

# Supermarket Refrigerant Program Transition Plan

## Frequently Asked Questions and Guidance



Department of  
Environmental  
Conservation

This document provides regulated entities with answers to commonly asked questions about the optional Supermarket Refrigerant Program (SRP) Transition Plan and may be updated as more information becomes available. Regulated entities are responsible for complying with all requirements of the Part 494 Hydrofluorocarbon Standards and Reporting rule and should review the regulation on DEC's website at <https://on.ny.gov/climateregs> or by requesting a copy from DEC by emailing [climate.regs@dec.ny.gov](mailto:climate.regs@dec.ny.gov).

## Frequently Asked Questions

### What is the Supermarket Refrigerant Program Transition Plan?

DEC's Part 494 regulation requires supermarket chains<sup>1</sup> to meet certain conditions pursuant to § 494-2.8 "Supermarket Refrigerant Program" by January 1, 2035. Supermarket chains that cannot meet these conditions may submit an optional Transition Plan on or before January 1, 2027. The Transition Plan may include a request for an extension of time to comply with the requirements up to January 1, 2040. Supermarket chains whose facilities will meet these conditions by January 1, 2035 are not required to submit a Transition Plan. The conditions pursuant to § 494-2.8(c)(1-4) are below.

1. All refrigerants used in supermarket systems containing 200 or more pounds of refrigerant have a GWP20 of less than 10.
2. Annual refrigerant loss from supermarket systems containing 200 or more pounds of refrigerant is five (5) percent or less.
3. Annual emissions from refrigerant loss from all equipment at each facility does not exceed a comparable emission quantity as would result from meeting conditions (1) or (2) of this subdivision at that facility.
4. There is an approved Transition Plan per subdivision (d) of this section or an approved variance per § 494-1.8 of this Part.

### What are the eligibility requirements for an extension?

An extension may be requested by supermarket chains registered under Part 494-2.8(b). More specifically, the request for extension may be approved or conditionally approved for the following types of facilities. The total number of facilities that receive an extension cannot exceed seventy-five percent of all facilities owned or operated by the supermarket chain in New York State.

1. Facilities with supermarket systems that were installed after January 9, 2025.
2. Up to half of the facilities registered in the year that the Transition Plan is submitted per § 494-2.2, "Registration and Labeling".
3. Any facilities registered in the year that the Transition Plan is submitted per § 494-2.2 of this Part located in a Disadvantaged Community.

### What is a disadvantaged community (DAC)?

New York State disadvantaged communities (DACs) are defined as communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate- income households. Part 494 refers to the 2023 DAC criteria and map, which can be located on DEC's Info Locator under Public Involvement <https://dec.ny.gov/maps/interactive-maps/decinfo-locator> or by viewing the map available at

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<sup>1</sup> Supermarket chains are defined as a business entity owning or operating 20 or more retail food facilities that contain supermarket systems with a refrigerant charge capacity of 200 pounds or greater in New York or that operates more than 100 such facilities in the United States, including in New York.

<https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>. The address of the facility must be located within the DAC to be considered for this type of extension.

### **Where can I submit a Transition Plan?**

The Transition Plan must be submitted using the same online platform as the Part 494 registration and annual reporting forms (nForm). The link to the form is available on DEC's webpage at <https://on.ny.gov/fgasreporting>. You must complete the Supermarket Refrigerant Management (SRP) registration form, found on the same webpage, before you submit a Transition Plan.

### **How will DEC determine if an application is complete?**

A complete form will contain all information requested in the form, including answers to all questions and a complete table of information for all registered facilities. This must match the information provided in the Part 494 Supermarket Refrigerant Program (SRP) and Refrigerant Management Program (RMP) registration forms. The application must also only request an extension for the appropriate number of facilities. See additional guidance on completing the Transition Plan form below.

### **When is the Transition Plan due?**

Complete Transition Plan forms must be submitted via nForm by January 1, 2027. nForm submissions will not be accepted after that date. Applicants may reach out to DEC with any questions and to request a preliminary review before submitting a final form. Contact DEC at [climate.regs@dec.ny.gov](mailto:climate.regs@dec.ny.gov).

### **Can I provide more details about our Transition Plans than required?**

Applicants are permitted to submit additional information that further supports the request for an extension. However, such additional information should be minimal. DEC is not responsible for reviewing attached documents and is not seeking to review full capital planning documents. Additional information should be provided as an attachment to the Transition Plan form (see guidance below). Examples of additional information include the following:

- A more detailed description of how a facility will meet the selected conditions, such as on the characteristics of systems to be installed (refrigerant, charge size)
- Specific plans, strategies, or procedures that the organization is adopting to address any anticipated challenges to meet the conditions
- Documentation to support the Transition Plan, such as sales invoices or letters of support from equipment suppliers
- Documentation or plans for additional, voluntary steps being taken to mitigate refrigerant emissions

### **When will I be updated about the status of my application?**

The contact person for the Transition Plan form will receive a confirmation email from nForm after submitting the form. DEC staff will contact the same party with any plan approvals, conditional approvals, or denials as soon as possible following the January 1, 2027 application deadline. You may start a form and make changes to submissions any time prior to the deadline.

### **What happens if my supermarket chain cannot comply with an approved Transition Plan?**

If your supermarket chain needs to make changes to an approved Transition Plan, please notify DEC at [climate.regs@dec.ny.gov](mailto:climate.regs@dec.ny.gov) as soon as possible and before your anticipated compliance date. DEC will review amended Transition Plan forms for approval.

You may also apply for a variance. A variance is a formal request to the agency for temporary relief from a regulation for that specific entity. Variance requests for Part 494 are allowable for economic hardship, impossibility, and force majeure. DEC may publicly post a variance application based on impossibility or force majeure for a 30-day public comment period. The variance application is available at <https://on.ny.gov/494variance>.

### **How will DEC ensure that Transition Plans are being followed?**

Supermarket chains are subject to § 494-2.6 Annual Reporting requirements for equipment that exceeds the 200 lb. compliance threshold. The condition description of each facility in 2035 and 2040 from the Transition Plan should match Annual Reporting data for that reporting year. If circumstances have changed and an approved

Transition Plan must be altered before the anticipated compliance date, please notify DEC at [climate.regs@dec.ny.gov](mailto:climate.regs@dec.ny.gov). DEC will review amended Transition Plan forms for approval.

More information about Annual Reporting is available on DEC's Part 494/495 Requirements for Suppliers and Owners or Operators webpage at <https://on.ny.gov/fgasreporting>.

## Transition Plan Guidance

### Transition Plan nForm Info

#### Section 1: Supermarket Chain Information *(fill-in style questions)*

This information is needed for DEC's records and to ensure that the agency can contact you as needed.

- Most recent Submission ID from Part 494 Supermarket Refrigerant Program (SRP) Registration form
  - You can find this information by logging into your nForm account and navigating to the *My Submissions* tab or by locating the submission confirmation email from the eBusiness Portal.
  - This may have been submitted as part of your Refrigerant Management Program (RMP) registration, if you completed these at the same time. Note: This only applies to registrations submitted prior to December 2, 2025, after which the RMP and SRP registration forms were separated.
- Contact information for the individual that should be contacted about the Transition Plan (Name, title, email, physical address, phone number)

#### Section 2: Extension Eligibility *(fill-in style questions)*

Provide the following information as it applied when the chain was registered in the Supermarket Refrigeration Program. This will help DEC confirm the number of facilities eligible for an extension. The information should match any information provided in the SRP and RMP registrations, where applicable.

- How many facilities does your supermarket chain own or operate nationwide?
- How many facilities owned or operated by this supermarket chain are located within New York State?
- How many facilities are you requesting an extension for in New York?
- Of the facilities you are requesting an extension for, how many are located in a DAC?

#### Section 3: Transition Plan by Facility (Store) *(table and fill-in style questions)*

This is the information that DEC will review in considering requests for extension and for ongoing compliance.

- Facility-Level Transition Plan Table
  - Store ID (must be the same store ID that was used for other Part 494 registration and reporting forms)
  - Condition, or which condition this facility will meet to comply with Part 494 (select one of the emission reduction conditions)
  - Compliance year, or the deadline you intend to meet. Select either 2035 (the legal requirement in Part 494) or 2040 (to indicate an extension request) from the dropdown
  - Eligibility criteria, or which criteria you are requesting an extension under for each facility (A facility may meet more than one eligibility criteria. Please select only one.)
- Condition Descriptions (text boxes): Provide the store ID when referring to specific facilities. You may use the same description for more than one facility if you plan to employ the same types of activities for these facilities. For example, if the table above indicates that 10 stores will follow condition #1 and the Applicant plans to use the same refrigerant in these systems, then it is not necessary to list all facility IDs. While not required, you may also use this area to include more specific dates your supermarket chain anticipates completing the planned activities.
  - If you select condition 1 for any facilities, briefly describe the activities that you may undertake to achieve this condition, such as capital planning or grant funding. Identify the refrigerant(s) that may be used in the system(s). If you have not selected a refrigerant, indicate which refrigerants are being considered.
  - If you select condition 2 for any facilities, briefly describe the activities you may undertake to achieve the 5% leak rate. Examples could include plans for improving existing automatic leak detection systems or other updated to leak monitoring and reporting policy or procedures.

- If you selected condition 3 for any facilities, describe the "comparable emission quantity" you will achieve and which activities you will undertake to achieve that quantity. More guidance for this condition can be found below.
- Additional Information: You may attach documents with more information to the Transition Plan form. Documents submitted to DEC may be discoverable and/or subject to FOIL. Contact DEC if you have questions about what documents to include (also see FAQ above) or about confidentiality.

### Condition 3 Description Guidance

The following is an illustrative example scenario of how you may approach a description for facilities that choose to comply through condition 3. This is not the only option DEC will accept.

The facility is registered as having a 200 lb. supermarket system that contains R-448A (GWP 20 = 3322). Commercial refrigeration systems are prohibited from leaking more than 20% of refrigerant (40 lbs.) per year, per Part 494-1.3(47)(i). As such, the total maximum emissions leakage per year for this facility is 132,880 lbs. CO<sub>2</sub>e (40 lbs. x 3322).

1. Calculate a comparable emissions quantity. This represents the maximum allowable CO<sub>2</sub>e emissions for the facility per the regulation.

Option 1: Calculate a comparable emission quantity by quantifying what the facility emissions would be if the supermarket system was replaced with a system at GWP20 of 10.

- CO<sub>2</sub>e = system size (lbs.) x GWP20 of 10
- Example: A 200 lb. charge capacity using a refrigerant with a GWP20 of 10 might emit 2,000 lbs. of CO<sub>2</sub>e annually. This is an emission reduction of ~130,000 lbs. CO<sub>2</sub>e per year.

Option 2: Calculate a comparable emission quantity by quantifying the maximum CO<sub>2</sub>e emissions allowable at a 5% leak rate.

- Annual loss = charge capacity (lbs.) x target rate (0.05)
- CO<sub>2</sub>e = Annual loss x GWP20 of the refrigerant
- Example: A 200 lb. system could leak up to 10 lbs. of refrigerant per year. For the R-448A refrigerant, this is 33,220 lbs. CO<sub>2</sub>e per year (10 lbs. x 3322). This is an emission reduction of ~100,000 lbs. CO<sub>2</sub>e per year.

2. Describe the steps you will take for your facility to reach a comparable emission level to what you calculated above, across all equipment that uses refrigerant. This could include the number of different types of HVAC-R equipment that you plan to replace by the compliance year, the new refrigerant type, and any activities you may undertake to reduce leak rates. This includes the 200 lb. system in the scenario above. If a facility has more than one supermarket system with >200 lbs., then the applicant may base the comparable emissions quantity that is calculated based on the lowest GWP system.

### CONTACT INFORMATION

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