

Chapter NR 488

REFRIGERANT RECOVERY FROM SALVAGED OR DISMANTLED REFRIGERATION EQUIPMENT

| | | | |
|-----------|--|-----------|--|
| NR 488.01 | Applicability; purpose. | NR 488.08 | Qualifications of individuals who use approved refrigerant recovery equipment. |
| NR 488.02 | Definitions. | NR 488.09 | Approval of training programs. |
| NR 488.03 | Prohibitions. | NR 488.10 | Safe transport certification; exemptions. |
| NR 488.04 | Registration; issuance; expiration. | NR 488.11 | Fees. |
| NR 488.05 | Conveyance to scrap metal processors; exemption. | NR 488.12 | Penalties. |
| NR 488.06 | Recordkeeping. | | |
| NR 488.07 | Approval of refrigerant recovery equipment. | | |

NR 488.01 Applicability; purpose. (1) **APPLICABILITY.** This chapter applies to any person who salvages or dismantles mechanical vapor compression refrigeration equipment, any person who transports such equipment for salvaging or dismantling, any individual who uses or supervises the use of equipment to transfer regulated refrigerants from salvaged or dismantled mechanical vapor compression refrigeration equipment into storage tanks, any person who conducts a program to train operators of refrigerant recovery equipment and any person who conveys mechanical vapor compression refrigeration equipment to a scrap metal processor for metal recovery.

(2) **PURPOSE.** The purpose of this chapter is to establish, pursuant to s. 285.59, Stats., requirements for the recovery of regulated refrigerants from salvaged or dismantled mechanical vapor compression refrigeration equipment.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, January, 1997, No. 493; CR 05-018: am. Register November 2005 No. 599, eff. 12-1-05.

NR 488.02 Definitions. The definitions contained in ch. NR 400 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

(1) "Approved refrigerant recovery equipment" means any equipment approved under s. NR 488.07 for refrigerant recovery.

(2) "Ozone-depleting refrigerant" has the meaning given in s. 100.45 (1) (d), Stats.

Note: "Ozone-depleting refrigerant" is defined in the referenced statute as "a substance used in refrigeration that is or contains a class I substance, as defined in 42 USC 7671 (3) or a class II substance, as defined in 42 USC 7671 (4)." Examples of ozone-depleting refrigerants include, but are not limited to, chlorofluorocarbons such as R-11, R-12, R-113, R-114, R-115, R-500 and R-502 and hydrochlorofluorocarbons such as R-22.

(3) "Refrigerant recovery" means the transfer of regulated refrigerant from refrigeration equipment to an external container.

(4) "Refrigeration equipment" means any mechanical vapor compression device designed to contain and utilize a regulated refrigerant including, but not limited to, motor vehicle air conditioners, industrial and commercial cooling and ice-making equipment, large building cooling systems and home appliances such as refrigerators, freezers, room and central air conditioners, and dehumidifiers.

(4m) "Regulated refrigerant" means a substance used in refrigeration equipment to transfer heat and which is an ozone-depleting refrigerant or any substance used as a substitute for an ozone-depleting refrigerant which is a hydrofluorocarbon (HFC), a perfluorocarbon (PFC) or a blend of any of these substances.

Note: Hydrofluorocarbon refrigerants include, but are not limited to HFC-125 and HFC-134a; and perfluorocarbon refrigerants include, but are not limited to perfluoromethane and perfluoropropane.

(5) "Salvage or dismantle" means to prepare entire units of refrigeration equipment, which have been removed permanently from service, for disposal. Treatment of portions of refrigeration equipment for the purpose of service or repair is not considered salvaging or dismantling.

(6) "Scrap metal processor" has the meaning given in s. 84.31 (2) (h), Stats.

Note: "Scrap metal processor" is defined in the referenced statute as "a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel or nonferrous metal scrap for sale for remelting purposes."

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; CR 05-018: am. (3) and (4), cr. (4m) Register November 2005 No. 599, eff. 12-1-05.

NR 488.03 Prohibitions. (1) During the salvaging, dismantling or transporting of refrigeration equipment, no person may knowingly or negligently release regulated refrigerant to the environment, except for minimal releases that occur as a result of efforts to transfer regulated refrigerant into storage tanks.

(2) No person may knowingly or negligently release from a storage tank to the environment regulated refrigerant that was removed during the salvaging, dismantling or transporting of refrigeration equipment, except for minimal releases that occur as a result of efforts to transfer regulated refrigerant into refrigeration equipment or other storage tanks.

(3) No person may salvage or dismantle any refrigeration equipment unless all the following conditions are met:

(a) That person holds and prominently displays an annual registration obtained from the department under s. NR 488.04.

(b) That person uses refrigerant recovery equipment approved by the department under s. NR 488.07 to transfer remaining regulated refrigerant from each piece of refrigeration equipment into storage tanks.

Note: Tanks used to transport or store recovered refrigerant should meet the appropriate federal department of transportation requirements as specified in 49 CFR parts 173, 178 and 179.

(c) Individuals who use the approved refrigerant recovery equipment have, or are working under the direct supervision of individuals who have, the qualifications required under s. NR 488.08.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; am. (3) (intro.), Register, January, 1997, No. 493, eff. 2-1-97; CR 05-018: am. (1), (2), (3) and (b), cr. (4m) Register November 2005 No. 599, eff. 12-1-05.

NR 488.04 Registration; issuance; expiration.

(1) **REGISTRATION.** In order to obtain an annual registration to salvage or dismantle refrigeration equipment, as required under s. NR 488.03 (3) (a), a person shall submit an application on forms supplied by the department along with the fee required under s. NR 488.11, and certify both of the following to the department:

(a) That remaining regulated refrigerants will be transferred from each piece of refrigeration equipment into storage tanks using approved refrigerant recovery equipment and procedures which will minimize the release of regulated refrigerants to the environment.

(b) That individuals who use the approved refrigerant recovery equipment have, or are working under the direct supervision of individuals who have, the qualifications required under s. NR 488.08.

(2) ISSUANCE. The department shall issue the registration within 30 days of receipt of a completed application and the fee required under s. NR 488.11.

(3) EXPIRATION. Registrations issued by the department under sub. (2) shall expire one year after the date of issuance.

Note: Requests for forms for registration under this section, and other items listed in this chapter, should be directed to: Bureau of Air Management NR 488 Program, Department of Natural Resources, PO Box 7921, Madison WI 53707.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; am. (1), Register, January, 1997, No. 493, eff. 2-1-97; CR 05-018: am. (1) (intro.), (a) and (2) Register November 2005 No. 599, eff. 12-1-05.

NR 488.05 Conveyance to scrap metal processors; exemption. (1) CONVEYANCE TO A SCRAP METAL PROCESSOR. Any person who sells, gives or transports refrigeration equipment to a scrap metal processor shall do all of the following:

(a) Transfer regulated refrigerant from the refrigeration equipment into a storage tank using approved refrigerant recovery equipment or obtain and possess documentation that another person performed the transfer.

(b) Provide documentation to the scrap metal processor that he or she has complied with par. (a).

Note: Sample forms for this documentation are available from the Bureau of Air Management NR 488 Program.

(2) EXEMPTION. Subsection (1) does not apply to a person who sells, gives or transports refrigeration equipment to a scrap metal processor when that processor has agreed in writing to transfer the regulated refrigerant into a storage tank using approved refrigerant recovery equipment and is registered with the department under s. NR 488.04.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; am. (1) (intro.), Register, January, 1997, No. 493, eff. 2-1-97; CR 05-018: am. (1) (a) and (2) Register November 2005 No. 599, eff. 12-1-05.

NR 488.06 Recordkeeping. (1) SALVAGER OR DISMANTLER. Persons who salvage or dismantle refrigeration equipment shall keep records of their refrigerant recovery activities. These records shall be kept for 3 years, shall be made available to the department upon request and shall include:

(a) A training certificate for each individual certified to operate approved refrigerant recovery equipment under s. NR 488.08.

(b) The brand, model number and serial number of each piece of approved refrigerant recovery equipment used for refrigerant recovery.

(c) The type of equipment, the serial number or other identification number of each individual unit of refrigeration equipment salvaged or dismantled, and the date that the person either recovers the regulated refrigerant from that unit or determines that no regulated refrigerant remained in that unit. Examples of records suitable to identify individual units of refrigeration equipment include make, model and vehicle identification number (VIN) for vehicles with air conditioning, and numbering or marking which uniquely identifies each unit of refrigeration equipment salvaged or dismantled.

(d) Records regarding the repair and maintenance of approved refrigerant recovery equipment, including date and nature of each repair or maintenance action.

(2) CONVEYANCE TO SCRAP METAL PROCESSORS. Documentation provided under s. NR 488.05 shall be retained by both the provider and the recipient for 3 years and shall be made available to the department upon request.

(3) TRANSPORTERS. Persons certifying safe transport of refrigeration equipment under s. NR 488.10 shall retain the department's receipt for this certification and a copy of this receipt in each vehicle used for such transport. The receipt and copies in vehicles shall be kept while valid and shall be made available to the department upon request.

(4) TRAINING PROGRAMS. Any person approved to conduct a training program under s. NR 488.09 shall retain records of certifications provided including identification of each individual successfully completing the program and the date of that individual's

certification. These records shall be kept for 10 years and shall be made available to the department upon request.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; CR 05-018: am. (1) (intro.), (c) and (2) Register November 2005 No. 599, eff. 12-1-05.

NR 488.07 Approval of refrigerant recovery equipment. (1) The department may approve refrigerant recovery equipment if all of the following conditions are met:

(a) A nationally recognized testing laboratory has approved the recovery equipment.

(b) The department determines that the laboratory's approval is based on adequate testing for safety and recovery efficiency.

(c) The refrigerant recovery equipment is capable of recovering at least 90% of refrigerant remaining in salvaged or dismantled refrigeration equipment.

(2) Refrigerant recovery equipment approved by the department of agriculture, trade & consumer protection under ch. ATCP 136 or the department of safety and professional services under ch. SPS 345 is considered approved under this section.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; am. (1) (intro.), Register, January, 1997, No. 493, eff. 2-1-97; **correction in (2) made under s. 13.92 (4) (b) 6., 7., Stats., Register January 2012 No. 673.**

NR 488.08 Qualifications of individuals who use approved refrigerant recovery equipment. To be qualified to use or supervise the use of approved refrigerant recovery equipment, an individual shall successfully complete a training program specifically designed to certify that individual to recover refrigerant from the type of refrigeration equipment that individual will salvage or dismantle. This training program shall be approved by the department under s. NR 488.09, or approved by the department of agriculture, trade and consumer protection under ch. ATCP 136 or the department of safety and professional services under ch. SPS 305.

Note: Certification for individuals performing refrigerant recovery from salvaged vehicle air conditioners can be provided by training programs approved by the Wisconsin department of agriculture, trade and consumer protection under s. ATCP 136.08. Certification for individuals performing refrigerant recovery from stationary equipment such as appliances, residential and building air conditioning systems, and commercial cooling systems can be provided by training programs approved by the Wisconsin department of safety and professional services under s. SPS 305.72, which qualifies individuals who hold a federal certification issued pursuant to 40 CFR Part 82.161.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; CR 05-018: am. Register November 2005 No. 599, eff. 12-1-05; **correction made under s. 13.92 (4) (b) 6., 7., Stats., Register January 2012 No. 673.**

NR 488.09 Approval of training programs. (1) The department may approve a training program that certifies an individual to use or supervise the use of approved refrigerant recovery equipment if the training program provides all of the following:

(a) A presentation of the environmental concerns, including the destruction of stratospheric ozone and the global greenhouse effect, relating to the emission of regulated refrigerants.

(b) A presentation of applicable state and federal laws regulating the recovery and handling of regulated refrigerants.

(c) Instruction on general safety precautions to be followed during the recovery and handling of regulated refrigerants.

(d) Instruction for each person participating in the training program in the use of approved refrigerant recovery equipment. This instruction shall include an opportunity for each participant to operate or closely observe the operation of approved refrigerant recovery equipment.

Note: The recovery equipment should be of the type meant for refrigerant recovery from the kinds of refrigeration equipment expected to be salvaged or dismantled by training program participants.

(e) An evaluation of each individual participating in the course to verify successful completion.

(f) A certificate which identifies each individual who has successfully completed the program and each individual who was responsible for the presentation of the program.

(2) Application for approval of a training program shall be made by submitting an application on forms provided by the

department along with the fee required under s. NR 488.11. The applicant shall demonstrate to the satisfaction of the department that the individuals who are responsible for the presentation of that program have adequate knowledge in all subject areas identified in sub. (1) (a) to (d).

Note: Forms for this application are available from the Bureau of Air Management NR 488 Program.

(3) Approval of a training program shall expire 3 years after the date of approval.

Note: A list of approved training programs is available from the Bureau of Air Management NR 488 Program.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; CR 05-018: am. (1) (a) to (c) Register November 2005 No. 599, eff. 12-1-05.

NR 488.10 Safe transport certification; exemptions.

(1) **SAFE TRANSPORT CERTIFICATION.** Any person who transports, for the purposes of salvaging or dismantling, refrigeration equipment that contains regulated refrigerant shall certify to the department that that person will not knowingly or negligently release regulated refrigerant to the environment, except for minimal releases that occur as a result of refrigerant recovery efforts. This certification shall be submitted annually, along with a description of the safe transport methods to be used, and the fees required under s. NR 488.11. The department shall provide a receipt acknowledging the submission of this certification and fees.

Note: Forms for this certification and description are available from the Bureau of Air Management NR 488 Program.

(2) **EXEMPTIONS.** The certification requirement in sub. (1) does not apply to:

(a) An individual who transports his or her personal refrigeration equipment.

Note: Individuals are prohibited from releasing regulated refrigerants in s. NR 488.03 (1).

(b) Any person transporting a vehicle, for the purposes of salvaging or dismantling, in a manner which will not interfere with the refrigeration equipment of the vehicle, including transporting vehicles on their own wheels, by tow trucks or secured on a vehicle specifically designed to transport motor vehicles.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; CR 05-018: am. (1) Register November 2005 No. 599, eff. 12-1-05.

NR 488.11 Fees. (1) Any person applying for registration under s. NR 488.04, approval of training programs under s. NR 488.09 or certifying safe transport under s. NR 488.10 shall pay the applicable fee or fees as follows:

(a) Persons applying for annual registration to salvage or dismantle refrigeration equipment under s. NR 488.04 shall submit a nonrefundable fee of \$250.00, except as provided under par. (b).

(b) Persons applying for annual registration to salvage or dismantle refrigeration equipment under s. NR 488.04 and who are already registered for refrigerant recovery with the department of agriculture, trade and consumer protection under ch. ATCP 136 or the department of safety and professional services under ch. SPS 305 and who salvage or dismantle as a minor activity incidental to providing service to their customers shall submit a nonrefundable fee of \$125.00.

(c) Persons requesting approval of a training program under s. NR 488.09 shall submit a nonrefundable fee of \$500.00.

(d) Persons certifying safe transport of refrigeration equipment for the purposes of salvaging or dismantling under s. NR 488.10 shall submit both of the following:

1. An annual, nonrefundable fee of \$75.00.

2. An annual, nonrefundable fee of \$25.00 times the number of vehicles to be used during the next year for safe transport of refrigeration equipment for the purposes of salvaging or dismantling.

(2) Persons applying for annual registration under sub. (1) (a) or (b) are not required to submit the fee under sub. (1) (d) 1., but shall submit the fee required under sub. (1) (d) 2.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; am. (1) (d) (intro.), 1., Register, January, 1997, No. 493, eff. 2-1-97; CR 05-018: am. (1) (a) Register November 2005 No. 599, eff. 12-1-05; corrections in (1) (b) made under s. 13.93 (2m) (b) 6. and 7., Stats., Register November 2005 No. 599; **correction in (1) (b) made under s. 13.92 (4) (b) 6., 7., Stats., Register January 2012 No. 673.**

NR 488.12 Penalties. (1) Any person who salvages or dismantles refrigeration equipment in violation of s. NR 488.03 (3) shall forfeit not less than \$100 nor more than \$1000. Each act of salvaging or dismantling in violation of s. NR 488.03 (3) constitutes a separate violation.

(2) Any person who sells, gives or transports refrigeration equipment to a scrap metal processor in violation of s. NR 488.05 shall forfeit not less than \$100 nor more than \$1000. Each unit sold, given or transported in violation of s. NR 488.05 constitutes a separate violation.

(3) Any person who releases regulated refrigerant in violation of s. NR 488.03 (1) or (2) or who transports refrigeration equipment in violation of s. NR 488.10 (1) shall forfeit not less than \$100 nor more than \$1000. Each release in violation of s. NR 488.03 (1) or (2) or transport in violation of s. NR 488.10 (1) constitutes a separate violation.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; am. (1) (b), Register, December, 1995, No. 480, eff. 1-1-96; CR 05-018: am. (3) Register November 2005 No. 599, eff. 12-1-05.