

## CHAPTER 99

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**LABOR AND INDUSTRY**


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**SENATE BILL 07-031**

BY SENATOR(S) Taylor, Bacon, Fitz-Gerald, Gordon, Groff, Harvey, Isgar, Keller, Kester, Kopp, May R., Morse, Penry, Renfroe, Romer, Schultheis, Schwartz, Shaffer, Spence, Tapia, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams, and Windels; also REPRESENTATIVE(S) McFadyen, and Labuda.

**AN ACT****CONCERNING THE REGULATION OF PETROLEUM PRODUCTS.**

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

**SECTION 1.** 8-20-204 (1), Colorado Revised Statutes, is amended to read:

**8-20-204. Specifications - classes I, II, and III.** (1) All products in classes I, II, and III shall comply with the most current applicable specifications of ASTM, which are found in section 5 of that organization's publication "Petroleum Products, Lubricants, and Fossil Fuels" and supplements thereto or revisions thereof as may be designated by ASTM, except as modified or rejected by this article or any rule promulgated pursuant to this article. If gasoline is blended with ethanol, the ASTM D 4814 specifications shall apply to the base gasoline prior to blending. Blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard; EXCEPT THAT, IF THE ETHANOL IS BLENDED AT NINE PERCENT OR HIGHER BUT NOT EXCEEDING TEN PERCENT, THE BLEND MAY EXCEED THE ASTM D 4814 VAPOR PRESSURE STANDARD by NO more than 1.0 PSI. Class I products shall not be blended at a retail location with products commonly and commercially known as casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline.

**SECTION 2.** 8-20.5-102 (4), Colorado Revised Statutes, is amended to read:

**8-20.5-102. Registration - fees.** (4) The director of the division of oil and public safety shall collect delinquent registration and renewal fees and assess a penalty of UP TO twice the amount of such fees and reasonable costs associated with the collection of such fees.

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

**SECTION 3.** The introductory portion to 8-20.5-103 (3) and 8-20.5-103 (3) (a) and (3) (f) (II), Colorado Revised Statutes, are amended to read:

**8-20.5-103. Petroleum storage tank fund - creation - repeal.** (3) The moneys in the PETROLEUM STORAGE TANK fund shall be ~~subject to annual appropriation by the general assembly~~ CONTINUOUSLY APPROPRIATED TO THE DIVISION OF OIL AND PUBLIC SAFETY; EXCEPT THAT MONEYS FOR THE PURPOSES SPECIFIED IN PARAGRAPHS (b), (f), AND (g) OF THIS SUBSECTION (3) SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. The fund shall be used for:

(a) ~~Use in~~ Petroleum corrective action purposes and third-party liability ~~except for initial abatement and corrective action purposes for aviation fuel and fuel delivered for use in railroad locomotives;~~ where the costs exceed the minimum financial responsibility requirements of the owner or operator provided for in section 8-20.5-206; EXCEPT THAT MONEYS FROM THE FUND MAY NOT BE USED FOR INITIAL ABATEMENT AND CORRECTIVE ACTION REGARDING FUELS THAT ARE ESPECIALLY PREPARED AND SOLD FOR USE IN AIRCRAFT OR RAILROAD EQUIPMENT OR LOCOMOTIVES.

(f) (II) This paragraph (f) is repealed, effective July 1, ~~2007~~ 2014.

**SECTION 4.** 8-20.5-104 (8), Colorado Revised Statutes, is amended to read:

**8-20.5-104. Rules - petroleum storage tank committee.** (8) At its first meeting of each fiscal year, on or about July 1, the committee shall establish and set aside for reimbursements to those individuals who are eligible to make application to the fund in accordance with section 8-20.5-206 (3) or 8-20.5-303 (3), an amount equal to twenty percent of the total ~~annual allocation to the capital construction~~ budget of the department from the petroleum storage tank fund, which amount shall be used for the purpose of conducting remediation activities in accordance with sections 8-20.5-206 (3), 8-20.5-209, and 8-20.5-303 (3) and shall protect the integrity of the fund as a financial assurance mechanism for tank owners and operators. The committee shall reexamine on a quarterly basis the unencumbered balance of this allocation and may set aside lesser or additional amounts for reimbursements to such applicants based on the relative number of requested reimbursements from the owners and operators of active sites, with preference given to the remediation of recently contaminated locations and to active tank sites based on their higher potential for environmental impact.

**SECTION 5.** The introductory portion to 8-20.5-202 (1), Colorado Revised Statutes, is amended to read:

**8-20.5-202. Duties of the director of the division of oil and public safety.** (1) The director of the division of oil and public safety shall ~~make~~, promulgate and enforce rules ~~which~~ THAT are no more stringent than the requirements contained in 42 U.S.C. sec. 6991 ET SEQ., and the regulations promulgated thereunder, EXCEPT AS ALLOWED BY FEDERAL LAW, INCLUDING THE FEDERAL "ENERGY POLICY ACT OF 2005", PUB.L. NO. 109-58, AS AMENDED, for:

**SECTION 6. Applicability.** This act shall apply to actions occurring on or after the effective date of this act.

**SECTION 7. 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: April 3, 2007