

Written Comments Received during the 30-day Public Notice Period

**Staff Responses to Written Comments from Miami Chemical
(September 27, 2011)**

Comment #1 Thank you for considering dimethyl carbonate as an exempt solvent in the Sacramento Metropolitan Air Quality District.

Staff Response: Thank you for your support.

**Staff Responses to Written Comments from American Coating Association (ACA)
(October 3, 2011)**

Comment #2 The ACA supports the proposed exemption, specifically dimethyl carbonate, propylene carbonate, and methyl formate.

Staff Response: Thank you for your support.

Comment #3 ACA requests that SMAQMD also exempt TBAC from Rule 101, as nearly every state in the US and many CA Air Districts have done so already.

Staff Response: See responses to Comments #2, #5, and #18 in the Staff Report, Appendix C: Comments and Responses.

**STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
AIR RESOURCES BOARD**



P. O. Box 2815
Sacramento, California 95812

September 13, 2010

ARB Staff Rule Review Results

To: Kevin J. Williams, Program Coordinator
Sacramento Metropolitan Air Quality Management District
Telephone Number: (916) 874-4851
e-mail: kjwilliams@airquality.org

From: Alex Krichevsky, (916) 324-6222
e-mail: akrichev@arb.ca.gov

The following draft rules, which are scheduled for a workshop to be held by your District staff on September 16, 2010, were received by us on August 18, 2010, for our review:

Rule 101	General Provisions and Definitions
Rule 451	Surface Coating of Miscellaneous Metal Parts and Products
Rule 459	Automotive, Mobile Equipment, and Associated Parts and Components Coating Operations

The Air Resources Board staff has reviewed the rules and, based on the information available to us at this time, we have no comments.

The rules were examined by the Stationary Source Division, the Enforcement Division, and by the Monitoring and Laboratory Division.

We received the rule after the ARB/CAPCOA protocol date. When we receive draft rules at least 30 days before a workshop, our staff is afforded sufficient time to conduct a thorough, comprehensive review and you will likely receive our comments well before the workshop.

If you have any questions, please contact me by e-mail or at the telephone number above.

KEVIN J. WILLIAMS

From: KEVIN J. WILLIAMS
Sent: Friday, September 03, 2010 11:16 AM
To: Tong.Stanley@epamail.epa.gov
Cc: Steckel.Andrew@epamail.epa.gov; David Yang
Subject: RE: Staff Report, SMAQMD Rule 101 - editorial error in 40 CFR 51.100(s)

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Stan,

This is the version of the rule we are taking to workshop. We still have time to correct it before we issue a public notice for adoption. Thanks for the heads up.

Kevin J. Williams, Ph.D.
Program Coordinator
Rule Development
Sacramento Metropolitan Air Quality Management District
(916) 874-4851
(916) 874-4899 fax
kjwilliams@airquality.org

From: Tong.Stanley@epamail.epa.gov [mailto:Tong.Stanley@epamail.epa.gov]
Sent: Friday, September 03, 2010 11:09 AM
To: KEVIN J. WILLIAMS
Cc: Steckel.Andrew@epamail.epa.gov
Subject: Fw: Staff Report, SMAQMD Rule 101 - editorial error in 40 CFR 51.100(s)

Kevin,

OAQPS plans to fix an editorial error in 51.100 that will affect Rule 101.

From SM Staff report (and the way it appears in 51.100(s)):

- methyl formate (HFC-39)
- (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300)
- propylene carbonate

The "(1)" should be removed if you still have time amend Rule 101.

Correct:
1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300):

Stan

----- Forwarded by Stanley Tong/R9/USEPA/US on 09/03/2010 10:59 AM -----
----- Forwarded by Andrew Steckel/R9/USEPA/US on 09/03/2010 10:48 AM -----
From: "KEVIN J. WILLIAMS" <kjwilliams@airquality.org>

To: Andrew Steckel/R9/USEPA/US@EPA
Cc: "David Yang" <DYang@airquality.org>
Date: 09/03/2010 10:46 AM
Subject: Staff Report, SMAQMD Rule 101

Dear Mr. Steckel,

Attached is the staff report for the proposed amendments to SMAQMD Rule 101. This rule was sent to you on 8/17/10. The public workshop for the proposed amendments, together with amendments to Rules 451 and 459, will be held on Thursday, September 16, 2010 at 2:00 p.m. at the District office. The staff report for Rules 451 and 459 is nearly complete and I will send it to you by next Wednesday, 9/8/10.

Please contact me if you have any comments or questions.

Kevin J. Williams, Ph.D.
Program Coordinator
Rule Development
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<<Staff Report Rule 101 (workshop).pdf>>

From: KEVIN J. WILLIAMS
Sent: Tuesday, August 17, 2010 4:57 PM
To: 'steckel.andrew@epa.gov'
Cc: David Yang
Subject: Review of Proposed Amendments to SMAQMD Rules 101, 451, and 459

Dear Mr. Steckel,

Attached are underline/strike versions showing proposed amendments to three SMAQMD Rules:

Rule 101 - General Provisions and Definitions
Rule 451 - Surface Coating of Miscellaneous Metal Parts and Products
Rule 459 - Automotive, Mobile Equipment, and Associated Parts and Components Coating Operations (proposed new title)

Rule 101 contains general provisions and definitions used by the District, including the definition of volatile organic compounds (VOC). Staff is proposing to amend Rule 101 to exempt the following compounds from the District's definition of VOC: hydrofluoroether (HFE)-7000, HFE-7300, HFE-7500, methyl formate, dimethyl carbonate, and propylene carbonate.

Rule 451 contains requirements for the coating of miscellaneous metal parts and products not regulated by any other District rule. Staff is proposing to reduce the allowable VOC content of certain

coatings to meet the Reasonable Available Control Technology (RACT) requirement for this source category, as required by the federal Clean Air Act.

Rule 459 contains requirements for the coating operations for automobiles, mobile equipment, and their associated parts and components. Staff is proposing to amend Rule 459 to incorporate the requirements of the California Air Resources Board's Suggested Control Measure for Automotive Coatings; to satisfy a State Implementation Plan commitment to reduce VOC emissions from this source category; and to meet the RACT requirement for motor vehicle materials.

The Staff Reports for the proposed rules are being finalized and I will forward those to you early next week.

A public workshop for the proposed amendments is scheduled for Thursday, September 16, 2010 at 2:00 p.m. at the District office. You can submit your comments to me via e-mail at the address shown below.

Sincerely,

Kevin J. Williams, Ph.D.
Program Coordinator
Rule Development
Sacramento Metropolitan Air Quality Management District
(916) 874-4851
(916) 874-4899 fax
kjwilliams@airquality.org

<< File: RULE 101 Workshop.pdf >> << File: RULE 451 Workshop.pdf >> << File: RULE 459 Workshop.pdf >>

KEVIN J. WILLIAMS

From: KEVIN J. WILLIAMS
Sent: Thursday, September 09, 2010 4:56 PM
To: David Yang
Cc: ALETA KENNARD
Subject: FW: EPA comment on Sacramento coating rules

Follow Up Flag: Follow up
Flag Status: Completed

From: Steckel.Andrew@epamail.epa.gov [mailto:Steckel.Andrew@epamail.epa.gov]
Sent: Thursday, September 09, 2010 12:46 PM
To: KEVIN J. WILLIAMS; mguzzett@arb.ca.gov
Cc: Law.Nicole@epamail.epa.gov
Subject: EPA comment on Sacramento coating rules



United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

September 09, 2010

Transmittal of EPA Rule Review Comments

To: Kevin Williams, Sacramento Metropolitan Air Quality Management District
kjwilliams@airquality.org

Mike Guzzetta, California Air Resources Board
mguzzett@arb.ca.gov

From: Andrew Steckel, Rulemaking Office Chief
steckel.andrew@epa.gov

Re: SMAQMD Rule 101, General Provisions and Definitions; Rule 451, Surface Coatings of Miscellaneous Metal Parts and Products; and Rule 459, Automotive, Mobile Equipment, and Associated Parts and Components Coating Operations; drafts dated August 16, 2010

We are providing comments based on our preliminary review of the draft rules identified above. Please direct any questions in this regard to me at (415) 947-4115 or to Nicole Law at (415) 947-4126.

Rule 101 and Rule 451

We have no comments at this time.

Rule 459

In sections 504.2 and 504.3, please include the full title and date of the ASTM methods being specified.



August 31, 2010

David Yang
Air Quality Engineer
Rule Development
Sacramento Metropolitan Air Quality Management District
777 12th Street, 3rd Floor
Sacramento, CA 95814
(916) 874-4847

Re: Comments on Proposed Amended Rule 101 and Staff Report.

Dear Mr. Yang,

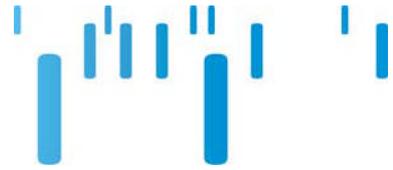
As the developer and producer of tertiary-butyl acetate (TBAC) and a supplier of propylene carbonate (PC), Lyondell Chemical is pleased to provide the following comments on Proposed Amended Rules (PAR) 101 and the Staff Report for Rule 101.

We support the addition of PC to the list of exempt compounds (204.54) and request that TBAC (tertiary-butyl acetate CAS# 540-88-5) be added to the list of exempt compounds in rule 101. TBAC is negligibly photochemically reactive, with an MIR of 0.17 grams ozone/gram (Dr. W. Carter SAPRC-07 mechanism).¹ TBAC is about 40% less reactive than exempt compounds ethane, acetone, and propylene carbonate and meets the reactivity requirement for exclusion from the VOC definition in rule 101.

TBAC is not an ozone/PM precursor or depleting compound, or greenhouse gas. It is not environmentally persistent or toxic to aquatic life. It is not listed as a hazardous air pollutant (HAP) under the Clean Air Act. It has low acute and subchronic toxicity and it is not listed on proposition 65 or any other list of carcinogens or reproductive toxins.

The staff report for rule 101 cites CARB's 2006 environmental impact assessment as the reason for not proposing the exemption of TBAC in rule 101. CARB's concern at the time was that TBAC could pose a potential cancer risk to humans because TBAC metabolizes to tertiary butyl alcohol (TBA). CARB's concern was based on 1995 rodent drinking studies conducted by the National Toxicology Program. However, the NTP authors themselves concluded that the tumors did not present "clear evidence" of carcinogenicity. They also concluded that TBA is not mutagenic or genotoxic.

¹ <http://www.engr.ucr.edu/%7Ecarter/SAPRC/>



New studies and expert opinions have since been published that show TBA does not pose a cancer risk to humans because the tumors observed in the 1995 studies are due to modes of action (MOAs) that either do not exist in humans; or to which humans are much less susceptible.^{2,3,4,5} It is also important to note that no regulatory agency or competent authority has listed TBAC or its TBA metabolite as carcinogens or reproductive toxins in the 15 years that have elapsed since the 1995 NTP studies were published. Finally, three independent panels of toxicologists have since reviewed the TBA and TBAC studies and all concluded that the tumors are not relevant to human risk assessment.^{6,7,8}

In 2003, NSF International convened a panel of toxicologists to review the acute and chronic studies on TBA, including the 1995 NTP chronic study. The panel concluded that “long term animal studies in rats produced carcinogenic responses in male rats due to an α_{2u} -globulin effect that is of no relevance to human health” and that “long term animal studies in mice produced hyperplasia, adenomas, and one high-dose carcinoma of the thyroid, of questionable relevance to human health because rodents are significantly more sensitive than humans to thyroid effects.”

In 2009, an expert panel convened by non-profit organization TERA (Toxicology Excellence for Risk Assessment) reviewed the toxicology of both TBAC and TBA and concluded that:

1. The weight of the evidence indicates that TBAC is not likely to be genotoxic or carcinogenic to humans.
2. A two-year cancer study for TBAC is not needed to reach this conclusion.

In 2010, a panel of five senior pathologists with extensive experience in chemically-induced nephrotoxicity and neoplasia in animals reviewed the 1995 NTP male rat kidney slides in a blinded manner. The PWG “strongly agreed that α_{2u} -globulin nephropathy and chronic progressive were causative for most renal tumors observed in males rats” and concluded that “TBA-related renal changes in rats posed no risk for humans, and it would be inappropriate to extrapolate TBA-associated renal changes in rats to humans.”

² McGregor, D.B.; Cruzan, G.; Callander, R.D.; May, K.; Banton, M. *Mutation Research* 565, 2005, 181-189

³ Leavens, T.L.; Borghoff, S.J.; *Toxicological Sciences* 109(2), 321-335 (2009)

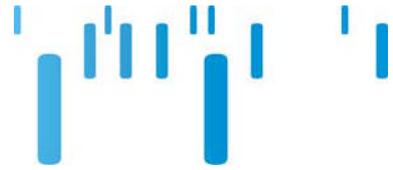
⁴ Blank, O.; Fowles, J.; Schorsch, F.; Pallen, C.; Espinasse-Lormeau, H.; Schulte-Koerne, E.; Totis, M.; Banton, M., *J. Appl. Toxicol.*, 2010, 30, 125-132.

⁵ Douglas McGregor, *Critical Reviews in Toxicology*, 2010; 40(8): 697-727

⁶ http://www.techstreet.com/cgi-bin/detail?product_id=1094024

⁷ <http://www.tera.org/Peer/TBAC/index.html>

⁸ Pathology Working Group Report, July 21, 2010



Since CARB's 2006 EIA on TBAC was published, several studies have confirmed that neither TBA nor TBAC are genotoxic, potential human carcinogens, or reproductive toxins. A scientific consensus has also developed that the tumors observed in the TBA chronic study are not relevant to human risk assessment. In contrast, DMC metabolizes to methanol, a chemical OEHHA has proposed to add to Prop 65 as a reproductive toxin,⁹ which in turn metabolizes to formaldehyde, a probable human carcinogen listed on Prop 65.¹⁰ Therefore, it is incongruous that staff would propose the exemption of DMC in rule 101 but not TBAC, whose metabolite TBA is neither a listed carcinogen nor reproductive toxin.

We believe that adding TBAC to rule 101 with the same use restrictions (permit requirements) as DMC and methyl formate is consistent with the science, rulemakings in several other California counties and Air Districts, protective of human health, and provides the District with a mechanism to review potential risks on case by case basis.

In summary, Lyondell requests that the AQMD propose the addition of TBAC to the list of exempt compounds in rule 101 with the same permitting requirements as DMC and methyl formate. We look forward to working with you on this important rulemaking. Please call me with any questions, comments, or if you need additional information.

Sincerely,

Daniel B. Poureau, Ph.D.

cc: Kevin Williams

⁹ http://www.oehha.org/Prop65/CRNR_notices/admin_listing/intent_to_list/noilpkg29.html

¹⁰ http://www.oehha.org/prop65/prop65_list/Newlist.html

KEVIN J. WILLIAMS

From: Pourreau, Daniel B <Daniel.Pourreau@lyondellbasell.com>
Sent: Wednesday, September 01, 2010 8:42 AM
To: David Yang
Cc: KEVIN J. WILLIAMS; Roznowski, David J
Subject: RE: Rule 101 Staff Report
Attachments: Lyondell comments on rule 101 workshop.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

David,

Our preliminary comments on rule 101 are attached. We object to the uneven handling of TBAC compared to DMC and methyl formate and request that TBAC also be added to the list of exempts in rule 101 with the same permitting requirements. If this proposed approach is health protective for DMC and MF, as we all believe it is, then it is also health protective for TBAC. I will hold our comments on rules 459 and 451 until I receive the staff reports and we have an opportunity to talk about rule 101.

I would like to discuss this further with you and Kevin before the workshop. Please let me know when you are available in the next week and ½ for a conference call.

Thanks and Regards,

Daniel B. Pourreau, Ph.D.
Research Advisor

Lyondell Chemical Company
3801 West Chester Pike
Newtown Square, PA 19073, USA
Office: +01 610.359.2411
Mobile: +01 610.212.9592
Fax: +01 610.359.2328

dan.pourreau@lyondellbasell.com
www.lyondellbasell.com



From: David Yang [mailto:DYang@airquality.org]
Sent: Monday, August 30, 2010 7:09 PM
To: Pourreau, Daniel B
Cc: KEVIN J. WILLIAMS
Subject: Rule 101 Staff Report

Mr. Pourreau,

Please find attached the Staff Report for proposed amendments to Rule 101. In the proposed amendments to Rule 101, we are not proposing to include TBAC to our list of exempt compounds. We are, however, proposing a limited exemption for TBAC in the proposed amendments to Rule 459.

Please call or email if you have any questions.

Thank you,

David Yang
Air Quality Engineer

Sacramento Metropolitan AQMD
777 12th Street, 3rd Floor
Sacramento, CA 95814
Phone: 916-874-4847
Email: dyang@airquality.org

Information contained in this email is subject to the disclaimer found by clicking on the following link:
<http://www.lyondellbasell.com/Footer/Disclaimer/>

KEVIN J. WILLIAMS

From: Jim Shields <jshields@miamichemical.com>
Sent: Wednesday, September 08, 2010 11:58 AM
To: David Yang
Subject: Rule 101 comment

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Dear David,

Miami Chemical supports the proposed amendment of Rule 101:

Rule 101 contains general provisions and definitions used by the District, including the definition of volatile organic compounds (VOC). Staff is proposing to amend Rule 101 to exempt the following compounds from the District's definition of VOC: hydrofluoroether (HFE)-7000, HFE-7300, HFE-7500, methyl formate, dimethyl carbonate, and propylene carbonate.

We have sent out over 300 samples of Dimethyl Carbonate to customers that supply industrial coatings, inks, I & I formulations for industrial cleaners. There are many customers that continue to formulate Dimethyl Carbonate and Propylene Carbonate in LOW VOC formulations replacing less desirable solvents like aromatics, ketones, and esters with the hope that these chemicals are delisted.

I would welcome your comments please call me at 502-418-9011

Very truly yours,

MIAMI CHEMICAL

James R Shields

James R Shields
Account Manager



Kowa American Corporation

55 East 59TH Street, 19TH Floor, New York, NY 10022
TEL : (212) 303-7800 FAX : (212) 310-0101

September 9, 2010

Mr. David Yang
Sacramento Metropolitan AQMD
777 12th Street
Sacramento, CA 95814

RE: Request to exempt Dimethyl Carbonate (DMC) as a VOC in the Sacramento AMD
Comments on proposed Rule 101 update

Dear Sirs,

Kowa American Corp. would like to ask the Sacramento Metropolitan AQMD to exempt the solvent Dimethyl Carbonate as a VOC in your air district. We feel DMC being VOC exempt will allow your local businesses a much greater degree of flexibility in meeting the more stringent VOC restrictions moving forward. We also think that with the increasingly strict VOC regulations that having additional VOC exempt solvent is a form of regulatory relief that your constituents will welcome.

Kowa American is the original petitioner to the federal government requesting they exempt Dimethyl Carbonate as a VOC. The exemption request was submitted in July 2004 and approved in January 2009 after a number of years of intense scrutiny on not only its Ozone reducing values but on its environmental, toxicity and safety profiles. Dimethyl Carbonate (along with possibly methyl acetate) is unique in that it has perhaps the lowest MIR value of any liquid organic chemical, which means it will produce less ozone in the air than any other solvent.

Kowa understands that your Air Management District also takes into account factors beyond a chemical's photo reactivity. Your air district and citizens also interested in a chemical's toxicity, worker safety, and environmental fate when evaluating exemption petitions. DMC's profile in these endpoints is highly favorable and represents an environmentally friendly compound. Environmental fate data show DMC to be readily biodegradable, have a low potential to bioaccumulate, and have low toxicity to fish, daphnia, or bacteria (Environmental modeling suggests that that the material may possibly be harmful to algae). An internet search on DMC reveals a large number of articles and patent references that describe the substance as a *green chemical* with very favorable safety health, and environmental properties. These references characterize DMC as a highly desirable replacement for a number of chemicals including dimethyl sulphate, methyl chloride, MEK, MIBK, n-butanol, xylene.

We enclose our material safety data sheet (MSDS) on DMC which shows that the compound has a favorable toxicity profile. DMC has very low acute toxicity when tested via oral, dermal, inhalation routes of exposure. In addition, the compound was not found to be irritating to the skin and only slightly irritating to the eyes. DMC was also found to be non-mutagenic in *vitro* testing.

The Office of Environmental Health Hazard Assessment (OEHHA) in the California EPA has come out on December 8, 2009 with a (revised) toxicity report on Dimethyl Carbonate (attached). Their cover page of this report indicates that "environmental exposure to DMC by the general public by inhalation at dose levels likely to be achieved, the (Environmental Health Hazard) concerns appear to be relatively minor".

Workers generally respond favorably to working with DMC, since the compound is only a non-irritating or only slightly irritating chemical. A key concern is that DMC does not have an objectionable odor to workers or neighbors. Finding a VOC exempt solvent with an agreeable odor is difficult since a number of the exempt (or proposed VOC exempt) compounds have very pungent odors, which would be especially bothersome to neighbors of factories or shops using these VOC exempt solvents.

DMC is flammable with a flashpoint of 63 °F (16 °C) and has a similar toxicity profile as Methanol, one of DMC's primary metabolites in the body. For these reason DMC should be used in solely in industrial, automotive, outdoor or shop settings. The DMC producer's recommended 8 hour workplace PEL of 100 ppm for DMC has been established using the toxicity profile of DMC and the toxicity of its main metabolite methanol. DMC has a much safer toxicity profile and much higher recommended PEL than p-Chlorobenzotrifluoride or PCBTF (PEL = 20 ppm) that is used extensively as a VOC exempt solvent in California and the rest of the USA.

Even with this flammable liquid flashpoint of 63°F, DMC still represents a safer alternative to two existing VOC exempt solvents widely used in the U.S., acetone and methyl acetate, both with flashpoints of 15° F. We believe customers would prefer and, therefore, adopt DMC immediately as a replacement for acetone and methyl acetate. Such a change would result in less flammable products and/or safer working environments.

We think the exemption of Dimethyl Carbonate as a VOC by your Air Management District would be a step forward in air pollution control, especially allowing your constituents and businesses the opportunity to use additional VOC exempt solvents in order to meet their air pollution reduction obligations.

We understand Sacramento AQMD is contemplating having users of DMC apply for permits to use DMC. We think this would add an unnecessary amount of extra work for your air district. If a permit is required we would ask that: a sunset provision be included for the permit requirement, increase the permit to a larger amount (say for users of more than 1,000 gallons per year) and allow contractors to use their permit across the air district instead of requiring one for each individual work site. We think these suggestions would make a permit process much easier for DMC users and for your air district employees.

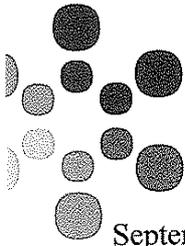
Sincerely,



Mark K. Smith
Sales Manager

Encl:

DMC MSDS
OHHEA report



AmericanCoatings
ASSOCIATION

September 9, 2010

Mr. David Yang
Air Quality Engineer
Rule Development
Sacramento Metropolitan Air Quality Management District (SMAQMD)
777 12th Street, 3rd Floor
Sacramento, CA 95814

RE: Proposed Amendments to SMAQMD Rule 101 (Definitions); ACA Comments

Dear Mr. Yang:

The American Coatings Association (ACA) ¹ submits the following comments on the proposed amendments to Rule 101:

Rule 101 (Definitions)

The coatings industry is under constant pressure to reformulate products to lower and lower VOC content. As a result there is a critical and urgent need for safe, effective and affordable exempt solvents and coating formulators need all available tools to formulate both lower VOC and reactivity coatings. As such ACA supports the comments from Lyondellbasell and Kowa and suggests that PC, TBAC and DMC all be added to the list of exempt compounds without any restrictions since these compounds were exempted by the US EPA, nearly every state in US and many California Air Districts based on their negligible contribution to tropospheric ozone formation.

With regards to TBAC, if over ACA's objection, the District does not outright exempt TBAC, ACA suggests to be fair the District should exempt TBAC and include the same permit requirements as DMC and Methyl Formate in order to address any possible concerns with the use of TBAC.

Sincerely,

David Darling, P.E.
Director, Environmental Affairs

*** Sent via email ***

¹ The American Coatings Association (ACA) is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.



David Yang
Sacramento Metropolitan AQMD
777 12th Street, 3rd Floor
Sacramento, CA 95814

Sent via email to: dyang@airquality.org

September 16, 2010

Re: Comments to proposed rule 459 and 101

Dear Mr. Yang,

AkzoNobel Car Refinishes, NA (AkzoNobel) supports the comments made by Mr. Michael Veney, Regulatory Affairs Manager, Sherwin-Williams Automotive Finishes (dated September 10, 2010), regarding the proposed changes to Rule 459. Specifically, we are writing this letter to emphasize and follow up on the Sherwin Williams comments related to Sections 309 and 502.6.

Section 309, Prohibition of Possession

Specifically, Section 309 should be modified to make it clear that this prohibition does not apply to wholesalers, retailers or other distributors.

Section 502.6, Purchase and Usage Records

The requirements of Section 502.6 are overly burdensome and do not provide any additional benefit the environment. It is important to note that the Section 502.6a requirements that purchase records show the coating type would involve significant changes to the enterprise management systems used by manufacturers or wholesalers to create invoices and shipping documents with this additional information. Further, since there is no regulation limiting the amount of material in a given coating category that can be purchased by a facility, there is no valid reason to require this information.

Section 502.6c should not include a requirement to record that a non-compliant coating was not used in a given day. If the requirement is to record the amount used daily, no entry on a given day should be sufficient to indicate that none was used. It is duplicative, unnecessary and overly burdensome to require the affirmation of a negative assertion.

Regarding 502.6d, there also is no need for there to be any record keeping requirements related to the tertiary butyl acetate (TBAC) content of coatings used. The MSDS for the coatings will identify whether or not this compound is present in the products. There are other more efficient and suitable methods for determining the amount of the chemical used in a given time period if needed. However, AkzoNobel questions why this chemical, considered VOC exempt for purposes of this rule, should be treated differently than other similarly exempt chemicals.

In addition to the comments provided by Sherwin Williams, AkzoNobel offers comments regarding two additional issues – the use of aerosol cleaners and the status of tertiary butyl acetate as a VOC exempt solvent.

The use of aerosol cleaners

Both the South Coast AQMD and Yolo-Solano AQMD allow the use of aerosol surface cleaners, up to 160 fluid ounces per day. Therefore, AkzoNobel requests that this limited use of aerosol surface cleaners be adopted in Rule 459. As stated in Sherwin Williams' comments, the effectiveness of the surface cleaner is a key factor in the quality of the finished repair. Shops must be able to clean the substrate to remove all potential contaminants. Allowing the use of aerosol cleaners will eliminate the need to redo the repair and avoids the use of additional VOC containing materials/coatings.

The status of tertiary butyl acetate as a VOC exempt solvent

In section 268 of the proposal, tert-butyl acetate is not considered a VOC when contained in an automotive coating or automotive coating material. TBAC has been fully exempted as a VOC by the U.S. EPA and in the following California Air Pollution Control Districts: San Joaquin, Santa Barbara, Yolo-Solano APCD.

AkzoNobel suggests that the exemption for TBAC should be moved from Rule 459 Section 268 to Rule 101 Section 204 in order to clarify that the TBAC is VOC exempt and would eliminate the need for any further tracking of use.

Thank you for the opportunity to comment on the proposed amendments to Rules 459 and 101. If you have any questions, need clarification, or wish to discuss this further, please contact me at the phone number or email address provided below.

Sincerely,



Diane Nash
Manager, Regulatory Affairs
AkzoNobel Car Refinishes, NA
(248) 637-8532
diane.nash@akzonobel.com



Performance Coatings

Barley Mill Plaza 21
P O Box 80021
Wilmington, DE 19880-0021

September 17, 2010

Sacramento Metropolitan AQMD
777 12th Street, 3rd Floor
Sacramento, CA 95814

Attention: David Yang (916) 874-4847.

RE: Proposed Revised Rules 101, 451, and 459

Dear Mr. Yang,

DuPont Performance Coatings submits the following comments to the District for consideration in the revision of the rules referenced above.

Proposed Revised Rule 101: General Provisions and Definitions

DuPont Performance Coatings appreciates the District's commitment to protection of human health and the environment, and recognize this commitment internally to be a Core Value.

In support of this Core Value, we provide recommendations on product MSDS, labels and other product literature, for the use of PPE that provides adequate protection from the potential hazards associated with ingredients in our products. The use of engineering controls, respiratory protection, and other forms of PPE are commonplace in the application of industrial coatings by professional, trained painters.

We struggle to understand the conditional exemption of Dimethyl Carbonate and Methyl Formate, and the absence of an exemption for TBAC. Like many of the other solvents exempted from consideration as a VOC, DMC and Methyl Formate would be incorporated into finished products. End-users may not have the capacity to track this required information, and we believe the provision is unnecessarily burdensome.

Further, manufacturers need every available tool to formulate coatings that meet ever-lowering VOC standards. TBAC is VOC-exempt in most States and some California Air Districts. This solvent is effective for a wide range of coatings types, and formulations for surface preparation. There is a critical and urgent need for safe, effective and affordable exempt solvents for use in the industry.

Because of their broad usefulness in formulation, and demonstrated safety we request that the District fully exempt all solvents currently exempted by USEPA.

Proposed Revised Rule 451: Surface Coating of Miscellaneous Metal Parts and Products

There is inconsistency between the definitions of Pretreatment Wash Primer in Proposed Revised Rule 451 and Pretreatment Coating in Proposed Revised Rule 459. For all intents and purposes, the coating types are synonymous. We would request that the current definition of Pretreatment Coating be retained as expressed in Rule 459, that is, 0.5% acid by weight and no more than 16% solids by weight. The proposed decreased solids content is not technically feasible, while still delivering the desired product attributes.

Proposed Revised Rule 459: Automotive, Mobile Equipment, and Associated parts and Components Coating Operations

- The proposed revised definition of Aerosol Coating (Paint) Product does not appear to be specifically applicable to the operations within scope of this proposed revised rule. The reason for inclusion of the qualifying statement “***...or for use in specialized equipment for ground traffic/marketing applications***” is unclear. We would request that the proposed revised definition be modified to read: “***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.***”
- The newly included definition of spot repair is not descriptive of the process actually completed during Refinish operations. The size of a spot repair can vary with the size of the vehicle being repaired. We request that the definition be modified to be more reflective of the process, and propose the following, taken from BAAQMD Rule 8-45-236: ***Spot Repair: Repair of an area on a motor vehicle, piece or mobile equipment, or associated parts or components of less than an entire panel.***
- The newly included definition of trunk interior coating is unnecessary. Coatings used to complete this task are typically single-stage coatings or color coatings, where there is a need for color match. We would suggest that this definition be removed from the Proposed Revised Rule, and that the associated addition of a new Coating Category and limit also be removed. The additional Coating Category only serves to complicate labeling requirements for manufacturers.
- The language found in section 309 (Prohibition of Possession) to be applicable six months after rule adoption should be revised to be specific to product end-users, and not applicable to product distributors that may service customers outside of the District.
- The proposed 25 g/L VOC content limit proposed for Solvent Cleaning Operations, while currently in commerce, has proven to be ineffective for the task at hand. Surface prep is a critical step in the Refinishing process, and must be completed with solvent blends effective enough to remove surface dirt, oil and grease, without depositing residue. Acetone does not meet the requirement. Solvent blends of higher VOC content can be used, and used far more efficiently to get the job done. For routine cleaning between process steps, we propose a VOC content limit of 160 g/L.

- For difficult cleaning tasks, such as the removal of bugs and road tar, we propose an allowance for the use of higher VOC material with a volume limitation. We propose inclusion of provision in line with BAAQMD Rule 8-45-308.5.

We appreciate this opportunity to submit comment on the proposed revisions to Rules 101, 451, and 459; and respectfully request that consideration be given to our suggestions.

Sincerely,

Emily L Taylor
Product Stewardship Consultant
DuPont Performance Coatings

KEVIN J. WILLIAMS

From: KEVIN J. WILLIAMS
Sent: Tuesday, September 27, 2011 3:59 PM
To: David Yang
Subject: FW: EPA no comment on Sacramento 101

Follow Up Flag: Follow up
Flag Status: Flagged

From: Steckel.Andrew@epamail.epa.gov [mailto:Steckel.Andrew@epamail.epa.gov]
Sent: Tuesday, September 27, 2011 2:56 PM
To: KEVIN J. WILLIAMS; mguzzett@arb.ca.gov
Cc: Tong.Stanley@epamail.epa.gov
Subject: EPA no comment on Sacramento 101



United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

September 27, 2011

Transmittal of EPA Rule Review Comments

To: Kevin Williams, Sacramento Metropolitan Air Quality Management District
kiwilliams@airquality.org

Mike Guzzetta, California Air Resources Board
mguzzett@arb.ca.gov

From: Andrew Steckel, Rulemaking Office Chief
steckel.andrew@epa.gov

Re: SMAQMD Rule 101 General Provisions and Definitions, draft version sent to us on 9/26/11

Thank you for the opportunity to review the proposed amendments to Rule 101. We have reviewed the amendments and associated staff report and have no comments at this time. Please direct any questions in this regard to me at (415) 947-4115 or to Stanley Tong at (415) 947-4122.

KEVIN J. WILLIAMS

From: Jim Shields <jshields@miamichemical.com>
Sent: Tuesday, September 27, 2011 11:30 AM
To: David Yang; Ricardo Miyares; Ben Lye
Subject: Notice of public hearing: Proposed amendments to Rule 101
Attachments: DMC Offset Chart Miami Chemical.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

David, my name is Jim Shields from Miami Chemical. We import a large amount of DMC into the US for many Industrial Coatings customers. We have sent out over 300 samples in the US now to many customer who formulate paint, inks, adhesives, and industrial cleaner compounding applications. The view from many of these customers is that DMC has a much better solvent profile than some of the other options that are available to the formulator. The solvent options like hydrocarbons and ketones offer a much higher option for MIR values and evaporation rate into the atmosphere.

I just recently found out about your Sacramento Metropolitan Air Quality Management District meeting to exempt DMC on 10/27/11. I have attached a solvent comparison chart which will detail the properties of DMC to other solvent options available to formulate coatings, inks, adhesives in California. Please email or call me if you have any questions.

Thank you for considering DMC as an exempt solvent in the Sacramento Metropolitan Air Quality district!

JAMES R Shields | Account Executive | C 502.418.9011



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Dimethyl Carbonate (DMC)

The latest VOC exempt solvent

Features and benefits

- VOC exempt [by U.S. EPA 40 CFR 51.000 (s)]
- Low Odor
- Low MIR Value

Solvent Comparison Chart for Common Solvents

Chemical Properties	Dimethyl Carbonate	Acetone	PCBTF	Tert Butyl Acetate	Toluene	Xylene	MEK	MIBK	Isopropyl Acetate	n-Butyl Acetate
Total Hansen Solubility Parameter	10.4	9.76	8.64	8.11	8.9	8.7	9.13	8.3	8.61	8.49
Relative Evaporation Rate	3.22	14.4	0.9	2.8	1.9	0.7	5.7	1.6	3	1
Flashpoint, F	63	(-) 4	109	40	45	86	24	60	42	81
Specific Gravity @ 20 C	1.072	0.791	1.342	0.865	0.872	0.863	0.804	0.802	0.872	0.882
Boiling Point, F	195 F	132 F	282	208	231	280	175	240	188	250
Lbs/gal	8.93	6.59	11.24	7.22	7.26	7.24	6.71	6.67	7.27	7.35
MIR value	0.055	0.35	0.12	0.17	3.97	7.15	1.45	3.78	1.03	0.77
VOC per US E	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
HAP per US EPA	No	No	No	No	Yes	Yes	No	Yes	No	No

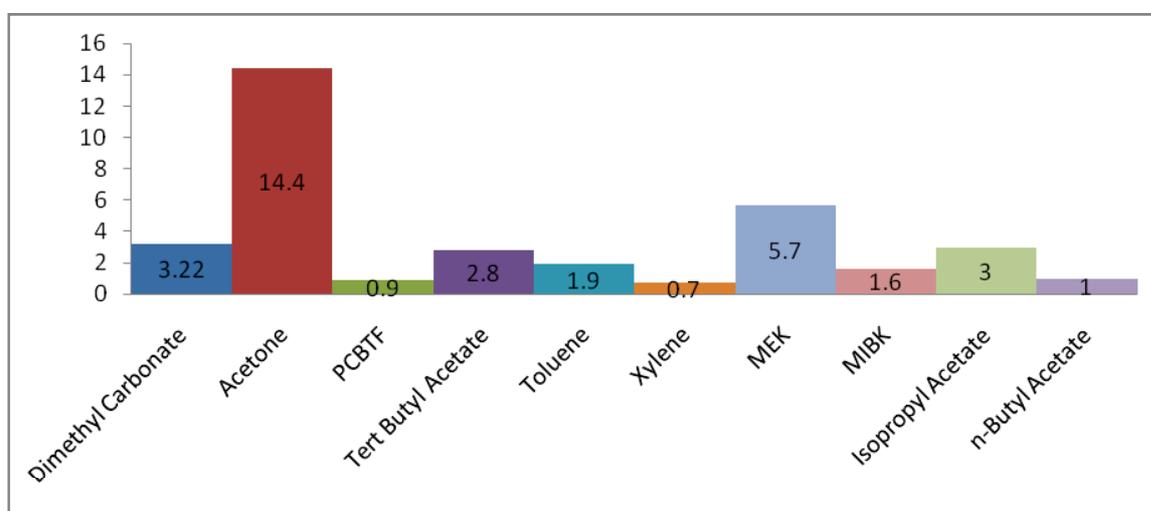


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www.miamichemical.com

Physical Properties

- CAS# 616-38-6
- MW 90.08
- Density: 8.93 lb/gal (20 C)
- Slightly Soluble with water (2.5%)
- Transparent liquid, lightly fragrant
- Country of origin: China
- Chemical Formula: C₃H₆O₃

Evaporation Rate



Industry Market	Applications
Paints and Coatings	Carrier solvent or disperse medium for binders, pigments and colorants
Household, industrial and institutional	Rapid biodegradability and low toxicity for most degreasing applications
Inks	Toluene and ethyl acetate replacement in Gravure ink applications
Aerosols	Lower VOC Content due to low MIR value
Resin Manufacturing	Alternative to alkylating agents used in a variety of synthetic and industrial applications

Packing Available:

- 200 kg drum
- Bulk ISO Container

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www.miamichemical.com
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AmericanCoatings
ASSOCIATION

October 3, 2011

Mr. David Yang
SMAQMD
777 12th Street, 3rd Floor
Sacramento, CA 95814

RE: Proposed Amendments to Rule 101 – General Provisions and Definitions; ACA Comments

Dear Mr. Yang:

The American Coatings Association (ACA)¹ supports the proposed exemptions, specifically dimethyl carbonate, propylene carbonate and methyl formate.

Dimethyl Carbonate and Propylene Carbonate and to a lesser degree Methyl Formate may be useful in the formulation of paints, and coatings. With ever lower VOC limits, coatings manufacturers need other options for formulations. If exempted, there may be an incentive for industry to use these negligibly reactive compounds in place of more highly reactive compounds that are regulated as VOCs. Further, this exemption may also help SMAQMD meet its ozone attainment goals. As such, ACA supports the proposed exemptions.

In addition, ACA requests that SMAQMD also exempt Tbac from Rule 101, as nearly every State in the US and many CA Air Districts have done so already.

In advance, thank you for your consideration of our request. Please do not hesitate to contact me for additional information or if you have questions.

Sincerely,
/s/

David Darling, P.E.
Senior Director, Environmental Affairs

*** Sent via email ***

¹ The American Coatings Association (ACA) is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.