(i) If the owners or operators of the federally-owned commercial refrigerant equipment determine that the leaks cannot be repaired in accordance with paragraph (i)(9) of this section and that an extension in accordance with the requirements discussed in this paragraph (i)(1)(i) of this section apply, they must document all repair efforts, and notify EPA of their inability to comply within the 30-day repair requirement, and the reason for the inability must be submitted to EPA in accordance with § 82.166(n).

(ii) Owners or operators of federallyowned commercial refrigeration equipment may have more than 30 days to repair leaks if federal procurement procedures make a repair within 30 days impossible. Only the additional time needed to receive delivery of the necessary parts will be permitted.

(iii) Owners or operators of federallyowned commercial refrigeration equipment requesting or who are granted time extensions under this paragraph must comply with paragraphs (i)(3) and (i)(4) of this section.

- (2) The owners or operators of industrial process refrigeration equipment must exert best efforts to repair the leaks if the equipment is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period in accordance with paragraph (i)(9) of this section, except as described in paragraphs (i)(6) and (i)(7), and paragraphs (i)(2)(i) and (i)(2)(ii) of this section. Repairs must bring annual leak rates to below 35%. If the owners or operators of the industrial process refrigerant equipment determine that the leaks cannot be repaired in accordance with paragraph (i)(9) of this section and that an extension in accordance with the requirements discussed in this paragraph apply, they must document all repair efforts, and notify EPA of their inability to comply within the 30-day repair requirement, and the reason for the inability must be submitted to EPA in accordance with § 82.166(n).
- (i) The owners or operators of industrial process refrigeration equipment may have more than 30 days to repair leaks if the necessary parts are unavailable or if requirements of other applicable federal, state, or local regulations make a repair within 30 days impossible. Only the additional time needed to receive delivery of the necessary parts or comply with the pertinent regulations will be permitted.
- (ii) Owners of industrial process refrigeration equipment will have a 120day repair period, rather than a 30-day repair period, to repair leaks in

instances where an industrial process shutdown is needed to repair a leak or leaks from industrial process refrigeration equipment.

(3) The owners or operators of refrigeration equipment who are granted additional time under paragraphs (i)(1), (i)(2), (i)(5), (i)(7), and (i)(8) of this section must ensure that the repair efforts performed be those that sound engineering judgment indicates will be sufficient to bring the leak rates below the applicable allowable annual rate, that when a process shutdown has occurred or when repairs have been made while a system is mothballed, a static test be conducted at the conclusion of the repairs and that a dynamic test be conducted within 30 days of completing the repairs or within 30 days of bringing the system back online, if taken off-line, but no sooner than when the system has achieved steadystate operating characteristics.

(i) Refrigeration equipment may not be brought back on-line, if taken off-line, until a static test indicates that the repairs undertaken in accordance with paragraphs (i)(1) (i), (ii), and (iii), or (i)(2) (i) and (ii), or (5)(i), (ii) and (iii) of this section, have been successfully completed to bring the leak rate below the applicable allowable annual rate.

(ii) If the dynamic test indicates that the repairs to refrigeration equipment have not been successfully completed, the owner must retrofit or replace the equipment in accordance with paragraph (i)(6) of this section within one year of the failure to verify that the repairs had been successfully completed or such longer time period as may apply in accordance with paragraphs (i)(7)(i), (ii) and (iii) or (i)(8) (i) and (ii) of this section. The owners and operators of refrigeration equipment are relieved of this requirement if the conditions of paragraphs (i)(3)(iv) or (i)(3)(v) of this section are met.

(iii) The owner or operator of refrigeration equipment that fails a dynamic test must notify EPA of the failure within 30 days of conducting the failed dynamic test in accordance with § 82.166(n).

(iv) The owner or operator is relieved of the obligation to retrofit or replace the refrigeration equipment as discussed in paragraph (i)(6) of this section if a second attempt to repair the same leaks that were the subject of the first repair attempt is successfully completed and subject to the same verification requirements of paragraphs (i)(3) (i) and (ii) of this section. The owner or operator is required to notify EPA within 30 days of the successful dynamic verification test in accordance with § 82.166(n) and the owner or

operator would no longer be subject to the obligation to retrofit or replace the equipment that arose as a consequence of the initial failure to repair the leaks successfully.

(v) The owner or operator of refrigeration equipment is relieved of the obligation to retrofit or replace the equipment in accordance with paragraph (i)(6) of this section if within 180 days of the failed dynamic verification test, the owner or operator establishes that the system's annual leak rate does not exceed the applicable allowable annual leak rate, in accordance with paragraph (i)(4) of this section. If the equipment owner or operator establishes that the system's annual leak rate does not exceed the applicable allowable annual leak rate, the owner or operator is required to notify EPA within 30 days of that determination in accordance with § 82.166(n) and the owner or operator would no longer be subject to the obligation to retrofit or replace the equipment that arose as a consequence of the initial failure to repair the leaks successfully.

(4) In the case of a failed dynamic verification test, the determination of whether refrigeration equipment has an annual leak rate that exceeds the applicable allowable annual leak rate will be determined in accordance with parameters identified by the owner or operator in its notice to EPA regarding the failure of the initial dynamic verification test and where those parameters are acceptable to EPA. The determination must be based on the amount of refrigerant contained in the full charge for the affected industrial process refrigeration equipment. The leak rate determination parameters will be considered acceptable unless EPA notifies the owners or operators within 30 days.

(5) Owners of appliances normally containing more than 50 pounds of refrigerant and not covered by paragraph (i)(1) or (i)(2) of this section must have leaks repaired if the system is leaking at a rate such that the loss of refrigerant will exceed 15 percent of the total charge during a 12-month period in accordance with paragraph (i)(9) of this section, except as described in paragraphs (i)(6) and (i)(8) of this section and paragraphs (i)(5)(i), (i)(5)(ii) and (i)(5)(iii) of this section. Repairs must bring the annual leak rate to below 15%.

(i) If the owners or operators of federally-owned comfort-cooling refrigerant equipment determine that the leaks cannot be repaired in accordance with paragraph (i)(9) of this section and that an extension in