NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Acting Commissioner

APR 23 2025

RE: Enforcement Discretion Part 494, Hydrofluorocarbon Standards and Reporting

To Whom It May Concern,

This is to advise you that, subject to the terms set forth in this letter, the New York State Department of Environmental Conservation (Department) will exercise its authority to utilize enforcement discretion with respect to certain provisions of 6 NYCRR Part 494 (Part 494), Hydrofluorocarbon Standards and Reporting, that become effective on June 1, 2025.

The Department will exercise its authority regarding Section 494-2.3(d)(5) and delay the enforcement, if certain conditions are met, of the requirement that "[w]here an automatic leak detection system is required per subdivision (a) of this section, the entirety of the regulated equipment system must be monitored by an automatic leak detection system" through and including December 31, 2027 or such date as may be specified in a promulgated amendment to Section 494-2.3(d)(5), whichever is earlier. Specifically, if an automatic leak detection system is only feasible for a portion of the regulated equipment system, but not technically feasible for the entirety of the system, monthly manual leak detection inspections may be used for that portion of the system. This enforcement discretion is being issued to allow time for automatic leak detection system technology to develop sufficiently to be able to apply to the entirety of regulated equipment systems.

All other provisions of Part 494 beyond what is specified in the Enforcement Discretion section above remain in effect and will be enforced.

Thank you for your cooperation in this matter. Questions regarding this enforcement discretion or Part 494 should be directed to the Department's Office of Climate Change at climate.regs@dec.ny.gov.

Sincerely,

Thomas S. Berkman
Deputy Commissioner
& General Counsel