

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

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**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OAR-2015-0771; FRL-9939-41-OAR]

**Protection of Stratospheric Ozone: Notice of Revocation of Certification for Refrigerant Reclaimers****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of revocation.

**SUMMARY:** In accordance with 40 CFR 82.164, no person may sell or offer for sale or use as a refrigerant, any class I or class II ozone-depleting substance consisting wholly or in part of used refrigerant unless the substance has been reclaimed by an Environmental Protection Agency (EPA)-certified refrigerant reclaimer. All persons reclaiming used refrigerant for sale to a new owner are required to certify to the EPA Administrator in accordance with 40 CFR 82.164 and to maintain records and submit reports in accordance with 40 CFR 82.166.

Through this action, the EPA is giving notice of the impending revocation of one refrigerant reclaimer, Refrigerants Exchange, Inc. (RefEx) of Irwindale, CA, in accordance with 40 CFR part 82, subpart F. In addition, the EPA is announcing the previous revocation of certification of eight refrigerant reclaimers. An up-to-date list of EPA-certified refrigerant reclaimers is available online at [www.epa.gov/ozone/title6/608/reclamation/reclist.html](http://www.epa.gov/ozone/title6/608/reclamation/reclist.html).

**DATES:** If RefEx wishes to request a hearing for the impending revocation of its reclaimer certification, it must request a hearing in writing on or before January 4, 2016. If a written request and supporting data are not received by that date, RefEx's certification to reclaim refrigerants is revoked effective February 1, 2016.

The following entities had their certification as refrigerant reclaimers revoked previously, effective as of the dates listed below and on EPA's Web site:

November 2009: Polar Refrigerant in South Hampton, NH  
 March 19, 2009: Refrigerant Services, Inc in Imperial Beach, CA  
 January 10, 2008: Rocky Mountain Reclamation, Inc in Denver, CO; Star Refrigerants in Fort Worth, TX  
 March 9, 2007: Teris, LLC in El Dorado, AR

March 13, 2006: Cryo-Line Supplies USA, Inc. in Henderson, NV;  
 Refrigerant Recovery, Inc. in Milwaukee, WI; South Florida Trane Service in Miami, FL

**FOR FURTHER INFORMATION CONTACT:**

Luke Hall-Jordan, Stratospheric Protection Division, Office of Atmospheric Programs, (6205T), 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number (202) 343-9591; email address [hall-jordan.luke@epa.gov](mailto:hall-jordan.luke@epa.gov).

**SUPPLEMENTARY INFORMATION:****Impending Revocation**

On June 10, 2011, the EPA issued a request for information (June 10, 2011 Request or Request, available in the docket for this notice) to RefEx pursuant to Section 114 of the Clean Air Act (CAA). Section 114 of the CAA authorizes the EPA to request such information from anyone who is subject to any requirement of the CAA in order to determine the compliance status of that person or entity. RefEx is subject to regulations at 40 CFR 82.164 and 82.166 implementing section 608 of the Clean Air Act.

The June 10, 2011 Request asked, in part, for records documenting that reclaimed refrigerant sold by RefEx met the ARI 700 standard (upon which the *Specifications for Fluorocarbon and Other Refrigerants* in appendix A to 40 CFR part 82, subpart F are based), for the two-year period prior to RefEx's receipt of the request. RefEx responded to the Request in part on July 7, 2011. Records provided by RefEx in its response did not demonstrate that all refrigerant sold by RefEx in the relevant time frame was reprocessed to meet all of the applicable specifications in appendix A to 40 CFR part 82, subpart F. As part of its reclaimer certification, RefEx is required to verify that the reprocessed refrigerant meets all of the specifications in appendix A. See 40 CFR 82.164(b), (e)(3), and (g). In addition, among other things, the June 10, 2011 Request asked for the names and addresses of persons that sent RefEx material for reclamation in the 12 months prior to the Request. RefEx's July 7, 2011 response also did not provide that information. RefEx is required to keep this information under 40 CFR 82.164(e)(3) and 82.166(g).

EPA sent two follow-up letters (also available in the docket for this notice), dated August 19, 2011 and October 25, 2011, noting deficiencies in RefEx's July 7, 2011 response and requesting a full and complete response to the June 10, 2011 Request. Further, EPA offered RefEx the opportunity to provide any

additional documentation in response to the June 10, 2011 Request that EPA may use to determine RefEx's compliance with 40 CFR 82.164 and 82.166 in a letter dated March 16, 2015 (also available in the docket for this notice). To date, EPA has not received the requested information.

In the March 16, 2015 letter, the EPA warned that if RefEx did not provide additional information to demonstrate compliance with 40 CFR 82.164, EPA would consider initiating procedures to revoke RefEx's status as a certified reclaimer pursuant to 40 CFR 82.164(g) and 82.169. Since many of the letters sent to RefEx have been returned as undeliverable, in addition to the copy of the letter sent by certified mail, the EPA emailed the March 16, 2015 letter to the email address that RefEx uses to provide its annual report of the amount of refrigerant reclaimed on May 7, 2015. The last report was received by the EPA from this email address on March 24, 2015.

Since RefEx failed to fully respond to the information requests and has not shown that it is complying with 40 CFR 82.164 and 82.166, including particularly 40 CFR 82.164(b) and 82.166(g), the EPA is revoking RefEx's certification to reclaim refrigerants. Under 40 CFR 82.169, the EPA has the ability to revoke a reclaimer's certification for failing "to abide by any of the provisions of this subpart . . . . In such cases, the Administrator or her or his designated representative shall give notice of an impending suspension [or revocation] to the person or organization setting forth the facts or conduct that provide the basis for the revocation or suspension." See also 40 CFR 82.164(g) (providing that "[f]ailure to abide by any of the provisions of this subpart may result in revocation . . . of the certification of the reclaimer in accordance with 40 CFR 82.169" and including an analogous notice requirement).

If RefEx believes that its certification to reclaim refrigerants should not be revoked, it may request a hearing under 40 CFR 82.169 by filing a written request within 30 days of this notice to the individual identified in **FOR FURTHER INFORMATION CONTACT**. The request must include RefEx's objections to the revocation and data to support the objections. If the Agency does not receive a written request for a hearing within 30 days of the date of this notice, the revocation will become effective 60 days after the publication of this notice.

**Notice of Previous Revocations**

To ensure that all stakeholders are aware of past revocations, EPA is also

providing notice in this action of eight former refrigerant reclaimers that no longer are certified to reclaim refrigerants. All of these revocations have previously been noted on EPA's Web site at [www.epa.gov/ozone/title6/608/reclamation/recrevoke.html](http://www.epa.gov/ozone/title6/608/reclamation/recrevoke.html). Six of these reclaimers have requested to be removed from the list of certified reclaimers. They are: Rocky Mountain Reclamation, Inc. in Denver, CO; Star Refrigerants in Fort Worth, TX; Teris, LLC in El Dorado, AR; Cryo-Line Supplies USA, Inc. in Henderson, NV; Refrigerant Recovery, Inc. in Milwaukee, WI; and South Florida Trane Service in Miami, FL.

Two other reclaimers, Polar Refrigerant in South Hampton, NH, and Refrigerant Services, Inc. in Imperial Beach, CA, had their certification revoked for failing to comply with the recordkeeping and reporting requirements in 40 CFR 82.166. The dates of revocation are noted on EPA's Web site and in the **DATES** section of this notice. EPA sent letters to these two companies in November 2009, and February 12, 2009, respectively, that included an explanation of the basis for EPA's decision.

Dated: November 16, 2015.

**Drusilla Hufford,**

*Director, Stratospheric Protection Division.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OAR-2015-0272; FRL-9939-42-OAR]

**Protection of Stratospheric Ozone: Notice of Pending Suspension and Revocation of 15 Programs From EPA's List of Section 608 Technician Certifying Programs and Voluntary Withdrawals for 3 Programs**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of pending suspension and revocations and voluntary withdrawals.

**SUMMARY:** The Environmental Protection Agency (EPA) is updating its list of

Section 608 Technician Certification Programs approved to provide the technician certification exam. EPA's list is found here: <http://www.epa.gov/ozone/title6/608/technicians/608certs.html>.

**DATES:** On January 4, 2016 each program in the below Table: Delinquent Technician Certification Programs will be automatically suspended from their authorization to provide the technician certification exam and newly issue certification cards, except for any organization that provides its delinquent biannual reports such that they are received before that date. Each such suspended program will be automatically revoked on February 1, 2016, unless a hearing is requested consistent with 40 CFR 82.169 before that date. Please send a copy of any hearing request to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below. Technicians certified by these programs will remain certified, in accordance with 40 CFR 82.161(a).

**FOR FURTHER INFORMATION CONTACT:** Robert Burchard, Stratospheric Protection Division, Office of Atmospheric Programs (6205T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number (202) 343-9126; fax number: (202) 343-2338; email address: [burchard.robert@epa.gov](mailto:burchard.robert@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*How can I get copies of this document and other related information?*

*Docket.* EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2015-0272. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Avenue NW., Washington DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566-1742.

*Electronic Access.* You may access this **Federal Register** document electronically from the Government Printing Office under the "**Federal**

**Register**" listings at the FDSys Web site (<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>).

**II. Pending Suspensions and Revocations and Voluntary Withdrawals**

In accordance with the standards for certifying programs, codified at appendix D of 40 CFR part 82, subpart F, technician certifying programs must submit an activity report to EPA on a biannual basis (by every January 30 and June 30) that provides certain information about the certification tests submitted. 15 programs have repeatedly failed to submit their activity reports.

40 CFR 82.161(e) says that "If at any time an approved program violates any of the above requirements," which reference the standards in appendix D in 82.161(c), "the Administrator reserves the right to revoke approval in accordance with Section 82.169." Today's notice concerns the revocation of the approval of 15 programs.

These 15 programs were sent certified letters explaining that EPA was missing required activity reports and listing which reports were missing. In the letters, the programs were offered the opportunity to come into compliance by submitting missing reports.<sup>1</sup> The Agency received no replies. The programs in the table below have thirty days from the date of publication of this notice to submit their missing reports. Failure to submit these reports so that they are received by January 4, 2016 will result in an automatic suspension of the program's approval to offer the technician certification exam and of its approval to newly issue Section 608 technician certification cards. Automatic program revocation will occur on February 1, 2016 for any certifying organization that fails to provide missing reports, unless the organization receiving this notice of impending suspension and revocation requests a hearing in accordance with the regulations published at 40 CFR 82.169 before that date. The EPA expects to announce the final revocations in a separate **Federal Register** notice and to accordingly update the list of approved technician certification programs mentioned above.

TABLE—DELINQUENT TECHNICIAN CERTIFICATION PROGRAMS

Number	Technician certification program	Year of most recent activity report
1	ACI Environmental Safety Training Institute	2009.
2	California Career Center	No record of a submitted report.
3	Delaware County Community College	2011.

<sup>1</sup> Some of these organizations also received notice in these letters of impending suspensions and

revocations, but because some of these letters were

returned to us unopened, we are providing a second notice in this **Federal Register** notice.