

PFAS/Refinery: Denver Trout Unlimited Files Administrative Challenge to Colorado of Public Health and Environment NPDES Permit Limits



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Denver Trout Unlimited, GreenLatinos, and the Colorado Sierra Club (collectively “Trout Unlimited”) filed an April 5th Request for an Adjudicatory Hearing (“Request”) before the Colorado Department of Public Health and Environment (“CDPHE”) challenging a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit issued to Suncor Energy (USA), Inc. (“Suncor”).

The organizations filing the Request describe themselves as having members that live, recreate, and work nearby and downstream from the Suncor oil refinery.

The Request addresses what is described as a Suncor oil refinery that produces 98,000 barrels a day. The refinery is located in Commerce City, Colorado.

The refinery is stated to currently operate under a discharge permit issued in 2012 for a five-year term. Because of the expiration of this discharge permit, Suncor has continued to operate under the existing permit while the CDPHE Water Quality Division processed a renewal permit. A final discharge permit renewal is stated to have been issued on March 6th.

The Request alleges that the final discharge permit contains errors involving two main subject areas:

1. Limits on discharges of per- and poly-fluoroalkyl substances and certain other pollutants into Sand Creek
2. Failure to impose limits on discharges to the Burlington Ditch

The Request alleges that the CDPHE Water Quality Division has committed error in five respects. The errors allegedly associated with the final discharge permit include that the Final Permit:

1. adopts a 70 partper-trillion (ppt) limit for PFAS discharges that is too high to satisfy Colorado water quality standards;
2. allows Suncor a prolonged years-long schedule to come into compliance with many permit limits;
3. requires PFAS monitoring frequencies that are insufficient to ensure compliance with permit conditions;

4. fails to evaluate or include Technology Based Effluent Limitations for PFAS discharges at relevant outfalls; and
5. adopts provisions for monitoring and studying discharges into Sand Creek and the Burlington Ditch that do not conform with applicable regulations.

A copy of the Request can be downloaded [here](#).