

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 8.5 Consumer Products

Article 5. Hairspray Credit Program

§ 94566. HERC Account Registry.

(a) The Executive Officer shall maintain a HERC Registry listing all HERCs held in HERC Accounts by each person. Each HERC Account will list information on the holder, quantities, credit generation periods and expiration dates of HERCs. The HERC Registry shall constitute the official and controlling record of all HERC holdings. HERCs shall not constitute instruments, securities, or any other form of property. Information contained in the HERC Registry shall be available to the public upon request, except that HERC Account information in the custody of the California Air Resources Board, and claimed as confidential by the responsible party, shall be handled by the Air Resources Board in accordance with the procedures specified in sections 91000-91022 (Disclosure of Public Records), Title 17, California Code of Regulations.

(b) The Executive Officer shall modify the account information in the HERC Registry upon any of the following actions:

(1) the issuance of HERCs in accordance with section 94565;

(2) the transfer of HERCs to an existing or a newly created HERC Account in accordance with sections 94566(c) and 94566(d);

(3) the use of HERCs in accordance with sections 94567, 94570, and 94571;

(4) a credit or debit to a HERC Account to correct for differences between "Projected Excess Emissions" and "Actual Excess Emissions", including any additional amount of HERCs required pursuant to section 94567(h), in accordance with section 94571(c);

(5) a change of name, ownership, or other pertinent information for a HERC Account holder;

(6) a HERC Account holder's written request that HERCs be retired for an environmental benefit pursuant to section 94567(d); or

(7) the expiration of HERCs as required by sections 94565(a)(4) or 94565(b).

(c) Any person may acquire HERCs through purchase, trade or other means of transfer from any HERC Account holder. The transfer of HERCs shall be effective only upon amendment of the HERC Registry by the Executive Officer.

(d) Any person who requests a transfer of HERCs must provide the following information in writing to the Executive Officer:

(1) the contact persons, names of the companies, street and mailing addresses, and telephone numbers of the parties involved in the transfer (For some transfers, the provider and recipient may be the same.);

(2) information on the HERCs to be transferred, including quantities, credit generation periods, and expiration dates;

(3) the date the transfer is proposed to become effective; and

(4) a statement, signed by both the provider and the recipient, that both parties fully understand the conditions and limitations of the HERCs being transferred and accept full responsibility for the appropriate use of the HERCs as provided in this article.

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

REFERENCE