



## OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

TRANSMITTED VIA EMAIL  
RETURN RECEIPT REQUESTED

Ken Gaglione  
Vice President, Operations  
Hudson Technologies Company  
300 Tice Boulevard, Suite 290  
Woodcliff Lake, NJ 07677  
kgaglione@hudsontech.com

### **RE: Hudson Technologies Company – Notice of Violation (HFC Imports and GHG Reporting)**

Dear Mr. Gaglione:

The U.S. Environmental Protection Agency (“EPA”) is issuing the enclosed Notice of Violation (NOV) to Hudson Technologies Company (Company or you). The EPA alleges that you have violated the American Innovation and Manufacturing (“AIM”) Act, 42 U.S.C. § 7675, the regulations promulgated thereunder at 40 C.F.R. Part 84, and Section 114 of the Clean Air Act (CAA), 42 U.S.C. § 7414, and the regulations promulgated thereunder at 40 C.F.R. Part 98, Subparts A and OO. The EPA is issuing this NOV based on information described in detail below that represents specific violations of applicable requirements relating to the importation of hydrofluorocarbons (“HFCs”).

The EPA is issuing this NOV under Section 113(a) of the Clean Air Act (the Act or CAA), 42 U.S.C. § 7413(a)(3)<sup>1</sup> for violations of 40 C.F.R. Part 84 and 40 C.F.R. Part 98, Subparts A and OO. See 42 U.S.C. § 7675(k)(1)(C) and 42 U.S.C. § 7414.

Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), gives the EPA several enforcement options to resolve these violations, including issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, or bringing a judicial criminal action.

Without making a determination that your business or organization is a small business, the EPA is providing you with this Small Business Resources Information Sheet, which provides important information that may assist small businesses in identifying and complying with environmental requirements: <https://www.epa.gov/compliance/small-business-resources-information-sheet>.

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<sup>1</sup> The AIM Act provides that Sections 113 and 114 of the CAA, 42 U.S.C. § 7413 and 42 U.S.C. § 7414, apply to the AIM Act and any regulation promulgated thereunder “as though this section were expressly included in title VI of that Act.” See 42 U.S.C. § 7675(k)(1)(C).

Hudson Technologies Company may request a conference with the EPA to present information on the identified violations in this NOV, efforts you have taken to comply, and the steps you will take to prevent future violations within ten (10) calendar days following receipt of this NOV. You may have counsel represent you at this conference. Please direct such request to Hallie Lipsey, Attorney-Advisor, at [Lipsey.Hallie@epa.gov](mailto:Lipsey.Hallie@epa.gov) or 202-564-2448.

Sincerely,

**MARY GREENE** Digitally signed by MARY  
GREENE  
Date: 2024.11.05 19:22:40 -05'00'

Mary E. Greene, Director  
Air Enforcement Division  
United States Environmental Protection Agency

Enclosure

cc (by email): Amelie Isin, HFC Program Lead, EPA  
Nathan Dancher, Environmental Engineer, EPA  
Hallie Lipsey, Attorney Adviser, EPA  
Ken Gaglione, Vice-President, Hudson Technologies Company



6. 40 C.F.R. § 84.3 defines “bulk” to mean “a regulated substance of any amount that is in a container for the transportation or storage of that substance such as cylinders, drums, ISO tanks, and small cans. A regulated substance that must first be transferred from a container to another container, vessel, or piece of equipment in order to realize its intended use is a bulk substance. A regulated substance contained in a manufactured product such as an appliance, an aerosol can, or a foam is not a bulk substance.”
7. 40 C.F.R. § 84.3 defines “consumption allowances” as “a limited authorization to produce and import regulated substances; however, consumption allowances may be used to produce regulated substances only in conjunction with production allowances.” A person’s consumption allowances are the total of the allowances obtained under 40 C.F.R. §§ 84.11 or 84.15 and may be modified under 40 C.F.R. §§ 84.17 (availability of additional consumption allowances), 84.19 (transfer of allowances), and 84.35 (administrative consequences).
8. 40 C.F.R. § 84.3 defines “application-specific allowance” as “a limited authorization granted in accordance with subsection (e)(4)(B)(iv) of the AIM Act for the production or import of a regulated substance for use in the specifically identified applications that are listed in that subsection and in accordance with the restrictions contained at § 84.5(c).”
9. 40 C.F.R. § 84.3 defines “heel” as the “amount of a regulated substance that remains in a container after the container is discharged or offloaded (that is no more than 10 percent of the volume of the container).”
10. Under 40 C.F.R. § 84.3, “import” means “to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, regardless of whether that landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States. Offloading used regulated substances recovered from equipment aboard a marine vessel, aircraft, or other aerospace vehicle during servicing is not considered an import.”
11. 40 C.F.R. § 84.3 defines “importer” as “any person who imports a regulated substance into the United States. ‘Importer’ includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his or her behalf. The term also includes: (1) [t]he consignee; (2) [t]he importer of record; (3) [t]he actual owner; or (4) [t]he transferee, if the right to draw merchandise in a bonded warehouse has been transferred.”
12. 40 C.F.R. § 84.3 defines “person” as “any individual or legal entity, including an individual, corporation, partnership, association; state, municipality, political subdivision of a state, Indian tribe; any agency, department, or instrumentality of the United States; and any officer, agent, or employee thereof.”
13. 40 C.F.R. § 84.3 defines “exchange value” as “the value assigned to a regulated substance in accordance with AIM Act subsections (c) and (e) as applicable, and as provided in appendix A to this part.”

14. 40 C.F.R. § 84.3 defines “exchange value equivalent (EVe)” as “the exchange value-weighted amount of a regulated substance obtained by multiplying the mass of a regulated substance by the exchange value of that substance.”
15. Appendix A to 40 C.F.R. Part 84 lists the substances regulated by the AIM Act by HFC, chemical formula, and exchange value.
16. Appendix A to 40 C.F.R. Part 84 includes the compounds HFC-32, HFC-125, HFC-134a, HFC-143a, and HFC-227.
17. Appendix A to 40 C.F.R. Part 84 lists the exchange values as 675 for HFC-32; 3,500 for HFC-125; 1,430 for HFC-134a; 4,470 for HFC-143a; and 3,220 for HFC-227ea.
18. 40 C.F.R. § 84.5(b)(1)(i) states in relevant part, that “[n]o person may import bulk regulated substances” except by expending at the time of the import consumption or application-specific allowances in a quantity equal to the exchange-value weighted equivalent of the regulated substances imported.<sup>3</sup>
19. 40 C.F.R. § 84.5(b)(3) states that “[e]ach person meeting the definition of importer for a particular regulated substance import transaction is jointly and severally liable for a violation of paragraph (b)(1) of this section, unless they can demonstrate that the importer of record possessed and expended allowances in accordance with the requirement outlined in paragraph

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<sup>3</sup> The language in 40 C.F.R. § 84.5(b)(1)(i) (2023) was modified slightly from the previous language in 40 C.F.R. § 84.5(b)(1)(i) (2022), but the requirement that every importer must expend consumption or application-specific allowances equal to the quantity equal to the exchange-value weighted equivalent of the regulated substances imported remained unchanged. 40 C.F.R. § 84.5(b)(1)(i) (2023) states that “[n]o person may import bulk regulated substances, either as a single component or a multicomponent substance, except [i]f the importer of record possesses at the time they are required to submit reports to EPA pursuant to § 84.31(c)(7), and expends at the time of ship berthing for vessel arrivals, border crossing for land arrivals such as trucks, rails, and autos, and first point of terminus in U.S. jurisdiction for arrivals via air, consumption or application-specific allowances in a quantity equal to the exchange-value weighted equivalent of the regulated substances imported, whether present as a single component or a multicomponent blend. The required amount of allowances must be calculated to the tenth, but a minimum expenditure of 0.1 allowances is required for any import of regulated substances.” Prior to September 18, 2023, 40 C.F.R. § 84.5(b)(2) (2022) stated that “[n]o person may import bulk regulated substances, except by expending, at the time of the import, consumption or application-specific allowances in a quantity equal to the exchange-value weighted equivalent of the regulated substances imported, with the required amount of allowances calculated to the tenth, but a minimum expenditure of 0.1 allowances is required for any import of regulated substances.”

(b)(1)(i) or (v) of this section or another party who meets the definition of an importer met one of the exceptions set forth in (b)(1)(ii) through (iv) of this section.”<sup>4</sup>

20. From December 1, 2022 to September 17, 2023, 40 C.F.R. § 84.31(c)(7) (2022)<sup>5</sup> provided that the importer of record was required to submit an advance notification report for each shipment of regulated substances imported no later than 14 days prior to importation.
21. Beginning September 18, 2023, 40 C.F.R. § 84.31(c)(7) provides that the importer of record is required to submit an advance notification report for each shipment of regulated substances imported no later than 10 days if arriving by marine vessel or 5 days for non-marine vessel prior to the date of importation.
22. 40 C.F.R. § 84.31(c)(1) provides that within 45 days after the end of each quarter, an importer of record of a regulated substance must submit to the relevant Agency official a report containing the requirements listed in 40 C.F.R. § 84.31(c)(1)(i) - (ix).
23. Pursuant to the AIM Act, any violation of the regulations under 40 C.F.R. Part 84 is subject to the enforcement provisions of Section 113 of the CAA, 42 U.S.C. § 7413. *See* 42 U.S.C. § 7675(k)(1)(C).

#### *The CAA*

24. Under CAA Section 114(a)(1), 42 U.S.C. § 7414(a)(1), the EPA may require emission sources, persons subject to the CAA, manufacturers of emission control or process equipment, or persons whom the EPA believes may have necessary information, to monitor and report emissions and to provide such other information as the EPA requests for the purposes of carrying out any provision of the CAA (except for a provision of Title II with respect to motor vehicles).
25. Pursuant to this legal authority, the EPA established the mandatory greenhouse gas reporting requirements in 2010 at 40 C.F.R. Part 98.
26. 40 C.F.R. § 98.1(a) establishes greenhouse gas reporting requirements for owners and operators of certain facilities that directly emit greenhouse gases as well as for certain suppliers. For suppliers, the greenhouse gases reported are the quantity that would be emitted from combustion or use of the products supplied.

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<sup>4</sup> Prior to September 18, 2023, 40 C.F.R. § 84.5(b)(2) (2022) stated that “[e]ach person meeting the definition of importer for a particular regulated substance import transaction is jointly and severally liable for a violation of paragraph (b)(1) of this section, unless they can demonstrate that another party who meets the definition of an importer met one of the exceptions set forth in paragraph (b)(1).”

<sup>5</sup> 40 C.F.R. § 84.31(c)(7) (and other sections) has since been modified, effective September 18, 2023 (*See* 88 Fed. Reg. 46,836, 46,897 (July 20, 2023)); *see also* paragraph 18, *supra*.

27. 40 C.F.R. § 98.1(b) provides that owners, operators, and suppliers subject to 40 C.F.R. Part 98 must follow the requirements of Subpart A and all applicable subparts, and if a conflict exists between a provision in Subpart A and any other applicable subpart, the requirements of the applicable subpart shall take precedence.
28. 40 C.F.R. § 98.2(a) provides that the greenhouse gas reporting requirements and related monitoring, recordkeeping, and reporting requirements of Subpart A apply to the owners and operators of any supplier that meets the requirements of paragraph (a)(4) of this section.
29. 40 C.F.R. § 98.2(a)(4) provides that a supplier listed in Table A-5 of 40 C.F.R. Part 98, Subpart A, must submit an annual report that covers all applicable products for which calculation methodologies are provided in the applicable subpart and Subpart A.
30. 40 C.F.R. Part 98, Subpart OO, applies to suppliers of industrial greenhouse gases. Table A-5 of 40 C.F.R. Part 98, Subpart A, lists supplier categories for industrial greenhouse gas suppliers subject to 40 C.F.R. Part 98, Subpart OO, including producers of industrial greenhouse gases, and importers of industrial greenhouse gases with annual bulk imports of N<sub>2</sub>O, fluorinated greenhouse gas, and CO<sub>2</sub> that in combination have greenhouse gas quantities equivalent to 25,000 metric tons of carbon dioxide equivalent (CO<sub>2</sub>e) or more. Table A-5 of 40 C.F.R. Part 98, Subpart A, also states that suppliers are defined in each applicable subpart.
31. 40 C.F.R. § 98.418 provides that all the terms used in 40 C.F.R. Part 98, Subpart OO, have the same meaning given in the CAA and 40 C.F.R. Part 98, Subpart A, except the terms “isolated intermediate” and “low-concentration constituent,” which are defined in 40 C.F.R. § 98.418. 40 C.F.R. § 98.418 further provides that if a conflict exists between a definition provided in Subpart OO and a definition provided in Subpart A, the definition in Subpart OO shall take precedence for the reporting requirements in Subpart OO.
32. 40 C.F.R. § 98.6 defines “exporter” as any person, company or organization of record that transfers for sale or for other benefit, domestic products from the United States to another country or to an affiliate in another country, excluding any such transfers on behalf of the United States military or military purposes including foreign military sales under the Arms Export Control Act. An exporter is not the entity merely transporting the domestic products, rather an exporter is the entity deriving the principal benefit from the transaction.
33. 40 C.F.R. § 98.6 defines “industrial greenhouse gases” as nitrous oxide or any fluorinated greenhouse gas.
34. 40 C.F.R. § 98.6 defines “importer” as any person, company, or organization of record that for any reason brings a product into the United States from a foreign country, excluding introduction into United States jurisdiction exclusively for United States military purposes. An importer is the person, company, or organization primarily liable for the payment of any duties on the merchandise or an authorized agent acting on their behalf. The term includes, as

appropriate: (1) the consignee, (2) the importer of record, (3) the actual owner, and (4) the transferee, if the right to draw merchandise in a bonded warehouse has been transferred.

35. 40 C.F.R. § 98.6 defines “operator” as any person who operates or supervises a facility or supplier.
36. 40 C.F.R. § 98.6 defines “owner” as any person who has legal or equitable title to, has a leasehold interest in, or control of a facility or supplier, except a person whose legal or equitable title to or leasehold interest in the facility or supplier arises solely because the person is a limited partner in a partnership that has legal or equitable title to, has a leasehold interest in, or control of the facility or supplier shall not be considered an “owner” of the facility or supplier.
37. 40 C.F.R. § 98.6 defines “supplier” as a producer, importer, or exporter in any supply category included in Table A-5 to 40 C.F.R. Part 98, Subpart A, as defined by the corresponding subpart of 40 C.F.R. Part 98.
38. 40 C.F.R. § 98.410 defines source categories for suppliers of industrial greenhouse gases.
39. 40 C.F.R. § 98.410(a) provides that “the industrial gas supplier source category consists of any facility that produces fluorinated greenhouse gases or nitrous oxide; any bulk importer of fluorinated greenhouse gases or nitrous oxide; and any bulk exporter of fluorinated greenhouse gases or nitrous oxide.”
40. 40 C.F.R. § 98.411 specifies the applicable reporting threshold for 40 C.F.R. Part 98, Subpart OO, and requires any supplier of industrial greenhouse gases who meets the requirements of 40 C.F.R. § 98.410 and 40 C.F.R. § 98.2(a)(4) to report greenhouse gas emissions pursuant to 40 C.F.R. Part 98, Subpart OO (40 C.F.R. §§ 98.410 – 98.418).
41. 40 C.F.R. § 98.2(f) provides the methodology to calculate industrial greenhouse gas quantities for comparison to the 25,000 metric ton CO<sub>2</sub>e per year threshold under 40 C.F.R. § 98.2(a)(4) for importers and exporters of industrial greenhouse gases, and states that the imported quantities and the exported quantities must be compared separately to the 25,000 metric ton CO<sub>2</sub>e per year threshold.
42. 40 C.F.R. § 98.2(i) provides that once a supplier is subject to the requirements of 40 C.F.R. Part 98, the supplier must for each year thereafter comply with all requirements of 40 C.F.R. Part 98, including the requirement to submit annual greenhouse gas reports, even if the supplier does not meet the applicability requirements in 40 C.F.R. § 98.2(a) in a future year.
43. 40 C.F.R. § 98.3(b) requires suppliers subject to 40 C.F.R. Part 98 to submit annual reports to the EPA no later than March 31 of each calendar year for greenhouse gas emissions in the previous calendar year, with the exception of the report for calendar year 2010, which was due no later than September 30, 2011.

44. 40 C.F.R. § 98.3(c) specifies the content of each annual report, other than as provided in 40 C.F.R. § 98.3(d) for reporting year 2010, and includes any other data specified in the “Data reporting requirements” section of each applicable Subpart of 40 C.F.R. Part 98.
45. 40 C.F.R. § 98.416 provides a list of information, in addition to the information required by 40 C.F.R. § 98.3(c)(1) – (3) and (5) – (13), that must be included in each annual report.
46. 40 C.F.R. § 98.412 requires reporting of greenhouse gas emissions that would result from the release of the nitrous oxide and each fluorinated greenhouse gas that is produced, imported, exported, transformed, or destroyed during the calendar year.
47. Except for certain special exceptions for reporting year 2010, 40 C.F.R. § 98.3(e) requires use of the calculation methodologies specified in the relevant subparts, in preparing the annual report. “For each source category, you must use the same calculation methodology throughout a reporting period unless you provide a written explanation of why a change in methodology was required.” 40 C.F.R. § 98.3(e).
48. 40 C.F.R. § 98.413 prescribes the methodology to calculate the industrial greenhouse gas emissions set forth in 40 C.F.R. § 98.412.
49. 40 C.F.R. § 98.6 defines global warming potential (GWP) and specifies that the GWP of each greenhouse gas are provided in Table A-1 of 40 C.F.R. Part 98.
50. Table A-1 of 40 C.F.R. Part 98 lists a GWP (based on a 100-year time horizon) of 675 for HFC-32; 3,500 for HFC-125; 1,430 for HFC-134a; 4,470 for HFC-143a; and 3,220 for HFC-227ea.
51. 40 C.F.R. § 98.5 requires each annual report to be submitted electronically through the “Electronic Greenhouse Gas Reporting Tool” (“e-GGRT”). Each report must be submitted by a designated representative. See 40 C.F.R. § 98.4.
52. Any violation of 40 C.F.R. Part 98 is a violation of the CAA, including Section 114, 42 U.S.C. § 7414. A violation includes but is not limited to failure to report greenhouse gas emissions, failure to collect data needed to calculate greenhouse gas emissions, failure to continuously monitor and test, failure to retain records needed to verify the amount of greenhouse gas emissions, and failure to calculate greenhouse gas emissions following the methodologies specified in this part. Each day of violation constitutes a separate violation. 40 C.F.R. § 98.8.

### **Facts**

53. Hudson Technologies Company is a refrigerant services company located at 300 Tice Boulevard, Suite 290, Woodcliff Lake, New Jersey 07677.
54. R-404A is a refrigerant blend that contains the following bulk regulated substances: HFC-125,

HFC-134a, and HFC-143a.

55. R-407A is a refrigerant blend that contains the following bulk regulated substances: HFC-32, HFC-125, and HFC-134a.
56. R-407C is a refrigerant blend that contains the following bulk regulated substances: HFC-32, HFC-125, and HFC-134a.
57. R-410A is a refrigerant blend that contains the following bulk regulated substances: HFC-32 and HFC-125.
58. R-422 is a refrigerant blend that contains the following bulk regulated substances: HFC-125 and HFC-134a.
59. R-507 is a refrigerant blend that contains the following bulk regulated substances: HFC-125 and HFC-143a.
60. In 2022, the EPA issued Hudson Technologies consumption allowances equivalent to 2,977,582.0 total metric tons of EVe (MTEVe) for the importation of HFCs and HFC Blends. See *Phasedown of Hydrofluorocarbons: Notice of 2022 Allowance Allocations for Production and Consumption of Regulated Substances Under the American Innovation and Manufacturing Act of 2020*, 86 Fed. Reg. 55,841 (Oct. 7, 2021). At the end of 2022, Hudson Technologies had unused consumption allowances equivalent to 6,065.5 MTEVe. See *Envtl. Prot. Agency, HFC Data Hub*, <https://www.epa.gov/climate-hfcs-reduction/hfc-data-hub#year-end> (last visited Aug. 21, 2024).
61. In 2023, the EPA issued Hudson Technologies consumption allowances equivalent to 2,988,057.5 total MTEVe for the importation of HFCs and HFC Blends. See *Phasedown of Hydrofluorocarbons: Notice of 2023 Allowance Allocations for Production and Consumption of Regulated Substances Under the American Innovation and Manufacturing Act of 2020*, 87 Fed. Reg. 61,314 (Oct. 11, 2022). At the end of 2023, Hudson Technologies had unused consumption allowances equivalent to 3,195.8 MTEVe. See *Envtl. Prot. Agency, HFC Data Hub*, <https://www.epa.gov/climate-hfcs-reduction/hfc-data-hub#year-end> (last visited Oct. 4, 2024).
62. In 2024, the EPA issued Hudson Technologies consumption allowances equivalent to 1,928,081.5 total MTEVe for the importation of HFCs and HFC Blends. See *Phasedown of Hydrofluorocarbons: Notice of 2024 Allowance Allocations for Production and Consumption of Regulated Substances Under the American Innovation and Manufacturing Act of 2020*, and *Notice of Final Administrative Consequences*, 88 Fed. Reg. 72,060 (Oct. 19, 2023).
63. From January 1, 2022 through March 30, 2024, Hudson Technologies failed to submit advance notice reports prior to importation by the day specified by 40 C.F.R. § 84.31(c)(7) and 40 C.F.R. § 84.31(c)(7) (2022) for approximately 156 separate import shipments containing HFCs and HFC

blends (“156 Shipments of Subject HFCs”), including shipments containing HFC-125, HFC-134A, HFC-227, R-404A, R-407A, R-4047C, R-410A, R-422, and R-507. See Exhibit A for relevant shipment numbers.

64. Hudson Technologies failed to submit a report to the EPA with information relating to approximately 38 separate shipments of HFCs or HFC Blends that Hudson Technologies imported during the first quarter of 2022, within 45 days after the end of the first quarter of 2022 (“2022 Q1 Unreported HFCs”). See Exhibit B.
65. Hudson Technologies failed to submit a report to the EPA with information relating to approximately 33 separate shipments of HFCs or HFC Blends that Hudson Technologies imported during the second quarter of 2022, within 45 days after the end of the second quarter of 2022 (“2022 Q2 Unreported HFCs”). See Exhibit C.
66. Hudson Technologies failed to submit a report to the EPA with information relating to approximately 7 separate shipments of HFCs or HFC Blends that Hudson Technologies imported during the third quarter of 2022, within 45 days after the end of the third quarter of 2022 (“2022 Q3 Unreported HFCs”). See Exhibit D.
67. Hudson Technologies failed to submit a report to the EPA with information relating to approximately 4 separate shipments of HFCs or HFC Blends that Hudson Technologies imported during the fourth quarter of 2022, within 45 days after the end of the fourth quarter of 2022 (“2022 Q4 Unreported HFCs”). See Exhibit E.
68. The 2022 Q1 Unreported HFCs, 2022 Q2 Unreported HFCs, 2022 Q3 Unreported HFCs, and 2022 Q4 Unreported HFCs are industrial greenhouse gases under 40 C.F.R. § 98.6.
69. Hudson Technologies did not submit an annual report of its greenhouse gas import quantities that included its 2022 Q1 Unreported HFCs, 2022 Q2 Unreported HFCs, 2022 Q3 Unreported HFCs, and 2022 Q4 Unreported HFCs to the EPA by March 31, 2023 for greenhouse gas emissions in calendar year 2022.

### **Alleged Violations**

#### *Violation 1 – Failure to Submit an Advance Notification Report in Violation of the AIM Act*

70. Based on the facts in the section above, the EPA alleges that the approximately 156 Shipments of Subject HFCs are bulk regulated substances.
71. Based on the facts in the section above, Hudson Technologies violated 40 C.F.R. § 84.31(c)(7) and 40 C.F.R. § 84.31(c)(7) (2022) by failing to submit timely advance notification reports prior

to importation for approximately 156 Shipments of Subject HFCs imported between January 1, 2022 and March 31, 2024.

*Violation 2 – Failure to Submit Correct Quarterly Reports in 2022  
in Violation of the AIM Act*

72. Based on the facts in the section above, Hudson Technologies violated 40 C.F.R. § 84.31(c)(1) by failing to submit a report to the EPA that describes the bulk regulated substances imported during the first quarter of 2022 within 45 days after the end of the first quarter.
73. Based on the facts in the section above, Hudson Technologies violated 40 C.F.R. § 84.31(c)(1) by failing to submit a report to the EPA that describes the bulk regulated substances imported during the second quarter of 2022 within 45 days after the end of the second quarter.
74. Based on the facts in the section above, Hudson Technologies violated 40 C.F.R. § 84.31(c)(1) by failing to submit a report to the EPA that describes the bulk regulated substances imported during the third quarter of 2022 within 45 days after the end of the third quarter.
75. Based on the facts in the section above, Hudson Technologies violated 40 C.F.R. § 84.31(c)(1) by failing to submit a report to the EPA that describes the bulk regulated substances imported during the fourth quarter of 2022 within 45 days after the end of the fourth quarter.

*Violation 3 – Failure to Submit Accurate Greenhouse Gas Import Quantities  
in Violation of the CAA*

76. Hudson Technologies is a supplier subject to the mandatory greenhouse gas reporting requirements.
77. Based on the facts in the section above, Hudson Technology's greenhouse gas quantities exceeded the mandatory greenhouse gas reporting threshold of 25,000 metric tons CO<sub>2</sub>e per year or more in 2022.
78. Hudson Technologies did not submit an annual report of its greenhouse gas import quantities that included its 2022 Q1 Unreported HFCs, 2022 Q2 Unreported HFCs, 2022 Q3 Unreported HFCs, and 2022 Q4 Unreported HFCs to the EPA for at least calendar year 2022, in violation of 40 C.F.R. Part 98, Subparts A and OO.

**Enforcement**

The EPA's investigation into this matter is continuing. The above information represents specific violations that the EPA believes, at this point, are sufficiently supported by evidence to warrant the allegations in this NOV. The EPA may find additional violations as the investigation continues.

Section 113(a)(3) of the Act, 42 U.S.C § 7413(a)(3), provides the Administrator with several enforcement options to resolve these violations, including issuing an administrative compliance

order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

**Effective Date**

This Notice shall become effective immediately upon issuance.

**MARY GREENE** Digitally signed by MARY  
GREENE  
Date: 2024.11.05 19:23:38 -05'00'

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Mary E. Greene, Director  
Air Enforcement Division  
United States Environmental Protection Agency

**EXHIBIT A**

### 156 Shipments of Subject HFCs

Entry Date	Entry Filing Date	Entry Number	HFC/HFC Blend	Days Notice Late
January 30, 2024	January 23, 2024	07102564106	HFC-125	3
February 3, 2024	January 30, 2024	07102562290	HFC-125	6
January 21, 2024	January 18, 2024	07102558579	HFC-125	7
September 30, 2023	September 25, 2023	07102540254	HFC-227	5
Change in Reporting Requirements. See 40 C.F.R. § 84.31(c)(7) and 40 C.F.R. § 84.31(c)(7) (2022).				
June 21, 2023	June 16, 2023	07102520777	HFC-125	5
June 7, 2023	June 5, 2023	07102519514	HFC-227	12
June 7, 2023	June 5, 2023	07102517179	HFC-125	12
May 28, 2023	May 26, 2023	07102512634	HFC-125	12
May 22, 2023	May 17, 2023	07102510661	HFC-125	9
May 20, 2023	May 17, 2023	07102510638	HFC-125	11
May 20, 2023	May 17, 2023	07102510612	HFC-125	11
May 18, 2023	May 16, 2023	07102517591	HFC-227	12
May 9, 2023	May 17, 2023	07102513152	HFC-125	22
May 9, 2023	May 17, 2023	07102512261	HFC-125	22
April 30, 2023	April 27, 2023	07102506339	HFC-125	11
April 28, 2023	April 27, 2023	07102509028	HFC-125	13
April 17, 2023	April 14, 2023	07102507576	HFC-125	11
April 14, 2023	April 14, 2023	07102507584	HFC-125	14
April 11, 2023	April 7, 2023	07102506909	HFC-125	10
April 10, 2023	April 7, 2023	07102506883	HFC-125	11
March 29, 2023	March 27, 2023	07102504466	HFC-125	12
March 7, 2023	March 6, 2023	07102501322	HFC-125	13
March 7, 2023	March 6, 2023	07102501314	HFC-125	13
March 7, 2023	March 6, 2023	07102501306	HFC-125	13
March 7, 2023	March 6, 2023	07102501298	HFC-125	13
December 12, 2022	December 9, 2022	07102484099	HFC-125	11
December 12, 2022	December 9, 2022	07102484081	HFC-125	11
December 5, 2022	December 2, 2022	07102486060	HFC-125	11
November 28, 2022	November 25, 2022	07102484438	HFC-125	11
November 22, 2022	November 22, 2022	07102482226	R-422	14
November 22, 2022	November 22, 2022	07102482226	HFC-125	14
November 22, 2022	November 22, 2022	07102482218	HFC-125	14
November 22, 2022	November 22, 2022	07102482200	HFC-125	14
November 14, 2022	November 8, 2022	07102488025	HFC-125	8
November 10, 2022	November 7, 2022	07102487985	HFC-125	11
November 10, 2022	November 18, 2022	07102485559	R-410A	22
November 10, 2022	November 18, 2022	07102485542	R-410A	22
November 10, 2022	November 18, 2022	07102485492	R-404A	22

Entry Date	Entry Filing Date	Entry Number	HFC/HFC Blend	Days Notice Late
November 8, 2022	November 3, 2022	07102487621	HFC-125	9
November 7, 2022	November 7, 2022	07102488017	HFC-125	14
November 7, 2022	November 8, 2022	07102485815	HFC-125	15
November 1, 2022	October 31, 2022	07102487001	HFC-125	13
October 30, 2022	October 28, 2022	07102485054	HFC-227	12
October 20, 2022	October 18, 2022	07102484214	HFC-227	12
October 16, 2022	October 19, 2022	07102475048	HFC-125	17
October 7, 2022	October 6, 2022	07102483356	HFC-125	13
October 4, 2022	October 3, 2022	07102482788	HFC-125	13
October 3, 2022	October 17, 2022	07102477721	HFC-125	28
October 3, 2022	October 17, 2022	07102477713	HFC-125	28
October 1, 2022	September 30, 2022	07102469223	HFC-125	13
October 1, 2022	September 30, 2022	07102469207	HFC-125	13
September 29, 2022	September 29, 2022	07102482432	HFC-125	14
September 28, 2022	September 28, 2022	07102479016	HFC-227	14
September 27, 2022	October 20, 2022	07102476582	HFC-125	37
September 26, 2022	September 29, 2022	07102476012	HFC-125	17
September 26, 2022	September 29, 2022	07102475998	HFC-125	17
September 21, 2022	September 23, 2022	07102473399	HFC-125	16
September 21, 2022	September 23, 2022	07102473373	HFC-125	16
September 15, 2022	September 13, 2022	07102464851	HFC-125	12
September 14, 2022	September 13, 2022	07102464844	HFC-125	13
September 14, 2022	September 13, 2022	07102464836	HFC-134a	13
September 11, 2022	September 26, 2022	07102475378	HFC-125	29
September 4, 2022	September 14, 2022	07102470361	R-410A	24
August 28, 2022	August 25, 2022	07102471971	HFC-125	11
August 28, 2022	August 25, 2022	07102471682	HFC-125	11
August 13, 2022	August 15, 2022	07102469439	HFC-125	16
August 13, 2022	August 15, 2022	07102469421	HFC-125	16
August 13, 2022	August 15, 2022	07102469413	HFC-125	16
August 13, 2022	August 15, 2022	07102469397	HFC-125	16
August 13, 2022	August 15, 2022	07102469389	HFC-125	16
August 13, 2022	August 15, 2022	07102469371	HFC-125	16
August 3, 2022	August 5, 2022	07102474082	HFC-227	16
July 13, 2022	August 2, 2022	07102466013	R-410A	34
July 13, 2022	August 2, 2022	07102466005	R-410A	34
July 13, 2022	August 2, 2022	07102465999	R-410A	34
July 4, 2022	July 14, 2022	07102466021	R-410A	24
July 3, 2022	July 21, 2022	07102465494	R-410A	32
July 3, 2022	July 20, 2022	07102465478	HFC-125	31
June 24, 2022	July 1, 2022	07102462459	HFC-134a	21

<b>Entry Date</b>	<b>Entry Filing Date</b>	<b>Entry Number</b>	<b>HFC/HFC Blend</b>	<b>Days Notice Late</b>
June 24, 2022	June 29, 2022	07102462129	HFC-134a	19
June 15, 2022	June 15, 2022	07102461063	HFC-134a	14
June 8, 2022	June 29, 2022	07102459711	R-410A	35
June 5, 2022	June 8, 2022	07102456626	HFC-134a	17
June 1, 2022	June 15, 2022	07102459703	R-410A	28
May 31, 2022	June 3, 2022	07102460271	HFC-134a	17
May 31, 2022	June 3, 2022	07102457087	HFC-134a	17
May 25, 2022	June 9, 2022	07102457905	R-410A	29
May 25, 2022	June 9, 2022	07102457582	R-410A	29
May 20, 2022	May 18, 2022	07102456287	HFC-134a	12
May 19, 2022	May 19, 2022	07102456063	R-404A	14
May 19, 2022	May 19, 2022	07102456048	R-404A	14
May 19, 2022	May 19, 2022	07102455784	R-404A	14
May 19, 2022	May 19, 2022	07102455750	R-404A	14
May 15, 2022	May 12, 2022	07102457186	R-404A	11
May 15, 2022	May 11, 2022	07102457152	R-404A	10
May 15, 2022	May 9, 2022	07102456329	R-404A	8
May 14, 2022	May 26, 2022	07102456618	R-407C	26
May 14, 2022	May 26, 2022	07102456311	R-407C	26
May 14, 2022	May 26, 2022	07102456295	R-404A	26
May 14, 2022	May 26, 2022	07102455792	R-404A	26
May 12, 2022	May 25, 2022	07102457194	R-410A	27
May 12, 2022	May 27, 2022	07102456071	R-507	29
May 10, 2022	May 13, 2022	07102448581	R-410A	17
May 9, 2022	May 13, 2022	07102455776	R-404A	18
May 8, 2022	May 18, 2022	07102455743	R-404A	24
May 8, 2022	May 20, 2022	07102455388	R-404A	26
May 5, 2022	May 24, 2022	07102452609	R-410A	33
May 5, 2022	May 24, 2022	07102452302	R-410A	33
May 1, 2022	April 29, 2022	07102450108	R-407a	12
April 27, 2022	May 13, 2022	07102451213	R-410A	30
April 27, 2022	May 13, 2022	07102451197	R-410A	30
April 23, 2022	May 4, 2022	07102449811	R-404A	25
April 15, 2022	April 20, 2022	07102448987	R-404A	19
April 15, 2022	April 20, 2022	07102448565	R-404A	19
April 13, 2022	April 12, 2022	07102447054	R-407A	13
April 9, 2022	April 25, 2022	07102449944	R-407A	30
April 9, 2022	April 25, 2022	07102449944	R-407A	30
March 31, 2022	April 25, 2022	07102446072	R-410A	39
March 31, 2022	April 25, 2022	07102445546	R-410A	39
March 30, 2022	April 29, 2022	07102446080	R-410A	44

<b>Entry Date</b>	<b>Entry Filing Date</b>	<b>Entry Number</b>	<b>HFC/HFC Blend</b>	<b>Days Notice Late</b>
March 26, 2022	April 14, 2022	07102449621	R-410A	33
March 26, 2022	April 15, 2022	07102448540	R-410A	34
March 26, 2022	April 15, 2022	07102448524	R-410A	34
March 26, 2022	April 15, 2022	07102448516	R-410A	34
March 20, 2022	April 1, 2022	07102449001	R-410A	26
March 20, 2022	March 29, 2022	07102448979	R-410A	23
March 15, 2022	March 16, 2022	07102444440	HFC -134a	15
March 13, 2022	April 4, 2022	07102445579	R-410A	36
March 13, 2022	March 17, 2022	07102444697	HFC -134a	18
March 13, 2022	March 17, 2022	07102444432	HFC -134a	18
March 10, 2022	March 15, 2022	07102438491	R-410A	19
March 6, 2022	March 11, 2022	07102444457	HFC -134a	19
March 5, 2022	February 28, 2022	07102443921	HFC -134a	9
March 3, 2022	April 1, 2022	07102437782	R-410A	43
February 27, 2022	March 1, 2022	07102442873	R-407C	16
February 23, 2022	March 1, 2022	07102443913	HFC-134a	20
February 23, 2022	February 28, 2022	07102443905	HFC-134a	19
February 19, 2022	February 24, 2022	07102441891	R-410A	19
February 19, 2022	February 24, 2022	07102441867	R-410A	19
February 14, 2022	March 9, 2022	07102441883	R-410A	37
February 14, 2022	March 8, 2022	07102440646	R-410A	36
February 9, 2022	March 14, 2022	07102440752	R-410A	47
February 9, 2022	February 24, 2022	07102440364	R-410A	29
February 9, 2022	March 17, 2022	07102440125	R-410A	50
February 6, 2022	March 4, 2022	07102440117	R-410A	40
February 6, 2022	March 2, 2022	07102440109	R-410A	38
January 31, 2022	February 24, 2022	07102439127	R-410A	38
January 31, 2022	February 24, 2022	07102439119	R-410A	38
January 31, 2022	February 24, 2022	07102439127	R-410A	38
January 29, 2022	February 25, 2022	07102448151	R-410A	41
January 29, 2022	February 21, 2022	07102439564	R-410A	37
January 29, 2022	February 17, 2022	07102439085	R-410A	33
January 26, 2022	March 3, 2022	07102438830	R-410A	50
January 26, 2022	February 28, 2022	07102438822	R-410A	47
January 26, 2022	March 8, 2022	07102438475	R-410A	55
January 26, 2022	March 8, 2022	07102438467	R-410A	55

**Exhibit B**

**2022 Q1 Unreported HFCs**

<b>Entry Date</b>	<b>Entry Filing Date</b>	<b>Entry Number</b>	<b>HFC/HFC Blend</b>
March 31, 2022	April 25, 2022	07102446072	R-410A
March 31, 2022	April 25, 2022	07102445546	R-410A
March 30, 2022	April 29, 2022	07102446080	R-410A
March 26, 2022	April 15, 2022	07102448540	R-410A
March 26, 2022	April 15, 2022	07102448524	R-410A
March 26, 2022	April 15, 2022	07102448516	R-410A
March 26, 2022	April 14, 2022	07102449621	R-410A
March 20, 2022	April 1, 2022	07102449001	R-410A
March 20, 2022	March 29, 2022	07102448979	HFC-410A
March 15, 2022	March 16, 2022	07102444440	HFC-134a
March 13, 2022	March 17, 2022	07102444697	HFC-134a
March 13, 2022	March 17, 2022	07102444432	HFC-134a
March 13, 2022	April 4, 2022	07102445579	R-410A
March 10, 2022	March 15, 2022	07102438491	R-410A
March 6, 2022	March 11, 2022	07102444457	HFC-134a
March 5, 2022	February 28, 2022	07102443921	HFC-134a
March 3, 2022	April 1, 2022	07102437782	R-410A
February 27, 2022	March 1, 2022	07102442873	R-407C
February 23, 2022	March 1, 2022	07102443913	HFC-134a
February 23, 2022	February 28, 2022	07102443905	HFC-134a
February 19, 2022	February 24, 2022	07102441891	R-410A
February 19, 2022	February 24, 2022	07102441867	R-410A
February 14, 2022	March 9, 2022	07102441883	R-410A
February 14, 2022	March 8, 2022	07102440646	R-410A
February 9, 2022	February 24, 2022	07102440364	R-410A
February 9, 2022	March 14, 2022	07102440752	R-410A
February 9, 2022	March 17, 2022	07102440125	R-410A
February 6, 2022	March 4, 2022	07102440117	R-410A
February 6, 2022	March 2, 2022	07102440109	R-410A
January 31, 2022	February 24, 2022	07102439127	R-410A
January 31, 2022	February 24, 2022	07102439119	R-410A
January 31, 2022	February 24, 2022	07102439127	R-410A
January 29, 2022	February 25, 2022	07102448151	R-410A
January 29, 2022	February 21, 2022	07102439564	R-410A
January 29, 2022	February 17, 2022	07102439085	R-410A
January 26, 2022	March 3, 2022	07102438830	R-410A
January 26, 2022	February 28, 2022	07102438822	R-410A
January 26, 2022	March 8, 2022	07102438475	R-410A
January 26, 2022	March 8, 2022	07102438467	R-410A

**Exhibit C**

**2022 Q2 Unreported HFCs**

<b>Entry Date</b>	<b>Entry Filing Date</b>	<b>Entry Number</b>	<b>HFC/HFC Blend</b>
June 24, 2022	July 1, 2022	07102462459	HFC-134a
June 15, 2022	June 15, 2022	07102461063	HFC-134a
June 1, 2022	June 15, 2022	07102459703	R-410A
May 25, 2022	June 9, 2022	07102457905	R-410A
May 25, 2022	June 9, 2022	07102457582	R-410A
May 12, 2022	May 25, 2022	07102457194	R-410A
May 15, 2022	May 12, 2022	07102457186	R-404A
May 15, 2022	May 11, 2022	07102457152	R-404A
May 14, 2022	May 26, 2022	07102456618	R-407C
May 15, 2022	May 9, 2022	07102456329	R-404A
May 14, 2022	May 26, 2022	07102456311	R-407C
May 14, 2022	May 26, 2022	07102456295	R-404A
May 12, 2022	May 27, 2022	07102456071	R-507
May 19, 2022	May 19, 2022	07102456063	R-404A
May 19, 2022	May 19, 2022	07102456048	R-404A
May 14, 2022	May 26, 2022	07102455792	R-404A
May 19, 2022	May 19, 2022	07102455784	R-404A
May 9, 2022	May 13, 2022	07102455776	R-404A
May 19, 2022	May 19, 2022	07102455750	R-404A
May 8, 2022	May 18, 2022	07102455743	R-404A
May 8, 2022	May 20, 2022	07102455388	R-404A
May 5, 2022	May 24, 2022	07102452609	R-410A
May 5, 2022	May 24, 2022	07102452302	R-410A
April 27, 2022	May 13, 2022	07102451213	R-410A
April 27, 2022	May 13, 2022	07102451197	R-410A
May 1, 2022	April 29, 2022	07102450108	R-407A
April 9, 2022	April 25, 2022	07102449944	R-407A
April 23, 2022	May 4, 2022	07102449811	R-404A
April 15, 2022	April 20, 2022	07102448987	R-404A
March 20, 2022	March 29, 2022	07102448979	R-410A
May 10, 2022	May 13, 2022	07102448581	R-410A
April 15, 2022	April 20, 2022	07102448565	R-404A
April 13, 2022	April 12, 2022	07102447054	R-407A
April 9, 2022	April 25, 2022	07102449944	R-407A

**Exhibit D**

<b>2022 Q3 Unreported</b>	<b>Entry Filing Date</b>	<b>Entry Number</b>	<b>HFC/HFC Blend</b>
September 4, 2022	September 14, 2022	07102470361	R-410A
July 13, 2022	August 2, 2022	07102466013	R-410A
July 13, 2022	August 2, 2022	07102466005	R-410A
July 13, 2022	August 2, 2022	07102465999	R-410A
July 4, 2022	July 14, 2022	07102466021	R-410A
July 3, 2022	July 21, 2022	07102465494	R-410A
July 3, 2022	July 20, 2022	07102465478	HFC-125

**Exhibit E**

**2022 Q4 Unreported HFCs**

<b>Entry Date</b>	<b>Entry Filing Date</b>	<b>Entry Number</b>	<b>HFC/HFC Blend</b>
November 22, 2022	November 22, 2022	07102482226	HFC-125
November 10, 2022	November 18, 2022	07102485559	R-410A
November 10, 2022	November 18, 2022	07102485542	R-410A
November 10, 2022	November 18, 2022	07102485492	R-404A