

# Draft Amendments to District Rule 4601 (Architectural Coatings)

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## Current Rule 4601 Requirements

- Adopted April 11, 1991, to limit VOC emissions from Architectural Coatings
  - Architectural Coatings are paints, varnishes, sealers, stains, etc. applied to stationary structures, portable buildings at the site of installation, pavements, or curbs
- Rule establishes VOC emission limits for different categories of coatings, labeling requirements, reporting requirements, and test methods
  - Rule applies to any person who supplies, sells, offers for sale, applies, or solicits the application of any architectural coating or who manufactures, blends or repackages any architectural coating for use in the Valley
  - Last amended December 2009, to include VOC limits, labeling, and reporting requirements consistent with CARB's 2007 Suggested Control Measure (revised in 2019 and currently undergoing additional revisions)
  - Rule 4601 fully approved by CARB and EPA
  - Rule provisions do not apply to coatings sold in small containers (1 liter or less)

## Purpose of Draft Amendment

- US EPA conditionally approved District's *2016 Plan for the 2008 8-Hour Ozone Standard* based on commitment to include contingency measure
  - As a result of *Bahr v. U.S. Environmental Protection Agency* (2016), EPA requires that attainment plan contingency measures include a future action to be triggered only if EPA makes finding that an area fails to show progress towards or to meet attainment
  - October, 2018: Governing Board direction (with CARB and EPA support) to address contingency deficiency in *2016 Ozone Plan* through amendment of Rule 4601

## Purpose of Draft Amendment (cont'd)

- Per District commitment, proposing to amend Rule 4601 to add clause addressing contingency requirement
  - If triggered, would remove exemption for specific categories of coatings sold in containers with a volume of one liter or less
- Amended rule required to be submitted to CARB for submission to EPA within 11 months of effective date of *2016 Ozone Plan* final conditional approval
  - EPA final conditional approval effective April 24, 2019 – amended Rule 4601 due to CARB by March 24, 2020

## Proposed Amendments

- Add provision to Section 4.2 to remove rule exemption for certain categories of architectural coatings in containers smaller than one liter, should EPA issue a final rulemaking that the San Joaquin Valley Air Basin failed to meet a regulatory requirement necessitating implementation of a contingency measure for the 2008 Ozone NAAQS
  - Specified coatings sold in small containers will then have to meet VOC emissions limits for coating category
- Remove or modify outdated definitions and requirements

## Proposed Amendments (cont'd)

- The exemption removal would apply to the following coating categories:
 

<ul style="list-style-type: none"> <li>– Wood Coatings, including Lacquers, Varnishes, and Sanding Sealers</li> <li>– Bituminous Roof Coatings</li> <li>– Magnesite Cement Coatings</li> <li>– Multi-Color Coatings</li> <li>– Pre-Treatment Wash Primers</li> <li>– Stone Consolidants</li> <li>– Swimming Pool Coatings</li> <li>– Wood Preservatives</li> </ul>	<ul style="list-style-type: none"> <li>– Tub and Tile Refinishing Coatings</li> <li>– Clear and Opaque Shellacs</li> <li>– Reactive Penetrating Sealers</li> <li>– Flat, Nonflat, and Rust Preventative Coatings sold in containers greater than eight fluid ounces, or for purposes other than touch up</li> </ul>
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## Next Steps: Public Engagement Process for Rule Amendment

- District anticipates presenting Rule 4601 amendments to Governing Board for adoption by March, 2020
- Please provide comments on draft rule concepts by December 31, 2019

## Contact

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# Open Discussion

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