

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 20-1147.02 Pierce Lively x2059

SENATE BILL 20-218

SENATE SPONSORSHIP

Fenberg and Lee, Bridges, Donovan, Ginal, Gonzales, Hansen, Moreno, Pettersen, Story,
Todd, Winter

HOUSE SPONSORSHIP

Singer and McKean,

Senate Committees

Finance
Appropriations

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, AND, IN CONNECTION THEREWITH,**
104 **MAKING AN APPROPRIATION.**

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

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.*

SENATE
3rd Reading Unamended
June 10, 2020

SENATE
Amended 2nd Reading
June 9, 2020

Colorado or who ships such products from any point outside of Colorado to a distributor within Colorado and every distributor who ships such 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

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

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

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

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

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

1 (IV) THE COSTS TO THE DEPARTMENT OF REVENUE FOR
2 ADMINISTERING THE FEE.

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

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

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

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

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

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

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

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

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

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

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

1 (I) ADMINISTERING THE PERFLUOROALKYL AND
2 POLYFLUOROALKYL SUBSTANCES GRANT PROGRAM AND AWARDING
3 GRANTS IN ACCORDANCE WITH SECTION 25-5-1309;

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

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

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

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

18 **SECTION 2.** In Colorado Revised Statutes, 25-5-1302, **add** (3.3),
19 (3.5), (3.7), (5.5), (5.7), and (8) as follows:

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

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

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

1 TAKEBACK PROGRAM.

2 (3.7) "FEES" MEANS THE FEES IMPOSED BY SECTION 8-20-206.5 (6).

3 (5.5) "FUND" MEANS THE PERFLUOROALKYL AND
4 POLYFLUOROALKYL SUBSTANCES CASH FUND CREATED IN SECTION
5 8-20-206.5 (7).

6 (5.7) "GRANT PROGRAM" MEANS THE PERFLUOROALKYL AND
7 POLYFLUOROALKYL SUBSTANCES GRANT PROGRAM CREATED SECTION
8 25-5-1309.

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

13 **SECTION 3.** In Colorado Revised Statutes, **add** 25-5-1309,
14 25-5-1310, and 25-5-1311 as follows:

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

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

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

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

27 (c) PROVIDING EMERGENCY ASSISTANCE TO COMMUNITIES AND

1 WATER SYSTEMS AFFECTED BY PERFLUOROALKYL AND POLYFLUOROALKYL
2 SUBSTANCES.

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

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

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

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

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

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

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

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

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

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

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

1 A LOAN WITH INTEREST.

2 **25-5-1310. Perfluoroalkyl and polyfluoroalkyl substances**

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

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

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

15 (a) WHAT MATERIALS QUALIFY AS ELIGIBLE MATERIALS;

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

17 (c) THE PROPER METHOD OF DISPOSAL FOR EACH ELIGIBLE
18 MATERIAL;

19 (d) THE TIME FRAME FOR APPLYING FOR THE PURCHASE OF
20 ELIGIBLE MATERIALS;

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

22 AND

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

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

1 (5) THE DEPARTMENT SHALL PUBLISH THE PURCHASE PRICE FOR
2 EACH ELIGIBLE MATERIAL.

3 **25-5-1311. Reporting requirement.** (1) NOTWITHSTANDING
4 SECTION 24-1-136 (11)(a)(I), THE DEPARTMENT SHALL ANNUALLY REPORT
5 BY FEBRUARY 1, 2021, AND FEBRUARY 1 OF EACH YEAR UNTIL FEBRUARY
6 1, 2027, TO THE GENERAL ASSEMBLY'S COMMITTEES OF REFERENCE WITH
7 JURISDICTION OVER PUBLIC HEALTH REGARDING:

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

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

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

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

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

21 (f) ANY SUGGESTED LEGISLATION OR POLICY CHANGES.

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

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

1 following provisions:

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

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

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

27 **SECTION 5. Appropriation. (1) For the 2020-21 state fiscal**

1 year, \$156,480 is appropriated to the department of revenue. This
2 appropriation is from the general fund. To implement this act, the
3 department may use this appropriation as follows:

4 (a) \$49,500 for tax administration IT system (GenTax) support;

5 (b) \$36,980 for use by the taxation and compliance division for
6 personal services; and

7 (c) \$70,000 for use by the taxpayer service division for the fuel
8 tracking system.

9 (2) For the 2020-21 state fiscal year, \$1,523,380 is appropriated
10 to the department of public safety for use by the Colorado state patrol.

11 This appropriation is from the hazardous materials safety fund created in
12 section 42-20-107 (1), C.R.S. To implement this act, the Colorado state
13 patrol may use this appropriation for the hazardous materials safety
14 program.

15 **SECTION 6. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.