



## States' Biofuels Statutes

### STATE OF COLORADO

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#). These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.*

*Current through the 2013 Legislative Session of the Colorado General Assembly.*

#### **§ 8-20.5-202. Duties of director of division of oil and public safety**

(1) The director of the division of oil and public safety shall promulgate and enforce rules 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:

- (a) Notification requirements for owners and operators of underground storage tanks;
- (b) Design, performance, construction, and installation standards for new underground storage tanks;
- (c) Design, performance, construction, and installation standards for the upgrading of existing underground storage tanks;
- (d) General operating requirements;
- (e) Release detection;
- (f) Release reporting, investigation, and confirmation; and
- (g) Deleted by Laws 2007, Ch. 252, § 2, eff. July 1, 2007.
- (h) Financial responsibility for underground storage tank systems containing regulated substances.

(1.5) The director of the division of oil and public safety shall promulgate and enforce rules for out-of-service underground storage tank systems and closure of such tanks.

(1.7) Within one hundred twenty days after January 1, 2008, the director of the division of oil and public safety shall promulgate, and the division shall enforce, rules concerning the placement of underground

storage tanks that contain renewable fuels. Such rules shall be promulgated with the purpose of developing a uniform statewide standard of issuing permits for underground storage tanks to promote the use of renewable fuels so that the process of obtaining a permit for an underground storage tank that contains renewable fuels may be more efficient and affordable.

(2) The director of the division of oil and public safety shall ensure that:

(a) All releases from underground storage tank systems are promptly assessed and that further releases are stopped;

(b) Actions are taken to identify, contain, and mitigate any immediate fire and safety hazards that are posed by a release;

(c) All releases from underground storage tank systems are investigated to determine if there are impacts of reportable quantities on subsurface soil, groundwater, and any nearby surface water;

(d) All releases above reportable quantities are reported to the director of the division of oil and public safety.

(3) The director of the division of oil and public safety shall, if necessary, negotiate and enter into memoranda of agreement with and apply for and receive grants from the United States environmental protection agency pursuant to the provisions of this article.

(4) The director of the division of oil and public safety shall establish criteria pursuant to subsection (1) of this section for delegation of authority to local agencies.

(5) Repealed by Laws 1997, S.B.97-220, § 8, eff. June 3, 1997.

**Credits:** Added by Laws 1995, H.B.95-1183, § 1, eff. July 1, 1995. Amended by Laws 1997, S.B.97-220, § 8, eff. June 3, 1997; Laws 2001, Ch. 296, § 48, eff. June 5, 2001; Laws 2007, Ch. 99, § 5, eff. April 3, 2007; Laws 2007, Ch. 252, § 2, eff. July 1, 2007; Laws 2007, Ch. 394, § 5, eff. June 1, 2007.

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### **§ 8-20.5-302. Duties of director of division of oil and public safety**

(1) The director of the division of oil and public safety shall make, promulgate, and enforce rules for aboveground storage tanks installed before July 1, 1993, which rules shall be no more stringent than the rules in place on the date of installation, except as mandated by federal spill prevention, control, and countermeasures regulations promulgated by the United States environmental protection agency.

(2) The director of the division of oil and public safety shall make, promulgate, and enforce rules concerning the design, construction, installation, and operation of aboveground storage tanks permitted to be used and installed on or after July 1, 1993, which rules shall be no more stringent, either substantially or procedurally, than the requirements contained in the current edition of the national fire code published by the national fire protection association, as revised by the association from time to time, and in spill prevention control and countermeasures regulations promulgated by the United States

environmental protection agency.

(3) Within one hundred twenty days after January 1, 2008, the director of the division of oil and public safety shall promulgate, and the division shall enforce, rules concerning the placement of aboveground storage tanks that contain renewable fuels. Such rules shall be promulgated with the purpose of developing a uniform statewide standard of issuing permits for aboveground storage tanks to promote the use of renewable fuels so that the process of obtaining a permit for an aboveground storage tank that contains renewable fuels may be more efficient and affordable.

**Credits:** Added by Laws 1995, H.B.95-1183, § 1, eff. July 1, 1995. Amended by Laws 2001, Ch. 296, § 53, eff. June 5, 2001; Laws 2007, Ch. 394, § 6, eff. June 1, 2007.