

# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 82

[FRL-5140-2]

RIN 2060-AE92

### Protection of Stratospheric Ozone: Supplemental Rule To Amend Leak Repair Provisions Under Section 608 of the Clean Air Act

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Through this action EPA is proposing to amend the Refrigerant Recycling Regulations promulgated under section 608 of the Clean Air Act Amendments of 1990. This proposal is being undertaken to address specific concerns regarding the leak repair requirements for industrial process refrigeration systems, pursuant to a settlement agreement with the Chemical Manufacturers Association (CMA). This proposal will affect the owners and operators of industrial process refrigeration with regard to leak repair provisions. Minor aspects of this proposal will also affect federal owners and operators of commercial and comfort-cooling refrigeration with charges of 50 pounds refrigerant or greater. This action proposes to provide greater flexibility to owners and operators of industrial process sources and to some federally-owned commercial and comfort-cooling refrigerant sources with regard to leak repair provisions. Such proposed flexibility can be provided without compromising the goals of protecting public health and the environment.

**DATES:** Comments on this proposal must be received by February 21, 1995, at the address below. A public hearing, *if requested*, will be held in Washington, DC. If such a hearing is requested, it will be held on February 3, 1995, and the comment period would then be extended to March 6, 1995. Anyone who wishes to request a hearing should call Sue Stendebach at 202/233-9117 by January 26, 1995. Interested persons may contact the Stratospheric Protection Hotline at 1-800-296-1996 to see if a hearing will be held and to obtain the date and location of any hearing. Any hearing will be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

**ADDRESSES:** Comments on this proposal must be submitted to the Air Docket Office, Public Docket No. A-92-01 VIID, Waterside Mall (Ground Floor) Environmental Protection Agency, 401

M Street, SW., Washington, DC 20460 in room M-1500. Additional comments and materials supporting this rulemaking are contained in Public Docket No. A-92-01. Dockets may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials.

#### FOR FURTHER INFORMATION CONTACT:

Cindy Newberg, Regulatory Development Section, Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205-J), 401 M Street, SW., Washington, DC 20460, (202)233-9729. The Stratospheric Ozone Information Hotline at 1-800-296-1996 can also be contacted for further information.

**SUPPLEMENTARY INFORMATION:** The contents of this preamble are listed in the following outline:

- I. Refrigerant Recycling Regulations
- II. Proposed Revisions to the Refrigerant Recycling Regulations
  - A. Need for Separate Leak Repair Requirements
  - B. Additional Time to Complete Repairs
  - C. Repairs Requiring a Process Shutdown
  - D. Determining the Full Charge of an Industrial Process Refrigerant System
  - E. Static and Dynamic Tests
    1. Soap Bubble Test
    2. Electronic Leak Detectors
    3. Ultrasonic Detectors
  - F. Failed Verification Tests
    1. Requirement to Retrofit or Retire the Leaking Equipment
    2. Option for Second Repair Attempt
    3. Option to Reduce Other Equipment Leaks
  - G. Clarification of Levels to Which Leaks Must be Repaired Leak Rate
  - H. Extension for Retrofitting a Facility
    1. Additional Time Based on Regulatory Delays and/or the Need for a Suitable Replacement
    2. Additional Time Based on the Unavailability of Necessary Parts
    3. Additional Time Beyond the one Additional Year
  - I. Allowing Appliances to be Pressurized Above 0 psig
  - J. Treatment of Purged Refrigerant
  - K. Temporarily Shutting Down Equipment Prior to Repairing Leaks
  - L. Possible Need for an Extension for Federally Owned Chillers
- III. Summary of Supporting Analysis
  - A. Executive Order 12866
  - B. Regulatory Flexibility Act
  - C. Paperwork Reduction Act

#### I. Refrigerant Recycling Regulations

Final regulations promulgated by the U.S. Environmental Protection Agency (EPA) under section 608 of the Clean Air Act Amendments of 1990 (the Act) published on May 14, 1993 (58 FR 28660), establish a recycling program for

ozone-depleting refrigerants recovered during the servicing and disposal of air-conditioning and refrigeration equipment. Together with the prohibition on venting during the maintenance, service, repair, and disposal of class I and class II substances (see the listing notice January 22, 1991; 56 FR 2420) that took effect on July 1, 1992, these regulations are intended to substantially reduce the emissions of ozone-depleting refrigerants. These regulations were subsequently revised in the final regulations published August 19, 1994 (59 FR 42950) and November 9, 1994 (59 FR 55912).

The current regulations require that persons servicing air-conditioning and refrigeration equipment observe certain service practices to reduce emissions, establish equipment and reclamation certification requirements, and comply with a technician certification requirement. The regulations also require that ozone-depleting compounds contained in appliances be removed prior to disposal of the appliances, and that all air-conditioning and refrigeration equipment, except for small appliances, be provided with a servicing aperture that will facilitate recovery of refrigerant.

In addition, the regulations restrict the sale of refrigerant and establish a leak repair requirement for equipment that normally holds a refrigerant charge of fifty pounds or more. An annual leak rate of 35% was established for industrial process sources and commercial chillers, while an annual leak rate of 15% was established for comfort-cooling. If a leak rate is exceeded, the equipment must be repaired to bring the system to below the annual leak rate, within 30 days. An alternative is to submit a retrofit or replacement plan within 30 days, outlining action to retrofit or replace equipment within one year from the exceedance.

#### II. Proposed Revisions to the Refrigerant Recycling Regulations

EPA proposes revisions to the leak repair provisions in response to a settlement agreement reached by the Agency and the Chemical Manufacturers Association (CMA) relative to industrial process sources. In that agreement, EPA agreed to propose changes to the leak repair requirements that provide additional time to repair and/or retrofit industrial process refrigeration equipment based on the uniqueness of the industrial process sector and on new information provided by CMA. EPA also proposes to revise portions of the leak repair requirements