

## Environmental Protection Agency

## § 82.19

limit for each trader who previously obtained approval of a trade of the class II controlled substance to a Party in the same control period to equal the result of the following set of calculations:

(i) The total U.S. allowable production of the class II controlled substance minus the three-year average of the actual annual U.S. production of the class II controlled substance prior to the control period of the trade;

(ii) The quantity traded by the person divided by the quantity traded by all the persons who have traded that class II controlled substance in that control period;

(iii) The result of paragraph (c)(7)(i) of this section multiplied by the result of paragraph (c)(7)(ii) of this section.

(iv) The unexpended production allowances, unexpended export produc-

tion allowances or unexpended Article 5 allowances held by the person plus the result of paragraph (c)(7)(iii) of this section;

(8) Effective date of revised production limits. The change in production allowances, export production allowances or Article 5 allowances will be effective on the date that the notice is issued.

[68 FR 2848, Jan. 21, 2003, as amended at 74 FR 66446, Dec. 15, 2009]

### § 82.19 Apportionment of baseline consumption allowances for class II controlled substances.

The following persons are apportioned baseline consumption allowances for HCFC-22, HCFC-141b, HCFC-142b, HCFC-123, HCFC-124, HCFC-225ca, and HCFC-225cb, as set forth in the following table:

Person	Controlled substance	Allowances (kg)
ABCO Refrigeration Supply .....	HCFC-22 .....	279,366
AGC Chemicals Americas .....	HCFC-225ca .....	285,328
	HCFC-225cb .....	286,832
Altair Partners .....	HCFC-22 .....	302,011
Arkema .....	HCFC-22 .....	48,637,642
	HCFC-141b .....	25,405,570
	HCFC-142b .....	483,827
	HCFC-124 .....	3,719
Carrier .....	HCFC-22 .....	54,088
Continental Industrial Group .....	HCFC-141b .....	20,315
Coolgas, Inc .....	HCFC-141b .....	16,097,869
Coolgas Investment Property .....	HCFC-22 .....	1,040,458
	HCFC-123 .....	19,980
	HCFC-124 .....	3,742
Discount Refrigerants .....	HCFC-141b .....	994
DuPont .....	HCFC-22 .....	38,814,862
	HCFC-141b .....	9,049
	HCFC-142b .....	52,797
	HCFC-123 .....	1,877,042
	HCFC-124 .....	743,312
H.G. Refrigeration Supply .....	HCFC-22 .....	40,068
Honeywell .....	HCFC-22 .....	35,392,492
	HCFC-141b .....	20,749,489
	HCFC-142b .....	1,315,819
	HCFC-124 .....	1,284,265
ICC Chemical Corp .....	HCFC-141b .....	81,225
ICOR .....	HCFC-124 .....	81,220
Mexichem Fluor Inc .....	HCFC-22 .....	2,546,305
Kivlan & Company .....	HCFC-22 .....	2,081,018
MDA Manufacturing .....	HCFC-22 .....	2,541,545
Mondy Global .....	HCFC-22 .....	281,824
National Refrigerants .....	HCFC-22 .....	5,528,316
	HCFC-123 .....	72,600
	HCFC-124 .....	50,380
Perfect Technology Center, LP .....	HCFC-123 .....	9,100
Refricenter of Miami .....	HCFC-22 .....	381,293
Refricentro .....	HCFC-22 .....	45,979
R-Lines .....	HCFC-22 .....	63,172
Saez Distributors .....	HCFC-22 .....	37,936
Solvay Fluorides .....	HCFC-22 .....	3,781,691
	HCFC-141b .....	3,940,115
Solvay Solexis .....	HCFC-142b .....	194,536
Tulstar Products .....	HCFC-141b .....	89,913
	HCFC-123 .....	34,800
	HCFC-124 .....	229,582

Person	Controlled substance	Allowances (kg)
USA Refrigerants .....	HCFC-22 .....	14,865

[76 FR 47468, Aug. 5, 2011]

**§ 82.20 Availability of consumption allowances in addition to baseline consumption allowances for class II controlled substances.**

(a) A person may obtain at any time during the control period, in accordance with the provisions of this section, consumption allowances equivalent to the quantity of class II controlled substances that the person exported from the U.S. and its territories to a foreign state, in accordance with this section, when that quantity of class II controlled substance was produced in the U.S. or imported into the U.S. with expended consumption allowances.

(1) The exporter must submit to the Administrator a request for consumption allowances setting forth the following:

(i) The identities and addresses of the exporter and the recipient of the exports;

(ii) The exporter's Employer Identification Number;

(iii) The names and telephone numbers of contact persons for the exporter and the recipient;

(iv) The quantity (in kilograms) and type of class II controlled substances reported;

(v) The source of the class II controlled substances and the date purchased;

(vi) The date on which, and the port from which, the class II controlled substances were exported from the U.S. or its territories;

(vii) The country to which the class II controlled substances were exported;

(viii) A copy of the bill of lading and the invoice indicating the net quantity (in kilograms) of class II controlled substances shipped and documenting the sale of the class II controlled substances to the purchaser;

(ix) The commodity codes of the class II controlled substances reported; and

(x) A written statement from the producer that the class II controlled substances were produced with expended

allowances or a written statement from the importer that the class II controlled substances were imported with expended allowances.

(2) The Administrator will review the information and documentation submitted under paragraph (a)(1) of this section and will issue a notice.

(i) The Administrator will determine the quantity of class II controlled substances that the documentation verifies was exported and issue consumption allowances equivalent to the quantity of class II controlled substances that were exported.

(A) The grant of the consumption allowances will be effective on the date the notice is issued.

(B) The consumption allowances will be granted to the person the exporter indicates, whether it is the producer, the importer, or the exporter.

(ii) The Administrator will issue a notice that the consumption allowances are not granted if the Administrator determines that the information and documentation do not satisfactorily substantiate the exporter's claims.

(b) *International trades of consumption allowances.* (1) A person may increase its consumption allowances for a specified control period through trades with another Party to the Protocol as set forth in this paragraph (b). A person may only receive consumption from Poland or Norway, or both, and only if the nation agrees to trade to the person for the current control period some quantity of consumption that the nation is permitted under the Montreal Protocol.

(2) Trade from a Party—Information requirements. A person must submit the following information to the Administrator:

(i) A signed document from the principal diplomatic representative in the Polish or Norwegian embassy in the U.S. stating that the appropriate authority within that nation will establish or revise consumption limits for the nation to equal the lowest of the