appliance with an inert gas such as nitrogen. However, the nitrogen would then need to be purged (releasing entrained refrigerant) before the appliance can be restored to operation.

Any environmental costs, i.e., additional emissions that accompany this procedure are likely to be small. When an appliance is brought nearly to atmospheric pressure, the great majority of the ozone-depleting refrigerants will be drawn from the compressor oil and recovered. This means there will not be significant emissions from the compressor oil after the oil has been removed from the appliance.

During oil changes, some quantity of refrigerant will be emitted from two different sources: from the oil that was removed, and from the appliance itself. Section 608(c) of the Act makes it unlawful to knowingly vent class I or class II refrigerants from appliances during servicing and maintenance, other than de minimis releases associated with good-faith efforts to recover the refrigerant. The regulation specifies that when the recovery procedures identified in §§ 82.156 and 82.158 are followed, any remaining emissions of refrigerant will be de minimis. EPA has thus determined that emissions of refrigerant from the oil are not subject to this prohibition.

EPA is thus proposing to revise requirements of § 82.156(a)(2)(i) to allow appliances to be pressurized up to 5 psig in order to change oil in industrial process refrigeration equipment.

J. Treatment of Purged Refrigerant

EPA would like to clarify that the Agency interprets the 35 percent leak rate in the regulations as not including emissions of purged refrigerant that are destroyed, if their destruction is accounted for and can be verified by records maintained by the owners or operators of the industrial process refrigeration equipment. If purged refrigerant is destroyed using one of the five destruction technologies approved by the Parties to the Montreal Protocol, EPA can consider that refrigerant to have been destroyed and therefore, not part of the leak rate for the system. These destruction technologies are liquid injection incineration, reactor cracking incineration, gaseous fume oxidation, rotary kiln incineration and cement kiln.

Industrial process refrigerant systems may vary greatly with regard to their use of purges. In considering purges, it is important to note the flow rate and the composition of the vent stream. For example, systems with a flow that is constant allow for the flow to be measured automatically. Systems that

have intermittent mechanical purge units, or those with a batch production process may have greater variability and need a greater frequency of recording the amount of refrigerant purged.

EPA believes it is appropriate that in determining the rate of refrigerant loss, the owner or operator may exclude quantities of refrigerant sent for destruction by using an approved destruction technology under the Montreal Protocol. In deciding whether credit shall be given for the entire quantity sent for destruction or only for a percent of the actual refrigerant destroyed, the applicable provisions of the phaseout regulations (58 FR 65018) shall apply. The phaseout rule states that if the technology not only is approved under the Montreal Protocol, but also meets or exceeds a 98% destruction efficiency (DE), then 100% of the material may be considered destroyed. Below a 98% DE, credit is given only for the actual percentage destroved.

Facilities that wish to utilize this exclusion would need to maintain records that are sufficient to support the amount of refrigerant claimed as sent for destruction. All records should be based on a monitoring strategy that will provide reliable data to demonstrate that the amount of refrigerant sent for destruction corresponds with the amount of refrigerant purged. Records should include the flow rate, quantity or concentration of the refrigerant in the vent stream, and periods of purge flow. An owner or operator using this exclusion should submit information to EPA that includes the identification of the facility and a contact person, including the address and telephone number. A general description of the refrigerant system should also be submitted, focusing on aspects of the system relevant to the purging of refrigerant and subsequent destruction, in addition to a description of the methods used to determine the quantity of refrigerant sent for destruction and type of records that are being kept by the facility. The frequency of monitoring and data-recording shall also be included. A description of the control device, and its destruction efficiency would be required. This information should be submitted within 60 days after the first time the exclusion is utilized by a facility. It should also be included in any reporting requirements required for compliance with the leak repair and retrofit requirements for industrial process refrigeration equipment in order to verify accurate leak rates.

EPA requests comments on the appropriateness of exempting purged

refrigerant that has been destroyed using one of the approved destruction technologies under the Montreal Protocol. In addition, EPA requests comments on the recordkeeping and reporting procedures with which EPA would expect the owners or operators of industrial process refrigerant equipment to comply, if they choose to utilize an exemption for purged refrigerant that has been destroyed.

K. Temporarily Mothballing Equipment Prior to Repairing Leaks

EPA understands that for some of the equipment subject to the leak repair requirements promulgated under § 82.156(i), it may be possible for the owner or operator of the appliance to discontinue use of the equipment on a temporary basis, perhaps on a seasonal basis. This may also be true for equipment other than industrial process refrigeration appliances that are integrally linked to a manufacturing process. For example, it may be reasonable to shut down or mothball a comfort-cooling system for a period of time.

This type of system mothballing would not be the same as a process shutdown undertaken to repair particular leaks found in industrial process refrigeration or perform other maintenance activities. Also, this type of shutdown or mothballing is not the same as being taken off-line due to a power outage or event. A system mothballing is an intentional shutting down of the refrigerant appliance undertaken for an extended period of time by the owners or operators of that facility—not for the purposes of servicing or repairing the appliance where the refrigerant has been evacuated.

If a facility is temporarily mothballed, EPA believes it is appropriate to suspend the time-relevant repair and/or retrofit requirements while the facility is effectively inoperative. For example, if a comfort-cooling system with over 50 pounds of refrigerant has a leak rate of more than 15 percent per year, the leak or leaks must be repaired or the system must be retrofitted within one year. However, if after discovery of the exceedance of the leak rate, the owner of the system voluntarily mothballs the system for a period of several months or years, EPA believes it is appropriate to suspend the need to repair leaks or retrofit the system during the same time period. Therefore, if the system operated for five days after discovery of the exceedance of the leak rate, then shut down for 2 months, when the system returned to operating, the owner or operator will still have 25 days to repair