

# CLEAN WATER ACT

## Enforcement Activity at the Suncor Commerce City Refinery

### COMMUNITY INFORMATION SHEET SEPTEMBER 2024



The U.S. Department of Justice (DOJ), the Environmental Protection Agency (EPA), and the Colorado Department of Public Health and Environment (CDPHE) have been investigating Suncor's Commerce City Refinery to make sure that Suncor is complying with the Clean Water Act. The investigation began with EPA and CDPHE inspections to evaluate Suncor's compliance with federal and state laws that protect water quality and prevent and control oil spills.

#### WHAT DID THE INSPECTIONS SHOW?

- Suncor violated its water permit limits for benzene, total suspended solids, and other pollutants multiple times between 2020 and 2024.
- Suncor does not have enough storage for its stormwater, which led to releases of sediment and other pollutants carried by stormwater from the Refinery to Sand Creek and the South Platte River in 2015, 2016, 2017, and 2023.
- In 2020 and 2021, Suncor released oil into Sand Creek, which caused oil sheens and required cleanup.
- Suncor does not have enough secondary containment at over half of the Refinery's oil storage tank areas.
- Suncor's Facility Response Plan (FRP) does not include all necessary information for responding to a worst-case oil spill and is missing key emergency response information.



*Suncor Refinery with Sand Creek in foreground.*

Additional information on EPA and CDPHE's Inspections at the Refinery is available from **EPA's Compliance Evaluation Inspections web page.**

<https://www.epa.gov/npdes-permits/epa-clean-water-act-compliance-evaluation-inspections-suncor-energy-usa-inc-commerce>

## WHAT ARE SOME OF THE POTENTIAL ENVIRONMENTAL AND PUBLIC HEALTH PROBLEMS CAUSED BY SUNCOR'S FAILURE TO FOLLOW FEDERAL AND STATE WATER LAWS?

- Oil spills may affect water quality in Sand Creek and downstream waters used for recreation, aquatic life, agriculture, and drinking water supply.
- Permit limits are set to protect water quality. Discharging wastewater and stormwater beyond permit limits to Sand Creek and the South Platte River may impact water quality and downstream drinking water resources.
- Federal Spill Prevention, Control, and Countermeasure (SPCC) regulations require secondary containment to prevent oil spills from reaching waters and shorelines. If a spill occurs, secondary containment should contain the oil temporarily until response and cleanup can occur. Inadequate or missing secondary containment increases the potential for oil to reach Sand Creek and other nearby waterways in the event of a tank leak or failure.
- A strong Facility Response Plan (FRP) helps ensure that facilities that store large amounts of oil are prepared to respond if a spill occurs.

## WHAT IS THE GOVERNMENT DOING ABOUT SUNCOR'S VIOLATIONS?

DOJ, EPA, and CDPHE are exploring available enforcement methods and are in discussions with Suncor about the violations and potential solutions to make sure Suncor follows federal and state water laws at the Refinery. Based on these discussions, Suncor has already fixed some of the problems EPA and CDPHE found during the inspections, including building larger secondary containment areas at the Refinery. Enforcement actions may include civil penalties and requirements that Suncor follow the Clean Water Act.

Visit the EPA web pages for more details on the **Clean Water Act, Spill Prevention, Control and Countermeasure (SPCC) Rule, and Facility Response Plan (FRP) Rule.**

## WHAT IS SECONDARY CONTAINMENT?

Secondary containment is a structure or device designed to contain liquids such as oil that may leak or spill from a bulk storage container. **Secondary containment often is made of raised earth barriers or concrete walls, built around above-ground oil storage tanks.** Secondary containment provides an important safety measure to prevent oil from reaching soil and nearby waterways if there is an oil leak or spill from a main oil storage tank.



*Suncor's Commerce City Refinery with a raised dirt secondary containment wall around the storage tank area.*

DOJ, EPA, and CDPHE plan to provide additional information and engagement opportunities for the community in this matter. If you have questions, comments, or would like to request additional information about the Clean Water Act inspections and enforcement activity at Suncor's Commerce City Refinery, please email EPA at [SuncorCommunityInput@epa.gov](mailto:SuncorCommunityInput@epa.gov).

