



**Subject**                    **Contamination Discovery Date**  
**Adopted**                   **7/21/2006; 5/6/1994**

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 "innocent" 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 "innocent" owner from being eligible for reimbursement from the trust fund. But, if the owner does not qualify as an "innocent" owner according to the provisions of § 8-20.5-206(3) CRS or § 8-20.5-303(3) CRS, then 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. Such an owner shall not be rendered ineligible, however, if the tank was only closed in place in accordance with the provisions of 7 CCR 1101-14 rather than being physically removed.

**Policy 1 is replaced by Policy 17 for all reimbursement applications received on or after February 2, 1996.**

