

**DEPARTMENT OF PUBLIC SAFETY
COLORADO STATE PATROL**

**RULES AND REGULATIONS
CONCERNING
CLAIMS FOR REIMBURSEMENT FOR THE COSTS OF
RESPONSE and MITIGATION OF HAZARDOUS SUBSTANCE INCIDENTS**

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Pursuant to §29-22-104 (6) (A), CRS, the Executive Director of the Colorado Department of Public Safety shall promulgate rules creating a process by which a public entity, political subdivision of the state, or unit of local government claiming reimbursement pursuant to this section must establish that costs attributed to a hazardous substance incident are reasonable, necessary and documented.

Pursuant to §29-22-104 (6) (b), CRS, the Executive Director of the Colorado Department of Public Safety shall also promulgate rules and regulations creating a process by which the parties involved in a dispute may access and receive assistance from qualified, knowledgeable persons able to perform the role of a voluntary ombudsman, mediator, or arbitrator to resolve disputed claims for reimbursement of costs resulting from response to a hazardous substance incident.

These rules are being amended as a consequence of routine department rule review to assess continued viability, applicability and effectiveness of these rules. As a consequence of this review, the address for the section email for designated emergency response authorities has been updated and references to the Federal Emergency Management Agency (FEMA) schedule of equipment rates as set forth in 44 CFR 206.228 have been added to satisfy the requirements of §24-4-103 (12.5), CRS. These rules now also include a reference to the reimbursement rates schedule calculated internally by the CSP for expenses incurred by the CSP when responding to or mitigating hazardous substance incidents. Minor grammar and formatting items are addressed throughout without changes to either the substantive content or present interpretation of these rules.

It has been declared by the General Assembly that the creating and establishing of these processes for hazardous incident claims for reimbursement is a matter of statewide concern. The absence of implementing rules to carry out the purpose of the statutes would be contrary to the peace, health, safety and welfare of the citizens of this state. For these reasons, it is necessary that these amended rules be adopted.



Stan Hilkey, Executive Director

Colorado Department of Public Safety

02/06/2020

Date of Adoption