

**Board Administration and Regulatory Coordination Unit**

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**Division 3. Air Resources Board**

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**Chapter 1. Air Resources Board**

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**Subchapter 8.5 Consumer Products**

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**Article 5. Hairspray Credit Program**

**§ 94570. Approval of Application for Use of Hairspray Emission Reduction Credits.**

The Executive Officer shall, by means of Executive Order, approve the use of HERCs only after making the following determinations:

(a) For HERC use as specified in section 94567(a), the Executive Officer shall determine the following:

(1) "Projected Excess Emissions" have been calculated in accordance with the protocol specified in section 94569;

(2) the methodology(ies) used pursuant to sections 94568(b)(2)(I), 94569, and 94571(b) is appropriate for determining accurate documented sales information;

(3) the VOC content specified for the applicable consumer product, as reported in the application, has been verified by speciated formulation data submitted pursuant to section 94568(b)(2)(H) and test results in accordance with sections 94506, 94515 or 94526, Title 17, California Code of Regulations, as applicable; and

(4) the use of HERCs is consistent with the State Implementation Plan and federal requirements;

(b) For HERC use specified in sections 94567(a), 94567(b), and 94567(c), the Executive Officer shall determine that the responsible party's HERC account contains a sufficient quantity of HERCs to offset the projected excess emissions (which may consist of VOC, HVO, or MVO), to mitigate excess emissions that result from the granting of a variance, or to reconcile any shortfall occurring in a compliance period for an Alternative Control Plan, as applicable. The Executive Officer shall also determine if the responsible party's HERC account contains a sufficient quantity of HERCs to provide the additional amount of HERCs required pursuant to section 94567(h), if applicable.

(c) For HERC use specified in sections 94567(a), 94567(b), and 94567(c), the Executive Officer shall determine that the use of HERCs will not result in any greater emissions of toxic air contaminants, as defined per Health and Safety Code section 39657(b), than would otherwise have occurred if HERCs were not used.

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

REFERENCE