

ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT

RULE 1113 -- ARCHITECTURAL COATINGS

(Adopted: 09/02/77; Amended: 02/02/77; Amended: 02/03/78; Amended: 09/05/80; Amended: 04/03/81; Amended: 07/03/81; Amended by CARB 10/21/81; Amended: 08/05/83; Amended: 03/16/84; Amended: 08/02/85; Amended: 11/01/85; Amended: 02/06/87; Amended: 01/05/90; Amended: 02/02/90; Amended: 11/02/90; Amended: 12/07/90; Amended: 09/06/91; Amended: 03/08/96; Amended: 08/09/96; Amended: 11/08/96)

(a) Applicability

This rule is applicable to any person who supplies, sells, offers for sale, applies, solicits the application of, or manufactures for use in the District any architectural coating intended to be applied to stationary structures or their appurtenances, and to mobile homes, pavements or curbs.

(b) Definitions

For the purpose of this rule, the following definitions shall apply:

- (1) 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 for hand-held application, or for use in specialized equipment for ground marking and traffic marking applications.
- (2) APPURTENANCES are accessories to a stationary 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, other mechanical equipment, large fixed stationary tools, signs, motion picture and television production sets, and concrete forms.
- (3) ARCHITECTURAL COATINGS are any coatings applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.
- (4) BELOW-GROUND WOOD PRESERVATIVES are wood preservatives formulated to protect below-ground wood.
- (5) BITUMINOUS COATINGS MATERIALS are black or brownish coating materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits, or as residues from the distillation of crude petroleum oils, or of low grades of coal.
- (6) BOND BREAKERS are coatings applied between layers of concrete to prevent the freshly poured top layer of concrete from bonding to the substrate over which it is poured.

- (7) CLEAR WOOD FINISHES are clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.
- (8) COATING is a material which is applied to a surface in order to beautify, protect, or provide a barrier to such surface.
- (9) COLORANTS are solutions of dyes or suspensions of pigments.
- (10) CONCRETE-CURING COMPOUNDS are coatings applied to freshly poured concrete to retard the evaporation of water.
- (11) DRY-FOG COATINGS are coatings which are formulated only for spray application so that when sprayed, overspray droplets dry before falling on floors and other surfaces.
- (12) EXEMPT COMPOUNDS (See Rule 102-Definition of Terms.)
- (13) FIRE-PROOFING EXTERIOR COATINGS are opaque coatings formulated to protect the structural integrity of outdoor steel and other outdoor construction materials and listed by Underwriter's Laboratories, Inc. for the fire protection of steel.
- (14) FIRE-RETARDANT COATINGS are coatings listed by Underwriter's Laboratories, Inc. as fire-retardant coatings with a flame spread index of less than 25.
- (15) FLAT COATINGS are coatings that register a gloss of less than 15 on an 85-degree meter or less than 5 on a 60-degree meter.
- (16) GRAMS OF VOC PER LITER OF COATING, LESS WATER AND LESS EXEMPT COMPOUNDS, is the weight of VOC per combined volume of VOC and coating solids and can be calculated by the following equation:

$$\text{Grams of VOC per Liter of Coating, Less Water and Less Exempt Compounds} = \frac{W_s - W_w - W_{es}}{V_m - V_w - V_{es}}$$

- Where: W_s = weight of volatile compounds in grams
- W_w = weight of water in grams
- W_{es} = weight of exempt compounds in grams
- V_m = volume of material in liters
- V_w = volume of water in liters
- V_{es} = volume of exempt compounds in liters

For coatings that contain reactive diluents, the Grams of VOC per Liter of Coating, Less Water and Less Exempt Compounds, shall be calculated by the following equation:

$$\frac{\text{Grams of VOC per Liter of Coating, Less Water and Less Exempt Compounds}}{=} = \frac{W_s - W_w - W_{es}}{V_m - V_w - V_{es}}$$

Where: W_s = weight of volatile compounds emitted during curing, in grams
 W_w = weight of water emitted during curing, in grams
 W_{es} = weight of exempt compounds emitted during curing, in grams
 V_m = volume of the material prior to reaction, in liters
 V_w = volume of water emitted during curing, in liters
 V_{es} = volume of exempt compounds emitted during curing, in liters

- (17) GRAMS OF VOC PER LITER OF MATERIAL is the weight of VOC per volume of material and can be calculated by the following equation:

$$\text{Grams of VOC per Liter of Material} = \frac{W_s - W_w - W_{es}}{V_m}$$

Where: W_s = weight of volatile compounds in grams
 W_w = weight of water in grams
 W_{es} = weight of exempt compounds in grams
 V_m = volume of the material in liters

- (18) GRAPHIC ARTS COATINGS (Sign Paints) are coatings formulated for and hand-applied by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.
- (19) INDUSTRIAL MAINTENANCE PRIMERS AND TOPCOATS are coatings which are intended to be applied to a surface prior to the application of an industrial maintenance topcoat, to provide a firm bond between the substrate and subsequent coats and high performance coatings which are formulated for the purpose of heavy abrasion, water immersion, chemical, corrosion, temperature, electrical or solvent resistance.

(A) Alkyds

Synthetic resins formed by the condensation of polyhydric alcohols with polybasic acids.

(B) Catalyzed Epoxy

Cross-linking resins made by the reaction of epoxides with other materials such as amines, alcohols, phenols, carboxylic acids, and unsaturated compounds.

(C) Bituminous Coatings Materials

Black or brownish coating materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits, or any residues from the distillation of crude petroleum oils, or of low grades of coal.

(D) Inorganic Polymers

Substances whose principal structural features are made up on homopolar inter linkages between multivalent elements other than carbon. This does not preclude the presence of carbon containing groups in the side branches, or as inter linkages between principal structural members. Examples of such polymers are ethyl and butyl silicates.

(E) Vinyl Chloride Polymers

Polymers made by the polymerization of vinyl chloride or copolymerization of vinyl chloride with other unsaturated compounds, the vinyl chloride being in greatest amount by weight.

(F) Chlorinated Rubber

Resin formed by the reaction of rubber with chlorine.

(G) Acrylic Polymers

Polymers resulting from the polymerization of derivatives of acrylic acids, including esters of acrylic acid, methacrylic acid, acrylonitrile, and their copolymers. Also known as acrylic resins and acrylate resins.

(H) Urethane Polymers

Coating vehicles containing a polyisocyanate monomer reacted in such a manner as to yield polymers containing any ratio, proportion, or combination of urethane linkages, active isocyanate groups, or polyisocyanate monomer.

(I) Silicones

A resin containing silicon, unlike organic resins which all contain carbon. The basic structure of silicones consists of silicon-oxygen linkages.

(J) Unique Vehicles

Generic polymer components not defined by any of the preceding, e.g., hypalon or phenoxy.

- (20) JAPANS/FAUX FINISHING COATINGS are glazes designed for wet-in-wet techniques used 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.
- (21) LACQUERS are clear or pigmented wood finishes, including clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by evaporation without chemical reaction.
- (22) LOW-SOLIDS COATINGS are coatings containing one pound or less of solids per gallon of material.
- (23) MAGNESITE CEMENT COATINGS are coatings formulated for and applied to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- (24) MASTIC COATINGS are coatings formulated to cover holes and minor cracks and to conceal surface irregularities, and applied in a thickness of at least 10 mils (dry, single coat).
- (25) METALLIC PIGMENTED COATINGS are coatings containing at least 0.4 pound of elemental metallic pigment per gallon (50 grams/liter) of coating as applied.
- (26) MULTI-COLOR COATINGS are coatings which exhibit more than one color when applied and which are packaged in a single container and applied in a single coat.
- (27) PRE-TREATMENT WASH PRIMERS are coatings which contain a minimum of 1/2 percent acid, by weight, applied directly to bare metal surfaces to provide necessary surface etching.
- (28) PRIMERS are coatings applied to a surface to provide a firm bond between the substrate and subsequent coats.
- (29) QUICK-DRY ENAMELS are non-flat coatings which comply with the following:
 - (i) Shall be capable of being applied directly from the container by brush or roller under normal conditions, normal conditions being ambient temperatures between 60°F and 80°F;
 - (ii) When tested in accordance with ASTM D 1640 they shall: set-to-touch in two hours or less, dry-hard in eight hours or less, and be tack-free in four hours or less by the mechanical test method; and
 - (iii) Shall have a 60° dried film gloss of no less than 70.

- (30) QUICK-DRY PRIMERS, SEALERS, AND UNDERCOATERS are primers, sealers, and undercoaters which are intended to be applied to a surface to provide a firm bond between the substrate and subsequent coats and which are dry-to-touch in one-half hour and can be recoated in two hours (ASTM D 1640).
- (31) REACTIVE DILUENT is a liquid which is a VOC during application and one in which, through chemical and/or physical reaction, such as polymerization, becomes an integral part of the coating.
- (32) ROOF COATINGS are coatings formulated for application to exterior roofs and for the primary purpose of preventing penetration of the substrate by water, or reflecting heat and ultraviolet radiation. Metallic pigmented roof coatings which qualify as metallic pigmented coatings shall not be considered to be in this category, but shall be considered to be in the metallic pigmented coatings category.
- (33) SANDING SEALERS are clear wood coatings formulated for and applied to bare wood for sanding and to seal the wood for subsequent application of coatings. To be considered a sanding sealer a coating must be clearly labeled as such.
- (34) SEALERS are coatings applied to substrates to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.
- (35) SHELLACS are clear or pigmented coatings 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.
- (36) SOLICIT is to require for use or to specify, by written or oral contract.
- (37) STAINS are opaque or semi-transparent coatings which are formulated to change the color but not conceal the grain pattern or texture.
- (38) SWIMMING POOL COATINGS are coatings specifically formulated to coat the interior of swimming pools and to resist swimming pool chemicals.
- (39) SWIMMING POOL REPAIR COATINGS are chlorinated, rubber-based coatings used for the repair and maintenance of swimming pools over existing chlorinated, rubber-based coatings.
- (40) TINT BASE is an architectural coating to which colorants are added.
- (41) TRAFFIC COATINGS are coatings formulated for and applied to public streets, highways, and other surfaces including, but not limited to, curbs, berms, driveways, and parking lots.
- (42) UNDERCOATERS are coatings formulated and applied to substrates to provide a smooth surface for subsequent coats.

- (43) VARNISHES are clear wood finishes formulated with various resins to dry by chemical reaction on exposure to air.
- (44) VOLATILE ORGANIC COMPOUND (VOC) See Rule 102.
- (45) WATERPROOFING SEALERS are colorless coatings which are formulated for the sole purpose of preventing penetration of porous substrates by water and which do not alter surface appearance or texture.
- (46) WOOD PRESERVATIVES are coatings formulated to protect wood from decay or insect attack by the addition of a wood preservative chemical registered by the California Environmental Protection Agency.

(c) Requirements

- (1) Except as provided in paragraphs (c)(2), (c)(3), and (c)(4), no person shall supply, sell, offer for sale, apply, or solicit the application of, any architectural coating which, at the time of sale or manufacture, contains more than 250 grams of VOC per liter of coating (2.08 pounds per gallon), less water, less exempt compounds, and less any colorant added to tint bases, or manufacture, blend, or repackage such a coating for use within the District.
- (2) Except as provided in paragraphs (c)(3) and (c)(4), no person shall supply, sell, offer for sale, apply, solicit the application of, manufacture, blend, or repackage, for use within the District, any architectural coating listed in the Table of Standards which contains VOC (excluding any colorant added to tint bases) in excess of the corresponding VOC limit specified in the table, after the effective date specified.

**TABLE OF STANDARDS
VOC LIMITS**

Grams of VOC Per Liter of Coating, Less Water And Less Exempt Compounds

COATING	Limit*	Effective Date of Adoption	Effective 1/1/1998	Effective 1/1/1999	Effective 7/1/2001	Effective 1/1/2005	Effective 7/1/2008
Bond Breakers	350						
Clear Wood Finishes							
Varnish	350						
Sanding Sealers	350						
Lacquer	680		550			275	
Concrete-Curing Compounds	350						
Dry-Fog Coatings	400						
Fire-proofing Exterior Coatings	350	450		350			
Fire-Retardant Coatings							
Clear	650						
Pigmented	350						
Flats	250				100		50
Graphic Arts (Sign) Coatings	500						
Industrial Maintenance Primers and Topcoats							
Alkyds	420						
Catalyzed Epoxy	420						
Bituminous Coatings Materials	420						

COATING	Limit*	Effective Date of Adoption	Effective 1/1/1998	Effective 1/1/1999	Effective 7/1/2001	Effective 1/1/2005	Effective 7/1/2008
Inorganic Polymers	420						
Vinyl Chloride Polymers	420						
Chlorinated Rubber	420						
Acrylic Polymers	420						
Urethane Polymers	420						
Silicones	420						
Unique Vehicles	420						
Japans/Faux Finishing Coatings	350	700		350			
Magnesite Cement Coatings	600			450			
Mastic Coatings	300						
Metallic Pigmented Coatings	500						
Multi-Color Coatings	420		250			275	
Pigmented Lacquer	680		550				
Pre-Treatment Wash Primers	780						
Primers, Sealers, and Undercoaters	350						
Quick-Dry Enamels	400						
Roof Coatings	300						
Shellac							
Clear	730						
Pigmented	550						
Stains	350						
Swimming Pool Coatings							
Repair	650						
Other	340						
Traffic Coatings	250		150				
Waterproofing Sealers	400						
Wood Preservatives							
Below-Ground	350						
Other	350						

- The specified limits remain in effect unless revised limits are listed in subsequent columns in the Table of Standards

VOC LIMITS Grams of VOC Per Liter of Material

COATING	Limit
Low-Solids Coating	120

- (3) If anywhere on the container of any coating listed in 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 paragraph (c)(1), then the lowest VOC standard shall apply. This requirement does not apply to the representation of the following coatings in the manner specified:
- (A) lacquer sanding sealers, which may be recommended for use as sanding sealers in conjunction with clear lacquer topcoats;
 - (B) metallic pigmented coatings, which may be recommended for use as primers, sealers, undercoaters, roof coatings, or industrial maintenance coatings;
 - (C) shellacs; and

- (D) low-solids coatings.
- (4) Except where already required to be in compliance with the previous version of this rule, sale or application of a coating manufactured prior to the effective date of the corresponding standard in the Table of Standards, and not complying with that standard, shall not constitute a violation of paragraph (c)(2) until three years after the effective date of the standard.
- (5) All VOC-containing materials shall be stored in closed containers when not in use. In use includes, but is not limited to: being accessed, filled, emptied, or repaired.
- (6) Averaging Provisions

On or after July 1, 2001, manufacturers may comply with the provisions of paragraph (c)(2) for flat coatings by complying with the following averaging provisions:

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

$$\sum_{i=1}^n ER_i(U_i) \leq \sum_{i=1}^n VOC_i(U_i)$$

Where:

$$\sum_{i=1}^n VOC_i(U_i) = \text{Allowable Emissions}$$

$$\sum_{i=1}^n ER_i(U_i) = \text{Actual Emissions}$$

$$VOC_i = \text{Pounds of VOC per pound of coating solids (lbs/lb);}$$

$$U_i = \text{Quantity of coating "i" sold for use within the District (pounds of coating solids); and}$$

$$ER_i = \text{VOC content of coating "i", as supplied (lbs/lb).}$$

The averaging is limited only to flat coatings selected by the manufacturer. Any flat coating not included in the averaging plan shall comply with the VOC limit in paragraph (c)(2).

(B) Averaging Plan (Plan)

Manufacturers using the averaging approach shall submit a Plan, pursuant to Rule 221 - Plans, to the Executive Officer. The Plan may not be implemented until it is approved in writing by the Executive Officer. Submittal of the Plan does not provide an exemption from the rule requirements. The Plan shall meet the requirements specified in Appendix A.

(d) Administrative Requirements

- (1) Containers for all coatings subject to this rule shall display the date of manufacture of the contents or a code indicating the date of manufacture. The manufacturers of such coatings shall file with the Executive Officer of the District and the Executive Officer of the Air Resources Board an explanation of each code.
- (2) Containers for all coatings subject to the requirements of this rule shall carry a statement of the manufacturer's recommendation regarding thinning of the coating. This recommendation shall not apply to the thinning of architectural coatings with water. The recommendation shall specify that the coating is to be employed without thinning or diluting under normal environmental and application conditions, unless any thinning recommended on the label for normal environmental and application conditions does not cause a coating to exceed its applicable standard.
- (3) Each container of any coating subject to this rule shall display the maximum VOC content of the coating, as supplied, and after any thinning as recommended by the manufacturer. The VOC content of low-solids coatings shall be displayed as grams of VOC per liter of material (excluding any colorant added to the tint bases) and the VOC content of any other coating shall be displayed as grams of VOC per liter of coating (less water and less exempt compounds, and excluding any colorant added to tint bases). VOC content displayed may be calculated using product formulation data, or may be determined using the test method in subdivision (e).
- (4) After January 1, 1998, the coating container label or container shall include the words "Quick-Dry" or shall list the following:
 - (A) The recoat time for quick-dry primers, sealers, and undercoaters, or
 - (B) The dry-hard time for quick-dry enamels.

Containers and container labels shall not contain the words "Quick-Dry" unless the material meets the dry times specified in the respective definitions or the material complies with the respective general VOC limit for enamels or primers, sealers, and undercoaters.

(e) Test Methods

For the purpose of this rule, the following test methods shall be used

(1) VOC Content of Coatings

The VOC content of coatings subject to the provisions of this rule shall be determined by:

- (A) The United States Environmental Protection Agency (USEPA) Reference Test Method 24 (Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings, Code of Federal Regulations Title 40, Part 60, Appendix A) with the exempt compounds' content determined by Method 303 (Determination of Exempt Compounds) in the South Coast Air Quality Management District's (SCAQMD) "Laboratory Methods of Analysis for Enforcement Samples" manual, or
- (B) Method 304 (Determination of Volatile Organic Compounds (VOC) in Various Materials) in the SCAQMD's "Laboratory Methods of Analysis for Enforcement Samples" manual.
- (C) Exempt Perfluorocarbons

The following classes of compounds:

cyclic, branched, or linear, completely fluorinated alkanes
cyclic, branched, or linear, completely fluorinated ethers with no unsaturations
cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations
sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

will be analyzed as exempt compounds for compliance with subdivision (c), only when manufacturers specify which individual compounds are used in the coating formulations. In addition, the manufacturers must identify the USEPA, ARB, and SCAQMD approved test methods, which can be used to quantify the amount of each exempt compound.

(2) Acid Content of Coatings

The acid content of a coating subject to the provisions of this rule shall be determined by ASTM Test Method D 1613-85 (Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products).

(3) Metal Content of Coatings

The metallic content of a coating subject to the provisions of this rule shall be determined by Method 311 (Determination of Percent Metal in Metallic Coatings by Spectrographic Method) in the SCAQMD's "Laboratory Methods of Analysis for Enforcement Samples" manual.

(4) Flame Spread Index

The flame spread index of a fire-retardant coating subject to the provisions of this rule shall be determined by ASTM Test Method E 84-91A (Standard Test Method for Surface Burning Characteristics of Building Material) after application to an organic or inorganic substrate, based on the manufacturer's recommendations.

(5) Drying Times

The set-to-touch, dry-hard, dry-to-touch, and dry-to-recoat times of a coating subject to the provisions of this rule shall be determined by ASTM Test Method D 1640 (Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature). The tack-free time of a coating subject to the provisions of this rule shall be determined by ASTM Test Method D 1640, according to the Mechanical Test Method.

(6) Gloss Determination

The gloss shall be determined by ASTM Test Method D 523 (Specular Gloss).

(7) Equivalent Test Methods

Other test methods determined to be equivalent after review by the staffs of the District, the California Air Resources Board, and the USEPA, and approved in writing by the District Executive Officer may also be used.

(8) Multiple Test Methods

When more than one test method or set of test methods are specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of the rule.

(9) All test methods referenced in this subdivision shall be the version most recently approved by the appropriate governmental entities.

(f) Technology Assessment for Flats and Lacquers

The Executive Officer shall conduct:

- (1) A technology assessment for the future VOC limit for flat coatings as specified in paragraph (c)(2) by July 1, 2000 and July 1, 2007.
- (2) A technology assessment for the future VOC limit for lacquers specified in paragraph (c)(2) by January 1, 2004.
- (3) In conducting the above technology assessments, the Executive Officer shall consider any applicable future California Air Resources Board surveys on architectural coatings.

After each technology assessment, the Executive Officer shall report to the Governing Board as to the appropriateness of maintaining the future VOC limit.

(g) Exemptions

1. The provisions of this rule shall not apply to:

- (A) architectural coatings in containers having capacities of one quart or less, provided that the manufacturer shall submit an annual report to the Executive Officer within three months of the end of each calendar year. The report shall contain information as required by the Executive Officer to monitor the use of the small container exemption. The loss of this exemption due to the failure of the manufacturer to submit an annual report shall apply only to the manufacturer; or
 - (B) architectural coatings sold in this District for shipment outside of this District or for shipment to other manufacturers for repackaging; or
 - (C) emulsion type bituminous pavement sealers; or
 - (D) aerosol coating products.
 - (E) Use of stains and lacquers in all areas within the District at an elevation of 4,000 feet or greater above sea level.
- (2) For architectural coatings recommended by the manufacturer for use solely as quick-dry primers, sealers and undercoaters, the provisions of subdivision (c) shall not apply to:
- (A) the manufacture, blending or repackaging of such coatings, or

- (B) the application, sale, offering for sale or soliciting the application of such coatings, provided that the manufacturer submits an annual report to the Executive Officer within three months of the end of each calendar year. The report shall include for each exempt coating gallons sold in California.
- (3) Notwithstanding the provisions of paragraph (c)(2), a person or facility may add up to 10 percent by volume of VOC to a lacquer to avoid blushing of the finish during days with relative humidity greater than 70 percent and temperature below 65 degrees Fahrenheit, at the time of application provided that:
 - (A) the coating is not applied from April 1 to October 31 of any year;
 - (B) the coating contains acetone and no more than 550 grams of VOC per liter of coating, less water and exempt compounds, prior to the addition of VOC.
- (4) The January 1, 2005 VOC limit for lacquers shall not be applicable until January 1, 2007 and the July 1, 2008 VOC limit for flat coatings shall not be applicable to any manufacturer which meets all of the following criteria:
 - (A) The total gross annual receipts are \$2,000,000 or less, and
 - (B) The total number of employees is 100 or less, and
 - (C) The manufacturer requesting this exemption files a written request with the Executive Officer annually which includes, but is not limited to,
 - (i) The total gross annual receipts for each of the last three years.
 - (ii) The total number of employees for each of the last three years

For the purposes of determining the total gross annual receipts and the total number of employees, a manufacturer shall include data from all facilities (both within and outside of the District) which they own, operate, have an ownership interest, or are legally affiliated. If a manufacturer exceeds the criteria specified in subparagraphs (g)(4)(A) or (g)(4)(B) any time after the initial request is filed with the Executive Officer, this exemption shall be immediately terminated, the manufacturer shall forfeit any future eligibility for this exemption, and the manufacturer shall be considered in violation of this rule for each and every day that lacquers or flat coatings which do not comply with the respective VOC limit in the Table of Standards are supplied, sold, or offered for sale within the District. The loss of this exemption due to the manufacturer exceeding the criteria in subparagraphs (g)(4)(A) or (g)(4)(B) shall apply only to the manufacturer.

[SIP: Submitted as amended 08/09/96 on 11/26/96; Submitted as amended 03/08/96 on 7/23/96; Submitted as amended 12/07/90 on 5/13/91; Submitted as amended 11/02/90 on 4/5/91; Submitted as amended 02/06/87 on 3/23/88; Disapproved prior rule submitted 7/1/84 retained 2/2/89, 54 FR 5236, 40 CFR 52.220(c)(155)(iv)(A) and 40 CFR 52.229(b)(2)(iii); Approved 10/3/84 49 FR 39057, 40 CFR 52.220(c)(148)(vi)(B); Approved 9/28/81 46 FR 47451, 40 CFR 52.220(c)(96)(i)(A); Approved _____, _____, 40 CFR 52.220(c)(92)(vi)(A); Approved _____, _____, 40 CFR 52.220(c)(45)(ii)(A)]

This Page Intentionally Left Blank.

APPENDIX A: **Averaging Provision**

(A) General Requirements

The Plan shall include, at a minimum:

- An identification of the contact persons, phone numbers, and name of the manufacturer who is submitting the Plan and will be implementing the requirements of the plan.
- A listing of the flat coatings, and available variations, legible copies of the existing labels for each coating, material safety data sheets, and VOC content (pounds of VOC per pound of solids), (grams of VOC per liter of coating), and grams of VOC per liter of material).
- An operational plan covering all the coatings for each compliance period that the Plan will be in effect. The operational plan shall contain all of the following:
 - ⇒ an identification of the compliance periods and dates for the manufacturer to report the information required by the Executive Officer. The length of the compliance period shall not exceed 365 days;
 - ⇒ an identification of specific sales records to be provided to the Executive Officer for approving and enforcing the Plan;
 - ⇒ for each coating listed, all VOC content levels which will be applicable for the coating during each compliance period;
 - ⇒ the projected sales for each coating at each different VOC content for every compliance period that the Plan will be in effect;
 - ⇒ a detailed demonstration showing that the projected actual emissions will not exceed the allowable emissions for each compliance period that the Plan will be in effect. The demonstration shall use the equation specified in subparagraph (c)(6)(A) for projecting the actual emissions and allowable emissions during each compliance period, and shall specify the methodology used for converting VOC content in g/l to lbs/lb for VOC_i and ER_i . The demonstration shall also include all VOC content levels and projected sales within the District for all coatings listed in the Plan during each compliance period;
 - ⇒ For each coating included in the Plan, the total sales volume (in gallons) within the District will be reported for the time period just completed which is equivalent to the requested initial compliance period.
- a statement, signed by a legal representative for the manufacturer, that all information and operational plans submitted with the Plan are true and correct.
- a reconciliation plan which commits the manufacturer to completely reconcile any shortfalls in any and all cases, to the extent permitted by law, even if the manufacturer files for bankruptcy protection. The reconciliation plan shall contain all of the following:
 - ⇒ a clear and convincing demonstration of how shortfalls of up to 5%, 10%, 15%, 25%, 50%, 75%, and 100% of the allowable emissions will be completely reconciled within 90 working days from the date the shortfall is determined;
 - ⇒ a listing of the specific records and other information that will be necessary to verify that the shortfalls were reconciled;

- ⇒ a commitment to provide any record or information requested by the Executive Officer to verify that the shortfalls have been completely reconciled.

(B) Reporting Requirements

A final report, demonstrating what the actual emissions and the allowable emissions were during the compliance period, shall be submitted to the Executive Officer within 60 days after the termination of the indicated compliance period.

(C) Renewal of a Plan

If the Plan has no changes, except the compliance period, the manufacturer shall submit a notice in writing, specifying a new compliance period for the Plan. Otherwise, all of the information specified in Section A of this Appendix shall be submitted.

(D) Modification of a Plan

If the Executive Officer determines that: (1) the information submitted pursuant to the approval process is no longer valid, or (2) the actual emissions are exceeding the allowable emissions specified in the approved Plan, then the Executive Officer shall notify the manufacturer of his/her findings and the manufacturer shall modify the Plan within 30 days, as necessary to ensure that the Plan meets all of the applicable requirements and that the actual emissions will not exceed the allowable emissions for the compliance period.

- If the VOC standard specified in the Table of Standards for flat coating is modified in a future rulemaking, the Executive Officer shall notify the manufacturer of the change and the manufacturer shall modify, within 30 days, the allowable emissions specified in the approved Plan to reflect the modified VOC standard as of their effective dates.
- The manufacturer may modify the Plan during the compliance period to ensure that actual emissions are less than or equal to the allowable emissions. All such modifications shall be submitted to and approved by the Executive Officer prior to implementation.

(E) Termination of a Plan

A Plan shall remain in effect until:

- ⇒ the Plan reaches the expiration date specified in the Plan by the Executive Officer;
- ⇒ the Plan is modified by the manufacturer and approved by the Executive Officer;
- ⇒ the Plan is modified by the Executive Officer;
- ⇒ the VOC standard for flat coatings is modified in future rulemaking, and the manufacturer informs the Executive Officer in writing that the Plan will terminate on the effective date of the modified standard.
- ⇒ a manufacturer submits a written request for termination of the plan.
- The Executive Officer shall terminate a Plan if any of the following circumstances occur:
 - ⇒ the manufacturer demonstrates to the satisfaction of the Executive Officer that the continuation of the Plan will result in an extraordinary economic hardship;

- ⇒ the manufacturer violates the requirements of the approved Plan, and the actual emissions exceed the allowable emissions by 20% or more after reconciliation;
 - ⇒ the manufacturer fails to meet the requirements of the reconciliation plan within the specified time periods;
 - ⇒ the manufacturer demonstrates a recurring pattern of violations and has consistently failed to take the necessary steps to correct those violations.
- Upon termination of a Plan, all flat coatings listed in the Plan must comply with the VOC standard specified in the Table of Standards for flat coatings. In addition, any shortfall for the current compliance period shall be reconciled by the manufacturer.

(F) Plan Approval Timeframes

The provisions of Rule 210 - Applications and Rule 221 - Plans shall apply.

(G) Violations

An exceedance of the allowable emissions for any compliance period that the Averaging Plan is in effect shall constitute a single, separate violation of the requirements of this section for each day of the applicable compliance period.

This Page Intentionally Left Blank.