

State of California
AIR RESOURCES BOARD

Resolution 00-23

June 22, 2000

Agenda Item No: 00-6-3

WHEREAS, the Air Resources Board (ARB or Board) and the United States Environmental Protection Agency (U.S. EPA) have established health-based ambient air quality standards for ozone and PM10, and these standards are exceeded in a number of the State's air basins;

WHEREAS, Health and Safety Code sections 39003, 39500, 39602, and 41500 authorize the Board to coordinate, encourage, and review efforts to achieve and maintain the State and national ambient air quality standards;

WHEREAS, Health and Safety Code sections 39600 and 39605 authorize the Board to act as necessary to execute the powers and duties granted to and imposed upon the Board and to assist the local air pollution control and air quality management districts (districts);

WHEREAS, the ARB staff has developed a proposed Suggested Control Measure (SCM) to control volatile organic compound emissions (VOCs) from architectural coatings, and has brought the SCM to the Board for consideration;

WHEREAS, the proposed SCM is designed to be considered for adoption by the districts, and is intended to improve the clarity and enforceability of district architectural coatings rules and provide a basis for statewide uniformity in architectural coatings rules;

WHEREAS, under California law the districts have the primary legal authority for adopting control measures for architectural coatings, as provided in sections 39002, 40000, and 40001 of the Health and Safety Code, and the provisions in the SCM would apply to affected persons only if one or more districts choose to adopt the SCM as a district rule;

WHEREAS, upon adoption by the districts, implementation of the VOC standards in the SCM will reduce the emissions of VOCs from the application of architectural coatings;

WHEREAS, the ARB finds and determines that the proposed SCM is considered a "project" pursuant to the California Environmental Quality Act (CEQA);

WHEREAS, CEQA and Board regulations require that no project having significant adverse environmental impacts shall be adopted as proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, the ARB's regulatory program has been certified by the Secretary of Resources pursuant to Public Resources Code section 21080.5, and this certification would allow the ARB to include the environmental analysis for the SCM in an ARB Staff Report instead of preparing a formal environmental impact report (EIR);

WHEREAS, in order to provide a format for the environmental analysis that will be most useful to the districts, the ARB has elected to prepare a formal Program EIR, instead of preparing an environmental analysis under its certified regulatory program;

WHEREAS, preparing a Program EIR for the SCM is appropriate in this situation, as provided in the CEQA Guidelines (title 14, California Code of Regulations (CCR), section 15168);

WHEREAS, the ARB intends that the Program EIR for the SCM may be relied on by each district in whatever CEQA documents a district chooses to prepare for its own architectural coatings rule;

WHEREAS, the ARB staff prepared an initial study leading to the preparation of a Draft Program EIR, which set forth the potential environmental consequences of adopting the SCM for architectural coatings;

WHEREAS, the Draft Program EIR concluded that the proposed project would not result in any significant adverse environmental impacts;

WHEREAS, a number of comment letters were received commenting on the Draft Program EIR;

WHEREAS, the Draft Program EIR has been revised and responses to comments have been prepared such that the document is now a Final Program EIR;

WHEREAS, the ARB staff has also prepared a Staff Report for the proposed SCM;

WHEREAS, in response to comments made by industry and the districts, the ARB staff has proposed additional revisions to the draft of the SCM that was made available to the public in February 2000, as part of the Draft Program EIR;

WHEREAS, such additional revisions include proposing less stringent VOC limits for certain categories, proposing subcategories of coatings with less stringent VOC limits, including an averaging provision with a sunset date, and making various other

clarifications; these revisions are designed to improve the clarity of the SCM and enhance the availability of future compliant coatings;

WHEREAS, the Board has held a duly-noticed public meeting, in accordance with all applicable provisions of law, to consider approval of the proposed SCM for architectural coatings, and has heard and considered the comments presented by representatives of the Board, districts, affected industries, and other interested persons and agencies;

WHEREAS, the Board finds that:

The application of architectural coatings in the State emits about 130 tons per day of VOCs into the atmosphere;

The emissions of VOCs from architectural coatings contribute to exceedances in many areas of the State of both State and national ambient air quality standards for ozone;

The control and reduction of VOC emissions is necessary to attain and maintain the State and national ambient air quality standards for ozone;

Statewide implementation of the proposed SCM would reduce VOC emissions from the various coating categories by up to 10.3 tons per day (excluding the South Coast Air Quality Management District);

To effectively control the emissions of VOCs from architectural coatings applied at widely dispersed locations, and to minimize the regulatory burden on the architectural coatings industry, architectural coatings standards should be uniform among districts which need architectural coatings rules;

The technology to control VOC emissions from architectural coatings to the extent provided in the SCM is reasonably available and cost-effective;

An economic analysis of the SCM was conducted by the ARB, and the conclusions and supporting documentation for this analysis are set forth in the Staff Report;

Seven alternatives are identified and analyzed in Section V(B) of the Final Program EIR; each of these alternatives is infeasible for the reasons discussed in Section V(B) (pages V-139 to V-158) and Appendix I ("Comments on the Draft Program EIR and Responses to Comments") of the Final Program EIR;

It is appropriate to include an averaging provision in the SCM in order to provide flexibility for manufacturers and improve the cost-effectiveness of the SCM;

The sunset provision specified in the averaging provision is necessary in order to ensure that districts meet their State Implementation Plan commitments, and to ensure that the State and federal ambient air quality standards are attained by the earliest practicable date;

While the averaging provision will improve the cost-effectiveness of the SCM, the provision is not necessary to achieve any of the VOC standards specified in the SCM; each of the VOC standards is independently feasible, with or without averaging;

The revisions made to the SCM and the Draft Program EIR are not significant within the meaning of CEQA Guidelines section 15088.5, and recirculation of the Program EIR for public review is not required; and

No significant adverse environmental impacts will occur from the adoption and implementation of the proposed SCM.

WHEREAS, it is necessary that the Board determine the adequacy of the Final Program EIR prior to its certification.

NOW, THEREFORE, BE IT RESOLVED that the Board finds and certifies that the Final Program EIR for the SCM for Architectural Coatings has been completed in compliance with CEQA.

BE IT FURTHER RESOLVED that the Board hereby approves the written responses to the comments on the Draft Program EIR, as set forth in Appendix I of the Final Program EIR.

BE IT FURTHER RESOLVED that the Board finds and certifies that the Final Program EIR was presented to the Board, whose members reviewed, considered, and approved the information contained therein prior to acting on the SCM for Architectural Coatings, and that the Final Program EIR reflects the Board's independent judgement and analysis.

BE IT FURTHER RESOLVED that the Board hereby approves the SCM for architectural coatings as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Executive Officer is directed to forward the SCM to the districts for their consideration of its adoption in regulatory form.

BE IT FURTHER RESOLVED that the Board strongly encourages districts to adopt the SCM as approved by the Board, without modification, so that statewide uniformity in architectural coatings standards can be achieved.

BE IT FURTHER RESOLVED that the Executive Officer is directed to provide assistance to any district requesting assistance in adopting, interpreting, or implementing the SCM.

BE IT FURTHER RESOLVED that in compliance with Public Resources Code section 21081.6(a)(2) and title 14, CCR, section 15091(e), the ARB specifies the Manager, Board Administration and Regulatory Coordination Unit, as the custodian of the documents and other materials that constitute the record of proceedings upon which the adoption of the SCM is based; these documents and other materials are located at the offices of the ARB, 2020 L Street, Sacramento, CA.

BE IT FURTHER RESOLVED that the Board directs the ARB Executive Officer to take the following actions: (1) monitor the progress of manufacturers in meeting the VOC limits in the SCM; and (2) conduct technology assessments prior to the effective dates for each of the eleven proposed VOC standards that are lower than the predominant district standards currently in effect, and (3) propose any future modifications to the SCM that may be appropriate.

BE IT FURTHER RESOLVED that the Board directs the ARB Executive Officer, in cooperation with industry and the districts, to begin evaluating the feasibility of achieving additional reductions from architectural coatings, and return to the Board with appropriate modifications to the SCM that will achieve additional emission reductions.

BE IT FURTHER RESOLVED that the Board directs ARB staff to work with industry and other stakeholders on assessing the ozone-forming potential (reactivity) of architectural coatings; this analysis will include assessing the reactivity of individual VOC species in consideration of the best available science, assessing the extent to which VOCs emitted from architectural coatings contribute to ozone levels, and conducting a comprehensive survey of the architectural coatings industry. The data gathered will be taken into consideration for a reactivity-based architectural coatings control strategy, if feasible.

BE IT FURTHER RESOLVED that the Board directs ARB staff to provide an update to the Board by December 2002 on the development of a reactivity-based control strategy for architectural coatings; this update will discuss the advantages and disadvantages of a reactivity-based control approach relative to a traditional VOC mass-based control approach.

BE IT FURTHER RESOLVED that the Board directs ARB staff to provide an update to the Board by June 2001 on the feasibility of modifying the calculation of reportable VOC content, the availability of exempt solvents such as t-butyl acetate and Oxsol 100, and the feasibility of a small volume exemption.

I hereby certify that the above is a true and correct copy of Resolution 00-23, as adopted by the Air Resources Board

Pat Hutchens, Clerk of the Board

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Identification of Attachments to the Resolution

Attachment A: Proposed Suggested Control Measure (SCM) for Architectural Coatings, released at the Board Hearing on June 22, 2000.