

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT
MEMORANDUM
06/03/2024

TO: FRAQMD BOARD OF DIRECTORS

FROM: Christopher D. Brown AICP, APCO

SUBJECT: Adopt Resolution #2024-07 amending Regulation I, Rule 1.1 – Definitions and Regulation III, Rule 3.15 – Architectural Coatings; and (2) find the amendments to the Rules categorically exempt in conformance with the California Environmental Quality Act (CEQA) Guidelines Section 15308 Class 8 – Actions by regulatory agencies for the protection of the environment; and authorize the Chairman to execute related documents.

RECOMMENDATION

Approve Resolution #2024-07 which adopts Regulation I, Rule 1.1—Definitions and Regulation III, Rule 3.15—Architectural Coatings.

ALTERNATIVES

Not adopt the proposed rule, which would result in sanctions on the region and the District and provide direction to staff.

BACKGROUND

The southern portion of Sutter County is a part of the Sacramento Federal Nonattainment Area (SFNA) and is designated as severe nonattainment for failing to meet the 2008 ozone national ambient air quality standard (NAAQS). The SFNA was also designated as nonattainment for the 2015 ozone NAAQS, originally as a moderate classification, and has requested a bump-up to a severe classification for that standard as well.

One of the requirements of the plans for nonattainment areas in the Federal Clean Air Act is to adopt contingency measures that will go into effect should the area fail to achieve a reasonable further progress milestone (RFP) or meet its attainment date. In the 2008 ozone plan the SFNA relied on existing measures that achieved more reductions than needed to meet RFP and the attainment date. Recent court decisions have ruled that existing control measures do not meet the Federal Clean Air Act (FCAA) requirements for contingency measures.

The US EPA issued a finding of failure to submit the contingency measures for the 2008 ozone NAAQS for the SFNA. The sanctions begin in January 2025. In addition, the 2015 Ozone plan for the SFNA that was adopted on October 2, 2023, by the District Board of Directors committed to adopting an additional contingency measure that would go into effect immediately upon the area's failure to meet RFP or the attainment date.

The California Air Resources Board (CARB) adopted an update to their Suggested Control Measure (SCM) for Architectural Coatings in 2019 and 2020. The SCMs are not formal regulations but rather a model rule used by local air pollution control districts to update their architectural coatings rules and provide statewide consistency. The air districts of the SFNA committed to adopting the 2019 SCM as part of the attainment plan for the 2015 Ozone NAAQS to partially fulfill the contingency measure requirement. The District is not proposing to adopt the 2020 SCM as there are no applicable sources in the District and none are anticipated before the sunset date of the 2020 SCM limits.

The proposed amendments would adopt the 2019 SCM as a contingency measure for the 2008 and 2015 ozone NAAQS and would be submitted to CARB and US Environmental Protection Agency (US EPA) as a revision to the State Implementation Plan. The 2019 SCM amendments to Rule 3.15 Architectural Coatings would go into effect upon the effective date of the federal register notice that the SFNA did not meet RFP or its attainment date, defined as the “contingency measure trigger date” in the rule.

In addition, the District is proposing to amend the definition of “Exempt Compounds” in District Rule 1.1 to include exempt Volatile Organic Compounds (VOCs) that have been added to US EPA’s list of VOC exemptions since the last rule revision in 2011. These changes would go into effect immediately. The amendments would also implement a public process by which the District Air Pollution Control Officer may add additional compounds to the list without a formal rulemaking process as US EPA updates the list.

DISCUSSION

The District’s proposed amendments to Rule 3.15 are based on the SCM for Architectural Coatings adopted on May 23, 2019, by CARB. The 2019 SCM includes VOC limits for several coating categories that are more stringent than those in the current Rule 3.15. The 2019 SCM also for three new coating categories and limits colorants added to architectural coatings. CARB developed the VOC limits for colorants based on technical information from the statewide 2013 architectural coating survey and in consultation with air districts and industry stake holders. Most of the proposed limits are consistent with the existing limits in the South Coast AQMD Rule 1113. The proposed limits would become effective upon contingency measure trigger date. There is already a high level of complying market share in all the categories for which staff is proposing to lower the VOC limits.

In order to comply with the coating limits, CARB anticipated that manufacturers would reformulate coatings using water or exempt compounds. CARB also found that many manufacturers had large volumes of products that already meet the VOC limits. Since the 2019 SCM was adopted by CARB, the architectural coatings rules of three districts—San Diego County Air Pollution Control District (effective 1/1/2022), San Joaquin Valley Air Pollution Control District (effective 1/1/2022), and Ventura Air Pollution Control District (effective 7/1/2021)—have been amended to incorporate the 2019 SCM requirements. The 2019 SCM is intended for local air districts which need VOC emission reductions for the attainment of State and Federal ozone standards.

The proposed amendments will establish VOC content limits for three new categories and revise the VOC limits for nine existing categories of architectural coatings. The affected coating category is listed below in Table 1.

Except for the Low Solids category, the VOC limits are expressed in terms of VOC Regulatory, which is also referred to as “VOC, Less Water, Less Exempt Compounds” or “Coating VOC.” For the Low Solids category, the VOC limit is expressed in terms of VOC Actual, which is also referred to as “Material VOC.” Limits are expressed as VOC Regulatory, thinned to the manufacturer’s maximum recommendation, excluding any colorant added to tint bases. “Manufacturer’s maximum recommendation” means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

The proposed limits are effective on and after the Contingency Measure Trigger Date Proposed. Below are the changes to VOC limit should the Contingency Measure trigger.

Table 1 VOC Content

Coating Category	Current Limit (g/l)¹	Effective on and after the Contingency Measure Trigger Date Proposed Limit (g/l)¹
New Coatings Categories: Building Envelope Coatings Stains Exterior/Dual Interior Only Tile and Stone Sealers	NA Stains (250) Stains (250)	50 100 250 100
Existing Coating Categories: Aluminum Roof Coatings Dry Fog Coatings Fire Resistive Coatings Floor Coatings Form Release Compounds Non-flat Coatings Nonflat - High Gloss Coatings Stains Waterproofing Membranes	400 150 350 100 250 100 150 250 120	100 50 150 50 100 50 (eliminated) 100 120
¹ Limits are expressed as VOC Regulatory, except for Low Solids Coatings. Limits for Low Solids Coatings are expressed as VOC Actual.		

Table 2 is added to the Rule and becomes effective upon contingency measure trigger date. There are no VOC content limits currently in place for colorants.

Table 2 VOC Content Limits for Colorants

Colorant Added to	VOC Content Limit ¹ , (g/l), Effective on and after Contingency Measure Trigger Date
Architectural Coatings, excluding Industrial Maintenance Coatings	50
Solvent-Based Industrial Maintenance Coatings	600
Waterborne Industrial Maintenance Coatings	50
Wood Coatings	600
¹ Limits are expressed as VOC Regulatory.	

The District is proposing to amend the definition of “Exempt Compounds” in District Rule 1.1 to include exempt VOCs that have been added to US EPA’s list of VOC exemptions since the last revision of Rule 1.1 in 2011. In addition, language is proposed to allow the Air Pollution Control Officer to revise the list of “Exempt Compounds” in Rule 1.1 Definitions by publishing a public notice of the revised list of “Exempt Compounds” in Rule 1.1 Definitions for 30 days in a newspaper of general circulation in the District, currently the Appeal Democrat, after consideration of any comments received thereupon, and after consultation with CARB. By adding language to District Rule 1.1 Definitions that allows the Air Pollution Control Officer to revise the exempt VOCs list in the “Exempt Compounds” definition, the District is able to be more responsive to the adoption of VOC exemptions, keep District rules up-to-date, and cut down on administrative costs associated with a formal rule revision.

On May 3, 2024, the District staff submitted the proposed draft of the rule to the US EPA as well as the California Air Resources Board (ARB) for cross-agency review and comment. ARB did not provide any comments regarding the proposed rule amendments. The US EPA did not provide comments regarding the proposed rule amendments.

A public notice was published in the May 3, 2024, edition of the Appeal-Democrat, which invited members of the public and industry to attend the public hearing for the adoption of Rule 1.1 and Rule 3.15 as well as submit written comments on the proposed rule until 5 PM on May 23, 2024. There was one comment letter received from the American Coatings Association (ACA). ACA requested that FRAQMD extend the sell-through provision for coatings and colorants in section C.3 from one year to three years after the contingency measure trigger date. The District could not incorporate the change because the contingency measure must achieve emission reductions within 2 years of the trigger date.

District Council also provided non-substantive changes to the proposed Rule 3.15 and Rule 1.1 & Rule 3.15 Staff Report. Comments received from District council were incorporated and staff revised both documents to correct the non-substantive changes.

FISCAL IMPACT

There is no fiscal impact to the District in adopting this rule.

ATTACHMENTS

- Attachment A: Resolution #2024-07
- Attachment B: Staff Report for Rule 1.1 & Rule 3.15
- Attachment C: Public Comments and Responses
- Attachment D: Proof of Publication

ATTACHMENT A
Resolution #2024-07

**RESOLUTION #2024-07 OF THE BOARD OF DIRECTORS AUTHORIZING THE
ADOPTION OF REGULATION I, RULE 1.1—Definitions and III, RULE 3.15 –
Architectural Coatings**

WHEREAS, California Health and Safety Code sections 40000, 40001, 40702, 40716 and 40910 authorize the Feather River Air Quality Management District to adopt this proposed rule and regulation; and

WHEREAS, these proceedings were held in a public hearing and were properly noticed pursuant to Health and Safety Code section 40725; with any evidence having been received concerning the proposed adoption of this Resolution and this Board having duly considered such evidence; and

WHEREAS, District staff has prepared a written analysis of the proposed rules, pursuant to Health and Safety Code section 40727.2, and has maintained a record of the rulemaking proceeding pursuant to Health and Safety Code section 40728 at the District office located at 541 Washington Avenue, Yuba City, CA; and

WHEREAS, there is no indication at this time that the proposed rules are written in such a manner that the persons affected by it could not easily understand it; and

WHEREAS, the proposed rules are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations and any duplication with existing state or federal regulations is necessary or proper to execute the powers and duties of the Feather River Air Quality Management District; and

WHEREAS, the proposed rules are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14, California Administrative Code, section 15308, as an action by a regulatory agency for the protection of the environment; and

WHEREAS, the District Board has made the required findings pursuant to Health and Safety Code section 40727, of authority, necessity, clarity, consistency, non-duplication, and reference in regard to the proposed rule;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT that effective June 3, 2024, the Board approves and adopts the amendments to Regulation I, Rule 1.1—Definitions and Regulation III, Rule 3.15 – Architectural Coatings to read in their entirety as set forth in Exhibits A and B of this resolution, attached hereto and made part hereof; and

BE IT FURTHER RESOLVED that the Air Pollution Control Officer is authorized to make non-substantial changes to the rules in consultation with District Counsel so long as the changes are consistent with the District's mission and goals; and

BE IT FURTHER RESOLVED the adoption of amendments to Regulation I, Rule 1.1 and Regulation III, Rule 3.15 is exempt from CEQA; and

BE IT FURTHER RESOLVED by the Board of Directors of the FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT that effective June 3, 2024, the Board instructs the District staff to submit Regulation I, Rule 1.1–Definitions and Regulation III, Rule 3.15 –Architectural Coatings and all necessary supporting documents to the California Air Resources Board for its approval and subsequent submittal to the United States Environmental Protection Agency for final approval as a revision to the State Implementation Plan to satisfy the requirements of Clean Air Act section 172(c)(9).

PASSED AND ADOPTED by the Feather River Air Quality Management District at a meeting on June 3, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman

ATTEST:

APPROVED FOR LEGAL FORM:

Exhibit A

District Regulation III, Rule 3.15 – Architectural Coatings

Rule 3.15 – Architectural Coatings

(Adopted 6/1991; Amended 5/96, 11/13/02, 8/04/2014, 6/03/2024)

A. GENERAL

- A.1 **PURPOSE:** To limit the quantity of Volatile Organic Compounds (VOCs) in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the District to attain and maintain state and federal ozone health-based standards.
- A.2 **APPLICABILITY:** Except as provided in subsection A.4, this rule is applicable to any person who:
- a. Supplies, sells, provides, markets, or offers for sale any architectural coating for use within the District; or
 - b. Manufactures, blends, or repackages any architectural coating for use within the District; or
 - c. Applies or solicits the application of any architectural coating within the District.
 - d. The Current VOC limits in Table 1 of this rule shall be effective until the Contingency Measure Trigger Date.
 - e. The Current VOC limits in Table 1 of this rule shall remain in effect until the sell through provision in Section C.3 of this rule. This Section does not apply to any coating that does not display the date or date code required by Section D.1.a. of this rule.
- A.3 **SEVERABILITY:** Each provision of this rule shall be deemed severable, and in the event that any provision of this rule is held to be invalid, the remainder of this rule shall continue in full force and effect.
- A.4 **EXEMPTIONS:**
- a. This rule does not apply to:
 1. Any architectural coating that is supplied, sold, offered for sale, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging.
 2. Any aerosol coating product.
 - b. With the exception of section E, this rule does not apply to any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less provided:
 1. The coating container is not bundled together with other containers of the same specific coating category

- (listed in Table 1) to be sold as a unit that exceeds one liter (1.057 quart), excluding containers packed together for shipping to a retail outlet, and
2. The label or any other product literature does not suggest combining multiple containers of the same specific category (listed in Table 1) so that the combination exceeds one liter (1.057 quart).
- c. Colorant added at the factory or at the worksite is not subject to the VOC limit in Table 2. In addition, containers of colorant sold at the point of sale for use in the field or on a jobsite are also not subject to the VOC limit in Table 2.

B. DEFINITIONS

- B.1 **ADHESIVE:** Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.
- B.2 **AEROSOL COATING PRODUCT:** A pressurized coating product containing pigments or a resin that dispenses product ingredients by means of a propellant, and is packaged in a non-refillable, disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.
- B.3 **ALUMINUM ROOF COATING:** A coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content must be determined in accordance with SCAQMD Method 318-95, incorporated by reference in subsection F.5.c.
- B.4 **APPURTENANCE:** Any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.
- B.5 **ARCHITECTURAL COATING:** A coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and

adhesives are not considered architectural coatings for the purposes of this rule.

- B.6 **BASEMENT SPECIALTY COATING:** A clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement Specialty Coatings must meet the following criteria:
- a. Coating must be capable of withstanding at least 10 psi of hydrostatic pressure, as determined in accordance with ASTM D7088-17, incorporated by reference in subsection F.5.k.; and
 - b. Coating must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM D3273-16 and ASTM D3274-09 (2017), incorporated by reference in subsection F.5.q.
- B.7 **BITUMENS:** Black or brown materials, including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.
- B.8 **BITUMINOUS ROOF COATING:** A coating which incorporates bitumens that is labeled and formulated exclusively for roofing.
- B.9 **BITUMINOUS ROOF PRIMER:** A primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.
- B.10 **BOND BREAKER:** A coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.
- B.11 **BUILDING ENVELOPE:** The ensemble of exterior and demising partitions of a building that enclose conditioned space.
- B.12 **BUILDING ENVELOPE COATING:** The fluid applied coating applied to the building envelope to provide a continuous barrier to air or vapor leakage through the building envelope that separates conditioned from unconditioned spaces. Building Envelope Coatings are applied to diverse materials including, but not limited to, concrete masonry units (CMU), oriented strand board (OSB), gypsum board, and wood

substrates and must meet the following performance criteria:

B.12.1 Air Barriers formulated to have an air permeance not exceeding 0.004 cubic feet per minute per square foot under a pressure differential of 1.57 pounds per square foot (0.004 cfm/ft² @ 1.57 psf), [0.02 liters per square meter per second under a pressure differential of 75 Pa (0.02 L/(s m²) @ 75 Pa)] when tested in accordance with ASTM E2178-13, incorporated by reference in subsection F.5.pressure differential of 75 Pa (0.02 L/(s m²) @ 75 Pa)] when tested in accordance with ASTM E2178-13, incorporated by reference in subsection F.5.v.; and/or

B.12.2 Water Resistive Barriers formulated to resist liquid water that has penetrated a cladding system from further intruding into the exterior wall assembly and is classified as follows:

- B.12.2.1 Passes water resistance testing accordance to ASTM E331-00 (2016), incorporated by reference in subsection F.5.w. and
- B.12.2.2 Water vapor permeance is classified in accordance with ASTM E96/96M-16, incorporated by reference in subsection F.5.x.

- B.13 **COATING:** A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.
- B.14 **COLORANT:** A concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.
- B.15 **CONCRETE CURING COMPOUND:** A coating labeled and formulated for application to freshly poured concrete to perform one or more of the following functions:
- a. Retard the evaporation of water; or
 - b. Harden or dustproof the surface of freshly poured concrete.

- B.16 **CONCRETE/MASONRY SEALER:** A clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:
- a. Prevent penetration of water; or
 - b. Provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or
 - c. Harden or dustproof the surface of aged or cured concrete.
- B.17 **CONTINGENCY MEASURE TRIGGER DATE:** The effective date of an EPA final rulemaking that conditions described in Clean Air Act Sections 172(c)(9) and 182(c)(9) have occurred in the District regarding the 2008 or 2015 8-hour Ozone National Ambient Air Quality Standard.
- B.18 **DRIVEWAY SEALER:** A coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:
- a. Fill cracks; or
 - b. Seal the surface to provide protection; or
 - c. Restore or preserve the appearance.
- B.19 **DRY FOG COATING:** A coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.
- B.20 **EXEMPT COMPOUND:** Exempt compound: A compound identified as exempt under the definition of Volatile Organic Compound (VOC), subsection B.66. Exempt Compounds content of a coating must be determined by U.S. EPA Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised 1996), incorporated by reference in subsection F.5.g.
- B.21 **FAUX FINISH COATING:** A coating labeled and formulated to meet one or more of the following criteria:
- a. A glaze or textured coating used to create artistic effects, including, but not limited to: dirt, suede, old age, smoke damage, and simulated marble and wood grain; or
 - b. A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at

- least 0.4 pounds per gallon); or
- c. A decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in subsection F.5.c.; or
 - d. A decorative coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater than 0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content must be determined in accordance with SCAQMD Method 318-95, incorporated by reference in subsection F.5.c.; or
 - e. A clear topcoat to seal and protect a Faux Finishing coating that meets the requirements of subsection B.21.a., B.21.b., B.21.c., or B.21.d. These clear topcoats must be sold and used solely as part of a Faux Finishing coating system, and must be labeled in accordance with subsection D.1.d.

B.22 FIRE-RESISTIVE COATING: A coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The Fire Resistive category includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. Fire Resistive coatings must be tested in accordance with ASTM Designation E 119-18ce1, incorporated by reference in subsection F.5.a. Fire Resistive coatings and testing agencies must be approved by building code officials.

B.23 FLAT COATING: A coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in subsection F.5.b.

B.24 FLOOR COATING: An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces which may be subject to foot traffic.

- B.25 **FORM-RELEASE COMPOUND:** A coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.
- B.26 **GRAPHIC ARTS COATING OR SIGN PAINT:** A coating labeled and formulated for hand-application by artists using brush, airbrush, or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.
- B.27 **HIGH-TEMPERATURE COATING:** A high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).
- B.28 **INDUSTRIAL MAINTENANCE COATING:** A high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed in subsections B.28.a. through B.28.e., and labeled as specified in subsection D.1.e.:
- a. Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation; or
 - b. Acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; or
 - c. Frequent exposure to temperatures above 121°C (250°F); or
 - d. Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or
 - e. Exterior exposure of metal structures and structural components.
- B.29 **INTERIOR STAIN:** A stain labeled and formulated exclusively for use on interior surfaces.
- B.30 **INTUMESCENT:** A material that swells as a result of heat exposure, thus increasing in volume and decreasing in density.

- B.31 **LOW SOLIDS COATING:** A coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material as recommended for application by the manufacturer. The VOC content for Low Solids Coatings shall be calculated in accordance with subsection B.67.
- B.32 **MAGNESITE CEMENT COATING:** A coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- B.33 **MANUFACTURER'S MAXIMUM THINNING RECOMMENDATION:** The maximum recommendation for thinning that is indicated on the label or lid of the coating container.
- B.34 **MARKET:** 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.
- B.35 **MASTIC TEXTURE COATING:** A coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (at least 0.010 inch) dry film thickness.
- B.36 **MEDIUM DENSITY FIBERBOARD (MDF):** A composite wood product, panel, molding, or other building material composed of cellulosic fibers (usually wood) made by dry forming and pressing of a resinated fiber mat.
- B.37 **METALLIC PIGMENTED COATING:** A coating that is labeled and formulated to provide a metallic appearance. Metallic Pigmented coatings must contain at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in subsection F.5.c. The Metallic Pigmented Coating category does not include coatings applied to roofs or Zinc-Rich Primers.
- B.38 **MULTI-COLOR COATING:** A coating that is packaged in a single container and that is labeled and formulated to exhibit more than one color when applied in a single coat.
- B.39 **NONFLAT COATING:** A coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM Designation D523-14 (2018),

incorporated by reference in subsection F.5.b.

- B.40 **NONFLAT - HIGH GLOSS COATING:** A nonflat coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM Designation D 523-14 (2018), incorporated by reference in subsection F.5.b. Nonflat - High Gloss coatings must be labeled in accordance with subsection D.1.j. This definition will sunset on the Contingency Measure-Trigger date.
- B.41 **PARTICLEBOARD:** A composite wood product panel, molding, or other building material composed of cellulosic material (usually wood) in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.
- B.42 **PEARLESCENT:** Exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.
- B.43 **PLYWOOD:** A panel product consisting of layers of wood veneers or composite core pressed together with resin. Plywood includes panel products made by either hot or cold pressing (with resin) veneers to a platform.
- B.44 **POST-CONSUMER COATING:** Finished coatings generated by a business or consumer that have served their intended end uses, and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.
- B.45 **PRE-TREATMENT WASH PRIMER:** A primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM Designation D 1613-17, incorporated by reference in subsection F.5.d., which is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.
- B.46 **PRIMER, SEALER, AND UNDERCOATER:** A coating labeled and formulated for one or more of the following purposes:
- a. To provide a firm bond between the substrate and the subsequent coatings; or
 - b. To prevent subsequent coatings from being absorbed by the substrate; or
 - c. To prevent harm to subsequent coatings by materials in the substrate; or
 - d. To provide a smooth surface for the subsequent

- application of coatings; or
- e. To provide a clear finish coat to seal the substrate;
or
- f. To block materials from penetrating into or leaching
out of a substrate.

- B.47 **REACTIVE PENETRATING SEALER:** A clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive Penetrating Sealers must meet all of the following criteria:
- a. The Reactive Penetrating Sealer must improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in subsection F.5.r.: ASTM C67/C67M-18, or ASTM C97/97M-18, or ASTM C140/C140M-18a; and
 - b. The Reactive Penetrating Sealer must provide a breathable waterproof barrier for concrete or masonry surfaces that does not prevent or substantially retard water vapor transmission. This performance must be verified on standardized test specimens, in accordance with ASTM E96/96M-16 or ASTM D6490-99 (2014), incorporated by reference in section F.5.s.; and; and
 - c. Products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), incorporated by reference in subsection F.5.t.
 - d. Reactive Penetrating Sealers must be labeled in accordance with subsection D.1.g.
- B.48 **RECYCLED COATING:** An architectural coating formulated such that it contains a minimum of 50% by volume post-consumer coating, with a maximum of 50% by volume secondary industrial materials or virgin materials.

- B.49 **ROOF COATING:** A non-bituminous coating labeled and formulated for application to roofs for the primary purpose

of preventing water penetration, reflecting ultraviolet light, or reflecting solar radiation.

- B.50 **RUST PREVENTATIVE COATING:** A coating formulated to prevent the corrosion of metal surfaces for one or more of the following applications:
- a. Direct-to-metal coating; or
 - b. Coating intended for application over rusty, previously coated surfaces.

The Rust Preventative category does not include the following:

- c. Coatings that are required to be applied as a topcoat over a primer; or
- d. Coatings that are intended for use on wood or any other nonmetallic surface.

Rust Preventative coatings are for metal substrates only and must be labeled as such, in accordance with the labeling requirements in subsection D.1.f.

- B.51 **SECONDARY INDUSTRIAL MATERIALS:** Products or by-products of the paint manufacturing process that is of known composition and have economic value but can no longer be used for their intended purpose.
- B.52 **SEMITRANSSPARENT COATING:** A coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.
- B.53 **SHELLAC:** A clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Lacifer lacca*) and formulated to dry by evaporation without a chemical reaction.
- B.54 **SHOP APPLICATION:** Application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).
- B.55 **SOLICIT:** To require for use or to specify, by written or oral contract.
- B.56 **SPECIALTY, SEALER, and UNDERRCOATER:** A coating that is formulated for application to a substrate to block water-soluble stains resulting from: fire damage; smoke damage; or water damage. Effective on and after the Contingency

Measure Trigger Date, Specialty Primers, Sealers, and Undercoaters must be labeled in accordance with subsection D.1.h.

- B.57 **STAIN:** A semitransparent or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.
- B.58 **STONE CONSOLIDANT:** A coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants must be specified and used in accordance with ASTM E2167-01 (2008), incorporated by reference in subsection F.5.u. Stone Consolidants are for professional use only and must be labeled as such, in accordance with the labeling requirements in subsection D.1.i.
- B.59 **SWIMMING POOL COATING:** A coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals. Swimming pool coatings include coatings used for swimming pool repair and maintenance.
- B.60 **TILE AND STONE SEALERS:** A clear or pigmented sealer that is used for sealing tile, stone or grout to provide resistance against water, alkalis, acids, ultraviolet light or straining and which meeting one of the following subcategories:
- a. Penetrating sealers are polymer solutions that cross-link in the substrate and must meet the following criteria:
 1. A fine particle structure to penetrate dense tile such as porcelain with absorption as low as 0.10 percent per ASTM C373-18, ASTM C97/97M-18, or ASTM C642-13, incorporated in subsection F.5.y.,
 2. Retain or increase static coefficient of friction per ANSI A137.1 (2012), incorporated by reference in subsection F.5.z.,
 3. Not create a topical surface film on the tile or stone, and
 4. Allow vapor transmission per ASTM E96/96M-16, incorporated by subsection F.5.aa.
 - b. Film forming sealer which leave a protective film on the service.

- B.61 **TINT BASE:** An architectural coating to which colorant is added after packaging in sale units to produce a desired color.
- B.62 **TRAFFIC MARKING COATING:** A coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces, including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways. Effective on and after the Contingency Measure Trigger Date, this coating category also includes Methacrylate Multicomponent Coatings used as traffic marking coatings. The VOC content of Methacrylate Multicomponent Coatings used as traffic marking coatings must be analyzed by the procedures in 4- CFR Part 59, Subpart D, Appendix A, incorporated by reference in Section F.5.j.
- B.63 **TUB AND TILE REFINISH COATING:** A clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings must meet all of the following criteria:
- a. The coating must have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder. This must be determined on bonderite 1000, in accordance with ASTM D3363-05 (2011)e2, incorporated by reference in subsection F.5.m.; and
 - b. The coating must have a weight loss of 20 milligrams or less after 1000 cycles. This must be determined with CS-17 wheels on bonderite 1000, in accordance with ASTM D4060-14, incorporated by reference in subsection F.5.n.; and
 - c. The coating must withstand 1000 hours or more of exposure with few or no #8 blisters. This must be determined on unscribed bonderite, in accordance with ASTM D4585/D4585M-18, and ASTM D714 (2017), incorporated by reference in subsection F.5.o.; and
 - d. The coating must have an adhesion rating of 4B or better after 24 hours of recovery. This must be determined on unscribed bonderite, in accordance with ASTM D4585-99-/D4585M-18 and ASTM D3359-17, incorporated by reference in subsection F.5.l.
- B.64 **VENEER:** Thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.
- B.65 **VIRGIN MATERIALS:** Materials that contain no post-consumer

coatings or secondary industrial materials.

B.66 **VOLATILE ORGANIC COMPOUND (VOC)**: As defined in District Rule 1.1.

B.67 **VOC ACTUAL**: VOC Actual is the weight of VOC per volume of coating or colorant and it is calculated with the following equation:

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

Where:

VOC Actual = the grams of VOC per liter of coating or colorant

(also known as "Material VOC")

W_s = weight of volatiles, in grams
 W_w = weight of water, in grams
 W_{ec} = weight of exempt compounds, in grams
 V_m = volume of coating or colorant, in liters

B.68 **VOC CONTENT**: The weight of VOC per volume of coating or colorant. VOC Content is VOC Regulatory, as defined in subsection B.69, for all coatings or colorants except those in the Low Solids category. For coatings in the Low Solids category, the VOC Content is VOC Actual, as defined in subsection B.67. If the coating is a multi-component product, the VOC content is VOC Regulatory as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

B.69 **VOC REGULATORY**: VOC Regulatory is the weight of VOC per volume of coating or colorant, less the volume of water and exempt compounds. It is calculated with the following equation:

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

Where:

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

W_s = weight of volatiles, in grams
 W_w = weight of water, in grams
 W_{ec} = weight of exempt compounds, in grams
 V_m = volume of coating or colorant, in liters

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

- B.70 **WATERPROOFING MEMBRANE:** A clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate. Waterproofing Membranes are intended for the following waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing Membranes must meet the following criteria:
- Coating must be applied in a single coat of at least 25 mils at least 0.025 inch) dry film thickness; and
 - Coatings must meet or exceed the requirements contained in ASTM C836/C836M-18, incorporated by reference in subsection F.5.p.

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

- B.71 **WOOD COATING:** Coatings labeled and formulated for application to wood substrates only. The Wood Coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The Wood Coatings category also includes the following opaque wood coatings: opaque lacquers; opaque sanding sealers; and opaque lacquer undercoaters. The Wood Coatings category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or coatings intended for substrates other than wood.

Wood Coatings must be labeled "For Wood Substrates Only", in accordance with subsection D.1.k.

- B.72 **WOOD PRESERVATIVE:** A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, et seq.) and with the California Department of Pesticide Regulation.
- B.73 **WOOD SUBSTRATE:** A substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Products

do not include items comprised of simulated wood.

B.74 **ZINC-RICH PRIMER:** A coating that meets all of the following specifications:

- a. Coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and
- b. Coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and
- c. Coating is intended for professional use only and is labeled as such, in accordance with the labeling requirements in subsection D.1.1.

C. STANDARDS

C.1 **VOC CONTENT LIMITS FOR COATINGS:** Except as provided in subsections C.2 or C.3, no person may:

- a. manufacture, blend, or repackage for use within the district; or
- b. supply, sell, market, or offer for sale for use within the district; or
- c. solicit for application or apply within the district, any architectural coating with VOC content in excess of the corresponding limit specified in Table 1, Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

C.2 **MOST RESTRICTIVE VOC LIMIT:** If a coating meets the definition in Section B for one or more specialty coating categories that are listed in Table 1, then that coating is not required to meet the VOC limits for Flat or Nonflat, but is required to meet the VOC limit for the applicable specialty coating listed in Table 1.

With the exception of the specialty coating categories specified in subsections C.2.a. through C.2.1, if a coating is recommended for use in more than one of the specialty coating categories listed in Table 1, the most restrictive (or lowest) VOC content limit shall apply. This requirement applies to: usage recommendations that appear anywhere on the coating container, anywhere on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf.

- a. Metallic pigmented coatings.

- b. Shellacs.
- c. Pretreatment wash primers.
- d. Industrial maintenance coatings.
- e. Low-solids coatings.
- f. Wood preservatives.
- g. High temperature coatings.
- h. Bituminous roof primers.
- i. Specialty primers, sealers, and undercoaters.
- j. Aluminum roof coatings.
- k. Zinc-rich primers.
- l. Wood Coatings.

C.3 SELL-THROUGH PROVISIONS: Coatings or colorants manufactured prior to the Contingency Measure Trigger Date specified in Table 1 or Table 2 must meet the following:

- a. A coating manufactured prior to the Contingency Measure Trigger Date may be sold, supplied, or offered for sale for up to one year after the Contingency Measure Trigger Date, provided the coating complies with the version of Rule 3.15-Architectural Coatings, effective August 4, 2014 (incorporated by reference). This version of the rule is posted on the District's website, www.fraqmd.org. In addition, such a coating may be applied at any time, both before and after the Contingency Measure Trigger Date, so long as the coating complied with the standards in effect at the time the coating was manufactured. This subsection C.3 does not apply to any coating that does not display the date or date-code required by subsection D.1.a.
- b. A colorant manufactured prior to the Contingency Measure Trigger Date specified in Table 2 may be sold, supplied, or offered for sale for up to 1 year after the Contingency Measure Trigger Date. In addition, a colorant manufactured before the Contingency Measure Trigger Date specified for that colorant in Table 2 may be applied at any time, both before and after the specified Contingency Measure Trigger Date, so long as the colorant complied with the standards in effect at the time the colorant was manufactured. This subsection C.3 does apply to any colorant that does not display the date or date-code required by subsection D.2.a.

C.4 PAINTING PRACTICES: All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, must be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays or other application containers. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed

when not in use.

- C.5 **THINNING:** No person who applies or solicits the application of any architectural coating must apply a coating that is thinned to exceed the applicable VOC limit specified in Table 1.
- C.6 **COATINGS NOT LISTED IN TABLE 1:** For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 1, the VOC content limit must be determined by classifying the coating as a Flat, Nonflat, or Nonflat - High Gloss coating, based on its gloss, as defined in subsections B.23, B.39, and B.40, and the corresponding Flat, Nonflat, or Nonflat - High Gloss VOC limit in Table 1 applies.
- C.7 **VOC CONTENT LIMITS FOR COLORANTS:**
- a. Effective on and after the Contingency Measure Trigger Date, no person within the District shall, at the point of sale of any architectural coating subject to subsection F.1, add to such coating any colorant that contains VOC, expressed as VOC Regulatory, in excess of the corresponding applicable VOC limit specified in Table 2. The point of sale includes retail outlets that add colorant to a coating to a container to obtain a specific color.
 - b. Colorants added at the factory or at the job site are not subject to the VOC Limits in Table 2. In addition, containers or colorant sold at the point of sale for use in the field or on a job site are also not subject to the VOC limits in Table 2.
- C.8 **EARLY COMPLIANCE PROVISION:** Prior to the Contingency Measure Trigger Date, any coating that meets all the requirements of the rule will be in effect on and after the Contingency Measure Trigger Date is considered to be in compliance with this rule.

D. CONTAINER LABELING REQUIREMENTS:

- D.1 Each manufacturer of any architectural coating subject to this rule must display the information listed in subsections D.1.a. through D.1.l. on the coating container (or label) in which the coating is sold or distributed.
- a. **Date Code:** The date the coating was manufactured, or a date code representing the date, must be indicated on

the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer must file an explanation of each code with the Executive Officer of the ARB.

- b. **Thinning Recommendations:** A statement of the manufacturer's recommendation regarding thinning of the coating must be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.
- c. **VOC Content:** Each container of any coating subject to this rule must display one of the following values in grams of VOC per liter of coating:
 1. Maximum VOC Content as determined from all potential product formulations; or
 2. VOC Content as determined from actual formulation data; or
 3. VOC Content as determined using the test methods in subsection F.2.

If the manufacturer does not recommend thinning, the container must display the VOC Content, as supplied. If the manufacturer recommends thinning, the container must display the VOC Content, including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing. VOC Content shall be determined as defined in subsections B.67, B.68, and B.69.

- d. **Faux Finishing Coatings:** The labels of all Faux Finishing coatings must prominently display the statement "This product can only be sold or used as part of a Faux Finishing coating system". Section D.1.d will sunset on the Contingency Measure Trigger Date.
- e. **Industrial Maintenance Coatings:** The labels of all Industrial Maintenance coatings must prominently display the statement "Not for residential use," or "Not Intended for residential use," or "For industrial use only," or "For professional use only". Section D.1.e will sunset on the Contingency Measure Trigger

Date.

- f. **Rust Preventative Coatings:** The labels of all rust preventative coatings must prominently display the statement "For Metal Substrates Only."
- g. **Reactive Penetrating Sealers:** The labels of all Reactive Penetrating Sealers must prominently display the statement "Reactive Penetrating Sealer".
- h. **Specialty Primers, Sealers, and Undercoaters:** The label for all specialty primers, sealers, and undercoaters shall prominently display the statement "For Specialty Primers, Sealer, Undercoater."
- i. **Stone Consolidants:** The labels of all Stone Consolidants must prominently display the statement "Stone Consolidant - For Professional Use Only".
- j. **Nonflat - High Gloss Coatings:** The labels of all Nonflat - High Gloss coatings must prominently display the words "High Gloss." This section will sunset on the Contingency Measure Trigger Date.
- k. **Wood Coatings:** The labels of all Wood Coatings must prominently display the statement "For Wood Substrates Only".
- l. **Zinc Rich Primers:** The labels of all Zinc Rich Primers must prominently display one or more of the descriptions listed in Sections D.1.1.a. through D.1.1.c.
 - a. "Not for residential use," or "Not Intended for residential use," This section will sunset on the Contingency Measure Trigger Date.
 - b. "For industrial use only," This section will sunset on the Contingency Measure Trigger Date.
 - c. "For Professional Use Only".

D.2 **CONTAINER LABELING REQUIREMENTS FOR COLORANTS:** Effective on and after the Contingency Measure Trigger Date, each manufacturer of any colorant subject to this rule shall display the information listed in subsections D.2.a. and D.2.b. on the container (or label) in which the colorant is sold or distributed.

- a. **Date Code:** The date the colorant was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any colorant, the manufacturer shall file an explanation of each code with the Executive Officer.
- b. **VOC Content:** Each container of any colorant subject to this rule shall display one of the following values in grams of VOC per liter of colorant:

1. Maximum VOC Content as determined from all potential product formulations; or
2. VOC Content as determined from actual formulation data; or
3. VOC Content as determined using the test methods in subsection F.2

If the colorant contains silanes, Siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing. VOC Content shall be determined as defined in subsections B.67, B.68, and B.69.

E. REPORTING REQUIREMENTS

E.1 **SALES DATA:** A responsible official from each manufacturer must upon request of the APCO, or his or her delegate, provide data concerning the distribution and sales of architectural coatings. The responsible official must within 180 days provide information, including, but not limited to:

- a. the name and mailing address of the manufacturer;
- b. the name, address and telephone number of a contact person;
- c. the name of the coating product as it appears on the label and the applicable coating category;
- d. whether the product is marketed for interior or exterior use or both;
- e. the number of gallons sold in California in containers greater than one liter (1.057 quart) and equal to or less than one liter (1.057 quart);
- f. the VOC Actual content and VOC Regulatory content in grams per liter. If thinning is recommended, list the VOC Actual content and VOC Regulatory content after maximum recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC content as mixed or catalyzed;
- g. the names and CAS numbers of the VOC constituents in the product;
- h. the names and CAS numbers of any compounds in the product specifically exempted from the VOC definition, as referenced in section B.66;
- i. whether the product is marketed as solvent-borne, waterborne, or 100% solids;

- j. description of resin or binder in the product;
- k. whether the coating is a single-component or multi-component product;
- l. the density of the product in pounds per gallon;
- m. the percent by weight of: solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition, as referenced in section B.66; and
- n. the percent by volume of: solids, water, and any compounds in the product specifically exempted from the VOC definition, as referenced in section B.66.

All sales data listed in subsections E.1.a. to E.1.n... must be maintained by the responsible official for a minimum of three years. Sales data submitted by the responsible official to the APCO may be claimed as confidential, and such information must be handled in accordance with the procedures specified in Title 17, California Code of Regulations Sections 91000-91022.

F. COMPLIANCE PROVISIONS AND TEST METHODS

- F.1 **CALCULATION OF VOC CONTENT:** For the purpose of determining compliance with the VOC content limits in Table 1 or Table 2, the VOC content of a coating shall be determined as defined in subsection B.67, B.68, or B.69. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured. If the manufacturer does not recommend thinning, the VOC Content must be calculated for the product as supplied. If the manufacturer recommends thinning, the VOC Content must be calculated including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the VOC content must be calculated as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.
- F.2 **VOC CONTENT:** The VOC content of coatings or colorants must be determined by the following:
- a. To determine the physical properties of a coating or colorant in order to perform the calculations in subsection B.67 or B.68, the reference method for content is U.S. EPA Method 24, incorporated by reference in subsection F.5.h., except as provided in subsections F.3 and F.4.

- b. An alternative method to determine the VOC content of coatings or colorants is SCAQMD Method 304-91 (Revised 1996), incorporated by reference in subsection F.5.i.
- c. The exempt compounds content must be determined by SCAQMD Method 303-91 (Revised 1996), Bay Area Air Quality Management District (BAAQMD) 43 (Revised 2005), or BAAQMD Method 41 (Revised 2005), as applicable, incorporated by reference in subsections F.5.e., F.5.f., and F.5.g., respectively.
- d. To determine the VOC content of a coating or colorant, the manufacturer may use U.S. EPA Method 24, or an alternative method as provided in subsection F.3, formulation date, or any other reasonable means for predicting that the coating or colorant has been formulated as intended (e.g., quality assurance checks, record keeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 test results will govern, except when an alternative method is approved as specified in subsection F.3. The APCO may require the manufacturer to conduct a Method 24 analysis.
- e. To determine the VOC content of a coating or colorant with a VOC content of 150 g/l or less, the manufacturer may use SCAQMD Method 313-91, incorporated by reference in subsection F.5.bb., ASTM D6886-18, incorporated by reference in subsection F.5.cc., or any other reasonable means for predicting that the coating or colorant has been formulated as intended (e.g., quality assurance checks, record keeping).

F.3 **ALTERNATIVE TEST METHODS:** Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subsection F.2, after review and approved in writing by the District, the ARB, and the U.S. EPA may also be used.

F.4 **METHACRYLATE TRAFFIC MARKING COATINGS:** Analysis of methacrylate multicomponent coatings used as traffic marking coatings must be conducted according to a modification of U.S. EPA Method 24 (40 CFR 59, subpart D, Appendix A), incorporated by reference in subsection F.5.j. This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.

F.5 **TEST METHODS:** The following test methods are incorporated by reference herein, and shall be used to test coatings subject to the provisions of this rule:

- a. **Fire Resistance Rating:** The fire resistance rating of a fire-resistive coating must be determined by ASTM E 119-18ce1, "Standard Test Methods for Fire Tests of Building and Construction Materials" (see section B.22, Fire-Resistive Coating).
- b. **Gloss Determination:** The gloss of a coating must be determined by ASTM D 523-14 (2018), "Standard Test Method for Specular Gloss" (see section B.23, B.39, B.40 Flat Coating, Nonflat Coating, and Nonflat - High Gloss Coating).
- c. **Metal Content of Coatings:** The metallic content of a coating must be determined by SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see section B.3, B.21, and B.37, Aluminum Roof, Faux Finishing, and Metallic Pigmented Coating).
- d. **Acid Content of Coatings:** The acid content of a coating must be determined by ASTM D-1613-17, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products" (see section B.45, Pre-Treatment Wash Primer).
- e. **Exempt Compounds--Siloxanes:** Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, must be analyzed as exempt compounds for compliance with section F by BAAQMD Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," BAAQMD Manual of Procedures, Volume III, adopted 11/6/96 (see section B.66, Volatile Organic Compound, and subsection F.2.c.).
- f. **Exempt Compounds--Parachlorobenzotrifluoride (PCBTF):** The exempt compound parachlorobenzotrifluoride, must be analyzed as an exempt compound for compliance with section F by BAAQMD Method 41, "Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride," BAAQMD Manual of Procedures, Volume III, adopted 12/20/95 (see section B.66, Volatile Organic Compound, and subsection F.2.c.).
- g. **Exempt Compounds:** The content of compounds exempt under U.S. EPA Method 24 must be analyzed by SCAQMD Method 303- 91 (Revised 1996), "Determination of Exempt Compounds," SCAQMD Laboratory Methods of Analysis for Enforcement Samples (see section B.66, Volatile Organic Compound, and subsection F.2.c.).
- h. **VOC Content of Coatings:** The VOC content of a coating must be determined by U.S. EPA Method 24 as it exists in appendix A of 40 Code of Federal Regulations (CFR)

- part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings" (see subsection F.2.c).
- i. **Alternative VOC Content of Coatings:** The VOC content of coatings may be analyzed either by U.S. EPA Method 24 or SCAQMD Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," SCAQMD Laboratory Methods of Analysis for Enforcement Samples (see subsection F.2.c.).
 - j. **Methacrylate Traffic Marking Coatings:** The VOC content of methacrylate multicomponent coatings used as traffic marking coatings must be analyzed by the procedures in 40 CFR part 59, subpart D, appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings" (see subsection F.4).
 - k. **Hydrostatic Pressure for Basement Specialty Coatings:** ASTM D7088-17, "Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry" (see section B.6, Basement Specialty Coating).
 - l. **Tub and Tile Refinish Coating Adhesion:** ASTM D 4585M/D4585-18, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D3359- 17, "Standard Test Methods for Measuring Adhesion by Tape Test" (see section B.63.d., Tub and Tile Refinish Coating).
 - m. **Tub and Tile Refinish Coating Hardness:** ASTM D 3363-05, "Standard Test Method for Film Hardness by Pencil Test" (see section B.63.a., Tub and Tile Refinish Coating).
 - n. **Tub and Tile Refinish Coating Abrasion Resistance:** ASTM D-4060-07, "Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser" (see section B.63.b., Tub and Tile Refinish Coating).
 - o. **Tub and Tile Refinish Coating Water Resistance:** ASTM D-4585M-18, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D714-02 (2017), "Standard Test Method for Evaluating Degree of Blistering of Paints" (see section B.63.c., Tub and Tile Refinish Coating).
 - p. **Waterproofing Membrane:** ASTM C836-18, "Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course" (see section B.70, Waterproofing Membrane).
 - q. **Mold and Mildew Growth for Basement Specialty Coatings:** ASTM D3273-16, "Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber" and ASTM D3274-09(2017), "Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation" (see section B.6, Basement Specialty Coating).

- r. **Reactive Penetrating Sealer Water Repellency:** ASTM C67/C67M- 18, "Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile"; or ASTM C97/C97M-18, "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone"; or ASTM C140/C140M-18a, "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units" (see section B.47.a., Reactive Penetrating Sealer).
- s. **Reactive Penetrating Sealer Water Vapor Transmission:** ASTM E96/E96M-16, "Standard Test Method for Water Vapor Transmission of Materials" or ASTM D6490-99 (2014), "Standard Test Method for Water Vapor Transmission of Nonfilm Forming Treatments Used on Cementitious" (see section B.47.b., Reactive Penetrating Sealer).
- t. **Reactive Penetrating Sealer - Chloride Screening Applications:** National Cooperative Highway Research Report 244 (1981), "Concrete Sealers for the Protection of Bridge Structures" (see section B.47.c., Reactive Penetrating Sealer).
- u. **Stone Consolidants:** ASTM E2167-01, "Standard Guide for Selection and Use of Stone Consolidants" (see section B.58, Stone Consolidant).
- v. **Building Envelope Coating of Air Permeance of Building Materials:** ASTM E2178-13, "Standard Test Method for Air Permeance of Building Materials" (see section B.12.1., Building Envelope Coating).
- w. **Building Envelope Coating Water Penetration Testing:** ASTM E331-00 (2016). "Standard Test Method for Water Penetration of Exterior Windows, Skylights, Doors, and Curtain Walls by Uniform Static Air Pressure Difference" (see section B.12.2.a., Building Envelope Coating).
- x. **Building Envelope Coating Water Vapor Transmission:** ASTM E96/E96M-16, "Standard Test Methods for Water Vapor Transmission of Materials" (see section B.12.2.b., Building Envelope Coating).
- y. **Tile and Stone Sealers Absorption:** ASTM C373-18, "Standard Test Method for Determination of Water Absorption and Associated Properties by Vacuum Method for Pressed Ceramic Tile and Glass Tiles and Boil Methods for Extruded Ceramic Tiles and Non-tile Fired Ceramic Whiteware Products"; or ASTM C97/97M-18, "Standard Test Methods for Absorption and Bulk Specific Gravity for Dimension Stone"; or ASTM C642-13, "Standard Test Method for Density, Absorption, and Voids in Hardened Concrete" (see section B.60.a.1., Tile and Stone Sealers).
- z. **Tile and Stone Sealers-Static Coefficient of Friction:** ANSI A137.1 (2012), "American National Standard of Specifications for Ceramic Tile" (see section B.60.a.2., Tile and Stone Sealers).
- aa. **Tile and Stone Sealers Water Vapor Transmissions:** ASTM E96/96M-16, "Standard Test Methods for Water Vapor

Transmission of Materials" (see section B.60.a.4., Tile and Stone Sealers).

- bb. **VOC Content of Coatings:** South Coast AQMD Method 313-13, "Determination of Volatile Organic Compounds (VOC) by Gas Chromatography/Mass Spectrometry/Flame Ionization Detection (GS/MS/FID)" (see section F.2.e., VOC Content of Coatings).
- cc. **VOC Content of Coatings:** ASTM D6886-18, "Standard Test Method for Determination of the Weight Percent Individual Volatile Organic Compounds in Waterborne Air-Dry Coatings by Gas Chromatography" (See section F.2.e., VOC Content of Coatings).

Table 1
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS

Coating Category²	Current VOC Limit (g/l)	VOC Limit¹ (g/l) Effective on and after Contingency Measure Trigger Date
Flat Coatings	50	50
Nonflat Coatings	100	50
Nonflat - High Gloss Coatings	150	(Eliminated) ³
Specialty Coatings		
Aluminum Roof Coatings	400	100
Basement Specialty Coatings	400	400
Bituminous Roof Coatings	50	50
Bituminous Roof Primers	350	350
Bond Breakers	350	350
Building Envelope Coatings ⁴		50
Concrete Curing Compounds	350	350
Concrete/Masonry Sealers	100	100
Driveway Sealers	50	50
Dry Fog Coatings	150	50
Faux Finishing Coatings	350	350
Fire Resistive Coatings	350	150
Floor Coatings	100	50
Form-Release Compounds	250	100
Graphic Arts Coatings (Sign Paints)	500	500
High Temperature Coatings	420	420
Industrial Maintenance Coatings	250	250
Low Solids Coatings ^a	120	120
Magnesite Cement Coatings	450	450
Mastic Texture Coatings	100	100
Metallic Pigmented Coatings	500	500
Multi-Color Coatings	250	250
Pre-Treatment Wash Primers	420	420
Primers, Sealers, and Undercoaters	100	100
Reactive Penetrating Sealers	350	350

**Table 1
(Continued)**

Coating Category	Current VOC Limit (g/l)	VOC Limit¹ (g/l) Effective on and after the Contingency Measure Trigger Date
Recycled Coatings	250	250
Roof Coatings	50	50
Rust Preventative Coatings	250	250
Shellacs:		
• Clear	730	730
• Opaque	550	550
Specialty Primers, Sealers, and Undercoaters	100	100
Stains:		
• Exterior/Dual	Stains (250)	100
• Interior Only	Stains (250)	250
Stone Consolidants	450	450
Swimming Pool Coatings	340	340
Tile and Stone Sealers ⁴		100
Traffic Marking Coatings	100	100
Tub and Tile Refinish Coatings	420	420
Waterproofing Membranes	250	100
Wood Coatings	275	275
Wood Preservatives	350	350
Zinc-Rich Primers	340	340
¹ Limits are expressed as VOC Regulatory, except for Low Solids Coatings. Limits for Low Solids Coatings are expressed as VOC Actual. ² If the coating does not meet any of the definitions for the specialty coating categories listed in table 1, that coating will be classified as Flat, Nonflat or Nonflat-High Gloss based on its gloss level, and the corresponding VOC content limit will apply. ³ This definition will sunset on the Contingency Measure Trigger Date, and Nonflat-High Gloss Coatings will meet the definition of Nonflat Coatings. ⁴ Prior to the Contingency Measure Trigger Date a specific Building Envelope Coating or Tile and Stone Sealer will be classified based on the current specialty coating definition it meets, or if it doesn't meet any current specialty coating definition, it will be classified as Flat, Nonflat or Nonflat - High Gloss, based on its gloss level, and the corresponding VOC content limit will apply.		

Table 2
VOC Content Limits for Colorants

Colorant Added to	VOC Content Limit ¹ , (g/l), Effective on and after Contingency Measure Trigger Date
Architectural Coatings, excluding Industrial Maintenance Coatings	50
Solvent-Based Industrial Maintenance Coatings	600
Waterborne Industrial Maintenance Coatings	50
Wood Coatings	600
¹ Limits are expressed as VOC Regulatory.	

Exhibit B

District Regulation I, Rule 1.1 – Definitions

Rule 1.1 DEFINITIONS (Adopted 06/1991, Amended 8/1/2011, Amended 6/3/2024)**A. APPLICABILITY**

- A.1 The definitions listed in Section (B) of this rule shall be applicable to all Rules and Regulations of the Feather River Air Quality Management District, unless the same term is specifically defined in any other applicable Rule or Regulation.

B. DEFINITION OF TERMS

- B.1 **Agricultural Burning**: The use of open outdoor fires for the purpose of: Disposal of Agricultural Waste from agricultural operations; Forest Management Burning; Range Improvement Burning; Improvement of Land for Wildlife Habitat; Disease or Pest Prevention; Wildland Vegetative Management Burning and fires used for maintenance of a system for delivery of water for agricultural purposes.
- B.2 **Agricultural Operations**: The growing and harvesting of crops, including timber, or the raising of fowls, animals or bees, for the primary purpose of earning a living, or making a profit.
- B.3 **Agricultural Wastes**: The unwanted or unsalable material produced wholly from agricultural operations which are directly related to growing of crops, raising of fowls, animals or bees for the purpose of making a profit or a livelihood. This would also include grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation, and materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops, and which are used in the field. Example: empty fertilizer and pesticide sacks, bags or cartons.
- B.4 **Air Contaminant**: Includes smoke, dust, charred paper, soot, grime, carbon, acids, fumes, gases, odors, or particulate matter, or any combination thereof.
- B.5 **Air Pollution Control Officer (APCO)**: The air pollution control officer of the Feather River Air Quality Management District, and his duly authorized representatives.
- B.6 **Alteration or Modification**: Any addition to, enlargement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of equipment or control apparatus, which will

significantly increase or affect the kind or amount of air contaminants emitted.

- B.7 **Approved Ignition Devices**: Those instruments or materials that will ignite open fires for agricultural burning without the production of black smoke by the ignition device.
- B.8 **Atmosphere**: The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered to be an emission into the atmosphere.
- B.9 **Board**: The Board of Directors of the Feather River Air Quality Management District.
- B.10 **Brush Treated**: The material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicide.
- B.11 **Burn Day**: A day designated by the California Air Resources Board as permissible to allow open burning within designated districts or areas.
- B.12 **Combustible or Flammable Waste**: Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass or dead animals, or any other combustible or flammable refuse matter which is in solid or liquid state.
- B.13 **Combustion Contaminant**: Particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- B.14 **Condensed Fumes**: Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state.
- B.15 **Coordinated Agricultural Burning Program**: The Agricultural Burning Program approved by the Sacramento Valley Air Basin Control Council and the California Air Resources Board. It also includes policies and procedures developed by the District to Implement the Program.
- B.16 **Designated Agency**: The public fire protection or other agency designated by the California Air Resources Board to issue permits for agricultural burning.
- B.17 **District**: The Feather River Air Quality Management District.

- B.18 **Dust**: Minute solid particles released in the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.
- B.19 **Emission**: The passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant.
- B.20 **Emission Point**: The place at which an emission enters the atmosphere.
- B.21 **Exempt Compounds**: Means any compound listed in Table 1.

The Air Pollution Control Officer may revise Table 1 upon the Environmental Protection Agency (EPA) decision to add new negligibility photochemically reactive compounds duly noticed in the Federal Register and codified in Part 51 of Title 40 of the Code of Federal Regulations (CFR). Such revision may not be made earlier than 30 days after public notice of the proposed revision is published in a newspaper of general circulation in the District, after consideration of any comments received thereupon and after consultation with the California Air Resources Board (ARB). The revised list of exempt compounds will subsequently be included in Table 1 of this rule.

- B.22 **Flue**: Any duct or passage for air, gases, or the like, such as a stack or chimney.
- B.23 **Forest Management Burning**: The use of open fires as part of a forest management practice to remove forest debris, and includes:
- a. Forest management practices, including hazard reduction;
 - b. Timber operations; and,
 - c. Silviculture and forest protection practices.
- B.24 **Health and Safety Code**: Health and Safety Code (H & S Code) means the Health and Safety Code of the State of California.
- B.25 **Hearing Board**: The appellate review board of the Feather River Air Quality Management District.
- B.26 **Hearing Board Clerk**: The Clerk of the Feather River Air Quality Management District is the ex-officio clerk of the hearing board.
- B.27 **Incineration**: An operation in which combustion is carried on for the principal purpose, or with the principal result of oxidizing a waste material to reduce its bulk or facilitate its disposal.

- B.28 **Installation**: The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.
- B.29 **Inversion layer**: That point in the atmosphere at which there is no, or very little, vertical mixing or movement of air between the area above and below said point.
- B.30 **Multiple-Chamber Incinerator**: Any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, inter-connected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.
- B.31 **"No-Burn" Day**: Any day on which the California Air Resources Board prohibits agricultural burning or the District prohibits open burning.
- B.32 **Open Fires, i.e., Open Burning**: Any combustion of solid waste outdoors, in the open, not in an enclosure, where the products of combustion are not directed through a flue.
- B.33 **Operation**: Any physical action resulting in a change in the location or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.
- B.34 **Orchard or Citrus Heater**: Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants used or capable of being used for the purpose of giving protection from frost damage.
- B.35 **Owner**: Includes but is not limited to, any person who leases, supervises or operates equipment in addition to the normal meaning of ownership.
- B.36 **Particulate Matter**: Discrete atmospheric particles of solids or liquids, other than uncombined water, as distinguished from gases or vapors.
- B.37 **Person or Persons**: An individual, public or private corporation, political subdivision, agency, board, department or bureau of the state or any municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity

whatsoever which is recognized in law as the subject of rights and duties.

- B.38 **PPM**: Parts per million by volume on a dry gas basis.
- B.39 **Process Weight Per Hour**: The total weight excluding water added for processing or air used in processing introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.
- B.40 **Range Improvement Burning**: The use of open fires to remove vegetation for wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- B.41 **Reactive Organic Gases (ROG)**: Any compound containing at least (1) atom of carbon, excluding any exempt compound as identified in this rule.
- B.42 **Regulation**: One of the major subdivisions of the Rules and Regulations of the Feather River Air Quality Management District.
- B.43 **Representative Rice Straw Testing Sample**: A composite sample of rice straw from under the mat and from the center of the mat. The samples are to be taken from various parts of the field.
- B.44 **Rice Straw Dryness Test Procedure**: A representative rice straw sample is bent sharply at a minimum of a 90 degree angle. If the straw sample makes an audible cracking sound, it is considered dry enough for burning.
- B.45 **Rowed Rice Straw**: Rice straw passing directly through the harvester discharge without being spread.
- B.46 **Rule**: Means a rule of the Feather River Air Quality Management District.
- B.47 **Section**: Refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

- B.48 **Solid Waste Dump**: Any accumulation for the purpose of disposal of any solid waste.
- B.49 **Source**: A point or source of emissions in a facility where an individual operation would not affect the rest of the operation.
- B.50 **Source Operation**: The last operation preceding the emission of an air contaminant which operation:
- a. Results in the separation of the air contaminant from the process material, or in the conversion of the process material into air contaminants as in the case of combustion of fuel, and,
 - b. Is not an air pollution abatement operation.
- B.51 **Spray Coating**: The application of paint, lacquer, shellac, stains, or other protective or surface preparation coatings to any type of surface by means of air or airless spray equipment.
- B.52 **Spread Rice Straw**: Rice straw spread by means of a mechanical straw spreader attached to the discharge of the harvester that will ensure even distribution of straw.
- B.53 **Standard Conditions**: As used in these Regulations, refers to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.
- B.54 **Standard Dry Cubic Foot of Gas**: The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor at standard conditions.
- B.55 **Volatile Organic Compound (VOC)**: Shall have the same meaning as Reactive Organic Gases (ROG).

Table 1

I. Negligibly Photochemically-Reactive Organic Compounds	
<u>Compound</u>	<u>CAS</u>
1,1,1 trichloroethane (methyl chloroform)	71-55-6
methane	74-82-8
methylene chloride (dichloromethane)	75-09-2
difluoromethane (HFC-32)	75-10-5
1,1-difluoroethane (HFC-152a)	75-37-6
chlorodifluoromethane (HCFC-22)	75-45-6
trifluoroethane (HFC-23)	75-46-7
1-chloro-1, 1-difluoroethane (HCFC-142b)	75-68-3
trichlorofluoromethane (CFC-11)	75-69-4
dichlorodifluoromethane (CFC-12)	75-71-8
1,1,2-trichloro-1,2,2-tetrafluoroethane (CFC-113)	76-13-1
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)	76-14-2
chloropentafluoroethane (CFC-115)	76-15-3
methylformate (HCOOCH ₃)	107-31-3
propylene carbonate	108-32-7
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123)	306-83-2
fluoroethane (ethyl fluoride, HFC-161)	353-36-6
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)	354-23-4
pentafluoroethane (HFC-125)	354-33-6
1,1,2,2-tetrafluoroethane (HFC-134)	359-35-3
1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-C ₃ F ₇ OCH ₃ r HFE-7000)	375-03-1
1,1,1,3,3-pentafluorobutane (HFC-365mfc)	406-58-6
1,1,2,2-tetrafluoro-1-(2,2,2-tetrafluoroethoxy) ethane (HFE-347pcf2)	406-78-0
1,1,1-trifluoroethane (HFC-143a)	420-46-2
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)	422-56-0
1,1,1,2,3-pentafluoropropane (HFC-245eb)	431-31-2
1,1,1,2,3,3-hexafluoropropane (HFC-236ea)	431-63-0
1,1,1,2,3,3,3-heptafluoroprpoane (HFC-227ea)	431-89-0
1,1,1,3,3-pentafluoropropane (HFC-245fa)	460-73-1
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)	507-55-1
t-butyl acetate (TBAC)	540-88-5
chlorofluoromethane (HCFC-31)	593-70-4
dimethyl carbonate	616-38-6
1,1,2,2,3-pentafluoropropane (HFC-245ca)	679-86-7
1,1,1,3,3,3-hexafluoropropane (HFC-236fa)	690-39-1
2,3,3,3-tetrafluoropropene (HFO-1234yf)	754-12-1
1,1,1,2-tetrafluoroethane (HFC-134a)	811-97-2
1-chloro-1-fluoroethane (HCFC-1511)	1615-75-4
1,1-dichloro-1,1,1,2-tetrafluoroethane (HCFC-141b)	1717-00-6

<u>Compound</u>	<u>CAS</u>
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)	2837-89-0
1,1,2,3,3-pentafluoropropane (HFC-245ea)	24270-66-4
trans-1,3,3,3-tetrafluoropropene (HFO-1234ze)	29118-24-9
trans-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-E)	66711-86-2
trans-1-chloro-3,3,3-trifluoro-1-ene (Solstice 1233zd €)	102687-65-0
1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300)	132182-92-4
1,1,1,2,2,3,4,4,5,5-decafluoropentane (HFC-43-10mee)	138495-42-8
1-thoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5 or HFE-7200)	163702-05-4
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CF2OCH3)	163702-06-5
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane (C4F9OCH3 or HFE-7100)	163702-07-6
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoromethyl)hexane (HFE-7500)	297730-93-9
2-amino-2-methyl-1-propanol (AMP)	
Four classes of perfluorocarbon (PFC) compounds:	
Cyclic, branched, or linear, completely fluorinated alkanes	
Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations	
Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations	
Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine	
Group of Four Hydrofluoropolyethers (HRPEs):	
HCF ₂ OCF ₂ H (HFE 134)	
HCF ₂ OCF ₂ OCF ₂ H (HFE-236ca12)	
HCF ₂ OCF ₂ CF ₂ OCF ₂ H (HFE-338pcc13)	
HCF ₂ OCF ₂ OCF ₂ CF ₂ OCF ₂ H (H-Galden 1040X and H-Galden ZT130 (or 150 or 180))	
II. Low Photochemically-Reactive Organic Compounds	
<u>Compound</u>	<u>CAS</u>
acetone	67-64-1
ethane	74-84-0
methyl acetate	79-20-9
1-chloro-4-trifluoromethyl benzene (parachlorobenzotrifluoride, PCBTF)	98-56-6
perchloroethylene (tetrachloroethylene)	127-48-4
Cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z)	692-49-9

ATTACHMENT B

Staff Report for Rule 1.1 & Rule 3.15



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Air Pollution Control Officer

STAFF REPORT

Rule 3.15: Architectural Coatings

Rule 1.1: Definitions

Proposed Amendments

Date of Proposed Adoption: June 3, 2024

Lead Staff: Peter Angelonides, Air Quality Planner
Reviewed by: Sondra Spaethe, Planning and Engineering Supervisor
Approved by: Christopher D. Brown, AICP, Air Pollution Control Officer

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1.0 Executive Summary

The Feather River Air Quality Management District (District) is a bi-county agency that administers local, state, and federal air quality management programs for Yuba and Sutter counties. The District is responsible for adopting and implementing plans to meet health-based standards for ambient air quality. The United States Environmental Protection Agency (US EPA) and the California Air Resources Board (CARB) set health-based standards for ambient air quality. The US EPA and CARB designate areas as in attainment or nonattainment of the standards. Ground level ozone standards are also classified based on how far from the area's monitoring data is away from attainment. Each time US EPA revises a standard it triggers a process of designating areas, submitting plans, and adopting control measures.

The southern portion of Sutter County is a part of the Sacramento Federal Nonattainment Area (SFNA) and is designated as severe nonattainment for failing to meet the 2008 ozone national ambient air quality standard (NAAQS). The SFNA was also designated as nonattainment for the 2015 ozone NAAQS, originally as a moderate classification, and has requested a bump-up to a severe classification for that standard as well.

One of the requirements of the plans for nonattainment areas in the Federal Clean Air Act is to adopt contingency measures that will go into effect should the area fail to achieve a reasonable further progress milestone (RFP) or meet its attainment date. In the 2008 ozone plan the SFNA relied on existing measures that achieved more reductions than needed to meet RFP and the attainment date. Recent court decisions have ruled that existing control measures do not meet the Federal Clean Air Act (FCAA) requirements for contingency measures.

The US EPA issued a finding of failure to submit the contingency measures for the 2008 ozone NAAQS for the SFNA. The sanctions begin in January 2025. In addition, the 2015 Ozone plan for the SFNA that was adopted on October 2, 2023, by the District Board of Directors committed to adopting an additional contingency measure that would go into effect immediately upon the area's failure to meet RFP or the attainment date.

The CARB adopted an update to their Suggested Control Measure (SCM) for Architectural Coatings in 2019 and 2020. The SCMs are not formal regulations but rather a model rule used by local air pollution control districts to update their architectural coatings rules and provide statewide consistency. The air districts of the SFNA committed to adopting the 2019 SCM as part of the 2015 Ozone Plan to partially fulfill the contingency measure requirement. The District is not proposing to adopt the 2020 SCM as there are no applicable sources in the District and none are anticipated before the sunset date of the 2020 SCM limits.

The proposed amendments would adopt the 2019 SCM as a contingency measure for the 2008 and 2015 ozone NAAQS and would be submitted to CARB and US EPA as a revision to the State Implementation Plan. The 2019 SCM amendments to Rule 3.15 Architectural Coatings would go into effect upon the effective date of the federal register

notice that the SFNA did not meet RFP or its attainment date, defined as the “contingency measure trigger date” in the rule.

In addition, the District is proposing to amend the definition of “Exempt Compounds” in District Rule 1.1 to include exempt VOCs that have been added to US EPA’s list of VOC exemptions since the last rule revision in 2011. These changes would be into effect immediately. The amendments would also implement a public process by which the District Air Pollution Control Officer may add additional compounds to the list without a formal rulemaking process as EPA updates the list.

2.0 Background

2.1 Architectural Coatings

Architectural coatings are products that are applied to stationary structures and their accessories. These include house paints, stains, industrial maintenance coatings, traffic coatings, and many other products. When these coatings are applied, volatile organic compounds (VOCs) are emitted from the coatings and from solvents that are used for thinning of the coatings and clean-up of the application equipment.

VOCs from coating, along with sunlight and nitrogen oxides (NO_x), undergo a series of chemical reactions to form ozone (O₃). Also, VOC emissions from architectural coatings similarly can cause the formation of secondary particulate matter (PM). Ozone is a strong oxidizer that irritates the respiratory system, leading to a variety of adverse health effects. Ozone also damages plant life and property. Particulate matter less than 10 microns in diameter can be inhaled deep into the lungs causing a wide range of adverse health impacts.

2.2 District Regulation III Rule 3.15

District Rule 3.15 Architectural Coatings was first adopted in June 1991 and was amended in 1996, 2002, and 2014. The last amendment in 2014 adopted the 2007 SCM. The rule limits the VOC content of architectural coatings that may be used, sold, or manufactured in the District. The rule also establishes labeling, reporting, recordkeeping requirements, and test methods.

2.3 District Regulation I Rule 1.1

District Rule 1.1 Definitions includes definition for the District’s Rules and Regulations. One of the definitions, “Exempt Compounds,” is referenced in Rule 3.15 Architectural Coatings and lists the exempt Volatile Organic Compounds as added by US EPA.

2.4 Exempt Volatile Organic Compounds

The US EPA has the authority to add duly noticed and new negligibly photochemically reactive compounds to the Federal Register codified in Part 51 of Title 40 of the Code of Federal Regulations (CFR). The policy of excluding negligibly reactive compounds from the regulatory definition of VOC was first laid out in the “Recommended Policy on Control of Volatile Organic Compounds” ([42 FR 35314, July 8, 1977](#)) and was

supplemented subsequently with the “[Interim Guidance on Control of Volatile Organic Compounds in Ozone State Implementation Plans](#).” These VOCs do not significantly contribute to ozone formation.

3.0 Legal Mandates

3.1 Federal Mandate

The FCAA Sections 172(c)(9) and 182 (c)(9) require ozone NAAQS attainment plans to include “contingency measures” which are to be triggered automatically if the US EPA promulgates a final rule finding that an ozone nonattainment area fails to meet RFP in the milestone years or attain the ozone standard by the attainment year. Contingency measures are intended to go into effect immediately and provide additional emissions reductions in these circumstances to help achieve the standards.

For many years, states relied on excess emission reductions from rules that had already been adopted to satisfy the contingency measure requirements. However, recent court decisions^{1,2,3} have held that this approach doesn’t meet the FCAA requirements because contingency measures must be measures that are not currently in effect and, when triggered, take effect and achieve emission reductions without further action by the district, state, or US EPA.

The commitment included in the Sacramento Regional 2015 National Ambient Air Quality Standard 8-hour Ozone Attainment and Reasonable Further Progress Plan⁴ (2015 Ozone Plan) was to adopt the 2019 SCM for Architectural Coatings as part of a contingency measure package. This proposed regulatory action will fulfill that portion of the contingency measure committed in the 2015 ozone Plan.

In 2017, the air districts of the SFNA adopted the Sacramento Regional 2008 NAAQS 8-hour Ozone Attainment and Reasonable Further Progress Plan (2008 Ozone Plan)⁵. In June 2023, EPA partially disapproved⁶ the 2008 Ozone Plan because it did not include contingency measures consistent with CAA Sections 172(c)(9) and 182(c)(9). To obtain approval, the districts of the SFNA must submit contingency measures that, in aggregate, achieve sufficient emission reductions.

This proposed action would be a part of the requirements to fulfill the contingency measure requirement in both the 2008 Ozone Plan and the 2015 Ozone Plan. To satisfy this contingency measure requirement, all air districts in the SFNA have committed to

¹ Bahr v. EPA, 836 F.3rd 1218 (9th Cir. 2016).

² Association of Irrigated Residents v. EPA, 10 F.4th 937 (9th Cir. 2021).

³ Club v. EPA, 21 F.4th 815 (D.C. Cir. 2021).

⁴ <https://www.airquality.org/ProgramCoordination/Pages/2015-O3-NAAQS-SIP.aspx>

⁵ Sacramento Regional 2008 NAAQS 8-hour Ozone Attainment and Reasonable Further Progress Plan. El Dorado County Air Quality Management District (AQMD), Feather River AQMD, Placer County Air Pollution Control District (APCD), SMAQMD, Yolo Solano AQMD, July 24, 2017.

⁶ 88 FR 39179, June 15, 2013.

adopting the 2019 SCM as a contingency measure and submitting it to the US EPA prior to the end of June 2024.

The RFP milestone years for the 2008 Ozone Plan are 2017, 2020, and 2023. The attainment date for the 2008 Ozone Plan is 2024. The RFP milestone years for the 2015 Ozone Plan are 2023, 2026, and 2029. The last full year to demonstrate attainment for the 2015 Ozone Plan is 2032.

4.0 Suggested Control Measure

4.1 Background on SCM for Architectural Coatings

The District's proposed amendments to Rule 3.15 are based on the "Suggested Control Measure" (SCM) for Architectural Coatings adopted by the California Air Resources Board (CARB). Control of VOC emissions from architectural coatings in California is primarily the responsibility of the local air pollution control and air quality management districts. CARB is responsible for serving as an oversight agency and providing assistance to districts, such as by developing SCMs. SCMs serve as model rules that air districts in California can adopt to achieve emissions reductions statewide support consistency and uniformity across county boundaries within the state.

CARB approved an SCM for architectural coatings in 1977 and updated it in 1985, 1989, 2000, 2007, 2019, and 2020. While CARB provides support to the air districts by developing SCMs, the air districts are responsible for adopting, implementing, and enforcing architectural coating rules in California.

4.2 2019 SCM for Architectural Coatings

The District's proposed amendments to Rule 3.15 are based on the SCM for Architectural Coatings adopted on May 23, 2019, by CARB. The 2019 SCM includes VOC limits for several coating categories that are more stringent than those in the current Rule 3.15. The 2019 SCM also for three new coating categories and limits colorants added to architectural coatings. CARB developed the VOC limits for colorants based on technical information from the statewide 2013 architectural coating survey and in consultation with air districts and industry stake holders. Most of the proposed limits are consistent with the existing limits in the South Coast AQMD Rule 1113. The proposed limits would become effective upon contingency measure trigger date. There is already a high level of complying market share in all the categories for which staff is proposing to lower the VOC limits.

In order to comply with the coating limits, CARB anticipated that manufacturers would reformulate coatings using water or exempt compounds. CARB also found that many manufacturers had large volumes of products that already meet the VOC limits. Since the 2019 SCM was adopted by CARB, the architectural coatings rules of three districts—San Diego County Air Pollution Control District (effective 1/1/2022), San Joaquin Valley Air Pollution Control District (effective 1/1/2022), and Ventura Air Pollution Control District (effective 7/1/2021)—have been amended to incorporate the

2019 SCM requirements. The 2019 SCM is intended for local air districts which need VOC emission reductions for the attainment of State and Federal ozone standards.

5.0 Summary of Proposed Changes

The proposed changes to Rule 3.15 are summarized below in sections 5.1 to 5.6 and changes to Rule 1.1 are summarized in section 5.7.

5.1 Rule 3.15 Section A General

Section A.1 Purpose

The purpose has been amended to add language regarding the federal and state standards.

Section A.2 Applicability

The terms “markets” and “provides” have been added in the applicability section (a) to increase enforceability of the rule. This addresses mail order coatings and e-commerce companies (e.g., Amazon, E-Bay) who do not sell the coatings themselves but market them for sale.

Section (d) has been amended so that the VOC limits of the 2019 SCM shall go into effect upon the “Contingency Measure Trigger Date.”

Section A.4 Exemptions

In section (b)(1) and (2) anti-bundling provisions have been added. Coatings sold in small containers (one liter or less) are exempt from the VOC limits and the majority of the provisions of the proposed SCM. However, coatings in small containers are subject to the reporting requirements in Section E of Rule 3.15. Manufacturers are required to provide survey data for small containers. Additionally, the 2019 SCM prevents bundling small containers of the same coating category. The label or any other product literature cannot suggest combining small containers. The coating container must not be bundled together with other containers of the same specific coating category to be sold as a unit if such combination would exceed a liter. This would include language directing consumers to mix multiple containers for color consistency.

In section (c) it states that colorants added at the factory, or the worksite are exempt from the Colorant VOC limits. Containers of colorants sold at the point of sale for use in the field or on a job site are also not subject to VOC limits.

5.2 Rule 3.15 Section B Definitions

The 2019 provides several new and revised definitions. These new and revised definitions are found section B of Rule 3.15. The following definitions are added as part of the Building Envelope Coating definition: Building Envelope, Air Barriers, and Water Resistive Barriers.

- **Contingency Measure Trigger Date**
- **Interior Stain**
- **Intumescent**
- **Market**
- **Tile and Stone Sealers**

A definition for “market” is included since this term will be included in the SCM applicability and standards section. This definition specifies that sales of architectural coatings within the district will apply to e-commerce and catalog sales, but no promotion or advertising of coatings.

Colorant has been added to the definition of VOC content and VOC regulatory. These are necessary to reflect the proposed addition of VOC limits for colorants.

Some definitions are deleted because the categories are no longer listed in the table of VOC limits, or the terms are no longer used. Definitions were deleted for the following:

- **Gonio apparent**
- **Metallic**
- **Nonflat - High Gloss Coating**

Revised definitions are proposed for the following categories for clarification or to limit the types of products that qualify for inclusion in a category.:

- **Reactive Penetrating Sealer**
- **Traffic Marking Coatings**

For the Reactive Penetrating Sealer category, Caltrans conducted a series of tests on potential coatings, and none could meet the criteria listed in the 2007 SCM section 4.44.2 defining that the Reactive Penetrating Sealer must not reduce the water vapor transmission rate by more than two percent after application on a concrete or masonry substrate. Based on Caltrans’s tests, a revision was made that the Reactive Penetrating Sealer must provide a breathable waterproof barrier for concrete or masonry surfaces that does not prevent or substantially retard water vapor transmission (Caltrans, 2013).

For the Traffic Marking Coating category, the definition is revised for clarification purposes. The definition incorporates the reference to the procedure specified in Section F.5.j for analyzing the VOC content of Methacrylate Traffic Marking Coatings used as Traffic Marking Coatings.

5.3 Rule 3.15 Section C Standards

Section C.1 VOC Content Limits for Coatings

This section has been renamed VOC Content Limits for Coatings to differentiate between the VOC Content of Coatings versus VOC content of Colorants which will go

into effect if the contingency measure is triggered. The terms “markets” and “provides” are added to ensure that sales through a third-party vendor are covered by the Rule.

Section C.2 Sell-Through of Coatings

The sell-through period of coatings would be revised from three years to one year after the contingency measure trigger date.

Section C.3 VOC Content Limits for Limits for Colorants

This section was added to Section C Standards on order to establish VOC Content limits for colorants if the contingency measure is triggered for either the 2008 NAAQS or the 2015 NAAQS, Also, this included an exemption for colorants at the factory or the job site. Additionally, containers or colorant sold at the point of sale for use in the field or on a job site are not included (see Table 2, VOC Content Limits for Colorants). Table 2 is listed at the end of District Rule 3.15.

Table 1 VOC Content Limits for Coatings

Table 1 has been moved from the end of the rule to section C. The proposed amendments will establish VOC content limits for three new categories and revise the VOC limits for nine existing categories of architectural coatings. The affected coating category is listed below in Table 1.

Except for the Low Solids category, the VOC limits are expressed in terms of VOC Regulatory, which is also referred to as “VOC, Less Water, Less Exempt Compounds” or “Coating VOC.” For the Low Solids category, the VOC limit is expressed in terms of VOC Actual, which is also referred to as “Material VOC.” Limits are expressed as VOC Regulatory, thinned to the manufacturer’s maximum recommendation, excluding any colorant added to tint bases. “Manufacturer’s maximum recommendation” means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

Table 1 VOC Content

Coating Category	Current Limit (g/l)²	Effective on and after the Contingency Measure Trigger Date Proposed Limit (g/l)²
New Coatings Categories:		
Building Envelope Coatings	NA	50
Stains		
Exterior/Dual	Stains (250)	100
Interior Only	Stains (250)	250
Tile and Stone Sealers		100
Existing Coating Categories:		
Aluminum Roof Coatings	400	100
Dry Fog Coatings	150	50
Fire Resistive Coatings	350	150
Floor Coatings	100	50
Form Release Compounds	250	100
Non-flat Coatings	100	50
Nonflat - High Gloss Coatings	150	(eliminated)
Stains	250	100
Waterproofing Membranes	120	120

Table 2 is added to the Rule and becomes effective upon contingency measure trigger date. There are no VOC content limits currently in place for colorants.

Table 2 VOC Content Limits for Colorants

Colorant Added to	VOC Content Limit¹, (g/l), Effective on and after Contingency Measure Trigger Date
Architectural Coatings, excluding Industrial Maintenance Coatings	50
Solvent-Based Industrial Maintenance Coatings	600
Waterborne Industrial Maintenance Coatings	50
Wood Coatings	600
¹ Limits are expressed as VOC Regulatory.	

5.4 Rule 3.15 Section D Container Labeling Requirements

Section D.1.a. through D.1.k

These product labeling requirements were modified or deleted based on changes in the 2019 SCM.

Section D.2 Container Labeling Requirements for Colorants

Container labeling requirements for colorants were added that will go into effect if the contingency measure is triggered.

5.5 Rule 3.15 Section E Reporting Requirements

The proposed amendment has no changes to the current reporting requirements.

5.6 Rule 3.15 Section F Compliance Provisions and Test Methods

The proposed amendments would add test methods for coatings and colorants that will go into effect if the contingency measure is triggered. In addition, the amendments would update section references and test methods needed.

5.7 Rule 1.1 Proposed Changes

The District is proposing to amend the definition of “Exempt Compounds” in District Rule 1.1 to include exempt VOCs that have been added to US EPA’s list of VOC exemptions since the last revision of Rule 1.1 in 2011. In addition, language is proposed to allow the Air Pollution Control Officer to revise the list of “Exempt Compounds” in Rule 1.1 Definitions by publishing a public notice of the revised list of “Exempt Compounds” in Rule 1.1 Definitions for 30 days in a newspaper of general circulation in the District, currently the Appeal Democrat, after consideration of any comments received thereupon, and after consultation with CARB. By adding language to District Rule 1.1 Definitions that allows the Air Pollution Control Officer to revise the exempt VOCs list in the “Exempt Compounds” definition, the District is able to be more responsive to the adoption of VOC exemptions, keep District rules up-to-date, and cut down on administrative costs associated with a formal rule revision.

6.0 Estimated Cost Impact:

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 reducing air pollution. The cost effectiveness has been estimated at \$2.21 per lb of VOC reduced.

7.0 Socioeconomic Impact:

California Health and Safety Code (HSC) §40728.5(d) exempts air districts with a population of less than 500,000 from this requirement.

8.0 Air Quality Benefits of the Proposed Amendments:

The emission reductions for the SCM were calculated by CARB and provided in the Staff Report (insert link). The baseline for determining emission reductions is the 2013 data from the 2014 Survey. The 31.58 tpd of statewide VOC emissions are apportioned to air districts based on population for architectural coatings. Air districts outside of the South Coast AQMD represent 57 percent of the state's population. Because South Coast has collected data on sales and VOC emissions from architectural coatings annually since 2008, CARB staff adjusted the emissions apportioned to the rest of the state to reflect the South Coast inventory. The inventory outside South Coast is estimated at 20.09 tpd of VOC emissions, including small containers. This does not include VOC emissions from cleanup solvents, thinners, or additives.

The 2019 SCM is expected to achieve 1.46 tpd in VOC emission reductions for areas of California with local rules based on the 2007 SCM, excluding the South Coast AQMD. This represents about a seven percent overall emission reduction. If the proposed SCM limits were adopted statewide, the expected VOC emission reductions would be 2.51 tpd. Table 3 lists categories for which CARB staff proposed lower VOC limits and the expected reductions from only those air districts with local rules based on the 2007 SCM. Although there are emission reductions from several categories, 58 percent of the emission reductions are from two categories, which account for 44 percent of the emissions from these categories. These two categories are highlighted in Table 3.

Table 3
Sales and VOC Emissions by Product Category

Coating Category	Existing VOC Limit (g/l)	Proposed VOC Limit (g/l)	Emissions in 2013 (excluding SCAQMD) 1 (tons/day)	Emission Reductions for 2007 SCM Areas (excluding SCAQMD) 1 (tons/day)
Aluminum Roof Coatings	400	100	0.31	0.20
Building Envelope Coatings	NA	50	0.01	0.01
Dry Fog Coatings	150	50	0.11	0.03
Fire Resistive Coatings	350	150	0.02	0.02
Floor Coatings	100	50	0.20	0.01
Form Release Compounds	250	100	0.21	0.08
Nonflat - High Gloss Coatings	150	50	0.31	0.02
Nonflat Coatings	100	50	4.04	0.41
Stains (Exterior/Dual)	250	100	0.97	0.43
Stains (Interior)	250	250	0.18	0.00
Waterproofing Membranes	250	100	0.55	0.11
Photovoltaic Coating	120	600	NA	NA
Colorants Added to Architectural Coatings, excluding Industrial Maintenance Coatings	NA	50		
Solvent-Based Industrial Maintenance Coatings	NA	600		
Waterborne Industrial Maintenance Coatings	NA	50	1.13	0.14
Wood Coatings		600		
Total			11.46	1.46

1. This is a proposed new category that includes coatings from various categories in the 2000 SCM. The "Existing VOC Limit" for this category represents the range of VOC limits for the coatings combined into this new category.
2. Upon the effective date of this rule, the Fire-Retardant coating categories are eliminated, and coatings with fire retardant properties will be subject to the VOC limit of their primary category (e.g., Flat, Non-flat, etc.). To estimate emission reductions, it was assumed that Fire Retardant would be classified as Nonflat with a VOC limit of 100 g/l because the majority of the reported coatings were non-flat.
3. Boldface indicates the nine categories that account for 95 percent of the VOC emission reductions.
4. Photovoltaic coating limits are referenced from the 2020 SCM.

The total amount of emission reductions in the SFNA will depend on if or when the contingency measure is triggered. The contingency measure includes a one-year sell-through period, therefore emission reductions will begin in the second year after the measure is triggered. Table 4 shows the VOC emissions inventory for each district in the SFNA and Table 5 shows the estimated emissions reductions in the potential milestone years or attainment year. The contingency measure for each District could potentially be triggered in the milestone years for the 2015 Ozone Plan, 2026 and 2029, or the year of the attainment date, 2033 (based on air quality monitoring data collected in 2030, 2031, and 2032). VOC emission reductions would begin in the second year after the measure is triggered: 2028, 2031, or 2035. The contingency measure could be triggered in the year of attainment for the 2008 Ozone Plan which is 2024 with emission reductions beginning in 2026.

Table 4: Architectural Coating Emissions Inventory

District	VOC Emissions Inventory for Contingency Measure (tons per summer day) ¹		
	2028	2031	2035
EDAQMD	0.121	0.125	0.128
FRAQMD	0.006	0.007	0.007
PCAPCD	0.256	0.267	0.277
SMAQMD	1.883	1.934	1.990
YSAQMD	0.549	0.562	0.580
Total SFNA Contingency Measure Emission Inventory	2.815	2.894	2.815

¹Excluding thinning and cleanup solvents

Table 5: Contingency Measure Commitments Emission Reductions

District	VOC Emissions Inventory for Contingency Measure (tons per summer day)		
	2028	2031	2035
EDAQMD	0.003	0.003	0.003
FRAQMD	0.000	0.00	0.000
PCAPCD	0.004	0.004	0.004
SMAQMD	0.119	0.122	0.126
YSAQMD	0.027	0.028	0.029
Total SFNA Contingency Measure Emission Reductions	0.154	0.158	0.162

9.0 Environmental Review and Compliance:

California Public Resources Code Section 21159 requires an environmental analysis of the reasonably foreseeable methods of compliance be conducted. Compliance of the proposed rule amendment is expected to be achieved by the replacement of current coating products with compliant compounds. Application of these compliant compounds will generally result in less VOC emissions from the coating activities. Therefore, the

proposed rule amendment will reduce emissions from sources and will not cause any significant adverse effects on the environment. Staff has concluded that no adverse environmental impacts will be caused by compliance with the proposed rule amendment.

According to the above conclusion, Staff finds that the proposed rule amendment is exempt from the California Environmental Quality Act (CEQA) because (1) it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment (CEQA Guidelines §15061(b)(3)) and (2) it is as an action by a regulatory agency for protection of the environment (Class 8 Categorical Exemption, CEQA Guidelines §15308).

10.0 Required Findings:

The California Health and Safety Code, Division 26, Air Resources, requires local Districts to comply with a rule adoption protocol as set forth in Section 40727 of the Code. This section has been revised through legislative mandate to contain 6 findings that the District must make when developing, amending, or repealing a rule. These findings and their definitions are listed in the following table.

FINDING	DEFINITION	REFERENCE
Authority	A 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 this division and other statutory provisions.	California Health and Safety Code, Sections 40000, 40001, 40701, 40702, and 40716 are provisions of law that provide air districts with the authority to adopt these proposed rules.
Necessity	The District has demonstrated that a need for the rule, or for rule amendment or repeal.	The adoption of proposed amended Rule satisfies the District's objective to implement a contingency measure for the SFNA 2008 and 2015 Ozone SIPs.
Clarity	The rule is written or displayed so that its meaning can easily be understood by the persons directly affected by it.	There is no indication, at this time, that the proposed rule is written in such a manner that it cannot be easily understood by persons affected by the rule.
Consistency	This rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or State or federal regulations.	The rule is consistent with applicable statutory requirements and is consistent with other air districts in California.
Non-Duplication	The rule does not impose the same requirements as an existing State or federal regulation, unless the District finds that the	The proposed rule does not impose requirements that duplicate existing laws or regulations.

	requirements are necessary and proper to execute the powers and duties granted to, and imposed upon, the district.	
Reference	Any statute, court decision, or other provision of law that the district implements, interprets, or makes specific by adopting, amending, or repealing a regulation.	The proposed rule is consistent with the provisions of the CAA and the HSC.

11.0 Rule Analysis

Section 40727.2 requires a written analysis comparing the proposed rules with existing federal regulations, state regulations, and any other AQMD existing or proposed rules and regulations that apply to the same source type.

Comparison of Proposed Amendments to Rule 3.15 and Rule 1.1 to Feather River AQMD Rules and Regulations

District Rules and Regulations	Does proposed rule conflict or contradict any provisions?
Regulation 1 – General Provisions	No
Regulation 2 – Open Burning	No
Regulation 3 – Prohibition – Stationary Emission Sources	No
Regulation 4 – Stationary Emission Sources Permit System and Registration	No
Regulation 5 – Hearing Board Procedures	No
Regulation 6 – Variances	No
Regulation 7 – Fees	No
Regulation 8 – Penalties and Abatement	No
Regulation 9 – Enforcement Procedures	No
Regulation 10 – New Source Review	Yes, definitions for Exempt VOCs does not match definitions in 10.1

Regulation 11 – Air Toxic Control Measure	No
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Comparison of Proposed Rules and other Federal and State Regulations

Health and Safety Code Section 40727.2, requires the District to identify all existing federal, state, and local air pollution control requirements that apply to the same equipment or source category as the rule proposed for adoption or modification by the District. Proposed amendments to Rule 3.15 and Rule 1.1 adopts the same definitions and VOC limits as the Suggested Control Measures adopted by the California Air Resources Board on May 28, 2020, and makes the definition of an exempt VOC consistent with Federal Regulations. There are no existing federal or state regulations regarding the use of architectural coatings that would be in conflict with or are contradictory to the proposed rule.

12.0 References

California Air Resources Board. 2019 California Air Resources Board (CARB) Suggested Control Measure for Architectural Coatings. Sacramento, CA. May 2019.

California Air Resources Board. Staff Report for Proposed Updates to the Suggested Control Measure for Architectural Coatings. Sacramento, CA. April 19, 2019
 California Air Resources Board. 2020 California Air Resources Board (CARB) Suggested Control Measure for Architectural Coatings. Sacramento, CA. May 2020.

California Air Resources Board. Staff Report for Proposed Updates to the Suggested Control Measure for Architectural Coatings. Sacramento, CA. May 2020.

California Air Resources Board. CEPAM: 2019 v1.03 Standard Emission Tool, Base Year: 2017. Sacramento, CA. <https://ww2.arb.ca.gov/applications/cepam2019v103-standard-emission-tool>.

ATTACHMENT C
Public Comments and Responses

Public Comments Received and District Responses
Amendments to Rule 1.1—Definitions and Rule 3.15—Architectural Coatings
5/24/2024

Comment Letter #1: Rhett Cash (American Coatings Association)

Issue Raised: Sell-Through Provision

ACA requests that FRAQMD extend the sell-through provision for coatings and colorants in section C.3 of the proposal to three years after the contingency measure trigger date. This timeframe is consistent with CARB's 2019 AIM SCM (section 5.3) and most AIM coatings rules throughout the U.S. In addition, most architectural coatings have expiry periods of several years. A three-year sell-through period would provide additional time for manufacturers, distributors, and retailers to cycle through their inventory.

District Response:

The District cannot extend the sell-through provision for coatings and colorant to three years after the contingency measure trigger date because the measure must be in effect within two years.

As described in the staff report, recent court decisions^{1,2,3} have held that contingency measures must be measures that are not currently in effect and, when triggered, take effect, and achieve emission reductions without further action by the District, state, or the United States Environmental Protection Agency (US EPA).

US EPA issued Draft guidance for the preparation of State Implementation Plan (SIP) provisions for contingency measure (CM) requirements for ozone and particulate matter plans on March 16, 2023. This draft guidance addresses the time period within which reductions from CMs should occur. EPA previously recommended that CMs take effect within 60 days of being triggered, and that the resulting reductions generally occur within 1 year of the CMs being triggered. In instances where there are insufficient CMs available to achieve the recommended amount of emissions reductions within 1 year, EPA provides recommendations for how air agencies could include CMs that provide reductions within up to 2 years of being triggered. This guidance does not alter the 60-day recommendation for the measures to take effect.

Therefore the request to have FRAQMD extend the sell-through period from one year after the contingency measure trigger date to three years after the contingency measure trigger date is not feasible because the emissions reductions for CMs must occur within 2 years of being triggered.

Other Changes Since Posting for Public Review May 3, 2024:

The District made non-substantive typographical changes on the proposed amendments to Rules 3.15 and 1.1, and the Staff Report.

¹ Bahr v. EPA, 836 F.3rd 1218 (9th Cir. 2016)

² Association of Irrigated Residents v. EPA, 10 F.4th 937 (9th Cir. 2021)

³ Club v. EPA, 21 F.4th 815 (D.C. Cir. 2021).



May 8, 2024

Mr. Christopher D. Brown
Feather River Air Quality Management District
541 Washington Avenue
Yuba City, CA 95991

RE: Feather River Air Quality Management District Proposed Changes to Rule 3.15 – Architectural Coatings; ACA Comments

Dear Mr. Brown:

The American Coatings Association (ACA) submits the following comments to the Feather River Air Quality Management District (FRAQMD) regarding its proposed changes to Rule 3.15 – Architectural Coatings. ACA is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services. ACA appreciates the opportunity to comment and looks forward to working with FRAQMD throughout the rulemaking process.

Recognition of the Contingency Measure

ACA recognizes that all air districts in the Sacramento Federal Nonattainment Area (SFNA) must add a contingency measure to its architectural coatings rule to comply with legal mandates under the Clean Air Act. Consequently, FRAQMD is proposing changes to Rule 3.15 that will add a contingency measure that, if triggered, would automatically establish more stringent requirements for AIM coatings and reduce emissions from this specific source. ACA understands the purpose of the contingency measure and supports consistency with CARB's 2019 AIM SCM.

Sell-Through Provision

ACA requests that FRAQMD extend the sell-through provision for coatings and colorants in section C.3 of the proposal to three years after the contingency measure trigger date. This timeframe is consistent with CARB's 2019 AIM SCM (section 5.3) and most AIM coatings rules throughout the U.S. In addition, most architectural coatings have expiry periods of several years. A three-year sell-through period would provide additional time for manufacturers, distributors, and retailers to cycle through their inventory.

Conclusion

Thank you for your consideration of our comments. Please do not hesitate to contact me if you have any questions or require additional clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhett Cash". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Rhett Cash
Counsel, Government Affairs

Submitted via email

ATTACHMENT D
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MAY 07 2024

APPEAL-DEMOCRAT

1530 Ellis Lake Drive, Marysville, CA 95901 * (530) 749-4700

FEATHER RIVER
AQMD

STATE OF CALIFORNIA * Counties of Yuba and Sutter

I am not a party to, nor interested in the above entitled matter. I am the principal clerk of the printer and publisher of THE APPEAL-DEMOCRAT, a newspaper of general circulation, printed and published in the City of Marysville, County of Yuba, to which Newspaper has been adjudged a newspaper of general circulation by The Superior Court of the County of Yuba, State of California under the date of November 9, 1951, No. 11481, and County of Sutter to which Newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sutter, State of California under the date of May 17, 1999, Case No. CVPT99-0819. The Notice, of which the annexed is a copy, appeared in said newspaper on the following dates:

May 3, 2024

I declare under penalty of perjury that the foregoing is true and correct.

May 3, 2024

Kathy Stannhill

Date

Signature

Feather River Air Quality Management District

Notice of Public Hearing

COPY:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Feather River Air Quality Management District ("District") will conduct a public hearing on Monday, June 3, 2024, at 4:00 p.m. The purpose of the hearing is to consider adoption of the proposed amendments to District Rule 3.15 – Architectural Coatings and Rule 1.1—Definitions. The public hearing will be held at 541 Washington Avenue, Yuba City, CA.

The purpose of proposed amendments to Rule 3.15 incorporate the California Air Resources Board's (CARB) 2019 Suggested Control Measure for Architectural Coatings as a contingency measure for the 2008 and 2015 8-hour ozone national ambient air quality standards. The purpose of the proposed amendments to Rule 1.1 is to update the definition for "Exempt Compounds" to match the current United States Environmental Protection Agency's exempt Volatile Organic Compounds and add language that would allow for the streamlining of revising the "Exempt Compounds" table. The action has been deemed to be exempt from the California Environmental Quality Act as it is an action taken by a regulatory agency for the protection of the environment.

The analysis for the proposed rules, as required by California Health & Safety Code section 40727.2, a copy of the staff report, the proposed rules, and all supporting documentation are available on the District website: www.fraqmd.org, or upon request.

NOTICE IS FURTHER GIVEN that should the amendments be adopted for Rule 3.15 – Architectural Coatings and Rule 1.1—Definitions they will be submitted to the California Air Resources Board and the United States Environmental Protection Agency for inclusion into the State Implementation Plan. This notice, the public hearing, and the proposed amendments to Rule 3.15 are intended to satisfy the requirements of the Clean Air Act Sections 110, 172, 182, and Title 40 of the Code of Federal Regulation Part 51.

By this notice, the public is invited to comment on the proposed amendments. Written comments can be mailed to: Christopher D. Brown AICP, APCO, 541 Washington Avenue, Yuba City, CA 95991, or emailed to: fracmd@fracmd.org Attn: Rule 3.15/1.1, and must be received no later than 5:00 p.m. on May 23, 2024. Comments may also be presented during the public hearing. For more information, please contact Peter Angelonides at (530) 634-7659 ext. 209.

May 3, 2024

Ad #00299518