

EL DORADO COUNTY AIR QUALITY MANAGEMENT DISTRICT

STAFF REPORT

PROPOSED AMENDMENTS TO:

RULE 215 – ARCHITECTURAL COATINGS

RULE 101 – GENERAL PROVISIONS & DEFINITIONS

June 2017



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EXECUTIVE SUMMARY

On June 20, 2017 the El Dorado County Air Quality Management District (AQMD) Board of Director's will consider the adoption of the proposed amended Rule 215-Architectural Coatings and Rule 101-General Provisions and Definitions. Rule 215 affected entities include manufacturers, distributors, retailers, importers, paint contractors, construction workers and maintenance staff. This includes several retailers within and in the vicinity of the District, as well as anyone providing coatings for use in the District.

The Rule 215 amendment purpose is to fulfill an AQMD State Implementation Plan (SIP) commitment to continue towards achieving the federal 8-hour ozone standard. AQMD staff proposes to align Rule 215 with the Suggested Control Measure (SCM) adopted by the state in 2007. The SCM was developed by the California Air Resources Board (ARB) as a "model rule" that local districts can use when developing or updating their architectural coatings rules. The SCM was originally developed by ARB in 1989 and was amended in 2000 and 2007. The SCM has been adopted by all but one other non-attainment district in the state. The non-attainment South Coast Air Quality Management District (SCAQMD) has adopted a more stringent Rule. Reductions in district-wide emissions of Volatile Organic Compounds (VOC) are expected as a result of the proposed amendments.

The proposed Rule 215 amendments will not have a significant or detrimental environmental effect. Staff prepared a Notice of Exemption to satisfy the requirements of the California Environmental Quality Act (CEQA). The notice states that the Rule revisions are exempt from the CEQA requirements pursuant to CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

Proposed amendments to Rule 101 are to update the list of VOC exempt compounds, add definitions for greenhouse gasses and make minor edits and clarifications.

Prior to drafting the amendments, AQMD staff conducted surveys of retail facilities in El Dorado County which sell architectural coatings. The vast majority of products currently on the shelves were found to comply with the proposed rule.

In accordance with CH&SC Section 42311, draft document availability and a public workshop were noticed. Two local retailers contacted AQMD and their current inventories were subsequently surveyed. All products at one retailer were found to be in compliance with the proposed rule. The products at the second retailer were found to be either compliant or could continue to be used for specific purposes if properly labeled. Several requested changes were received from the American Coatings Association and U.S. Environmental Protection Agency (USEPA). All requested changes have been incorporated.

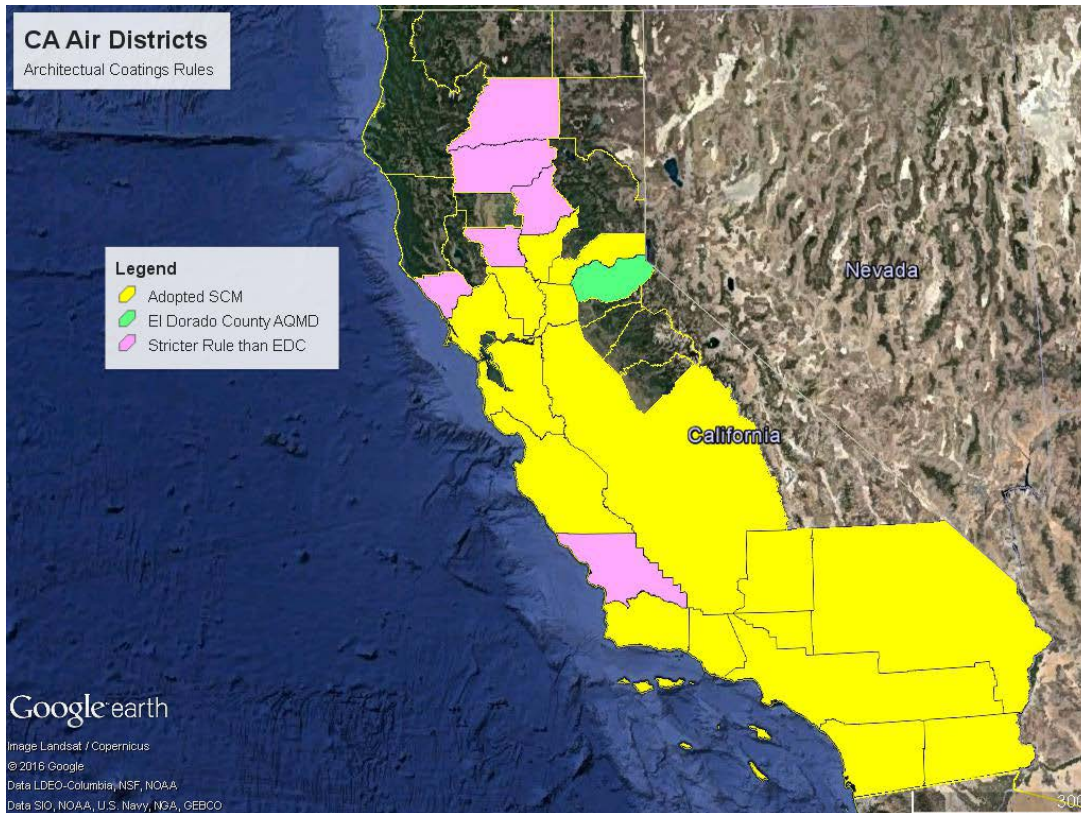
INTRODUCTION

Rule 215 sets VOC limits and usage requirements for architectural coatings sold, applied, or manufactured for sale in El Dorado County. Rule 215 was last revised on September 27, 1994.

Architectural coatings are paints applied to stationary structures and their appurtenances. VOCs are emitted from these coatings. AQMD is responsible for minimizing these

emissions and is basing these amendments on ARB's 2007 SCM. VOC emissions are precursors in ozone formation, which can have negative public health impacts.

Of the 35 air districts in California, 6 have a rule based on the 2000 SCM, and 15 have a rule based on the 2007 SCM. El Dorado AQMD is the only non-attainment air district to not have adopted at least the 2000 SCM. The following graphic depicts those districts with a rule consistent with the 2007 SCM (yellow) and those which have a rule consistent with the 2000 SCM (pink). The districts without an architectural coatings rule (no shading) are in attainment for the ozone National Ambient Air Quality Standard (NAAQS).



AQMD staff conducted surveys of retail facilities in El Dorado County which sell architectural coatings. The vast majority of products currently on the shelves were found to comply with the proposed rule. Most manufacturers provide a line of California compliant products and retailers simply carry coatings that comply with the most stringent rule in California rather than carrying and managing inventory for multiple lines of coatings.

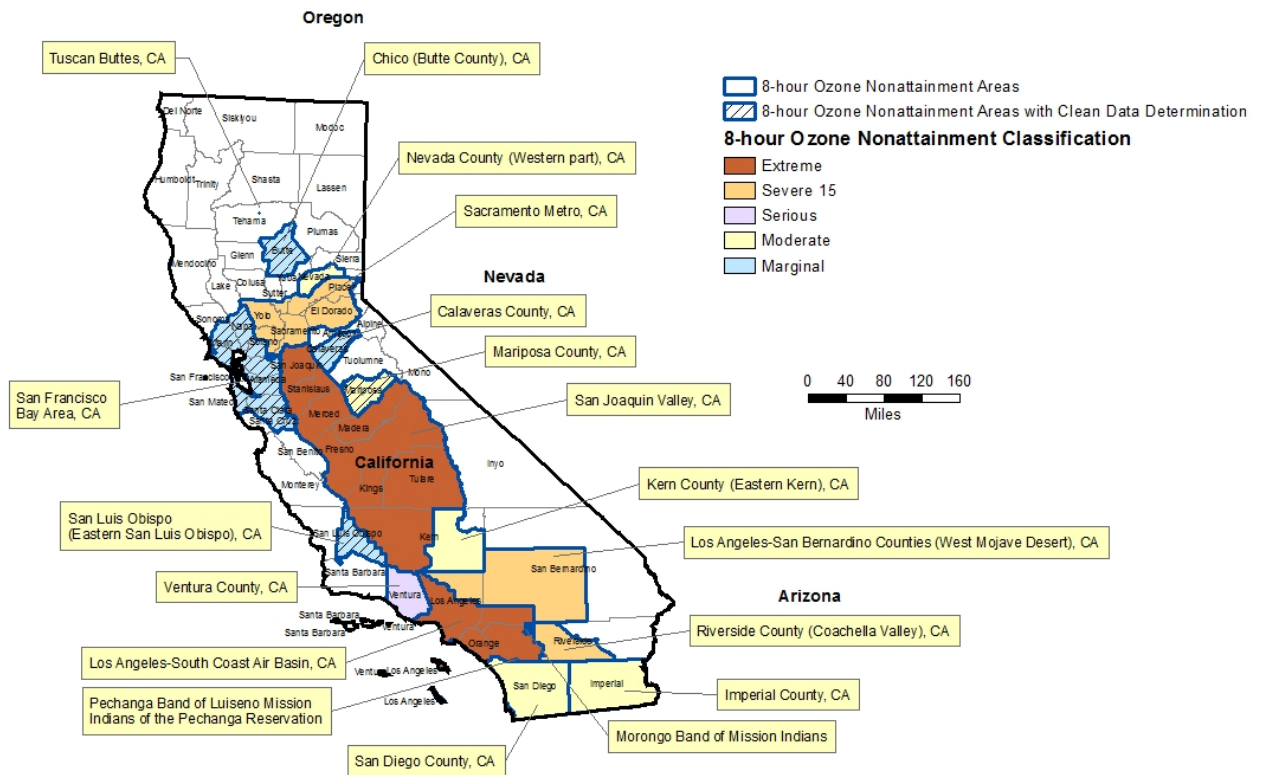
BACKGROUND

LEGAL MANDATES

Federal Mandates: The AQMD has been designated as a non-attainment area for the federal 8-hour ozone standard by the USEPA. The AQMD is required to implement and enforce regulations that will make progress towards attaining the federal ozone standard. The following graphic shows the 2008 8-hr ozone NAAQS attainment status of all the air districts in California. It indicates El Dorado, along with the other air districts in the Sacramento region, is designated as “severe” nonattainment for the NAAQS.

California 8-hour Ozone Nonattainment Areas (2008 Standard)

02/13/2017



The AQMD, along with other air districts in the Sacramento Federal Nonattainment Area (SFNA) approved the *Sacramento Regional 8-hour Ozone Attainment and Reasonable Further Progress Plan* (“Plan”) in 2009 (revised in 2011 and 2013). This Plan demonstrates how existing and new control strategies will provide for the necessary future emission reductions to meet the federal Clean Air Act requirements toward attainment of the 1997 8-hour ozone NAAQS by 2019. To achieve the additional emission reductions needed for attaining the ozone standard, the Plan included new control measures to be included in the SIP. The SFNA air districts committed to adopting various control strategies and rule updates in the Plan, collectively known as “SIP commitments.” AQMD’s SIP commitment includes an update to Rule 215 - Architectural Coatings, which was last amended in 1994.

State Mandates: The AQMD is designated non-attainment for the state 1-hour and 8-hour ozone standard by the California Air Resources Board. The AQMD is required to implement and enforce all feasible measures towards attainment of the state standards.

DISCUSSION OF PROPOSED RULE AMENDMENTS

The proposed Rule 215 amendments include changes to the various coatings categories, the addition of definitions, and lowering of VOC content limits across most coatings categories. However, there are several categories in which the VOC limit would not change

from the current limit in Rule 215. Once amended, the coatings categories, definitions, and VOC content limits will be virtually identical to the 2007 SCM.

The proposed Rule 101 revisions include additions to the VOC Exempt compound list consistent with compounds found on the EPA's list and other air district's lists, the inclusion of definitions for greenhouse gasses and minor edits to and clarifications of definitions as indicated in the strike-through underline version included in Attachment B.

IMPACTS OF THE AMENDED RULE

Emissions Impacts

ARB's 2012 statewide emissions inventory estimates the total daily emissions of VOC (also represented as Reactive Organic Gases or ROG) from coatings is 58.5 tons. This has been steadily decreasing over the past decade due to the implementation of stricter district rules and introduction of lower VOC content coatings. Based on the ARB survey data, excluding the SCAQMD, reductions will reach 15.2 tons per day (tpd) of VOC emissions for the rest of the state of California. The Plan (revised 2013) estimated a 0.1 ton per day (tpd) VOC emission reduction in El Dorado County by 2018 with adoption and implementation of an amended Rule 215 in 2015.¹

Socioeconomic Impacts

California Health and Safety Code (CH&SC) Section 40728.5(a) requires, in part, that:

“Whenever a district intends to propose the adoption, amendment or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, that agency shall, to the extent that data are available, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation.”

However, under Section 40278.5(d), districts with a population of less than 500,000 persons are exempt from the provisions of Section 40728.5 (a). The AQMD's population is estimated to be approximately 184,000, well below the 500,000 person threshold. Therefore, a socioeconomic analysis for this rulemaking is not required.

Cost Impacts

Cost Effectiveness

CH&SC Section 40703 requires the District, in the process of the adoption of any regulation, to consider and make public its findings related to the cost effectiveness of a control measure. Cost effectiveness for rulemaking purposes is calculated by dividing the cost of air pollution controls required by the rule by the amount of air pollution reduced. The ARB calculated the cost-effectiveness of each individual limit proposed for the separate coating categories. They concluded that the cumulative cost-effectiveness per pound of VOC reduced is \$1.12. Consumers could experience an average cost increase of up to \$1.21 per

¹ Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan. Note that while the District, as a small portion of the California market, is already the beneficiary of the emission reductions from the SCM, this rule amendment will allow the District to take credit for these emission reductions for planning purposes.

gallon of coating purchased. However, as mentioned, most coatings for sale in El Dorado County already meet the standards in the Rule. Therefore, AQMD does not anticipate any price increases due to adoption and implementation of the amended Rule.

Incremental Cost Effectiveness

CH&SC Section 40920.6 requires an assessment of the incremental cost-effectiveness for proposed regulations relative to ozone, Carbon Monoxide (CO), Sulfur Oxides (SOx), Nitrogen Oxides (NOx), and their precursors. Incremental cost-effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential control options that can achieve the same emission reduction goal of a regulation. To support statewide consistency, the District is only considering one control option (the limits in the SCM); therefore an incremental cost effectiveness analysis cannot be performed.

Cost to EDCAQMD

Staff does not anticipate an additional need for staff resources. The District does not require permits for the use of architectural coatings and does not track the sale of architectural coatings as a normal matter. The District intends to enforce this rule at the point of sale of the coatings. The District will continue to do intermittent spot checking at retail facilities, which will require minimal staff resources.

ENVIRONMENTAL IMPACTS OF METHODS OF COMPLIANCE

California Public Resource Code Section 21159 requires the District (at the time of adopting a rule requiring the installation of pollution control equipment or a performance standard) to perform an environmental analysis of the reasonably foreseeable methods of compliance.

The analysis must include the following information for the proposed amendments to Rule 215:

- An analysis of the reasonably foreseeable environmental impacts of the methods of compliance.
- An analysis of the reasonably foreseeable mitigation measures.
- An analysis of the reasonably foreseeable alternative means of compliance with the rule or regulation.

AQMD does not anticipate any foreseeable environmental impacts from the methods of compliance, namely, offering only compliant coatings for sale/use. Therefore, there are no foreseeable mitigation measures. Finally, there is no reasonably foreseeable alternative means of complying with the proposed Rule.

The amendment of Rule 215 – Architectural Coatings will result in a reduction of VOC emission throughout El Dorado County, which would constitute a beneficial impact on the environment by reducing the development of ground-level ozone. The rule is an action taken to protect the public health and the environment. Therefore the revision is categorically exempt. Staff has prepared a Notice of Exemption to meet the CEQA Guidelines (Attachment C).

REGULATORY FINDINGS

CH&SC Section 40727(a) requires that prior to adopting or amending a rule or regulation, an air district's board must make findings of necessity, authority, clarity, consistency, nonduplication, and reference. The findings must be based on the following:

1. Information presented in the AQMD's written analysis, prepared pursuant to CH&SC Section 40727.2;
2. Information contained in the rulemaking records pursuant to CH&SC Section 40728; and
3. Relevant information presented at the Board's hearing for the rule.

The table below describes the finding and the basis for making the finding.

FINDING	FINDING DETERMINATION
<p>Necessity: The AQMD must find that a need exists for the rule or for its amendment or repeal, as demonstrated by the record of the rulemaking authority. (CH&SC Section 40727(b)(1))</p>	<p>It is necessary for AQMD to adopt the proposed rule amendments to fulfill AQMD's SIP commitment and to continue further progress toward attaining the federal 8-hour ozone NAAQS. CH&SC Section 40920 requires air districts in California to develop rules to implement their plans for attaining state ambient air quality standards.</p>
<p>Authority: The AQMD must find that a provision of law or of a state or federal regulation permits or requires the AQMD to adopt, amend, or repeal the rule. (CH&SC Section 40727(b)(2))</p>	<p>The AQMD is authorized to adopt rules and regulations by CH&SC Sections 40001, 40702, 40716, 40919, 41010, 41013 and 42300.</p>
<p>Clarity: The AQMD must find that the rule is written or displayed so that its meaning can be easily understood by the persons directly affected by it. (CH&SC Section 40727(b)(3))</p>	<p>The AQMD has reviewed the proposed amendments and determined that they can be easily understood by affected persons. ARB has informally reviewed the amendments and offered edits and revisions for further clarity. The record contains no evidence that the persons directly affected by the rule cannot understand the rule.</p>
<p>Consistency: The rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations. (CH&SC Section 40727(b)(4))</p>	<p>The proposed amendments do not conflict with and are not contradictory to existing statutes, court decisions, or state or federal regulations.</p>

FINDING	FINDING DETERMINATION
<p>Non-Duplication: The AQMD must find that either: 1) The rule does not impose the same requirements as an existing state or federal regulation; or 2) that the duplicative requirements are necessary or proper to execute the powers and duties granted to, and imposed upon, the AQMD. (CH&SC Section 40727(b)(5)).</p>	<p>The proposed amendments are not duplicative of any state or federal law.</p>
<p>Reference: The AQMD must refer to any statute, court decision or other provision of law that the AQMD implements, interprets, or makes specific by adopting, amending, or repealing the rule. (CH&SC Section 40727(b)(6))</p>	<p>The proposed rule implements the ARB's 2007 SCM.</p>

COMPARISON WITH OTHER APPLICABLE REGULATIONS AND REQUIREMENTS

CH&SC Section 40727.2 requires districts to perform a comparative alternative analysis of any new control standard. Specifically, the District is required to prepare a written analysis that identifies all existing federal air pollution control requirements, including, but not limited to emission control standards constituting best available control technology (BACT) that applies to the same equipment or source type as the rule or regulation proposed for adoption or modification by the District. In addition, the analysis shall identify any other District rule or regulation that applies to the same equipment or source type.

The District proposes to amend the rule to incorporate revisions made to the SCM in 2007, including updated VOC content limits, additions and deletions to the VOC content limits, and removal of the statewide averaging provisions. The revised rule will not differ from the 2007 SCM in any material provision. None of the proposed requirements of Rule 215 would conflict with any other District rules or federal rules, regulations, or policies.

Air districts adjacent to El Dorado County in the SFNA, which includes Placer APCD, Sacramento AQMD, Feather River AQMD, and Yolo-Solano AQMD, have all updated their respective Architectural Coatings rules to be consistent with the 2007 SCM.

PUBLIC NOTICE, COMMENTS, AND STAFF RESPONSES

ARB commenced the public review process for the 2007 SCM with the formation of an industry working group in October 2006. ARB staff held three public workshops and meetings on December 12, 2006; March 13, 2007; and June 6, 2007. The first workshop focused on general discussions regarding the SCM update, the project timeline, and the technical approach. At the second workshop, ARB staff presented draft VOC limits and

revised definitions for several major coating categories. At the third workshop, ARB staff presented draft regulatory language for the entire SCM.²

Draft Rule 215 was emailed to Nancy Adams, Air Pollution Specialist at ARB on January 19, 2017 for review and comment prior to release and review by the public. Ms. Adams provided track-changes edits to proposed Rule 215 on January 30, 2017 via email. The various minor edits and additions were made to proposed Rule 215.

Draft Rule 215 was also emailed to David Darling, Vice President of Health, Safety, and Environmental Affairs at the American Coating Association on January 19, 2017 for review and comment prior to release and review by the public. Mr. Darling provided the following emailed comments on the draft Rule 215 on January 30, 2017:

David Darling, emailed comments on draft Rule 215, January 30, 2017

1. Sell Through Language (both in sections 215.1 B and 215.4 C)

ACA suggests that El Dorado utilize the San Joaquin sell through language since it makes it clear that coatings via the sell through provision can be applied as long as they meet the standards when they were manufactured. Here is the suggested language:

“A coating manufactured prior to the effective date specified for that coating in the Table of Standards, and that complied with the standards in effect at the time the coating was manufactured, may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, a coating manufactured before the effective date specified for that coating in the Table of Standards 1 may be applied at any time, both before and after the specified effective date, so long as the coating complied with the standards in effect at the time the coating was manufactured. This Section does not apply to any coating that does not display the date or date-code required by Section 215.5.”

Also, for Section 215.4 C, please change 1/1/2015 to 1/1/2018.

AQMD Response: The suggested changes have been incorporated into Section 215.1.B of proposed Rule 215.

2. New Categories Provision

ACA respectfully requests that El Dorado include a “New Categories Provision” to Section 215.4, consistent with other CA Air District Rules, including San Joaquin. This provision allows coatings in new categories with new higher limits (including Tub and Tile; Stone Consolidants) to be sold, as opposed to selling coatings in small containers. Here is the suggested language:

“Prior to January 1, 2018, any coating that meets a definition in Section 215.9 for a coating category listed in the Table of Standards and complies with the applicable

² California Air Resources Board “Staff Report for Proposed Amendments to the Suggested Control Measure for Architectural Coatings,” September 2007.

VOC limit in the Table of Standards and with Sections 215.4 B and 215.5 shall be considered in compliance with this rule. “

AQMD Response: The suggested changes have been incorporated into Section 215.4.G of proposed Rule 215.

3. Table of Standards

There seems to be multiple entries for several categories, including two Fire Resistant; two Stains; two Swimming pools; and three Wood Preservative categories listed. There should only be one of each listed.

AQMD Response: The suggested changes have been incorporated into the Table of Standards of proposed Rule 215.

4. Categories that are changing with an effective date of 1/1/2015

Instead of a 1/1/2015 effective date, ACA suggests including a date of 1/1/2018 for the following categories: Below Ground Preservative; Clear Wood Finish; Fire Retardant; High Temperature Industrial Maintenance; Traffic Coating; Swimming Pool Coatings; Lacquer; Opaque; Opaque Wood Preservatives; Sanding Sealers; Semitransparent Stains; Water Proofing Sealers.

AQMD Response: The suggested changes to the effective date have been made throughout proposed Rule 215.

5. Industrial Maintenance and Zinc Rich Primers

ACA suggests including four label statements:

“For industrial use only”; “For professional use only”; “Not for residential use”; or “Not intended for residential use”

AQMD Response: The suggested changes have been incorporated into Section 215.5.E of proposed Rule 215.

On February 21, 2017, a voicemail was received from Clark at New Look International, a manufacturer of coatings and building material solutions concerning the inclusion of Dimethyl Carbonate (DMC) on the VOC Exempt list. This is the same comment AQMD received in April 2013 from Mark Smith at Kowa American Corp.

AQMD Response: AQMD sent Clark an email on February 22, 2017 indicating it is AQMD's intent to include DMC in the VOC Exempt list of Rule 101.

Draft Rules 215 and 101 were emailed to Arnold Lazarus, US Environmental Protection Agency Region IX for review and comment on March 20, 2017. Mr. Lazarus provided track-changes edits to both rules on March 23, 2017 via email. The edits included correcting some cross reference issues and chemical compound spellings.

AQMD Response: AQMD included the various minor edits and additions were made to the proposed rules.

AQMD sent an email on March 16, 2017 to Kevin Williams at Sacramento Metropolitan AQMD, Yushuo Chang at Placer County APCD, Matt Jones at Yolo-Solano AQMD, Sondra Spaethe at Feather River AQMD, Nancy Adams at ARB and Andrew Steckel at EPA notifying them of the availability of proposed Rules 215 and 101 and the public workshop on April 25, 2017. Kevin Williams responded by email stating proposed Rule 101 language concerning TBAC being exempt for purposes of emissions limitations or VOC content requirements but not for recordkeeping came from the Code of Federal Regulations when TBAC was initially exempted. He stated EPA has since removed that requirement and recommended leaving it out.

AQMD Response: AQMD has removed this requirement from the proposed Rule 101.

Public Draft Release

In accordance with CH&SC Section 40725, draft document availability and a public workshop were noticed on March 20, 2017 in the *Mountain Democrat* and on March 22, 2017 in the *Tahoe Tribune* newspapers. The public workshop was held April 25, 2017 at the El Dorado County Public Library in Placerville.

The public notice for the proposed Rule 215 and Rule 101 amendments and public workshop was:

1. mailed to all applicable permitted sources and retail establishments selling architectural coatings (paints) in El Dorado County (See Appendix E),
2. posted on AQMD's website, [http://www.edcgov.us/Government/AirQualityManagement/Rule_215 -
_Architectural_Coatings_update_to_SCM.aspx](http://www.edcgov.us/Government/AirQualityManagement/Rule_215_-_Architectural_Coatings_update_to_SCM.aspx)
3. posted on AQMD's Facebook Page: <https://www.facebook.com/EDCAQMD>, and
4. posted on AQMD's Twitter Page: <https://twitter.com/EDCAQMD>

Comments received during the public comment period are:

David Darling, American Coatings Association (ACA), letter dated April 4, 2017, requesting the following:

Small Container Exemption "Anti-bundling Language"

ACA is concerned that as written, Section 215.3(A)(2), will ban the sale of "kits" in the Districts. Kits are a group of small containers of coatings from different coating categories that are packaged together for the convenience of the consumer. These could include for example "kitchen cabinet refinish kits" that include a deglosser, primer, topcoat and clear finish. Consumers could buy each of these products anyway - so it would not be a circumvention of the rule. Please note that SCAQMD and Yolo Solano recently adopted language that allows for the sale of kits.

ACA suggests the following minor edits to the proposed rule language:

"2. Architectural coatings supplied in containers having capacities of one liter (1.057 quart) or less provided the following requirements are met:

- a. The container is not bundled together with other containers of the same specific coating category (listed in the Table of Standards) to be sold as a unit that exceeds one liter (1.057 quarts), excluding containers packed together for shipping to a retail outlet.
- b. The label or any other product literature does not suggest combining multiple containers of the same specific category (listed in the Table of Standards) so that the combination exceeds one liter (1.057 quarts)."

AQMD Response: The suggested changes have been incorporated into Section 215.3.A.2 of proposed Rule 215.

Industrial Maintenance and Zinc Rich Primer labeling - ACA suggests adding one additional statement "Not intended for residential use" to be consistent with other CA Air District AIM VOC rules.

AQMD Response: The suggested changes have been incorporated into Section 215.5.E and 215.5.K of proposed Rule 215.

Sales Data - Section 215.6 (A) - ACA suggests the following edits - "The responsible official shall within 180 days written notice provide information...."

AQMD Response: The suggested changes have been incorporated into Section 215.6.A of proposed Rule 215.

Mr. Darling sent an email May 15, 2017 requesting 2-amino-2-methyl-1-propanol (AMP) be included on the VOC Exempt list in Rule 101. AMP is the most recently exempted VOC by the EPA; it was exempted on June 25, 2014. AMP has been a neutralizer used in coatings for more than 20 years.

AQMD Response: AQMD has included AMP on the VOC Exempt list in Rule 101.

Mr. Darling sent an email May 24, 2017 requesting the language in Section 215.3.A.1 be changed to clarify that it would be not be illegal to sell a non-VOC compliant coating to a distributor in the District who would then ship it out of the District.

AQMD Response: AQMD has revised Section 215.3.A.1 to read: Any architectural coating that is supplied, sold, offered for sale, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging.

Glenn Webb, Owner, The Paint Spot, phone conversation discussing the proposed limits on Lacquer (275 g/L) and Industrial Maintenance Coatings (250 g/L). Conference call discussion with APCO and Air Quality Specialist resulted in a site visit to his store to view the products in question. Several emails were sent back and forth discussing research findings concerning other air district adoption of SCM limits and possible solutions such as labelling and replacement coatings. A meeting with Mr. Webb occurred at the AQMD on April 7, 2017 to discuss Rule 215 and Rule 237 Wood Products Coatings. Result of the meeting was clarification of how both rules are applied, of how most of his customers typically use lacquer, and that he does carry compliant industrial maintenance coatings. The lacquers he carries with VOC contents of 550 g/L and 680 g/L are compliant with wood products refinishing limits in Rule 237. Therefore, application of labels to the containers

stating “Not for Architectural Use” would be an acceptable method to comply with proposed Rule 215. Mr. Webb was also the only attendee of the April 25, 2017 public workshop but did not present any additional comments.

Mike Churchill of Churchill’s Hardware in Cameron Park, emailed dated April 18, 2017 as follows:

This email is in regards to Rule 215 and the upcoming meeting on April 25. I will not be able to attend but I wanted to submit my comments.

I am a retailer of architectural coatings. Many products I buy and sell meet the AQMD requirements. There are a few that do not. While we are limited, I feel that we can serve the needs of the community with the current regulations. Manufacturers are improving their products to perform better while meeting control measures. I believe that manufacturers will continue to improve their products on their own without additional mandates and regulations.

SCAQMD regulations, I believe, are more strict. The products available to me for resale labeled as meeting the SCAQMD requirements are significantly fewer than what is permitted generally throughout the state of California.

Most of the products I sell are consumer based products such as latex house paint, enamels, wood stains, deck stains, varnish, and polyacrylics. Some of the name brands include Sherwin-Williams, Kilz, Valspar, Minwax, and Rustoleum. I do not want to see any regulation that would further limit the products I can buy from these vendors.

On a final note, I am somewhat disappointed that some products are not available for sale in small quantities. Some products have no substitute for quality and performance regardless of their VOC content. Some of these products do not have to be used in large quantities. I would like to see regulatory exceptions for products made in small volumes. As an example, the base chemical xylene is not available. I would like to see a discussion on the use of similar products in very small portions, like half-pints.

I am available for further communication if desired.

AQMD Response: Staff emailed Mr. Churchill thanking him for his feedback and indicating that our retail inventory survey revealed very few non-compliant coatings and according to the survey, his store did not have non-compliant coatings. We recommended an Air Specialist survey his current inventory to identify potential compliance conflicts. We also informed him of the exemption of coatings sold in containers of one liter or less in the proposed new rule. AQMD also called on April 26, 2017 to offer an inspection of Mr. Churchill’s inventory. An Air Quality Specialist met with Mr. Churchill on May 5, 2017 to survey his inventory and answer any questions. After the survey, AQMD staff determined Churchill’s Hardware does not carry any coatings that would not be in compliance with the proposed rule.

Finally, AQMD received a letter from David Darling at the ACA via email dated June 2, 2017 thanking AQMD for making the requested revisions and stating they have no further objections to the adoption of these rules (Attachment F).

Public Hearing Notice

In accordance with CH&SC Section 40725, a public hearing was noticed on May 12, 2017 in the *Mountain Democrat* and on May 13, 2017 in the *Tahoe Tribune* newspapers. The public hearing is to take place on June 20, 2017 at the El Dorado County Board of Supervisor's Hearing Room, 330 Fair Lane, Placerville, California, at 8AM or thereafter.

The public notice for the proposed Rule 215 and Rule 101 amendments public hearing was:

1. mailed to all applicable permitted sources and retail establishments selling architectural coatings (paints) in El Dorado County (See Appendix E),
2. posted on AQMD's website, [http://www.edcgov.us/Government/AirQualityManagement/Rule_215 -
_Architectural Coatings update to SCM.aspx](http://www.edcgov.us/Government/AirQualityManagement/Rule_215_-_Architectural_Coatings_update_to_SCM.aspx)
3. posted on AQMD's Facebook Page: <https://www.facebook.com/EDCAQMD>, and
4. posted on AQMD's Twitter Page: <https://twitter.com/EDCAQMD>

ATTACHMENT A

PROPOSED AMENDMENTS TO

RULE 215 – ARCHITECTURAL COATINGS;

STRIKE-OUT UNDERLINE VERSION and

CLEAN VERSION

RULE 215 - ARCHITECTURAL COATINGS

(Revised: 9/08/94; 9/27/94, 6/20/2017)

215.1 APPLICABILITY:

- A. Except as provided in Section 215.3, this rule is applicable to any person who supplies, manufactures, blends, repackages, sells, offers for sale, applies, or solicits the application of any architectural coating ~~or who manufactures, blends, or repackages any architectural coating~~ for use in the District.
- A-B. The version of Rule 215 Architectural Coatings, adopted September 27, 1994, shall remain in effect in its entirety until December 31, 2017. A coating manufactured prior to January 1, 2018, may be sold, supplied, or offered for sale for up to three years after January 1, 2018, provided that the coating complied, at the time of manufacture, with all applicable provisions in Rule 215 as revised adopted September 27, 1994. Such coating may also be applied at any time, both before and after January 1, 2018. This Section does not apply to any coating that does not display the date or date code required by Section 215.5A of this rule.

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~~B-215.2 SEVERABILITY:~~

- A. Each provision of this rule shall be deemed severable, and in the event that any provision of this rule is held determined to be invalid, the remainder of this rule shall continue in full force and effect.

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215.3 EXEMPTIONS:

- A. The requirements of this rule shall not apply to:
 1. Any architectural coating that is supplied, sold, offered for sale, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging. Architectural coatings manufactured in the District for use outside of the District or for shipment to other manufacturers for reformulation or repackaging.
 2. Architectural coatings supplied in containers having capacities of one liter (1.057 quart) or less provided the following requirements are met:-
 - a. The container is not bundled together with other containers of the same specific coating category (listed in the Table of Standards) to be sold as a unit that exceeds one liter (1.057 quarts), excluding containers packed together for shipping to a retail outlet.
 - b. The label or any other product literature does not suggest combining multiple containers of the same specific category (listed in the Table of Standards) so that the combination exceeds one liter (1.057 quarts).
 3. Architectural coatings sold in non-refillable aerosol containers having capacities of one liter or less, or as defined as "Aerosol Coating Product" in Section 215.9. Emulsion-type bituminous-pavement sealers.

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~~C. DEFINITIONS:~~

- ~~**ADHESIVE:** Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.~~
- ~~**AEROSOL COATING PRODUCT:** A pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground-traffic/marking applications.~~
- ~~**ALUMINUM ROOF COATING:** A coating labeled and formulated exclusively for application to~~

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~~roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content shall be determined in accordance with SCAQMD Method 318.95, incorporated by reference in section 215.8E.4.~~

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~~A. APPURTENANCES: Accessories to an architectural structure, including, but not limited to: hand-railings, cabinets, bathroom and kitchen fixtures, fences, rain gutters and down spouts, window screens, doors, elevators, lamp posts, heating and air conditioning equipment, other fixed-mechanical equipment, large fixed stationary tools, partitions, pipes and piping systems, stairways, fixed ladders, catwalks, fire escapes, and concrete forms.~~

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~~B. ARCHITECTURAL COATINGS: A coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purposes of this rule. Coatings applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs:~~

~~**BASEMENT SPECIALTY COATING:** A clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement Specialty Coatings must meet the following criteria:~~

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~~— Coating must be capable of withstanding at least 10 psi of hydrostatic pressure, as determined in accordance with ASTM D7088-04, which is incorporated by reference in subsection 215.8E.12; and~~

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~~— Coating must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM D3273-00 and ASTM D3274-95, incorporated by reference in section 215.8E.18.~~

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~~C. BELOW-GROUND WOOD PRESERVATIVES: Coatings formulated to protect below-ground wood from decay or insect attack and which contains a wood-preserved chemical registered by the California Department of Food and Agriculture.~~

~~D. BITUMINOUS COATING MATERIALS: Black or brownish materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits or as residues from the distillation of crude petroleum oils, or of low grades of coal. Bitumens include, but aren't limited to, asphalt, tar, pitch, and asphaltite.~~

~~— **BITUMINOUS ROOF COATING:** A coating which incorporates bitumens that is labeled and formulated exclusively for roofing;~~

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~~— **BITUMINOUS ROOF PRIMER:** A primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.~~

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~~E. BOND BREAKERS: Coatings applied between layers of concrete to prevent the freshly poured top layer of concrete from bonding to the layer over which it is poured.~~

~~— **COATING:** A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.~~

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~~— **COLORANT:** A concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.~~

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~~F. CLEAR WOOD FINISHES: Clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.~~

~~G. CONCRETE CURING COMPOUND: Coatings applied to freshly poured concrete to retard the evaporation of water or harden or dustproof the surface.~~

~~— **CONCRETE MASONRY SEALER:** A clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions: 1) prevent penetration of water, or 2) provide resistance abrasion, alkalis, acids, mildew, staining, or ultraviolet light, or 3) harden or dustproof the surface of aged or cured concrete.~~

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~~— **DRIVEWAY SEALER:** A coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions: 1) fill cracks, or 2) seal the surface to~~

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~~provide protection, or 3) restore or preserve the appearance.~~

~~**H.DRY FOG COATING (MILL WHITE COATING):** Coatings formulated only for spray application such that overspray droplets dry before subsequent contact with other surfaces.~~

~~**EXEMPT ORGANIC COMPOUNDS:** A compound identified as exempt under the definition of Volatile Organic Compound (VOC), subsection 4.63. Exempt compounds content of a coating shall be determined by U.S. EPA Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised 1993), incorporated by reference in subsection 8.5.8.~~

~~1.Means any of the following compound: methane (CH₄)~~

~~2.carbon dioxide (CO₂)~~

~~3.carbon monoxide (CO)~~

~~4.carbonic acid (CO(OH)₂)~~

~~5.metallie carbides (M-C) or carbonates (M-CO₃)~~

~~6.ammonium carbonate ((NH₄)HCO₃(NH₄)CO₂NH₂)~~

~~7.1,1,1 trichloroethane (methyl-chloroform)~~

~~8.methylene chloride (dichloromethane)~~

~~9.trichlorofluoromethane (CFC-11)~~

~~10.dichlorodifluoromethane (CFC-12)~~

~~11.chlorodifluoromethane (HCFC-22)~~

~~12.trifluoromethane (HFC-23)~~

~~13.1,1,1 trichloro 2,2,2 trifluoroethane (CFC-113)~~

~~14.1,2 dichloro 1,1,2,2 tetrafluoroethane (CFC-114)~~

~~15.chloropentafluoroethane (CFC-115)~~

~~16.2,2 dichloro 1,1,1 trifluoroethane (HCFC-123)~~

~~17.2 chloro 1,1,1,2 tetrafluoroethane (HCFC-124)~~

~~18.pentafluoroethane (HFC-125)~~

~~19.1,1,2,2 tetrafluoroethane (HCFC-134)~~

~~20.1,1,1,2 tetrafluoroethane (HCFC-134a)~~

~~21.1,1 dichloro 1 fluoroethane (HCFC-141b)~~

~~22.1 chloro 1,1 difluoroethane (HCFC-142b)~~

~~23.1,1,1 trifluoroethane (HFC-143a)~~

~~24.1,1 difluoroethane (HFC-152a)~~

~~25.The following classes of perfluorocarbon (PFC) compounds:~~

~~a.cyclic, branched, or linear, completely fluorinated alkanes;~~

~~b.cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;~~

~~c.cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations, and~~

~~d.sulphur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine. Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present on the product or process and provides an EPA approved test method which can be used to quantify the specific compounds.~~

~~**J.FAUX FINISHING COATING:** A coating labeled and formulated to meet one or more of the following criteria:~~

~~— A glaze or textured coating used to create artistic effects, including, but not limited to: dirt, suede, old age, smoke damage, and simulated marble and wood grain; or~~

~~— A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon); or~~

~~— A decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pounds per gallon).~~

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~~when tested in accordance with SCAQMD Method 318-95, incorporated by reference in subsection 8.5.4; or~~

~~— A decorative coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater than 0.4 pounds per gallon) and which requires a clear topecoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content shall be determined in accordance with SCAQMD Method 318-95, incorporated by reference in subsection 8.5.4; or~~

~~— A clear topecoat to seal and protect a Faux Finishing coating that meets the requirements of subsection 4.18.1, 4.18.2, 4.18.3, or 4.18.4. These clear topecoats must be sold and used solely as part of a Faux Finishing coating system, and must be labeled in accordance with subsection 6.1.4.~~

~~**FIRE RESISTIVE COATINGS:** A coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The Fire Resistive category includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. Fire Resistive coatings shall be tested in accordance with ASTM Designation E 119-07, incorporated by reference in subsection 8.5.2. Fire Resistive coatings and testing agencies must be approved by building code officials;~~

~~**FIRE RETARDANT COATINGS:** Coatings which have a flame spread index of less than 25 when tested in accordance with ASTM Designation E 84-87, "Standard Test Method for Surface Burning Characteristics of Building Material", after application to Douglas fir according to the manufacturer's recommendations or when tested by an equivalent method approved in writing by the APCO. Effective January 1, 2010, the Fire Retardant coating category is eliminated and coatings with fire retardant properties will be subject to the VOC limit of their primary category (e.g., Flat, Nonflat, etc.);~~

~~**K. FLAT COATING:** A coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in subsection 8.5.3.~~

~~**FLOOR COATING:** An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces which may be subject to foot traffic;~~

~~**N. FORM RELEASE COMPOUNDS:** Coatings applied to a concrete form to prevent the freshly-poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.~~

~~**L. GONIOAPPARENT:** A change in appearance with a change in the angle of illumination or the angle of view, as defined according to ASTM E 284-06b, incorporated by reference in subsection 8.5.13.~~

~~**GRAPHIC ARTS COATINGS (SIGN PAINTS):** Coatings formulated for and hand applied by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.~~

~~**P. GRAMS OF VOC PER LITER OF COATING LESS WATER AND LESS EXEMPT ORGANIC COMPOUNDS:** The weight of VOC per combined volume of VOC and coating solids and can be calculated by the following equati~~

Where:

W_v = Weight of volatile compounds (grams)

W_w = Weight of water (grams)

W_{eg} = Weight of exempt organic compounds (grams)

V_m = Volume of material (liters)

V_w = Volume of water (liters)

V_{eg} = Volume of exempt organic compounds (liters)

~~**GRAMS OF VOC PER LITER OF MATERIAL:** The weight of VOC per volume of material~~

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and can be calculated by the following equation Where:

W_v = Weight of volatile compounds (grams)

W_w = Weight of water (grams)

W_{es} = Weight of exempt organic compounds (grams)

~~O. HIGH-TEMPERATURE INDUSTRIAL MAINTENANCE COATINGS: Industrial High-performance maintenance coatings formulated for and applied to substrates exposed continuously or intermittently to temperatures above 400°F. P.~~

~~P. INDUSTRIAL MAINTENANCE ANTI-GRAFFITI COATINGS: Two-component clear industrial maintenance coatings formulated for and applied to exterior walls and murals to resist repeated scrubbing and exposure to harsh solvents.~~

~~S. INDUSTRIAL MAINTENANCE PRIMER: Is a coating which is intended to be applied to a surface prior to the application of an industrial maintenance topcoat, to provide a firm bond between the substrate and subsequent coats.~~

~~R. INDUSTRIAL MAINTENANCE TOPCOAT: Is a high performance coating which is formulated for and applied to substrates in industrial, commercial, or institutional situations that are exposed to one or more of the following extreme environmental conditions:~~

- ~~1. Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;~~
- ~~2. Acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, chemical mixtures, or solutions;~~
- ~~3. Repeated exposure to temperatures in excess of 250°F;~~
- ~~4. Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial solvents, cleaners, or scouring agents; or~~
- ~~5. Exterior exposure of metal structures. Industrial Maintenance Coatings are not for residential use or for use in areas of industrial, commercial, or institutional facilities such as office space and meeting rooms.~~

~~S. LACQUER: Is a clear or pigmented coating formulated with nitrocellulose or synthetic resins to dry, by evaporation without chemical reaction and to provide a quick drying, solid protective film.~~

~~T. LOW-SOLIDS STAINS AND WOOD PRESERVATIVES COATING: Stains and wood preservatives that contain one pound or less of solids per gallon of material and contain no exempt organic compounds. The VOC content for Low Solids Coating shall be calculated in accordance with subsection 4.64.~~

~~U. MAGNESITE CEMENT COATINGS: Coatings formulated for and applied to magnesite cement decking to protect the magnesite cement substrate from erosion by water.~~

~~MANUFACTURER'S MAXIMUM THINNING RECOMMENDATION: The maximum recommendation for thinning that is indicated on the label or lid of the coating container.~~

~~X. MASTIC TEXTURE COATINGS: Coatings formulated to cover holes, minor cracks, and conceal surface irregularities, and which are applied in a thickness of at least 10 mils (dry single coat).~~

~~MEDIUM DENSITY FIBERBOARD (MDF): A composite wood product, panel, molding, or other building material composed of cellulose fibers (usually wood) made by dry forming and pressing of a resinated fiber mat.~~

~~METALLIC: Similar to the appearance of gonioparent material, as defined herein, containing metal flakes.~~

~~W. METALLIC PIGMENTED COATINGS: Coatings containing at least 0.4 pounds of elemental metallic pigment per gallon of coating as applied, when tested in accordance with SCAQMD Method 318.95. The Metallic Pigmented Coating category does not include coatings applied to roofs or Zinc-Rich Primers.~~

~~X. MULTI-COLORED COATINGS: Coatings which exhibit more than one color when applied and which are packaged in a single container and applied in a single coat.~~

~~Y. NON-FLAT ARCHITECTURAL COATINGS: A coating that is not defined under any other~~

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~~definition in this rule and that Are coatings which registers a gloss of 15 or greater on an 85 degree meter or five or greater on a 60 degree meter, and which are identified on the label as a gloss, semi-gloss, or eggshell enamel coating according to ASTM Designation D 523-89 (1999).~~

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~~**NONFLAT HIGH GLOSS COATINGS:** A nonflat coating that registers a gloss of 70 or greater on a 60 degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in subsection 8.5.3. Nonflat High Gloss coatings must be labeled in accordance with subsection 6.1.10.~~

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~~**Z.OPAQUE STAINS:** All stains that are not classified as semi-transparent stains.~~

~~**AA.OPAQUE WOOD PRESERVATIVES:** Wood preservatives not classified as clear or semi-transparent wood preservatives or as below ground wood preservatives or low solids wood preservatives.~~

~~**PARTICLE BOARD:** A composite wood product panel, molding, or other building material composed of cellulosic material (usually wood) in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with a resin.~~

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~~**PEARLESCENT:** Exhibiting various colors depending on the angles of illumination and viewing, as observed in mother of pearl.~~

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~~**PLYWOOD:** A panel product consisting of layers of wood veneers or composite core pressed together with a resin. Plywood includes panel products made either by hot or cold pressing (with resin) veneers to a platform.~~

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~~**POST CONSUMER COATING:** Finished coatings generated by a business or consumer that have served their intended end uses, and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.~~

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~~**BB.PRE-TREATMENT WASH PRIMER:** A coating which contains at least one-half percent acid, by weight, when tested in accordance with ASTM Designation D 1613-06, applied directly to bare metal surfaces to provide necessary surface etching, corrosion resistance and to promote adhesion of subsequent topcoats.~~

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~~**CC.PRIMERS:** Coatings formulated and applied to substrates to 1) provide a firm bond between the substrate and subsequent coats, or 2) prevent subsequent coatings from being absorbed by the substrate, or 3) prevent harm to subsequent coatings by materials in the substrate, or 4) provide a smooth surface for the substrate application of coatings, or 5) to provide a clear finish coat to seal the substrate, or 6) to block materials from penetrating into or leaching out of a substrate.~~

~~**DD.QUICK-DRY PRIMERS, SEALERS, AND UNDERCOATERS:** Are primers, sealers, and undercoaters which are intended to be applied to a surface to for the same reasons as Primers provide a firm bond between the substrate and subsequent coats and which are dry to touch in one-half hour and can be recoated in two hours (ASTM D 1640).~~

~~**EE.QUICK-DRY ENAMELS:** Are non-flat coatings which comply with the following:~~

- ~~1. Shall be capable of being applied directly from the container by brush or roller under normal conditions, normal conditions being ambient temperatures between 60°F and 80°F;~~
- ~~2. When tested in accordance with ASTM D 1640 they shall set to touch in two hours or less, dry hard in eight hours or less, and be tack free in four hours or less by the mechanical test method;~~
- ~~3. Shall have a 60°F dried film gloss of no less than 70.~~

~~**REACTIVE PENETRATING SEALER:** A clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive Penetrating Sealers must meet all of the following criteria:~~

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- ~~— The Reactive Penetrating Sealer must improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in subsection 8.5.20: ASTM C67-07, or ASTM C97-02, or ASTM~~

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~~C140.06; and~~

~~The Reactive Penetrating Sealer must not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with ASTM E96/E96M-05, incorporated by reference in subsection 8.5.21; and~~

~~Products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), incorporated by reference in subsection 8.5.22.~~

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~~**FF. REACTIVE ORGANIC COMPOUNDS (ROC):** Is any volatile compound containing at least one atom of carbon except those compounds identified in this Rule as Exempt Organic Compounds. This term and definition shall replace the following terms and definitions wherever they appear in the District's Rules and Regulations: organic compound, organic gases, organic liquid, organic materials, organic vapor, volatile organic compounds and hydrocarbons.~~

~~**RECYCLED COATING:** An architectural coating formulated such that it contains a minimum of 50% by volume post consumer coating, with a maximum of 50% by volume secondary industrial materials or virgin materials.~~

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~~**RESIDENTIAL:** Areas where people reside or lodge, including but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.~~

~~**H. ROOF COATINGS:** Coatings formulated for application to exterior roofs and for the primary purpose of preventing penetration of the substrate by water, or reflecting heat and ultraviolet radiation. Metallic pigmented roof coatings which qualify as metallic pigmented coatings shall not be considered to be in this category, but shall be considered to be in the metallic pigmented coatings category.~~

~~**RUST PREVENTATIVE COATING:** A coating formulated to prevent the corrosion of metal surfaces for 1) direct to metal coating; or 2) application over rusty, previously coated surfaces. This category applies to coatings for metal substrates only and must be labeled as such in accordance with the labeling requirements in subsection 6.1.6. This category does not include: 1) coatings required to be applied as a topcoat over a primer or 2) coatings for use on wood or other non-metallic surface.~~

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~~**JJ. SANDING SEALERS:** Clear wood coatings formulated for and applied to bare wood for sanding and to seal the wood for subsequent application of varnish.~~

~~**H. SEALERS:** Coatings formulated for and applied to a substrate to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.~~

~~**SECONDARY INDUSTRIAL MATERIALS:** Products or by products of the paint manufacturing process that are of known composition and have economic value but can no longer be used for their intended purpose.~~

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~~**LL. SEMI-TRANSPARENT STAINS:** Coatings that contain binders and colored pigments and is formulated to change the color of a surface but not conceal the surface grain pattern or texture.~~

~~**KK. SEMI-TRANSPARENT WOOD PRESERVATIVES:** Wood preservative stains formulated and used to protect exposed wood from decay or insect attack by the addition of a wood preservative chemical registered by the California Department of Food and Agriculture, which change the color of a surface but do not conceal the surface, including clear wood preservatives.~~

~~**LL. SHELLACS:** Clear or pigmented coatings formulated solely with the resinous secretions of the lac (*Lacifer lacca*), beetle, thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.~~

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~~**SHOP APPLICATION:** Application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).~~

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~~**OO. SOLICIT:** To require for use or to specify, by written or oral contract.~~

~~**NN. SPECIALTY PRIMERS, SEALERS, AND UNDERCOATERS:** Primers, sealers and~~

~~undercoaters. Coatings used only to perform one of the following functions: repair fire, smoke or water damage; neutralize odors; block stains; block efflorescence; condition chalky surfaces; or coat acoustical materials without affecting their acoustical abilities. Coatings must be labeled in accordance with subsection 6.1.7.~~

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~~OO. STAIN: A semitransparent or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.~~

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~~STONE CONSOLIDANT: A coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants must be specified and used in accordance with ASTM E2167-01, incorporated by reference in subsection 8.5.23. This coating is for professional use only and must be labeled as such, in accordance with the labeling requirements in subsection 6.1.9.~~

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~~RR. SWIMMING POOL COATINGS: Coatings formulated and used to coat the interior of swimming pools and to resist swimming pool chemicals. These include coatings for swimming pool repair and maintenance.~~

~~PP. SWIMMING POOL REPAIR COATINGS: Chlorinated rubber based coatings used for the repair and maintenance of swimming pools over existing chlorinated rubber based coatings.~~

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~~TINT BASE: An architectural coating to which colorant is added after packaging in sale units to produce a desired color.~~

~~TT. TRAFFIC COATINGS: Coatings formulated for and applied to public streets, highways, and other surfaces including, but not limited to curbs, berms, driveways, and parking lots, sidewalks and airport runways.~~

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~~TUB AND TILE REFINISH COATING: clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings must meet all of the following criteria: 1) have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder determined on bonderite 1000 in ASTM D3363-05, incorporated by reference in subsection 8.5.15, and 2) have a weight loss of 20 milligrams or less after 1000 cycles as determined by CS-17 wheels on bonderite 1000 in accordance with ASTM D4060-07, incorporated by reference in subsection 8.5.16; and 3) must withstand 1000 hours or more of exposure with few or no #8 blisters as determined on unscrubbed bonderite, in accordance with ASTM D4585-99, and ASTM D714-02e1, incorporated by reference in subsection 8.5.17; and 4) must have an adhesion rating of 4B or better after 24 hours of recovery. This must be determined on unscrubbed bonderite, in accordance with ASTM D4585-99 and ASTM D3359-02, incorporated by reference in subsection 8.5.14.~~

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Comment [a1]: Perhaps do as SMAQMD does and refer this to the Definitions rule.

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~~UU. UNDERCOATERS: Coatings formulated and applied to substrates to provide a smooth surface for subsequent coats.~~

~~SS. VARNISHES: Clear wood finishes formulated with various resins to dry by chemical reaction on exposure to air.~~

~~VENEER: Thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.~~

~~VIRGIN MATERIAL: Materials that contain no post-consumer coatings or secondary industrial materials.~~

~~TT. VOLATILE ORGANIC COMPOUNDS (VOC): Any volatile compound containing at least one atom of carbon, excluding those compounds listed below. Shall have the same meaning as Reactive Organic Compounds (ROC) as defined in subsection 215.2 FF, of this Rule.~~

~~methane (CH₄)~~

~~carbon dioxide (CO₂)~~

~~carbon monoxide (CO)~~

~~carbonic acid (CO(OH)₂)~~

~~metallic carbides (M-C) or carbonates (M-CO₃)~~

- ~~ammonium carbonate ((NH₄)HCO₃(NH₄)CO₂NH₂)~~
- ~~1,1,1 trichloroethane (methyl chloroform)~~
- ~~methylene chloride (dichloromethane)~~
- ~~trichlorofluoromethane (CFC 11)~~
- ~~dichlorodifluoromethane (CFC 12)~~
- ~~chlorodifluoromethane (HCFC 22)~~
- ~~trifluoromethane (HFC 23)~~
- ~~1,1,1 trichloro 2,2,2 trifluoroethane (CFC 113)~~
- ~~1,2 dichloro 1,1,2,2 tetrafluoroethane (CFC 114)~~
- ~~chloropentafluoroethane (CFC 115)~~
- ~~2,2 dichloro 1,1,1 trifluoroethane (HCFC 123)~~
- ~~2 chloro 1,1,1,2 tetrafluoroethane (HCFC 124)~~
- ~~pentafluoroethane (HFC 125)~~
- ~~1,1,2 tetrafluoroethane (HCFC 134)~~
- ~~1,1,1,2 tetrafluoroethane (HCFC 134a)~~
- ~~1,1 dichloro 1 fluoroethane (HCFC 141b)~~
- ~~1 chloro 1,1 difluoroethane (HCFC 142b)~~
- ~~1,1,1 trifluoroethane (HFC 143a)~~
- ~~1,1 difluoroethane (HFC 152a)~~
- ~~cyclic, branched, or linear completely methylated siloxanes;~~
- ~~The following classes of perfluorocarbon (PFC) compounds:~~
 - ~~cyclic, branched, or linear, completely fluorinated alkanes;~~
 - ~~cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;~~
 - ~~cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;~~
- ~~and~~
- ~~sulphur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine. Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present on the product or process and provides an EPA approved test method which can be used to quantify the specific compounds;~~
- ~~The following low reactive organic compounds which have been exempted by the U.S. EPA:~~
 - ~~acetone;~~
 - ~~ethane;~~
 - ~~parachlorobenzotrifluoride (1 chloro 4 trifluoromethyl benzene);~~
 - ~~perchloroethylene, and~~
 - ~~methyl acetate;~~
- ~~propylene carbonate (PC)~~
- ~~dimethyl carbonate (DMC)~~
- ~~Tertiary Butyl Acetate (TBAC)~~

~~VOC ACTUAL: The weight of VOC per volume of coating and it is calculated with the following equation:~~

~~$$\text{VOC Actual} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$~~

~~Where:~~
~~VOC Actual = the grams of VOC per liter of coating (also known as "Material VOC")~~
~~W_s = weight of volatiles, in grams~~
~~W_w = weight of water, in grams~~
~~W_{ec} = weight of exempt compounds, in grams~~

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V_m = volume of coating, in liters

VOC CONTENT: The weight of VOC per volume of coating. VOC Content is VOC Regulatory, as defined in subsection 4.66, for all coatings except those in the Low Solids category. For coatings in the Low Solids category, the VOC Content is VOC Actual, as defined in subsection 4.64. If the coating is a multi-component product, the VOC content is VOC Regulatory as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

VOC REGULATORY: The weight of VOC per volume of coating, less the volume of water and exempt compounds. It is calculated with the following equation:

$$VOC_{Regulatory} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:

VOC Regulatory = the grams of VOC per liter of coating, less water and exempt compounds (also known as "Coating VOC")

W_s = weight of volatiles, in grams

W_w = weight of water, in grams

W_{ec} = weight of exempt compounds, in grams

V_m = volume of coating, in liters

V_w = volume of water, in liters

V_{ec} = volume of exempt compounds, in liters

WATERPROOFING SEALERS OR MEMBRANE: Colorless Clear or opaque coatings formulated and applied for the sole purpose of protecting porous substrates by preventing the penetration of water and which do not alter the surface appearance or texture. They are intended for the following waterproofing applications: below grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. These coatings must 1) be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness; and 2) must meet or exceed the requirements contained in ASTM C836-06, incorporated by reference in subsection 8.5.18. The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.).

WOOD COATINGS: Coatings labeled and formulated for application to wood substrates only. This category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. This category also includes the following opaque wood coatings: opaque lacquers; opaque sanding sealers; and opaque lacquer undercoats. This category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or coatings intended for substrates other than wood. Wood Coatings must be labeled "For Wood Substrates Only", in accordance with subsection 6.1.11.

WOOD PRESERVATIVE: A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, et seq.) and with the California Department of Pesticide Regulation.

WOOD SUBSTRATE: A substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Products do not include items comprised of simulated wood.

XX. **ZINC RICH PRIMER:** A coating that 1) contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and 2) is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and 3) is intended for professional use only and is labeled as such, in accordance with the labeling

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~~requirements in subsection 6.1.12.~~

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215.3215.4 REQUIREMENTS;

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A. Except as provided in ~~Subsections Sections 215.4B, and 215.3 B., 215.4C, 215.3 C., 215.3 E., and 215.3 F.,~~ no person shall, within the District, supply, sell, offer for sale, apply, or solicit the application of; or manufacture, blend, repackage for use within the District, any architectural coating which, at the time of sale or manufacture, contains more than the corresponding limit specified in the Table of Standards. 250 grams of Volatile Organic Compounds (VOC) per liter of coating excluding water, exempt organic compounds and any colorant added to tint bases. Limits are expressed as "VOC Regulatory", thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

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B. ~~A person shall not sell, offer for sale or apply any non flat architectural coating which, at the time of sale or manufacture, has a volatile organic compound content, excluding water and colorant added to tint bases, in excess of the following:~~

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~~1. 380 grams of volatile organic compounds per liter of coating if manufactured prior to September 1, 1986; or~~

~~2. 250 grams of volatile organic compounds per liter of coating if manufactured on or after September 1, 1986.~~

C. ~~Except as provided in Subsection 215.3 D., no person shall, within the District, sell, offer for sale, apply, supply, or solicit the application of; or manufacture, blend or repackage for use within the District, any architectural coating listed in the Table of Standards which, at the time of sale or manufacture, exceeds the limits in the Table (expressed as grams of VOC per liter of coating as applied, excluding water, exempt organic compounds, and any colorant added to tint bases) after the corresponding date listed in the Table:~~

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**TABLE OF STANDARDS
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS**

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EXISTING Limit COATINGS CATEGORY	EXISTING Limit (g/L)	NEW Limit (g/L)	NEW Limit COATINGS CATEGORY
Grams VOC/L less water and exempt organic compounds	Effective until 12/31/4417	Effective beginning 1/1/4518	Grams VOC/L less water and exempt organic compounds
		50	Flat Coatings
		100	Nonflat Coatings
		150	Nonflat - High Gloss Coatings
			Specialty Coatings
		400	Aluminum Roof Coatings
		400	Basement Specialty Coatings
		50	Bituminous Roof Coatings

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Bond Breakers	350	350	Bituminous Roof Primers
Concrete Curing Compounds	350	350	Bond Breakers
		350	Concrete Curing Compounds
		100	Concrete/Masonry Sealers
Dry Fog Coatings	400	50	Driveway Sealers
		150	Dry Fog Coatings
		350	Faux Finishing Coatings
Fire Retardant Coatings: Clear	650	350	Fire-Resistive Coatings
Fire Retardant Coatings: Pigmented	350	350	Fire Resistive Coatings
		100	Floor Coatings
Form Release Compounds	250	250	Form-Release Compounds
Graphic Arts (Sign) Coatings	500	500	Graphic Arts Coatings (Sign Paints)
High Temperature Industrial Maintenance Coatings	420	420	High Temperature Coatings
Industrial Maintenance: Anti-Graffiti Coatings	340	250	Industrial Maintenance Coatings
Low-Solids Stains and Wood Preservatives	120	120*	Low Solids Coatings
Magnesite Cement Coatings	450	450	Magnesite Cement Coatings
Mastic Texture Coatings	300	100	Mastic Texture Coatings
Metallic Pigmented Coatings	500	500	Metallic Pigmented Coatings
Multi-Color Coatings	420	250	Multi-Color Coatings
Pre-Treatment Wash Primer	675	420	Pre-Treatment Wash Primers
Primers, Sealers, and Interceptors	350	100	Primers, Sealers, and Undercoaters
		350	Reactive Penetrating Sealers
		250	Recycled Coatings
Roof Coatings	300	50	Roof Coatings
		250	Rust Preventative Coatings
Shellac: Clear	730	730	Shellacs: Clear
Shellac: Pigmented	550	550	Shellacs: Opaque
		100	Specialty Primers, Sealers, and Undercoaters
Specialty Primers, Sealers, and Interceptors	350		
			(Specialty Flats is not defined in Rule 215
Specialty Flats	400		repor the Suggested Control Measure. Category will be deleted.)
Opaque Stains	350	250	Stains
Semi-Transparent Stains	350		
		450	Stone Consolidants
Swimming Pool Coatings	340	340	Swimming Pool Coatings
Swimming Pool Repair and Maintenance	650		
		100	Traffic Marking Coatings
Traffic Coatings	250	420	Tub and Tile Refinish Coatings
		250	Waterproofing Membranes
Waterproofing Sealers	400		
Varnish	350		
Lacquer (Clear or Pigmented)	680	275	Wood Coatings-
Sanding Sealer (Non-Lacquer)	350		
Below Ground Wood Preservatives	350	350	Wood Preservatives
Opaque Wood Preservatives	350		

Semi-Transparent and Clear Wood Preservatives	350		
		340	Zinc-Rich Primers

*For Low-Solids Coatings the limit is expressed as VOC Actual.

~~D. Sale of a coating manufactured prior to the effective date of the corresponding standard in the Table of Standards, and not complying with that standard, shall not constitute a violation of Subsection 215.3 C. until three (3) years after the effective date of the standard, nor shall application of such a coating.~~

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~~E. A person shall not sell, offer for sale or apply any architectural specialty coating (listed below) which, at the time of sale or manufacture, exceeds the following limits (expressed as grams of VOC per liter of coating as applied, excluding water) after the date listed below:~~

~~Effective September 1, 1989~~

~~Lacquer 680~~

~~Industrial Maintenance Primers Topcoats 420~~

Quick Dry Enamels

400

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~~B. **MOST RESTRICTIVE VOC LIMIT:** If a coating meets the definition in Section 215.9Section 4 for one or more specialty coating categories that are listed in the Table of Standards, then that coating is required to meet the VOC limit for the applicable specialty coating listed in the Table of Standards rather than is not required to meet the VOC limits for Flat, Nonflat, or Nonflat – High Gloss coatings, is required to meet the VOC limit for the applicable specialty coating listed in the Table of Standards, with the exception of the specialty coating categories specified in subsections 215.4B.1 through 215.4B.12. If a coating is recommended for use in more than one of the specialty coating categories listed in the Table of Standards, the most restrictive (or lowest) VOC content limit shall apply. This requirement applies to: usage recommendations that appear anywhere on the coating container, anywhere on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, including but not limited to:~~

- ~~1. Metallic pigmented coatings.~~
- ~~2. Shellacs.~~
- ~~3. Pretreatment wash primers.~~
- ~~4. Industrial maintenance coatings.~~
- ~~5. Low-solids coatings.~~
- ~~6. Wood preservatives.~~
- ~~7. High temperature coatings.~~
- ~~8. Bituminous roof primers.~~
- ~~9. Specialty primers, sealers, and undercoats.~~
- ~~10. Aluminum roof coatings.~~
- ~~11. Zinc-rich primers.~~
- ~~12. Wood Coatings.~~

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~~F. All VOC containing materials shall be stored in closed containers when not in use.~~

~~C. **SELL-THROUGH OF COATINGS:** A coating manufactured prior to the effective date specified for that coating in the Table of Standards January 1, 2018 and that complied with the standards in effect at the time the coating was manufactured, may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, a coating manufactured before the effective date specified for that coating in the Table of Standards Such coatings may be applied at any time, both before and after the specified effective dates so long as the coating complied with the standards in effect at the time the coating was manufactured, both before and after the specified effective date, so long as the coating complied with the standards in effect at the time the coating was manufactured. This section does not apply to any coating that does not display the date or date-code required by Section 215.5A, subsection~~

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~~D. PAINTING PRACTICES: All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays or other application containers. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.~~

~~E. THINNING: No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in the Table of Standards.~~

~~G-F. COATINGS NOT LISTED IN THE TABLE OF STANDARDS: For any The VOC content limit for coatings that does not meet any of the definitions for any of the specialty coatings categories listed in the Table of Standards, the VOC content limit shall be determined by classifying the coating as a Flat, Nonflat, or Nonflat - High Gloss coating, based on its gloss, as defined in Sections subsections 215.9U, 4.21, 215.9JJ, 4.36, and 215.9KK, 4.37, and t The corresponding Flat, Nonflat, or Nonflat - High Gloss VOC limits in the Table of Standards shall apply.~~

~~G. NEW CATEGORIES: Prior to January 1, 2018, any coating that meets a definition in Section 215.9 for a coating category listed in the Table of Standards and complies with the applicable VOC limit in the Table of Standards and with Sections 215.4B and 215.5 shall be considered in compliance with this rule.~~

~~215.3215.5 ADMINISTRATIVE CONTAINER LABELING REQUIREMENTS:~~

~~The following labeling requirements shall apply to the extent not preempted by federal law. Each manufacturer of any architectural coating subject to this rule shall display the information listed in Sections 215.5A through 215.5K on the coating container (or label) in which the coating is sold or distributed.~~

~~A. DATE CODE: The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of the Air Resources Board (ARB).~~

~~B. THINNING RECOMMENDATIONS: A statement of tThe manufacturer's thinning recommendations, regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.~~

~~C. VOC CONTENT: Each container of any coating subject to this rule shall display eOne of the following values in grams of VOC per liter of coating shall be indicated on the container:~~

- ~~1. 1) Maximum VOC Content as determined from all potential product formulations; or~~
- ~~2. 2) VOC Content as determined from actual formulation data; or~~
- ~~3. 3) VOC Content as determined using the test methods in Section 215.7B, subsection 8.2.~~

~~If the manufacturer does not recommend thinning thinning is not recommended, the container must display the VOC Content, as supplied. If the manufacturer recommends thinning, thinning is recommended, the container must display the VOC Content, including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing. VOC Content shall be determined as defined in subsections Sections 215.9SSS, 4.64, 215.9TTT, 4.65, and 215.9UUU, 4.66~~

~~D. FAUX FINISHING COATINGS: Effective January 1, 2018, the labels of all clear topcoat Faux Finishing coatings shall prominently display the statement "This product can only be sold or used as part of a Faux Finishing coating system."~~

~~E. INDUSTRIAL MAINTENANCE COATINGS: Effective January 1, 2018, the labels of all Industrial Maintenance coatings shall prominently display the statement "For industrial use only" or "For professional use only" or "Not for residential use." or "Not intended for residential use."~~

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- F. **RUST PREVENTATIVE COATINGS:** The labels of all rust preventative coatings shall prominently display the statement "For Metal Substrates Only."
- G. **REACTIVE PENETRATING SEALERS:** Effective January 1, 2018, the labels of all Reactive Penetrating Sealers shall prominently display the statement "Reactive Penetrating Sealer."
- H. **STONE CONSOLIDANTS:** Effective January 1, 2018, the labels of all Stone Consolidants shall prominently display the statement "Stone Consolidant - For Professional Use Only."
- I. **NONFLAT - HIGH GLOSS COATINGS:** Effective January 1, 2018, the labels of all Nonflat - High Gloss coatings shall prominently display the words "High Gloss."
- J. **WOOD COATINGS:** Effective January 1, 2018, the labels of all Wood Coatings shall prominently display the statement "For Wood Substrates Only."
- K. **ZINC RICH PRIMERS:** Effective January 1, 2018, the labels of all Zinc Rich Primers shall prominently display the statement "For industrial use only" or "For professional use only" or "Not for residential use" or "Not intended for residential use."

215.4 REQUIREMENTS:

The following labeling requirements shall apply to the extent not preempted by federal law.

- A. Each container of any coating subject to this rule shall display the date of manufacture of the contents or a code indicating the date of manufacture. Each manufacturer of such coatings shall file with the Air Pollution Control Officer and the Executive Officer of the California Air Resources Board, an explanation of each code within four (4) months from the date of adoption of this rule or before such code is first used for such coatings within this District.
- B. Each container of any coating subject to this rule shall display a statement of the manufacturer's recommendation regarding thinning of the coating. This recommendation shall not apply to the thinning of architectural coatings with water. The recommendation shall specify that the coating is to be employed without thinning or diluting under normal environmental and application conditions unless any thinning recommended on the label for normal environmental and application conditions does not cause a coating to exceed its applicable standard.
- C. Each container of any coating subject to this rule and manufactured ONE YEAR AFTER THE ADOPTION DATE OF THIS RULE, shall display the maximum VOC content of the coating, as applied, and after any thinning as recommended by the manufacturer. The VOC content shall be displayed as grams of Volatile Organic Compound (VOC) per liter of coating (less water and less exempt organic compounds, and excluding any colorant added to tint bases). VOC content displayed may be calculated using product formulation data, or may be determined using the test method in Section 215.6 A.
- D. Each container of Industrial Maintenance Primer and Industrial Maintenance Topcoat subject to this rule and manufactured ONE YEAR AFTER THE DATE OF ADOPTION OF THIS RULE, shall include the statement "Not for Residential Use" or "Not for Residential Use in California" prominently displayed on all labels of all industrial maintenance coatings.

215.5 EXEMPTIONS:

The requirements of this rule shall not apply to:

- architectural coatings manufactured in the District for use outside of the District or for shipment to other manufacturers for repackaging;
- architectural coatings supplied in containers having capacities of one liter or less;
- architectural coatings sold in non-refillable aerosol containers having capacities of one liter or less;
- emulsion-type bituminous pavement sealers.

215.6 REPORTING REQUIREMENTS:

- A. **SALES DATA:** A responsible official from each manufacturer shall upon request of the Executive Officer of the ARB Air Pollution Control Officer (APCO), or his or her delegate, provide data concerning the distribution and sales of architectural coatings for emissions inventory purposes. The

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the VOC content of a coating, the manufacturer may use U.S. EPA Method 24, or an alternative method as provided in ~~subsection~~Section 215.7C8-3, formulation data, ~~formulation data, or any other reasonable means. If for predicting that the coating has been formulated as intended (e.g., quality assurance checks, record keeping).~~ However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 test results will govern, except when an alternative method is approved as specified in section 215.7C, ~~except when an alternative method is approved as specified in subsection 8.3.~~ The District Air Pollution Control Officer (APCO) may require the manufacturer to conduct a Method 24 analysis.

C. **ALTERNATIVE TEST METHODS:** ~~Other test methods- may also be used if demonstrated to provide results that are acceptable for purposes of determining compliance with subsection~~Section 215.7B8-2 and ~~, after review and approval in writing by the staffs of the District, the ARB, and the U.S. EPA, may also be used.~~

D. **METHACRYLATE TRAFFIC MARKING COATINGS:** Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of U.S. EPA Method 24 (40 CFR 59, subpart D, Appendix A), incorporated by reference in ~~subsection~~Section 215.7E.118.5-14. This method has not been approved for methacrylate multicomponent coatings used for ~~other purposes other purposes~~ than as traffic marking coatings or for other classes of multicomponent coatings.

E. **TEST METHODS:** The following test methods are incorporated by reference herein, and shall be used to test coatings subject to the provisions of this rule:

1. **FLAME SPREAD INDEX:** ~~The flame spread index of a fire-retardant coating shall be determined by~~ASTM E 84-07, "Standard Test Method for Surface Burning Characteristics of Building Materials," ~~(see section 4, Fire-Retardant Coating);~~
2. **FIRE RESISTANCE RATING:** ~~The fire resistance rating of a fire-resistive coating shall be determined by~~ASTM E 119-07, "Standard Test Methods for Fire Tests of Building Construction and Materials," ~~(see section 4, Fire-Resistive Coating);~~
3. **GLOSS DETERMINATION:** ~~The gloss of a coating shall be determined by~~ASTM D 523-89 (1999), "Standard Test Method for Specular Gloss," ~~(see section 4, Flat Coating, Nonflat Coating, and Nonflat-High Gloss Coating);~~
4. **METAL CONTENT OF COATINGS:** ~~The metallic content of a coating shall be determined by~~SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," SCAQMD Laboratory Methods of Analysis for Enforcement Samples ~~(see section 4, Aluminum Roof, Faux Finishing, and Metallic Pigmented Coating);~~
5. **ACID CONTENT OF COATINGS:** ~~The acid content of a coating shall be determined by~~ASTM D 1613-06, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products," ~~(see section 4, Pre-treatment Wash Primer);~~
6. **EXEMPT COMPOUNDS--SILOXANES:** Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with ~~Section 215.7~~section 8 by BAAQMD Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," BAAQMD Manual of Procedures, Volume III, adopted 11/6/96 ~~(see section 4, Volatile Organic Compound, and subsection 8.2);~~
7. **EXEMPT COMPOUNDS--PARACHLOROBENZOTRIFLUORIDE (PCBTF):** ~~The exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with section 8 by~~BAAQMD Method 41, "Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride," BAAQMD Manual of Procedures, Volume III, adopted 12/20/95 ~~(see section 4, Volatile Organic Compound, and subsection 8.2);~~
8. **EXEMPT COMPOUNDS:** ~~The content of compounds exempt under~~Under U.S. EPA Method 24; ~~shall be analyzed by~~ SCAQMD Method 303-91 (Revised 1993), "Determination of Exempt Compounds," SCAQMD Laboratory Methods of Analysis for Enforcement Samples ~~(see~~

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~~section 4, Volatile Organic Compound, and subsection 8.2).~~

9. **VOC CONTENT OF COATINGS:** ~~The VOC content of a coating shall be determined by U.S. EPA Method 24 as it exists in appendix A of 40 Code of Federal Regulations (CFR) part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings," (see subsection 8.2).~~
10. **ALTERNATIVE VOC CONTENT OF COATINGS:** ~~The VOC content of coatings may be analyzed either by U.S. EPA Method 24 or SCAQMD Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," SCAQMD Laboratory Methods of Analysis for Enforcement Samples (see subsection 8.2).~~
11. **METHACRYLATE MULTICOMPONENT TRAFFIC MARKING COATINGS:** ~~The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, subpart D, appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings," (see subsection 8.4).~~
12. **HYDROSTATIC PRESSURE FOR BASEMENT SPECIALTY COATINGS:** ~~ASTM D7088-04, "Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry," (see section 4, Basement Specialty Coating).~~
13. **TUB AND TILE REFINISH COATING ADHESION:** ~~ASTM D 4585-99, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D3359-02, "Standard Test Methods for Measuring Adhesion by Tape Test," (see section 4, Tub and Tile Refinish Coating).~~
14. **TUB AND TILE REFINISH COATING HARDNESS:** ~~ASTM D 3363-05, "Standard Test Method for Film Hardness by Pencil Test," (see section 4, Tub and Tile Refinish Coating).~~
15. **TUB AND TILE REFINISH COATING ABRASION RESISTANCE:** ~~ASTM D 4060-07, "Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser" (see section 4, Tub and Tile Refinish Coating).~~
16. **TUB AND TILE REFINISH COATING WATER RESISTANCE:** ~~ASTM D 4585-99, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D714-02e1, "Standard Test Method for Evaluating Degree of Blistering of Paints," (see section 4, Tub and Tile Refinish Coating).~~
17. **WATERPROOFING MEMBRANE:** ~~ASTM C836-06, "Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course," (see section 4, Waterproofing Membrane).~~
18. **MOLD AND MILDEW GROWTH FOR BASEMENT SPECIALTY COATINGS:** ~~ASTM D3273-00, "Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber" and ASTM D3274-95, "Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation," (see section 4, Basement Specialty Coating).~~
19. **REACTIVE PENETRATING SEALER WATER REPELLENCY:** ~~ASTM C67-07, "Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile"; or ASTM C97-02, "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone"; or ASTM C140-06, "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units," (see section 4, Reactive Penetrating Sealer).~~
20. **REACTIVE PENETRATING SEALER WATER VAPOR TRANSMISSION:** ~~ASTM E96/E96M-05, "Standard Test Method for Water Vapor Transmission of Materials," (see section 4, Reactive Penetrating Sealer).~~
21. **REACTIVE PENETRATING SEALER - CHLORIDE SCREENING APPLICATIONS:** ~~National Cooperative Highway Research Report 244 (1981), "Concrete Sealers for the Protection of Bridge Structures," (see section 4, Reactive Penetrating Sealer).~~
22. **STONE CONSOLIDANTS:** ~~ASTM E2167-01, "Standard Guide for Selection and Use of Stone Consolidants," (see section 4, Stone Consolidant).~~

A. Volatile Organic Compounds: Measurement of volatile organic compounds in architectural coatings

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~~shall be conducted and reported in accordance with EPA Method 24 (40 CFR 60, Appendix A).
Measurement of volatile organic compounds from exempt organic compounds also shall be conducted and reported in accordance with CARB Method 432.~~

~~B. Acid Content: Measurement of acid content of pretreatment wash primers shall be done in accordance with ASTM Method D 1613-85 (modified).~~

~~C. Metal Content: Measurement of metallic content of metallic pigmented coatings shall be done using the South Coast AQMD Method 311-91, "Analysis of Percent Metal in Metallic Coatings by Spectrographic Method" in SCAQMD's "Laboratory Method of Analysis for Enforcement Samples."~~

215.7~~215.8~~ VIOLATIONS:

A. Failure to comply with any provision of this rule shall constitute a violation of this rule.

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215.9 DEFINITIONS:

A. ADHESIVE: Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

B. AEROSOL COATING PRODUCT: A pressurized coating product containing pigments or resins that dispense product ingredients by means of a propellant and is packaged in a disposable can for hand-held application or for use in specialized equipment for ground traffic/marketing applications.

C. ALUMINUM ROOF COATING: A coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content shall be determined in accordance with SCAQMD Method 318-95, incorporated by reference in Section 215.7E.4 Metal Content of Coatings.

D. APPURTENANCES: Accessories to an architectural structure, coated at the site of installation whether installed or detached, including, but not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain-gutters and down spouts, window screens, doors, elevators, lamp-posts, heating and air conditioning equipment, other fixed mechanical equipment, large fixed stationary tools, partitions, pipes and piping systems, stairways, fixed ladders, catwalks, fire escapes, and concrete forms.

E. ARCHITECTURAL COATINGS: A coating to be applied to stationary structures or their appurtenances at the site of installation, portable buildings at the site of installation, to pavements, or curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purposes of this rule.

F. BASEMENT SPECIALTY COATING: A clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement Specialty Coatings must meet the following criteria:

1. Coating must be capable of withstanding at least 10 psi of hydrostatic pressure, as determined in accordance with ASTM D7088-04, which is incorporated by reference in subsection 215.7E.12 Hydrostatic Pressure for Basement Specialty Coatings; and

2. Coating must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM D3273-00 and ASTM D3274-95, incorporated by reference in Section 215.7E.18 Mold and Mildew Growth for Basement Specialty Coatings.

G. BELOW GROUND WOOD PRESERVATIVES: Coatings formulated to protect below ground wood from decay or insect attack and which contains a wood preservative chemical registered by the California Department of Food and Agriculture. Effective January 1, 2018, this category will expire and be replaced by "Wood Preservatives" category.

H. BITUMINOUS COATING MATERIALS: Black or brownish materials, soluble in carbon disulfide,

consisting mainly of hydrocarbons and which are obtained from natural deposits or as residues from the distillation of crude petroleum oils, or of low grades of coal. Bitumens include, but are not limited to, asphalt, tar, pitch, and asphaltite.

1. **BITUMINOUS ROOF COATING:** A coating which incorporates bitumens that is labeled and formulated exclusively for roofing.
 2. **BITUMINOUS ROOF PRIMER:** A primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.
- I. **BOND BREAKERS:** Coatings labeled and formulated for application between layers of concrete to prevent the freshly poured top layer of concrete from bonding to the layer over which it is poured.
- J. **COATING:** A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.
- K. **COLORANT:** A concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.
- L. **CLEAR WOOD FINISHES:** Clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film. Effective January 1, 2018, this category will expire and be replaced by “Wood Coatings” category.
- M. **CONCRETE CURING COMPOUND:** Coatings labeled and formulated for application to freshly poured concrete to retard the evaporation of water or harden or dustproof the surface.
- N. **CONCRETE MASONRY SEALER:** A clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:
1. Prevent penetration of water;
 2. Provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or
 3. Harden or dustproof the surface of aged or cured concrete.
- O. **DRIVEWAY SEALER:** A coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:
1. Fill cracks;
 2. Seal the surface to provide protection; or
 3. Restore or preserve the appearance.
- P. **DRY FOG COATING:** Coatings labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with other surfaces.
- Q. **EXEMPT ORGANIC COMPOUNDS:** A compound identified as exempt under the definition of Volatile Organic Compound (VOC), Section 215.9RRR. Exempt compounds content of a coating shall be determined by U.S. EPA Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised 1993), incorporated by reference in Section 215.7E.8 & 9.
- R. **FAUX FINISHING COATING:** A coating labeled and formulated to meet one or more of the following criteria:
1. A glaze or textured coating used to create artistic effects;
 2. A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon);
 3. A decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in Section 215.7E.4;
 4. A decorative coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater than 0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content shall be determined in accordance with SCAQMD Method 318-95, incorporated by reference in Section 215.7E.4; or

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5. A clear topcoat to seal and protect a Faux Finishing coating that meets the requirements of Sections 215.9R.1, 215.9R.2, 215.9R.3, or 215.9R.4. These clear topcoats must be sold and used solely as part of a Faux Finishing coating system, and must be labeled in accordance with Section 215.5D.

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S. **FIRE RESISTIVE COATINGS:** A coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The Fire Resistive category includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. Fire Resistive coatings shall be tested in accordance with ASTM Designation E 119-07, incorporated by reference in Section 215.7E.2. Fire Resistive coatings and testing agencies must be approved by building code officials.

T. **FIRE RETARDANT COATINGS:** Coatings which have a flame spread index of less than 25 when tested in accordance with ASTM Designation E-84-07, "Standard Test Method for Surface Burning Characteristics of Building Material," after application to Douglas fir according to the manufacturer's recommendations or when tested by an equivalent method approved in writing by the APCO. Effective January 1, 2018, the Fire Retardant coating category is eliminated and coatings with fire retardant properties will be subject to the VOC limit of their primary category (e.g., Flat, Nonflat, etc.).

U. **FLAT COATING:** A coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in Section 215.7E.3.

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V. **FLOOR COATING:** An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces which may be subject to foot traffic.

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W. **FORM RELEASE COMPOUNDS:** Coatings labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

X. **GRAPHIC ARTS COATINGS (SIGN PAINTS):** Coatings labeled, formulated for, and hand-applied by artists using brush, air brush, or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.

Y. **HIGH-TEMPERATURE INDUSTRIAL MAINTENANCE COATINGS:** High performance coatings labeled, formulated for, and applied to substrates exposed continuously or intermittently to temperatures above 400°F. Effective January 1, 2018, this category will expire and be replaced by "High Temperature Coatings" category.

Z. **INDUSTRIAL MAINTENANCE ANTI-GRAFFITI COATINGS:** Two component clear industrial maintenance coatings formulated for and applied to exterior walls and murals to resist repeated scrubbing and exposure to harsh solvents. Effective January 1, 2018, this category will expire and be replaced by "Industrial Maintenance Coating" category.

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AA. **INDUSTRIAL MAINTENANCE COATING:** High performance architectural coatings, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions and labeled as specified in Section 215.5E.

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1. Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;

2. Acute or chronic exposure to corrosive, caustic, or acidic agents or to chemicals, chemical fumes, chemical mixtures, or solutions;

3. Frequent exposure to temperatures in excess of 250°F;

4. Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleaners, or scouring agents; or

5. Exterior exposure of metal structures.

- BB. LACQUER: Clear or pigmented coating formulated with nitrocellulose or synthetic resins to dry, by evaporation without chemical reaction and to provide a quick drying, solid protective film. Effective January 1, 2018, this category will expire and be replaced by “Wood Coatings” category.
- CC. LOW-SOLIDS COATING: Coatings containing one pound or less of solids per gallon of material. The VOC content for Low Solids Coating shall be calculated in accordance with Sections 215.9TTT and 215.9SSS.
- DD. MAGNESITE CEMENT COATINGS: Coatings labeled and formulated for and applied to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- EE. MANUFACTURER’S MAXIMUM THINNING RECOMMENDATION: The maximum recommendation for thinning indicated on the label or lid of the coating container.
- FF. MASTIC TEXTURE COATINGS: Coatings labeled and formulated to cover holes, minor cracks, and conceal surface irregularities and which are applied in a thickness of at least 10 mils (dry single coat).
- GG. MEDIUM DENSITY FIBERBOARD (MDF): A composite wood product, panel, molding, or other building material composed of cellulosic fibers (usually wood) made by dry forming and pressing of a resinated fiber mat.
- HH. METALLIC PIGMENTED COATINGS: A coating that is labeled and formulated to provide a metallic appearance. Coatings containing at least 0.4 pounds of elemental metallic pigment (excluding zinc) per gallon of coating as applied when tested in accordance with SCAQMD Method 318-95. The Metallic Pigmented Coating category does not include coatings applied to roofs or Zinc-Rich Primers.
- II. MULTI-COLORED COATINGS: Coatings labeled and formulated to exhibit more than one color when applied and which are packaged in a single container and applied in a single coat.
- JJ. NON-FLAT COATINGS: A coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and five or greater on a 60 degree meter, according to ASTM Designation D 523-89 (1999).
- KK. NONFLAT – HIGH GLOSS COATINGS: A nonflat coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM Designation D 523-89 (1999). Nonflat – High Gloss coatings must be labeled in accordance with Section 215.5L.
- LL. OPAQUE STAINS: All stains not classified as semi-transparent stains. Effective January 1, 2018, this category will expire and these products will be considered “Stains.”
- MM. OPAQUE WOOD PRESERVATIVES: Wood preservatives not classified as clear or semi-transparent wood preservatives or as below ground wood preservatives or low solids wood preservatives. Effective January 1, 2018, this category will expire and these products will be considered “Wood Preservatives.”
- NN. PARTICLE BOARD: A composite wood product panel, molding, or other building material composed of cellulosic material in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with a resin.
- OO. PEARLESCENT: Exhibiting various colors depending on the angles of illumination and viewing.
- PP. PLYWOOD: A panel product consisting of layers of wood veneers or composite core pressed together with a resin. Plywood includes panel products made by pressing with resin veneers to a platform.
- QQ. POST CONSUMER COATING: Finished coatings generated by a business or consumer that were used and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.
- RR. PRE-TREATMENT WASH PRIMER: A coating which contains at least one-half percent acid, by weight, when tested in accordance with ASTM Designation D 1613-06 that is labeled and formulated for application directly to bare metal surfaces to provide necessary surface etching and corrosion resistance and to promote adhesion of subsequent topcoats.
- SS. PRIMERS, SEALERS, AND UNDERCOATERS: Coatings labeled, formulated, and applied to substrates to:
 1. Provide a firm bond between the substrate and subsequent coats;

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- 2. Prevent subsequent coatings from being absorbed by the substrate;
- 3. Prevent harm to subsequent coatings by materials in the substrate;
- 4. Provide a smooth surface for the substrate application of coatings;
- 5. Provide a clear finish coat to seal the substrate; or
- 6. Block materials from penetrating into or leaching out of a substrate

TT. REACTIVE PENETRATING SEALER: A clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive Penetrating Sealers must meet all of the following criteria:

- 1. The Reactive Penetrating Sealer must improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in Section 215.7E.19: ASTM C67-07, or ASTM C97-02, or ASTM C140-06;
- 2. The Reactive Penetrating Sealer must not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with ASTM E96/E96M-05; and
- 3. Products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981). Reactive Penetrating Sealers must be labeled in accordance with Section 215.5G.

UU. RECYCLED COATING: An architectural coating formulated such that it contains a minimum of 50 percent by volume post-consumer coating, with a maximum of 50 percent by volume secondary industrial materials or virgin materials.

VV. RESIDENTIAL: Areas where people reside or lodge.

WW. ROOF COATINGS: Non-bituminous coatings labeled and formulated for application to exterior roofs for the primary purpose of preventing penetration of the substrate by water, or reflecting heat and ultraviolet radiation. Metallic pigmented roof coatings which qualify as metallic pigmented coatings shall not be considered to be in this category, but shall be considered to be in the metallic pigmented coatings category.

XX. RUST PREVENTATIVE COATING: A coating formulated to prevent the corrosion of metal surfaces for direct-to-metal coating or application over rusty, previously coated surfaces. This category applies to coatings for metal substrates only and must be labeled as such in accordance with the labeling requirements in Section 215.5F. This category does not include coatings required to be applied as a topcoat over a primer, or coatings for use on wood or other non-metallic surface.

YY. SANDING SEALERS: Clear wood coatings formulated for and applied to bare wood for sanding and to seal the wood for subsequent application of varnish. Effective January 1, 2018, this category will expire and these products will be under the "Wood Coating" category.

ZZ. SECONDARY INDUSTRIAL MATERIALS: Products or by-products of the paint manufacturing process that are of known composition and have economic value but can no longer be used for their intended purpose.

AAA. SEMI-TRANSPARENT STAINS: Coatings that contain binders and colored pigments and are formulated to change the color of a surface but not conceal the surface grain pattern or texture. Effective January 1, 2018, this category will expire and these products will be under the "Stains" category.

BBB. SEMI-TRANSPARENT WOOD PRESERVATIVES: Wood preservative stains formulated and used to protect exposed wood from decay or insect attack by the addition of a wood preservative chemicals registered by the California Department of Food and Agriculture, which change the

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color of a surface but do not conceal the surface, including clear wood preservatives. Effective January 1, 2018, this category will expire and these products will be under the “Wood Preservatives” category.

CCC. SHELLACS: Clear or opaque coatings formulated solely with the resinous secretions of the lac (*Lacifer lacca*) beetle, and formulated to dry by evaporation without a chemical reaction.

DDD. SHOP APPLICATION: Application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).

EEE. SOLICIT: To require for use or to specify, by written or oral contract.

FFF. SPECIALTY PRIMERS, SEALERS, AND UNDERCOATERS: Coatings formulated and used only to repair fire, smoke, or water damage.

GGG. STAIN: A semitransparent or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

HHH. STONE CONSOLIDANT: A coating that is labeled and formulated for application to stone substrates to repair structures damaged by weathering or other decay mechanisms. Stone Consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants must be specified and used in accordance with ASTM E2167-01. This coating is for professional use only and must be labeled as such, in accordance with the labeling requirements in Section 215.5H.

III. SWIMMING POOL COATINGS: Coatings labeled, formulated, and used to coat the interior of swimming pools and to resist swimming pool chemicals. Effective January 1, 2018, this category will also include coatings for swimming pool repair and maintenance.

JJJ. SWIMMING POOL REPAIR COATINGS: Chlorinated rubber based coatings used for the repair and maintenance of swimming pools over existing chlorinated rubber based coatings. Effective January 1, 2018, this category will expire and these coatings will be included in “Swimming Pool Coatings” category.

KKK. TINT BASE: An architectural coating to which colorant is added after packaging in sale units to produce a desired color.

LLL. TRAFFIC COATINGS: Coatings formulated for and applied to public streets, highways, and other surfaces including, but not limited to curbs, berms, driveways, parking lots, sidewalks and airport runways. Effective January 1, 2018 this category will expire and be replaced by “Traffic Marking Coating” category.

MMM. TRAFFIC MARKING COATING: Coatings labeled and formulated for and applied to public streets, highways, and other surfaces including curbs, berms, driveways, parking lots, sidewalks and airport runways.

NNN. TUB AND TILE REFINISH COATING: Clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings must meet all of the following criteria:

1. Have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder determined on bonderite 1000 in accordance with ASTM D3363-05 incorporated by reference in Section 215.7E.14;
2. Have a weight loss of 20 milligrams or less after 1000 cycles as determined by CS-17 wheels on bonderite 1000 in accordance with ASTM D4060-07, incorporated by reference in Section 215.7E.15;
3. Withstand 1,000 hours or more of exposure with few or no #8 blisters as determined on unscribed bonderite, in accordance with ASTM D4585-99, and ASTM D714-02e1, incorporated by reference in Section 215.7E.16; and
4. Have an adhesion rating of 4B or better after 24 hours of recovery. This must be determined on unscribed bonderite, in accordance with ASTM D4585-99 and ASTM D3359- 02.

OOO. VARNISHES: Clear wood finishes formulated with various resins to dry by chemical reaction on exposure to air. Effective January 1, 2018, this category will expire and these products will be

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under “Wood Coatings” category.

PPP. VENEER: Thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.

OOO. VIRGIN MATERIAL: Materials that contain no post-consumer coatings or secondary industrial materials.

RRR. VOLATILE ORGANIC COMPOUNDS (VOC): Any volatile compound containing at least one atom of carbon, excluding those compounds listed in District Rule 101, Section 101.2 Definitions “Exempt Compounds.”

SSS. VOC ACTUAL: The weight of VOC per volume of coating and it is calculated with the following equation:

$$\text{VOC Actual} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where:

VOC Actual = the grams of VOC per liter of coating (also known as “Material VOC”).

W_s = weight of volatiles, in grams.

W_w = weight of water, in grams.

W_{ec} = weight of exempt compounds, in grams.

V_m = volume of coating, in liters.

TTT. VOC CONTENT: The weight of VOC per volume of coating. VOC Content is VOC Regulatory, as defined in Section 215.9UUU, for all coatings except those in the Low Solids category. For coatings in the Low Solids category, the VOC Content is VOC Actual, as defined in Section 215.9SSS. If the coating is a multi-component product, the VOC content is VOC Regulatory as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

UUU. VOC REGULATORY: The weight of VOC per volume of coating, less the volume of water and exempt compounds. It is calculated with the following equation:

$$\text{VOC Regulatory} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:

VOC Regulatory = the grams of VOC per liter of coating, less water and exempt compounds (also known as “Coating VOC”).

W_s = weight of volatiles, in grams.

W_w = weight of water, in grams.

W_{ec} = weight of exempt compounds, in grams.

V_m = volume of coating, in liters.

V_w = volume of water, in liters.

V_{ec} = volume of exempt compounds, in liters.

VVV. WATERPROOFING MEMBRANE: A clear or opaque coating labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents penetration of water into the substrate. Waterproofing Membranes are intended for the following waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.). Waterproofing Membranes must meet the following criteria:

1. Coating must be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness; and

A-2. Coatings must meet or exceed the requirements contained in ASTM C836-06.

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The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.).

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WWW. WATERPROOFING SEALERS: Clear, colorless, or opaque coatings formulated and applied for the sole purpose of protecting porous substrates by preventing the penetration of water and which do not alter the surface appearance or texture. Effective January 1, 2018, this category will expire and these products will be under the "Waterproofing Membranes" category.

XXX. WOOD COATINGS: Coatings labeled and formulated for application to wood substrates only. This category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. This category also includes the following opaque wood coatings: opaque lacquers; opaque sanding sealers; and opaque lacquer undercoaters. Wood Coatings must be labeled "For Wood Substrates Only," in accordance with Section 215.5J. The Wood Coatings category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces or coatings intended for substrates other than wood.

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YYY. WOOD PRESERVATIVE: A coating labeled and formulated to protect exposed wood from decay or insect attack that is registered with both the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, et seq.) and with the California Department of Pesticide Regulation.

ZZZ. WOOD SUBSTRATE: A layer made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Substrates do not include items comprised of simulated wood.

AAAA. ZINC-RICH PRIMER: A coating that meets all of the following specifications:

1. Contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids;
2. Is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and
3. Is intended for professional use only and is labeled as such, in accordance with the labeling requirements in Section 215.5K.

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RULE 215 - ARCHITECTURAL COATINGS

(Revised: 9/08/94; 9/27/94, 6/20/2017)

215.1 APPLICABILITY:

- A. Except as provided in Section 215.3, this rule is applicable to any person who supplies, manufactures, blends, repackages, sells, offers for sale, applies, or solicits the application of any architectural coating for use in the District.
- B. The version of Rule 215 Architectural Coatings, adopted September 27, 1994, shall remain in effect in its entirety until December 31, 2017. A coating manufactured prior to January 1, 2018, may be sold, supplied, or offered for sale for up to three years after January 1, 2018, provided that the coating complied, at the time of manufacture, with all applicable provisions in Rule 215 as revised adopted September 27, 1994. Such coating may also be applied at any time, both before and after January 1, 2018. This Section does not apply to any coating that does not display the date or date code required by Section 215.5A of this rule.

215.2 SEVERABILITY:

- A. Each provision of this rule shall be deemed severable. In the event that any provision of this rule is determined to be invalid, the remainder of this rule shall continue in full force and effect.

215.3 EXEMPTIONS:

- A. The requirements of this rule shall not apply to:
 - 1. Any architectural coating that is supplied, sold, offered for sale, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging.
 - 2. Architectural coatings supplied in containers having capacities of one liter (1.057 quart) or less provided the following requirements are met:
 - a. The container is not bundled together with other containers of the same specific coating category (listed in the Table of Standards) to be sold as a unit that exceeds one liter (1.057 quarts), excluding containers packed together for shipping to a retail outlet.
 - b. The label or any other product literature does not suggest combining multiple containers of the same specific category (listed in the Table of Standards) so that the combination exceeds one liter (1.057 quarts).
 - 3. Architectural coatings sold in non-refillable aerosol containers having capacities of one liter or less, or as defined as “Aerosol Coating Product” in Section 215.9.

215.4 REQUIREMENTS:

- A. Except as provided in Sections 215.4B and 215.4C, no person shall, within the District, supply, sell, offer for sale, apply, or solicit the application of or manufacture, blend, repackage for use within the District, any architectural coating which, at the time of sale or manufacture, contains more than the corresponding limit specified in the **Table of Standards**. Limits are expressed as “VOC Regulatory”, thinned to the manufacturer’s maximum thinning recommendation, excluding any colorant added to tint bases.

**TABLE OF STANDARDS
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS**

<p style="text-align: center;">EXISTING</p> <p style="text-align: center;">COATINGS CATEGORY</p> <p style="text-align: center;">Grams VOC/L less water and exempt organic compounds</p>	<p style="text-align: center;">EXISTING Limit (g/L)</p> <p style="text-align: center;">Effective until 12/31/17</p>	<p style="text-align: center;">NEW Limit (g/L)</p> <p style="text-align: center;">Effective beginning 1/1/18</p>	<p style="text-align: center;">NEW</p> <p style="text-align: center;">COATINGS CATEGORY</p> <p style="text-align: center;">Grams VOC/L less water and exempt organic compounds</p>
		50	Flat Coatings
		100	Nonflat Coatings
		150	Nonflat - High Gloss Coatings
			Specialty Coatings
		400	Aluminum Roof Coatings
		400	Basement Specialty Coatings
		50	Bituminous Roof Coatings
		350	Bituminous Roof Primers
Bond Breakers	350	350	Bond Breakers
Concrete Curing Compounds	350	350	Concrete Curing Compounds
		100	Concrete/Masonry Sealers
		50	Driveway Sealers
Dry Fog Coatings	400	150	Dry Fog Coatings
		350	Faux Finishing Coatings
Fire Retardant Coatings: Clear	650		
Fire Retardant Coatings: Pigmented	350	350	Fire Resistive Coatings
		100	Floor Coatings
Form Release Compounds	250	250	Form-Release Compounds
Graphic Arts (Sign) Coatings	500	500	Graphic Arts Coatings (Sign Paints)
High Temperature Industrial Maintenance Coatings	420	420	High Temperature Coatings
Industrial Maintenance: Anti-Graffiti Coatings	340	250	Industrial Maintenance Coatings
Low-Solids Stains and Wood Preservatives	120	120*	Low Solids Coatings
Magnesite Cement Coatings	450	450	Magnesite Cement Coatings
Mastic Texture Coatings	300	100	Mastic Texture Coatings
Metallic Pigmented Coatings	500	500	Metallic Pigmented Coatings
Multi-Color Coatings	420	250	Multi-Color Coatings
Pre-Treatment Wash Primer	675	420	Pre-Treatment Wash Primers
Primers, Sealers, and Interceptors	350	100	Primers, Sealers, and Undercoaters
		350	Reactive Penetrating Sealers
		250	Recycled Coatings
Roof Coatings	300	50	Roof Coatings
		250	Rust Preventative Coatings
Shellac: Clear	730	730	Shellacs: Clear
Shellac: Pigmented	550	550	Shellacs: Opaque
Specialty Primers, Sealers, and Interceptors	350	100	Specialty Primers, Sealers, and Undercoaters
Specialty Flats	400		(Specialty Flats is not defined in Rule 215 or the Suggested Control Measure. Category will be deleted.)
Opaque Stains	350		
Semi-Transparent Stains	350	250	Stains

		450	Stone Consolidants
Swimming Pool Coatings	340		
Swimming Pool Repair and Maintenance	650	340	Swimming Pool Coatings
Traffic Coatings	250	100	Traffic Marking Coatings
		420	Tub and Tile Refinish Coatings
Waterproofing Sealers	400	250	Waterproofing Membranes
Varnish	350		
Lacquer (Clear or Pigmented)	680	275	Wood Coatings
Sanding Sealer (Non-Lacquer)	350		
Below Ground Wood Preservatives	350		
Opaque Wood Preservatives	350	350	Wood Preservatives
Semi-Transparent and Clear Wood Preservatives	350		
		340	Zinc-Rich Primers

*For Low-Solids Coatings the limit is expressed as VOC Actual.

B. MOST RESTRICTIVE VOC LIMIT: If a coating meets the definition in Section 215.9 for one or more specialty coating categories listed in the Table of Standards, then that coating is required to meet the VOC limit for the applicable specialty coating listed in the Table of Standards rather than the VOC limits for Flat, Nonflat, or Nonflat – High Gloss coatings, with the exception of the specialty coating categories specified in subsections 215.4B.1 through 215.4B.12. If a coating is recommended for use in more than one of the coating categories listed in the Table of Standards, the most restrictive (or lowest) VOC content limit shall apply. This requirement applies to: usage recommendations that appear anywhere on the coating container, anywhere on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, including but not limited to:

1. Metallic pigmented coatings.
2. Shellacs.
3. Pretreatment wash primers.
4. Industrial maintenance coatings.
5. Low-solids coatings.
6. Wood preservatives.
7. High temperature coatings.
8. Bituminous roof primers.
9. Specialty primers, sealers, and undercoaters.
10. Aluminum roof coatings.
11. Zinc-rich primers.
12. Wood Coatings.

C. SELL-THROUGH OF COATINGS: A coating manufactured prior to January 1, 2018 and that complied with the standards in effect at the time the coating was manufactured, may be sold, supplied, or offered for sale for up to three years after the specified effective date. Such coatings may be applied at any time, both before and after the specified effective date. This section does not apply to any coating that does not display the date or date-code required by Section 215.5A.

D. PAINTING PRACTICES: All architectural coating containers shall be closed when not in use. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.

E. THINNING: No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in the Table of Standards.

- F. **COATINGS NOT LISTED IN THE TABLE OF STANDARDS:** The VOC content limit for coatings that do not meet the definition for any of the coating categories listed in the Table of Standards shall be determined by classifying the coating as a Flat, Nonflat, or Nonflat – High Gloss coating, based on its gloss, as defined in Sections 215.9U, 215.9JJ, and 215.9KK. The corresponding Flat, Nonflat, or Nonflat – High Gloss VOC limits in the Table of Standards shall apply.
- G. **NEW CATEGORIES:** Prior to January 1, 2018, any coating that meets a definition in Section 215.9 for a coating category listed in the Table of Standards and complies with the applicable VOC limit in the Table of Standards and with Sections 215.4B and 215.5 shall be considered in compliance with this rule.

215.5 CONTAINER LABELING REQUIREMENTS:

Each manufacturer of any architectural coating subject to this rule shall display the information listed in Sections 215.5A through 215.5K on the coating container (or label) in which the coating is sold or distributed.

- A. **DATE CODE:** The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of the Air Resources Board (ARB).
- B. **THINNING RECOMMENDATIONS:** The manufacturer's thinning recommendations shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.
- C. **VOC CONTENT:** One of the following values in grams of VOC per liter of coating shall be indicated on the container:
 1. Maximum VOC Content as determined from all potential product formulations;
 2. VOC Content as determined from actual formulation data; or
 3. VOC Content as determined using the test methods in Section 215.7B.

If thinning is not recommended, the container must display the VOC Content, as supplied. If thinning is recommended, the container must display the VOC Content, including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing. VOC Content shall be determined as defined in Sections 215.9SSS, 215.9TTT, and 215.9UUU.

- D. **FAUX FINISHING COATINGS:** Effective January 1, 2018, the labels of all clear topcoat Faux Finishing coatings shall prominently display the statement "This product can only be sold or used as part of a Faux Finishing coating system."
- E. **INDUSTRIAL MAINTENANCE COATINGS:** Effective January 1, 2018, the labels of all Industrial Maintenance coatings shall prominently display the statement "For industrial use only" or "For professional use only" or "Not for residential use" or "Not intended for residential use."
- F. **RUST PREVENTATIVE COATINGS:** The labels of all rust preventative coatings shall prominently display the statement "For Metal Substrates Only."
- G. **REACTIVE PENETRATING SEALERS:** Effective January 1, 2018, the labels of all Reactive Penetrating Sealers shall prominently display the statement "Reactive Penetrating Sealer."
- H. **STONE CONSOLIDANTS:** Effective January 1, 2018, the labels of all Stone Consolidants shall prominently display the statement "Stone Consolidant - For Professional Use Only."
- I. **NONFLAT - HIGH GLOSS COATINGS:** Effective January 1, 2018, the labels of all Nonflat – High Gloss coatings shall prominently display the words "High Gloss."
- J. **WOOD COATINGS:** Effective January 1, 2018, the labels of all Wood Coatings shall prominently display the statement "For Wood Substrates Only."
- K. **ZINC RICH PRIMERS:** Effective January 1, 2018, the labels of all Zinc Rich Primers shall prominently display the statement "For industrial use only" or "For professional use only" or "Not for

residential use” or “Not intended for residential use.”

215.6 REPORTING REQUIREMENTS:

- A. **SALES DATA:** A responsible official from each manufacturer shall upon request of the Air Pollution Control Officer (APCO), or his or her delegate, provide data concerning the distribution and sales of architectural coatings for emissions inventory purposes. The responsible official shall, within 180 days of written notice, provide information, including but not limited to:
1. The manufacturer name and mailing address;
 2. The contact person name, address, and telephone number;
 3. Coating product name as it appears on the label and the applicable coating category;
 4. Whether the product is marketed for interior or exterior use or both;
 5. The number of gallons sold in California in containers greater than one liter (1.057 quart) and equal to or less than one liter (1.057 quart);
 6. The VOC Actual content and VOC Regulatory content in grams per liter. If thinning is recommended, list the VOC Actual content and VOC Regulatory content after maximum recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC content as mixed or catalyzed;
 7. The VOC constituents names and CAS numbers;
 8. The names and CAS numbers of any compounds in the product specifically exempted from the VOC definition, as listed in Section 215.9RRR;
 9. Whether the product is marketed as solventborne, waterborne, or 100 percent solids;
 10. Description of resin or binder in the product;
 11. Whether the coating is a single-component or multi-component product;
 12. The density of the product in pounds per gallon; and
 13. The percent by weight of: solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Section 215.9RRR; and the percent by volume of: solids, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Section 215.9RRR.
- B. All sales data listed in Section 215.6A shall be maintained by the responsible official for a minimum of three years. Sales data submitted by the responsible official to the APCO may be claimed as confidential, and such information shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations Sections 91000-91022.

215.7 COMPLIANCE PROVISIONS AND TEST METHODS:

- A. **CALCULATION OF VOC CONTENT:** For the purpose of determining compliance with the VOC content limits in the Table of Standards, the VOC content of a coating shall be determined as defined in Sections 215.9SSS, 215.9TTT, or 215.9UUU. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured. If the manufacturer does not recommend thinning, the VOC Content must be calculated for the product as supplied. If the manufacturer recommends thinning, the VOC Content must be calculated including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the VOC content must be calculated as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.
- B. **VOC CONTENT:** To determine the physical properties of a coating to perform the calculations in Section 215.9SSS or 215.9UUU, the reference method is U.S. EPA Method 24, except as provided in Sections 215.7C and 215.7D. An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91 (Revised 1996). The exempt compounds content shall be determined by SCAQMD Method 303-91 (Revised 1993), BAAQMD Method 43 (Revised 1996), or BAAQMD

Method 41 (Revised 1995). To determine the VOC content of a coating, the manufacturer may use U.S. EPA Method 24, or an alternative method as provided in Section 215.7C, formulation data, or any other reasonable means. If there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 test results will govern, except when an alternative method is approved as specified in section 215.7C. The District Air Pollution Control Officer (APCO) may require the manufacturer to conduct a Method 24 analysis.

- C. **ALTERNATIVE TEST METHODS:** Other test methods may also be used if demonstrated to provide results that are acceptable for purposes of determining compliance with Section 215.7B and after review and approval by the staff of the District, the ARB, and the U.S. EPA.
- D. **METHACRYLATE TRAFFIC MARKING COATINGS:** Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of U.S. EPA Method 24 (40 CFR 59, subpart D, Appendix A), incorporated by reference in Section 215.7E.11. This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.
- E. **TEST METHODS:** The following test methods are incorporated by reference herein and shall be used to test coatings subject to the provisions of this rule:
1. **FLAME SPREAD INDEX:** ASTM E 84-07, "Standard Test Method for Surface Burning Characteristics of Building Materials."
 2. **FIRE RESISTANCE RATING:** ASTM E 119-07, "Standard Test Methods for Fire Tests of Building Construction and Materials."
 3. **GLOSS DETERMINATION:** ASTM D 523-89 (1999), "Standard Test Method for Specular Gloss."
 4. **METAL CONTENT:** SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," SCAQMD Laboratory Methods of Analysis for Enforcement Samples.
 5. **ACID CONTENT:** ASTM D 1613-06, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products."
 6. **EXEMPT COMPOUNDS--SILOXANES:** Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes shall be analyzed as exempt compounds for compliance with Section 215.7 by BAAQMD Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," BAAQMD Manual of Procedures, Volume III, adopted 11/6/96.
 7. **EXEMPT COMPOUNDS--PARACHLOROBENZOTRIFLUORIDE (PCBTF):** BAAQMD Method 41, "Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride," BAAQMD Manual of Procedures, Volume III, adopted 12/20/95.
 8. **EXEMPT COMPOUNDS:** Under U.S. EPA Method 24: SCAQMD Method 303-91 (Revised 1993), "Determination of Exempt Compounds," SCAQMD Laboratory Methods of Analysis for Enforcement Samples.
 9. **VOC CONTENT OF COATINGS:** U.S. EPA Method 24 as it exists in appendix A of 40 Code of Federal Regulations (CFR) part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings."
 10. **ALTERNATIVE VOC CONTENT OF COATINGS:** Either U.S. EPA Method 24 or SCAQMD Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," SCAQMD Laboratory Methods of Analysis for Enforcement Samples.
 11. **METHACRYLATE MULTICOMPONENT TRAFFIC MARKING COATINGS:** 40 CFR part 59, subpart D, appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings."
 12. **HYDROSTATIC PRESSURE FOR BASEMENT SPECIALTY COATINGS:** ASTM D7088-04, "Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in

Below Grade Applications Applied to Masonry.”

13. **TUB AND TILE REFINISH COATING ADHESION:** ASTM D 4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation” and ASTM D3359-02, “Standard Test Methods for Measuring Adhesion by Tape Test.”
14. **TUB AND TILE REFINISH COATING HARDNESS:** ASTM D 3363-05, “Standard Test Method for Film Hardness by Pencil Test.”
15. **TUB AND TILE REFINISH COATING ABRASION RESISTANCE:** ASTM D 4060-07, “Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser”.
16. **TUB AND TILE REFINISH COATING WATER RESISTANCE:** ASTM D 4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation” and ASTM D714-02e1, “Standard Test Method for Evaluating Degree of Blistering of Paints.”
17. **WATERPROOFING MEMBRANE:** ASTM C836-06, “Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course.”
18. **MOLD AND MILDEW GROWTH FOR BASEMENT SPECIALTY COATINGS:** ASTM D3273-00, “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber” and ASTM D3274-95, “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation.”
19. **REACTIVE PENETRATING SEALER WATER REPELLENCY:** ASTM C67-07, “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile”; or ASTM C97-02, “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone”; or ASTM C140-06, “Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units.”
20. **REACTIVE PENETRATING SEALER WATER VAPOR TRANSMISSION:** ASTM E96/E96M-05, “Standard Test Method for Water Vapor Transmission of Materials.”
21. **REACTIVE PENETRATING SEALER - CHLORIDE SCREENING APPLICATIONS:** National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures.”
22. **STONE CONSOLIDANTS:** ASTM E2167-01, “Standard Guide for Selection and Use of Stone Consolidants.”

215.8 VIOLATIONS:

- A. Failure to comply with any provision of this rule shall constitute a violation of this rule.

215.9 DEFINITIONS:

- A. **ADHESIVE:** Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.
- B. **AEROSOL COATING PRODUCT:** A pressurized coating product containing pigments or resins that dispense product ingredients by means of a propellant and is packaged in a disposable can for hand-held application or for use in specialized equipment for ground traffic/marketing applications.
- C. **ALUMINUM ROOF COATING:** A coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content shall be determined in accordance with SCAQMD Method 318-95, incorporated by reference in Section 215.7E.4 Metal Content of Coatings.
- D. **APPURTENANCES:** Accessories to an architectural structure, coated at the site of installation whether installed or detached, including, but not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain-gutters and down spouts, window screens, doors, elevators, lamp-posts, heating and air conditioning equipment, other fixed mechanical equipment, large fixed stationary tools, partitions, pipes and piping systems, stairways, fixed ladders, catwalks, fire escapes, and

concrete forms.

- E. **ARCHITECTURAL COATINGS:** A coating to be applied to stationary structures or their appurtenances at the site of installation, portable buildings at the site of installation, to pavements, or curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purposes of this rule.
- F. **BASEMENT SPECIALTY COATING:** A clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement Specialty Coatings must meet the following criteria:
 - 1. Coating must be capable of withstanding at least 10 psi of hydrostatic pressure, as determined in accordance with ASTM D7088-04, which is incorporated by reference in subsection 215.7E.12 Hydrostatic Pressure for Basement Specialty Coatings; and,
 - 2. Coating must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM D3273-00 and ASTM D3274-95, incorporated by reference in Section 215.7E.18 Mold and Mildew Growth for Basement Specialty Coatings.
- G. **BELOW GROUND WOOD PRESERVATIVES:** Coatings formulated to protect below ground wood from decay or insect attack and which contains a wood preservative chemical registered by the California Department of Food and Agriculture. Effective January 1, 2018, this category will expire and be replaced by “Wood Preservatives” category.
- H. **BITUMINOUS COATING MATERIALS:** Black or brownish materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits or as residues from the distillation of crude petroleum oils, or of low grades of coal. Bitumens include, but are not limited to, asphalt, tar, pitch, and asphaltite.
 - 1. **BITUMINOUS ROOF COATING:** A coating which incorporates bitumens that is labeled and formulated exclusively for roofing.
 - 2. **BITUMINOUS ROOF PRIMER:** A primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.
- I. **BOND BREAKERS:** Coatings labeled and formulated for application between layers of concrete to prevent the freshly poured top layer of concrete from bonding to the layer over which it is poured.
- J. **COATING:** A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.
- K. **COLORANT:** A concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.
- L. **CLEAR WOOD FINISHES:** Clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film. Effective January 1, 2018, this category will expire and be replaced by “Wood Coatings” category.
- M. **CONCRETE CURING COMPOUND:** Coatings labeled and formulated for application to freshly poured concrete to retard the evaporation of water or harden or dustproof the surface.
- N. **CONCRETE MASONRY SEALER:** A clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:
 - 1. Prevent penetration of water;
 - 2. Provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or
 - 3. Harden or dustproof the surface of aged or cured concrete.
- O. **DRIVEWAY SEALER:** A coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:
 - 1. Fill cracks;
 - 2. Seal the surface to provide protection; or
 - 3. Restore or preserve the appearance.

- P. **DRY FOG COATING:** Coatings labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with other surfaces.
- Q. **EXEMPT ORGANIC COMPOUNDS:** A compound identified as exempt under the definition of Volatile Organic Compound (VOC), Section 215.9RRR. Exempt compounds content of a coating shall be determined by U.S. EPA Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised 1993), incorporated by reference in Section 215.7E.8 & 9.
- R. **FAUX FINISHING COATING:** A coating labeled and formulated to meet one or more of the following criteria:
1. A glaze or textured coating used to create artistic effects;
 2. A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon);
 3. A decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in Section 215.7E.4;
 4. A decorative coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater than 0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content shall be determined in accordance with SCAQMD Method 318-95, incorporated by reference in Section 215.7E.4; or
 5. A clear topcoat to seal and protect a Faux Finishing coating that meets the requirements of Sections 215.9R.1, 215.9R.2, 215.9R.3, or 215.9R.4. These clear topcoats must be sold and used solely as part of a Faux Finishing coating system, and must be labeled in accordance with Section 215.5D.
- S. **FIRE RESISTIVE COATINGS:** A coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The Fire Resistive category includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. Fire Resistive coatings shall be tested in accordance with ASTM Designation E 119-07, incorporated by reference in Section 215.7E.2. Fire Resistive coatings and testing agencies must be approved by building code officials.
- T. **FIRE RETARDANT COATINGS:** Coatings which have a flame spread index of less than 25 when tested in accordance with ASTM Designation E-84-07, "Standard Test Method for Surface Burning Characteristics of Building Material," after application to Douglas fir according to the manufacturer's recommendations or when tested by an equivalent method approved in writing by the APCO. Effective January 1, 2018, the Fire Retardant coating category is eliminated and coatings with fire retardant properties will be subject to the VOC limit of their primary category (e.g., Flat, Nonflat, etc.).
- U. **FLAT COATING:** A coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in Section 215.7E.3.
- V. **FLOOR COATING:** An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces which may be subject to foot traffic.
- W. **FORM RELEASE COMPOUNDS:** Coatings labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.
- X. **GRAPHIC ARTS COATINGS (SIGN PAINTS):** Coatings labeled, formulated for, and hand-applied by artists using brush, air brush, or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin

enamels.

- Y. **HIGH-TEMPERATURE INDUSTRIAL MAINTENANCE COATINGS:** High performance coatings labeled, formulated for, and applied to substrates exposed continuously or intermittently to temperatures above 400°F. Effective January 1, 2018, this category will expire and be replaced by “High Temperature Coatings” category.
- Z. **INDUSTRIAL MAINTENANCE ANTI-GRAFFITI COATINGS:** Two component clear industrial maintenance coatings formulated for and applied to exterior walls and murals to resist repeated scrubbing and exposure to harsh solvents. Effective January 1, 2018, this category will expire and be replaced by “Industrial Maintenance Coating” category.
- AA. **INDUSTRIAL MAINTENANCE COATING:** High performance architectural coatings including primers, sealers, undercoaters, intermediate coats, and topcoats formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions and labeled as specified in Section 215.5E.
 - 1. Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
 - 2. Acute or chronic exposure to corrosive, caustic, or acidic agents or to chemicals, chemical fumes, chemical mixtures, or solutions;
 - 3. Frequent exposure to temperatures in excess of 250°F;
 - 4. Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleaners, or scouring agents; or
 - 5. Exterior exposure of metal structures.
- BB. **LACQUER:** Clear or pigmented coating formulated with nitrocellulose or synthetic resins to dry, by evaporation without chemical reaction and to provide a quick drying, solid protective film. Effective January 1, 2018, this category will expire and be replaced by “Wood Coatings” category.
- CC. **LOW-SOLIDS COATING:** Coatings containing one pound or less of solids per gallon of material. The VOC content for Low Solids Coating shall be calculated in accordance with Sections 215.9TTT and 215.9SSS.
- DD. **MAGNESITE CEMENT COATINGS:** Coatings labeled and formulated for and applied to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- EE. **MANUFACTURER’S MAXIMUM THINNING RECOMMENDATION:** The maximum recommendation for thinning indicated on the label or lid of the coating container.
- FF. **MASTIC TEXTURE COATINGS:** Coatings labeled and formulated to cover holes, minor cracks, and conceal surface irregularities and which are applied in a thickness of at least 10 mils (dry single coat).
- GG. **MEDIUM DENSITY FIBERBOARD (MDF):** A composite wood product, panel, molding, or other building material composed of cellulosic fibers (usually wood) made by dry forming and pressing of a resinated fiber mat.
- HH. **METALLIC PIGMENTED COATINGS:** A coating that is labeled and formulated to provide a metallic appearance. Coatings containing at least 0.4 pounds of elemental metallic pigment (excluding zinc) per gallon of coating as applied when tested in accordance with SCAQMD Method 318-95. The Metallic Pigmented Coating category does not include coatings applied to roofs or Zinc-Rich Primers.
- II. **MULTI-COLORED COATINGS:** Coatings labeled and formulated to exhibit more than one color when applied and which are packaged in a single container and applied in a single coat.
- JJ. **NON-FLAT COATINGS:** A coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and five or greater on a 60 degree meter, according to ASTM Designation D 523-89 (1999).
- KK. **NONFLAT – HIGH GLOSS COATINGS:** A nonflat coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM Designation D 523-89 (1999). Nonflat – High Gloss coatings must be labeled in accordance with Section 215.5I.
- LL. **OPAQUE STAINS:** All stains not classified as semi-transparent stains. Effective January 1, 2018,

this category will expire and these products will be considered “Stains.”

- MM. **OPAQUE WOOD PRESERVATIVES:** Wood preservatives not classified as clear or semi-transparent wood preservatives or as below ground wood preservatives or low solids wood preservatives. Effective January 1, 2018, this category will expire and these products will be considered “Wood Preservatives.”
- NN. **PARTICLE BOARD:** A composite wood product panel, molding, or other building material composed of cellulosic material in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with a resin.
- OO. **PEARLESCENT:** Exhibiting various colors depending on the angles of illumination and viewing.
- PP. **PLYWOOD:** A panel product consisting of layers of wood veneers or composite core pressed together with a resin. Plywood includes panel products made by pressing with resin veneers to a platform.
- QQ. **POST CONSUMER COATING:** Finished coatings generated by a business or consumer that were used and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.
- RR. **PRE-TREATMENT WASH PRIMER:** A coating which contains at least one-half percent acid, by weight, when tested in accordance with ASTM Designation D 1613-06 that is labeled and formulated for application directly to bare metal surfaces to provide necessary surface etching and corrosion resistance and to promote adhesion of subsequent topcoats.
- SS. **PRIMERS, SEALERS, AND UNDERCOATERS:** Coatings labeled, formulated, and applied to substrates to:
1. Provide a firm bond between the substrate and subsequent coats;
 2. Prevent subsequent coatings from being absorbed by the substrate;
 3. Prevent harm to subsequent coatings by materials in the substrate;
 4. Provide a smooth surface for the substrate application of coatings;
 5. Provide a clear finish coat to seal the substrate; or
 6. Block materials from penetrating into or leaching out of a substrate
- TT. **REACTIVE PENETRATING SEALER:** A clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive Penetrating Sealers must meet all of the following criteria:
1. The Reactive Penetrating Sealer must improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in Section 215.7E.19: ASTM C67-07, or ASTM C97-02, or ASTM C140-06;
 2. The Reactive Penetrating Sealer must not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with ASTM E96/E96M-05; and
 3. Products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981). Reactive Penetrating Sealers must be labeled in accordance with Section 215.5G.
- UU. **RECYCLED COATING:** An architectural coating formulated such that it contains a minimum of 50 percent by volume post-consumer coating, with a maximum of 50 percent by volume secondary industrial materials or virgin materials.
- VV. **RESIDENTIAL:** Areas where people reside or lodge.
- WW. **ROOF COATINGS:** Non-bituminous coatings labeled and formulated for application to exterior roofs for the primary purpose of preventing penetration of the substrate by water, or reflecting heat and ultraviolet radiation. Metallic pigmented roof coatings which qualify as metallic pigmented

coatings shall not be considered to be in this category, but shall be considered to be in the metallic pigmented coatings category.

- XX. **RUST PREVENTATIVE COATING:** A coating formulated to prevent the corrosion of metal surfaces for direct-to-metal coating or application over rusty, previously coated surfaces. This category applies to coatings for metal substrates only and must be labeled as such in accordance with the labeling requirements in Section 215.5F. This category does not include coatings required to be applied as a topcoat over a primer, or coatings for use on wood or other non-metallic surface.
- YY. **SANDING SEALERS:** Clear wood coatings formulated for and applied to bare wood for sanding and to seal the wood for subsequent application of varnish. Effective January 1, 2018, this category will expire and these products will be under the “Wood Coating” category.
- ZZ. **SECONDARY INDUSTRIAL MATERIALS:** Products or by-products of the paint manufacturing process that are of known composition and have economic value but can no longer be used for their intended purpose.
- AAA. **SEMI-TRANSPARENT STAINS:** Coatings that contain binders and colored pigments and are formulated to change the color of a surface but not conceal the surface grain pattern or texture. Effective January 1, 2018, this category will expire and these products will be under the “Stains” category.
- BBB. **SEMI-TRANSPARENT WOOD PRESERVATIVES:** Wood preservative stains formulated and used to protect exposed wood from decay or insect attack by the addition of a wood preservative chemicals registered by the California Department of Food and Agriculture, which change the color of a surface but do not conceal the surface, including clear wood preservatives. Effective January 1, 2018, this category will expire and these products will be under the “Wood Preservatives” category.
- CCC. **SHELLACS:** Clear or opaque coatings formulated solely with the resinous secretions of the lac (*Lacifer lacca*) beetle, and formulated to dry by evaporation without a chemical reaction.
- DDD. **SHOP APPLICATION:** Application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).
- EEE. **SOLICIT:** To require for use or to specify, by written or oral contract.
- FFF. **SPECIALTY PRIMERS, SEALERS, AND UNDERCOATERS:** Coatings formulated and used only to repair fire, smoke, or water damage.
- GGG. **STAIN:** A semitransparent or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.
- HHH. **STONE CONSOLIDANT:** A coating that is labeled and formulated for application to stone substrates to repair structures damaged by weathering or other decay mechanisms. Stone Consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants must be specified and used in accordance with ASTM E2167-01. This coating is for professional use only and must be labeled as such, in accordance with the labeling requirements in Section 215.5H.
- III. **SWIMMING POOL COATINGS:** Coatings labeled, formulated, and used to coat the interior of swimming pools and to resist swimming pool chemicals. Effective January 1, 2018, this category will also include coatings for swimming pool repair and maintenance.
- JJJ. **SWIMMING POOL REPAIR COATINGS:** Chlorinated rubber based coatings used for the repair and maintenance of swimming pools over existing chlorinated rubber based coatings. Effective January 1, 2018, this category will expire and these coatings will be included in “Swimming Pool Coatings” category.
- KKK. **TINT BASE:** An architectural coating to which colorant is added after packaging in sale units to produce a desired color.
- LLL. **TRAFFIC COATINGS:** Coatings formulated for and applied to public streets, highways, and other surfaces including, but not limited to curbs, berms, driveways, parking lots, sidewalks and airport runways. Effective January 1, 2018 this category will expire and be replaced by “Traffic

Marking Coating” category.

- MMM. **TRAFFIC MARKING COATING:** Coatings labeled and formulated for and applied to public streets, highways, and other surfaces including curbs, berms, driveways, parking lots, sidewalks and airport runways.
- NNN. **TUB AND TILE REFINISH COATING:** Clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings must meet all of the following criteria:
1. Have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder determined on bonderite 1000 in accordance with ASTM D3363-05 incorporated by reference in Section 215.7E.14;
 2. Have a weight loss of 20 milligrams or less after 1000 cycles as determined by CS-17 wheels on bonderite 1000 in accordance with ASTM D4060-07, incorporated by reference in Section 215.7E.15;
 3. Withstand 1,000 hours or more of exposure with few or no #8 blisters as determined on unscribed bonderite, in accordance with ASTM D4585-99, and ASTM D714-02e1, incorporated by reference in Section 215.7E.16; and
 4. Have an adhesion rating of 4B or better after 24 hours of recovery. This must be determined on unscribed bonderite, in accordance with ASTM D4585-99 and ASTM D3359- 02.
- OOO. **VARNISHES:** Clear wood finishes formulated with various resins to dry by chemical reaction on exposure to air. Effective January 1, 2018, this category will expire and these products will be under “Wood Coatings” category.
- PPP. **ENEER:** Thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.
- QQQ. **VIRGIN MATERIAL:** Materials that contain no post-consumer coatings or secondary industrial materials.
- RRR. **VOLATILE ORGANIC COMPOUNDS (VOC):** Any volatile compound containing at least one atom of carbon, excluding those compounds listed in District Rule 101, Section 101.2 Definitions “Exempt Compounds.”
- SSS. **VOC ACTUAL:** The weight of VOC per volume of coating and it is calculated with the following equation:

$$\text{VOC Actual} = \frac{(\text{Ws} - \text{Ww} - \text{Wec})}{(\text{Vm})}$$

Where:

VOC Actual = the grams of VOC per liter of coating (also known as “Material VOC”).

Ws = weight of volatiles, in grams.

Ww = weight of water, in grams.

Wec = weight of exempt compounds, in grams.

Vm = volume of coating, in liters.

- TTT. **VOC CONTENT:** The weight of VOC per volume of coating. VOC Content is VOC Regulatory, as defined in Section 215.9UUU, for all coatings except those in the Low Solids category. For coatings in the Low Solids category, the VOC Content is VOC Actual, as defined in Section 215.9SSS. If the coating is a multi-component product, the VOC content is VOC Regulatory as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.
- UUU. **VOC REGULATORY:** The weight of VOC per volume of coating, less the volume of water and exempt compounds. It is calculated with the following equation:

$$\text{VOC Regulatory} = \frac{(\text{Ws} - \text{Ww} - \text{Wec})}{(\text{Vm} - \text{Vw} - \text{Vec})}$$

Where:

VOC Regulatory = the grams of VOC per liter of coating, less water and exempt compounds (also known as “Coating VOC”).

W_s = weight of volatiles, in grams.

W_w = weight of water, in grams.

W_{ec} = weight of exempt compounds, in grams.

V_m = volume of coating, in liters.

V_w = volume of water, in liters.

V_{ec} = volume of exempt compounds, in liters.

VVV. **WATERPROOFING MEMBRANE:** A clear or opaque coating labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents penetration of water into the substrate. Waterproofing Membranes are intended for the following waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.). Waterproofing Membranes must meet the following criteria:

1. Coating must be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness; and
2. Coatings must meet or exceed the requirements contained in ASTM C836-06.

The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.).

WWW. **WATERPROOFING SEALERS:** Clear, colorless, or opaque coatings formulated and applied for the sole purpose of protecting porous substrates by preventing the penetration of water and which do not alter the surface appearance or texture. Effective January 1, 2018, this category will expire and these products will be under the “Waterproofing Membranes” category.

XXX. **WOOD COATINGS:** Coatings labeled and formulated for application to wood substrates only. This category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. This category also includes the following opaque wood coatings: opaque lacquers; opaque sanding sealers; and opaque lacquer undercoaters. Wood Coatings must be labeled “For Wood Substrates Only,” in accordance with Section 215.5J. The Wood Coatings category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces or coatings intended for substrates other than wood.

YYY. **WOOD PRESERVATIVE:** A coating labeled and formulated to protect exposed wood from decay or insect attack that is registered with both the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, et seq.) and with the California Department of Pesticide Regulation.

ZZZ. **WOOD SUBSTRATE:** A layer made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Substrates do not include items comprised of simulated wood.

AAAA. **ZINC-RICH PRIMER:** A coating that meets all of the following specifications:

1. Contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids;
2. Is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and
3. Is intended for professional use only and is labeled as such, in accordance with the labeling requirements in Section 215.5K.

ATTACHMENT B

PROPOSED AMENDMENTS TO

RULE 101 – GENERAL PROVISIONS AND DEFINITIONS

STRIKE-OUT UNDERLINE VERSION and

CLEAN VERSION

EL DORADO COUNTY AIR QUALITY MANAGEMENT DISTRICT

RULE 101 - GENERAL PROVISIONS AND DEFINITIONS

(Adopted: February 15, 2000, Amended June 20, 2017)

101.1 General

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- A. **Title:** These Rules and Regulations shall be known as the Rules and Regulations of the El Dorado County Air ~~Pollution Control~~Quality Management District.
- B. **Applicability:** Except as otherwise specifically provided in these rules and regulations or where the context otherwise indicates, the provisions of this rule shall apply to all rules and regulations of the El Dorado County Air ~~Pollution Control~~Quality Management District.
- C. **Severability:** If any regulation, rule, section, subsection, sentence, clause, phrase, or portion of these rules and regulations is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the Rules and Regulations of the El Dorado County Air ~~Pollution Control~~Quality Management District.

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101.2 Definitions

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Except as otherwise provided in the Rules and Regulations or where the context otherwise indicates, words used in the Rules and Regulations are used in exactly the same sense as the same words used in Division 26 of the Health and Safety Code of the State of California.

Affected Pollutants

Those pollutants for which an ambient air quality standard has been established by the Environmental Protection Agency or by the ARB and the precursors to such pollutants, and those pollutants regulated by the Environmental Protection Agency under the Federal Clean Air Act or by the ARB under the Health and Safety Code including volatile organic compounds, nitrogen oxides, sulfur oxides, PM-10, carbon monoxide, ethylene, lead, asbestos, beryllium, mercury, vinyl chloride, fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds, and those pollutants which the Environmental Protection Agency, after due process, or the ARB or the District, after public hearing, determine may have a significant adverse effect on the environment, the public health, or the public welfare.

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Air Contaminant or Pollutant	Any matter which causes or tends to cause the degradation of air quality when discharged, released, or propagated by other means into the atmosphere. Such matter includes, but is not limited to, smoke, dust, charred paper, soot, grime, carbon compounds, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.	Formatted: Centered
Air Pollution Control Officer	The Air Pollution Control Officer of the Air Pollution Control <u>Quality Management</u> District of El Dorado County or his authorized representative.	Formatted: Centered
Allowable Emissions	The emission rate calculated using the maximum design capacity of the source, unless the source is subject to Permit to Operate conditions which limit the operating rate, hours of operation, or both; the most stringent of any applicable emission limitations contained in the Rules and Regulations; or, as specified in a Permit to Operate condition(s).	Formatted: Centered
Alter	Any addition to, enlargement of, replacement of, major modification, or change of the design, capacity, process, or arrangement; or, increase in the connected loading of equipment or control apparatus, which will significantly increase or effect the kind or amount of air contaminants emitted.	Formatted: Centered
Ambient	Local atmospheric conditions such as temperature, barometric pressure, wind speed and direction, pollutant concentrations, etc.	Formatted: Centered
Ambient Air Quality Standards	The standards define maximum concentrations of pollutants, in the air, that the District is striving to achieve. Both the state and federal governments have promulgated standards. Primary standards are designed to protect health with an adequate margin of safety. Secondary standards are designed to protect public welfare from any known or anticipated adverse effects. The standards are subject to periodic revision as deemed necessary. All references to "ambient air quality standards" in these Rules and Regulations shall be considered to be the National Ambient Air Quality Standards unless denoted otherwise.	Formatted: Centered
ARB	The California State Air Resources Board, or any person authorized to act on its behalf.	Formatted: Centered
Atmosphere	The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emissions into the building shall be considered to be an emission into the atmosphere.	Formatted: Centered
Attainment Pollutant	A pollutant for which the Environmental Protection Agency has designated the Air <u>Quality Management</u> Pollution Control District or a sub-District zone, as either an attainment or unclassified area.	Formatted: Centered
Baseline	The ambient concentration level reflecting actual air quality as	Formatted: Centered

Concentration	monitored or modeled as of (1) January 1, 1981, minus any contribution from major stationary sources and major modifications on which construction commenced on or after January 5, 1975, or attainment pollutants; and (2) the date an application for Authority to Construct is deemed complete by the Air Pollution Control Officer for nonattainment pollutants.	
Board	The El Dorado County Air Pollution Control <u>Quality Management</u> Board of Directors.	Formatted: Centered
Breakdown Condition	An unforeseeable failure or malfunction of (1) any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by the Rules and Regulations or state law; or, (2) any in-stack continuous monitoring equipment. The failure or malfunction shall not be the result of neglect or disregard of any air pollution control law, rule, or regulation; intentional or the result of negligence; the result of improper maintenance; a recurrent breakdown of the same equipment; or, a nuisance.	Formatted: Centered
Calendar Quarter	Any of the following three month periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31.	Formatted: Centered
Calendar Year	The twelve-month period of January 1 through December 31.	Formatted: Centered
California Environmental Quality Act (CEQA)	Public Resources Code Section 21000, et seq.	Formatted: Centered
Cold Cleaner	Any batch loaded, non-boiling solvent degreaser.	Formatted: Centered
Combustible or Flammable Waste	Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste, or any other combustible or flammable refuse material.	Formatted: Centered
Combustion Contaminant	Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or combined state.	Formatted: Centered
Contiguous Property	Two or more parcels of land with a common boundary or separated solely by a public roadway or other public right-of-way.	Formatted: Centered
Control Equipment	A device which reduces or eliminates the release of an air contaminant to the atmosphere.	Formatted: Centered
Criteria Pollutant	An air pollutant regulated by a national ambient air quality standard contained within 40 CFR Part 50.	Formatted: Centered
Day	T The 24-hour period starting at twelve midnight and continuing up to the subsequent twelve midnight hour.	Formatted: Centered
District	The Air Pollution Control <u>Quality Management</u> District of El Dorado County.	Formatted: Centered
Dust	Minute solid particles released into the air by natural forces or by	Formatted: Centered

	mechanical processes such as crushing, grinding, covering, bagging, sweeping, milling, drilling, demolishing, blasting, shoveling, conveying, or other similar processes	
Emission	Air contaminants released into the atmosphere.	Formatted: Centered
Emission Data	Measured or calculated concentrations or weights of air contaminants emitted into the atmosphere. Data used to calculate emission data is not emission data.	Formatted: Centered
Emission Point	The place, located in a horizontal plane and vertical elevation, at which air contaminants enter the atmosphere.	Formatted: Centered
Emission Unit	Any part of a stationary source which emits or could have the potential to emit any pollutant subject to regulation.	Formatted: Centered
EPA	United States Environmental Protection Agency or any person authorized to act on its behalf.	Formatted: Centered
Exempt Compounds:	Compounds which are not involved in the generation of ozone and, as such, are not considered to be a <u>Reactive-Volatile Organic Compound</u> . They are as follows:	Formatted: Centered
General compounds	Methane (<u>CH₄</u>)	Formatted: Font: 10 pt
	carbon monoxide (<u>CO</u>)	Formatted: Font: 10 pt
	carbon dioxide (<u>CO₂</u>)	Formatted: Font: 10 pt
	Carbonic acid (<u>CO(OH)₂</u>)	Formatted: Font: 10 pt
	acetone	
	ammonium carbonate (<u>(NH₄)HCO₃(NH₄)CO₂NH₂</u>)	Formatted: Font: 10 pt
	metal carbides (<u>M-C</u>) or carbonates (<u>M-CO₃</u>)	Formatted: Font: 10 pt
	ethane	
	methyl acetate	
	completely methylated siloxanes	
	<u>methyl formate (HCOOCH₃)</u>	Formatted: Font: 10 pt
Chlorinated compounds	methylene chloride (dichloromethane)	Formatted: Font: 10 pt, Subscript
	1,1,1-trichloroethane (methyl chloroform)	
	1,1,2,2-tetrachloroethane (perchloroethylene)	Formatted: Font: 10 pt
Fluorinated compounds	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane	
	2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane	
	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane	
	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane	
	<u>1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane</u>	
	<u>trans -1,3,3,3 tetrafluoropropane (HFO-1234ze)</u>	
	<u>trans -1 -chloro - 3,3,3 trifluoropropene (HFO-1233zd)</u>	
Chlorinated and fluorinated compounds	parachlorobenzotrifluoride (PCBTF) (<u>1-chloro-4-trifluoromethyl benzene</u>)	Formatted: Font: 10 pt
Chlorofluorocarbons (CFCs)	trichlorofluoromethane (CFC-11)	
	dichlorodifluoromethane (CFC-12)	
	1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113)	
	1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)	
	chloropentafluoroethane (CFC-115)	
Hydrochlorofluorocarbons (HCFCs)	chlorodifluoromethane (HCFC-22)	
	chlorofluoromethane (HCFC-31)	
	2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)	
	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)	

2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
 1,1-dichloro-1-fluoroethane (HCFC-141b)
 1-chloro-1,1-difluoroethane (HCFC-142b)
 1-chloro-1-fluoroethane (HCFC-151a)
 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)

Hydrofluorocarbons

(HFCs) trifluoromethane (HFC-23)
 difluoromethane (HFC-32)
 1,1,1,2,3,4,4,5,5-decafluoropentane (HFC 43-10mee)
 pentafluoroethane (HFC-125)
 1,1,2,2-tetrafluoroethane (HFC-134)
 1,1,1,2-tetrafluoroethane (HFC-134a)
 1,1,1-trifluoroethane (HFC-143a)
 1,1-difluoroethane (HFC-152a)
 ethylfluoride (HFC-161)
[1,1,1,2,3,4,4,5,5,6,6,6-heptafluoropropane \(HFC-227ea\)](#)
 1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
 1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
 1,1,2,2,3-pentafluoropropane (HFC-245ca)
 1,1,2,3,3-pentafluoropropane (HFC-245ea)
 1,1,1,2,3-pentafluoropropane (HFC-245eb)
 1,1,1,3,3-pentafluoropropane (HFC-245fa)
 1,1,1,3,3-pentafluorobutane (HFC-365mfc)

Perfluorocarbons (PFCs) - The following four classes of ~~perfluorocarbon compounds~~:

- a. Completely fluorinated alkanes.
- b. Completely fluorinated ethers, with no multiple bonding of carbons.
- c. Completely fluorinated tertiary amines with no multiple bonding of carbons.
- d. Those containing sulfur which bonds only with carbon and fluorine, but has no multiple bonding of carbons.

Perfluorocarbon and siloxane compounds are assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon and siloxane compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

~~The following low-reactive organic compounds which have been exempted by the U.S. EPA:~~

- a. ~~acetone~~
- b. ~~ethane~~
- c. ~~parachlorobenzotrifluoride~~
- d. ~~perchloroethylene~~
- e. ~~methyl acetate~~
- f. ~~propylene carbonate (PC)~~
- g. ~~dimethyl carbonate (DMC)~~
- h. ~~tertiary-butyl acetate (TBAC)~~
- i. ~~aminomethyl propanol (AMP, 2-amino-2-methyl-1-propanol)~~

~~T-butyl acetate is exempt for purposes of emissions limitations or VOC content requirements but not for recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC.~~

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Facility	<p>Any building, structure, facility, or emission unit which emits or may emit any affected pollutant directly or as a fugitive emission.</p> <ol style="list-style-type: none"> 1. Building, structure, facility, or emission unit includes all pollutant emitting activities which: <ol style="list-style-type: none"> a. belong to the same industrial grouping; b. are located on one property, or on two or more contiguous properties; and, c. are under the same or common ownership, operation, or control; or, which are owned or operated by entities which are under common control. 2. Pollutant emitting activities shall be considered as part of the same industrial grouping if: <ol style="list-style-type: none"> a. they have the same two-digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual; or, b. they are part of a common production process, i.e. an industrial, manufacturing, or any connected process which involves a common material.
Federal Land Manager	Means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.
Flue	-Any duct or passage for air, gases or the like, such as a stack or chimney.
Fossil Fuel	-Natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials.
Fossil Fuel Fired Steam Generator	A furnace or boiler which burns fossil fuel for the primary purpose of producing steam by heat transfer.
Fugitive Dust	Solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, as a result of operation of a facility.
Fugitive Emissions	Emissions which could not reasonably be passed through a stack, chimney, vent, or other functionally equivalent opening. Fugitive hazardous air pollutant emissions shall be considered when determining whether a source is a major stationary source pursuant to Title V of the Federal Clean Air Act as amended in 1990 and Rule 522, TITLE V - FEDERAL OPERATING PERMIT PROGRAM. The fugitive emissions of a source shall not be considered in determining whether it is a major stationary source pursuant to Title V, unless the source belongs to one of the following categories of stationary sources listed in 40 CFR 70.2, "Definitions"; "Major Source" (2) .
Fumes	Minute solid particles generated by the condensation of vapors from the sublimation of solid matter or evaporation of liquid

matter.

Global Warming Potential

Each greenhouse gas's ability to retain infrared radiation expressed in terms of CO₂ equivalents (CO₂e).

Greenhouse Gases (GHG)

Gases in the atmosphere that absorb and emit radiation in the thermal infrared range. The primary GHG are water vapor, carbon dioxide (CO₂), methane (CH₄), nitrous oxides (N₂O), and ozone (O₃).

Hazardous Air Pollutant (HAP)

Any air pollutant listed pursuant to Section 112(b) of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

Health and Safety Code

Division 26 of the State of California Health and Safety Code, unless specifically listed as otherwise.

Hearing Board

The appellate review board of the District as provided for in the Health and Safety Code.

Incineration

Operation in which waste material is combusted with the principle purpose, or with the principle result, being to reduce its bulk or facilitate its disposal.

Incinerator

Any furnace or other closed fire chamber used to dispose of combustible waste by burning; the products of combustion are directed through a flue or chimney.

Installation

The placement, assemblage, or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.

Lake Tahoe Air Basin

Established pursuant to Section 39606 of the Health and Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60113(a) or 40 CFR 81.275. This air basin is delineated on an official map on file at the California Air Resources Board Headquarters Office.

Lowest Achievable Emission Rate

For any source, the most stringent of:

1. The most effective emission limitation which the Environmental Protection Agency has certified as contained in the implementation plan of any state, approved under the Clean Air Act, for such class or category of source, unless the owner or operator of the proposed source demonstrates to the satisfaction of the Air Pollution Control Officer that such limitation is not achievable;
2. The most effective emissions control technique which has been achieved in practice, for such category or class of source; or;

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3. Any other emission control technique found, after public hearing, by the Air Pollution Control Officer to be technologically feasible and cost effective for such class or category of sources, or for a specific source.

In no event shall the application of lowest achievable emission rate allow for emissions in excess of those allowable under 40 CFR Part 60.

Major Stationary Source

A stationary source which emits or has the potential to emit: 25 tons per year (tpy) or more of nitrogen oxides, 25 tpy or more of ~~reactive-volatile~~ organic compounds, 100 tpy or more of carbon monoxide, 100 tpy or more of PM10, 100 tpy of sulfur oxides, 100 tpy of any regulated pollutant or levels specified by the U.S. Environmental Protection Agency pursuant to the Federal Clean Air Act of 1990, Section 112(a)(1). In addition, any physical change occurring at a stationary source not otherwise qualifying as a major stationary source, which would constitute a major stationary source by itself makes the source a major stationary source. For the purposes of *Rule 522, TITLE V - FEDERAL OPERATING PERMIT PROGRAM*, a major stationary source also includes any source which emits or has a potential to emit 10 tpy of one HAP or 25 tpy of two or more Hazardous Air Pollutants (HAPs), as listed pursuant to Section 112(b) of the Federal Clean Air Act, or any lesser quantity threshold promulgated by the U.S. Environmental Protection Agency.

Major Modification

Modification to a major stationary source which results in an increase in the potential to emit greater than: 25 tons per year of nitrogen oxides, 25 tons per year of ~~reactive-volatile~~ organic compounds, 100 tons per year of carbon monoxide, 40 tons per year of sulfur oxides, or 15 tons per year of PM10 aggregated with all other increases in potential to emit over the period of five consecutive years before the application for modification, and including the calendar year of the most recent application.

Modification

Any physical change, change in method of operation (including change in fuel characteristics), addition to, or any change in hours of operation, or change in production rate of, which:

1. For an emissions unit:
 - a. Would necessitate a change in permit conditions;
 - b. Is not specifically limited by a permit condition; or;
 - c. Results in an increase, a decrease, or no change in emissions which are not subject to emission limitations.
2. For a stationary source: is a modification of any emission

units, or addition of any new emission units.

3. The following shall not be considered a modification:
 - a. A change in ownership~~;~~
 - b. Routine maintenance and repair~~;~~
 - c. A reconstructed stationary source or emission unit which shall be treated as a new stationary source or emission unit; ~~and-~~
 - d. The addition of a continuous emission monitoring system.

Mountain Counties Air Basin	Established pursuant to Section 39606 of the Health &-and Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60111 (i), the Mountain Counties Air Basin includes all of El Dorado County except that portion included in the Lake Tahoe Air Basin, defined by 17 CCR 60113(b).
Multiple-Chamber Incinerator	Any article, machine, equipment, contrivance, structure, or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage-ports or ducts employing adequate design parameters necessary for maximum combustion of the material to be burned.
Nonattainment Pollutant	Any pollutant for which an ambient air quality standard was exceeded within the District more than three (3) discontinuous times (or, for annual standards, more than one (1) time) within the three (3) years immediately preceding the date when the application for the Authority to Construct was filed, or which has been designated nonattainment pursuant to final rule-making by the Environmental Protection Agency published in the Federal Register, or which has been designated nonattainment by the ARB pursuant to Section 39607 of the Health and Safety Code. Any pollutant which is a precursor to a nonattainment pollutant is, itself, a nonattainment pollutant.
NOx	The sum of all oxides of nitrogen, except for nitrous oxide, collectively expressed as nitrogen dioxide.
Operation	Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or properties of a material
Orchard or Citrus Heaters	Any article, machine, equipment, or other contrivance, burning any type of fuel or material, used or capable of being used for the purpose of giving protection from frost damage.
Organic Solvents	Any organic materials used for cleaning which are liquids at

	standard conditions.																		
<u>Owner or Operator</u>	Owner or Operator Any person who owns, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.																		
Particulate Matter	Any material which can exist in a finely divided form as a liquid or solid at standard conditions, except uncombined water.																		
Pathological Waste	Includes, but not limited to, human or animal tissue, or natural constituents thereof.																		
Person	Any person, company, association, organization, user, partnership, business trust, corporation, firm, contractor, supplier, installer, operator, owner or operator, government agency or public district, or officer or employee thereof.																		
<u>PM2.5 (PM_{2.5})</u>	<u>Particulate matter with an aerodynamic diameter smaller than or equal to a nominal 2.5 microns as measured by an applicable reference test method or method found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).</u>																		
PM10 (PM₁₀)	Particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method or method found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).																		
Portable Equipment	Equipment which is periodically relocated and is not operated more than a total of 180 days at any one location in the District within any continuous 12 month period.																		
PPMV	Parts per million by volume expressed on a dried gas basis.																		
Precursor	A pollutant that, when emitted into the atmosphere, may undergo either a chemical or physical change which then produces another pollutant for which an ambient air quality standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more ambient air quality standards. The following precursor-secondary air contaminant relationships shall be used: <table border="0" style="margin-left: 20px;"> <tr> <td>Precursor</td> <td>Secondary Air Contaminant</td> </tr> <tr> <td>Reactive-Volatile Organic Compounds</td> <td>Ozone</td> </tr> <tr> <td>Oxides of Nitrogen</td> <td>PM10 (organic fraction)</td> </tr> <tr> <td></td> <td>Ozone</td> </tr> <tr> <td></td> <td>Nitrogen dioxide</td> </tr> <tr> <td></td> <td>PM10 (nitrate fraction)</td> </tr> <tr> <td>Oxides of Sulfur</td> <td>Sulfur dioxide</td> </tr> <tr> <td></td> <td>Sulfates</td> </tr> <tr> <td></td> <td>PM10 (sulfate fraction)</td> </tr> </table>	Precursor	Secondary Air Contaminant	Reactive-Volatile Organic Compounds	Ozone	Oxides of Nitrogen	PM10 (organic fraction)		Ozone		Nitrogen dioxide		PM10 (nitrate fraction)	Oxides of Sulfur	Sulfur dioxide		Sulfates		PM10 (sulfate fraction)
Precursor	Secondary Air Contaminant																		
Reactive-Volatile Organic Compounds	Ozone																		
Oxides of Nitrogen	PM10 (organic fraction)																		
	Ozone																		
	Nitrogen dioxide																		
	PM10 (nitrate fraction)																		
Oxides of Sulfur	Sulfur dioxide																		
	Sulfates																		
	PM10 (sulfate fraction)																		
Process Weight Per Hour	The total weight, including contained moisture, of all materials introduced into any specific process, which process may cause																		

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an emission. Solid fuels are considered as part of the process weight, but liquid and gaseous fuels and combustion air are not. (The Process Weight Per Hour will be derived by dividing the total process weight by number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.)

Public Record

Any record made available to the public containing any information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except "trade secrets" as defined in Rule 514.

Reactive Organic Compound

~~Any compound containing carbon except exempt compounds as defined in this rule. Same as Volatile Organic Compounds.-~~

Record

Handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or punched cards, drums, electronic media, files, and other documents.

Reduced Sulfur Compounds

Hydrogen sulfide, carbon disulfide, and carbonyl sulfide.

Regulated Air Pollutant

A pollutant which is emitted into or otherwise enters the atmosphere and for which the State or the EPA has adopted an emission limit, standard, or other requirement. Regulated air pollutants include:

1. Oxides of nitrogen and volatile organic compounds;
2. Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the Federal Clean Air Act;
3. Any pollutant subject to a new source performance standard promulgated pursuant to Section 111 of the Federal Clean Air Act;
4. Any ozone depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydrofluorocarbons) substance pursuant to Title VI of the Federal Clean Air Act; and
5. Any pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the Federal Clean Air Act, including:
 - a. Any pollutant listed pursuant to Section 112(r) of the

Federal Clean Air Act (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.

- b. Any HAP subject to a standard or other requirement promulgated by the U.S. Environmental Protection Agency pursuant to Section 112(d) or adopted by the District pursuant to 112(g) and (j) of the Federal Clean Air Act shall be considered a "regulated air pollutant" for all sources or categories of sources:
 - 1. upon promulgation of the standard or requirement, or
 - 2. 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the Federal Clean Air Act.
- c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the U.S. Environmental Protection Agency promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to Section 112(g)(2) of the Federal Clean Air Act. In case-by-case emissions limitation determinations, the HAP shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made.

Residential Rubbish Refuse originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

Rubbish ~~1. Rubbish~~ Combustible and noncombustible solid wastes of commercial and industrial establishments, institutions, etc., exclusive of the highly putrescible wastes (garbage). Rubbish consists of such materials as paper, metal, wood, cans, furniture, yard trimmings, and ceramics:

~~2. Responsible Official~~ An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued such source in accordance with Regulation V PERMITS TO OPERATE. A responsible official@ is:

~~3. For a corporation~~ a president, secretary, treasurer, or

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~~vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:~~

~~a. The facilities employ more than 250 people or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or,~~

~~b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer.~~

~~4. For a partnership or sole proprietorship—a general partner or the proprietor, respectively.~~

~~5. For a municipality, state, federal, or other public agency—either the principal executive officer or a ranking elected official.~~

~~6. For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act—the designated representative of that unit for any purposes under Title IV and Rule 522 Title V—FEDERAL OPERATING PERMITS PROGRAM.~~

Responsible Official An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued such source in accordance with Regulation V PERMITS TO OPERATE. A responsible official is:

1. For a corporation - a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

a. The facilities employ more than 250 people or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

b. The delegation of authority to such representative is approved in advance by the Air Pollution Control

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Officer.

2. For a partnership or sole proprietorship - a general partner or the proprietor, respectively.

3. For a municipality, state, federal, or other public agency - either the principal executive officer or a ranking elected official.

4. For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act - the designated representative of that unit for any purposes under Title IV and Rule 522 Title V - FEDERAL OPERATING PERMITS PROGRAM.

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School

Any public or private school used for the primary purpose of the education of more than 12 children in kindergarten or grades 1 through 12, but does not include any private school in which education is primarily conducted in private homes.

Secondary Emissions

Emissions within the District from (1) all cargo carriers, excluding motor vehicles as defined in the Vehicle Code, which load or unload at a facility, and (2) all offsite support facilities which would be constructed as a result of construction or modification of a facility.

Section

All section references are to the Health and Safety Code unless some other code is specifically mentioned.

Sensitive Receptor

Areas, facilities, or groups that may be more heavily impacted by various activities, which create air pollutants, based on the nature of the contaminant. Examples include, but are not limited to, towns and villages, campgrounds, hospitals, nursing homes, schools, airports, public events, shopping centers, and mandatory Class I Federal areas, the elderly, the young, and people with respiratory difficulty.

Short Lived Climate Pollutants (SLCP)

Pollutants that remain in the atmosphere for a much shorter time period than longer-lived climate pollutants, such as carbon dioxide. Their relative atmospheric heating potency can be tens, hundreds, or thousands of times greater than carbon dioxide. SLCP include three main components:

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1. **Black Carbon** – Fine particulate matter produced from old diesel engines and incomplete combustion of fuels and biomass burning. Its atmospheric residency is on the order of days but it can continue to have an effect when it settles on snow/ice.

2. **Hydrofluorocarbons (HFCs)** – Man-made gases used in

air conditioning, refrigeration, solvents, foam blowing agents, and aerosols used primarily as replacement for ozone depleting substances. Their atmospheric residency is approximately 15 years.

3. Methane (CH₄) – A greenhouse gas (GHG) and the principal component in natural gas and a main precursor to tropospheric ozone. Its atmospheric residency is approximately 12 years.

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Source Operation The last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminants from the process materials, or the conversion of process materials into air contaminants, as in the case of combustion of fuel, and (b) is not an air pollution abatement operation.

SOx ~~means~~ The sum of all oxides of sulfur, collectively expressed as sulfur dioxide.

Standard Conditions A temperature of 68 degrees Fahrenheit and an atmospheric pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this temperature and pressure.

Standard Cubic Foot of Gas The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.

Stationary Source ~~Same as Facility.~~ Same as Facility.

Tahoe Basin ~~Same as Lake Tahoe Air Basin.~~ Same as Lake Tahoe Air Basin.

Totally Reduced Sulfur Compounds Hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.

Toxic Air Contaminant ~~Means an~~ An air contaminant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health, including air contaminants listed as such in the California Code of Regulations Title 17 Section 93000, and hazardous air pollutants identified pursuant to the federal Clean Air Act, Title I, Section 112(b).

Volatile Organic Compounds Any compound containing carbon except exempt compounds as defined in this rule.

Wipe Cleaning Method of cleaning which utilizes a material, such as a rag, wetted with solvent coupled with a physical rubbing process to remove contaminants from surfaces.

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Disclosure of Data: The Air Pollution Control Officer shall, upon due notice, make the

following data and information available to the public and other government agencies for examination and provide copies thereof where appropriate:

- a. Air pollution data, including trade secrets, shall be disclosed in accordance with the provisions of Government Code Section 6254.7.
- b. Data required to be submitted to the District under the Air Toxics "Hot Spots" Information and Assessment Act, and which the operator believes to be a trade secret, shall be protected from disclosure in accordance with the provisions of Health and Safety Code Section 44346.

EL DORADO COUNTY AIR QUALITY MANAGEMENT DISTRICT

RULE 101 - GENERAL PROVISIONS AND DEFINITIONS

(Adopted: February 15, 2000, Amended June 20, 2017)

101.1 General

- A. **Title:** These Rules and Regulations shall be known as the Rules and Regulations of the El Dorado County Air Quality Management District.
- B. **Applicability:** Except as otherwise specifically provided in these rules and regulations or where the context otherwise indicates, the provisions of this rule shall apply to all rules and regulations of the El Dorado County Air Quality Management District.
- C. **Severability:** If any regulation, rule, section, subsection, sentence, clause, phrase, or portion of these rules and regulations is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the Rules and Regulations of the El Dorado County Air Quality Management District.

101.2 Definitions

Except as otherwise provided in the Rules and Regulations or where the context otherwise indicates, words used in the Rules and Regulations are used in exactly the same sense as the same words used in Division 26 of the Health and Safety Code of the State of California.

Affected Pollutants Those pollutants for which an ambient air quality standard has been established by the Environmental Protection Agency or by the ARB and the precursors to such pollutants, and those pollutants regulated by the Environmental Protection Agency under the Federal Clean Air Act or by the ARB under the Health and Safety Code including volatile organic compounds, nitrogen oxides, sulfur oxides, PM-10, carbon monoxide, ethylene, lead, asbestos, beryllium, mercury, vinyl chloride, fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds, and those pollutants which the Environmental Protection Agency, after due process, or the ARB or the District, after public hearing, determine may have a significant adverse effect on the environment, the public health, or the public welfare.

Air Contaminant or Any matter which causes or tends to cause the degradation of air

Pollutant	quality when discharged, released, or propagated by other means into the atmosphere. Such matter includes, but is not limited to, smoke, dust, charred paper, soot, grime, carbon compounds, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.
Air Pollution Control Officer	The Air Pollution Control Officer of the Air Quality Management District of El Dorado County or his authorized representative.
Allowable Emissions	The emission rate calculated using the maximum design capacity of the source, unless the source is subject to Permit to Operate conditions which limit the operating rate, hours of operation, or both; the most stringent of any applicable emission limitations contained in the Rules and Regulations; or, as specified in a Permit to Operate condition(s).
Alter	Any addition to, enlargement of, replacement of, major modification, or change of the design, capacity, process, or arrangement; or, increase in the connected loading of equipment or control apparatus, which will significantly increase or effect the kind or amount of air contaminants emitted.
Ambient	Local atmospheric conditions such as temperature, barometric pressure, wind speed and direction, pollutant concentrations, etc.
Ambient Air Quality Standards	The standards define maximum concentrations of pollutants, in the air, that the District is striving to achieve. Both the state and federal governments have promulgated standards. Primary standards are designed to protect health with an adequate margin of safety. Secondary standards are designed to protect public welfare from any known or anticipated adverse effects. The standards are subject to periodic revision as deemed necessary. All references to "ambient air quality standards" in these Rules and Regulations shall be considered to be the National Ambient Air Quality Standards unless denoted otherwise.
ARB	The California State Air Resources Board, or any person authorized to act on its behalf.
Atmosphere	The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emissions into the building shall be considered to be an emission into the atmosphere.
Attainment Pollutant	A pollutant for which the Environmental Protection Agency has designated the Air Quality Management District or a sub-District zone, as either an attainment or unclassified area.
Baseline Concentration	The ambient concentration level reflecting actual air quality as monitored or modeled as of (1) January 1, 1981, minus any contribution from major stationary sources and major

modifications on which construction commenced on or after January 5, 1975, or attainment pollutants; and (2) the date an application for Authority to Construct is deemed complete by the Air Pollution Control Officer for nonattainment pollutants.

Board	The El Dorado County Air Quality Management Board of Directors.
Breakdown Condition	An unforeseeable failure or malfunction of (1) any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by the Rules and Regulations or state law; or (2) any in-stack continuous monitoring equipment. The failure or malfunction shall not be the result of neglect or disregard of any air pollution control law, rule, or regulation; intentional or the result of negligence; the result of improper maintenance; a recurrent breakdown of the same equipment; or a nuisance.
Calendar Quarter	Any of the following three month periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31.
Calendar Year	The twelve-month period of January 1 through December 31.
California Environmental Quality Act (CEQA)	Public Resources Code Section 21000, et seq.
Cold Cleaner	Any batch loaded, non-boiling solvent degreaser.
Combustible or Flammable Waste	Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste, or any other combustible or flammable refuse material.
Combustion Contaminant	Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or combined state.
Contiguous Property	Two or more parcels of land with a common boundary or separated solely by a public roadway or other public right-of-way.
Control Equipment	A device which reduces or eliminates the release of an air contaminant to the atmosphere.
Criteria Pollutant	An air pollutant regulated by a national ambient air quality standard contained within 40 CFR Part 50.
Day	The 24-hour period starting at twelve midnight and continuing up to the subsequent twelve midnight hour.
District	The Air Quality Management District of El Dorado County.
Dust	Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, covering, bagging, sweeping, milling, drilling, demolishing, blasting, shoveling, conveying, or other similar processes

Emission	Air contaminants released into the atmosphere.
Emission Data	Measured or calculated concentrations or weights of air contaminants emitted into the atmosphere. Data used to calculate emission data is not emission data.
Emission Point	The place, located in a horizontal plane and vertical elevation, at which air contaminants enter the atmosphere.
Emission Unit	Any part of a stationary source which emits or could have the potential to emit any pollutant subject to regulation.
EPA	United States Environmental Protection Agency or any person authorized to act on its behalf.
Exempt Compounds:	Compounds which are not involved in the generation of ozone and, as such, are not considered to be a Volatile Organic Compound. They are as follows:
General compounds	<ul style="list-style-type: none"> Methane (CH₄) carbon monoxide (CO) carbon dioxide (CO₂) Carbonic acid (CO(OH)₂) acetone ammonium carbonate ((NH₄)HCO₃(NH₄)CO₂NH₂) metal carbides (M-C) or carbonates (M-CO₃) ethane methyl acetate completely methylated siloxanes methyl formate (HCOOCH₃)
Chlorinated compounds	<ul style="list-style-type: none"> methylene chloride (dichloromethane) 1,1,1-trichloroethane (methyl chloroform) 1,1,2,2-tetrachloroethane (perchloroethylene)
Fluorinated compounds	<ul style="list-style-type: none"> 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane trans -1,3,3,3 tetrafluoropropane (HFO-1234ze) trans -1 -chloro - 3,3,3 trifluoropropene (HFO-1233zd)
Chlorinated and fluorinated compounds	parachlorobenzotrifluoride (PCBTF) (1-chloro-4-trifluoromethyl benzene)
Chlorofluorocarbons (CFCs)	<ul style="list-style-type: none"> trichlorofluoromethane (CFC-11) dichlorodifluoromethane (CFC-12) 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113) 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114) chloropentafluoroethane (CFC-115)
Hydrochlorofluorocarbons (HCFCs)	<ul style="list-style-type: none"> chlorodifluoromethane (HCFC-22) chlorofluoromethane (HCFC-31) 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124) 1,1-dichloro-1-fluoroethane (HCFC-141b) 1-chloro-1,1-difluoroethane (HCFC-142b) 1-chloro-1-fluoroethane (HCFC-151a)

3,3-dichloror-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
1,3-dichloror-1,1,2,2,3-pentafluoropropane (HCFC-225cb)

Hydrofluorocarbons (HFCs) trifluoromethane (HFC-23)
difluoromethane (HFC-32)
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)
pentafluoroethane (HFC-125)
1,1,2,2-tetrafluoroethane (HFC-134)
1,1,1,2-tetrafluoroethane (HFC-134a)
1,1,1-trifluoroethane (HFC-143a)
1,1-difluoroethane (HFC-152a)
ethylfluoride (HFC-161)
1,1,1,2,3,4,4,5,5,6,6,6-heptafluoropropane (HFC-227ea)
1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
1,1,2,2,3-pentafluoropropane (HFC-245ca)
1,1,2,3,3-pentafluoropropane (HFC-245ea)
1,1,1,2,3-pentafluoropropane (HFC-245eb)
1,1,1,3,3-pentafluoropropane (HFC-245fa)
1,1,1,3,3-pentafluorobutane (HFC-365mfc)

Perfluorocarbons (PFCs) The following four classes of

- a. Completely fluorinated alkanes.
- b. Completely fluorinated ethers, with no multiple bonding of carbons.
- c. Completely fluorinated tertiary amines with no multiple bonding of carbons.
- d. Those containing sulfur which bonds only with carbon and fluorine, but has no multiple bonding of carbons.

Perfluorocarbon and siloxane compounds are assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon and siloxane compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

The following low-reactive organic compounds which have been exempted by the U.S. EPA:

- a. acetone
- b. ethane
- c. perchlorobenzotrifluoride
- d. perchloroethylene
- e. methyl acetate
- f. propylene carbonate (PC)
- g. dimethyl carbonate (DMC)
- h. tertiary-butyl acetate (TBAC)
- i. aminomethyl propanol (AMP, 2-amino-2-methyl-1-propanol)

Facility Any building, structure, facility, or emission unit which emits or may emit any affected pollutant directly or as a fugitive emission.

1. Building, structure, facility, or emission unit includes all

- pollutant emitting activities which:
- a. belong to the same industrial grouping;
 - b. are located on one property or on two or more contiguous properties; and,
 - c. are under the same or common ownership, operation, or control; or are owned or operated by entities which are under common control.
2. Pollutant emitting activities shall be considered as part of the same industrial grouping if:
- a. they have the same two-digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual; or
 - b. they are part of a common production process, i.e. an industrial, manufacturing, or any connected process which involves a common material.

Federal Land Manager	Means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.
Flue	Any duct or passage for air, gases or the like, such as a stack or chimney.
Fossil Fuel	Natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials.
Fossil Fuel Fired Steam Generator	A furnace or boiler which burns fossil fuel for the primary purpose of producing steam by heat transfer.
Fugitive Dust	Solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, as a result of operation of a facility.
Fugitive Emissions	Emissions which could not reasonably be passed through a stack, chimney, vent, or other functionally equivalent opening. Fugitive hazardous air pollutant emissions shall be considered when determining whether a source is a major stationary source pursuant to Title V of the Federal Clean Air Act as amended in 1990 and Rule 522, TITLE V - FEDERAL OPERATING PERMIT PROGRAM. The fugitive emissions of a source shall not be considered in determining whether it is a major stationary source pursuant to Title V, unless the source belongs to one of the following categories of stationary sources listed in 40 CFR 70.2, "Definitions," "Major Source".
Fumes	Minute solid particles generated by the condensation of vapors from the sublimation of solid matter or evaporation of liquid matter.
Global Warming Potential	Each greenhouse gas's ability to retain infrared radiation expressed in terms of CO ₂ equivalents (CO ₂ e).

Greenhouse Gases (GHG)	Gases in the atmosphere that absorb and emit radiation in the thermal infrared range. The primary GHG are water vapor, carbon dioxide (CO ₂), methane (CH ₄), nitrous oxides (N ₂ O), and ozone (O ₃).
Hazardous Air Pollutant (HAP)	Any air pollutant listed pursuant to Section 112(b) of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).
Health and Safety Code	Division 26 of the State of California Health and Safety Code, unless specifically listed as otherwise.
Hearing Board	The appellate review board of the District as provided for in the Health and Safety Code.
Incineration	Operation in which waste material is combusted with the principle purpose, or with the principle result, being to reduce its bulk or facilitate its disposal.
Incinerator	Any furnace or other closed fire chamber used to dispose of combustible waste by burning; the products of combustion are directed through a flue or chimney.
Installation	The placement, assemblage, or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.
Lake Tahoe Air Basin	Established pursuant to Section 39606 of the Health and Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60113(a) or 40 CFR 81.275. This air basin is delineated on an official map on file at the California Air Resources Board Headquarters Office.
Lowest Achievable Emission Rate	For any source, the most stringent of: <ol style="list-style-type: none"> 1. The most effective emission limitation which the Environmental Protection Agency has certified as contained in the implementation plan of any state, approved under the Clean Air Act, for such class or category of source, unless the owner or operator of the proposed source demonstrates to the satisfaction of the Air Pollution Control Officer that such limitation is not achievable; 2. The most effective emissions control technique which has been achieved in practice, for such category or class of source; or 3. Any other emission control technique found, after public hearing, by the Air Pollution Control Officer to be technologically feasible and cost effective for such class or category of sources, or for a specific source.

In no event shall the application of lowest achievable emission rate allow for emissions in excess of those allowable under 40 CFR Part 60.

Major Stationary Source

A stationary source which emits or has the potential to emit: 25 tons per year (tpy) or more of nitrogen oxides, 25 tpy or more of volatile organic compounds, 100 tpy or more of carbon monoxide, 100 tpy or more of PM10, 100 tpy of sulfur oxides, 100 tpy of any regulated pollutant or levels specified by the U.S. Environmental Protection Agency pursuant to the Federal Clean Air Act of 1990, Section 112(a)(1). In addition, any physical change occurring at a stationary source not otherwise qualifying as a major stationary source, which would constitute a major stationary source by itself makes the source a major stationary source. For the purposes of *Rule 522, TITLE V - FEDERAL OPERATING PERMIT PROGRAM*, a major stationary source also includes any source which emits or has a potential to emit 10 tpy of one HAP or 25 tpy of two or more Hazardous Air Pollutants (HAPs), as listed pursuant to Section 112(b) of the Federal Clean Air Act, or any lesser quantity threshold promulgated by the U.S. Environmental Protection Agency.

Major Modification

Modification to a major stationary source which results in an increase in the potential to emit greater than: 25 tons per year of nitrogen oxides, 25 tons per year of volatile organic compounds, 100 tons per year of carbon monoxide, 40 tons per year of sulfur oxides, or 15 tons per year of PM10 aggregated with all other increases in potential to emit over the period of five consecutive years before the application for modification, and including the calendar year of the most recent application.

Modification

Any physical change, change in method of operation (including change in fuel characteristics), addition to, or any change in hours of operation, or change in production rate of, which:

1. For an emissions unit:
 - a. Would necessitate a change in permit conditions;
 - b. Is not specifically limited by a permit condition; or
 - c. Results in an increase, a decrease, or no change in emissions which are not subject to emission limitations.
2. For a stationary source: is a modification of any emission units, or addition of any new emission units.
3. The following shall not be considered a modification:
 - a. A change in ownership;
 - b. Routine maintenance and repair;
 - c. A reconstructed stationary source or emission unit

which shall be treated as a new stationary source or emission unit; and

- d. The addition of a continuous emission monitoring system.

Mountain Counties Air Basin	Established pursuant to Section 39606 of the Health and Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60111 (i), the Mountain Counties Air Basin includes all of El Dorado County except that portion included in the Lake Tahoe Air Basin, defined by 17 CCR 60113(b).
Multiple-Chamber Incinerator	Any article, machine, equipment, contrivance, structure, or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage-ports or ducts employing adequate design parameters necessary for maximum combustion of the material to be burned.
Nonattainment Pollutant	Any pollutant for which an ambient air quality standard was exceeded within the District more than three (3) discontinuous times (or, for annual standards, more than one (1) time) within the three (3) years immediately preceding the date when the application for the Authority to Construct was filed, or which has been designated nonattainment pursuant to final rule-making by the Environmental Protection Agency published in the Federal Register, or which has been designated nonattainment by the ARB pursuant to Section 39607 of the Health and Safety Code. Any pollutant which is a precursor to a nonattainment pollutant is, itself, a nonattainment pollutant.
NOx	The sum of all oxides of nitrogen, except for nitrous oxide, collectively expressed as nitrogen dioxide.
Operation	Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or properties of a material
Orchard or Citrus Heaters	Any article, machine, equipment, or other contrivance, burning any type of fuel or material, used or capable of being used for the purpose of giving protection from frost damage.
Organic Solvents	Any organic materials used for cleaning which are liquids at standard conditions.
Owner or Operator	Any person who owns, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
Particulate Matter	Any material which can exist in a finely divided form as a liquid

	or solid at standard conditions, except uncombined water.																		
Pathological Waste	Includes, but not limited to, human or animal tissue, or natural constituents thereof.																		
Person	Any person, company, association, organization, user, partnership, business trust, corporation, firm, contractor, supplier, installer, operator, owner or operator, government agency or public district, or officer or employee thereof.																		
PM2.5 (PM_{2.5})	Particulate matter with an aerodynamic diameter smaller than or equal to a nominal 2.5 microns as measured by an applicable reference test method or method found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).																		
PM10 (PM₁₀)	Particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method or method found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).																		
Portable Equipment	Equipment which is periodically relocated and is not operated more than a total of 180 days at any one location in the District within any continuous 12 month period.																		
PPMV	Parts per million by volume expressed on a dried gas basis.																		
Precursor	A pollutant that, when emitted into the atmosphere, may undergo either a chemical or physical change which then produces another pollutant for which an ambient air quality standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more ambient air quality standards. The following precursor-secondary air contaminant relationships shall be used:																		
	<table border="0"> <thead> <tr> <th>Precursor</th> <th>Secondary Air Contaminant</th> </tr> </thead> <tbody> <tr> <td><i>Volatile Organic Compounds</i></td> <td>Ozone</td> </tr> <tr> <td></td> <td>PM10 (organic fraction)</td> </tr> <tr> <td><i>Oxides of Nitrogen</i></td> <td>Ozone</td> </tr> <tr> <td></td> <td>Nitrogen dioxide</td> </tr> <tr> <td></td> <td>PM10 (nitrate fraction)</td> </tr> <tr> <td><i>Oxides of Sulfur</i></td> <td>Sulfur dioxide</td> </tr> <tr> <td></td> <td>Sulfates</td> </tr> <tr> <td></td> <td>PM10 (sulfate fraction)</td> </tr> </tbody> </table>	Precursor	Secondary Air Contaminant	<i>Volatile Organic Compounds</i>	Ozone		PM10 (organic fraction)	<i>Oxides of Nitrogen</i>	Ozone		Nitrogen dioxide		PM10 (nitrate fraction)	<i>Oxides of Sulfur</i>	Sulfur dioxide		Sulfates		PM10 (sulfate fraction)
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<i>Volatile Organic Compounds</i>	Ozone																		
	PM10 (organic fraction)																		
<i>Oxides of Nitrogen</i>	Ozone																		
	Nitrogen dioxide																		
	PM10 (nitrate fraction)																		
<i>Oxides of Sulfur</i>	Sulfur dioxide																		
	Sulfates																		
	PM10 (sulfate fraction)																		
Process Weight Per Hour	The total weight, including contained moisture, of all materials introduced into any specific process, which process may cause an emission. Solid fuels are considered as part of the process weight, but liquid and gaseous fuels and combustion air are not. (The Process Weight Per Hour will be derived by dividing the total process weight by number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the																		

	equipment is idle.)
Public Record	Any record made available to the public containing any information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except "trade secrets" as defined in Rule 514.
Reactive Organic Compound	Same as Volatile Organic Compounds.
Record	Handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or punched cards, drums, electronic media, files, and other documents.
Reduced Sulfur Compounds	Hydrogen sulfide, carbon disulfide, and carbonyl sulfide.
Regulated Air Pollutant	<p>A pollutant which is emitted into or otherwise enters the atmosphere and for which the State or the EPA has adopted an emission limit, standard, or other requirement. Regulated air pollutants include:</p> <ol style="list-style-type: none"> 1. Oxides of nitrogen and volatile organic compounds; 2. Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the Federal Clean Air Act; 3. Any pollutant subject to a new source performance standard promulgated pursuant to Section 111 of the Federal Clean Air Act; 4. Any ozone depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydrofluorocarbons) substance pursuant to Title VI of the Federal Clean Air Act; and 5. Any pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the Federal Clean Air Act, including: <ol style="list-style-type: none"> a. Any pollutant listed pursuant to Section 112(r) of the Federal Clean Air Act (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list. b. Any HAP subject to a standard or other requirement promulgated by the U.S. Environmental Protection

Agency pursuant to Section 112(d) or adopted by the District pursuant to 112(g) and (j) of the Federal Clean Air Act shall be considered a "regulated air pollutant" for all sources or categories of sources:

1. upon promulgation of the standard or requirement, or
2. 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the Federal Clean Air Act.

- c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the U.S. Environmental Protection Agency promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to Section 112(g)(2) of the Federal Clean Air Act. In case-by-case emissions limitation determinations, the HAP shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made.

Residential Rubbish Refuse originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

Rubbish Combustible and noncombustible solid wastes of commercial and industrial establishments, institutions, etc., exclusive of the highly putrescible wastes (garbage). Rubbish consists of such materials as paper, metal, wood, cans, furniture, yard trimmings, and ceramics.

Responsible Official An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued such source in accordance with Regulation V PERMITS TO OPERATE. A responsible official is:

1. **For a corporation** - a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - a. The facilities employ more than 250 people or have

- gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
- b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer.

2. **For a partnership or sole proprietorship** - a general partner or the proprietor, respectively.
3. **For a municipality, state, federal, or other public agency** - either the principal executive officer or a ranking elected official.
4. **For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act** - the designated representative of that unit for any purposes under Title IV and Rule 522 Title V - FEDERAL OPERATING PERMITS PROGRAM.

School	Any public or private school used for the primary purpose of the education of more than 12 children in kindergarten or grades 1 through 12, but does not include any private school in which education is primarily conducted in private homes.
Secondary Emissions	Emissions within the District from (1) all cargo carriers, excluding motor vehicles as defined in the Vehicle Code, which load or unload at a facility, and (2) all offsite support facilities which would be constructed as a result of construction or modification of a facility.
Section	All section references are to the Health and Safety Code unless some other code is specifically mentioned.
Sensitive Receptor	Areas, facilities, or groups that may be more heavily impacted by various activities, which create air pollutants, based on the nature of the contaminant. Examples include, but are not limited to, towns and villages, campgrounds, hospitals, nursing homes, schools, airports, public events, shopping centers, and mandatory Class I Federal areas, the elderly, the young, and people with respiratory difficulty.
Short Lived Climate Pollutants (SLCP)	<p>Pollutants that remain in the atmosphere for a much shorter time period than longer-lived climate pollutants, such as carbon dioxide. Their relative atmospheric heating potency can be tens, hundreds, or thousands of times greater than carbon dioxide. SLCP include three main components:</p> <ol style="list-style-type: none"> 1. Black Carbon – Fine particulate matter produced from old diesel engines and incomplete combustion of fuels and biomass burning. Its atmospheric residency is on the

order of days but it can continue to have an effect when it settles on snow/ice.

2. **Hydrofluorocarbons (HFCs)** – Man-made gases used in air conditioning, refrigeration, solvents, foam blowing agents, and aerosols used primarily as replacement for ozone depleting substances. Their atmospheric residency is approximately 15 years.
3. **Methane (CH₄)** – A greenhouse gas (GHG) and the principal component in natural gas and a main precursor to tropospheric ozone. Its atmospheric residency is approximately 12 years.

Source Operation	The last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminants from the process materials, or the conversion of process materials into air contaminants, as in the case of combustion of fuel, and (b) is not an air pollution abatement operation.
SO_x	The sum of all oxides of sulfur, collectively expressed as sulfur dioxide.
Standard Conditions	A temperature of 68 degrees Fahrenheit and an atmospheric pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this temperature and pressure.
Standard Cubic Foot of Gas	The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.
Stationary Source	Same as Facility.
Tahoe Basin	Same as Lake Tahoe Air Basin.
Totally Reduced Sulfur Compounds	Hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.
Toxic Air Contaminant	An air contaminant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health, including air contaminants listed as such in the California Code of Regulations Title 17 Section 93000, and hazardous air pollutants identified pursuant to the federal Clean Air Act, Title I, Section 112(b).
Volatile Organic Compounds	Any compound containing carbon except exempt compounds as defined in this rule.
Wipe Cleaning	Method of cleaning which utilizes a material, such as a rag, wetted with solvent coupled with a physical rubbing process to

remove contaminants from surfaces.

101.3 Standards

Disclosure of Data: The Air Pollution Control Officer shall, upon due notice, make the following data and information available to the public and other government agencies for examination and provide copies thereof where appropriate:

- a. Air pollution data, including trade secrets, shall be disclosed in accordance with the provisions of Government Code Section 6254.7.
- b. Data required to be submitted to the District under the Air Toxics "Hot Spots" Information and Assessment Act, and which the operator believes to be a trade secret, shall be protected from disclosure in accordance with the provisions of Health and Safety Code Section 44346.

ATTACHMENT C
NOTICE OF EXEMPTION FROM CEQA

Notice of Exemption

To: Office of Planning & Research
PO Box 3044, Room 113
Sacramento, CA 95812-3044

From: El Dorado County Air Quality
Management District
330 Fair Lane
Placerville, CA 95667

County Clerk:
County of: El Dorado
360 Fair Lane
Placerville, CA 95667

Project Title: Revisions to Rule 215 Architectural Coatings and Rule 101 General Provisions and Definitions

Project Applicant: El Dorado County Air Quality Management District (AQMD)

Project Location: El Dorado County

Description of Nature, Purpose and Beneficiaries of Project: Western El Dorado County is in nonattainment of the 2008 8-hr Ozone National and State Ambient Air Quality Standards (AAQS). As such, the United States Environmental Protection Agency (EPA) requires the El Dorado County Air Quality Management District (AQMD) to implement measures to control emissions of volatile organic compounds (VOC) from stationary and area sources. As part of the State Implementation Plan, AQMD committed to updating Rule 215 Architectural Coatings with the more stringent standards found in the California Air Resources Board's 2007 Suggested Control Measure (SCM) for architectural coatings. Amendments to Rule 101 General Provisions and Definitions are proposed to update the VOC Exempt list and make minor edits to the definitions.

Name of Public Agency Approving Project: El Dorado County Board of Supervisors also known as the El Dorado County Air Quality Management District Board of Directors

Name of Person or Agency Carrying Out Project: El Dorado County AQMD.

Exempt Status:

X Categorical Exemption (California Code of Regulations Sec. 15300 et seq): CEQA Guideline §15308 – Actions by a Regulatory Agency for Protection of the Environment

Reasons why project is exempt: Projects in this category are actions taken by a regulatory agency as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment. These are revisions to existing district rules to strengthen the standards consistent with other air district architectural rules throughout the state.

Lead Agency Contact Person: Adam Baughman Phone: (530) 621-7501

Signed:

Date:

Title:

17-0537 C.90 of 104

ATTACHMENT D
RESOLUTION AMENDING RULE 215
ARCHITECTURAL COATINGS
and RULE 101 GENERAL PROVISIONS and DEFINITIONS

RESOLUTION NO.
OF THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY
AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION AMENDING EL DORADO COUNTY
AIR QUALITY MANAGEMENT DISTRICT RULE 215 AND RULE 101

WHEREAS, section 40001 of the Health and Safety Code of the State of California authorizes El Dorado County Air Quality Management District (EDCAQMD) to adopt and enforce Rules and Regulations to achieve and maintain ambient air quality standards within the District; and

WHEREAS, section 40702 of the Health and Safety Code of the State of California requires a district to adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted; and

WHEREAS, Health and Safety Code section 40727 provides that before adopting, amending, or repealing a rule or regulation, a district board shall make findings of necessity, authority, clarity, consistency, nonduplication, and reference, based upon information developed pursuant to section 40727.2, information in the rulemaking record maintained pursuant to section 40728, and relevant information presented at the public hearing required by section 40725; and

WHEREAS, section 15308 of the California Environmental Quality Act (CEQA) Guidelines provides that actions taken by regulatory agencies as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, are categorically exempt from CEQA review (Class 8 Categorical Exemption); and

WHEREAS, the purpose of amending Rule 215 - Architectural Coatings is to conform the District rule to the 2007 Suggested Control Measure (SCM) adopted by the California Air Resources Board (ARB); and

WHEREAS, the purpose of amending Rule 101 – General Provisions and Definitions is to update the Volatile Organic Compound (VOC) Exempt list consistent with the update to Rule 215 and make minor edits and clarifications of definitions.

NOW, THEREFORE, BE IT RESOLVED that this Board hereby finds, authorizes, directs and declares as follows:

1. The Board of Directors has considered and hereby adopts by reference the staff report prepared in this matter.
2. The Board of Directors makes the following findings pursuant to Health and Safety Code section 40727:
 - a. Necessity: Information in the District’s rulemaking record maintained pursuant to Health and Safety Code section 40728 demonstrates a need for amending District Rules 215 and 101;
 - b. Authority: Health and Safety Code section 40702 permits the District to amend District Rules 215 and 101;
 - c. Clarity: District Rules 215 and 101 as amended are written so that their meaning can be easily understood by the persons directly affected by them;
 - d. Consistency: District Rules 215 and 101 as amended are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations;
 - e. Nonduplication: District Rules 215 and 101 as amended do not impose the same requirements as an existing state or federal regulation; and
 - f. Reference: By adopting District Rule 215 and 101, the District meets the requirements of Health and Safety Code Sections 40702.
3. The Board of Directors finds that the District has complied with the procedural requirements set forth in Chapters 6 and 6.5 of Part 3 of Division 26 of the Health and Safety Code.
4. The Board of Directors finds that amending District Rules 215 and 101 are actions taken by a regulatory agency as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, and are therefore categorically exempt from CEQA review as a Class 8 Categorical Exemption.
5. The Board of Directors hereby amends District Rule 215 Architectural Coatings and District Rule 101 General Provisions and Definitions, as set forth in Exhibit 1 (Attachment A of the Staff Report) and Exhibit 2 (Attachment B of the Staff Report), which are attached and incorporated by reference. The amendments are effective January 1, 2018.
6. The Board of Directors directs EDCAQMD to submit all necessary documents to the ARB for its approval and subsequent submittal to the U.S. Environmental Protection Agency for final approval as a revisions to the State Implementation Plan.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the ____ day of _____, 20__, by the following vote of said Board:

Attest:
James S. Mitrisin
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

_____ Chairman, Board of Supervisors

ATTACHMENT E

**MAILED NOTICING LIST and
PROOF OF NEWSPAPER NOTICING**

Mailed Noticing List for Public Workshop April 25, 2017 and Public Hearing June 20, 2017

Name	Address	City	State	Zip
Home Depot	600 Placerville Dr	Placerville	CA	95667
Gold Country Ace Hardware	4121 Cameron Park Dr	Cameron Park	CA	95682
Scotty's True Value Hardware	1931 Lake Tahoe Blvd	South Lake Tahoe	CA	96150
Churchill's Hardware	2514 Cameo Dr	Cameron Park	CA	95682
Pollock Pines True Value Hardware	6416 Pony Express Trail	Pollock Pines	CA	95726
Georgetown Ace Hardware	6023 Front St	Georgetown	CA	95634
Mt Aukum True Value Hardware	8080 Mt Aukum Rd	Mt Aukum	CA	95656
Tractor Supply Company	1360 Broadway	Placerville	CA	95667
True Value Hardware	4571 Missouri Flat Rd	Placerville	CA	95667
Placerville True Value Hardware	441 Main St	Placerville	CA	95667
Garden Valley Feed & Hardware	4702 Marshall Rd	Garden Valley	CA	95633
Nels Tahoe Hardware	1050 Fremont St	South Lake Tahoe	CA	96150
Pleasant Valley Ace Hardware	4570 Pleasant Valley Rd	Placerville	CA	95667
Divide Supply Ace Hardware Inc	3923 Courageous Rd	Greenwood	CA	95635
Sherwin Williams	693 Main St	Placerville	CA	95667
Sherwin Williams	1035 Takela Dr	South Lake Tahoe	CA	96150
Sherwin Williams	1091 White Rock Rd	El Dorado Hills	CA	95762
Jerry's Automotive Paint Supply	137 Placerville Dr	Placerville	CA	95667
The Paint Spot	1303 Broadway	Placerville	CA	95667
The Paint Spot	3965 Durock Rd, Unit A	Shingle Springs	CA	95682
Meeks Lumber & Hardware	2763 Lake Tahoe Blvd	South Lake Tahoe	CA	96150
Kelly-Moore Paints	2317 Lake Tahoe Blvd	South Lake Tahoe	CA	96150
Menegon's Ace Hardware	4000 Lake Tahoe Blvd	South Lake Tahoe	CA	96150
DIY Home Center	1875 Lake Tahoe Blvd	South Lake Tahoe	CA	96150
Kmart	3968 Missouri Flat Rd	Placerville	CA	95667
WalMart	4300 Missouri Flat Rd	Placerville	CA	95667
California Building Industry Association	1215 K Street, Suite 1200	Sacramento	CA	95814
Glaze 'N Seal Products	18207 E. McDermott St, Suite C	Irvine	CA	92614
Pacific Southwest Coatings	18543 Yorba Linda Blvd, #221	Yorba Linda	CA	92886
Kingsbury Hardware	264 Kingsbury Grade Rd	Stateline	NV	89449
Ace Hardware	1406 Industrial Way	Gardnerville	NV	89410
American Coating Association	901 New York Ave, NW Ste 300 West	Washington	DC	20001
Roof Coatings Manufacturers Assoc	529 14th Street NW, Suite 750	Washington	DC	20045
Kowa American Corp	55 East 59th Street	New York	NY	10022
Lyondell Chemical Company	8280 Sheldon Road	Houston	TX	77049
Vexcon Chemicals, Inc	7240 State Rd	Philadelphia	PA	19135
Adsil	1901 Mason Ave	Daytona Beach	FL	32117
New Look International	1525 S. Gladiola Street, Suite #8	Salt Lake City	UT	84104



County of El Dorado
Air Quality Management District

330 Fair Lane, Placerville Ca 95667
Tel. 530.621.7501 Fax 530.295.2774
www.edcgov.us/AirQualityManagement

Dave Johnston
Air Pollution Control Officer

NOTICE OF PUBLIC WORKSHOP
El Dorado County
Air Quality Management District
Proposed amendments to Rule 215 – Architectural Coatings
Rule 101 – General Provisions and Definitions

NOTICE IS HEREBY GIVEN that the El Dorado County Air Quality Management District (AQMD) has scheduled a public workshop on Tuesday, April 25, 2017 at the El Dorado County Library, 345 Fair Lane, Placerville, California, at 5:30 PM. The purpose of the workshop is to discuss proposed changes to Rule 215 – Architectural Coatings and Rule 101 – General Provisions and Definitions.

Rule 215 limits the emissions of volatile organic compounds (VOCs) from the use of architectural coatings (paints). The rule applies to anyone who supplies, manufactures, blends, repackages, sells, offers for sale, applies, or solicits the application of any architectural coating for use in the District (i.e., all of El Dorado County). To achieve further emissions reductions, AQMD is proposing to lower the allowable content of VOCs in architectural coatings consistent with the California Air Resources Board's Suggested Control Measure (SCM) from 2007. The VOC content limits in proposed Rule 215 are the same and are not stricter than those found in the SCM. The other air districts within the Sacramento Federal Nonattainment Area (SFNA), (Sacramento Metropolitan, Placer County, Yolo-Solano, and Feather River air districts), have all previously revised their architectural coatings rules to be consistent with the SCM. This update to Rule 215 is a commitment made previously by AQMD in the State Implementation Plan (SIP). The proposed revisions to Rule 101 include additions to the VOC Exempt compound list consistent with compounds found on the EPA's list and other air district's lists, and minor edits to and clarifications of definitions.

Copies of this notice, the proposed rules and the draft staff report are posted on AQMD's website at: www.edcgov.us/AirQualityManagement. Written comments prior to the workshop are preferred. Please provide comments in writing to: El Dorado County AQMD, 360 Fair Lane, Placerville, CA 95667. You can also submit comments via email to aqmd@edcgov.us. Questions should be directed to Adam Baughman, Air Quality Engineer (530) 621-7571.

Once all public comments are received and appropriate revisions made to Rule 215 and Rule 101, AQMD will schedule a separately noticed public hearing at the Air District Board of Directors requesting adoption and implementation of the amended Rules beginning January 1, 2018.

Mountain Democrat

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of El Dorado

I am a citizen of the United States and a resident of the County aforesaid; I'm over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am principal clerk of the printer at the Mountain Democrat, 2889 Ray Lawyer Drive, a newspaper of general circulation, printed and published Monday, Wednesday, and Friday, in the City of Placerville, County of El Dorado, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court to the County of El Dorado, State of California, under the date of March 7, 1952, Case Number 7258; that the notice, of which the annexed is a printed copy (set in type no smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

3/20

All in the year 2017

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Placerville, California, this 20th day of MARCH, 2017



Signature

Proof of Publication of PUBLIC NOTICE

NOTICE OF PUBLIC WORKSHOP
El Dorado County
Air Quality Management District
Proposed amendments to Rule 215 -
Architectural Coatings
Rule 101 - General Provisions and Definitions
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3/20 3319

580 Mallory Way, Carson City, NV 89701
P.O. Box 1888 Carson City, NV 89702
(775) 881-1201 FAX: (775) 887-2408

Customer Account #: 9026138

Legal Account

EL DORADO COUNTY AIR QUALITY MGMT DIST,
330 FAIR LANE
PLACERVILLE, CA 95667
Attn: Adam Baughman

Jody Mudgett says:

That (s)he is a legal clerk of the
Tahoe Daily Tribune,
a newspaper published Wednesday, Friday, Saturday
at South Lake Tahoe, in the State of California.


Copy Line

Notice Public Workshop

PO#:

Ad #: 0000047287-01

of which a copy is hereto attached, was published
in said newspaper for the full required period of
1 time(s) commencing on **03/22/2017**,
and ending on **03/22/2017**, all days inclusive.

Signed: 
Date: 03/22/2017 State of Nevada, Carson City

Price: \$ 163.88

Proof and Statement of Publication

Ad #: 0000047287-01

NOTICE OF PUBLIC WORKSHOP
El Dorado County
Air Quality Management District
Proposed amendments to Rule 215 –
Architectural Coatings
Rule 101 – General Provisions and Definitions

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Pub: March 22, 2017 **Ad#**0000047287



County of El Dorado
Air Quality Management District

330 Fair Lane, Placerville Ca 95667
Tel. 530.621.7501 Fax 530.295.2774
www.edcgov.us/AirQualityManagement

Dave Johnston
Air Pollution Control Officer

NOTICE OF PUBLIC HEARING
El Dorado County
Air Quality Management District
Proposed amendments to Rule 215 – Architectural Coatings
Rule 101 – General Provisions and Definitions

NOTICE IS HEREBY GIVEN that the El Dorado County Air Quality Management District (AQMD) has scheduled a public hearing on Tuesday, June 20, 2017 at the El Dorado County Board of Supervisor's Hearing Room, 330 Fair Lane, Placerville, California, at 8AM or thereafter. AQMD is recommending the Air District Board of Directors adopt proposed amendments to Rule 215 – Architectural Coatings and Rule 101 – General Provisions and Definitions.

Ozone is created by a chemical reaction between volatile organic compounds (VOCs) and oxides of nitrogen (NOx) in the presence of sunlight. Breathing ozone has both short and long term negative health effects, ranging from decreased lung capacity, chest pains, wheezing, lung disease, and potentially increased risk of cardiovascular problems. Western El Dorado County is in "nonattainment" of the federal 8-hour ozone National Ambient Air Quality Standard (NAAQS). Rule 215 limits the emissions of VOCs from the use of architectural coatings (paints). The rule applies to anyone who supplies, manufactures, blends, repackages, sells, offers for sale, applies, or solicits the application of any architectural coating for use in the District (i.e., all of El Dorado County). To achieve further emissions reductions, AQMD is proposing to lower the allowable content of VOCs in architectural coatings consistent with the 2007 Suggested Control Measure (SCM) developed by the California Air Resources Board as a "model rule" for updating architectural coatings rules. The VOC content limits in proposed Rule 215 are the same and are not stricter than those found in the SCM. The other air districts within the Sacramento Federal Ozone Nonattainment Area: Sacramento Metropolitan; Placer County; Yolo-Solano; and Feather River air districts; have all previously revised their architectural coatings rules to be consistent with the SCM. The proposed revisions to Rule 101 include additions to the VOC Exempt compound list consistent with compounds found on the US Environmental Protection Agency's list and other air district's lists, and minor edits to and clarifications of definitions.

NOTICE IS FURTHER GIVEN that if adopted, Rule 215 and 101 will be submitted through the California Air Resources Board to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP).

NOTICE IS FURTHER GIVEN that all interested persons may examine the proposed rules and associated documents at the office of the Air Quality Management District, 330 Fair Lane, Building A, Placerville, CA 95667 from 8:00 AM to 5:00 PM Monday through Friday by advance appointment. The rules are also available for review at the following web address <http://www.edcgov.us/AirQualityManagement>. You may also request a copy at the district office listed below. Please provide any comments on the rules in writing at 360 Fair Lane, Placerville, CA 95667 or via aqmd@edcgov.us. The rules will be considered for adoption by the AQMD Board of Directors during the public hearing on June 20, 2017. Please contact Adam Baughman at (530) 621-7501 if you have any questions or to make an appointment.

Mountain Democrat

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of El Dorado

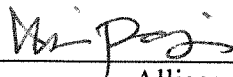
I am a citizen of the United States and a resident of the County aforesaid; I'm over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am principal clerk of the printer at the Mountain Democrat, 2889 Ray Lawyer Drive, a newspaper of general circulation, printed and published Monday, Wednesday, and Friday, in the City of Placerville, County of El Dorado, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court to the County of El Dorado, State of California, under the date of March 7, 1952, Case Number 7258; that the notice, of which the annexed is a printed copy (set in type no smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

5/12

All in the year 2017

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Placerville, California, this 12th day
of MAY 2017



Allison Rains

Proof of Publication of NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

El Dorado County
Air Quality Management District
Proposed amendments to Rule 215 -
Architectural Coatings

Rule 101 - General Provisions and Definitions
NOTICE IS HEREBY GIVEN that the El Dorado County Air Quality Management District (AQMD) has scheduled a public hearing on Tuesday, June 20, 2017 at the El Dorado County Board of Supervisor's Hearing Room, 330 Fair Lane, Placerville, California, at 8AM or thereafter. AQMD is recommending the Air District Board of Directors adopt proposed amendments to Rule 215 - Architectural Coatings and Rule 101 - General Provisions and Definitions.

Ozone is created by a chemical reaction between volatile organic compounds (VOCs) and oxides of nitrogen (NOx) in the presence of sunlight. Breathing ozone has both short and long term negative health effects, ranging from decreased lung capacity, chest pains, wheezing, lung disease, and potentially increased risk of cardiovascular problems. Western El Dorado County is in "nonattainment" of the federal 8-hour ozone National Ambient Air Quality Standard (NAAQS). Rule 215 limits the emissions of VOCs from the use of architectural coatings (paints). The rule applies to anyone who supplies, manufactures, blends, repackages, sells, offers for sale, applies, or solicits the application of any architectural coating for use in the District (i.e., all of El Dorado County). To achieve further emissions reductions, AQMD is proposing to lower the allowable content of VOCs in architectural coatings consistent with the 2007 Suggested Control Measure (SCM) developed by the California Air Resources Board as a "model rule" for updating architectural coatings rules. The VOC content limits in proposed Rule 215 are the same and are not stricter than those found in the SCM. The other air districts within the Sacramento Federal Ozone Nonattainment Area: Sacramento Metropolitan; Placer County; Yolo-Solano; and Feather River air districts; have all previously revised their architectural coatings rules to be consistent with the SCM. The proposed revisions to Rule 101 include additions to the VOC Exempt compound list consistent with compounds found on the US Environmental Protection Agency's list and other air district's lists, and minor edits to and clarifications of definitions.

NOTICE IS FURTHER GIVEN that if adopted, Rule 215 and 101 will be submitted through the California Air Resources Board to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP).

NOTICE IS FURTHER GIVEN that all interested persons may examine the proposed rules and associated documents at the office of the Air Quality Management District, 330 Fair Lane, Building A, Placerville, CA 95667 from 8:00 AM to 5:00 PM Monday through Friday by advance appointment. The rules are also available for review at the following web address <http://www.edcgov.us/AirQualityManagement>. You may also request a copy at the district office listed below. Please provide any comments on the rules in writing at 360 Fair Lane, Placerville, CA 95667 or via aqmd@edcgov.us. The rules will be considered for adoption by the AQMD Board of Directors during the public hearing on June 20, 2017. Please contact Adam Baughman at (530) 621 7501 if you have any questions or to make an appointment.

Todd Lenkin
Clerk of the Hearing Board

5/12

3532

580 Mallory Way, Carson City, NV 89701
P.O. Box 1888 Carson City, NV 89702
(775) 881-1201 FAX: (775) 887-2408

Customer Account #: 9026138

Legal Account

EL DORADO COUNTY AIR QUALITY MGMT DIST,
330 FAIR LANE
PLACERVILLE, CA 95667
Attn: Adam Baughman

Bailee Taylor says:

That (s)he is a legal clerk of the
Tahoe Daily Tribune,
a newspaper published Wednesday, Friday, Saturday
at South Lake Tahoe, in the State of California.

Copy Line

PH Notice June 20

PO#:

Ad #: 0000054757-01

of which a copy is hereto attached, was published
in said newspaper for the full required period of
1 time(s) commencing on **05/13/2017**,
and ending on **05/13/2017**, all days inclusive.

Bailee Taylor

Signed: _____
Date: 05/15/2017 State of Nevada, Carson City

Price: \$ 198.98

Proof and Statement of Publication

Ad #: 0000054757-01

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Air Quality Management District
Proposed amendments to Rule 215 –
Architectural Coatings
Rule 101 – General Provisions and Definitions

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Todd Lenkin
Clerk of the Hearing Board

Pub: May 13, 2017 **Ad#**54757

ATTACHMENT F

AMERICAN COATINGS ASSOCIATION
LETTER OF NO OBJECTION



AmericanCoatings
ASSOCIATIONSM

June 2, 2017

Adam Baughman
Air Quality Engineer
El Dorado County Air Quality Mgmt District
330 Fair Lane
Placerville, CA, 95667

RE: Proposed Revisions to Rule 215 - Architectural Coatings & Rule 101 - General Provisions and Definitions; ACA Comments

Dear Mr. Baughman:

The American Coatings Association (ACA)¹ appreciates the revisions that the District has made to Rule 215 - Architectural Coatings & Rule 101 - General Provisions and Definitions as per our suggested comments. As such, we have no further objections to the adoption of these rules at this time.

Thank you for your consideration of our suggestions. Please feel free to contact us at (202) 462-6272 if you have any questions.

Sincerely,

/s/

David Darling, P.E.
Vice President, Health, Safety and Environmental

*** Sent via email ***

¹ The American Coatings Association (ACA) is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.