



**POLICY #20**  
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**Subject**            **Fund Eligibility for Property Owners Who Obtain Property after June 3, 1992**  
**Adopted**           **7/21/2006; 7/11/1997**

A person who obtains property after June 3, 1992, is potentially eligible for the Fund as a property owner who bears no responsibility for the release provided one of the following applies:

1. The contamination resulted from abandoned or orphan tanks discovered by the applicant after acquisition of the property. "Abandoned tank" means an underground or aboveground petroleum storage tank that the current tank owner or operator or current property owner did not install, has never operated or leased to another for operation, and had no reason to know was present on the site at the time of site acquisition. [§8 20.5 101(1)] Eligibility in this category is pursuant to §8-20.5- 206(3)(b) CRS [USTs] or §8-20.5-303(3)(b) CRS [ASTs].
2. The applicant inherited the property (a gift does not qualify for this exemption) from an immediate family member and all of the following apply:
  - a. The applicant would be eligible as a property owner who bears no responsibility for the release pursuant to §8-20.5-206(3)(a) CRS [USTs] or §8-20.5-303(3)(a) CRS [ASTs] had the property not been inherited after June 3, 1992. This means:
    - i. The applicant has never operated petroleum storage tanks at the property nor leased the tanks to another for operation.
    - ii. The applicant had no reason to know at the time the property was inherited that petroleum contamination existed at the site.
  - b. The applicant inherited the property from a person who could in his/her own right have established eligibility as a person bearing no responsibility for the release pursuant to statute:
    - i. Never operated petroleum storage tanks at the site.
    - ii. Acquired the property no later than June 3, 1992.
    - iii. Had no reason to know contamination existed when the property was acquired.

This potential eligibility can be recommended based on documents, affidavits and statements by the applicant, and statements by independent sources.

- c. The applicant provides an affidavit regarding the potential eligibility of the person from whom the property was inherited.
- d. The applicant discovered the contamination after inheriting the property.

