



Legislation Text

File #: 24-1201, **Version:** 1

HEARING - Air Quality Management District (AQMD) recommending the Board, acting as the AQMD Board of Directors:

- 1) Adopt and authorize the Chair to sign Resolution **123-2024**, approving the amendments to Rule 215 Architectural Coatings; and
- 2) Direct staff to forward the rule to the California Air Resources Board for transmittal to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan.

FUNDING: N/A

DISCUSSION / BACKGROUND

The Sacramento Federal Nonattainment Area (SFNA) comprises Sacramento and Yolo Counties, the western portion of El Dorado and Placer Counties, the southern portion of Sutter County, and the northeastern portion of Solano County. AQMD is the agency responsible for maintaining the National Ambient Air Quality Standards (NAAQS) in El Dorado County. The SFNA is currently designated as nonattainment for the 1979 1-hour and 1997, 2008, and 2015 8-hour ozone NAAQS.

The Federal Clean Air Act (CAA) requires that nonattainment areas develop State Implementation Plans (SIPs), outlining strategies to meet the NAAQS through emission reductions. Sections 172(c)(9) and 182(c)(9) of the CAA require these plans for ozone nonattainment areas classified as serious or higher to include contingency measures.

In June 2023, the U.S. Environmental Protection Agency (EPA) partially disapproved the SFNA SIP for the 2008 ozone NAAQS (0.075 ppm) because it did not include contingency measures consistent with CAA requirements. To obtain reapproval, the SFNA air districts must submit contingency measures that collectively achieve reductions in emissions. The AQMD proposes amendments to Rule 215 to fulfill the regional contingency measure commitment in the SFNA SIP for the 2015 ozone 8-hour NAAQS (0.070 ppm). The California Air Resources Board (CARB) adopted several "Suggested Control Measures" (SCMs) that can be model rules for air districts needing additional emissions reductions for the attainment or maintenance of federal or state ambient air quality standards. CARB amended its architectural coating SCM in 2019, and the air districts in the SFNA propose to apply it as contingency measures to their existing rules to satisfy the requirements from the EPA action on the 2008 ozone SIP.

AQMD proposes to amend Rule 215, which was last amended on August 5, 2020, incorporating stricter VOC limits for specific categories from the 2019 SCM. These stricter limits will take effect if the SFNA fails to meet the 2008 or 2015 federal 8-hour ozone NAAQS by an applicable attainment date, fails to meet reasonable further progress requirements, or fails to meet any applicable milestone.

The proposed amendment to Rule 215 adds provisions that, if triggered, would immediately reduce the allowable VOC content of certain categories of architectural coatings. The contingency provisions will automatically trigger within 60 days of the EPA finding that the region failed to attain the 2008 or

2015 federal 8-hour ozone standard by the attainment date or any applicable milestones associated with the 2015 standard. The SFNA has an attainment year of 2024 for the 2008 8-hour ozone standard and 2032 for the 2015 8-hour ozone standard, and the milestone dates for the 2015 standard are 2026 and 2029.

Below is a summary of the proposed rule, which is also discussed in the attached staff report:

- Add, amend, or eliminate certain coating categories consistent with CARB's 2019 SCM for architectural coatings.
- Establish VOC limits for colorants added to coatings at the point of sale, excluding industrial maintenance coatings and wood coatings.
- Reduce the VOC limits for nine coating categories.
- Establish a one-year sell-through period for products manufactured prior to the contingency measure trigger date.

AQMD worked closely with the other SFNA air districts and EPA Region IX Office for the proposed rule amendments. AQMD staff sent the preliminary draft of the rule amendment to EPA Region IX Office for review in May 2024. The final underline/strikeout and clean versions of the rule are attached. A public notice was posted in Tahoe Daily Tribune and Mountain Democrat on June 14, 2024, with a 30-day public comment period. The public notice and proof of publication are attached. The public notice was also sent to 35 businesses in El Dorado County. AQMD has not received any comments during the public comment period regarding the proposed changes to Rule 215.

AQMD staff recommends that the Board conduct a public hearing, approve the resolution, and adopt Rule 215, Architectural Coatings.

If approved, the rule will be forwarded to CARB and the EPA for inclusion in the State Implementation Plan.

ALTERNATIVES

The Board of Directors may wholly approve, deny, or make further revisions to the proposed rules.

PRIOR BOARD ACTION

August 25, 2020, Legistar File 20-1038, the Board adopted Resolution 131-2020 approving amendments to Rule 2015.

June 20, 2017, Legistar File 17-0537, the Board adopted Resolution 098-2017 approving amendments to Rule 2015

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel approved the Resolution

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

No financial impact to AQMD, the County or sources operating in the County.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk to obtain the Board Chair's signature on three (3) original Resolutions, and
- 2) Clerk to provide AQMD with two (2) signed copies of the Resolution to be forwarded to the California Air Resources Board.

STRATEGIC PLAN COMPONENT

Healthy Communities

CONTACT

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