

Kimberly D. Coy
kcoy@air-comp.com
Air/Compliance Consultants, Inc. (ACCI)
www.air-comp.com

FINAL RULE ON HCFCs ALLOWANCE ADJUSTMENT

The USEPA published a final rule on December 15, 2009 [74 FR 66412] amending 40 CFR Part 82, Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export. The effective date for this final rule is January 1, 2010.

The hydrochlorofluorocarbons (HCFCs) allowance system is part of EPA's Clean Air Act program to phase out ozone-depleting substances in order to protect the stratospheric ozone layer. In this action, the USEPA

- adjusted the allowance system controlling U.S. consumption and production of HCFCs;
- allocated production and consumption allowances for HCFC-22 and HCFC-142b, as well as other HCFCs for which allowances were not allocated previously, for the control periods 2010-2014;
- established baselines for HCFCs for which baselines were not previously established;
- implemented the next step in the chemical-by-chemical phase out the United States uses to meet its international obligations;
- amended the regulatory provisions for HCFC production allowances to meet the basic domestic needs of developing countries;
- relieved a restriction by authorizing the production and import of certain HCFCs in 2010 that would otherwise be prohibited under the existing regulations;
- provided the Agency's interpretation of a self-effectuating ban on introduction into interstate commerce and use of HCFCs contained in section 605(a) of the Clean Air Act; and
- amended existing regulatory provisions to facilitate implementation of the statutory requirements.