

Chapter NR 488

REFRIGERANT RECOVERY FROM SALVAGED OR DISMANTLED REFRIGERATION EQUIPMENT

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NR 488.01 Applicability; purpose. c1d 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.

c2d 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 c2d made under s. 13.93 c2md cbd 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:

c1d XApproved refrigerant recovery equipmentY means any equipment approved under s. NR 488.07 for refrigerant recovery.

c2d XOzone-depleting refrigerantY has the meaning given in s. 100.45 c1d cdd, Stats.

Note: XOzone-depleting refrigerantY is defined in the referenced statute as Xa substance used in refrigeration that is or contains a class I substance, as defined in 42 USC 7671 c3d or a class II substance, as defined in 42 USC 7671 c4d.Y 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.

c3d XRefrigerant recoveryY means the transfer of regulated refrigerant from refrigeration equipment to an external container.

c4d XRefrigeration equipmentY 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.

c4md XRegulated refrigerantY 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 cHFCd, a perfluorocarbon cPFCd 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.

c5d XSalvage or dismantleY 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.

c6d XScrap metal processorY has the meaning given in s. 84.31 c2d chd, Stats.

Note: XScrap metal processorY is defined in the referenced statute as Xa 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.Y

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; CR 05-018: am. c3d and c4d, cr. c4md Register November 2005 No. 599, eff. 12-1-05.

NR 488.03 Prohibitions. c1d 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.

c2d 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.

c3d No person may salvage or dismantle any refrigeration equipment unless all the following conditions are met:

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

cbd 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.

ccd 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. c3d cintro.d, Register, January, 1997, No. 493, eff. 2-1-97; CR 05-018: am. c1d, c2d, c3d and cbd, cr. c4md Register November 2005 No. 599, eff. 12-1-05.

NR 488.04 Registration; issuance; expiration. c1d REGISTRATION. In order to obtain an annual registration to salvage or dismantle refrigeration equipment, as required under s. NR 488.03 c3d cad, 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:

cad 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.

cbd 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.

c2d 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.

c3d EXPIRATION. Registrations issued by the department under sub. c2d 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. c1d, Register, January, 1997, No. 493, eff. 2-1-97; CR 05-018: am. c1d cintro.d, cad and c2d Register November 2005 No. 599, eff. 12-1-05.

NR 488.05 Conveyance to scrap metal processors; exemption. c1d 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:

cad 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.

cbd Provide documentation to the scrap metal processor that he or she has complied with par. cad.

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

c2d EXEMPTION. Subsection c1d 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. c1d cintro.d, Register, January, 1997, No. 493, eff. 2-1-97; CR 05-018: am. c1d cad and c2d Register November 2005 No. 599, eff. 12-1-05.

NR 488.06 Recordkeeping. c1d 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:

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

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

ccd 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 cVINd for vehicles with air conditioning, and numbering or marking which uniquely identifies each unit of refrigeration equipment salvaged or dismantled.

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

c2d CONVEYANCE TO SCRAP METAL PROCESSORS. Docu-

mentation 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.

c3d 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.

c4d 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. c1d cintro.d, ccd and c2d Register November 2005 No. 599, eff. 12-1-05.

NR 488.07 Approval of refrigerant recovery equipment. c1d The department may approve refrigerant recovery equipment if all of the following conditions are met:

cad A nationally recognized testing laboratory has approved the recovery equipment.

cbd The department determines that the laboratory[s] approval is based on adequate testing for safety and recovery efficiency.

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

c2d 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. c1d cintro.d, Register, January, 1997, No. 493, eff. 2-1-97; correction in c2d made under s. 13.92 c4d cbd 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.

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 c4d cbd 6., 7., Stats., Register January 2012 No. 673.

NR 488.09 Approval of training programs. c1d 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:

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

cbd A presentation of applicable state and federal laws regulating the recovery and handling of regulated refrigerants.

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

cdd 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.

ced An evaluation of each individual participating in the course to verify successful completion.

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

c2d 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. c1d cad to cdd.

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

c3d 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. c1d cad to ccd Register November 2005 No. 599, eff. 12-1-05.

NR 488.10 Safe transport certification; exemptions. c1d 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.

c2d EXEMPTIONS. The certification requirement in sub. c1d does not apply to:

cad An individual who transports his or her personal refrigeration equipment.

Note: Individuals are prohibited from releasing regulated refrigerants in s. NR 488.03 c1d.

cbd 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. c1d Register November 2005 No. 599, eff. 12-1-05.

NR 488.11 Fees. c1d 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:

cad 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. cbd.

cbd 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.

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

cdd 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.

c2d Persons applying for annual registration under sub. c1d cad or cbd are not required to submit the fee under sub. c1d cdd 1., but shall submit the fee required under sub. c1d cdd 2.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; am. c1d cdd intro.d., 1., Register, January, 1997, No. 493, eff. 2-1-97; CR 05-018: am. c1d cad Register November 2005 No. 599, eff. 12-1-05; corrections in c1d cbd made under s. 13.93 c2md cbd 6. and 7., Stats., Register November 2005 No. 599; correction in c1d cbd made under s. 13.92 c4d cbd 6., 7., Stats., Register January 2012 No. 673.

NR 488.12 Penalties. c1d Any person who salvages or dismantles refrigeration equipment in violation of s. NR 488.03 c3d shall forfeit not less than \$100 nor more than \$1000. Each act of salvaging or dismantling in violation of s. NR 488.03 c3d constitutes a separate violation.

c2d 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.

c3d Any person who releases regulated refrigerant in violation of s. NR 488.03 c1d or c2d or who transports refrigeration equipment in violation of s. NR 488.10 c1d shall forfeit not less than \$100 nor more than \$1000. Each release in violation of s. NR 488.03 c1d or c2d or transport in violation of s. NR 488.10 c1d constitutes a separate violation.

History: Cr. Register, April, 1993, No. 448, eff. 5-1-93; am. c1d cbd, Register, December, 1995, No. 480, eff. 1-1-96; CR 05-018: am. c3d Register November 2005 No. 599, eff. 12-1-05.