

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

PROPOSED AMENDED RULE 67.0 – ARCHITECTURAL COATINGS

WORKSHOP REPORT

A notice for a workshop on the proposed Rule 67.0 amendments was mailed to all known manufacturers, distributors, and retail sellers of architectural coatings located in San Diego County. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce in San Diego County, the U.S Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties. The workshop was held on September 6, 2001. Oral and written comments were received from affected manufacturers, distributors, end users, and ARB. The comments and District responses are as follows:

1. WORKSHOP COMMENT

The term “industrial use” in Subsection (d)(5) should be defined or clarified. As written, after January 1, 2004, a Rust Preventive coating can be applied for industrial uses only if it meets the Industrial Maintenance coating VOC content limit specified in Table 1. This implies that Rust Preventative coatings can be used for industrial use which conflicts with the Subsection (c)(45) definition which states that they are coatings “...formulated exclusively for non-industrial use...”

DISTRICT RESPONSE

The Subsection (d)(5) language has been modified as follows: After January 1, 2004, a person shall only apply or solicit the application of a rust preventative coating for non-industrial uses, unless the rust preventative coating complies with the industrial maintenance coating VOC limit specified in Table 1. In addition, the definition for Rust Preventative coatings has been revised to delete the word “exclusively.”

2. WORKSHOP COMMENT

Would a coating applied to a warehouse component, such as shelving, be considered ‘non-industrial’ use?

DISTRICT RESPONSE

Yes. Coatings applied to warehouse components, such as shelving, would be considered a ‘non-industrial’ use. An industrial maintenance coating could be applied to shelving within a warehouse if the shelving was exposed to one or more of the extreme environmental conditions specified in the definition of industrial maintenance coating.

3. WORKSHOP COMMENT

The amendments to Rule 67.0 propose to lower the VOC content limits of 12 coating categories upon adoption. ARB's Suggested Control Measure (SCM) does not propose lower limits for these coatings until January 1, 2003, or January 1, 2004, for Industrial Maintenance coatings. The District should not be more stringent than the SCM. It will take time for coating manufacturers to produce and distribute coatings that meet the lower VOC content limits.

DISTRICT RESPONSE

The District agrees. Rule 67.0 has been revised to propose that these coatings meet the lower VOC limits by January 1, 2003 (January 1, 2004, for Industrial Maintenance coatings), consistent with the SCM.

4. WORKSHOP COMMENT

The District should reconsider the proposed VOC content limit of 250 grams per liter (g/l) for Floor coatings. These coatings are currently marketed in California as Industrial Maintenance coatings or Quick Dry Enamels with VOC content limits of 420 and 400 g/l, respectively. The District should retain a minimum VOC content limit of 400 g/l for Floor coatings.

DISTRICT RESPONSE

The District agrees. The VOC content limit has been revised to 400 g/l, effective upon adoption, and 250 g/l effective January 1, 2003, consistent with the SCM. Coatings that meet the definitions of both Floor and Industrial Maintenance coatings will be treated as Industrial Maintenance coatings for determining allowable VOC content, pursuant to Subsection (d)(3).

5. WORKSHOP COMMENT

If a coating is purchased before the lower VOC content limits take effect on January 1, 2003, is there a date by which the coating must be applied?

DISTRICT RESPONSE

No. If a coating complies with the VOC content limits applicable when it is manufactured, there are no restrictions on when the coating may be used. The appropriate VOC content limit is determined by the manufactured date, which is required to be listed on all coating containers.

6. WORKSHOP COMMENT

The Appendix A averaging provisions contain ceiling limits specifying the maximum allowable VOC content for coatings eligible for averaging. The ceiling limits are unnecessary since EPA's National Architectural Coating Rule provides upper bound ceiling limits. In addition, as long as the same emission reductions are achieved, ceiling limits only serve to limit a coating manufacturer's compliance flexibility.

DISTRICT RESPONSE

The District disagrees. Ceiling limits, recommended by ARB, are necessary to protect against regional differences that could result in high VOC products being sold in San Diego County. Using EPA's National Architectural Rule to provide upper bound ceiling limits would allow coatings with VOC contents higher than those allowed by current Rule 67.0, which has been in effect for over 10 years. Although these emissions would be offset from a statewide perspective, VOC emissions could increase in San Diego. Including the ceiling limits eliminates this potential.

7. WORKSHOP COMMENT

The imposition of ceiling limits diminishes the flexibility otherwise provided to manufacturers to utilize averaging to produce limited quantities of higher-performing coatings.

DISTRICT RESPONSE

The ceiling limits reflect the VOC content limits found in California air district Architectural Coating rules. There is no need to allow the use of coatings with higher VOC content limits, since coatings which meet these limits have been readily available for nearly 10 years. In addition, the ceiling limits will ensure that existing State Implementation Plan (SIP) emission reduction commitments are met throughout the state.

8. WORKSHOP COMMENT

The proposed Appendix A averaging program will sunset on January 1, 2005. The District should consider removing the sunset provision. If averaging achieves the same emission reductions, then it should remain a viable alternative to reformulating all coating categories.

DISTRICT RESPONSE

The Appendix A averaging program will be a statewide program authorized by district rules, but implemented by the ARB. Therefore, consistency between air district rules is important. To maintain statewide consistency, the District will retain the January 1,

2005, sunset provision. However, the District is not proposing to submit the amended version of Rule 67.0 for inclusion in the federal SIP. The emission reductions are not currently necessary to demonstrate compliance with federal attainment requirements. If the District, other air districts, or ARB determines it necessary to extend the sunset provision, the District will consider recommending such a change at that time.

9. WORKSHOP COMMENT

Are graphic arts operations subject to the Graphic Arts coating category contained in Rule 67.0?

DISTRICT RESPONSE

No. Rule 67.0 regulates coatings applied to stationary structures and their appurtenances at the site of installation. District Rule 67.16 (Graphic Arts Operations) applies to web or sheet fed graphics art operations, typically conducted at a graphic arts business.

10. WORKSHOP COMMENT

Technology assessments are still occurring for several coating categories. The District should not submit Rule 67.0 for inclusion in the SIP to avoid locking in VOC content limits that may be unachievable.

DISTRICT RESPONSE

The District agrees. The District is not proposing to submit amended Rule 67.0 as a SIP revision unless the emission reductions are determined in the future to be needed for a federal attainment demonstration or to meet other federal requirements.

11. WORKSHOP COMMENT

The District should revise Rule 67.0 to include a coating category for Concrete Protective coatings with a VOC content limit of 400 g/l, consistent with the category provided in EPA's National Architectural Coating Rule, which defines it as follows: "Concrete Protective Coating means a high-build coating, formulated and recommended for application in a single coat over concrete, plaster or other cementitious surfaces. These coatings are formulated to be primerless, one-coat systems that can be applied over form oils and/or uncured concrete. These coatings prevent the spalling of concrete in freezing temperatures by providing long-term protection from water and chloride ion intrusion."

This is a high performance, primerless, one-coat system that can be applied over form oils and/or uncured concrete. The coating achieves excellent adhesion to the concrete and cures to a hard protective coating, lasting for periods of over 20 years without

requiring recoating. The coating's primerless, single coat application and longevity features not only reduce VOC emissions, they also reduce worker safety risks. The use of this coating results in fewer overall emissions. Less than 50,000 gallons of this coating was sold in California by our company in 2000.

DISTRICT RESPONSE

The addition of a Concrete Protective Coating category was raised during the development of the SCM. The District concurs with the conclusion in ARB's SCM Staff Report, that "Concrete Protective Coatings" are already included under the Waterproofing Concrete/Masonry Sealer category with a VOC limit of 400 g/l. Accordingly, it is not necessary to add a new coating category for "Concrete Protective Coatings."

12. WORKSHOP COMMENT

The District should revise Rule 67.0 to include a coating category for Anti-Graffiti coatings with a VOC content limit of 600 g/l. Anti-Graffiti coatings are used on top of paints, coatings, or murals to protect the film underneath. A sacrificial anti-graffiti coating (waterborne) will typically be reapplied after one to three washings. Our high performance urethane anti-graffiti coating lasts for ten to 15 washings. This eliminates the need for successive recoatings and reduces VOC emissions, as repainting is required less often when the underlying coating is protected by a hard, permanent anti-graffiti system. With the extremely low volume of anti-graffiti coatings used, less than 0.01% nationwide, raising the limit to 600 g/l would have minimal impact on the total VOC's in the region.

DISTRICT RESPONSE

The South Coast Air Quality Management District (SCAQMD) and ARB have identified both permanent and sacrificial anti-graffiti coatings that comply with the 250 g/l future effective limit for Industrial Maintenance coatings. No specific performance data has been provided to the District or ARB to indicate performance problems with the low VOC anti-graffiti coatings. The product information sheets for some of these products indicate that graffiti can be removed without residual "shadowing" (ghosting) and/or that the coating forms a non-porous, monolithic surface, resulting in a very low coefficient of friction. One product has been successfully used by Caltrans since 1999. Given the availability of low-VOC anti-graffiti coatings, there is no need for a separate coating category at 600 g/l.

13. WORKSHOP COMMENT

The Rule 67.0 definition of Specialty Primer should be revised to be consistent with the National Paint and Coating Association definition as follows: “Specialty primer means a coating formulated and recommended for application to a substrate to block stains, odors, or efflorescence; to seal fire, smoke or water damage; to condition excessively chalky surfaces; or recommended for application to exterior wood or wood-based surfaces, or for highly alkaline cement, plaster and or other cementitious surfaces. An excessively chalky surface is one that is defined as having a chalk rating of four or less as determined by ASTM Designation D 4214-98 Photographic Reference Standard No. 1 of the Federation of Societies for Coatings Technology ‘Pictorial Standards for Defects’.” (*Emphasis added.*)

The proposed modification to the Specialty Primer definition would allow the use of primers specifically formulated for use on concrete, plaster, wood and other masonry surfaces or for highly alkaline cement, plaster and other cementitious surfaces. Without this change, these types of primers would be classified as general primers, with VOC content limits of 200 g/l effective January 1, 2003.

At 200 g/l, the ability to maintain a viable primer for specific concrete and masonry applications is totally lost. The result would be holidays (holes in the coating), dry spray particles, and heavy overlapped films. The use of acetone will not achieve a 200 g/l VOC coating and would further contribute to film formation and application problems, especially cob webbing. Waterborne primers used in such applications, as well as the top coat applied on it, peel off in large sheets, resulting in the entire building being recoated. Latex primers or coatings will not adhere to surfaces previously coated with silanes or siloxanes, while solvent borne primers will penetrate these hard substrates, forming a strong bond with the surface.

DISTRICT RESPONSE

The current Subsection (c)(52) definition of Specialty Primer is consistent with the SCM definition and already includes excessively chalky surfaces (defined as having a chalk rating of four or less). Therefore, exterior wood or wood-base surfaces and highly alkaline cement plaster or other cementitious surfaces with excessively chalky surfaces are already included in this coating category and it is not necessary to change the definition as suggested.

14. WORKSHOP COMMENT

The Rule 67.0 definition of Waterproofing Concrete/Masonry Sealer should be revised as follows: “Waterproofing concrete/masonry sealer means a clear or pigmented film-forming or non film-forming coating that is labeled or formulated for sealing concrete and masonry to provide resistance against water, alkalis, ultraviolet light, and staining.”

The addition of the phrase “non-film forming” is recommended so that all concrete and masonry sealers are included in this category. We believe it was the intent to have these materials included. However, the way the category is worded makes it sound as though only film-forming sealers are allowed.

DISTRICT RESPONSE

The Waterproofing Concrete/Masonry Sealer coating category is a specialty type of Waterproofing Sealer, and thus allowed a higher VOC content limit of 400 g/l. Non film-forming Waterproofing Sealers that comply with the 250 g/l VOC content limit are readily available. Therefore, it is not necessary to include non film-forming Waterproofing Sealers in the specialty category of Waterproofing Concrete/Masonry Sealers.

15. WORKSHOP COMMENT

We are a specialty, high-performance coating manufacturer and therefore do not manufacture coatings which lend themselves to very low VOC content, e.g., flat interior coatings. We do make every effort to lower the content of our coatings, however, as evidenced by the use of our acrylic technology for our concrete protective coatings. The averaging provisions can only be effectively used by companies with diverse coating lines and this penalizes our company, which has devoted its efforts to developing niche market coatings that otherwise would not have been developed, because the volumes are too small to interest large manufacturers with diverse product lines.

DISTRICT RESPONSE

The VOC content limits for Architectural Coatings have been tightening gradually for several years as the technology has developed to lower the VOC contents of various types of coatings. Higher VOC content limits are provided within the rule for various specialty coatings. The VOC content limits proposed within proposed Rule 67.0 are currently available or are considered technologically feasible. ARB and the District are committed to monitoring industry’s progress in complying with the proposed limits. (See Written Comment 16 below.) The averaging provision was adopted in the SCM and Rule 67.0 to provide industry with flexibility in meeting new and lower limits. However, use of the averaging program is not necessary to comply with the Rule 67.0 coating VOC content limits.

16. WRITTEN COMMENT Metropolitan Water District of Southern California

The Board Resolution adopting proposed amendments to Rule 67.0 should contain the following or equivalent wording: “SDAPCD will monitor the progress and results of the

technical assessment being conducted by SCAQMD and the essential public services agencies, and will make future modifications to the Rule that may be appropriate.”

DISTRICT RESPONSE

ARB plans to conduct technology assessments for each coating category with lower future effective VOC limits (2003 or 2004) prior to the effective dates in order to monitor the industry’s progress in complying with the proposed limits. These technology assessments will consider the Essential Public Services Agencies’ test programs, the Southern California Alliance of Publicly Owned Treatment Works test program, and the National Technical Systems test program. In addition, ARB will be working with the South Coast Air Quality Management District (SCAQMD) to identify any potential problems industry is having in meeting the lower VOC limits. District staff will follow ARB’s technology assessment and SCAQMD’s work to monitor the industry’s progress in complying with the standards and make any appropriate changes to the rule as needed. The commitment to do this will be included in the Board resolution for Rule 67.0.

17. ARB WRITTEN COMMENT

The ARB Suggested Control Measure for Architectural Coatings (SCM) definition for “Residential” does not appear in Rule 67.0. “Residential” is used in the labeling requirements for industrial maintenance coatings. We do not believe that a simple dictionary definition of residential is adequate to describe the important labeling restrictions for industrial maintenance coatings. To maintain compliance integrity of the rule, relevant definitions contained in the SCM should appear in the rule.

DISTRICT RESPONSE

The District disagrees. As currently written, both the SCM and Rule 67.0 only require Industrial Maintenance coatings to be labeled using the term “residential.” There is no specific requirement or standard based upon this term, only that the label states such coatings are not for residential use.

18. ARB WRITTEN COMMENT

The exemption for emulsion-type bituminous pavement sealers does not exist in the SCM. This provision should either be deleted or reworded to make it clear that these products are subject to the District’s cutback and emulsified asphalt rules. We believe do-it-yourself repair coatings for driveways are architectural coatings, and could be unintentionally exempted by Subsection (b)(1)(iv). The ARB is currently collecting speciated survey information to better understand bituminous coatings, and it is possible that in the future, driveway repair coatings will be defined as a separate category.

DISTRICT RESPONSE

The District agrees. Subsection (b)(1)(iv) has been revised to specify that only bituminous pavement sealers applied to roads are exempt from Rule 67.0. These sealers are subject to the requirements of District Rule 67.7.

19. ARB WRITTEN COMMENT

The sentence in the Architectural Coatings definition explaining that coatings used in shop application are not architectural coatings has been omitted. We believe that the rule needs an explanation that coatings applied in a factory or shop are not architectural, since this is a common question asked by both end users and manufacturers. We understand that District staff feels that it is important to clarify that spray booths located within a facility painting appurtenances create an exception to the shop application definition. District staff has suggested that the second sentence of the SCM definition be changed to read as follows: “Coatings applied in offsite shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purposes of this rule.” The word “offsite” would clarify that painting of appurtenances done in spray booths within a facility is classified as an architectural coating and would leave intact the intent that coatings applied in a factory or spray booth away from the facility are not considered architectural. It is also consistent with the definition of appurtenance. We agree with this solution.

DISTRICT RESPONSE

Subsection (c)(6) has been revised as suggested.

20. ARB WRITTEN COMMENT

SCM Subsections 3.4 (Painting Practices) and 3.5 (Thinning) have been omitted in proposed amended Rule 67.0. We understand that storage of VOC-containing materials is covered in Rule 67.17, but this rule is not specific for painting practices. Therefore, we believe that SCM Subsection 3.4 should be added to Rule 67.0, or at a minimum, Rule 67.0 should reference Rule 67.17. We note that the District references Rule 2 to define the term VOC. We believe that District inspectors should use discretion in not issuing an uncovered container citation for both Rules 67.17 and 67.0.

We understand that SCM Subsection 3.5 is not included in Rule 67.0 because District staff feels that it is redundant since it is covered in footnote 1 of Table 1. However, footnote 1 is simply a statement that VOC content is calculated to include the manufacturer’s maximum thinning recommendation on the label. In contrast, SCM Subsection 3.5 prohibits the application of a product thinned more than the manufacturer recommends. We added this Subsection to the SCM to enhance enforceability and clarify that excess thinning is a violation.

The ARB believes that, for statewide uniformity and to maintain compliance integrity of the rule, all of Section 3 (Standards) in the SCM should appear in district rules (except Section 3.8, which does not apply to San Diego County).

DISTRICT RESPONSE

District Rule 67.17 already regulates the storage of materials containing volatile organic compounds which include architectural coatings. The District will include a reference to Rule 67.17 in Rule 67.0. In addition, if Rule 67.0 amendments are approved, the District will be notifying affected persons of the new requirements. At that time, the District will remind parties of the Rule 67.17 requirements.

To provide consistency with the SCM, Subsection (d)(7) has been added to prohibit thinning beyond the manufacturer's maximum thinning recommendation.

21. ARB WRITTEN COMMENT

Subsection (f)(1) states that an annual report to the Executive Officer be submitted. We recommend that the District indicate that the report to the Executive Officer must be in writing.

DISTRICT RESPONSE

The District has revised Subsection (f)(1) as suggested.

22. ARB WRITTEN COMMENT

In Subsection (f)(2)(iv), references to EPA-approved State or local methods do not include a complete title and do not specify the version date. We recommend changing portions of the rule to read as follows:

For subsection (J): "Exempt Compounds: `The content of compounds...SCAQMD Method 3034-91 (~~Revised August 1996~~3), Determination of Exempt Compounds, ..."; and

For subsection (L): "Alternative VOC Content of Coatings: The VOC...SCAQMD Method 304-91 (Revised February 19963), Determination of Volatile Organic Compounds (VOC) in Various Materials, ..."

DISTRICT RESPONSE

Subsections (f)(2)(iv)(J) and (L) have been revised as suggested.

23. ARB WRITTEN COMMENT

The word “statewide” appears four times in Subsection (d)(6), presumably to emphasize that the averaging program is being managed by the ARB statewide, rather than by each district individually. The word "statewide" is inappropriate; it precludes a manufacturer from submitting a district-specific averaging plan, which he can choose to do.

DISTRICT RESPONSE

The District disagrees. The proposed wording does not preclude a manufacturer from submitting a district-specific averaging plan. However, to provide consistency with the averaging program provisions being adopted by other districts, the term “statewide” has been deleted from the text and will only be retained in the Section header.

24. ARB WRITTEN COMMENT

The Table in Appendix A titled “Averaging Categories and VOC Ceiling (Maximum VOC allowed)” has no units indicated. We recommend that the District add units to the table. We also recommend changing the second column title of the table to read as follows: Rule/VOC Limit (In effect 1/1/2003 except Industrial Maintenance Coatings).

DISTRICT RESPONSE

The District agrees. The Table has been revised as suggested. The special effective date for Industrial Maintenance Coating will be included as a footnote.

SAN DIEGO AIR POLLUTION CONTROL DISTRICT

PROPOSED AMENDMENTS TO RULE 67.0

Amendments are to read as follows:

RULE 67.0. ARCHITECTURAL COATINGS

(a) APPLICABILITY

(1) Except as provided in Section (b), this rule is applicable to any person who manufactures, supplies, sells, offers for sale, applies, or solicits the application of, any architectural coating for use within San Diego County.

(2) Rule 66 shall not apply to any coating subject to this rule.

(b) EXEMPTIONS

~~The provisions of Section (d) of this rule shall not apply to the following coatings:~~

(1) This rule shall not apply to:

(i) Any architectural coating that is sold or manufactured for use outside of San Diego County or for shipment to other manufacturers for reformulation or repackaging.

(ii) Any ~~non-refillable~~ aerosol coating product.

(iii) Any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less.

~~(1) Architectural coatings supplied in containers having capacities of one liter or less;~~

~~(2) Architectural coatings sold in non-refillable aerosol containers having capacities of one liter or less:~~

~~(iv3) Emulsion-type bituminous pavement sealers applied to roads.~~

(2) The provisions of Subsection (d)(1) shall not apply to lacquers applied on days with relative humidity greater than 70 percent and temperatures below 65°F. On such days, up to 10 percent by volume of VOC may be added to a lacquer, ~~at the time of~~

application, to avoid blushing of the finish, provided that the lacquer contains acetone and no more than 550 grams of VOC per liter of lacquer, less water and exempt compounds, prior to the addition of VOC.

(c) **DEFINITIONS**

(1) “Adhesive” means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

(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 either for hand-held application or use in specialized equipment for ground traffic/marketing applications.

(3) “Antenna Coating” means a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

(4) “Antifouling Coating” means a coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with both the U.S. Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136, et seq.) and with the California Department of Pesticide Regulation.

(5) “Appurtenance” means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.

~~(1) “Appurtenance” means an accessory to an architectural structure including but not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain gutters and down spouts, window screens, lamp posts, heating and air conditioning equipment, large fixed stationary tools, and concrete forms.~~

(62) **“Architectural Coating”** means any coating to be applied to stationary structures and/or their appurtenances at the site of installation (stationary source), to portable buildings including mobile homes, at the site of installation, coated onsite or in close proximity to the intended installed location, to mobile homes, to pavement, or to curbs. Coatings applied in off-site shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purposes of this rule.

(3) **“Below Ground Wood Preservative”** means a coating formulated to protect below ground wood from decay or insect attack and which contains a wood preservative chemical registered by the California Department of Food and Agriculture.

(7) **“Bitumens”** means black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consisting mainly of hydrocarbons, and obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

(4) **“Bituminous Coating”** means a black or brownish coating material, soluble in carbon disulfide, consisting mainly of hydrocarbons and which is obtained from natural deposits or as residue from the distillation of crude petroleum oils or of low grades of coal.

(8) **“Bituminous Roof Coating”** means a coating which incorporates bitumens that is labeled and formulated exclusively for roofing.

(9) **“Bituminous Roof Primer”** means a primer which incorporates bitumens that is labeled and formulated exclusively for roofing.

(105) **“Bond Breaker”** means a coating labeled and formulated for application applied between layers of concrete to prevent a the freshly-poured top layer of concrete from bonding to the layer over which it is poured.

(11) **“Clear Brushing Lacquers”** mean clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, which are intended exclusively for application by brush, and which are labeled as specified in Subsection (e)(1)(v).

(12) “Clear Wood Coatings” mean clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.

(13) “Coating” means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.

(14) “Colorant” means a concentrated pigment dispersion in water, solvent and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

(156) “Concrete Curing Compound” means a coating labeled and formulated for application applied to freshly poured concrete to retard the evaporation of water.

(167) “Dry Fog Coating (Mill White Coating)” means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental other surfaces in the vicinity of the surface coating activity.

(178) “Exempt Compound Solvent” means the same as defined in Rule 2.

(18) “Faux Finishing Coating” means a coating labeled and formulated as a stain or glaze to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain.

(19) “Fire-Resistive Coating” means an opaque coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, and that has been fire tested and rated by a testing agency approved by building code officials for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating and the testing agency must be approved by building code officials registered with the State Fire Marshal.

(209) “Fire-Retardant Coating” means a coating labeled and formulated to retard ignition and which has a flame spread, and that has been fire tested and rated by a testing

agency approved by building code officials for use in bringing building and construction materials into compliance with federal, state, and local building code requirements. The fire-retardant coating and the testing agency must be approved by building code officials registered with the State Fire Marshal. index of less than 25 when tested in accordance with the current version of ASTM Designation E 84-87, "Standard Test method for Surface Burning Characteristics of Building Material," after application to Douglas fir according to the manufacturer's recommendation.

(21) "Flat Coating" means a coating that is not defined under any other definition in this rule and that registers a gloss of less than 15 on an 85° meter, or less than 5 on a 60° meter.

(22) "Floor Coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.

(23) "Flow Coating (Electrical Transformers)" means a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

(2410) "Form-Release Compound" means a coating labeled and formulated for application applied to a concrete form to prevent the freshly-poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

(2511) "Graphic Arts Coating or (Sign Paint Coating)" means a coating which is labeled and formulated for and hand application -applied by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals; excluding structural components, including lettering enamels, poster colors, copy blockers, and bulletin enamels.

(2612) "High-Temperature Industrial Maintenance Coating" means a high performance an industrial maintenance coating which is labeled and formulated for application and applied to substrates exposed continuously or intermittently to temperatures above 400°F (204°C). degrees Fahrenheit.

(13) ~~“Industrial Maintenance Anti-graffiti Coating” means a two-component clear industrial maintenance coating which is formulated for and applied to exterior walls and murals to resist repeated scrubbing and exposure to harsh solvents.~~

(27+4) **“Industrial Maintenance Coating”** means a high performance architectural coating which is formulated for and applied, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates exposed to one or more of the following extreme environmental conditions and labeled as specified in Subsection (e)(1)(iv):

(i)(ii) Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;

(ii)(iii) Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;

(iii)(iv) Repeated exposure to temperatures above in excess of 250°F (121°C); or

(iv)(i) Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents; or

(v) Exterior exposure of metal structures and structural components.

(28+5) **“Lacquer”** means a clear or opaque wood pigmented coating, including clear lacquer sanding sealers, formulated with cellulosic nitrocellulose or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.

(29) **“Low-Solids Coating”** means a coating that contains one+ pound or less of solids per gallon (120 grams or less of solids per liter) of coating material.

(30+6) **“Magnesite Cement Coating”** means a coating labeled and formulated for application and applied to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

(31) **“Manufacturer’s Maximum Thinning Recommendation”** means the maximum recommended thinning ratio that is indicated on the label or lid of the coating container or in the technical data sheet for the coating.

(3217) **“Mastic Texture Coating”** means a coating labeled and which is formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat thickness of at least 0.010 inch (10 mils) dry film thickness (dry, single coat).

(3318) **“Metallic Pigmented Coating”** means a coating containing at least 0.4 pounds of elemental metallic pigment metal particles per gallon (48 grams of elemental metallic pigment per liter) of coating as applied.

(3419) **“Multi-Colored Coating”** means a coating that which exhibits more than one color when applied and which is packaged in a single container, and exhibits more than one color when applied in a single coat.

(3520) **“Nonflat Non-Flat Architectural Coating”** means a coating that is not defined under any other definition in this rule, and that which registers a gloss of 15 or greater on an 85° meter or 5 or greater on a 60° meter, and which is identified on the label as a gloss, semi-gloss, or eggshell enamel coating.

(36) **“Nonflat-High Gloss Coating”** means a nonflat coating that registers a gloss of 70 or above on a 60° meter.

(37) **“Non-Industrial Use”** means any use of architectural coatings except in the construction or maintenance of any of the following: facilities used in the manufacturing of goods and commodities; transportation infrastructure, including highways, bridges, airports, and railroads; facilities used in mining activities, including petroleum extraction; and utilities infrastructure, including power generation and distribution, and water treatment and distribution systems.

(21) **“Opaque Stain”** means any stain that is not classified as a semi-transparent stain.

(22) **“Opaque Wood Preservative”** means any wood preservative that is not classified as a semi-transparent wood preservative or as a below-ground wood preservative.

(38) **“Post-Consumer Coating”** means a finished coating the unused portion of coating after completion of a consumer’s project that would have been disposed of in a

landfill, having completed its usefulness to a consumer. Post-consumer coating does not include manufacturing wastes.

(3925) **“Pre-Treatment Pretreatment Primer (Wash Primer)”** means a coating primer ~~that~~ which contains a minimum of 0.5 percent acid, by weight, and is labeled and formulated for application applied directly to bare metal surfaces ~~and is necessary to provide corrosion resistance and to promote adhesion of subsequent topcoats surface etching.~~

(4026) **“Primer”** means a coating labeled and formulated for application to a substrate ~~which is intended to be applied to a surface~~ to provide a firm bond between the substrate and subsequent coats.

(4124) **“Quick-Dry Enamel”** means a nonflat coating that is labeled as specified in Subsection (e)(1)(viii) and that is formulated to have the following characteristics: ~~which can be applied directly from the container by brush or roller at ambient temperatures between 60° F and 80° F and which is formulated to have a gloss of 70 or greater on a 60° meter and to have the following drying characteristics when tested in accordance with the current version of ASTM D 1640:~~

(i) Capable of being applied directly from the container under normal conditions at ambient temperatures between 60 and 80°F (16 and 27°C);

(ii) When tested in accordance with ASTM Designation D 1640-95, sets to touch in ~~2~~two hours or less, is tack free in ~~4~~four hours or less, and dries hard in ~~8~~eight hours or less by the mechanical test method; and

(iii) Has a dried film gloss of 70 or above on a 60° meter.

(i) ~~Set to touch in not more than two hours; be tack free (mechanical tester) in not more than four hours; and~~

(ii) ~~Dry hard in not more than eight hours.~~

(4223) **“Quick-Dry Primer, Sealer, and Undercoater”** means a primer, sealer, or undercoater that ~~which~~ is dry to the touch in 30 minutes ~~one-half hour~~ and can be recoated in two hours, ~~as determined under the current version of ASTM D1640 and which is~~

intended to be applied to a surface for one or more of the following reasons: to provide a firm bond between the substrate and subsequent coats, or to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate, or to provide a smooth surface for subsequent coats.

(43) **“Recycled Coating”** means an architectural coating formulated such that not less than 50 percent of the total weight consists of secondary and post-consumer coating, with not less than 10 percent of the total weight consisting of post-consumer coating.

(4427) **“Roof Coating”** means a non-bituminous coating labeled and which is formulated exclusively for application to ~~for and applied to exterior~~ roofs for the primary purpose of preventing penetration of the substrate by water, or reflecting heat and reflecting ultraviolet radiation. ~~Metallic pigmented R~~roof coatings, which qualify as ~~m~~metallic pigmented coatings shall not be considered to be in this category, but shall be considered to be in the ~~m~~metallic pigmented coatings category.

(45) **“Rust Preventative Coating”** means a coating formulated ~~exclusively~~ for non-industrial use to prevent the corrosion of metal surfaces and labeled as specified in Subsection (e)(1)(vi).

(4628) **“Sanding Sealer”** means a clear or semi-transparent wood coating labeled and formulated for application and applied to bare wood for sanding and to seal the wood and to provide a coat that can be abraded (sanded) to create a smooth surface for subsequent applications of coatings ~~varnish~~. ~~To be considered a sanding sealer a coating must be clearly labeled as such. A sanding sealer that also meets the definition of a lacquer is not included in this category, but is included in the lacquer category.~~

(4729) **“Sealer”** means a coating labeled and formulated for application and applied to a substrates for either of the following purposes: to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

(48) **“Secondary Coating (Rework)”** means the fragment of a finished coating or the finished coating from a manufacturing process that has converted resources into a commodity of real economic value, but does not include excess virgin resources of the manufacturing process.

(30) **“Semi-Transparent Stain”** means a coating which is formulated to change the color of a surface but not conceal the surface.

(31) **“Semi-Transparent Wood Preservative”** means a wood preservative stain, including clear wood preservatives, which is formulated and used to protect exposed wood from decay or insect attack by the addition of a wood preservative chemical registered by the California Department of Food and Agriculture, and which changes the color of a surface but does not conceal the surface.

(4932) **“Shellac”** means a clear or opaque pigmented coating formulated solely with the resinous secretions of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

(50) **“Shop Application”** means application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).

(~~5150~~33) **“Solicit”** means to require for use or to specify, by written or oral contract.

(~~5251~~) **“Specialty Primer, Sealer, and Undercoater”** means a coating that is labeled as specified in Subsection (e)(1)(vii) and formulated for application to a substrate to seal fire, smoke, or water damage; to condition excessively chalky surfaces, or to block stains. An excessively chalky surface is one that is defined as having a chalk rating of four or less.

(~~5352~~) **“Stain”** means a clear, semitransparent, or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

(~~5453~~34) **“Swimming Pool Coating”** means a coating labeled and formulated and used to coat the interior of swimming pools and to resist swimming pool chemicals.

(~~5554~~35) **“Swimming Pool Repair and Maintenance Coating”** means a rubber-based chlorinated rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools ~~over existing chlorinated rubber-based coatings.~~

~~(5655)~~ **“Temperature-Indicator Safety Coating”** means a coating labeled and formulated as a color-changing indicator coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment, and for application to substrates exposed continuously or intermittently to temperatures above 400°F (204°C).

~~(5756)~~ **“Tint Base”** means an architectural coating to which colorant is added after packaging to produce a desired color.

~~(585736)~~ **“Traffic Marking Coating”** means a coating labeled and which is formulated for marking and stripping and applied to public streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, and parking lots, sidewalks, and airport runways.

~~(595837)~~ **“Undercoater”** means a coating labeled and which is formulated for and applied to substrates to provide a smooth surface for subsequent coats.

~~(605938)~~ **“Varnish”** means a clear or semi-transparent wood coating finish, excluding lacquers and shellacs, formulated with various resins to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.

~~(616039)~~ **“Volatile Organic Compound (VOC)”** means the same as defined in Rule 2. any compound of carbon which may be emitted to the atmosphere during the application of or subsequent drying or curing of coatings subject to this rule, except methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and exempt compounds. VOC content of coatings is expressed in grams of VOC per liter of coating, as applied, less water and less exempt compounds. (Rev. Effective 5/15/96)

~~(6261)~~ **“VOC Content Per Volume of Coating, Less Water and Exempt Compounds”** means the same as defined in Rule 2 and calculated as specified in Subsection (e)(2).

~~(6362)~~ **“VOC Content Per Volume of Material”** means the same as defined in Rule 2 and calculated as specified in Subsection (e)(2).

(40) “Waterproofing Mastic Coating” means a weatherproof or waterproof coating which is formulated to cover holes and minor cracks and to conceal surface irregularities and which is to be applied in thicknesses of at least 15 mils.

~~(6463)~~ “Waterproofing Concrete/Masonry Sealer” means a clear or pigmented film-forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, and staining.

~~(656441)~~ “Waterproofing Sealer” means a colorless coating labeled and which is formulated for application to a and applied for the sole purpose of protecting porous substrates for the primary purpose of by preventing the penetration of water, and which does not alter surface appearance or texture.

~~(6665)~~ “Wood Preservative” means a coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code Section 136, *et seq.*) and with the California Department of Pesticide Regulation.

(d) STANDARDS AND REQUIREMENTS

(1) VOC CONTENT LIMITS

Except as provided in Subsections ~~(b)(2)~~, (d)(2), (d)(3), and ~~(d)(5)(d)(4)~~, no a-person shall not:

- (i) manufacture, blend, or repackage for sale within San Diego County;
- (ii) supply, sell, or offer for sale within San Diego County; apply, or
- (iii) solicit for the application or apply within San Diego County, of any architectural coating with a VOC content in excess of the corresponding limits specified in Table I after the specified effective dates.

for use within San Diego County which at the time of sale or manufacture contains more than 250 grams of VOC per liter of coating (excluding water and exempt solvents and any colorant added to tint bases).

Table 4I - VOC Standards

<u>Coating Categories</u>	<u>Effective</u> <u>(Date of</u> <u>Adoption)</u> <u>Limit^{1,2}</u>		<u>Effective</u> <u>1/1/2003</u> <u>Limit^{1,2}</u>		<u>Effective</u> <u>1/1/2004</u> <u>Limit^{1,2}</u>	
	<u>lb/gal</u>	<u>(g/l)</u>	<u>lb/gal</u>	<u>(g/l)</u>	<u>lb/gal</u>	<u>(g/l)</u>
<u>General Coatings:</u>						
<u>Flat Coatings</u>	<u>2.1</u>	<u>(250)</u>	<u>0.8</u>	<u>(100)</u>		
<u>Nonflat Coatings</u>	<u>2.1</u>	<u>(250)</u>	<u>1.3</u>	<u>(150)</u>		
<u>Nonflat Coatings – High Gloss</u>	<u>2.1</u>	<u>(250)</u>				
<u>Specialty Coatings:</u>						
<u>Antenna Coatings</u>	<u>4.4</u>	<u>(530)</u>				
<u>Antifouling Coatings</u>	<u>3.3</u>	<u>(400)</u>				
<u>Bituminous Roof Coatings</u>	<u>2.5</u>	<u>(300)</u>				
<u>Bituminous Roof Primers</u>	<u>2.9</u>	<u>(350)</u>				
<u>Bond Breakers</u>	<u>2.9</u>	<u>(350)</u>				
<u>Clear Wood Coatings:</u>						
<u>Clear Brushing Lacquer</u>	<u>5.7</u>	<u>(680)</u>				
<u>Lacquers</u>	<u>5.7</u>	<u>(680)</u>	<u>4.6</u>	<u>(550)</u>		
<u>(including lacquer sanding sealers)</u>	<u>4.6</u>	<u>(550)</u>				
<u>Sanding Sealers</u>	<u>2.9</u>	<u>(350)</u>	<u>2.9</u>	<u>(350)</u>		
<u>(other than lacquer sanding sealers)</u>						
<u>Varnishes</u>	<u>2.9</u>	<u>(350)</u>				
<u>Concrete Curing Compounds</u>	<u>2.9</u>	<u>(350)</u>				
<u>Dry Fog Coatings</u>	<u>3.3</u>	<u>(400)</u>				
<u>Faux Finishing Coatings</u>	<u>2.9</u>	<u>(350)</u>				
<u>Fire Resistive Coatings</u>	<u>2.9</u>	<u>(350)</u>				
<u>Fire Retardant Coatings:</u>						
<u>Clear</u>	<u>5.4</u>	<u>(650)</u>				
<u>Opaque</u>	<u>2.9</u>	<u>(350)</u>				
	<u>3.3</u>	<u>(400)</u>				
<u>Floor Coatings</u>	<u>2.1</u>	<u>(250)</u>	<u>2.1</u>	<u>(250)</u>		
<u>Flow Coatings</u>	<u>3.5</u>	<u>(420)</u>				
<u>Form-Release Compounds</u>	<u>2.1</u>	<u>(250)</u>				
<u>Graphic Arts Coatings (Sign Paints)</u>	<u>4.2</u>	<u>(500)</u>				
	<u>5.4</u>	<u>(650)</u>				
<u>High Temperature Coatings</u>	<u>3.5</u>	<u>(420)</u>	<u>3.5</u>	<u>(420)</u>		
	<u>3.5</u>	<u>(420)</u>				
<u>Industrial Maintenance Coatings</u>	<u>2.8</u>	<u>(340)</u>			<u>2.1</u>	<u>(250)</u>
<u>Low-Solids Coatings³</u>	<u>1.0</u>	<u>(120)</u>				
	<u>5.0</u>	<u>(600)</u>				
<u>Magnesite Cement Coatings</u>	<u>3.8</u>	<u>(450)</u>	<u>3.8</u>	<u>(450)</u>		
<u>Mastic Texture Coatings</u>	<u>2.5</u>	<u>(300)</u>				
<u>Metallic Pigmented Coatings</u>	<u>4.2</u>	<u>(500)</u>				
	<u>4.8</u>	<u>(580)</u>				
<u>Multi-Color Coatings</u>	<u>3.5</u>	<u>(420)</u>	<u>2.1</u>	<u>(250)</u>		
	<u>6.5</u>	<u>(780)</u>				
<u>Pre-Treatment Wash Primers</u>	<u>3.5</u>	<u>(420)</u>	<u>3.5</u>	<u>(420)</u>		
<u>Primers, Sealers, and Undercoaters</u>	<u>2.9</u>	<u>(350)</u>	<u>1.7</u>	<u>(200)</u>		
<u>Quick-Dry Enamels</u>	<u>3.3</u>	<u>(400)</u>	<u>2.1</u>	<u>(250)</u>		
	<u>4.4</u>	<u>(525)</u>				
<u>Quick-Dry Primers, Sealers, Undercoaters</u>	<u>3.8</u>	<u>(450)</u>	<u>1.7</u>	<u>(200)</u>		
<u>Recycled Coatings</u>	<u>2.1</u>	<u>(250)</u>				

Table I - VOC Standards - Continued

<u>Coating Categories</u>	<u>Effective</u> <u>(Date of</u> <u>Adoption)</u> <u>Limit^{1,2}</u>		<u>Effective</u> <u>1/1/2003</u> <u>Limit^{1,2}</u>		<u>Effective</u> <u>1/1/2004</u> <u>Limit^{1,2}</u>	
	<u>lb/gal</u>	<u>(g/l)</u>	<u>lb/gal</u>	<u>(g/l)</u>	<u>lb/gal</u>	<u>(g/l)</u>
	<u>2.5</u>	<u>(300)</u>				
<u>Roof Coatings</u>	<u>2.1</u>	<u>(250)</u>	<u>2.1</u>	<u>(250)</u>		
<u>Rust Preventative Coatings⁴</u>	<u>3.3</u>	<u>(400)</u>				
<u>Shellacs:</u>						
<u>Clear</u>	<u>6.1</u>	<u>(730)</u>				
<u>Opaque</u>	<u>4.6</u>	<u>(550)</u>				
<u>Specialty Primers, Sealers, and Undercoaters</u>	<u>2.9</u>	<u>(350)</u>				
<u>Stains</u>	<u>2.9</u>	<u>(350)</u>	<u>2.1</u>	<u>(250)</u>		
	<u>5.4</u>	<u>(650)</u>				
<u>Swimming Pool Coatings</u>	<u>2.8</u>	<u>(340)</u>	<u>2.8</u>	<u>(340)</u>		
	<u>5.4</u>	<u>(650)</u>				
<u>Swimming Pool Repair & Maintenance Coatings</u>	<u>2.8</u>	<u>(340)</u>	<u>2.8</u>	<u>(340)</u>		
<u>Temperature-Indicator Safety Coatings</u>	<u>4.6</u>	<u>(550)</u>				
	<u>2.1</u>	<u>(250)</u>				
<u>Traffic Marking Coatings</u>	<u>1.3</u>	<u>(150)</u>	<u>1.3</u>	<u>(150)</u>		
<u>Waterproofing Sealers</u>	<u>3.3</u>	<u>(400)</u>	<u>2.1</u>	<u>(250)</u>		
<u>Waterproofing Concrete/Masonry Sealers</u>	<u>3.3</u>	<u>(400)</u>				
<u>Wood Preservatives</u>	<u>2.9</u>	<u>(350)</u>				

¹ Remains in effect unless revised limits are indicated in subsequent columns. The VOC content limits take into account the "Manufacturer's Maximum Thinning Recommendation," if any.

² Expressed in ~~lb~~ pounds VOC per gallon (or grams VOC per liter) of coating, as applied, less water, and exempt compounds, and colorant added to tint bases.

³ VOC content limits are expressed in ~~lb~~ pounds of VOC per gallon (or grams of VOC per liter) of coating, as applied, including water and exempt compounds.

⁴ ~~Effective January 1, 2004, this category only applies to non-industrial uses. Industrial uses are regulated under Industrial Maintenance Coatings on or after January 1, 2004.~~

(2) COATINGS NOT LISTED IN TABLE #I

For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table #I, the VOC content limit shall be determined by classifying the coating as a flat coating or a nonflat coating, based on its gloss, as defined in Subsections (c)(21), (c)(35) and (c)(36) and the corresponding flat or nonflat VOC content limit shall apply.

(3) MOST RESTRICTIVE VOC LIMITS

If anywhere on the container of any architectural coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, 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 Table #I, then the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories specified below:

- (i) Antenna coatings,
- (ii) Antifouling Coatings,
- ~~(iii)(#)~~ Bituminous roof primers,
- ~~(iv)(##)~~ Fire-retardant coatings,
- ~~(v)(##)~~ Flow coatings (Electrical Transformers),
- ~~(vi)(##)~~ High-temperature coatings,
- ~~(vii)(##)~~ Industrial maintenance coatings,
- ~~(viii)(##)~~ Lacquers (including lacquer sanding sealers),
- ~~(ix)(###)~~ Low-solids coatings,
- ~~(x)(###)~~ Metallic pigmented coatings,
- ~~(xi)(###)~~ Pre-treatment wash primers,
- ~~(xii)(###)~~ Shellacs,
- ~~(xiii)(###)~~ Specialty primers, sealers, and undercoaters,
- ~~(xiv)(###)~~ Temperature-indicator safety coatings, or
- ~~(xv)(###)~~ Wood preservatives.

(4) SELL-THROUGH OF COATINGS

(i) A coating manufactured prior to the January 1, 2003, or January 1, 2004, effective date specified for that coating in Table #I may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, a coating manufactured before the effective date specified for that coating in Table #I may be applied at any time, both before and after the specified effective date, so long as the coating complied with the standards in effect at the time the coating was manufactured. This Subsection does not apply to any coating that does not display the date or date-code required by Subsection (e)(1)(i).

(ii) A coating included in an approved Averaging Program that does not comply with the specified limit in Table #I may be sold, supplied, or offered for sale for up to three years after the end of the compliance period specified in the approved Averaging Program. In addition, such a coating may be applied at any time, both

during and after the compliance period. This Subsection does not apply to any coating that does not display on the container either the statement: "This product is subject to architectural coating averaging provisions in California" or a substitute symbol specified by the Executive Officer of the CARB. This Subsection shall remain in effect until January 1, 2008.

(5) RUST PREVENTATIVE COATINGS

After ~~Effective~~ January 1, 2004, a ~~no~~ person shall only apply or solicit the application of a ~~any~~ rust preventative coating for non-industrial uses, unless the ~~such a~~ rust preventative coating complies with the industrial maintenance coating VOC limit specified in Table ~~I~~.

(6) STATEWIDE AVERAGING COMPLIANCE OPTION

On or after January 1, 2003, in lieu of compliance with the limits specified in Table ~~I~~ for floor coatings; industrial maintenance coatings; primers, sealers, and undercoaters; quick-dry primers, sealers, and undercoaters; quick-dry enamels; roof coatings; bituminous roof coatings; rust preventative coatings; stains; waterproofing sealers, as well as flats and nonflats (excluding recycled coatings), manufacturers may average designated coatings such that their actual ~~statewide~~ cumulative emissions from the averaged coatings are less than or equal to the cumulative ~~statewide~~ emissions that would have been allowed under those limits over a compliance period not to exceed one year. Such manufacturers must also comply with the ~~statewide~~ averaging provisions contained in Appendix A, as well as maintain and make available for inspection records for at least three years after the end of the compliance period. This Subsection and Appendix A shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.

(7) THINNING

No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in Table I.

(8) PAINTING PRACTICES

Any person who stores, transfers, applies or otherwise uses architectural coatings, thinners, cleanup solvents, or other materials which contain volatile organic compounds shall comply with the requirements of Rule 67.17 – Storage of Materials Containing Volatile Organic Compounds.

(2) — A person shall not manufacture, blend or repackage for use or sale within San Diego County any architectural coating listed in the table of standards below which contains VOC (excluding water and exempt solvents, and excluding any colorant added to tint bases), in excess of the corresponding limit specified in the following table, after the corresponding date specified.

Table of Standards
(grams of VOC per liter)

	Effective 12/1/87	Effective 2/2/90
Below Ground Wood Preservative		600
Bond Breakers		350
Concrete Curing Compounds	350	350
Dry Fog Coatings	400	400
Fire Retardant Coating		
Clear		650
Pigmented		350
Form Release Compounds	250	
Graphics Arts (Sign) Coatings		500
High Temperature Industrial Maint. Coatings		650
Industrial Maintenance Anti-graffiti Coatings		600
Industrial Maintenance Coatings	420	420
Lacquer	680	680
Magnesite Cement Coatings		600
Mastic Texture Coatings		300
Metallic Pigmented Coatings		500
Multi-Color Coatings		580
Opaque Stains	350	350
Opaque Wood Preservatives	350	350
Pretreatment (Wash) Primer		780
Primers, Sealers & Undercoaters	350	350
Quick Dry Enamels	400	400
Quick Dry Primers, Sealers & Undercoaters		525
Roof Coatings	300	300
Sanding Sealers		550
Semi-Transparent Stains	350	350
Semi-Transparent & Clear Wood Preservatives	350	350
Shellac		
Clear		730
Pigmented		550
Swimming Pool Coatings		650
Swimming Pool Repair & Maintenance Coatings		650
Traffic Paints		250
Varnish	350	350

Waterproofing Sealers	400	400
Waterproofing Mastie Coatings	300	300

~~(3) A person shall not supply, ship or distribute into San Diego County any architectural coating, for use within San Diego County, subject to the requirements of Subsection (d)(2) which contains VOC (excluding water and exempt solvents, and excluding any colorant added to tint bases) in excess of the corresponding limit specified in the Table of Standards in Subsection (d)(2) for more than three months after December 4, 1990.~~

~~(4) A person shall not sell, offer for sale, apply or solicit the application of any architectural coating subject to the requirements of Subsection (d)(2) for use within San Diego County which, at the time of sale, contains VOC (excluding water and exempt solvents, and excluding any colorant added in tint bases) in excess of the corresponding new or revised limit that is effective on February 2, 1990 specified in the Table of Standards in Subsection (d)(2) for more than three years after the effective date of the standard.~~

~~(5) A person shall not sell, offer for sale, or supply any architectural coating for use within San Diego County unless the coating container displays the date of manufacture of the contents or a code indicating the dates of manufacture. The manufacturers of such coatings shall file an explanation of each code with the Air Pollution Control Officer and the Executive Officer of the CARB.~~

~~(6) A person shall not sell, offer for sale, or supply any architectural coating for use within San Diego County unless the coating container carries a statement of the manufacturer's recommendation regarding thinning of the coating. This requirement shall not apply to the thinning of architectural coatings with water. A person shall not sell or offer for sale any architectural coating for use within San Diego County unless the thinning recommended on the label for normal environmental and application conditions would not cause the coating to exceed its applicable standard.~~

~~(7) A person shall not manufacture, sell, or offer for sale any architectural coating manufactured after December 4, 1991 for use within San Diego County unless the coating container or top of the lid displays the maximum VOC content of the coating as applied and after any thinning as recommended by the manufacturer. The VOC content shall be displayed as grams of VOC per liter of coating (less water and exempt solvents and excluding any colorant added to tint bases). The VOC content displayed may be calculated using product formulation data or may be determined using the test method in Section (h).~~

(e) ADMINISTRATIVE REQUIREMENTS

(1) CONTAINER LABELING REQUIREMENT:

Each manufacturer of any architectural coating subject to this rule shall display the information listed in Subsections (e)(1)(i) through (e)(1)(ix) on the coating container (or label) in which the coating is sold or distributed.

(i) **DATE CODE:** The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of the CARB.

(ii) **THINNING RECOMMENDATIONS:** A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

(iii) **VOC CONTENT:** Each container of any coating subject to this rule shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer. VOC content shall be displayed as grams of VOC per liter of coating. VOC content displayed shall be calculated using product formulation data or determined using the test methods in Subsection (f)(2). The equations in Subsection (e)(2) shall be used to calculate VOC content.

(iv) **INDUSTRIAL MAINTENANCE COATINGS:** In addition to the information specified in Subsections (e)(1)(i), (e)(1)(ii), and (e)(1)(iii), each manufacturer of any industrial maintenance coating subject to this rule shall display on the label or lid of the container in which the coating is sold or distributed one or more of the descriptions listed in Subsections (e)(1)(iv)(A) through (e)(1)(iv)(C).

(A) "For industrial use only."

(B) "For professional use only."

(C) "Not for residential use" or "Not intended for residential use."

(v) **CLEAR BRUSHING LACQUERS:** Effective January 1, 2003, the labels of all clear brushing lacquers shall prominently display the statements "For brush application only," and "This product must not be thinned or sprayed."

(vi) **RUST PREVENTATIVE COATINGS:** Effective January 1, 2003, the labels of all rust preventative coatings shall prominently display the statement “For Metal Substrates Only.”

(vii) **SPECIALTY PRIMERS, SEALERS, AND UNDERCOATERS:** Effective January 1, 2003, the labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in Subsections (e)(1)(vii)(A) through (e)(1)(vii)(E).

- (A) For blocking stains.
- (B) For fire-damaged substrates.
- (C) For smoke-damaged substrates.
- (D) For water-damaged substrates.
- (E) For excessively chalky substrates.

(viii) **QUICK-DRY ENAMELS:** Effective January 1, 2003, the labels of all quick-dry enamels shall prominently display the words “Quick Dry” and the dry hard time.

(ix) **NONFLAT-HIGH GLOSS COATINGS:** Effective January 1, 2003, the labels of all nonflat-high gloss coatings shall prominently display the words “High Gloss.”

(2) **CALCULATION OF VOC CONTENT**

For the purpose of determining compliance with the VOC content limits in Table 4I, the VOC content of a coating shall be determined by using the procedures described in Subsections (e)(2)(i) or (e)(2)(ii), as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured.

(i) With the exception of low-solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer’s maximum thinning recommendation, excluding the volume of any water and exempt compounds. Determine the VOC content using the following equation:

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

Where:

<u>VOC content</u>	=	<u>grams of VOC per liter of coating</u>
<u>W_s</u>	=	<u>weight of all volatiles, in grams .</u>
<u>W_w</u>	=	<u>weight of water, in grams</u>
<u>W_{ec}</u>	=	<u>weight of exempt compounds, in grams</u>
<u>V_m</u>	=	<u>volume of coating, in liters</u>
<u>V_w</u>	=	<u>volume of water, in liters</u>
<u>V_{ec}</u>	=	<u>volume of exempt compounds, in liters</u>

(ii) For low-solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds. Determine the VOC content using the following equation:

$$\text{VOC Content}_{ls} = (W_s - W_w - W_{ec}) / (V_m)$$

Where:

<u>VOC content_{ls}</u>	=	<u>the VOC content of a low solids coating in grams of VOC per liter of coating</u>
<u>W_s</u>	=	<u>weight of all volatiles, in grams</u>
<u>W_w</u>	=	<u>weight of water, in grams</u>
<u>W_{ec}</u>	=	<u>weight of exempt compounds, in grams</u>
<u>V_m</u>	=	<u>volume of coating, in liters</u>

(f) **MONITORING AND RECORDS**

(1) **REPORTING REQUIREMENTS**

(i) **CLEAR BRUSHING LACQUERS:** Each manufacturer of clear brushing lacquers shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual written report to the Executive Officer of the CARB. The report shall specify the number of gallons of clear brushing lacquers sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.

(ii) **RUST PREVENTATIVE COATINGS:** Each manufacturer of rust preventative coatings shall, on or before April 1 of each calendar year beginning in

the year 2004, submit an annual written report to the Executive Officer of the CARB. The report shall specify the number of gallons of rust preventative coatings sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.

(iii) **SPECIALTY PRIMERS, SEALERS, AND UNDERCOATERS:** Each manufacturer of specialty primers, sealers, and undercoaters shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual written report to the Executive Officer of the CARB. The report shall specify the number of gallons of specialty primers, sealers, and undercoaters sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.

(iv) **TOXIC EXEMPT COMPOUNDS:** For each architectural coating that contains perchloroethylene or methylene chloride, the manufacturer shall, on or before April 1 of each calendar year beginning in the year 2004, report in writing to the Executive Officer of the CARB the following information for products sold in California during the preceding year:

(A) the product brand name and a copy of the product label with legible usage instructions;

(B) the product category listed in Table 4I to which the coating belongs;

(C) the total sales in California during the calendar year to the nearest gallon; the volume percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the coating.

(v) **RECYCLED COATING:** Manufacturers of recycled coatings must submit a letter to the Executive Officer of the CARB certifying their status as a Recycled Paint Manufacturer. The manufacturer shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual written report to the Executive Officer of the CARB. The report shall include, for all recycled coatings, the total number of gallons distributed in California during the preceding year, and

shall describe the method used by the manufacturer to calculate California's distribution.

(vi) **BITUMINOUS COATINGS:** Each manufacturer of bituminous roof coatings or bituminous roof primers shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual written report to the Executive Officer of the CARB. The report shall specify the number of gallons of bituminous roof coatings or bituminous roof primers sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate California's sales.

(2) **TESTING PROCEDURES**

(i) **VOC CONTENT:** To determine the physical properties of a coating in order to perform the Subsection (e)(2) calculations, the reference method for VOC content is U.S. EPA Method 24, incorporated by reference in Subsection (f)(2)(iv)(K), except as provided in Subsections (f)(2)(ii) and (f)(2)(iii). An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91 (Revised February 1996), incorporated by reference in Subsection (f)(2)(iv)(L). The exempt compounds content shall be determined by South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised August 1996), incorporated by reference in Subsection (f)(2)(iv)(J). To determine the VOC content of a coating, the manufacturer may use U.S. EPA Method 24, or an alternative method as provided in Subsection (f)(2)(ii), formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g. quality assurance checks, recordkeeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 test results will govern, except when an alternative method is approved as specified in Subsection (f)(2)(ii). The Air Pollution Control Officer may require the manufacturer to conduct a Method 24 analysis.

(ii) **ALTERNATIVE TEST METHOD:** Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with

Subsection (f)(2)(i), after review and approval in writing by the staffs of the District, the CARB, and the U.S. EPA, may also be used.

(iii) **METHACRYLATE TRAFFIC MARKING COATINGS:** Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of U.S. EPA Method 24 (Appendix A), incorporated by reference in Subsection (f)(2)(iv)(M). This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multi-component coatings.

(iv) **TEST METHODS:** The following test methods are incorporated by reference herein, and shall be used to test coatings subject to provisions of this rule:

(A) **Flame Spread Index:** The flame spread index of a fire-retardant coating shall be determined by ASTM Designation E 84-99, "Standard Test Method for Surface Burning Characteristics of Building Materials," (see Subsection (c)(20), Fire-Retardant Coating).

(B) **Fire Resistance Rating:** The fire resistance rating of a fire-resistive coating shall be determined by ASTM Designation E 119-98, "Standard Test Methods for Fire Tests of Building Construction Materials," (see Subsection (c)(19), Fire-Resistive Coating).

(C) **Gloss Determination:** The gloss of a coating shall be determined by ASTM Designation D 523-89 (1999), "Standard Test Method for Specular Gloss," (see Subsections (c)(21), (c)(35), (c)(36) and (c)(41), Flat Coating, Nonflat Coating, Nonflat-High Gloss Coating, and Quick-Dry Enamels).

(D) **Metal Content of Coatings:** The metallic content of a coating shall be determined by SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," SCAQMD "Laboratory Methods of Analysis for Enforcement Samples," (see Subsection (c)(33), Metallic Pigmented Coating).

(E) **Acid Content of Coatings:** The acid content of a coating shall be determined by ASTM Designation D 1613-96, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products,” (see Subsection (c)(39), Pre-Treatment Wash Primers).

(F) **Drying Times:** The set-to-touch, dry-hard, dry-to-touch, and dry-to-recoat times of a coating shall be determined by ASTM Designation D 1640-95, “Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature,” (see Subsections (c)(41) and (c)(42), Quick-Dry Enamel and Quick-Dry Primer, Sealer, and Undercoater). The tack-free time of a quick-dry enamel coating shall be determined by the Mechanical Test Method of ASTM Designation D 1640-95.

(G) **Surface Chalkiness:** The chalkiness of a surface shall be determined using ASTM Designation D 4214-98, “Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films,” (see Subsection (c)(~~5254~~), Specialty Primer, Sealer, and Undercoater).

(H) **Exempt Compounds – Siloxanes:** Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, shall be analyzed as exempt compounds (for compliance with Subsection (e)(2)) by Bay Area Air Quality Management District (BAAQMD) District Method 43, “Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials,” BAAQMD Manual of Procedures, Volume III, adopted 11/6/96, (see Subsection (c)(~~6160~~), Volatile Organic Compounds and Subsection (e)(2)(i)).

(I) **Exempt Compounds – Parachlorobenzotrifluoride (PCBTF):** The exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with Subsection(f)(2) by BAAQMD Method 41, “Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride,” BAAQMD

Manual of Procedures, Volume III, adopted 12/20/95, (see Subsection (c)(6160), Volatile Organic Compound and Subsection (f)(2)(i)).

(J) **Exempt Compounds:** The content of compounds exempt under U.S. EPA Method 24 shall be analyzed by SCAQMD Method 3034-91 (August Revised 1996), "Determination of Exempt Compounds," SCAQMD "Laboratory Methods of Analysis for Enforcement Samples," (see Subsection (c)(6160), Volatile Organic Compound and Subsection (f)(2)(i)).

(K) **VOC Content of Coatings:** The VOC content of a coating shall be determined by U.S. EPA Method 24 as it exists in appendix A of 40 Code of Federal Regulations (CFR) part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings," (see Subsection (f)(2)(i)).

(L) **Alternative VOC Content of Coatings:** The VOC content of coatings may be analyzed either by U.S. EPA Method 24 or SCAQMD Method 304-91 (February Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," SCAQMD "Laboratory Methods of Analysis for Enforcement Samples," (see Subsection (f)(2)(i)).

(M) **Methacrylate Traffic Marking Coatings:** The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR Part 59, Subpart D, Appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coating," (September 11, 1998), (see Subsection (f)(2)(i)).

Existing Sections (e), (f) and (g) are deleted in their entirety.

(e) ~~If anywhere on the container of any coating listed on the Table of Standards, on any sticker or label affixed thereto, or in any sales or advertising literature, any representation is made that the coating may be used as, or is suitable for use as, a coating for which a lower VOC standard is specified in the table or in Subsection (d)(1), then the lowest VOC standard shall apply. This requirement does not apply to the representation of the following coatings in the manner specified:~~

~~(1) High Temperature Industrial Maintenance Coatings, which may be represented as metallic pigmented coatings for use consistent with the definition of high temperature industrial maintenance coatings;~~

~~(2) Lacquer Sanding Sealers, which may be recommended for use as sanding sealers in conjunction with clear lacquer topcoats;~~

~~(3) Metallic Pigmented Coatings, which may be recommended for use as primers, sealers, undercoaters, roof coatings, or industrial maintenance coatings;~~

~~(4) Shellacs; and~~

~~(5) Fire Retardant Coatings.~~

~~(f) Rule 66 shall not apply to the sale or application of coatings subject to this rule.~~

~~(g) TEST METHODS~~

~~Measurement of VOC in architectural coatings shall be conducted and reported in accordance with EPA Test Method 24 (40 CFR 60, Appendix A) as it exists on December 4, 1990.~~

~~Measurement of the water content and exempt solvent content shall be conducted and reported in accordance with ASTM Test Methods D 4457-85 and D 3792-86.~~

~~Calculation of the VOC content of coatings less water and exempt solvents shall be performed in accordance with ASTM Standard Practice D 3960-87.~~

~~Measurement of acid content shall be conducted and reported in accordance with ASTM Test Method D 1613-81.~~

~~Measurement of elemental metal content shall be conducted and reported in accordance with the Spectrographic Method used by Pacific Spectrochemical Laboratory, Inc. for the analysis of carbon dust and carbon laminates, as it exists on December 4, 1990.~~

New proposed Appendix A is added to Rule 67.0.

Appendix A

A.1 AVERAGING PROVISION

The manufacturer shall demonstrate that actual emissions from the coatings being averaged are less than or equal to the allowable emissions, for the specified compliance period using the following equation:

$$\sum_{i=1}^n G_i M_i \leq \sum_{i=1}^n G_i V_i L_i$$

Where:

$$\sum_{i=1}^n G_i M_i = \text{Actual Emission}$$

$$\sum_{i=1}^n G_i V_i L_i = \text{Allowable Emissions}$$

G_i = Total Gallons of Product (i) subject to Averaging;

M_i = Material VOC Content of Product (i), in pounds per gallon;

$$M_i = \frac{W_s - W_w - W_{ec}}{V_m}$$

V_i = Percent by Volume Solids and VOC in Product (i);

$$V_i = \frac{V_m - V_w - V_{ec}}{V_m}$$

Where: W_s , W_w , W_{ec} , V_m , V_w , and V_{ec} are defined in Subsection (e)(2), except that in this Appendix weights are in pounds and volumes are in gallons.

For Non-Zero VOC Coatings:

$$V_i = \frac{\text{Material VOC (also known as VOC Actual)}}{\text{Coating VOC (also known as VOC Regulatory)}}$$

$$\text{Where: Coating VOC} = \frac{W_s - W_w - W_{ec}}{V_m - V_w - V_{ec}}$$

For Zero VOC Coatings:

V_i = Percent Solids by Volume

L_i = Regulatory VOC Content Limit for Product (i), in pounds per gallon (as listed in Table 1)

The averaging is limited to coatings that are designated by the manufacturer. Any coating not designated in the averaging Program shall comply with the VOC limit in Table 1. The manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in California, if statewide coatings data are used. If district-specific coatings data are used, the manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in the District.

- A.1.1 In addition to the requirements specified in Section A.1, manufacturers shall not include in an Averaging Program any coating with a VOC content in excess of the following maximum VOC content, for the applicable categories.

Averaging Categories and VOC Ceiling (Maximum VOC Allowed)				
Category	Rule/VOC Limit (In Effect or Effective 1/1/2003 or 1/1/2004)		Averaging VOC Ceiling (Maximum)	
	lb/gal	g/l	lb/gal	g/l
Flat Coating	<u>0.8</u>	100	<u>2.1</u>	250
Nonflat Coating	<u>1.3</u>	150	<u>2.1</u>	250
Floor Coatings	<u>2.1</u>	250	<u>3.3</u>	400
Industrial Maintenance Coatings	<u>2.1*</u>	250*	<u>3.5</u>	420
Primers, Sealers, and Undercoaters	<u>1.7</u>	200	<u>2.9</u>	350
Quick-Dry Primers, Sealers, & Undercoaters	<u>1.7</u>	200	<u>3.8</u>	450
Quick-Dry Enamels	<u>2.1</u>	250	<u>3.3</u>	400
Roof Coatings	<u>2.1</u>	250	<u>2.1</u>	<u>250</u> 300
Bituminous Roof Coatings	<u>2.5</u>	300	<u>2.1</u>	300
Rust Preventative Coatings	<u>3.3</u>	400	<u>3.3</u>	400
Stains	<u>2.1</u>	250	<u>2.9</u>	350
Waterproofing Sealers	<u>2.1</u>	250	<u>3.3</u>	400

*Effective 1/1/2004

A.2 AVERAGING PROGRAM (PROGRAM)

At least six months prior to the start of the compliance period, manufacturers shall submit an Averaging Program to the Executive Officer of the Air Resources Board. As used in this Appendix A, "Executive Officer" means the Executive Officer of the Air Resources Board. Averaging may not be implemented until the Program is approved in writing by the Executive Officer.

Within 45 days of submittal of a complete Program, the Executive Officer shall either approve or disapprove the Program. The Program applicant and the Executive Officer may agree to an extension of time for the Executive Officer to take action on the Program.

A.3 GENERAL REQUIREMENTS

The Program shall include all necessary information for the Executive Officer to make a determination as to whether the manufacturer may comply with the averaging requirements over the specified compliance period in an enforceable manner. Such information shall include, but is not limited to, the following:

- A.3.1 An identification of the contact persons, telephone numbers, and name of the manufacturer who is submitting the Program.
- A.3.2 An identification of each coating that has been selected by the manufacturer for inclusion in this program that exceeds the applicable VOC limit in Table 1, its VOC content specified in units of both VOC actual and VOC regulatory, and the designation of the coating category.
- A.3.3 A detailed demonstration showing that the projected actual emissions will not exceed the allowable emissions for a single compliance period that the Program will be in effect. In addition, the demonstration shall include VOC content information for each coating that is below the compliance limit in Table 1. The demonstration shall use the equation specified in Section A.1 of this Appendix for projecting the actual emissions and allowable emissions during each compliance period. The demonstration shall also include all VOC content levels and projected volume sold within the State for each coating listed in the Program during each compliance period. The requested data can be summarized in a matrix form.
- A.3.4 A specification of the compliance period(s) and applicable reporting dates. The length of the compliance period shall not be more than one year or less than six months.
- A.3.5 An identification and description of all records to be made available to the Executive Officer upon request, if different than those identified under Section A.3.6.
- A.3.6 An identification and description of specific records to be used in calculating emissions for the Program and subsequent reporting, and a detailed explanation as to how those

records will be used by the manufacturer to verify compliance with the averaging requirements.

- A.3.7 A statement, signed by a responsible party for the manufacturer, that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request.

A.4 REPORTING REQUIREMENTS

- A.4.1 For every single compliance period, the manufacturer shall submit a mid-term report listing all coatings subject to averaging during the first half of the compliance period, detailed analysis of the actual and allowable emissions at the end of the mid-term, and an explanation as to how the manufacturer intends to achieve compliance by the end of the compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct. The mid-term report shall be submitted within 45 days after the midway date of the compliance period. A manufacturer may request, in writing, an extension of up to 15 days for submittal of the mid-term report.

- A.4.2 Within 60 days after the end of the compliance period or upon termination of the Program, whichever is sooner, the manufacturer shall submit to the Executive Officer a report listing all coatings subject to averaging during the compliance period, providing a detailed demonstration of the balance between the actual and allowable emissions for the compliance period, any identification and description of specific records used by the manufacturer to verify compliance with the averaging requirement, and any other information requested by the Executive Officer to determine whether the manufacturer complied with the averaging requirements over the specified compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request. A manufacturer may request, in writing, an extension of up to 30 days for submittal of the final report.

A.5 RENEWAL OF A PROGRAM

A Program automatically expires at the end of the compliance period. The manufacturer may request a renewal of the Program by submitting a renewal request that shall include an updated Program, meeting all applicable Program requirements. The renewal request will be considered conditionally approved until the Executive Officer makes a final decision to deny or approve the renewal request based on a determination of whether the manufacturer is likely to comply with the averaging requirements. The Executive Officer shall base such determination on all available information, including but not limited to, the mid-term and the final reports of the preceding compliance period. The Executive Officer shall make a decision to deny or approve a renewal request no later than 45 days from the date of the final report submittal, unless the manufacturer and the Executive Officer agree to an extension of time for the Executive Officer to take action on the renewal request.

A.6 MODIFICATION OF A PROGRAM

A manufacturer may request a modification of the Program at any time prior to the end of the compliance period. The Executive Officer shall take action to approve or disapprove the modification request no longer than 45 days from the date of its submittal. No modification of the compliance period shall be allowed. A Program need not be modified to specify additional coatings to be averaged that are below the applicable VOC limits.

A.7 TERMINATION OF A PROGRAM

- A.7.1 A manufacturer may terminate its Program at any time by filing a written notification to the Executive Officer. The filing date shall be considered the effective date of the termination, and all other provisions of this rule including the VOC limits shall immediately thereafter apply. The manufacturer shall also submit a final report 60 days after the termination date. Any exceedance of the actual emissions over the allowable emissions over the period that the Program was in effect shall constitute a separate violation for each day of the entire compliance period.
- A.7.2 The Executive Officer may terminate a Program if any of the following circumstances occur:
- A.7.2.1 The manufacturer violates the requirements of the approved Program, and at the end of the compliance period, the actual emissions exceed the allowable emissions.
- A.7.2.2 The manufacturer demonstrates a recurring pattern of violations and has consistently failed to take the necessary steps to correct those violations.

A.8 CHANGE IN VOC LIMITS

If the VOC limits of a coating listed in the Program are amended such that its effective date is less than one year from the date of adoption, the affected manufacturer may base its averaging on the prior limits of that coating until the end of the compliance period immediately following the date of adoption.

A.9 LABELING

Each container of any coating that is included in averaging program, and that exceeds the applicable VOC limit in the table in Section 301 shall display the following statement: "This product is subject to architectural coatings averaging provisions in California." A symbol specified by the Executive Officer may be used as a substitute.

A.10 VIOLATIONS

The exceedance of the allowable emissions for any compliance period shall constitute a separate violation for each day of the compliance period. However, any violation of the requirements of the Averaging Provision of this rule, which the violator can demonstrate, to the Executive Officer, did not cause or allow the emission of an air

contaminant and was not the result of negligent or knowing activity may be considered a minor violation.

A.11 SUNSET OF AVERAGING PROVISION

The averaging provision set forth in Appendix A shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.

