

COLORADO 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

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

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

These rules are being amended because of a routine annual department rule review assessing the continued viability of these rules, their applicability, accuracy, and effectiveness. Because of this review, the changes proposed to these rules include:

- Updates to verbiage throughout to bring the rules consistent with the scope of authorizing state statute, properly addressing hazardous substance incidents and not only hazardous materials incidents.
- Updates to the definitions that apply throughout these rules, adding four new definitions and renumbering the definitions section of these rules.
- Updates to web addresses for resources referenced within these rules; and
- Changes throughout to promote clarity and readability of these rules.

It has been declared by the General Assembly that the creation and establishment of these processes supporting hazardous incident response reimbursement claims is a matter of statewide concern. The absence of rules to carry out the purpose of these statutes is contrary to the peace, health, safety, and welfare of the citizens of Colorado. For these reasons, it is necessary that these rules, as amended, be adopted.



Stan Hilkey, Executive Director
Colorado Department of Public Safety



Date of Adoption