

**LIST OF STAKEHOLDER CONCERN CATEGORIES CROSS-REFERENCED TO ITEMS IN
THE "PROPOSED RULE 323.1 - LIST OF STAKEHOLDER COMMENTS AND DISTRICT RESPONSES"**

GENERAL CATEGORY	SUBJECT	ITEM(S) COVERED IN COMMENT NUMBER(S)	GENERAL RESPONSE / NOTES
Applicability			
	Effective Date	60, 78, 122.1, & 145	Agreed.
	Scope of Applicability	79 & 108	Deleted the solvent cleaning provision.
	Re-write the B.3 Section on Sell-Through.	31, 32, 50, 55, & 109	Agreed.
	Transitional Language	53	Agreed.
	Keep Rule 323 on the books or in an archive.	51, 52, & 122.2	Agreed.
Exemptions			
	Clarify the exemption text.	110	Agreed.
	Revise the aerosol coating product exemption.	111	Agreed.
	Delete the solvent cleaning machine provisions.	112	Done.
	Revise the one-liter exemption.	33, 34, 56, 57, 58, 100, 113, & 128	Agreed (with one anti-bundling provision).
	Delete the work practice exemption for nonbusiness-type paint operations	35 & 114	Not deleted.
	Add an early compliance provision	59 & 122	Done.
	Add a 20 g/l or less coating exemption.	62, 129, & 146	Done.
	Delete the two ounces capacity containers or less labeling exemption	115	Done.
	Add exemptions for stripping, refinishing wood that are part of a historical preservation facility, stencil coatings, safety-indicating coatings, solid-film lubricants, facility-mounted electronic components, etc.	63, 64, 131, 132, 133, & 134	Not added.
	Exempt solvent cleaning of surfaces that are exposed to strong oxidizers or reducers, etc.	69, 131, & 132	Not added.
	Add an exemption for solvents that are 2% or less VOC.	130	Not added.
	Relocate the sell-through provision to Section B.	135	Not done.
Definitions			
	Add an "ablative coating" definition with 250 g/l limit	101, 106, & 147	Done.
	Keep the "antenna coating" definition	1	No change needed.
	Clarify "Appurtenance" definition	65 & 66	No change needed.
	"VOC" definition	61, 67, 68, & 126	No change needed.
	"Lacquer" definition not being carried forward from Rule 323 into Rule 323.1	77 & 136	No change needed.
	Include "associated solvent" definition	137	Not added.
	"Reactive organic penetrating sealant" definition	96	No change needed.
	Add a "thinner" definition	19 & 102	Not added.

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Standards			
	General	29 & 43	No change needed.
	Add "ablative coating" to Table 323.1-1 with a 250 g/l limit	101, 106, & 147	Done.
	Keep the "antenna coating" limit	1	No change needed.
	Add "pounds per gallon" units to Table 323.1-1 limits	107 & 140	Not added.
	Section D.1.a text changes	116	Done.
	Section D.3 text changes on the sell through provisions	117	Done.
	Section D.4 "Work Practices"	38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 92, 93, 97, 98, 99, 103, 118, & 138	Deleted.
	Solvent requirements	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 24, 25, 28, 30, 36, 70, 71, 72, 73, 74, 75, 76, 87, 88, 89, 90, 91, 94, & 95	Deleted.
	Thinning	19, 20, 21, & 105	
Container labeling requirement			
	Suggested alternatives to labels (e.g., use of data in MSDSs or product data sheets)	37 & 104	No change needed.
	Deviate from the SCM labeling provisions for Industrial Maintenance Coatings and Zinc Rich Primers	144, 148, & 149	Four alternative labeling provisions are available.
Recordkeeping			
	General - Use the 2007 SCM text.	119	Done.
	Requirement to maintain a "solvent usage file"	15, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 30, 36, 80, 81, 82, 83, 84, 85, 86, 105, 120, & 139	Deleted.
Compliance Provisions and Test Methods			
	General	121	Done.
Miscellaneous - General Comments			
	Revise Rule 323 instead of proposing Rule 323.1.	123	Not done.
	Put old Rule 323 limits into Table 323.1-1.	54	Not done.
	Delete references to the state Consumer Products Regulation.	124	Done.
	Include all requirements in the rule.	125	No change needed.
	Amend Rule 323.1 to use ROC in lieu of VOC.	126	No change needed.
	Standardize the coating rules.	127	No change needed.
	Permitting limits based on gallons vs. pounds	49	No change needed.
	The Dunn-Edwards Corporation general info	141, 142, & 143	No change needed.

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1	323.1.D.1 and Table 323.1-1	VOC Content Limits	Can we get a couple of the specialty categories put back in? Like the "antenna" coating category with a 530 g/l limit? We need to comply with a military specification when we recoat antennas and radar equipment every couple of years. The industrial maintenance coating and the rust preventative coating categories both have a 250 g/l limit. This is a significant decrease.	Kimberlee Harding, VAFB, Verbal, March 11, 2014 (workshop)	Kimberlee Harding submitted comments on behalf of VAFB on March 25. Those comments did not include the request to add Antenna Coatings. Hence, the District believes Ms. Harding has found a suitable Antenna Coating product that fulfills the military specifications.	
2	323.1.D.4.g	Solvent Use	Sometimes we have an outside contractor come in and paint, but other times we have our internal staff painting as well. So the clarity on what is required for solvents is really important. The 25 g/l was good because it was pretty clear. So now, I am not really sure what the requirements are. And this is just for cleaning up after we painting, specifically painting on your facility, right?	Christine White, DCOR, Verbal, March 11, 2014 (workshop)	<p>Solvent VOC limits for the user have been deleted. The Consumer Products Regulation already applies to any person selling, supplying, offering for sale, or manufacturing for sale in California any multi-purpose solvents independent of this rule.</p> <p>The only solvent cleaning-related provision remaining in the rule is as follows:</p> <p>Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.</p>	
3	323.1.D.4.g	Solvent Use	We use Chemco 33S solvent and a bunch of products along those lines. I guess they are going to have to comply per this Consumer Products Regulation.	Christine White, DCOR, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	

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4	323.1.D.4.g	Solvent Use	It kind of adds confusion. Many of the other district rules do not even point to the Consumer Products Regulation. Their just out there. By kind of weaving in some of the cleaning here, it's a little bit confusing. You know, what applies, what doesn't. Our preference would be to carve it out already and just stick to the architectural coating rule.	David Darling, American Coatings Association, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
5	323.1.D.4.g	Solvent Use	It creates kind of a double jeopardy situation. Essentially what it is saying is, it's potentially a violation of this rule if you don't comply with the ARB regulations.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
6	323.1.D.4.g	Solvent Use	They [ARB] reviewed your rule and that was their comment?	Rhonda Cardinal, United Launch Alliance, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
7	323.1.D.4.g	Solvent Use	Can you make this [Title 17 Consumer Products Regulation summary] an attachment, because then we can look at all in sync. I have trouble [<i>inaudible</i>] there's a lot of consumer products provisions. Like the aerosol provision and this and that. Am I looking at the right one, you know, it's hard to find it.	Rhonda Cardinal, United Launch Alliance, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
8	323.1.D.4.g	Solvent Use	It's really easy to just see on the side of the container some level and then you put signs up all over your facility this is the level. And then they can double check. But if we need to go back to this [Title 17 Consumer Products Regulation summary] it is going to be very confusing.	Christine White, DCOR, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	

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9	323.1.D.4.g	Solvent Use	Rule 321 exemption - 950 g/l vs, 25 g/l; big change. Go to the new rule, you don't say, you need to go to the Consumer Products Regulation. Can't find the data easily. [. . .] What is 3% VOC? There's no definition in here. [. . .] Instead of referencing Title 17 [. . .], how about saying 3% of the product, or any CARB-approved solvent on the shelf at Home Depot? You know, something specific that a guy could understand.	Fred White, AECOM, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
10	323.1.D.4.g	Solvent Use	This is the second time in the last couple of years that I had to try to find something in the Consumer Products Regulation and it is really confusing.	Fred White, AECOM, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
11	323.1.D.4.g	Solvent Use	The other problem is referencing; putting a number in there. What if CARB changes next year. Then your rule is out of sync.	David Darling, American Coatings Association, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
12	323.1.D.4.g	Solvent Use	Well see, another thing is that if you are just a painter and you get directed to the Consumer Products [Regulation] and you draw the conclusion that if I can buy it on a shelf at Home Depot, it must be CARB approved. It actually lends to the confusion because then they could be buying something that wasn't intended to be used in architectural coatings. So I think we really need to be more specific then to just say in the Consumer Products Regulation.	Fred White, AECOM, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
13	323.1.D.4.g	Solvent Use	How does this effect Rule 321? [. . .] Is there the same Consumer Products [Regulation] percent going to effect any of the solvents in Rule 321?	Fred White, AECOM, Verbal, March 11, 2014 (workshop)	It's not going to effect how we enforce that rule. We would enforce the Rule 321.B.2 exemption on the 950 grams per liter.	

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14	323.1.D.4.g	Solvent Use	Your enforcement and the user's interpretation are two different issues. We want to know that we are understanding it correctly when we try to counsel those people we work for.	Fred White, AECOM, Verbal, March 11, 2014 (workshop)	There are no proposed amendments to Rule 321 at this time.	
15	323.1.F.3	Solvent Usage File	Could you explain what you are anticipating on the recordkeeping part of solvent use; like how you envision that happening with permitted sources or painting contractors? Is that a remnant of the solvent cleaning rule being in here; part of the solvent cleaning that you are taking out? Was this part of what was taken out and should be taken out as well?	Christine White, DCOR, and David Darling ACA, Verbal, March 11, 2014 (workshop)	The District has deleted the Section F.3 "solvent usage file" provision.	
16	323.1.F.3	Solvent Usage File	Let me explain that at a facility there may be architectural coating operations and then there may be other operations at the same facility. So if you do have a solvent that is being used not for architectural coatings, but it is on site, is that going to be a problem with compliance if we don't keep a list of all of these solvents used at your facility?	Christine White, DCOR, Verbal, March 11, 2014 (workshop)	The District has deleted the Section F.3 "solvent usage file" provision.	
17	323.1.F.3	Solvent Usage File	Do we have any coating contractors here in the room; is there anybody here that actually paints?	Rhonda Cardinal, United Launch Alliance, Verbal, March 11, 2014 (workshop)	No one identified themselves in the meeting as being a painting contractor.	
18	323.1.F.3	Solvent Usage File	[. . .] If I may speak on their behalf, the problem I see with this, while it probably wouldn't be difficult for the larger, more professional, more established painting contractors, to comply with, but a lot of painters, what we call the pot and brush painters [. . .] it's not within their abilities to do that.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	The District has deleted the Section F.3 "solvent usage file" provision.	

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19	323.1.F.3	Solvent Usage File	Thinner vs. cleanup solvents. How do you ensure that someone is not using a thinner for clean up? We are thinning with some pretty high VOC solvents, which is okay. If you come out to my facility and you see that high VOC solvent sitting there you say, "What are you using that for?" Well it's a thinner. How do I know that it's not a clean up solvent?	Rhonda Cardinal, United Launch Alliance, Verbal, March 11, 2014 (workshop)	The District has deleted the Section F.3 "solvent usage file" provision.	
20	323.1.F.3	Solvent Usage File	You can still thin to the limit, but you have to use compliant thinners.	David Darling, American Coatings Association, Verbal, March 11, 2014	The District has deleted the Section F.3 "solvent usage file" provision.	
21	323.1.F.3	Solvent Usage File	The CARB regulation does have a few exemptions in it. One is for thinning of industrial maintenance coatings.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	The Consumer Product Regulation definition of Paint Thinner has several exclusions. One exclusion covers products sold in containers 5 gallons or more and labeled exclusively for the thinning of Industrial Maintenance Coatings, Zinc-Rich Primers, or High Temperature Coatings.	
22	323.1.F.3	Solvent Usage File	The pot and brush type operators will have difficulty keeping a list of solvents. I recommend that at a minimum they can maintain that list of solvents at the office or the business address [. . .] Might not be able to read a label unless its brand new off the shelf.	Fred White, AECOM, Verbal, March 11, 2014 (workshop)	The District has deleted the Section F.3 "solvent usage file" provision.	

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23	323.1.F.3	Solvent Usage File	One of the reasons, I'll be working with coating manufacturers all over the United States, is for consistence. Try to make sure, hopefully, that air district rules are consistent as possible. This is [Rule 323.1] is different from other rules. It will be hard from our perspective to go through the twenty odd rules and say, well there's another add-on here and there's another add-on there. You will see in our comments, we hope that you will try to take this requirement out.	David Darling, American Coatings Association, Verbal, March 11, 2014 (workshop)	The District has deleted the Section F.3 "solvent usage file" provision.	
24	323.1.D.4.g and 323.1.F.3	Solvent Use and Solvent Usage File	It's kind of a general concern that we have with these provisions that deal with the solvents here that are not in the 2007 SCM itself. I am sure you know that the SCM was kind of a negotiated product. [. . .] There were a lot of things in the SCM we did not like, but we agreed to support it and we agreed to support local district rules that implemented the SCM to the extent that they followed it. And ARB agreed that they would do their best to ensure that local districts adopted rules that were consistent with the SCM; didn't have a lot of add- ons or variances or differences.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
25	323.1.D.4.g and 323.1.F.3	Solvent Use and Solvent Usage File	ARB prepared an environmental assessment to satisfy CEQA requirements and their legal opinion was that local districts could rely upon the ARB EA to satisfy CEQA to the extent that the local rule parallels the SCM. However, to the extent that there are already significant deviations from the SCM that could require the preparation of an EIR or an EA at the local district level.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	

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26	323.1.F.3	Solvent Usage File	I don't understand how the records are going to help ensure compliance. It is unnecessary.	Fred White, AECOM, Verbal, March 11, 2014 (workshop)	The District has deleted the Section F.3 "solvent usage file" provision.	
27	323.1.F.3	Solvent Usage File	I tend to agree. The recordkeeping provisions in the SCM are there for the manufacturers to report to ARB and the local district on the coatings distributed in the area.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	The District has deleted the Section F.3 "solvent usage file" provision.	
28	323.1.D.4.g and 323.1.F.3	Solvent Use and Solvent Usage File	The Consumer Product Regulation reduces clean up solvent emissions statewide. Can't local districts take credit for some of those emission reductions?	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	Based on discussions with CARB it does not appear we can claim the reductions as "multi-purpose solvents" are already regulated under the Consumer Products Regulation. For past rules, we did claim solvent emission reductions, as these rules either preceded or did not overlap the Consumer Products Regulations.	
29	323.1.D.1.a and Table 323.1-1	Coating VOC Limits	I reviewed all of the coating limits with the products that we currently use at a permitted source and we can find products that already meet these limits that are usable in the business that we do. They are already out there, they are already being sold, and being used and we haven't found any problems with them. The Distributors are really good. They won't sell you something if it is out of compliance.	Christine White, DCOR, Verbal, March 11, 2014 (workshop)	We spot checked a retail outlet and found products already complying with the 2007 SCM limits.	

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30	323.1.D.4.g and 323.1.F.3	Solvent Use and Solvent Usage File	In the recommendation, could we maybe have an advisory thing; here's the Consumer Products rule. May be identify some of the information, kind of like you did here [with the Title 17 summary handout]? That may help the [inaudible]. To address some of the questions on the solvent side, you could have the architectural coating rule and then some kind of guide on solvent use. Compliance advisory. Keep them separate.	David Darling, American Coatings Association, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
31	323.1.A.2	Applicability	On the applicability, A.2, the rule shall be effective six months after the date of adoption. But if you dig into the rule you have a sell-through provision. I was wondering, might move that up here as well . . . so people understand that they . . . unless I'm wrong, you can use what you have on the shelf for three years.	Kevin Wright, Natural Resource Group representing the Western States Petroleum Association, Verbal, March 11, 2014 (workshop)	Staff copied and pasted the revised 323.1.D.3 text into 323.1.A.3. Please see the response to Item 109 for the revised text.	
32	323.1.A.2	Applicability	You might want to reference or at least bring that up to A.2 because if you read that [. . .] Just a suggestion.	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	Staff copied and pasted the revised 323.1.D.3 text into 323.1.A.3. Please see the response to Item 109 for the revised text.	
33	323.1.B.2	One Liter Exemption for Coating Products	I'd like to see you keep the one liter exemption the way it is. E.g., like the Ventura County APCD exemption: Except for the reporting requirements in Section E, this rule shall not apply to any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less. [. . .] Comparing Santa Barbara County with San Joaquin or the South Coast AQMD [. . .]	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	The revised text is similar to the Ventura County APCD rule, except for a caveat on bundling. Products in one liter or less containers will be exempt from the VOC content limits, as before, and will be exempt from the Painting Practices, thinning prohibition, and Section E Container Labeling Requirements. The Section F Recordkeeping and Reporting Requirements, will apply.	We think it is logical to include these additional exemptions based on our removal of the Work Practices and solvent cleaning requirements. Further, the labeling of small containers would cause a significant impact to the manufacturers without the benefit of additional emission reductions.

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34	323.1.B.2	One Liter Exemption for Coating Products	We concur with that, we prefer to keep the small containers out.	David Darling, American Coatings Association, Verbal, March 11, 2014 (workshop)	Please see response to Item 33.	
35	323.1.B.3, 323.1.D.4, and 323.1.F.3	Exemption, Work Practices, and Solvent Usage File	Not part of a business exemption, so I assume if you are a house owner and you hire a painter, then he's part of business, but if you do your own painting then you are exempt from the rule. Is that how it works?	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	In general, yes. Painting contractors are performing work as part of a business and need to comply with all rule provisions. Home owners painting their own houses are exempt only from the Painting Practices requirements. Everyone is required to use coatings in compliance with the Table 323.1-1 limits.	
36	323.1.D.4.g and 323.1.F.3	Solvent Use and Solvent Usage File	I would reiterate the [solvents] recordkeeping and reporting . . . you know I would have problems with that.	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
37	Unsure	Unsure	Also, paint cans tend to drip on the side and you can't read the label. Couldn't you expand that it [thinning ratio] either needs to be on the label or in a data product sheet that you have available at the facility?	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	The draft Rule 323.1, Section E provisions follow those specified in the 2007 SCM. These requirements apply to manufacturers. Assuming the manufacturers complied with the labeling provisions, having an obscured or unreadable label in the field is not a violation.	
38	323.1.D.4	Work Practices, General and Disposal	When we did Rule 321 we pulled out the oil and gas industry. [. . .] It's not the coatings, it's the solvents and the work practices. In my opinion, it's none of your business how I dispose of my waste. It's not an APCD issue. It's a DTSC, CUPA, and that should not be in the rule. There's just a lot of problems with those work practice requirements.	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	Staff replaced the "Work Practices" with the 2007 SCM "Painting Practices."	

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39	323.1.D.4.c	Work Practices, Covers, Etc., for Reducing Evaporation are to be in Place	[. . .] All covers, valves, drain plugs, closure devices . . . you know, that's so subjective.	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	Staff replaced the "Work Practices" with the 2007 SCM "Painting Practices."	
40	323.1.D.4.d	Work Practices, Spill Cleanup	[. . .] spills shall be wiped up immediately, what's immediately? Is that an hour, two hours?	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	Staff replaced the "Work Practices" with the 2007 SCM "Painting Practices."	
41	323.1.D.4	Work Practices	It looks like the requirements came from a shop coating rule or shop rule [. . .] A lot of these wouldn't apply to field applications. [. . .] Some of the things are redundant to what's in paragraph "a." The big concern is with paragraph "b" [. . .] which does not include the California Paint Care Program.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	The District revised this to be consistent with 2007 SCM, "Painting Practices."	
42	323.1.D.4	Work Practices	A compromise might be to go back to the simple practices in the SCM.	David Darling, American Coatings Association, Verbal, March 11, 2014 (workshop)	Please see the response to Item 41.	
43	323.1.D.1 and Table 323.1-1	VOC Content Limits	Industrial maintenance coatings for the offshore platforms, the onshore facilities, painting pipelines, 250 [g/l] isn't going down so, I guess, we are pretty happy.	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	Comment noted.	
44	323.1.D.4.b	Work Practices, Disposal	Permitted sources report their coating emissions by indicating how many gallons they are using. If you throw away a container that has an inch of product in it left over that couldn't be used, you're already accounting for that in your recordkeeping and you're paying for the emissions, but yet you can't leave open half an inch on the bottom of container . . . but sometimes I just wonder what the goal is.	Christine White, DCOR, Verbal, March 11, 2014 (workshop)	Please see the response to Item 46.	

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45	323.1.D.4.b	Work Practices, Disposal	<p>We've gotten a violation for leaving a half an inch in the bottom of a can of paint that was sitting on a platform before. But if you take that paint and put it onto cardboard and paint it, we're allowed to do that, and it's the same VOC emissions in the can, or probably less because it is only going to be on the surface where it dries as opposed to being on a substrate.</p> <p>Our guys like to keep the bucket, you know if there is a little tiny bit, they let it dry out. Because then when you put it into the trash, it doesn't flow all over the place. It is better, because when it goes to the landfill it's not wet.</p>	Christine White, DCOR, Verbal, March 11, 2014 (workshop)	Please see the response to Item 46.	
46	323.1.D.4.b	Work Practices, Disposal	There is a container, it's like 3 percent, [. . .] so maybe empty containers as defined by RCRA can be open.	Rhonda Cardinal, United Launch Alliance, Verbal, March 11, 2014 (workshop)	The 2007 SCM did not address "RCRA empty" or provisions to allow left-over paint to dry before throwing paint cans into the trash. Also, we are not aware of other Districts including such a provision. If ARB includes such provisions in a future SCM, we will add them to our architectural coatings rule.	
47	323.1.D.4.b	Work Practices, Disposal	I agree, that's a good provision. Cause if you can't pour anything more out, then as far as the Resource Conservation [and] Recovery Act, is concerned, it's empty.	Karen Newsom, Lockheed Martin, Verbal, March 11, 2014 (workshop)	Please see the response to Item 46.	
48	323.1.D.4.b	Work Practices, Disposal	And then that is a hazardous waste reduction because then it can go into the landfill trash.	Rhonda Cardinal, United Launch Alliance, Verbal, March 11, 2014 (workshop)	Please see the response to Item 46.	

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49	Not applicable	Not applicable	I'm going to make a comment that you are not going to do anything with. [. . .] SCAQMD paint booth permitting based on the number of gallons vs. SBCAPCD permitting based on emissions. Under the SCAQMD approach, as the prohibitory rules decreased the VOC contents, you were automatically reducing your emissions. But in this district, all our emissions are in pounds per day and we buy offsets. So even though your prohibitory rules are going down, what's the point? Because I'm paying for 24 lbs/day, so I am free to emit. You can never take credit because you have already given me all these emissions, lbs per day, that I paid for. And you can't go reduce them because I already paid for them.	Rhonda Cardinal, United Launch Alliance, Verbal, March 11, 2014 (workshop)	Comment noted.	
50	323.1.A.3 and 323.1.D.3	Applicability & Sell-Through of Coatings	323.1.A.3 refers to 323.1.D.3, but 323.1.D.3 does not refer to the sale through provisions of Rule 323.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	Rule 323.1.D.3 includes the blanket statement: . . . provided that the coating complies with all applicable provisions in Rule 323 . . . It's implied that, including the sale through provisions of that rule.	
51	323.1.A.3	Applicability	I have a question. You're going to have both rules, a new 323.1 and you are going to have the old 323 on the books?	David Darling, American Coatings Association, Verbal, March 11, 2014 (workshop)	Yes.	
52	323.1.A.3	Applicability	I'm trying to avoid having two rules on the books simultaneously, which could be confusing to users that access the rulebook.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	After Rule 323 is no longer in effect, we will continue to maintain Rule 323 on our web page.	
53	323.1.A.3	Applicability	[. . .] transitional language [. . .] for example you took specialty primer away.	David Darling, American Coatings Association, Verbal, March 11, 2014 (workshop)	We have a table that correlates coatings in the old categories with those in the new rule categories.	We plan to put the cross-reference table into the Project Description Summary.

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54	323.1.A.3	Applicability	Couldn't you put the old Rule 323 limits into Table 323.1-1 and then get rid of Rule 323?	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	Please see the responses to Items 52 and 53.	
55	323.1.A.3 and 323.1.D.3	Applicability & Sell-Through of Coatings	Revise 323.1.D.3 [. . .] provided that the coating complies at the time of manufacture with all applicable provisions in Rule 323 as revised November 15, 2001.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	Staff revised 323.1.D.3 to be: A coating manufactured prior to January 1, 2015 may be sold, supplied, or offered for sale for up to three years after January 1, 2015, provided that the coating complied, at the time of manufacture, with all applicable provisions in Rule 323 as revised November 15, 2001. Such coating may also be applied at any time, both before and after January 1, 2015. This Section does not apply to any coating that does not display the date or date-code required by Section E.1.a of this rule.	
56	323.1.B.2	Exemption	On the one liter exemption, we don't have any objection to your anti-bundling provision, but we don't agree with limiting the exemption to only Sections D.1 and the limits in Table 323.1-1. [. . .] would be subject to that label requirement when the rule takes effect, immediately. There's no grandfathering . . . doesn't get any emission reductions . . .	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	Please see response to Item 33.	

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57	323.1.B.2.b	Exemption	[. . .] creates an ambiguity as to which products need to be labeled since the definition of architectural coating is such that any coating applied to a stationary structure is an architectural coating, whether or not it was intended to be applied to the stationary structure by the manufacturer. [. . .] It would create pointless violations. [. . .] What about artist's paint?	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	Staff deleted 323.1.B.2.b.	
58	323.1.B.2.a	Exemptions	Where 323.1.B.2.a indicates, excluding containers packed together for shipping to a retail outlet, we want to add one. At VAFB we have the HazMart Redistribution Center. We would want them added in here so that weren't precluded from this exemption.	Fred White, AECOM, Verbal, March 11, 2014 (workshop)	The District changed the text to be: The coating containers are not bundled together to be sold as a unit that exceeds one liter (1.057 quarts), excluding containers packed together for shipping to a retail outlet, warehouse, or a military distribution or redistribution facility.	
59	323.1.B	Exemptions	Because there has been a shift in the categories [. . .] should have an early compliance provision.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	Added to the rule, Section B: 4. The following is an "early Rule 323.1 compliance provision" that provides an exemption from Rule 323: Prior to January 1, 2015, any coating that meets the definition in Section C for a coating category listed in Table 323.1-1 and complies with the corresponding VOC limit in Table 323.1-1 and with the Most Restrictive VOC limit in Section D.2 and the corresponding Labeling Requirement in Section E, if applicable, shall be considered in compliance with this rule and exempt from Rule 323.	

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60	323.1.A	Effective date	Most district tend to allow 1 year for the effective date. Right now it is at 6 months. Jan. 1st is when the manufacturers are locking out their products, they're informing customers, and stuff like that. So if you can resolve the issues we raised and get the rule adopted in June, no problem. But if it slips a little, then we prefer to have a one year effective date.	David Darling, American Coatings Association, Verbal, March 11, 2014 (workshop)	The revised draft Rule 323.1 now shows the rule's effective date is January 1, 2015. Given that manufacturers selling products in California are already complying with the coating limit, a one year transition is not really necessary.	
61	323.1.C and 323.1.F	VOC Definition and tBAc Recordkeeping and Reporting	On tertiary-butyl acetate, is the text necessary on when it is exempt and when it is to be reported?	David Darling, American Coatings Association, Verbal, March 11, 2014 (workshop)	Yes, the text is essentially out of the 40 CFR VOC definition. EPA gave the Ventura County APCD and the SCAQMD deficiency notices for not included such text.	
62	323.1.B	Exemption	In line with my comments on Rule 330, 337, and 339, and all that, the adhesives rule, I'd like to see a pollution prevention provision in the exemptions. It would be exemption of coatings and solvents less than 20 g/l.	Karen Newsom, Lockheed Martin, Verbal, March 11, 2014 (workshop)	Staff added a 20 g/l coating exemption.	
63	323.1.B	Exemption	Should include an exemption for the stripping of cured coatings.	Karen Newsom, Lockheed Martin, Verbal, March 11, 2014 (workshop)	With the removal of the solvent cleaning provisions we do not see the need to add an exemption for stripping of cured coatings.	
64	323.1.B	Exemption	Matching of existing wood fixtures. Need to have a provision for historical preservation act and matching existing stains. We have cold war facilities that we have to maintain exactly as it is.	Karen Newsom, Lockheed Martin, Verbal, March 11, 2014 (workshop)	The 2007 SCM did not provide such an exemption for wood substrates. If historical preservation projects cannot be performed using the one liter exemption, a variance should be sought.	
65	323.1.C	Definitions	Could you explain why architectural appurtenance is not defined as at the site?	Fred White, AECOM, Verbal, March 11, 2014 (workshop)	It is defined at the site, either attached or detached. The definition is consistent with the 2000 and 2007 SCM.	

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66	323.1.C	Definitions	<p>But is the site the stationary source?</p> <p>I have an email from a former inspector that clearly stated that one of our processes, where they removed something and brought it across base to coat it, was architectural. And he sent me the policy. This was a couple of years ago.</p>	Kimberlee Harding, VAFB, Verbal, March 11, 2014 (workshop)	<p>The site is at the location of installation; we don't define it as the entire stationary source. "Shop Application" is defined on page 8.</p> <p>That occurred a couple of years ago and we have re-educated the inspectors.</p>	<p>The District Policy Number II.I.2 dated August 24, 1993 was written under an earlier Rule 323. This policy indicates that an appurtenance includes accessories to a stationary source and that if the accessory is painted at the manufacturing/repair facility, it is subject to Rule 323.</p> <p>The definition of "Appurtenances" changed in 2001 with a Rule 323 amendment, which added "at the site of installation, whether installed or detached . . ." text. That rule amendment also added text to the "Architectural Coatings" definition clarifying that coatings applied in shop applications were not considered architectural coatings.</p>
67	323.1.C	Definitions	The VOC Content definition indicates silanes and siloxanes that generate VOCs during the curing process or to be included. MSDSs don't show silanes and siloxanes, the only way we are going to know if a product has these emissions.	Karen Newsom, Lockheed Martin, Verbal, March 11, 2014 (workshop)	Please see Robert Wendoll's response shown in Item 68.	
68	323.1.C	Definitions	You kind of have to trust that the manufacturers are complying with the regulation and calculating VOC content correctly and labeling the product as required.	Robert Wendoll, Dunn-Edwards Corp., Verbal, March 11, 2014 (workshop)	Comment noted.	
69	323.1.B	Exemption	[. . .] Compatible solvents [. . .] we would like to see the same exemption for strong oxidizer that is in the other rules, 330, 337, etc. Prep for painting.	Karen Newsom, Lockheed Martin, Verbal, March 11, 2014 (workshop)	With the removal of the solvent cleaning provisions we do not see the need to add this exemption.	
70	323.1.D.4.g	Solvent VOC Limit	Does this SCM address prep for painting [inaudible] what the purpose is? [. . .] not covered under Rule 321, use of isopropyl [. . .]	Rhonda Cardinal, United Launch Alliance, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	

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71	323.1.D.4.g	Solvent VOC Limit	Does the Consumer Products Regulation talk about surface prep?	Rhonda Cardinal, United Launch Alliance, Verbal, March 11, 2014 (workshop)	Yes, under the "multi-purpose solvent" definition, which indicates, in part, "products labeled to prepare surfaces for painting."	
72	323.1.D.4.g	Solvent VOC Limit	What about painting the inside of a clean room and propellant lines are bolted into the system and cemented into place and some of those are within clean rooms. They are part and parcel of the clean room.	Karen Newsom, Lockheed Martin, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
73	323.1.D.4.g	Solvent VOC Limit	[. . .] we are outside painting. Anything that is going to come into contact with hypergols gets coated with PSX-700. So Karen's point is that we won't be able to prep with isopropyl alcohol.	Rhonda Cardinal, United Launch Alliance, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
74	323.1.D.4.g	Solvent VOC Limit	I'm still confused [. . .] this Consumer Product Reg, multi- purpose solvent in one place is 3% and multi-purpose solvent in another place is 1% .	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	The 1% limit is for aromatics.	The Consumer Product Regulation initial statement of purpose indicates: Further, the limit on the use of aromatic compounds is a mitigation measure designed to prevent an increase in ozone forming potential of reformulated products.
75	323.1.D.4.g	Solvent VOC Limit	Is there a definition of aromatic?	Rhonda Cardinal, United Launch Alliance, Verbal, March 11, 2014 (workshop)	Yes in the Consumer Products Regulation.	
76	323.1.D.4.g	Solvent VOC Limit	So we were talking about maybe putting a table or something in the rule. [. . .] I don't think you want painters going through this thirty page Consumer Products . . .	Kevin Wright, Natural Resource Group, Verbal, March 11, 2014 (workshop)	Please see the response to Item 2.	
77	323.1.C	Definitions	Why did you delete the lacquer definition?	Fred White, AECOM, Verbal, March 11, 2014 (workshop)	It was consistent with the SCM. For more information see the response to Item 136.	

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78	323.1.A.2	Applicability	Under applicability, if you are going to adopt this before July 1, it would be really nice if you make this a specific date like January 1, 2015.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	The revised draft Rule 323.1 now shows the rule's effective date is January 1, 2015.	
79	323.1.A.2	Applicability	This is not an operation rule.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	Section A.1.c refers to applying any architectural coating.	
80	323.1.F.3	Recordkeeping	The way this is worded, a Sherwin-Williams store handles architectural coatings as part of a business. So you are asking them to keep records of any solvent they use to clean in the store.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	The District has deleted the Section F.3 "solvent usage file" provision.	
81	323.1.F.3	Recordkeeping	From our perspective, I do think it would be easiest for everybody if you got rid of the recordkeeping on solvents.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	The District has deleted the Section F.3 "solvent usage file" provision.	
82	323.1.F.3	Recordkeeping	Because one of the other things that you are requiring, that won't happen, [. . .] used by material name [. . .] The trouble is that the way that is worded, if it is a solvent blend that has a lot of stuff in it, you want the material name, and we don't reveal that to you. On the MSDS we only reveal the amount of material based on OSHA requirements . . .	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	The District has deleted the Section F.3 "solvent usage file" provision.	
83	323.1.F.3	Recordkeeping	I suggest that you really need records that go along with MSDSs and purchase records. Because a business is required to have an MSDS for everything they use. And purchase records would reveal what they bought.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	The District has deleted the Section F.3 "solvent usage file" provision.	
84	323.1.F.3	Recordkeeping	Is there a stated purpose for this specific requirement, keeping track of the solvents?	Barrett Cupp, Sherwin- Williams, March 18, 2014, (stakeholders meeting)	The District has deleted the Section F.3 "solvent usage file" provision.	

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85	323.1.F.3 and 323.1.C	Recordkeeping & Definitions	You might want to revise this to say anything that is non-exempt. Is solvent defined?	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	The District has deleted the Section F.3 "solvent usage file" provision.	
86	323.1.F.3 and 323.1.C	Recordkeeping & Definitions	Are you expecting them to keep [solvent] records on tBac even though it is exempt? [. . .] The VOC definition indicates, " and shall be a VOC only for purposes of recordkeeping . . ." So if you are going to keep the 323.1.F.3 text, you should mention the need to keep records for tBac too. You need to add some of the 323.1.F.1.o text into F.3 - the corresponding weight percent of tBac. That way they won't get confused with the VOCs.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	The District has deleted the Section F.3 "solvent usage file" provision.	
87	323.1.D.4.g	Solvent VOC Limit	Just you so you know, the 25 g/l is generally considered equivalent to 3% by weight. They are not identical; it depends on density.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	Comment noted.	
88	323.1.D.4.g	Solvent Use	The way I read this, my paint clean-up operation might require paint remover because it is cured paint. [. . .]	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	It wasn't our intent to make the solvent cleaning requirements apply to paint stripping.	
89	323.1.D.4.g	Solvent VOC Limit	I don't see a legitimate way, since a manufacturer can't make it [solvent] for sale in California and it can't be sold in California as I understand the CARB regulation, how a user can use something that doesn't comply?	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	Comment noted.	
90	323.1.D.4.g	Solvent VOC Limit	The CARB reg doesn't touch a user. So a user can go to Nevada load up his truck and drive back. And in your district, you don't want them to do it.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	That was our reasoning in the earlier draft. However, we have revised the text to be the 2007 SCM "Painting Practices."	

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91	323.1.D.4.g	Solvent VOC Limit	It is taking a rule that was written for the manufacturers, but the intent of the CARB rule was to remove high-VOC solvents from the use in the state.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	Comment noted.	
92	323.1.D.4	Work Practices	Allowing residue in a latex paint can to dry out rather than handling it as a hazardous waste makes sense.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	Please see the response to Item 46.	
93	323.1.D.4	Work Practices	California has a non-RCRA hazardous waste rule for latex paints.	Barrett Cupp, Sherwin- Williams, March 18, 2014, (stakeholders meeting)	Comment noted.	
94	323.1.D.4.g	Solvent VOC Limit	[. . .] And for them [VAFB, offshore platform operators] I suggest you listen carefully because the multi-purpose solvent rule did not take into account anything to do with that. It's intent really was [for] you and me, the consumer. It really wasn't looking at aerospace, oil refineries; there was no consideration of those kind of businesses.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	Comment noted.	
95	323.1.D.4.g	Solvent VOC Limit	In those operations, I believe, CARB would consider those, because the are an operation, exempt from the Consumer Products rule.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	Comment noted.	
96	323.1.C	Definitions	I appreciate you changing the Reactive Penetrating Sealant 60 percent vapor transmission rate to 2 percent.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	We went back to what was in the SCM. If ARB-CalTrans negotiations come up with a figure different than the 2 percent, we will re-open our rule.	
97	323.1.D.4.f	Work Practices	Instead of saying name of material, indicate name of product.	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	Staff replaced the "Work Practices" with the 2007 SCM "Painting Practices."	

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98	323.1.D.4.f	Work Practices	Isn't that more of a requirement that is already under OSHA, where there is hazardous material labeling`?	Barrett Cupp, Sherwin- Williams, March 18, 2014, (stakeholders meeting)	Staff replaced the "Work Practices" with the 2007 SCM "Painting Practices."	
99	323.1.D.4.b	Work Practices	Shouldn't this include waste paint; what to do with left over paint?	Madelyn Harding, Sherwin-Williams, March 18, 2014, (stakeholders meeting)	Staff replaced the "Work Practices" with the 2007 SCM "Painting Practices."	
100	323.1.B.a and 323.1.B.2	One Liter Exemption for Coating Products	1) B. 1 Exemptions- a comment was made at the District workshop that small containers should be exempt from all provisions of the regulation, not just certain provisions of it. ULA concurs with this suggestion.	Rhonda Cardinal and Mark Inguaggiato, United Launch Alliance, Letter, March 25, 2014	Please see the response to Item 33.	See responses to Items 33 and 57.
101	323.1.C	Definitions	2) C. Definitions- add this definition; "Ablative Coating means a sacrificial coating designed to char and absorb extreme heat to protect an underlying coating or surface during a high intensity event such as a rocket launch." This is specialized coating application at the launch sites, sometimes accomplished with the use of a one-part roof coating material. Carving out a separate definition for this coating will avoid confusion as to what category covers this material for this type of application.	Rhonda Cardinal and Mark Inguaggiato, United Launch Alliance, Letter, March 25, 2014	<p>The draft Rule 323.1 now includes this definition:</p> <p>"Ablative Coating" means any coating that chars when exposed to open flame or extreme temperatures, as would occur during a rocket launch. The ablative char surface serves as an insulative barrier, protecting underlying coatings or surfaces from the heat or open flame.</p> <p>Staff modeled the term on the one found in Rule 337 with slight changes per the Rhonda Cardinal suggested text.</p>	

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102	323.1.C	Definitions	3) C. Definitions- ULA suggests that a definition be added for thinners. The rule focuses heavily on VOC limits for clean-up solvents but does not define thinners, which have no VOC limits but are mentioned throughout the rule. The relationship between thinners and clean-up solvents should be clearly delineated so that an inspector, noting a high VOC solvent on the site, can be advised as to intended use of the material within the context of the rule.	Rhonda Cardinal and Mark Inguaggiato, United Launch Alliance, Letter, March 25, 2014	With the deletion of the work practices and solvent cleaning provisions we do not see a need to add a "Thinners" definition.	
103	323.1.D.4	Work Practices	4) 4.a. Work Practices- ULA suggests adding another work practice as follows: Containers that meet the Resource Conservation and Recovery Act (RCRA) definition of "Empty" are allowed be left open and allowed to dry. By definition, "empty" means that: 1. All wastes have been removed that can be removed using 'commonly employed practices' from that type of container AND 2. No more than 2.5 centimeters (1 inch) of residue remains on the bottom of the container or liner OR	Rhonda Cardinal and Mark Inguaggiato, United Launch Alliance, Letter, March 25, 2014	Please see the response to Item 46.	

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103 (cont.)	323.1.D.4 (cont.)	Work Practices (cont.)	3. No more than 3 percent by weight of the total capacity of the container remains if the container is less than or equal to 110 gallons* in size OR 4. No more than 0.3 percent by weight of the total capacity of the container remains if the container is greater than 110 gallons* in size Including the RCRA definition of empty containers and allowing these empty containers to air dry reduces the volume of hazardous waste that a facility will generate. Empty containers of architectural coatings can typically be disposed of as domestic waste, unless they exhibit certain other characteristics of hazardous waste when dried.	Rhonda Cardinal and Mark Inguaggiato, United Launch Alliance, Letter, March 25, 2014		
104	323.1.E.1	Container Labeling Requirements	5) E 1. Container Labeling Requirements- ULA suggests adding the following language to the end of bullet 1, "Alternatively, the information can also be obtained from the applicable Product Data Sheet." Paint can labels may become obscured and unreadable over time. The ability to use data from the data sheet provides an alternative for compliance when field conditions do not provide legible product information on the paint containers.	Rhonda Cardinal and Mark Inguaggiato, United Launch Alliance, Letter, March 25, 2014	Please see the response to Item 37.	
105	323.1.F.3	Solvent Usage File	6) F 3. Recordkeeping and Reporting Requirements- ULA recommends that a distinction be made between solvents used for clean-up and those used for thinning and that this information be kept in the proposed solvent file for inspection and review by the District. See comment 3 above.	Rhonda Cardinal and Mark Inguaggiato, United Launch Alliance, Letter, March 25, 2014	The District has deleted the Section F.3 "solvent usage file" provision.	

PROPOSED RULE 323.1 - LIST OF STAKEHOLDER COMMENTS AND DISTRICT RESPONSES

ITEM No.	RULE & SECTION OR OTHER REF.	RULE PROVISION	CONCERN, ISSUE, OR QUESTION (SOMETIMES PARAPHRASED OR CONDENSED)	COMMENT SUBM'D BY, FORM, AND DATE	RESPONSE AND/OR ADDITIONAL INFORMATION	NOTES
106	323.1.D.1 and Table 323.1-1	Coating VOC Limits	7) Table 323.1-1 VOC Content Limits for Architectural Coatings- ULA wishes to add a category for "Ablative Coating" per comment 2 above. ULA Recommends a VOC limit of 250 grams per liter, commensurate with the Industrial Maintenance Coating. The new VOC limit for roof coatings, at 50 g/l, will not meet our requirements for the roof coatings being used as ablatives and ULA wishes to carve out this VOC limit for this specific application.	Rhonda Cardinal and Mark Inguaggiato, United Launch Alliance, Letter, March 25, 2014	Table 323.1-1 now lists the limit for Ablative coatings as 250 g/l limit, which is the same as the Industrial Maintenance Coating category. Hence, ARB and EPA should not have any concerns with this approach.	
107	323.1.D.1 and Table 323.1-1	Coating VOC Limits	8) Table 323.1-1 VOC Content Limits for Architectural Coatings- ULA requests that another column be added with the VOC content listed in Pounds per Gallon. This will aid in compliance with these limits, as some Product Data Sheets and Safety Data Sheets list this value instead of Grams per Liter.	Rhonda Cardinal and Mark Inguaggiato, United Launch Alliance, Letter, March 25, 2014	The SCM and other air district rules do not list the limits in pounds per gallon. Further, manufacturers are required under the labeling provisions to list the VOC content in g/l. The District may add an attachment to the Project Description Summary showing the approximate equivalent units in pounds per gallon.	
108	323.1.A	Applicability	<u>Subparagraph 1.d:</u> We suggest deleting Subparagraph 1.d: "Performs any solvent cleaning related to the application of any architectural coatings within the District." This change is consistent with our recommendations for D.4. Work Practices, as given below.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Staff made this change.	

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ITEM No.	RULE & SECTION OR OTHER REF.	RULE PROVISION	CONCERN, ISSUE, OR QUESTION (SOMETIMES PARAPHRASED OR CONDENSED)	COMMENT SUBM'D BY, FORM, AND DATE	RESPONSE AND/OR ADDITIONAL INFORMATION	NOTES
109	323.1.A	Applicability	<u>Paragraph 3:</u> ACA suggests deleting the last phrase in Paragraph 3, beginning with "except that the Rule 323 sell-through provisions..." Paragraph 3 is confusing. It states that Rule 323 (the current, soon to be previous, version of the rule) stays in effect until the new rule becomes effective, except that the old rule's sell- through provision remains in effect "as set forth in Section 323.1.D.3 of this rule." That section, however, says nothing about retaining the previous rule's sell- through provision beyond the effective date of the new rule. Further, even if it did include the sell- through date, the section would not apply to the updated rule since that provision covers only products manufactured before the applicable limits from the previous rule took effect (i.e., only products manufactured before January 1, 2003).	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Comment noted. Staff amended 323.1.A.3 to be: Rule 323, Architectural Coatings, shall remain in effect in its entirety until January 1, 2015. A coating manufactured prior to January 1, 2015 may be sold, supplied, or offered for sale for up to three years after January 1, 2015, provided that the coating complied, at the time of manufacture, with all applicable provisions in Rule 323 as revised November 15, 2001. Such coating may also be applied at any time, both before and after January 1, 2015. This Section does not apply to any coating that does not display the date or date-code required by Section E.1.a of this rule.	
109 (cont.)	323.1.A (cont.)	Applicability (cont.)	Incorporating this section would do nothing to protect coatings manufactured after the limits in Rule 323 took effect, but before new Rule 323.1 becomes effective. Accordingly, ACA suggests deleting the last phrase in Paragraph 3 as follows: except that the Rule 323 sell- through provisions shall remain in effect as set forth in Section 323.1.D.3 of this rule. Our recommendation for modifying Section 323.1.D.3 is given below.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014		

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110	323.1.B	Exemptions	<u>Subparagraph 1.a:</u> The addition of “for use outside the District” to the phrase “or for shipment to other manufacturers for reformulation or repackaging” would preclude such shipment to other manufacturers for the purpose of reformulating or repackaging coatings to bring them into compliance with Rule 323.1 for use within the District. We suggest deleting this language.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Staff made this change.	
111	323.1.B.1.b	Aerosol Coating Exemption	<u>Subparagraph 1.b:</u> Although the applicability of the rule is “to any person,” exemptions are stated in terms of “any coating” or “any product.” The addition of the phrase “and any person using an aerosol coating product” to the exemption for aerosol coatings is inconsistent with other exemptions, and seems to imply that only those persons using an aerosol coating are exempt, but not any person who supplies, sells, offers for sale, manufactures, blends, repackages, or solicits the application of any aerosol coating or any architectural coating. We recommend deleting this language.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Staff deleted the "and any person using an aerosol coating product" wording.	
112	323.1.B.1.c	Solvent Cleaning Machine Exemption	<u>Subparagraph 1.c:</u> Again, consistent with our recommendations for D.4. Work Practices, we suggest deleting Subparagraph 1.c.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	The District deleted 321.1.B.1.c regarding the use of a solvent cleaning machine.	

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ITEM No.	RULE & SECTION OR OTHER REF.	RULE PROVISION	CONCERN, ISSUE, OR QUESTION (SOMETIMES PARAPHRASED OR CONDENSED)	COMMENT SUBM'D BY, FORM, AND DATE	RESPONSE AND/OR ADDITIONAL INFORMATION	NOTES
113	323.1.B.2	One Liter Exemption for Coating Products	<u>Paragraph 2:</u> We recommend retaining the original Suggested Control Measure (SCM) language for the first part of Paragraph 2, adapted to the format of Rule 323.1 as follows: "With the exception of Section F, this rule does not apply to any architectural coating that is sold in a container with a volume of one liter (1.057 quarts) or less."	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Please see response to Item 33.	
113 (cont.)	323.1.B.2 (cont.)	One Liter Exemption for Coating Products (cont.)	We have no objection to the added anti-bundling provision. Our concern is that limiting the exemption to VOC limits only would subject small containers to the rule's administrative requirements, such as labeling. This would impose significant new burdens without commensurate benefits, and would do so immediately upon the effective date of the rule, without any "grandfather" provision.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Please see response to Item 33.	
113 (cont.)	323.1.B.2 (cont.)	One Liter Exemption for Coating Products (cont.)	As discussed at the workshop, ACA strongly believes that a full exemption of small containers is appropriate because, under the rule definition, an architectural coating is any coating that is "applied to stationary structures or their appurtenances." Many coatings available in small containers are not specifically intended for use solely as architectural coatings (e.g., marine varnish, hobby paints, and artist's colors) and should not be subject to the labeling requirements for architectural coatings when used as such.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Please see response to Item 33.	

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114	323.1.B.3	Work Practice Exemption for Nonbusiness-type Painting	<u>Paragraph 3</u> : Again, consistent with our recommendations for D.4. Work Practices, we suggest deleting Paragraph 3.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Staff decided to retain this exemption for consistency with other coating rules.	
115	323.1.B.4	Two Fluid Ounce Labeling Exemption	<u>Paragraph 4</u> : Along with the modifications suggested for Paragraph 2 to ensure full exemption of small containers that meet the anti-bundling provisions, we recommend deleting Paragraph 4, which would be superfluous.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Correct, we have deleted this provision.	
116	323.1.D.1.a and Table 323.1-1	VOC Content Limits	<u>Subparagraph 1.a</u> : The distinction between coatings that are intended for use within the District and coatings that are actually used in the District was lost when this section was condensed. We recommend the following simplified version, similar to versions adopted by other local districts implementing the SCM:	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Staff made the suggested text changes.	
116 (cont.)	323.1.D.1.a and Table 323.1-1 (cont.)	VOC Content Limits (cont.)	Except as provided in Sections D.2 or D.3 of this rule, no person shall manufacture, blend, repackage, supply, sell or offer for sale, for use within the District, nor solicit for application or apply within the District any architectural coating that has a VOC Content in excess of the corresponding limit specified in Table 323.1-1.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014		
117	323.1.D.3	Sell-Through of Coatings	<u>Paragraph 3</u> : Consistent with our comments on Section A.3, we recommend changing the word "complies" to "complied" in the first sentence of this paragraph, and adding the phrase "at the time of manufacture" as follows:	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Please see the response to Item 55.	

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117 (cont.)	323.1.D.3 (cont.)	Sell-Through of Coatings (cont.)	A coating manufactured prior to [rule's effective date] may be sold, supplied, or offered for sale for up to three years after [rule's effective date], provided that the coating complied, at the time of manufacture, with all applicable provisions of Rule 323 as revised November 15, 2001.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014		
118	323.1.D.4.b through 323.1.D.4.g	Work Practices	<u>Subparagraphs 4.b through 4.f (Work Practices)</u> : ACA believes that the added provisions for handling solvents (and VOC-containing coatings) are inappropriate and should be removed from this rule. These provisions are largely duplicative of existing requirements under other laws or regulations, and are even inconsistent in some respects. The waste disposal methods specified in 4.b would preclude operation of the PaintCare program established pursuant to California law.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Staff replaced the "Work Practices" with the 2007 SCM "Painting Practices."	

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118 (cont.)	323.1.D.4.b through 323.1.D.4.g (cont.)	Work Practices (cont.)	The labeling requirement given in 4.f is not consistent with the OSHA Hazard Communication Standard, which requires that a hazardous material be labeled with the same identifier used on the product's Material Safety Data Sheet, along with the name and address of the manufacturer, and any hazard warnings that may be appropriate. Given that the use of solvents in conjunction with architectural coatings has significantly decreased – primarily because more than 95 percent of the volume of architectural coatings manufactured today consists of waterborne coatings that require no solvent for thinning or cleanup – we believe that these added provisions are unnecessary, as well as inappropriate, and should be deleted.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Staff replaced the "Work Practices" with the 2007 SCM "Painting Practices."	
119	323.1.F.1	Recordkeeping and Reporting	<u>Paragraph 1</u> : This part of the SCM was added so that, when a district incorporates the model rule there would be an enforceable requirement for manufacturers to provide data requested in the ARB's periodic survey of architectural coatings distributed in California. The proposed language raises serious questions and concerns. Nothing in this provision describes what it would mean for a manufacturer to "designate a responsible official" to comply with this section. It is unclear whether a written designation is required, and if so, who this written designation must be submitted to. Moreover, no justification is provided for why this additional procedure is necessary.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Staff have revised the Section F.1 and F.2 text to be consistent with the 2007 SCM.	

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119 (cont.)	323.1.F.1 (cont.)	Recordkeeping and Reporting	The expansion of the requirement to provide “data concerning the distribution and sales of architectural coatings” – becoming a mandate to provide “any certification or information necessary to disclose” the distribution and sales of architectural coatings – appears to go far beyond what would be requested for the survey. The District provides no justification for this provision and fails to explain who or what entity determines whether this information is necessary.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014		
119 (cont.)	323.1.F.1 (cont.)	Recordkeeping and Reporting	Particularly troubling is the last sentence: “Any failure of a responsible official to comply with any provisions of this rule shall be a violation of these Rules and Regulations by the responsible official and the manufacturer.” The responsible official is responsible only for providing the information requested, not for compliance with the entire rule. As an agent of the manufacturer, the ultimate responsibility for complying with the rule rests with the manufacturer. In no way should a responsible official be held personally liable for any violation on the part of the manufacturer. Consequently, we recommend deleting the added language and returning to the plain language of the SCM.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014		
120	323.1.F.3	Solvent Usage File	<u>Paragraph 3</u> : Again, consistent with our recommendations for D.4. Work Practices, we suggest deleting this paragraph, which would impose infeasible recordkeeping requirements on small business painting contractors.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	The District has deleted the Section F.3 "solvent usage file" provision.	

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121	323.G	Compliance Provisions and Test Methods	<u>Paragraph 6:</u> This paragraph should have been deleted along with other proposed language dealing with the VOC content of solvents.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	It appears ACA was reviewing the March 6 draft. The District had already deleted this section as shown in the March 7, 2014 draft.	
122	Non-specific	Non-specific	ACA suggests adding an “early compliance” provision, as other local districts implementing the SCM have done. This provision would allow any coating that complies with the definition and VOC content limit of a new category –present in Rule 323.1, but not in Rule 323 – to comply with the new rule immediately upon its adoption. We recommend adding language such as the following:	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	The revised draft Rule 323.1 now shows an early compliance provision (Section B.4).	
122 (cont.)	Non-specific (cont.)	Non-specific (cont.)	Prior to [rule's effective date], any coating that meets the definition of a coatings category and its VOC limit as given in this rule, and any other applicable requirement of this rule, shall be deemed to be in compliance with this rule and exempt from Rule 323 as revised November 15, 2001.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014		
122.1	Non-specific	Non-specific	ACA generally advocates that a new rule take effect no sooner than one year after its date of adoption, to allow members to lock out product, reformulate, modify labels, inform customers, etc. In this instance, however, if the proposed rule follows closely to the ARB 2007 SCM and can be adopted at a hearing no later than July 1, 2014, we believe that an effective date of January 1, 2015, would be acceptable.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	Please see the response to Item 60.	

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122.2	Non-specific	Non-specific	ACA requests that the District provide an archived copy of Rule 323 on its website so that an official "reference copy" of Rule 323 remains available to interested parties. This would allow stakeholders to refer back to Rule 323 once Rule 323.1 is effective, so that they can find the category definitions and limits in Rule 323. This is important for determining which products are eligible for the sell- through provision in Rule 323.1.	David Darling and Timothy Serie, American Coatings Association, Letter, March 25, 2014	We plan to keep Rule 323 on our web site for several years after Rule 323.1 is adopted.	
123	General	General	To avoid confusion in the regulated community, recommend revising Rule 323 to incorporate the new requirements and include a sell-through provision rather than issuing a new rule.	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	The District studied this possibility and decided it would be more straight forward and less confusing to adopt Rule 323.1.	
124	General	General	Recommend that the District not refer to the California Consumer Products Regulation to establish limits for solvents but rather include specific limits in Rule 323.1	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	We are no longer referring to the Consumer Products Regulations and, for various reasons, have not included solvent limits in the Architectural Coatings rule.	
125	General	General	To avoid confusion and aid in compliance District rules should include all of the requirements/limits that are applicable to the rule rather than sending the operator from one regulation to another to determine exactly what is required of them.	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	Providing a one-stop rule for specific operations has been our approach and the reason we added the solvent cleaning provisions into Rules 330, 337, 349, and 353.	
126	General	General	Revise 323.1 to use the term ROC as opposed to VOC for consistency with other district coating rules.	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	This would be inconsistent with the SCM and existing Rule 323 terminology.	
127	General	General	The coating rules should be standardized as much as possible to aid in achieving compliance.	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	Comment noted.	

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128	323.1.B.2.a	One Liter Exemption for Coating Products	<p>Add the following text to the end of the last sentence.</p> <p>"...or mid-level distribution point."</p> <p>Request this language be added to accommodate items shipped to the VAFB Hazardous Materials Pharmacy for further distribution on base.</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	Please see response to Item 58.	
129	323.1.B	Exemptions	<p>Add the following exemption.</p> <p>"This rule shall not apply to coatings that contain less than 20 grams of reactive organic compound per liter (0.17 pounds of reactive organic compound per gallon) of coating, less water and less exempt compounds, as applied."</p> <p>Add this provision to encourage pollution prevention as a pollution prevention initiative. Recommend refocusing the rule towards encouraging businesses in Santa Barbara County to emit less by exempting ultra low to zero-VOC products from regulation.</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	Staff added a 20 g/l coating exemption.	

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130	323.1.B	Exemptions	<p>Add the following exemption.</p> <p>This rule shall not apply to any cleaning performed with a solvent (including emulsions) that contains two percent by weight or less of each of the following:</p> <ul style="list-style-type: none"> a. Reactive organic compounds, and b. Toxic air contaminants (as determined by generic solvent data, solvent manufacturer's composition data or by a gas chromatography test and a mass spectrometry test). <p>Add this provision to encourage pollution prevention as a pollution prevention initiative. Recommend refocusing the rule towards encouraging businesses in Santa Barbara County to emit less by exempting ultra low to zero-VOC products from regulation.</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	With the removal of the solvent cleaning provisions we do not see the need to add this exemption.	

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131	323.1.B	Exemptions	<p>Add the following exemption</p> <p>Solvent cleaning limits shall not apply to any of the following:</p> <ul style="list-style-type: none"> a. Cleaning of facility mounted electronic components; b. Cleaning of encasements, including decoy shells or box casings, for electronic components that have a total surface area that is less than 2 square feet; c. Cleaning of facility mounted parts, subassemblies, or assemblies that are exposed to strong oxidizers or reducers (e.g., nitrogen tetroxide, liquid oxygen, or hydrazine); d. Cleaning of facility mounted solar cells, coated optics, laser hardware, scientific instruments, high precision optics, telescopes, microscopes, and military fluid systems; e. Cleaning of cleanrooms. f. Cleaning or stripping of coating overspray from personal protective equipment. (See Rule 321 and 330) provided the solvent reactive organic compound content does not exceed 900 grams per liter of material. 	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	With the removal of the solvent cleaning provisions we do not see the need to add these exemptions.	

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131 (cont.)	323.1.B (cont.)	Exemptions (cont.)	<p>Add exemptions for cleaning facility mounted components that have electronics, or other system requirements, cleanrooms or are exposed to strong oxidizers or reducers.</p> <p>Assure solvent cleaning exemptions are in line with Rule 321 and 330.</p> <p>Therefore the emission limit for any cleaning solvent used around satellite and rocket propellant systems should be 900 grams per liter which conforms to Rule 321, Section B and Section M.1., Table 1. (See Rule 321 and 330)</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014		
132	323.1.B	Exemptions	<p>Add the following exemption</p> <p>This rule shall not apply to stripping of cured coatings, cured adhesives, cured sealants, and cured inks, except the stripping of such materials from spray application equipment.</p> <p>Add exemption for consistency with other coating rules, i.e. Rule 330</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	With the removal of the solvent cleaning provisions we do not see the need to add this exemption.	

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133	323.1.B	Exemptions	<p>Add the following exemption.</p> <p>Sections D.1 &2 and Table 323.1-1 shall not apply to any of the following:</p> <p>a. Stencil coatings;</p> <p>b. Safety-indicating coatings;</p> <p>c. Solid-film lubricants;</p>	<p>Kimberlee Harding, VAFB, Written Comments, March 25, 2014</p>	<p>The District does not believe these exemptions are necessary for the reasons below:</p> <p>a. Stencil coatings are usually applied with aerosol coating products, which are already exempt by 323.1.B.1.b. If this exemption is not applicable, the one liter capacity exemption could be used.</p> <p>b. Safety-indicating coatings could include Traffic Marking Coatings, which have a VOC limit of 100 g/l. Operators can apply safety-indicating coatings with aerosol coating products or from one liter or less capacity containers, both of which are exempt by Section B.</p> <p>c. Solid-film lubricants are applied by manufacturers in shop applications, which are not subject to Rule 323.1. Otherwise, the one liter exemption could be used.</p>	

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133 (cont.)	323.1.B (cont.)	Exemptions (cont.)	<p>d. Electric-insulating and thermal-conducting coatings.</p> <p>Add exemption for consistency with other coating rules, i.e. Rule 330</p>		<p>d. Electric-insulating and thermal-conducting coatings are generally applied in shop operations, which are not subject to Rule 323.1. Application of such coatings in situ can be performed using products from one liter or less capacities, which are exempt by Section B.2.</p> <p>Also, these exemptions were not part of the SCM.</p>	
134	323.1.B	Exemptions	<p>Add the following exemption</p> <p>"Architectural coating where matching existing wood finishes requires the use of a higher VOC product due to historical or preservation requirements."</p> <p>Add an exemption to allow matching of existing finished wood surfaces. Current water based/ultra low VOC wood stains and finishes create different looking products compared to stains and finishes available years ago. This could cause a problem matching existing wood finishes for example in historical facilities that require preservation per the National Historic Preservation Act or other preservation-based regulations.</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	Please see the response to Item 64.	
135	323.1.B	Exemptions	<p>Relocate the 3-year sell-through provision in Section D.3 to Section B.</p> <p>Relocate the sell-through provision to Section B for clarity and to aid in compliance.</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	The revised Section A.3 includes Section D.3 text. In addition, we added an early compliance provision in Section B.4. With these changes, we do not believe adding the Section D.3 text to exemptions would improve rule clarity.	

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136	323.1.C	Definitions	<p>Include the definition of "lacquer" from Rule 323 in Rule 323.1</p> <p>Recommend retaining the definition of lacquer in Rule 323 to assist in directing the user to the wood coating category for VOC limits</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	The SCM does not include this term and the District is not comfortable with adding it in. ARB's reason for deleting the "lacquer" definition was that "it described traditional solventborne technology that is not necessarily accurate for both waterborne and solventborne products."	The Rule 323 definition is: "Lacquers" means clear or opaque wood coatings, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.
136 (cont.)	323.1.C (cont.)	Definitions (cont.)				<p>In general, when a term is not defined in the District's rulebook, we defer to a common dictionary definition. For example, the Webster dictionary defines "lacquer" as:</p> <p>1 a : a spirit varnish (as shellac)</p> <p>b : any of various durable natural varnishes; <i>esp</i> : a varnish obtained from an Asian sumac (<i>Rhus verniciflua</i>) —called also Japanese lacquer</p> <p>2 : any of various clear or colored synthetic organic coatings that typically dry to form a film by evaporation of the solvent; especially : a solution of a cellulose derivative (as nitrocellulose)</p>
137	323.1.C	Definitions	<p>Include the definition of "associated solvents" from Rule 323</p> <p>Recommend retaining the term "associated solvents" as the term is used in Section D.4.a</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	With the deletion of the solvent cleaning provisions we do not see a need to add an "Associated Solvents" definition.	

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138	323.1.D.4.b	Work Practices	<p>Remove Section D.4.b.</p> <p>As long as waste materials are stored in non-absorbent, non-leaking containers with tight fitting covers any limitations on the mode/method of disposal has no impact on emissions but limits the operator's ability to facilitate their best or most economical options.</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	Staff replaced the "Work Practices" with the 2007 SCM "Painting Practices."	
139	323.1.F.3	Solvent Usage File	<p>Remove section F.3</p> <p>Suggest that the "file of solvents used" to be maintained by persons using or handling any architectural coatings be removed as there is no emission limitation or operational restriction that can be verified with such a list. It serves no purpose other than adding an additional compliance burden and risk on the regulated community. If the District insists on retaining this requirement than it should be allowed to be maintained at a business office or other central location rather than at the numerous remote sites where architectural coating activities can take place.</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	The District has deleted the Section F.3 "solvent usage file" provision.	
140	Table 323..1-1	Coating VOC Limits	<p>Add a pounds of VOC per gallon to the VOC column.</p> <p>Add the lbs/gal to aid in compliance.</p>	Kimberlee Harding, VAFB, Written Comments, March 25, 2014	Please see the response to Item 107.	

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141	Non-specific	Non-specific	Dunn-Edwards Corporation is a California-based manufacturer and distributor of architectural coatings, serving the Southwestern United States. Our Main Office and a majority of our retail outlets are located in California, where we employ more than 1,500 people directly and contribute indirectly to the livelihoods of thousands more professional painting contractors and maintenance staff painters throughout the state	Robert Wendoll, Dunn-Edwards Corp., Letter, March 25, 2014	Comment noted.	
142	Non-specific (cont.)	Non-specific (cont.)	This letter is to express our support for the comment letter submitted on behalf of the paint industry by the American Coatings Association (ACA), regarding the Santa Barbara County APCD's draft proposed new Rule 323.1 – Architectural Coatings. We respectfully request that the District modify its draft proposed rule in accordance with the recommendations given in the ACA letter.	Robert Wendoll, Dunn-Edwards Corp., Letter, March 25, 2014	Comment noted.	
143	Non-specific (cont.)	Non-specific (cont.)	We look forward to working with District staff further as the rule development process continues. Dunn- Edwards has been pleased to support other local districts in their implementation of the Air Resources Board's 2007 Suggested Control Measure for Architectural Coatings, and we hope to be able to do so with Santa Barbara.	Robert Wendoll, Dunn-Edwards Corp., Letter, March 25, 2014	Comment noted.	
144	323.1.E.1.e and k	Labeling Requirements for Industrial Maintenance Coatings and Zinc Rich Primers	Carry forward the current labeling requirements that are specified in Rule 323 for Industrial Maintenance Coatings for both of these products.	David Darling, American Coatings Association, Letter, April 18, 2014	See the response to Item 148.	Changes made.

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145	323.1.A.2 and 323.1.A.3	Applicability	Section A.2 indicates that Rule 323.1 shall be effective on January 1, 2015 and Section A.3 indicates that rule 323 shall remain in effect until January 1, 2015. This would cause both Rule 323 and Rule 323.1 to be effective on January 1, 2015. It is recommended that Rule 323 remain in effect until December 31, 2014, eliminating overlap between the two rules.	Nancy Adams, Air Resources Board, Email, May 15, 2014	Staff do not see how the Rule 323 and Rule 323.1 are both effective on the same day: January 1, 2015. We read Section 323.1.A.3 to mean that Rule 323 is no longer in effect on January 1, 2015.	No text changes made.
146	323.1.B.5	Exemption	Section B.5 states that the "rule shall not apply to any coating that contains less than 20 grams of VOC per liter (0.17 pounds of VOC per gallon) of coatings, less water and less exempt compounds, as applied." This would allow manufacturers who deemed their products to fall below this threshold to not label their products with VOC content, date code, or thinning recommendations, complicating enforcement efforts. In addition to eliminating all labeling requirements, it also excludes these products from reporting and recordkeeping requirements.	Nancy Adams, Air Resources Board, Email, May 15, 2014	We amended the exemption to make it a partial rule exemption. The exemption in track changes format is as follows: 5. The requirements of With the exception of Sections E and F, this rule shall not apply to any coating that contains less than 20 grams of VOC per liter (0.17 pounds of VOC per gallon) of coating, less water and less exempt compounds, as applied.	Text change made.

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147	323.1.C, 323.1.D.1, and Table 323.1-1	Definitinos and Standards, VOC Content Limits	Section C provides a definition for "Ablative Coating." Inclusion of this additional definition is unnecessary as this coating is an Industrial Maintenance Coating. Further, the proposed limit for Ablative Coating is the same as that of Industrial Maintenance Coating. It is recommended that the definition for Ablative Coating be eliminated from Section C, and the VOC content limit for Ablative Coating be stricken from Table 323.1-1.	Nancy Adams, Air Resources Board, Email, May 15, 2014	<p>The District added this special category at the request of a stakeholder: United Launch Alliance, L.L.C. (ULA). The company indicated:</p> <p>1. An ablative coating is a specialized coating applied at launch sites, sometimes accomplished with the use of a one-part roof coating material.</p> <p>2. Carving out a separate definition for this coating will avoid confusion as to what category covers this material for this type of application. 3. The new VOC limit for roof coatings, at 50 g/l, will not meet our requirements for the roof coatings being used as ablatives and ULA wishes to carve out this VOC limit for this specific application.</p> <p>Due to the unique operations involved with space launches, we believe a definition of Ablative Coatings with a separate Table 323.1-1 limit of 250 g/l is appropriate. Hence, we do not intend to delete the definition or delete the Ablative Coatings category from Table 323.1-1.</p>	No text changes made.
148	323.1.E.1.e	Labeling Requirements for Industrial Maintenance Coatings	Section E.1.e. should be modified to delete the terms "Not for residential use" and "Not intended for residential use." This is obsoleted language from the 2000 Suggested Control Measure for Architectural Coatings.	Nancy Adams, Air Resources Board, Email, May 15, 2014	On April 18, 2014, David Darling of the American Coatings Association (ACA) specifically requested that we add these two additional labeling provisions into both the Industrial Maintenance (Section E.1.e) and the Zinc Rich Primer (E.1.k) labeling provisions. His letter indicates, in part:	No text changes made.

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148 (cont.)	323.1.E.1.e (cont.)	Labeling Requirements for Industrial Maintenance Coatings			<p>Changing product labels is very expensive. To reduce the regulatory burden for those coatings manufacturers that use the IM label statements “Not For Residential Use,” or “Not Intended For Residential Use,” ACA urges Santa Barbara retain all four IM statements in Rule 323.1. In addition, ACA suggests that Santa Barbara include all four label statements for Zinc-Rich Primers (primers used for IM coatings) as well. Please note that the following California Air Districts have adopted the 2007 California Air Resources Board Suggested Control Measures for Architectural Coatings (CARB 2007 SCM) and included all four IM and Zinc Rich Primer labeling statements: San Joaquin, Ventura, Imperial, Eastern Kern, Placer, Mojave, and Antelope Valley.</p> <p>Staff verified that all four label statements were in all the rules referenced by Mr. Darling. We also believe the spirit and intent of the two ARB 2007 SCM provisions (“For industrial use only” or “For professional use only”) are essentially met with the two additional statements: “Not for residential use” and “Not intended for residential use.” Hence, we do not intend to modify the draft rule to align with the 2007 SCM text.</p>	

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149	323.1.E.1.k	Labeling Requirements for Zinc Rich Primers	Section E.1.k. should be modified to delete the terms “For industrial use only”, “Not for residential use” and “Not intended for residential use.” This is obsoleted language from the 2000 Suggested Control Measure for Architectural Coatings.	Nancy Adams, Air Resources Board, Email, May 15, 2014	Same as the Item 148 response.	No text changes made.
150	323.1.G.3	Compliance Provisions and Test Methods	Section G.3 makes reference to Section G.7, but rule contains no Section G.7.	Nancy Adams, Air Resources Board, Email, May 15, 2014	We agree; the revision is shown with track changes format below: Alternative Test Methods: Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with Section G.2 or <u>G.7</u> , after review and approved in writing by the staffs of the District, the California Air Resources Board, and the Environmental Protection Agency, may also be used.	
151	323.1.G.5	Compliance Provisions and Test Methods	Please modify Section G.5 as follows “Test Methods: The following test methods are incorporated by reference herein, and shall be used to test coatings and solvents subject to the provisions of this rule”.	Nancy Adams, Air Resources Board, Email, May 15, 2014	We concur and have amended the text accordingly.	
152	323.1.G.5.a	Compliance Provisions and Test Methods	Please correct Section G.5.a to read “Standard Test Methods for Fire tests of Building and Construction and Materials”. The 2007 Suggested Control Measure for Architectural Coatings listed this title incorrectly.	Nancy Adams, Air Resources Board, Email, May 15, 2014	We concur and have amended the text accordingly.	