

CHAPTER 109

LABOR AND INDUSTRY

SENATE BILL 26-122

BY SENATOR(S) Pelton R. and Roberts, Amabile, Carson, Catlin, Exum, Kirkmeyer, Liston, Mullica, Pelton B., Rich, Coleman;
also REPRESENTATIVE(S) Winter T. and Lukens, Caldwell, Duran, Gonzalez R., Keltie, Rydin, Slaugh, Smith, Suckla,
Weinberg, Woog.

AN ACT

CONCERNING LIQUID FUELS, AND, IN CONNECTION THEREWITH, INCREASING THE MAXIMUM AMOUNT OF LIABILITY OF THE PETROLEUM STORAGE TANK FUND FOR INDIVIDUAL INCIDENTS AND ALLOWING THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY TO ADOPT A RULE OR ISSUE POLICY GUIDANCE THAT PROVIDES EXCEPTIONS TO SPECIFIC REQUIREMENTS ESTABLISHED IN AN ASTM STANDARD FOR PETROLEUM PRODUCTS.

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

SECTION 1. In Colorado Revised Statutes, 8-20-204, **amend** (1) as follows:

8-20-204. Specifications - classes I, II, and III - rules.

(1)(a) EXCEPT AS DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION, all products in classes I, II, and III ~~shall~~ MUST 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~~ TO THE PUBLICATION or revisions ~~thereof~~ OF THE PUBLICATION as may be designated by ASTM, except as modified or rejected by this ~~article~~ ARTICLE 20 or any rule ~~promulgated~~ ADOPTED pursuant to this ~~article~~ ARTICLE 20. If gasoline is blended with ethanol, the ASTM D 4814 specifications ~~shall~~ MUST apply to the base gasoline prior to blending. Blends of gasoline and ethanol ~~shall~~ MUST 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.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) IN ORDER TO ENSURE ACCESS TO FUEL PRODUCTS FOR COMMUNITIES IN COLORADO, THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY MAY ADOPT A RULE OR ISSUE POLICY GUIDANCE THAT PROVIDES EXCEPTIONS TO SPECIFIC REQUIREMENTS ESTABLISHED IN AN ASTM STANDARD DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION TO ADDRESS CONSUMER PROTECTION, PRICING, SUPPLY NETWORKS, OR OTHER FACTORS NOT CONSIDERED BY ASTM WHEN FORMULATING THE STANDARD.

SECTION 2. In Colorado Revised Statutes, 8-20.5-206, **amend** (2) as follows:

8-20.5-206. Financial responsibility for petroleum underground storage tanks - definition - rules.

(2) (a) The maximum amount of liability of the fund under this section ~~shall be~~ is three million dollars aggregate during a state fiscal year for multiple occurrences involving tanks that are the responsibility of an individual owner or operator, but in no event, ~~shall~~ EXCEPT AS DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION, DOES the liability of the fund exceed two million dollars per occurrence. ~~For purposes of this section~~ AS USED IN THIS SUBSECTION (2), an "occurrence" means the period of time from identification through remediation of a leak, spill, or release of a petroleum product from an underground storage tank. In the event the cost of remediation or third-party claims exceeds the amount available to pay such costs, such costs and claims shall be paid on a pro rata basis as determined by the committee created in section 8-20.5-104. Any balance owed shall be paid as ~~moneys~~ ~~become~~ MONEY BECOMES available in the fund. Any excess costs that are not paid by the fund or by the federal leaking underground storage tank trust fund shall be paid by and are the sole responsibility of the responsible owner or operator.

(b) AN OWNER OR OPERATOR MAY EXCEED THE MAXIMUM AMOUNT OF LIABILITY DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION FOR AN INDIVIDUAL OCCURRENCE IF THE OWNER OR OPERATOR RECEIVES PERMISSION TO DO SO FROM BOTH THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY AND THE PETROLEUM STORAGE TANK COMMITTEE CREATED IN SECTION 8-20.5-104. IF THE DIRECTOR AND THE COMMITTEE GRANT SUCH PERMISSION, THE DIRECTOR AND THE COMMITTEE SHALL ESTABLISH A NEW MAXIMUM AMOUNT OF LIABILITY PER OCCURRENCE FOR THE OWNER OR OPERATOR.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 5, 2026