should review closely whether it should be renewed at all.

If your department does decide to renew the permit, I would ask that you require Suncor to install and upgrade its equipment and implement the work practices necessary for the refinery to be able to meet the highest environmental standards. In order to meet this goal, I would request that all the following measures be implemented:

- Incorporating health-based standards into the Title V permit which account for Suncor's contribution to the cumulative health impacts borne by the refinery's neighbors as the result of the multiple sources of pollution -- from Suncor, the other industrial operations, the freeway, the railyard, and other such sources. These standards would replace those that exist in Suncor's current permit, which are based on a decades-old assessment of the "best available technology," rather than on the need not to exacerbate the health impacts of the plant's neighbors.
- Independent fence-line air monitoring, to provide the refinery's neighbors a trustworthy source of information about the pollutants to which they may be exposed, both on a

routine basis and in the event of non-routine events. I understand Cultivando, a local community group, has proposed such a monitoring process and that its proposal has been accepted for funding. Such monitoring should be maintained for the life of the facility.

- Implementing inherently-safer design of Suncor's existing equipment, so the refinery's processes present a lower level of danger even if things go wrong, rather than accepting such hazards as a given and resorting primarily to protective systems to address them.
- Implementing redundant protective equipment for those processes that cannot be made inherently safer, so the facility is not relying on a single line of defense against potential incidents.
- Zero tolerance by your department of continued violations, starting today, with escalating fines and other sanctions for violations which are set at a high enough level that Suncor cannot simply pay them as a cost of doing business.

These strict requirements are justified by the severe environmental sensitivity of the residential neighborhoods surrounding the facility, which have been subjected to continuous pollution for too many years.

Thank you for the consideration of my request.

Sincerely,



Diana DeGette
Member of Congress