

MEMORANDUM

TO: Community Advisory Council Members

FROM: Rebecca Armstrong

DATE: April 8, 2008

SUBJECT: Proposed Amended Rule 339, Motor Vehicle and Mobile Equipment Coating Operations

Enclosed please find the revised draft proposed amended Rule 339 for your review. This revised draft version of the March rule includes the following proposed revisions that are shown in ~~strike-out~~ and underline format. These revisions include the CAC's concerns per their motion at the March 12th CAC Meeting as well as revisions per the state Air Resources Board's (ARB's) comments and the Federal Environmental Protection Agency's comments. Specifically, the revisions include the following:

1. **Section A** – Modification of first paragraph to read: “This rule is applicable...any automotive coating or associated solvent within the District.”
2. **Section B.5.b** – Additional language that automatically grants the exemption request if the Control Officer does not act within five business days of receiving the request.
3. **Section B.8** – Additional language (per ARB comment) regarding an upper limit cap of the VOC content (780 grams per liter) of the Road Tar, Grease, and Wax remover solvents.
4. **Section D.1** – A six month extension of the ~~January 1, 2009~~ deadline to July 1, 2009.
5. **Sections D.1 and D.3** – Typographical errors in Section numberings have been corrected.

A CAC member also expressed concern that a reference to Section D.5 in the last sentence of Section D.6 was incorrect. Staff reviewed the sentence and concluded that no change is necessary.

At your March 2008 meeting, the CAC approved a motion which included replacing every reference to 25 grams/liter of VOC with “VOC limit as defined in Rule 321 as yet to be determined”. While existing Rule 321 prescribes requirements only for solvent cleaning machines, it is currently being amended to include solvent cleaning requirements for any source that is not specifically regulated by another District rule, including but not limited to Rule 339. As such the aforementioned CAC motion would have the effect of not requiring a VOC solvent limit. Staff believes that this outcome is not what the CAC intended and that the CAC may wish to reconsider its March action.

We plan to discuss these recent rule revisions and to request that the CAC formulate a Board recommendation on it during the April 23 meeting. As a result of these recent rule revisions, we anticipate bringing this rulemaking effort to the Board in June 2008.