

Please note that this draft proposed regulation is for preliminary review by the public as ARB considers revisions based on stakeholder comments and additional data.

REGULATION FOR MANAGEMENT OF HIGH GLOBAL WARMING POTENTIAL REFRIGERANTS

Adopt new Subchapter 10, Article 4, sections 95380 to 95388, title 17, California Code of Regulations, to read as follows:

Subarticle 5: MANAGEMENT OF HIGH GLOBAL WARMING POTENTIAL REFRIGERANTS

§ 95380. Purpose

The purpose of this regulation is to reduce emissions of refrigerants with high global warming potential from stationary refrigeration and air-conditioning Appliances by requiring Persons subject to this rule to properly reclaim, recover, or recycle refrigerant; and to properly repair refrigeration equipment or to replace old equipment with new equipment.

§ 95381. Applicability

This rule is applicable to a Person who owns or operates a Stationary Refrigeration System, as defined in this rule. This rule is also applicable to a Person who installs, repairs, maintains, services, replaces, recycles, or disposes of a refrigeration or air-conditioning Appliance, and to any Person who distributes or reclaims refrigerants with high global warming potential.

§ 95382. Definitions

(a) For the purposes of this subarticle, the following definitions shall apply:

(1) “Additional Refrigerant Charge” means the quantity, in pounds, of refrigerant added to a Refrigeration System or Appliance in order to bring the system to a Full Charge. Additional refrigerant charge does not include an Initial Refrigerant Charge.

(2) “AHRI” means the Air-Conditioning, Heating and Refrigeration Institute.

(3) “Air-conditioning” means any Stationary, non-Residential Appliance, including a Computer-room Air Conditioner, that supplies cooled air to a space for the purpose of cooling objects or providing occupants and equipment reasonable temperature at not less than 68°F.

(4) “Air District” means an Air Quality Management District or Air Pollution Control District created or continued in existence under Health and Safety Code sections 40000-41357.

(5) “Air Pollution Control Officer” or “APCO” means the appointed head of an Air Quality Management District or Air Pollution District whose appointment and duties are set forth in Health and Safety Code sections 40750-40753.

(6) “Appliance” means any device which contains and uses a high-GWP refrigerant, including any air conditioner, refrigerator, chiller, freezer, or Refrigeration System.

(7) “ASHRAE” means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

(8) “Automatic Leak Detection System” means a calibrated electrical or electronic device using Continuous Monitoring for detecting leakage of refrigerants that on detection, alerts the operator, and may be either:

(A) A direct system that automatically detects the presence, in air, of refrigerant leaked from a Refrigeration System; or

(B) An indirect system that automatically interprets measurements (e.g. temperature or pressure) within a Refrigeration System that indicate a Refrigerant Leak (e.g., in

refrigerated cases and other locations in the system.) and alerts the operator to the presence of a Refrigerant Leak.

(9) “Certified Reclaimer” means a Person who is a Certified Reclaimer in accordance with Title 40 of the Code of Federal Regulations, Part 82, §82.164.

(10) “Certified Refrigerant Recovery or Recycling Equipment” means any refrigerant recovery or recycling equipment that meets the standards of Title 40 of the Code of Federal Regulations, Part 82, §82.158(c), (e), or (g); equipment certified by an approved equipment testing organization to meet the standards in §82.158(b), (d), or (f); or equipment certified pursuant to §82.36(a).

(11) “Certified Technician” means a Person who holds a current, valid, and applicable certificate pursuant to Title 40 of the Code of Federal Regulations, Part 82, §82.40 or §82.161.

(12) “Chlorofluorocarbon” or “CFC” means a class of compounds primarily used as refrigerants, consisting of only chlorine, fluorine, and carbon.

(13) “Commercial Refrigeration” means a refrigeration Appliance utilized in the retail food and cold storage warehouse sectors. Retail food includes the refrigeration equipment found in supermarkets, convenience stores, restaurants and other food service establishments. Cold storage includes the equipment used to store meat, produce, dairy products, and other perishable goods.

(14) “Component” means a part of a Refrigeration System or Appliance including, but is not limited to, condensing units, compressor, condenser, evaporator, receiver, and all of its

connections and subassemblies, without which the Refrigeration System or Appliance will not properly function or will be subject to failures.

(15) "Computer-room Air Conditioner" means a central air conditioner specifically designed for use in data processing areas, maintaining an ambient temperature of approximately 72° F and a relative humidity of approximately 52 percent.

(16) "Continuous Monitoring" means measuring the ambient concentration of refrigerant using electronic or mechanical sensors or interpreting measurements (e.g. temperature or pressure) within a Refrigeration System that indicate a Refrigerant Leak in real time.

(17) "Detected Refrigerant Leak" means an indication of a Refrigerant Leak at any time as evidenced by the need to add refrigerant or as detected by a leak inspection or an Automatic Leak Detection System, or when a Refrigerant Leak should have been discovered if the owner or operator intentionally shielded themselves from information which would have revealed a Refrigerant Leak.

(18) "Direct Emissions" means High-GWP Refrigerant emissions from a Facility emitted by Refrigeration Systems that are under the operational control of a Facility owner or operator. Direct Emissions are calculated as the total weight in pounds of each type of high-GWP refrigerant and refrigerant blend that was charged into a Refrigeration System minus the total weight in pounds of each type of high-GWP refrigerant and refrigerant blend that was recovered from a Refrigeration System reported in the annual Facility Refrigerant Purchase and Use report as required in subsection (f) of section 95383.

(19) "Executive Officer" means the Executive Officer of the California Air Resources Board, or his or her delegate.

(20) “Facility” means any property, plant, building, structure, Stationary source, Stationary equipment or grouping of Stationary equipment or Stationary sources located on one or more contiguous or adjacent properties, in actual physical contact or separated solely by a public roadway or other public right-of way, and under common operational control, that includes one or more Refrigeration Systems or Appliance subject to this subarticle. Operators of military installations may classify such installations as more than a single Facility based on distinct and independent functional groupings within contiguous military properties.

(21) “Facility Identification Number” means a unique identification number provided by the Executive Officer for each Facility with one or more Refrigeration Systems in operation.

(22) “Follow-up Verification Test” means those tests that involve checking the repairs within 30 days of the Refrigeration System’s returning to Normal Operating Characteristics and Conditions. Follow-up Verification Tests for a Refrigeration System from which the refrigerant charge has been evacuated means a test conducted after the Refrigeration System or portion of the Refrigeration System has resumed operation at Normal Operating Characteristics and Conditions of temperature and pressure, except in cases where sound professional judgment dictates that these tests will be more meaningful if performed prior to the return to Normal Operating Characteristics and Conditions. A Follow-up Verification Test with respect to repairs conducted without evacuation of the refrigerant charge means a reverification test conducted after the Initial Verification Test and usually within 30 days of returning to Normal Operating Characteristics and Conditions. Where a Refrigeration System is not evacuated, it is only necessary to complete any required changes to return the Refrigeration System to Normal Operating Characteristics and Conditions.

(23) “Full Charge”, “Optimal Charge”, or “Critical Charge” means the amount of refrigerant required in the Refrigerant Circuit for Normal Operating Characteristics and Conditions of a Refrigeration System or Appliance as determined by using one of the following three methods:

- (A) Use of the equipment manufacturer's specifications of the Full Charge;
- (B) Use of calculations based on Component sizes, density of refrigerant, volume of piping, seasonal variances, and other relevant considerations; or
- (C) The midpoint of an established range for Full Charge based on the best available data regarding the Normal Operating Characteristics and Conditions for the system.

(24) “Global Warming Potential” or “GWP” means the radiative forcing impact of one mass-based unit of a given greenhouse gas relative to an equivalent unit of carbon dioxide over a given period of time.

(25) “Global Warming Potential Value” or “GWP Value” means the 100-yr GWP value first published by the IPCC in its Second Assessment Report (SAR) (IPCC, 1995); or if a 100-yr GWP value was not specified in the IPCC SAR, it means the GWP value published by the IPCC in its Fourth Assessment A-3 Report (AR4) (IPCC, 2007); or if a 100-yr GWP value was not specified in the IPCC AR4, then the GWP value will be determined by the Executive Officer based on data, studies and/or good engineering or scientific judgment. Both the 1995 IPCC SAR values and the 2007 IPCC AR4 values are published in table 2.14 of the 2007 IPCC AR4. The SAR GWP values are found in column “SAR (100-yr)” of Table 2.14.; the AR4 GWP values are found in column “100 yr” of Table 2.14.”

(26) “High-GWP Refrigerant” means a compound used as a heat transfer fluid or gas that is a chlorofluorocarbon, a hydrochlorofluorocarbon, a hydrofluorocarbon, a perfluorocarbon, or any compound or blend of compounds, with a GWP Value equal to or greater than 150, and any

ozone depleting substance as defined in Title 40 of the Code of Federal Regulation, Part 82, §82.3.

(27) “Hydrochlorofluorocarbon” or “HCFC” means a class of compounds primarily used as refrigerants, consisting of only hydrogen, chlorine, fluorine, and carbon.

(28) “Hydrofluorocarbon” or “HFC” means a class of compounds primarily used as refrigerants, consisting of only hydrogen, fluorine, and carbon.

(29) “Indirect Emissions“ means any emissions that are a consequence of the activities of a Facility but occur as sources owned or controlled by another Person related to energy consumed for electricity, heat, steam, and cooling.

(30) “Industrial Process Refrigeration” means complex customized appliances used in the chemical, pharmaceutical, petrochemical and manufacturing industries that are directly linked to the industrial process. “Industrial Process Refrigeration” includes industrial ice machines, appliances used directly in the generation of electricity, and ice rinks. Where one Appliance is used for both industrial process refrigeration and other applications, it will be considered industrial process refrigeration equipment if 50 percent or more of its operating capacity is used for industrial process refrigeration.

(31) “Industrial Process Shutdown” means that an industrial process or facility temporarily ceases to operate or manufacture whatever is being produced at that facility.

(32) “Initial Refrigerant Charge” means the quantity, in pounds, of High-GWP Refrigerant added to a Refrigeration System or Appliance in order to bring the system to a Full Charge upon initial installation of a Refrigeration System or Appliance.

(33) “Initial Verification Test” means leak tests that are conducted as soon as practicable after the repair is completed. An Initial Verification Test, with regard to leak repairs that require the evacuation of the Refrigeration System or portion of the Refrigeration System, means a test conducted prior to the replacement of the Full Charge and before the Refrigeration System or portion of the Refrigeration System has reached operation at Normal Operating Characteristics and Conditions of temperature and pressure. An Initial Verification Test with regard to repairs conducted without the evacuation of the Full Charge means a test conducted as soon as practicable after the conclusion of the repair work.

(34) “Low Temperature Refrigeration System” means a commercial or industrial Refrigeration System used for frozen products.

(35) “Medium Temperature Refrigeration System” means a commercial or industrial Refrigeration System used for chilled products.

(36) “Non-Certified Technician” means a Person who installs, maintains, services, repairs, modifies, or disposes of refrigeration or air-conditioning Appliances that does not hold a current, valid, and applicable certificate pursuant to Title 40 of the Code of Federal Regulation, Part 82, §82.161.

(37) “Non-refillable Cylinder” means a cylinder with a refrigerant capacity of two pounds or greater that is designed not to be refilled and is used in the servicing, maintenance or filling of a Refrigeration System, Appliance, motor vehicle air-conditioning system, or heat pump equipment.

(38) “Normal Operating Characteristics and Conditions” means a Refrigeration System operating temperatures, pressures, fluid flows, speeds, and other characteristics, including Full Charge of the Refrigeration System that would be expected for a given process load and ambient condition during operation. Normal Operating Characteristics and Conditions are marked by the absence of atypical conditions affecting the operation of the Refrigeration System.

(39) “Other Refrigeration” means any Stationary, non-Residential Appliance that is used for an application other than Industrial Process Refrigeration, Commercial Refrigeration, or Air-Conditioning, or is used for two or more applications including Industrial Process Refrigeration, Commercial Refrigeration, or Air-conditioning.

(40) “Perfluorocarbon” or “PFC” means a class of compounds consisting only of carbon and fluorine.

(41) “Person” means any Person, firm, association, organization, partnership, business trust, corporation, limited liability company, company, federal, state, or local governmental agency or public district.

(42) “Reclaim” means to reprocess refrigerant to all of the specifications in appendix A to Title 40, Code of Federal Regulations, Part 82, subpart F (based on AHRI Standard 700–1995, Specification for Fluorocarbons and Other Refrigerants) that are applicable to that refrigerant and to verify that the refrigerant meets these specifications using the analytical methodology prescribed in section 5 of appendix A to Title 40, Code of Federal Regulations, Part 82, subpart F.

(43) “Recover” means to remove refrigerant in any condition from an Appliance and to store it in an external container without necessarily testing or processing it in any way.

(44) “Recycle” means to extract refrigerant from an Appliance and clean refrigerant for reuse without meeting all of the requirements for reclamation. In general, recycled refrigerant is refrigerant that is cleaned using oil separation and single or multiple passes through devices, such as replaceable core filter-driers, which reduce moisture, acidity, and particulate matter.

(45) “Refillable Cylinder” means a cylinder with a refrigerant capacity of two pounds or greater that is designed to be refilled and is used in the servicing, maintenance or filling of a Refrigeration System, Appliance, motor vehicle air-conditioning system, or heat pump equipment.

(46) “Refrigerant Circuit” means the parts of a Refrigeration System that are normally connected to each other (or are separated by isolation valves) and are designed to contain a High-GWP Refrigerant. A single Refrigerant Circuit is defined by all piping and Components that use refrigerant from a common reservoir of a High-GWP Refrigerant.

(47) “Refrigerant Distributor or Wholesaler” means a Person to whom a product is delivered or sold for purposes of export, subsequent resale, or delivery to a Certified Technician, employer of a Certified Technician, Appliance manufacturer, or another Refrigerant Distributor or Wholesaler. “Refrigerant Distributor or Wholesaler” includes any Person who imports refrigerant from outside of this state to distribute or sell refrigerant to a Certified Technician, employer of a Certified Technician, Appliance manufacturer, or another Refrigerant Distributor or Wholesaler, or who acts as an agent or broker in buying refrigerant.

(48) “Refrigerant Leak” means any discharge of refrigerant from an Appliance or Certified Refrigerant Recovery or Recycling Equipment, or a refrigerant cylinder or other container into the atmosphere.

(49) “Refrigeration System” means stationary, non-residential equipment that is an Industrial Process Refrigeration, Commercial Refrigeration, or Other Refrigeration Appliance with a single Refrigerant Circuit that requires more than 50 pounds of any combination of High-GWP Refrigerant to maintain Normal Operating Characteristics and Conditions. “Refrigeration System” does not include an Air-conditioning Appliance. A single Refrigeration System is defined by a single Refrigerant Circuit.

(50) “Residential” means a Residential dwelling containing four or fewer dwelling units on one lot or parcel.

(51) “Retire” means the permanent removal from service of a Refrigeration System, or component, rendering it unfit for use by the current or any future owner or operator.

(52) “Retrofit” means the replacement of the refrigerant used in a Refrigeration System with a refrigerant approved under the Significant New Alternatives Policy (SNAP) program pursuant to Title 40 of the Code of Federal Regulation, Part 82, §82.170, or a refrigerant approved by the Executive Officer, and related Refrigeration System changes required to maintain the Refrigeration System operation and reliability following refrigerant replacement.

(53) “Seasonal Adjustment” means the need to add refrigerant to a Refrigeration System due to a change in ambient conditions caused by a change in season, followed by the subsequent removal of refrigerant in the corresponding change in season, where both the addition and removal of refrigerant occurs within one consecutive 12-month period after the initial installation of a Refrigeration System or a repair of a Refrigeration System requiring evacuation or partial evacuation of the Refrigerant Circuit.

(54) “Stationary” means meeting at least one of the following conditions:

(A) Is installed in a building, structure, or facility.

(B) Is attached to a foundation, or if not so attached, will reside at the same location for more than 12 consecutive months.

(C) Is located at the same location for less than 12 consecutive months for seasonal operation at a single facility at least three months each year on a permanent basis of at least two consecutive years.

(55) “System Identification Number” means a unique identification number for each Refrigeration System at a Facility. The System Identification Number is comprised of the Facility Identification Number followed by a hyphen, followed by a three digit number starting at 001 sequentially assigned to each unique Refrigeration System at a Facility. For example, if a Facility has a Facility Identification Number of ARB000001, then the System Identification Number for the first Refrigeration System would be ARB000001-001.

(56) “System Mothballing” means the intentional shutting down of a Refrigeration System for a period of time greater than 60 days by the owners or operators of that Facility, where the refrigerant has been evacuated from the Refrigeration System or the affected Component of the Refrigeration System, at least to atmospheric pressure.

(57) “Topping Off” means adding refrigerant to a Refrigeration System or Appliance in order to bring the system to a Full Charge.

(58) “U.S. EPA” means the United States Environmental Protection Agency.

§ 95383. General Requirements for Stationary Refrigeration Facility Registration and Leak Repair

(a) Registration for Operation

(1) By March 1, 2012, the owner or operator of a Facility with a Refrigeration System that begins operation prior to January 1, 2012, with a Full Charge greater than or equal to 2,000 pounds of a High-GWP Refrigerant must register to operate with the Executive Officer. The owner or operator of a Facility with a Refrigeration System that begins operation on or after January 1, 2012, with a Full Charge greater than or equal to 2,000 pounds of a High-GWP Refrigerant must register to operate with the Executive Officer by March 1 of the calendar year after the calendar year in which the Refrigeration System begins operating at the Facility.

(2) By March 1, 2014, the owner or operator of a Facility with a Refrigeration System that begins operation prior to January 1, 2014, with a Full Charge greater than or equal to 200 pounds, but less than 2,000 pounds, of a High-GWP Refrigerant must register to operate with the Executive Officer. The owner or operator of a Facility with a Refrigeration System that begins operation on or after January 1, 2014, with a Full Charge greater than or equal to 200 pounds, but less than 2,000 pounds, of a High-GWP Refrigerant must register to operate with the Executive Officer by March 1 of the calendar year after the calendar year in which the Refrigeration System begins operating at the Facility.

(3) By March 1, 2016, the owner or operator of a Facility with a Refrigeration System that begins operation prior to January 1, 2016, with a Full Charge greater than 50 pounds, but less than 200 pounds, of a High-GWP Refrigerant must register to operate with the Executive Officer. The owner or operator of a Facility with a Refrigeration System that begins operation on or after January 1, 2016, with a Full Charge greater than 50 pounds, but less than 200 pounds, of a High-GWP Refrigerant must register to operate with the Executive Officer by March 1 of the calendar year after the calendar year in which the Refrigeration System begins operating at the Facility.

(4) If there is a change of ownership of a Refrigeration System, the owner or operator of a Facility that begins operation of a Refrigeration System with a Full Charge greater than 50 pounds of a High-GWP Refrigerant on or after January 1, 2011, must register to operate with the Executive Officer pursuant to the Registration for Operation requirements in this subsection or by March 1 of the calendar year after the calendar year in which the Refrigeration System begins operating at the Facility, whichever is later.

(5) At minimum the information provided to register to operate must include, but is not limited to, the following:

(A) Facility information

1. Facility Identification Number - provided by the Executive Officer.
2. Name of operator.
3. Operator Federal Tax Identification Number.
4. Facility North American Industry Classification System (NAICS) Business Type Code based on the 2007 NAICS United States structure.
5. Facility Standard Industrial Classification (SIC) code.
6. Name of Facility, including a Facility identifier such as store number.
7. Facility mailing address including a street address, city, state, and zip code.
8. Facility physical location address including a street address, city, state, and zip code.
9. Facility contact person.
10. Facility contact person phone number.
11. Facility contact person e-mail address.

(B) Refrigeration System Information for each Refrigeration System.

1. System Identification Number (assigned by the Facility owner or operator).

2. Equipment type.
3. Equipment manufacturer.
4. Equipment model or description.
5. Equipment model year.
6. Equipment serial number: The serial number(s) of the affected equipment or Component must be recorded when present and accessible. When the effected equipment or Component is part of an assembly without serial number or does not have an individual serial number or is not accessible after assembly, the physical location of the effected equipment must be recorded in enough detail to permit positive identification.
7. Physical location of a Refrigeration System (e.g. simple schematic/floor plan with equipment locations clearly noted).
8. Temperature classification – identify the Refrigeration System as a low temperature system, a medium temperature system, or other.
9. Full Charge.
10. Type of High-GWP Refrigerant(s) used.

(6) Change of Ownership: A Refrigeration System must be tested and proven to be free of a Refrigerant Leak by a Certified Technician prior to a change of ownership. A Person selling a Refrigeration System that is registered for operation must inform the buyer of the Registration for Operation requirements of this subsection. A Person selling a Refrigeration System must submit a change of ownership notification to the ARB. At minimum the change of ownership notification must include, but is not limited to, the following:

(A) Seller information

1. Facility Identification Number - provided by the Executive Officer.
2. Name of operator.

3. Name of Facility, including a Facility identifier such as store number.

(B) Buyer information

1. Name of operator.

2. Name of Facility, including a Facility identifier such as store number.

3. Facility mailing address including a street address, city, state, and zip code.

4. Facility contact person.

5. Facility contact person phone number.

6. Facility contact person e-mail address.

(7) Implementation Fees

(A) The Executive Officer shall assess and collect implementation fees to recover the costs to the Executive Officer for evaluating registrations for operation and annual Facility reports required under subsection (f) of this section, and conducting enforcement.

(B) The Executive Officer shall collect an implementation fee upon initial registration for operation and annually thereafter for each Facility with a Refrigeration System with a Full Charge greater than or equal to 200 pounds of a High-GWP Refrigerant. An implementation fee shall be due and payable to the Executive Officer at the time a registration for operation is filed, 30 calendar days prior to a registration for operation expiration date, or as part of any request requiring a fee.

(C) A Person registering for operation pursuant to this subsection for a Facility must provide payment according to the fees provided in Table I. The fees to be paid are based on the Refrigeration System operating at the Facility with the greatest Full Charge.

(D) Fees are nonrefundable except in circumstances as determined by the Executive Officer.

(E) Failure to pay implementation fees when due may result in late fees or penalty fees.

(F) If a registration for operation has expired or been cancelled for a Facility with a Refrigeration System, an expired or canceled registration may be reactivated after payment of all implementation, late, and penalty fees. A registration for operation may be reissued under the original Facility Identification Number.

(G) Fees may be periodically revised by the Executive Officer in accordance with the consumer price index, as published by the United States Bureau of Labor Statistics.

(H) Fees collected shall be deposited into the California Air Pollution Control Fund.

Table 1. Implementation Fees for Facilities with a Refrigeration System as per §95383.

Refrigeration Systems	Annual Facility Implementation Fee
Facilities with a Refrigeration System with a Full Charge of 2,000 pounds or Greater	\$370
Facilities with a Refrigeration System with a Full Charge of 200 pounds or Greater, but less than 2,000 pounds	\$170

(8) Implementation Fees Reduction

(A) Notwithstanding paragraph (7) a Person registering for operation pursuant to this subsection for a Facility shall not be required to provide payment according to the fees provided in Table I if the Facility is certified to have maintained Refrigeration Systems in the prior calendar year using advanced technologies, strategies, and practices that reduce refrigerant charges and emissions of ozone-

depleting substances and greenhouse gases. Certification shall be based on a self-certification that all the following criteria have been met:

1. The Facility must only use refrigerants with zero ozone-depleting potential;
2. The Facility must only use refrigerants that have been found acceptable by the U.S EPA Significant New Alternatives Policy (SNAP) program pursuant to Title 40 of the Code of Federal Regulation, Part 82, §82.170 for use in the particular end use used by the Facility;
3. The Facility must achieve an average HFC Full Charge equal to or less than 1.25 lbs. of refrigerant per 1000 BTU per hour total evaporator cooling load;
4. The Facility must achieve a Facility-wide annual refrigerant emissions rate of 10% or less; and
5. If the Facility is a newly constructed Facility, all Refrigeration Systems must be inspected and determined to be free of a Refrigerant Leak.

(B) The ARB reserves the right to verify the information submitted by a Facility for self certification, including, but not limited to, inspection of the store, requesting third party certification, and/or requesting copies of store records related to the self-certification criteria.

(9) Duration of registration.

(A) Initial registration for operation will be valid until April 1 of the calendar year after the calendar year in which a registration for operation is filed for a Facility with a Refrigeration System with a Full Charge greater than or equal to 200 pounds; registration for operation renewals will be valid for one year. Initial registration will be valid until April 1 of the calendar year after the calendar year in which a registration for operation is filed for a Facility with a Refrigeration System with a Full Charge greater than 50 pounds, but less than 200 pounds; registration for operation will be automatically renewed for four additional years. For a Facility with a Refrigeration System with a Full Charge greater than 50

pounds, but less than 200 pounds, the Executive Officer may extend registration for operation renewals for one or more additional periods of up to five years.

(B) The Executive Officer shall send a registration for operation renewal and implementation fee invoice at least 60 days prior to the registration for operation expiration to the owner or operator of a Facility with a current Refrigeration System registration for operation. Failure to send or receive a registration for operation renewal and implementation fee invoice does not relieve a Facility owner or operator from Facility registration for operation renewal or paying all applicable fees when due.

(b) Leak Detection and Monitoring

(1) By January 1, 2011, the owner or operator of a Refrigeration System with a Full Charge greater than or equal to 2,000 pounds of a High-GWP Refrigerant, which operates with the Refrigerant Circuit entirely within an enclosed building or structure, and which operates, or is intended to be operated year-round must have an Automatic Leak Detection System.

(A) A Refrigeration System with a Full Charge greater than or equal to 2,000 pounds of a High-GWP Refrigerant, which does not operate with the Refrigerant Circuit entirely within an enclosed building or structure, but with a compressor, evaporator, condenser, and other Components of high potential for a Refrigerant Leak located inside an enclosed building or structure, must have an Automatic Leak Detection System.

(2) After January 1, 2011, the owner or operator of a Refrigeration System with a Full Charge greater than or equal to 2,000 pounds of a High-GWP Refrigerant, which operates with the Refrigerant Circuit in part outside an enclosed building or structure, and which operates, or is intended to be operated year-round must do the following:

(A) If a compressor, evaporator, condenser, and other Components of high potential for a Refrigerant Leak are located outside an enclosed building or structure, a leak inspection must be conducted on these Components quarterly

using a calibrated electrical or electronic device; bubble test; or observation of oil residue. After observation of oil residue, a leak inspection must be conducted using a calibrated electrical or electronic device or bubble test to confirm a Refrigerant Leak.

(3) After January 1, 2011, the owner or operator of a Refrigeration System with a Full Charge greater than or equal to 200 pounds, but less than 2,000 pounds, of a High-GWP Refrigerant, which operates, or is intended to be operated year round must conduct a leak inspection of the Refrigeration System quarterly using a calibrated electrical or electronic device; bubble test; or observation of oil residue. After observation of oil residue, a leak inspection must be conducted using a calibrated electrical or electronic device or bubble test to confirm a Refrigerant Leak. A quarterly leak inspection of the Refrigeration System is not required if an Automatic Leak Detection System is used to monitor the Refrigeration System.

(4) After January 1, 2011, the owner or operator of a Refrigeration System with a Full Charge greater than 50 pounds, but less than 200 pounds, of a High-GWP Refrigerant, and which operates, or is intended to be operated year-round, must conduct a leak inspection of the Refrigeration System annually using a calibrated electrical or electronic device; bubble test; or observation of oil residue. After observation of oil residue, a leak inspection must be conducted using a calibrated electrical or electronic device or bubble test to confirm a Refrigerant Leak. A once per year leak inspection of the Refrigeration System is not required if an Automatic Leak Detection System is used to monitor the Refrigeration System.

(5) A Facility that installs an Automatic Leak Detection System using a direct system to detect the presence, in air, of a Refrigerant Leak must place sensors or intakes such that they will measure the refrigerant concentrations in air in proximity to principal Components of the Refrigeration System such that areas of the Refrigeration System most likely to leak are monitored. Continuous Monitoring must be conducted, at a minimum, but is not limited to, in the proximity of the compressor, evaporator,

condenser, and other areas of high potential for a Refrigerant Leak; except in systems in which these Components are combined.

(6) An Automatic Leak Detection System using a direct system to detect the presence, in air, of refrigerant must be audited and calibrated at least annually using manufacturer recommended procedures to meet the following specifications.

(A) Be able and maintained to accurately detect a concentration level of 10 parts per million of vapor of the specific refrigerant or refrigerants used in the Refrigeration System(s).

(B) Be able and maintained to alert the operator when the maximum refrigerant concentration alarm level of a specific refrigerant used in the Refrigeration System(s) is reached. The maximum refrigerant concentration alarm level is 100 parts per million of vapor of the specific refrigerant or refrigerants used in the Refrigeration System(s).

(7) A Facility that installs an Automatic Leak Detection System using an indirect system that automatically interprets measurements (e.g. temperature and pressure) to indicate a Refrigerant Leak must be audited and calibrated at least annually using manufacturer recommended procedures to meet the following specifications.

(A) Be able and maintained to alert the operator when measurements indicate a loss of refrigerant of 10 percent of the Refrigeration System Full Charge or 50 pounds, whichever is less.

(8) If an Automatic Leak Detection System alerts the owner or operator that the maximum refrigerant concentration alarm level has been reached, the owner or operator must ensure that a leak inspection is conducted within 24 hours using a calibrated electrical or electronic device or bubble test to confirm a Refrigerant Leak and determine the Refrigerant Leak location(s).

(9) The owner or operator of a Refrigeration System that does not operate, or is not intended to operate, year-round must conduct a leak inspection within 30 days upon initiating each operation of the Refrigeration System and quarterly thereafter until the

Refrigeration System ceases to operate using a calibrated electrical or electronic device; bubble test; or observation of oil residue. After observation of oil residue, a leak inspection must be conducted using a calibrated electrical or electronic device or bubble test to confirm a Refrigerant Leak. A leak inspection upon initiating operation of a Refrigeration System is not required if there has been a leak inspection of the Refrigeration System conducted within the preceding 90 days.

(10) After January 1, 2011, the owner or operator of a Refrigeration System with a Full Charge greater than 50 pounds of a High-GWP Refrigerant must conduct a leak inspection of the Refrigeration System using a calibrated electrical or electronic device; bubble test; or observation of oil residue at any time an Additional Refrigerant Charge equal to or greater than 5 pounds, or one percent of the Refrigeration System Full Charge, whichever amount is greater, is added to a Refrigeration System. After observation of oil residue, a leak inspection must be conducted using a calibrated electrical or electronic device or bubble test to confirm a Refrigerant Leak.

(c) Leak Repair

(1) The owner or operator of a Refrigeration System must ensure the repair of a Detected Refrigerant Leak and maintain records of Refrigerant Leak repairs.

(A) A Refrigerant Leak must be repaired by a Certified Technician within 14 days of a Detected Refrigerant Leak.

(B) The Certified Technician must hold a current and active California contractors license in a required contractor licensing classification or be an employee of a Person who holds a current and active California contractors license in a required contractor licensing classification. A Certified Technician or Certified Technician employer must hold a California contractors license in the C38 - Refrigeration Contractor licensing classification. If the Refrigeration System requiring service is also used in an Air-conditioning application, a Certified Technician or Certified Technician employer holding a California contractors license in the C20 - Warm-

Air Heating, Ventilating and Air-Conditioning Contractor licensing classification is acceptable.

1. A current and active California contractors license is not required if any of the following conditions apply:

i. Refrigeration System service or Refrigerant Leak repair is conducted by the Facility owner or operator or their employees with wages as their sole compensation.

ii. Refrigeration System service or Refrigerant Leak repair is conducted by the Facility owner or operator through one undertaking or by one or more contracts, the aggregate contract price which for labor, materials, and all other items, is less than five hundred dollars (\$500).

iii. Refrigeration System service or Refrigerant Leak repair is conducted through a contract entered into prior to January 1, 2011, by a subdivision of the United States government, the State of California, or any incorporated town, city, county, irrigation district, reclamation district or other municipal or political corporation or subdivision of this state.

(B) The leak repair must include an Initial Verification Test conducted upon completion of repairs.

(C) The leak repair must include a Follow-up Verification Test on the complete Refrigeration System; the Follow-up Verification Test must be conducted when the system is operating at Normal Operating Characteristics and Conditions.

(2) If either the Initial Verification Test or Follow-up Verification Test indicate that the repairs have not been successful, meaning that a Refrigerant Leak is still occurring within the Refrigeration System or Component(s) requiring repair, the owner or operator must make a subsequent attempt at repairing the Refrigerant Leak, or retire the Refrigeration System or leaking Component(s), in its/their entirety, within 14 days of the failed

verification. If a Refrigerant Leak Follow-up Verification Test is not successful within 45 days of the initial Refrigerant Leak detection, the owner or operator must satisfy one of the following requirements:

(A) If the Refrigerant leak is isolated to one specific Component, replace the Component and conduct a successful Follow-up Verification Test within 60 days of the initial Refrigerant Leak detection.

(B) If the Refrigerant Leak is not isolated to one specific Component, prepare a retrofit or retirement plan within 60 days of the initial Refrigerant Leak detection.

(3) The owner or operator of a Refrigeration System may have up to 60 days to repair a Refrigerant Leak, or replace the leaking Component(s) if one or more of the following conditions apply:

(A) A Certified Technician is not available to complete the repair or replace the Components(s). Records must be maintained to document that no Certified Technician was available within 14 days of the leak detection.

(B) The necessary parts for a Refrigeration System Component(s) are unavailable and the owner or operator maintains a written statement from the Refrigeration System or Component manufacturer or distributor stating the unavailability of parts. Records must be maintained to document that necessary parts for a Refrigeration System Component(s) were not available within 14 days of the leak detection.

(C) The owner or operator has received a conditional exemption from the Executive Officer pursuant to §95388. Records must be maintained to document that the owner or the operator has requested and received a conditional exemption. If the owner or operator has submitted a request for a conditional exemption, a Refrigerant Leak repair is not required until a final conditional exemption determination is made by the Executive Officer.

(D) The Refrigerant Leak repair requires an Industrial Process Shutdown of Industrial Refrigeration Process equipment.

(4) The amount of time for owners or operators to complete and verify repairs, replace Components, and implement written retrofit or retirement plans under this subsection is temporarily suspended during the time that a Refrigeration System is undergoing or in system mothballing.

(5) The time for owners or operators to complete repairs, replace Components, or fully implement written retrofit or retirement plans will resume on the day the Refrigeration System is brought back on-line, indicating that the Refrigeration System is no longer undergoing system mothballing.

(d) Retrofit and retirement plan: On and after January 1, 2011, the owner or operator of a Refrigeration System with a Refrigerant Leak that has failed to conduct a Follow-up Verification Test indicating that Refrigerant Leak repairs have been successful within 60 days of initial leak detection, as provided in subsection (c)(2), must prepare and maintain a dated retrofit or retirement plan that establishes a schedule to retrofit or retire a leaking Refrigeration System within six months of the initial Refrigerant Leak detection.

(1) The retrofit and retirement plan must be maintained at the site of a Refrigeration System with a Refrigerant Leak. If a Refrigeration System is to be retired and replaced, the retirement plan must include information specific to the new Refrigeration System to be constructed or installed. If a Refrigeration System is to be Retrofitted, the retrofit and retirement plan must include information specific to the Refrigeration System after the Retrofit has been completed. A retrofit and retirement plan must include, but is not limited to, the following:

(A) System Identification Number of the Refrigeration System being replaced or Retrofitted.

(B) Equipment type.

(C) Equipment manufacturer.

(D) Equipment model or description.

- (E) Intended physical location of a Refrigeration System.
- (F) Temperature classification – identify the Refrigeration System as a low temperature system, a medium temperature system, or other.
- (G) Type of High-GWP Refrigerant used.
- (H) Full Charge.
- (I) A plan for the Retired Refrigeration System disposition.
- (J) A retrofit or retirement plan must include a detailed timetable, including, but is not limited to, the following:
 - 1. The anticipated date to begin the installation, construction, or Retrofit of the Refrigeration System.
 - 2. The anticipated date to complete the installation, construction, or Retrofit of the Refrigeration System.

(e) Required Service Practices

- (1) A Person performing any installation, maintenance, service, repair, or disposal of an Appliance that could reasonably be expected to release refrigerant from an Appliance into the environment must satisfy all the following requirements:
 - (A) Must not intentionally disrupt the Refrigerant Circuit of any Appliance resulting in a discharge of refrigerant to the atmosphere in order to prepare such unit for recycling or disposal, unless an attempt to recover refrigerant is made using Certified Refrigerant Recovery or Recycling Equipment.
 - (B) Must make a recovery attempt using Certified Refrigerant Recovery or Recycling Equipment for that type of Appliance prior to opening the Appliance to atmospheric conditions. Attempts to recover refrigerant must be made even if the Person has reason to believe that all refrigerant has been removed or has previously leaked from the Appliance. Refrigerant may be returned to the Appliance from which it is recovered or to another Appliance owned by the same Person without being recycled or reclaimed.

(C) For the purposes of this subarticle, must not add an Additional Refrigerant Charge to a refrigeration or air-conditioning Appliance during manufacture or service, unless such refrigerant consists wholly of a class I or class II substance, as identified by Section 602 of the U.S. Clean Air Act; is an alternative that has been found acceptable, under the Significant New Alternatives Policy (SNAP) program pursuant to Section 612 of the U.S. Clean Air Act, for the specific refrigeration or air-conditioning end-use in which it is being employed, or is approved by the Executive Officer for the specific refrigeration or air-conditioning end-use in which it is being employed.

(D) Must not add an Additional Refrigerant Charge to an Appliance known or expected to have a Refrigerant Leak without making an attempt to repair the Refrigerant Leak in the Appliance, excluding an Additional Refrigerant Charge for Seasonal Adjustment.

(E) Must hold a current, valid, and applicable certificate issued in accordance with Title 40 of the Code of Federal Regulations, Part 82, §82.161.

(F) Must employ procedures for which the Certified Refrigerant Recovery or Recycling Equipment was approved by the U.S. EPA or Executive Officer.

(G) Must use Certified Refrigerant Recovery or Recycling Equipment as specified by the Certified Refrigerant Recovery or Recycling Equipment manufacturer, unless the manufacturer's specifications are in conflict with the procedures for the Certified Refrigerant Recovery or Recycling Equipment approved by the U.S. EPA or Executive Officer.

(H) Must evacuate refrigerant from a Non-refillable Cylinder to a vacuum of 15 inches of mercury, relative to standard atmospheric pressure of 29.9 inches of mercury, prior to recycling or disposal.

(I) Must satisfy job site evacuation of refrigerants during recycling, recovering, reclaiming, or disposing in accordance with Title 40 of the Code of Federal Regulations, Part 82, §82.156.

(f) Reporting - The owner or operator of a Facility with a Refrigeration System in operation with a Full Charge greater than or equal to 200 pounds of a High-GWP Refrigerant must report annually to the Executive Officer.

(1) The owner or operator of a Facility with a Refrigeration System in operation with a Full Charge greater than or equal to 200 pounds must annually submit to the Executive Officer a Refrigeration System Service and Refrigerant Leak Repair report and a Facility Refrigerant Purchase and Use report providing data for the prior calendar year.

(A) By March 1, 2012, the owner or operator of a Facility with a Refrigeration System that begins operation prior to January 1, 2012, with a Full Charge greater than or equal to 2,000 pounds of a High-GWP Refrigerant must submit reports required pursuant to this subsection providing data for the 2011 calendar year, and by March 1 after the end of each subsequent calendar year providing data for the prior calendar year. The owner or operator of a Facility with a Refrigeration System that begins operation on or after January 1, 2012, with a Full Charge greater than or equal to 2,000 pounds of a High-GWP Refrigerant must submit reports required pursuant to this subsection by March 1 after the end of each calendar year providing data for the prior calendar year. The annual Refrigeration System Service and Refrigerant Leak Repair report required pursuant to this subsection must include information, at minimum, for each Refrigeration System with a Full Charge greater than or equal to 2,000 pounds of a High-GWP Refrigerant in operation during any part of the prior calendar year.

(B) By March 1, 2014, the owner or operator of a Facility with a Refrigeration System that begins operation prior to January 1, 2014, with a Full Charge greater than or equal to 200 pounds of a High-GWP Refrigerant must submit reports required pursuant to this subsection providing data for the 2013 calendar year, and by March 1 after the end of each subsequent calendar year providing data for the prior calendar year. The owner or operator of a Facility with a Refrigeration System that begins operation on or after January 1, 2014, with a Full Charge greater than or equal to 200 pounds of a High-GWP Refrigerant must submit

reports required pursuant to this subsection by March 1 after the end of each calendar year providing data for the prior calendar year. The annual Refrigeration System Service and Refrigerant Leak Repair report required pursuant to this subsection must include information, at minimum, for each Refrigeration System with a Full Charge greater than or equal to 200 pounds of a High-GWP Refrigerant in operation during any part of the prior calendar year.

(2) The annual Refrigeration System Service and Refrigerant Leak Repair report must include each Automatic Leak Detection System audit, leak inspection, and Refrigeration System service or Refrigerant Leak repair that includes an Additional Refrigerant Charge equal to or greater than 5 pounds, or one percent of the Full Charge, whichever amount is greater for each Refrigeration System. The annual calendar year report of Refrigeration System service and Refrigerant Leak repair must include, but is not limited to, the following for each Refrigeration System:

- (A) System Identification Number.
- (B) Equipment Manufacturer.
- (C) Equipment Model or Description.
- (D) Equipment Serial number. The serial number(s) of the affected equipment or Component must be recorded when present and accessible. When the affected equipment or Component is part of an assembly without serial number or does not have an individual serial number or is not accessible after assembly, the physical location of the effected equipment must be recorded in enough detail to permit positive identification.
- (E) Date of initial installation.
- (F) Date of last leak repair.
- (G) Date leak detected.
- (H) Date service provided or leak repair completed.
- (I) Cause of Refrigerant Leak, if applicable.

- (J) Description of leak repair or service.
 - (K) Date of Initial Verification Test.
 - (L) Date of Follow-up Verification Test, if applicable.
 - (M) Total Additional Refrigerant Charge of each type of High-GWP Refrigerant or refrigerant blend.
 - (N) Purpose for Additional Refrigerant Charge (Leak Repair, Topping Off, Initial Refrigerant Charge, or Seasonal Adjustment).
 - (O) Name of Certified Technician completing leak repair.
 - (P) The Certified Technician's identification number issued by an approved technician certification program pursuant to Title 40 of the Code of Federal Regulation, Part 82, §82.161.
 - (Q) The Certified Technician's certification type(s) issued by an approved technician certification program pursuant to Title 40 of the Code of Federal Regulation, Part 82, §82.161.
- (3) The annual Facility Refrigerant Purchase and Use report must include, but is not limited to, the following:
- (A) The total weight in pounds of each type of High-GWP Refrigerant and refrigerant blend that was purchased.
 - (B) The total weight in pounds of each type of High-GWP Refrigerant and refrigerant blend that was charged into a Refrigeration System.
 - (C) The total weight in pounds of each type of High-GWP Refrigerant and refrigerant blend that was recovered from a Refrigeration System.
 - (D) The total weight in pounds of each type of High-GWP Refrigerant and refrigerant blend that was stored in inventory at the Facility, or stored at a different location for use by the Facility, on the last day of the calendar year.

(E) The total weight in pounds of High-GWP Refrigerant and refrigerant blend that was shipped by the owner or operator for reclamation and destruction.

(g) Recordkeeping - The owner or operator of a Facility with a Refrigeration System in operation with a Full Charge greater than 50 pounds of a High-GWP Refrigerant must maintain records.

(1) The following records must be retained by all facilities for a minimum of 5 years and must be made available to the Executive Officer or APCO upon request.

(A) Registration for operation required by subsection (a) of this Section.

(B) Documentation of all leak detection systems, leak inspections, and Automatic Leak Detection System annual audit and calibrations required by subsection (b) of this Section.

(C) Records of all Refrigeration System service and Refrigerant Leak repairs, and documentation of any conditions allowing repair of a Refrigerant Leak to be conducted more than 14 days after leak detection, as required by subsection (c) of this Section. Refrigeration System service and Refrigerant Leak repairs records must include documentation of all items reported pursuant to subsection (f).

(D) Retrofit and retirement plans required by subsection (d) of this Section.

(E) All reports required by subsection (f) of this Section.

(F) Documentation and invoices of all refrigerant purchases.

(G) Documentation of all shipments of refrigerants for reclamation or destruction.

The documentation must include, but is not limited to, the following:

1. Name of Person High-GWP Refrigerant is shipped to.
2. Address of Person High-GWP Refrigerant is shipped to.
3. Weight in pounds of High-GWP Refrigerant shipped.
4. Type of High-GWP Refrigerant or refrigerant blend shipped.
5. Date of shipment.

6. Purpose of shipment (e.g. reclamation, destruction).

(H) Documentation of all Refrigeration Systems Component data, measurements, calculations and assumptions used to determine the Full Charge.

§ 95384. General Requirements for Refrigerant Use, Sale, and Disposal

(a) Prohibitions

(1) On or after January 1, 2011, a Person must not sell, distribute, or offer for sale or distribution, any High-GWP Refrigerant for use as a refrigerant, or for any purpose other than reclamation or destruction, in a container with a refrigerant capacity of two pounds or greater to a Person unless:

(A) The buyer is a Certified Technician pursuant to Title 40 of the Code of Federal Regulations, Part 82, §82.40 or §82.161; or

(B) The buyer employs at least one Certified Technician who is certified pursuant to Title 40 of the Code of Federal Regulations, Part 82, §82.40 or §82.161, is in full compliance with Title 40 of the Code of Federal Regulations, Part 82, §82.166, and has provided supporting evidence that at least one technician is properly certified to the Refrigerant Distributor or Wholesaler who sells them refrigerant; or

(C) The refrigerant is sold only for eventual resale to a Certified Technician, an employer of a Certified Technician, or a refrigeration or air-conditioning Appliance manufacturer, or the refrigerant is being sent for reclamation; or

(D) The refrigerant is contained in a refrigeration or air-conditioning Appliance.

(2) A Person must not sell used refrigerant to a new owner for use as a refrigerant unless the used refrigerant has first been reclaimed by a U.S. EPA-certified refrigerant reclaimer.

(3) For the purposes of this subarticle, a Person must not sell, distribute, or offer to sell or distribute any refrigerant unless such refrigerant consists wholly of a class I or class II

substance, as identified by Section 602 of the U.S. Clean Air Act; is an alternative that has been found acceptable, under the Significant New Alternatives Policy (SNAP) program pursuant to Section 612 of the U.S. Clean Air Act, for the specific refrigeration or air-conditioning end-use in which it is being employed, or is approved by the Executive Officer for the specific refrigeration or air-conditioning end-use in which it is being employed.

(4) A Person must not recycle or dispose a Non-refillable Cylinder prior to evacuating refrigerant from a Non-refillable Cylinder to a vacuum of 15 inches of mercury, relative to standard atmospheric pressure of 29.9 inches of mercury.

(5) A Person must not distribute or sell Certified Refrigerant Recovery or Recycling Equipment unless such equipment meets all of the requirements of ARI Standard 740 and has been independently tested to meet the requirements of the standard by Underwriters Laboratories (UL) or the Air Conditioning, Heating and Refrigeration Institute (AHRI).

(6) A Person must not refill a Non-refillable Cylinder or use it as a temporary receiver during service.

(7) A Person must not repair or modify a Non-refillable Cylinder in any way to allow the Non-refillable Cylinder to be refilled.

(c) Reporting

(1) Refrigerant Distributor or Wholesaler annual reporting: a Refrigerant Distributor or Wholesaler that sells or distributes any amount of a High-GWP Refrigerant for any purpose other than reclamation or destruction must submit a report to the Executive Officer by March 1, 2012, for the 2011 calendar year, and by March 1 after the end of each subsequent calendar year, providing annual aggregated data for the prior calendar year. An annual report must include, but is not limited to, the following information:

(A) Name of Refrigerant Distributor or Wholesaler.

(B) Name of Refrigerant Distributor or Wholesaler facility.

(C) Refrigerant Distributor or Wholesaler mailing address including an address, city, state, and zip code.

(D) Refrigerant Distributor or Wholesaler contact person.

(E) Refrigerant Distributor or Wholesaler contact person phone number.

(F) Refrigerant Distributor or Wholesaler contact person e-mail address.

(G) The total annual aggregated weight in pounds of each type of High-GWP Refrigerant and refrigerant blend that was purchased or received for the purpose of subsequent resale or delivery for any purpose other than reclamation or destruction.

(H) The total annual aggregated weight in pounds of each type of High-GWP Refrigerant and refrigerant blend that was sold or distributed to each of the following categories of buyers:

1. Certified Technician or employer of a Certified Technician.
2. Refrigeration or air-conditioning Appliance manufacturer.
3. Refrigerant Distributor or Wholesaler for eventual resale to a Certified Technician, employer of a Certified Technician, or refrigeration or air-conditioning Appliance manufacturer, or any other buyer including refrigerant exported out of California.

(I) The total annual aggregated weight in pounds of High-GWP Refrigerant and refrigerant blend that was shipped to a Certified Reclaimer.

(2) Certified Reclaimer annual reporting: a Certified Reclaimer reclaiming a High-GWP Refrigerant in California must submit a report to the Executive Officer by March 1, 2012, for the 2011 calendar year, and by March 1 after the end of each subsequent calendar year, providing annual aggregated data for the prior calendar year. An annual report must include, but is not limited to, the following information:

(A) Name of Certified Reclaimer.

(B) Name of Certified Reclaimer facility.

- (C) Certified Reclaimer mailing address including a street address, city, state, and zip code.
- (D) Certified Reclaimer contact person.
- (E) Certified Reclaimer contact person phone number.
- (F) Certified Reclaimer contact person e-mail address.
- (G) The total annual aggregated weight in pounds of High-GWP Refrigerant and refrigerant blend that was received for reclamation or destruction.
- (H) The total annual aggregated weight in pounds of each type of High-GWP Refrigerant and refrigerant blend that was reclaimed in California.
- (I) The total annual aggregated weight in pounds of High-GWP Refrigerant and refrigerant blend that was shipped out of California for reclamation.
- (J) The total annual aggregated weight in pounds of High-GWP Refrigerant and refrigerant blend that was destroyed or shipped out of California for destruction.

(d) Recordkeeping

(3) The following records must be retained by a Refrigerant Distributor or Wholesaler and a Certified Reclaimer for a minimum of 5 years and must be made available to the Executive Officer upon request.

- (A) Annual reports required by subsection (c) of this Section.
- (B) Documentation and invoices of all High-GWP Refrigerant received through sale or transfer and all High-GWP Refrigerant distributed through sale or transfer.
- (C) Documentation of all shipments of High-GWP Refrigerant. The documentation must include, but is not limited to, the following:
 - 1. Name of facility High-GWP Refrigerant is shipped to.
 - 2. Address facility High-GWP Refrigerant is shipped to.
 - 3. Type of High-GWP Refrigerant or refrigerant blend shipped.

4. Quantity, in pounds, of High-GWP Refrigerant shipped.
5. Date of High-GWP Refrigerant shipment.

§ 95385. Confidentiality

(a) All Facility Refrigerant Purchase and Use reports and information submitted to the Executive Officer pursuant to section 95383(f)(3) under this subarticle are public records upon their submittal. Persons may not designate such reports or information as confidential, and any such designation applied will not be effective in triggering the procedures in Subchapter 4 (beginning with section 91000) of Chapter 1 of California Code of Regulations for determining whether submitted information is confidential.

(b) Except as provided in subsection (a), any Person submitting information to the Executive Officer pursuant to this subarticle under claim of confidentiality must clearly and prominently identify such information as “confidential” to obtain the procedural safeguards in Subchapter 4 (beginning with section 91000) of Chapter 1 of California Code of Regulations for confidential submissions. Any claim of confidentiality by a Person submitting information to the Executive Officer must be based on the Person’s belief that all information marked as confidential is either trade secret or otherwise exempt from public disclosure under the California Public Records Act (Government Code, section 6250 et seq.). All such requests for confidentiality shall be handled in accordance with the procedures specified in California Code of Regulations, title 17, sections 91000 to 91022.

§ 95386. Enforcement

(a) For purposes of inspecting a Refrigeration System subject to this subarticle or inspecting or auditing the records of the owners and operators of these systems to determine compliance with this subarticle, an agent or employee of ARB, upon presentation of proper credentials, has the right to enter any Facility or any other property where records required by this subarticle may be kept.

(b) Any violation of this subarticle by any Facility owner or operator, Certified Technician, non-Certified Technician, Certified Reclaimer, Refrigerant Distributor or Wholesaler, or other Person may be enjoined pursuant to section 41513 of the Health and Safety code. Penalties for any violation may be assessed under Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of Division 26 of the Health and Safety Code, and the Executive Officer may pursue any other available remedies for a violation.

(c) The failure to submit any report required under this subarticle, to include all information required in a report, or to correct a report containing inaccurate statements shall constitute a single, separate violation of this subarticle for each day that the report has not been submitted, made complete or corrected.

(d) Enforcement of this subarticle may be carried out by authorized representatives of the ARB or its designee, including authorized representatives of air pollution control or air quality management districts.

(e) The owner or operator of a Refrigeration System subject to this subarticle must maintain copies of the information reported under section 95383(f), as well as the records described in section 95383(g) at the Facility where the Refrigeration System is in operation and provide them to an agent or employee of the ARB upon request.

(f) A Refrigerant Distributor or Wholesaler and Certified Reclaimer subject to this subarticle must maintain copies of the information reported under section 95384(c), as well as the records described in section 95384(d) at the Refrigerant Distributor or Wholesaler Facility or Certified Reclaimer Facility for which data is reported and provide them to an agent or employee of the ARB upon request.

§ 95387 Equivalent Local Rules

The requirements specified in section 95383 shall not be enforced within the geographical area of any Air District that adopts and enforces requirements that will achieve emission reduction benefits from Stationary Refrigeration Systems that are equivalent to or greater than those achieved pursuant to section 95383. Section 95383 shall remain in effect until the Executive

Officer issues written findings that an Air District has adopted and is enforcing requirements that will achieve equivalent or greater reductions within that Air District than continued enforcement of section 95383 in the same district, at which time section 95383 will not be enforced within that Air District.

§ 95388. Conditional Exemptions

(a) Exemption Applications.

(1) A Person may apply in writing to the Executive Officer for an exemption of the requirements in subsection (c) of section 95383 as set forth in subsections (a)(1)(A), (a)(1)(B), or (a)(1)(C). The application must include documentation in support of the exemption request. All information submitted pursuant to this section will be handled in accordance with the procedures specified in California Code of Regulations, section 91000 et seq. (Disclosure of Records). The Executive Officer may approve the following exemptions:

(A) Emissions Lifecycle. The Executive Officer may allow the continuation of a Refrigerant Leak for a specified time period of no longer than three years if the Executive Officer determines that the user has provided clear and convincing documentation that the Refrigerant Leak cannot be repaired and continuation of the Refrigerant Leak will result in less combined Direct Emissions and Indirect Emissions than retiring and replacing the leaking Refrigeration System. The demonstration must include information about lifecycle Direct Emissions and Indirect Emissions such as energy use and calculate emissions based on the average lifetime of the Refrigeration System, Facility, or process. The applicant must also provide a mitigation plan that includes a list of proposed actions to reduce and minimize emissions. The plan must include analysis of options to minimize usage, reduce leaks or venting, and recycling or destruction of High-GWP Refrigerant. Any exemption granted pursuant to this paragraph may be extended for one or more additional periods of up to three years if the Executive

Officer determines that the demonstration made pursuant to this paragraph remains valid.

(B) Economic Hardship. The Executive Officer may allow the continuation of a Refrigerant Leak for a specified time period of no longer than three years if the Executive Officer determines that the applicant has provided clear and convincing documentation that:

1. Compliance would result in extraordinary economic hardship. Extraordinary economic hardship could include closure of the entire Facility or a large portion of the Facility or loss of a large portion of revenue to businesses outside of California; and
2. The extraordinary hardship to the applicant would be without a corresponding benefit in reducing combined Direct Emissions and Indirect Emissions; and
3. A compliance report proposed by the applicant can be implemented and will achieve compliance as expeditiously as possible. The compliance report would reasonably detail if and when compliance could be achieved and the method by which the applicant will seek to achieve compliance.

(4) Any exemption granted pursuant to this paragraph may be extended for one or more additional periods of up to three years if the Executive Officer determines that the demonstration made pursuant to this paragraph remains valid.

(C) The Executive Officer may allow the continuation of a Refrigerant Leak for a specified time period of no longer than three years if the Executive Officer determines that the applicant has provided clear and convincing documentation that failure to satisfy the conditions set forth in this section was due to a natural disaster such as an earthquake or flood, an act of war or an act by a public enemy, a civil disorder or riot, the expropriation or confiscation of facilities or property, or the operation of law.

(b) Review of Application.

(1) Within 30 days of receipt of the exemption application the Executive Officer will determine whether an application is complete.

(2) If the exemption application is not complete, the Executive Officer will notify the applicant and specify the documentation needed to complete the application.

(3) Within 90 days after an application is complete, the Executive Officer will determine whether an exemption from the requirements of this Article will be permitted and, if an exemption is granted, the conditions of approval of the exemption. The applicant and the Executive Officer may mutually agree to a longer time period for reaching a decision. During the review period, the Executive Officer may request, and the applicant shall provide, such additional information that is reasonably necessary to the decision. The applicant may also on his or her own initiative submit additional supporting documentation before a decision has been reached. The Executive Officer must notify the applicant of the decision in writing and specify such terms and conditions.

(c) Conditions: In granting an exemption, the Executive Officer may include any reasonable measures as conditions of approval, including but not limited to a requirement that best management practices be followed or that the applicant implement the mitigation plan submitted by the applicant or mitigation measures identified by the Executive Officer.

(d) Cancellation or Modification of Exemption: If the Executive Officer determines that an exemption no longer meets the criteria specified in sections (a)(1)(A) or (a)(1)(B), the Executive Officer may modify or revoke the exemption as necessary to assure that the exemption continues to meet the criteria. The Executive Officer may also revoke an exemption if the holder of the exemption has failed to implement all conditions of approval. The Executive Officer must not modify or revoke an exemption without first affording the applicant an opportunity for an appeal to determine if the exemption should be modified or revoked.

(e) Effect of Denial or Cancellation of Exemption: If an applicant for a conditional exemption is denied, or an existing conditional exemption is cancelled, within 14 days of a such denial or cancellation the Refrigerant Leak must be repaired by a Certified Technician or the owner or operator of the Facility shall prepare a retrofit and retirement plan in accordance with subsection (d) of section 95383.

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