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541 Washington Avenue  
Yuba City, CA 95991  
(530) 634-7659  
FAX (530) 634-7660  
[www.fraqmd.org](http://www.fraqmd.org)

Christopher D. Brown, AICP  
Air Pollution Control Officer

## **STAFF REPORT**

### **Rule 3.15: Architectural Coatings**

#### **Rule 1.1: Definitions**

### **Proposed Amendments**

**Date of Proposed Adoption: June 3, 2024**

Lead Staff: Peter Angelonides, Air Quality Planner  
Reviewed by: Sondra Spaethe, Planning and Engineering Supervisor  
Approved by: Christopher D. Brown, AICP, Air Pollution Control Officer

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## 1.0 Executive Summary

The Feather River Air Quality Management District (District) is a county agency that administers local, state, and federal air quality management programs for Yuba and Sutter counties. The District is responsible for adopting and implementing plans to meet health-based standards for ambient air quality. The United States Environmental Protection Agency (US EPA) and the California Air Resources Board (CARB) set health-based standards for ambient air quality. The US EPA and CARB designate areas as in attainment or nonattainment of the standards. Ground level ozone standards are also classified based on how far from the area's monitoring data is away from attainment. Each time US EPA revises a standard it triggers a process of designating areas, submitting plans, and adopting control measures.

The southern portion of Sutter County is a part of the Sacramento Federal Nonattainment Area (SFNA) and is designated as severe nonattainment for failing to meet the 2008 ozone national ambient air quality standard (NAAQS). The SFNA was also designated as nonattainment for the 2015 ozone NAAQS, originally as a moderate classification, and has requested a bump-up to a severe classification for that standard as well.

One of the requirements of the plans for nonattainment areas in the Federal Clean Air Act is to adopt contingency measures that will go into effect should the area fail to achieve a reasonable further progress milestone (RFP) or meet its attainment date. In the 2008 ozone plan the SFNA relied on existing measures that achieved more reductions than needed to meet RFP and the attainment date. Recent court decisions have ruled that existing control measures do not meet the FCAA requirements for contingency measures.

The US EPA issued a finding of failure to submit the contingency measures for the 2008 ozone NAAQS for the SFNA. The sanctions begin in January 2025. In addition, the 2015 Ozone plan for the SFNA that was adopted on October 2, 2023, by the District Board of Directors committed to adopting an additional contingency measure that would go into effect immediately upon the area's failure to meet RFP or the attainment date.

The CARB adopted an update to their Suggested Control Measure (SCM) for Architectural Coatings in 2019 and 2020. The SCMs are not formal regulations but rather a model rule used by local air pollution control districts to update their architectural coatings rules and provide statewide consistency. The air districts of the SFNA committed to adopting the 2019 SCM as part of the 2015 Ozone Plan to partially fulfill the contingency measure requirement. The District is not proposing to adopt the 2020 SCM as there are no applicable sources in the District and none are anticipated before the sunset date of the 2020 SCM limits.

The proposed amendments would adopt the 2019 SCM as a contingency measure for the 2008 and 2015 ozone NAAQS and would be submitted to CARB and US EPA as a revision to the State Implementation Plan. The 2019 SCM amendments to Rule 3.15 Architectural Coatings would go into effect upon the effective date of the federal register

notice that the SFNA did not meet RFP or its attainment date, defined as the “contingency measure trigger date” in the rule.

In addition, the District is proposing to amend the definition of “Exempt Compounds” in District Rule 1.1 to include exempt VOCs that have been added to US EPA’s list of VOC exemptions since the last rule revision in 2011. These changes would be into effect immediately. The amendments would also implement a public process by which the District Air Pollution Control Officer may add additional compounds to the list without a formal rulemaking process as EPA updates the list.

## **2.0 Background**

### **2.1 Architectural Coatings**

Architectural coatings are products that are applied to stationary structures and their accessories. These include house paints, stains, industrial maintenance coatings, traffic coatings, and many other products. When these coatings are applied, volatile organic compounds (VOCs) are emitted from the coatings and from solvents that are used for thinning of the coatings and clean-up of the application equipment.

VOCs from coating, along with sunlight and nitrogen oxides (NO<sub>x</sub>), undergo a series of chemical reactions to form ozone (O<sub>3</sub>). Also, VOC emissions from architectural coatings similarly can cause the formation of secondary particulate matter (PM). Ozone is a strong oxidizer that irritates the respiratory system, leading to a variety of adverse health effects. Ozone also damages plant life and property. Particulate matter less than 10 microns in diameter can be inhaled deep into the lungs causing a wide range of adverse health impacts.

### **2.2 District Regulation III Rule 3.15**

District Rule 3.15 Architectural Coatings was first adopted in June 1991 and was amended in 1996, 2002, and 2014. The last amendment in 2014 adopted the 2007 SCM. The rule limits the VOC content of architectural coatings that may be used, sold, or manufactured in the District. The rule also establishes labeling, reporting, recordkeeping requirements, and test methods.

### **2.3 District Regulation I Rule 1.1**

District Rule 1.1 Definitions includes definition for the District’s Rules and Regulations. One of the definitions, “Exempt Compounds,” is referenced in Rule 3.15 Architectural Coatings and lists the exempt Volatile Organic Compounds as added by US EPA.

### **2.4 Exempt Volatile Organic Compounds**

The US EPA has the authority to add duly noticed and new negligibly photochemically reactive compounds to the Federal Register codified in Part 51 of Title 40 of the Code of Federal Regulations (CFR). The policy of excluding negligibly reactive compounds from the regulatory definition of VOC was first laid out in the “Recommended Policy on Control of Volatile Organic Compounds” ([42 FR 35314, July 8, 1977](#)) and was supplemented subsequently with the [“Interim Guidance on Control of Volatile](#)

[Organic Compounds in Ozone State Implementation Plans.](#)” These VOCs do not significantly contribute to ozone formation.

### 3.0 Legal Mandates

#### 3.1 Federal Mandate

The FCAA Sections 172(c)(9) and 182 (c)(9) require ozone NAAQS attainment plans to include “contingency measures” which are to be triggered automatically if the US EPA promulgates a final rule finding that an ozone nonattainment area fails to meet RFP in the milestone years or attain the ozone standard by the attainment year. Contingency measures are intended to go into effect immediately and provide additional emissions reductions in these circumstances to help achieve the standards.

For many years, states relied on excess emission reductions from rules that had already been adopted to satisfy the contingency measure requirements. However, recent court decisions<sup>1,2,3</sup> have held that this approach doesn’t meet the FCAA requirements because contingency measures must be measures that are not currently in effect and, when triggered, take effect and achieve emission reductions without further action by the district, state, or US EPA.

The commitment included in the Sacramento Regional 2015 National Ambient Air Quality Standard 8-hour Ozone Attainment and Reasonable Further Progress Plan<sup>4</sup> (2015 Ozone Plan) was to adopt the 2019 SCM for Architectural Coatings as part of a contingency measure package. This proposed regulatory action will fulfill that portion of the contingency measure committed in the 2015 ozone Plan.

In 2017, the air districts of the SFNA adopted the Sacramento Regional 2008 NAAQS 8-hour Ozone Attainment and Reasonable Further Progress Plan (2008 Ozone Plan)<sup>5</sup>. In June 2023, EPA partially disapproved<sup>6</sup> the 2008 Ozone Plan because it did not include contingency measures consistent with CAA Sections 172(c)(9) and 182(c)(9). To obtain approval, the districts of the SFNA must submit contingency measures that, in aggregate, achieve sufficient emission reductions.

This proposed action would be a part of the requirements to fulfill the contingency measure requirement in both the 2008 Ozone Plan and the 2015 Ozone Plan. To satisfy this contingency measure requirement, all air districts in the SFNA have committed to adopting the 2019 SCM as a contingency measure and submitting it to the US EPA prior to the end of June 2024.

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<sup>1</sup> Bahr v. EPA, 836 F.3rd 1218 (9th Cir. 2016).

<sup>2</sup> Association of Irrigated Residents v. EPA, 10 F.4th 937 (9th Cir. 2021).

<sup>3</sup> Sierra Club, et al. v. EPA, 985 F.3d 1055 (D.C. Cir. 2021).

<sup>4</sup> <https://www.airquality.org/ProgramCoordination/Pages/2015-O3-NAAQS-SIP.aspx>

<sup>5</sup> Sacramento Regional 2008 NAAQS 8-hour Ozone Attainment and Reasonable Further Progress Plan. El Dorado County Air Quality Management District (AQMD), Feather River AQMD, Placer County Air Pollution Control District (APCD), SMAQMD, Yolo Solano AQMD, July 24, 2017.

<sup>6</sup> 88 FR 39179, June 15, 2013.

The RFP milestone years for the 2008 Ozone Plan are 2017, 2020, and 2023. The attainment date for the 2008 Ozone Plan is 2024. The RFP milestone years for the 2015 Ozone Plan are 2023, 2026, and 2029. The last full year to demonstrate attainment for the 2015 Ozone Plan is 2032.

## **4.0 Suggested Control Measure**

### **4.1 Background on SCM for Architectural Coatings**

The District's proposed amendments to Rule 3.15 are based on the "Suggested Control Measure" (SCM) for Architectural Coatings adopted by the California Air Resources Board (CARB). Control of VOC emissions from architectural coatings in California is primarily the responsibility of the local air pollution control and air quality management districts. CARB is responsible for serving as an oversight agency and providing assistance to districts, such as by developing SCMs. SCMs serve as model rules that air districts in California can adopt to achieve emissions reductions statewide support consistency and uniformity across county boundaries within the state.

CARB approved an SCM for architectural coatings in 1977 and updated it in 1985, 1989, 2000, 2007, 2019, and 2020. While CARB provides support to the air districts by developing SCMs, the air districts are responsible for adopting, implementing, and enforcing architectural coating rules in California.

### **4.2 2019 SCM for Architectural Coatings**

The District's proposed amendments to Rule 3.15 are based on the SCM for Architectural Coatings adopted on May 23, 2019, by CARB. The 2019 SCM includes VOC limits for several coating categories that are more stringent than those in the current Rule 3.15. The 2019 SCM also for three new coating categories and limits colorants added to architectural coatings. CARB developed the VOC limits for colorants based on technical information from the statewide 2013 architectural coating survey and in consultation with air districts and industry stake holders. Most of the proposed limits are consistent with the existing limits in the South Coast AQMD Rule 1113. The proposed limits would become effective upon contingency measure trigger date. There is already a high level of complying market share in all the categories for which staff is proposing to lower the VOC limits.

In order to comply with the coating limits, CARB anticipated that manufacturers would reformulate coatings using water or exempt compounds. CARB also found that many manufacturers had large volumes of products that already meet the VOC limits. Since the 2019 SCM was adopted by CARB, the architectural coatings rules of three districts—San Diego County Air Pollution Control District (effective 1/1/2022), San Joaquin Valley Air Pollution Control District (effective 1/1/2022), and Ventura Air Pollution Control District (effective 7/1/2021)—have been amended to incorporate the 2019 SCM requirements. The 2019 SCM is intended for local air districts which need VOC emission reductions for the attainment of State and Federal ozone standards.

## 5.0 Summary of Proposed Changes

The proposed changes to Rule 3.15 are summarized below in sections 5.1 to 5.6 and changes to Rule 1.1 are summarized in section 5.7.

### 5.1 Rule 3.15 Section A General

#### Section A.1 Purpose

The purpose has been amended to add language regarding the federal and state standards.

#### Section A.2 Applicability

The terms “markets” and “provides” have been added in the applicability section (a) to increase enforceability of the rule. This addresses mail order coatings and e-commerce companies (e.g., Amazon, E-Bay) who do not sell the coatings themselves but market them for sale.

Section (d) has been amended so that the VOC limits of the 2019 SCM shall go into effect upon the “Contingency Measure Trigger Date.”

#### Section A.4 Exemptions

In section (b)(1) and (2) anti-bundling provisions have been added. Coatings sold in small containers (one liter or less) are exempt from the VOC limits and the majority of the provisions of the proposed SCM. However, coatings in small containers are subject to the reporting requirements in Section E of Rule 3.15. Manufacturers are required to provide survey data for small containers. Additionally, the 2019 SCM prevents bundling small containers of the same coating category. The label or any other product literature cannot suggest combining small containers. The coating container must not be bundled together with other containers of the same specific coating category to be sold as a unit if such combination would exceed a liter. This would include language directing consumers to mix multiple containers for color consistency.

In section (c) it states that colorants added at the factory, or the worksite are exempt from the Colorant VOC limits. Containers of colorants sold at the point of sale for use in the field or on a job site are also not subject to VOC limits.

### 5.2 Rule 3.15 Section B Definitions

The 2019 provides several new and revised definitions. These new and revised definitions are found section B of Rule 3.15. The following definitions are added as part of the Building Envelope Coating definition: Building Envelope, Air Barriers, and Water Resistive Barriers.

- **Contingency Measure Trigger Date**
- **Interior Stain**
- **Intumescent**

- **Market**
- **Tile and Stone Sealers**

A definition for “market” is included since this term will be included in the SCM applicability and standards section. This definition specifies that sales of architectural coatings within the district will apply to e-commerce and catalog sales, but no promotion or advertising of coatings.

Colorant has been added to the definition of VOC content and VOC regulatory. These are necessary to reflect the proposed addition of VOC limits for colorants.

Some definitions are deleted because the categories are no longer listed in the table of VOC limits, or the terms are no longer used. Definitions were deleted for the following:

- **Gonio apparent**
- **Metallic**
- **Nonflat - High Gloss Coating**

Revised definitions are proposed for the following categories for clarification or to limit the types of products that qualify for inclusion in a category.:

- **Reactive Penetrating Sealer**
- **Traffic Marking Coatings**

For the Reactive Penetrating Sealer category, Caltrans conducted a series of tests on potential coatings, and none could meet the criteria listed in the 2007 SCM section 4.44.2 defining that the Reactive Penetrating Sealer must not reduce the water vapor transmission rate by more than two percent after application on a concrete or masonry substrate. Based on Caltrans’s tests, a revision was made that the Reactive Penetrating Sealer must provide a breathable waterproof barrier for concrete or masonry surfaces that does not prevent or substantially retard water vapor transmission (Caltrans, 2013).

For the Traffic Marking Coating category, the definition is revised for clarification purposes. The definition incorporates the reference to the procedure specified in Section F.5.j for analyzing the VOC content of Methacrylate Traffic Marking Coatings used as Traffic Marking Coatings.

### 5.3 Rule 3.15 Section C Standards

#### Section C.1 VOC Content Limits for Coatings

This section has been renamed VOC Content Limits for Coatings to differentiate between the VOC Content of Coatings versus VOC content of Colorants which will go into effect if the contingency measure is triggered. The terms “markets” and “provides” are added to ensure that sales through a third-party vendor are covered by the Rule.



## Section C.2 Sell-Through of Coatings

The sell-through period of coatings would be revised from three years to one year after the contingency measure trigger date.

## Section C.3 VOC Content Limits for Limits for Colorants

This section was added to Section C Standards on order to establish VOC Content limits for colorants if the contingency measure is triggered for either the 2008 NAAQS or the 2015 NAAQS, Also, this included an exemption for colorants at the factory or the job site. Additionally, containers or colorant sold at the point of sale for use in the field or on a job site are not included (see Table 2, VOC Content Limits for Colorants). Table 2 is listed at the end of District Rule 3.15.

## **Table 1 VOC Content Limits for Coatings**

Table 1 has been moved from the end of the rule to section C. The proposed amendments will establish VOC content limits for three new categories and revise the VOC limits for nine existing categories of architectural coatings. The affected coating category is listed below in Table 1.

Except for the Low Solids category, the VOC limits are expressed in terms of VOC Regulatory, which is also referred to as “VOC, Less Water, Less Exempt Compounds” or “Coating VOC.” For the Low Solids category, the VOC limit is expressed in terms of VOC Actual, which is also referred to as “Material VOC.” Limits are expressed as VOC Regulatory, thinned to the manufacturer’s maximum recommendation, excluding any colorant added to tint bases. “Manufacturer’s maximum recommendation” means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

**Table 1 VOC Content**

<b>Coating Category</b>	<b>Current Limit (g/l)<sup>2</sup></b>	<b>Effective on and after the Contingency Measure Trigger Date Proposed Limit (g/l)<sup>2</sup></b>
<b>New Coatings Categories:</b> Building Envelope Coatings Stains Exterior/Dual Interior Only Tile and Stone Sealers	<b>NA</b>  <b>Stains (250)</b> <b>Stains (250)</b>	<b>50</b>  <b>100</b> <b>250</b> <b>100</b>
<b>Existing Coating Categories:</b> Aluminum Roof Coatings Dry Fog Coatings Fire Resistive Coatings Floor Coatings Form Release Compounds Non-flat Coatings Nonflat - High Gloss Coatings Stains Waterproofing Membranes	<b>400</b> <b>150</b> <b>350</b> <b>100</b> <b>250</b> <b>100</b> <b>150</b> <b>250</b> <b>120</b>	<b>100</b> <b>50</b> <b>150</b> <b>50</b> <b>100</b> <b>50</b> <b>(eliminated)</b> <b>100</b> <b>120</b>

Table 2 is added to the Rule and becomes effective upon contingency measure trigger date. There are not VOC content limits currently in place for colorants.

**Table 2 VOC Content Limits for Colorants**

<b>Colorant Added to</b>	<b>VOC Content Limit<sup>1</sup>, (g/l), Effective on and after Contingency Measure Trigger Date</b>
Architectural Coatings, excluding Industrial Maintenance Coatings	50
Solvent-Based Industrial Maintenance Coatings	600
Waterborne Industrial Maintenance Coatings	50
Wood Coatings	600
<sup>1</sup> Limits are expressed as VOC Regulatory.	

## 5.4 Rule 3.15 Section D Container Labeling Requirements

Section D.1.a. through D.1.k

These product labeling requirements were modified or deleted based on changes in the 2019 SCM.

### Section D.2 Container Labeling Requirements for Colorants

Container labeling requirements for colorants were added that will go into effect if the contingency measure is triggered.

## 5.5 Rule 3.15 Section E Reporting Requirements

The proposed amendment has no changes to the current reporting requirements.

## 5.6 Rule 3.15 Section F Compliance Provisions and Test Methods

The proposed amendments would add test methods for coatings and colorants that will go into effect if the contingency measure is triggered. In addition, the amendments would update section references and test methods needed.

## 5.7 Rule 1.1 Proposed Changes

The District is proposing to amend the definition of “Exempt Compounds” in District Rule 1.1 to include exempt VOCs that have been added to US EPA’s list of VOC exemptions since the last revision of Rule 1.1 in 2011. In addition, language is proposed to allow the Air Pollution Control Officer to revise the list of “Exempt Compounds” in Rule 1.1 Definitions by publishing a public notice of the revised list of “Exempt Compounds” in Rule 1.1 Definitions for 30 days in a newspaper of general circulation in the District, currently the Appeal Democrat, after consideration of any comments received thereupon, and after consultation with CARB. By adding language to District Rule 1.1 Definitions that allows the Air Pollution Control Officer to revise the exempt VOCs list in the “Exempt Compounds” definition, the District is able to be more responsive to the adoption of VOC exemptions, keep District rules up-to-date, and cut down on administrative costs associated with a formal rule revision.

## 6.0 Estimated Cost Impact:

CH&SC Section 40703 requires the District, in the process of the adoption of any rule or regulation, to consider and make public its findings related to the cost-effectiveness of the rule. Cost-effectiveness for rulemaking purposes is calculated by dividing the cost of air pollution controls required by the rule by reducing air pollution. The cost effectiveness has been estimated at \$2.21 per lb of VOC reduced.

## **7.0 Socioeconomic Impact:**

California Health and Safety Code (HSC) §40728.5(d) exempts air districts with a population of less than 500,000 from this requirement.

## **8.0 Air Quality Benefits of the Proposed Amendments:**

The emission reductions for the SCM were calculated by CARB and provided in the Staff Report (insert link). The baseline for determining emission reductions is the 2013 data from the 2014 Survey. The 31.58 tpd of statewide VOC emissions are apportioned to air districts based on population for architectural coatings. Air districts outside of the South Coast AQMD represent 57 percent of the state's population. Because South Coast has collected data on sales and VOC emissions from architectural coatings annually since 2008, CARB staff adjusted the emissions apportioned to the rest of the state to reflect the South Coast inventory. The inventory outside South Coast is estimated at 20.09 tpd of VOC emissions, including small containers. This does not include VOC emissions from cleanup solvents, thinners, or additives.

The 2019 SCM is expected to achieve 1.46 tpd in VOC emission reductions for areas of California with local rules based on the 2007 SCM, excluding the South Coast AQMD. This represents about a seven percent overall emission reduction. If the proposed SCM limits were adopted statewide, the expected VOC emission reductions would be 2.51 tpd. Table 3 lists categories for which CARB staff proposed lower VOC limits and the expected reductions from only those air districts with local rules based on the 2007 SCM. Although there are emission reductions from several categories, 58 percent of the emission reductions are from two categories, which account for 44 percent of the emissions from these categories. These two categories are highlighted in Table 3.

**Table 3**  
**Sales and VOC Emissions by Product Category**

Coating Category	Existing VOC Limit (g/l)	Proposed VOC Limit (g/l)	Emissions in 2013 (excluding SCAQMD) 1 (tons/day)	Emission Reductions for 2007 SCM Areas (excluding SCAQMD)1 (tons/day)
Aluminum Roof Coatings	400	100	0.31	0.20
Building Envelope Coatings	NA	50	0.01	0.01
Dry Fog Coatings	150	50	0.11	0.03
Fire Resistive Coatings	350	150	0.02	0.02
Floor Coatings	100	50	0.20	0.01
Form Release Compounds	250	100	0.21	0.08
Nonflat - High Gloss Coatings	150	50	0.31	0.02
Nonflat Coatings	100	50	4.04	0.41
Stains (Exterior/Dual)	250	100	0.97	0.43
Stains (Interior)	250	250	0.18	0.00
Waterproofing Membranes	250	100	0.55	0.11
Photovoltaic Coating	120	600	NA	NA
Colorants Added to Architectural Coatings, excluding Industrial Maintenance Coatings	NA	50		
Solvent-Based Industrial Maintenance Coatings	NA	600		
Waterborne Industrial Maintenance Coatings	NA	50	1.13	0.14
Wood Coatings		600		
<b>Total</b>			<b>11.46</b>	<b>1.46</b>

1. This is a proposed new category that includes coatings from various categories in the 2000 SCM. The "Existing VOC Limit" for this category represents the range of VOC limits for the coatings combined into this new category.
2. Upon the effective date of this rule, the Fire-Retardant coating categories are eliminated, and coatings with fire retardant properties will be subject to the VOC limit of their primary category (e.g., Flat, Non-flat, etc.). To estimate emission reductions, it was assumed that Fire Retardant would be classified as Nonflat with a VOC limit of 100 g/l because the majority of the reported coatings were non-flat.
3. Boldface indicates the nine categories that account for 95 percent of the VOC emission reductions.
4. Photovoltaic coating limits are referenced from the 2020 SCM.

The total amount of emission reductions in the SFNA will depend on if or when the contingency measure is triggered. The contingency measure includes a one-year sell-through period, therefore emission reductions will begin in the second year after the measure is triggered. Table 4 shows the VOC emissions inventory for each district in the SFNA and Table 5 shows the estimated emissions reductions in the potential milestone years or attainment year. The contingency measure for each District could potentially be triggered in the milestone years for the 2015 Ozone Plan, 2026 and 2029, or the year of the attainment date, 2033 (based on air quality monitoring data collected in 2030, 2031, and 2032). VOC emission reductions would begin in the second year after the measure is triggered: 2028, 2031, or 2035. The contingency measure could be triggered in the year of attainment for the 2008 Ozone Plan which is 2024 with emission reductions beginning in 2026.

**Table 4: Architectural Coating Emissions Inventory**

District	VOC Emissions Inventory for Contingency Measure (tons per summer day) <sup>1</sup>		
	2028	2031	2035
EDAQMD	0.121	0.125	0.128
FRAQMD	0.006	0.007	0.007
PCAPCD	0.256	0.267	0.277
SMAQMD	1.883	1.934	1.990
YSAQMD	0.549	0.562	0.580
Total SFNA Contingency Measure Emission Inventory	2.815	2.894	2.815

<sup>1</sup>Excluding thinning and cleanup solvents

**Table 5: Contingency Measure Commitments Emission Reductions**

District	VOC Emissions Inventory for Contingency Measure (tons per summer day)		
	2028	2031	2035
EDAQMD	0.003	0.003	0.003
FRAQMD	0.000	0.00	0.000
PCAPCD	0.004	0.004	0.004
SMAQMD	0.119	0.122	0.126
YSAQMD	0.027	0.028	0.029
Total SFNA Contingency Measure Emission Reductions	0.154	0.158	0.162

## 9.0 Environmental Review and Compliance:

California Public Resources Code Section 21159 requires an environmental analysis of the reasonably foreseeable methods of compliance be conducted. Compliance of the proposed rule amendment is expected to be achieved by the replacement of current coating products with compliant compounds. Application of these compliant compounds will generally result in less VOC emissions from the coating activities. Therefore, the

proposed rule amendment will reduce emissions from sources and will not cause any significant adverse effects on the environment. Staff has concluded that no adverse environmental impacts will be caused by compliance with the proposed rule amendment.

According to the above conclusion, Staff finds that the proposed rule amendment is exempt from the California Environmental Quality Act (CEQA) because (1) it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment (CEQA Guidelines §15061(b)(3)) and (2) it is as an action by a regulatory agency for protection of the environment (Class 8 Categorical Exemption, CEQA Guidelines §15308).

### 10.0 Required Findings:

The California Health and Safety Code, Division 26, Air Resources, requires local Districts to comply with a rule adoption protocol as set forth in Section 40727 of the Code. This section has been revised through legislative mandate to contain 6 findings that the District must make when developing, amending, or repealing a rule. These findings and their definitions are listed in the following table.

<b>FINDING</b>	<b>DEFINITION</b>	<b>REFERENCE</b>
Authority	A district shall adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by this division and other statutory provisions.	California Health and Safety Code, Sections 40000, 40001, 40701, 40702, and 40716 are provisions of law that provide air districts with the authority to adopt these proposed rules.
Necessity	The District has demonstrated that a need for the rule, or for rule amendment or repeal.	The adoption of proposed amended Rule satisfies the District's objective to implement a contingency measure for the SFNA 2008 and 2015 Ozone SIPs.
Clarity	The rule is written or displayed so that its meaning can easily be understood by the persons directly affected by it.	There is no indication, at this time, that the proposed rule is written in such a manner that it cannot be easily understood by persons affected by the rule.
Consistency	This rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or State or federal regulations.	The rule is consistent with applicable statutory requirements and is consistent with other air districts in California.
Non-Duplication	The rule does not impose the same requirements as an existing State or federal regulation, unless the District finds that the	The proposed rule does not impose requirements that duplicate existing laws or regulations.

	requirements are necessary and proper to execute the powers and duties granted to, and imposed upon, the district.	
Reference	Any statute, court decision, or other provision of law that the district implements, interprets, or makes specific by adopting, amending, or repealing a regulation.	The proposed rule is consistent with the provisions of the CAA and the HSC.

### 11.0 Rule Analysis

Section 40727.2 requires a written analysis comparing the proposed rules with existing federal regulations, state regulations, and any other AQMD existing or proposed rules and regulations that apply to the same source type.

#### Comparison of Proposed Amendments to Rule 3.15 and Rule 1.1 to Feather River AQMD Rules and Regulations

District Rules and Regulations	Does proposed rule conflict or contradict any provisions?
Regulation 1 – General Provisions	No
Regulation 2 – Open Burning	No
Regulation 3 – Prohibition – Stationary Emission Sources	No
Regulation 4 – Stationary Emission Sources Permit System and Registration	No
Regulation 5 – Hearing Board Procedures	No
Regulation 6 – Variances	No
Regulation 7 – Fees	No
Regulation 8 – Penalties and Abatement	No
Regulation 9 – Enforcement Procedures	No
Regulation 10 – New Source Review	Yes, definitions for Exempt VOCs does not match definitions in 10.1



Regulation 11 – Air Toxic Control Measure	No
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### **Comparison of Proposed Rules and other Federal and State Regulations**

Health and Safety Code Section 40727.2, requires the District to identify all existing federal, state, and local air pollution control requirements that apply to the same equipment or source category as the rule proposed for adoption or modification by the District. Proposed amendments to Rule 3.15 and Rule 1.1 adopts the same definitions and VOC limits as the Suggested Control Measures adopted by the California Air Resources Board on May 28, 2020, and makes the definition of an exempt VOC consistent with Federal Regulations. There are no existing federal or state regulations regarding the use of architectural coatings that would be in conflict with or are contradictory to the proposed rule.

### **12.0 References**

California Air Resources Board. 2019 California Air Resources Board (CARB) Suggested Control Measure for Architectural Coatings. Sacramento, CA. May 2019.

California Air Resources Board. Staff Report for Proposed Updates to the Suggested Control Measure for Architectural Coatings. Sacramento, CA. April 19, 2019

California Air Resources Board. 2020 California Air Resources Board (CARB) Suggested Control Measure for Architectural Coatings. Sacramento, CA. May 2020.

California Air Resources Board. Staff Report for Proposed Updates to the Suggested Control Measure for Architectural Coatings. Sacramento, CA. May 2020.

California Air Resources Board. CEPAM: 2019 v1.03 Standard Emission Tool, Base Year: 2017. Sacramento, CA. <https://ww2.arb.ca.gov/applications/cepam2019v103-standard-emission-tool>.