



Colorado Department  
of Public Health  
and Environment

# NEWS RELEASE

Office of Communications  
Colorado Department of Public Health and Environment

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## **Colorado Department of Public Health and Environment issues compliance orders to Suncor Energy for air quality violations at Commerce City refinery**

DENVER — The Colorado Department of Public Health and Environment's Air Pollution Control Division confirmed today that Suncor Energy (USA) will pay approximately \$2.2 million in fines as part of two separate compliance orders resulting from air quality violations at its Commerce City refinery. The total penalty amount is \$2,204,673. The compliance orders were agreed to in negotiations with Suncor.

State inspectors discovered violations of state and federal requirements during an inspection of the refinery which occurred in the summer of 2010. Inspections of large sources such as the Suncor facility take several days and are conducted annually.

The most significant violations relate to the national emission standard for benzene waste operations. Penalties will be paid both to the state of Colorado and the U.S. Environmental Protection Agency. The orders allow Suncor to use a portion of the penalty amount to perform supplemental environmental projects to secure significant environmental or public health protection and improvements within the community affected by the violations.

"These orders enable us to move forward with Suncor to resolve related noncompliance issues," said Will Allison, Air Pollution Control Division director. "They lay out a specific and detailed path back to compliance with state and federal regulations that includes the redesign and replacement of equipment and controls, training and other requirements.

"The division has worked closely with Suncor since the 2010 inspection to resolve and mitigate the noncompliance issues. Remedies for many of the violations related to control and monitoring were put in place by Suncor by the end of the summer of 2010," said Allison.

Although a portion of the Air Pollution Control Division's actions also address compliance issues related to benzene, the actions are separate from those taken by the Hazardous Materials and Waste

Management Division, and are not a part of any recent order related to the release of petroleum products from the refinery that affected Sand Creek.

Suncor's refinery includes three plants that originally were constructed and owned by other companies. Suncor acquired two of the plants in 2003 from Conoco and the other in 2005 from Colorado Refining Company. At the time of those sales, the plants were – and remain – subject to a pair of federal consent decrees that addressed past noncompliance issues and detailed other specific compliance requirements. Suncor assumed liability for both consent decrees at the time of purchase. The compliance orders issued today include stipulated penalties resulting from violations of those existing consent decrees.

Among the state's findings during its 2010 inspection was failure to properly inspect and maintain equipment vital to the handling of benzene in process wastewater. As a result, Suncor exceeded the allowable uncontrolled benzene quantity in both 2008 and 2009. The national emission standard for benzene waste operations applies to equipment and processes that treat, store or dispose of benzene waste.

“We have no evidence to suggest the benzene-related violations discovered during our 2010 inspection are connected to the circumstances that led to the Sand Creek contamination,” Allison said.

Suncor also was cited for failure to conduct periodic equipment inspections, implement an annual training program for employees and complete the development of standard operating procedures for certain control equipment.

The two compliance orders can be viewed here:

<http://www.cdphe.state.co.us/ap/suncor034.pdf>

<http://www.cdphe.state.co.us/ap/suncor049.pdf>