

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 23 STRATOSPHERIC OZONE PROTECTION

20.11.23.1 ISSUING AGENCY: Albuquerque/Bernalillo County Air Quality Control Board. P.O. Box 1293, Albuquerque, NM 87103. Telephone: (505) 768-2600.
[3/26/91. . .12/1/95; 20.11.23.1 NMAC – Rn, 20 NMAC 11.23.I.1, 10/1/02]

20.11.23.2 SCOPE:

A. This Part is applicable to persons engaged in the sale, servicing, or wrecking of automotive air conditioning systems, or automotive air conditioning refrigerants.

B Exempt: This Part does not apply to sources within Bernalillo County, which are located on Indian lands over which the Albuquerque/Bernalillo County Air Quality Control lacks jurisdiction.
[12/1/95; 20.11.23.2 NMAC – Rn, 20 NMAC 11.23.I.2, 10/1/02]

20.11.23.3 STATUTORY AUTHORITY: This Part is adopted pursuant to the authority provided in the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5.C; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Section 4; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Section 9-5-1-4.
[3/26/91. . .12/1/95; 20.11.23.3 NMAC – Rn, 20 NMAC 11.23.I.3, 10/1/02]

20.11.23.4 DURATION: Permanent.
[12/1/95; 20.11.23.4 NMAC – Rn, 20 NMAC 11.23.I.4, 10/1/02]

20.11.23.5 EFFECTIVE DATE: December 1, 1995, unless a later date is cited at the end of a section.
[12/1/95; 20.11.23.5 NMAC – Rn, 20 NMAC 11.23.I.5 & A, 10/1/02]

20.11.23.6 OBJECTIVE: The objective of this Part is to prevent or reduce deterioration of the stratospheric ozone layer.
[3/26/91. . .12/1/95; 20.11.23.6 NMAC – Rn, 20 NMAC 11.23.I.6, 10/1/02]

20.11.23.7 DEFINITIONS: In addition to the definitions in Section 20.11.23.7 NMAC the definitions in 20.11.1 NMAC apply unless there is a conflict between definitions, in which case the definition in this Part shall govern.

A. “Approved Motor Vehicle Refrigerant Recycling or Recovery Equipment” means equipment models that have been certified to meet the Society of Automotive Engineers (SAE) standard for the extraction and reclamation of refrigerant from motor vehicle air conditioners (SAE standard J-1990) or other equipment as approved by the Director.

B. “Chlorofluorocarbons or CFCs” means the family of substances containing carbon, fluorine and chlorine, and having no hydrogen atoms and no double bonds. This includes but is not limited to the Freon used in air conditioning and refrigeration units.

C. “Refrigeration Unit” means automotive air conditioners and refrigerators and freezers, including both those intended to be household appliances and those, which are commercial and industrial models.

D. “Wrecker of Vehicles” means any person actively engaged in the business of acquiring vehicles, required to be registered under Motor Vehicle Code, Articles 1 through 8 of Chapter 66 NMSA 1978, for the purpose of dismantling such vehicles as scrap material or the resale of reclaimable parts.
[3/26/91. . .12/1/95; 20.11.23.7 NMAC – Rn, 20 NMAC 11.23.I.7, 10/1/02]

20.11.23.8 VARIANCES: [Reserved]
[12/1/95; 20.11.23.8 NMAC – Rn, 20 NMAC 11.23.I.8, 10/1/02]

20.11.23.9 SAVINGS CLAUSE: Any amendment to 20.11.23 NMAC, which is filed, with the State Records Center shall not affect actions pending for violation of a City or County ordinance, Air Quality Control Board Regulation 37, or 20.11.23 NMAC. Prosecution for a violation under prior regulation wording shall be

governed and prosecuted under the statute, ordinance, Part, or regulation section in effect at the time the violation was committed.

[12/1/95; 20.11.23.9 NMAC – Rn, 20 NMAC 11.23.I.9, 10/1/02]

20.11.23.10 SEVERABILITY: If any section, paragraph, sentence, clause, or word of this Part or any federal standards incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of remaining provisions of this Part.

[12/1/95; 20.11.23.10 NMAC – Rn, 20 NMAC 11.23.I.10, 10/1/02]

20.11.23.11 DOCUMENTS: Documents incorporated and cited in this Part may be viewed at the Albuquerque Environmental Health Department, 400 Marquette NW, Albuquerque, NM.

[12/1/95; 20.11.23.11 NMAC – Rn, 20 NMAC 11.23.I.11 & A, 10/1/02]

20.11.23.12 AUTOMOTIVE AIR CONDITIONING REFRIGERANTS

A. No person shall sell, offer for sale, or advertise for sale CFCs that can be used as a refrigerant in an automotive air conditioning system to any person who does not possess and provide evidence of having approved motor vehicle refrigerant recycling or recovery equipment.

B. No person shall repair, service, or attempt to repair or service automotive air conditioning systems unless approved motor vehicle refrigerant recycling or recovery equipment is used.

C. Wreckers of vehicles shall not allow CFC emissions to the ambient air and must use approved motor vehicle refrigerant recycling or recovery equipment prior to vehicle demolition.

[3/26/91; 20.11.23.12 NMAC – Rn, 20 NMAC 11.23.I.12 & Repealed, 10/1/02; Rn, 20 NMAC 11.23.II.1, 10/1/02]

HISTORY OF 20.11.23 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records – state records center and archives.

Regulation No. 37, Stratospheric Ozone Protection, 3/26/91.

History of Repealed Material: [Reserved]

Other History: Regulation No. 37, Stratospheric Ozone Protection, filed 3/26/91 was **renumbered** and **reformatted** into first version of the New Mexico Administrative Code as 20 NMAC 11.23, Stratospheric Ozone Protection, filed 10/27/95.

20 NMAC 11.23, Stratospheric Ozone Protection, filed 10/27/95 was **renumbered, reformatted, amended and replaced** by 20.11.23 NMAC, Stratospheric Ozone Protection, effective 10/1/02.