

State of California
AIR RESOURCES BOARD

Supplemental Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER THE ADOPTION OF A PROPOSED AIRBORNE
TOXIC CONTROL MEASURE FOR EMISSIONS OF CHLORINATED TOXIC AIR
CONTAMINANTS FROM AUTOMOTIVE MAINTENANCE AND REPAIR ACTIVITIES**

Public Hearing Date:	April 27, 2000
Public Availability Date:	May 12, 2000
Supplemental Availability Date	September 19, 2000
Deadline for Public Comment:	October 5, 2000

At a public hearing on April 27, 2000, the Air Resources Board (ARB or Board) considered the adoption of new section 93111, title 17, California Code of Regulations (CCR) which would reduce emissions of three chlorinated toxic air contaminants from automotive cleaning and degreasing products that are predominantly used in automotive maintenance and repair (AMR) activities.

At the hearing, the Board approved the adoption of section 93111, but directed ARB staff to make certain modifications to the regulatory language originally proposed in the Initial Statement of Reasons released on March 10, 2000. The purpose of the proposed modifications was to accelerate the effective dates of the regulation in order to reduce emissions of chlorinated toxic air contaminants from AMR activities. Pursuant to the Board's direction, ARB staff issued a "Notice of Public Availability of Modified Text" which made the modified regulation available for a 15-day comment period that began on May 12, 2000 and ended on May 30, 2000.

Subsequently, it has come to the attention of ARB staff that the applicability of the regulation to particular sizes and types of products needs clarification and that a requirement of the regulation needs to be changed to conform with the expedited effective dates of the standard identified in the initial 15-day notice. As such, the ARB staff is now proposing the following modifications:

- An exemption will be added to indicate that section 93111 does not apply to solvent cleaning machines or to liquid automotive consumer products intended for use in solvent cleaning machines. These machines are already subject to the solvent cleaning machine requirements of the State ATCM for halogenated solvent cleaning (40 Code of Federal Regulations Part 63 Subpart T, California Health and Safety Code section 39658 (b)).
- A definition of the term "solvent cleaning machine" will be added.

- The effective date of the date code requirement is modified to begin 30 days after the effective date of section 93111. The actual date will be inserted upon approval of the regulation.

The proposed modifications clarify the Board's original intent not to regulate automotive consumer products that are already subject to the State ATCM for halogenated solvent cleaning. The modifications also address the need to provide automotive consumer product manufacturers with a reasonable period of time to begin date-coding their products.

By this notice, the proposed modifications to the regulation are being made available for public comment prior to final action by the Board's Executive Officer. Attachment 1 to this notice contains the modifications to the originally proposed regulatory text. Additions to the originally proposed regulatory text are shown in underline text, while deletions are indicated by ~~strikeout~~ text.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section 93111, title 17, CCR, after making the modified regulatory text available for a supplemental written and e-mail comment period of at least 15 days. The Board further provided that the Executive Officer shall consider such written and e-mail comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if the Executive Officer determines that this is warranted.

Written and e-mail comments on the proposed modifications shown in Attachment 1 for this supplemental 15-day period must be received no later than the deadline for public comment identified above to be considered by the Executive Officer prior to final action. Written comments must be addressed to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, CA 95812. E-mail comments must be addressed to amr@listserv.arb.ca.gov. Only comments relating to the above-described proposed modifications to the regulatory language will be considered by the Executive Officer.

This notice and the attachments, along with other documents for this rulemaking, are available online at the ARB's Internet site, <http://www.arb.ca.gov/regact/amr/amr.htm>.

Attachment

Attachment 1

Supplemental Modifications to the Original Proposal

**Airborne Toxic Control Measure for Emissions of Chlorinated Toxic Air Contaminants
From Automotive Maintenance and Repair Activities**

Supplemental Modifications to the Original Proposal
to Adopt section 93111, title 17, California Code of Regulations

[Note: Modifications to the originally proposed language in section 93111, title 17, California Code of Regulations (CCR) are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The characters “*****” indicate that no modifications to the omitted intervening text are being proposed.]

Amend section 93111, title 17, CCR, to read as follows:

**Section 93111. Chlorinated Toxic Air Contaminants Airborne Toxic Control Measure—
Automotive Maintenance and Repair Activities**

(b) Exemptions

(3) This section does not apply to solvent cleaning machines or to liquid products as defined in subsection (c)(17) that are designed, labeled, promoted and advertised (expressed or implied) solely for use in a solvent cleaning machine.

(c) Definitions

(27) “Solvent Cleaning Machine” means any device or piece of equipment with a capacity greater than 7.6 liters (2 gallons) that uses methylene chloride, perchloroethylene, or trichloroethylene to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of motor vehicle substrates or surfaces or miscellaneous metallic parts.

(2827) “Trichloroethylene” (CAS Registry Number 79-01-6) means the compound with the chemical formula 'C₂HCl₃', also known by the name ‘TCE’, which has been identified by the Air Resources Board and listed as a toxic air contaminant in section 93000, and which is a hazardous air pollutant designated as a toxic air contaminant in section 93001.

(f) **Administrative Requirements - Code-Dating**

- (1) Each manufacturer of an automotive consumer product subject to this section shall clearly display on each automotive consumer product container or package, the day, month, and year on which the product was manufactured, or a code indicating the day, month, and year of manufacture. This date or code-date shall be displayed on each automotive consumer product container or package manufactured on or after ~~the date no later than twelve months prior to the effective date of the applicable standard specified in subsection (d)~~ [insert 30 days after the effective date of this section]. No person shall erase, alter, deface or otherwise remove or make illegible any date or code-date from any regulated product container or package without the express authorization of the manufacturer.
- (2) If a manufacturer uses a code indicating the date of manufacture for any automotive consumer product subject to this section, the manufacturer shall file an explanation of the code with the Executive Officer of the ARB no later than ~~twelve months prior to the effective date of the applicable standard specified in subsection (d)~~ [insert 30 days after the effective date of this section].
