

**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.

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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](mailto: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  
303-273-1900

## **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.