

Agenda Date: June 19, 2008
Agenda Placement: Regular
Estimated Time: 15 Minutes
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board
FROM: Terry E. Dressler, Air Pollution Control Officer
CONTACT: Rebecca Armstrong, 961-8888
SUBJECT: Proposed Amended Rule 339, Motor Vehicle and Mobile Equipment Coating Operations

RECOMMENDATION:

That the Board:

- A. Hold a public hearing to receive testimony on proposed amended Rule 339.
- B. Approve the Resolution attached to this Board Letter. Approval of the resolution will result in the following actions:
 - 1. CEQA Findings: Adopt the CEQA findings (Attachment 1) pursuant to the California Environmental Quality Act (CEQA) and the CEQA guidelines.
 - 2. Rule Findings: Adopt the associated rule findings (Attachment 2) in support of the proposed amended Rule 339 pursuant to Health and Safety Code Section 40727 regarding necessity, authority, clarity, consistency, nonduplication, and reference. The rule findings also acknowledge public comments received on the proposed rules (Attachment 3) and adopt the Response to Comments (Attachment 4) as findings of the Board.
 - 3. Amended Rule Adoption: Adopt proposed amended Rule 339 (Attachment 5).

EXECUTIVE SUMMARY:

The 2007 Clean Air Plan includes a commitment for the Santa Barbara County Air Pollution Control District (APCD) to adopt an Air Resources Board Suggested Control Measure (SCM) to control volatile organic compound (VOC) emissions from coatings and solvents associated with the coating of motor vehicles, mobile equipment, and associated parts and components. Proposed amended APCD Rule 339 will fulfill this SCM requirement and the APCD's 2007 Clean Air Plan commitment. This rule will

apply to auto body and mobile equipment coating shops. Specifically, this rule is applicable to any person who supplies, sells, offers for sale, manufactures, or distributes any automotive coating or associated solvent for use within Santa Barbara County, as well as any person who uses, applies, or solicits the use or application of any automotive coating or associated solvent within the County.

Existing Rule 339 limits the amount of VOC in motor vehicle and mobile equipment coatings. The revised rule will reduce the amount of allowable VOC in the coatings and also control solvents used in association with the spray painting. The proposed amended Rule 339 replaces the existing Rule 339 with the SCM limits and retains some existing Rule 339 provisions.

Staff conducted two workshops (Sept. 19 and 20, 2007) and discussed this state-required rule revision at several autobody shop association meetings. The regulated community is prepared to comply with the SCM requirements with the exception of the provision that all solvents be limited to 25 grams per liter of VOC content. According to the autobody shop owners, there are certain situations that require higher VOC-content material to assure a quality paint finish. Staff, with the concurrence of industry, addressed this issue by adding a limited 20 gallon annual usage exemption for high-VOC solvents used during presanding preparation.

DISCUSSION:

Objectives

Existing Rule 339 limits the amount of volatile organic compounds (VOC) in motor vehicle and mobile equipment coatings. The revised rule will reduce the amount of allowable VOC in the coatings and also control solvents used in association with the spray painting. Rule modifications are needed to implement the state ARB Suggested Control Measure (SCM) for the application of automotive coatings and to fulfill the APCD's "all feasible measure" requirement of the 2007 Clean Air Plan. The proposed amended Rule 339 replaces the existing Rule 339 with the state SCM and retains several existing Rule 339 provisions (as explained further below).

Background

The 2007 Clean Air Plan calls for the adoption of revised Rule 339 for controlling volatile organic compound (VOC) emissions from autobody coating operations. In order to claim these emission reductions in the State Implementation Plan, the Air Resources Board and the U.S. Environmental Protection Agency require the APCD to adopt the control measure in a rule.

The primary objective of the rule is to reduce volatile organic compound emissions from Motor Vehicle and Mobile Equipment Coating Operations. Staff conducted two workshops (Sept. 19 and 20, 2007) and discussed this pending rule revision at several autobody shop association meetings. The regulated community is prepared to comply with the SCM requirements with the exception of one provision: all solvent shall be limited to 25 grams of VOC per liter. According to the autobody shop owners, there are

certain situations that require higher VOC-content material to assure a quality paint finish. After discussing this issue with shop owners and supply distributors, staff and the regulated community agree that this concern should be addressed by adding a limited 20 gallon annual usage exemption for high-VOC solvents used during presanding preparation.

Other deviations from the SCM include maintaining the requirement that all painting be done in a booth. Consequently, we are also maintaining exemptions associated with this requirement in Section B.5 and B.6. The existing rule also provides relief for painting conducted by the vehicle's registered owner. Thus the exemption as indicated in Section B.7 of the proposed amended rule has been retained.

When staff brings a proposed amended rule to your Board, the changes are normally shown in ~~strikeout~~ and underline format. However, since all of existing Rule 339 is essentially being replaced with the SCM, this proposed amended rule is shown in regular text. The attached draft proposed amended Rule 339 in Attachment 5 is the state SCM with a few provisions of the existing Rule 339 kept in place (as referenced above). Most of the deviations are administrative (e.g., definitions) that arise from the addition of the aforementioned exemptions and/or are necessary for rule clarity.

The proposed Rule 339 is similar to the South Coast AQMD Rule 1151 and Ventura County's proposed amended Rule 74.18 with the exception of the 20 gallon annual solvent pre-sanding preparation exemption.

Rule 339 Requirements

Rule 339 requires all motor vehicle and mobile equipment coating facilities to use water-borne coatings and to reduce the large majority of their cleaning solvents to a 25 gram per liter VOC limit. See the table in Section D.1 of Rule 339 (Attachment 5) for the new specific coating limits.

Rule 339 Permitting Requirements

No new or modified permits are required as a result of this rule revision for affected facilities (i.e., autobody shops) that are currently permitted. The minor modifications and improvements that are made to autobody shops will be noted during the time of the facility triennial permit reevaluation.

Rule 339 Source Testing, Record Keeping, and Reporting Requirements

The Source Testing requirements and Test Methods are those that are required of the SCM.

Recordkeeping requirements (monthly) are the same as currently required of the existing Rule 339.

Reporting requirements are the same as the existing Rule 339 requirements. Reporting includes submission of required records by March 1st for the prior calendar year and submission of source test reports within 45 days of test completion.

Unless otherwise specified, the provisions of this rule as adopted on June 19, 2008 become effective January 1, 2009. In addition, during the interim period between June 19, 2008 and January 1, 2009, the provisions in Rule 339 as adopted on April 17, 1997 remain in effect.

Implications to Sources

Affected Sources

The adoption of amendments to Rule 339 will directly affect the sources that coat motor vehicles and mobile equipment in Santa Barbara County. There are approximately 70 auto body coating shops currently permitted by the APCD in the county.

A significant effort was expended toward public outreach to inform affected sources regarding the new upcoming SCM coating and solvent cleaning requirements. Staff has been speaking to the autobody coating industry about this upcoming SCM for approximately two years. All permitted sources and interested parties have been contacted via mail since the commencement of this rule revision process. Additionally, two publicly noticed workshops, one in Santa Barbara and one in Santa Maria, were held on September 19 and 20, 2007.

Staff have worked closely with industry to keep them aware of the schedule for this rule revision process and have worked to accommodate their requests when possible. The majority of the autobody shops in the county either have completed or are in the process of working with the manufacturers jobbers to train their staff on the application of water-borne coatings.

Exempt Sources

The exemptions that are in the existing Rule 339 were maintained for the revised (SCM) version of the rule. One additional exemption was added as part of this SCM rule revisions process to allow a higher VOC-content preparation solvent material for removal of road tar, wax, and grease, to assure a quality paint finish. Over half of the auto body shop owners in the county signed a petition requesting this exemption. Thus, we have addressed this issue by adding a limited usage exemption of high-VOC solvent in Section B.8 (see Attachment 5). This provision limits usage to no more than 20 gallons per year with recordkeeping to demonstrate compliance with this limit.

Implications to APCD Budget

The cost of implementing proposed amended Rule 339 is expected to be primarily for compliance and permitting staff activities. The routine cost for permitting reevaluations will remain as is for this industry. Permit reevaluations are performed triennially by the APCD permitting staff. The compliance staff's inspection schedule will also remain as is

for this industry. The standard APCD application and reevaluation fees in Rule 210 will pay for these activities.

Comparison to Existing Federal, State and Local Requirements

Pursuant to the H&SC §40727.2, the APCD is required to identify all existing federal, state, and local air pollution control requirements that apply to the same equipment or source category as the rule proposed for adoption or modification by the APCD. These other air pollution control requirements include federal New Source Performance Standards (NSPS), federal National Emissions Standards for Hazardous Air Pollutants (NESHAPs), Best Available Control Technology (BACT) and any other District rule applying to the same equipment.

On September 11, 1998, the Environmental Protection Agency (EPA) promulgated national volatile organic compound (VOC) standards for automotive refinish coatings pursuant to Section 183(e) of the Clean Air Act. On Page 48808 of the Federal Register (9/11/98, Volume 63, Number 176), EPA states that although regulated entities in all states will be required to comply with the national standards, some states may wish to promulgate VOC standards more stringent than the national rule to assist in achieving attainment with the federal ambient air quality standards for ozone. VOC emission are precursors to the formation of ozone. The proposed standards adopted by ARB in their SCM are more stringent than the national rule.

The APCD is aware of recently adopted federal NESHAPs that applies to and regulates autobody shops and their methods of operation. On January 9, 2008, EPA adopted a NESHAPs for Paint Stripping and Automotive Refinishing. These regulations only apply if the shops use paint strippers containing methylene chloride or if the coatings applied contain any one of the following target Hazardous Air Pollutants: chromium, lead, manganese, nickel or cadmium.

Health and Safety Code Section 40727.2 (a) requires the proposed amendments to Rule 339 to be compared with Best Available Control Technology (BACT). The 2005 SCM developed by the Air Resources Board has new requirements that are considered to be BACT. This rule development is based directly on and contains all the requirements of the SCM.

Emission Reductions

To reduce the formation of volatile organic compounds, industry will be using lower-VOC coatings and lower-VOC solvents for cleaning operations. Upon adoption of revised Rule 339, VOC emissions will be reduced by approximately 0.1404 tons per day or approximately 51 tons per year overall. Over 90 percent of the VOC emission reductions result from the switch from solvent to waterborne coatings for the color or base coat applied at almost all auto body shops. The emission reductions projected to occur through implementation of proposed Rule 339 are consistent with the reductions assumed in the 2007 Clean Air Plan.

The worst-case amount of solvent emissions that are estimated to be emitted from the limited use of the 20 gallon annual high VOC solvent *exemption* are:

$(70 \text{ shops}) \times (20 \text{ gals/shop per year}) = 1400 \text{ gals/year total in the county}$

$(1400 \text{ gals/yr}) \times (1 \text{ yr}/365 \text{ days}) = 3.84 \text{ gals/day total in the county}$

$(3.84 \text{ Gals/day} \times 6.8 \text{ lbs/gal VOC content}) = 26.08 \text{ lbs/day (or 0.0130 tons/day and 4.75 tons/year) VOC total in the county}$

Based on discussions with suppliers, 20 gallons per year represents the presanding solvent use by the largest volume shop in the county. This assumed 20 gals per year usage for all shops is conservative.

Rulemaking Process and Schedule

The rulemaking schedule for this amended rule included two public workshops that were held September 19 and 20, 2007 in Santa Barbara and Santa Maria, respectively. Staff took the draft rule to the Community Advisory Committee (CAC) on March 12, 2008 and on April 23, 2008. At the April 23, 2008 meeting, after discussing and clarifying the revisions that were proposed at the March 12th meeting, the CAC recommended that the Board adopt Rule 339 as presented by the APCD staff. The motion passed with a vote of 11:2:0.

Public Review: Public Comments Submitted to Date

Attachments 3 and 4 contain public comments received at the public workshops held in September 2007 and written comments received to date for this proposed amended rule. The majority of the questions and comments that APCD staff received were based on permitting, compliance schedule, and rule requirements.

Public comments are being accepted up until this Board Hearing.

Cost-Effectiveness

According to the 2005 ARB staff report for the Suggested Control Measure, the overall estimated cost-effectiveness is \$ 1.43 per pound of VOC reduced. This compares favorably to new sources that are subject to BACT controls up to \$9 per pound of VOC reduced. ARB performed an analysis of economic impacts on the implementation of the SCM. This analysis may be found in Chapter VII of the Staff Report for the Proposed SCM for Automotive Coatings dated October 2005.

The major cost of complying with the proposed rule amendments to the 70 permitted auto body coating facilities in the county centers around the conversion to the waterborne color coat. These coatings are typically used at auto body shops to repair damaged vehicles. The cost of this conversion for a one spray booth operation was estimated by CARB to be approximately \$ 6,600 per facility. This includes costs for additional air movement equipment or fans to decrease dry times, new or modified spray equipment,

new spray gun washers, and cost of painter training to understand how to spray the new coatings.

Health and Safety Code Section 40920.6(a) requires district to identify one or more potential control options, assess the cost-effectiveness of those options, and calculate the incremental cost-effectiveness. Health and Safety Code Section 40920.6 also requires an assessment of the incremental cost-effectiveness for proposed regulations relative to ozone, carbon monoxide (CO), sulfur oxides (SO_x), nitrogen oxides (NO_x), and their precursors.

Incremental cost effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential control options achieving the same emission reduction goal of a resolution. The proposed amendments require the most stringent viable VOC limits with no other viable control option that can achieve the same amount of emission reductions. Therefore, the incremental cost-effectiveness analysis does not apply to this rulemaking.

California Environmental Quality Act (CEQA)

Pursuant to Section 15168 (c) of the State California Environmental Quality Act (CEQA) Guidelines, the proposed rule revisions to Rule 339 were examined in the light of the program EIR for the 1991 Air Quality Attainment Plan and subsequent environmental documents, including the 2007 Clean Air Plan Supplemental EIR. The APCD determined that a CEQA Addendum to existing environmental documents must be prepared. CEQA Findings to be adopted by the APCD Board are provided in Attachment 1. Any subsequent changes in the project description during the public review period will undergo additional environmental review under the CEQA.

FISCAL IMPACT:

The cost of implementing proposed amended Rule 339 is expected to be primarily for compliance and permitting staff activities. The standard APCD application and reevaluation fees in Rule 210 will pay for these activities.

SPECIAL INSTRUCTIONS:

Please send a certified minute order and signed resolution to Rebecca Armstrong, APCD, for transmittal to the Air Resources Board.

CONCURRENCES:

County Counsel.

ATTACHMENTS:

Resolution	
Attachment 1:	CEQA Findings
Attachment 2:	Rule Findings
Attachment 3:	Public Comments
Attachment 4:	Response to Public Comments
Attachment 5:	Proposed Amended Rule 339

BOARD RESOLUTION

**PROPOSED AMENDED RULE 339
MOTOR VEHICLES AND
MOBILE EQUIPMENT COATING OPERATIONS**

June 19, 2008

Santa Barbara County Air Pollution Control District

260 North San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

**RESOLUTION OF THE AIR POLLUTION
CONTROL DISTRICT BOARD OF THE COUNTY OF
SANTA BARBARA, STATE OF CALIFORNIA**

In the Matter of) **APCD Resolution No.**
)
Adopting Amendments to Rule 339)
_____)

RECITALS

1. The Air Pollution Control District Board of the County of Santa Barbara (“Board”) is authorized to adopt, amend, or repeal rules and regulations pursuant to Health and Safety Code section 40725 *et seq.*

2. Pursuant to Health and Safety Code section 40001, the Board is required to adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards.

3. The Board has determined that a need exists to amend Rule 339 (Motor Vehicle and Mobile Equipment Coating Operations) for the purpose of implementing the 2007 Clean Air Plan control measure R-SC-4 for controlling volatile organic compound emissions.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1) This Board has held a hearing and accepted public comments in accordance with the requirements of Health and Safety Code section 40725 *et seq.*

2) The California Environmental Quality Act (“CEQA”) findings set forth in Attachment 1 of the Board Package dated June 19, 2008 (herein after “Board Package”) are hereby adopted as findings of this Board pursuant to CEQA and the CEQA guidelines.

3) The general rule findings set forth in Attachment 2 of the Board Package are hereby adopted as findings of this Board pursuant to Health and Safety Code section 40727.

4) The Responses to Public Comments set forth in Attachment 4 of the Board Package are hereby adopted as findings of this Board.

5) Rule 339 as set forth in Attachment 5 of the Board Package is hereby adopted as a rule of the Santa Barbara County Air Pollution Control District pursuant to Health and Safety Code section 40725 *et seq.*

6) The Board authorizes the Control Officer to transmit Rule 339 to the State Air Resources Board in compliance with applicable state and federal law. Additionally, the Board authorizes the Control Officer to do any other acts necessary and proper to obtain necessary approvals of the new rule by the California Air Resources Board and the United States Environmental Protection Agency.

PASSED AND ADOPTED by the Air Pollution Control District Board of the County of Santa Barbara, State of California, this 19th day of June, 2008, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:
TERRENCE E. DRESSLER
CLERK OF THE BOARD,

By _____
Deputy

Chair, Air Pollution Control
District Board of the County of
Santa Barbara

APPROVED AS TO FORM:
DANIEL J. WALLACE
SANTA BARBARA COUNTY COUNSEL

By _____
Deputy
Attorneys for the Santa Barbara
Air Pollution Control District

ATTACHMENT 1

CEQA FINDINGS

PROPOSED AMENDED RULE 339
MOTOR VEHICLES AND
MOBILE EQUIPMENT COATING OPERATIONS

June 19, 2008

Santa Barbara County Air Pollution Control District

260 North San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

ATTACHMENT 1

CEQA FINDINGS

The Board finds that:

- The potential environmental impacts of this rule were found to be adequately described and analyzed in the 1991 AQAP EIR, the 2007 CAP SEIR based on the Addendum prepared for this project.
- The adoption and implementation of Rule 339 will not have significant adverse impacts on the environment.
- No relaxation in meeting ambient air quality standards for ozone will result. No cross-media impacts were identified.
- Pursuant to § 15162 of the State CEQA Guidelines, no new effects will occur and no new mitigation measures are required beyond those considered in the 1991 AQAP EIR and the 2007 CAP SEIR.
- The 1991 AQAP EIR and the 2007 CAP SEIR were previously determined by this Board to have been completed in compliance with CEQA and were reviewed and considered by the Board prior to approving the 2007 CAP.
- Pursuant to § 15168 (e) of the State CEQA Guidelines, a specific notice was included in the 30-day public notice issued prior to rule adoption with the required statements.

ATTACHMENT 2

RULE FINDINGS

PROPOSED AMENDED RULE 339
MOTOR VEHICLES AND
MOBILE EQUIPMENT COATING OPERATIONS

June 19, 2008

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

ATTACHMENT 2

RULE FINDINGS FOR PROPOSED RULE 339

Pursuant to California Health and Safety Code Section 40727, the Board makes the following findings for the adoption of Proposed New Rule 361, Motor Vehicle and Mobile Equipment Coating Operations.

Necessity

The Board determines that it is necessary to adopt amended Rule 339 to fulfill the commitment in the 2007 Clean Air Plan to implement control measures R-SC-4 for controlling volatile organic compound emissions from the motor vehicle and mobile equipment coating operations.

Authority

The Board is authorized under state law to adopt, amend, or repeal rules and regulations pursuant to Health and Safety Code Section 40000, and 40725 through 40728 which assigns to local and regional authorities the primary responsibility for the control of air pollution from all sources other than exhaust emissions from motor vehicles. Additionally, pursuant to Health and Safety Code Section 40702, the District Board is required to adopt rules and regulations and to do such acts as are necessary and proper to execute the powers and duties granted to it and imposed upon it by State law.

Clarity

The Board finds that proposed amended Rule 339 are sufficiently clear. The rules were publicly noticed, and reviewed by the Community Advisory Council. The rules are written or displayed so that persons directly affected by them can easily understand their meaning.

Consistency

The Board determines that proposed amended Rule 339 is consistent with, and not in conflict with or contradictory to, existing federal or state statutes, court decisions, or regulations with regard to the control of volatile organic compound emissions from motor vehicle and mobile equipment coating operations.

The neighboring air pollution control district South Coast Air Quality Management District has adopted a similar rule. Based on this evidence, the Board finds that the rules are consistent with neighboring air pollution control districts.

Nonduplication

The Board finds that proposed amended Rule 339 (Motor Vehicle and Mobile Equipment Coating Operations) does not impose the same restrictions as any existing state or federal regulation, and the proposed rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the APCD.

Reference

The Board finds that we have authority under state law to adopt Rule 339 pursuant to Health and Safety Code Section 39002 which assigns to local and regional authorities the primary responsibility for the control of air pollution from all sources other than exhaust emissions from motor vehicles. Additionally, pursuant to Health and Safety Code Section 40702, the Board is required to adopt rules and regulations and to do such acts as are necessary and proper to execute the powers and duties granted to it and imposed upon it by State law.

Public Comment

Response to Comments

The Board has reviewed the response to comments included in Attachment 4 and hereby approves those responses to comments as findings.

ATTACHMENT 3

PUBLIC COMMENTS ON
PROPOSED AMENDED RULE 339,
MOTOR VEHICLE AND
MOBILE EQUIPMENT COATING OPERATIONS

June 19, 2008

Santa Barbara County Air Pollution Control District

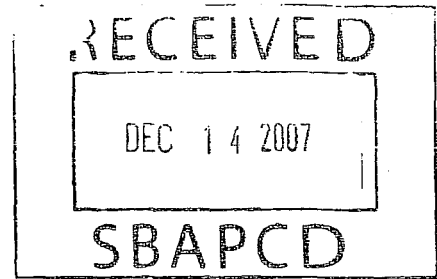
260 San Antonio Road, Suite A
Santa Barbara, California 93110
(805) 961-8800

PUBLIC COMMENTS
PROPOSED AMENDED RULE 339,
MOTOR VEHICLE AND MOBILE EQUIPMENT COATING
OPERATIONS

As of June 4, 2008, *the District has received the* attached public comments on this proposed amended rule.

November 14, 2007

Santa Barbara County
Air Pollution Control District
P.O. Box 6447
Santa Barbara, CA 93160-6447



Attention: Rebecca

We hereby request an extension on the ruling to eliminate Grease and Wax Remover, a.k.a. Pre Kleeno. This product is essential for proper surface cleaning which produces a quality automotive paint finish. This is extremely important as we change to a water based product which is even more sensitive to contaminants.

If contaminants are not completely removed from the surface prior to painting, the vehicle will have to be repainted, possibly several times to assure a quality final finish. The finish is one of the primary ways a customer defines quality work since it is what they see. Painting a vehicle several times will require the use of more material thereby creating more VOC's.

We have researched what other businesses south of Santa Barbara are using and have discovered that while they are required to use water based products; in reality they are now using Windex and other aerosol grease and wax removers. This is because the water based product does not sufficiently remove contaminants from the surface.

Until an effective water based product is developed, we believe that this ruling will ultimately create more problems for the environment than continuing to use our current product.

Thank you for considering our request.

Respectfully submitted,

BUSINESS NAME	CONTACT NAME	TITLE	PHONE NUMBER
Superior Collision	Lisa/Sean	OFFICE	805-963-6848
PRESTIGIOUS ACTION	Kelly	Mgr	805-964-8900
DNCS	LUIS	OWNER	805-965-2824
	DAVID	MANAGER	805-683-8189
Central City	Paul Olivarez	Manager	805-230-7400
FERMIES	FERMIE, MIKE	OWNER	916-2442
McBeans	Rube	Manager	683-5551
Jerry's Body Shop	Jay Flores	Owner	(805) 485-5514
MINSTERCRAFT	Seth Antfield	Owner	805-965-5261
CHANNEL CITY AUTO BODY	MANUEL ESCOBAR	OWNER	805-965-1540
Austrian Auto Body	Ronald Lauer	Manager	805-551-4471
REP AUTO BODY	Jimmy Bayley	TEACHER	962-6817
Exquisite Auto Body	Michael Corral	OWNER	(805) 965-7685
TRI COUNTY AUTO BODY	GILBERT MENDOZA	" "	966-2200
PACIFIC AUTO BODY	Andres Sanchez	OWNER	805-684-1402
Line-x of Santa Barbara		owner	805-683-8189
DeKang & Ross	Ronald	OWNER	805-683-1211
BUILT Rite	Kirk Benedetto	owner	805-957-1101
CLASSIC DISCERN	DAVID MALCONI	OWNER	(805) 966-9960



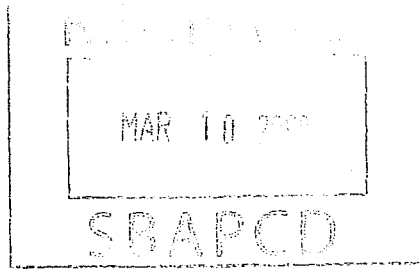
Diamond Finish Auto Body, Inc.

336 Edison Avenue

Santa Barbara, CA

Phone 805-568-0744

Fax 805-568-0715



March 6, 2008

Santa Barbara County
Air Pollution Control District
P.O. Box 6447
Santa Barbara, CA 93160-6447

Attention: Rebecca Armstrong
John Garnett

Dear Rebecca and John,

I would like to thank you on behalf of the Auto Body Shops who signed the request dated November 14, 2007, regarding the ruling to eliminate the use of grease and wax remover.

We appreciate the fact that you took the time to listen to our concerns and that you were willing to conduct a dialog with us to address this important issue. This collaboration is an excellent example of how government and industry can work together. We look forward to continuing this partnership and working with you to improve air quality in our community.

I have received the proposed amendment and support it.

Sincerely,

Abel E. Gonzalez, President
Diamond Finish Auto Body

Rebecca S. Armstrong

From: Ron L. Tan
Sent: Wednesday, April 02, 2008 2:26 PM
To: Rebecca S. Armstrong; John B. Garnett
Subject: FW: EPA comments on Santa Barbara Rule 339
Attachments: pic20426.jpg

FYI

-----Original Message-----

From: Steckel.Andrew@epamail.epa.gov [mailto:Steckel.Andrew@epamail.epa.gov]
Sent: Wednesday, April 02, 2008 1:38 PM
To: Ron L. Tan; mguzzett@arb.ca.gov
Cc: Chilingaryan.Sona@epamail.epa.gov
Subject: EPA comments on Santa Barbara Rule 339

(Embedded image moved United States Environmental Protection Agency
to file: pic20426.jpg) Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

April 02, 2008

Transmittal of EPA Rule Review Comments

To: Ron Tan, Santa Barbara County Air Pollution Control District
tanr@sbcapcd.org

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

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

Re: Rule 339, Rule Motor Vehicle and Mobile Equipment Coating
Operations, draft of February 29, 2008

We are providing comments based on our preliminary review of the draft rule identified above. Unless otherwise indicated, paragraph numbers refer to the draft rule referenced above. Please direct any questions about our comments to me at (415) 947-4115 or to Sona Chilingaryan at

We support the changes that the District has made to Rule 339 in order to implement ARB's Suggested Control Measure for Automotive Coatings.

We have discussed the following recommendations with District staff and understand that the District will be making these changes:

Section D.1, Coating Limits, states that the VOC regulatory content should be calculated pursuant to Section C.42.a. However, C.42.a just contains the definition of VOC. Section C.43.a seems to contain the definition and equation for the VOC regulatory content. Please change the reference in Section D.1 to Section C.43.a.

Section D.3, Alternative Compliance, notes that overall control efficiency should be determined pursuant to Sections E.1 and E.6. The reference to Section E.6 seems appropriate. However, Section E.1 refers to a test method for determining the quantity of methyl acetate, acetone, t-butyl acetate, and parachlorobenzotrifluoride. It seems as though Section E.5, Control Efficiency, should be referenced instead. Please change the language in Section D.3 to require that overall control efficiency be determined pursuant to Sections E.5 and E.6.

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
AIR RESOURCES BOARD



P.O. Box 2815
Sacramento, California 95812

April 8, 2008

**Transmittal
of
ARB Staff Rule Review Comments**

To: Rebecca Armstrong, Air Quality Engineer
Santa Barbara County Air Pollution Control District
Telephone Number: (805) 961-8883
e-mail: armstrongr@sbcapcd.org

From: Patrick Au, (916) 322-3303
e-mail: pau@arb.ca.gov

The following rule, which is scheduled for a public hearing to be held by your District Board on May 15, 2008, was received by us on March 7, 2008, for our review:

Rule 339 Motor Vehicle and Mobile Equipment Coating Operations

We have reviewed the rule and have the comment on the following page. We believe that our comment can be used to enhance the clarity and effectiveness of Rule 339.

Mr. Minh Pham of our Technical Development Section, Measures Assessment Branch, Stationary Source Division, discussed our comment along with some minor language clarification issues with you on March 19, 2008.

If you have any questions about our comment, please contact Mr. Jose Gomez, Manager of the Technical Development Section, at (916) 324-8033.

Thank you for involving the Air Resources Board staff in your rule development process.

Date: April 8, 2008

Air Resources Board Staff Comment on
Santa Barbara County Air Pollution Control District
Proposed Rule 339

Rule 339 Motor Vehicle and Mobile Equipment Coating Operations

1. Sections B.8.b would provide a low use exemption (not to exceed 20 gallons per year per facility) from the 25 grams of volatile organic compound (VOC) per liter requirement for solvent if certain conditions are met. ARB staff recommends that the District remove this exemption from the rule. ARB staff believes that higher VOC solvents are not necessary and that solvents with VOC limits of 25 grams per liter are suitable for this process without detrimental results to the quality of the repair. San Joaquin Valley Unified Air Pollution Control District's Rule 4612 and Ventura County Air Pollution Control District's Rule 74.18 do not have similar exemption. If the District decides to keep the exemption as proposed, then we suggest that an upper limit for the VOC content in the solvent be set. ARB staff believes this upper limit cap will deter the use of unnecessarily high VOC solvents for this process while allowing refinishing facilities flexibility.

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
AIR RESOURCES BOARD



P.O. Box 2815
Sacramento, California 95812

May 19, 2008

Transmittal
of
ARB Staff Rule Review Comments

To: Rebecca Armstrong, Air Quality Engineer
Santa Barbara County Air Pollution Control District
Telephone Number: (805) 961-8883
e-mail: armstrongr@sbcapcd.org

From: Patrick Au, (916) 322-3303
e-mail: pau@arb.ca.gov

We have additional comments on Rule 339, Motor Vehicle and Mobile Equipment Coating Operations, on the following pages. The rule was received by us on March 7, 2008, for our initial review. Our previous comments on the rule were provided to you on April 8, 2008.

If you have any questions about our comments, please contact Mr. Jose Gomez, Manager, Technical Development Section, Measures Assessment Branch, Stationary Source Division, at (916) 324-8033 or Ms. Barbara Fry, Chief of the Measures Assessment Branch, at (916) 324-8023.

Thank you for involving the Air Resource Board staff in your rule development process.

Rule review comments are on the following pages

Date: May 19, 2008

Air Resources Board Staff Comments on
Santa Barbara County Air Pollution Control District
Proposed Rule 339

Rule 339 Motor Vehicle and Mobile Equipment Coating Operations

The Air Resource Board (ARB) commends the Santa Barbara County Air Pollution Control District (District) for revising Rule 339 to implement the Suggested Control Measure for Automotive Coatings (SCM). We believe that implementing the SCM without modifications will maximize the air quality benefits, achieve the goal of increased consistency amongst the air districts' rules, and simplify industry's compliance.

On April 8, 2008, ARB staff provided comments on the proposed low use exemption (Section B.8) in the draft Rule 339. At that time, we recommended that the exemption be removed. We have conducted a more detailed evaluation of the impacts the exemption would have on the effectiveness of the rule and are again recommending that the exemption be removed from the rule. Below we discuss the basis for our recommendation.

The proposed exemption creates a less stringent standard than the one established in the SCM, weakens the enforceability of the proposed rule, and consequently decreases the overall effectiveness of the rule. The SCM includes a prohibition of possession provision to enable more effective enforcement of the volatile organic compound (VOC) requirements. The proposed exemption negates the intent of this provision. Additionally, the rule would deviate from other air districts rules that have implemented or are in the process of implementing the SCM. This would defeat the goal of increased uniformity amongst district rules.

The proposed exemption forgoes a potential emissions reduction of over 4 tons per year relative to the solvent VOC limit of 25 grams per liter (g/l) established in the SCM. The forgone emission reduction is equivalent to about 8 percent of the estimated benefit the District will achieve from the coating VOC limits in the rule.

There are products readily available that meet the solvent VOC limit of 25 g/l. There is evidence that these products meet the cleaning needs of the automotive refinishing shops. The South Coast Air Quality Management District has already implemented the 25 g/l limit. In 2007, the San Joaquin Valley Unified Air Pollution Control District adopted the 25 g/l limit without exemptions. Ventura County Air Pollution Control District is also proposing to adopt the limit without an exemption as part of their implementation of the SCM later this year.

In summary, we believe that while the proposed exemption does not present an issue in approving Rule 339, it does, however, weaken the integrity of the SCM and we strongly recommend that the District remove exemption B.8 from Rule 339.

ATTACHMENT 4

APCD RESPONSE TO
PUBLIC COMMENTS ON
PROPOSED AMENDED RULE 339,
MOTOR VEHICLE AND MOBILE EQUIPMENT COATING
OPERATIONS

June 19, 2008

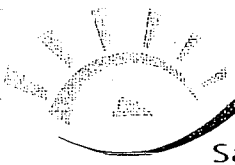
Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

APCD RESPONSE TO PUBLIC COMMENTS
PROPOSED AMENDED RULE 339,
MOTOR VEHICLE AND MOBILE EQUIPMENT COATING
OPERATIONS

As of June 4, 2008, the District has received and responded to (see attachments) the public comments on this proposed amended rule.



**Santa Barbara County
Air Pollution Control District**

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 28, 2008

Environmental Protection Agency
SIP Section, A-2-3
75 Hawthorne Street
San Francisco, CA 94105

ATTENTION: Mr. Andy Steckel, Chief Rulemaking

SUBJECT: APCD Staff Reply to EPA's Comments Regarding Proposed Amended Rule 339,
Motor Vehicle and Mobile Equipment Coating Operations

Dear Mr. Steckel:

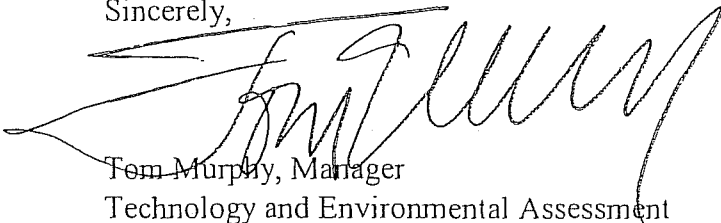
Thank you for your staff's time taken to review and comment on our Proposed Amended Rule 339. We have received your comments and have made your suggested typographical revisions to this rule. A copy of the proposed amended Rule 339 is enclosed. The Board Hearing is scheduled for June 19, 2008 (copy of Public Notice for Board Hearing is enclosed).

When adopted the revised rule will be submitted for incorporation into:

- State Implementation Plan
- Title V Regulations
- OCS Regulations

If you have any questions regarding this proposed amended rule please contact Rebecca Armstrong at (805) 961-8888.

Sincerely,



Tom Murphy, Manager
Technology and Environmental Assessment

enc: Proposed Amended Rule 339
Public Notice for Board Hearing to Adopt Proposed Amended Rule 339

cc: Rebecca Armstrong, APCD Rulemaking Section – TEA Division



Santa Barbara County
Air Pollution Control District

VIA E-MAIL TO PATRICK AU

May 28, 2008

Mr. Michael Guzzetta, Manager
Rule Evaluation Section
Emissions Assessment Branch
Stationary Source Division
Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

SUBJECT: APCD Staff Reply to CARB's Comments Regarding Proposed Amended Rule 339, Motor Vehicle and Mobile Equipment Coating Operations

Dear Mr. Guzzetta:

Thank you for your staff's time taken to review our Proposed Amended Rule 339. We have received your *second* comment letter for our proposed amended Rule 339 and have the following responses:

We have added a maximum VOC limit of 780 grams per liter of the presanding solvent, 20 gallons per year per facility exemption as you requested in your *first* comment letter to us. We understand ARB's concerns about consistency with SCMs. However, we have a professional working relationship with our sources and they have convinced us for the need for the exemption. Our rule as proposed provides for 51 tons per year of ROC emission reductions and is a rule that sources in Santa Barbara County will be able to comply with. We have already evaluated the use of the presanding (higher VOC) solvent and we feel relative to the 51 tons of emission reductions we expect to achieve that the emissions (26.08 lbs per day) from this exemption are not substantial or significant. We also feel that it is important to emphasize that we will be quantifying and ensuring compliance with this exemption. Specifically, our compliance staff will be carefully inspecting autobody shops during their routine inspections and we will be tracking material usage with the required Facility Annual Reports (due March 1st of each year).

A copy of the proposed amended Rule 339 is enclosed.

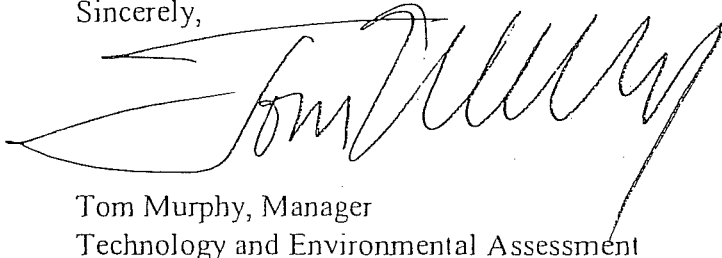
For your reference, when adopted the revised rule will be submitted as an update to:

- State Implementation Plan
- Title V Regulations
- OCS Regulations

The Board Hearing is scheduled for June 19, 2008 (copy of Public Notice for Board Hearing is enclosed).

Thank you also for working closely with my staff in order to fully understand our rule exemption and as a result to consider it recommendable for inclusion in our SIP. If you have any questions regarding this rule revision please contact Rebecca Armstrong at (805) 961-8888.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Murphy", written over a horizontal line.

Tom Murphy, Manager
Technology and Environmental Assessment

- enc: Proposed Amended Rule 339
Public Notice for Board Hearing to Adopt Proposed Amended Rule 339
- cc: Rebecca Armstrong, APCD Rulemaking Section – TEA Division

ATTACHMENT 5

**PROPOSED AMENDED RULE 339
MOTOR VEHICLE AND MOBILE EQUIPMENT
COATING OPERATIONS**

June 19, 2008

Santa Barbara County Air Pollution Control District

**260 San Antonio Road, Suite A
Santa Barbara, California 93110**

(805) 961-8800

RULE 339. MOTOR VEHICLE AND MOBILE EQUIPMENT COATING OPERATIONS.
(Adopted 11/5/1991, Revised 5/17/1994, 12/15/1994, 4/17/1997, and [date of revised rule adoption])

A. Applicability and Purpose

This rule is applicable to any person who supplies, sells, offers for sale, manufactures, or distributes any automotive coating or associated solvent for use within the District, as well as any person who uses, applies, or solicits the use or application of any automotive coating or associated solvent within the District.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from coatings and solvents associated with the coating of motor vehicles, mobile equipment, and associated parts and components.

B. Exemptions

Except as otherwise specified below, the requirements of this rule shall not apply to:

1. Any automotive coating or associated solvent that is offered for sale, sold, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging.
2. Any aerosol coating product.
3. Any automotive coating that is sold, supplied, or offered for sale in 0.5 fluid ounce or smaller containers intended to be used by the general public to repair tiny surface imperfections.
4. Any coating applied to motor vehicles or mobile equipment, or their associated parts and components, during manufacture on an assembly line.
5. With prior written approval of the Control Officer, the provisions of D.9 shall not apply where coatings are applied to a vehicle(s) which, due to shape or size, cannot reasonably be contained in a spray booth. Any person seeking an exemption from D.9 shall comply with the following:
 - a. Submit a written request to the Control Officer identifying the vehicle(s) to be coated, the size of the spray booth, the physical size of the vehicle(s) (i.e. length, width, and height), number of vehicle(s) to be coated, time required to paint vehicle(s), estimated volume of coating used, the date in which the vehicle or mobile equipment is to be coated, and the VOC content of each coating used; and
 - b. The request shall be submitted in hardcopy writing to the District Santa Barbara Office, marked "ATTENTION – REQUEST FOR CONTROL OFFICER EXEMPTION DETERMINATION". The Control Officer will provide a written determination to the requester within five (5) business days upon receipt of the exemption request. If the Control Officer does not act (i.e., grant or deny) on any properly submitted request within five business days of receiving the request, the exemption is automatically granted.

- c. Notwithstanding B.5.b, no person shall be exempt from D.9 unless a written approval of exemption is obtained from the Control Officer. The Control Officer may grant written approval for a specified time period, not to exceed one year.
- 6. The provisions of Section D.9 shall not apply to the following:
 - a. a motor vehicle engine compartment and mating assemblies of engine and suspension components where such components are replaced in the engine compartment.
 - b. the application of any undercoat which contains no lead or chromium compounds and is limited to one major panel per vehicle, or equivalent area, not to exceed an aggregate of 16 square feet per vehicle.
- 7. The provisions of Sections D.2 through D.9 and Sections E and F shall not apply to the following:
 - a. painting of no more than one vehicle per year, by the registered owner of the vehicle being painted, provided that the surface coating being used does not contain lead or chromium compounds;
 - b. the application of touch-up coatings;
 - c. lettering and striping applied using hand application methods.
- 8. The provisions of Section D.8.a shall not apply to any person using a solvent to remove dust, grease, wax and other contaminants from a surface prior to sanding, provided that person meets the following requirements :
 - a. the solvent is applied exclusively by use of non-aerosol, hand-held spray bottles.
 - b. the total volume of the solvent does not exceed 20 gallons per year per automotive refinishing facility.
 - c. the VOC content of the solvent does not exceed 780 grams per liter.
 - d. records are maintained on a monthly basis of the running annual total of the solvent used to demonstrate compliance with this exemption; and
 - e. solvent records are kept in compliance with the requirements in Sections F.3, F.4, and F.7 of this rule.

C. Definitions:

See Rule 102 for definitions not limited to this rule. For the purpose of this rule, the following definitions apply.

- 1. **“Adhesion Promoter”** means a coating, which is labeled and formulated to be applied to uncoated plastic surfaces to facilitate bonding of subsequent coatings, and on which, a subsequent coating is applied.

2. **“Aerosol Coating Product”** means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.
3. **“Assembly Line”** means an arrangement of industrial equipment and workers in which the product passes from one specialized operation to another until complete, by either automatic or manual means.
4. **“Associated Parts and Components”** means structures, devices, pieces, modules, sections, assemblies, subassemblies, or elements of motor vehicles or mobile equipment that are designed to be a part of motor vehicles or mobile equipment but which are not attached to motor vehicles or mobile equipment at the time of coating the structure, device, piece, module, section, assembly, subassembly, or element. “Associated parts and components” does not include circuit boards.
5. **“Automotive Coating”** means any coating or coating component used or recommended for use in motor vehicle or mobile equipment refinishing, service, maintenance, repair, restoration, or modification, except metal plating activities. Any reference to automotive refinishing or automotive coating made by a person on the container or in product literature constitutes a recommendation for use in motor vehicle or mobile equipment refinishing.
6. **“Automotive Coating Component”** means any portion of a coating, including, but not limited to, a reducer or thinner, toner, hardener, and additive, which is recommended by any person to distributors or end-users for use in an automotive coating, or which is supplied for or used in an automotive coating. The raw materials used to produce the components are not considered automotive coating components.
7. **“Automotive Refinishing Facility”** means any shop, business, location, or parcel of land where motor vehicles or mobile equipment or their associated parts and components are coated, including autobody collision repair shops. “Automotive Refinishing Facility” does not include the original equipment manufacturing plant where the motor vehicle or mobile equipment is completely assembled.
8. **“CARB”** means the California Air Resources Board.
9. **“Cleaning Operations”** means the removal of loosely held uncured adhesives, inks, coatings, or contaminants, including, but not limited to, dirt, soil, or grease, from motor vehicles, mobile equipment, associated parts and components, substrates, parts, products, tools, machinery, equipment, or general work areas.
10. **“Clear Coating”** means any coating that contains no pigments and is labeled and formulated for application over a color coating or clear coating.
11. **“Coating”** means a material which is applied to a surface and forms a film in order to beautify, preserve, repair, or protect such a surface.
12. **“Color Coating”** means any pigmented coating, excluding adhesion promoters, primers, and multi-color coatings, that requires a subsequent clear coating and which is applied over a primer, adhesion promoter, or color coating. Color coatings include metallic/iridescent color coatings.

13. **“Electrostatic Spray Application”** means any method of spray application of coatings where an electrostatic attraction is created between the part to be coated and the paint particles.
14. **“Emission Control System”** means any combination of capture systems and control devices used to reduce VOC emissions from automotive coating operations.
15. **“Exempt Compounds”** means, for the purposes of this rule, the compounds listed in Sections C.42.a and C.42.b.
16. **“Graphic Arts Operation”** means the application of logos, letters, numbers, or graphics to a painted surface by brush, roller, or airbrush.
17. **“Hand Application Methods”** means the application of coatings by one of the following methods: air brush, paint brushes, hand rollers, caulking guns, trowels, spatulas, syringe daubers, rags, and sponges.
18. **“High-Volume, Low-Pressure (HVL)”** means spray equipment permanently labeled as such and which is designed and operated between 0.1 and 10 pounds per square inch, gauge, (psig) air atomizing pressure measured dynamically at the center of the air cap and at the air horns.
19. **“Lacquer”** means a clear or pigmented coating formulated with nitrocellulose or synthetic resin to dry by evaporation without a chemical reaction and to provide a quick-drying, solid protective film.
20. **“Metallic/Iridescent Color Coating”** means any coating that contains more than 0.042 pounds per gallon (5 grams per liter) of metal or iridescent particles as applied, where such particles are visible in the dried film.
21. **“Mobile Equipment”** means any device that may be drawn and/or driven on rails or a roadway including, but not limited to, trains, railcars, truck trailers, mobile cranes, bulldozers, street cleaners, and implements of husbandry or agriculture.
22. **“Motor Vehicle”** means any self-propelled vehicle, including, but not limited to, cars, trucks, buses, golf carts, vans, motorcycles, tanks, and armored personnel carriers.
23. **“Multi-Color Coating”** means any coating that exhibits more than one color in the dried film after a single application, is packaged in a single container, and hides surface defects on areas of heavy use, and which is applied over a primer or adhesion promoter.
24. **“Person”** shall have the same meaning as defined in Health and Safety Code Section 39047.
25. **“Pretreatment Coating”** means any coating that contains a minimum of one-half (0.5) percent acid by weight and not more than 16 percent solids by weight necessary to provide surface etching and is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and adhesion.
26. **“Primer”** means any coating, which is labeled and formulated for application to a substrate to provide 1) a bond between the substrate and subsequent coats, 2) corrosion

resistance, 3) a smooth substrate surface, or 4) resistance to penetration of subsequent coats, and on which a subsequent coating is applied. Primers may be pigmented.

27. **“Primer Sealer”** means any coating which is labeled and formulated for application prior to the application of a color coating for the purpose of color uniformity, or to promote the ability of the underlying coating to resist penetration by the color coating.
28. **“Refinishing”** means any coating of vehicles, their exterior parts or components, or mobile equipment, including partial body collision repairs, for the purpose of protection or beautification and which is subsequent to the original coating applied at an Original Equipment Manufacturer (OEM) plant coating assembly line.
29. **“Single-Stage Coating”** means any pigmented coating, excluding primers and multi-color coatings, labeled and formulated for application without a subsequent clear coat. Single-stage coatings include single-stage metallic/iridescent coatings.
30. **“Solvent”** means a VOC-containing fluid used to perform cleaning operations.
31. **“Spot/Panel Repair”** means repair of an area on a motor vehicle, piece of mobile equipment, or associated parts or components of less than 1 square foot (929 square centimeters).
32. **“Spray Booth”** means a power ventilated structure of varying dimensions and construction provided to enclose or accommodate a spraying operation and to confine and limit the escape of spray vapor and residue and to exhaust it safely.
33. **“Temporary Protective Coating”** means any coating which is labeled and formulated for the purpose of temporarily protecting areas from overspray or mechanical damage.
34. **“Thinner”** means a volatile liquid used to lower the solid concentration or the viscosity of a coating.
35. **“Touch-up Coating”** means a coating applied by brush, air brush, detail HVLP spray equipment or hand-held, non-refillable aerosol cans to repair minor surface damage and imperfections.
36. **“Transfer Efficiency”** means the amount of coating solids adhering to the object being coated divided by the total amount of coating solids sprayed, expressed as a percentage.
37. **“Truck Bed Liner Coating”** means any coating, excluding clear, color, multi-color, and single stage coatings, labeled and formulated for application to a truck bed to protect it from surface abrasion.
38. **“Underbody Coating”** means any coating labeled and formulated for application to wheel wells, the inside of door panels or fenders, the underside of a trunk or hood, or the underside of the motor vehicle.
39. **“Undercoat”** means any pretreatment wash primer, primer, or primer sealer.
40. **“Uniform Finish Coating”** means any coating labeled and formulated for application to the area around a spot repair for the purpose of blending a repaired area’s color or clear coat to match the appearance of an adjacent area’s existing coating.

41. **“U.S. EPA”** means the United States Environmental Protection Agency.
42. **“Volatile Organic Compound (VOC)”** means any volatile compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:
- a. methane;
 - methylene chloride (dichloromethane);
 - 1,1,1-trichloroethane (methyl chloroform);
 - trichlorofluoromethane (CFC-11);
 - dichlorodifluoromethane (CFC-12);
 - 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
 - 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
 - chloropentafluoroethane (CFC-115);
 - chlorodifluoromethane (HCFC-22);
 - 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);
 - 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
 - 1,1-dichloro-1-fluoroethane (HCFC-141b);
 - 1-chloro-1,1-difluoroethane (HCFC-142b);
 - trifluoromethane (HFC-23);
 - pentafluoroethane (HFC-125);
 - 1,1,2,2-tetrafluoroethane (HFC-134);
 - 1,1,1,2-tetrafluoroethane (HFC-134a);
 - 1,1,1-trifluoroethane (HFC-143a);
 - 1,1-difluoroethane (HFC-152a);
 - cyclic, branched, or linear completely methylated siloxanes;
 - the following classes of perfluorocarbons:
 - (A) cyclic, branched, or linear, completely fluorinated alkanes;
 - (B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - (C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - (D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and
 - b. the following low-reactive organic compounds which have been exempted by the U.S. EPA:
 - acetone;
 - ethane;
 - parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene);
 - perchloroethylene;
 - methyl acetate; and
 - tertiary butyl acetate (tBAc).
43. **“VOC Content”**
- a. **“VOC Regulatory for Coatings”** means VOC in grams per liter of coating, excluding water and exempt compounds, and shall be calculated by the following equation:

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

- b. **“VOC Actual for Coatings”** means VOC in grams per liter of material shall be calculated using the following equation:

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

- c. **“VOC Content for Solvents”** means VOC in grams per liter of material shall be calculated by the following equation:

$$\text{VOC Content} = \frac{W_v - W_w - W_{ec}}{V_m}$$

Where:

VOC content = amount of volatile organic compounds in grams/liter

W_v = weight of volatiles in grams

W_w = weight of water in grams

W_{ec} = weight of exempt compounds in grams

V_m = volume of material (coating or solvent, as applicable) in liters

V_w = volume of water in liters

V_{ec} = volume of exempt compounds in liters

D. Requirements

1. **Coating Limits.** No person shall apply to any motor vehicle, mobile equipment, or associated parts and components, any coating with a VOC regulatory content, as calculated pursuant to Section C.43.a, in excess of the following limits, except as provided in Section D.3:

Coating Category	VOC Regulatory Limit, as applied, in grams per liter (pounds per gallon*)	
	Effective January 1, 2009	Effective January 1, 2010
Adhesion Promoter		540 (4.5)
Clear Coating	250 (2.1)	
Color Coating	420 (3.5)	
Multi-Color Coating	680 (5.7)	
Pretreatment Coating	660 (5.5)	
Primer	250 (2.1)	
Primer Sealer		250 (2.1)
Single-Stage Coating		340 (2.8)
Temporary Protective Coating	60 (0.5)	
Truck Bed Liner Coating	310 (2.6)	
Underbody Coating	430 (3.6)	
Uniform Finish Coating	540 (4.5)	
Any other coating type	250 (2.1)	

**English units are provided for information only.*

2. **Most Restrictive VOC Limit.** If anywhere on the container of any automotive coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a person, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in Section D.1, then the lowest VOC content limit shall apply.
3. **Alternative Compliance.** Instead of complying with the VOC content limits specified in Section D.1, a person may use an emission control system that has been approved, in writing, by the Executive Officer or Air Pollution Control Officer of the District and which achieves an overall control efficiency of at least 85 percent as determined pursuant to Sections E.5 and E.6. Any approved system emission control must be maintained and used at all times in proper working condition.
4. **Prohibition of Possession.** No person shall possess at any automotive refinishing facility, any automotive coating that is not in compliance with Section D.1 or D.3, as applicable. Effective January 1, 2010, no person shall possess at any automotive refinishing facility, any solvent with a VOC content greater than 25 grams per liter.

5. **Prohibition of Sale or Manufacture.** No person shall manufacture, blend, repackage for sale, supply, sell, offer for sale, or distribute within the District any coating with a VOC content in excess of the limits specified in Section D.1.

Notwithstanding the provisions of this Section, a person may manufacture, blend, repackage for sale, supply, sell, offer for sale, or distribute a coating with a VOC content in excess of the limits specified in Section D.1 under the following circumstances and provided all of the requirements of Section F.6 are also met:

- a. The coating is for use exclusively within an emission control system as allowed in Section D.3, or
- b. The coating is for use outside the District.

6. **Prohibition of Specification.** No person shall solicit or require the use of, or specify the application or use of any coating or solvent on a motor vehicle or mobile equipment, or associated parts and components, if such use or application results in a violation of this rule. This prohibition shall apply to all written or oral contracts, including, but not limited to, job orders, under the terms of which any coating or solvent that is subject to the provisions of this rule is to be used or applied. This prohibition shall not apply to coatings that meet the criteria specified in Section D.5.

7. **Coating Application Methods.** No person shall apply any coating to any motor vehicle, mobile equipment, or associated parts and components unless one of the following application methods is used:

- a. Brush, dip, or roller.
- b. Electrostatic spray.
- c. High-Volume Low-Pressure (HVLP) spray equipment.
- d. Use of a spray gun: If a spray gun is used, the end user must demonstrate that the gun meets the HVLP definition in Section C.18 in design and use. A satisfactory demonstration must be based on the manufacturer's published technical material on the design of the gun and by a demonstration of the operation of the gun using an air pressure tip gauge from the manufacturer of the gun.
- e. Any alternative method that achieves a transfer efficiency equivalent to, or higher than, the application methods listed in Sections D.7.a, D.7.b, or D.7.c as determined per Section E.9. Written approval from the Executive Officer or Air Pollution Control Officer of the District shall be obtained for each alternative method prior to use. Section D.7 does not apply to underbody coatings, graphic arts operations, truck bed liner coatings, or any coating use of less than one (1) fluid ounce (29.6 milliliters).

8. **Solvent Limits and Evaporative Loss Minimization**

- a. Effective January 1, 2010, each solvent present at any automotive refinishing facility shall not exceed a VOC content of 25 grams per liter as calculated pursuant to Section C.43.c.

- b. Solvent-laden materials shall be stored in closed containers.
 - c. All automotive coating components, automotive coatings, and solvents shall be stored in closed vapor-tight containers.
 - d. No person shall clean spray equipment unless a closed system is used. However, equivalent control equipment can be used if the Executive Officer or Air Pollution Control Officer of the District approves it in writing prior to use.
 - e. All waste automotive coating components, automotive coatings, and solvents shall be stored in closed vapor-tight containers, except while adding to or removing them from the containers.
9. **Spray Booth Requirement.** All surface coatings which are subject to this rule shall be applied in a properly maintained and operating spray booth that has a District issued Permit to Operate or an Authority to Construct that allows operation and in full compliance with all conditions of any such permit.

E. 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. A source is in violation of this rule if any measurement by any of the listed applicable test methods exceeds the standards of this rule.

1. **Methyl Acetate, Acetone, t-Butyl Acetate, and PCBTF Content.** The quantity of methyl acetate, acetone, t-butyl acetate, and parachlorobenzotrifluoride (as specified in Sections C.15, C.42, and C.43) shall be determined by using ASTM Standard D 6133-02: "Standard Test Method for Acetone, *p*-Chlorobenzotrifluoride, Methyl Acetate or *t*-Butyl Acetate Content of Solventborne and Waterborne Paints, Coatings, Resins, and Raw Materials by Direct Injection Into a Gas Chromatograph," (February 2003), ASTM International.
2. **Acid Content.** Measurement of acid content (as specified in Section C.25) shall be determined by using ASTM Standard D 1613-03 "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products," (October 2003), ASTM International.
3. **Alternative Test Methods.** The use of other test methods which are determined to be equivalent or better and approved, in writing, by the Executive Officer or Air Pollution Control Officer of the District, CARB, and U.S. EPA may be used in place of the test methods specified in this rule.
4. **VOC Content of Coatings or Solvents.** VOC content (as specified in Sections C.43, D.1, and D.8.a) shall be determined by U.S. EPA Method 24 as set forth in Appendix A of Title 40 of the Code of Federal Regulations (40 CFR) Part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings".
5. **Control Efficiency.** When either U.S. EPA Method 25, 25A, or 25B is used to determine VOC emissions, control device equivalency (as specified in Section D.3) shall be determined as specified in U.S. EPA's "Guidelines for Determining Capture

Efficiency,” (January 9, 1995) and 40 CFR 51, Appendix M, Methods 204 –204f as applicable.

6. **Determination of Alternative Compliance.** Alternative compliance (as specified in Section D.3) shall be determined by U.S. EPA Method 25, 25A, or 25B, Title 40 Code of Federal Regulations, Part 60, Appendix A as applicable. A source is in violation if the measured VOC emissions, as measured by any of the test methods, exceed the standards specified in Section D.3.
7. **Metallic Content.** The metallic content of a coating (as specified in Section C.20) shall be determined by South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings by X-ray” (July 1996).
8. **Exempt Compound Content.** Exempt compound content, other than as determined pursuant to Section E.1, (as specified in Sections C.15, C.42 and C.43) shall be determined by using CARB Method 432, “Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings” (September 12, 1998); CARB Method 422, “Determination of Volatile Organic Compounds in Emissions from Stationary Sources” (January 22, 1987); or, South Coast Air Quality Management District (SCAQMD) Method 303-91, “Determination of Exempt Compounds” (February 1993).
9. **Transfer Efficiency.** Spray equipment transfer efficiency (as specified in Sections C.36 and D.7.e) shall be determined by using South Coast Air Quality Management District “Spray Equipment Transfer Efficiency Test Procedure for Equipment User” (May 24, 1989).
10. **HVLP Equivalency.** Spray equipment HVLP equivalency (as specified in Section D.7.d) shall be determined by using South Coast Air Quality Management District “Guidelines for Demonstrating Equivalency with District Approved Transfer Efficient Spray Guns” (September 26, 2002).

F. Recordkeeping

1. Compliance Statement Requirement

- a. For each individual automotive coating or automotive coating component, the manufacturer and repackager shall include the following information on product data sheets, or an equivalent medium:
 - i. The VOC actual for coatings and VOC regulatory for coatings, expressed in grams per liter;
 - ii. The weight percentage of volatiles, water, and exempt compounds;
 - iii. The volume percentage of water and exempt compounds; and,
 - iv. The density of the material (in grams per liter).
- b. For each individual ready to spray mixture (based on the manufacturer’s and repackager’s stated mix ratio), the manufacturer and repackager shall include the following information on product data sheets, or an equivalent medium:

- i. The VOC actual for coatings and VOC regulatory for coatings, expressed in grams per liter;
 - ii. The weight percentage of volatiles, water, and exempt compounds;
 - iii. The volume percentage of water and exempt compounds; and,
 - iv. The density of the material (in grams per liter).
- c. The manufacturer and repackager of solvents subject to this rule shall include the VOC content as supplied, calculated pursuant to Section C.43.c, expressed in grams per liter, on product data sheets, or an equivalent medium.

2. **Labeling Requirements**

- a. The manufacturer and repackager of automotive coatings or automotive coating components shall include on all containers the applicable use category(ies), and the VOC actual for coatings and VOC regulatory for coatings, as supplied, expressed in grams per liter.
- b. The manufacturer and repackager of solvents subject to this rule shall include on all containers the VOC content for solvents, as supplied, expressed in grams per liter.

3. **Maintenance of Records.** Records required by this rule shall be retained for a minimum of three years and made available for inspection by District personnel upon request.

4. **Recordkeeping Requirements.** Any person who uses coatings or solvents subject to this rule shall maintain and have available at all times, on site, the following:

- a. A current list of all coatings and solvents used that are subject to this rule. This list shall include the following information for each coating and solvent:
 - i. material name and manufacturer;
 - ii. application method;
 - iii. coating type (as listed in Section D.1) and mix ratio specific to the coating;
 - iv. VOC actual for coatings and VOC regulatory for coatings, as applied, or VOC content for solvent; and,
 - v. whether the material is a coating or solvent.
- b. Current manufacturer specification sheets, material safety data sheets, technical data sheets, or air quality data sheets, which list the VOC actual for coatings and VOC regulatory for coatings of each ready-to-spray coating (based on the manufacturer's stated mix ratio) and automotive coating components, and VOC content of each solvent.
- c. Purchase records identifying the coating type (as listed in Section D.1), name, and volume of coatings and solvents.

5. **Recordkeeping Requirements for Emission Control Systems.** Any person using an emission control system shall maintain daily records of key system operating parameters which will demonstrate continuous operation and compliance of the emission control system during periods of VOC emission producing activities. "Key system operating parameters" are those parameters necessary to ensure or document compliance with Section D.3, including, but not limited to, temperatures, pressure drops, and air flow rates.

6. **Recordkeeping Requirements for Prohibition of Sale.** Any person claiming an exception specified in Section D.5 shall keep a detailed log of each automotive coating component and automotive coating manufactured, blended, repackaged for sale, supplied, sold, offered for sale, or distributed showing:
 - a. The quantity manufactured, blended, repackaged for sale, supplied, sold, offered for sale, or distributed, including size and number of containers;

 - b. The VOC regulatory for coatings;

 - c. The VOC actual for coatings;

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

 - e. The specific exception being utilized under Section D.5.

7. **Annual Reports.** Any person subject to this rule shall keep and maintain a record of the total automotive refinishing facility VOC emissions used on a monthly basis. These records shall be summarized for the previous calendar year and submitted to the District by March 1.

G. Rule Effective Date

Unless otherwise specified, the provisions of this rule as adopted on June 19, 2008 become effective January 1, 2009.

APPROVED AS TO FORM:

DANIEL J. WALLACE
SANTA BARBARA COUNTY COUNSEL

By _____
Deputy
Attorneys for the Santa Barbara
Air Pollution Control District