



June 10, 2021
Joan Card
Colorado Department of Public Health & Environment
4300 Cherry Creek S. Drive
Denver, CO 80246

RE: Regulation #31

Dear Ms. Card,

The City of Commerce City (the "City") is aware of the June 14, 2021 Colorado Department of Public Health and Environment ("CDPHE") rulemaking proceeding on the matter of the Water Quality Control Commission (the "WQCC") Regulation #31 (with Regulations #32 - #38) (the "Regulations"). On behalf of the City, I write this letter to share our perspective and as a call to action for CDPHE. The City strongly opposes the proposed rollback of the antidegradation rule and requests the WQCC revisit its decision to not apply the antidegradation rule to the South Platte River in the City.

Given the special importance of water quality matters to the City, it is frustrating that neither the Water Quality Control Division (the "WQCD") nor the WQCC reached out to the City to inform them of the hearing last June on the addition of an antidegradation rule that would have continued to improve the community's water quality. Additionally, the WQCD and WQCC have not reached out to the City to provide notification of that decision or to seek input on the roll back of antidegradation review. This lack of communication underscores a lack of stakeholder input throughout the process. These decisions will significantly affect the water quality in communities like ours across the state; our voices should be not only heard but sought out in this process.

Protection of waterways in the State from preventable industrial pollution is crucial to the City. CDPHE is well aware of the discharge of hazardous substances such as per- and polyfluoroalkyl substances, commonly referred to as PFAS into waterways affecting the City, such as Sand Creek and the South Platte River. These "forever chemicals" present an imminent and substantial endangerment to health and the environment. Two chemicals, PFOA and PFOS, are known to cause developmental effects in infants, cancer, liver malfunction, and several other adverse hepatic, cardiovascular, endocrine, immune, reproductive, and developmental consequences. The PFAS levels in Sand Creek often exceed the EPA's Lifetime Health Advisory of 70 ppt.

Our community has suffered from a myriad of environmental health problems. Heavy industrial activity, such as that of the Suncor Oil Refinery (the "refinery"), are in part responsible. Previous actions and adverse affects thereof have degraded community confidence in the effectiveness of existing regulations and in the willingness of the refinery to abide by them.

The refinery has been a source of employment and fiscal health for the City. Leaks from the refinery's operations and property, however, have degraded the water quality in Sand Creek and the South Platte River, have endangered the health of the community and wildlife, and have diminished the trust of city residents. Preserving existing regulations and creating enhanced regulations limiting industrial pollution and promoting clean waterways will not only improve resident health but repair community trust and improve the important working relationship between the City and the refinery. These actions will serve as a model of environmental leadership and cooperation between communities and industries to safeguard environmental health.

On behalf of the City, we look forward to our continued interactions to ensure a quality community for a lifetime. Thank you.

Sincerely,

Benjamin Huseman
Mayor
Commerce City