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March 16, 2022

KC Becker, Regional Administrator
U.S. Environmental Protection Agency
Region 8 Office
1595 Wynkoop Street
Denver, CO 80202

Dear Regional Administrator Becker:

I am writing to request that the U.S. Environmental Protection Agency (EPA) Region 8 Office carefully review the Title V (Clean Air Act) operating permit for the Suncor Refinery's Plant 2 in Commerce City, Colorado approved by Colorado's Department of Public Health and Environment (CDPHE) and explore whether there are opportunities under existing authority to strengthen pollution protections. In addition, I urge you to work with EPA headquarters and CDPHE to identify additional actions outside the permit process that can help ensure Suncor's compliance with all applicable pollution permits and regulations.

The Suncor Refinery has a well-documented multi-year history of non-compliance with emissions limits.¹ The facility's proximity to the neighborhoods of Commerce City and North Denver makes its pattern of pollution exceedances and technical malfunctions particularly concerning. As you know, low income and minority communities are disproportionately burdened by environmental hazards. I applaud the ways in which the EPA under President Biden has underscored the importance of addressing environmental justice concerns – and urge the agency to turn its attention toward helping protect the health and well-being of the vulnerable communities that surround the Suncor facility.

I appreciate CDPHE's recommendation to EPA to include new protections in Suncor's Title V air permit based on community feedback including stricter monitoring requirements, additional performance testing requirements, increased monitoring, and a requirement that Suncor post continuous emissions monitoring data.

¹ See, for example: EPA's ECHO database, Suncor detailed facility report [here](#); "Suncor Commerce City Refinery – Third-Party Root Cause Investigation" (April 12, 2021), available on CDPHE's website [here](#); public comments from Adams County and Commerce City, Colorado to CDPHE regarding the Plant 2 Title V Operating Permit Renewal (March 2021).

Beyond those steps, I believe your review of Suncor's Title V air permit should include:

- Taking a close look at whether modifications at the facility identified in the permit as "minor" should actually be categorized "major" which would trigger more thorough agency review and oversight of pollution control equipment;
- Analyzing whether appropriate emissions factors were used throughout the permit, including AP-42 emissions factors, or whether updates are necessary to ensure pollution levels are not being underestimated; and
- Exploring whether there are opportunities to require additional monitoring or reporting. This could include continuous emissions monitoring systems (CEMS) for pollutants released from stacks at the East Plant. It might also include requiring Suncor to document and explain the factors leading to any future pollution violations or exceedances on a regular basis.

Outside the current permit process, I also urge you to work with EPA headquarters to identify and deploy new tools and resources that can support CDPHE in ensuring Suncor's compliance. This might include:

- Deploying technical assistance, including EPA staff with particular expertise in refinery operations and pollution control equipment at the facility to support CDPHE staff;
- Exploring opportunities to collaborate with and support CDPHE on enforcement actions at Suncor; and
- Identifying new opportunities for public engagement and solicitation of input from the local communities in collaboration with CDPHE, emphasizing environmental justice.

I hope you will give this important matter the attention it deserves.

Sincerely,



U.S. Senator Michael F. Bennet

Cc: Michael Regan, Administrator, U.S. Environmental Protection Agency