



WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

AM-19-0028

DOCUMENT TITLE

Citation Authority Rules for Regulated Refrigerants and Salvaging Operations

PROGRAM/BUREAU

Air Management

STATUTORY AUTHORITY OR LEGAL CITATION

Section 285.59, Wisconsin Statutes; Chapter NR 488, Wisconsin Administrative Code

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

September 30, 2019

DATE FINALIZED

October 28, 2019

No comments were received during the comment period 30SEP2019 to 21OCT2019

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

A handwritten signature in blue ink that reads "Paul E. Good".

October 23, 2019

Signature

Date

DNR GUIDANCE DISCLAIMER

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.



Air Program Fact Sheet

Citation Authority Rules for Regulated Refrigerants & Salvaging Operations

April 2019

Wisconsin law prohibits the release of regulated refrigerants into the atmosphere. Wisconsin DNR regulates activities during the salvaging or dismantling of any equipment containing regulated refrigerants and has the authority to write citations to violators of the rule.

Wisconsin Administrative Rules (s. NR488.12, Wis. Adm. Code)

- **NR 488.03, Wis. Adm. Code;** A person may not salvage/dismantle any refrigeration equipment if the person:
 - is not registered with DNR to perform the work,
 - uses unapproved refrigerant recovery equipment, or
 - knowingly or negligently release refrigerant into the environment.
- **NR 488.05, Wis. Adm. Code;** Any person who sells, gives or transports refrigeration equipment to a scrap metal processor shall:
 - transfer the 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.
 - provide documentation to the scrap metal processor that he or she has complied with the above.

[Exemption: s. NR488.05(2), Wis. Adm. Code; *the above 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.]*

- **NR 488.10, Wis. Adm. Code;** Any person who transports, for the purposes of salvaging or dismantling refrigeration equipment that contains regulated refrigerant shall certify to the department they will not knowingly or negligently release regulated refrigerant into the environment. This certification shall be submitted annually, along with a description of the safe transport methods to be used and the fees required under s. NR488.11. The department shall provide a receipt acknowledging the submissions of this certification and fees.

[Exemption: s. NR488.10(2) Wis. Adm. Code; *An individual who transports his or her personal refrigeration equipment OR 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.]*

Citation authority, citation issuance or environmental enforcement options

- Issuing a citation(s) for applicable violation(s) may be determined by a conservation warden. The Air Program does not need to be consulted with prior to issuing the citation but shall be notified of any issued citation. Notification can be done by emailing jeff.myers@wisconsin.gov.
- If there is uncertainty a violation occurred, multiple violations have occurred, or further regulation clarification is needed, contact an Enforcement Specialist.
- Enforcement staff, the Air Program or an investigator can help conservation wardens determine the best course of action (i.e. citation, NON, NOV/EC) for each situation.

For more information:

For more information, or assistance in determining citation authority for regulated refrigerants, contact:

Jeff Myers – Air Program
Refrigerant Program Coordinator
Phone: (608) 266-2879
Email: jeff.myers@wisconsin.gov

The Wisconsin Department of Natural Resources provides equal opportunity in employment, programs, services and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, DC 20240. This publication is available in alternative format (large print, Braille, audio tape, etc.) upon request. Please contact the Bureau of Air Management, phone 608-266-7718, for more information.



Wisconsin Department of Natural Resources
Bureau of Air Management
Box 7921- AM/7
Madison, WI 53707
PHONE 608-266-7718 • FAX 608-267-0560
Publication AM-570 2019