

CHAPTER 210

**HEALTH AND ENVIRONMENT**

SENATE BILL 97-136

BY SENATOR Blickensderfer;  
also REPRESENTATIVES Owen, Bacon, Leyba, Reeser, and Schwarz.

**AN ACT**

CONCERNING REDUCTION IN LEAD EXPOSURE HAZARDS FOR CHILDREN, AND MAKING AN APPROPRIATION  
IN CONNECTION THEREWITH.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Article 5 of title 25, Colorado Revised Statutes, 1989 Repl. Vol.,  
as amended, is amended BY THE ADDITION OF A NEW PART to read:

**PART 11  
PREVENTION, INTERVENTION, AND REDUCTION  
OF LEAD EXPOSURE**

**25-5-1101. Legislative declaration.** (1) (a) THE GENERAL ASSEMBLY HEREBY  
DECLARES THAT THIS PART 11 IS ENACTED FOR THE PURPOSE OF REDUCING EXPOSURE  
OF CHILDREN TO LEAD HAZARDS AND REDUCING THE PREVALENCE OF ELEVATED  
BLOOD LEAD LEVELS IN CHILDREN UNDER SEVEN YEARS OF AGE. THE GENERAL  
ASSEMBLY FINDS AND DETERMINES THAT:

(I) EXPOSURE OF CHILDREN TO LEAD REPRESENTS A SIGNIFICANT ENVIRONMENTAL  
HEALTH PROBLEM IN THE STATE THAT IS PREVENTABLE;

(II) THE EXISTENCE OF ELEVATED BLOOD LEAD LEVELS IN CHILDREN IS OF GREAT  
CONCERN TO THE CITIZENS OF COLORADO BECAUSE LEAD POISONING IN CHILDREN  
MAY NECESSITATE LARGE EXPENDITURES OF PUBLIC FUNDS FOR HEALTH CARE AND  
SPECIAL EDUCATION, WHICH EXPENDITURES COULD BE AVOIDED IF EXPOSURE OF  
CHILDREN TO LEAD IS REDUCED;

(III) A COMPREHENSIVE LEAD HAZARD REDUCTION PROGRAM IS NEEDED TO  
PREVENT ELEVATED BLOOD LEAD LEVELS IN CHILDREN AND, IF IMPLEMENTED, SUCH

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions  
from existing statutes and such material not part of act.*

PROGRAM COULD PREVENT HUNDREDS OF COLORADO'S CHILDREN, MANY OF WHOM CURRENTLY GO UNDIAGNOSED OR UNTREATED, FROM BEING EXPOSED TO LEAD AT LEVELS BELIEVED TO BE HARMFUL.

(b) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ESTABLISH AND FUND A STATEWIDE LEAD HAZARD PREVENTION, INTERVENTION, AND REDUCTION PROGRAM WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE PURPOSES OF:

(I) COMPILING INFORMATION CONCERNING THE PREVALENCE, CAUSES, AND GEOGRAPHIC OCCURRENCE OF ELEVATED LEVELS OF LEAD IN CHILDREN'S BLOOD;

(II) IDENTIFYING AREAS OF THE STATE WHERE CHILDREN'S LEAD EXPOSURES ARE SIGNIFICANT;

(III) ANALYZING LEAD INFORMATION AND, WHERE INDICATED, DESIGNING AND IMPLEMENTING A PROGRAM OF MEDICAL MONITORING AND FOLLOW-UP AND ENVIRONMENTAL INTERVENTION THAT WILL REDUCE THE INCIDENCE OF EXCESSIVE EXPOSURE OF CHILDREN TO LEAD IN RESIDENCES AND CHILD-OCCUPIED FACILITIES IN COLORADO; AND

(IV) PROVIDING COMPREHENSIVE EDUCATIONAL MATERIALS THAT ARE TARGETED TO HEALTH CARE PROVIDERS, CHILD CARE PROVIDERS, SCHOOLS, PARENTS OF YOUNG CHILDREN, THE REAL ESTATE INDUSTRY, AND OWNERS OF RENTAL PROPERTIES.

**25-5-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHILD-OCCUPIED FACILITY" HAS THE SAME MEANING AS THAT SET FORTH IN SECTION 25-7-1102 (2).

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(3) "LEAD-BASED PAINT" HAS THE SAME MEANING AS THAT SET FORTH IN SECTION 25-7-1102 (5).

**25-5-1103. Lead hazard reduction program.** THERE IS HEREBY CREATED THE LEAD HAZARD REDUCTION PROGRAM IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO PERFORM PREVENTION, INTERVENTION, AND GENERAL HAZARD REDUCTION ACTIVITIES NEEDED TO REDUCE EXPOSURE OF CHILDREN TO LEAD-BASED PAINT HAZARDS. AS PART OF THE PROGRAM, THE DEPARTMENT SHALL COORDINATE ACTIONS BETWEEN THE DEPARTMENT AND THE DEPARTMENTS OF EDUCATION, HUMAN SERVICES, HEALTH CARE POLICY AND FINANCING, AND LOCAL AFFAIRS TO PRODUCE A COMPREHENSIVE PLAN AND PROGRAM TO PREVENT ELEVATED BLOOD LEAD LEVELS IN CHILDREN AND TO CONTROL EXPOSURE TO LEAD-BASED PAINT HAZARDS IN RESIDENCES AND CHILD-OCCUPIED FACILITIES IN COLORADO. THE PROVISIONS OF THIS PART 11 APPLY ONLY TO LEAD-BASED PAINT HAZARDS.

**25-5-1104. Comprehensive plan.** (1) ON OR BEFORE JULY 1, 1998, THE DEPARTMENT SHALL ESTABLISH A COMPREHENSIVE PLAN TO PREVENT ELEVATED

BLOOD LEAD LEVELS IN CHILDREN AND TO CONTROL EXPOSURE OF CHILDREN TO LEAD-BASED PAINT HAZARDS IN RESIDENCES AND CHILD-OCCUPIED FACILITIES. THE PLAN SHALL INCLUDE:

(a) DEVELOPMENT OF STANDARDS BY THE STATE BOARD OF HEALTH CONCERNING THE METHOD AND FREQUENCY OF SCREENING OF YOUNG CHILDREN FOR ELEVATED BLOOD LEAD LEVELS. THE STATE BOARD OF HEALTH SHALL CONSULT WITH RECOGNIZED MEDICAL, PUBLIC HEALTH, AND ENVIRONMENTAL PROFESSIONALS AND APPROPRIATE PROFESSIONAL ORGANIZATIONS IN THE DEVELOPMENT OF SUCH STANDARDS.

(b) DEVELOPMENT OF A COMPREHENSIVE EDUCATION PROGRAM REGARDING LEAD CONTAMINATION THAT MAKES APPROPRIATE EDUCATIONAL MATERIALS AVAILABLE TO HEALTH CARE PROVIDERS, CHILD CARE PROVIDERS, SCHOOLS, OWNERS AND TENANTS OF RESIDENTIAL DWELLINGS BUILT PRIOR TO 1978, AND PARENTS OF YOUNG CHILDREN;

(c) CASE MANAGEMENT AND ENVIRONMENTAL FOLLOW-UP SERVICES BY STATE OR LOCAL HEALTH AGENCIES TO ENSURE THAT ALL CASES OF ELEVATED BLOOD LEAD LEVELS IN CHILDREN RECEIVE SERVICE APPROPRIATE FOR THE SEVERITY OF THE LEAD EXPOSURE;

(d) RECOMMENDATIONS CONCERNING FURTHER LEGISLATIVE ACTIONS TO ADDRESS LEAD EXPOSURE, INCLUDING, BUT NOT LIMITED TO, REQUIRING THIRD-PARTY INSURERS OR PAYERS, INCLUDING MEDICAID, TO PROVIDE COVERAGE FOR SCREENING, TREATMENT, ENVIRONMENTAL INVESTIGATIONS, AND ENVIRONMENTAL INTERVENTION;

(e) PROPOSED REGULATIONS GOVERNING THE REQUIREMENT, TIMING, AND CONDUCT OF ENVIRONMENTAL INVESTIGATIONS AND INTERVENTIONS; AND

(f) A DETAILED FISCAL ANALYSIS OF THE LEAD HAZARD REDUCTION PROGRAM.

**25-5-1105. Report.** ON OR BEFORE OCTOBER 1, 1998, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 24-1-136 (9), C.R.S., ON THE COMPREHENSIVE PLAN DEVELOPED UNDER SECTION 25-5-1104.

**25-5-1106. Acceptance of gifts, grants, and donations - lead hazard reduction cash fund.** (1) THE DEPARTMENT IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSE OF IMPLEMENTING THIS PART 11 AND PART 11 OF ARTICLE 7 OF THIS TITLE.

(2) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE LEAD HAZARD REDUCTION CASH FUND, REFERRED TO IN THIS PART 11 AS THE "FUND". THE FUND SHALL CONSIST OF ANY FEES, GIFTS, GRANTS, AND DONATIONS RECEIVED FROM ANY PERSON OR ENTITY. ANY INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND MAY NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(3) THE GENERAL ASSEMBLY SHALL MAKE APPROPRIATIONS FROM THE FUND TO

THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS PART 11 AND THE IMPLEMENTATION OF PART 11 OF ARTICLE 7 OF THIS TITLE.

**SECTION 2.** Article 7 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

PART 11  
LEAD-BASED PAINT ABATEMENT

**25-7-1101. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY DECLARES THAT:

(a) EXPOSURE OF CHILDREN TO LEAD REPRESENTS A SIGNIFICANT ENVIRONMENTAL HEALTH PROBLEM THAT IS PREVENTABLE;

(b) ACCORDING TO THE FEDERAL "RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992", 15 U.S.C. SECS. 2682 AND 2684, ET SEQ., AS AMENDED, HOME BUYERS AND RENTERS MUST BE PROPERLY INFORMED OF THE RISKS OF LEAD EXPOSURE TO CHILDREN, ESPECIALLY CHILDREN UNDER SEVEN YEARS OF AGE;

(c) TRAINED AND QUALIFIED INDIVIDUALS ARE NEEDED IN ORDER TO ADVISE CONSUMERS ABOUT LEAD HAZARDS IN GENERAL AND ABOUT SPECIFIC MEASURES THAT MAY BE NEEDED TO CONTROL SUCH HAZARDS; AND

(d) THE STATE SEEKS TO ADOPT THE CONCEPT OF "LEAD-SAFE" HOUSING UNITS AND CHILD-OCCUPIED FACILITIES, RATHER THAN "LEAD-FREE" HOUSING AND FACILITIES. THE GOAL OF THE STATE SHOULD NOT BE THE REMOVAL OF ALL LEAD-BASED PAINT, BUT THE CREATION OF HOUSING AND FACILITIES WHERE NO SIGNIFICANT LEAD-BASED PAINT HAZARD IS PRESENT. THIS GOAL INCLUDES THE REMOVAL, ENCLOSURE, OR ENCAPSULATION OF LEAD-BASED PAINT TO REMOVE LEAD HAZARDS FROM TARGET HOUSING AND CHILD-OCCUPIED FACILITIES.

(2) THE GENERAL ASSEMBLY DECLARES THAT THE ENFORCEMENT OF THE LEAD-BASED PAINT ABATEMENT STANDARDS MAY BE DELEGATED TO LOCAL HEALTH AND BUILDING DEPARTMENTS IN COLORADO.

(3) THEREFORE, THE GENERAL ASSEMBLY DETERMINES AND DECLARES THAT THE ENACTMENT OF THIS PART 11 IS A MATTER OF STATEWIDE CONCERN TO ACHIEVE UNIFORMITY IN THE REGULATION OF LEAD ABATEMENT PRACTICES AND UNIFORMITY IN THE QUALIFICATIONS FOR AND CERTIFICATION OF PERSONS WHO PERFORM SUCH ABATEMENT.

**25-7-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ABATEMENT" MEANS ANY MEASURE OR SET OF MEASURES THAT WILL CONTAIN OR PERMANENTLY ELIMINATE LEAD-BASED PAINT HAZARDS, INCLUDING:

(a) THE REMOVAL OF LEAD-BASED PAINT AND LEAD-CONTAMINATED DUST;

(b) THE PERMANENT CONTAINMENT OF LEAD-BASED PAINT;

- (c) THE ENCAPSULATION OF LEAD-BASED PAINT;
- (d) THE REPLACEMENT OR ENCLOSURE OF LEAD-PAINTED SURFACES OR FIXTURES;
- (e) THE REMOVAL OR COVERING OF LEAD-CONTAMINATED SOIL; AND
- (f) ALL PREPARATION, CLEANUP, DISPOSAL, MONITORING, AND CLEARANCE TESTING ACTIVITIES ASSOCIATED WITH THE MEASURES DESCRIBED IN THIS SUBSECTION (1).

(2)(a) "CHILD-OCCUPIED FACILITY" MEANS A BUILDING OR PORTION OF A BUILDING THAT:

(I) WAS CONSTRUCTED PRIOR TO 1978;

(II) IS VISITED REGULARLY BY THE SAME CHILD WHO IS UNDER SEVEN YEARS OF AGE;

(III) IS VISITED BY SUCH CHILD ON TWO OR MORE DAYS WITHIN ANY WEEK, CONSISTING OF THE PERIOD FROM SUNDAY THROUGH THE FOLLOWING SATURDAY, WITH EACH SUCH VISIT TOTALING SIX OR MORE HOURS; AND

(IV) IS VISITED BY SUCH CHILD A TOTAL OF AT LEAST SIXTY HOURS IN ONE YEAR.

(b) "CHILD-OCCUPIED FACILITY" INCLUDES, BUT IS NOT LIMITED TO, ANY DAY-CARE CENTER, PRESCHOOL, OR KINDERGARTEN CLASSROOM CONSTRUCTED PRIOR TO 1978.

(3) "COMMISSION" MEANS THE AIR QUALITY CONTROL COMMISSION CREATED BY SECTION 25-7-104.

(4) "DIVISION" MEANS THE AIR POLLUTION CONTROL DIVISION IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(5) "LEAD-BASED PAINT" MEANS ANY PAINT CONTAINING MORE THAN SIX ONE-HUNDREDTHS OF ONE PER CENT BY WET WEIGHT OF LEAD METAL, MORE THAN FIVE-TENTHS OF ONE PERCENT BY DRY WEIGHT OF LEAD METAL, OR MORE THAN ONE MILLIGRAM PER SQUARE CENTIMETER OF LEAD METAL.

(6) "LEAD-BASED PAINT HAZARD" MEANS ANY CONDITION THAT CAUSES EXPOSURE TO LEAD FROM LEAD-CONTAMINATED DUST, LEAD-CONTAMINATED SOIL, OR LEAD-BASED PAINT.

(7) "TARGET HOUSING" MEANS HOUSING CONSTRUCTED PRIOR TO 1978 OTHER THAN ANY ZERO-BEDROOM DWELLING OR ANY HOUSING FOR THE ELDERLY OR A PERSON WITH A DISABILITY; EXCEPT THAT "TARGET HOUSING" INCLUDES HOUSING FOR THE ELDERLY OR A PERSON WITH A DISABILITY IF A CHILD UNDER SEVEN YEARS OF AGE RESIDES OR IS EXPECTED TO RESIDE IN THE HOUSING.

**25-7-1103. Powers and duties of the air quality control commission - rules.**

(1) THE COMMISSION SHALL PROMULGATE RULES PURSUANT TO SECTION 24-4-103, C.R.S., AS NECESSARY TO IMPLEMENT THIS PART 11 UNDER THE REQUIREMENTS OF

THE FEDERAL "RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992", 15 U.S.C. SECS. 2682 AND 2684, ET SEQ., AS AMENDED, INCLUDING THE FOLLOWING:

(a) PROCEDURES FOR A TRAINING AND CERTIFICATION PROGRAM FOR PERSONS AND COMPANIES INVOLVED IN INSPECTION, RISK ASSESSMENT, PLANNING, PROJECT DESIGN, SUPERVISION, OR CONDUCT OF THE ABATEMENT OF SURFACES CONTAINING LEAD-BASED PAINT, AS SUCH ACTIONS ARE DEFINED IN THE FEDERAL "RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992", IN TARGET HOUSING OR CHILD-OCCUPIED FACILITIES;

(b) PERFORMANCE STANDARDS AND PRACTICES FOR LEAD ABATEMENT;

(c) PROCEDURES FOR THE APPROVAL OF PERSONS OR COMPANIES WHO PROVIDE TRAINING OR ACCREDITATION FOR WORKERS, SUPERVISORS, INSPECTORS, RISK ASSESSORS, OR PROJECT DESIGNERS PERFORMING LEAD-BASED PAINT ACTIVITIES IN TARGET HOUSING OR CHILD-OCCUPIED FACILITIES;

(d) PROCEDURES FOR NOTIFICATION TO APPROPRIATE PERSONS REGARDING LEAD-BASED PAINT PROJECTS IN TARGET HOUSING OR CHILD-OCCUPIED FACILITIES; AND

(e) ESTABLISHMENT OF FEES FOR CERTIFICATION OF PERSONS UNDER PARAGRAPH (a) OF THIS SUBSECTION (1), FOR ANY NECESSARY MONITORING OF SUCH PERSONS TO ENSURE COMPLIANCE WITH THIS PART 11, AND FOR APPROVAL OF PERSONS OR COMPANIES INVOLVED IN THE TRAINING OR ACCREDITATION UNDER PARAGRAPH (c) OF THIS SUBSECTION (1).

(2) (a) THE REQUIREMENTS FOR THE TRAINING AND CERTIFICATION PROGRAM ESTABLISHED BY THE COMMISSION UNDER PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL NOT BE MORE STRINGENT THAN:

(I) THE TRAINING AND CERTIFICATION REQUIREMENTS ESTABLISHED BY THE FEDERAL "RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992" OR FEDERAL RULES PROMULGATED PURSUANT TO SUCH ACT; OR

(II) THE TRAINING AND CERTIFICATION REQUIREMENTS OF ANY PROGRAM THAT HAS BEEN ESTABLISHED UNDER THE FEDERAL "RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992" AND THAT HAS BEEN APPROVED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY.

(b) THE COMMISSION SHALL CONSIDER PRIOR EXPERIENCE IN ABATEMENT OF LEAD-BASED PAINT HAZARDS WHEN ESTABLISHING TRAINING AND CERTIFICATION REQUIREMENTS.

(3) THE PROVISIONS OF THIS PART 11 APPLY ONLY TO LEAD-BASED PAINT HAZARDS.

**25-7-1104. Duties of the air pollution control division - certification of trained individuals.** (1) PURSUANT TO THE FEDERAL "RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992", 15 U.S.C. SECS. 2682 AND 2684, ET SEQ., AS AMENDED, THE DIVISION SHALL IMPLEMENT, COORDINATE, AND OVERSEE THE IMPLEMENTATION OF THE RULES PROMULGATED BY THE COMMISSION, INCLUDING, BUT

NOT LIMITED TO:

(a) CERTIFYING ANY PERSON OR COMPANY INVOLVED IN INSPECTION, RISK ASSESSMENT, PLANNING, PROJECT DESIGN, SUPERVISION, OR CONDUCT OF THE ABATEMENT OF SURFACES CONTAINING LEAD-BASED PAINT, AS SUCH ACTIONS ARE DEFINED IN THE FEDERAL "RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992", IN TARGET HOUSING OR CHILD-OCCUPIED FACILITIES; AND

(b) TAKING ACTIONS NECESSARY TO ENFORCE SUCH RULES OF THE COMMISSION.

(2) OTHER THAN TRAINING AND CERTIFICATION REQUIREMENTS, WHICH ARE DEEMED TO BE MATTERS OF STATEWIDE CONCERN, THE DIVISION MAY DELEGATE THE IMPLEMENTATION OR ENFORCEMENT OF STANDARDS UNDER THIS PART 11 TO LOCAL HEALTH OR BUILDING DEPARTMENTS, AS APPROPRIATE, IF REQUESTED BY SUCH A LOCAL DEPARTMENT. THE AIR QUALITY CONTROL COMMISSION SHALL ESTABLISH STANDARDS REGARDING SUCH DELEGATIONS TO LOCAL HEALTH AND BUILDING DEPARTMENTS.

**25-7-1105. Fees.** (1) (a) THE COMMISSION SHALL PROMULGATE RULES TO ESTABLISH THE FEES REQUIRED UNDER THIS PART 11.

(b) THE COMMISSION SHALL ADJUST THE FEES SO THAT THE REVENUE GENERATED FROM SUCH FEES IS SUFFICIENT TO COVER THE DIRECT AND INDIRECT COSTS TO IMPLEMENT THE LEAD HAZARD REDUCTION PROGRAM UNDER THIS PART 11 AND PART 11 OF ARTICLE 5 OF THIS TITLE.

(2) ALL FEES COLLECTED BY THE DIVISION OR ITS DESIGNEE PURSUANT TO THIS PART 11 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE LEAD HAZARD REDUCTION CASH FUND ESTABLISHED PURSUANT TO SECTION 25-5-1106. THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM SUCH FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SUFFICIENT MONEYS TO IMPLEMENT THE PROVISIONS OF THIS PART 11 AND PART 11 OF ARTICLE 5 OF THIS TITLE.

**25-7-1106. Enforcement.** WHENEVER THE DIVISION OR ITS DESIGNEE HAS REASON TO BELIEVE THAT ANY PERSON HAS VIOLATED ANY OF THE PROVISIONS OF THIS PART 11 OR THE RULES PROMULGATED THEREUNDER, THE DIVISION OR ITS DESIGNEE MAY COMMENCE AN ENFORCEMENT ACTION PURSUANT TO SECTION 25-7-115.

**25-7-1107. Applicability of article - child-occupied facilities and target housing.** NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO AFFECT ANY FACILITY OR LOCATION OTHER THAN A CHILD-OCCUPIED FACILITY OR TARGET HOUSING.

**SECTION 3.** 25-7-115 (1) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**25-7-115. Enforcement.** (1) (a) The division shall enforce compliance with the emission control regulations of the commission, the requirements of the state implementation plan, and the provisions of parts 1 to 4 AND PART 11 of this article, including terms and conditions of any permit required pursuant to this article.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any federal moneys not otherwise appropriated, to the department of public health and environment, air quality control division, for the fiscal year beginning July 1, 1997, the sum of sixty-six thousand three hundred ninety-five dollars (\$66,395) and 1.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 5. Effective date.** This act shall take effect July 1, 1997.

**SECTION 6. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 27, 1997