

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 8.5 Consumer Products

Article 4. Alternative Control Plan

§ 94551. Cancellation of an ACP.

(a) An ACP shall remain in effect until:

(1) the ACP reaches the expiration date specified in the Executive Order;

(2) the ACP is modified by the responsible ACP party and approved by the Executive Officer, as provided in section 94549;

(3) the ACP is modified by the Executive Officer, as provided in section 94550;

(4) the ACP includes a product for which the VOC standard specified in sections 94509 or 94522 is modified by the Air Resources Board in a future rulemaking, and the responsible ACP party informs the Executive Officer in writing that the ACP will terminate on the effective date(s) of the modified standard;

(5) the ACP is cancelled pursuant to subsection (b) of this section.

(b) The Executive Officer shall cancel an ACP if any of the following circumstances occur:

(1) the responsible ACP party demonstrates to the satisfaction of the Executive Officer that the continuation of the ACP will result in an extraordinary economic hardship;

(2) the responsible ACP party violates the requirements of the approved ACP, and the violation(s) results in a shortfall that is 20.0% or more of the applicable ACP Limit (i.e., the ACP Emissions exceed the ACP Limit by 20.0% or more);

(3) the responsible ACP party fails to meet the requirements of section 94548 (Reconciliation of Shortfalls) within the time periods specified in section 94548.

(4) the responsible ACP party has demonstrated a recurring pattern of violations and has consistently failed to take the necessary steps to correct those violations.

(c) The Executive Officer shall not cancel an ACP pursuant to subsection (b) of this section without first affording the responsible ACP party an opportunity for a public hearing in accordance with the procedures specified in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 1, Article 4 (commencing with section 60040), to determine if the ACP should be cancelled.

(d) The responsible ACP party for an ACP which is cancelled pursuant to this section and who does not have a valid ACP to immediately replace the cancelled ACP shall meet all of the following requirements: (1) all remaining shortfalls in effect at the time of ACP cancellation shall be reconciled in accordance with the requirements of section 94548, and

(2) all ACP products subject to the ACP shall be in compliance with the applicable VOC standards in sections 94509 and 94522 immediately upon the effective date of ACP cancellation.

(e) Any violations incurred pursuant to section 94546 shall not be cancelled or in any way affected by the subsequent cancellation or modification of an ACP pursuant to section 94549, 94550 or 94551.

NOTE: Authority cited: Sections 39600, 39601, 41511 and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 40000, 41511, 41712 and 42400-42403, Health and Safety Code.

REFERENCE