~~**DRAFT BOARD LETTER**~~

~~LETTER RELEASE~~BOARD MEETING DATE: ~~August~~ September ~~7~~6, 2013
Agenda No. 35

PROPOSAL: ~~Set Public Hearing to~~ Amend Rule 1113 – Architectural Coatings

SYNOPSIS: Amendments are being proposed to provide relief to coating manufacturers from certain rule requirements. The staff proposal includes exempting small coating containers with a capacity of two fluid ounces or less from labeling requirements, clarifying rule intent, and removing outdated language.

COMMITTEE: Stationary Source, August 16, 2013

RECOMMENDED ACTIONS:
Adopt the resolution:
1. Certifying the Notice of Exemption for Proposed Amended Rule 1113 – Architectural Coatings; and
2. Amending Rule 1113 – Architectural Coatings

Barry R. Wallerstein, D.Env.
Executive Officer

EC:LT:NB:HF

This Board letter is intended to serve as the staff report for this proposed amendment to Rule 1113. At the same time staff is proposing amendments to Rule 314, for which there is a separate draft staff report.

Background

Rule 1113 - Architectural Coatings, was originally adopted by the ~~SC~~AQMD on September 2, 1977, to regulate the Volatile Organic Compound (VOC) emissions from the application of architectural coatings, and has since undergone numerous amendments. The last amendment on June 3, 2011 revised subparagraph (f)(1), referred to as the small container exemption (SCE), and required, effective January 1, 2014, coatings sold in one liter or smaller containers to comply with all other provisions of the rule, other than the VOC limits. Hence, all other rule requirements, including labeling requirements, will apply to coatings sold in all container sizes. Subsequently, manufacturers expressed concern with labeling very small containers, such as the small sample-sized containers (2 fluid ounces or less) and stains sold in the shape of a pen comprised of about 1/3 of a fluid ounce of product.

The proposed amendments address those concerns and exempt coatings sold in containers, with a capacity of 2 fluid ounces or smaller, from the labeling requirements in subparagraphs (d)(1) through (d)(7). The proposed amendments will also remove outdated rule language and clarify certain provisions and test methods.

Proposal

The proposed amendments to Rule 1113 will:

- Amend the definition for Aerosol Coating Product to harmonize it with the proposed definition in the California Air Resources Board's Consumer Product Regulation
- Add definitions for Multi-Component Coatings and Concentrates
- Clarify the definition of Recycled Coatings
- Clarify that the VOC limits on Colorants in the Table of Standards 2 applies to colorants added to architectural and industrial maintenance coatings
- Clarify that the Sell-Through provision, subparagraph (c)(4), and the small container exemption, subparagraph (f)(1), only applies to the Table of Standards 1
- Clarify that the provisions regarding open containers not in use, which does not include the tips in colorant dispensers, (subparagraph (c)(5)), and Group II exempt compounds (subparagraph (c)(8)) also apply to colorants

- Clarify that Rules 1143 – Consumer Paint Thinners and Multi-Purpose Solvents and 1171 – Solvent Cleaning Operations apply to solvent cleaning involving architectural coatings

- Exempt containers having capacities of two fluid ounces or less from the labeling requirements in subparagraphs (d)(1) through (d)(7)

- Clarify that the VOC content displayed on the container for Multi-Component Coatings must be the maximum VOC content of the mixture of all components, as recommended for use, and the VOC content on the container for a coating sold as a concentrate must be the maximum VOC content at the minimal dilution recommended for use by the manufacturer

- Correct minor errors in the definitions for Architectural Coatings and Reactive Penetrating Sealers

- ~~Clarify that the equivalent test method, SCAQMD Method 313, which is currently used to analyze low-VOC architectural coatings, is an approved VOC test method~~

The proposed amendments also remove the following outdated requirements:

- Metallic Pigmented Coatings (MPC): in the June 3, 2011 amendment the definition clarified that MPCs are decorative coatings effective July 1, 2012. Proposed subparagraph (b)(37). The amendment deletes the effective date.

- Quick Dry Enamels and Quick Dry Primer, Sealer, Undercoaters: the definitions were subsumed by the Non-Flat and Primer, Sealer, Undercoater categories respectively effective July 1, 2011. The categories were also removed from the Table of Standards 1. Staff proposes to retain the definitions for clarification, as many manufacturers still use these terms for marketing purposes. The amendment deletes the effective date. Proposed subparagraph (b)(48) and (49).

- Sanding Sealers: in the June 3, 2011 amendment the definition was amended to remove the labeling requirements effective July 1, 2013. The amendment deletes the effective date and labeling language.

- Averaging Compliance Option (ACO): in the June 3, 2011 amendment, several coating categories were removed from the ACO effective December 31, 2011. The effective date and ceiling limits are being removed from the Table of Standards 1 and proposed subparagraph (c)(6)(A).

- General Provision: in the June 3, 2011 amendment, a general provision was included for Group II exempt compounds effective January 1, 2013. The effective date language is being removed. Subparagraph (c)(8).

- Clear Topcoat for Faux Finishes: in the June 3, 2011 amendment a clear top coat for faux finishes was included, as was labeling requirements effective January 1, 2012. The effective date language is being removed. Subparagraph (d)(7).

- Small Container Exemption: in the June 3, 2011, amendment bundling of the small containers was prohibited effective July 1, 2011 with a sell-through period until January 1, 2012. The effective date and sell-through language is being removed. Subparagraph (f)(1).

California Environmental Quality Act (CEQA)

The ~~SC~~AQMD staff has reviewed the proposed amendments to Rule 1113 pursuant to CEQA Guidelines §15002(k)(1) – Three Step Process, and CEQA Guidelines §15061 – Review for Exemption, and has determined that the proposed amendments are exempt from CEQA pursuant to CEQA Guidelines §15061 (b)(3) ("General Rule Exemption"). PAR 1113 would provide an exception from labeling requirements for containers two fluid ounces or less. PAR 1113 also includes minor changes to improve clarity. Evaluation of the proposed project resulted in the conclusion that it would not create any adverse effects on air quality or any other environmental areas. Therefore, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Since it can be seen with certainty that the proposed project has no potential to adversely affect air quality or any other environmental area, it is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3) – Review for Exemption. The Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties immediately following the adoption of the proposed project.~~-~~

Socioeconomic Analysis

Since the amendment does not significantly affect air quality or emissions limitations, a socioeconomic assessment is not required. The proposed amendments will result in a cost saving to the affected manufacturers as the labels of coatings sold in two ounce or smaller containers will not have to be altered.

Legislative Authority

The California Legislature created the ~~SC~~AQMD in 1977 (The Lewis Presley Air Quality Management Act, Health and Safety Code Section 40400 et seq.) as the agency responsible for developing and enforcing air pollution controls and regulations in the Basin. By statute, the ~~SC~~AQMD is required to adopt an AQMP demonstrating compliance with all state and federal ambient air quality standards for the Basin [California Health and Safety Code Section 40440(a)]. Furthermore, the ~~SC~~AQMD must adopt rules and regulations that carry out the AQMP [California Health and Safety Code Section 40440(a)].

AQMP and Legal Mandates

The California Health and Safety Code requires the ~~SC~~AQMD to adopt an AQMP to meet state and federal ambient air quality standards in the South Coast Air Basin. In addition, the California Health and Safety Code requires the ~~SC~~AQMD to adopt rules and regulations that carry out the objectives of the AQMP. The proposed amendments are not an AQMP control measure but serve to clarify the existing rule and to remove a specific labeling requirement. The rule does not implement BARCT or a 'feasible measure' under Health and Safety Code Section 40920.6 so incremental cost-effectiveness findings are not required.

~~**Draft Findings Under California Health and Safety Code**[1]~~

~~Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the SCAQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the hearing. The draft findings are as follows:~~

~~***Necessity*** - The SCAQMD Governing Board has determined that a need exists to amend Rule 1113 – Architectural Coatings to remove labeling requirements for coatings sold in containers with a capacity of two ounces or less and clarify certain rule language.~~

~~***Authority*** - The SCAQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Health and Safety Code Sections 39002, 40000, 40001, 40440, 40702, and 41508.~~

~~***Clarity*** - The SCAQMD Governing Board has determined that the proposed amendments to Rule 1113 – Architectural Coatings, are written and displayed so that the meaning can be easily understood by persons directly affected by them.~~

~~***Consistency*** - The SCAQMD Governing Board has determined that PAR 1113 – Architectural Coatings, is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, federal or state regulations.~~

~~***Non-Duplication*** - The SCAQMD Governing Board has determined that the proposed amendments to Rule 1113 – Architectural Coatings do not impose the same requirement as any existing state or federal regulation, and the proposed amendments are necessary and proper to execute the powers and duties granted to, and imposed upon, the SCAQMD.~~

~~***Reference*** - In adopting these amendments, the SCAQMD Governing Board references the following statutes which the SCAQMD hereby implements, interprets or makes specific: Health and Safety Code Sections 40001 (rules to achieve ambient air quality standards), 40440(a) (rules to carry out the Air Quality Management Plan), and 40440(c) (cost-effectiveness), 40725 through 40728 and Federal Clean Air Act Sections 171 et sq., 181 et seq., and 116.~~

[1] Note to Reader – Findings now located in the Resolution.

References

U.S. EPA State Implementation Plan approval for ~~SC~~AQMD Method 313 http://yosemite.epa.gov/R9/r9testmethod.nsf/Districts/EE05A31011BE9B4D88256FC6000A4C53?OpenDocument

Uyên-Uyên T. Võ, and Michael P. Morris; Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds, August 31, 2012.

Attachment

A T T A C H M E N T A

SUMMARY OF PROPOSED AMENDMENTS TO RULE 1113 – ARCHITECTURAL COATINGS

PROPOSED AMENDMENTS TO
RULE 1113 – ARCHITECTURAL COATINGS

Staff proposes the following amendments to provide relief to coating manufacturers from certain rule requirements, clarify rule intent, and remove outdated language.

- Amend the definition for Aerosol Coating Product to harmonize it with the proposed definition in the California Air Resources Board's Consumer Product Regulation
- Add definitions for Multi-Component Coatings and Concentrates
- Clarify the definition of Recycled Coatings
- Clarify that the VOC limits on Colorants in the Table of Standards 2 applies to colorants added to architectural and industrial maintenance coatings
- Clarify that the Sell-Through provision, subparagraph (c)(4), and the small container exemption, subparagraph (f)(1), only applies to the Table of Standards 1
- Clarify that the provisions regarding open containers not in use, which does not include the tips in colorant dispensers, (subparagraph (c)(5)), and Group II exempt compounds (subparagraph (c)(8)) also apply to colorants
- Clarify that Rules 1143 – Consumer Paint Thinners and Multi-Purpose Solvents and 1171 – Solvent Cleaning Operations apply to solvent cleaning involving architectural coatings
- Exempt containers having capacities of two fluid ounces or less from the labeling requirements in subparagraphs (d)(1) through (d)(5)
- Clarify that the VOC content displayed on the container for Multi-Component Coatings must be the maximum VOC content of the mixture of all components, as recommended for use, and the VOC content on the container for a coating sold as a concentrate must be the maximum VOC content at the minimal dilution recommended for use by the manufacturer
- Correct minor errors in the definitions for Architectural Coatings and Reactive Penetrating Sealers

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RULE 1113 – ARCHITECTURAL COATINGS

The proposed amendments also remove the following outdated requirements:

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- General Provision: in the June 3, 2011 amendment, a general provision was included for Group II exempt compounds effective January 1, 2013. The effective date language is being removed. Subparagraph (c)(8).

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- Small Container Exemption: in the June 3, 2011, amendment bundling of the small containers was prohibited effective July 1, 2011 with a sell-through period until January 1, 2012. The effective date and sell-through language is being removed. Subparagraph (f)(1).

A T T A C H M E N T B

RESPONSE TO COMMENTS FOR
PROPOSED AMENDED RULE 1113 – ARCHITECTURAL COATINGS

Response to Comments

The following are excerpts from the comment letters and emails. The public comments were received during the commenting period from June 20, 2013 to June 27, 2013. Additional comment letters received after the close of comments are also included.

The following are comments from the American Coatings Association – Comment Letter #1.

Comment

1-1. Colorant containers:

(c)(5) All architectural coating or colorant containers ~~used to apply~~ from which the contents are used ~~therein to a surface direct from said container~~ by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These ~~architectural coating~~ containers include, but ~~should~~ are not ~~be~~ limited to: drums, buckets, cans, pails, trays or other storage or application containers.

Response

Staff concurs with the recommendation and revised the proposed rule language accordingly.

Comment

1-2. Reference to Rule 1171 and Rule 1143 – ACA is concerned that the language with regards to Rule 1171 and Rule 1143 is found under the "(c) Requirements" Section of the rule, therefore a violation of either 1171 or 1143 could also be a violation of Rule 1113. In addition, ACA is concerned that as written, paint stores that occasionally clean paint brushes (for example as part of a product demonstration) – would be considered as part of a business and subject to Rule 1171, which is problematic. ACA suggests deleting these paragraphs from the Requirements section of the rule and issue a separate compliance advisory. As an alternative, move the Rule 1171 and Rule 1143 language to the very end of the rule under a new "Notice" or "Reference" section. Either way, ACA requests the District clarify that paint stores are not subject to Rule 1171.

Response

Staff concurs and has removed the references to Rules 1143 and 1171 from the originally proposed subdivision (c) Requirements and created a new subdivision (g) Solvent Cleaning. Staff did not add language to the effect that solvent cleaning conducted at a retail outlet *would not* have to comply with Rule 1171 as solvent cleaning conducted at a retail outlet *would* have to comply with Rule 1171. Specifically, Rule 1171(c)(1), Table Section (C) – Cleaning of Coatings or Adhesives Application Equipment has a current limit of 25 g/L, and any such activity conducted at a retail outlet would fall under Rule 1171(a) – Purpose and Applicability, which includes "A solvent cleaning operation is solvent cleaning conducted as part of a

business".

Comment

1-3. Increase proposed labeling exemption from 2 ounces to 8 ounces – ACA suggests that 8 ounce containers are as difficult to label as are 2 ounce containers, therefore ACA suggests the District instead exempt containers of eight fluid ounces or less from the labeling requirements of the rule.

Response

Staff is not proposing to increase the labeling exemption to 8 ounce containers. In January 2012, the ACA asked District staff to exempt 2 ounce samples and smaller due to the small sample sized containers that are offered by many manufacturers. Staff later received feedback from one manufacturer who was able to label the 2 ounce containers but not their stain marking pens that hold 1/3 of a fluid ounce. Staff considered requiring manufacturers to apply for a variance but decided to commence a targeted rule amendment to provide relief from the upcoming January 1, 2014 requirement. Staff is proposing to exempt 2 fluid ounces or less from all labeling requirements. Increasing the size to 8 ounce containers would include specialty coatings and not just the sample-sized containers used for color testing. In addition, it would be unfair to those manufacturers who have already incurred the cost of making the changes on their containers.

Comment

1-4. Multi-component Coatings:

(b)(38) MULTI-COMPONENT COATING is a reactive coating requiring the addition of a separate catalyst or hardener before application to form an acceptable dry film."

In addition,

(d)(3) Each container of any coating subject to this rule shall display the maximum VOC content of the coating, <u>with</u> any thinning as recommended by the manufacturer <u>and excluding any colorant added to tint bases</u>. The VOC content of low-solids coatings shall be displayed as grams of VOC per liter of material; the VOC content of multi-component coatings shall be displayed as grams of VOC per liter of the mixed <u>coating</u>; and the VOC content of any other coating shall be displayed as grams of VOC per liter of coating. Colorants added at the point of sale are regulated separately under Rule 1113(c)(2), Table of Standards 2.

Response

Staff concurs with the suggested definition and revised the proposed rule language accordingly, but will include guidance on the VOC labeling in a list format for clarity.

Comment

1-5. 2 Ounce Containers Labeling Exemption Language – as written, the 2 ounce containers could still be subject to date code, the Rust Preventative and Clear Faux Finish labeling provisions.

Response

Staff revised the initial proposal to exempt 2 ounce and smaller containers from all of the labeling provision (subparagraph (d)(1) through (d)(7)).

Comment

1-6. 8 Ounce Container Labeling Exemption – the problem with small containers both 2 ounces but also 8 ounce containers is that there is very little room on the container to place the required labeling. In addition, containers less than or equal to 8 ounces cannot be labeled using standard automated equipment, most likely manually labeled which is time consuming and expensive. Finally, there is an issue of equity, some paint manufacturers provide color samples in two fluid ounce containers, while others supply such color samples in container sizes up to and including eight fluid ounces. Exempting all containers less than or equal to 8 ounces from labeling is more equitable and fair.

Response

See response to comment 1-3.

Comment

1-7. Small Container Labeling Requirements – ACA is concerned that since there is no sell through, small containers on store shelves without proper labeling and after 1/1/2014 would be in violation of Rule 1113. It will be very costly and problematic for us to inventory the label of every small container on every shelf in every customer store in the district, especially since manufacturers do not have control of big box and retail inventory. This will be very time and energy intensive, as well as expensive, especially since there are only six months until this provision goes into effect and the industry does not have the time or resources to inspect every can of paint in the District. In addition, all the unlabeled products would be likely disposed of or thrown out (creating hazardous, solid waste and a source of VOC emissions). Please note that at the June 20 meeting at least one manufacturer was unaware of the lack of a sell through provision for non-labeled small containers, it is very likely that other manufacturers are unaware of the lack of a sell through provisions as well.

It is important to note that there is really no environmental benefit of pulling non-labeled small containers off the shelf since the non-labeled and labeled products have the same VOC content – so the District is not losing any VOC reductions by allowing the non-labeled products to be

sold through. The District mentioned that since small containers do not have VOC content, consumers cannot make informed purchase decisions without the VOC content, however the consumer could ask the sales associate, or ask for an MSDS or contact the manufacturer to obtain the VOC content of the product.

ACA requests that all small containers manufactured prior to 1/1/2014 without labeling be allowed to be sold through. Worst case scenario, ACA requests the District grant enforcement discretion for labeling small containers manufactured prior to 1/1/2014.

Response

During the rule amendment process, approved by the Board on June 3, 2011, staff included a 2 ½ year implementation period based on feedback from the manufacturers on complete transition to new labels. It was not staff's intent to allow an additional 3 years before the requirement was fully implemented. The Governing Board adopted the rule without the sell-through and subsequently at the ~~the~~ Stationary Source Committee September 23, 2011 meeting, further reviewed the additional sell-through relief requests and did not support any changes to the recently adopted amendments. Staff is amending the rule at this time to provide relief to the manufacturers for labeling small sample sized containers (2 fluid ounces) but not to include additional time for the remaining labeling provisions to come into effect.

Comment

1-8. Paint Reuse/Exchange – As SCAQMD is aware, ACA started a not-for-profit product stewardship organization called PaintCare. PaintCare was established to provide a product stewardship organization for the architectural paint industry in order to manage postconsumer architectural paint at its end-of-life. PaintCare works to ensure effective operation of paint product stewardship programs on behalf of all architectural paint manufacturers by providing a level playing field for all participants, a sustainable financing mechanism, and cost efficient administration. In addition, on behalf of manufacturer participants, PaintCare undertakes responsibility for ensuring an environmentally sound and cost-effective program by developing and implementing strategies to reduce the generation of post-consumer architectural paint; promoting the reuse of post-consumer architectural paint; and providing for the collection, transport and processing of post-consumer architectural paint using the hierarchy of reduce, reuse, recycle and proper disposal.

PaintCare has been operating in California since October of last year, under an approved program plan by CalRecycle, which can be found at: http://www.calrecycle.ca.gov/epr/policylaw/paint.htm#Paint.

A key component of the plan and the program itself is waste minimization and reuse – steps that can be taken before leftover paint has to be transported and further process into a recycled product or transported for energy recovery or disposal. As you can see in PaintCare's

program plan, teaching consumers to "buy the right amount;" and "use it up" either through their own reuse or donation to charities, schools, theaters, or through paint exchanges and sales at municipal household hazardous waste locations or restores is integral to generating less paint and ultimately less waste. It has come to our attention, however, that reuse may be inhibited by the current AIM (VOC) regulations – barring the exchange/sale and use of leftover coatings containing higher levels than current VOC limits.

SCAQMD has recognized the competing environmental priorities of waste minimization and air quality management, and currently has an exemption from Rule 1113 for recycling, allowing for higher VOC limits on recycled content coatings. ACA requests the same or similar exemption be made for reuse – as EPA has done in the National AIM Rule at http://www.epa.gov/ttn/atw/183e/aim/fr1191.pdf:

"Section II. Summary of Standards

A. Applicability The standards do not apply to the following:

(4) Coatings that are collected and redistributed at paint exchanges in accordance with this rule.

"Paint exchange means a program in which consumers, excluding architectural coating manufacturers and importers, may drop off and pick up usable post-consumer architectural coatings in order to reduce hazardous waste."

Also – the definition of manufacture reads: "Manufacturer means a person that produces, packages, or repackages architectural coatings for sale or distribution in the United States. A person that repackages architectural coatings as part of a paint exchange, and does not produce, package, or repackage any other architectural coatings for sale or distribution in the United States, is excluded from this definition (emphasis added)."

ACA believes the addition of this language to Rule 1113 (which would exempt Paint Reuse and Paint Exchange operations) would further encourage appropriate post-consumer paint management, while conserving energy and decreasing the improper disposal of leftover paint.

As an alternative, the District could also include all Paint Reuse and Exchange products under the recycled coating category definition and limit of 250 g/l.

Response

Staff encourages the pollution prevention efforts of the PaintCare program and is working to highlight the program in our architectural coatings webpages, but exempting or increasing the VOC limits for paint returned for reuse would hamper enforcement efforts and may be considered backsliding. Most usable paint that is turned in within the ~~SC~~AQMD through PaintCare should not be more than three years old (based on feedback from manufacturer regarding shelf life) and therefore should meet the current VOC limits. All of those products

can be made available for resale. But to exempt or raise the VOC limit for reuse would encourage coatings from outside of ~~SC~~AQMD's jurisdiction to be brought in and sold. Staff has already encountered this with 5 gallon pails of a 250g/L flat coatings being offered for sale at a reuse facility. The VOC limit for flat coatings has been at 50g/L since 2008. The investigation into that product revealed that coating was brought into the ~~SC~~AQMD from Florida.

In addition, rule circumvention could be accomplished by a savvy end user claiming to have purchased a high VOC coating from a reuse supplier. Staff would have no mechanism to prove that that high VOC coating was not purchased through a Paint Reuse and Exchange program.

Staff encourages the resale/reuse of compliant coatings turned in through a Paint Reuse and Exchange program. Coatings not complying with the current Rule 1113 VOC limits can be formulated into recycled coatings with a VOC limit of 250 g/L.

Comment

1-9. AEROSOL COATING PRODUCT: means a pressurized coating product ~~containing pigments or~~ resins and/or other coatings solids that dispenses product ingredients by means of a propellant, and is packaged in a disposable ~~can~~ aerosol container for hand-held application, or for use in specialized equipment for ground marking and traffic marking applications.

Note - this will match up with the change in the aerosol coatings regulation to take place in September.

Response

Staff is proposing to change the definition to match the proposed definition in the Consumer Products Regulation and revised the proposed rule language accordingly.

Comment

1-10. HIGH-TEMPERATURE ~~INDUSTRIAL MAINTENANCE~~ COATINGS: are ~~industrial maintenance~~ coatings formulated for or applied to substrates exposed continuously or intermittently to temperatures above 400 degrees Fahrenheit, which includes industrial maintenance high-temperature coatings.

Note - High Temperature coatings are more than just Industrial Maintenance coatings. These are also used on consumer items like wood stoves and grills.

Response

Staff does not intend to make this change at this time. This would be a significant change that would require more feedback from the stakeholders and a CEQA and socioeconomic analysis. It would open the category up for more high-VOC coatings and would prohibit the exempt

compound t-Butyl Acetate from being used in those coatings. This change would have environmental impacts and possibly financial impacts on the affected manufacturers.

Comment

1-11. MULTI-COLOR COATINGS: are coatings which exhibit more than one color when applied in a single coat and which are packaged in a single container

Note – the intent is that two separate products are not used to create the multi-color coatings effect.

Response

The intent of this category *is* for the coatings to be applied in a single coat and not just be packaged in a single container. This category was created for a small niche coating that is applied in a single coat with multiple colors similar to a wall paper. Staff does not intend to broaden the definition for this high VOC specialty category.

Comment

1-12. POST-CONSUMER COATINGS: ~~are finished coatings that would have been disposed of in a landfill, having completed their usefulness to a consumer, and does not include manufacturing wastes.~~ POST CONSUMER PAINT: means architectural paint not used by the purchaser.

Note – this definition is from the California Paint Stewardship Law - http://leginfo.public.ca.gov/cgi-bin/displaycode?section=prc&group=48001-49000&file=48700-48706

Response

Staff is proposing to retain the current, more restrictive definition. The suggested definition is for a different purpose than previously analyzed for the Recycled Coatings category included in Rule 1113.

The following are excerpts from the Dunn Edwards Corporation – Comment Letter #2.

Comment

2-1. make labeling requirements effective for otherwise exempt small containers of architectural coatings that are manufactured on or after January 1, 2014

… is more reasonable and practical than imposing labeling requirements retroactively on small containers that were exempt from those labeling requirements at the time they were manufactured. Especially so, since the change has no impact on emissions, and the additional

information to be provided is readily available from manufacturers even now.

Response

Staff does not intend to allow an infinite sell-through period for the label changes that were adopted by the Governing Board in 2011. There has to be a line beyond which a new requirement is fully implemented. The manufacturer's feedback for label changes at the time of the last amendment was 3 years. Staff allowed for 2 ½ years and this issue is only being addressed because staff opened the rule up to provide labeling relief for small sample sized containers. This issue was addressed during the 2011 rule amendment at both the Public Hearing and the subsequent Stationary Source Committee Meeting. Staff does not intend to change the rule language. See responses to comment 1-7 for additional discussion.

Comment

2-2. insert an exemption from all provisions of the rule for architectural coatings supplied in containers having capacities of eight fluid ounces or less.

… is necessary as a matter of equity and avoidance of anti-competitive impacts. Some paint manufacturers provide color samples in two fluid ounce containers, which the District has proposed exempting from the labeling requirements of Rule 1113. Other manufacturers, however, supply such color samples in container sizes up to and including eight fluid ounces.

Because all these small containers are considered non-standard sizes in the architectural coatings industry, they cannot be labeled (particularly with the required date code) using standard automated equipment, but must be handled by means of manual processes that are relatively expensive and time-consuming. Consequently, exempting anything less than eight fluid ounce containers will confer a competitive advantage on some manufacturers, to the detriment of others – again, without any offsetting beneficial impact on emissions.

Exempting eight fluid ounce containers will also ensure that artist colors and hobby paints that may become architectural coatings by virtue of being applied to stationary structures or their appurtenances will not inadvertently be noncompliant with Rule 1113. Also, since these small containers are already exempt from the VOC content limits of the rule, we think it makes sense to simply insert an exemption from all provisions of the rule for coatings supplied in containers having capacities of eight fluid ounces or less, in the manner described in our suggested revisions, rather than inserting multiple exclusions throughout the rule.

Response

See response to comment 1-3. Exempting containers of eight ounces or less from all provisions of the rule may potentially have adverse air quality impacts, triggering a CEQA analysis.

The following is an excerpt from an email received from Miracle Sealants – Comment #3.

Comment

3-1 We would like to respectfully submit that 2 oz. of an Architectural Coating is not a very large container. We would ask for the exemption for printing VOC on labels to 4 oz. container.

Response

See response to comment 1-3.

The following were received through email communications and meeting with affected manufacturers:

Comment

Concerns have been raised about the treatment of semi-volatile compounds by Method 313 versus EPA Method 24:

"I am opposed to adding Method 313 to Rule 1113 at this time; I believe Method 313 should not be added to Rule 1113 until the District has established a procedure for companies to use to handle semi-volatile materials and to insure that chemicals which do not come off in a 110 degrees C oven in one hour are not counted as VOC. There are a number of compounds which come off in the GC which do not come off, or which do not completely come off in the oven. As you know, a number of other companies also have concerns about Method 313, and in order to have an expeditious rule adoption, I believe it would be best to not consider this at this time

Response

It is current practice for the ~~SC~~AQMD laboratory to analyze all coating samples using USEPA Method 24 (M24), with a supplemental analysis for low-VOC, high water coating with a material VOC content of less than 150 g/L using ~~SC~~AQMD Method 313 (M313). The USEPA and ~~SC~~AQMD staff, along with industry and academia, recognizes that M24 does not yield accurate results for low-VOC, high-water-containing coatings. M24 is an indirect VOC measurement where the water (titration) and non-volatiles (oven) are measured and everything else is assumed to be VOC. As the VOCs in a coating approaches zero, the indirect VOC measurement becomes unreliable. M313 is a direct VOC measurement technique which includes dilution of samples and analysis using Gas Chromatograph (GC). The VOCs present are separated in a GC, identified by a Mass Spectrometer and quantified by a Flame Ionization Detector.

The GC approach of M313 is similar to the approach developed at California Polytechnic State University, San Luis Obispo that was adopted by the American Society for Testing Material (ASTM) as ASTM D6886 (ASTM6886) *Standard Test Method for Determination of the Individual Volatile Organic Compounds (VOCs) in Air-Dry Coatings by Gas Chromatography*

(GC) in 2003. ASTM is the largest developer of consensus standards and the committee is comprised of members of industry, academia, and regulatory agencies. M313 differs because of additional quality control requirements and was the first GC method to include a marker compound to indicate when a compound should no longer be counted as a VOC, which was always an issue with the GC approach. The ~~SC~~AQMD has participated in round robin studies (M313 versus 6886) with strong correlation between the two methods. It is staff's understanding that industry relies on ASTM6886 for in house or third party testing of their products.

Method 313-91 has been approved for inclusion in the State Implementation Plan (SIP) and the ~~SC~~AQMD laboratory staff is currently working with the USEPA, CARB, BAAQMD and others on revising M313, mainly enhanced quality control parameters, inclusion of an endpoint, and an update to the equipment. The 1991 version of the method references older technology which is currently not in common use. The addition of Methyl Palmitate (MP) as the marker compound serves as a delineation between VOCs and non-VOCs. This marker compound was selected to yield consistent results to M24 and the original M313-91. This marker compound was further validated based on its non-volatility under ambient evaporation testing over a 6 month period. Prior to the use of MP as a marker compound, everything detected was measured as a VOC. This 'bright line' approach is used as a straight forward, relatively simply mechanism to determine if a compound is a VOC. M24 determines volatility based on what is driven off in a 110°C forced air oven in an hour. Test results of fully formulated coatings generally show higher VOC results under M24 as many compounds with partial volatility at the relatively high temperature specified are measured as VOC. Alternatively, M313 measures everything that elutes prior to MP as 100% VOC and everything that elutes after MP as 100% non-VOC, over counting small amounts of semi-volatiles compounds that elute prior to the marker compound but undercounting small amounts of semi-volatile compounds that elute after the marker compound, compared to M24.

The issue of semi-volatile compounds does not have much to do with the test method as with the nature of some compounds which may be found in architectural coatings. Most compounds have been tested to be fully volatile using M24 and many others have been demonstrated to be fully non-volatile under the same conditions. However, some compounds may not fully evaporate under M24. It is therefore theoretically possible to have a single compound which is partially evaporated, and therefore difficult to classify as either volatile or non-volatile. In addition, measurements of these semi-volatile compounds are not reproducible by M24. As VOC testing transitioned to a GC method, the lack of endpoint created a significant source of uncertainty as to what should be included as a VOC. Formulators have themselves struggled with determining whether a particular product was compliant, or not, using M24 or M313/ASTM6886 without an endpoint. The intent in choosing MP was to provide clarity on the question of what is and what is not a VOC, while at the same time keeping VOC results tethered to M24 over a broad range of samples and compounds, an important characteristic to

demonstrate equity to the USEPA.

In addition, over the course of analyzing architectural coatings samples over numerous years, very few have been formulated with compounds which fall into the semi-volatile region that elute prior to MP and may be considered a VOC. While the approach of setting a bright line is simplistic, and staff acknowledges that this approach has the potential to over- and under-estimate certain VOCs, the empirical data to determine partial volatility of different compounds does not currently exist. There is still a debate as to how to determine this for compounds that are found in paint and coatings. However, there is no debating the fact that M24 lacks accuracy for low-VOC, high water containing coatings and the best solution found is using a GC method, such as M313. It is the current practice by both the ~~SC~~AQMD laboratory and most manufacturers to use a GC method for VOC analysis and staff wants to clarify this practice in the rule. As the understanding of semi-volatile compounds develops, especially the~~ir~~ volatility of neat (pure) compounds versus the volatility of those same compounds in complex mixtures, ~~SC~~AQMD staff will work with the other regulatory agencies and the manufacturers to determine the most appropriate approach for handling semi-volatiles compounds in the long term.

In regard to the question as to whether or not gas chromatographic elution time correlates with volatility, for most compounds, chromatographs appear to be able to be reliably divided up between volatile, non-volatile, and semi-volatile. However, staff recognizes that some elution times are inconsistent with volatility. One such compound is glycerol; it elutes in an area that would place it as a volatile compound, but is in actuality less volatile than MP. Staff has introduced the idea of exception for compounds such as glycerol, and welcomes suggestions about other compounds which may behave in a similar fashion.

Lastly, the study that is being referenced by the commentator (Uyên-Uyên T. Võ, and Michael P. Morris; Non-Volatile, Semi-Volatile, or Volatile: Redefining Volatile for Volatile Organic Compounds, August 31, 2012) which compared various VOC test method including M24, M313, Thermogravimetric Analysis and a six month ambient evaporation test was conducted on neat compounds and not fully formulated complex mixtures such as architectural coatings. This study is a first step in many to address the issue of semi-volatile compounds.

The USEPA has provided feedback to ~~SC~~AQMD staff that they prefer the bright line (VOC/non-VOC) approach, with consideration for the industry to identify problematic compounds and develop protocols to demonstrate that they do not volatilize. As M24 provides a regulatory definition of what a VOC is (anything that is driven off in an hour in a 110°C forced air oven), M313 provides a regulatory definition of what a VOC is for coatings that contain less than 150 grams of VOC per liter of material (anything that elutes prior to MP with possible exceptions such as glycerol). The USEPA staff is not ready to provide any value to partial volatility until additional data is available to support such a conclusion. In the interim, anomalous compounds such as glycerol, should be dealt with on a case by case basis, along

with other potential semi-volatile material.

There has been a need for an improved VOC test method for a long time and there has also been consensus that the GC approach used in M313/6886 is one way to improve the testing. This approach is already being used by the ~~SC~~AQMD laboratory and industry laboratories and should be included in Rule 1113 with the expectation that there will be further, future improvements/refinements in conjunction with industry, and state and federal regulatory agencies.

However, based on the feedback received from the coatings manufacturers at the August 15, 2013 Working Group meeting, staff is not proposing to add M313 at this time. Staff will continue to meet with the working group to discuss the proposed revisions to M313 and will consider a future administrative amendment to Rule 1113 to include the method. AQMD laboratory staff will continue to use M313 for compliance checks and enforcement.

Comment

It was not made clear that the sell through provision does not apply to label changes.

Response

The rule states that effective January 1, 2014 the provision of the Table of Standards and paragraph (c)(1) of this rule shall not apply (e.g. the VOC limits). The sell through provision states:

> "Any coating that is manufactured prior to the effective date of the applicable limit specified in the Table of Standards 1, and that has a VOC content above that limit (but not above the limit in effect on the date of manufacture), may be sold, supplied, offered for sale, or applied for up to three years after the specified effective date."

The sell through is only applicable to VOC limit changes and the changes which affect the labeling of small containers goes into effect on January 1, 2014 with no exceptions. The rule did contain a 6 month sell through period for bundled coatings which is listed below the exemption. This issue was debated in depth during the rule amendment process, at length at the Public Hearing to adopt the rule, as well as a subsequent Stationary Source Committee Meeting. The following is from the response to comments in Final Staff Report for the June 3, 2011 amendment:

> "Based on feedback received during working group meetings, staff extended effective dates for rule changes sufficiently such that an additional sell through period is not necessary. In regard to the labeling requirements, manufacturers requested a three year period to implement the change so they could use their current labels. If the rule included an additional three years to sell through of old labels, the rule change would not be effective for six years. Staff feels that the proposed three years to implement the

change is sufficient without an additional sell through period."

Comment

It would be prohibitively expensive to remove the old containers from the shelves and this would not provide an environmental impact.

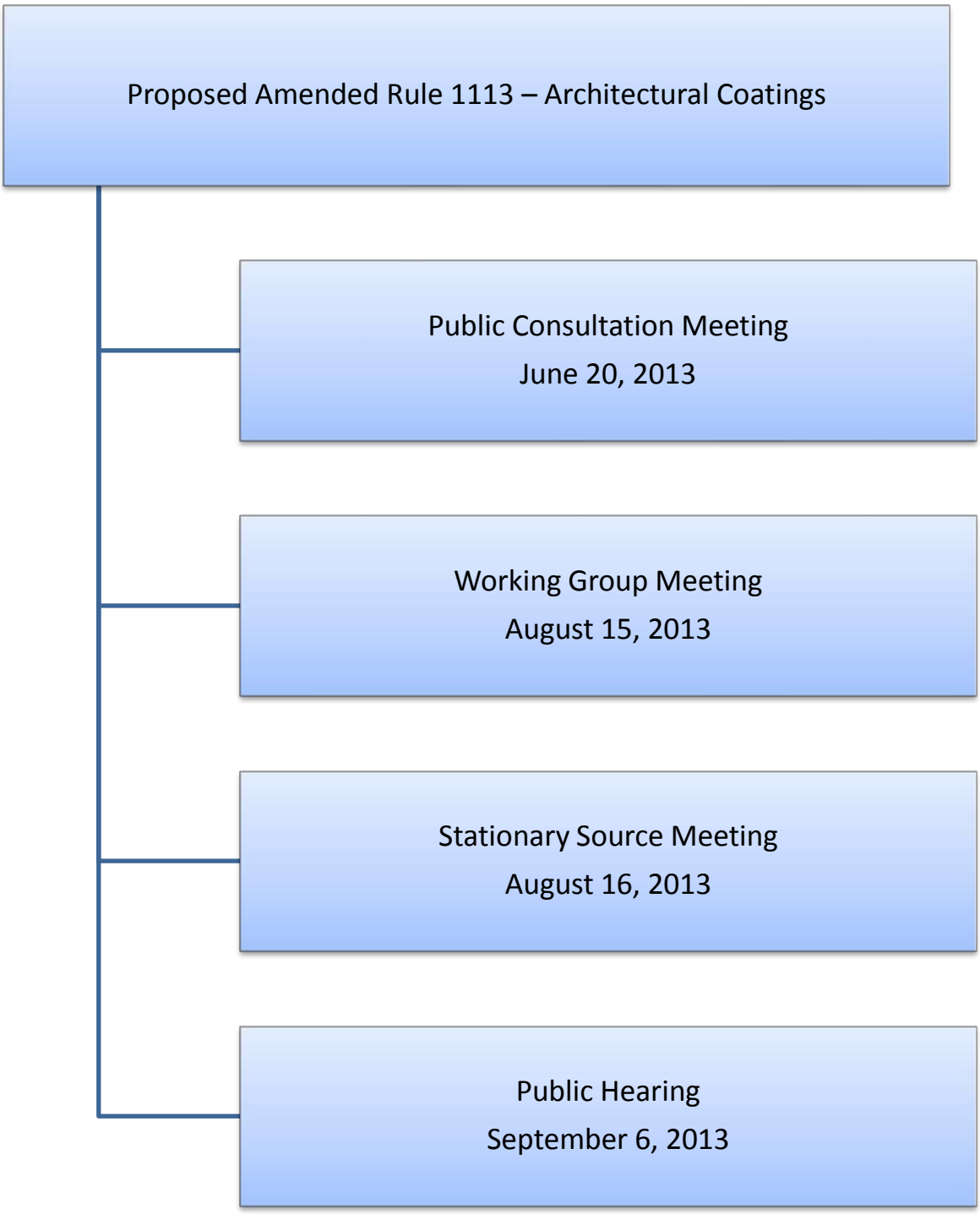
Response

Staff feels that manufacturers who waited to change their labels until it was too late for the old containers to be sold through are at an economic advantage over the manufacturers who were proactive. The feedback staff received is that it was economically prudent to wait to make a label change when something else on the label needed to be changes. Manufacturers who did not consider the labeling change deadline of January 1, 2014 to be a priority should not be rewarded with a change in the rule to allow for sell-through. Further, products sold in small containers generally have a higher VOC content, sometimes up to 5 fold higher, considering they can take advantage of the VOC content exemption, than the products sold in larger containers. This further provides an economic benefit since most of the higher VOC products are old formulations that are generally more economical to manufacture.

A T T A C H M E N T C

RULE DEVELOPMENT PROCESS FOR

PROPOSED AMENDED RULE 1113 – ARCHITECTURAL COATINGS


Proposed Amended Rule 1113 – Architectural Coatings
Public Consultation Meeting
June 20, 2013
Working Group Meeting
August 15, 2013
Stationary Source Meeting
August 16, 2013
Public Hearing
September 6, 2013

A T T A C H M E N T D

KEY CONTACTS FOR
PROPOSED AMENDED RULE 1113 – ARCHITECTURAL COATINGS

Key Contacts	
David Darling	American Coatings Association
Jim Kantola	Akzo Nobel
Ken McDiarmid	Axalta
Michael Butler	BEHR Process Corporation
Dane Jones, Ph.D.	Cal Poly, SLO
Barry Marcks	Caltrans
Fernando Pedroza	Chromaflo Technologies
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Andy Thoummaraj	Custom Building Products
Robert Wendoll	Dunn-Edwards Paints
Susan Sims	Eastman
Joseph Tashjian	Ellis Paint Company
Karen Hollinhurst	Ellis/PCL
Pat Lutz	EPS Materials
John Lenore	Epmar Corp.
Howard Berman	E4 Strategic Solutions, Inc.
Ben Gavett	Golden Artists Colors, Inc
Patricia Santana	HBCC
Lesley Henry II	ITWPSNA
Aaron Mann	JFB Hart
Joe Salvo	Miracle Sealants
Henry Lum	Modern Masters
John Wallace	MWD
Bob Sypowicz	Modern Masters
Lesley Henry III	Pacific Polymers
Wayne Nelson	PPG Architectural Finishes, Inc
Dwayne Fuhlhage	Prosoco
John Lenore	Quaker
Ron Webber	Quest Building
Rita Loof	Radtech International North Americas
Doug Raymond	Raymond Regulatory Resources (3R), LLC
Mike Murphy	Rust-Oleum
Mark Frick	Rust-Oleum
Madelyn Harding	Sherwin-Williams Company
Dennis Salley	SpecChem
Kyle Frakes	Tnemec Corporation
Chris Lansen	TWDC
Tina Glomstead	Valspar
John Long	Vista Paint
Fred Garcia	Walt Disney

A T T A C H M E N T E

RESOLUTION FOR

PROPOSED AMENDED RULE 1113 – ARCHITECTURAL COATINGS

RESOLUTION NO. 2013-

A Resolution of the Governing Board of the South Coast Air Quality Management District (AQMD) certifying that Proposed Amended Rule 1113 – Architectural Coatings is exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the AQMD Governing Board amending Rule 1113 - Architectural Coatings.

WHEREAS, the AQMD Governing Board finds and determines that Proposed Amended Rule 1113 – Architectural Coatings is exempt from CEQA pursuant to CEQA Guidelines §15061 (b)(3) ("General Rule Exemption") because it was determined that PAR 1113 with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment; and

WHEREAS, the AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and has conducted CEQA review and analysis pursuant to such program (Rule 110); and

WHEREAS, AQMD staff has prepared a Notice of Exemption (NOE) for Proposed Amended Rule 1113 that is completed in compliance with CEQA Guidelines §15002(k)(1) – Three Step Process, §15061(b)(1) – Review for Exemption (By Statute), and §15061(b)(3) – Review for Exemption (General Rule); and

WHEREAS, the AQMD Governing Board has determined that a need exists to amend Rule 1113 – Architectural Coatings to provide regulatory relief to coating manufacturers from certain rule requirements and clarify rule intent,; and

WHEREAS, the AQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Sections 39002, 40000, 40001, 40440, 40441, 40702, and 41508 of the California Health and Safety Code; and

WHEREAS, the AQMD Governing Board has determined that Rule 1113 - Architectural Coatings, as proposed to be amended, is written and displayed so that its meaning can be easily understood by persons directly affected by them; and

WHEREAS, the AQMD Governing Board has determined that Rule 1113 - Architectural Coatings, as proposed to be amended, is in harmony with, and not in conflict with, or contradictory to, existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the AQMD Governing Board has determined that Rule 1113 - Architectural Coatings, as proposed to be amended, does not impose the same requirements as any existing state or federal regulation, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the AQMD; and

WHEREAS, the AQMD Governing Board in amending the regulation,

references the following statutes which the AQMD hereby implements, interprets or makes specific: Health and Safety Code Sections 40001(a) (air quality standards and enforcement of federal standards), 40440(a) (rules to carry out plan), 40440(b)(1) (BARCT), 40702 (adopt regulation to execute duties), and 40440(c) (rules to assure efficient and cost-effective administrative practices); and

WHEREAS, the AQMD Governing Board has determined that Proposed Amended Rule 1113 – Architectural Coatings does not directly affect air quality or emission limitations; therefore, a formal socioeconomic assessment under California Health and Safety Code Section 40440.8 is not required; and

WHEREAS, a public hearing has been properly noticed in accordance with all provisions of Health and Safety Code, Section 40725; and

WHEREAS, the AQMD Governing Board finds and determines, taking into consideration the factors in §(d)(4)(D) of the Governing Board Procedures, that the modifications adopted which have been made to Rule 1113 – Architectural Coatings since notice of public hearing was published do not significantly change the meaning of the proposed amended rule within the meaning of Health and Safety Code §40726 and would not constitute significant new information pursuant to CEQA Guidelines §15088.5.

WHEREAS, the AQMD Governing Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the AQMD specifies the manager of Rule 1113 as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this proposed amendment is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California.

NOW, THEREFORE, BE IT RESOLVED, that the AQMD Governing Board does hereby certify that Proposed Amended Rule 1113 –Architectural Coatings, as proposed to be amended, is exempt from CEQA requirements pursuant to CEQA Guidelines §15002(k)(1) - Three Step Process, and §15061(b)(1) – Review for Exemption (By Statute), §15061(b)(3) – Review for Exemption (General Rule). This information was presented to the Governing Board, whose members reviewed, considered, and approved the information therein prior to acting on Proposed Amended Rule 1113; and

BE IT FURTHER RESOLVED, that the AQMD Governing Board does hereby amend, pursuant to the authority granted by law, Rule 1113 - Architectural Coatings, as set forth in the attached, and incorporated herein by this reference.

Attachment

DATE:_____ _____

CLERK OF THE BOARD

A T T A C H M E N T F

RULE LANGUAGE FOR

PROPOSED AMENDED RULE 1113 – ARCHITECTURAL COATINGS

Single underline text shows new language added to the existing rule language.
Double underline text shows new language added to the rule subsequent to the Set Hearing.
~~*Italicized Strikeout*~~ text shows new deletions from the rule subsequent to the Set Hearing.
~~Underline Strikeout~~ text shows language proposed for addition to the Set Hearing Package, which is now being deleted from the Public Hearing Package

(Adopted Sept. 2, 1977)(Amended Dec. 2, 1977)(Amended Feb. 3, 1978)
(Amended Sept. 5, 1980)(Amended Apr. 3, 1981)(Amended July 3, 1981)
(Amended by California Air Resources Board Oct. 21, 1981)
(Amended Aug. 5, 1983)(Amended Mar. 16, 1984)(Amended Aug. 2, 1985)
(Amended Nov. 1, 1985)(Amended Feb. 6, 1987)(Amended Jan. 5, 1990)
(Amended Feb. 2, 1990)(Amended Nov. 2, 1990)(Amended Dec. 7, 1990)
(Amended Sept. 6, 1991)(Amended March 8, 1996)(Amended August 9, 1996)
(Amended November 8, 1996)(Amended May 14, 1999; Vacated)
(Amended July 20, 2001)(Amended December 6, 2002)(Amended December 5, 2003)
(Amended July 9, 2004)(Amended June 9, 2006)(Amended July 13, 2007)
(Amended June 3, 2011)(PAR September 6, 2013)

PROPOSED AMENDED RULE 1113. ARCHITECTURAL COATINGS

(a) Applicability

This rule is applicable to any person who supplies, sells, markets, offers for sale, or manufactures any architectural coating in the District that is intended to be field applied to stationary structures or their appurtenances, and to fields and lawns; as well as any person who applies, stores at a worksite, or solicits the application of any architectural coating within the District. The purpose of this rule is to limit the VOC content of architectural coatings used in the District or to allow the averaging of such coatings, as specified, so their actual emissions do not exceed the allowable emissions if all the averaged coatings had complied with the specified limits.

(b) Definitions

For the purpose of this rule, the following definitions shall apply:

(1) AEROSOL COATING PRODUCT means a pressurized coating product containing pigments, ~~or~~ resins, and/or other coatings solids that dispenses product ingredients by means of a propellant, and is packaged in a disposable ~~can~~ aerosol container for hand-held application, or for use in specialized equipment for ground marking and traffic marking applications.

(2) ALUMINUM ROOF COATINGS are roof coatings containing at least 0.7 pounds per gallon (84 grams per liter) of coating as applied, of elemental aluminum pigment.

(3) APPURTENANCES are accessories to a stationary structure, including, but not limited to: hand railings, cabinets, bathroom and kitchen fixtures,

fences, rain-gutters and down-spouts, window screens, lamp-posts, heating and air conditioning equipment, other mechanical equipment, large fixed stationary tools, signs, motion picture and television production sets, and concrete forms.

(4) ARCHITECTURAL COATINGS are any coatings applied to stationary structures ~~and~~ or their appurtenances, ~~and~~or to fields and lawns.~~.~~

(5) BELOW-GROUND WOOD PRESERVATIVES are wood preservatives formulated to protect below-ground wood.

(6) BITUMINOUS COATING MATERIALS are black or brownish coating 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.

(7) BITUMINOUS ROOF PRIMERS are primers formulated for or applied to roofing that incorporate bituminous coating materials.

(8) BOND BREAKERS are coatings formulated for or applied between layers of concrete to prevent the freshly poured top layer of concrete from bonding to the substrate over which it is poured.

(9) CLEAR WOOD FINISHES are clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates, including floors, decks and porches, to provide a transparent or translucent solid film.

(10) COATING is a material which is applied to a surface in order to beautify, protect, or provide a barrier to such surface.

(11) COLORANTS are solutions of dyes or suspensions of pigments.

(12) CONCENTRATES are coatings supplied in a form that must be diluted with water or an exempt compound, prior to application, according to the architectural coatings manufacturer's application instructions in order to yield the desired coating properties.

~~(12)~~(13) CONCRETE-CURING COMPOUNDS are coatings formulated for or applied to freshly poured concrete to retard the evaporation of water. Concrete-curing compounds manufactured and used for roadways and bridges (does not include curbs and gutters, sidewalks, islands, driveways and other miscellaneous concrete areas) are those concrete-curing compounds that meet ASTM Designation C309, Class B, and meet a loss of water standard of less than 0.15-kg/m^2 in 24 hours as determined by the California Transportation Department, California Test 534.

~~(13)~~(14) CONCRETE SURFACE RETARDERS are coatings containing one or more ingredients such as extender pigments, primary pigments, resins, and solvents that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

~~(14)~~(15) DRIVEWAY SEALERS are coatings that are applied to worn asphalt driveway surfaces in order to:

(A) Fill cracks;

(B) Seal the surface to provide protection; or

(C) Restore or preserve the surface appearance.

~~(15)~~(16) DRY-FOG COATINGS are coatings which are formulated only for spray application so that when sprayed, overspray droplets dry before falling on floors and other surfaces.

~~(16)~~(17) EXEMPT COMPOUNDS (See Rule 102-Definition of Terms.)

~~(17)~~(18) FAUX FINISHING COATINGS are coatings that meet one or more of the following subcategories:

(A) GLAZES, which are coatings designed for wet-in-wet techniques used to create artistic effects, including but not limited to dirt, old age, smoke damage, simulated marble and wood grain finishes, decorative patterns, color blending, and wet edge techniques.

(B) DECORATIVE COATINGS, which are coatings used to create a gonioapparent appearance, such as metallic, iridescent, or pearlescent appearance, that contain 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).

(C) JAPANS, which are pure concentrated pigments, finely ground in a slow drying vehicle used by Motion Picture and Television Production Studios to create artistic effects, including but not limited to, dirt, old age, smoke damage, water damage, and simulated marble and wood grain.

(D) TROWEL APPLIED COATINGS, which are coatings applied by trowel that are used to create aesthetic effects, including, but not limited to polished plaster, clay, suede and dimensional, tactile textures.

(E) CLEAR TOPCOATS, which are clear coatings used to enhance, seal and protect a Faux Finishing coating that meets the requirements of subsection (b)(1~~7~~8)(A), (B), (C) or (D). These clear topcoats must be sold and used solely as part of a Faux Finishing coating system, and must be labeled in accordance paragraph (d)(7).

~~(18)~~(19) FIRE-PROOFING COATINGS are opaque coatings formulated to protect the structural integrity of steel and other construction materials and listed by Underwriter's Laboratories, Inc. for the fire protection of steel.

~~(19)~~(20) FLAT COATINGS are coatings that register a gloss of less than 15 on an 85-degree meter or less than 5 on a 60-degree meter.

~~(20)~~(21) FLOOR COATINGS are opaque coatings that are formulated for or applied to flooring; including but not limited to garages, decks, and porches, and clear coatings formulated for or applied to concrete flooring, but do not include Industrial Maintenance Coatings.

~~(21)~~(22) FORM RELEASE COMPOUNDS are coatings designed for or applied to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of metal, wood, or some material other than concrete.

~~(22)~~(23) FORMULATION DATA is the actual product recipe which itemizes all the ingredients contained in a product including VOCs and the quantities thereof used by the manufacturer to create the product. Material Safety Data Sheets (MSDS) are not considered formulation data.

~~(23)~~(24) GONIOAPPARENT means a change in appearance with a change in the angle of illumination or the angle of view, as defined according to ASTM E 284.

~~(24)~~(25) GRAMS OF VOC PER LITER OF COATING OR COLORANT, LESS WATER AND LESS EXEMPT COMPOUNDS, is the weight of VOC per combined volume of VOC and coating or colorant solids and can be calculated by the following equation:

$$\text{Grams of VOC per Liter of Coating, Less Water and Less Exempt Compounds} = \frac{W_s - Ww - Wes}{Vm - Vw - Ves}$$

Where: Ws = weight of volatile compounds in grams

Ww = weight of water in grams

Wes	=	weight of exempt compounds in grams
Vm	=	volume of material in liters
Vw	=	volume of water in liters
Ves	=	volume of exempt compounds in liters

For coatings that contain reactive diluents, the Grams of VOC per Liter of Coating, Less Water and Less Exempt Compounds, shall be calculated by the following equation:

$$\text{Grams of VOC per Liter of Coating, Less Water and Less Exempt Compounds} = \frac{Ws - Ww - Wes}{Vm - Vw - Ves}$$

Where:

Ws	=	weight of volatile compounds emitted during curing, in grams
Ww	=	weight of water emitted during curing, in grams
Wes	=	weight of exempt compounds emitted during curing, in grams
Vm	=	volume of the material prior to reaction, in liters
Vw	=	volume of water emitted during curing, in liters
Ves	=	volume of exempt compounds emitted during curing, in liters

~~(25)~~(26) GRAMS OF VOC PER LITER OF MATERIAL is the weight of VOC per volume of material and can be calculated by the following equation:

$$\text{Grams of VOC per Liter of Material} = \frac{Ws - Ww - Wes}{Vm}$$

Where:

Ws	=	weight of volatile compounds in grams
Ww	=	weight of water in grams
Wes	=	weight of exempt compounds in grams
Vm	=	volume of the material in liters

~~(26)~~(27) GRAPHIC ARTS COATINGS (Sign Paints) are coatings formulated for hand-application 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.

~~(27)~~(28) HIGH-TEMPERATURE INDUSTRIAL MAINTENANCE COATINGS are industrial maintenance coatings formulated for or applied to substrates exposed continuously or intermittently to temperatures above 400 degrees Fahrenheit.

~~(28)~~(29) INDUSTRIAL MAINTENANCE COATINGS are coatings, including primers, sealers, undercoaters, intermediate coatings and topcoats, formulated for or applied to substrates, including floors, that are exposed to one or more of the following extreme environmental conditions:

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

(B) Acute or chronic exposure to corrosive, caustic or acidic agents, or similar chemicals, chemical fumes, chemical mixtures, or solutions;

(C) Repeated exposure to temperatures in excess of 250 degrees Fahrenheit;

(D) Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial solvents, cleaners, or scouring agents; or

(E) Exterior exposure of metal structures.

~~(29)~~(30) INTERIOR STAINS are stains labeled and formulated exclusively for use on interior surfaces.

~~(30)~~(31) LACQUERS are clear or pigmented wood finishes, including clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by evaporation without chemical reaction.

~~(31)~~(32) LOW-SOLIDS COATINGS are coatings containing one pound or less of solids per gallon of material.

~~(32)~~(33) MAGNESITE CEMENT COATINGS are coatings formulated for or applied to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

~~(33)~~(34) MANUFACTURER is any person, company, firm, or establishment who imports, blends, assembles, produces, packages, repackages, or re-labels an architectural coating, ~~not in~~ex~~cluding retail~~

outlets where labels or stickers may be affixed to containers or where colorant is added at the point of sale.

~~(34)~~(35) MARKET means to facilitate sales through third party vendors, including but not limited to catalog or ecommerce sales that bring together buyers and sellers. For the purposes of this rule, market does not mean to generally promote or advertise coatings.

~~(35)~~(36) MASTIC COATINGS are coatings formulated to cover holes and minor cracks and to conceal surface irregularities, and applied in a thickness of at least 10 mils (dry, single coat).

~~(36)~~(37) METALLIC PIGMENTED COATINGS ~~are coatings, excluding roof coatings, containing at least 0.4 pounds per gallon (48 grams/liter) of coating, as applied, of elemental metallic pigment (excluding zinc). Effective July 1, 2012, metallic pigmented coatings~~ are decorative coatings, excluding industrial maintenance and roof coatings, containing at least 0.4 pounds per gallon (48 grams/liter) of coating, as applied, of elemental metallic pigment (excluding zinc).

~~(37)~~(38) MULTI-COLOR COATINGS are coatings which exhibit more than one color when applied and which are packaged in a single container and applied in a single coat.

(39) MULTI-COMPONENT COATINGS are reactive coatings requiring the addition of a separate catalyst or hardener before application to form an acceptable dry film.

~~(38)~~(40) NONFLAT COATINGS are coatings that are not defined under any other definition in this rule and that register a gloss of 5 or greater on a 60 degree meter and a gloss of 15 or greater on an 85 degree meter according to ASTM Test Method D 523 as specified in paragraph (e)(6).

~~(39)~~(41) NON-SACRIFICIAL ANTI-GRAFFITI COATINGS are clear or opaque Industrial Maintenance Coatings formulated and recommended to deter adhesion of graffiti and to resist repeated scrubbing and exposure to harsh solvents, cleansers, or scouring agents used to remove graffiti.

~~(40)~~(42) PEARLESCENT means exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

~~(41)~~(43) PIGMENTED means containing colorant or dry coloring matter, such as an insoluble powder, to impart color to a substrate.

~~(42)~~(44) POST-CONSUMER COATINGS are finished coatings that would have been disposed of in a landfill, having completed their usefulness to a consumer, and does not include manufacturing wastes.

~~(43)~~(45) PRE-TREATMENT WASH PRIMERS are coatings which contain a minimum of 1/2 percent acid, by weight, applied directly to bare metal surfaces to provide necessary surface etching.

~~(44)~~(46) PRIMERS are coatings applied to a surface to provide a firm bond between the substrate and subsequent coats.

~~(45)~~(47) PRODUCT LINE is a line of coatings reported under one product number and name and subject to one coating VOC limit as specified in subdivision (c) Table of Standards.

~~(46)~~(48) QUICK-DRY ENAMELS are non-flat, high gloss coatings which comply with the following:

(A) 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; and

(B) 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. ~~Effective July 1, 2011, c~~Coatings classified as quick-dry enamels are subsumed by the non-flat coating category.

~~(47)~~(49) QUICK-DRY PRIMERS, SEALERS, AND UNDERCOATERS are primers, sealers, and undercoaters which are intended to be applied to a surface to 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). ~~Effective July 1, 2011, c~~Coatings classified as quick-dry primers, sealers, and undercoaters are subsumed by the primer, sealer, undercoater category.

~~(48)~~(50) REACTIVE DILUENT is a liquid which is a VOC during application and one in which, through chemical and/or physical reaction, such as polymerization, becomes an integral part of the coating.

~~(49)~~(51) REACTIVE PENETRATING SEALERS are clear or pigmented coatings 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 meet the following criteria:

(A) Used only for reinforced concrete bridge structures for transportation projects within 5 miles of the coast or above 4,000 feet elevation; or for restoration and/or preservation projects on registered historical buildings that are under the purview of a restoration architect.

(B) Penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate.

(C) Line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film.

(D) 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: ASTM C67, or ASTM C97, or ASTM C140.

(E) 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.

(F) Meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), surface chloride screening applications, for products labeled and formulated for vehicular traffic.

~~(50)~~(52) RECYCLED COATINGS are coatings manufactured by a certified recycled paint manufacturer and formulated such that 50 percent or more of the total weight consists of secondary and post-consumer coatings and 10 percent or more of the total weight consists of post-consumer coatings~~, and manufactured by a certified recycled paint manufacturer~~.

~~(51)~~(53) RESTORATION ARCHITECT is an architect that has a valid certificate of registration as an architect issued by the California State Board of Architectural Examiners or the National Council of Architectural Registration Boards and working on registered historical restoration and/or preservation projects.

~~(52)~~(54) RETAIL OUTLET means any establishment at which architectural coatings are sold or offered for sale to consumers.

~~(53)~~(55) ROOF COATINGS are coatings formulated for application to exterior roofs for the primary purpose of preventing penetration of the substrate by water, or reflecting heat and ultraviolet radiation.

~~(54)~~(56) RUST PREVENTATIVE COATINGS are coatings formulated for use in preventing the corrosion of metal surfaces in residential and commercial situations.

~~(55)~~(57) SACRIFICIAL ANTI-GRAFFITI COATINGS are non-binding, clear coatings which are formulated and recommended for applications that allow for the removal of graffiti primarily by power washing.

~~(56)~~(58) SANDING SEALERS are clear wood coatings formulated for or applied to bare wood for sanding and to seal the wood for subsequent application of coatings. ~~*Until July 1, 2013, to be considered a sanding sealer a coating must be clearly labeled as such.*~~

~~(57)~~(59) SEALERS are coatings applied to either block materials from penetrating into or leaching out of a substrate, to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

~~(58)~~(60) SECONDARY (REWORK) COATINGS are fragments of finished coatings or finished coatings from a manufacturing process that has converted resources into a commodity of real economic value, but does not include excess virgin resources of the manufacturing process.

~~(59)~~(61) SHELLACS are clear or pigmented coatings formulated solely with the resinous secretions of the lac insect (laccifer lacca). Shellacs are formulated to dry by evaporation without a chemical reaction providing a quick-drying, solid, protective film for priming and sealing stains and odors; and for wood finishing excluding floors effective January 1, 2007.

~~(60)~~(62) SOLICIT is to require for use or to specify, by written or oral contract.

~~(61)~~(63) SPECIALTY PRIMERS are coatings formulated for or applied to a substrate to seal fire, smoke or water damage; or to condition excessively chalky surfaces. An excessively chalky surface is one that is defined as having chalk rating of four or less as determined by ASTM D-4214 – Photographic Reference Standard No. 1 or the Federation of Societies for Coatings Technology “Pictorial Standards for Coatings Defects”.

~~(62)~~(64) STAINS are opaque or semi-transparent coatings which are formulated to change the color but not conceal the grain pattern or texture.

~~(63)~~(65) STATIONARY STRUCTURES include but are not limited to, homes, office buildings, factories, mobile homes, pavements, curbs, roadways, racetracks, and bridges.

~~(64)~~(66) STONE CONSOLIDANTS are coatings that are 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 meet the following criteria:

(A) Used only for restoration and/or preservation projects on registered historical buildings that are under the purview of a restoration architect.

(B) Penetrate into stone substrates to create bonds between particles and consolidate deteriorated material.

(C) Specified and used in accordance with ASTM E2167.

~~(65)~~(67) SWIMMING POOL COATINGS are coatings specifically formulated for or applied to the interior of swimming pools, including but not limited to water park attractions, ponds and fountains, to resist swimming pool chemicals.

~~(66)~~(68) SWIMMING POOL REPAIR COATINGS are chlorinated, rubber-based coatings used for the repair and maintenance of swimming pools over existing chlorinated, rubber-based coatings.

~~(67)~~(69) TINT BASE is an architectural coating to which colorants are added.

~~(68)~~(70) TRAFFIC COATINGS are coatings formulated for or applied to public streets, highways, and other surfaces including, but not limited to, curbs, berms, driveways, and parking lots.

~~(69)~~(71) UNDERCOATERS are coatings formulated for or applied to substrates to provide a smooth surface for subsequent coats.

~~(70)~~(72) VARNISHES are clear or pigmented wood finishes formulated with various resins to dry by chemical reaction.

~~(71)~~(73) VOLATILE ORGANIC COMPOUND (VOC) is as defined in Rule 102 – Definition of Terms. For the purpose of this rule, tertiary butyl acetate (tBAc) shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC content requirements and will continue to be a VOC for purposes of all recordkeeping, emissions

reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs, when used in industrial maintenance coatings, including zinc-rich industrial maintenance coatings and non-sacrificial anti-graffiti coatings.

~~(72)~~(74) WATERPROOFING SEALERS are coatings which are formulated for the primary purpose of preventing penetration of porous substrates by water.

~~(73)~~(75) WATERPROOFING CONCRETE/MASONRY SEALERS are clear or pigmented sealers that are formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, or staining.

~~(74)~~(76) WOOD PRESERVATIVES are coatings formulated to protect wood from decay or insect attack by the addition of a wood preservative chemical registered by the California Environmental Protection Agency.

~~(75)~~(77) WORKSITE means any location where architectural coatings are stored or applied.

~~(76)~~(78) ZINC-RICH INDUSTRIAL MAINTENANCE PRIMERS are primers formulated to contain a minimum of 65 percent metallic zinc powder (zinc dust) by weight of total solids for application to metal substrates.

(c) Requirements

(1) Except as provided in paragraphs (c)(3), (c)(4), and designated coatings averaged under (c)(6), no person shall supply, sell, offer for sale, market, manufacture, blend, repackage, apply, store at a worksite, or solicit the application of any architectural coating within the District:

(A) That is listed in the Table of Standards 1 and contains VOC (excluding any colorant added to tint bases) in excess of the corresponding VOC limit specified in the table, after the effective date specified; or

(B) That is not listed in the Table of Standards 1, and contains VOC (excluding any colorant added to tint bases) in excess of 250 grams of VOC per liter of coating (2.08 pounds per gallon), less water, less exempt compounds, until January 1, 2014, at which time the limit drops to 50 grams of VOC per liter of coating, less water, less exempt compounds (0.42 pounds per gallon).

(2) No person within the District shall add colorant at the point of sale that is listed in the Table of Standards 2 and contains VOC in excess of the corresponding VOC limit specified in the Table of Standards 2, after the effective date specified.

TABLE OF STANDARDS 1
VOC LIMITS

Grams of VOC Per Liter of Coating, Less Water and Less Exempt Compounds

COATING CATEGORY	Ceiling Limit[1]	Current Limit[2]	Effective Date		
			7/1/08	1/1/12	1/1/14
Bond Breakers		350			
Clear Wood Finishes		275			
Varnish	350	275			
Sanding Sealers	350	275			
Lacquer		275			
Concrete-Curing Compounds		100			
Concrete-Curing Compounds For Roadways and Bridges[3]		350			
Concrete Surface Retarder		250			50
Driveway Sealer		100		50	
Dry-Fog Coatings		150			50
Faux Finishing Coatings					
Clear Topcoat		350		200	100
Decorative Coatings		350			
Glazes		350			
Japan		350			
Trowel Applied Coatings		350		150	50
Fire-Proofing Coatings		350			150
Flats	250	50	50		
Floor Coatings	100	50			
Form Release Compound		250			100
Graphic Arts (Sign) Coatings		500			150
Industrial Maintenance (IM) Coatings	420	100			
High Temperature IM Coatings		420			
Non-Sacrificial Anti-Graffiti Coatings		100			
Zinc-Rich IM Primers	~~340~~	100			
Magnesite Cement Coatings		450			
Mastic Coatings		300			100
Metallic Pigmented Coatings	500	500			150
Multi-Color Coatings		250			
Nonflat Coatings	150	50			
Pre-Treatment Wash Primers		420			
Primers, Sealers, and Undercoaters	~~200~~	100			
Reactive Penetrating Sealers		350			
Recycled Coatings		250			
Roof Coatings	~~250~~	50			
Roof Coatings, Aluminum		100			

COATING CATEGORY	Ceiling Limit[1]	Current Limit[2]	Effective Date		
			7/1/08	1/1/12	1/1/14
Roof Primers, Bituminous	~~350~~	350			
Rust Preventative Coatings	400	100			
~~Stone Consolidant~~		~~450~~			
Sacrificial Anti-Graffiti Coatings		100		50	
Shellac					
Clear		730			
Pigmented		550			
Specialty Primers	~~350~~	100			
Stains	350	100			
Stains, Interior	250	250			
Stone Consolidant		450			
Swimming Pool Coatings					
Repair		340			
Other		340			
Traffic Coatings		100			
Waterproofing Sealers	~~250~~	100			
Waterproofing Concrete/Masonry Sealers	~~400~~	100			
Wood Preservatives		350			

1. The specified ceiling limits are applicable to products sold under the Averaging Compliance Option.
2. The specified limits remain in effect unless revised limits are listed in subsequent columns in the Table of Standards.
3. Does not include compounds used for curbs and gutters, sidewalks, islands, driveways and other miscellaneous concrete areas.

TABLE OF STANDARDS 1 (cont.)
VOC LIMITS

Grams of VOC Per Liter of Material

COATING	Limit
Low-Solids Coating	120

TABLE OF STANDARDS 2
VOC LIMITS FOR COLORANTS

Grams of VOC Per Liter of Colorant
Less Water and Less Exempt Compounds

COLORANT ADDED TO	Limit[4]
Architectural Coatings, excluding IM Coatings	50
Solvent-Based IM	600
Waterborne IM	50

4. Effective January 1, 2014.

(3) Coating Categorization

(A) If anywhere on the container of any coating listed in either Table of Standards, on any sticker or label affixed thereto, or in any sales or advertising literature, any representation is made that the coating may be used as, or is suitable for use as, a coating for which a lower VOC standard is specified in the table or in paragraph (c)(1), then the lowest VOC standard shall apply.

(B) The provisions of paragraph (c)(3)(A) shall not apply to a coating described in part as a flat, nonflat or primer-sealer-undercoater coating, or represented in part for use on flooring, provided that all of the following requirements are met:

(i) The coating meets the definition of a specific coating category for which a higher VOC standard is specified in the Table of Standards, and

(ii) The coating is labeled in a manner consistent with the definition and all the specific labeling requirements for that specific coating category, and

(iii) The coating is suitable and only recommended for the intended uses of that specific coating category.

(4) Sell-Through Provision

Any coating that is manufactured prior to the effective date of the applicable limit specified in the Table of Standards 1, and that has a VOC content above that limit (but not above the limit in effect on the date of manufacture), may be sold, supplied, offered for sale, or applied for up to three years after the specified effective date. The manufacturer shall maintain sales and distribution records, as applicable, for any coating manufactured prior to the effective date if that coating volume is not included in an approved Averaging Compliance Option [specified in paragraph (c)(6) of this rule] Program that includes the same coating manufactured on or after the effective date. Such records shall clearly indicate the date of manufacture (or date code or batch code) and volume of coating sold or distributed to distinguish between those coatings subject to the provisions of this paragraph and those subject to the provisions of Appendix A section (K). These records shall be made available to the Executive Officer upon request and shall be maintained for a

period of at least three years after the end of a compliance period of the Averaging Compliance Option Program.

(5) All architectural coating or colorant containers ~~used to apply~~ from which the contents ~~therein to a surface direct from said container~~ are used by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These ~~architectural coating~~ containers include, but should not be limited to: drums, buckets, cans, pails, trays or other storage or application containers.

(6) Averaging Compliance Option

Until January 1, 2015, in lieu of specific compliance with the applicable limits in the Table of Standards, manufacturers may average designated coatings such that their actual cumulative emissions from the averaged coatings are less than or equal to the cumulative emissions that would have been allowed under those limits over a compliance period not to exceed one year.

~~(A) The following coatings may be averaged until December 31, 2011: bituminous roof primers; floor coatings; industrial maintenance coatings; interior stains; metallic pigmented coatings; primers, sealers, and undercoaters; roof coatings; rust preventative coatings; sanding sealers; specialty primers; stains; waterproofing concrete/masonry sealers; waterproofing sealers; varnishes; zinc-rich industrial maintenance primers; as well as flats and nonflats (excluding recycled coatings).~~

~~(B)~~(A) ~~Effective January 1, 2012, only t~~The following coatings may be averaged: floor coatings; industrial maintenance coatings; interior stains; metallic pigmented coatings; rust preventative coatings; sanding sealers; stains; varnishes; as well as flats and nonflats (excluding recycled coatings).

~~(C)~~(B) Manufacturers using the Averaging Compliance Option shall:

(i) Comply with the averaging provisions contained in Appendix A, as well as maintain all records for the Averaging Compliance Option (ACO) Program and make these records available to the Executive Officer upon request, for a period of at least three years after the end of the compliance period; and

(ii) Use only the sell-through provision in Appendix A for each coating included in the ACO Program in lieu of the sell-through provision of subparagraph (c)(4).

(7) No person shall apply or solicit the application within the District of any industrial maintenance coatings, except non-sacrificial anti-graffiti coatings, for residential use or for use in areas such as office space and meeting rooms of industrial, commercial or institutional facilities not exposed to such extreme environmental conditions described in the definition of industrial maintenance coatings.

(8) General Prohibition

No person shall supply, sell, market, offer for sale, manufacture, blend, or repackage any architectural coating or colorant in the District subject to the provisions of this rule with any materials that contain in excess of 0.1% by weight any Group II exempt compounds listed in Rule 102. Cyclic, branched, or linear, completely methylated siloxanes (VMS) are not subject to this prohibition. ~~This provision is effective January 1, 2012 except that products manufactured prior to the effective date may be sold until January 1, 2013~~.

(d) Administrative Requirements

(1) Containers for all coatings subject to this rule shall display the date of manufacture of the contents or a code indicating the date of manufacture. The manufacturers of such coatings shall file with the Executive Officer of the District and the Executive Officer of the Air Resources Board an explanation of each code.

(2) Containers for all coatings subject to the requirements of this rule shall carry a statement of the manufacturer's recommendation regarding thinning of the coating. This requirement 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 do not cause a coating to exceed its applicable standard.

(3) Each container of any coating subject to this rule shall display the maximum VOC content ~~*of the coating*~~ in grams per liter, as ~~*supplied, and*~~

~~*after any thinning as recommended by the manufacturer*~~ except the follows~~ing~~:

(A) For coatings packaged in a single container, the VOC per liter of coating (less water and less exempt compounds, and excluding any colorant added to the tint base) as supplied, after any recommended thinning;

~~(A)~~(B) For ~~a~~ multi-component coatings, ~~as recommended for use by the manufacturer~~ the VOC per liter of coating (less water and exempt compounds, and excluding any colorant added to the tint base) after mixing the components, as recommended for use by the architectural coatings manufacturer;

~~(B)~~(C) For ~~a~~ concentrates, ~~at the minimal dilution recommended for use by the manufacturer~~ the VOC per liter of coating (less water and exempt compounds, and excluding any colorant added to the tint base) at the minimum dilution recommended for use by the architectural coatings manufacturer; and~~.~~

(D) For low solids coatings, the VOC per liter of material (excluding any colorant added to the tint bases) after any recommended thinning.

~~*The VOC content of low-solids coatings shall be displayed as grams of VOC per liter of material (excluding any colorant added to the tint bases) and the VOC content of any other coating shall be displayed as grams of VOC per liter of coating (less water and less exempt 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 subdivision (e). VOC content calculated from formulation data shall be adjusted by the manufacturer to account for cure volatiles (if any) and maximum VOC content within production batches. Effective January 1, 2014, the VOC shall be displayed on the coating container such that the required language is:

(A) Noticeable and in clear and legible English;

(B) Separated from other text; and

(C) Conspicuous, as compared with other words, statements, designs, or devices in the label as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.

~~(2)~~(4) The labels of all rust preventative coatings shall include the statement “For Metal Substrates Only” prominently displayed.

~~(3)~~(5) The labels of all specialty primers shall prominently display one or more of the following descriptions:

(D) For fire-damaged substrates.

(E) For smoke-damaged substrates.

(F) For water-damaged substrates.

(G) For excessively chalky substrates.

~~(4)~~(6) The labels of concrete-curing compounds manufactured and used for roadways and bridges shall include the statement "FOR ROADWAYS AND BRIDGES ONLY (Not for Use on Curbs and Gutters, Sidewalks, Islands, Driveways and Other Miscellaneous Concrete Areas)" prominently displayed.

~~(5)~~(7) ~~Effective January 1, 2012, the labels of a~~All Clear Topcoat for Faux Finishing coatings shall prominently display the statement “This product can only be sold as a part of a Faux Finishing coating system”.

~~(6)~~(8) A manufacturer, distributor, or seller of a coating meeting the requirements of this rule, who supplies that coating to a person who applies it in a non-compliant manner, shall not be liable for that non-compliant use, unless the manufacturer, distributor, or seller knows that the supplied coating would be used in a non-compliant manner.

~~(7)~~(9) Manufacturers of recycled coatings shall submit a letter to the Executive Officer certifying their status as a Recycled Paint Manufacturer.

(e) Test Methods

For the purpose of this rule, the following test methods shall be used:

(1) VOC Content of Coatings and Colorants

The VOC content of coatings subject to the provisions of this rule shall be determined by:

(A) U.S. EPA Reference Test Method 24 (Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings, Code of Federal Regulations Title 40, Part 60, Appendix A) with the exempt compounds’ content determined by Method 303 (Determination of Exempt Compounds) in the South Coast Air Quality Management District's

(SCAQMD) "Laboratory Methods of Analysis for Enforcement Samples" manual, or

(B) Method 304 [Determination of Volatile Organic Compounds (VOC) in Various Materials] in the SCAQMD's "Laboratory Methods of Analysis for Enforcement Samples" manual.

~~(C) Method 313 [Determination of Volatile Organic Compounds VOC by Gas Chromatography Mass Spectrometry] in the SCAQMD's "Laboratory Methods of Analysis for Enforcement Samples" manual.~~

~~(C)~~~~(D)~~(C) Exempt Perfluorocarbons

The following classes of 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

sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

will be analyzed as exempt compounds for compliance with subdivision (c), only when manufacturers specify which individual compounds are used in the coating formulations. In addition, the manufacturers must identify the U.S. EPA, CARB, and SCAQMD approved test methods, which can be used to quantify the amount of each exempt compound.

(2) Acid Content of Coatings

The acid content of a coating subject to the provisions of this rule shall be determined by ASTM Test Method D 1613-85 (Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products).

(3) Metal Content of Coatings

The metallic content of a coating subject to the provisions of this rule shall be determined by Method 318 (Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction) in the SCAQMD's "Laboratory Methods of Analysis for Enforcement Samples" manual.

(4) Drying Times

The set-to-touch, dry-hard, dry-to-touch, and dry-to-recoat times of a coating subject to the provisions of this rule shall be determined by ASTM Test Method D 1640 (Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature). The tack-free time of a coating subject to the provisions of this rule shall be determined by ASTM Test Method D 1640, according to the Mechanical Test Method.

(5) Gloss Determination

The gloss shall be determined by ASTM Test Method D 523 (Specular Gloss).

(6) Gonioapparent Characteristics for Coatings

A coating will be determined to have a gonioapparent appearance by ASTM E 284 (Standard Terminology of Appearance).

(7) Water Repellency for Reactive Penetrating Sealers shall be determined by any of the following:

(A) ASTM C67 (Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile);

(B) ASTM C97/97M (Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone);

(C) ASTM C140 (Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units).

(8) Water Vapor Transmission for Reactive Penetrating Sealers shall be determined by ASTM E96/96M (Standard Test Methods for Water Vapor Transmission of Materials).

(9) Selection and Use of Stone Consolidants shall be determined by ASTM E2176 (Standard Guide for Selection and Use of Stone Consolidants).

(10) Chloride Screening for Reactive Penetrating Sealer shall be determined using the National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures”.

(11) Equivalent Test Methods

Other test methods determined to be equivalent after review by the Executive Officer, CARB, and the U.S. EPA, and approved in writing by the District Executive Officer may also be used.

(12) Multiple Test Methods

When more than one test method or set of test methods are specified for any testing, a violation of any requirement of this rule established by any

one of the specified test methods or set of test methods shall constitute a violation of the rule.

(13) All test methods referenced in this subdivision shall be the version most recently approved by the appropriate governmental entities.

(f) Exemptions

(1) Until December 31, 2013, the provisions of this rule shall not apply to any architectural coatings in containers having capacities of one liter (1.057 quart) or less, excluding clear wood finishes, varnishes, sanding sealers, lacquers, and pigmented lacquers, provided that the provisions in the subparagraphs below are met. Effective January 1, 2014, the provisions of the Table of Standards 1 and paragraph (c)(1) of this rule shall not apply to any architectural coatings in containers having capacities of one liter (1.057 quart) or less, excluding clear wood finishes, varnishes, sanding sealers, lacquers, and pigmented lacquers, provided the provisions in the subparagraphs below are met:

(A) The manufacturer reports the sales in the Rule 314 Annual Quantity and Emissions Report. The loss of this exemption due to the failure of the manufacturer to submit the Rule 314 Annual Quantity and Emissions Report shall apply only to the manufacturer.

(B) The coating containers are not bundled together to be sold as a unit that exceeds one liter (1.057 quarts), excluding containers packed together for shipping to a retail outlet.

(C) The label or any other product literature does not suggest combining multiple containers so that the combination exceeds one liter (1.057 quarts).

~~Subparagraphs (f)(1)(B) and (f)(1)(C) are effective July 1, 2011. Products otherwise qualifying for the one liter (1.057 quart) exemption, manufactured prior to this effective date of July 1, 2011, may be sold until January 1, 2012.~~

(2) The provisions of subparagraph (d)(1) through (d)(7) shall not apply to architectural coatings in containers having capacities of two fluid ounces (59mL) or less.

~~(2)~~(3) The provisions of this rule shall not apply to:

(A) Architectural coatings supplied, sold, offered for sale, marketed, manufactured, blended, repackaged or stored in this District for

shipment outside of this District or for shipment to other manufacturers for repackaging.

(B) Emulsion type bituminous pavement sealers.

(C) Aerosol coating products.

(D) Use of stains and lacquers in all areas within the District at an elevation of 4,000 feet or greater above sea level or sale in such areas for such use.

~~(3)~~(4) The provisions of paragraph (c) shall not apply to facilities which apply coatings to test specimens for purposes of research and development of those coatings.

(g) Solvent Cleaning

(1) ~~For s~~Solvent cleaning that is conducted as part of a business,~~:~~ including solvent cleaning of architectural coating application equipment and the storage and disposal of VOC-containing materials used in cleaning operations, ~~shall be done in compliance with~~ are subject to the provisions of Rule 1171 - Solvent Cleaning Operations.

~~(4)~~(2) ~~For s~~Solvent cleaning that is not conducted as part of a business, and ~~for~~ solvent thinning of coatings~~:~~ including solvent cleaning of architectural coating application equipment and solvent thinning of architectural coatings ~~shall be done in compliance with~~ are subject to the provisions of Rule 1143 – Consumer Paint Thinner and Multi-Purpose Solvents.

APPENDIX A: Averaging Compliance Option (ACO) Provision

(A) The manufacturer shall demonstrate that actual emissions from the coatings being averaged are less than or equal to the allowable emissions, for the specified compliance period using the following equation:

$$\sum_{i=1}^{n} GiMi \leq \sum_{i=1}^{n} GiViLi$$

Where:

$\sum_{i=1}^{n} GiMi$ = Actual Emissions

$\sum_{i=1}^{n} GiViLi$ = Allowable Emissions

Gi = Total Gallons of Product (i) subject to Averaging;

Mi = Material VOC content of Product (i), as pounds per gallon; {as defined in paragraph (b)(22)}

Vi = Percent by Volume Solids and VOC in Product (i), {as defined in paragraph (b)(21)}

= $\frac{Vm - Vw - Ves}{Vm}$

For Non-Zero VOC Coatings:

= $\frac{\text{Material VOC}}{\text{Coating VOC}}$

For Zero VOC coatings:

= % solids by volume

Li = Regulatory VOC Content Limit for Product (i), as pounds per gallon; {as listed in subdivision (c) Table of Standards}

The averaging is limited to coatings that are designated by the manufacturer. Any coating not designated in the ACO Program shall comply with the VOC limit in

the Table of Standards. The manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in the District.

In addition to the requirements specified in Section (A), a manufacturer shall not include in an ACO Program or supply, sell, offer for sale, manufacture, blend, or repackage for use within the District any architectural coating with a VOC content in excess of the ceiling limit in the Table of Standards or the VOC content limits specified in the National VOC Emission Standard, whichever is less.

(B) ACO Program

At least six months prior to the start of the compliance period, manufacturers shall submit an ACO Program, which is subject to all the provisions of Rule 221 – Plans and Rule 306 – Plan Fees, to the Executive Officer. Averaging may not be implemented until the ACO Program is approved in writing by the Executive Officer.

Within 45 days of submittal of an ACO Program, the Executive Officer shall approve, disapprove or deem the ACO Program incomplete. The ACO Program applicant and the Executive Officer may agree to an extension of time for the Executive Officer to take action on the ACO Program.

(C) General Requirements

The ACO Program shall include all necessary information for the Executive Officer to make a determination as to whether the manufacturer may comply with the averaging requirements over the specified compliance period in an enforceable manner. Such information shall include, but is not limited to, the following.

1. An identification of the contact persons, telephone numbers, and name of the manufacturer who is submitting the ACO Program.
2. An identification of each coating that has been selected by the manufacturer for inclusion in this ACO Program that exceeds the applicable VOC limit in the Table of Standards, their VOC content specified in units of both grams of VOC per liter of coating, and grams of VOC per liter of material and the designation of the coating category.

3. A detailed demonstration showing that the projected actual emissions will not exceed the allowable emissions for a single compliance period that the ACO Program will be in effect. In addition, the demonstration shall include VOC content information for each coating that is below the compliance limit in the Table of Standards. The demonstration shall use the equation specified in paragraph (A) of this Appendix for projecting the actual emissions and allowable emissions during each compliance period. The demonstration shall also include all VOC content levels and projected volume to be sold and distributed, as applicable, within the District for each coating listed in the ACO Program during each compliance period. The requested data can be summarized in a matrix form.
4. A specification of the compliance period(s) and applicable reporting dates. The length of the compliance period shall not be more than one year nor less than six months.
5. An identification and description of specific records to be used to calculate emissions and track coating volume for the ACO Program and subsequent reporting. This shall include a detailed explanation as to how the records are to be used to demonstrate compliance with the averaging requirements of the ACO Program. Such records or electronic versions (if hardcopy originals are not generated) shall be made available to the Executive Officer upon request. These records shall include records from each of the following categories:
   (a) Product formulation records (including both coating and material VOCs):
      (1) Lab reports [including percent weight of non-volatiles, water, and exempts (if applicable); density of the coating; and raw laboratory data] of test methods conducted as specified in paragraph (e)(1) of the rule or
      (2) Product formulation data, including physical properties analyses, as applicable, with a VOC calculation demonstration; and
   (b) Production records consisting of batch tickets including the date of manufacture, batch weight and volume; and
   (c) Distribution records:
      (1) Customer lists or store distribution lists or both (as applicable) and

(2) Shipping manifests or bills of lading or both (as applicable); and

(d) Sales records consisting of point of sale receipts or invoices to local distributors or both, as applicable.

If the manufacturer requests to demonstrate compliance with the ACO Program by using records other than those specifically listed above, those records must be approved by the U.S. EPA, CARB, and the Executive Officer before an ACO Program can be approved. The Executive Officer may request additional records, as necessary, as a condition of approving the ACO Program or to verify compliance.

6. A statement, signed by a responsible party for the manufacturer, certifying that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request.

(D) Reporting Requirements

1. For every single compliance period, the manufacturer shall submit to the Executive Officer a mid-term report listing all coatings subject to averaging during the first half of the compliance period, detailed analysis of the actual and allowable emissions at the end of the mid-term, and if actual emissions exceed allowable emissions an explanation as to how the manufacturer intends to achieve compliance by the end of the compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct. The mid-term report shall be submitted within 45 days after the midway date of the compliance period. A manufacturer may request, in writing, an extension of up to 15 days for submittal of the mid-term report.

2. Within 60 days after the end of the compliance period or upon termination of the ACO Program, whichever is sooner, the manufacturer shall submit to the Executive Officer a final report, providing a detailed demonstration of the balance between the actual and allowable emissions for the compliance period, an update of any identification and description of specific records used by the manufacturer to verify compliance with the averaging requirement, and any other information requested by the Executive Officer to determine whether the manufacturer complied with the averaging requirements over the specified compliance period. The report shall be signed by the responsible party for the manufacturer,

attesting that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request. A manufacturer may request, in writing, an extension of up to 30 days for submittal of the final report.

(E) Renewal of an ACO Program

An ACO Program automatically expires at the end of the compliance period. The manufacturer may request a renewal of the ACO Program by submitting a renewal request that shall include an updated ACO Program, meeting all applicable ACO Program requirements. The renewal request will be considered conditionally approved until the Executive Officer makes a final decision to deny or approve the renewal request based on a determination of whether the manufacturer is likely to comply with the averaging requirements. The Executive Officer shall base such determination on all available information, including but not limited to, the mid-term and final reports of the preceding compliance period. The Executive Officer shall make a decision to deny or approve a renewal request no later than 45 days from the date of the final report submittal, unless the manufacturer and the Executive Officer agree to an extension of time for the Executive Officer to take action on the renewal request.

(F) Modification of an ACO Program

A manufacturer may request a modification of the ACO Program at any time prior to the end of the compliance period. The Executive Officer shall take action to approve or disapprove the modification request no longer than 45 days from the date of its submittal. No modification of the compliance period shall be allowed. An ACO Program need not be modified to specify additional coatings to be averaged that are below the applicable VOC limits.

(G) Termination of an ACO Program

1. A manufacturer may terminate its ACO Program at any time by filing a written notification to the Executive Officer. The filing date shall be considered the effective date of the termination, and all other provisions of this rule including the VOC limits shall immediately thereafter apply. The manufacturer shall also submit a final report 60 days after the termination

date. Any exceedance of the actual emissions over the allowable emissions over the period that the ACO Program was in effect shall constitute a separate violation for each day of the entire compliance period.

2. The Executive Officer may terminate an ACO Program if any of the following circumstances occur:
   (a) The manufacturer violates the requirements of the approved ACO Program, and at the end of the compliance period, the actual emissions exceed the allowable emissions.
   (b) The manufacturer demonstrates a recurring pattern of violations and has consistently failed to take the necessary steps to correct those violations.

(H) Change in VOC Limits

If the VOC limits of a coating listed in the ACO Program are amended such that its effective date is less than one year from the date of adoption, the affected manufacturer may base its averaging on the prior limits of that coating until the end of the compliance period immediately following the date of adoption.

(I) Labeling

Each container of any coating that is included in an ACO Program, and that exceeds the applicable VOC limit in the Table of Standards shall display the following statement: "This product is subject to the averaging provisions of SCAQMD Rule 1113". A symbol specified by the Executive Officer may be used as a substitute.

(J) Violations

The exceedance of the allowable emissions, as defined in Appendix A, Section (A), at the end of any compliance period shall constitute a separate violation for each gallon of each coating product line that is over the VOC limit specified in the Table of Standards for each day of the compliance period. However, any violation of the requirements of the ACO Provision of this rule, which the violator can demonstrate, to the Executive Officer, did not cause or allow the emission of

an air contaminant and was not the result of negligent or knowing activity may be considered a minor violation (pursuant to District Rule 112).

(K) Sell-Through Provision

A coating that is included in an approved ACO Program that does not comply with the specified limit in the Table of Standards may be sold, supplied, offered for sale, or applied for up to three years after the end of the compliance period specified in the approved ACO Program. This section of Appendix A does not apply to any coating that does not display on the container either the statement: "This product is subject to architectural coatings averaging provisions of the SCAQMD Rule 1113" or a designated symbol specified by the Executive Officer of the SCAQMD.

A T T A C H M E N T G

NOTICE OF EXEMPTION FOR

PROPOSED AMENDED RULE 1113 –ARCHITECTURAL COATINGS

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

SUBJECT: **NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

PROJECT TITLE: **PROPOSED AMENDED RULE 1113 – ARCHITECTURAL COATINGS**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (SCAQMD) is the Lead Agency and will prepare a Notice of Exemption for the project identified above.

On June 3, 2011, Rule 1113 was amended with labeling requirements for all architectural coatings including small containers, which were previously exempt from labeling requirements. Labelers of containers two ounces or less have expressed difficulties in meeting these labeling requirements because of the size of the containers. Therefore, PAR 1113 would provide an exception from labeling requirements for containers two ounces or less. PAR 1113 would add and amend definitions to clarify the rule. PAR 1113 would clarify that open container requirements and Group II exemption prohibitions apply to colorants in addition to architectural coatings. PAR 1113 also includes minor changes to improve clarity, but does not change the intent of existing requirements. Evaluation of the proposed project resulted in the conclusion that it will not create any adverse effects on air quality or any other environmental areas. Therefore, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Since it can be seen with certainty that the proposed project has no potential to adversely affect air quality or any other environmental area, it is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3) – Review for Exemption. Upon adoption, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties.

Any questions regarding this Notice of Exemption should be sent to James Koizumi (c/o Planning, Rule Development & Area Sources) at the above address. Mr. Koizumi can also be reached at (909) 396-3234.

Date: September 6, 2013 **Signature:** 

Michael Krause
CEQA Program Supervisor
Planning, Rule Development &
Area Sources

Reference: California Code of Regulations, Title 14

NOTICE OF EXEMPTION

To:	County Clerks of Los Angeles, Orange, Riverside, San Bernardino	**From:**	South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765

Project Title:

Proposed Amended Rule 1113 – Architectural Coating

Project Location:

South Coast Air Quality Management District (SCAQMD) area of jurisdiction consisting of the four-county South Coast Air Basin (Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin and the Mojave Desert Air Basin.

Description of Nature, Purpose, and Beneficiaries of Project:

On June 3, 2011, Rule 1113 was amended with labeling requirements for all architectural coatings including small containers, which were previously exempt from labeling requirements. Labelers of containers two ounces or less have expressed difficulties in meeting these labeling requirements because of the size of the containers. Therefore, PAR 1113 would provide an exception from labeling requirements for containers two ounces or less. PAR 1113 would add and amend definitions to clarify the rule. PAR 1113 would clarify that open container requirements and Group II exemption prohibitions apply to colorants in addition to architectural coatings. PAR 1113 also includes minor changes to improve clarity, but does not change the intent of existing requirements.

Public Agency Approving Project:	**Agency Carrying Out Project:**
South Coast Air Quality Management District	South Coast Air Quality Management District

Exempt Status:

General Concepts [CEQA Guidelines §15002 (k)(1)]; and
General Rule Exemption [CEQA Guidelines §15061 (b)(3)]

Reasons why project is exempt:

The SCAQMD staff has reviewed the proposed amendments to Rule 1113 pursuant to CEQA Guidelines §15002(k)(1) – Three Step Process, and CEQA Guidelines §15061 – Review for Exemption, and has determined that the proposed amendments are exempt from CEQA pursuant to CEQA Guidelines §15061 (b)(3) ("General Rule Exemption"). PAR 1113 would provide an exception from labeling requirements for containers two ounces or less. PAR 1113 also includes minor changes to improve clarity, but does not change the intent of existing requirements. Evaluation of the proposed project resulted in the conclusion that it would not create any adverse effects on air quality or any other environmental areas. Therefore, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Since it can be seen with certainty that the proposed project has no potential to adversely affect air quality or any other environmental area, it is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3) – Review for Exemption.

Approval Date:

SCAQMD Governing Board Hearing: September 6, 2013, 9:00 a.m.; SCAQMD Headquarters

CEQA Contact Person:	**Phone Number:**	**Fax Number:**	**Email:**
Mr. James Koizumi	(909) 396-3234	(909) 396-3324	<jkoizumi@aqmd.gov>
Rule Contact Person:	**Phone Number:**	**Fax Number:**	**Email:**
Ms. Heather Farr	(909) 396-3672	(909) 396-2414	<hfarr@aqmd.gov>

Date Received for Filing_____

Signature *Signed upon adoption*

Michael Krause
CEQA Program Supervisor
Planning, Rule Development
and Area Sources