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January 1, 2015: no more filling chillers with CFCs

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INTRODUCTION
Quebec regulations create numerous obligations in connection with equipment that poses a risk to the environment. Replacing PCB-containing transformers, for example, or having high-risk oil and gas equipment inspected. Regulatees may be required to file reports, maintain registers or hold permits.

From a regulatory perspective, the management of ozone depleting substances is a big file. This article describes Quebec rules on refilling and continued use of chillers that run on CFCs (chlorofluorocarbons).

THE PROHIBITION
Pursuant to the Regulation respecting halocarbons adopted in 2004 under Quebec's *Environment Quality Act*, CFC-operated chillers that were in use on December 23, 2004 had to be replaced or retrofitted to operate with another substance from the time of their first maintenance or major repair occurring after that date.

Despite the foregoing, the regulations provide that between January 1, 2005 and December 31, 2014, the grandfathered chillers could be refilled with CFCs for a maximum period of 12 months, provided the owner filed a report with the Quebec government and ceased to run the equipement on CFS within 12 months of the first of these authorized refills.

Begining on January 1, 2015, units which will still not have been converted or replaced may no longer may be refilled with CFCs.

It is to be noted that under the regulation, the term "chiller" means a refrigeration or air conditioning unit that uses the refrigerant characteristics of a halocarbon to lower the temperature of a secondary cooling liquid circulating in the pipes. A freezing unit is considered to be a refrigeration unit while a heat pump or a dehumidifier is considered to be an air conditioning unit. Also, note that the provisions described in this article do not apply to halocarbons used to operate a household refrigeration or air conditioning unit.

PENALTIES
Every person who contravenes the prohibition on CFC refills is liable to an administrative monetary penalty or a penal sanction. Administrative penalty amounts are $1,500 for individuals and $7,500 for legal persons. If the ministry opts to proceed by way of prosecution, fines for individuals range from $8,000 to $500,000. This can be coupled with or replaced by a prison term that can last up to 18 months. For legal persons, fines range from $24,000 to $3,000,000.

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The penalties described above also apply to every person who operates a chiller with a CFC more than a year after the last authorized refill.

CAUTION IS IN ORDER

Quebec's public register for monetary administrative penalties has no entries for the *Regulation respecting halocarbons*, nor do there appear to have been any provincial prosecutions under this regulation. However, in 2011, a Quebec-based business faced charges under a federal regulation for having illegally imported more than 5,000 tanks filled with halocarbons from China valued at over one million dollars.

One may question the liability of the owner of a unit which a specialized contractor has filled with CFCs unbeknownst to him. To be on the safe side, it is important for owners or users of commercial or industrial refrigeration or air conditioning units in Quebec to inquire about the contents of their units and ensure that any contractor retained to inspect, maintain, fill, retrofit or dismantle these units does so in compliance with the law. In any event, the regulation requires owners of refrigeration units to ensure that all components containing halocarbons or designed to contain halocarbons are leak tested once a year.

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