

# INFORMATION COLLECTION REQUEST

## OMB-83 SUPPORTING STATEMENT

### ENVIRONMENTAL PROTECTION AGENCY

#### STRATOSPHERIC OZONE PROTECTION

#### 1. IDENTIFICATION OF THE INFORMATION COLLECTION

##### 1(a) ICR: National Refrigerant Recycling and Emissions Reduction Program

EPA ICR Number: 1626.10

OMB Control Number: 2060-0256

##### 1(b) Short Characterization/Abstract

The Environmental Protection Agency (EPA) has developed regulations under the Clean Air Act Amendments of 1990 (the Act) establishing standards and requirements regarding the use and disposal of class I and class II refrigerants during the service, maintenance, repair, or disposal of refrigeration and air-conditioning equipment. Section 608(c) of the Act states that effective July 1, 1992 it is unlawful for any person in the course of maintaining, servicing, repairing, or disposing of refrigeration or air-conditioning equipment to knowingly vent or otherwise knowingly release or dispose of any class I or class II substance used as a refrigerant in the equipment in a manner which permits the substance to enter the environment.

During 1993, EPA promulgated regulations under section 608 of the Act for the recycling of ozone-depleting refrigerants recovered during the servicing and disposal of air-conditioning and refrigeration equipment. These regulations were published on May 14, 1993 (58 FR 28660) and codified in 40 CFR subpart F (' 82.150 *et seq.*).

The regulations require persons servicing refrigeration and air-conditioning equipment to observe certain service practices that reduce emissions of ozone depleting refrigerants. The regulations also establish certification programs for technicians, recovery/recycling equipment, and off-site refrigerant reclaimers. In addition, EPA requires that ozone-depleting refrigerants contained "in bulk" in appliances be removed prior to disposal of the appliances and that all refrigeration and air-conditioning equipment, except for small appliances and room air conditioners, be provided with a servicing aperture that facilitates recovery of the refrigerant. Moreover, the Agency requires that substantial refrigerant leaks in equipment be repaired when they are discovered. These regulations significantly reduce emissions of ozone-depleting refrigerants, and therefore aid U.S. and global efforts to minimize damage to the ozone layer and the environment as a whole.

To facilitate compliance with and enforcement of section 608 requirements, EPA requires reporting and record keeping requirements of technicians; technician certification programs; equipment testing organizations; refrigerant wholesalers and purchasers; refrigerant reclaimers; refrigeration and air-conditioning equipment owners; and other establishments that perform refrigerant removal, service, or disposal. The record keeping requirements and periodic submission of reports, to EPA's Office of Air and Radiation, Office of Atmospheric Programs, occur on an annual, biannual, onetime, or occasional basis depending on the nature of the reporting entity and the length of time that the entity has been in service. Specific reporting and record keeping requirements were published in 58 FR 28660 and codified under 40 CFR subpart F ('82.166). Record keeping requirements for affected entities consist of the following:

- \$ programs certifying technicians must maintain records on each technician certified through their programs;
- \$ purchasers of refrigerants must maintain proof of technician certification;
- \$ wholesalers of refrigerants must maintain refrigerant sales records;
- \$ approved refrigerant recovery/recycling equipment testing organizations must maintain records of refrigerant recovery/recycling equipment testing and performance and refrigerant recovery/recycling equipment that meets EPA standards;
- \$ refrigerant reclaimers must maintain records on their customers and the quantity of material sent to them for reclamation;
- \$ disposers of refrigeration and air-conditioning equipment must maintain copies of signed statements attesting that the refrigerant has been removed prior to final disposal of each appliance;
- \$ people servicing appliances normally containing 50 or more pounds of refrigerant must maintain service documents; and
- \$ owners or operators of appliances normally containing 50 or more pounds who add their own refrigerant must keep records of the amounts of refrigerant purchased and added to their appliances.

Periodic reports include the following:

- \$ approved technician certification programs must submit biannual reports on their pass/fail rates and the next year=s testing schedule;
- \$ approved refrigerant recovery/recycling equipment testing organizations must submit an annual list of refrigerant recovery/recycling equipment that meet EPA standards and must notify EPA whenever a model of refrigerant recovery/recycling equipment fails a three-year recertification test;
- \$ refrigerant reclaimers must submit annual reports noting the mass of refrigerant reclaimed and the mass of waste products produced;
- \$ owners of industrial process refrigeration (IPR) equipment (i.e., appliances) whose appliances fail a verification test and owners of industrial process refrigeration

appliances and federally-owned commercial and comfort cooling appliances who wish to receive an extension or exclusion under the leak repair amendment are subject to additional reporting and record keeping requirements.

Copies of these reports are forwarded by the affected entities and stored at EPA headquarters.

The previously Office of Management and Budget (OMB)-approved ICR 1626.08 expired July 31, 2007. EPA has not promulgated any regulation that changes the recordkeeping or reporting requirements since the previous ICR renewal. Prior to submission of this ICR for renewal, EPA updated and verified a number of the estimates of the number of respondents based on Agency experience in reviewing submitted reports from respondents, enforcement data, and Agency review of respondent applications for approval. EPA will continue to update the estimate of wages, taking into account any guidance provided by EPA's Office of Environmental Information and OMB.

EPA has estimated that there are 350,330 annual respondents consisting of representatives from the air-conditioning and refrigeration community, including but not limited to service repair shops, refrigerant reclaimers, and refrigerant wholesalers. The annual cost of collection and maintenance of records for the respondents is estimated to total \$8,686,919.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need/Authority for the Collection**

In order to facilitate compliance with and enforce the section 608 requirements of the Act, EPA requires reporting and record keeping requirements of technicians, technician certification programs, refrigerant recovery/recycling equipment testing organizations, refrigerant wholesalers and purchasers, refrigerant reclaimers, refrigeration and air-conditioning equipment owners, and other establishments that perform refrigerant removal, service, or disposal. Specific reporting and record keeping requirements were published in 58 FR 28660 and codified under 40 CFR subpart F ('82.166).

### **2(b) Practical Utility/Users of the Data**

The purpose and need of this renewed collection request is to facilitate compliance with and enforcement of section 608 of the Act by reducing emissions of class I and class II ozone-depleting refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. EPA has used and will continue to use these records and reports to ensure that refrigerant releases are minimized during the recovery, recycling, and reclamation processes.

This collection is a renewal of the previously OMB-approved Information Collection Request (ICR) Number 1626.08. The regulations implementing the above provisions were

published in 58 FR 28660 and are codified at 40 CFR Part 82, Subpart F (' 82.150 et seq.). Collection of this information was approved for use through July 31, 2007.

EPA requires reporting and record keeping requirements of technicians, technician certification programs, refrigerant recovery/recycling equipment testing organizations, refrigerant wholesalers and purchasers, refrigerant reclaimers, refrigeration and air-conditioning equipment owners, and other establishments that perform refrigerant removal, service, or disposal. The recordkeeping requirements and periodic submission of reports are made directly to EPA's Office of Air and Radiation.

### **3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **3(a) Non-duplication**

The specific information requested by this notice is not currently collected by any other EPA office or any other government agency with the exception of some chlorofluorocarbons (CFCs) listed under the Resource Conservation and Recovery Act (RCRA). However, since RCRA concerns itself with disposal of wastes and the recycling rule specifically requires that refrigerants be recovered rather than disposed, any information currently collected under RCRA would not be considered a duplication of effort.

#### **3(b) Public Notice Required Prior to ICR Submission to OMB**

In compliance with the 1995 Paperwork Reduction Act (PRA), EPA sought public comments for a 60-day period prior to submitting the ICR renewal package to OMB. These comments, which are used partly to determine realistic burden estimates for respondents, must be considered when completing the Supporting Statement that is submitted to OMB.

The announcement of a public comment period for this renewal ICR was published in the Federal Register on March 10, 2003 (68 FR 11389). EPA sought public comments, pursuant to 5 CFR 1320.8(d), on the previous burden estimates being sought by the Agency. EPA received no comments. A copy of the FR notice has been included in the ICR package that EPA submitted to OMB.

#### **3(c) Consultations**

In developing the regulations (40 CFR 82, subpart F) that led to the Stratospheric Ozone Refrigerant Recycling; Final Rule (60 FR 28660, dated May 14, 1993), EPA established an advisory committee for issues relating to stratospheric ozone. The Stratospheric Ozone Protection Advisory Committee (STOPAC) membership included representatives from affected industries, environmental interest groups, and academics in related fields. Within STOPAC, subcommittees were formed to look at the more detailed issues. The subcommittees on

recycling, equipment certification, reclaimer certification, and technician certification and training met and discussed all aspects of the proposed regulations for section 608 of the Act. The names and contact information for members of the STOPAC are provided in Appendix 1 to this Supporting Statement.

For the leak repair provisions for industrial process refrigeration provisions, EPA met several times with numerous members of the Chemical Manufacturers of America (CMA) in negotiating a settlement agreement and developing the proposed amendments. A listing of acknowledgments for the preparation of the Compliance Guidance for Industrial Process Refrigeration Leak Repair Regulations Under Section 608 of the Clean Air Act is provided in Appendix 2 to this Supporting Statement.

EPA also received comments regarding the record keeping and reporting requirements during the public comment period for the original rulemaking of 1993. The negotiating group agreed to the provisions with the realization that in order to receive an extension or exclusion, certain information needed to be submitted to EPA to allow for a determination. EPA responded to all comments regarding the recordkeeping and reporting provisions in the final rule. Most commenters agreed with the negotiating group. Two commenters disagreed. EPA also had several meetings with the U.S. Department of Energy's Office of Environmental Guidance to discuss the unique problems that the Agency experienced with meeting leak repair deadlines for commercial and comfort-cooling equipment.

### **3(d) Effects of Less Frequent Collection**

The information requirements in the final rule are either onetime, annual, semiannual, or occasional submissions depending on the nature of the reporting entity and the length of time that the entity has been in service.

Onetime submissions cannot be submitted less frequently by definition. These include the following:

- \$ Application for approval of refrigerant recovery/recycling equipment testing organizations;
- \$ Testing organization notification of newly certified or decertified recovery devices;
- \$ Application for approval of technician certification organizations;
- \$ Recovery device acquisition certification (by service and disposal establishments);
- \$ Refrigerant reclaimer certification;
- \$ Owners of industrial process refrigeration equipment who need more than 30 days to complete repairs or more than one year to retrofit or replace equipment must submit documentation to EPA explaining their need for additional time.

The information that is required to be submitted annually is detailed below. Collecting

this information less than annually would hinder EPA enforcement efforts.

- \$ Testing organization notification of all previously certified recovery devices;
- \$ Approved technician certification organizations must submit a biannual activity report that includes the pass/fail rate and testing schedule for the next six months; and
- \$ Reclaimer reports on the quantities of used refrigerant received and processed.

### **3(e) General Guidelines**

Section 608(a)(3) of the Act requires maximization of the recapture and recycling of class I and class II ozone-depleting refrigerants. Enforcement of these provisions of the Act is insured by requiring annual reports of refrigerant recovery/recycling equipment test organizations and refrigerant reclaimers.

Biannual activity reports are required of programs certifying technicians. These activity reports allow EPA to determine the relative progress and success of these programs. This is imperative since each of these programs acts as a third party certifier on behalf of EPA. The reports also allow opportunities for feedback from the programs concerning test questions and question bank modifications.

There are instances under which EPA is requesting information within 30 days. Newly approved refrigerant recovery/recycling equipment testing organizations shall submit a list of all certified refrigerant recovery/recycling equipment to EPA within 30 days of the organization's approval by EPA. In order to ensure the maximization of recapture and recycling of class I and class II ozone-depleting refrigerants as mandated by section 608(a)(3)(B) of the Act, EPA has established a 30-day reporting deadline for approved refrigerant recovery/recycling equipment testing organizations when a new model line of recycling/recovery equipment has been certified or when retests of refrigerant recovery/recycling equipment show that a previously certified model line fails to meet EPA requirements. A deadline of greater than 30 days might allow refrigerant recovery/recycling equipment that is faulty or below standard into commerce. Once substandard refrigerant recovery/recycling equipment is in circulation the chances of a recall are unlikely and the opportunity for refrigerant venting from substandard equipment will increase.

In order to reduce the emissions of class I and class II ozone-depleting refrigerants to the lowest achievable amount, EPA is requesting continued collection of information concerning the following leak repair reporting and recordkeeping requirements, in accordance with 40 CFR 82.156:

- \$ Owners/operators of commercial and comfort cooling appliances and owners of IPR who decide to retrofit/retire appliances instead of repairing them must maintain a retrofit/retire plan at their place of business.
  - Those taking the retrofit/retire option have three paths to choose from to

determine the total time allowed to complete the retrofit/retirement of their equipment. The three paths are determined by: (1) If the appliance is custom built, the owners or operators may apply to EPA for an extension to the leak repair time frames due to a lack of parts availability (i.e., more than 30 weeks needed for parts to become available) or (2) other regulations require delays or a suitable replacement refrigerant with a lower ozone-depleting potential is not available or (3) more than two years are needed for the retrofit/retirement. For (1) and (2), the owner/operator must submit an extension request in the form of a report to EPA within six months after the end of the 30-day period initiated by the original determination that their appliance leaked above 35%. They must also maintain records adequate to determine that the appliance is custom built and that parts are not available. Owners/operators can seek further extensions by submitting an additional extension request within 30-days of discovering the need for more time. For (3), the owner/operator determines that an additional year is required in addition to the original year granted under (1), the owner/operator can submit a request in the form of a report for additional time to complete the retrofit/retirement.

- \$ Owners/operators who take the leak repair option may seek an exemption to the 30-day repair option by submitting a report to EPA within 30 days of determination, but only if they site availability of parts as the reason for the request.
- Upon a failed follow-up verification test for IPR or under some circumstances owners/operators of federally owned comfort cooling and commercial appliances, the owner or operator is required to report to EPA that the verification test failed and develop a retrofit/retirement plan within 30-days. The plan is maintained onsite, and the original plan must be readily available to EPA upon request.
  - Once retrofit/retirement is required as a result of failed verification, the owner/operator of IPR or under some circumstances owners/operators of federally owned comfort cooling and commercial appliances may seek relief from the retrofit/retirement plan by following one of two options for second repair efforts, in accordance with 40 CFR 82.156(i)(6), (i)(3)(ii), and (i)(3)(iii).
    1. Report to EPA within 30 days of successful verification that second repair attempts held. This report results from the repairs of the same leaks subject to the first repair efforts within 30 days of the original failed follow-up verification test.
    2. Report to EPA within 30 days that the obligation to retrofit/replace is relieved. This report results from an inclusion in the original notification to EPA of the parameters used to establish that a leak rate is less than 35%. Such notification allows the owner/operator 180 days from the original failed verification to determine the leak rate using the approved parameters.

The requirements of this collection do not exceed any other guidelines.

**3(f) Confidentiality**

The information collected under this ICR renewal is used to facilitate compliance with and enforcement of section 608 of the Clean Air Act as amended in 1990. The record keeping requirements and periodic submission of reports are not shared with parties outside of the Federal government. The handling and confidentiality of the reporting requirements for assuring computer data security; preventing disclosure, proper storage, and proper disposal follow EPA's confidentiality regulations (40 CFR 2.201 et seq.)

**3(g) Sensitive Questions**

This ICR renewal does not ask questions of a sensitive nature. The required recordkeeping and reporting requirements do not ask any questions concerning sexuality, religious beliefs, or other matters, usually considered private.

**4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

**4(a) Respondents / North American Industry Classification System (NAICS) Codes**

The following is a list of NAICS codes affected by the manifest information requirements covered under this ICR:

| <b>NAICS</b> | <b>Category</b>  |
|--------------|--|
| 81131        | Commercial Industrial Machinery and Equipment (not Automotive and Electronic) Repair and Maintenance |
| 811412       | Appliance Repair and Maintenance   |
| 42193        | Recyclable Material Wholesalers (Metal scrap and waste)  |
| 541380       | Environmental Test Laboratories /Services  |
| 443111       | Household Appliance Stores   |
| 23511        | Plumbing, Heating, Air Conditioning Contractors  |
| 42111        | Automobile and Other Motor Vehicle Wholesalers   |
| 42112        | Motor Vehicle Suppliers and New Parts Wholesalers  |
| 44131        | Automotive Parts and Accessories Stores  |

#### **4(b) Information Requested**

##### *(i) Data items - including recordkeeping and reporting requirements*

All records pursuant to this ICR must be kept onsite at the respondents' place of business for a minimum of three years. Records are required in accordance with 40 CFR '82.166. Reports are submitted from the respondents to EPA headquarters in a written or electronic media format.

##### Recordkeeping

- . Certified technicians must maintain a copy of their certification.
- . Programs certifying technicians must display at their place of business a copy of a letter stating EPA approval as required in 40 CFR 82, subpart F, appendix D section (g).
- . Programs certifying technicians must maintain records which include the names and addresses of all individuals taking the test, the scores of all certifications tests administered and the dates and locations of all testing administered as detailed in 40 CFR 82, subpart F, appendix D section (g).
- . Persons who sell or distribute any class I or class II substance for use as a refrigerant must retain invoices that indicate the name of the purchaser, the date of sale, and the quantity of refrigerant purchased.
- . Refrigerant wholesalers are required to keep on file evidence that at least one technician of the purchaser is properly certified, and may only sell refrigerant to the purchaser or his authorized representative.
- . Purchasers of any class I or class II ozone-depleting refrigerants who employ certified technicians must provide written proof of the certification to the wholesaler who sells them refrigerant.
- . Approved refrigerant recovery/recycling equipment testing organizations must maintain records of refrigerant recovery/recycling equipment testing and performance and a list of refrigerant recovery/recycling equipment that meets EPA requirements.
- . Reclaimers must maintain records on a transactional basis of the names and addresses of persons sending them material for reclamation and the quantity of the material (the combined mass of refrigerant and contaminants) sent to them for reclamation.
- . Reclaimers must maintain records of the quantity of material sent to them for reclamation, the mass of refrigerant reclaimed, and the mass of waste products.
- . Persons disposing of small appliances, motor vehicle air conditioners (MVACs), and MVAC-like appliances must maintain copies of signed statements on-site at their place of business verifying that the refrigerant has been previously evacuated from the appliance or shipment of appliances.
- . Persons servicing appliances normally containing 50 or more pounds of refrigerant must provide the owner/operator of such appliances with an invoice or other documentation, which indicates the amount of refrigerant added to the appliance.
- . The owners/operators of appliances containing 50 or more pounds of refrigerant must keep servicing records documenting the date and type of service, as well as the quantity of

refrigerant added.

. The owners/operators of appliances containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances in cases where owners add their own refrigerant.

### Reporting

. Approved refrigerant recovery/recycling equipment testing organizations shall submit a list of all certified refrigerant recovery/recycling equipment to EPA within 30 days of the organization's approval by EPA and annually at the end of each calendar year thereafter.

. Approved refrigerant recovery/recycling equipment testing organizations shall submit to EPA within 30 days of the certification of a new model line of refrigerant recovery/recycling equipment the name of the manufacturer and the name and/or serial number of the model line.

. Approved refrigerant recovery/recycling equipment testing organizations shall notify EPA if retests of refrigerant recovery/recycling equipment or inspections of manufacturing facilities conducted pursuant to sec. 82.158(j) show that a previously certified model line fails to meet EPA requirements. Such notification must be received within thirty days of the retest or inspection.

. Reclaimers must report the quantity of material sent to them for reclamation, the mass of refrigerant reclaimed, and the mass of waste products. Reclaimers must report this information to EPA annually within 30 days of the end of the calendar year.

. EPA must receive an activity report from all approved certifying programs by every January 30 and June 30 which includes the pass/fail rates and testing schedules as detailed in 40 CFR 82 subpart F, appendix D section (g).

. 40 CFR '82.166 (n) requires that persons requesting extensions or exclusions from the leak repair requirements must submit in writing the reasons for the request.

### *(ii) Respondent Activities*

Refrigerant Recovery/Recycling Equipment Certification - Independent testing of refrigerant recovery/recycling equipment is required to ensure that the refrigerant recovery/recycling equipment is capable of meeting the standards described in 40 CFR §82.158 and appendices B and C of the regulations. To ensure reliability and objectivity of the refrigerant recovery/recycling equipment certification programs are required to submit an application to EPA.

Applications for refrigerant recovery/recycling equipment testing approval must include written information verifying the following: (1) the list of refrigerant recovery/recycling equipment present at the organization that will be used for testing refrigerant recovery/recycling equipment; (2) expertise in refrigerant recovery/recycling equipment testing and the technical experience of the organization's personnel; (3) thorough knowledge of the standards as they appear in 40 CFR §82.158 and appendices B and C of the regulation; and (4) a program for verifying the performance of certified refrigerant recovery/recycling equipment over the long term.

The refrigerant recovery/recycling equipment testing organization must certify that it has no conflict of interest, and that it receives no direct or indirect financial benefit from the outcome of certification testing. The organization must agree to allow the Administrator access to records and personnel to verify the information contained in the application.

Organizations testing refrigerant recovery/recycling equipment must notify EPA of newly certified refrigerant recovery/recycling equipment, or if equipment previously certified fails the periodic re-test required by the regulation. Each such organization must also send an annual report to EPA naming all refrigerant recovery/recycling equipment that it has certified to date.

Reclaimers - Reclaimers are required to submit to EPA a statement containing the following (in accordance with 40 CFR §82.164): (1) the name and address of the claimer; (2) the list of equipment that will be used to reprocess and to analyze reclaimed refrigerant; (3) a certification that the refrigerant will be returned to at least the standard of purity set forth in (Air-Conditioning & Refrigeration Institute) ARI Standard 700, "Specifications for Fluorocarbon Refrigerants"; (4) a certification that the purity of the refrigerant will be verified using the methods set forth in ARI Standard 700; (5) a certification that no more than 1.5 percent of the refrigerant will be released during the reclamation process; (6) a certification that the wastes from the reclamation process will be disposed of in accordance with applicable laws and regulations; and (7) a certification that the information provided is true and correct. A responsible officer of the reclamation company must sign the statement.

Reclaimers must also submit to EPA annual reports detailing the total amount of used refrigerant sent for reclamation and the total amount of refrigerant and waste products recovered (40 CFR §82.166(h)).

Service and Disposal Establishments - Persons maintaining, servicing, repairing, or disposing of air-conditioning or refrigeration equipment must submit to EPA a statement which includes the following (40 CFR §82.162(a)): (1) a certification that such person has acquired certified refrigerant recovery/recycling equipment and is complying with the requirements of the rule; (2) the name and address of the purchaser of the refrigerant recovery/recycling equipment; (3) the number of trucks operated by the establishment; (4) the name and address of the establishment where the refrigerant recovery/recycling equipment is or will be located; and (5) the manufacturer's name, the date of manufacture, and the model and serial number of the refrigerant recovery/recycling equipment. The owner of the refrigerant recovery/recycling equipment or another responsible officer must sign the statement certifying that the information given is true and correct.

Disposers are also required to maintain a copy of a signed statement (reference OMB form #2060-0256, *The United States Environmental Protection Agency Refrigerant Recovery or Recycling Device Acquisition Certification Form*) for each piece of disposed equipment, thus demonstrating that all of the remaining refrigerant was recovered from the equipment before

final disposal (40 CFR sections 82.156(f)(2) and 82.166(i)).

Technician Certification Programs - Persons seeking approval of technician certification programs are required to submit verification of the following (40 CFR §82.161(c) and appendix D): (1) ability to produce multiple versions of examinations for each test site; (2) sufficient internal capacity to process the scoring and the accompanying documentation; and (3) ability to ensure the confidentiality and security of test questions and answers. Testing organizations have to be able to provide proctors for examinations and have to verify the identity of technicians by examining photo identification. Technician certification programs are required to submit reports to EPA every six months that include information on the pass/fail rate and testing schedules.

Submissions for approval of technician certification programs that have already tested and certified technicians are required to include (1) verification that the program meets all of the standards set forth in the rule, or (2) verification that the program meets all of the standards set forth in the rule except for a few, in which case the program must submit verification that appropriate supplementary materials will be provided upon EPA's approval to all persons previously certified under the program (40 CFR §82.161(g)).

Technicians - Technicians are required to pass a certification test and to keep a wallet-sized certification card (40 CFR §82.166(1)).

Owners of Industrial Process Refrigeration - section 82.166(n) requires that the following information listed in (1) - (8) must be submitted by persons requesting extensions or exclusions from leak repair. These requirements (40 CFR 82.156) are only applicable in instances where owners/operators of appliances leaking above the specified trigger leak rates for the specific type of appliance that they own (e.g., federally owned commercial refrigeration appliance).

- (1) identification of the facility;
- (2) the leak rate;
- (3) the method used to determine the leak rate and full charge;
- (4) the date a leak rate of greater than the allowable annual leak rate was discovered;
- (5) the location of leaks(s) to the extent determined to date;
- (6) any repair work that has been completed thus far and the date that work was completed;
- (7) the reasons why more than 30 days are needed to complete the work;
- (8) an estimate of when repair work will be completed;
- (9) a plan to fix other outstanding leaks for which repairs are planned but not yet completed to achieve a rate below the applicable allowable leak rate; and
- (10) identification of the facility and date the original information regarding additional time beyond the initial 30 was filed, and notification of the determination that the leak rate no longer exceeds the allowable annual leak rate.

For instances where the owners or operators intend to establish that the appliance's annual leak rate does not exceed the applicable allowable annual leak rate in accordance with '82.156(i)(3)(v), the owner or operator is required to include item (9). Item (10) must be

included within 30 days of determining that the leak rate does exceed the applicable allowable annual leak rate. In those cases, items (9) and (10) may replace items (7) and (8).

The dates and types of verification tests performed and test results must be submitted to EPA within 30 days of conducting each test.

'82. 166(o) requires that the following items are required for those persons wishing an extension of the retrofit/retirement requirements:

- (1) the identification of the industrial process facility;
- (2) the leak rate;
- (3) the method used to determine the leak rate and full charge;
- (4) the date a leak rate of 35 percent or greater was discovered;
- (5) the location of leaks(s) to the extent determined to date;
- (6) any repair work that has been completed thus far and the date that work was completed;
- (7) a plan to complete the retrofit or replacement of the system;
- (8) the reasons why more than one year is necessary to retrofit or replace the system;
- (9) the date of notification to EPA;
- (10) an estimate of when retrofit or replacement work will be completed;
- (11) if time changes for original estimates result in moving the date of completion forward, documentation of the reason for these changes;
- (12) and the date of notification to EPA regarding a change in the estimate of when the work will be completed.

Items (11) and (12) are required to be submitted only when such changes result in moving the date of completion forward, and will be submitted within 30 days of occurring.

The same records that are required to be submitted (above) by those requesting extension of compliance deadlines for leak repair, must also be maintained on-site, according to '82. 166(n):

- (1) identification of the facility;
- (2) the leak rate;
- (3) the method used to determine the leak rate and full charge;
- (4) the date a leak rate of greater than the allowable annual leak rate was discovered;
- (5) the location of leaks(s) to the extent determined to date;
- (6) any repair work that has been completed thus far and the date that work was completed;
- (7) the reasons why more than 30 days are needed to complete the work;
- (8) an estimate of when repair work will be completed;
- (9) a plan to fix other outstanding leaks for which repairs are planned but not yet

completed to achieve a rate below the applicable allowable leak rate; and  
(10) identification of the facility and date the original information regarding additional time beyond the initial 30 days was filed, and notification of the determination that the leak rate no longer exceeds the allowable annual leak rate.

Where the owners or operators intend to establish that the appliance's annual leak rate does not exceed the applicable allowable annual leak rate in accordance with '82.156(i)(3)(v), the owner or operator is required to include item (9). Item (10) must be included within 30 days of determining that the leak rate does exceed the applicable allowable annual leak rate. In those cases, items (9) and (10) may replace items (7) and (8) above.

The same records that are required to be submitted, above, by those requesting extension of compliance deadlines for retrofitting, must also be maintained on-site, according to '82.166(o):

- (1) the identification of the industrial process facility;
- (2) the leak rate;
- (3) the method used to determine the leak rate and full charge;
- (4) the date a leak rate of 35 percent or greater was discovered;
- (5) the location of leaks(s) to the extent determined to date;
- (6) any repair work that has been completed thus far and the date that work was completed;
- (7) a plan to complete the retrofit or replacement of the system;
- (8) the reasons why more than one year is necessary to retrofit to replace the system;
- (9) the date of notification to EPA;
- (10) an estimate of when retrofit or replacement work will be completed;
- (11) if time changes for original estimates result in moving the date of completion forward, documentation of the reason for these changes; and
- (12) the date of notification to EPA regarding a change in the estimate of when the work will be completed.

Items (11) and (12) are required to be submitted only when such changes result in moving the date of completion forward, and will be submitted within 30 days of occurring.

40 CFR 82.166(p)(1) permits persons who wish to exclude purged refrigerants that are destroyed from annual leak rate calculations; however, the persons must maintain records on-site to support the amount of refrigerant claimed as sent for destruction. Records shall be based on a monitoring strategy that provides reliable data to demonstrate that the amount of refrigerant sent for destruction corresponds with the amount of refrigerant purged. Records shall include:

- (1) flow rate;
- (2) quantity or concentration of the refrigerant in the vent stream; and
- (3) periods of purge flow.

40 CFR 82. 166(q) permits persons to calculate the full charge of an affected appliance by establishing a range based on the best available data and the normal operating characteristics and conditions for the appliance. The mid-point of the range will serve as the full charge, and where records are maintained they shall include:

- (1) the identification of the owner or operator of the appliance;
- (2) the location of the appliance;
- (3) the original range for the full charge of the appliance, its midpoint, and how the range was determined;
- (4) any and all revisions of the full charge range and how they were determined; and
- (5) the dates such revisions occurred.

## **5. THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

### **5(a) Agency Activities**

Agency activities associated with the review of the reports and record keeping requirements for the National Recycling Program consist of reviewing the following:

- \$ Applications from independent refrigerant recovery/recycling equipment testing labs that wish to certify recovery/recycling equipment;
- \$ Lists of certified refrigerant recovery/recycling equipment submitted annually by testing organizations;
- \$ Notices of new refrigerant recovery/recycling equipment certification and of decertification of previously certified refrigerant recovery/recycling equipment;
- \$ Applications for service establishment certification;
- \$ Applications for disposer certification;
- \$ Applications for reclaimer certification;
- \$ Annual reports from reclaimers on their activities;
- \$ Applications for approval to conduct technician certification programs;
- \$ Reports submitted by approved technician-certification programs; and
- \$ Submissions from owners of industrial process refrigeration equipment.

### **5(b) Collection Methodology and Management**

EPA has not developed required reporting forms or applications, although it has developed a sample form intended to facilitate certification by owners of recovery/recycling equipment (reference the enclosed OMB form #2060-0256, *The United States Environmental Protection Agency Refrigerant Recovery or Recycling Device Acquisition Certification Form*). Entities are encouraged to submit the required information in a format compatible with their existing record keeping practices. The information submitted by each member of the regulated

community will be stored at EPA headquarters for review and reference.

EPA has determined that periodic on-site inspection is the most effective method to ensure compliance with section 608. The records should be kept at the location where service or disposal of equipment involving refrigerant is performed or refrigerant is sold, distributed, or reclaimed.

### **5(c) Small Entity Flexibility**

The regulations permit technicians who work on small appliances to become certified through passage of a take-home test rather than a proctored test. This provision was implemented in recognition of the facts that (1) entities servicing small appliances are often small businesses, (2) many of these entities only rarely perform service on the refrigerant circuit of small appliances, and (3) the quantity of refrigerant in small appliances is less than five pounds. For similar reasons, individuals who recover refrigerant from small appliances and motor vehicle air conditioners (MVACs) when they are disposed of are not required to be certified at all and are not required to use certified refrigerant recovery/recycling equipment.

Several of the record keeping and reporting requirements of the rule are intended to permit entities greater flexibility in complying with the regulation. Final persons in the disposal process for small appliances and MVACs may elect not to perform refrigerant recovery themselves so long as they obtain a signed statement from persons upstream in the disposal process that the refrigerant has been removed already. Thus, the signed statement permits the final disposer to delegate responsibility for refrigerant removal. Owners of appliances that leak above a certain level may elect to retrofit or replace their appliances rather than repair them so long as they develop a retrofit or retirement plan. Thus, the plan permits the owner greater flexibility in reducing refrigerant emissions. Owners of industrial process refrigeration equipment may take longer than 30 days to complete repairs or longer than one year to retrofit or replace equipment so long as they submit documentation to EPA explaining their need for additional time. Again, the reporting permits the owner greater flexibility in compliance.

### **5(d) Collection Schedule**

EPA requires maintenance of the following records for a minimum of three (3) years.

- \$ Organizations operating refrigerant recovery/recycling equipment certification programs must complete a onetime application for approval from EPA. The approved refrigerant recovery/recycling equipment testing organizations must report when new equipment passes the certification test, when previously certified equipment fails retesting or inspection, and provide an annual report of the equipment that the organization has certified.
- \$ Service establishments must complete a one-time certification requirement to EPA.
- \$ Establishments that recover refrigerant from appliances, machines, or other goods at

disposal must complete a onetime registration requirement.

- \$ Reclaimers must complete a onetime certification and approved reclaimers must report annually on their reclamation activities.
- \$ Organizations seeking approval to conduct technician certification programs must complete a onetime application for approval from EPA to do so, and after approval are required to submit a semiannual report to EPA.
- \$ Owners of industrial process refrigeration equipment must submit a onetime request if they wish to obtain an extension or exclusion described above. It is collected so that EPA may determine whether an extension or exclusion should be granted.

## **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

This section provides burden tables that provide the numerical basis for the annual burden and cost of this ICR renewal by detailing the following:

- \$ EPA=s rationale in preparing respondent burden and cost tables;
- \$ estimating respondent and Agency burden (hours to complete required activities);
- \$ estimating respondent and Agency labor costs and costs of capital associated with the those activities;
- \$ developing universe estimates; and
- \$ calculating burden and cost totals.

The collection activities defined in Sections 4 and 5 are referenced to develop the aforementioned estimates. The activities for which EPA has estimated burden and cost correspond directly with the activities listed in Sections 4 and 5.

### **6(a) Estimating Respondent Burden**

Estimates of respondent burden and cost for the rule are presented below. All hour estimates are based on EPA's experience implementing this program and on EPA's best professional judgment. The overall reporting and record keeping burden for the rule has dropped significantly since the original ICR was developed, because much of the burden calculated in the original ICR was associated with the start-up of the program, which is now complete. Thus, all burden hours and costs presented here are annual. None of the reporting or record keeping requirements is expected to have associated capital costs.

### **6(b) Estimating Respondent Costs**

Based upon the burden hours, EPA has estimated the labor cost per respondent and the capital costs required to complete each activity. The total cost for each respondent activity is comprised of the following:

- \$ Labor Cost (for legal, managerial, technical, clerical, and other employees);
- \$ Capital/Start-up Cost (for equipment, machinery, and construction); and
- \$ Operating and Maintenance (O&M) Cost (for labor and equipment needed over time as well as for the purchase of services).

**(i) Estimating Labor Costs**

EPA has consulted the original ICR to obtain the appropriate baseline labor rates for each labor category. The labor rates reflect the total cost to employ an individual and include estimates of salaries and overhead costs.

EPA estimates the average annual respondent hourly cost (labor plus overhead) for all affected entities below. In deriving these costs, EPA used the median hourly earnings of \$17.43 for heating, air-conditioning, and refrigeration mechanics and installers given in the Bureau of Labor Statistics website: [www.bls.gov/oco/oco1008.htm](http://www.bls.gov/oco/oco1008.htm). EPA then multiplied this number by 110% for overhead ( $\$17.43 \times 1.10 = \$19.17$ ). The resulting cost of \$36.60 ( $\$17.43 + \$19.17$ ) is the average hourly administrative cost of labor plus overhead for a private firm.

**(ii) Estimating Capital and Operations and Maintenance Costs**

According to the 1995 PRA, *burden* is the "total time, effort, or *financial resources* expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency." Any activity that is not usual and customary is considered a burden. This ICR renewal includes the time needed to review instructions, maintaining records, completing paperwork, gathering information, and reporting information. The Agency has also included costs associated with the information collection activities, such as capital costs and operations and maintenance (O&M) costs.

As part of the submission to OMB, EPA has estimated all costs for respondents to comply with required Agency activities that are not incurred by persons in their normal course of activities. Capital used for the routine and usual functioning of a company, or for a technical requirement for which there is no reporting or keeping of information, have not been included as an ICR capital or O&M cost.

**(iii) Capital/Start-up vs. Operating and Maintenance (O&M) Costs**

There are two types of non-labor related costs -- capital/start-up costs and operating and maintenance (O&M) costs. One-time capital/start-up costs usually include any produced physical good needed to provide the necessary information. Start-up capital must be purchased for the specific purpose of satisfying EPA's reporting or recordkeeping requirements. Capital goods include computers, machinery, or equipment. Start-up capital costs are usually incurred at the beginning of an information collection period and are usually incurred only once. In addition to the actual acquisition of start-up capital, one-time activities associated with the production of capital have also been evaluated. The Agency has considered capital/start-up costs and O&M costs in determining that there are no non-labor related costs associated with this ICR renewal.

O&M costs are those costs associated with a paperwork requirement incurred

continuously over the life of the ICR. They are defined by the PRA as "the recurring dollar amount of cost associated with O&M or purchasing services." The reporting costs associated with this ICR renewal have been included, and include costs for file storage, photocopying, and postage.

**(iv) Annualizing Capital Costs**

Annualized costs represent the amount of an annuity that would have to be paid over a specific period of time that makes an individual indifferent between paying either the stream of payments or the up-front costs in one lump-sum. This renewal ICR does not include capital costs, since they were none associated with the original ICR. There has not been any rulemaking associated with this ICR renewal that would have an associated capital cost.

**1. Refrigerant Recovery/Recycling Equipment Testing Organizations**

**Annual Respondent Burden**

| <u>Collection Activities</u>   | <u>Burden Hours</u> | <u>Annual Costs</u> |
|--|---------------------|---------------------|
| Submit to EPA annual list of all refrigerant recovery/recycling equipment previously certified | 1.0                 | \$36.60             |
| Notify EPA of certification of new models  | 0.75                | \$27.45             |
| Maintain records of refrigerant recovery/recycling equipment tested and its performance        | 0.0                 | \$0.00              |
| Notify EPA of refrigerant recovery/recycling equipment failing retests or inspections          | 0.25                | \$9.15              |
| <b>Subtotal</b>  | <b>2.00</b>         | <b>\$ 73.20</b>     |

One of the two refrigerant recovery/recycling equipment testing and certifying organizations approved by EPA are estimated to spend one hour each year preparing and submitting a list of all refrigerant recovery/recycling equipment previously certified. An additional 3/4 hour per year is estimated to be spent by each firm informing EPA of new models that are tested and meet the certification requirements. One quarter hour per year are estimated to be spent by each firm informing EPA of refrigerant recovery/recycling equipment that has failed retests or inspections. No additional time is required to maintain records of the tests as

these would be maintained as a part of normal business practices. The \$36.60 per hour estimate of cost is the average hourly administrative labor cost, including direct labor and overhead, for a private firm.

Based on EPA's experience over the past six years, it is not anticipated that additional entities will apply to become approved refrigerant recovery/recycling equipment testing organizations.

**2. Certification by Service Establishments that Change Ownership or Enter the Market**

**Annual Respondent Burden**

| <u>Collection Activities</u>                             | <u>Burden Hours</u> | <u>Annual Costs</u> |
|--|---------------------|---------------------|
| Compile information, complete certification requirements | 1.0                 | \$36.60             |
| Maintain proof of employee certification                 | 0.5                 | \$18.30             |
| <b>Subtotal</b>  | <b>1.5</b>          | <b>\$54.90</b>      |

The estimated burden of one and one-half hours is for 2,138 service establishments to collect information, certify to EPA that it is capable of and will follow requirements of the rule, and maintain adequate documentation of employee certification. EPA assumes that it takes each service establishment one hour to complete the certification form and submit it to the appropriate EPA regional office for the state in which they reside. EPA also assumes that each service establishment one-half hour to obtain and file copies of their technician=s certification cards on-site at their place of business.

**3. Certification by Disposal Establishments that Change Ownership or Enter the Market**

**Annual Respondent Burden**

| Collection Activities                                    | Burden Hours | <u>Annual Costs</u> |
|--|--------------|---------------------|
| Compile information, complete certification requirements | 1.0          | \$36.60             |
| <b>Subtotal</b>  | <b>1.0</b>   | <b>\$36.60</b>      |

The estimated burden of one (1) hour is for each disposal establishment to collect information and certify to EPA that it is capable of and will follow requirements of the Recycling Rule. The \$36.60 per hour estimate of cost is the average hourly administrative labor cost, including direct labor and overhead, of a private firm.

#### **4. Maintenance of copies of signed statements by disposal establishments**

##### **Annual Respondent Burden**

| Collection Activities  | Burden Hours | <u>Annual Costs</u> |
|--|--------------|---------------------|
| Maintain copies of signed statements verifying evacuation of refrigerant | 9            | \$329.40            |
| <b>Subtotal</b>  | <b>9</b>     | <b>\$329.40</b>     |

The industry burden is the costs for collecting and maintaining copies of signed statements verifying that refrigerant has been removed from appliances before they are accepted for disposal. An estimated two (2) minutes per business day are spent completing and filing the statements. The \$36.60 per hour estimate of cost is the average hourly administrative labor cost, including direct labor and overhead, for a private firm.

#### **5. Certification by Refrigerant Reclaimers that Change Ownership or Enter the Market**

##### **Annual Respondent Burden**

| Collection Activities  | Burden Hours | <u>Annual Costs</u> |
|--|--------------|---------------------|
| Completing certification and submitting it to EPA Headquarters | 5.0          | \$183.00            |
| <b>Subtotal</b>  | <b>5.0</b>   | <b>\$183.00</b>     |

EPA assumes that it takes an average of five (5) hours for each of these organizations to prepare their certification packages. The \$36.60 per hour estimate of cost is the average hourly administrative labor cost, including direct labor and overhead, for a private firm.

## 6. Reclaimer Reporting and Record Keeping

### Annual Respondent Burden

| Collection Activities   | Burden Hours | <u>Annual Costs</u> |
|---|--------------|---------------------|
| Completing certification and submitting it to EPA Headquarters    | 5.0          | \$183.00            |
| Maintain usual business records of refrigerant sales transactions | 0.0          | \$0.00              |
| <b>Subtotal</b>   | <b>5.0</b>   | <b>\$183.00</b>     |

Reclaimers must maintain records on quantity of refrigerant received, quantity reclaimed, and mass of waste products generated, and report yearly totals to EPA. Compiling this information, preparing it for EPA, and submitting it to EPA is estimated to take five hours per year. Reclaimers must also maintain records of refrigerant sales transactions; it is assumed that no additional time is spent maintaining these records since they are kept as part of usual business practice. The \$36.60 per hour estimate of cost is the average hourly administrative labor cost, including direct labor and overhead, for a private firm.

## 7. Refrigerant Wholesalers

### Annual Respondent Burden

| Collection Activities   | Burden Hours | <u>Annual Costs</u> |
|---|--------------|---------------------|
| Maintain usual business records of refrigerant sales transactions | 0.0          | \$0.00              |
| Verifying purchasers= certification                               | 8.0          | \$292.8             |
| <b>Subtotal</b>   | <b>8.0</b>   | <b>\$292.8</b>      |

The first two requirements are compatible with current wholesale transaction record keeping practices and therefore present no additional burden. It is assumed that each wholesaler must spend approximately eight hours verifying, acquiring, and/or maintaining records of technician certification in order to ensure that they sell refrigerant only to firms that employ certified technicians. The \$36.60 per hour estimate of cost is the average hourly administrative labor cost, including direct labor and overhead, for a private firm.

## 8. Technician Certification Programs Applying for Approval

### Annual Respondent Burden

#### Collection Activities

Burden Hours  
Annual Cost

| Collection Activities  | Burden Hours | <u>Annual Costs</u> |
|--|--------------|---------------------|
| Compiling information to become approved and submitting it to EPA Headquarters | 30.0         | \$1,098.00          |
| <b>Subtotal</b>  | <b>30.0</b>  | <b>\$1,098.00</b>   |

Technician Certification Programs must compile and submit an application in order to be considered for approval as an EPA-certifying organization. The organizations must compile information on their testing protocol, security schedule, and intended organizational structure. Compiling this information, preparing it for EPA, and submitting it to EPA is estimated to take

30 hours per year. Based upon recent trends, EPA anticipates an average of five new programs annually. The \$36.60 per hour estimate of cost is the average hourly administrative labor cost, including direct labor and overhead, for a private firm.

**9. Record keeping by Existing Technician Certification Programs**

**Annual Respondent Burden**

Collection Activities

Burden Hours  
Annual Cost

| Collection Activities   | Burden Hours | Annual Costs   |
|---|--------------|----------------|
| Maintain records of certified technicians, individuals taking the tests, test scores, locations, and dates of tests | 0.0          | \$0.00         |
| Submit biannual reports to EPA  | 16.0         | \$585.6        |
| <b>Subtotal</b>   | <b>16.0</b>  | <b>\$585.6</b> |

Ninety (90) existing testing organizations are estimated to spend sixteen hours each year per firm submitting statistical information on their tests (eight hours for each six-month report). It is estimated that no additional time is spent maintaining records of certified individuals, individuals taking the tests, scores of all certification tests as well as the dates and locations of all tests administered, as these would be kept as a part of the normal business practices. The \$36.60 per hour estimate of labor cost is the average hourly administrative labor cost, including direct labor and overhead, for a private firm.

**10. Technicians Acquiring Certification and Maintaining Certification Cards**

**Annual Respondent Burden**

Collection Activities

Burden Hours  
Annual Cost

| Collection Activities                | Burden Hours | <u>Annual Costs</u> |
|--------------------------------------|--------------|---------------------|
| Register and take certification test | 3.0          | \$109.80            |
| Maintain certification card          | 0.02         | \$0.73              |
| <b>Subtotal</b>                      | <b>3.02</b>  | <b>\$110.53</b>     |

It is estimated that approximately 10 percent of the 300,000-strong technician labor force turns over each year, necessitating certification. Three hours are needed to register for and take the test of approximately 100 questions. EPA does not include estimated costs of supplemental training courses, since these courses are voluntary. All 300,000 technicians are assumed to take one minute maintaining their certification card each year.

#### **11. Owners of Refrigeration and Air-Conditioning Equipment**

##### **Annual Respondent Burden**

| Collection Activities  | Burden Hours | <u>Annual Costs</u> |
|--|--------------|---------------------|
| Keep normal business records of the quantity of refrigerant used during service procedures | 0.0          | \$0.00              |
| <b>Subtotal</b>  | <b>0.0</b>   | <b>\$0.00</b>       |

EPA assumes that owners/operators of industrial process refrigeration, comfort cooling, and commercial refrigeration equipment (i.e., appliances) with charge sizes greater than 50 lbs will maintain service records indicating what was done to their equipment, whether performed by in-house service personnel or contracted out, will be maintained as a part of normal operating procedures. Therefore, this ICR does not account for additional burden for the maintenance of such records.

#### **12. Leak Repair Requirements for Owners of Industrial Process Refrigeration and Commercial and Comfort Cooling Equipment (Appliances)**

##### **Annual Respondent Burden**

| Collection Activities  | Burden Hours | Annual Costs    |
|--|--------------|-----------------|
| Maintain plan to retire/replace or retrofit equipment, as applicable   | 8.0          | \$292.80        |
| Requests for extensions to 30-day leak repair requirement (only applicable to IPR and in limited instances federally owned commercial and comfort cooling refrigeration appliances)                          | 5.0          | \$183.00        |
| Requests for extensions to 1-year timeframe to implement retrofit/retirement plans (only applicable to IPR and in limited instances federally owned commercial and comfort cooling refrigeration appliances) | 5.0          | \$183.00        |
| Maintain information on purged and destroyed refrigerant   | 0.5          | \$18.30         |
| Maintain information on the calculation of the full charge using a range   | 0.5          | \$18.30         |
| <b>Subtotal</b>  | <b>19</b>    | <b>\$695.40</b> |

The basis of the analysis is the identification of the steps involved in seeking an extension to or exclusion from the leak repair provisions. These costs have been estimated by identifying the number of times the step will be undertaken, the number of hours required to complete each step, and the total dollar costs. Each hour of industry time is valued at \$36.60. This value represents an average hourly rate of pay for a private firm and is based on anecdotal information gleaned through the operation of the allowance tracking system during the past

years.

Industrial Process Refrigeration, Comfort Cooling, and Commercial Refrigeration appliances have the option, and in limited cases are mandated, to create and maintain plans to retire/retrofit their equipment under the leak repair requirements of 40 CFR 82.156. The estimated burden of eight hours is for equipment owners who decide not to repair leaks for comfort cooling appliances or must implement retrofit/retirement plans due to a failed repair verification test of their leaking commercial or industrial process refrigeration appliances. It is further assumed that 3,500 owners/operators equipment owners will choose or be required to implement such plans annually. The \$36.60 per hour estimate of cost is the average hourly administrative labor cost, including direct labor and overhead, for a private firm.

The leak repair requirements of 40 CFR 82.156 allow owners/operators of Industrial Process Refrigeration, Commercial Refrigeration, and in limited cases federally owned comfort cooling appliances additional time to make repairs in cases where parts are not readily available, the equipment is located in a radiological area, or local laws and regulations prohibit the immediate repair of such appliances. EPA has estimated a burden of five hours for owners/operators to prepare and submit requests for extensions to the 30-day repair require for such occasions. Based on trends from 2003-2007, EPA estimates that approximately 25 owners/operators will request exemptions to the 30-day repair requirement, and 5 owners/operators will request extensions to the 1 year time requirement for the implementation of retrofit/retirement plans. The \$36.60 per hour estimate of cost is the average hourly administrative labor cost, including direct labor and overhead, for a private firm.

Owners/operators of industrial process refrigeration, comfort cooling, and commercial refrigeration appliances have the option of excluding refrigerant that is purged, captured, and ultimately destroyed from the leak repair requirements. Based upon such reporting trends, EPA is estimating that 50 appliance owners/operators will capture and destroy purged refrigerant. The \$36.60 per hour estimate of cost is the average hourly administrative labor cost, including direct labor and overhead, for a private firm.

### **6(c) Estimating Agency Burden and Cost**

The hourly rate for EPA staff at the GS-12 Step 1 level is \$26.98 per hour. This hourly basic rate is from the GS salary schedule listed in the Federal Wage Page of the Office of Personnel Management website: [www.opm.gov/oca](http://www.opm.gov/oca). EPA then multiplied the hourly rate by the standard government benefits and overhead multiplication factor of 1.6. The resulting rate that was used in estimating annual Agency burden and cost is \$43.17 ( $\$26.98 \times 1.6$ ).

EPA has used past experience and reporting data in addition to estimates from the affected community in determining the number of respondents for which the Agency would assume the burden of review or response. The following paragraphs describe the amount and degree of burden endured by EPA review of required respondents= reports.

- \$ Each year, EPA will review annual reports submitted by the two testing organizations for completeness and to make sure that EPA's list of certified refrigerant recovery/recycling equipment is complete. Each evaluation will require one-half (0.5) hour, for a total of one hour per year.
  - EPA will expend 15 minutes reviewing each of the estimated 10 annual notifications by the each of the two organizations that new refrigerant recovery/recycling equipment has been tested and certified, spending a total of



and refrigerant reclaimers that enter the market or change ownership; refrigerant wholesalers; technician certification programs; technicians acquiring certification and maintaining certification cards; owners of refrigeration and air-conditioning equipment; and owners of industrial process refrigeration equipment.

EPA has used past experience and reporting data in addition to estimates from the affected community in determining the number of respondents (or the respondent universe). The estimates are based upon EPA's experience in implementing the rule since 1993. A listing of these entities follows:

- \$ Testing organizations for refrigerant recovery/recycling equipment has remained at two (2) organizations since inception of the regulations during May 1993.
- \$ The preamble to the Recycling Rule notes that there are 22,000 to 45,000 service establishments in the United States. The continuing phase out of ozone depleting refrigerants has resulted in a five percent net loss of service establishments for a total number of 42,750. Most service establishments have already fulfilled these one-time requirements, but five percent of 42,750 establishments (2,138) are assumed to change ownership annually, thus necessitating recertification. EPA estimates that each state has on average 7,500 disposal establishments. Most of these have already fulfilled this one-time requirement, but five percent of these (375) are assumed to change ownership annually, necessitating recertification.
- \$ EPA currently has 49 certified refrigerant reclaimers who must submit annual activity reports. Based on EPA's experience, it is assumed that four (4) reclaimers per year will submit one-time applications to EPA to be certified.
- \$ EPA assumes that the number of refrigerant wholesalers entering the workplace has remained constant with those that who have left the workforce. This ICR renewal assumes that the number of wholesalers has remained constant at 5,000.
- \$ EPA currently has 90 certified technician certifying programs. Each program is required to submit biannual activity reports to EPA. Based on EPA's experience over the past three years, five (5) new organizations per year are estimated to take 30 hours each to assemble and submit materials to EPA requesting that they be authorized to test and certify technicians.
- \$ Statements from certifying organizations have actually claimed that the number of certified technicians entering the workplace is decreasing. Therefore, EPA assumes that there is no longer a 10% annual increase in the number of new technicians entering the workplace. EPA assumes that the number of technicians entering the workplace has remained constant with those that who have left the workforce. Thus this ICR renewal assumes that the number of technicians has remained constant at 300,000.
- \$ Under limited circumstances, EPA allows owners/operators of industrial process refrigeration equipment with a charge size greater than 50 lbs of an ozone-depleting refrigerant to submit a written request for an extension to leak repair requirements. The number of occurrences of each of the activities is based on the estimated number of requests for extension and/or exclusion by an estimated number of entities that will likely choose to make such a request. Based on the volume of requests submitted to EPA, the Agency estimates that approximately 10 entities will take advantage of the extensions

and exclusion each year. EPA estimates the breakdown to be for eight (8) organizations seeking extensions to the 30-day leak repair requirement, and two (2) owners/operators seeking extensions to the one-year retrofit requirement.

- \$ EPA estimates that 60 owners/operators of comfort cooling, commercial refrigeration, and industrial process refrigeration equipment with charge sizes greater than 50 lbs of an ozone-depleting refrigerant EPA estimates that will choose to exclude the amount of purged and destroyed refrigerant from their leak rate calculations. Therefore only 60 owners/operators are estimated to maintain information substantiating the amount of refrigerant purged or destroyed. EPA estimates that 150 owners/operators will maintain records showing how they calculated the full charge of their equipment using a range. EPA also estimates that 100 owners/operators will choose or be forced to retrofit their equipment, and maintain the required retire/retrofit report on-site at their place of business.
- \$ Owners/operators of refrigeration and air-conditioning equipment with a charge greater than 50 lbs of an ozone-depleting refrigerant are required to maintain service records documenting the date and type of service, as well as the quantity of refrigerant added, in accordance with 40 CFR 82.166(k). EPA assumes that these records are maintained as a part of normal business procedures. EPA also assumes that the number of owners/operators entering the workplace remains constant (at approximately 2,003,850) with the number of owners/operators whose organizations go out of business.
- \$ Persons servicing refrigeration and air-conditioning equipment with a charge greater than 50 lbs of an ozone-depleting refrigerant are required to provide their customers with an invoice indicating the amount of refrigerant added to the appliance. EPA assumes that these records are submitted as a part of normal business procedures, and in fact are required between the two parties in order to initiate payment for services rendered.

**6(e) Bottom Line Burden Hours and Cost Tables**

The bottom line burden hours and cost tables for respondents and the Agency are summarized below for all activities.

(i) *Respondent Tally*

**ANNUAL RESPONDENT BURDEN AND COST**

| Activity  | Number of Respondents | Number of Activities | Burden Hours per Respondent | Number of Total Responses | Total Hours per Year for all Respondents | Labor Costs (\$)/hr per respondent | Total Labor Costs (\$) per year |
|---|-----------------------|----------------------|-----------------------------|---------------------------|--|------------------------------------|---------------------------------|
| Refrigerant Recovery/Recycling Equipment Testing Organizations  | 2                     | 4                    | 9                           | 8                         | 18                                       | \$329.40                           | \$658.80                        |
| Certification by Owners or Refrigerant Recovery/Recycling Equipment (or Service Establishments) that Change Ownership or Enter the Market | 2,138                 | 1                    | 1.5                         | 2138                      | 3,207                                    | \$54.90                            | \$117,376.20                    |
| Certification by Disposal   | 375                   | 1                    | 1                           | 375                       | 375                                      | \$36.60                            | \$13,725.00                     |

| Activity  | Number of Respondents | Number of Activities | Burden Hours per Respondent | Number of Total Responses | Total Hours per Year for all Respondents | Labor Costs (\$)/hr per respondent | Total Labor Costs (\$) per year |
|---|-----------------------|----------------------|-----------------------------|---------------------------|--|------------------------------------|---------------------------------|
| Establishments that Change Ownership or Enter the Market                          |                       |                      |                             |                           |  |                                    |                                 |
| Maintenance of copies of signed statements by disposal establishments             | 7,500                 | 1                    | 9                           | 7500                      | 67,500                                   | \$329.40                           | \$2,470,500                     |
| Certification by Refrigerant Reclaimers that Change Ownership or Enter the Market | 4                     | 1                    | 5                           | 4                         | 20                                       | \$183.00                           | \$732.00                        |
| Reclaimer Reporting and Record Keeping  | 46                    | 1                    | 5                           | 46                        | 230                                      | \$183.00                           | \$8,418.00                      |
| Refrigerant Wholesalers Recordkeeping   | 5,000                 | 1                    | 8                           | 5000                      | 40,000                                   | \$292.80                           | \$1,464,000                     |

| Activity   | Number of Respondents | Number of Activities | Burden Hours per Respondent | Number of Total Responses | Total Hours per Year for all Respondents | Labor Costs (\$)/hr per respondent | Total Labor Costs (\$) per year |
|--|-----------------------|----------------------|-----------------------------|---------------------------|--|------------------------------------|---------------------------------|
| for Refrigerant Sales  |                       |                      |                             |                           |  |                                    |                                 |
| Technician Certification Programs Applying for Approval          | 5                     | 1                    | 30                          | 5                         | 150                                      | \$1,098.00                         | \$5,490                         |
| Biannual Reporting by Existing Technician Certification Programs | 90                    | 2                    | 10                          | 180                       | 900                                      | \$366.00                           | \$32,940                        |
| Record keeping by Existing Technician Certification Programs     | 90                    | 1                    | 0.25                        | 90                        | 22.5                                     | \$9.15                             | \$823.50                        |
| Technicians Acquiring Certification                              | 30,000                | 1                    | 3                           | 30000                     | 90,000                                   | \$109.80                           | \$3,294,000                     |
| Technicians Maintaining Certification                            | 300,000               | 1                    | 0.02                        | 300000                    | 6,000                                    | \$0.73                             | \$219,600                       |

| Activity   | Number of Respondents | Number of Activities | Burden Hours per Respondent | Number of Total Responses | Total Hours per Year for all Respondents | Labor Costs (\$)/hr per respondent | Total Labor Costs (\$) per year |
|--|-----------------------|----------------------|-----------------------------|---------------------------|--|------------------------------------|---------------------------------|
| Cards  |                       |                      |                             |                           |  |                                    |                                 |
| Leak Repair Requirements for Owners/operators of Industrial Process Refrigeration Appliances Maintain plan to retire/replace or retrofit equipment, as applicable<br><br>(only applicable to IPR and in limited instances federally owned commercial and comfort cooling refrigeration appliances) | 3,500                 | 1                    | 8                           | 3500                      | 28,000                                   | \$292.80                           | \$1,024,800                     |
| Leak Repair Requirements for Owners/operators of Industrial  | 25                    | 1                    | 5                           | 25                        | 125                                      | \$183.00                           | \$4,575                         |

| Activity   | Number of Respondents | Number of Activities | Burden Hours per Respondent | Number of Total Responses | Total Hours per Year for all Respondents | Labor Costs (\$)/hr per respondent | Total Labor Costs (\$) per year |
|--|-----------------------|----------------------|-----------------------------|---------------------------|--|------------------------------------|---------------------------------|
| Process Refrigeration Appliances Requests for extensions to 30-day leak repair requirement (only applicable to IPR and in limited instances federally owned commercial and comfort cooling refrigeration appliances) |                       |                      |                             |                           |  |                                    |                                 |
| Leak Repair Requirements for Owners/operators of Industrial Process Refrigeration Appliances Requests for extensions to 1-year timeframe to implement retrofit/retirement plans (only applicable to                  | 5                     | 1                    | 5                           | 5                         | 25                                       | \$183.00                           | \$915                           |

| Activity  | Number of Respondents | Number of Activities | Burden Hours per Respondent | Number of Total Responses | Total Hours per Year for all Respondents | Labor Costs (\$)/hr per respondent | Total Labor Costs (\$) per year |
|---|-----------------------|----------------------|-----------------------------|---------------------------|--|------------------------------------|---------------------------------|
| IPR and in limited instances federally owned commercial and comfort cooling refrigeration appliances)   |                       |                      |                             |                           |  |                                    |                                 |
| Leak Repair Requirements for Owners/operators of Industrial Process Refrigeration Appliances Maintain information on purged/destroyed refrigerant | 50                    | 1                    | 0.5                         | 50                        | 25                                       | \$18.30                            | \$915                           |
| Leak Repair Requirements for Owners/operators of Industrial Process Refrigeration Appliances Maintain information on the calculation of the full  | 1,500                 | 1                    | 0.5                         | 1500                      | 750                                      | \$18.30                            | \$27,450                        |

| Activity                            | Number of Respondents | Number of Activities | Burden Hours per Respondent | Number of Total Responses | Total Hours per Year for all Respondents | Labor Costs (\$)/hr per respondent | Total Labor Costs (\$) per year |
|-------------------------------------|-----------------------|----------------------|-----------------------------|---------------------------|--|------------------------------------|---------------------------------|
| charge using a range, as applicable |                       |                      |                             |                           |  |                                    |                                 |
| <b>TOTALS</b>                       | <b>350,330</b>        | <b>21</b>            | <b>101</b>                  | <b>350,426</b>            | <b>237,348</b>                           | <b>\$3,688.18</b>                  | <b>\$8,686,919</b>              |

**Average Hours per Response = 0.60**

(ii) The Agency Tally

**ANNUAL AGENCY BURDEN AND COST**

| Activity  | Number of Respondents | Number of Activities | Total Hours per Year | Total Labor Costs (\$) per year |
|---|-----------------------|----------------------|----------------------|---------------------------------|
| Review of annual lists of certified recovery/recycling equipment  | 2                     | 1                    | 1.0                  | \$43.17                         |
| Review of notifications of certified refrigerant recovery/recycling equipment that failed recertification tests | 2                     | 1                    | 2.0                  | \$86.34                         |
| Review of new refrigerant recovery/recycling equipment certifications   | 2                     | 1                    | 5.0                  | \$215.85                        |
| Review of certifications from owners/operators of recovery/recycling equipment                                  | 2,138                 | 1                    | 534.5                | \$23,074.37                     |
| Review of certifications from disposal establishments that change ownership                                     | 375                   | 1                    | 93.8                 | \$4,047.19                      |
| Review of applications from organizations seeking approval as refrigerant reclaimers                            | 4                     | 1                    | 4.0                  | \$172.68                        |
| Review of reclaimer annual activity reports   | 49                    | 1                    | 49.0                 | \$2,115.33                      |
| Review of applications from organizations seeking approval as technician certification organizations            | 5                     | 1                    | 10.0                 | \$431.70                        |
| Review of owner/operator=s IPR requests for an extension  | 8                     | 1                    | 4.0                  | \$172.68                        |

| Activity   | Number of Respondents | Number of Activities | Total Hours per Year | Total Labor Costs (\$) per year |
|--|-----------------------|----------------------|----------------------|---------------------------------|
| to the 30-day repair requirement for mandatory leak repair                           |                       |                      |                      |                                 |
| Review of owner/operator=s IPR requests for an extension to the retrofit/retire plan | 2                     | 1                    | 2.0                  | \$86.34                         |
| <b>TOTALS</b>  | 2,677                 | 12                   | 885.3                | <b>\$38,216.24</b>              |

**Average Hours per Response = 0.33**

*(iii) Variations in the Annual Bottom Line*

EPA does not anticipate a significant variation (>25%) in the annual respondent reporting/recordkeeping burden or cost over the course of the clearance period. Likewise, the government burdens and costs are not anticipated to vary significantly.

**6(f) Reasons for Change in Burden**

There have been no regulatory changes associated with this rulemaking since the previous renewal of the ICR. However, EPA has adjusted the burden for a number of the requirements of the rulemaking. EPA has also adjusted costs based on updated labor rates, and adjusted the costs burden to account for the total annual costs of reporting and recordkeeping. The following *adjustments* have been made based upon the number of reports that the Agency has received and the number of programs that the Agency has approved or revoked over the past few years.

- \$ The number of testing organizations for refrigerant recovery/recycling equipment has remained at two, and the number of activities has remained at four. EPA has adjusted the burden hours from 16 to 18, based on the number and detail of the submitted reports received for equipment that failed an initial or three-year retest.
- \$ EPA has decreased its estimate of disposal facilities from 500 to 375. This adjustment is based on the number of facilities that may be involved in the final disposal of appliances (for example, metal recyclers or haulers), and is not limited to scrap dealers or recyclers.
- \$ The number of EPA-certified refrigerant reclaimers has decreased from 55 to 49. The number of new programs seeking EPA certification has remained constant at 4 per year. This adjustment is based on actual numbers of reclaimers certified and revoked by EPA.
- \$ The number of EPA-approved technician certifying programs has remained at 90. The number of new programs seeking EPA certification has remained constant at 5 per year. This adjustment is based on actual numbers of certifying programs certified and revoked by EPA.

- \$ EPA has eliminated the previous burden for owners of refrigeration and air-conditioning equipment. Such owners/operators of comfort cooling, commercial or industrial process refrigeration equipment with charge sizes greater than 50 lbs of an ozone-depleting refrigerant are required to maintain service records indicating the amount of refrigerant added and the date and type of service performed on their equipment. EPA experience prior to this renewal shows that such records are generally maintained as a normal business practice.
- \$ EPA has decreased its estimate of the number of owners of industrial process refrigeration, comfort cooling appliances, and commercial refrigeration appliances who maintain information on purged/destroyed refrigerant that they wish to exclude from their leak rate calculations, records on the calculation of the full charge using a range, or plans to retire or retrofit their appliances. EPA has received no such reports within the last three (3) years and estimates the number of owners to at five per year.
- \$ EPA has provided more detail in its breakdown of the activities for clarity, by making separate activity rows for the submission and review of certifications by owner/operator=s of industrial process refrigeration equipment who request for an extension to the 30-day repair requirement for mandatory leak repair, and the submission and review of owner/operator=s request for an extension to the retrofit/retire plan (eight and two respondents per year, respectively). EPA has adjusted its estimates based upon the number of requests for such extensions that the Agency has received over the past few years.

#### **6(g) Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average from 1.2 to 30 hours per year for each respondent. This estimate includes time for preparing and submitting reports and maintaining records on-site at the respondents= places of business.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. OAR-2007-0014, which is available for public viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OAR Docket is (202) 566-1742. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select Asearch,@ then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. (OAR-2003-0018) and OMB control number (2060-0256) in any correspondence.