

## HFC Rulemaking, Chapter 173-443 WAC

Stakeholder Meeting Summary

September 14, 2022

### Draft language review - stakeholder comments and Ecology responses

#### **Definitions (Section 030):**

**“Industrial process refrigeration”** Ecology revised text to improve clarity. IPR that does not use a chiller is considered refrigeration throughout the chapter, meaning that it is subject to both GWP thresholds and RMP requirements. IPR that uses chiller is subject to the RMP as refrigeration, but not to the GWP thresholds.

- No significant concerns raised; suggestion for alternative text that Ecology will consider.

**“Nonessential consumer products”** Ecology revised text to indicate that electronic equipment cleaners are subject to the GWP threshold only if there are no EPA0-approved alternatives for use. .

- Question raised on what the GWP threshold is for these products.
  - 150 GWP.

**“Consumer”** Ecology deleted language to remove reference to MVAC technicians. This revision did not change the prohibition on the sale and purchase of high-GWP refrigerants.

#### **List of prohibited substances: (Section 040, Tables 2, 3, and 4):**

- Air conditioning equipment (table 3). Ecology moved PTAC/PTHPs from the portable AC and dehumidifier category to “other refrigeration” category. This moves the effective date to January 1, 2026 from January 1, 2024.
  - Question raised on whether heat pump chillers will be included in a “chiller” section.
    - No. Right now, our estimation is that we are not going to apply a GWP threshold to chillers.
  - Question raised on whether this would include heat pump hot water heaters.
    - We have more work to do on heat pumps, but we do know that this section will not include heat pumps used solely for potable hot water heating.
  - Comment that EPA will have PTAC/PTHP on 1/1/25 and California requires 1/1/23 for PTAC/PTHP. Can you make the PTAC/PTHP match expected EPA dates?
    - Yes --provided the State Building Code Council (SBCC) adopts new standards, as directed in the 2021 HFC law, by 1/1/23. Our latest understanding is that the SBCC expects to adopt one standard into the code by the end of this year and may adopt the other standard into the state building code, but it is not for sure. Our HFC law requires at least 24 months after updated building code adoption before GWP thresholds can be effective. The 2026 date was to provide a buffer in case they don’t adopt the other standard in time.

### Refrigeration Management Program – Review of Initial Requirements

Ecology reviewed initial recommendations/requirements for the main RMP components:

- Registration
- Leak inspections

- Leak repair
- Reporting
- Recordkeeping
- Exemptions

See [table of draft RMP requirements](#) for specific requirements in each of these program areas.

The RMP will apply to refrigeration and air conditioning systems having a charge size of 50 or more pounds in a single circuit under [RCW 70A.60.030](#). We expect the program to begin in January 2024.

WA breakdown of charge size:

- Small: 50 to 199 pounds
- Medium: 200 to 1,499 pounds
- Large: 1,500+ pounds

Exemptions will include systems that use low-GWP refrigerants and that do not use an ODS, or Class I or Class II substances. Systems with auto leak detection installed and operating will be exempt from routine leak detection requirements.

### Stakeholder questions/comments

- ALD. Has Ecology thought about how you will define automatic leak detection for purposes this regulation? There are different types out there. It's good to think about what PPM concentrations can this equipment detect and requirements for alarms.
  - We have not yet dove in that deep, but thank you for the suggestion. We will work on this in the future.
- Leak inspections. Is Ecology going to define what is involved to perform a leak inspection and locations to inspect?
  - We expect to define the term—most likely similar to California, which has some minimum requirements. We also expect to put additional information into guidance.
- Leak rate threshold. Has Ecology decided how annual reports are to be submitted? Email or into database?
  - We will develop a RMP database, similar to CA's R3 database.
- Leak rate threshold. Will Ecology want the annual leak rate at that time based on the material added or will you want the person to publish their rolling pounds leak rate at the time, at the end of the year period?
  - It's going to be a 12 month rolling average, so January through December. The first year will be different because it won't get started until March. We will provide guidance and tools to help with this.
- Leak rate threshold. Will leak repair only be required if the leak rate threshold is exceeded?
  - No. All leaks will need to be repaired within 14 days, unless certain condition exist. Exceeding the leak rate threshold will trigger notification requirements.

- If the leak cannot be repaired within the second 14, 45, or 120-day period, a retrofit or retirement plan will need to be submitted.
- We will work on a process for exemptions, so there will be instances for exemptions in some circumstances.
- Leak repair requirements. Please clarify what documentation would be needed for extra time to make repairs. What would it look like?
  - We will work on this.
- Notification for threshold exceedances. These notifications don't seem to be problem in and of themselves, but the documentation process doesn't get completed for days and weeks after the event is closed. A service ticket can take 3 to 7 days to make it through the accounting process. Is the 5-day timeline baked in?
  - No. This was our initial recommendation, but we value your feedback. We will work on this. We initially considered a 30-day window to allow time for the leak to be repaired.
- Notification for threshold exceedances. Unless the portal has small system details, the notification process seems untethered to the appliance.
  - While we estimate annual reports will not be required for small size equipment, owners of all systems with a charge size of 50 pounds or more will need to register, so the data system should have that information.
- Annual reports for wholesalers, distributors, and reclaimers. Will Ecology consider breaking out the type of refrigerants rather asking for the total aggregate amount?
  - This is good feedback. We will consider this.
- Recordkeeping. For refrigerant invoices, if the property owner purchased the refrigerant through a service ticket, would some sort of documentation related to that be sufficient
  - The initial answer is yes, that would seem to make sense, but we will look into that issue more.
- Recordkeeping. Will Ecology allow inventory management records rather than invoices?
  - We will consider this and work on expectations.

## Other RMP items in the coming weeks:

**Exemptions.** If and how to allow for exemptions for some program requirements and who is eligible.

**Fees.** How much and who should pay. The fees should cover the cost of the program and that will depend on the number of systems across the state and the cost of the program.

**Consistency with other states and federal programs.** The law requires that the RMP be consistent with other programs, to the extent practicable.

## Future stakeholder meetings

- October 19
- TBD