

Energy & Store  
Development Conference

E+SD

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# **What to Expect from an EPA Inspection**

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# Recent Enforcement Actions

Date	Company	Violation	Fine	Consent Decree	Attorneys' Fees	Manpower Cost
9/2014	Retailer 1	failing to promptly repair R-22 leaks; failure to keep adequate records	\$335,000	\$2,000,000	4 years to negotiate a settlement?	?
9/2013	Retailer 2	failing to promptly repair R-22 leaks; failure to keep adequate records	\$600,000	\$4,100,000	5 years to negotiate a settlement?	?

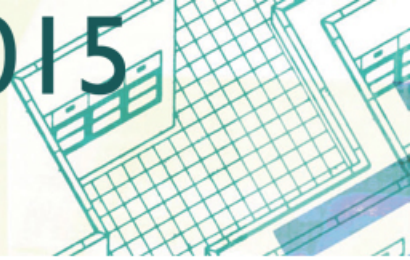


## The Worst Part?

### The EPA Setting Your Priorities for 3 Years

#### The Settlements Requires:

- “... to retrofit or replace commercial refrigeration equipment at 30 of its stores ... must also ... reduce its corporate-wide average leak rate at least 20 percent by 2017 ... will install ... glycol refrigeration systems and centrally monitored refrigerant leak detection systems at all new stores.”
- “... reduce its corporate-wide average leak rate from 25 percent in 2012 to 18 percent or below in 2015 ... will also reduce the aggregate refrigerant emissions at its highest-emission stores by 10 percent each year for three years.”



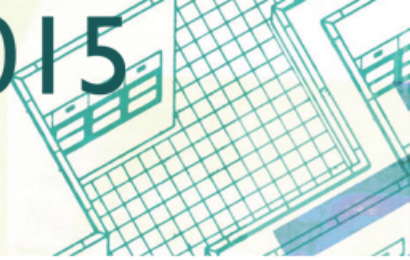
## Section 608 Compliance

- Store personnel must make records available to an EPA inspector
- Records must be complete
- Records must demonstrate proper refrigerant management practices



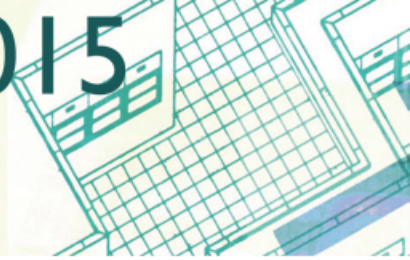
# The Store Must Have Records

- Section 608 places the responsibility for records on each store
- Must maintain records for three years



## Records Must Be Complete

- Records for each “appliance” (each refrigeration circuit)
- Annualized leak rate calculation for every leak
- Fate of all recovered refrigerant incl. proof of reclamation
- Type of refrigerant - SNAP approved
- Amount of refrigerant / charge size



# Records Must Show Proper Refrigerant Management Practices

- Intentional venting - no topping off
- Proper leak repair and verification
- Proper recovery / storage / disposal
- Service tech certification
- No new R-22 equipment after 2010
- Certified recovery equipment filed with EPA





# The EPA Enforcement Case

- Usually starts with a tip
- Store inspections (start looking for a lawyer now!)
- The dreaded 114 letter - will ask for ALL records for ALL equipment (now is the time to try to minimize the damage)
- Negotiations
- Settlement
- Consent decree
- EPA oversight for 3 years