



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-19-0037

DOCUMENT TITLE

Fact Sheet for DNR Requirements for 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)

October 28, 2019

DATE FINALIZED

November 25, 2019

No comments were received during the comment period 28OCT2019 to 18NOV2019

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.

November 20, 2019

Signature

Date



DNR Requirements for Regulated Refrigerants & Salvaging Operations

Compliance with ch. NR 488, Wis. Adm. Code

May2017

Wisconsin and federal law prohibits the release of regulated refrigerants during the salvaging or dismantling of refrigeration equipment. These substances (CFCs and HCFCs and their substitutes) are known to destroy the earth's ozone layer, which is located high in the atmosphere and protects life from the sun's harmful ultraviolet radiation.

The Department of Natural Resources (DNR) regulates activities during the salvaging or dismantling of any equipment containing regulated refrigerants. The regulations are found in **Chapter NR 488** of the Wisconsin Administrative code.

The technician certification and registration programs at the Department of Agriculture, Trade, and Consumer Protection (DATCP) and the Department of Safety and Professional Services (DSPS; formerly the Department of Commerce) have been eliminated. Regardless of the changes to DATCP and DSPS regulations, DNR registration is still required annually under NR 488 for any person who salvages or dismantles refrigeration equipment.

WHO IS AFFECTED BY THESE REQUIREMENTS?

Salvagers and dismantlers: Any public or private entity responsible for salvaging or dismantling refrigeration or air-conditioning units which may contain regulated refrigerants must register annually with DNR and certify the use of approved refrigerant recovery equipment by qualified operators. See the sections below for more information about these requirements.

Transporters of refrigeration equipment: Any public or private entity which transports refrigeration equipment for the purposes of salvaging or dismantling must certify to DNR that they will use methods to "safely transport" the equipment to prevent refrigerant releases. See page three for more information.

WHAT ARE THE REQUIREMENTS FOR SALVAGERS?

Entities that salvage or dismantle refrigeration equipment must register annually with DNR (using Form 4500-129), certifying that approved equipment is used to recover any remaining refrigerants and that persons using this equipment are properly qualified. The annual registration fee is \$250.

Refrigeration equipment salvagers/dismantlers may use a subcontractor. A description of this arrangement must be included in the salvager's registration (Form 4500-129a contains subcontractor information).

WHAT IS “APPROVED” RECOVERY EQUIPMENT?

Salvagers must use recovery equipment approved by the U.S. Environmental Protection Agency (U.S. EPA). Each facility should carefully consider its needs before purchasing a unit. The NR 488 code requires that the recovery equipment must be capable of recovering at least 90 percent of the refrigerant remaining in a system being salvaged. The equipment must also be approved for safety and efficiency by a recognized national lab (such as Underwriter's Laboratories [UL] or the Air Conditioning, Heating and Refrigeration Institute [AHRI]). Look for labelling on the equipment indicating that it has been tested by one of these labs or that it meets U.S. EPA requirements.

HOW DO RECOVERY EQUIPMENT OPERATORS RECEIVE CERTIFICATION?

Individuals who use refrigerant recovery equipment for salvage must successfully complete an appropriate certification program approved by U.S. EPA, or must be directly supervised by someone who has completed one. Those recovering refrigerants from stationary equipment must hold a U.S. EPA 608 certification (see the EPA Section 608 webpage at <https://www.epa.gov/section608>). Those recovering refrigerants from vehicles must hold a U.S. EPA 609 certification (see the EPA Section 609 webpage at <https://www.epa.gov/mvac>).

WHAT ARE THE RECORDKEEPING REQUIREMENTS FOR SALVAGERS?

Salvagers must keep the following records for three years:

- Training certificates for each person who operates or supervises the operation of recovery equipment
- The brand, model number and serial number of each piece of approved refrigerant recovery equipment
- The type, serial number (or other identification number) of each piece of refrigeration equipment salvaged, and the date each piece was determined empty or recovered
- Records of the repair and maintenance of recovery equipment, including the date and nature of each repair or maintenance activity

Required documentation for delivery to scrap metal processors

Under state and federal law, any person who sells, gives or transports salvaged refrigeration equipment to a scrap metal processor must provide a signed statement that all remaining refrigerant has been properly recovered by themselves or another person. If the scrap metal processor agrees to perform the recovery, they must provide the statement

to the party delivering the refrigeration equipment. In either case, this statement must be retained for three years by both the equipment provider and the scrap metal processor.

WHAT IF THE SALVAGER CONTRACTS OTHERS FOR ALL REFRIGERANT RECOVERY WORK?

If the salvager does not want to perform any refrigerant recovery work and does not want to use a subcontractor, the salvager can use a company that is registered to perform the work.

When applying for a Wisconsin Department of Transportation salvager license, auto salvagers that contract others for refrigerant recovery work must obtain a letter from DNR certifying that they are using a registered DNR refrigerant recovery program vendor. The salvager must obtain a new letter every time the license is renewed (usually every two years). The letter is called “Self-Certification of Compliance with State Refrigerant Regulations” and provided free of charge.

WHAT ARE THE TRANSPORT REQUIREMENTS?

Prior practices for handling salvaged refrigeration equipment sometimes ruptured the refrigeration system and released refrigerants into the environment. State law requires that anyone transporting salvaged refrigeration equipment (except for individuals hauling personal items and those hauling vehicles) must certify annually to DNR that they will transport items in a manner that prevents refrigerant releases. No particular method is prescribed, but using lift-gate trucks, trailers with ramps, loading docks, or securing appliances in roll-off boxes can provide the needed safety. Unacceptable methods include combining loose appliances with other salvaged metals in roll-off boxes and throwing refrigeration equipment onto trucks.

To obtain the required certification, transporters must submit Form 4500-130 annually, along with a \$75 fee, plus \$25 for each vehicle expected to be used for safe transport during the coming year. The \$75 fee is waived for those registered as refrigeration equipment salvagers by DNR. Receipt forms provided by DNR must be kept at the facility and in each transport vehicle while valid.

WHAT ARE THE PENALTIES FOR NONCOMPLIANCE?

DNR can issue a citation of \$100 to \$1000 for each release of refrigerants or other action in violation of the requirements described in this factsheet.

FOR MORE INFORMATION AND FORMS

- For more information about refrigerant recovery and to download this factsheet and relevant forms, visit dnr.wi.gov and search for the keyword “refrigerant.”

- To contact Refrigerant Program staff, email DNRAirRefrigerantProgram@Wisconsin.gov or call the Air Program at (608) 266-7718.
- Send forms to the following address:
Air Program - Refrigerant Program
Wisconsin Department of Natural Resources
PO Box 7921, AM/7
Madison, WI 53707-7921
- For information about U.S. EPA refrigerant recovery requirements, visit www.epa.gov/ozone

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 to the relevant facts.

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-552 2017