

## Chapter XXX

### Clean Air Act Amendments of 1990

### Protection of the Stratospheric Ozone

#### A. GENERAL.

The 1990 Clean Air Act (CAA) amendments require that certain substances which have destructive effects on the ozone layer chlorofluorocarbons (CFCs), carbon tetrachloride, methyl chloroform and hydrochlorofluorocarbons (HCFCs), **not be vented** to the environment and be phased out from production and use over an extended period of time.

1. Section 608 of the Clean Air Act (CAA) prohibited venting Class I and II Ozone Depleting Substances (ODS) as of July 1, 1992, requires recycling and safe disposal of such substances. Section 609 of the CAA mandated regulations preventing the release of motor vehicle refrigerants. It also restricted the sale of small containers (20 lbs. or less) of Class I and II refrigerants except to certified technicians. Section 610 of the CAA bans certain products that release ozone-depleting substances; it specifically targets products that are defined as "nonessential" and prohibits any person from selling or distributing the listed products in interstate commerce. Section 611 of the CAA establishes a tiered schedule for labeling of products containing or manufactured with Class I or II (ODS).

2. Applicable Regulation 40 CFR 82, Protection of the Stratospheric Ozone. Federal regulatory requirements summarized in this chapter may be accessed at [www.epa.gov](http://www.epa.gov). Click on laws and regulations and type in the part or specific citation of the regulation you want to access. U.S. EPA has a special section on ozone issues at [www.epa.gov/ozone](http://www.epa.gov/ozone).

3. Appendices at 40 CFR 82. Listings of regulated Class I or Class II ODS are posted on at [www.epa.gov](http://www.epa.gov).

a. Appendix A to Subpart A, Class I Controlled Substances.

b. Appendix B to Subpart A, Class II Controlled Substances.

c. Appendix F to Subpart A, Listing of Ozone Depleting Chemicals.

4. Enclosures 1 to 10 should be consulted for definitions, category listings, exemption listings, and U.S. EPA Applicability Determinations, and other information.

5. Refer to the applicable part of the regulation 40 CFR 82 for specific regulatory definitions, language and effective dates for compliance when applying regulatory requirements to the RTDS and disposal process. This chapter only summarizes the general intent and requirements of the regulation.

**NOTE:** Overseas – OEBGD/FGS and host nation regulations apply.

6. DoD policy and procedures can be found in DoD 4160.21-M, Chapter 10, Attachment 1, Item 24, Ozone Depleting Substances.

7. U.S. EPA ODS HOT LINE: 1-800-296-1996 (Stratospheric Ozone Information - open between 10:00 a.m. and 4:00 p.m. Eastern Standard Time) or e-mail: [hotline@tidalwave.net](mailto:hotline@tidalwave.net). Questions concerning this chapter may be addressed to DRMS-LHP (DSN)932-5877.

#### B. DEPARTMENT OF DEFENSE (DOD) CLASS I AND II ODS RESERVE

1. The Defense Logistics Agency (DLA) has been assigned the DoD mission of managing the Defense Reserve of ODS for the Department of Defense (DoD). This Reserve supports the Military Services mission critical requirements for CFCs and Halons.

2. DoD policy requires that the Military Services recover or reclaim Class I or Class II ODS for banking at the DoD ODS Reserve and return them to Defense Supply Center Richmond (DSCR) under current MILSTRIP Document Identifier procedures.

3. DoD components shall return to the DoD Reserve excess CFCs and Halons as described and listed in DoD 4160.21-M, Chapter 10, Attachment 1, Item 24.b. The DRMOs will not accept for RTDS any excess CFCs or Halons which should go back to the Reserve. Some types of ODS recovery cylinders shall also be returned directly to the Reserve by the military services and shall not be turned-in to the DRMO (See NSN list a DoD 4160.14, Volume II, Chapter 8).

4. For additional information about the Reserve's policies and procedures, call DSCR at commercial (804)279-5203/4525 or (DSN)695-5203/4525. For additional information about the Reserve's requirements, as they affect DRMS procedures, call DRMS-TSP (DSN)932-5952.

**C. MOTOR VEHICLE AIR CONDITIONER (MVAC) SERVICING REQUIREMENTS**

(Reference: 40 CFR 82.30-42).

1. Facilities that repair or service MVACs or dismantle them must certify that they are using approved equipment.

2. It is illegal to sell or distribute containers with less than 20 pounds of Class I or II substances suitable to use as a motor vehicle refrigerant to anyone other than a certified technician.

a. *Wholesale seller requirements.* At the wholesale level, sellers need to obtain a signed statement from buyers stating that the containers are for resale only. This statement must show the purchaser's name and business address.

b. Certification statements must be kept for 3 years by the seller and must be available to EPA representatives upon request.

c. DRMS would qualify as a wholesaler if the above products are sold to qualified buyers, e.g., certified technicians. Therefore, the purchaser must provide a certification statement and the statement must be kept for 3 years with the sales file.

**D. NON-ESSENTIAL PRODUCTS BAN.**

Reference: 40 CFR 82.60-70.

- Definitions - Enclosure 5
- Exemptions – Enclosure 6

**1. Turn-in and RTDS Instructions.**

a. Generating activities are required to identify Class I or II non-essential products on the DD Form 1348-1A and fund for disposal, if the property fails RTDS or must go directly to disposal.

b. The DRMO shall not RTDS Class I or II excess property that is regulated as a non-essential product, unless it is exempt from the regulation and commercial buyers can meet the conditions of exemption. See enclosure 6 for products exempted from sale and distribution and the condition of exemption.

**NOTE:** Refer to the applicable parts of the regulation for specific regulatory language and effective dates for compliance.

**2. Summary of the Regulation.**

a. The regulation lists specific products, which are manufactured using Class I and II substances, and lists them as “non-essential” and prohibits their sale or distribution.

b. **Exemptions.** See Enclosure 6.

c. **Nonessential Class I products and exceptions (40 CFR 82.66).**

(1) Plastic party streamer or noise horn, which is propelled by a CFC, including but not limited to: string confetti, marine safety horns, sporting event horns, personal safety horns, wall-

mounted alarms used in factories or other work areas, and intruder alarms used in homes and cars.

(2) CFC containing cleaning fluids for noncommercial electronic and photographic equipment, including but not limited to liquid packaging, solvent wipes, solvent sprays, and gas sprays. Except for those sold or distributed to a commercial purchaser (see Enclosure 6).

(3) Foams made with a Class I substance, such as any plastic flexible or packaging foam product that is manufactured with or contains a CFC, except for flexible or packaging foam used in coaxial cable.

(4) Aerosol products or other pressurized dispensers, which contain a CFC including but not limited to household, industrial, automotive and pesticide uses. Except for:

- Certain medical devices.
- Lubricants, coatings or cleaning fluids for electrical or electronic equipment containing CFC-11, CFC-113, or CFC-12, but contain no other CFCs, for solvent purposes.
- Lubricants, coatings or cleaning fluids for aircraft maintenance containing CFC-11 or CFC-113, but which contain no other CFCs.
- Mold release agents containing CFC-11 or CFC-113.
- Spinnerette lubricant/cleaning sprays containing CFC-114.
- Containers of CFCs used in plasma etching.
- Document preservation sprays containing CFC-113.
- Red pepper bear repellent sprays containing CFC-113.

**d. Nonessential Class II products and exceptions (40 CFR 82.66).**

(1) Aerosol or other pressurized dispenser products which contain a Class II substance in-

cluding but not limited to household, industrial, automotive and pesticide uses, and foams made with Class II substances.

(2) Class II exceptions include:

- Certain medical devices.
- Certain lubricants, coatings and cleaning fluids.
- Mold release agents.
- Portable fire extinguishers.
- Wasp and hornet sprays.
- Electronic and photo equipment aerosol cleaning fluids sold to commercial purchasers.
- Plastic foam products.
- Integral skin foam utilized to provide motor vehicle safety until January 1, 1996.

**e. *Verification* (40 CFR 82.68).**

(1) *Commercial Use*. (See Enclosure 5 for definition of “commercial”). If a sale is made for commercial use the regulation requires the commercial user to have one of the following identification numbers:

- A Federal employer identification number.
- A state sales tax exemption number.
- A local business license number.
- A government contract number.

(2) The commercial user must provide documentation to verify they are a commercial entity. The seller or distributor must have a reasonable basis for believing that the documentation presented by the purchaser is accurate.

(3) The above documentation should be maintained in the sales files.

**f. *Display Sign and Written Notification for Sale* (40 CFR 82.68).**

(1) Class I or II cleaning fluids for electronic or photographic equipment, also if in aerosol containers; or any portable fire extinguisher, and mold release agents containing a Class I substance as a propellant. Or, any wasp or hornet spray containing a Class II substance.

(2) Sellers must display a sign where sales occur, notifying purchasers of the penalty which could be imposed on the purchaser (\$25,000), if the purchaser does not meet the regulatory requirement to purchase specific CFC or HCFC items listed in the regulation. The sign must be displayed in such a manner that it is visible.

(3) Written notification may be placed on sales brochures, order forms, invoices and the like. Written notifications should be maintained in the sales files.

g. **“Self-executing” Ban for Class II Products.** The ban on similar types of products listed above that have Class II substances is self-executing. U.S. EPA, therefore, is not required to promulgate regulations on the ban of non-essential Class II products.

**E. LABELING.**

Reference: 40 CFR 82.100-124.

- Definitions - Enclosure 1
- Sample labels – Enclosure 2

1. **Turn-in and RTDS Instructions.** Excess ODS property must bear the appropriate container or manufacturer’s warning label at turn-in, if required by the regulation.

2. **Summary of the Regulation.** All *containers* and *products containing* Class I and II substances listed in Appendix D of the Montreal Protocol must bear a warning label. This includes:

- a. *Containers* in which a Class I or II substance is stored or transported.
- b. *Products containing* a Class I substance.
- c. *Products directly manufactured* with a process that uses a Class I substance, unless otherwise exempted.

d. Labels would be required for products *made with* or *containing* a Class II substance after May 15, 1993, only if EPA has determined safe alternatives are available. Otherwise, the requirements to label products *made with* Class II substances do not go into effect until January 1, 2015.

**NOTE:** Containers which store or transport a Class I or II substance are regulated for labeling as of May 15, 1993. Refrigeration equipment and appliances do not meet the definition of a container or a container containing under this rule. Labeling of refrigeration equipment and appliances is a manufacturer’s requirement for products manufactured after May 15, 1993.

**3. Labeling Containers.**

a. A label is required on containers used for storing and transporting recaptured Class I substances (CFCs), halons, carbon tetrachloride, methyl chloroform and Class II substances (HCFCs).

b. A label is required on containers of Class I or II substances to be recycled or reclaimed.

c. **Exemption.** (USEPA final rule published in Federal Register Volume 60, January 19, 1995, page 4010). A warning label is no longer required on containers holding Class I or II ODS or wastes containing trace amounts of ODS when these wastes are discarded or destroyed. This exemption applies only to disposal actions (i.e., incineration, energy recovery, or landfill). This exemption **does not** apply to containers holding ODS which are recycled or reclaimed.

d. **Empty containers.** Containers that previously contained an ODS, which has been removed from the container and the container is recycled, do not require a label. For example, a drum or cylinder from which ODS has been removed does not require a warning label.

**NOTE:** There is no definition of “empty” under the Clean Air Act or this instruction comparable to the Resource Conservation and Recovery Act (RCRA).

e. Refrigerant recovery cylinders and drums containing *recovered* CFCs or HCFCs must have a warning label for storage and for transportation in interstate commerce.

f. Containers include only the “immediate” vessel in which a controlled substance is stored or transported. Containers or vessels for transporting a product containing or container containing an affected substance do not have to be labeled. (See definitions at Enclosure 1.)

g. Labels may be ordered through commercial companies that print and distribute labels for regulated products.

#### 4. Labeling Manufactured Products. (40 CFR 82.114 and 82.116)

a. The regulation places the responsibility on the manufacturer for labeling new products which contain ODS after May 15, 1993. Products manufactured prior to, do not require the manufacturer’s label.

b. Manufactured products currently in the DRMO inventory or those presently being turned-in by the generating activity, which were manufactured prior to May 15, 1993, are not subject to the product labeling requirements.

c. The U.S. EPA places responsibility on the manufacturer to prove that the manufactured product does not require labeling. Therefore, if a regulatory questions arises regarding product labeling, U.S. EPA must contact the manufacturer (40 CFR 82.102). See also paragraph E4e below.

d. Compliance by wholesalers, distributors and retailers. (40 CFR 82.118). For ODS products manufactured after May 15, 1993, it is required that wholesalers, distributors and retailers (i.e., DRMOs), provide all labeling information on the product or container to the consumer.

e. “Reliance on reasonable belief” (40 CFR 82.118). The regulation allows for “reliance on reasonable belief” that the ODS product was labeled by the manufacturer. For RTDS purposes, DRMS-G, interpreted the “reliance on reasonable belief” requirement as follows:

(1) DRMOs may rely on the labeling information that is received with the turn-in of the excess DoD products, and are not required to independently investigate whether the labeling requirements are applicable to the specific product.

(2) The DoD procurement system has the direct contractual relationship with suppliers of these products and through its procurement requirements ensures products sold to DoD comply with Clean Air Act requirements.

(3) This allows DRMOs to apply the “reasonable belief” provision that the supplier to DoD of the product or container is reliably and accurately complying with the labeling requirement. There is no need to go back to the procurement and supply system to determine if an ODS containing product was labeled by the manufacturer.

#### 5. Label Requirements - Warning Statement, Placement, Form Size, and Removal Prohibitions (40 CFR 82.106-112).

a. The signal word “**WARNING**” must be in capital letters. The **warning statement** must read as follows (see Enclosure 2 for label samples):

“**WARNING:** Contains (or manufactured with, if applicable) (insert name of substance), a substance which harms public health and the environment by destroying ozone in the upper atmosphere.”

b. The warning statement (label) must be substance specific. The standard chemical name of the substance must be used as listed in 40 CFR Part 82, Subpart A, Appendix A, except that the acronyms CFC and HCFC may be used. For example, CFC-12 Dichlorofluoromethane. But, do not use only CFC-12. Also, do not use trade names such as “freon”.

c. **More than one substance.** When a container or product contains or is manufactured with more than one ODS, only one label is required, but that label must state all the relevant substances.

d. **Type size.** Reasonably related to the type size of any other printing appearing in the same panel (40 CFR Part 82.110).

e. **Placement.** The warning label can be placed on any packaging display panel, on any side of the product package or containers as long as it is “clearly legible and conspicuous”.

f. **Products without a display panel or area.** The warning could be printed on:

(1) A hang tag, tape, card, sticker, invoice, bill of lading, or other overlabeling securely attached to the container or product.

(2) A display case or packaging.

(3) Supplemental printed materials prepared by the manufacturer, such as a material safety data sheet (MSDS). EPA does not, however, allow the warning merely to appear in a catalogue.

g. **Prohibitions.**

(1) The U.S. EPA prohibits statements that a product may contain or was manufactured with ODS. The warning label must be definite and substance specific.

(2) The U.S. EPA also prohibits wholesalers, distributors and retailers (i.e., DRMOs) from removing warning labels from products they purchase or distribute, including repackaging.

(3) The label must be on a product when the product enters interstate commerce.

h. **Penalties.** If the warning label is purposely removed or the wholesaler or retailer fails to pass on the warning statement, the violator can receive civil penalties.

## **F.REFRIGERANT RECYCLING RULE -- REFRIGERATION EQUIPMENT/ APPLIANCES.**

- Reference: 40 CFR 82.150-166
- Definitions – Enclosure 3

- See paragraph F.2.g and F.3 below for turn-in requirements

1. The regulation establishes recovery and recycling requirements for ozone-depleting refrigerants recovered during the servicing and disposal of air-conditioning and refrigeration equipment. Together with the prohibition on venting during servicing, repair and disposal of Class I and II substances that were effective on July 1, 1992, this regulation is designed to substantially reduce emissions of ozone-depleting refrigerants. Violations can result in civil or criminal penalties and fines.

### **2. Summary of the Regulation.**

a. **Service practice requirements.** Technicians servicing and disposing of air conditioning and refrigeration equipment and appliances must observe certain service practices that reduce refrigerant emissions. The most fundamental of these practices is the requirement to recover refrigerant rather than vent it to the atmosphere.

**NOTE: DRMO personnel are not trained technicians. DRMO personnel do not service, maintain, repair or recover refrigerants from appliances containing refrigeration components or refrigerants. Therefore, the DRMO is not subject to the technician training and certification requirements nor to the certified recovery equipment requirement.**

b. **Technician repair.** Technicians repairing small appliances, such as household refrigerators, are required to recover 80-90 percent of the refrigerant in the system. Refrigerant that is recovered is allowed to be returned to the same system or other systems owned by the same person.

c. **Equipment and recycler certification.** Establishes a certification program for recovery and recycling equipment that requires recovery efficiency standards.

d. **Refrigerant leaks.** This generally excludes household appliances and small refrigerant charges. This applies to owners of commer-

cial refrigeration and industrial process refrigeration equipment with charges greater than 50 pounds to repair a leak within 30 days and keep records.

e. **Mandatory technician certification.**

Establishes a technician certification program which requires technicians to pass an EPA-approved test to become certified. Certification is available in four categories.

f. **Refrigerant sales restriction** (40 CFR 82.154(h)). No person may sell, distribute or offer for sale Class I or II substances for use as a refrigerant to any person unless: (See NOTE below).

(1) The buyer is a certified technician under the refrigerant recovery and recycling regulations.

(2) The buyer is a certified technician under the Motor Vehicle Air Conditioning (MVAC) servicing regulations.

(3) The refrigerant is sold only for eventual resale to certified technicians or to appliance manufacturers, including by a manufacturer to a wholesaler and by a technician to a reclaimer.

(4) The refrigerant is sold to an appliance manufacturer.

(5) The refrigerant is contained in an appliance.

(6) The refrigerant is charged into an appliance by a certified technician during maintenance, service or repair.

Additionally, any refrigerant that is sold (changes ownership) must be reclaimed to a level of purity and analyzed to meet the standard of purity set forth in ARI 700, Specifications for Fluorocarbon Refrigerants. This is to ensure it can be used safely in any refrigeration equipment.

**NOTE:** DRMOs shall not receive or sell unused or recovered refrigerant unless it is first determined, through DRMS-USP, that the specific refrigerant is not needed by the DoD ODS Reserve; except when the refrigerant is contained in an appliance or refrigeration equipment which is processed for RTDS.

g. **Safe disposal requirement** (40 CFR Part 82.156(f)). Applies to refrigeration equipment and appliances that may be turned-in to a DRMO as scrap.

(1) EPA's regulation differentiates between equipment typically dismantled onsite and equipment that enters the waste stream with the refrigerant intact. Equipment that is typically dismantled onsite before disposal (such as retail food refrigeration, cold storage warehouse refrigeration, chillers and industrial process refrigeration) must have the refrigerant removed in compliance with EPA's servicing requirements. Equipment which enters the waste stream with the charge intact (such as MVACs, household refrigerators and freezers, and room air conditioners) are subject to "safe disposal" which requires that the final person in the disposal chain (such as, the scrap dealer or, landfill) is responsible for:

(1) Notifying "up the chain" to suppliers of appliances that the refrigerant must be properly removed before delivery of scrap items to a scrap dealer or landfill.

- The form of this notification may be warning signs, letters to suppliers, or other equivalent means.

- DoD/DRMS/DRMO notification to DoD suppliers (e.g., generators/turn-in activities) is in the form of policy and procedures in DoD 4160.21-M, Chapter 10, Attachment 1, Item 24c.

- DRMS/DRMO customer guidance on the world wide web, Customer Service Handbook, or DRMO memoranda to DoD activities, are additional forms of notification, if needed.

- Scrap dealers or landfill operators must notify their customers (up the chain, for example a DRMO) whether or not the scrap dealer or landfill requires the refrigerant removed or if the scrap dealer or landfill can accept the equipment/appliance with the refrigerant still in it.

(2) Ensuring that refrigerant is recovered from small appliances, room air conditioners, MVACs, or MVAC-like appliances before final disposal of the equipment by:

- Recovering the refrigerant to specified levels; or

- Obtaining a signed statement from the person from whom the appliance is obtained that all refrigerants have been recovered to specified levels, including the name and address of the person who recovered the refrigerant, and the date the refrigerant was recovered.

(See Enclosure 8)

h. This regulation does not affect the servicing of MVACs but does apply to their “safe” disposal. U.S. EPA has published separate requirements at 40 CFR Parts 82.30-42 on servicing MVACs.

i. ***Service apertures and process stubs.*** Air conditioning and refrigeration equipment except for small appliances and room air conditioners must be provided with a servicing aperture that would facilitate recovery of the refrigerant. Small appliances will require a process stub for easy access.

(1) This requirement and effective date apply to manufacturers of appliances and small appliances.

(2) There is no requirement for retrofitting appliances manufactured prior to November 15, 1993, with service apertures or stubs. The aperture or stub requirement does not impact property presently in the DRMO inventory. These can be processed for RTDS.

(3) By appliance, EPA is referring to any device that contains and uses a Class I or II substance as a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller or freezer (see Enclosure 3).

### **3. Turn-in Requirement for RTDS and Final Disposal .**

- 40 CFR 82.154(h)(3)
- DoD 4160.21-M, Chapter 10, Attach. 1, Item 24.c.
- Definitions – enclosure 3
- Equipment categories – enclosure 4
- Turn-in Flow Chart – enclosure 7
- MOU sample – enclosure 11

#### ***a. Usable/Serviceable Refrigeration Equipment/Appliances in Supply Condition Code A, B, C, or D.***

Refrigeration equipment and appliances still containing refrigerant may be turned-in for RTDS and assigned disposal codes of 1, 4, or 7.

- DTID and property marked with “CONTAINS REFRIGERANT” for handling, storage, inventory and sales purposes.

- Have a MOU (see sample MOU at Enclosure 11) with generating activity to remove or fund the removal of the refrigerant, if the items fail RTDS and are downgraded to scrap.

- Once the refrigerant has been removed, downgrade to scrap, get signed statement of removal (see enclosure 8 and paragraph d below).

- Refrigeration equipment and appliances which still contain the Class I and Class II refrigerant may be turned-in with the refrigerant intact, except for equipment which by regulation must be dismantled on site (see paragraph F2g(1) above)

- RTDS – Pass on notice that the equipment still contains the refrigerant to customer – Notify customer of the “safe disposal requirement” - Use appropriate sales article (see paragraph F3g(2) below).

**NOTE:** Overseas -- The FGS lists the required markings.

#### **b. Handling and Storage.**

- Do not illegally vent refrigerant to the environment.

- Inspect the equipment at receipt

- Handle and store both usable and scrap, in a manner that does not damage or rupture refrigerant lines, conduits, pipes or compressors.

- Don't stack, toss, or place equipment in piles or areas where breakage to the components containing the refrigerant would occur.

- Distinguish storage areas between property containing refrigerant for RTDS and scrap items (e.g., refrigerant removed/EMPTY).

c. Other types of turn-in of appliances (see paragraph F3f below).

d. DRMOs will notify the generating activity if the equipment/appliances fail RTDS and must go to scrap or disposal in a landfill. DRMOs located on a base where the host has certified technicians and certified equipment for removal of refrigerants, shall:

- Enter into a memorandum of understanding (MOU) with the turn-in activity to either evacuate/remove or fund the removal of the refrigerant on site or take back the equipment, if it fails RTDS, prior to the DRMO downgrading to scrap or sending the equipment to ultimate disposal. (See sample MOU – Enclosure 11).

- Use the ISA agreement for the host installation technicians or for the installation to have commercial refrigeration technicians remove the refrigerant prior to downgrading the property to scrap or sending to a landfill.

- If necessary, DRMOs may have to make arrangements for local area commercial technicians to remove the refrigerant prior to downgrading the property to scrap or sending to a landfill for final disposal. A request should be made to the generating activity to fund this service or to reimburse the DRMO.

e. ***Scrap/Unserviceable Refrigeration Equipment/Appliances in Supply Condition Code E, F, G, H or S.*** For unserviceable or scrap property going to a scrap dealer or landfill, the generating activity shall remove the refrigerant prior to turn-in to the DRMO and assign disposal code 7, X, or S.

- See 40 CFR 82.156(f)
- Categories List – enclosure 4
- Flow chart – enclosure 7
- Sample Certificate – enclosure 8

(1) DTID and equipment marked with “EMPTY”.

(2) Generating activity provides a statement/certificate stating the refrigerant has been removed (see Enclosure 8).

(3) The name and address of the person who recovered/removed the refrigerant.

(4) The date the refrigerant was recovered.

(5) Signed by the person who removed the refrigerant.

(6) Retain statement/certificate of refrigerant removal for 3 years with the DTID.

(7) Technicians may initial and tag “drained” equipment – still require the signed certificate of refrigerant removal.

(8) Pass on copy of the signed certificate to scrap buyer or landfill operator.

**NOTE:** Refrigerators are a regulated waste in Europe and are included on the disposal contracts. The disposal includes the draining of ODS.

f. Other types of turn-in of refrigeration equipment or appliances encountered by the DRMO.

(1) Instances when the generating activity or the DRMO do not know who and when the refrigerant was removed (e.g., found on post, abandoned, damage in system, transport damage, etc.).

- Per USEPA Applicability Determination (see enclosure 9 & 10), the signed statement (see enclosure 8) need not contain the name and address of the person who performed the recovery, as no such person exists.

- However, a signed and dated statement from a technician is still required for turn-in to the DRMO and must clearly state that the refrigerant in the appliance has already leaked out.

(2) Removed Compressors and other refrigeration containing components.

- Compressors removed from an appliance are still considered by USEPA as an appliance and must be managed as such.

- USEPA regulation 40 CFR 82.152(a) defines an appliance as any device which contains and uses a class I or class II substance as a refrigerant (see Enclosure 3).

- USEPA Applicability Determination (Enclosures 9 and 10), state that if the compressor or other refrigeration component(s) containing the refrigerant have been removed from the appliance, the remaining appliance shell may be received as scrap, without a signed statement.

- However, the DRMO needs to be able to demonstrate to the regulators that the compressor or other refrigeration components were removed prior to turn-in.

- Have the turn-in activity annotate and sign the DTID with the words: “Compressor (or Refrigeration Components) Removed”

- The appliance shall be marked as “Compressor (or Refrigeration Components) Removed”

- If the compressor or the refrigeration components still contain the refrigerant, and are turned-in separately to the DRMO for RTDS, they must be treated as an item containing refrigerant, per guidance in paragraph F.3.a above.

- If turned in as scrap, the refrigerant must be removed from the compressor or components, the item and DTID marked “EMPTY”, and a signed statement provided to the DRMO, per guidance in paragraph F.3.e above.

**g. Motor vehicles. Guidance on receipt and handling of motor vehicles with air conditioners can be found in DRMS-I 4160.14, Volume II, Chapter 4, paragraph 78, Note 1.**

**h.** Notification to RTDS customer and final disposal facility (e.g., scrap dealer or landfill).

(1) Scrap/Landfill Disposal. If the refrigerant has been recovered, provide a signed statement (enclosure 7) that includes the signature, name and address of the person who recovered the refrigerant and the date the refrigerant was recovered.

(2) Sales. If the refrigerant is still contained in refrigerated equipment or an appliance notify the customer as follows:

- Local sales notify that:

**“Refrigeration equipment and appliances are regulated under the Clean Air Act Amendments of 1990 and the “safe disposal requirements” of 40 CFR 82.156(f), requiring refrigerant removal and a signed/dated statement of refrigerant removal prior to final disposal as scrap or to a landfill.”**

- Notify on a Standard Form (SF) 122 or 123 or DRMS Form 1427, a letter, or by a sales article.

- National Sales/CV Sales:

- Notify the customer using the appropriate sales by reference Ozone Depleting Substances or Refrigerant sales article.

**“This refrigerated equipment or appliance is subject to the “safe disposal requirements” of the Clean Air Act of 1990 as implemented by 40 CFR Subpart F Part 82.150-166, requiring that refrigerants be removed from refrigerated equipment and appliances prior to final disposal.”**

Notification can be done with a statement on Standard Form (SF) 122 or 123 or DRMS Form 1427, a letter, or by a sales article in the Invitation for Bid.

## **G. TRANSPORTATION OF REFRIGERANT GASES OR LIQUIDS.**

1. The Department of Transportation (DoT) regulates shipments of refrigerant gases and refrigeration machines that contain flammable liquids, or flammable and nonflammable gases, transported in commerce.

2. The 49 CFR 172.101, Hazardous Materials Table (HMT), lists the chemical name of specific refrigerants regulated for transportation. Also, see 49 CFR 172.101(k)(3) for “not otherwise specified (n.o.s.)” shipping name for refrigerant gases that are hazardous materials for transportation.

3. Ordinary refrigeration equipment or appliances, such as refrigerators, freezers, air conditioners, humidifiers, water coolers, and others, are not regulated for transportation because they do not contain a hazardous material refrigerant.

#### **H. REFRIGERANT CONTAMINATED COMPRESSOR OIL.**

1. Refrigerant-contaminated compressor oil from refrigerated equipment may contain residual halogenated substances that cause it to exceed 4,000 ppm CFC concentrations.

2. Used oils contaminated with CFCs are not RCRA hazardous on the condition that:

- a. They are not mixed with other waste.
- b. They are subjected to CFC recycling or reclamation.
- c. They are not mixed with used oils from other sources.

3. Presently, USEPA does not require that the halogenated substances be recovered from refrigerant-contaminated compressor oil to comply with the refrigerant recycling rule, although such requirements could be issued in the future.

4. The high concentrations of these halogenated substances, however, places the management of residual compressor oil as a waste subject to the Resource Conservation and Recovery Act (RCRA), which establishes requirements on the handling, storage and disposal of used oil contaminated with halogenated compounds.

5. Refrigerant-contaminated compressor oil will be managed under RCRA, Rebuttable Presumption for Used Oil, as outlined at 40 CFR Parts 279.10(b)(ii)(B) and 279.44(c)(2) and (d).

a. The regulation exempts from the “rebuttable presumption” refrigerant-contaminated compressor oil removed from refrigeration equipment **only** with refrigerants (CFCs) and **not mixed** with used oil from other sources, if the CFCs are destined for reclamation.

b. If the CFCs in the compressor are not destined for reclamation, manage the oil as a hazardous waste.

c. The “rebuttal presumption” does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

#### **I. FUNDING FOR DISPOSAL.**

Containers or equipment containing Class I or II ODSs turned-in for immediate ultimate disposal (thus by-passing RTDS) via the existing hazardous waste disposal service contract require the funding data as outlined in DRMS-I 6050.1, Chapter XI.