



**POLICY #17**  
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**Subject**            **USTs Permanently Closed Before December 22, 1998**  
**Adopted**           **7/21/2006; 2/2/1996**

If a tank that has leaked petroleum product is owned by a person who is deemed to bear no responsibility for the release according to the provisions of §8-20.5-206(3) CRS or §8-20.5-303(3) CRS, and if it can be shown that the release was not discovered by the "non-responsible party" owner until after December 22, 1988, then the fact that the tank may have already been removed prior to December 22, 1988, shall not result in the disqualification of that "non-responsible party" owner from being eligible for reimbursement from the trust fund. But, if the owner does not qualify as a "non-responsible party" owner according to the provisions of §8- 20.5-206(3) CRS or §8-20.5-303(3) CRS, then closure in place or removal of the tank prior to December 22, 1988, shall render that owner ineligible for reimbursement even if it can be shown that the release was not discovered until after December 22, 1988.

**This policy replaces Policy 1 for all applications received on or after February 2, 1996.**

