

CHAPTER 15

LABOR AND INDUSTRY

HOUSE BILL 95-1025

BY REPRESENTATIVES Entz, Chlouber, and Paschall;
also SENATORS Bishop and Casey.

AN ACT

CONCERNING THE EXEMPTION OF AIRCRAFT FUELING FACILITIES FROM ABOVEGROUND STORAGE TANK RESTRICTIONS.

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

SECTION 1. 8-20-704, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-20-704. Aboveground storage tanks. (1) Except as provided by subsections (2), ~~and~~ (3), AND (5) of this section, fuel products shall not be stored at retail service stations in tanks of more than sixty gallons gross capacity above the surface of the ground.

(2) Fuel products may be stored in an aboveground storage tank with a capacity of not more than three thousand gallons at a retail service station ~~or aircraft fueling facility~~ located in an unincorporated area or in a municipality with a population of fewer than five thousand inhabitants according to the most recent federal decennial census upon approval of the governing body of such municipality which approval shall not be withheld in order to provide a competitive advantage to another retailer, and if the retail service station ~~or aircraft fueling facility~~ is located more than five miles from the limits of a municipality with a population of fifteen thousand or more inhabitants according to the most recent federal decennial census. The service station ~~or aircraft fueling facility~~ may have an aboveground storage tank of that capacity for each separate grade of fuel product but may not have more than one aboveground storage tank of that capacity for the same grade.

(3) Fuel products may be stored in an aboveground storage tank with a capacity of not more than four thousand gallons at a retail service station ~~or aircraft fueling~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~facility~~ located in an unincorporated area if the retail service station ~~or aircraft fueling facility~~ is located more than ten miles from the limits of a municipality with a population of fifteen thousand or more inhabitants according to the most recent federal decennial census. The service station ~~or aircraft fueling facility~~ may have an aboveground storage tank of that capacity for each separate grade of fuel product but may not have more than one aboveground storage tank of that capacity for the same grade.

(4) The authority of a retail service station ~~or aircraft fueling facility~~ to store flammable liquids in an aboveground storage tank as provided by subsections (2) and (3) of this section shall not be affected by a change in the boundaries or population of a municipality that occurs after the retail service station ~~or aircraft fueling facility~~ begins operation.

(5) THIS SECTION DOES NOT APPLY TO AN ABOVEGROUND STORAGE TANK AT AN AIRCRAFT FUELING FACILITY.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 17, 1995