

**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**

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**SENATE SPONSORSHIP**

**Fenberg and Lee,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Finance  
Appropriations

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

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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

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.

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.

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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;     

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.