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TITLE 40--PROTECTION OF ENVIRONMENT

CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

PART 82_PROTECTION OF STRATOSPHERIC OZONE--Table of Contents

Subpart F_Recycling and Emissions Reduction

Sec. 82.166 Reporting and recordkeeping requirements.

(a) All persons who sell or distribute or offer to sell or distribute any refrigerant must retain invoices that indicate the name of the purchaser, the date of sale, and the quantity of refrigerant purchased.

(b) Purchasers of refrigerant who employ certified technicians may provide evidence that at least one technician is properly certified to the wholesaler who sells them refrigerant; the wholesaler must then keep this information on file and may sell refrigerant to the purchaser or his authorized representative even if such purchaser or authorized representative is not a properly certified technician. In such cases, the purchaser must notify the wholesaler in the event that the purchaser no longer employs at least one properly certified technician. The wholesaler is then prohibited from selling refrigerants to the purchaser until such time as the purchaser employs at least one properly certified technician. At that time, the purchaser must provide new evidence that at least one technician is properly certified.

(c) Approved equipment testing organizations must maintain records of equipment testing and performance and a list of equipment that meets EPA requirements. A list of all certified equipment shall be submitted to EPA within 30 days of the organization's approval by EPA and annually at the end of each calendar year thereafter.

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(d) Approved equipment testing organizations shall submit to EPA within 30 days of the certification of a new model line of recycling or recovery equipment the name of the manufacturer and the name and/or serial number of the model line.

(e) Approved equipment testing organizations shall notify EPA if retests of equipment or inspections of manufacturing facilities conducted pursuant to Sec. 82.158(j) show that a previously certified model line fails to meet EPA requirements. Such notification must be received within thirty days of the retest or inspection.

(f) Programs certifying technicians must maintain records in accordance with section (g) of appendix D of this subpart.

(g) Reclaimers must maintain records of the names and addresses of persons sending them material for reclamation and the quantity of the material (the combined mass of refrigerant and contaminants) sent to them for reclamation. Such records shall be maintained on a transactional basis.

(h) Reclaimers must maintain records of the quantity of material sent to them for reclamation, the mass of refrigerant reclaimed, and the mass of waste products. Reclaimers must report this information to the Administrator annually within 30 days of the end of the calendar year.

(i) Persons disposing of small appliances, MVACs, and MVAC-like appliances must maintain copies of signed statements obtained pursuant to Sec. 82.156(f)(2).

(j) Persons servicing appliances normally containing 50 or more pounds of refrigerant must provide the owner/operator of such appliances with an invoice or other documentation, which indicates the amount of refrigerant added to the appliance.

(k) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added. The owner/operator must keep records of refrigerant purchased and added to such appliances in cases where owners add their own refrigerant. Such records should indicate the date(s) when refrigerant is added.

(l) Technicians certified under Sec. 82.161 must keep a copy of their certificate at their place of business.

(m) All records required to be maintained pursuant to this section must be kept for a minimum of three years unless otherwise indicated. Entities that dispose of appliances must keep these records on-site.

(n) The owners or operators of appliances must maintain on-site and report to EPA Headquarters at the address listed in Sec. 82.160 the information specified in paragraphs (n)(1), (n)(2), and (n)(3) of this section, within the timelines specified under Sec. 82.156 (i)(1), (i)(2), (i)(3) and (i)(5) where such reporting or recordkeeping is required. This information must be relevant to the affected appliance.

(1) An initial report to EPA under Sec. 82.156(i)(1)(i), (i)(2), or (i)(5)(i) regarding why more than 30 days are needed to complete repairs must include: Identification of the facility; the leak rate; the method used to determine the leak rate and full charge; the date a leak rate above the applicable leak rate was discovered; the location of leak(s) to the extent determined to date; any repair work that has been completed thus far and the date that work was completed; the reasons why more than 30 days are needed to complete the work and an estimate of when the work will be completed. If changes from the original estimate of when work will be completed result in extending the completion date from the date submitted to EPA, the reasons for these changes must be documented and submitted to EPA within 30 days of discovering the need for such a change.

(2) If the owners or operators intend to establish that the appliance's leak rate does not exceed the applicable allowable leak rate in accordance with Sec. 82.156(i)(3)(v), the owner or operator must submit a plan to fix other outstanding leaks for which repairs are planned but not yet completed to achieve a rate below the applicable allowable leak rate. A plan to fix other outstanding leaks in accordance with Sec. 82.156(i)(3)(v) must include the following information: The identification of the facility; the leak rate; the method used to determine the leak rate and full charge; the date a leak rate above

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the applicable allowable leak rate was discovered; the location of leak(s) to the extent determined to date; and any repair work that has been completed thus far, including the date that work was completed. Upon completion of the repair efforts described in the plan, a second report must be submitted that includes the date the owner or operator submitted the initial report concerning the need for additional time beyond the 30 days and notification of the owner or operator's determination that the leak rate no longer exceeds the applicable allowable leak rate. This second report must be submitted within 30 days of determining that the leak rate no longer exceeds the applicable allowable leak rate.

(3) Owners or operators must maintain records of the dates, types, and results of all initial and follow-up verification tests performed under Sec. 82.156(i)(3). Owners or operators must submit this

information to EPA within 30 days after conducting each test only where required under Sec. 82.156 (i)(1), (i)(2), (i)(3) and (i)(5). These reports must also include: Identification and physical address of the facility; the leak rate; the method used to determine the leak rate and full charge; the date a leak rate above the applicable allowable leak rate was discovered; the location of leak(s) to the extent determined to date; and any repair work that has been completed thus far and the date that work was completed. Submitted reports must be dated and include the name of the owner or operator of the appliance, and must be signed by an authorized company official.

(o) The owners or operators of appliances must maintain on-site and report to EPA at the address specified in Sec. 82.160 the following information where such reporting and recordkeeping is required and in the timelines specified in Sec. 82.156 (i)(7) and (i)(8), in accordance with Sec. 82.156 (i)(7) and (i)(8). This information must be relevant to the affected appliance and must include:

(1) The identification of the industrial process facility;

(2) The leak rate;

(3) The method used to determine the leak rate and full charge;

(4) The date a leak rate above the applicable allowable rate was discovered.

(5) The location of leaks(s) to the extent determined to date;

(6) Any repair work that has been completed thus far and the date that work was completed;

(7) A plan to complete the retrofit or retirement of the system;

(8) The reasons why more than one year is necessary to retrofit or retire the system;

(9) The date of notification to EPA; and

(10) An estimate of when retrofit or retirement work will be completed. If the estimated date of completion changes from the original estimate and results in extending the date of completion, the owner or operator must submit to EPA the new estimated date of completion and documentation of the reason for the change within 30 days of discovering the need for the change, and must retain a dated copy of this submission.

(p)(1) Owners or operators who wish to exclude purged refrigerants that are destroyed from annual leak rate calculations must maintain records on-site to support the amount of refrigerant claimed as sent for destruction. Records shall be based on a monitoring strategy that provides reliable data to demonstrate that the amount of refrigerant claimed to have been destroyed is not greater than the amount of refrigerant actually purged and destroyed and that the 98 percent or greater destruction efficiency is met. Records shall include flow rate, quantity or concentration of the refrigerant in the vent stream, and periods of purge flow.

(2) Owners or operators who wish to exclude purged refrigerants that are destroyed from annual leak rate calculations must maintain on-site and make available to EPA upon request the following information after the first time the exclusion is utilized by the facility:

(i) The identification of the facility and a contact person, including the address and telephone number;

(ii) A general description of the refrigerant appliance, focusing on aspects of the appliance relevant to the purging of refrigerant and subsequent destruction;

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(iii) 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 owners or operators where the appliance is located;

(iv) The frequency of monitoring and data-recording; and

(v) A description of the control device, and its destruction efficiency.

This information must also be included, where applicable, in any reporting requirements required for compliance with the leak repair and retrofit requirements for industrial process refrigeration equipment, as set forth in paragraphs (n) and (o) of this section.

(q) Owners or operators choosing to determine the full charge as defined in Sec. 82.152 of an affected appliance by using an established range or using that methodology in combination with other methods for determining the full charge as defined in Sec. 82.152 must maintain the following information:

(1) The identification of the owner or operator of the appliance;

(2) The location of the appliance;

(3) The original range for the full charge of the appliance, its midpoint, and how the range was determined;

(4) Any and all revisions of the full charge range and how they were determined; and

(5) The dates such revisions occurred.

[58 FR 28712, May 14, 1993, as amended at 59 FR 42957, Aug. 19, 1994; 60 FR 40443, Aug. 8, 1995; 69 FR 11981, Mar. 12, 2004; 70 FR 1992, Jan. 11, 2005]