ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-5267-3]

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: Final rule.

SUMMARY: Through this action EPA is amending the Refrigerant Recycling Regulations promulgated under section 608 of the Clean Air Act Amendments of 1990. This action 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 action will affect the owners and operators of industrial process refrigeration with regard to leak repair provisions. Certain aspects of this action will also affect federal owners and operators of commercial and comfort-cooling refrigeration with charges of 50 pounds of refrigerant or greater. This action provides 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. EPA is providing this flexibility without compromising the goals of protecting public health and the environment. **EFFECTIVE DATE:** September 7, 1995.

ADDRESSES: Comments on this action are contained in the Air Docket Office, Public Docket No. A-92-01 VIIID, 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:

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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 airconditioning 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), November 9, 1994 (59 FR 55912), and March 17, 1995 (60 FR 14607).

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.

The May 14, 1993 regulations establish leak repair requirements to further minimize emissions of class I and class II substances. The rule states that appliances that normally hold a refrigerant charge of fifty pounds or more are subject to the leak repair requirements. An annual leak rate of 35 percent was established for industrial process sources and commercial chillers, while an annual leak rate of 15 percent was established for comfortcooling. Where the leak rate is exceeded, the appliance must be repaired within 30 days. An alternative is to develop a retrofit or replacement plan within 30 days, outlining action to retrofit or replace the appliance within one year from the exceedance.

The NPRM proposed revisions to the leak repair provisions in response to a settlement agreement reached by the Agency and the Chemical Manufacturers Association (CMA) specifically for industrial process refrigerant equipment. In that settlement, EPA agreed to propose changes to the leak repair requirements that would 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 agreed to propose revising the evacuation requirements for oil changes to permit for slight positive pressure, not to exceed 5 PSIG. Finally, EPA agreed to clarify that purged emissions that have been captured and destroyed should be excluded from the leak rate calculations.

The information received from CMA after the completion of the initial rulemaking indicated that under certain circumstances the timelines for repairing leaky industrial process refrigeration equipment or to retrofit such equipment are not achievable. The proposed rulemaking was developed to respond to those circumstances by proposing the shortest timeframes achievable for this sector and to relax the requirements for oil changes as well as to permit for the exclusion of destroyed purged refrigerants.