

DNR Refrigerant Recovery Regulations Being Revised

The Wisconsin Department of Natural Resources is proposing to revise Chapter NR 488, Wisc. Adm. Code. This code currently regulates those who salvage and dismantle refrigeration equipment containing refrigerant substances that are harmful to the earth's ozone layer. Attached is the official NOTICE OF PUBLIC HEARING announcing hearings and describing methods to provide comments on the proposed revisions.

To find out more about these proposed revisions, and to submit comments, visit the state's Administrative Rules Clearinghouse website at <http://adminrules.wisconsin.gov>. Just pick SEARCH and enter NR 488 to view the rule-making documents and to submit comments during the public comment period, which ends April 8.

Public hearings utilizing video conferences will be held in Milwaukee, Green Bay and Eau Claire Tuesday, March 22. 10 am until Noon at these locations:

Room 139, State Office Building, 718 W. Clairemont Avenue, Eau Claire
Room 618, State Office Building, 200 N. Jefferson St., Green Bay
Room 8F, State Office Building, 101 E. Wilson Street, Madison
Room 98, State Office Building, 819 N. 6th Street, Milwaukee

You can submit comments three ways: through the website above, at the public hearings, or by regular mail to my address below.

Background. In 1989, Wisconsin passed laws creating three programs to control emissions of ozone-depleting refrigerants when servicing and salvaging refrigeration and air-conditioning equipment. Programs at the Depts. of Agriculture, Trade & Consumer Protection (DATCP) and Commerce regulate those who install and service vehicle and "stationary" equipment, respectively. The Department of Natural Resources (DNR) regulates those who transport and salvage such equipment and recover the refrigerants for the final time under Chapter NR 488, Wis. Adm. Code.

Chapter NR 488 strictly prohibits releasing ozone-depleting refrigerants (ODRS) while salvaging or dismantling refrigeration equipment or transporting it for salvage. Those who salvage or dismantle any type of equipment containing ODRs must register with the Department, certifying that they recover these refrigerants using approved equipment operated by qualified persons. They must also provide documentation to a scrap metal processor that they have recovered any remaining ODRs from any equipment they are delivering for scrap. Those transporting appliances for salvage that contain ODRs must certify to the Department that they will not release ODRs during this "safe transport." The rule sets annual registration fees for those who perform refrigerant recovery or safe transport, and reflects the statutory penalties for violations of several provisions.

The DNR program regulates about 600 business and government entities in and around Wisconsin, including vehicle and appliance salvagers, scrap metal processors, HVAC

businesses that retire refrigeration and AC systems, waste haulers and others who collect discarded refrigerated appliances, and demolition contractors.

The DNR is proposing to revise ch. NR 488 to apply these standards to those handling equipment containing the new generation of refrigerants, to make record keeping requirements more useful to the industry and DNR, and to update references to other agency regulations.

Add Substitute Refrigerants. Under authority provided by the state legislature in 1995, the DNR is proposing to apply the ch. NR 488 requirements to those salvaging or transporting equipment containing certain refrigerants (HFCs and PFCs) that have been developed as substitutes for ozone-depleting refrigerants and are also damaging to the Earth's atmosphere as global-warming gases. Vehicles and appliances containing these refrigerants are now entering the waste stream in large numbers and should be properly processed to control emissions of these harmful gases. By applying the standards of this rule to these other refrigerants, the DNR's program will be consistent with federal regulations and will control substances already regulated by the other state programs.

Improve Record Keeping Requirements. These proposed changes to the record keeping requirements for those who recover refrigerants from salvaged items will provide the salvager greater ability to track their own compliance, as well as provide greater assurance to those receiving the scrap that it has been properly processed for refrigerant removal. These records will also provide the Department much greater ability to determine if someone has actually recovered refrigerants from particular items they have on their property or that they have transferred to a scrap processor, as well as determine if the salvager has provided documentation of refrigerant recovery to the scrap processor.

Update References. Sections of NR 488 that make reference to regulations previously administered by the Department of Industry, Labor and Human Relations will be changed to properly refer to the Department of Commerce's codes.

Please contact me with any questions on these proposed revisions or the public comment procedures.

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