

Chapter ATCP 136

MOBILE AIR CONDITIONERS; RECLAIMING OR RECYCLING REFRIGERANT

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Note: This chapter is adopted under authority of ss. 93.07(1), 100.20(2), and 100.45(5) and (5e), Stats. Violations of this chapter are subject to the penalties and remedies provided under ss. 93.06(7) and (8), 100.26(3) or (6), and 100.45(6).

Note: Chapter Ag 136 was renumbered chapter ATCP 136 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448. Chapter ATCP 136 as it existed on February 29, 1996 was repealed and a new chapter ATCP 136 was created effective March 1, 1996.

ATCP 136.01 Definitions. In this chapter:

(1) "Approved refrigerant reclamation facility" means a reclamation facility certified by the United States environmental protection agency under 40 CFR 82.164.

Note: You may obtain a list of approved refrigerant reclamation facilities by writing to OZONE, Consumer Protection Bureau, P.O. Box 8911, Madison, WI 53708-8911.

(3) "Business operator" means a person who operates a business or organization that engages in any of the activities identified under s. ATCP 136.02 (1).

(4) "Business registration certificate" means a registration certificate issued under s. ATCP 136.02.

(5) "Buy" or "purchase" means to acquire ownership rights.

(6) "Consign" means to deliver to another's custody for sale.

(7) "Consignee" means a person who receives refrigerant from its owner on consignment.

(8) "Consignor" means an owner of refrigerant who consigns refrigerant to another's custody for sale on behalf of the owner.

(9) "Individual" means a natural person.

(10) "Mobile air conditioner" means mechanical vapor compression refrigeration equipment used to cool the driver, passenger or cargo compartment of a motor vehicle.

(11) "Motor vehicle" has the meaning given under s. 100.45 (1) (c), Stats.

(12) "Person" means any of the following:

(a) An individual.

(b) A corporation, partnership, limited liability company, business trust, cooperative, association or other business entity.

(c) The state of Wisconsin or any agency of the state.

(d) A body corporate or politic.

(13) "Receive on consignment" means to receive for sale on behalf of another.

(14) "Reclaimed refrigerant" means used refrigerant that is purified at an approved refrigerant reclamation facility to meet applicable purity standards under s. ATCP 136.14 (2).

(15) "Recovered refrigerant" means used refrigerant, other than reclaimed or recycled refrigerant.

(16) "Recovery equipment" means equipment used to remove refrigerant from a mobile air conditioner or trailer refrigeration equipment without recycling that refrigerant.

(17) "Recycling equipment" means equipment used to recycle used refrigerant for sale or use as recycled refrigerant.

(18) "Recycled refrigerant" means used refrigerant that is recycled to meet applicable purity standards under s. ATCP 136.14 (1).

(19) "Refrigerant" means any substance used, sold for use, or designed or intended for use in a mobile air conditioner or trailer

refrigeration equipment to transfer heat out of the space being cooled. "Refrigerant" includes a class I substance as defined in 42 USC 7671(3), a class II substance as defined in 42 USC 7671(4), and any substance used, sold for use, or designed or intended for use as a substitute for a refrigerant.

(20) "Sell" means to transfer ownership rights. "Sell" includes selling for another on consignment.

(21) "Technician" means an individual who personally performs any of the activities identified under s. ATCP 136.02 (1).

(22) "Trailer refrigeration equipment" has the meaning given under s. 100.45 (1) (e), Stats.

(23) "Used refrigerant" means refrigerant that is removed from a mobile air conditioner or trailer refrigeration equipment.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; r. (2), am. (19), Register, January, 2001, No. 541, eff. 2-1-01.

ATCP 136.02 Repair or service business; registration.

(1) BUSINESS REGISTRATION CERTIFICATE REQUIRED. Except as provided under sub. (2), no business operator may do any of the following unless that operator holds a valid annual business registration certificate issued by the department:

(a) Install or service a mobile air conditioner or any trailer refrigeration equipment. This paragraph does not apply to the installation of a mobile air conditioner or trailer refrigeration equipment that is not charged with refrigerant.

(b) Repair a motor vehicle if the repair may release refrigerant from a mobile air conditioner or any trailer refrigeration equipment.

(c) Charge a mobile air conditioner or trailer refrigeration equipment with refrigerant.

(d) Operate refrigerant recovery or recycling equipment.

(2) EXEMPTIONS. Subsection (1) does not apply to any of the following:

(a) A technician, registered under s. ATCP 136.04, who performs activities under sub. (1) solely as an employee of a business operator registered under sub. (1).

(b) A person who engages in activities under sub. (1) solely as a motor vehicle salvager or dismantler registered with the state of Wisconsin department of natural resources under ch. NR 488.

(c) A person who engages in activities under sub. (1) solely for instructional purposes as part of an approved training program under s. ATCP 136.08.

(3) SEPARATE REGISTRATION CERTIFICATE FOR EACH BUSINESS LOCATION. A business operator shall obtain a separate business registration certificate for each business location, owned or leased by that operator, at which that operator engages in any of the activities under sub. (1). A business operator shall prominently display that certificate at that location.

(4) APPLYING FOR A BUSINESS REGISTRATION CERTIFICATE. To obtain a registration certificate under sub. (1), a business operator shall apply on a form provided by the department. The department shall grant or deny an application within 30 days after it receives a complete application. An application shall include all of the following:

(a) The applicant's legal name.

(b) The address of each business location for which the applicant is required to hold a business registration certificate under sub. (3).

(c) The trade name under which the applicant does business at each business location under par. (b).

(d) For each business location identified under par. (b), a non-refundable registration fee of \$120.

(e) All registration fee surcharges required under sub. (5).

(f) The name of the manufacturer, the model and the serial number of all recovery or recycling equipment to be used at each business location under par. (b).

(g) The technician registration information required under s. ATCP 136.04.

Note: You may obtain an application form by writing to OZONE, Consumer Protection Bureau, P.O. Box 8911, Madison, WI 53708-8911.

(5) SURCHARGE FOR OPERATING WITHOUT A REGISTRATION CERTIFICATE. An applicant for a business registration certificate shall pay a registration fee surcharge if the department determines that, within one year before submitting the application, the applicant operated in violation of sub. (1). The applicant shall pay a surcharge of \$160 for each location at which the applicant operated in violation of sub. (1), regardless of whether the applicant still operates at that location.

(6) REGISTRATION CERTIFICATE EXPIRES. A business registration certificate expires on the last day of February of the calendar year following the calendar year in which the department issues that certificate.

Note: The department will normally issue a renewal notice to persons whose business registration certificates are expiring. However, failure to receive a renewal notice does not excuse a violation of sub. (1) by a person whose registration certificate has expired.

(7) RENEWING A REGISTRATION CERTIFICATE. A person holding a business registration certificate may annually renew that certificate by submitting a renewal application on a form provided by the department. The renewal application shall include all of the information required under sub. (4), and shall include a renewal fee of \$120 for each business location. sub. (4)

(8) DENYING, SUSPENDING OR REVOKING A REGISTRATION CERTIFICATE. The department may deny, suspend or revoke a business registration certificate for cause, pursuant to s. 93.06 (7), Stats. Cause may include any of the following:

(a) Failing to pay a registration fee, or paying with a worthless check.

(b) Providing false information in a registration application or renewal application.

(c) Violating this chapter or s. 100.45, Stats.

(9) REGISTRATION CERTIFICATE NOT TRANSFERABLE. A business registration certificate is not transferable between persons or business locations.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; cr. (2) (c), am. (4) (d) and (7), Register, January, 2001, No. 541, eff. 2-1-01.

ATCP 136.04 Business operator to register technicians. **(1) REQUIREMENT.** A business operator shall register each technician who, as an operator or employe of that business, is personally engaged in performing any activity under s. ATCP 136.02 (1). To register a technician, a business operator shall submit all of the following information to the department:

(a) The name of the technician.

(b) Documentation showing that the technician meets applicable requirements under s. ATCP 136.08 (1). If the business operator claims that the technician has successfully completed a required training course, the business operator shall identify the course provider and the date on which the technician successfully completed the course. If the business operator claims that the technician has serviced mobile air conditioners or trailer refrigeration equipment in another state, the business operator shall provide the name and address of the business that employed the technician to perform that work in the other state.

(2) TIME OF REGISTRATION. A business operator shall submit the information under sub. (1) with the operator's annual application under s. ATCP 136.02 (4) or, if the operator first employs a technician after submitting that annual application, within 30 days after the operator first employs that technician.

(3) REGISTRATION TAKES EFFECT. If a business operator submits registration information according to subs. (1) and (2) for a technician, that technician is deemed to be registered unless the department notifies the business operator, within 30 days after receiving that information, that the technician does not qualify for registration under this chapter.

(4) REGISTRATION REMAINS IN EFFECT. A technician's registration remains in effect until one of the following occurs:

(a) The technician is no longer employed by the business operator who registered the technician.

(b) The business operator who registered the technician is no longer registered under s. ATCP 136.02.

(c) The department suspends or revokes the registration because the technician violated this chapter or s. 100.45, Stats.

(5) PROHIBITION. (a) No business operator may employ a technician to engage in any of the activities under s. ATCP 136.02 (1) if the department has denied, suspended or revoked that technician's registration under sub. (3) or (4) (c) and the denial, suspension or revocation remains in effect.

(b) No technician may engage in any of the activities under s. ATCP 136.02 (1) unless one of the following applies:

1. That technician engages in those activities solely as an employe of a business operator, registered under s. ATCP 136.02, who registers that technician under this section.

2. That technician has registered herself or himself as a business operator under s. ATCP 136.02 and as a technician under this section.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; r. and recr. (1) (b), r. (1) (c), Register, January, 2001, No. 541, eff. 2-1-01.

ATCP 136.06 Used refrigerant broker; registration certificate. History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; r. Register, January, 2001, No. 541, eff. 2-1-01.

ATCP 136.08 Technician training. **(1) TRAINING REQUIRED.** A business operator may not register a technician under s. ATCP 136.04 unless the technician has successfully completed a department-approved training program under sub. (2). This training requirement does not apply if the technician meets the following applicable requirements:

(a) The technician has done all of the following if the technician will be servicing mobile air conditioners:

1. Serviced mobile air conditioners in another state within the previous 5 years.

2. Successfully completed a training course approved by the United States environmental protection agency under 40 CFR 82.40.

3. Successfully completed an open book examination administered by the department.

(b) The technician has done all of the following if the technician will be servicing trailer refrigeration equipment:

1. Serviced trailer refrigeration equipment in another state within the previous 5 years.

2. Successfully completed a training course approved by the United States environmental protection agency under 40 CFR 82.161.

3. Successfully completed an open book examination administered by the department.

(2) TRAINING PROGRAMS; DEPARTMENT APPROVAL. The department may approve a technician training program that meets all of the following requirements:

(a) The training program includes all of the following:

1. At least 2 hours of training by a knowledgeable instructor.

2. Instruction on environmental concerns related to the release of refrigerants.

3. Instruction on applicable state and federal laws which regulate the handling of refrigerants.

4. Instruction on safety precautions needed during the recovery, recycling and recharging of refrigerant.

5. Instruction on recovery and recycling equipment standards under s. ATCP 136.12.

6. Instruction in the use of recovery and recycling equipment.

(b) Each trainee is evaluated to verify that he or she has successfully completed the training program.

(c) Each trainee who successfully completes the program receives a certificate which identifies all of the following:

1. The name and location of the training program.

2. The name of the successful trainee, and a unique identification number assigned to that trainee.

3. The name and address of the person providing the training program.

(3) REQUESTING APPROVAL FOR TRAINING PROGRAM. To obtain department approval for a technician training program, the provider of that training program shall submit a written application to the department. The department shall grant or deny approval within 30 days after it receives a complete application. An application shall include all of the following:

(a) The name, telephone number and address of the person providing the training program, including the name, telephone number and address of an individual whom the department can contact regarding the training program.

(b) A training program syllabus and description showing that the training program complies with the requirements under sub. (2).

(c) Samples or a description of written materials that will be provided to trainees.

(d) Samples or a description of audio or video materials that will be used in the training program.

(e) A description of the training that will be provided related to the use of recovery and recycling equipment.

(f) Samples of course examinations.

(g) The names and qualifications of program instructors, and an identification of those portions of the training program which each instructor will present. The description of each instructor's qualifications shall be adequate to demonstrate that the instructor has expertise in each of the areas taught by that instructor.

(5) DEPARTMENT AUDIT OF TRAINING PROGRAMS. The department may audit a training program and may periodically review training program materials to assess compliance with this chapter, s. 100.45, Stats., and the representations made under sub. (3).

(6) CHANGE IN TRAINING PROGRAM; NOTICE TO DEPARTMENT. Before changing instructors or making any other material change in an approved training program, the provider of that training program shall notify the department of the intended change.

(7) WITHDRAWING APPROVAL FOR TRAINING PROGRAM. The department may withdraw its approval of a training program for cause.

Note: You may obtain a list of approved training programs by writing to OZONE, Consumer Protection Bureau, P.O. Box 8911, Madison, WI 53708-8911.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; r. and recr. (1), r. (4), am. (5), Register, January, 2001, No. 541, eff. 2-1-01.

ATCP 136.10 Buying and selling refrigerant.

(1) CONTAINER SIZE; GENERAL. No person may buy, sell or consign refrigerant in a container holding less than 15 pounds of refrigerant.

(2) SELLING NEW OR RECLAIMED REFRIGERANT. No person may sell or consign new or reclaimed refrigerant, except to one of the following:

(a) A person who sells or resells that refrigerant in its original container, to persons identified under pars. (b) to (d). A sale or consignment does not violate this paragraph if the seller or consignor relies in good faith on a written statement from the buyer or consignee that does all the following:

1. Contains the legal name and business address of the buyer or consignee.

2. Guarantees that the buyer or consignee will sell or resell the refrigerant only in its original container.

3. Guarantees that the buyer or consignee will sell or resell the refrigerant only to persons identified in pars. (b) to (d).

(b) A person holding a valid business registration certificate under s. ATCP 136.02.

(c) A person registered with the department of commerce under s. Comm 5.72.

(d) A person who is not a resident of Wisconsin and who holds valid certification from the environmental protection agency.

(3) BUYING AND SELLING RECOVERED REFRIGERANT. (a) No person may sell or consign recovered refrigerant, except to one of the following:

1. A person holding a valid business registration certificate under s. ATCP 136.02 who sells or consigns the recovered refrigerant to the operator of an approved reclamation facility for reclamation at that facility, or who uses approved recycling equipment under s. ATCP 136.12(3) to recycle the refrigerant for reuse in mobile air conditioners.

2. A person who is registered with the state of Wisconsin, department of commerce under s. Comm 5.70, and who sells or consigns the recovered refrigerant to the operator of an approved reclamation facility for reclamation at that facility.

3. An approved refrigerant reclamation facility.

(b) Only the following persons may sell or consign recovered refrigerant to a person in this state:

1. The holder of a valid business registration certificate under s. ATCP 136.02.

3. A person registered with the state of Wisconsin, department of natural resources under ch. NR 488.

4. A person registered with the state of Wisconsin, department of commerce under s. Comm 5.72.

(c) No person may buy recovered refrigerant in this state, or receive recovered refrigerant on consignment in this state, from any person other than a person identified under par. (b).

(4) SELLING RECYCLED REFRIGERANT. (a) No person may sell or consign recycled refrigerant except to one of the following:

1. A person who holds a valid business registration certificate under s. ATCP 136.02, and who sells or consigns the recycled refrigerant to the operator of an approved reclamation facility for reclamation at that facility.

3. An approved refrigerant reclamation facility.

(5) MISREPRESENTATIONS. No person may represent any of the following, either directly or by implication:

(a) That used refrigerant is new refrigerant.

(b) That used refrigerant is recycled unless it meets applicable purity standards for recycled refrigerant under s. ATCP 136.14(1).

(c) That used refrigerant is reclaimed unless it is reclaimed at an approved refrigerant reclamation facility and meets purity standards for reclaimed refrigerant under s. ATCP 136.14 (2).

(d) That a substitute refrigerant may be used as a replacement for a class I substance as defined in 42 USC 7671(3), or a class II substance as defined in 42 USC 7671(4), unless the person discloses the special repair and service requirements under s. ATCP 136.16(4).

(6) USED REFRIGERANT; CONTAINERS AND LABELING. No person may hold, sell or consign used refrigerant except in a container that complies with standards adopted by the United States depart-

ment of transportation under 49 CFR 173.304. The container shall be clearly labeled to indicate all of the following:

- (a) The type of refrigerant.
- (b) Whether the refrigerant is recovered, recycled or reclaimed.

(7) **PURCHASE RECORDS.** A person who buys refrigerant or receives refrigerant on consignment shall keep an accurate record of all the following:

- (a) The legal name and complete address of the person from whom that person purchased or received that refrigerant.
- (b) The type and amount of refrigerant purchased or received.
- (c) Whether, at the time of purchase or receipt, the refrigerant was new, reclaimed, recycled or recovered.

Note: A purchaser or consignee may use purchase or consignment invoices to comply with sub. (7) if the invoices contain all of the information required under sub. (7).

(8) **SALES RECORDS.** A person who sells or consigns refrigerant to another person shall keep accurate records of all the following:

- (a) The legal name and complete address of the person to whom the refrigerant was sold or consigned.
- (b) The type and amount of refrigerant sold or consigned.
- (c) Whether, at the time of sale or consignment, the refrigerant was new, reclaimed, recycled or recovered.
- (d) A copy of any written guarantee received under sub. (2) (a) from the buyer or consignee.

Note: A seller or consignor may use sale or consignment invoices to comply with this subsection if the invoices contain all of the information required under this subsection.

(9) **AVAILABILITY OF RECORDS.** A person required to keep a record under sub. (7) or (8) shall retain that record for at least 2 years, and shall make the record available for inspection and copying by the department upon request.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; corrections in (2) (c) and (3) (b) 4. made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, April, 1999, No. 520; r. and recr. (2) (Intro.), (a), (3) (a) 2., am. (3) (a) (Intro.) and 1., (b) (Intro.), (4) (a) (Intro.), 1., (7) (a), (8) (a), r. (3) (b) 2., (4) (a) 2., (b), cr. (5) (d), Register, January, 2001, No. 541, eff. 2-1-01.

ATCP 136.12 Recovery and recycling equipment; approval. (1) **APPROVAL REQUIRED.** No person may recover or recycle used refrigerant from a mobile air conditioner or trailer refrigeration equipment unless the department first approves the equipment used to recover or recycle that refrigerant. The department shall approve recovery or recycling equipment if one of the following conditions is met:

(a) An approved independent testing organization under sub. (2) tests the equipment and certifies that it complies with applicable standards under sub. (3).

(b) The equipment manufacturer demonstrates that the United States environmental protection agency has designated the equipment as substantially identical to equipment approved under par. (a).

Note: You may obtain a list of approved recovery and recycling equipment by writing to OZONE, Consumer Protection Bureau, P.O. Box 8911, Madison, WI 53708-8911.

(2) **INDEPENDENT TESTING ORGANIZATIONS; APPROVAL.** The department shall approve an independent testing organization to test and certify recovery and recycling equipment for compliance with sub. (3) if the organization provides evidence that the United States environmental protection agency has approved the organization under s. 40 CFR 82.38. If the United States environmental protection agency withdraws its approval, the department shall withdraw its approval.

Note: You may obtain a list of approved independent testing organizations by writing to OZONE, Consumer Protection Bureau, P.O. Box 8911, Madison, WI 53708-8911.

(3) **CERTIFICATION STANDARDS.** To be certified under sub. (1)(a), refrigerant recovery or recycling equipment shall meet all of the following standards which apply to that equipment:

(a) Equipment used to recover but not recycle R-12 refrigerant shall meet or exceed standards specified by the society of automo-

tive engineers in "CFC-12 Extraction Equipment for Mobile Automotive Air-Conditioning Equipment," SAE J2209, June 1992, including the secondary standards incorporated by reference in SAE J2209.

(b) Equipment used to recover but not recycle R134a refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "HFC-134a (R134a) Extraction Equipment for Mobile Automotive Air Conditioning Systems," SAE J1732, December, 1994, including the secondary standards incorporated by reference in SAE J1732.

(c) Equipment used to recycle R-12 refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "Extraction and Recycle Equipment for Mobile Automotive Air-Conditioning Systems," SAE J1990, March 1992, including the secondary standards incorporated by reference in SAE J1990.

(d) Equipment used to recycle R-134a refrigerant shall meet or exceed the standards specified by the society of automotive engineers in HFC-R134a Recycling Equipment for Mobile Air Conditioning Systems," SAE J2210, December 1991, including the secondary standards incorporated by reference in SAE J2210.

(e) Equipment used to recover refrigerant other than R-12 or R-134a shall meet or exceed the standards specified by the air conditioning and refrigeration institute in "Performance of Refrigerant Recovery, Recycling and/or Reclaim Equipment, ARI Standard 740-1993".

Note: Standards incorporated by reference under sub. (3) are on file with the department, the secretary of state and the revisor of statutes. You may obtain copies of the SAE standards by contacting the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096-0001. You may obtain a copy of standard 740-1993 from the Air Conditioning and Refrigeration Institute, 4301 North Fairfax Dr., Suite 425, Arlington, VA 22203.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

ATCP 136.14 Recycled or reclaimed refrigerant; purity standards. (1) **RECYCLED REFRIGERANT.** Recycled refrigerant shall meet the following applicable standards of purity:

(a) R-12 refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "Standard of Purity for Use in Mobile Air Conditioning Systems," SAE J1991, October 1989.

(b) R-134a refrigerant shall meet or exceed the standards specified by the society of automotive engineers in "Standard of Purity for Recycled HFC134a For Use in Mobile Air Conditioning Systems," SAE J2099, December, 1991.

Note: Standards incorporated by reference under sub. (1) are on file with the department, the secretary of state and the revisor of statutes. You may obtain copies by contacting the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096-0001.

(2) **RECLAIMED REFRIGERANT.** Reclaimed refrigerant shall meet purity standards established by the air conditioning and refrigeration institute 700 specifications for fluorocarbon and other refrigerant.

Note: Copies of the air conditioning and refrigeration institute 700 specifications for fluorocarbon and other refrigerant are on file with the department, the secretary of state and the revisor of statutes. You may obtain copies from the Air Conditioning and Refrigeration Institute, 4301 North Fairfax Dr., Suite 425, Arlington, VA 22203.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

ATCP 136.16 Repair and service practices. (1) **DISCLOSURE REQUIRED.** No person may repair or service a mobile air conditioner or trailer refrigeration equipment unless that person first discloses all of the following to the person requesting that repair or service:

(a) No refrigerant may be added to a leaking mobile air conditioner or leaking trailer refrigeration equipment.

(b) If a mobile air conditioner or trailer refrigeration equipment leaks refrigerant, that mobile air conditioner or trailer refrigeration equipment may not be recharged until the leak is repaired.

Note: Under ch. ATCP 132, Wis. Adm. Code, a motor vehicle repair shop may not diagnose a problem in a motor vehicle, or repair or service that motor vehicle, without the customer's prior authorization. This chapter does not change ch. ATCP 132.

(2) **REFRIGERANT LEAKS; EXAMINATION.** No person may repair or service a mobile air conditioner or trailer refrigeration equipment unless that person first examines that air conditioner or equipment using competent and reliable methods, generally accepted in the industry, to determine whether that air conditioner or equipment is leaking refrigerant. A person who introduces refrigerant into a mobile air conditioner or trailer refrigeration equipment for the purpose of finding leaks in that air conditioner or equipment shall recover that refrigerant without leaking it into the atmosphere.

(3) **RECOVERING REFRIGERANT.** A person who removes refrigerant from a mobile air conditioner or trailer refrigeration equipment shall do both of the following using equipment approved by the department under s. ATCP 136.12:

(a) Reduce the system to a vacuum.

(b) Pump the refrigerant into a container that meets United States department of transportation standards under 49 CFR 173.304.

(4) **SUBSTITUTING REFRIGERANT.** A person who charges a mobile air conditioner or trailer refrigeration equipment with a type of refrigerant not originally used in that mobile air conditioner or trailer refrigeration equipment shall do all the following:

(a) Affix to the air conditioner or equipment a prominent label that identifies all the following:

1. The date on which the air conditioner or equipment was charged with the substitute refrigerant.

2. The name of the substitute refrigerant.

3. The name of the business registered under s. ATCP 136.02, and the technician registered under s. ATCP 136.04, that charged the mobile air conditioner or trailer refrigeration equipment with the substitute refrigerant.

(b) Install service fittings that are specifically designed by the refrigerant manufacturer to mechanically prevent the refrigerant from cross-charging with another refrigerant. The fittings shall be installed on all refrigerant containers, charging and recovery equipment, and on all mobile air conditioner service ports.

(c) Comply with other applicable regulations of the United States environmental protection agency under s. 40 CFR Part 82 Subpart G.

(5) **REPAIR OR SERVICE RECORDS.** A person required to hold a business registration certificate under s. ATCP 136.02 shall keep a record of each repair or service transaction under s. ATCP 136.02 (1). The record shall include the name and address of the owner of the mobile air conditioner or trailer refrigeration equipment. The record shall indicate all of the following:

(a) Whether the mobile air conditioner or trailer refrigeration equipment was leaking refrigerant when it was received for repair or servicing.

(b) Whether the person receiving the mobile air conditioner or trailer refrigeration equipment for repair or servicing did any of the following:

1. Performed any repairs on the mobile air conditioner or trailer refrigeration equipment.

2. Removed refrigerant from the mobile air conditioner or trailer refrigeration equipment. The record need not indicate how much refrigerant was recovered.

3. Added refrigerant to the mobile air conditioner or trailer refrigeration equipment. The record shall indicate the quantity added, if any.

Note: A motor vehicle repair order or invoice prepared under ch. ATCP 132, complies with sub. (5) if it contains all of the information required under sub. (5).

(6) **AVAILABILITY OF RECORDS.** A person required to keep a record under sub. (5) shall keep that record for at least 2 years, and shall make that record available for inspection and copying by the department upon request.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (4) (intro.), r. and recr., (4) (a) to (c), Register, January, 2001, No. 541, eff. 2-1-01.

ATCP 136.20 Prohibited practices. No person may do any of the following:

(1) Add refrigerant to a mobile air conditioner or trailer refrigeration equipment which is leaking refrigerant. This does not prohibit the use of a test charge in compliance with s. ATCP 136.16(2).

(2) Knowingly or negligently release refrigerant into the environment.

(3) Use refrigerant to clean mobile air conditioners or trailer refrigeration equipment, or for other cleaning purposes.

(4) Charge a mobile air conditioner or trailer refrigeration equipment with used refrigerant unless one of the following applies:

(a) The used refrigerant has been recycled to meet applicable purity standards under s. ATCP 136.14 (1) using equipment approved by the department under s. ATCP 136.12.

(b) The used refrigerant has been reclaimed at an approved refrigerant reclamation facility, and meets purity standards under s. ATCP 136.14(2).

(5) Employ any person, other than a technician registered under s. ATCP 136.04, to remove refrigerant from a mobile air conditioner or trailer refrigeration equipment.

(6) Fail to use recovery or recycling equipment approved under s. ATCP 136.12 when removing refrigerant from a mobile air conditioner or trailer refrigeration equipment.

Note: Violations of this chapter may result in penalties provided in ss. 93.06 (7) and 100.45 (6), Stats.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

