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Submitted Via Electronic Mail To:

Colorado Air Pollution Control Division
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Re: Request for Public Comment Hearing on Suncor Energy (U.S.A.), Inc. Commerce City Refinery – Plants 1 and 3 – Adams County, Title V Operating Permit Modification (96OPAD120)

Cross Community Coalition (“CCC”), with and through its counsel Earthjustice, respectfully submits this request for a public comment hearing before the Colorado Air Quality Control Commission (“AQCC”), concerning the Colorado Air Pollution Control Division’s (“APCD” or “the Division”) notice of a draft revised permit modification and preliminary determination of approval for modifications to the Title V permit (96OPAD120) for Suncor Energy (U.S.A.)’s Commerce City Refinery Plants 1 and 3.

I. A Public Hearing is Needed to Allow for Meaningful Public Participation and for the Division to Hear and Address the Concerns of the Communities Near the Suncor Refinery Which Are Heavily Overburdened with Air Pollution and Health Impacts.

The Suncor Refinery is a 98,000-barrel-per-day refinery, located in Commerce City at Brighton Boulevard and I-270, just north of Denver.¹ It consists of three facilities: Plants 1 and 3, whose permit modification is currently pending approval by the Division; and Plant 2. Suncor’s emissions represent one of the largest sources of air pollution in the Denver-Metro area. The Suncor Refinery (previously under other ownership) has been found to have repeatedly violated its air pollution permits, and has been subject to numerous enforcement actions as a result.² Frequent accidents have raised significant concerns in neighboring communities, with alarming orange clouds of smoke often seen rising above the refinery from miles away.³ A significant portion (approximately 20%) of the oil produced at the refinery comes from the oil or tar sands in Canada, which can cause even higher levels of toxic air pollution.⁴

Residents of the area surrounding the Suncor Refinery—the north Denver neighborhoods of Elyria-Swansea and Globeville, and Commerce City in Adams County—face the greatest environmental health risks of any area in Colorado.⁵ The neighborhoods also are home to high percentages of Latino and low-income residents.⁶ Both Denver and Adams County are part of the Northern Front Range ozone nonattainment area for ozone.⁷ Denver has a long history of

having poor air quality, and EPA estimated that, based on 2010 population data, over 3 million people (3,300,000) in the Northern Front Range nonattainment area are exposed to dangerous levels of ozone (based on the 2008 8-hour ozone National Ambient Air Quality Standards).⁸ As the Division is well aware, just a handful of bad ozone days this summer will bump the area into “serious” nonattainment, and any incremental increase in volatile organic compound (VOC) and nitrogen oxide (NO_x) emissions represent a major concern for air quality and require careful scrutiny. Given these concerns and the neighborhood’s demographics, any proposal to regulate air pollution from the Suncor Refinery must ensure consideration of the serious environmental justice problem in the nearby areas. This proposed permit modification deserves the Division’s and the AQCC’s careful scrutiny through a public comment hearing that ensures meaningful input from the community members most affected by the refinery’s pollution.

Commerce City is a home rule municipality in Adams County.⁹ Commerce City is growing rapidly, with a population now over 50,000, nearly 46% of which is Latino.¹⁰ Commerce City includes both newer, more suburban developments north of the former Rocky Mountain Arsenal, and older, more densely populated neighborhoods west of the Arsenal. The latter areas are located just northeast of Suncor, and share many demographic characteristics with nearby north Denver neighborhoods like Elyria-Swansea and Globeville. According to the U.S. Census Bureau, the three Commerce City census tracts closest to the refinery, numbers 87.05, 87.09, and 89.01, are 64%, 70%, and 64% Latino, respectively.¹¹

Elyria-Swansea and Globeville Are Historically Latino Communities That Face Significant Air Pollution Impacts and Are Subject to a Record of Environmental Injustice.

Suncor is also located immediately north of one Denver neighborhood, Elyria-Swansea, and just northeast of another Denver neighborhood, Globeville. According to a recent Health Impact Assessment, the Elyria-Swansea and Globeville neighborhoods of Denver are physically isolated from the rest of Denver by railroads, industrial facilities, and the South Platte River and remain highly industrial—only 16% of Elyria-Swansea is made up of residences, parks, recreation facilities, and schools.¹² While much of Denver has witnessed a boom in community improvements, Elyria-Swansea and Globeville have aging infrastructure, significant pollution, industry that was allowed to encroach into the residential communities through zoning approvals, and a lack of public resources.

Elyria-Swansea is younger, poorer, less-educated, and has more monolingual Spanish speakers and families with children than Denver as a whole.¹³ Elyria-Swansea’s population is 84% Latino, 44% low-income, and 41% Limited English Proficiency.¹⁴ Elyria-Swansea’s residents are also 6.1% African-American and 1.9% American Indian.¹⁵ Globeville is 67.8% Latino and 53.4% low-income.¹⁶ By comparison, Denver as a whole is 31.8% Latino, 28.3% low-income, and 13.9% Limited English Proficiency.¹⁷ Adams County as a whole is 38.0% Latino, 19.9% low-income, and 15.2% Limited-English Proficiency.¹⁸

Given the concentration of pollution and barriers to accessing amenities enjoyed by more affluent neighborhoods, it is hardly surprising that Elyria-Swansea and Globeville have some of the highest rates of asthma, cancer, cardiovascular disease, diabetes, and obesity in Denver.¹⁹ The HIA found that “northern and western Denver neighborhoods have higher emergency room

rates for youth asthma-related events than others, with higher than average rates observed around the I-70 corridor and the junction of I-70 and I-25.”²⁰ The annual rate of asthma-related emergency room visits by children is 38% greater than Denver as a whole (39.6/1,000 Elyria-Swansea residents, compared to 28.5/1,000).²¹ A 2003 study found higher than expected rates of several cancers in Globeville and Elyria-Swansea.²² Residents of Denver City Council District 9, where Elyria-Swansea and Globeville are located, experience a 42% higher cardiovascular disease death rate than District 2, which has no major interstate highway (213/100,000 residents, compared to just above 150/100,000 residents).²³ These adverse health outcomes are causally linked to air pollution.²⁴ Another recent study showed that the average life expectancy for a Globeville resident is 73 years; an Elyria-Swansea resident is 78; and a resident of Stapleton, a neighborhood just a few miles to the east, is 84.²⁵

The zip code immediately east and south of Suncor, 80216, where Elyria-Swansea and Globeville are located, was recently identified as the most polluted in the nation.²⁶ The report, developed by ATTOM Data Solutions, which curates a nationwide property and real estate database, analyzed 8,642 U.S. zip codes with available housing data, focusing on: (1) air quality (derived from the average percentage of days without significant traces of criteria pollutants, based on EPA data); (2) Superfund sites; (3) polluting sources listed in EPA’s Toxic Release Inventory (“TRI”); and (4) brownfields and former drug labs.²⁷ ATTOM ranked each of the four criteria on a 1 to 250 scale, then combined scores in all four indices for an aggregate score. 80216 scored 455 in ATTOM’s index.²⁸ The next highest score, zip code 92408 in San Bernardino, California, was 400.²⁹

The Elyria-Swansea and Globeville communities have also been separately identified as part of the “most polluted zip code in Colorado.”³⁰ These neighborhoods have borne a disproportionate share of the risks posed by a plethora of existing sources of pollution, including the Suncor Refinery, and also a power plant, a pet food factory that emits noxious odors, several Superfund sites, and several highways. The HIA specifically identified “upset events that do not occur often and tend to be short-lived” as “significant” air quality issues in the area, citing the Suncor Refinery’s planned “event[s]” and flaring as a result of malfunctions or emergency incidents as examples.³¹ The negative impacts of smelting and other industrial operations in the neighborhood are also a longstanding health risk. The ASARCO lead and arsenic smelter contaminated air and soil throughout Globeville and Elyria-Swansea, leading to a lengthy legal battle in which the community, led by CCC, eventually triumphed, resulting in the closure and cleanup of the smelter, now a Superfund site.³²

Despite these challenges, Elyria-Swansea remains a vibrant and unique community, with well above-average home ownership rates and numerous families that are proud to have considered it their home for generations. CCC and local community members seek to ensure that they have full ability to be able to enjoy living here without harmful air pollution or other impacts it can cause undermining their health, safety, quality of life, and other interests.

II. Request for a Public Comment Hearing by Cross Community Coalition

The Suncor Refinery is a major source of pollution with a track record of compliance problems in an already overburdened, majority Latino area. It now seeks authorization from the

Division to release more air pollution into this community, which has significant air quality problems and health and safety concerns due to the refinery. Community members, including CCC members, have particular concerns about the proposed modifications to the Title V operating permit for Plants 1 and 3 and believe a hearing is needed to ensure they can effectively raise these concerns. Accordingly, CCC requests a public comment hearing on the proposed modifications in order to voice their concerns and present comments; to ensure that the Division hears, considers, and addresses these during the permitting process; and to ensure that all applicable permit requirements are fully implemented.

Under Colorado law:

If within thirty calendar days of publication of . . . public notice [of a proposed modification of a major source in a nonattainment area] . . . an interested person submits a written request for a public hearing to the division, the division shall transmit such request to the commission along with the application, the division's preliminary analysis, and any written comments received by the division, within five calendar days of the end of such thirty-day period. The commission shall, within sixty calendar days after receipt of the application, comments, and analysis . . . hold a public hearing to elicit and record the comment of any interested person regarding the sufficiency of the preliminary analysis and whether the permit application should be approved or denied.

Colo. Rev. Stat. § 25-7-114.5(6)(b).

Notice of the proposed modifications to the Suncor Plants 1 and 3 Title V permit was published on May 11, 2017.³³ Less than 30 days have passed since then. Accordingly, the Division must transmit this written request for a public comment hearing to the AQCC, which “shall . . . hold a public hearing to elicit and record the comment of any interested person.” Colo. Rev. Stat. § 25-7-114.5(6)(b).

Although CCC is requesting this hearing, other members of the community and public may be interested in attending the hearing, speaking to the AQCC, and submitting written comments. CCC intends to help ensure as broad as possible public participation in the upcoming hearing. *See* 5 Colo. Code Regs. § 1001-1:VII.D.1 (“A public comment hearing is intended to encourage citizen participation and provide a forum for information gathering by the agency”). Providing the opportunity for such broad participation is consistent with the Colorado Department of Public Health and Environment’s (“CDPHE”) “commitment to environmental justice,” which it has committed to advancing by, *inter alia*, “ensur[ing] that a meaningful opportunity for community input from low income and minority populations is provided early in regulatory processes through a robust stakeholder involvement process.”³⁴

Additionally, CCC intends to submit written comments for consideration by the AQCC at the hearing to supplement its written testimony in more detail. *See* 5 Colo. Code Regs. § 1001-1:VII.D.3 (“Any person . . . may submit written statements or present oral comments at the public comment hearing.”); *see also id.* § 1001-1:VII.D.5 (“All comments received at the hearing are recorded for the hearing record. Written comments are encouraged and will be accepted until the close of the public hearing.”).

In the public notice of the hearing, the Division specifically provided that hearing requests should: “[1] state the reason(s) for the request, [2] the manner in which the person [requesting the hearing] is affected by the proceedings, and [3] an explanation of why the person’s interests are not already adequately represented.”³⁵ Each of these factors is addressed briefly below.

1. The Reasons for the Request

Given Suncor’s history of violations of the Clean Air Act and other statutes, the high levels of air and other pollution already present in the community which is part of an ozone nonattainment area, the health and safety concerns, and the vulnerability of the public and particularly the populations of Elyria-Swansea, Globeville, and Commerce City as discussed above, CCC is concerned about air pollution from the Suncor Refinery and the exposure, risks, and health impacts it can cause, along with other kinds of harm. There is also a high level of public interest in this facility and community members have raised concerns for years about air pollution problems and safety threats. For example, when the City and County of Denver were developing the Health Impact Assessment, they cataloged a number of concerns about air pollution generally, as well as particular concerns about air quality in these neighborhoods including due to emissions from Suncor.³⁶ Recently, in March 2017, for the second time in five months, the refinery released hundreds of pounds of chemicals into the air as a result of malfunctions resulting in part from a power outage.³⁷ Not only did the community face additional harmful air pollution as a result of this release, streets were closed and the community was forced to worry about extreme health hazards and whether it would be necessary to shelter in place or evacuate. The prior release in October similarly prompted road closures, “a school lockdown[,] and a warning to residents to remain indoors.”³⁸

Each review or revision of the refinery’s permit which authorizes ongoing additional air pollution to be released, and particularly the set of applications before the Division now—in which Suncor seeks authorization to increase its air emissions at the refinery—raise significant public health, community well-being, and environmental justice concerns. The Division has recognized that these concerns are relevant and important in its permitting decisions. Many community members within the CCC area were not aware of and have not yet had a chance to offer comments regarding the proposed permit modifications. Holding a public hearing with adequate advance notice will ensure that there is a chance for affected community members to participate in this process and serve the Clean Air Act’s public participation objectives, as well as the Division’s recognized goal of ensuring meaningful public input in the permitting process.

CCC also has specific concerns about the proposed permit modifications. For example, CCC seeks to ensure adequate public notice and airing of concerns it has regarding proposed emissions allowances and increases, including of VOCs which form ozone in an area already in nonattainment for ozone and of specific chemicals like hydrogen cyanide which are highly toxic;³⁹ the aggregation and assumptions used to determine the emissions impact(s) of the proposed modifications; the assumptions used regarding various pollution control measures (such as the tank degassing thermal oxidizer); as well as other components of the Division’s analysis used to create conditions of the draft permit. Additionally, the permit modifications state that they implement several nationally-applicable Clean Air Act regulations, including fence-line monitoring and chemical disaster prevention requirements. CCC supports the full

implementation of all Clean Air Act requirements, seeks to ensure that all unlawful or otherwise harmful exemptions and loopholes are removed from the permit, and seeks to ensure meaningful community input regarding fence-line monitoring and other parts of the permit implementing these requirements. CCC seeks to offer comments that will assist the Division in making its final permit decision within the applicable legal and regulatory framework and in service of its responsibility to protect public health and its commitment to advance environmental justice.

2. Information on the Requester and How the Requester Is Affected

Cross Community Coalition is a registered neighborhood organization (“RNO”) with the City of Denver that was recognized by the City in 2015.⁴⁰ It represents the entire community in the area bordered by Colorado Boulevard to the east, the Denver/Adams County line to the north, the South Platte River to the west, and 38th Street and 40th Avenue to the south. CCC is a grassroots organization that seeks to assist, serve, and represent the neighbors in this community. CCC is honored to take up the mantle of a previous iteration of CCC, which was a neighborhood services organization that advocated for and served north Denver residents for decades.⁴¹ CCC devotes much of its advocacy to improving air quality in north Denver.⁴²

The address and phone number of Requester CCC are provided below.

Cross Community Coalition
Attn: Candi CdeBaca
4301 Thompson Court
Denver, CO 80216
720-289-7884
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As discussed above, the neighborhood for which CCC is a RNO (Elyria-Swansea) is exposed to and affected by air pollution from the Suncor Refinery. CCC serves and represents the interests of community members who live close to, work, go to school and places of worship, engage in recreational activities near, and who are exposed to and otherwise impacted by air pollution from the refinery. For example, the undersigned member and representative of CCC, Candi CdeBaca, is a fourth-generation Swansea resident. Ms. CdeBaca suffers from asthma, which is aggravated by air pollution and can be life threatening. She lives within three miles of the refinery, regularly engages in activities at home and other places in her neighborhood that she wants to be able to continue to enjoy, and is concerned that air pollution from the refinery is hurting and will further threaten her health, her quality of life, and her property value.

3. Why the Requester’s Interests Are Not Adequately Represented

The Division has reviewed Suncor’s permit modification application and made a preliminary determination of approval. After a preliminary review of the application, CCC has several significant concerns about approving the permit modification, some of which are summarized above, that the Division has not adequately addressed or explained in the materials provided for public review. For this reason alone, the Requester’s interests are not adequately represented by the Division.

Additionally, the Division as a state agency has different interests than CCC, an RNO dedicated to the betterment and protection of a particular neighborhood, Elyria-Swansea, and its resident members' health and well-being. CCC is concerned with ensuring that if the Division decides to burden north Denver with even more pollution, where the disproportionate impacts of that pollution fall on the predominantly Latino and low-income population of the area, that it fully considers and addresses the resulting health concerns, and that it includes appropriate conditions in the permit to protect public health and the interests of the community members and to assure compliance. The health and air quality concerns of the area most affected by the permit, including the Elyria-Swansea neighborhood, require additional consideration by the Division through the public hearing process to ensure the Division adequately addresses the most-exposed community members' concerns about health, safety, and air quality.

III. Conclusion

For the foregoing reasons, CCC respectfully requests a public comment hearing on the proposed modifications to the Title V permit for the Suncor Energy (U.S.A.), Inc.'s Commerce City Refinery Plants 1 and 3. CCC further requests that, in addition to following all applicable public notice requirements, that the Division also communicate with and notify its undersigned representatives regarding the Division's response to this letter and the requested public hearing. Please also add each of the undersigned to the public notice list for any future public notices regarding the Suncor Refinery. CCC and Earthjustice are available to speak with the Division about this request at your convenience, if helpful.

Thank you very much for your time and consideration.

/s/ Joel Minor

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On behalf of Cross Community Coalition

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Cc: DJ Law, EPA Region 8 Air Permitting, law.donald@epa.gov

LIST OF APPENDIX DOCUMENTS

1. Ava Farouche_Curated Map-Streets and Hispanic Population Map_11-15-2016.pdf
2. Ava Farouche_Curated Maps-EJScreen and Demographic Background Maps_11-15-2016.pdf
3. Cara DeGette_Grit of Globeville Part 2_01-23-2013.pdf
4. CDOT, I-70 East Final EIS (2016) (Excerpts)
5. Denver, Health Impact Assessment (2014) (Excerpts)
6. Groundwork Denver_Healthy Air for North Denver_12-23-2008.pdf
7. Jefferson Dodge_Justice- Boulder attorneys battles against polluter pay off for poor Denver neighborhood_05-13-2010.pdf
8. Julie Dugdale_In a run-down neighborhood, theres lots of love_06-13-2005.pdf
9. RealtyTrac_17.3 Million US Homes with Combine Value of 4.9 Trillion in Zip Codes with High Environmental Hazard Risk_02-16-2017.pdf
10. Steve Raabe_Asarco closure plan cheers Globeville_07-12-2006.pdf
11. Tina Griego_Having done so much, rest is hard_06-24-2009.pdf
12. US Census Bureau_Demographic Profile (2010).pdf

Endnotes

¹ See Suncor, *Refining*, <http://www.suncor.com/about-us/refining> (last visited June 6, 2017).

² See, e.g., EPA, ECHO (Enforcement Compliance and History Online), *Detailed Facility Report*, <https://echo.epa.gov/detailed-facility-report?fid=110032913024> (last visited June 6, 2017); Bruce Finley, *Suncor refinery in Commerce City to pay for air-pollution violations*, Denver Post (Apr. 2, 2012), <http://www.denverpost.com/2012/04/02/suncor-refinery-in-commerce-city-to-pay-for-air-pollution-violations/>; see also Bruce Finley, *Suncor to pay \$1.9 million to settle lawsuit over South Platte spill*, Denver Post (Nov. 18, 2013), <http://www.denverpost.com/2013/11/18/suncor-to-pay-1-9-million-to-settle-lawsuit-over-south-platte-spill/> (discussing water pollution incident); see, e.g., EPA, Conoco, Inc. Refinery Civil Judicial Settlement, <https://www.epa.gov/enforcement/conoco-inc-refinery-civil-judicial-settlement> (last updated Oct. 13, 2016) (covering previously owned Conoco portion of the Commerce City refinery); <https://www.epa.gov/enforcement/valero-petroleum-refinery-settlement> (covering previously owned Valero portion of the Commerce City refinery); see also EPA, *EPA Enforcement: National Petroleum Refinery Initiative* 62 (Feb. 11, 2011), <https://www.epa.gov/sites/production/files/documents/refineryinitiative-powerpoint021111.pdf> (noting that Suncor Energy acquired the Denver, Colo. Refinery in 2003, later integrated with adjacent refinery acquired from Valero in 2005); see, e.g., Colorado Air Compliance Tracking and Inventory System, Enforcement Case Summary Report Without Comments 3, https://www.colorado.gov/pacific/sites/default/files/AP_EnfAct1stQtr2017.pdf (Suncor cited for enforcement action resolved in Jan. 2017).

³ Bruce Finley, *Suncor oil refinery spewed hundreds of pounds of toxic gases over Denver—again—after Xcel power outage*, Denver Post (Mar. 16, 2017), <http://www.denverpost.com/2017/03/16/suncor-oil-refinery-toxic-gas-denver-xcel/>; Bruce Finley, *Suncor refinery accident released 75,600 pounds of sulfur dioxide, 150 times daily limit*, Denver Post (Oct. 28, 2016), <http://www.denverpost.com/2016/10/28/suncor-sulfur-dioxide-release/>; Kevin Simpson, *et al.*, *Suncor refinery power failure produces yellow plume, prompting safety measures*, Denver Post (Oct. 14, 2016), <http://www.denverpost.com/2016/10/14/commerce-city-suncor-hazmat/>; Ben Markus, *Commerce City Oil Refinery Beset By Violations*, Colo. Pub. Radio (Apr. 3, 2012), <http://www.cpr.org/news/story/commerce-city-oil-refinery-beset-violations>.

⁴ See, e.g., Natural Res. Def. Council, NRDC Issue Brief – Tar Sands Crude Oil: Health Effects of a Dirty and Destructive Fuel 5 (Feb. 2014), <https://www.nrdc.org/sites/default/files/tar-sands-health-effects-IB.pdf>.

⁵ See generally Ava Farouche, Earthjustice, *Curated EJScreen and Other Demographic Background Maps of North Denver’s I-70 Corridor* (Nov. 15, 2016) (attached).

⁶ *Id.*

⁷ https://www.colorado.gov/pacific/sites/default/files/AP_PO_ozone-nonattainment-area-map.pdf; see also Colo. Dep’t of Pub. Health & Env’t, *History of Ozone in Colorado*, <https://www.colorado.gov/pacific/cdphe/ozone-planning-chronology> (last viewed June 7, 2017).

⁸ EPA, *Summary Nonattainment Area Population Exposure Report* (as of Feb. 13, 2017), <https://www3.epa.gov/airquality/greenbook/popexp.html>.

⁹ Commerce City, CO, *History*, <https://www.c3gov.com/index.aspx?nid=287> (last visited June 6, 2017).

¹⁰ *Id.*

¹¹ See U.S. Census Bureau, *Census Interactive Population Search* (2010), www.census.gov/2010census/popmap/ (calculations on file with author).

¹² Gretchen Armijo & Gene C. Hook, Denver Dep’t of Env’tl Health, *How Neighborhood Planning Affects Health in Globeville & Elyria Swansea* 12 (Sept. 2014), https://www.denvergov.org/content/dam/denvergov/Portals/746/documents/HIA/HIA%20Comp%20Report_9-18-14.pdf (“HIA”); see also Denver Dep’t of Health, *Health Impact Assessment*, <https://www.denvergov.org/content/denvergov/en/environmental-health/community-health/health-impact-assessment.html> (last viewed June 8, 2017).

¹³ HIA at 14.

¹⁴ *Id.* at 14; Colo. Dep’t of Transp., *I-70 East Final Environmental Impact Statement and Section 4(f) Evaluation* at 5.2-23–24, -29 (Jan. 2016), <http://www.i-70east.com/reports.html#feis> (“FEIS”).

¹⁵ FEIS at 5.2-21.

¹⁶ *Id.* at 5.2-23, -29.

¹⁷ *Id.* at 5.2-23–24, -29.

¹⁸ *Id.*

¹⁹ HIA at 16–17.

²⁰ *Id.* at 16.

²¹ *Id.*

²² *Id.* at 17.

²³ *Id.* at 16.

²⁴ EPA, (last updated Oct. 28, 2016), <https://www.epa.gov/sciencematters/linking-air-pollution-and-heart-disease>.

²⁵ Colo. Pub. Radio, *Map: In Denver, Your Neighborhood Can Say A Lot About How Long You'll Live* (Dec. 2, 2015), <http://www.cpr.org/news/story/map-denver-your-neighborhood-can-say-lot-about-how-long-youll-live>.

²⁶ See Aldo Svaldi, *Northeast Denver neighborhood is nation's most polluted*, Denver Post (Feb. 16, 2017), <http://www.denverpost.com/2017/02/16/denver-most-polluted-zip-code/>.

²⁷ RealtyTrac, *17.3 Million U.S. Homes with Combined Value of \$4.9 Trillion in Zip Codes with High Environmental Hazard Risk* (Feb. 16, 2017), <http://www.realtytrac.com/news/home-prices-and-sales/2016-environmental-hazard-housing-risk-index/>.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Groundwork Denver, Inc., *Healthy Air for North Denver: CARE Grant Final Report* at 1 (Dec. 23, 2008), https://archive.epa.gov/air/care/web/pdf/hand_report.pdf.

³¹ HIA at 21.

³² *Id.* at 13; see also Cara DeGette, *The Grit of Globeville: Part 2: 'Going Up Against More Money than God,'* Colo. Pub. News (Jan. 23, 2013), <https://www.centerforhealthjournalism.org/fellowships/projects/grit-globeville-part-2>; Jefferson Dodge, *Justice: Boulder attorneys' battles against polluter pay off for poor Denver neighborhood*, Boulder Weekly (May 13, 2010), <http://www.boulderweekly.com/news/justice/>; Steve Raabe, *Asarco closure plan cheers Globeville*, Denver Post (July 12, 2006), <http://www.denverpost.com/2006/07/12/asarco-closure-plan-cheers-globeville/>; Luke Turf, *My Way for the Highway*, Westword (Nov. 24, 2005), <http://www.westword.com/news/my-way-for-the-highway-5087536>. The ASARCO smelter is not the only Superfund site in the immediate vicinity; the Vasquez Boulevard/I-70 Superfund site, another four-square mile area impacted by historic smelting activities, is located in Globeville. HIA at 13.

³³ See APCD, *Air Permit Public Notices*, <https://www.colorado.gov/pacific/cdphe/air-permit-public-notice> (last visited June 6, 2017).

³⁴ CDPHE & EPA Region 8, *Colorado Environmental Performance Partnership Agreement 12* (2015), https://www.colorado.gov/pacific/sites/default/files/PPA_SignedFinalAgreement_FY2016-2017.pdf.

³⁵ APCD, *Notice of a Proposed Title V Operation Permit Modification Warranting Public Comment: Suncor Energy (U.S.A.), Inc. – Commerce City Refinery – Plants 1 and 3 – Adams County* (May 11, 2017), www.colorado.gov/pacific/sites/default/files/AP_SuncorEnergy%28U.S.A.%29CommerceCityMay11_PN.pdf. The Notice also provided that hearing requests should identify the individual or group requesting the hearing and state the requester’s address and phone number. Contact information for Candi CdeBaca, the CCC member requesting this hearing, is provided on the last page of this Request.

³⁶ See HIA Appendix E (Air Pollution in Denver, Globeville and Elyria-Swansea), https://www.denvergov.org/content/dam/denvergov/Portals/746/documents/HIA/Appendix%20E%20-%20Air%20Pollution%20in%20Denver%20and%20GES_2014.pdf (“North Denver neighborhoods are located closer to major point sources of pollution, and occasional upsets are noticeable and measurable, both for air quality and odors”); HIA App. P (Public Comment Record and Responses), <https://www.denvergov.org/content/dam/denvergov/Portals/746/documents/HIA/Appendix%20P%20-%20Public%20Comment%20Record%20and%20Responses.pdf> (discussing concerns about air pollution and other impacts from Suncor, as well as other sources).

³⁷ Finley (Mar. 2017), *supra* n.3.

³⁸ *Id.*

³⁹ See, e.g., EPA, IRIS, Hydrogen Cyanide, https://cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance_nمبر=60 (describing critical effects on the endocrine and reproductive systems); Cal. EPA OEHHA, *Hydrogen Cyanide*, <https://oehha.ca.gov/chemicals/hydrogen-cyanide> (last visited June 8, 2017) (describing neurotoxicity, and health risks to the endocrine and cardiovascular systems); Cal. EPA OEHHA, App. D.3 Chronic RELs and toxicity summaries using the previous version of the Hot Spots Risk Assessment guidelines (Dec. 19, 2008), <https://oehha.ca.gov/media/downloads/crn/appendixd3final.pdf>.

⁴⁰ See City of Denver, Denver’s Registered Neighborhood Organizations (RNOs), <https://www.denvergov.org/content/denvergov/en/community-planning-and-development/registered-neighborhoods.html> (last viewed June 8, 2017).

⁴¹ See Tina Griego, *Having done so much, rest is hard*, Denver Post (June 24, 2009), <http://www.denverpost.com/2009/06/24/griego-having-done-so-much-rest-is-hard/>; Julie Dugdale, *In a run-down neighborhood, there’s lots of love: A Denver activist fights for her community*, High Country News (June 13, 2005), <http://www.hcn.org/issues/300/15583>.

⁴² See, e.g., Jon Murray, *Activism, lawsuits could delay or derail the massive I-70 expansion in denver—but are they long shots?*, Denver Post (Apr. 17, 2017), <http://www.denverpost.com/2017/04/17/denver-i-70-expansion-project-activism-lawsuits/>; Julie Turkewitz, *Colorado Aims to Expand a Main Artery, but Beleaguered Neighbors Balk*, N.Y. Times (Feb. 19, 2017), https://www.nytimes.com/2017/02/19/us/denver-interstate-70-expansion.html?_r=0; Tina Griego, *Community groups file civil rights complaint to stop I-70 expansion*, Colo. Independent (Nov. 16, 2016), <http://www.coloradoindependent.com/162546/civil-rights-title-vi-complaint-i-70-expansion>; Brendaliss Gonzalez, *Neighbors and environmental groups sue EPA over I-70 expansion*, Denver ABC Channel 7 (Mar. 17, 2016),

<http://www.thedenverchannel.com/news/front-range/denver/neighbors-and-environmental-groups-sue-epa-over-i-70-expansion>.