

CHAPTER 7027
MINNESOTA POLLUTION CONTROL AGENCY
STRATOSPHERIC OZONE PROTECTION

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7027.0500 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 7027.0500 to 7027.1150, the terms defined in this part have the meanings given them.

Subp. 2. **Appliance.** "Appliance" means any device which contains and uses a class I or class II substance as a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller, or freezer.

Subp. 3. **Class I.** "Class I" means the controlled substances listed in appendix A of Code of Federal Regulations, title 40, part 82, subpart A, as amended.

Subp. 4. **Class II.** "Class II" means the controlled substances listed in appendix B of Code of Federal Regulations, title 40, part 82, subpart A, as amended.

Subp. 5. **Motor vehicle air conditioner or MVAC.** "Motor vehicle air conditioner" or "MVAC" means mechanical vapor compression refrigeration equipment used to cool the driver's or passenger's compartment of a motor vehicle. This definition is not intended to encompass the hermetically sealed refrigeration systems used on motor vehicles for refrigerated cargo and the air conditioning systems on passenger buses using HCFC-22 refrigerant.

Subp. 6. **MVAC-like appliance.** "MVAC-like appliance" means mechanical vapor compression, open-drive compressor appliances used to cool the driver's or passenger's compartment of a nonroad motor vehicle. This includes the air conditioning equipment found on agricultural or construction vehicles. This definition is not intended to cover appliances using HCFC-22 refrigerant.

Subp. 7. **Technician.** "Technician" means any person recycling or disposing of appliances or maintaining, servicing, or repairing motor vehicle air conditioners or MVAC-like appliances.

Statutory Authority: *MS s 116.07; 116.731; 116.735*

History: *19 SR 2223*

7027.1000 ADOPTION OF FEDERAL REGULATIONS.

Subpart 1. **Servicing of motor vehicle air conditioners.** Code of Federal Regulations, title 40, part 82, subpart B, as amended, entitled "Servicing of Motor Vehicle Air Conditioners," and the corresponding appendixes, as amended, are adopted and incorporated by reference, except:

A. Code of Federal Regulations, title 40, section 82.30(a), is not included; and

B. references to the administrator under Code of Federal Regulations, title 40, part 82, subpart B, do not include the commissioner, with the exception of Code of Federal Regulations, title 40, sections 82.40(f), first occurrence of administrator only, and 82.42(b)(5).

Subp. 2. **Servicing and recycling appliances and emissions reduction.** Code of Federal Regulations, title 40, part 82, subpart F, as amended, entitled "Recycling and Emissions Reduction," and the corresponding appendixes, as amended, are adopted and incorporated by reference, except:

A. Code of Federal Regulations, title 40, sections 82.150(a), 82.152(x), 82.154(l), 82.161, and 82.166(1), are not included; and

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B. references to the administrator under Code of Federal Regulations, title 40, part 82, subpart F, do not include the commissioner.

Statutory Authority: *MS s 116.07; 116.731; 116.735*

History: *19 SR 2223*

7027.1050 STANDARD OF COMPETENCE.

Persons described in Minnesota Statutes, section 116.731, subdivisions 1 to 4, must be able to demonstrate, upon request of an authorized representative of the commissioner, the ability to perform proper procedures for refrigerant recovery, as described in Code of Federal Regulations, title 40, part 82, subparts B and F, as amended.

Statutory Authority: *MS s 116.07; 116.731; 116.735*

History: *19 SR 2223*

7027.1100 TECHNICIAN CERTIFICATION.**Subpart 1. Technician certification for appliance recyclers.**

A. A person that services or recycles appliances and obtains a certification from a program approved by the commissioner satisfies the certification requirement of Minnesota Statutes, section 116.735.

The technician certification programs approved by the United States Environmental Protection Agency under Code of Federal Regulations, title 40, part 82, subpart F, as amended, are programs approved by the commissioner.

B. Technicians must be certified as follows:

(1) persons who recycle small appliances, as defined in Code of Federal Regulations, title 40, section 82.152(v), as amended, must be properly certified as Type I technicians;

(2) persons who recycle high or very high pressure appliances, as defined in Code of Federal Regulations, title 40, section 82.152(f) and (y), as amended, except small appliances and MVACs, must be properly certified as Type II technicians;

(3) persons who recycle low pressure appliances, as defined in Code of Federal Regulations, title 40, section 82.152(i), as amended, must be properly certified as Type III technicians; and

(4) persons who recycle low and high pressure equipment as described in subitems (1) to (3) must be properly certified as Universal technicians.

Subp. 2. Technician certification for MVAC-like appliance servicers. Persons who maintain, service, or repair MVAC-like appliances must either be properly certified as Type II technicians as described in Code of Federal Regulations, title 40, part 82, subpart F, as amended, or obtain certification through a program approved under Code of Federal Regulations, title 40, part 82, subpart B, as amended.

Subp. 3. Recertification. The commissioner may require recertification of a technician who fails to meet the standard of competence of part 7027.1050.

Statutory Authority: *MS s 116.07; 116.731; 116.735*

History: *19 SR 2223*

7027.1150 STANDARDS FOR APPLIANCE RECYCLERS.

Subpart 1. Technician certification records. A person engaged in the business of recycling appliances as described in Minnesota Statutes, section 115A.9561, subdivision 2, shall:

A. possess the appropriate technician certification from a program approved by the commissioner; and

B. retain proof of technician certification at the place of business and at the work site, if different, to enable the commissioner to verify the identity and certification of each person.

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Subp. 2. Self-certification. A person engaged in the business of recycling appliances as described in Minnesota Statutes, section 115A.9561, subdivision 2, shall certify to the commissioner not later than July 14, 1995, or within 20 days of commencing business for those persons not in business on May 15, 1995, that the person has acquired recovery equipment that meets the standards in Code of Federal Regulations, title 40, section 82.158(m), as amended, and that the person is complying with the applicable requirements of this chapter, applicable Minnesota statutes, and Code of Federal Regulations, title 40, part 82, subpart F, as amended. Owners or lessees of recovery or recycling equipment may perform this certification for their employees. Certification must be a statement signed by the owner or lessee of the equipment or another responsible officer and must state:

- A. the name, address, and county of the buyer of the equipment;
- B. the business name and address where each piece of equipment is or will be located;
- C. the number of service vehicles used to transport technicians and equipment between the business, work site, and field;
- D. the equipment manufacturer's name, the date of manufacture, and the model and serial number;
- E. the names of the certified technicians, name of the program where certification was received from, date of certification, type of certification, and certification number; and
- F. a statement that the equipment will be properly used in recovering refrigerant from appliances, that each individual authorized to use the equipment is certified as required by part 7027.1150, subpart 1, item A, and that the information given is true and correct.

The certification must be updated annually by January 15 of each calendar year and must be sent to: Stratospheric Ozone Protection Program Coordinator, Minnesota Pollution Control Agency, Air Quality Division, 520 Lafayette Road North, Saint Paul, Minnesota 55155.

Subp. 3. Record keeping. A person engaged in the business of recycling appliances as described in Minnesota Statutes, section 115A.9561, subdivision 2, shall:

- A. ensure that a copy of the certification required pursuant to subpart 1, item A, is retained on file and made available at the place of business and at the work site, if different, during a technician's employment with the business;
- B. retain a copy of the certification required pursuant to subpart 1, item A, on file for a minimum of three years after the technician leaves employment of the business; and
- C. ensure that a copy of the certification required pursuant to subpart 2 is retained at the place of business and at the work site, if different.

Statutory Authority: *MS s 116.07; 116.731; 116.735*

History: *19 SR 2223*