

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-1147.02 Pierce Lively x2059

**SENATE BILL 20-218**

---

**SENATE SPONSORSHIP**

**Fenberg and Lee,**

**HOUSE SPONSORSHIP**

**(None),**

---

**Senate Committees**  
Finance

**House Committees**

---

**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.**

---

**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.

---

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;     

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

18           (IV) PAY THE COSTS TO THE DEPARTMENT OF REVENUE FOR  
19 ADMINISTERING THE FEE.

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

1 FROM ANY POINT OUTSIDE OF COLORADO TO A POINT WITHIN COLORADO  
2 SHALL PAY TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
3 REVENUE, EACH CALENDAR MONTH, TWENTY-FIVE DOLLARS PER TANK  
4 TRUCKLOAD OF FUEL PRODUCTS DELIVERED DURING THE PREVIOUS  
5 CALENDAR MONTH FOR SALE OR USE IN COLORADO. THIS SECTION DOES  
6 NOT APPLY TO FUEL THAT IS USED IN AVIATION OR TO ODORIZED LIQUEFIED  
7 PETROLEUM GAS AND NATURAL GAS.

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

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

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

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

27 (IV) THE COSTS TO THE DEPARTMENT OF REVENUE FOR

1 ADMINISTERING THE FEE.

2 (d) ON AND AFTER OCTOBER 1, 2021, BUT BEFORE OCTOBER 1,  
3 2026, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL  
4 TRANSMIT ANY FEE COLLECTED IN ACCORDANCE WITH THIS SUBSECTION  
5 (6) TO THE STATE TREASURER, WHO SHALL CREDIT:

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

9 (II) SEVENTY-FIVE PERCENT OF THE AMOUNT REMAINING, MINUS  
10 THE COSTS TO THE DEPARTMENT OF REVENUE FOR ADMINISTERING THE  
11 FEE, TO THE PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES  
12 CASH FUND; ==

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

20 (IV) THE COSTS TO THE DEPARTMENT OF REVENUE FOR  
21 ADMINISTERING THE FEE.

22 (e) NOTWITHSTANDING SUBSECTION (6)(b) OF THIS SECTION, IF THE  
23 AVAILABLE FUND BALANCE IN THE PERFLUOROALKYL AND  
24 POLYFLUOROALKYL SUBSTANCES CASH FUND IS GREATER THAN EIGHT  
25 MILLION DOLLARS, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
26 REVENUE SHALL NOT COLLECT THE FEE DESCRIBED IN SUBSECTION (6)(b)  
27 OF THIS SECTION, BUT IF THE AVAILABLE BALANCE IN THE FUND IS LESS

1 THAN EIGHT MILLION DOLLARS WITHIN A FISCAL YEAR, THE EXECUTIVE  
2 DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL IMPOSE A FEE IN  
3 ACCORDANCE WITH SUBSECTION (6)(b) OF THIS SECTION.

4 (f) AS USED IN THIS SUBSECTION (6), "FUEL PRODUCTS" MEANS ALL  
5 GASOLINE; DIESEL; BIODIESEL; BIODIESEL BLENDS; KEROSENE; AND ALL  
6 ALCOHOL BLENDED FUELS THAT ARE PRODUCED, COMPOUNDED, AND  
7 OFFERED FOR SALE OR USED FOR THE PURPOSE OF GENERATING HEAT,  
8 LIGHT, OR POWER IN INTERNAL COMBUSTION ENGINES OR FUEL CELLS, FOR  
9 CLEANING, OR FOR ANY OTHER SIMILAR USAGE. "FUEL PRODUCTS" DOES  
10 NOT MEAN FUEL THAT IS USED IN AVIATION OR ODORIZED LIQUEFIED  
11 PETROLEUM GAS AND NATURAL GAS.

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

18 (b) THE MONEY IN THE FUND SHALL NOT BE DEPOSITED IN OR  
19 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. THE STATE  
20 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE  
21 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY  
22 UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND SHALL REMAIN  
23 IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE  
24 GENERAL FUND OR ANY OTHER FUND.

25 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED FOR  
26 COSTS RELATED TO:

27 (I) ADMINISTERING THE PERFLUOROALKYL AND

1 POLYFLUOROALKYL SUBSTANCES GRANT PROGRAM AND AWARDING  
2 GRANTS IN ACCORDANCE WITH SECTION 25-5-1309;

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

7 (III) PROVIDING TECHNICAL ASSISTANCE IN LOCATING AND  
8 STUDYING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES TO  
9 COMMUNITIES, STAKEHOLDERS, AND REGULATORY BOARDS OR  
10 COMMISSIONS FOR THE FOLLOWING PURPOSES:

11 (A) DEVELOPING GUIDANCE AND RECOMMENDATIONS REGARDING  
12 HUMAN HEALTH-BASED STANDARDS FOR PERFLUOROALKYL AND  
13 POLYFLUOROALKYL SUBSTANCES IN WATER OR OTHER MEDIA; AND

14 ==  
15 (B) IDENTIFYING SAFE DISPOSAL METHODS OF MATERIALS  
16 CONTAINING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

17 **SECTION 2.** In Colorado Revised Statutes, 25-5-1302, **add** (3.3),  
18 (3.5), (3.7), (5.5), (5.7), and (8) as follows:

19 **25-5-1302. Definitions.** As used in this part 13, unless the context  
20 otherwise requires:

21 (3.3) "ELIGIBLE ENTITY" MEANS AN ENTITY IDENTIFIED BY THE  
22 DEPARTMENT AS AN ENTITY THAT MAY QUALIFY FOR THE GRANT  
23 PROGRAM.

24 (3.5) "ELIGIBLE MATERIAL" MEANS A MATERIAL CONTAINING  
25 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES THAT IS  
26 IDENTIFIED BY THE DEPARTMENT AS ELIGIBLE FOR PURCHASE UNDER THE  
27 TAKEBACK PROGRAM.

1 (3.7) "FEES" MEANS THE FEES IMPOSED BY SECTION 8-20-206.5 (6).

2 (5.5) "FUND" MEANS THE PERFLUOROALKYL AND  
3 POLYFLUOROALKYL SUBSTANCES CASH FUND CREATED IN SECTION  
4 8-20-206.5 (7).

5 (5.7) "GRANT PROGRAM" MEANS THE PERFLUOROALKYL AND  
6 POLYFLUOROALKYL SUBSTANCES GRANT PROGRAM CREATED SECTION  
7 25-5-1309.

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

12 **SECTION 3.** In Colorado Revised Statutes, **add** 25-5-1309,  
13 25-5-1310, and 25-5-1311 as follows:

14 **25-5-1309. Perfluoroalkyl and polyfluoroalkyl substances**  
15 **grant program.** (1) THERE IS HEREBY CREATED WITHIN THE  
16 DEPARTMENT THE PERFLUOROALKYL AND POLYFLUOROALKYL  
17 SUBSTANCES GRANT PROGRAM.

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

20 (a) SAMPLING, ASSESSMENT, AND INVESTIGATION OF  
21 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES IN GROUND OR  
22 SURFACE WATER;

23 (b) FUNDING WATER SYSTEM INFRASTRUCTURE USED FOR THE  
24 TREATMENT OF IDENTIFIED PERFLUOROALKYL AND POLYFLUOROALKYL  
25 SUBSTANCES; AND

26 (c) PROVIDING EMERGENCY ASSISTANCE TO COMMUNITIES AND  
27 WATER SYSTEMS AFFECTED BY PERFLUOROALKYL AND POLYFLUOROALKYL



1 SUBSTANCES.

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

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

8 (a) WHO MAY QUALIFY AS AN ELIGIBLE ENTITY;

9 (b) THE TIME FRAMES FOR APPLYING FOR GRANTS;

10 (c) THE CRITERIA USED TO EVALUATE AND PRIORITIZE  
11 APPLICATIONS FOR GRANTS;

12 (d) THE FORM OF THE GRANT PROGRAM APPLICATION; AND

13 (e) THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

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

17 (6) A GRANTEE SHALL USE THE MONEY RECEIVED THROUGH THE  
18 GRANT PROGRAM ONLY FOR ACHIEVING GOALS APPROVED BY THE  
19 DEPARTMENT.

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

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

1           **25-5-1310. Perfluoroalkyl and polyfluoroalkyl substances**

2           **takeback program.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT  
3 THE PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES TAKEBACK  
4 PROGRAM TO CREATE AN INCENTIVE FOR THE PROPER DISPOSAL OF  
5 MATERIALS CONTAINING PERFLUOROALKYL AND POLYFLUOROALKYL  
6 SUBSTANCES BY ALLOWING THE DEPARTMENT TO PURCHASE AND  
7 PROPERLY DISPOSE OF SUCH MATERIALS.

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

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

- 14           (a) WHAT MATERIALS QUALIFY AS ELIGIBLE MATERIALS;
- 15           (b) THE PURCHASE PRICE FOR EACH ELIGIBLE MATERIAL;
- 16           (c) THE PROPER METHOD OF DISPOSAL FOR EACH ELIGIBLE  
17 MATERIAL;
- 18           (d) THE TIME FRAME FOR APPLYING FOR THE PURCHASE OF  
19 ELIGIBLE MATERIALS;
- 20           (e) THE FORM OF THE ELIGIBLE MATERIAL PURCHASE APPLICATION;
- 21           AND
- 22           (f) THE TIME FRAME FOR PURCHASING ELIGIBLE MATERIALS.

23           (4) TO HAVE THE DEPARTMENT PURCHASE AN ELIGIBLE MATERIAL,  
24 A PERSON OR ENTITY MUST SUBMIT AN ELIGIBLE MATERIAL PURCHASE  
25 APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH THE POLICIES  
26 AND PROCEDURES ADOPTED BY THE DEPARTMENT.

27           (5) THE DEPARTMENT SHALL PUBLISH THE PURCHASE PRICE FOR

1 EACH ELIGIBLE MATERIAL.

2 **25-5-1311. Reporting requirement.** (1) NOTWITHSTANDING  
3 SECTION 24-1-136 (1)(a)(I), THE DEPARTMENT SHALL ANNUALLY REPORT  
4 BY FEBRUARY 1, 2021, AND FEBRUARY 1 OF EACH YEAR UNTIL FEBRUARY  
5 1, 2027, TO THE GENERAL ASSEMBLY'S COMMITTEES OF REFERENCE WITH  
6 JURISDICTION OVER PUBLIC HEALTH REGARDING:

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

9 (b) THE NUMBER OF GRANT APPLICANTS AND THE NUMBER AND  
10 VALUE OF GRANTS AWARDED UNDER THE GRANT PROGRAM;

11 (c) THE ELIGIBLE ENTITIES THAT HAVE APPLIED FOR A GRANT  
12 UNDER THE DEPARTMENT THE GRANT PROGRAM, THE ACTIONS TAKEN BY  
13 EACH GRANTEE, OTHER MEASUREMENTS OF SUCCESS, AND THE AMOUNT  
14 OF GRANT MONEY DISTRIBUTED TO EACH GRANTEE;

15 (d) THE AMOUNT OF ELIGIBLE MATERIALS PURCHASED AND  
16 PROPERLY DISPOSED OF BY THE DEPARTMENT UNDER THE TAKEBACK  
17 PROGRAM;

18 (e) ANY NEWLY LOCATED PERFLUOROALKYL AND  
19 POLYFLUOROALKYL SUBSTANCES; AND

20 (f) ANY SUGGESTED LEGISLATION OR POLICY CHANGES.

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

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

1 (f) ANY PERSON WHO OWNS OR OPERATES STORAGE TANKS AT A  
2 GASOLINE DISPENSING FACILITY, AS DEFINED BY REGULATIONS  
3 PROMULGATED BY THE AIR QUALITY CONTROL COMMISSION, WHO  
4 VIOLATES ANY REQUIREMENT TO MAINTAIN A VAPOR COLLECTION SYSTEM  
5 PURSUANT TO AIR QUALITY CONTROL REGULATIONS SHALL BE SUBJECT TO  
6 A CIVIL PENALTY OF NOT MORE THAN FIFTEEN THOUSAND DOLLARS PER  
7 DAY FOR EACH DAY OF SUCH A VIOLATION.

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

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

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.