

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1147.02 Pierce Lively x2059

SENATE BILL 20-218

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SENATE SPONSORSHIP

Fenberg and Lee,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Finance

House Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES BY THE DEPARTMENT OF PUBLIC HEALTH AND  
102 ENVIRONMENT TO PROTECT THE PUBLIC FROM CERTAIN  
103 HAZARDOUS SUBSTANCES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires the executive director of the department of revenue to collect a fee equal to \$25 per truckload for every manufacturer of fuel products who manufactures such products for sale within Colorado or who ships such products from any point outside of Colorado to a distributor within Colorado and every distributor who ships such

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

products from any point outside of Colorado to a point within Colorado. This fee is used primarily to:

- ! Fund the perfluoroalkyl and polyfluoroalkyl substances cash fund;
- ! Support the department of transportation in functions related to the administration of hazardous materials freight movement and infrastructure in the state as well as infrastructure projects that enhance the safety of movement of hazardous materials; and
- ! Support the Colorado state patrol in the regulation of hazardous materials on highways in the state.

The executive director of the department of revenue stops collecting the fee for a fiscal year once he or she has collected \$8 million of these fees for that fiscal year.

The bill creates the perfluoroalkyl and polyfluoroalkyl substances cash fund, which is used to fund the perfluoroalkyl and polyfluoroalkyl substances grant program, fund the perfluoroalkyl and polyfluoroalkyl substances takeback program, and provide technical assistance in locating and studying perfluoroalkyl and polyfluoroalkyl substances to communities, stakeholders, and regulatory boards or commissions.

The bill creates the perfluoroalkyl and polyfluoroalkyl substances grant program. The grant program provides funding for the sampling, assessment, and investigation of perfluoroalkyl and polyfluoroalkyl substances in ground or surface water; water system infrastructure used for the treatment of identified perfluoroalkyl and polyfluoroalkyl substances; and emergency assistance to communities and water systems affected by perfluoroalkyl and polyfluoroalkyl substances.

The bill creates the perfluoroalkyl and polyfluoroalkyl substances takeback program. The takeback program is used to purchase and dispose of eligible materials that contain perfluoroalkyl and polyfluoroalkyl substances.

The bill also requires the department of public health and environment to report to the general assembly annually on the use of the perfluoroalkyl and polyfluoroalkyl substances cash fund and the administration of the perfluoroalkyl and polyfluoroalkyl substances grant program and takeback program.

The bill also creates new civil penalties for owners or operators of storage tanks at gasoline dispensing facilities who violate requirements to maintain a vapor collection system and for owners and operators of gasoline dispensing facilities who violate requirements to maintain records.

Lastly, the bill requires stakeholders from gasoline dispensing facilities and gasoline transport truck companies to collaborate with the division of administration in the department of public health and environment in creating maintenance guidelines to assist owners and

operators of gasoline dispensing facilities and gasoline transport trucks in complying with the requirements of air quality control commission regulations.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 8-20-206.5, **add** (6)  
3 and (7) as follows:

4 **8-20-206.5. Environmental response surcharge - liquefied**  
5 **petroleum gas and natural gas inspection fund - perfluoroalkyl and**  
6 **polyfluoroalkyl substances cash fund - definitions.** (6) (a) IN ADDITION  
7 TO THE PAYMENT COLLECTED UNDER SUBSECTION (1)(a) OF THIS SECTION,  
8 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL ALSO  
9 COLLECT A FEE TO:

10 (I) FUND THE PERFLUOROALKYL AND POLYFLUOROALKYL  
11 SUBSTANCES CASH FUND;

12 (II) SUPPORT THE DEPARTMENT OF TRANSPORTATION IN  
13 FUNCTIONS RELATED TO FREIGHT MOVEMENT AND INFRASTRUCTURE IN  
14 THE STATE AS WELL AS INFRASTRUCTURE PROJECTS THAT ENHANCE THE  
15 SAFETY OF MOVEMENT OF COMMERCIAL MATERIALS; AND

16 (III) SUPPORT THE COLORADO STATE PATROL IN REGULATING  
17 HAZARDOUS MATERIALS ON HIGHWAYS IN THE STATE.

18 (b) ON AND AFTER SEPTEMBER 1, 2020, BUT BEFORE SEPTEMBER  
19 1, 2026, EVERY MANUFACTURER OF FUEL PRODUCTS WHO MANUFACTURES  
20 SUCH PRODUCTS FOR SALE WITHIN COLORADO OR WHO SHIPS SUCH  
21 PRODUCTS FROM ANY POINT OUTSIDE OF COLORADO TO A DISTRIBUTOR  
22 WITHIN COLORADO AND EVERY DISTRIBUTOR WHO SHIPS SUCH PRODUCTS  
23 FROM ANY POINT OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO  
24 SHALL PAY TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF

1 REVENUE, EACH CALENDAR MONTH, TWENTY-FIVE DOLLARS PER TANK  
2 TRUCKLOAD OF FUEL PRODUCTS DELIVERED DURING THE PREVIOUS  
3 CALENDAR MONTH FOR SALE OR USE IN COLORADO. THIS SECTION DOES  
4 NOT APPLY TO FUEL THAT IS USED IN AVIATION OR TO ODORIZED LIQUEFIED  
5 PETROLEUM GAS AND NATURAL GAS.

6 (c) ON AND AFTER SEPTEMBER 1, 2020, BUT BEFORE OCTOBER 1,  
7 2021, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL  
8 TRANSMIT ANY FEE COLLECTED IN ACCORDANCE WITH THIS SUBSECTION  
9 (6) TO THE STATE TREASURER, WHO SHALL CREDIT:

10 (I) FIFTY PERCENT, MINUS THE COSTS TO THE DEPARTMENT OF  
11 REVENUE FOR ADMINISTERING THE FEE, TO THE PERFLUOROALKYL AND  
12 POLYFLUOROALKYL SUBSTANCES CASH FUND;

13 (II) TWENTY-FIVE PERCENT, MINUS THE COSTS TO THE  
14 DEPARTMENT OF REVENUE FOR ADMINISTERING THE FEE, TO THE  
15 DEPARTMENT OF TRANSPORTATION TO SUPPORT FUNCTIONS RELATED TO  
16 THE ADMINISTRATION OF HAZARDOUS MATERIALS FREIGHT MOVEMENT  
17 AND INFRASTRUCTURE IN THE STATE AS WELL AS SUPPORTING  
18 INFRASTRUCTURE PROJECTS THAT ENHANCE THE SAFETY OF MOVEMENT OF  
19 HAZARDOUS MATERIALS; AND

20 (III) TWENTY-FIVE PERCENT, MINUS THE COSTS TO THE  
21 DEPARTMENT OF REVENUE FOR ADMINISTERING THE FEE, TO THE  
22 DEPARTMENT OF PUBLIC SAFETY FOR USE BY THE COLORADO STATE  
23 PATROL TO SUPPORT THE REGULATION OF HAZARDOUS MATERIALS ON  
24 HIGHWAYS IN THE STATE.

25 (d) ON AND AFTER OCTOBER 1, 2021, BUT BEFORE OCTOBER 1,  
26 2026, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL  
27 TRANSMIT ANY FEE COLLECTED IN ACCORDANCE WITH THIS SUBSECTION

1 (6) TO THE STATE TREASURER, WHO SHALL CREDIT:

2 (I) ONE HUNDRED THOUSAND DOLLARS TO THE DEPARTMENT OF  
3 PUBLIC SAFETY FOR USE BY THE COLORADO STATE PATROL TO SUPPORT  
4 THE REGULATION OF HAZARDOUS MATERIALS ON HIGHWAYS IN THE STATE;

5 (II) SEVENTY-FIVE PERCENT OF THE AMOUNT REMAINING, MINUS  
6 THE COSTS TO THE DEPARTMENT OF REVENUE FOR ADMINISTERING THE  
7 FEE, TO THE PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES  
8 CASH FUND; AND

9 (III) TWENTY-FIVE PERCENT OF THE AMOUNT REMAINING, MINUS  
10 THE COSTS TO THE DEPARTMENT OF REVENUE FOR ADMINISTERING THE  
11 FEE, TO THE DEPARTMENT OF TRANSPORTATION TO SUPPORT FUNCTIONS  
12 RELATED TO THE ADMINISTRATION OF HAZARDOUS MATERIALS FREIGHT  
13 MOVEMENT AND INFRASTRUCTURE IN THE STATE AS WELL AS SUPPORTING  
14 INFRASTRUCTURE PROJECTS THAT ENHANCE THE SAFETY OF MOVEMENT OF  
15 HAZARDOUS MATERIALS.

16 (e) NOTWITHSTANDING SUBSECTION (6)(b) OF THIS SECTION, IF THE  
17 AVAILABLE FUND BALANCE IN THE PERFLUOROALKYL AND  
18 POLYFLUOROALKYL SUBSTANCES CASH FUND IS GREATER THAN EIGHT  
19 MILLION DOLLARS, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
20 REVENUE SHALL NOT COLLECT THE FEE DESCRIBED IN SUBSECTION (6)(b)  
21 OF THIS SECTION, BUT IF THE AVAILABLE BALANCE IN THE FUND IS LESS  
22 THAN EIGHT MILLION DOLLARS WITHIN A FISCAL YEAR, THE EXECUTIVE  
23 DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL IMPOSE A FEE IN  
24 ACCORDANCE WITH SUBSECTION (6)(b) OF THIS SECTION.

25 (f) AS USED IN THIS SUBSECTION (6), "FUEL PRODUCTS" MEANS ALL  
26 GASOLINE; DIESEL; BIODIESEL; BIODIESEL BLENDS; KEROSENE; AND ALL  
27 ALCOHOL BLENDED FUELS THAT ARE PRODUCED, COMPOUNDED, AND

1 OFFERED FOR SALE OR USED FOR THE PURPOSE OF GENERATING HEAT,  
2 LIGHT, OR POWER IN INTERNAL COMBUSTION ENGINES OR FUEL CELLS, FOR  
3 CLEANING, OR FOR ANY OTHER SIMILAR USAGE. "FUEL PRODUCTS" DOES  
4 NOT MEAN FUEL THAT IS USED IN AVIATION OR ODORIZED LIQUEFIED  
5 PETROLEUM GAS AND NATURAL GAS.

6 (7) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
7 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES CASH FUND,  
8 REFERRED TO IN THIS SUBSECTION (7) AS THE "FUND". THE FUND CONSISTS  
9 OF MONEY CREDITED TO THE FUND PURSUANT TO SUBSECTION (6) OF THIS  
10 SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
11 APPROPRIATE OR TRANSFER TO THE FUND.

12 (b) THE MONEY IN THE FUND SHALL NOT BE DEPOSITED IN OR  
13 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. THE STATE  
14 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE  
15 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY  
16 UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND SHALL REMAIN  
17 IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE  
18 GENERAL FUND OR ANY OTHER FUND.

19 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED FOR  
20 COSTS RELATED TO:

21 (I) ADMINISTERING THE PERFLUOROALKYL AND  
22 POLYFLUOROALKYL SUBSTANCES GRANT PROGRAM AND AWARDED  
23 GRANTS IN ACCORDANCE WITH SECTION 25-5-1309;

24 (II) ADMINISTERING THE PERFLUOROALKYL AND  
25 POLYFLUOROALKYL SUBSTANCES TAKEBACK PROGRAM AND PURCHASING  
26 AND DISPOSING OF ELIGIBLE MATERIALS UNDER THE TAKEBACK PROGRAM  
27 IN ACCORDANCE WITH SECTION 25-5-1310; AND

1 (III) PROVIDING TECHNICAL ASSISTANCE IN LOCATING AND  
2 STUDYING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES TO  
3 COMMUNITIES, STAKEHOLDERS, AND REGULATORY BOARDS OR  
4 COMMISSIONS FOR THE FOLLOWING PURPOSES:

5 (A) DEVELOPING GUIDANCE AND RECOMMENDATIONS REGARDING  
6 HUMAN HEALTH-BASED STANDARDS FOR PERFLUOROALKYL AND  
7 POLYFLUOROALKYL SUBSTANCES IN WATER OR OTHER MEDIA;

8 (B) PROVIDING HEALTH RISK ASSESSMENTS FOR COMMUNITIES,  
9 WATER PROVIDERS, OR OTHERS REGARDING PERFLUOROALKYL AND  
10 POLYFLUOROALKYL SUBSTANCES FOUND IN WATER OR OTHER MEDIA; AND

11 (C) IDENTIFYING SAFE DISPOSAL METHODS OF MATERIALS  
12 CONTAINING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

13 **SECTION 2.** In Colorado Revised Statutes, 25-5-1302, **add** (3.3),  
14 (3.5), (3.7), (5.5), (5.7), and (8) as follows:

15 **25-5-1302. Definitions.** As used in this part 13, unless the context  
16 otherwise requires:

17 (3.3) "ELIGIBLE ENTITY" MEANS AN ENTITY IDENTIFIED BY THE  
18 DEPARTMENT AS AN ENTITY THAT MAY QUALIFY FOR THE GRANT  
19 PROGRAM.

20 (3.5) "ELIGIBLE MATERIAL" MEANS A MATERIAL CONTAINING  
21 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES THAT IS  
22 IDENTIFIED BY THE DEPARTMENT AS ELIGIBLE FOR PURCHASE UNDER THE  
23 TAKEBACK PROGRAM.

24 (3.7) "FEES" MEANS THE FEES IMPOSED BY SECTION 8-20-206.5 (6).

25 (5.5) "FUND" MEANS THE PERFLUOROALKYL AND  
26 POLYFLUOROALKYL SUBSTANCES CASH FUND CREATED IN SECTION  
27 8-20-206.5 (7).

1 (5.7) "GRANT PROGRAM" MEANS THE PERFLUOROALKYL AND  
2 POLYFLUOROALKYL SUBSTANCES GRANT PROGRAM CREATED SECTION  
3 25-5-1309.

4 (8) "TAKEBACK PROGRAM" MEANS THE PROGRAM CREATED IN  
5 SECTION 25-5-1310 THAT ALLOWS THE DEPARTMENT TO PURCHASE AND  
6 DISPOSE OF MATERIALS THAT CONTAIN PERFLUOROALKYL AND  
7 POLYFLUOROALKYL SUBSTANCES.

8 **SECTION 3.** In Colorado Revised Statutes, **add** 25-5-1309,  
9 25-5-1310, and 25-5-1311 as follows:

10 **25-5-1309. Perfluoroalkyl and polyfluoroalkyl substances**  
11 **grant program.** (1) THERE IS HEREBY CREATED WITHIN THE  
12 DEPARTMENT THE PERFLUOROALKYL AND POLYFLUOROALKYL  
13 SUBSTANCES GRANT PROGRAM.

14 (2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH  
15 THE GRANT PROGRAM FOR THE FOLLOWING PURPOSES:

16 (a) SAMPLING, ASSESSMENT, AND INVESTIGATION OF  
17 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES IN GROUND OR  
18 SURFACE WATER;

19 (b) FUNDING WATER SYSTEM INFRASTRUCTURE USED FOR THE  
20 TREATMENT OF IDENTIFIED PERFLUOROALKYL AND POLYFLUOROALKYL  
21 SUBSTANCES; AND

22 (c) PROVIDING EMERGENCY ASSISTANCE TO COMMUNITIES AND  
23 WATER SYSTEMS AFFECTED BY PERFLUOROALKYL AND POLYFLUOROALKYL  
24 SUBSTANCES.

25 (3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM  
26 AND SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. SUBJECT TO  
27 AVAILABLE APPROPRIATIONS, GRANTS SHALL BE PAID OUT OF THE FUND.

1 (4) THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES  
2 AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM,  
3 THESE POLICIES AND PROCEDURES MUST SPECIFY:

- 4 (a) WHO MAY QUALIFY AS AN ELIGIBLE ENTITY;
- 5 (b) THE TIME FRAMES FOR APPLYING FOR GRANTS;
- 6 (c) THE CRITERIA USED TO EVALUATE AND PRIORITIZE  
7 APPLICATIONS FOR GRANTS;
- 8 (d) THE FORM OF THE GRANT PROGRAM APPLICATION; AND
- 9 (e) THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

10 (5) TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST SUBMIT AN  
11 APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH THE POLICIES  
12 AND PROCEDURES SPECIFIED BY THE DEPARTMENT.

13 (6) A GRANTEE SHALL USE THE MONEY RECEIVED THROUGH THE  
14 GRANT PROGRAM ONLY FOR ACHIEVING GOALS APPROVED BY THE  
15 DEPARTMENT.

16 (7) A GRANTEE SHALL REPORT ANNUALLY TO THE DEPARTMENT ON  
17 THE PROGRESS OF ANY PROJECT FINANCED BY THE GRANT PURSUANT TO  
18 TERMS SPECIFIED IN THE GRANT AWARD AGREEMENT.

19 (8) THE DEPARTMENT SHALL DEVELOP A POLICY REGARDING A  
20 GRANTEE'S NONCOMPLIANCE WITH THE GRANT AWARD AGREEMENT  
21 ENTERED INTO BY THE GRANTEE AND THE DEPARTMENT. THIS POLICY MAY  
22 INCLUDE A MECHANISM FOR THE DEPARTMENT TO CONVERT THE GRANT TO  
23 A LOAN WITH INTEREST.

24 **25-5-1310. Perfluoroalkyl and polyfluoroalkyl substances**  
25 **takeback program.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT  
26 THE PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES TAKEBACK  
27 PROGRAM TO CREATE AN INCENTIVE FOR THE PROPER DISPOSAL OF

1 MATERIALS CONTAINING PERFLUOROALKYL AND POLYFLUOROALKYL  
2 SUBSTANCES BY ALLOWING THE DEPARTMENT TO PURCHASE AND  
3 PROPERLY DISPOSE OF SUCH MATERIALS.

4 (2) THE DEPARTMENT SHALL ADMINISTER THE TAKEBACK  
5 PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS AND REVENUES  
6 FROM THE FUND, SHALL PURCHASE AND DISPOSE OF ELIGIBLE MATERIALS.

7 (3) THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES  
8 AS NECESSARY TO IMPLEMENT THE TAKEBACK PROGRAM. AT A MINIMUM,  
9 THESE POLICIES AND PROCEDURES MUST DESCRIBE:

10 (a) WHAT MATERIALS QUALIFY AS ELIGIBLE MATERIALS;

11 (b) THE PURCHASE PRICE FOR EACH ELIGIBLE MATERIAL;

12 (c) THE PROPER METHOD OF DISPOSAL FOR EACH ELIGIBLE  
13 MATERIAL;

14 (d) THE TIME FRAME FOR APPLYING FOR THE PURCHASE OF  
15 ELIGIBLE MATERIALS;

16 (e) THE FORM OF THE ELIGIBLE MATERIAL PURCHASE APPLICATION;

17 AND

18 (f) THE TIME FRAME FOR PURCHASING ELIGIBLE MATERIALS.

19 (4) TO HAVE THE DEPARTMENT PURCHASE AN ELIGIBLE MATERIAL,  
20 A PERSON OR ENTITY MUST SUBMIT AN ELIGIBLE MATERIAL PURCHASE  
21 APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH THE POLICIES  
22 AND PROCEDURES ADOPTED BY THE DEPARTMENT.

23 (5) THE DEPARTMENT SHALL PUBLISH THE PURCHASE PRICE FOR  
24 EACH ELIGIBLE MATERIAL.

25 **25-5-1311. Reporting requirement.** (1) NOTWITHSTANDING  
26 SECTION 24-1-136 (11)(a)(I), THE DEPARTMENT SHALL ANNUALLY REPORT  
27 BY FEBRUARY 1, 2021, AND FEBRUARY 1 OF EACH YEAR UNTIL FEBRUARY

1 1, 2027, TO THE GENERAL ASSEMBLY'S COMMITTEES OF REFERENCE WITH  
2 JURISDICTION OVER PUBLIC HEALTH REGARDING:

3 (a) ANY AMOUNTS CREDITED TO THE FUND IN THE PREVIOUS YEAR  
4 AND THE UNOBLIGATED BALANCE OF THE FUND;

5 (b) THE NUMBER OF GRANT APPLICANTS AND THE NUMBER AND  
6 VALUE OF GRANTS AWARDED UNDER THE GRANT PROGRAM;

7 (c) THE ELIGIBLE ENTITIES THAT HAVE APPLIED FOR A GRANT  
8 UNDER THE DEPARTMENT THE GRANT PROGRAM, THE ACTIONS TAKEN BY  
9 EACH GRANTEE, OTHER MEASUREMENTS OF SUCCESS, AND THE AMOUNT  
10 OF GRANT MONEY DISTRIBUTED TO EACH GRANTEE;

11 (d) THE AMOUNT OF ELIGIBLE MATERIALS PURCHASED AND  
12 PROPERLY DISPOSED OF BY THE DEPARTMENT UNDER THE TAKEBACK  
13 PROGRAM;

14 (e) ANY NEWLY LOCATED PERFLUOROALKYL AND  
15 POLYFLUOROALKYL SUBSTANCES; AND

16 (f) ANY SUGGESTED LEGISLATION OR POLICY CHANGES.

17 **SECTION 4.** In Colorado Revised Statutes, 25-7-122, **amend** (1)  
18 introductory portion; and **add** (1)(f), (1)(g), and (1)(h) as follows:

19 **25-7-122. Civil penalties.** (1) Upon application of the division,  
20 penalties as determined under this ~~article~~ ARTICLE 7 may be collected by  
21 the division by action instituted in the district court for the district in  
22 which is located the air pollution source affected in accordance with the  
23 following provisions:

24 (f) ANY PERSON WHO OWNS OR OPERATES STORAGE TANKS AT A  
25 GASOLINE DISPENSING FACILITY, AS DEFINED BY REGULATIONS  
26 PROMULGATED BY THE AIR QUALITY CONTROL COMMISSION, WHO  
27 VIOLATES ANY REQUIREMENT TO MAINTAIN A VAPOR COLLECTION SYSTEM

1 PURSUANT TO AIR QUALITY CONTROL REGULATIONS SHALL BE SUBJECT TO  
2 A CIVIL PENALTY OF NOT MORE THAN FIFTEEN THOUSAND DOLLARS PER  
3 DAY FOR EACH DAY OF SUCH A VIOLATION.

4 (g) ANY PERSON WHO OWNS OR OPERATES A GASOLINE DISPENSING  
5 FACILITY, AS DEFINED BY REGULATIONS PROMULGATED BY THE AIR  
6 QUALITY CONTROL COMMISSION, WHO VIOLATES ANY REQUIREMENT TO  
7 MAINTAIN RECORDS REQUIRED PURSUANT TO AIR QUALITY CONTROL  
8 COMMISSION REGULATIONS AND THE AIR POLLUTION CONTROL DIVISION  
9 SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN FIVE  
10 THOUSAND DOLLARS. FOR A SECOND VIOLATION, THE CIVIL PENALTY  
11 SHALL BE NOT MORE THAN TEN THOUSAND DOLLARS. FOR A THIRD OR  
12 SUBSEQUENT VIOLATION, THE CIVIL PENALTY SHALL BE NOT MORE THAN  
13 FIFTEEN THOUSAND DOLLARS.

14 (h) THE DIVISION, IN CONSULTATION WITH STAKEHOLDERS FROM  
15 GASOLINE DISPENSING FACILITIES AND GASOLINE TRANSPORT TRUCK  
16 COMPANIES, AS DEFINED BY REGULATIONS PROMULGATED BY THE AIR  
17 QUALITY CONTROL COMMISSION, SHALL DEVELOP DESIGN, OPERATION,  
18 AND MAINTENANCE GUIDELINES BY JUNE 30, 2021. THE GUIDELINES WILL  
19 ASSIST OWNERS AND OPERATORS OF GASOLINE DISPENSING FACILITIES AND  
20 GASOLINE TRANSPORT TRUCKS IN COMPLYING WITH THE REQUIREMENTS  
21 OF AIR QUALITY CONTROL COMMISSION REGULATIONS.

22 **SECTION 5. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.