

**WAC 173-443-165 Leak repair requirements.** (1) Beginning January 1, 2024, the owner or operator of a facility that has a refrigeration or air conditioning system with a refrigerant charge greater than or equal to 50 pounds and that uses a refrigerant with a GWP of 150 or more must ensure that all detected refrigerant leaks are repaired as provided in this section and must maintain records of all repairs in accordance with WAC 173-443-195.

(2) Fourteen-day requirement. A refrigerant leak must be repaired by a certified technician, as defined in WAC 173-443-030, within 14 calendar days of its detection, except when a longer period is allowed under subsection (3) or (4) of this section.

(3) Forty-five-day allowance. The time period for repair of an identified refrigerant leak is up to 45 days if one or more of the following conditions apply:

(a) A certified technician is not available to complete the repair or replace the component(s). A written record must be kept in accordance with WAC 173-443-195, documenting that the owner or operator exercised due diligence in seeking the services of a certified technician immediately following detection of the leak and that no certified technician was available to complete the repair within 14 calendar days of the initial leak detection;

(b) The parts necessary to repair a leak are unavailable. A written record must be kept in accordance with WAC 173-443-195, documenting that the necessary parts were unavailable within 14 calendar days of the initial leak detection. The record must include a written statement from the certified technician regarding the necessity of the parts and a written statement from the manufacturer regarding the availability of the parts; or

(c) The leak repair requires an industrial process shutdown that results in an industrial process temporarily ceasing to manufacture the desired product. A written record must be kept in accordance with WAC 173-443-195, documenting why the repair requires an industrial process shutdown and how long the shutdown would last.

(4) One hundred twenty-day allowance. The time period for a repair of an identified refrigerant leak is up to 120 days if all of the following conditions apply:

(a) The facility owner or operator is an entity subject to the mandatory reporting of greenhouse gas emissions under chapter 173-441 WAC;

(b) The leaking system is an industrial process refrigeration system;

(c) The leak repair requires an industrial process shutdown that results in ceasing to manufacture the desired product; and

(d) The owner or operator maintains written records documenting that the conditions in (a) through (c) of this subsection are met, in accordance with WAC 173-443-195.

(5) Verification test. A verification test must be conducted upon completion of any leak repair.

(6) Follow-up verification test. If a refrigeration or air conditioning system is evacuated during a leak repair, a follow-up verification test must be conducted within 14 days of the system reaching normal operating conditions.

(7) Refrigerant leak repair requirements after an unsuccessful verification test. If an initial or follow-up verification test indicates that a refrigerant leak is still occurring, and there is not an approved exemption in place under WAC 173-443-235, the owner or operator must do one of the following:

(a) Prepare a retrofit or retirement plan in accordance with WAC 173-443-175; or

(b) Ensure the leak is repaired through a subsequent repair attempt(s) within a second time frame that equals the same number of days allowed under subsections (2) through (4) of this section as follows:

(i) Within 28 days of the initial leak detection, if the repair time frame is 14 days, under subsection (2) of this section; or

(ii) Within 90 days of the initial leak detection, if the repair time frame is 45 days, under subsection (3) of this section; or

(iii) Within 240 days of the initial leak detection, if the repair time frame is 120 days, under subsection (4) of this section.

(8) Leak repair requirements during system mothballing. The requirements of this section do not apply during the time that a refrigeration or air conditioning system is undergoing mothballing. The requirements of this section will apply on the day the mothballed system resumes operation.

[Statutory Authority: Chapter 70A.60 RCW. WSR 23-24-041 (Order 21-02), § 173-443-165, filed 11/30/23, effective 12/31/23.]