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Introduction

The *Colorado Register* is published pursuant to C.R.S. 24-4-103(11) and is the sole official publication for state agency notices of rule-making, proposed rules, attorney general's opinions relating to such rules, and adopted rules. The register may also include other public notices including annual departmental regulatory agendas submitted by principal departments to the secretary of state.

"Rule" means the whole or any part of every agency statement of general applicability and future effect implementing, interpreting, or declaring law or policy or setting forth the procedure or practice requirements of any agency. "Rule" includes "regulation". C.R.S. 24-4-102(15). Adopted rules are effective twenty days after the publication date of this issue unless otherwise specified.

The *Colorado Register* is published by the office of the Colorado Secretary of State twice monthly on the tenth and the twenty-fifth. Notices of rule-making and adopted rules that are filed from the first through the fifteenth are published on the twenty-fifth of the same month, and those that are filed from the sixteenth through the last day of the month are published on the tenth of the following month. All filings are submitted through the secretary of state's electronic filing system.

For questions regarding the content and application of a particular rule, please contact the state agency responsible for promulgating the rule. For questions about this publication, please contact the Administrative Rules Program at rules@coloradosos.gov.

Notice of Proposed Rulemaking

Tracking number

2025-00610

Department

1507 - Department of Public Safety

Agency

1507 - Colorado State Patrol

CCR number

8 CCR 1507-22

Rule title

CLAIMS FOR REIMBURSEMENT FOR THE COSTS OF RESPONSE AND MITIGATION
OF HAZARDOUS SUBSTANCE INCIDENTS

Rulemaking Hearing**Date**

01/29/2026

Time

09:30 AM

Location

CSP Academy, Building 100 (Carrell Hall), 15165 S. Golden Rd., Golden, CO., 80401 or virtually using Google Meet,
<https://meet.google.com/qkt-vfrw-yyf>

Subjects and issues involved

Amendments proposed to 8 CCR 1507-22 include:
Document formatting adjustments not affecting the content or interpretation of the rules proposed to comply with the state accessibility standards applicable under Section 24-34-802, CRS. Examples of the adjustments proposed include changing capitalized text to mixed-case or lower-case text; removal of underlined text; use of the word Section instead of the section symbol (and the substitution of words in place of other symbols); enabling of hyperlinked text; and adjustment of document paragraph formatting to support electronic bookmarking and for use with electronic reading software.
Insertion of a Table of Contents to facilitate document navigation.
Updated references to current versions of federal publications; and
Corrections to website address information for federal documents, CSP sections and programs, and the CDPS Rulemaking Information webpage.

Statutory authority

29-22-104 (6)(A) & (B), CRS

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**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
8 CCR 1507-22**

Accessibility Editing Note:

Throughout this document, formatting adjustments that do not change the content or meaning of these rules have been made to meet state accessibility standards under Section 24-34-802, CRS. These adjustments include changing capitalized text to mixed case or lowercase, removing underlining, increasing font size, using words instead of symbols, enabling hyperlink text, and modifying paragraph structure to support electronic bookmarking for readers.

The CSP Hazardous Materials Section is dedicated to supporting effective communication and providing access to these rules for all members of the public. If you have difficulty with or cannot use this document, please visit <https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support> or contact the CSP Hazardous Materials Section at (303)-273-1900 for further assistance.

Disclaimer:

This draft has been filed with the Colorado Department of State and submitted to the Department of Regulatory Agencies in accordance with Sections 24-4-103 (2.5) and (3) (a) of the CRS, as part of the State Administrative Procedure Act. This preliminary draft may be revised before the public rulemaking hearing on Thursday, January 29, 2026. If any changes are made, a revised version of the rules and supporting documents will be made available to the public and posted on the Colorado Department of Public Safety Rulemaking Information website at <https://publicsafety.colorado.gov/cdps-rules-colorado-code-of-regulations>. Any updates or revisions will be provided as required by Sections 24-4-103 (4) (a) of the CRS and posted to the Colorado Department of Public Rulemaking Information website no later than Friday, January 23, 2026.

**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**

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Part I
General Statements

1.0. Authority to Adopt Rules and Regulations.

Pursuant to §Section 29-22-104 (6) (A), CRS, the Executive Director of the Colorado Department of Public Safety (CDPS) is authorized to adopt rules and regulations establishing a process through which a public entity, political subdivision of the state, or unit of local government may claim reimbursement of reasonable, necessary, and documented response and/or mitigation costs attributable to a hazardous substance incident. The Executive Director is further authorized by §Section 29-22-104 (6) (B), CRS, to establish access to qualified persons to assist in the mediation or arbitration of dispatched hazardous incident response claims.

1.1. Applicability.

These rules and regulations apply to all public entities, state political subdivisions, and/or units of local government. These rules apply to the submission of reimbursement claims arising out of the response and mitigation of hazardous materials incidents where the Colorado State Patrol (CSP) is the Designated Emergency Response Authority (DERA) as defined within §Section 29-22-102, CRS, according to the provisions of §Section 29-22-104, CRS.

1.2. Definitions.

Unless otherwise specified, the definitions provided in §Section 29-22-101 (2), CRS, apply to these rules. The following definitions are also applicable:

1.1.1. Costs: Means the amount of money and/or damages related to hazardous substance incident response and mitigation activities. Costs may be direct or indirect.

1.1.2. Department: Means the Colorado Department of Public Safety (CDPS). ~~Direct Costs: Include those costs specifically incurred as a result of responding to and/or mitigating a hazardous substance incident. Direct costs may include use/damage; vehicle use and/or damage; expenditure of response/mitigation supplies; use of contract services; laboratory testing; and disposal and/or storage of hazardous materials/substances.~~

1.1.3. Designated Emergency Response Authority (DERA): Has the same meaning as set forth within §Section 29-22-102, CRS. ~~Department:~~ Means the Colorado Department of Public Safety (CDPS).

- 1.1.4. **Direct Costs:** Include those costs specifically incurred as a result of responding to and/or mitigating a hazardous substance incident. Direct costs may include use/damage; vehicle use and/or damage; expenditure of response/mitigation supplies; use of contract services; laboratory testing; and disposal and/or storage of hazardous materials/substances. ~~Designated Emergency Response Authority (DERA): Has the same meaning as set forth within § Section 29-22-102, CRS.~~
- 1.1.5. **Director:** Means the Executive Director of the Colorado Department of Public Safety (CDPS).
- 1.1.6. **Indirect Costs:** Include costs resulting from responding to a hazardous substance incident that are not considered direct costs. Indirect costs may include clerical, accounting, and legal services; report preparation costs; hazardous substance incident planning; and those costs arising out of subsequent processing or resolution of a claim for hazardous response incident reimbursement.
- 1.1.7. **Responsible Party:** Means the person having care, custody, and/or control of a hazardous substance at the time it is involved in a hazardous substance incident.

Part II

HSCR 2.0: **Hazardous Substance Incident Response Documentation.**

Responding agencies must provide to the Hazardous Materials Training and Response Section of the CSP, hereinafter the CSP Hazardous Materials Section, written documentation of any hazardous substance incident response and/or mitigation activity. This written documentation must include, at a minimum:

- 2.1.1. The date, time, and location of the hazardous substance incident;
- 2.1.2. Identification of the hazardous substance(s);
- 2.1.3. Identification of the DERA and all other private or public agencies present at the scene of the incident;
- 2.1.4. A summary describing the incident and all mitigation activity performed by the responding agency;
- 2.1.5. The type and number of response personnel involved;
- 2.1.6. The type and number of response vehicles involved; and
- 2.1.7. The type of equipment used in response to the hazardous substance incident.

Part III

HSCR 3.0: **Establishing Reimbursable Costs.**

Eligible reimbursement costs may include direct and/or indirect costs as each costs are identified within the definitions of these rules. Regardless of costs being direct or indirect, all claims requesting reimbursement of costs resulting from a response to a hazardous substance incident must be in writing.

3.1.1. Calculation of Direct Costs. When calculating hazardous substance incident reimbursement claims for direct costs, agencies should include in the written claim the following information, as each applies to the incident:

3.1.1.1. The actual hourly rate for personal salaries (regular and/or overtime);

3.1.1.2. The actual cost of expended supplies;

3.1.1.3. The actual cost to replace or repair equipment (not vehicles) used during a response to a hazardous substance incident;

3.1.1.4. An amortization/depreciation schedule for vehicles involved or the Federal Emergency Management Agency (FEMA) schedule of equipment rates outlined in 44 CFR 206.228;

3.1.1.5. A reimbursement rates schedule for expenses incurred by the CSP when responding to or mitigating hazardous substance incidents referencing applicable FEMA schedule rates together with applicable, averaged CSP costs is available upon request. The CSP Hazardous Materials Section will update this schedule biannually.

3.1.2. Calculation of Indirect Costs. When calculating claims for indirect costs arising out of response to a hazardous substance incident, responding agencies may calculate indirect costs:

3.1.2.1. Using a formula currently in use by the responding agency to calculate indirect costs; or

3.1.2.2. By electing a standard calculation for indirect costs that equal up to 10% of the total direct costs being claimed by the responding agency.

Part IV

HSCR 4.0: **Claims Processing.**

Claims for reimbursement must be submitted to the party responsible as soon as possible after a hazardous substance incident site is declared safe by the DERA.

- 4.1.1. All communications from an agency claiming reimbursement for response to a hazardous substance incident to a responsible party must be in writing. The initial delivery of a claim for reimbursement claims from an agency to a responsible party must be by certified mail.

Part V

HSCR 5.0: Dispute Resolution.

The Director will maintain a list of qualified persons available to perform as volunteer ombudsmen, mediators, or arbitrators to resolve disputes related to hazardous substance incident response claims. This list is available upon a written request addressed to the Director or his or her designee.

- 5.1.1. Persons volunteering to act as ombudsmen, mediators, or arbitrators for disputes related to hazardous substance incident response reimbursement claims must meet the qualifications identified within ~~§~~**Section** 29-22-104 (6) (B), CRS.
- 5.1.2. Parties who become subject to dispute resolution consistent with ~~§~~**Section** 29-22-104 (6) (B), CRS, may either enter into such agreements or understandings as may be necessary to resolve a hazardous substance incident response reimbursement claim.

Part VI

HSCR 6.0: DERA Reporting Responsibilities.

Pursuant to ~~§~~**Section** 29-22-102 (3) (a) and (b), CRS, the designation of a DERA to respond to hazardous substance incidents occurring within the corporate limits of a town, city, city and county, or within unincorporated areas of a county must be reported annually to the CSP Hazardous Materials Section. Annually reported DERA designation information should be submitted to the CSP Hazardous Materials Section electronically at dera@state.co.us.

Part VII

HSCR 7.0: Publications and Rules Incorporated by Reference.

All publications and rules referred to in these regulations are on file and available for public inspection by contacting the CSP Hazardous Materials Section, 15065 S. Golden Road, Golden, CO., 80401.

- 7.1.1. All publications, standards, guidelines, and rules adopted and incorporated by reference in these rules will be provided to and made available for examination at any state publications depository library as required by ~~§~~**Section** 24-4-103 (12.5), CRS. The following publications, standards, guidelines, and rules are

adopted as amended within these rules consistent with ~~§~~**Section** 24-4-103 (12.5), CRS:

7.1.1.1. Federal Emergency Management Agency, Department of Homeland Security, 44 CFR §206.228 (2021-2025). The amortization/depreciation schedule of equipment rates is available online through the FEMA website at:
<https://www.FEMA.gov/assistance/public/tools-resources/schedule-equipment-rates>.

7.1.2. The CSP Hazardous Materials Section will maintain copies of the complete texts of any referenced publications, standards, guidelines, and rules and will make such documents available for public inspection during regular business hours.

7.1.2.1. Interested parties may access any referenced publications, standards, guidelines, or rules free of charge online as indicated in part 7.1.1 of these rules.

7.1.2.2. Interested parties may also inspect any referenced materials and/or obtain copies of the adopted standards for a reasonable fee by first contacting the CSP Central Records Unit (CRU) at 700 Kipling St., Lakewood, CO., 80215. Copies of any adopted publications, standards, guidelines, and rules may also be available from the organization of the original publication:

7.1.2.2.1. Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS). Amortization/Depreciation Schedule for Equipment Rates (2021). 500 C St., SW, Washington, DC 20472. Phone: 1-800-624-3362. This schedule may also be found online at <https://www.FEMA.gov/assistance/public/tools-resources/schedule-equipment-rates>.

7.1.3. These rules do not include later amendments to or editions of any publications, standards, guidelines, or rules incorporated by reference herein.

7.1.4. These rules are available online through the CSP Hazardous Materials section webpage at <https://csp.colorado.gov/reimbursement-program> ~~SERVICES WE PROVIDE/HAZARDOUS MATERIALS~~ and the CDPS Rulemaking Information webpage, <https://publicsafety.colorado.gov/cdps-GET-INVOLVED/rules-colorado-code-of-AND-regulations>. All contact with the CSP regarding these rules or their applicability should be addressed to:

Colorado State Patrol, Hazardous Materials Section
15065 S. Golden Rd.
Golden, CO., 80401

Part VIII

HSCR 8.0: Severability.

If any provision of these rules or the application thereof to any person or circumstance is determined to be unlawful or invalid, the remaining provisions of these rules will not be affected, absent a specific reference.

Summary of Proposed Changes
Rules and Regulations Concerning Claims for Reimbursement
for the Costs of Response and Mitigation of Hazardous Substance Incidents
8 CCR 1507-22

Purpose:

This document is developed as a companion to assist with the reading and understanding of the proposed changes to 8 CCR 1507-22, the Rules and Regulations Concerning Claims for Reimbursement for the Costs of Response and Mitigation of Hazardous Substance Incidents. Each of the changes proposed in the redlined rules will be filed with the Colorado Secretary of State and the Colorado Department of Regulatory Agencies by December 15, 2025, and is discussed in the order in which they appear. Changes are identified by section numbers and include brief descriptions of the proposed changes. As necessary and appropriate, an explanation for the change is also provided.

Accessibility Editing Note:

The redlined rules include formatting updates, corrections, and minor edits that do not affect the content or meaning of the rules. Still, they are proposed to satisfy the state accessibility standards under Section 24-34-802, CRS. These adjustments specifically include changing capitalized text to mixed-case or lowercase, removing underlining, increasing font size, using words instead of symbols, enabling hyperlink text, and modifying paragraph structure to support electronic bookmarking for readers.

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Disclaimer:

This draft will be filed with the Colorado Department of State and submitted to the Department of Regulatory Agencies in accordance with Sections 24-4-103 (2.5) and (3)(a), CRS, of the Administrative Procedures Act, no later than December 15, 2025. This preliminary draft may be revised before the public rulemaking hearing on Thursday, January 29, 2026. If any changes are made, a revised version of the rules and any supporting documents (such as this companion document) will be available to the public and posted online on the Colorado Department of Public Safety Rulemaking Information website at <https://publicsafety.colorado.gov/cdps-rules-colorado-code-of-regulations>. Any updates or revisions will be provided as required by Sections

24-4-103 (4)(a), CRS, and posted to the Colorado Department of Public Safety rulemaking information website no later than Friday, January 23, 2026.

Description of Changes Proposed, in Order of Appearance:

Page 1, Table of Contents (TOC):

The TOC is a new addition and appears in **red text**. It outlines these rules by section and helps users navigate the document efficiently. Although not required, including a TOC in longer documents is considered a best practice supported by the state accessibility rules and Section 24-34-802, CRS. The TOC is beneficial to all readers viewing the rules electronically, and it is helpful to the public using e-reading programs.

Page 2, 1.1.2., Reorganization of existing definition to correct an error in alphabetization.

The definition of “Department” has been moved from 1.1.3 to 1.1.2 to fix an error in the alphabetical order of the definitions. The existing definition under 1.1.2, “Direct Costs,” is reassigned to 1.1.4. Updated, 1.1.2 now states “**Department: Means the Colorado Department of Public Safety (CDPS),**” instead of “Direct Costs: Include those costs specifically incurred as a result of responding to and/or mitigating a hazardous substance incident. Direct costs may include use/damage; vehicle use and/or damage; expenditure of response/mitigation supplies; use of contract services; laboratory testing; and disposal and/or storage of hazardous materials/substances.”

Page 2, 1.1.3, Reorganization of existing definition to correct an error in alphabetization.

The definition of “Designated Emergency Response Authority (DERA)” is moved from 1.1.4 to 1.1.3 to fix an error in the alphabetical order of the definitions. The existing definition under 1.1.3, “Department,” is already proposed for reassignment to 1.1.2. Updated, 1.1.3 now reads, “**Designated Emergency Response Authority (DERA): Has the same meaning as set forth within Section 29-22-102, CRS,**” instead of “Department: Means the Colorado Department of Public Safety (CDPS).”

Page 3, 1.1.4, Reorganizes the existing definition to fix an alphabetization error.

The definition of “Direct Costs” has been moved from 1.1.2 to 1.1.4 to fix an error in the alphabetical order of the definitions. The current definition under 1.1.4, Designated Emergency Response Authority (DERA), is already proposed for reassignment to 1.1.3. Updated, 1.1.4 now reads “**Direct Costs: Include those costs specifically incurred as a result of responding to and/or mitigating a hazardous substance incident. Direct costs may include use/damage; vehicle use and/or damage; expenditure of response/mitigation supplies; use of contract services; laboratory testing; and disposal and/or storage of hazardous materials/substances,**” instead of “Designated Emergency Response Authority (DERA): Has the same meaning as set forth within Section 29-22-102, CRS.”

Page 6, HSCR 7.1.1.1, Publication date and website address update.

The publication date for the Federal Emergency Management Agency schedule of equipment rates referenced by the rules must be updated to the version available in the current Code of Federal Regulations (CFRs). The website address to access the schedule online must also be corrected. Updated, HSCR 7.1.1.1 reads “Federal Emergency Management Agency, Department of Homeland Security, 44 CFR 206.228 (**2025**). The amortization/depreciation schedule of equipment rates is available online through the FEMA website at:

<https://www.FEMA.gov/assistance/public/tools-resources/schedule-equipment-rates>.

Page 6, HSCR 7.1.2.2.1, website address update.

The website address in the fifth sentence of HSCR 7.1.2.2.1 needs to be corrected. Updated, the website reads “<https://www.FEMA.gov/assistance/public/tools-resources/schedule-equipment-rates>.”

Page 6, HSCR 7.1.4, website address updates.

The website addresses for the CSP Hazardous Materials reimbursement program and the CDPS Rulemaking Information websites need correction. Updated, HSCR 7.1.4 reads “These rules are available online through the CSP Hazardous Materials section webpage at

<https://csp.colorado.gov/reimbursement-program> and the CDPS Rulemaking Information webpage, <https://publicsafety.colorado.gov/cdps/rules-colorado-code-of-regulations>.