

sent to another facility for transformation, or sent to another facility for destruction, the substitute value of that parameter shall be a secondary mass measurement where such a measurement is available. For example, if the mass produced is usually measured with a flowmeter at the inlet to the day tank and that flowmeter fails to meet an accuracy or precision test, malfunctions, or is rendered inoperable, then the mass produced may be estimated by calculating the change in volume in the day tank and multiplying it by the density of the product. Where a secondary mass measurement is not available, the substitute value of the parameter shall be an estimate based on a related parameter. For example, if a flowmeter measuring the mass fed into a destruction device is rendered inoperable, then the mass fed into the destruction device may be estimated using the production rate and the previously observed relationship between the production rate and the mass flow rate into the destruction device.

§ 98.416 Data reporting requirements.

In addition to the information required by § 98.3(c), each annual report must contain the following information:

(a) Each fluorinated GHG or nitrous oxide production facility shall report the following information:

(1) Mass in metric tons of each fluorinated GHG or nitrous oxide produced at that facility by process, except for amounts that are captured solely to be shipped off site for destruction.

(2) Mass in metric tons of each fluorinated GHG or nitrous oxide transformed at that facility, by process.

(3) Mass in metric tons of each fluorinated GHG that is destroyed at that facility and that was previously produced as defined at § 98.410(b). Quantities to be reported under this paragraph (a)(3) of this section include but are not limited to quantities that are shipped to the facility by another facility for destruction and quantities that are returned to the facility for reclamation but are found to be

irretrievably contaminated and are therefore destroyed.

(4) [Reserved]

(5) Total mass in metric tons of each fluorinated GHG or nitrous oxide sent to another facility for transformation.

(6) Total mass in metric tons of each fluorinated GHG sent to another facility for destruction, except fluorinated GHGs that are not included in the mass produced in § 98.413(a) because they are removed from the production process as by-products or other wastes. Quantities to be reported under this paragraph (a)(6) could include, for example, fluorinated GHGs that are returned to the facility for reclamation but are found to be irretrievably contaminated and are therefore sent to another facility for destruction.

(7) Total mass in metric tons of each fluorinated GHG that is sent to another facility for destruction and that is not included in the mass produced in § 98.413(a) because it is removed from the production process as a byproduct or other waste.

(8) [Reserved]

(9) [Reserved]

(10) Mass in metric tons of any fluorinated GHG or nitrous oxide fed into the transformation process, by process.

(11) Mass in metric tons of each fluorinated GHG that is fed into the destruction device and that was previously produced as defined at § 98.410(b). Quantities to be reported under this paragraph (a)(11) of this section include but are not limited to quantities that are shipped to the facility by another facility for destruction and quantities that are returned to the facility for reclamation but are found to be irretrievably contaminated and are therefore destroyed.

(12) Mass in metric tons of each fluorinated GHG or nitrous oxide that is measured coming out of the production process, by process.

(13) Mass in metric tons of each used fluorinated GHGs or nitrous oxide added back into the production process (e.g., for reclamation), including returned heels in containers that are weighed to measure the mass in § 98.414(a), by process.

(14) Names and addresses of facilities to which any nitrous oxide or

fluorinated GHGs were sent for transformation, and the quantities (metric tons) of nitrous oxide and of each fluorinated GHG that were sent to each for transformation.

(15) Names and addresses of facilities to which any fluorinated GHGs were sent for destruction, and the quantities (metric tons) of each fluorinated GHG that were sent to each for destruction.

(16) Where missing data have been estimated pursuant to § 98.415, the reason the data were missing, the length of time the data were missing, the method used to estimate the missing data, and the estimates of those data.

(b) By March 31, 2011 or within 60 days of commencing fluorinated GHG destruction, whichever is later, a fluorinated GHG production facility or importer that destroys fluorinated GHGs shall submit a one-time report containing the following information for each destruction process:

(1) Destruction efficiency (DE).

(2) Methods used to determine the destruction efficiency.

(3) Methods used to record the mass of fluorinated GHG destroyed.

(4) Chemical identity of the fluorinated GHG(s) used in the performance test conducted to determine DE.

(5) Name of all applicable federal or state regulations that may apply to the destruction process.

(6) If any process changes affect unit destruction efficiency or the methods used to record mass of fluorinated GHG destroyed, then a revised report must be submitted to reflect the changes. The revised report must be submitted to EPA within 60 days of the change.

(c) Each bulk importer of fluorinated GHGs or nitrous oxide shall submit an annual report that summarizes its imports at the corporate level, except for shipments including less than twenty-five kilograms of fluorinated GHGs or nitrous oxide, transshipments, and heels that meet the conditions set forth at § 98.417(e). The report shall contain the following information for each import:

(1) Total mass in metric tons of nitrous oxide and each fluorinated GHG imported in bulk, including each fluorinated GHG constituent of the fluorinated GHG product that makes

up between 0.5 percent and 100 percent of the product by mass.

(2) Total mass in metric tons of nitrous oxide and each fluorinated GHG imported in bulk and sold or transferred to persons other than the importer for use in processes resulting in the transformation or destruction of the chemical.

(3) Date on which the fluorinated GHGs or nitrous oxide were imported.

(4) Port of entry through which the fluorinated GHGs or nitrous oxide passed.

(5) Country from which the imported fluorinated GHGs or nitrous oxide were imported.

(6) Commodity code of the fluorinated GHGs or nitrous oxide shipped.

(7) Importer number for the shipment.

(8) Total mass in metric tons of each fluorinated GHG destroyed by the importer.

(9) If applicable, the names and addresses of the persons and facilities to which the nitrous oxide or fluorinated GHGs were sold or transferred for transformation, and the quantities (metric tons) of nitrous oxide and of each fluorinated GHG that were sold or transferred to each facility for transformation.

(10) If applicable, the names and addresses of the persons and facilities to which the fluorinated GHGs were sold or transferred for destruction, and the quantities (metric tons) of each fluorinated GHG that were sold or transferred to each facility for destruction.

(d) Each bulk exporter of fluorinated GHGs or nitrous oxide shall submit an annual report that summarizes its exports at the corporate level, except for shipments including less than twenty-five kilograms of fluorinated GHGs or nitrous oxide, transshipments, and heels. The report shall contain the following information for each export:

(1) Total mass in metric tons of nitrous oxide and each fluorinated GHG exported in bulk.

(2) Names and addresses of the exporter and the recipient of the exports.

(3) Exporter's Employee Identification Number.

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(4) Commodity code of the fluorinated GHGs and nitrous oxide shipped.

(5) Date on which, and the port from which, fluorinated GHGs and nitrous oxide were exported from the United States or its territories.

(6) Country to which the fluorinated GHGs or nitrous oxide were exported.

(e) By March 31, 2011, or within 60 days of commencing fluorinated GHG production, whichever is later, a fluorinated GHG production facility shall submit a one-time report describing the following information:

(1) The method(s) by which the producer in practice measures the mass of fluorinated GHGs produced, including the instrumentation used (Coriolis flowmeter, other flowmeter, weigh scale, etc.) and its accuracy and precision.

(2) The method(s) by which the producer in practice estimates the mass of fluorinated GHGs fed into the transformation process, including the instrumentation used (Coriolis flowmeter, other flowmeter, weigh scale, etc.) and its accuracy and precision.

(3) The method(s) by which the producer in practice estimates the fraction of fluorinated GHGs fed into the transformation process that is actually transformed, and the estimated precision and accuracy of this estimate.

(4) The method(s) by which the producer in practice estimates the masses of fluorinated GHGs fed into the destruction device, including the method(s) used to estimate the concentration of the fluorinated GHGs in the destroyed material, and the estimated precision and accuracy of this estimate.

(5) The estimated percent efficiency of each production process for the fluorinated GHG produced.

(f) By March 31, 2011, all fluorinated GHG production facilities shall submit a one-time report that includes the concentration of each fluorinated GHG constituent in each fluorinated GHG product as measured under §98.414(n). If the facility commences production of a fluorinated GHG product that was not included in the initial report or performs a repeat measurement under §98.414(n) that shows that the identities or concentrations of the

fluorinated GHG constituents of a fluorinated GHG product have changed, then the new or changed concentrations, as well as the date of the change, must be reflected in a revision to the report. The revised report must be submitted to EPA by the March 31st that immediately follows the measurement under §98.414(n).

(g) Isolated intermediates that are produced and transformed at the same facility are exempt from the reporting requirements of this section.

(h) Low-concentration constituents are exempt from the reporting requirements of this section.

[74 FR 56374, Oct. 30, 2009, as amended at 75 FR 79168, Dec. 17, 2010; 76 FR 73905, Nov. 29, 2011]

§98.417 Records that must be retained.

(a) In addition to the data required by §98.3(g), the fluorinated GHG production facility shall retain the following records:

(1) Dated records of the data used to estimate the data reported under §98.416.

(2) Records documenting the initial and periodic calibration of the analytical equipment (including but not limited to GC, IR, FTIR, or NMR), weigh scales, flowmeters, and volumetric and density measures used to measure the quantities reported under this subpart, including the manufacturer directions or industry standards used for calibration pursuant to §98.414(m) and (o).

(3) Dated records of the total mass in metric tons of each reactant fed into the F-GHG or nitrous oxide production process, by process.

(4) Dated records of the total mass in metric tons of the reactants, by-products, and other wastes permanently removed from the F-GHG or nitrous oxide production process, by process.

(b) In addition to the data required by paragraph (a) of this section, any fluorinated GHG production facility that destroys fluorinated GHGs shall keep records of test reports and other information documenting the facility's one-time destruction efficiency report in §98.416(b).