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PROPOSED AMENDMENTS TO

RULE 2.26, MOTOR VEHICLE AND MOBILE EQUIPMENT COATING OPERATIONS

FINAL STAFF REPORT

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I. EXECUTIVE SUMMARY

On December 10, 2008, the Yolo-Solano Air Quality Management District (District) Board of Directors will consider the proposed amendments to Rule 2.26 Motor Vehicle and Mobile Equipment Coating Operations.

The District is revising the rule to incorporate the California Air Resources Board (CARB) Suggested Control Measure for Automotive Coatings (SCM). District Staff is also proposing to incorporate other minor changes resulting in improvement to rule clarity, effectiveness, and consistency with other agencies.

The main revisions to Rule 2.26 will include the following:

1. Group I and Group II categories will be combined. The same Volatile Organic Compound (VOC) limits will apply for passenger vehicles, heavy -duty vehicles, and mobile equipment,

2. The composite VOC limit for multi-stage systems will be eliminated and replaced with specific VOC limits for clear coatings and color coatings,

3. Coating categories will be simplified,

4. The exemption for touch-up coatings will be removed,

5. Sunset provisions will be created for current requirements which will not apply when the new limits take effect,

6. A prohibition of possession provision will be added, and

7. Recordkeeping and labeling requirements will be modified for consistency with other Districts and improved enforcement.

Amendments to the aforementioned rules are expected to lower VOC emissions from automotive coating operations in the District by approximately 42 tons per year.

The proposed changes will affect anyone who supplies, sells, offers for sale, manufactures, or distributes any automotive coating within the District, as well as anyone who applies or solicits the application of any automotive coating in the District. The cost-effectiveness of the SCM was estimated by the CARB to be approximately $1.43 per pound of VOC reduced. Currently, the District permits approximately 78 facilities for motor vehicle and mobile equipment coating. Compliance with the new standards is expected partly through the conversion to waterborne technologies. The average annual cost of compliance for automotive refinishing facilities is expected to be $3,400.

The proposed amendments will neither have a significant nor detrimental effect on the environment. Therefore, staff has prepared a Notice of Exemption to satisfy the requirements of the California Environmental Quality Act (CEQA). The notice states that the revisions to the Rules are exempt from the requirements of CEQA pursuant to Section

15308, Actions by Regulatory Agencies for Protection of the Environment.

II. BACKGROUND

Overview of Source Category

In October 2005, the CARB adopted the SCM. The SCM was developed by CARB in cooperation with air districts, the United States Environmental Protection Agency (EPA), and the affected industry. It was created to serve as a model for all Districts adopting or amending automotive coatings rules, in order to provide consistency among districts rules, increase rule enforceability, and to achieve significant VOC emission reductions for the category. The SCM has currently been adopted by the South Coast Air Quality Management District (SCAQMD), San Joaquin Valley Air Pollution Control District (SJVAPCD), Santa Barbara Air Pollution Control District (SBAPCD) and Ventura County Air Pollution Control District (VCAPCD). In addition, Sacramento Metropolitan Air Quality Management District (SMAQMD) and the Bay Area Air Quality Management District (BAAQMD) are in the process of revising their automotive coating rules.

The SCM applies to anyone who sells, supplies, offers for sale, or manufactures any automotive coating, as well as any person who applies or solicits the application of any automotive coating in the applicable District. Manufacturers of the coatings and facilities applying the coatings are expected to be the most impacted by the SCM.

According to surveys performed by the CARB during the SCM development, approximately 3.7 million gallons of automotive coatings were sold in California. It is estimated 95 percentof these sales were supplied by seven manufacturers, Akzo Nobel, BASF, DuPont, Ellis Paint, PPG, Sherwin Williams and Strandox/Spies Heckler. Automotive coatings are generally supplied to automotive refinishers through local or regional distributors. These distributors can be independent from the coating manufacturer. CARB determined that only one paint company manufactures automotive coatings in the State. This company is not located in the District.

Facilities applying the coatings include auto-body repair/paint shops, new car dealer repair /paint shops, fleet operator repair/paint shops, custom restoration, and mobile equipment manufacturers/dealers. Currently, the District permits approximately 74 facilities for automotive coating. The majority of these are small businesses utilizing paint booths for the applications. Historically, the District requires permits for all facilities using paint booth regardless of the volume of coatings used. There are other operations such as mobile painting operations which may not require permits if they are using under a gallon of coatings and associated products per day, but will still be subject to the regulations.

The SCM does not apply to the application of original equipment manufacture (OEM) automotive coatings. OEM coatings refer to the coatings applied to the car during manufacturing. Currently there are no automotive manufacturing facilities in the District applying OEM automotive coatings. Districts with these facilities have separate rules for these operations.

In addition, the SCM does not apply to aerosol consumer products and aerosol coatings.

These products are regulated by the CARB's consumer products and aerosol coatings programs. Therefore, consistent with the SCM, the application of aerosol coating products is exempted from the rule.

Traditionally, emissions from automotive coating operations have been regulated by limiting the VOC content of the materials used. Automotive coating operations are given the option to use emission control equipment to comply with standards, but the majority of facilities comply through the use of compliant products. During the development of the SCM, CARB staff reviewed existing rules and regulations including individual District rules and national standards for automotive coatings. They assessed and evaluated existing coating technologies for coatings, to develop standards that are both technologically and commercially feasible. For most coating categories, it was determined complying coatings would be widely available by January 1, 2009. The effective date was delayed until January 1, 2010 for three categories including primer sealers, single-stage coatings, and adhesion promoters.

Compliance with the SCM is expected through the reformulation of some products. Suppliers and distributers can be impacted due to requirements that assign responsibility to the suppliers and distributors to sell or distribute only compliant products in the District. In addition, individual shops applying the coatings will also be effected. The transition to waterborne coatings can involve modifications to spray booths used during application as well as training to adapt to the coatings.

The SCM establishes standards for cleaning operations, including surface preparation, and spray gun cleaning. The SCM includes a 25 gram per liter VOC limit for surface preparation and cleanup consistent with the most stringent limits for this category established by the SCAQMD. The District recently revised the surface preparation and cleanup portion of several rules including Rule 2.26. The District removed the surface preparation and cleanup requirement from the individual rules and placed them in Rule 2.31 Surface Preparation and Cleanup. The District also established VOC limits for surface preparation and cleanup for automotive refinishing. The District adopted a step down approach, a 50 grams per liter VOC content effective July 1, 2009, and 25 grams per liter VOC content effective January 1, 2011 for materials used for surface preparation and cleanup. These limits are consistent with the most restrictive limits established by SCAQMD and therefore the District is not proposing any changes to this category during this rule development.

The SCM includes provisions to exempt tertiary butyl acetate from the VOC definition for automotive refinishing to provide compliance flexibility. In December 2005, the District amended the definitions in Rule 1.1 General Provisions and Definitions to include tertiary butyl acetate (t-butyl acetate) as an exempt compound. The definitions established in Rule 1.1 pertain to all the rules therefore the District does not need to include any provisions to exempt t-butyl acetate from the definition of VOC in Rule 2.26.

III. DISCUSSION OF PROPOSED RULE REQUIREMENTS

Listed below are descriptions of the proposed revisions and the intended purposes of the revisions.

Rule 2.26 Motor Vehicle and Mobile Equipment Coating Operations

Section 100 General

Staff is proposing to amend Section 101 Purpose and Section 102 Applicability, to update terminology for rule consistency, and to expand the applicability. Staff is proposing to add Section 103 Severability.

Staff is proposing to remove the exemption for touch-up operations. Currently, a touch-up operation is defined as an area less than four square feet. This is a source of confusion because the definition does not quantify or specify a frequency for the exemption. If the coating area exceeds four square feet than the source is required to comply with the rule standards. Anyone performing touch-up operations will now be required to comply with the provisions of the rule.

Staff is proposing to remove the exemption for graphic design application for consistency with the SCM. The District believes the exemption from the entire rule is no longer needed by industry. The District is proposing to add Section 111, Exemption Application Requirements which exempts graphic design applications from coating methods. This exemption was added to allow airbrushing for these types of specialized applications which is otherwise a noncompliant application method. In addition to graphic design applications, the exemptions is applicable to underbody coatings, truck bed liner coatings or any coating use of less than one fluid ounce, consistent with the SCM.

Staff is proposing to remove the exemption for coating military vehicles and ground support equipment. The SCM does not have an exemption for this source category. The SCM examined the types of coatings used in the State and set limits based on coating performance. The District does not have any facilities coating military vehicles. The coating ground support equipment is subject to Rule 2.25 Metal Parts and Coating Operations.

The District is proposing to remove the exemption for the coating of radiators and engine components. These operations are subject to Rule 2.25 Metal Parts and Coating Operations. The rule contains definitions clarifying the sources subject to the rule.

Staff is proposing to add an exemption (Section 110.2) for coatings sold, supplied, or offered for sale in 0.5 fluid ounce or smaller containers. As stated in the rule, this exemption is intended to for the general public to repair limited imperfections.

Staff is proposing to add an exemption (Section 110.3) for coatings applied to motor vehicles or mobile equipment, or their associated parts and components during the manufacture on an assembly line. Currently, the District is unaware of any facility coating any vehicle or mobile equipment during manufacture, however the section will be added for consistency with the SCM.

Staff is proposing to add an exemption (Section 110.4) for standards and administrative requirements. This section will exempt coatings or associated solvents that are offered for sale, sold or manufactured for use outside of the District. This exemption has been added to clarify the intent of the rule is to restrict the final product used for application.

Staff is proposing to add an exemption (Section 111) for the prohibition of sale or manufacture. This section will exempt coatings that are offered for sale, sold or shipped for reformulation or repackaging. It will also exempt coatings that are used with an emission control system which meets the requirements outlined Section 305.

Staff is proposing to add an exemption from coating application requirements for specific specialty applications. The coatings applied still must meet the VOC requirements outlined in Section 300.

Staff is proposing to remove former Section 111 Exemption - Transfer Efficiency. Staff is proposing to add exemptions from application requirements for specific coating categories for consistency with the SCM.

In addition, staff is proposing to remove former Section 112 Exemption - Small Production/Utility Bodies for consistency with the SCM.

Section 200 Definitions

Staff is proposing to amend the definitions for consistency with the SCM. One of the reasons behind the development of the SCM was to standardize the categories for automotive coatings between air districts. Staff is proposing to 1) add several definitions to define the new coating categories and clarify rule requirements 2) delete definitions that will no longer be necessary and 3) standardize definitions with the definitions in the SCM.

Additionally Staff is proposing to retain the term graphic design application instead of using the term graphic arts operation from the SCM. The District defines the term graphic arts operation in Rule 2.29 Graphic Arts Printing Operation. The definition in Rule 2.29 is different from the definition proposed in the SCM. Therefore, to avoid confusion the District will retain graphic design application. The definition for graphic design application in Rule 2.26 will be consistent with the SCM definition for graphic arts operation except the District will retain the phrase ‘with or without the use of a template’.

Section 300 Standards

Staff is proposing to amend Section 301 Coating Limits, by adding language which will sunset the provisions of this section on July 1, 2009 when the first phase of the new limits go into effect. Staff is proposing to replace the term pretreatment wash primer with pretreatment coating consistent with the change in Section 200. In addition, staff is proposing to add specialty coating and temporary protective coating limits to the table. The VOC limits for specialty coatings was previously placed in former Section 306 Specialty Coatings. These limits will be removed from this section and placed in the table. The VOC content limits for temporary protective coating was previously placed in former Section 307 Temporary Protective Coating. The VOC content limits were defined as grams per liter excluding water. The limits for the category will be placed in the table and the VOC content limit will be calculated as grams per liter excluding water and exempt compounds consistent with the SCM.

Staff is proposing to add Section 302 Coating Limits. This section includes a table with the

updated coating categories and limits consistent with the SCM. The requirements in this section will become effective July 1, 2009.

Staff is proposing to add Section 303 Most Restrictive VOC Limit. This section clarifies if a product is labeled as having multiple uses which fall into separate categories, the product must meet the lowest VOC content limit.

Staff is proposing to incorporate changes to Section 304 Application Requirements, for consistency with the SCM.

Staff is proposing to delete Section 308 Specialty Coatings. The applicable VOC content limits will be placed in the tables in Sections 301 and 302. In addition, staff is proposing to delete the requirement that the amount of specialty coatings used shall not exceed five percent of all the coatings applied when the lower VOC content limits go into effect July 1, 2009. Limiting the amount of specialty coatings used is not consistent with the SCM.

Staff is proposing to delete Section 307 Temporary Protective Coating. The section is no longer necessary since staff is proposing to place the VOC content limits in sections 301 and 302.

Staff is proposing to delete former Section 308 Precoat Limitation. The requirements are not consistent with the SCM.

Staff is proposing to add Section 308 Toxic Air Contaminant to reinforce existing state regulations which prohibit the use of coatings containing hexavalent chromium and cadmium. This prohibition is consistent with other air district rules.

Section 400 Administrative Requirements

Staff is proposing to add Section 401, Prohibition of Possession. This section prohibits any auto refinishing facility from having any noncompliant automotive coatings onsite. This section will allow facilities to be cited even without evidence of product use.

Staff is proposing to incorporate minor language changes to Section 402 (formerly Section 401) Prohibition of Specification. Staff is proposing to replace Group I and II vehicles with the term motor vehicles. There are no proposed changes to the requirements.

Staff is proposing minor modifications to the language in Section 403 (formerly Section 402) Prohibition of Sale or Manufacture. Staff is proposing to expand the applicability to clarify the intent of the requirements. Staff is proposing to remove language clarifying the section is only applicable to any location within the District. This language is not needed because the rule applicability is already stated in the rule.

Staff is also proposing modifications to section 404 (formerly Section 403) Compliance Statement Requirement. The District will require manufacturers and repackers to include on product sheets or an equivalent medium the actual VOC content and the regulatory VOC content. In addition, they will need to supply the weight percentage of volatiles, water and exempt compounds and the density of the material.

Staff is proposing modifications to the language in Section 406 (formerly Section 404) HVLP Marking. The District will allow an alternative to a permanent marking on a HVLP gun for identification purposes.

Section 500 Monitoring and Records

Staff is proposing to modify existing record keeping requirements. Rule 2.26 will distinguish record keeping requirements for facilities using the coatings and requirements for facilities claiming an exemption to the prohibition of sale requirements. Facilities using coatings will be required to maintain a list of all coatings and additives subject to the rule including the material name and manufacturer, the application method, the coating category and mix ratios, and the actual and regulatory VOC contents for coatings used. In addition, facilities will be required to maintain MSDS, technical sheets or air quality data sheets which list both the actual and regulatory VOC contents of each coating. The VOC content will be required for solvents used. The facilities will now be required to maintain purchase records identifying the coating type, name, and volume of coating purchased. Anyone claiming an exemption to the prohibition of sale requirements will be required to keep a log of the quantity of coating manufactured, blended, repackaged for sale, supplied, sold offered for sale, or distributed including the size and number of containers, The actual and regulatory VOC contents, whom they supplied, sold, offered for sale, or distributed, or for whom they were manufactured, blended, or repackaged for sale, including the name address, phone number, retail tax license number, and valid district permit number, and the specific exception being utilized.

Section 600 Test Methods

Staff is proposing to modify Section 602 VOC Content and Section 604 Exempt Compounds -Methyl Acetate, Acetone, T-Butyl Acetate, and Parachlorobenzotrifluoride (PCBTF), by including the titles in the referenced test methods.

Staff is proposing to modify Section 605 Calculation of VOC Content. Staff is proposing to define regulatory VOC content for coatings by using the existing calculation for VOC content less water and exempt compounds. Staff is also proposing to add the calculation for actual VOC content to provide clarity for record keeping requirements.

Staff is adding a sunset provision to Section 606 Calculation for VOC Content of Coating System. This section will only be applicable prior to July 1, 2009, when the first phase of the new requirements for coatings go into effect. The Section will not be needed after because the VOC content will no longer be calculated for a system, each constituent will have a separate limit.

Staff is proposing to add Section 608 HVLP Equivalency.

IV. COMPARISON WITH OTHER APPLICABLE REGULATIONS AND REQUIREMENTS

California Health and Safety Code (CH&SC) Section 40727.2 requires districts to perform a comparative alternative analysis of any new control standard. Specifically, the District is required to prepare a written analysis that identifies all existing federal air pollution control

requirements, including, but not limited to emission control standards constituting best available control technology (BACT) that applies to the same equipment or source type as the rule or regulation proposed for adoption or modification by the District. In addition, the analysis shall identify any other District rule, regulation, or guideline that applies to the same equipment or source type.

The California Clean Air Act requires the District to develop a plan to achieve attainment with the state ozone standard. The plan requires the District to implement Best Available Retrofit Control Technology (BARCT), defined in the CH&SC as "an emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy and economical impacts by each class or category of source." Additionally, the District's strategy for attainment must achieve a 5% ozone precursor emission reduction or adopt all feasible control measures. The District identified adopting requirements from the SCM as part of the plan to satisfy these regulations.

The 2005 SCM adopted by CARB is considered BACT for automotive refinishing. The SCM was developed to provide consistency with requirements for automotive refinishing throughout the state while achieving the maximum feasible VOC reductions. The proposed amendments to the rule are based on and contain the requirements of the SCM.

The EPA promulgated a final rule in 1998 to control VOC emissions from automotive coatings pursuant to Section 183(e) of the Clean Air Act. This rule was published in the Federal Register on September 11, 1998. Regulated entities in all states must comply with national standards. However, this rule allows states or local governments to adopt VOC standards more stringent than the national rule to assist in achieving attainment with federal ambient air quality standards for ozone. Standards in the national rule range from 550 grams per liter to 840 grams per liter. The VOC limits proposed by the SCM are more stringent than the national standards.

On January 9, 2008, EPA adopted National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources. Motor vehicle and mobile equipment surface coating operations were identified as sources subject to the standards. Sources subject to the standards include paint stripping using methylene chloride, motor vehicle and mobile equipment coating operations and other miscellaneous coating operations using the target hazardous air pollutants (HAPs). Requirements for motor vehicle and mobile equipment coating operations include spray gun requirements, use of spray booths with filters meeting a 98 percent filter efficiency, painter training, and gun cleaning requirements. Rule 2.26 has similar standards for spray guns and Rule 2.31 contains similar standards for cleanup. The rules do not contain requirements for the use of booths or painter training. However, owners of motor vehicle and mobile equipment coating operations can petition for an exemption if they can demonstrate they use no coatings containing the following HAPS: chromium (CR), lead (Pb), manganese (Mn), Nickel (Ni), or cadmium (Cd). Many of the new compliant coatings have been reformulated without these compounds.

In addition, the California Code of Regulations (CCR) Title 17, Section 93112, contains an airborne toxic control measure for motor vehicle and mobile equipment coatings. This state regulation prohibits the use, manufacture or sale of coatings in California containing

hexavalent chromium or cadmium. The District added a provision in Rule 2.26 prohibiting the application of coatings containing hexavalent chromium or cadmium to reinforce the state standard.

V. IMPACTS OF THE PROPOSED RULE

Emissions Impacts

In 2002 CARB conducted a survey of automotive coatings products used in California. CARB used this data to estimate VOC emissions from the use of products. Emissions from automotive coatings, excluding emissions from solvents used for surface preparation and cleanup, were estimated to be 7,631 tons per year or 20.7 tons per day in California. Emission reductions from statewide implementation was estimated to be about 13.4 tons per day, equating to a 63 percent reduction in total VOC emissions from the coating categories. Correcting the emissions based on District population yields an emission reduction of 42 tons per year or 0.12 tons per day.

Cost Effectiveness

CH&SC Section 40703 requires the District, in the process of the adoption of any rule or regulation, to consider and make public its findings related to the cost effectiveness of the rule. Cost effectiveness for rulemaking purposes is calculated by dividing the cost of air pollution controls required by the rule by the amount of air pollution reduced.

The 2005 CARB staff report analyzed the economic impacts of adopting the SCM. The analysis examined the impact to manufacturers of automotive coatings and to automotive refinishing facilities. The analysis did not include potential costs from complying with limits for solvents. CARB estimated over-all cost-effectiveness of adopting the proposed to be $1.43 per pound of VOC reduced. The average annual cost for automotive refinishing facilities is estimated to be about $3,400.

Socioeconomic Impacts

CH&SC Section 40728.5 (a) requires the District, in the process of the adoption of any rule or regulation, to consider the socioeconomic impact if air quality or emission limits may be significantly affected. However, districts with a population of less than 500,000 persons are exempt from the provisions of Section 40728.5 (a). The District's population is estimated to be approximately 320,000 and well below the 500,000 person threshold. Therefore, a socioeconomic analysis for this rulemaking is not required.

Incremental Cost Effectiveness

CH&SC Section 40920.6 requires an assessment of the incremental cost-effectiveness for proposed regulations relative to ozone, Carbon Monoxide (CO), Sulfur Oxides (SOx), Nitrogen Oxides (NOx), and their precursors. Incremental cost-effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential control options that can achieve the same emission reduction goal of a regulation.

The proposed amendments result in a VOC reduction of approximately 0.12 tons per day. These amendments are based on the most stringent viable VOC limits and there are no other viable control options that can achieve the same amount of emission reductions. Therefore, the incremental cost-effectiveness analysis does not apply.

Impacts to the District

The proposed amendments are expected to result in an increased workload for the permitting and compliance sections to implement and enforce the regulations. District expects that existing staff can absorb the increased work load.

VI. ENVIRONMENTAL IMPACTS OF METHODS OF COMPLIANCE

California Public Resource Code Section 21159 requires the District to perform an environmental analysis of the reasonably foreseeable methods of compliance. The analysis must include the following information for the proposed amendments to Rule 2.26.

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

Table 1 lists all reasonably foreseeable compliance methods, the environmental impacts of those methods, and measures that could be used to mitigate the environmental impacts.

TABLE 1. Environmental Impacts, Mitigation Measures, and Alternatives

Compliance Methods	Reasonably Foreseeable Environmental Impacts	Reasonably Foreseeable Mitigation Measures
Reformulation of coatings	Air Quality Impacts: All compliance methods are aimed at lowering VOC emissions	No mitigation necessary
	Water Impacts: Compliance methods will not increase potential water impacts. Disposal of spent coatings containing hazardous substances is not allowed in public sewer systems	
	Human Health Impacts: Coating formulation may be replaced with more toxic compounds, however with less emissions of VOCs there is expected to be less emissions of HAPs. Compliance with OSHA safety guidelines reduces any potential impact.	

Compliance Methods	Reasonably Foreseeable Environmental Impacts	Reasonably Foreseeable Mitigation Measures
	Solid Waste Disposal Impacts: Compliance methods will not increase potential solid waste disposal impacts. Spent solutions used for cleaning can contain hazard waste from materials cleaned. The hazardous waste has to be properly disposed of and can not be legally discharged in public sewer systems. Contaminants from the materials cleaned must be disposed of properly regardless if the solution used was a solvent or an aqueous solution. Contractors provide waste handling services for both spent aqueous and solvent solutions	
	Noise Impacts: Implementation and use of some equipment have potential to increase noise levels that would effect persons in the vicinity of the cleaning system. Equipment components including noise buffering devices can be used. Proper installation and proper safety equipment would result in a less than significant impact.	

This analysis demonstrates the adoption of the amendments to Rule 2.26 will not have a significant effect on the environment or humans due to unusual circumstances. In addition, the proposed amendments to Rule 2.26 are considered an action taken to protect the environment. Therefore, staff have determined that the project is categorically exempt from the requirements of the CEQA pursuant to Section 15308, Actions by Regulatory Agencies for Protection of the Environment. Staff prepared a Notice of Exemption (NOE) to meet the CEQA Guidelines (Attachment B).

VII. REGULATORY FINDINGS

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

1. Information presented in the District's written analysis, prepared pursuant to CH&SC Section 40727.2;

2. Information contained in the rulemaking records pursuant to CH&SC Section 40728; and

3. Relevant information presented at the Board's hearing for adoption of the rule.

The required findings are:

Necessity: The rules amendments are required in order to meet the state's Best Available Retrofit Control Technology requirements (section 40919(a)(3) of the CH&SC) and "every feasible measures" requirement (Section 40914 of the CH&SC) for reducing volatile organic compound emissions from automotive coating operations. (CH&SC Section 40727 (b)(1)).

Authority: The District is authorized to adopt rules and regulations by CH&SC, Sections 40001, 40702, 40716, 41010 and 41013. (CH&SC Section 40727 (b)(2)).

Clarity: District staff have reviewed the proposed rule and determined it can be easily understood by the affected industries. In addition, the record contains no evidence that the persons directly affected by the rule cannot understand the rule. (CH&SC Section 40727(b)(3)).

Consistency: The proposed rule does not conflict with and is not contradictory to, existing statutes, court decisions, or state or federal regulations. (CH&SC Section 40727(b)(4)).

Non-Duplication: The proposed rule does not duplicate any state laws or regulations, regarding the attainment and maintenance of state and federal air quality limits. (CH&SC Section 40727(b)(5)).

Reference: The District must refer to any statute, court decision, or other provision of law that the District implements, interprets, or makes specific by adopting, amending or repealing the rule. The proposed rule is consistent with the provisions of the CAA and the CH&SC.

VIII. PUBLIC COMMENTS AND STAFF RESPONSES

Staff held a public workshop on October 15, 2008, to discuss the proposed amendments to the rule. Notification was sent to surrounding Air Districts, City Managers within the District, building/planning/community development departments within the District, all city and county libraries within the District, city Chambers of Commerce within the District, District Board members and subscribers to the mailing list. In addition, notices were sent to sources permitted to coat motor vehicles, and other interested parties including coating distributors, spray booth manufacturers, and coating manufacturers. The workshop notice was published in the Vacaville Reporter, River News Herald (Rio Vista area), Dixon Tribune, Daily Democrat (Woodland area), West Sacramento Press and Davis Enterprise newspapers. A copy of the public workshop notice, the draft staff report, and draft rule language were posted on the District's web page.

The public workshop was attended by two (2) representatives from CARB, one (1) staff member from SMAQMD, one (1) representative from the United States Post Office (USPS), two (2) coating distributors, and two (2) permitted facilities.

District Staff will attempt to paraphrase the verbal comments that were discussed during the workshop and respond to each comment.

Comment 1. CARB expressed concern that the exemption in Section 110.5 as written, exempts any automobile coating reformulated or repackaged by

manufacturers from the entire rule. This could allow a manufacturer to sell non-compliant products within the District claiming the product was reformulated or repackaged.

Response 1. The District's intent was to allow non-compliant products to be reformulated or repackaged in the District to compliant products. The District worked with CARB developing language to allow a manufacturer to sell non-compliant products within the District for reformulation or repackaging. This exemption will only be from the prohibition of sale or manufacture, the other rule requirements will still be applicable. In addition, record keeping provisions will be added for any person claiming the exemption.

Comments 2 and 3.

Industry asked for clarification regarding graphic design applications. Industry inquired about compliant application methods and if there was a limit on the quantity of coating used in regards to graphic design applications.

Response 2 and 3.

The District exempts graphic arts applications from Section 304 Application Requirements. In addition, Definition 218 Graphic Design Application includes application methods. Therefore, coatings used for graphic design applications are not limited to the methods outlined in Section 304. The coatings can be brushed, rolled or airbrushed. The rule does not limit the amount of coating that can be used for graphic design application. All coatings used for graphic design application must be compliant with the VOC content limits outlined in the Rule.

Comment 4. The USPS commented that purchase records may not be stored onsite at all facilities where the coating is actually applied. The USPS also asked to clarify what purchase records are required.

Response 4. The rule language states the records need to be onsite. This language is consistent with the SCM. The rule does not state the records need to be the original copies. A copy of the orders is adequate. The District will also accept copies of records from the Distributor. The District will work with facilities to achieve compliance.

Comment 5. Industry inquired if a MSDS could be from the internet or does it have to be a hard copy.

Response 5. The District will accept all MSDS in an electronic format however other agencies such as the Fire Department or the Occupational Safety and Health Administration may have other requirements.

Comment 6. Industry inquired if SMAQMD has adopted the rule. Concern was expressed the six month period from the adoption date may not be long enough for all sources to become compliant with the new rule, especially if Sacramento is

adopting the limits at the same time. Concern was expressed about distributors being able to meet the demands of new products.

Response 6. SMAQMD attended the workshop. SMAQMD stated their rule was in the process of being revised and the workshop was not yet scheduled. SMAQMD stated many of their facilities were in the process of converting to compliant products prior to the adoption date.

The District responded that outreach with the new requirements started prior to the rule development. The District has been informing permitted facilities and distributors about the District's intent to adopt the standards in the SCM. The District committed in the Draft October 2006 Sacramento Regional 8-hour Ozone Attainment Plan to adopt the SCM in 2008. The SCM was adopted by CARB back in 2005. CARB worked with the affected industry during the time the SCM was developed and extensive outreach was performed by CARB. The District has also informed suppliers that a six month period would be given for facilities to get into compliance with the new standards after the rule is adopted. Yolo-Solano is a smaller District and it is expected suppliers will be able to meet the demands of facilities required to use compliant coatings. The District wants all the facilities to be in compliance within six months of adoption so all facilities will be at the same competitive level.

Comment 7. The USPS inquired about the limits in Section 302 for Single-Stage Coatings. The table was not clear as to what limits would be in effect for this category July 1, 2009.

Response 7. The District amended the table to include a VOC content limit of 420 g/l for this category effective July 1, 2009.

Comment 8. Industry inquired why the rule defines Group I and Group II vehicles when the rule is changing to group these categories together.

Response 8. The District is retaining the definitions because the new rule requirements do not go into effect until six months after the expected adoption date. The Rule will still have different requirements for Group I and Group II vehicles until the new requirements take effect. Therefore, the definitions need to be retained.

Comment 9. Industry inquired about requirements for transfer efficiency for spray guns.

Response 9. When the rule was previously revised in May 2008, the application requirement section was amended to include other spray guns that aren't HVLP, so long as the gun meets the HVLP definition in Section 221. In addition other methods are considered compliant if they can demonstrate a transfer efficiency equivalent or higher than the listed application methods. The alternative application method has to be approved by the District prior to use. Test methods to demonstrate transfer efficiency and HVLP

equivalency are listed in Section 600. The requirements are consistent with the SCM.

No formal written comments were received by the District from the workshop.

After the workshop the rule language was modified and sent for review to CARB and EPA. EPA submitted formal comments addressing the changes and the rule language in general. The EPA comment letter is included in Attachment D. Following is the District response to the comments received.

To avoid a potential SIP relaxation, the District will change the rule language in Section 306 to retain the 5% limit for specialty coatings until July 1, 2009. In addition, although it was not identified as a potential relaxation, Staff will retain the 25% limit for precoat in Section 308 until July 1, 2009, to be consistent with the draft language presented at the workshop.

The EPA recommends the District reference Test Method Section 611, Overall Capture and Control Efficiency in Section 305, Emission Control Systems. This has not been identified as an approvability issue. The District will keep the language as is to be consistent with other District rules.

The District included the additional language in Section 402 as suggested by the EPA.

The EPA recommends records to be retained for a three year period, however this is not identified as an approvability issue. The EPA will accept a minimum record retention period of two years. The District will keep the record retention period of two years for all non Title V facilities for consistency with other District rules.

IX. REFERENCES

1. California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 7.5, §93112.

2. Sacramento Regional 8-Hour Ozone Attainment Plan Proposed Control Measured Draft (October 2006).

3. San Joaquin Valley Air Pollution Control District Rule 4602 Motor Vehicle and Mobile Equipment Refinishing Operations -(Adopted April 11,1991; Amended September 19, 1991; Amended December 17, 1992; Amended December 15,1994; Amended June 15, 1995; Amended September 17, 1997; Amended December 20, 2001).

4. San Joaquin Valley Air Pollution Control District Rule 4612 Motor Vehicle and Mobile Equipment Coating Operations -Phase II (Adopted September 21, 2006; Amended September 20, 2007).

5. Santa Barbara County Air Pollution Control District Board Agenda Item Proposed Amended Rule 339, Motor Vehicle and Mobile Equipment Coating Operations (June 19, 2008).

6. South Coast Air Quality Management District Rule 1151 -Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations (December 2005).

7. South Coast Air Quality Management District Staff Report for Proposed Amended Rule 1151 -Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations (December 2005).

8. State of California. California Air Resources Board, 2005 and 2006 Emission Inventory.

9. State of California. California Air Resources Board, ARB Solvent Evaporation Methodologies -Architectural Coatings and Cleaning/Thinning solvents (Revised October 2003).

10. State of California. California Air Resources Board, Staff report for the Proposed Suggested Control Measure for Automotive Coatings (2005).

11. State of California. California Air Resources Board, California Air Pollution Control Laws 2007 Edition.

12. United States Environmental Protection Agency. Code of Federal Regulations, Title 40, Part 63, Subpart HHHHHH, National Emissions Standards For Hazardous Air Pollutants (NESHAPs): Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.

13. United States Environmental Protection Agency. Federal Register Volume 63, Number 176, National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings (September 11, 1998).

14. Ventura County Air Pollution Control District Rule 74.18, Motor Vehicle and Mobile Equipment Coating Operation (April 2008 Draft).

15. Ventura County Air Pollution Control District Staff Report Revisions to Rule 74.18, Motor Vehicle and Mobile Equipment Coating Operation (April 2008 Draft).

ATTACHMENT A

PROPOSED AMENDMENTS TO RULE 2.26, MOTOR VEHICLE AND MOBILE EQUIPMENT COATING OPERATIONS; STRIKE-OUT UNDERLINE VERSION

RULE 2.26
MOTOR VEHICLE AND MOBILE EQUIPMENT COATING OPERATIONS

ADOPTED April 27, 1994
REVISED November 9, 1994
REVISED August 13, 1997
REVISED May 14, 2008
REVISED December 10, 2008

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100 GENERAL

101 **PURPOSE:** The purpose of this rule is to limit the emission of volatile organic compounds (VOCs) from ~~the finishing or refinishing of Group I and Group II Vehicles and Equipment as defined in this Rule~~ coating operations associated with motor vehicles, mobile equipment, and associated parts and components.

102 **APPLICABILITY:** The provisions of this rule are applicable to any ~~owner or operator of a facility~~ person who uses, applies or solicits the use or application of any coating on motor vehicles ~~using coatings in the finishing of Group I Vehicles and Group II vehicles and~~ or mobile equipment, and their parts and components, or any person who supplies, sells, offers for sale, manufactures or distributes within the District, any material subject to the provisions of this rule.

103 **SEVERABILITY:** If any provision, clause, sentence, paragraph, section or part of this rule for any reason is judged to be unconstitutional or invalid, such judgement shall not affect or invalidate the remainder of the rule.

110 **EXEMPTION - GENERAL:** The provisions of this rule, except for Section 503, Burden of Proof, shall not apply to the following:

~~110.1 Touch-up operations;~~

~~110.2 Graphic design applications;~~

~~110.3 Coating of military vehicles and ground support equipment which is subject to the provisions of District Rule 2.25, METAL PARTS AND COATING OPERATIONS. Military vehicles include tanks and armored personnel carriers but do not include passenger vehicles;~~

~~110.4 Coating of radiators and engine components which is subject to the provisions of District Rule 2.25, METAL PARTS AND COATING OPERATIONS;~~

110.~~5~~1 Application of aerosol ~~paint~~ coating products.

110.2 Any automotive coating that is sold, supplied, or offered for sale in 0.5 fluid ounce or smaller containers intended to be used by the general public to repair tiny surface imperfections.

110.3 Any coating applied to motor vehicles or mobile equipment, or their associated parts

and components during manufacture on an assembly line.

110.4 Any automotive coating that is offered for sale, sold or manufactured for use outside of the District.

111 **EXEMPTION - PROHIBITION OF SALE OR MANUFACTURE:** The provisions of Section 403 shall not apply to any automotive coating that is offered for sale, sold or shipped for reformulation or repackaging, or any coating whose emissions to the atmosphere are controlled by an emission control system that meets the requirements of Section 305.

112 **EXEMPTION - APPLICATION REQUIREMENTS:** The provisions of Section 304 of this Rule shall not apply to the application of underbody coatings, graphic design applications, truck bed liner coatings, or any coating use of less than one (1) fluid ounce (29.6 milliliters).

~~111 **EXEMPTION - TRANSFER EFFICIENCY:** The provisions of Section 302 of this Rule shall not apply to the application of high viscosity or thixotropic coatings with application equipment that is supplied with and is an integral part of the coating container or to the application of corrosion protective coatings to enclosed interior spaces.~~

~~112 **EXEMPTION - SMALL PRODUCTION/UTILITY BODIES:** The provisions of Section 301.1 of this Rule, shall not apply to the coating of utility bodies where the coating must match that of the vehicle they will be mounted on provided production is less than 20 vehicles per day.~~

200 DEFINITIONS

201 **ADHESION PROMOTER:** A coating which is labeled and formulated to be applied to uncoated plastic surfaces to facilitate bonding of subsequent coatings, and on which, a subsequent coating is applied.

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

20~~1~~3 **ANTIGLARE/SAFETY COATING:** A coating which minimizes light reflection for safety purposes.

204 **ASSEMBLY LINE:** An arrangement of industrial equipment and

workers in which the product passes from one specialized operation to another until complete, by either automatic or manual means.

205 **ASSOCIATED PARTS AND COMPONENTS:** Any structures, devices, pieces, modules, sections, assemblies, subassemblies, or elements of motor vehicles or mobile equipment that are designed to be a part of motor vehicles or mobile equipment but which are not attached to motor vehicles or mobile equipment at the time of coating the structure, device, piece, module, section, assembly, subassembly, or element. "Associated parts and components" does not include circuit boards.

206 **AUTOMOTIVE COATING:** Any coating or coating component used or recommended for use in motor vehicle or mobile equipment refinishing, service, maintenance, repair, restoration, or modification, except metal plating activities. Any reference to automotive refinishing or automotive coating made by a person on the container or in product literature constitutes a recommendation for use in motor vehicle or mobile equipment refinishing.

207 **AUTOMOTIVE COATING COMPONENT:** Any portion of a coating including, but not limited to, a reducer or thinner, toner, hardener, and additive, which is recommended by any person to distributors or end-users for use in an automotive coating, or which is supplied for or used in an automotive coating. The raw materials used to produce the components are not considered automotive coating components.

208 **AUTOMOTIVE REFINISHING FACILITY:** Any shop, business, location, or parcel of land where motor vehicles or mobile equipment or their associated parts and components are coated, including autobody collision repair shops. "Automotive Refinishing Facility" does not include the original equipment manufacturing plant where the motor vehicle or mobile equipment is completely assembled.

202~~2~~9 **CATALYST:** A substance whose presence initiates the reaction between chemical compounds.

210 **CLEAR COATING:** Any coating that contains no pigments and is labeled and formulated for application over a color coating or clear coating.

211 **COATING:** A material which is applied to a surface and forms a film in order to beautify, preserve, repair, or protect such a surface.

212 **COLOR COATING:** Any pigmented coating, excluding adhesion promoters, primers, and multi-color coatings, that

requires a subsequent clear coating and which is applied over a primer, adhesion promoter, or color coating. Color coatings include metallic/iridescent color coatings.

2~~0~~13 **CONTROL DEVICE:** Equipment such as an incinerator or adsorber used to prevent air pollutants from reaching the ambient air.

2~~0~~14 **COLOR MATCH:** The ability of a repair coating to blend into an existing coating so that color difference is not visible.

2~~0~~15 **ELECTROSTATIC SPRAY APPLICATION:** ~~The application of charged atomized paint droplets which are deposited by electrostatic attraction.~~ Any method of spray application of coatings where an electrostatic attraction is created between the part to be coated and the paint particles.

2~~0~~16 **EMISSION CONTROL SYSTEM:** A control device and its associated collection system.

2~~0~~17 **EXEMPT COMPOUNDS:** As defined in District Rule 1.1, General Provisions and Definitions.

~~208 **FINISHING:** The coating of incomplete vehicles, their parts and components, or mobile equipment for which the original coating was not applied from an Original Equipment Manufacturing (OEM) plant coating assembly line.~~

~~209 **FINAL STAGE MANUFACTURE:** An incomplete vehicle chassis is delivered to a manufacturer for installation and paint of a truck body and/or components to form a completed vehicle.~~

21~~0~~8 **GRAPHIC DESIGN APPLICATION:** The application of logos, letters, numbers and graphics to a painted surface, with or without the use of a template by brush, roller, or airbrush.

~~211 **GROUND SUPPORT:** Vehicles used in support of aircraft activities at airports.~~

21~~2~~9 **GROUP I VEHICLES:** Passenger cars, large/heavy duty truck cabs and chassis, light and medium duty trucks and vans, and motorcycles.

2~~13~~20 **GROUP II VEHICLES AND EQUIPMENT:** Public transit buses and mobile equipment.

22~~1~~4 **HIGH-VOLUME, LOW-PRESSURE (HVLP) SPRAY EQUIPMENT:** Spray equipment ~~used to apply coatings by means of a gun~~ permanently labeled as such and which is designed and

operated between 0.1 and 10 pounds per square inch (psig) air atomizing pressure measured dynamically at the center of the air cap and at the air horns.

2~~15~~22 **LARGE/HEAVY DUTY TRUCKS:** Any truck having a manufacturer's gross vehicle weight rating of over 30,000 pounds.

2~~16~~23 **LIGHT AND MEDIUM DUTY TRUCKS AND VANS:** Any truck or van having a manufacturer's gross vehicle weight rating of 30,000 pounds or less.

2~~17~~24 **METALLIC/IRIDESCENT TOPCOAT:** Any coating which contains more than 5 g/l (0.042 lb/gal) of metal or iridescent particles, as applied, where such particles are visible in the dried film.

2~~18~~25 **MOBILE EQUIPMENT:** Any equipment which may be drawn or is capable of being driven on rails or on a roadway, including, but not limited to, trains, railcars, truck bodies, truck trailers, camper shells, mobile cranes, bulldozers, street cleaners, golf carts and implements of husbandry or agriculture.

226 **MOTOR VEHICLE:** Any self-propelled vehicle, including but not limited to, cars, trucks, buses, golf carts, vans, motorcycles, tanks, and armored personnel carriers.

227 **MULTI-COLOR COATING:** Any coating that exhibits more than one color in the dried film after a single application, is packaged in a single container, and hides surface defects on areas of heavy use, and which is applied over a primer or adhesion promoter.

2~~19~~28 **MULTI-STAGE TOPCOAT SYSTEM:** A topcoat system composed of either a basecoat / clearcoat (2 stage), a basecoat / midcoat / clearcoat (3 stage), or a groundcoat / basecoat / midcoat / clearcoat (4 stage).

22~~0~~9 **PRECOAT:** Any coating which is applied to bare metal primarily to deactivate the metal surface prior to application of a subsequent water-base primer surfacer. A precoat shall be a coating that dries by oxidation or chemical polymerization.

2~~21~~30 **PRETREATMENT ~~WASH PRIMER~~ COATING:** Any coating which contains a minimum of one half (0.5) percent acid by weight and not more than 16 percent solids by weight~~, is~~ necessary to provide surface etching and is ~~applied~~ labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and adhesion.

~~22~~31 **PRIMER:** ~~Any coating applied prior to the application of a topcoat for the purpose of corrosion resistance and adhesion of the topcoat. Primer surfacer and primer sealer shall be considered as primer when applied to Group II vehicles~~ Any coating, which is labeled and formulated for application to a substrate to provide 1) a bond between the substrate and subsequent coats, 2) corrosion resistance, 3) a smooth substrate surface, or 4) resistance to penetration of subsequent coats, and on which a subsequent coating is applied. Primers may be pigmented.

~~23~~2 **PRIMER SEALER:** Any coating ~~applied for the purpose of sealing the underlying metal, primer system, or OEM finish prior to the application of a topcoat. One of the purposes of a primer sealer is to promote the ability of an undercoat to resist penetration by the topcoat~~ which is labeled and formulated for application prior to the application of a color coating for the purpose of color uniformity, or to promote the ability of the underlying coating to resist penetration by the color coating.

~~24~~33 **PRIMER SURFACER:** Any coating applied prior to the application of a topcoat for the purpose of corrosion resistance, adhesion of the topcoat, and which promotes a uniform surface by filling in surface imperfections.

~~25~~34 **REDUCER:** The solvent used to thin enamel.

~~26 **REFINISHING:** Any coating of vehicles, their parts and components, or mobile equipment, including partial body collision repairs, for the purpose of protection or beautification and which is subsequent to the original coating applied at an Original Equipment Manufacturing (OEM) plant coating assembly line.~~

235 **SINGLE-STAGE COATING:** Any pigmented coating, excluding primers and multi-color coatings, labeled and formulated for application without a subsequent clear coat. Single-stage coatings include single-stage metallic/iridescent coatings.

236 **SOLVENT:** A VOC-containing fluid used to perform surface preparation and cleaning operations.

~~27~~37 **SPECIALTY COATINGS:** Unique coatings and compliant coatings with additives which are necessary due to unusual job performance requirements. Said coatings include, but are not limited to, adhesion promoters, uniform finish blenders, elastomeric materials, gloss flatteners, bright metal trim repair, and anti-glare/safety coatings.

238 **SPOT REPAIR:** Repair of an area on a motor vehicle, piece of mobile equipment, or associated parts or components of less than 1 square foot (929 square centimeters).

~~228~~39 **SURFACE PREPARATION AND CLEANUP:** The removal of contaminants such as dust, soil, oil, grease, etc., prior to any step in a manufacturing process from parts, products, tools, machinery, equipment, and general work areas.

~~229~~40 **TEMPORARY PROTECTIVE COATING:** ~~A coating applied for the purpose of protecting adjacent areas to that being painted from overspray. The temporary protective coating is removed after primer or topcoat application.~~ Any coating which is labeled and formulated for the purpose of temporarily protecting areas from overspray or mechanical damage.

~~230~~41 **TOPCOAT:** Any coating applied over a primer, primer system, or an original OEM finish for the purpose of protection or appearance. For the purposes of this Rule, solid color and metallic/iridescent topcoats are single stage applications, the $VOC_{AVERAGE}$ of a multi stage topcoat system will determine compliance with the VOC standards in Section 301 of this Rule.

~~231 **TOUCH-UP COATING:** A coating applied by brush, air brush, or hand held, non-refillable aerosol cans to repair minor surface damage and imperfections of less than four square feet~~.

~~232~~42 **TRANSFER EFFICIENCY:** The ratio of the amount of coating solids adhering to the object being coated to the total amount of coating solids ~~used in the application process~~ sprayed, expressed as a percentage.

243 **TRUCK BED LINER COATING:** Any coating, excluding clear, color, multi-color, and single stage coatings, labeled and formulated for application to a truck bed to protect it from surface abrasion.

244 **UNDERBODY COATING:** Any coating labeled and formulated for application to wheel wells, the inside of door panels or fenders, the underside of a trunk or hood, or the underside of the motor vehicle.

245 **UNIFORM FINISH COATING:** Any coating labeled and formulated for application to the area around a spot repair for the purpose of blending a repaired area's color or clear coat to match the appearance of an adjacent area's existing coating.

~~233 **UTILITY BODY:** A special purpose service compartment or~~

~~unit that will be bolted, welded, or affixed onto an existing cab and chassis. The compartment may serve as storage for equipment or parts.~~

2~~3~~46 **VOLATILE ORGANIC COMPOUNDS(VOC):** As defined in Rule 1.1, General Provisions and Definitions.

2~~35~~47 **VOLATILE ORGANIC COMPOUND (VOC) CONTENT:** Weight of VOC per volume of material as calculated pursuant to the applicable Sections of 600.

300 STANDARDS

301 **COATING LIMITS:** Until July 1, 2009, ~~A~~any person who applies coatings to Group I or II vehicles, mobile equipment, their parts and components, shall comply with Sections 301.1 or 301.2 of this Rule.

301.1 **Group I Vehicles.** A person shall not refinish Group I vehicles, their parts and components, or Group II vehicles and mobile equipment where color match is required, using any coating with a regulatory VOC content in excess of the following limits, expressed as grams of VOC per liter (or pounds per gallon) of coating applied, excluding water and exempt compounds

COATING	REGULATORY VOC CONTENT
Pretreatment ~~Wash Primer~~ Coating	780 g/l (6.5 lbs/gal)
Precoat	600 g/l (5.0 lbs/gal)
Primer/Primer surfacer	250 g/l (2.1 lbs/gal)
Primer Sealer	420 g/l (3.5 lbs/gal)
Solid Color Topcoat	420 g/l (3.5 lbs/gal)
Metallic/Iridescent Topcoat	520 g/l (4.3 lbs/gal)
Multi Stage Topcoat System	540 g/l (4.5 lbs/gal)
Specialty Coating	840 g/l (7.0 lbs/gal)
Temporary Protective Coating	60 g/l (0.5 lbs/gal)

301.2 **Group II Vehicles and Mobile Equipment.** A person shall not finish or refinish Group II vehicles and equipment or their parts and components where color match is not required, using any coating with a regulatory VOC content in excess of the following limits, expressed as grams of VOC per liter (or pounds per gallon) of coating applied, excluding water and exempt compounds.

COATING	REGULATORY VOC CONTENT
Pretreatment ~~Wash Primer~~ Coating	780 g/l (6.5 lbs/gal)
Precoat	600 g/l (5.0 lbs/gal)
Primer	250 g/l (2.1 lbs/gal)
Primer Sealer	340 g/l (2.8 lbs/gal)
Topcoat	420 g/l (3.5 lbs/gal)
Metallic/Iridescent Topcoat	420 g/l (3.5 lbs/gal)
Specialty Coating	840 g/l (7.0 lbs/gal)
Temporary Protective Coating	60 g/l (0.5 lbs/gal)

302 **COATING LIMITS:** Effective July 1, 2009, no person shall apply to any motor vehicle, mobile equipment, or associated parts and components, any coating with a VOC regulatory content, as calculated pursuant to section 605, in excess of the following limits, except as provided in Section 305:

COATING CATEGORY	REGULATORY VOC CONTENT grams/liter (pounds/gallon)	
	Effective 7/1/2009	Effective 7/1/2010
Adhesion Promoter	840 (7.0)	540 (4.5)
Clear Coating	250 (2.1)	250 (2.1)
Color Coating	420 (3.5)	420 (3.5)
Multi-Color Coating	680 (5.7)	680 (5.7)
Pretreatment Coating	660 (5.5)	660 (5.5)
Primer	250 (2.1)	250 (2.1)
Primer Sealer	340 (2.8)	250 (2.1)
Single-Stage Coating	420 (3.5)	340 (2.8)
Temporary Protective Coating	60 (0.5)	60 (0.5)
Truck Bed Liner Coating	310 (2.6)	310 (2.6)
Underbody Coating	430 (3.6)	430 (3.6)
Uniform Finish Coating	540 (4.5)	540 (4.5)
Any Other Coating Type	250 (2.1)	250 (2.1)

303 **MOST RESTRICTIVE VOC LIMIT:** If anywhere on the container of any automotive coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a person, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in section 302, then the lowest VOC content limit shall apply.

30~~2~~4 **APPLICATION REQUIREMENTS:** ~~A~~ No person shall ~~not~~ apply any coating~~s~~ to any ~~Group I or II vehicles~~ motor vehicle, ~~or~~

mobile equipment, or ~~their~~ associated parts and components unless ~~the coatings are applied using properly operated equipment and by using~~ one of the following application methods is used:

~~302.1 Electrostatic application equipment, operated in accordance with the manufacturer's recommendations;~~

~~302.2 HVLP spray equipment, operated in accordance with the manufacturer's recommendations;~~

~~302.3 Any other coating application method demonstrated, in accordance with the provisions of Section 607 to have a transfer efficiency equivalent to or greater than the coating application method listed in Section 302.2, and is approved in writing by the EPA and APCO.~~

304.1 Brush, dip, or roller;

304.2 Electrostatic spray;

304.3 HVLP spray equipment;

304.4 Use of a spray gun: If a spray gun is used, the end user must demonstrate that the gun meets the HVLP definition in Section 221 in design and use. A satisfactory demonstration must be based on the manufacturer's published technical material on the design of the gun and by a demonstration of the operation of the gun using an air pressure tip gauge from the manufacturer of the gun.

304.5 Any alternative method that achieves a transfer efficiency equivalent to, or higher than, the application methods listed in sections 304.1, 304.2, or 304.3 as determined per section 608. Written approval from the Executive Officer or Air Pollution Control Officer of the District shall be obtained for each alternative method prior to use.

30~~3~~5 **EMISSION CONTROL SYSTEM:** In lieu of complying with the ~~applicable provisions~~ VOC content limits of Section ~~300~~ 301 or 302, a~~n operator~~ person may use a VOC emission control system that controls emissions from the source operation provided the following conditions are met:

30~~3~~5.1 The VOC emission control system shall be approved in writing by the APCO,

30~~35~~.2 The VOC emission control system shall be operated with an overall capture and control efficiency of at least 85 percent by weight during periods of emission producing activity.

30~~46~~ **STORAGE AND DISPOSAL - GENERAL:** All VOC-containing materials, whether in its form for intended use or as a waste or used product, including items such as cloth or paper laden with VOC containing materials, shall be stored in non-absorbent, non-leaking containers which shall be kept closed at all times, except when filling or emptying, and disposed of in a manner to prevent evaporation of VOCs into the atmosphere at the facility.

30~~5~~7 **REQUIREMENTS FOR SURFACE PREPARATION AND CLEANUP MATERIALS:** Any solvent cleaning of application equipment, parts, products, tools, machinery, equipment, general work areas, and the storage and disposal of VOC-containing materials used in surface preparation and cleanup operations shall be carried out pursuant to Rule 2.31, Surface Preparation and Cleanup.

30~~6~~8 **SPECIALTY COATINGS:** Until July 1, 2009, ~~A person shall not use any specialty coating with a VOC content in excess of 840 g/l (7.0 pounds per gallon), excluding water and exempt compounds. U~~use of all specialty coatings except antiglare/safety coatings shall not exceed 5.0 percent of all coatings applied, on a monthly basis. The application of topcoats with a specialty coating used as an additive shall be subject to the topcoat limits in Sections 301.1 and 301.2 of this Rule.

~~307 **TEMPORARY PROTECTIVE COATING:** A person shall not use any temporary protective coating with a VOC content in excess of 60 g/l (0.5 lb/gal), excluding water.~~

30~~8~~9 **PRECOAT LIMITATION:** Until July 1, 2009, a~~A~~ person shall not use precoat in excess of 25 %, by volume, of the amount of primer surfacer used on a monthly basis. Purchase invoices to verify this limitation shall be presented to the Air Pollution Control Officer upon request.

308 **TOXIC AIR CONTAMINANT:** No person shall apply a coating to any motor vehicle, mobile equipment, or associated parts and components, containing cadmium or hexavalent chromium.

400 ADMINISTRATIVE REQUIREMENTS

401 **PROHIBITION OF POSSESSION:** Effective 7/1/2009, no person shall possess at any automotive refinishing facility, any automotive coating that is not in compliance with section

302 or 305, as applicable.

401~~2~~ **PROHIBITION OF SPECIFICATION:** ~~A~~ No person shall ~~not~~ specify the use of any coating to be applied to a ~~Group I or Group II vehicle~~ motor vehicle, mobile equipment, or part or component subject to the provisions of this rule that does not meet the limits and requirements of this rule where such applications result in a violation of this rule. The requirements of this Section shall apply to all written or oral contracts, including, but not limited to, job orders, under the terms of which any coating or solvent that is subject to the provisions of this rule is to be used or applied.

402~~3~~ **PROHIBITION OF SALE OR MANUFACTURE:** ~~A~~ No person shall ~~not~~ manufacture, blend, repackage for sale, supply, sell, offer for sale or ~~sell~~ distribute within the District any coating if such product is prohibited by any of the provisions of this Rule. ~~The prohibition of this Section shall apply to the sale of any coating which will be applied at any physical location within the jurisdiction of the local air pollution control agencies. This requirement shall not apply to the application of coatings where emissions to the atmosphere are controlled to an equivalent level of this Rule by an emission control system that has been approved in writing by the APCO.~~

403~~4~~ **COMPLIANCE STATEMENT REQUIREMENT:** The manufacturer or repacker of coatings subject to this Rule shall provide the following: ~~on separate data sheets the designation of VOC content (as supplied) including any recommended thinning ratio. The VOC content shall be expressed as grams per liter of coating less water and less exempt compounds and may be determined by either calculation or analysis.~~

404.1 Until July 1, 2009, separate data sheets designating the VOC content (as supplied) including any recommended thinning ratio. The VOC content shall be expressed as grams per liter of coating less water and less exempt compounds and may be determined by either calculation or analysis.

404.2 Effective July 1, 2009, product data sheets or an equivalent medium containing the following information:

a. The actual VOC content and the regulatory VOC content for coatings expressed in grams per liter;

b. The weight percentage of volatiles, water, and exempt compounds;

C. The volume percentage of water and exempt compounds; and

d. The density of the material in grams per liter.

405 **LABELING REQUIREMENTS:** Effective July 1, 2009, the manufacturer and repackager of automotive coatings or automotive coating components shall include on all containers the applicable use category(ies), and the VOC actual for coatings and VOC regulatory for coatings, as supplied, expressed in grams per liter.

40~~4~~6 **HVLP MARKING:** A person shall not sell, ~~or~~ offer for sale, or distribute for use within the District any HVLP gun without a permanent marking, or accurate information provided on company letterhead or in the form of technical literature clearly identifying the spray gun manufacturer, salesperson or distributer, denoting the maximum inlet air pressure in psig at which the gun will operate within the parameters specified in Section 2214 of this Rule.

40~~5~~7 **OPERATION AND MAINTENANCE PLAN (O&M Plan):** Any person using an emission control device pursuant to Section 305~~3~~ of this Rule, as a means of complying with this rule, must submit with the application for Authority to Construct, pursuant to Rule 3.1, GENERAL PERMIT REQUIREMENTS, an O&M Plan for the emission control device to the APCO for approval. The O&M Plan shall specify operation and maintenance procedures which will demonstrate continuous operation of the control device during periods of emission producing operations. The O&M Plan shall also specify which records must be kept to document these operation and maintenance procedures. These records shall comply with the requirements of Sections 501~~.5 and~~ 502~~1.6~~ of this Rule. Any person using an emission control device must fully comply with all O&M Plans submitted for approval, even if such O&M Plans have not yet been approved, unless notified in writing by the APCO.

500 MONITORING AND RECORDS

501 **RECORD KEEPING - GENERAL:** Any person using coatings subject to Section 300 of this Rule shall maintain and have available at all time on site the following ~~comply with the following requirements~~:

~~501.1 The person shall maintain and have available during an inspection, the listed category of each of the coatings and the type of vehicle or equipment to which each coating was applied.~~

~~501.2 The person shall maintain and have available during an inspection, a current list of coatings in use which provides all of the coating data necessary to evaluate compliance, including the following information, as applicable:~~

~~a. Coating, catalyst, additives, and reducer used.~~

~~b. Mix ratio of components used.~~

~~c. VOC content of coating as applied.~~

~~501.3 The person shall maintain records on a daily basis including the following information:~~

~~a. Coating and mix ratio of components in the coating used.~~

~~b. Quantity of each coating applied.~~

501.1 A current list of all coatings and additives used subject to this rule, including the following:

a. Material name and manufacturer;

b. Application method;

c. Coating category and mix ratio specific to the coating; and

d. Actual VOC content for coatings and the regulatory VOC content for coatings, as applied.

501.2 Current manufacturer specification sheets, material data sheets, technical data sheets, or air quality data sheets, which list the actual VOC content for coatings and regulatory VOC content for coatings of each ready-to-spray coating (based on the manufacturer's stated mix ratio) and automotive coating components, and the VOC content of each solvent.

501.3 The person shall maintain records on a daily basis including the following information:

a. Coating and mix ratio of components in the coating used.

b. Quantity of each coating applied.

501.4 Purchase records identifying the coating type, name, and volume of coating.

502 **RECORD KEEPING - EMISSION CONTROL SYSTEMS~~:~~:** If compliance with this rule is achieved through the use of an emission control system, in addition to the provisions of Section 501, the owner or operator shall maintain:

502.1 Daily usage records of all materials used such as coatings, catalysts, additives, and reducers.

502.2 Daily records of key operating parameters such as temperatures, pressures, flowrates, and hours of operation of the control device to verify compliance of the capture and control device.

502.3 Maintenance work which interferes with the operation of the control device.

503 **RECORD KEEPING - PROHIBITION OF SALE OR MANUFACTURE:** Any person claiming an exemption under Section 111 shall keep a detailed log of each automotive coating component and automotive coating manufactured, blended, repackaged for sale, supplied, sold, offered for sale, or distributed showing:

503.1 The quantity manufactured, blended, repackaged for sale, supplied, sold, offered for sale, or distributed, including size and number of containers;

503.2 The regulatory VOC content for coatings;

503.3 The actual VOC content for coatings;

503.4 To whom they were supplied, sold, offered for sale, or distributed, or for whom they were manufactured, blended, or repackaged for sale including the name, address, phone number, retail tax license number, and valid District permit number; and

503.5 The specific exemption being utilized under Section 111.

503~~4~~ **BURDEN OF PROOF:** Any person claiming an exemption pursuant to Section 11~~2~~0, or 111 ~~or 112~~ shall have information available such as product data or material safety data sheets or records that would allow the APCO to verify the eligibility of the exemption.

504~~5~~ **REPORTING:** All records required by this Rule shall be maintained on site for a period of two years and made available to the APCO upon request.

600 TEST METHODS AND CALCULATIONS

601 **GENERAL:** For the purposes of this Rule, the following test methods or calculation methods shall be used. Other

test methods determined to be equivalent and approved in writing by the District and the EPA may also be used. VOC emissions or other parameters determined to exceed any limits established by this Rule through the use of any of the following test methods or calculations shall constitute a violation of this Rule.

602 **VOC CONTENT:** The VOC content of coatings, subject to the provisions of this Rule, shall be determined by procedures contained in EPA Reference Test Method 24 (40 CFR 60, ~~Appendix A~~ "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings").

603 **EXEMPT COMPOUNDS:** Measurement of exempt compounds shall be determined by using ARB Method 432, "Determination of Dichloromethane and 1,1,1-Trichlorethane in Paints and Coatings," September 12, 1998: ARB Method 422 "Determination of Volatile Organic Compounds in Emission from Stationary Sources," January 22, 1987; or South Coast Air Quality Management District (SCAQMD) Method 303-91 "Determination of Exempt Compounds," February 1993.

604 **EXEMPT COMPOUNDS -METHYL ACETATE, ACETONE, T-BUTYL ACETATE, AND PARACHLOROBENZOTRIFLUORIDE (PCBTF):** Measurement of methyl acetate, acetone t-butyl acetate and PCBTF, shall be determined by using ASTM D6133-02, "Standard Test Method for Acetone, p-Chlorobenzotrifluoride, Methyl Acetate or t-Butyl Acetate Content of Solventborne and Waterborne Paints, Coatings, Resins, and Raw Materials by Direct Injection Into a Gas Chromatograph".

605 **CALCULATION OF VOC CONTENT:** The VOC content per volume of coating shall be calculated ~~less water and less exempt compounds~~ as follows:

~~Grams of VOC per liter of coating less water and less exempt compounds~~ $= \frac{W_s - W_w - W_{es}}{V_m - V_w - V_{es}}$

~~Where: W_s = Weight of volatile compounds in grams~~
~~W_w = Weight of water in grams~~
~~W_{es} = Weight of exempt compounds in grams~~
~~V_m = Volume of coating materials in liters~~
~~V_w = Volume of water in liters~~
~~V_{es} = Volume of exempt compounds in liters~~

605.1 The regulatory VOC content per volume of coating shall be calculated less water and less exempt compounds as follows:

$$VOC_{con} = \frac{W_s - W_w - W_{ec}}{V_m - V_w - V_{ec}}$$

Where: VOC_{con} = Grams of VOC per liter of material
W_s = Weight of volatile compounds in grams
W_w = Weight of water in grams
W_{ec} = Weight of exempt compounds in grams
V_m = Volume of coating materials in liters
V_w = Volume of water in liters
V_{ec} = Volume of exempt compounds in liters

605.2 The actual VOC content per volume of coating shall be calculated by the following equation:

$$VOC_{con} = \frac{(W_s - W_w - W_{ec})}{V_m}$$

Where: VOC_{con} = Grams of VOC per liter of material
W_s = Weight of volatile compounds in grams
W_w = Weight of water in grams
W_{ec} = Weight of exempt compounds in grams
V_m = Volume of material in liters

606 **CALCULATION OF VOC CONTENT OF COATING SYSTEM:** Until July 1, 2009, ~~T~~the VOC content of a basecoat/clearcoat coating system shall be calculated according to the following formula:

$$VOC_{AVERAGE} = \frac{VOC_{BC} + 2VOC_{CC}}{3}$$

The VOC content of a three stage coating system shall be calculated according to the following formula:

$$VOC_{AVERAGE} = \frac{VOC_{BC} + VOC_{MC} + 2VOC_{CC}}{4}$$

The VOC content of a four stage coating system shall be calculated according to the following formula:

$$VOC_{AVERAGE} = \frac{VOC_{GC} + VOC_{BC} + VOC_{MC} + 2VOC_{CC}}{5}$$

Where:
$VOC_{AVERAGE}$ = The average of the VOC content, as applied, and used to determine compliance with the standards in Section 301 of this Rule.
VOC_{GC} = The VOC content, as applied, of a pigmented groundcoat or tinted primer sealer.
VOC_{BC} = The VOC content, as applied, of a

pigmented basecoat.

VOC_{MC} = The VOC content, as applied, of a translucent midcoat.

$2VOC_{CC}$ = The VOC content, as applied, of a transparent clearcoat.

607 **TRANSFER EFFICIENCY:** Transfer efficiency as required by Section 302~~.~~3 of this Rule shall be determined in accordance with the SCAQMD method "Spray Equipment Transfer Efficiency Test Procedure for Equipment User," May 24, 1989.

608 **HVLP EQUIVALENCY:** Spray equipment HVLP equivalency shall be determined by using South Coast Air Quality Management District "Guidelines for Demonstrating Equivalency with District Approved Transfer Efficient Spray Guns" September 26, 2002.

60~~8~~9 **CAPTURE EFFICIENCY:** The capture efficiency of a VOC emission control system's collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR 51, Appendix M, Methods 204-204F, as applicable.

61~~0~~9 **CONTROL EFFICIENCY:** The control efficiency of a VOC emission control system's collection device shall be determined by using EPA Methods 2, 2A, or 2D for measuring flow rates and EPA Method 25, 25A, or 25B for measuring total gaseous organic concentrations at the inlet and outlet of the control device. EPA Method 18 or CARB Method 422 shall be used to determine the emissions of exempt compounds.

61~~0~~1 **OVERALL CAPTURE AND CONTROL EFFICIENCY**: For VOC emission control systems that consist of a single VOC emission control device, the overall capture and control efficiency shall be calculated by using the following equation:

CEoverall = [CEcapture x CEcontrol] / 100%

Where: CEoverall = Overall Capture and Control Efficiency

CEcapture = Capture Efficiency of the collection device*

CEcontrol = Control Efficiency of the collection device**

*As determined in Section 60~~8~~9

**As determined in Section 61~~0~~9

61~~1~~2 **IRIDESCENT PARTICLES IN METALLIC/IRIDESCENT TOPCOAT:** Iridescent particles in metallic/iridescent topcoat as defined, in Section 2~~19~~24 of this Rule shall be

determined by the SCAQMD Method 318 "Determination of Weight Percent Elemental Metal in Coatings by x-Ray Diffraction."

61~~2~~3 **ACID CONCENTRATION IN PRETREATMENT WASH PRIMER:** Acid concentration in pretreatment ~~wash primer~~ coating as defined in Section 2~~2~~30 of this Rule shall be determined by using ASTM D1613-06 "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products".

ATTACHMENT B

NOTICE OF EXEMPTION FROM CEQA GUIDELINES

Notice of Exemption

To: ☐ Office of Planning and Research
1400 Tenth Street., Room 121
Sacramento, CA 95814

☐ County Clerk
County of Yolo
625 Court Street Room 105
Woodland, CA 95695

☒ County Clerk
Solano County
675 Texas Street, Ste. 1900
Fairfield, CA 94533

From: Yolo-Solano Air Quality Management District
1947 Galileo Court, Suite 103
Davis, CA 95618

Project Title: Revision of Rule 2.26, Motor Vehicle and Mobile Equipment Coating Operations

Project Location: Yolo-Solano Air Quality Management District

Project description: The Yolo-Solano Air Quality Management District (District) is proposing to amend Rule 2.26, Motor Vehicle and Mobile Equipment Coating Operations to incorporate the California Air Resources Board Suggested Control Measure for Automotive Coatings. Adopting the control measures will limit emissions of volatile organic compound (VOCs) from automotive coating operations.

Name of Public Agency Approving Project: Yolo-Solano Air Quality Management District

Name of Person or Agency Carrying Out Project: Yolo-Solano Air Quality Management District

Exempt Status:

☐ Ministerial
☐ Emergency Project
☒ Categorical Exemption (CEQA Guidelines Section 15308, Action by Regulatory Agency for Protection of the Environment)
☐ Statutory Exemption

Reason why project is exempt: The revision of Rule 2.26 is an action taken to protect the environment and is therefore exempt from CEQA because it constitutes a Class 8 categorical exemption pursuant to CEQA Guidelines 15308.

Lead Agency Contact Person: Mat Ehrhardt, Air Pollution Control Officer
Telephone Number: (530) 757-3650

Signature: _____ **Date:** _____ **Title:** _____

Notice of Exemption

To: ☐ Office of Planning and Research
1400 Tenth Street., Room 121
Sacramento, CA 95814

☒ County Clerk
County of Yolo
625 Court Street Room 105
Woodland, CA 95695

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From: Yolo-Solano Air Quality Management District
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Lead Agency Contact Person: Mat Ehrhardt, Air Pollution Control Officer
Telephone Number: (530) 757-3650

Signature: _____ **Date:** _____ **Title:** _____

ATTACHMENT C

RESOLUTION NO. 08-12

RESOLUTION NO. 08-12

RESOLUTION ADOPTING YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT RULES 2.26, MOTOR VEHICLE AND MOBILE EQUIPMENT COATING OPERATIONS

WHEREAS, California Health and Safety Code section 40702 provides that an air quality management district shall adopt rules and regulations, and do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by Division 26 of the Health and Safety Code; and

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

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

WHEREAS, California Health and Safety Code sections 39002 and 4000 provides that an air quality management district shall have the responsibility to control air pollution from all sources other than vehicular sources; and

WHEREAS, the purpose of adopting District Rule 2.26 is being proposed to meet the requirements of Health and Safety Code sections 40914 and 40920.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Yolo-Solano Air Quality Management District hereby finds, authorizes, directs and declares as follows:

1. The Board of Directors has considered and hereby adopts by reference the staff report prepared in this matter.

2. The Board of Directors makes the following findings pursuant to Health and Safety Code section 40727:
    a. Necessity: Information in the District's rulemaking record maintained pursuant to Health and Safety Code section 40728 demonstrates a need for adopting Rule 2.26;

b. Authority: Health and Safety Code section 40702 permits the District to adopt Rule 2.26;
c. Clarity: District Rule 2.26, as proposed is written so that its meaning can be easily understood by the persons directly affected by it;
d. Consistency: District Rule 2.26, as proposed is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations;
e. Nonduplication: District Rule 2.26, as proposed does not impose the same requirements as an existing state or federal regulation;
f. Reference: District Rule 2.26 is consistent with provisions of the Clean Air Act.

3. The Board of Directors finds that the District has complied with the procedural requirements set forth in Chapters 6 and 6.5 of Part 3 of Division 26 of the Health and Safety Code.

4. The Board of Directors finds that adopting District Rule 2.26 is an action taken by a regulatory agency as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, and is therefore categorically exempt from CEQA review as a Class 8 Categorical Exemption.

5. The Board of Directors hereby adopts District Rule 2.26, Motor Vehicle and Mobile Coating Operations as set forth in Exhibit 1 (Attachment A of the Staff Report), which is attached and incorporated by reference. The amendment is effective Decmber 10, 2008.

PASSED AND ADOPTED by the Board of Directors of the Yolo-Solano Air Quality Management District this 10th day of December, 2008, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____

John Vasquez, Chair
Board of Directors
Yolo-Solano Air Quality Management District

Attest:	Approved as to Form:
_____	_____
Kay Mahorney, Clerk Board of Directors	Hope Welton, District Counsel

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ATTACHMENT D

WRITTEN COMMENTS RECEIVED

United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

November 18, 2008

Transmittal of EPA Rule Review Comments

To:
Susan McLaughlin, Yolo-Solano Air Quality Management District
smclaughlin@ysaqmd.org

Mike Guzzetta, California Air Resources Board
mguzzett@arb.ca.gov

From:
Andrew steckel, Rulemaking Office Chief
steckel.andrew@epa.gov

Re:
Rule 2.26, Motor Vehicle and Mobile Equipment Coating Operations, October 27, 2008 Version

We are providing comments based on our preliminary review of the draft rule identified above. In general, we note the forty-two tons per year of emission reductions attributed to the proposed changes in the District's staff report and commend and support the District's efforts to obtain these additional reductions by adopting the more stringent limits in the CARB's Suggested Control Measure (SCM) for Automotive Coatings. Unless otherwise indicated, paragraph numbers refer to the draft rule referenced above. Please direct any questions about our comments to me at (415) 947-4115 or to Sona Chilingaryan at (415) 972-3368.

Section 306, Specialty Coatings, has been crossed out in the draft rule. In addition to specifying an 840 g/l limit for specialty coatings, this section includes a requirement for the use of all specialty coatings except antiglare/safety coatings to not exceed 5% of all coatings applied on a monthly basis and also clarifies that the application of topcoats with a specialty coating used as an additive shall be subject to the 420 g/L topcoat limit in Section 301.2. In order to avoid a potential SIP relaxation issue, please change rule language to require that both of these requirements remain in effect until the more stringent limits in Section 302 apply effective July 1, 2009. We do not believe that these two requirements in Section 306 being removed pose a SIP relaxation issue once the lower limits become effective on July 1, 2009.

In order to further align rule language with the SCM and to clarify which test methods are applicable, we recommend referencing Section 611, Overall Capture and Control Efficiency, in Section 305, Emission Control Systems.

In order to further align rule language with the SCM and to clarify rule requirements, we recommend inserting the following phrase from Section 4.6 of the SCM in Section 402 of the rule: "The requirements of this Section shall apply to all written or oral contracts, including, but not limited to, job orders, under the terms of which any coating or solvent that is subject to the provisions of this rule is to be used or applied."

We understand that the District will be correcting the reference in Section 503.5 from Section 112 to Section 111.

In order to further align rule requirements with the SCM and to strengthen the rule, we recommend changing the requirement in Section 505 to maintain records for a period of two years to a period of three years.