



COLORADO
Department of Public
Health & Environment

December 8, 2020

Dear Stakeholders,

As the Colorado Air Pollution Control Division (APCD) prepares for public engagement for Suncor Energy Refinery's operating permits over the next few years, we want to share background information on what an operating permit is, the scope of authority the Colorado Department of Public Health (CDPHE) has, and the purpose and impact of the public comment process. A basic understanding of these concepts will support meaningful engagement for communities throughout the permit process.

The Federal Environmental Protection Agency's Clean Air Act (CAA) Title V requires certain operations to obtain a permit to control air pollution called an operating permit. Prior to issuing an operating permit, the public may comment on the permit. The goal of the public comment period is to ensure the community is informed of what the permit covers and provide the public an opportunity to share their input. Comments are carefully considered and help ensure the permit covers all of the requirements delineated in federal and state regulations and that the permit is clearly written so compliance can be monitored.

The public comment period is used to potentially identify issues that are tied to the regulatory / statutory criteria in the permit. Public comment may affect what enforceable requirements are included in a permit, but are most likely to influence the permit by comment on improvements to Suncor's monitoring and record keeping they want to see (those requirements covered by a Title V operating permit). However, under Title V of the Federal CAA, APCD is required to issue a permit if the application criteria and regulatory requirements are met. We think it is important to communicate and be transparent about what APCD is legally required to do within this permit process. If a permittee violates the terms of the permit, the APCD can enforce the terms of the permit to control air pollution.

We also acknowledge that the requirements of the permit process are frustrating for some community members and stakeholders who have specific outcomes in mind. We hear that the community has strong concerns about Suncor's impacts on surrounding neighborhoods and are taking additional steps to better understand, respond to, and address these concerns where possible. In addition to the formal public comment period, CDPHE will be holding a series of virtual community conversations relating to

Suncor. This will include an initial public listening session to discuss the upcoming permitting process and hear the public's concerns, followed by several smaller, more-in depth conversations with people and families living near Suncor and the organizations that serve them. Meetings and related materials will be provided in English and Spanish.

We know this is a lot of information and are here to answer questions, hear concerns and your suggestions for engaging with the communities around Suncor. Please contact us at cdphe.commentsapcd@state.co.us.

The following pages contain specific details about the Suncor Plant 2 Operating Permit Renewal including links to the current permit, as well as information and links that will be helpful in understanding the general Federal Title V Operating Permitting process. We will be developing materials for the public to help explain the concepts and opportunities for input (in English and Spanish). We are asking for your help to encourage community engagement.

Sincerely,



Garrison Kaufman
Director
Air Pollution Control Division
Colorado Department of Public Health and the Environment

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Suncor Air Permit Information

Suncor Energy Commerce City Refinery, Plant 2 - Operating Permit Renewal

Community and Stakeholder Listening Session: January 7, 2021

Formal Public Comment period begins on or after January 15, 2021

Additional Community Conversations: January - March 2021 (dates TBD)

Overview:

- The Suncor Energy Commerce City Refinery, located on Brighton Boulevard near Sand Creek in Commerce City, is the only major petroleum refinery in Colorado. It is a Title V major source facility, which means it emits more than 50 tons of NOx or VOC per year. Suncor's Commerce City refinery is a major supplier of gasoline and diesel fuel for Colorado and provides jet fuel used at Denver International Airport. It is also the state's primary producer of paving-grade asphalt for Colorado's roads.
- The Suncor refinery consists of two functional refineries, with two separate operating permits. This permit renewal is for Plant 2, the former CRC / Valero refinery. Plants 1 and 3 are the former Conoco refinery.

Suncor Plant 2 Title V Operating Permit:

- Suncor's Plant 2 operating permit is a legally-enforceable document which compiles all existing air quality control and permit requirements that apply to the Plant 2 equipment into one comprehensive operating permit. The operating permit combines all emission limits and related monitoring, recordkeeping and reporting requirements.
- The renewal application for Plant 2 equipment was received from Suncor on October 1, 2010. CDPHE recognizes that the permit renewal was not completed within the regulatory time frame, due to a staffing shortage which resulted in a permit backlog. However, since a timely and complete renewal application was submitted, the current permit for Plant 2 is in force until the renewal permit is issued.
- Approximately 40 modifications are being proposed to be included in this operating permit renewal. These permit modification applications were received over time, from March 2009 through February 2020. Examples of these requested permit modifications are as follows:
 - Include emission limits required by a legal settlement.
 - Incorporate requirements from Construction Permits.
 - Revise emission factors or emission calculation methods, which resulted in changes in permitted emissions.
 - Include or revise applicable requirements.
 - Administrative changes, such as changes to descriptions, the individuals listed in the permit or listing operating parameters that were not previously listed.

○ Several modifications did not result in any increase in actual or permitted emissions, although there were a number of modifications that did.

- The change in permitted emissions (in tons/year) from the modifications are as follows:

PM/PM ₁₀ /PM _{2.5}	SO ₂	NO _x	VOC	CO
11.66	-232.50	-110	138.05	-23.68

- Currently, there is no Hydrogen Cyanide (HCN) limit in the operating permit as it is not legally required. We anticipate that an application will come in for a HCN limit after more testing has been completed.
 - APCD is currently working on a Community Hydrogen Cyanide Monitoring Study to address community concerns on this important issue. APCD will be conducting monitoring over two 1-week periods in December/January while Suncor is also performing stack testing for HCN. Sampling for HCN will be performed primarily at sites associated with nearby communities, plus a background site. The funding for this study was provided by Suncor as part of their 2020 settlement.

Suncor Plant 2 Operating Permit Renewal Engagement and Timeline:

- The Air Pollution Control Division (Division) will publish a draft renewal operating permit for the Suncor Energy Commerce City Refinery, Plant 2 equipment, for public comment on or after January 15, 2021.
- The public will have the opportunity to formally comment on the issuance of the Title V Renewal Operating Permit for Suncor Plant 2 starting on or after January 15, 2020. This is an opportunity for comments on specific components on the Suncor Plant 2 operating permit. Please see [this link](#) for information on how to make an effective public comment.
- Prior to this formal public comment opportunity, CDPHE will host a community listening session via Zoom on January 7, 2021 from 6:00-8:00pm. Registration details will be shared soon. While the formal public comment period is a more technical process around the specific details within the Suncor permit, this session is intended to be a broader discussion regarding the facility's permit and the permitting process.
- We anticipate that the Plants 1 and 3 permit will be considered for public comment, likely in 2022.

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Title V Operating Permitting Process General Information

Title V of the Clean Air Act was created by the 1990 Clean Air Act Amendments. It contains the operating permit program, which applies to specific stationary sources of air pollution. Operating permits combine all applicable requirements for a source into one permit, including but not limited to: construction permit requirements, state regulatory requirements established by Colorado's Air Quality Control Commission, and federal regulatory requirements established by the Environmental Protection Agency. The intent of the program was to provide the source, regulatory agencies, and citizens with a legally enforceable document designed to improve compliance with all applicable requirements.

Some of the distinguishing features of Title V operating permits include:

- Owners or operators must submit semi-annual monitoring and permit deviation reports.
- Owners or operators must certify that the source is in compliance each year.
- Operating Permits must be renewed every 5 years.
- Operating Permits must include sufficient monitoring, recordkeeping and reporting that will establish the source's compliance with all requirements.
- Each initial and renewed operating permit, as well as significant modifications, are subject to public comment and an opportunity for a hearing before the Air Quality Control Commission.

You can find more helpful information about the general Title V Permitting Process using these resources:

[Title V operating permits main page | Department of Public Health & Environment](#)

[Title V operating permits by company name](#)

[About Title V operating permits](#)

[Title V operating permit Application Form](#)

- Explains what information is required to apply for Title V operating permit.

[Title V Modification Decision Flowchart](#)

- Shows which types of permit changes lead to a minor vs. significant permit modification.

[Title V Minor Modification Application Form](#)

- Section 6 describes the criteria for a minor permit modification, which does not require the public comment process.