



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 Rules 451, 459 and Staff Report.

Dear Mr. Yang,

As the developer and producer of tertiary-butyl acetate (TBAC), Lyondell Chemical is pleased to provide the following comments on Proposed Amended Rules (PAR) 451, 459 and the staff report for these rules.

We support the exemption of TBAC in rule 459 for automotive coatings, including thinners and reducers. Exempt TBAC safely is used in low-VOC automotive coatings and cleaners in 49 states and over 20 California counties, including adjoining Placer, Yolo, Solano, and San Joaquin Counties. We also request that TBAC be exempted for automotive cleaning applications and for coatings in rule 451. As we noted in our comments for rule 101, TBAC is negligibly photochemically reactive, with an MIR of 0.17 grams ozone/gram (Dr. W. Carter SAPRC-07 mechanism).¹

It is an excellent solvent for industrial coatings including those listed in several categories in rule 451. Your risk analysis for rule 459 has determined that TBAC use in automotive coatings will not pose a risk to human health. This is especially true since the cancer risk calculation was based on a rodent tumor endpoint that is no relevance to human health since humans do not produce the protein responsible for tumor formation. Therefore, there is no reason to believe that TBAC use in 451 rule coatings will pose any chronic risk to humans and we request that TBAC be exempted in that rule as well.

In summary, Lyondell requests that the AQMD extend the exemption of TBAC for automotive cleaners in rule 459 and propose it in rule 451. This will greatly reduce the flammability risks and emissions association with cleaning and gun-flushing with acetone-based cleaners and coatings. We will provide additional comments on these two rules once we have the opportunity to carefully review the staff report which was

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



released only five days ago. 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,

A handwritten signature in black ink, appearing to read "Daniel B. Pourreau". The signature is written in a cursive style with a prominent initial "D" and a long, sweeping underline.

Daniel B. Pourreau, Ph.D.

cc: Kevin Williams

David Yang

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: Red

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.

10/20/2010

**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.



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MIKE KOSS

MANAGER, REGULATORY AFFAIRS

AUTOMOTIVE, FLEET, & LIGHT INDUSTRIAL FINISHES

September 16, 2010

Sacramento Metropolitan Air Quality Management District

777 12th Street, 3rd Floor

Sacramento, CA 95814

Attention: David Yang

Phone: (916) 874-4847

Subject: Proposed revisions of Rule 451 - SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS & Rule 459 - AUTOMOTIVE, MOBILE EQUIPMENT, AND ASSOCIATED PARTS AND COMPONENTS COATING OPERATIONS

Mr. Yang:

We recognize the district's motivations to refine & revise regulations to improve the quality of life of its citizens. We want to state our appreciation to the district for allowing us this opportunity to comment on the proposed draft versions. We would like to state the following:

In Rule 451 - SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS we find the following definition under section 238:

PRETREATMENT WASH PRIMER: A coating which contains at least ½ percent acid by weight, as determined by the method specified in Section 502.2, and no more than 12 percent solids by weight, and is applied directly to metal surfaces to provide surface etching and corrosion resistance or adhesion of subsequent coatings...

We suspect this coating type definition is patterned after South Coast AQMD's Rule 1107 (45) PRETREATMENT COATING. We ask that if the district chooses to follow the precedent set by the South Coast AQMD Rule 1107 that they also include a related coating type definition for a similar product that meets the same customer performance requirements:

Rule 1107 (16) ETCHING FILLER is a coating that contains less than 23 percent solids by weight and at least 1/2-percent acid by weight, and is used instead of applying a pretreatment coating followed by a primer.

Both of these products typically use the same resin chemistries and are intended to be applied direct to metal for corrosion resistance. We find that coatings manufacturers may not have the capability to offer a product to meet PRETREATMENT WASH PRIMER 12% solids maximum requirement, but may offer one that meets the definition of ETCHING FILLER. We propose that the district allows both options for application facilities and coatings manufacturers. We should note that the VOC limit in Rule 1107 for both coating types is 3.5 lbs/gal.

We propose that either the 12% solids maximum limit be withdrawn from the definition of PRETREATMENT COATING or the ETCHING FILLER coating type be added to Rule 451.

In Rule 459 - AUTOMOTIVE, MOBILE EQUIPMENT, AND ASSOCIATED PARTS AND COMPONENTS COATING OPERATIONS we find a separate definition and limit for TRUNK INTERIOR COATING.

We are not aware of any other auto refinish rule that carries this definition. Typically, we might expect this coating to fall within the UNDERBODY COATING definition. In fact, the (264) UNDERBODY COATING definition already includes "the underside of a trunk". The VOC limit for TRUNK INTERIOR COATING is set at 3.5 lbs/gal, for UNDERBODY COATING it is 3.6 lbs/gal. We would hope that new district regulations across the state maintain as much uniformity as possible.

We propose eliminating the TRUNK INTERIOR COATING definition & VOC limit in Rule 459 and merging its requirements into the UNDERBODY COATING definition & VOC limit.

In Rule 459-AUTOMOTIVE, MOBILE EQUIPMENT, AND ASSOCIATED PARTS AND COMPONENTS COATING OPERATIONS we find a several references to the use of tertiary butyl acetate (TBAC).

We appreciate the opportunity to use a new formulating tool as the district allows TBAC as an exempt solvent. However, 402.1f and 402.2f call for listing TBAC content in product data sheets, 403 calls for listing TBAC content again on the product label.

As we have recently gone to great lengths to accommodate CARB SCM label requirements we would be hesitant to again change labels to meet a new, unique requirement set out only in Sacramento's Rule 459. We feel asking coatings manufacturer to show TBAC content in both Product Data Sheets and labels is an unneeded, redundant requirement .

We propose that the section 403 label requirement to show TBAC content be withdrawn as the same requirement for product data sheets is sufficient.

In Rule 459 - AUTOMOTIVE, MOBILE EQUIPMENT, AND ASSOCIATED PARTS AND COMPONENTS COATING OPERATIONS (section 310) we find a VOC limit for cleaning application equipment of 25 g/L.

We do see this limit in a number of CARB SCM based air district rules recently implemented. We find setting the limit at this low level forces formulators to use high exempt content products. Acetone & ParChloroBenzoTriFluoride (PCBTF) are typically selected for these types of products, there are only a few formulator options. Acetone cuts well but has a very high evaporation rate. PCBTF does not cut as well. We could design a better product by not setting a limit for this category, these solvents are not intended to be emitted but should be captured in a well designed gun cleaning device.

Of the districts that have recently implemented new CARB SCM based rules, Bay Area AQMD Rule 45 has no limit stated, under 308.3 - "Shall not use organic compounds for the cleanup of spray equipment, including paint lines, unless equipment for collecting the organic compounds and minimizing their evaporation to the atmosphere is used."

We propose that the district considers following Bay Area AQMD's practical approach to applicator cleaners, setting no limit but requiring efficient devices that minimize vapors released.

If you have any questions about these requests, feel free to contact me.





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

David Yang

From: Phil Germond [philgermond@yahoo.com]
Sent: Monday, September 27, 2010 6:47 PM
To: David Yang
Subject: Re: Notice of Pulibc Hearing for Proposed Amendments to Rule 451

You people are morons!

From: Sacramento Metropolitan Air Quality Management Dis <dyang@airquality.org>
To: philgermond@yahoo.com
Sent: Mon, September 27, 2010 4:54:14 PM
Subject: Notice of Pulibc Hearing for Proposed Amendments to Rule 451

**NOTICE OF PUBLIC HEARING
SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT
Proposed Amendments to
Rule 451 - SURFACE COATING OF MISCELLANEOUS METAL PARTS AND
PRODUCTS**

Date: October 28, 2010

Time: 9:30 a.m.

Location: Room 1450 (Board of Supervisors' Chambers), County Administration Building, 700 H Street, Sacramento, California

The District Board will consider the adoption of proposed amendments to Rule 451 - SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS. Rule 451 contains requirements for the coating of metal parts and products not regulated by other District rules. Staff is proposing to reduce the allowable volatile organic compound content of certain surface coatings to implement Reasonable Available Control Technology (RACT) for this source category, as required by the federal Clean Air Act.

Staff finds that the proposed rule is exempt from the California Environmental Quality Act as an action by a regulatory agency for protection of the environment (Class 8 Categorical Exemption, Section 15308 State CEQA Guidelines) and because 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 (Section 15061(b)(3), State CEQA Guidelines).

Copies of this notice, the proposed rule, and the staff report are posted on the District's website (www.airquality.org). Hard copies of the rule and staff report may be reviewed at the District office or obtained by calling (916) 874-4800.

By this notice, all interested parties are specifically requested to provide comments on the proposed amendments. Oral and written testimony may be directed to the Board of Directors at the public hearing on October 28, 2010, or to the Sacramento Metropolitan AQMD, 777 12th Street, 3rd Floor, Sacramento, CA 95814, Attention: David Yang (916) 874-4847. You can also submit your comments via e-mail to dyang@airquality.org.

9/28/2010

SMAQMD

777 12th Street, 3rd Floor

Sacramento, CA 95814

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Telephone: (916) 874-4800 or (800) 880-9025 (toll free within Sacramento County)

Fax: (916) 874-4899

To unsubscribe, [click here](#)

David Yang

From: Dave Darling [ddarling@paint.org]
Sent: Friday, October 01, 2010 11:20 AM
To: David Yang
Subject: Sacramento451102010comments
Follow Up Flag: Follow up
Flag Status: Red

David, attached are ACA comments on Rule 451, please call me at 2024626272 if you have any questions

thanks

David Darling

October 28, 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 451; ACA Comments

Dear Mr. Yang:

[1]

The American Coatings Association (ACA) submits the following comments on the proposed amendments to Rule 451:

ACA is concerned that SMAQMD is proposing to greatly expand the applicability section (Section 102) of Rule 451. It is our understanding that two other rules have “expanded” applicability sections – AIM coatings and Wood products. It is understandable that the AIM rule have an expanded applicability section since AIM coatings are so diverse and many different parties are involved in the process of manufacturer, sales and application. To a lesser extent, wood products since these apply to furniture and hobbyists as well.

However metal coatings are applied in a shop application setting and the application facility could use either compliant coatings, control devices or a combination of each to comply. Further complicating the situation is that the application facility may have a permit that further regulates the coating VOC content. Given the wide range of compliance options and impacts - the best way to regulate these coatings would be regulating just the users of the coatings.

10/4/2010

ACA believes that it would fundamentally unfair to revise the rule in a way that makes coatings suppliers liable for choices made by shop applicators. Products that manufacturers formulate, label, recommend and sell for one purpose (e.g., architectural coatings) may be used by a purchaser for other applications (e.g., shop application to metal parts and products) – manufacturers should not be held responsible for that.

Sincerely,

/s/

David Darling, P.E.

Director, Environmental Affairs

*** Sent via email ***

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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.