

COLORADO DEPARTMENT OF REGULATORY AGENCIES  
OFFICE OF POLICY AND RESEARCH

COLORADO CERTIFICATION AND  
TRAINING OF PERSONS  
SERVICING OR DISPOSING OF  
EQUIPMENT CONTAINING OZONE  
DEPLETING COMPOUNDS

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1995 SUNSET REVIEW



**Joint Legislative Sunrise/Sunset Review Committee  
1995-1996 Members**

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Chair**

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June 30, 1995

The Honorable Richard Mutzebaugh, Chair  
Joint Legislative Sunrise/Sunset Review Committee  
State Capitol Building  
Denver, Colorado 80203

Dear Senator Mutzebaugh:

The Colorado Department of Regulatory Agencies has completed the evaluation of the **certification and training of persons servicing or disposing of equipment containing ozone depleting compounds**. We are pleased to submit this written report, which will be the basis for my office's oral testimony before the Joint Legislative Sunrise/Sunset Review Committee. The report is submitted pursuant to §24-34-104 (8)(a), of the Colorado Revised Statutes, which states in part:

*"The Department of Regulatory Agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section..."*

*The Department of Regulatory Agencies shall submit a report and such supporting materials as may be requested, to the Sunrise and Sunset Review Committee created by joint rule of the Senate and House of Representatives, no later than July 1 of the year preceding the date established for termination..."*

The report discusses the question of whether there is a need for the regulation provided under article 7 of title 25, C.R.S. The report also discusses the effectiveness of the division and staff in carrying out the intention of the statutes and makes recommendations for statutory and administrative changes in the event this regulatory program is continued by the General Assembly.

Sincerely,

Joseph A. Garcia  
Executive Director

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## *EXECUTIVE SUMMARY*

Agencies has concluded its Sunset Review of the Certification and Training of Persons who Service or Dispose of Ozone Depleting Compounds. The report makes one administrative recommendation, to bring the fine limits mentioned in Air Pollution Control Regulation 15 in line with current statutory limits. The report makes two statutory recommendations regarding state training and certification contained in §25-7-105(11)(f),C.R.S.

The first recommendation is to allow the statutory authority for a state training and certification program to terminate as scheduled. The legislation for state certification of persons who service or repair refrigeration equipment containing ozone depleting compounds was intended to be a contingency measure in the event the federal government, through the Environmental Protection Agency (EPA), failed to develop a program. While the federal program was several months behind the schedule required by the federal Clean Air Act Amendments of 1990 (CAAA), it has been implemented.

It is clearly stated in the Federal Register that the EPA intends for its program to be the only regulatory program necessary for states to comply with the requirements of the CAAA. Only Colorado and Wisconsin currently have requirements beyond the EPA certification program. Colorado requires state registration of EPA certified technicians, Wisconsin requires a separate state training program in addition to the EPA certification.

The second recommendation is for clarification of the authority for the state registration program. The fees generated by the technician registration program are used to conduct inspections of, and investigate complaints about, refrigeration technicians. Without the registration program, the Air Quality Control Division will be severely limited in its ability to investigate complaints. This will probably result in complaints being referred to EPA for investigation.

Five states have adopted language in state air pollution laws to give state air pollution officials authority to enforce federal certification and training requirements. Colorado and Wisconsin have implemented systems to provide funding for proactive inspection and compliance programs. The authority for the Colorado program is contained in the same section of statute scheduled for repeal. Unless the legislature acts to continue the authority, it is unclear whether the program can continue.

## **BACKGROUND**

The Colorado training and certification requirements for persons servicing, repairing, or disposing of appliances and industrial process refrigeration equipment, administered by the Air Pollution Control Division in the Colorado Department of Public Health and Environment (CDPHE) shall be terminated July 1, 1996 unless continued by the general assembly. During the year prior to this date it is the responsibility of the Department of Regulatory Agencies (DORA) to conduct an analysis of the program in compliance with §24-34-104, C.R.S.

The purpose of this review is to determine whether the registration of persons servicing stationary appliances containing ozone depleting compounds should be continued for the protection of the public health, safety and welfare. The report also evaluates the performance of the Air Pollution Control Division in CDPHE, related to this program. During this review, CDPHE must demonstrate that there is still a need for the certification program and that the registration is the least restrictive regulation consistent with the public interest. DORA's findings and recommendations are submitted to the Sunrise and Sunset Review Committee of the Colorado General Assembly. Statutory criteria used in the sunset review is found in the appendix of this report.

The Sunset Review process included an analysis of the statute, interviews with state authorities, CDPHE staff, local government representatives and regulated individuals. DORA makes every effort to elicit information and comments from all interested parties.

Chlorofluorocarbons (CFC) are synthetic chemicals commonly used in refrigeration equipment. Releases of CFC damage the ozone layer in the upper reaches of the earth's atmosphere. Ozone loss in the atmosphere has been linked to increased cancer rates in humans and has a negative effect on plant and animal life.

In September of 1987, the United States signed the Montreal Protocol. This agreement, combined with subsequent amendments, requires phasing out the production and use of harmful ozone depleting compounds (ODC). As a result of this international agreement, the federal government has severely restricted the production of CFC.

Title V of the Clean Air Act Amendments of 1990 (CAAA) require states to develop operating permit programs to control air pollution. States must submit programs to EPA for approval. Failure to develop an approved program can result in sanctions against the state, and an EPA controlled program.

Section 502 of CAAA requires state programs to demonstrate the ability to enforce all provisions (applicable requirements) of the CAAA. Title VI of the CAAA contains provisions for the prevention of releases of CFC. EPA has promulgated regulations under Title VI requiring the training and certification of technicians working on refrigeration systems.



## *SUMMARY OF STATUTE*

### **Federal Regulation**

The 1990 Federal CAAA, Title VI, requires the US Environmental Protection Agency (EPA) to implement regulations controlling releases of ozone depleting compounds. Section 602 of the CAAA divides CFC into Class I and Class II ODC. Section 608 of the CAAA requires the EPA to promulgate regulations establishing standards and requirements regarding the use and disposal of class I and II substances during the service, repair or disposal of appliances and industrial process refrigeration. The CAAA required the regulations for most class I ODC to be in place by July of 1992 and regulations on stationary source refrigeration equipment and ODC to be promulgated by November of 1994.

Section 609 of the CAAA specifically addresses ODC in motor vehicles. The CAAA prohibits anyone not properly trained and certified by an EPA approved program from performing any service on a motor vehicle air conditioning system. The EPA was required to have the necessary regulations in place to implement this section of the act by January of 1992.

### **EPA Requirements Under Section 608 of the 1990 CAAA**

Section 608 of the CAAA establishes the authority for EPA to regulate persons engaged in the repair, maintenance or salvage of appliances or industrial stationary refrigeration units containing ODC. After public hearings and consideration of comments by over 20,000 individuals, professional organizations and environmental groups, EPA published its final rule “protection of stratospheric ozone, refrigerant recycling”, contained in 40 CFR part 82, on May 14, 1993. The EPA regulations require:

- Service practices to maximize recycling of ODC during servicing and disposal of refrigeration equipment;
- Certification requirements for recycling and recovery equipment, reclaimers and **service technicians**;
- Prohibit the sale of refrigerant to non EPA certified technicians;

- Persons servicing or disposing of air-conditioning and refrigeration equipment must certify to EPA that they use approved recycling or recovery equipment and that they comply with all requirements of the rule;
- Established approved disposal procedures for contaminated refrigerant; and
- Leak detection and repair on air-conditioning and refrigeration equipment with a refrigerant charge of over 50 pounds.

### **EPA Technician Certification**

EPA has established regulations requiring certification for three classifications of stationary source refrigeration technicians. Each classification is restricted to a specific type of refrigeration equipment. An additional universal classification allows a person to work on any type of stationary refrigeration equipment.

The certification process is privatized. Individual companies, trade schools, unions and professional organizations may apply to EPA for approval to conduct certification examinations. EPA does not review or approve individual course training materials. However, it does approve all examination questions to insure consistency across programs. EPA periodically inspects testing sites to maintain the integrity of the program.

The Type I certification is the simplest to obtain. It consists of a self study course and a passing score on an open book, mail-in examination. Individuals certified as a Type I technician are approved to service small appliances such as window air-conditioners and residential refrigerators.

The Type II, III and Universal certifications require a passing score on a “closed book” proctored examination. EPA has approved several training programs for each classification of technician. Approved training and certification programs are required to provide individuals successfully completing training and passing the examination, with a wallet sized identification card as proof of certification.

There are several EPA approved organizations offering testing in Colorado. The exams are offered at various times and locations statewide. Fees for the exams are set by the individual organizations and vary from \$10 to \$50 depending on the level of certification and organization affiliation.

EPA stated in passing the regulation that “The Agency believes creating a national certification program will decrease the need for a myriad of differing regulations. However, this regulation does not preempt state and local authority in any way.”

Unlike the Title V Operating Permit Program, The training and certification requirement in Title VI is not a state delegated program. EPA maintains enforcement authority over the technician program and conducts random inspections of repair and disposal facilities. Under the CAAA, EPA has the authority to issue fines of up to \$25,000 per day for violations of the regulations. Knowingly violating Title VI of the CAAA is also subject to criminal prosecution.

**Colorado  
Regulation -  
Statutory**

In 1992 the Colorado General Assembly passed HB 92-1178 to implement the ozone protection provisions contained in Title VI of the CAAA. HB 92-1178 amended the “Colorado Air Pollution Prevention and Control Act” contained in article 7 of title XXV, C.R.S. This gives the state authority to enforce the federal requirements under Title VI. Five other states have similar state enforcement provisions in their state air pollution laws. The Air Quality Control Commission (AQCC) was directed by §25-7-105 (11), C.R.S., to promulgate regulations concerning CFC and ODC. Regulations promulgated by the AQCC include:

- Recycling of refrigerants containing CFC which is removed from any refrigeration system of a retail store, cold storage warehouse, or commercial or industrial building;
- Prohibiting the intentional venting of CFC during the installation, servicing or disposal of certain refrigeration systems;
- Restrictions on the repair or servicing of motor vehicle air conditioning systems;
- Regulations to collect fees on the sales of automobiles with air conditioning systems using ODC;
- Refrigerant recycling requirements;
- A registration program for persons servicing stationary refrigeration equipment, including appliances. The program is cash funded by fees adopted by the AQCC;
- Establishing a registration program for stationary source refrigeration systems containing 100 pounds or more of ODC. The program is cash funded by registration fees adopted by the AQCC within specific statutory limits contained in §25-7-105(11)(h), C.R.S.

**Colorado Air  
Pollution  
Control  
Division  
Regulation 15  
- Control of  
Emission of  
Ozone  
Depleting  
Compounds**

This regulation, last amended January, 1994, implements the requirements of both the CAAA and Colorado Act, concerning CFC. Part A requires motor vehicle dealers to collect and remit to the Colorado Department of Revenue, a fee for any motor vehicle sold with an air conditioner using a listed ozone depleting compound.

Part B of the regulation contains requirements for the owners and operators of refrigeration systems and appliances. These include registration of stationary systems exceeding certain size restrictions, maintenance plans for such systems, and refrigerant recovery requirements for technicians. Owners of large stationary appliances are subject to annual reporting requirements. Motor vehicle repair facilities are subject to mandatory record keeping requirements.

Registration with CDPHE of EPA certified air conditioning and refrigeration repair technicians is required by Regulation 15. Registrations are valid for one year and the fee for both registration and renewal are \$10. CDPHE maintains a list of EPA approved training and certification programs and provides it, free of charge, to individuals requesting information about becoming certified. In preparing this report, no evidence was found of a lack of certification opportunities in Colorado.

## *PROGRAM DESCRIPTION AND ADMINISTRATION*

funded by fees generated from the registration of large refrigeration units and certified refrigeration technicians, both stationary and automotive. The program is located in the Colorado Department of Public Health and Environment, Air Pollution Control Division (APCD), Stationary Sources Program. The CFC program operated with a total of three full-time employees (FTE) and a budget of \$242,000 in fiscal year 1994-95.

To date, the program has registered approximately 4,400 technicians in the stationary source program. Because EPA certification was not mandatory until November of 1994, the initial registration program did not require information on certification levels. However, it is assumed all registered technicians are in compliance with EPA regulations. Program staff are currently verifying certification of all technicians.

Technician compliance with EPA certification is enforced through the state registration. An inspection program funded by registration fees enforces the state registration requirement. The program contracts with local health departments to conduct inspections in larger counties. Program staff perform the inspections in the smaller counties. Approximately 90% of all inspections are conducted by local health departments, under contract with CDPHE.

The program works through county assessors to identify commercial and industrial buildings meeting the size profile that typically require an air conditioner large enough to be regulated (approximately 50,000 square feet). The building owner or management is then notified of the regulatory requirements. Once a site is confirmed to be housing regulated stationary appliance, it is placed on an inspection schedule.

The program has identified 2,800 “stationary shops”, these are businesses installing or repairing appliances covered under the Act. There are over 4,200 registered appliances at 3,100 locations statewide. The majority of these are retail food establishments (grocery stores). Because of the unique nature of grocery store refrigeration equipment, CDPHE staff worked with the retail food council to develop industry specific reporting and inspection procedures.

Program staff are responsible for following up on all violations found during an inspection by a county health department under contract with CDPHE. Coordination and review of any enforcement action is the responsibility of APCD staff. Regulation 15 provides for a maximum penalty for a violation of the regulation of \$1,000 per occurrence. The statute provides for civil (§25-7-122(1)(b), C.R.S.) and criminal (§25-7-122.1(1)(b), C.R.S.) penalties of \$15,000 per day and up to two years in prison.

## *SUNSET ANALYSIS*

Evidence supports the theory that CFC weakens the protective ozone layer in the earth's atmosphere. There is equally strong evidence that the weakening of the ozone layer increases the incidence of skin cancer and other harmful effects on human health and the environment. While direct exposure to CFC have minimal immediate health impacts, it still meets the statutory criteria for regulation to protect the public.

While it is clear the regulation of CFC is necessary, the question remains whether the registration system implemented in Colorado is the least restrictive form of regulation consistent with the public interest. The national certification of refrigeration technicians was developed by EPA after obtaining over 20,000 comments on the proposal. Less than one percent of the comments opposed the national certification. The CDPHE regulations do not require additional training, education or qualification for refrigeration technicians beyond the EPA certification.

Enforcement of the training and certification of refrigeration technicians under Title VI is not a state delegated program. The EPA maintains all certification and equipment approvals. While the technician program is not legally a state delegated program, EPA devotes few resources to inspections. The CDPHE registration fee is the funding mechanism for a state enforcement program. This does provide additional public protection in the sense that increased enforcement activities generally result in increased compliance. If the state does not perform its own inspections, enforcement by EPA would most likely be on a complaint only basis. With a six state region to cover, it is unlikely many enforcement actions would take place in Colorado.

The Attorney General and the CDPHE have indicated the state must enforce Title VI requirements of the CAAA to have an approved Title V operating permit program. They contend the fees generated by Regulation 15 are necessary to demonstrate the financial ability to enforce the CFC regulations. However, EPA is responsible for enforcement of the certification and training component of the CFC program, since it is not a state delegated program.



Wisconsin is the only other state with registration requirements beyond the federal certification for refrigeration technicians. The Wisconsin program requires state approved training and a passing score on a state approved examination. The certification is valid for a three year period and costs \$100. Some states have incorporated the EPA certification requirements into their state Heating, Ventilation and Air Conditioning (HVAC) contractor license. Six states currently have specific air conditioning or refrigeration contractor licensing programs, Colorado does not.

Unlike the Wisconsin program, registration in Colorado does not add to the federal certification or training requirements. The enforcement authority in the Colorado program does add to the public protection since EPA is unlikely to conduct regular inspections in the state. While EPA regulations do not prohibit states from imposing additional regulatory requirements on technicians, it clearly was the intent to eliminate the need for them by having a national certification program. (Federal Register, May 14, 1993, p 28694)

The average home refrigerator contains less than one pound of refrigerant. The average automobile air conditioner contains approximately three to five pounds of refrigerant. Regulation 15 requires the registration of systems containing a minimum of 100 pounds of refrigerant. A standard roof mounted air conditioning system for a typical three story office building (approximately 50,000 square feet) would meet the requirements for registration with the Colorado CFC Program.

The owner or operator of a system registered with the Colorado Program is required to keep maintenance records for the system. Regulations also require all servicing be performed by certified technicians. The owners of many registered systems have certified technicians on staff, however, they contract major repairs with outside vendors. Maintenance logs for registered systems must document the certification of any technician adding refrigerant to the system.

The CAAA requirements, combined with international agreements have caused significant price increases in CFC. Popular refrigerants that costs less than three dollars a pound in the late 1980s now cost in excess of \$20 per pound. It is rapidly becoming cost prohibitive for consumers to just “recharge” leaking systems, even without the prohibitions on intentional venting of CFC. Federal and state laws prohibit the sale of regulated refrigerants to non certified individuals or companies, except to a licensed retailer for resale to certified technicians. APCD staff have indicated a concern non certified technicians could still obtain refrigerants. However, such transactions violate state sales tax laws in addition to air pollution laws.

Section 24-34-104.1, C.R.S. requires any interested party who wishes to regulate a previously unregulated profession to submit an application to the Joint Legislative Sunrise and Sunset Committee. The Colorado Air Pollution Prevention and Control Act does not specifically require the registration of EPA certified refrigeration technicians. The registration by the AQCC appears to conflict with the Sunrise statute.

**RECOMMENDATIONS****Should  
Regulation be  
Continued?**

***Recommendation 1 - Allow the provisions of §25-7-105(11)(g), C.R.S., concerning state training and certification requirements for persons servicing stationary appliances that contain Ozone Depleting Compounds to sunset as scheduled.***

State authority for training and certification was intended as a contingency measure in the event EPA did not implement a federal program. Since EPA did implement a federal training and certification program, the state authority is not necessary.

**Clarify  
Authority to  
Enforce  
Compliance**

***Recommendation 2 - The General Assembly should clarify the authority of the state to enforce compliance with the federal training and certification program.***

CDPHE has implemented regulations for a technician registration program as a system of ensuring compliance with the federal training and certification requirements. To provide funding for an inspection and compliance program, a fee is collected for registration. It is unclear whether the authority for this registration program will continue if the training and certification provisions are removed from statute. Because EPA does not have the resources to enforce the requirements in Colorado, CDPHE believes state enforcement authority is necessary to protect the public.

**Administrative  
Recommendation**

***Recommendation 3 - The penalty provisions of Regulation 15 should be repealed.***

At the time the penalty provision in Regulation 15 was adopted, \$1,000 was the maximum penalty allowed by statute. The statute has since been amended to allow significantly larger penalties, for violations of the statute or regulations promulgated under the statute. It is unnecessary and duplicative to include the penalty in regulation if the intent is to allow the maximum penalty allowed by statute. If the regulation is amended to refer to the penalty provision in statute, any changes in statute will not require further rule making hearings.

*APPENDICES*

## Sunset Statutory Evaluation Criteria

- (I) Whether regulation by the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less or the same degree of regulation;
- (II) If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms and whether agency rules enhance the public interest and are within the scope of legislative intent;
- (III) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices of the Department of Regulatory Agencies and any other circumstances, including budgetary, resource and personnel matters;
- (IV) Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;
- (V) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;
- (VI) The economic impact of regulation and, if national economic information is available, whether the agency stimulates or restricts competition;
- (VII) Whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;
- (VIII) Whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action;
- (IX) Whether administrative and statutory changes are necessary to improve agency operations to enhance public interest.

## **Statute for Persons who Service or Dispose of Ozone Depleting Compounds**

**25-7-105. Duties of commission - repeal.** (1) Except as provided in sections 25-7-130 and 25-7-131, the commission shall promulgate such rules and regulations as are consistent with the legislative declaration set forth in section 25-7-102 and necessary for the proper implementation and administration of this article, including but not limited to:

(a) (I) A comprehensive state implementation plan which will assure attainment and maintenance of national ambient air quality standards and which will prevent significant deterioration of air quality, all in conformity with the provisions of this article. The comprehensive plan shall meet all requirements of the federal act and shall be revised whenever necessary or appropriate.

(II) The comprehensive state implementation plan of the commission shall, wherever feasible, include local or regional air pollution plans and programs adopted or enforceable by municipal or county governments. Before making any changes to those portions of the state implementation plan which include such air pollution plans and programs or to such plans and programs which are suggested for inclusion in the state implementation plan, the commission shall give thirty days' notice of the proposed changes to the affected municipal or county government to allow a reasonable opportunity to prepare comments on the proposed changes. The commission shall consider such comments in its action on the state implementation plan and shall document in the record of the hearing its reasons for any changes to such plans and programs. Any such plans and programs which are approved by the commission and formally submitted as a part of the state implementation plan shall be deemed a part of the comprehensive program of the commission and shall be enforced as such.

(b) Emission control regulations in conformity with section 25-7-109;

(c) A prevention of significant deterioration program in conformity with part 2 of this article and federal requirements; except that definitions used in the program shall not differ from any definitions pertaining to the prevention of significant deterioration program which appear in section 169 of the federal act or in federal regulations promulgated thereunder, and an attainment program in conformity with part 3 of this article;

(d) A satisfactory process of consultation with general purpose local governments and any federal land manager having authority over federal land to which the state implementation plan applies, effective with respect to measures adopted after August 7, 1978, pertaining to transportation controls, air quality maintenance plan requirements, preconstruction review of stationary sources of air pollution, or any measure referred to in the prevention of significant deterioration program established pursuant to part 2 of this article or the attainment program established pursuant to part 3 of this article, or granting delayed compliance orders pursuant to section 25-7-118.

(2) The commission shall provide forms of application and shall receive all such applications for review of the classification of any attainment, nonattainment, or unclassifiable area within the state made pursuant to section 25-7-106 (1) or 25-7-107 (2), all applications for designation or redesignation made pursuant to section 25-7-208, and all applications for any revision of general application of the state implementation plan and shall set such applications for hearing and determination by the commission in accordance with the provisions of section 25-7-119.

(3) The commission shall employ a technical secretary and shall delegate to such secretary such duties and responsibilities as it may deem necessary; except that no authority shall be delegated to such secretary to adopt, promulgate, amend, or repeal standards or regulations, or to make determinations, or to issue or countermand orders of the commission. Such secretary shall have appropriate practical, educational, and administrative experience related to air pollution control and shall be employed pursuant to the state personnel system laws.

(4) (a) The commission and the state board of health shall hold a joint public hearing during the month of October of each year in order to hear public comment on air pollution problems within the state, alleged sources of air pollution within the state, and the availability of practical remedies therefor; and at such hearing the technical secretary shall answer reasonable questions from the public concerning administration and enforcement of the various provisions of this article, as well as rules and regulations promulgated under the authority of this article.

(b) On or before September 30, 1993, the commission shall publish and revise from time to time thereafter, as is necessary, a regulatory agenda which includes its schedule for future rule-making and its schedule for implementing section 25-7-109.3 and other air quality programs.

(5) Prior to the hearing required under subsection (4) of this section, the commission shall prepare and make available to the public a report which shall contain the following specific information:

(a) A description of the pollution problem in each of the polluted areas of the state, described separately for each such area;

(b) To the extent possible, the identification of the sources of air pollution in each separate area of the state, such as motor vehicles, industrial sources, and power-generating facilities;

(c) A list of all alleged violations of emission control regulations which shows the status of control procedures in effect with respect to each such alleged violation.

(6) On or before December 31 of each year, the commission shall report to the governor and the general assembly on the effectiveness of the provisions of this article in carrying out the legislative intent, as declared in section 25-7-102, and shall include in such report such recommendations as it may have with respect to any legislative changes that may be needed or desirable and such recommendations with respect to emission standards and emission control devices for motor vehicles, aircraft, and other mobile equipment as it deems advisable.



(7) Repealed, L. 84, p. 768, 1, effective July 1, 1984.

(8) (Deleted by amendment, L. 92, p. 1170, 7, effective July 1, 1992.)

(9) The commission shall adopt exhaust emissions standards for motor vehicles purchased for state use and shall assist the state purchasing director in determining those vehicles which meet or exceed such standards.

(10) The commission shall promulgate such rules and regulations as are necessary to implement the provisions of part 5 of this article concerning asbestos control.

(11) The commission shall promulgate regulations concerning CFC's and ozone depleting compounds as follows:

(a) Regulations requiring the recycling or reuse of any refrigerant containing CFC which is removed from the refrigeration system of a retail store, cold storage warehouse, or commercial or industrial building by any person who installs, services, repairs, or disposes of such system as a result of service to or disposal of such system;

(b) Regulations prohibiting the intentional venting or disposal of any refrigerant containing CFC by the owner or operator of a retail store, cold storage warehouse, or commercial or industrial building and requiring the recycling or reuse of such refrigerant.

(c) Regulations requiring the use of approved motor vehicle refrigerant recycling equipment during the repair or servicing of a motor vehicle air conditioner, requiring that such repair or servicing be done by a person certified in accordance with federal regulations, and including requirements for reclamation of refrigerants during the disposal of a vehicle;

(d) Regulations which are necessary for the imposition and collection of a fee on the sale of any new automobile with an air conditioner which uses any ozone depleting compound pursuant to section 25-7-135;

(e) Regulations which establish requirements for recycling;

(f) Regulations which conform with the requirements of section 608 of the "Federal Clean Air Act of 1990" to establish standards and requirements regarding the use and disposal of class I and class II ozone depleting compounds during the service, repair, or disposal of appliances and industrial process refrigeration. If federal training and certification requirements are adopted under section 609 of the "Federal Clean Air Act of 1990" as of January 1, 1993, no state training and certification requirements shall be adopted. If the federal regulations are not adopted, then such state regulations shall contain training and certification requirements substantially similar to those required under section 609 of the "Federal Clean Air Act of 1990". Such regulations shall also include provisions for the imposition and collection of a certification fee sufficient to implement the training, certification, and enforcement requirements of this paragraph (f).

(g) Regulations concerning training and certification requirements established under paragraph (f) of this subsection (11) shall be repealed, effective July 1, 1996. Prior to such repeal, such regulations shall be reviewed as provided for in section 24-34-104, C.R.S.

(h) Regulations which are necessary for the imposition and collection of a fee for registering as stationary sources refrigeration systems and other appliances which contain a minimum of one hundred pounds or use a drive system of one hundred horsepower or more and use ozone depleting compounds. The fee set by the commission shall reflect the direct and indirect costs of registering refrigeration systems and appliances; however, such fee shall not exceed twenty-five dollars per unit and shall not exceed a maximum of two hundred dollars per facility.

(12) The commission shall promulgate such rules and regulations as are necessary to implement the provisions of the emission notice and construction permit programs and the minimum elements of a permit program provided in Title V of the federal act.

(13) (a) The commission shall promulgate rules and regulations requiring motor vehicles which have manufacturer-installed diagnostic systems for emission controls to have such diagnostic systems inspected and maintained consistent with section 202 of the federal act as part of the periodic inspection of vehicle emission control systems required pursuant to this article.

(b) This subsection (13) shall take effect July 1, 1994.

(14) (a) The commission shall promulgate rules and regulations as are necessary to implement, consistent with section 246 of the federal act and section 25-7-106.8, a clean fuel vehicle fleet program requiring that an appropriate percentage of new fleet vehicles be clean fuel vehicles, an appropriate credit program, and provisions exempting clean fuel fleet vehicles from appropriate and otherwise generally applicable transportation control measures in the state implementation plan.

(b) The credit program shall provide for an emissions credit for fleet owners if the purchase of clean vehicles is in quantities in excess of applicable minimum requirements or is made one year or more in advance of the time frames provided by section 246 of the federal act.

(c) The credit program shall contain an emissions reduction offset provision consistent with section 25-7-304 which preserves for future use and credit emission reductions achieved by vehicle fleet owners achieved in advance of or in excess of the minimal requirements provided in section 246 of the federal act.

(d) The commission and division shall consult with owners and operators of fleets, vehicle manufacturers, and fuel producers, distributors, and dispensers in developing such rules and regulations.

(e) This subsection (14) shall take effect July 1, 1994.

(15) The commission shall promulgate rules and regulations as are necessary to provide an emission reduction incentive permit fee credit program which provides for a permit fee reduction in the year following the year in which a permittee achieves an early reduction in emissions of hazardous air pollutants, consistent with the provisions of section 112 of the federal act and section 25-7-114.3.

(16) The commission shall give priority to and take expeditious action upon consideration of the following:

(a) A request by a unit of local government to investigate and resolve air quality problems associated with a source;

(b) A request by a unit of local government for inclusion of a locally developed air pollution control measure in a state implementation plan;

(c) A request by a unit of local government that the commission consider local concerns respecting environmental and economic effects in the context of a proceeding where the state is targeting a source for imposition of additional air pollution controls.