



**Eileen M. Nottoli**  
San Francisco  
415-273-7481  
[enottoli@allenmatkins.com](mailto:enottoli@allenmatkins.com)

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## Operators of Stationary Refrigeration Systems are Subject to New California Air Regulations

This alert applies to owners and operators of commercial buildings in the State of California with air conditioners (comfort coolers) or refrigeration systems.

January 27, 2011



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As of January 1, 2011, owners and operators of stationary refrigeration systems (other than air conditioners) in California may be subject to a new California Air Resources Board ("CARB") regulation in addition to EPA's regulation. Businesses in the Los Angeles Area may be subject to new rule for air conditioners and a revised rule for stationary refrigeration systems adopted by the South Coast Air Quality Management District ("SCAQMD"). The CARB and SCAQMD regulations apply to systems with 50 or more pounds of "high global warming" ("high-GWP") refrigerants – defined as a chlorofluorocarbon, a hydrochlorofluorocarbon, a hydrofluorocarbon, a perfluorocarbon, a blend with a global warming potential of 150 (as designated by the Intergovernmental Panel on Climate Change), or any ozone depletion substance designated by EPA.

Some of the requirements of the CARB regulations are phased in over time for systems of various sizes. Here is a summary of the key requirements of the CARB regulation. EPA regulations, which apply only to ozone depletion substances, and the two SCAQMD rules, which apply to same high-GWP refrigerants as the CARB regulation, have additional requirements which are not discussed in this legal alert.

### Registration

Systems with 50 pounds or more of high-GWP refrigerants must register

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with CARB and pay a fee.

- Systems with more than 2,000 pounds of high-GWP potential refrigerants in operation as of January 1, 2012 must register with CARB by March 1, 2012 and pay a fee.
- Systems in operation as of January 1, 2014 with 200 or more but less than 2,000 pounds must register by March 1, 2014 and pay a fee.
- Systems in operation as of January 1, 2016 with more than 50 but less than 200 pounds must register by March 1, 2016. The regulations detail the required information that must be submitted.

### **Change of Ownership**

Prior to any change of ownership, a person selling a refrigeration system must have a certified technician conduct a leak inspection and insure that the system has no leaks. The seller must inform the buyer of these requirements and must submit a change of ownership notification to CARB. New owners of a registered system must register by March 1 of the calendar year after the change of ownership.

### **Leak Inspections**

As of January 1, 2011, all systems must conduct leak inspections on a specified schedule and whenever 5 pounds refrigerant or 1% of the system full charge (whichever is greater) of refrigerant is added, conduct repairs within specified time periods, conduct initial and follow-up testing, and maintain records. Retrofit or retirement plans must be prepared for systems that cannot be timely repaired and all work must be completed within six months of the initial leak detection.

### **Automatic Leak Detection Equipment**

Large systems must install automatic leak detection equipment by January 1, 2012.

### **Annual Facility Stationary Refrigeration Reporting Requirements**

As of January 1, 2011, systems with 200 or more pounds of refrigerant must submit annually to CARB a Facility Stationary Refrigeration Report. Each annual report must provide information for the previous calendar year. The regulations detail the information that must be provided. The requirements for reporting are phased in as follows:

- The initial report for systems in operation as of January 1, 2012 with 2,000 or more pound of refrigerant must report by March 1, 2012.
- The initial report for systems in operation as of January 1, 2014 with 200 or more pounds but less than 2,000 pounds of refrigerant is March 1, 2014.

### **Required Service Practices**

Any person servicing a system with high-GWP refrigerants must follow specified practices and must hold a valid certification in accordance with EPA certification requirements.

### **Recordkeeping Requirements**

As of January 1, 2011, systems with 50 or more pounds of refrigerant must keep detailed records for 5 years including records of all inspections, leak repairs, annual reports, invoices of refrigerant purchases and shipments, and operating records.

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