BOARD OF DIRECTORS
MEETING
Board of Supervisors Chambers
700 H Street - Suite 1450
Sacramento, California

AGENDA

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Thursday **August 22, 2024** **9:00 AM**

DIRECTORS

Chair
Patrick Kennedy

Vice-Chair
Sarah Aquino

Bret Daniels
Rich Desmond
Sue Frost
Eric Guerra
Patrick Hume
Caity Maple
Kevin Papineau
Sergio Robles
Phil Serna
Donald Terry
Shoun Thao
Mai Vang

ANNOUNCEMENTS

Members of the public may participate in the meeting in-person, by video conference via Zoom, conference line, and by submitting written comments electronically by email at boardclerk@airquality.org.

Comments submitted will be delivered to the Board of Directors by staff. Public comments regarding matters under the jurisdiction of the Board of Directors will be acknowledged by the Chairperson during the meeting. Public comments will be accepted live until the adjournment of the meeting, distributed to the Board of Directors, and included in the record.

Submit public comments via email to: boardclerk@airquality.org

Zoom Meeting Link:
https://us06web.zoom.us/j/87314130035?pwd=pTxA45BE35JssyS9bsq2AAvu2Zgaab.1

Meeting ID: 873 1413 0035
Passcode: 101299

Call In Number
(669) 900-6833
(408) 638-0968

Teleconference Locations:
Folsom City Hall, 50 Natoma St., Folsom, CA 95630
Sacramento City Hall, 915 I Street, Room 5229, Sacramento, CA 95814
23265 N. State Route 99, Campo, CA 95240

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

BOARD CLERK ANNOUNCEMENTS

BROWN ACT

CONSENT CALENDAR

1. July 25, 2024 Board of Directors Meeting Minutes

Recommendation: Approve the July 25, 2024 Board of Director Meeting Minutes.

2. Appointment of Hearing Board Member from the Medical Profession

   Recommendation: Pass a motion appointing Dr. Alexander Kelter to the Hearing Board as the member from the medical profession for a 3-year term beginning August 22, 2024, and ending August 21, 2027.

3. Side Agreement with the Sacramento Air District Employees' Association to Increase the Reimbursement Allowance for Safety Shoes

   Recommendation: Adopt a resolution authorizing the Executive Director/Air Pollution Control Officer to 1) execute a side agreement between the District and the Sacramento Air District Employees' Association (SADEA) for the General, Confidential General, and Supervisory Units to increase the biennial reimbursement allowance for eligible employees for safety shoes from $180 to $300, and 2) make minor changes or adjustments to the exhibit to the resolution to correct omissions and errors or for needed clarifications.

4. Sacramento City Unified School District Incentive Contract Amendment

   Recommendation: Authorize an amendment to an existing incentive agreement with the Sacramento City Unified School District (SCUSD) to increase the previously authorized not-to-exceed amount from $2,221,639 to $2,445,739.

PUBLIC HEARINGS

5. Amendments to Rule 101 - General Provisions and Definitions

   Recommendation: Conduct a public hearing for the adoption of amendments to Rule 101 – General Provisions and Definitions, and: 1) determine that the adoption of amendments to Rule 101 is exempt from the California Environmental Quality Act (CEQA); 2) adopt a resolution approving amendments to Rule 101; and 3) direct Staff to forward Rule 101 and all necessary supporting documents to the California Air Resources Board (CARB) for submittal to the U.S. Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP).

DISCUSSION CALENDAR

6. Community Air Protection - South Sacramento/Florin Community Program Update

   Recommendation: Receive and file an update on Assembly Bill 617 (AB 617) Community Air Protection Program for the South Sacramento-Florin community.

7. District Headquarters Relocation Project Status Update

   Recommendation: Receive and file an update on the District's Headquarters Relocation Project and an outlook on the hybrid model and building space needs.

BOARD IDEAS, COMMENTS AND AB 1234 REPORTS

PUBLIC COMMENT

ADJOURN

Agenda Revision: This agenda may be revised. A final agenda will be posted on the website (www.airquality.org) and at the meeting site 72 hours in advance of the meeting. Materials submitted within 72 hours of the meeting and after distribution of the agenda packets will be made available on the Sac Metro Air District website subject to staff's ability to post the documents prior to the meeting. The order of the agenda items are listed for reference and may be taken in any order deemed appropriate by the Board of Directors. The agenda provides a general description and staff recommendation; however, the Board of Directors may take action other than what is recommended.

Testimony: The Board of Directors welcomes and encourages participation in Board meetings. When it appears there are several members of the public wishing to address the Board on a specific item, at the outset of the item the Chair of the Board will announce the maximum

amount of time that will be allowed for presentation of the testimony. Matters under the jurisdiction of the Board and not on the posted agenda may be addressed by the general public immediately prior to the close of the meeting. The Board limits testimony on matters not on the agenda to three minutes per person and not more than 15 minutes for a particular subject.

Meeting Broadcast: The meeting is videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel and will be webcast at https://metro14live.saccounty.gov. This morning's meeting is being cablecast live and will be rebroadcast on August 24, 2024 at 2:00 p.m. on Channel 14.

Closed Captioning: Metro Cable now provides closed captioning of the Sac Metro Air District Board meetings for the deaf and hard of hearing community. The captioning will be available on both the live and playback broadcasts on the Metro Cable television channel (Channel 14).

Assisted Listening: Assisted listening devices are available for use by the public. Please see the Clerk of the Board for further information.

Board Action: The Board of Directors may take action on any of the items listed on this agenda.

Information: Full staff reports are available for public review on the District's website (www.airquality.org), including all attachments and exhibits, or for public inspection at the District's office at 777 12th Street, Suite 300, Sacramento, CA. Copies of items prepared by staff and distributed for the first time at the meeting will be available at the back of the meeting room or may be obtained from the Board Clerk. Copies of items that were not prepared by staff may be obtained after the meeting from the Clerk. Materials related to an item on this Agenda submitted to Sac Metro Air District after distribution of the agenda packet are available for public inspection in the Clerk of the Board's office during normal business hours. For information regarding this agenda, please contact Salina Martinez, Clerk of the Sac Metro Air District Board of Directors, at 279-207-1164.

Meeting Date: 8/22/2024
Report Type: CONSENT CALENDAR
Report ID: 2024-0822-1.

1.

Title: July 25, 2024 Board of Directors Meeting Minutes

Recommendation: Approve the July 25, 2024 Board of Director Meeting Minutes.

Rationale for Recommendation: Minutes serve as the official record of the actions that occurred at board or committee meetings. It is the Board of Directors practice to approve the meeting minutes at subsequent Board meeting. The minutes are included as Attachment A.

All approved Board resolutions from the meeting are attached.

Contact: Salina Martinez, Administrative Supervisor/ Clerk of the Board, 279-207-1164

Presentation: No

ATTACHMENTS:

Attachment A: July 25, 2024 BOD Meeting Minutes
Resolution No. 2024-015 Amendments to Rule 442 - Architectural Coatings

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Approvals/Acknowledgements

Executive Director or Designee: Alberto Ayala, Report Approved 8/13/2024

District Counsel or Designee: Kathrine Pittard, Approved as to Form 8/9/2024

Board Meeting Video

MINUTES

BOARD OF DIRECTORS
Sacramento Metropolitan Air Quality Management District
700 H Street, Suite 1450
Sacramento, California

Thursday **July 25, 2024** **9:00 AM**

DIRECTORS

Chair
Patrick Kennedy

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Teleconference Locations:
Folsom City Hall, 50 Natoma St., Folsom, CA 95630

CALL TO ORDER/ROLL CALL

Meeting was called to order.

Directors Present: Bret Daniels, Rich Desmond, Patrick Kennedy, Caity Maple, Kevin Papineau, Sergio Robles, Anna Rohrbough, Phil Serna, Donald Terry, Shoun Thao, and Mai Vang.

Directors Absent: Sarah Aquino, Sue Frost, Eric Guerra, and Patrick Hume.

Director Rohrbough attended and voted on behalf of Sarah Aquino.

Director Thao arrived after the consent calendar passed.

Director Terry arrived after the consent calendar and public hearing was passed.

PLEDGE OF ALLEGIANCE

CONSENT CALENDAR

ACTION:
Bret Daniels Moved /Sergio Robles Seconded

Ayes: Bret Daniels, Rich Desmond, Patrick Kennedy, Caity Maple, Kevin Papineau, Sergio Robles, Anna Rohrbough, Phil Serna, and Mai Vang.

Absent: Sarah Aquino, Sue Frost, Eric Guerra, Patrick Hume, Donald Terry, and Shoun Thao.

1. May 23, 2024 Board of Directors Meeting Minutes
   Recommendation: Approve the May 23, 2024 Board of Director Meeting Minutes.

Approved

2. May 20, 2024 Administrative Headquarters Facility Ad Hoc Committee Meeting Minutes
   Recommendation: Approve the May 20, 2024 Administrative Headquarters Facility Ad Hoc Committee Meeting Minutes.

Approved

3. Authorization for Technical Support Contract for the Transportation and Climate Change Division
   Recommendation: Authorize the Air Pollution Control Officer (APCO) to execute a two-year contract with Environmental Science Associates (ESA) for environmental engineering and planning services in an amount not to exceed $550,000, and make minor revisions to the contract, in consultation with District Counsel and within the funding limits, that may be necessary to fully implement its intent.

Authorized

4. Quarterly Contracts Report (April 2024 – June 2024)
   Recommendation: Receive and file a report on certain contracts executed by the Air Pollution Control Officer under the Non-Incentive Purchasing Authority for the quarter April 2024 – June 2024.

Received and filed

5. Administrative Errata to the Approved Fees for Fiscal Year 2024/2025

Recommendation: Receive and file a report amending the Approved Fees for Fiscal Year 2024/2025 (FY24/25) effective July 01, 2024 that were approved during the May 23, 2024 Board of Directors meeting.

Received and filed

PUBLIC HEARINGS

6. Amendments to Rule 442 - Architectural Coatings

Recommendation: Conduct a public hearing for the adoption of amendments to Rule 442 – Architectural Coatings, and: 1) determine that the adoption of amendments to Rule 442 is exempt from the California Environmental Quality Act (CEQA); 2) adopt a resolution approving amendments to Rule 442; and 3) direct staff to forward Rule 442 and all necessary supporting documents to the California Air Resources Board (CARB) for submittal to the U.S. Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP).

Ananya Srinivas, Monitoring, Planning and Rules Division, gave a presentation on Amendments to Rule 442 - Architectural Coatings.

Public Hearing was opened and closed with no public comment.

Resolution No. 2024-0015

ACTION:
Phil Serna Moved /Mai Vang Seconded

Ayes: Rich Desmond, Patrick Kennedy, Caity Maple, Kevin Papineau, Sergio Robles, Phil Serna, Shoun Thao, and Mai Vang.

Nays: Anna Rohrbough and Bret Daniels.

Absent: Sarah Aquino, Sue Frost, Eric Guerra, Patrick Hume, and Donald Terry.

DISCUSSION CALENDAR

7. Land Use and Climate Program Updates; Communities, Climate, and Tools

Recommendation: Receive and file a report on the current activities in the Climate and Land Use section of the Transportation and Climate Change Division.

Roberto Ramirez, Transportation and Climate Change Division, gave a presentation on

Land Use and Climate Program Updates: Communities, Climate, and Tools.

Received and filed

8. Carl Moyer and Clean Cars 4 All Program Updates

Recommendation: Receive and file a report on the current activities of the Carl Moyer and Clean Cars 4 All Programs in the Transportation and Climate Change Division.

Celida Lazarraga, Transportation and Climate Change Division, gave a presentation on

Carl Moyer and Clean Cars 4 All Program Updates.

Received and filed

AIR POLLUTION CONTROL OFFICER'S REPORT

9. Air Pollution Control Officer Presentation

   Recommendation: Receive and file a presentation from the Air Pollution Control Officer.

   Alberto Ayala, Executive Director/ Air Pollution Control Officer gave a presentation.

   Received and filed

CLOSED SESSION

10. Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to Government Code section 54956.9(b) (1 Case) - EDP v Sac Metro Air District

    Kathy Pittard, District Counsel, reported out that the Board gave approval to enter a Consent Judgement and pay plaintiff's reasonable attorney fees to resolve this pending action.

BOARD IDEAS, COMMENTS AND AB 1234 REPORTS

PUBLIC COMMENT

ADJOURN

RESOLUTION NO. 2024 – 015

Adopted by the Sacramento Metropolitan Air Quality Management District
Board of Directors

RULE 442 – ARCHITECTURAL COATINGS

BACKGROUND:

A. The Board of Directors (Board) of the Sacramento Metropolitan Air Quality Management District (District) is authorized by Sections 40001, 40702, and 41010 of the California Health and Safety Code (HSC) to adopt, amend or repeal rules and regulations [HSC Section 40727(b)(2)].

B. The District is within an area designated nonattainment for the 2008 and 2015 8-hr ozone National Ambient Air Quality Standards.

C. The Board has determined that a need exists to amend Rule 442 to fulfill the contingency measure requirements of Clean Air Act Sections 172(c)(9) and 182(c)(9) [HSC Section 40727(b)(1)].

D. The Board has determined that the meaning of Rule 442 can be easily understood by the persons affected by it [HSC Section 40727(b)(3)].

E. The Board has determined that Rule 442 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations [HSC Section 40727(b)(4)].

F. The Board has determined that Rule 442 does not duplicate any existing state or federal regulations [HSC Section 40727(b)(5)].

G. The Board has determined that Rule 442 implements the requirements of CAA Section 172(c)(9) and 182(c)(9), and HSC Sections 40150 and 40600 [HSC Section 40727(b)(6)].

H. The Board has considered a written analysis for Rule 442 in Staff's Statement of Reasons [HSC Section 40727.2].

I. The Board has maintained records of the rulemaking proceedings [HSC Section 40728].

J. The Board held a duly noticed public hearing on July 25, 2024, and considered public comments on Rule 442 [HSC Sections 40725 and 40726 and 40 CFR 51.102].

K. The Board has considered the socioeconomic impacts of Rule 442 in Staff's Statement of Reasons [HSC Section 40728.5].

L. The Board evaluated Rule 442 to determine whether it is exempt from the California Environmental Quality Act (CEQA) as an action by a regulatory agency for protection of the environment (Class 8 Categorical Exemption, §15308 State CEQA Guidelines) and as an action in which it can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment (§15061(b)(3), State CEQA Guidelines).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE BOARD OF DIRECTORS RESOLVES AS FOLLOWS:

Section 1. The amendment of Rule 442 is exempt from CEQA.

Section 2. Approves and amends Rule 442 – ARCHITECTURAL COATINGS, shown in the attached Exhibit A.

Section 3. Rule 442 (set forth in Exhibit A) is effective as of July 25, 2024.

Section 4. Directs Staff to forward Rule 442 and all necessary supporting documents to the California Air Resources Board for submittal to the U.S. EPA as a revision to the California State Implementation Plan.

Section 5. Exhibit A is attached to and incorporated into this Resolution.

ON A MOTION by Director __Phil Serna__, seconded by Director __Mai Vang__, the foregoing resolution was passed and adopted by the Board of Directors of the Sacramento Metropolitan Air Quality Management District on July 25, 2024, by the following vote:

Ayes: Rich Desmond, Patrick Kennedy, Caity Maple, Kevin Papineau, Sergio Robles, Phil Serna, Shoun Thao, and Mai Vang.

Noes: Anna Rohrbough (on behalf of Sarah Aquino) and Bret Daniels.

Abstain:

Absent: Sarah Aquino, Sue Frost, Eric Guerra, Patrick Hume, and Donald Terry.

ATTEST: Salina Martinez

Digitally signed by: Salina Martinez
DN: CN = Salina Martinez email = smartinez@airquality.org C = AD O = Sac Metro Air District
Date: 2024.07.25 17:02:41 -07'00'

Clerk, Board of Directors
Sacramento Metropolitan Air Quality Management District

RULE 442 ARCHITECTURAL COATINGS
Adopted 12-6-78
(Amended 8-31-82, 11-29-83, 4-28-87, 10-2-90, 11-16-93, 9-5-96, 5-24-01, 9-24-15, XX-XX-24)

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100 GENERAL

101 **PURPOSE:** To limit the emissions of volatile organic compounds from the use of architectural coatings supplied, sold, marketed, offered for sale, applied, solicited for application, or manufactured for use within the District.

102 **APPLICABILITY:** Except as provided in Sections 110 through 113, this rule is applicable to any person who:

- 102.1 Supplies, sells, markets, or offers for sale, any architectural coating for use within the District; or
- 102.2 Manufactures, blends, or repackages any architectural coating for use within the District; or
- 102.3 Applies or solicits the application of any architectural coating within the District;

103 **SEVERABILITY:** If a court of competent jurisdiction issues an order that any provision of this rule is invalid, it is the intent of the Board of Directors of the District that other provisions of this rule remain in full force and affect, to the extent allowed by law.

110 **EXEMPTION, USE OR SHIPMENT OUTSIDE DISTRICT:** This rule does not apply to any architectural coating that is supplied, sold, offered for sale, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging.

111 **EXEMPTION, AEROSOL COATINGS:** This rule does not apply to any aerosol coating product.

112 **EXEMPTION, SMALL CONTAINERS:** With the exception of Section 501, this rule does not apply to any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less provided both of the following requirements are met:

- 112.1 The container is not bundled together with other containers of the same specific coating category (listed in Section 301) to be sold as a unit that exceeds one liter (1.057 quarts), excluding containers packed together for shipping to a retail outlet.
- 112.2 The label or any other product literature does not suggest combining multiple containers of the same specific coating category (listed in Section 301) so that the combination exceeds one liter (1.057 quarts).

113 **EXEMPTION, COLORANTS ADDED AT FACTORY OR WORKSITE:** Colorants added at the factory or at the worksite are not subject to the VOC limits in Section 307. In addition, containers of colorant sold at the point of sale for use in the field or on a job site are also not subject to the VOC limits in Section 307.

200 DEFINITIONS

201 **ADHESIVE:** Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

202 **AEROSOL COATING PRODUCT:** A pressurized coating product containing pigments or resins that dispense 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 traffic/marking applications.

203 **ALUMINUM ROOF COATING:** A coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content must be determined in accordance with SCAQMD Method 318-95, incorporated by reference in Section 502.4.c.

204 **APPURTENANCE:** Any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating

equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain-gutters and down-spouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.

205 **ARCHITECTURAL COATING:** A coating to be applied to stationary structures and their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purpose of this rule.

206 **BASEMENT SPECIALTY COATING:** A clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement Specialty Coatings must meet the following criteria:

206.1 The coating must be capable of withstanding at least 10 psi of hydrostatic pressure, as determined in accordance with ASTM Standard D7088-17, incorporated by reference in Section 502.4.k; and

206.2 The coating must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM D3273-16 and ASTM D3274-09 (2017), incorporated by reference in Section 502.4.q.

207 **BITUMENS:** Black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

208 **BITUMINOUS ROOF COATING:** A coating which incorporates bitumens that is labeled and formulated exclusively for roofing.

209 **BITUMINOUS ROOF PRIMER:** A primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.

210 **BOND BREAKER:** A coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

211 **BUILDING ENVELOPE:** The ensemble of exterior and demising partitions of a building that enclose conditioned space.

212 **BUILDING ENVELOPE COATING:** The fluid applied coating applied to the building envelope to provide a continuous barrier to air or vapor leakage through the building envelope that separates conditioned from unconditioned spaces. Building Envelope Coatings are applied to diverse materials including, but not limited to, concrete masonry units (CMU), oriented strand board (OSB), gypsum board, and wood substrates and must meet the following performance criteria:

212.1 Air Barriers formulated to have an air permeance not exceeding 0.004 cubic feet per minute per square foot under a pressure differential of 1.57 pounds per square foot (0.004 cfm/ft^2 @ 1.57 psf), [0.02 liters per square meter per second under pressure differential of 75 Pa (0.02 L/(s-m^2) @ 75 Pa)] when tested in accordance with ASTM E2178-13, incorporated by reference in Section 502.4.v; and/or

212.2 Water Resistive Barriers formulated to resist liquid water that has penetrated a cladding system from further intruding into the exterior wall assembly and is classified as follows:

a. Passes water resistance testing accordance with ASTM E331-00 (2016), incorporated by reference in Section 502.4.w; and

b. Water vapor permeance is classified in accordance with ASTM E96/E96M-16, incorporated by reference in Section 502.4.x.

213 **COATING:** A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.

214 **COLORANT:** A concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

215 **CONCRETE CURING COMPOUND:** A coating labeled and formulated for application to freshly poured concrete to perform one of more of the following functions:
215.1 Retard the evaporation of water; or
215.2 Harden or dustproof the surface of freshly poured concrete.

216 **CONCRETE/MASONRY SEALER:** A clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:
216.1 Prevent penetration of water; or
216.2 Provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or
216.3 Harden or dustproof the surface of aged or cured concrete.

217 **CONTINGENCY MEASURE TRIGGER DATE:** The effective date of an EPA final rulemaking that conditions described in Clean Air Act Sections 172(c)(9) and 182(c)(9) have occurred in the District regarding the 2008 or 2015 8-hour Ozone National Ambient Air Quality Standard.

218 **DRIVEWAY SEALER:** A coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:
218.1 Fill cracks; or
218.2 Seal the surface to provide protection; or
218.3 Restore or preserve the appearance.

219 **DRY FOG COATING:** A coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

220 **EXEMPT COMPOUND:** For the purposes of this rule, “exempt compound” has the same meaning as in Rule 101—GENERAL PROVISIONS AND DEFINITIONS. Exempt compounds content of a coating must be determined by South Coast Air Quality Management District Method 303-91 (Revised 1996), incorporated by reference in Section 502.4.g.

221 **FAUX FINISHING COATING:** A coating labeled and formulated to meet one or more of the following criteria:
221.1 A glaze or textured coating used to create artistic effects, including, but not limited to: dirt, suede, old age, smoke damage, and simulated marble and wood grain; or
221.2 A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon); or
221.3 A decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in Section 502.4.c; or
221.4 A decorative coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater

than 0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content must be determined in accordance with SCAQMD Method 318-95, incorporated by reference in Section 502.4.c; or

221.5 A clear topcoat to seal and protect a Faux Finishing coating that meets the requirements of Section 221.1, 221.2, 221.3, or 221.4. These clear topcoats must be sold and used solely as part of a Faux Finish coating system, and must be labeled in accordance with Section 401.7.

222 **FIRE-RESISTIVE COATING:** A coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The Fire Resistive category includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. Fire Resistive coatings must be tested in accordance with ASTM E119-18ce1, incorporated by reference in Section 502.4.a. Fire Resistive coatings and testing agencies must be approved by building code officials.

223 **FLAT COATING:** A coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM D523-14 (2018), incorporated by reference in Section 502.4.b.

224 **FLOOR COATING:** An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces which may be subject to foot traffic.

225 **FORM-RELEASE COMPOUND:** A coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

226 **GRAPHIC ARTS COATING OR SIGN PAINT:** A coating labeled and formulated for hand-application by artists using brush, airbrush, or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.

227 **HIGH-TEMPERATURE COATING:** A high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

228 **INDUSTRIAL MAINTENANCE COATING:** A high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed in Sections 228.1 through 228.5, and labeled as specified in Section 401.4:

228.1 Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation; or

228.2 Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; or

228.3 Frequent exposure to temperatures above 121°C (250°F); or

228.4 Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or

228.5 Exterior exposure of metal structures and structural components.

229 **INTERIOR STAIN:** A stain labeled and formulated exclusively for use on interior surfaces.

230 **INTUMESCENT:** A material that swells as a result of heat exposure, thus increasing in volume and decreasing in density.

231 **LOW SOLIDS COATING:** A coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material as recommended for application by the manufacturer. The VOC content for Low Solids Coatings must be calculated in accordance with Section 403.2.

232 **MAGNESITE CEMENT COATING:** A coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

233 **MANUFACTURER'S MAXIMUM THINNING RECOMMENDATION:** The maximum recommendation for thinning that is indicated on the label or lid of the coating container.

234 **MARKET:** To facilitate sales through third party vendors including, but not limited to, catalog or ecommerce sales that bring together buyers and sellers. For the purposes of this rule, market does not mean to generally promote or advertise coatings.

235 **MASTIC TEXTURE COATING:** A coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (at least 0.010 inch) dry film thickness.

236 **MEDIUM DENSITY FIBERBOARD (MDF):** A composite wood product, panel, molding, or other building material composed of cellulosic fibers (usually wood) made by dry forming and pressing of a resinated fiber mat.

237 **METALLIC PIGMENTED COATING:** A coating that is labeled and formulated to provide a metallic appearance. Metallic Pigmented coatings must contain at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pounds per gallon), when tested in accordance with South Coast Air Quality Management District Method 318-95, incorporated by reference in Section 502.4.c. The Metallic Pigmented Coating category does not include coatings applied to roofs or Zinc-Rich Primers.

238 **MULTI-COLOR COATING:** A coating that is packaged in a single container and that is labeled and formulated to exhibit more than one color when applied in a single coat.

239 **NONFLAT COATING:** A coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM D523-14 (2018), incorporated by reference in Section 502.4.b.

240 **NONFLAT – HIGH GLOSS COATING:** A nonflat coating that registers a gloss of 70 or greater on a 60 degree meter according to ASTM D523-14 (2018), incorporated by reference in Section 502.4.b. Nonflat – High Gloss coatings must be labeled in accordance with Section 401.6. (This definition will sunset on the Contingency Measure Trigger Date.)

241 **PARTICLEBOARD:** A composite wood product panel, molding, or other building material composed of cellulosic material (usually wood) in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.

242 **PEARLESCENT:** Exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

243 **PLYWOOD:** A panel product consisting of layers of wood veneers or composite core pressed together with resin. Plywood includes panel products made by either hot or cold pressing (with resin) veneers to a platform.

244 **POST-CONSUMER COATING:** Finished coatings generated by a business or consumer that have served their intended end uses, and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.

245 **PRE-TREATMENT WASH PRIMER:** A primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM D1613-17, incorporated by reference in Section 502.4.d, that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

246 **PRIMER, SEALER, AND UNDERCOATER:** A coating labeled and formulated for one or more of the following purposes:

246.1 To provide a firm bond between the substrate and the subsequent coatings; or
246.2 To prevent subsequent coatings from being absorbed by the substrate; or
246.3 To prevent harm to subsequent coatings by materials in the substrate; or
246.4 To provide a smooth surface for the subsequent application of coatings; or
246.5 To provide a clear finish coat to seal the substrate; or
246.6 To block materials from penetrating into or leaching out of a substrate.

247 **REACTIVE PENETRATING SEALER:** A clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive Penetrating Sealers must meet all of the following criteria:

247.1 The Reactive Penetrating Sealer must improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in Section 502.4.r: ASTM C67/C67M-18, ASTM C97/C97M-18, or ASTM C140/C140M-18a; and
247.2 The Reactive Penetrating Sealer must provide a breathable waterproof barrier for concrete or masonry surfaces that does not prevent or substantially retard water vapor transmission. This performance must be verified on standardized test specimens, in accordance with ASTM E96/E96M-16 or ASTM D6490-99 (2014), incorporated by reference in Section 502.4.s; and
247.3 Products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), incorporated by reference in Section 502.4.t.

Reactive Penetrating Sealers must be labeled in accordance with Section 401.8.

248 **RECYCLED COATING:** An architectural coating formulated such that it contains a minimum of 50% by volume post-consumer coating, with a maximum of 50% by volume secondary industrial materials or virgin materials.

249 **RESIDENTIAL:** Areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

250 **ROOF COATING:** A non-bituminous coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration, reflecting ultraviolet light, or reflecting solar radiation.

251 **RUST PREVENTATIVE COATING:** A coating formulated to prevent the corrosion of metal surfaces for one or more of the following applications:

251.1 Direct-to-metal coating; or

251.2 Coating intended for application over rusty, previously coated surfaces.

The Rust Preventative category does not include the following:
251.3 Coatings that are required to be applied as a topcoat over a primer; or
251.4 Coatings that are intended for use on wood or any other non-metallic surface.

Rust Preventative coatings are for metal substrates only and must be labeled as such, in accordance with the labeling requirements in Section 401.5.

252 **SECONDARY INDUSTRIAL MATERIALS:** Products or by-products of the paint manufacturing process that are of known composition and have economic value but can no longer be used for their intended purpose.

253 **SEMITRANSPARENT COATING:** A coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.

254 **SHELLAC:** A clear or opaque coating formulated solely with the resinous secretions of the lac beetle (Laciffer lacca), and formulated to dry by evaporation without a chemical reaction.

255 **SHOP APPLICATION:** Application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).

256 **SOLICIT:** To require for use or to specify, by written or oral contract.

257 **SPECIALTY PRIMER, SEALER AND UNDERCOATER:**A coating that is formulated for application to a substrate to block water-soluble stains resulting from: fire damage; smoke damage; or water damage. Effective on and after the Contingency Measure Trigger Date, Specialty Primers, Sealers, and Undercoaters must be labeled in accordance with Section 401.9.

258 **STAIN:** A semitransparent or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

259 **STONE CONSOLIDANT:** A coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants must be specified and used in accordance with ASTM E2167-01 (2008), incorporated by reference in Section 502.4.u.

Stone Consolidants are for professional use only and must be labeled as such, in accordance with the labeling requirements in Section 401.10.

260 **SWIMMING POOL COATING:** A coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals. Swimming pool coatings include coatings used for swimming pool repair and maintenance.

261 **TILE AND STONE SEALERS:** A clear or pigmented sealer that is used for sealing tile, stone or grout to provide resistance against water, alkalis, acids, ultraviolet light or straining and which meet one of the following subcategories:
261.1 Penetrating sealers are polymer solutions that cross-link in the substrate and must meet the following criteria:
a. A fine particle structure to penetrate dense tile such as porcelain with absorption as low as 0.10 percent per ASTM C373-18, ASTM C97/C97M-18, or ASTM C642-13, incorporated by reference in Section 502.4.y;

b. Retain or increase static coefficient of friction per ANSI A137.1 (2012), incorporated by reference in Section 502.4.z;
c. Not create a topical surface film on the tile or stone; and
d. Allow vapor transmission per ASTM E96/E96M-16, incorporated by reference in Section 502.4.aa.

261.2 Film forming sealers which leave a protective film of the surface.

262 **TINT BASE:** An architectural coating to which colorant is added after packaging in sale units to produce a desired color.

263 **TRAFFIC MARKING COATING:** A coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces, including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways. Effective on and after the Contingency Measure Trigger Date**,** this coating category also includes Methacrylate Multicomponent Coatings used as traffic marking coatings. The VOC content of Methacrylate Multicomponent Coatings used as traffic marking coatings must by analyzed by the procedures in 40 CFR Part 59, Subpart D, Appendix A, incorporated by reference in Section 502.4.j.

264 **TUB AND TILE REFINISH COATING:** A clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings must meet all of the following criteria:

264.1 The coating must have a scratch hardness of 3H or harder and a gouge harness of 4H or harder. This must be determined on bonderite 1000, in accordance with ASTM D3363-05 (2011)e2, incorporated by reference in Section 502.4.m; and

264.2 The coating must have a weight loss of 20 milligrams or less after 1000 cycles. This must be determined with CS-17 wheels on bonderite 1000, in accordance with ASTM D4060-14, incorporated by reference in Section 502.4.n; and

264.3 The coating must withstand 1000 hours or more of exposure with few or no #8 blisters. This must be determined on unscribed bonderite, in accordance with ASTM D4585/D4585M-18, and ASTM D714 (2017), incorporated by reference in Section 502.4.o; and

264.4 The coating must have an adhesion rating of 4B or better after 24 hours of recovery. This must be determined on unscribed bonderite, in accordance with ASTM D4585/D4585M-18 and ASTM D3359-17, incorporated by reference in Section 502.4.l.

265 **VENEER:** Thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.

266 **VIRGIN MATERIALS:** Materials that contain no post-consumer coatings or secondary industrial materials.

267 **VOLATILE ORGANIC COMPOUND (VOC):** For the purposes of this rule, “volatile organic compound” has the same meaning as in Rule 101—GENERAL PROVISIONS AND DEFINITIONS.

268 **VOC ACTUAL:** The weight of VOC per volume of coating or colorant, as calculated by the procedure specified in Section 403.2.

269 **VOC CONTENT:** The weight of VOC per volume of coating or colorant. VOC Content is VOC Regulatory, as defined in Section 270, for all coatings or colorants except those in the Low Solids category. For coatings in the Low Solids category, the VOC Content is VOC Actual, as defined in Section 268. If the coating is a multi-component product, the VOC Content is VOC Regulatory as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

270 **VOC REGULATORY:** VOC Regulatory is the weight of VOC per volume of coating or colorant, less the volume of water and exempt compounds, as calculated by the procedure specified in Section 403.1.

271 **WATERPROOFING MEMBRANE:** A clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate. Waterproofing Membranes are intended for the following waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing Membranes must meet the following criteria:

271.1 The coating must be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness; and

271.2 The coating must meet or exceed the requirements contained in ASTM C836/C836M-18, incorporated by reference in Section 502.4.p.

The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.).

272 **WOOD COATINGS:** Coatings labeled and formulated for application to wood substrates only. The Wood Coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The Wood Coatings category also includes the following opaque wood coatings: opaque lacquers; opaque sanding sealers; and opaque lacquer undercoaters. The Wood Coatings category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or coatings intended for substrates other than wood.

Wood Coatings must be labeled “For Wood Substrates Only”, in accordance with Section 401.11.

273 **WOOD PRESERVATIVE:** A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, *et seq.*) and with the California Department of Pesticide Regulation.

274 **WOOD SUBSTRATE:** A substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Products do not include items comprised of simulated wood.

275 **ZINC-RICH PRIMER:** A coating that meets all of the following specifications:

275.1 The coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and

275.2 The coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and

275.3 The coating is intended for professional use only and is labeled as such, in accordance with the labeling requirements in Section 401.12.

300 STANDARDS

301 **VOC CONTENT LIMITS FOR COATINGS:** Except as provided in Sections 302 and 303, no person may:

301.1 Manufacture, blend, or repackage for sale within the District; or

301.2 Supply, sell, market or offer for sale within the District; or

301.3 Solicit for application or apply within the District, any architectural coating with a VOC content in excess of the corresponding limit specified in Table 1. Limits are

expressed as VOC Regulatory, thinned to the manufacturer's maximum recommendation, excluding any colorant added to tint bases.

Table 1

Coating Category[2]	VOC Content Limit[1], g/L	
	Current	Effective on and after Contingency Measure Trigger Date
Flat Coatings	50	
Nonflat Coatings	100	50
Nonflat – High Gloss Coatings	150	(Eliminated)[3]
Specialty Coatings:		
Aluminum Roof Coatings	400	100
Basement Specialty Coatings	400	
Bituminous Roof Coatings	50	
Bituminous Roof Primers	350	
Bond Breakers	350	
Building Envelope Coatings[4]		50
Concrete Curing Compounds	350	
Concrete/Masonry Sealers	100	
Driveway Sealers	50	
Dry Fog Coatings	150	50
Faux Finishing Coatings	350	
Fire Resistive Coatings	350	150
Floor Coatings	100	50
Form-Release Compounds	250	100
Graphic Arts Coatings (Sign Paints)	500	
High Temperature Coatings	420	
Industrial Maintenance Coatings	250	
Low Solids Coatings[1]	120	
Magnesite Cement Coatings	450	
Mastic Texture Coatings	100	
Metallic Pigmented Coatings	500	
Multi-Color Coatings	250	
Pre-Treatment Wash Primers	420	
Primers, Sealers, and Undercoaters	100	
Reactive Penetrating Sealers	350	
Recycled Coatings	250	
Roof Coatings	50	
Rust Preventative Coatings	250	
Shellacs: Clear Opaque	 730 550	
Specialty Primers, Sealers and Undercoaters	100	
Stains Exterior/Dual Interior Only	 Stains (250) Stains (250)	 100 250
Stone Consolidants	450	
Swimming Pool Coatings	340	
Tile and Stone Sealers[4]		100
Traffic Marking Coatings	100	
Tub and Tile Refinish Coatings	420	
Waterproofing Membranes	250	100

	VOC Content Limit[1], g/L	
Coating Category[2]	**Current**	**Effective on and after Contingency Measure Trigger Date**
Wood Coatings	275	
Wood Preservatives	350	
Zinc-Rich Primers	340	

[1] Limits are expressed as VOC Regulatory, except for Low Solids Coatings. Limits for Low Solids Coatings are expressed as VOC Actual.
[2] If the coating does not meet any of the definitions for the specialty coating categories listed in Table 1, that coating will be classified as Flat, Nonflat or Nonflat - High Gloss based on its gloss level, and the corresponding VOC content limit will apply.
[3] This definition will sunset on the Contingency Measure Trigger Date, and Nonflat – High Gloss Coatings will coating meet the definition of Nonflat Coatings.
[4] Prior to the Contingency Measure Trigger Date, a specific Building Envelope Coating or Tile and Stone Sealer will be classified based on the current specialty coating definition it meets, or, if it doesn't meet any current specialty coating definition, it will be classified as Flat, Nonflat or Nonflat - High Gloss, based on its gloss level, and the corresponding VOC content limit will apply.

302 **MOST RESTRICTIVE VOC LIMITS:** If a coating meets the definition in Section 200 for one or more specialty coating categories that are listed in Table 1, then that coating is not required to meet the VOC limits for Flat, Nonflat, or Nonflat-High Gloss coatings, but is required to meet the VOC limit for the applicable specialty coating listed in Table 1.

With the exception of the specialty coating categories specified in Sections 302.1 through302.12, if a coating is recommended for use in more than one of the specialty coating categories listed in Table 1, the most restrictive (or lowest) VOC content limit applies. This requirement applies to: usage recommendations that appear anywhere on the coating container, anywhere on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf.

302.1 Metallic pigmented coatings.
302.2 Shellacs.
302.3 Pretreatment wash primers.
302.4 Industrial maintenance coatings.
302.5 Low-solids coatings.
302.6 Wood preservatives.
302.7 High temperature coatings.
302.8 Bituminous roof primers.
302.9 Specialty primers, sealers, and undercoaters.
302.10 Aluminum roof coatings.
302.11 Zinc-rich Primers.
302.12 Wood coatings.

303 **SELL-THROUGH PROVISIONS:**

303.1 A coating manufactured prior to the Contingency Measure Trigger Date may be sold, supplied, or offered for sale until one year after the Contingency Measure Trigger Date, provided the coating complies with the version of RULE 442 – ARCHITECTURAL COATINGS, effective September 24, 2015 (incorporated by reference). This version of the rule is posted on the District's web site, www.airquality.org. In addition, such a coating may be applied at any time, both before and after the Contingency Measure Trigger Date. This Subsection 303.1 does not apply to any coating supplied in a container that does not display the date or date-code required by Section 401.1.

303.2 A colorant manufactured prior to the Contingency Measure Trigger Date may be sold, supplied, or offered for sale until one year after the Contingency Measure Trigger Date. In addition, such a colorant may be applied at any time, both before and after the Contingency Measure Trigger Date. This Subsection 303.2 does not apply to any colorant supplied in a container that does not display the date or date-code required by Section 402.1.

304 **PAINTING PRACTICES:** All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, must be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays or other application containers. Containers of any VOC-containing materials used for thinning and cleanup must also be closed when not in use.

305 **THINNING:** No person who applies or solicits the application of any architectural coating may apply a coating that is thinned to exceed the applicable VOC limit specified in Table 1 in Section 301.

306 **COATINGS NOT LISTED IN SECTION 301:** For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 1 in Section 301, the VOC content limit must be determined by classifying the coating as a Flat, Nonflat, or Nonflat - High Gloss coating, based on its gloss, as defined in Sections 223, 239 and 240 and the corresponding Flat, Nonflat, or Nonflat – High Gloss Coating VOC limit in Table 1 applies.

307 **VOC CONTENT LIMITS FOR COLORANTS:**

307.1 Effective on and after the Contingency Measure Trigger Date, no person within the District may, at the point of sale of any architectural coating subject to Section 301, add to such coating any colorant that contains VOC, expressed as VOC Regulatory, in excess of the corresponding applicable VOC limit specified in Table 2. The point of sale includes retail outlets that add colorant to a coating container to obtain a specific color.

307.2 Colorants added at the factory or at the job site are not subject to the VOC limits in Table 2. In addition, containers of colorant sold at the point of sale for use in the field or on a job site are also not subject to the VOC limits in Table 2.

Table 2

Colorant Added To:	VOC Content Limit[1], g/L, Effective on and after Contingency Measure Trigger Date
Architectural Coatings, excluding Industrial Maintenance Coatings	50
Solvent-Based Industrial Maintenance Coatings	600
Waterborne Industrial Maintenance Coatings	50
Wood Coatings	600
[1] Limits are expressed as VOC Regulatory.	

308 **EARLY COMPLIANCE OPTION:** Prior to the Contingency Measure Trigger Date, any coating that meets all the requirements of the rule that will be in effect on and after the Contingency Measure Trigger Date is considered to be in compliance with this rule.

400 ADMINISTRATIVE REQUIREMENTS

401 **CONTAINER LABELING REQUIREMENTS FOR COATINGS:** Each manufacturer of any architectural coating subject to this rule must display the information listed in Sections 401.1 through 401.12 on the coating container (or label) in which the coating is sold or distributed.

401.1 **DATE CODE:** The date the coating was manufactured, or a date code representing the date, must be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer must file an explanation of each code with the Executive Officer of the California Air Resources Board, and such explanation must be made available to the Air Pollution Control Officer immediately upon request.

401.2 **THINNING RECOMMENDATIONS:** A statement of the manufacturer's recommendation regarding thinning of the coating must be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

401.3 **VOC CONTENT:** Each container of any coating subject to this rule must display one of the following values in grams of VOC per liter of coating:

a. Maximum VOC Content as determined from all potential product formulations; or

b. VOC Content as determined from actual formulation data; or

c. VOC Content as determined using the test methods in Section 502.1. VOC Content, as defined in Section 269, must be determined as specified in Section 403.

If the manufacturer does not recommend thinning, the container must display the VOC Content, as supplied. If the manufacturer recommends thinning, the container must display the VOC Content, including the maximum amount of thinning solvent recommended by the manufacturer.

If the coating is a multi-component product, the container must display the VOC Content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC Content must include the VOCs emitted during curing.

401.4 **INDUSTRIAL MAINTENANCE COATINGS:** In addition to the information specified in Sections 401.1, 401.2 and 401.3, each manufacturer of any industrial maintenance coating subject to this rule must display on the label or lid of the container in which the coating is sold or distributed one or more of the descriptions listed in Sections 401.4.a through 401.4.c.

a. “For industrial use only.”

b. “For professional use only.”

c. “Not for residential use” or “Not intended for residential use.” Section 401.4.c. will sunset on the Contingency Measure Trigger Date.

401.5 **RUST PREVENTATIVE COATINGS:** The labels of all rust preventative coatings must prominently display the statement “For Metal Substrates Only.”

401.6 **NON-FLAT – HIGH GLOSS COATINGS:** The labels of all non-flat – high gloss coatings must prominently display the words “High Gloss.” This section will sunset on the Contingency Measure Trigger Date.

401.7 **FAUX FINISHING COATINGS:** The labels of all clear topcoat Faux Finishing coatings must prominently display the statement “This product can only be sold and used as part of a Faux Finishing coating system.”

401.8 **REACTIVE PENETRATING SEALERS:** The labels of all Reactive Penetrating Sealers must prominently display the statement “Reactive Penetrating Sealer.”

401.9 **SPECIALTY PRIMERS, SEALERS, AND UNDERCOATERS:** Effective on and after the Contingency Measure Trigger Date, the labels of all specialty primers,

sealers, and undercoaters must prominently display the statement “Specialty Primer, Sealer, Undercoater.”

401.10 **STONE CONSOLIDANTS:** The labels of all Stone Consolidants must prominently display the statement “Stone Consolidant – For Professional Use Only.”

401.11 **WOOD COATINGS:** The labels of all Wood Coatings must prominently display the statement “For Wood Substrates Only.”

401.12 **ZINC RICH PRIMERS:** The labels of all Zinc Rich Primers must prominently display one or more of the descriptions listed in Sections 401.12.a through 401.12.c.

a. “For industrial use only.” This section will sunset on the Contingency Measure Trigger Date.

b. “For Professional Use Only.”

c. “Not for residential use” or “Not intended for residential use.” This section will sunset on the Contingency Measure Trigger Date.

402 CONTAINER LABELING REQUIREMENTS FOR COLORANTS: Effective on and after the Contingency Measure Trigger Date, each manufacturer of any colorant subject to this rule must display the information listed in Sections 402.1 and 402.2 on the container (or label) in which the colorant is sold or distributed,

402.1 **DATE CODE:** The date the colorant was manufactured, or a date code representing the date, must be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any colorant, the manufacturer must file an explanation of each code with the Executive Officer of the California Air Resources Board, and such explanation must be made available to the Air Pollution Control Officer immediately upon request.

402.2 **VOC CONTENT:** Each container of any colorant subject to this rule must display one of the following values in grams of VOC per liter of colorant:

a. Maximum VOC Content as determined from all potential product formulations; or

b. VOC Content as determined from actual formulation data; or

c. VOC Content as determined using the test methods in Section 502.1. VOC Content, as defined in Section 269, must be determined as specified in Section 403.

If the colorant contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

403 **CALCULATION OF VOC CONTENT:** For the purpose of determining compliance with the VOC content limits in Table 1 in Section 301 or Table 2 in Section 307, the VOC content of a coating or colorant must be determined by using the procedures described in Sections 403.1 or 4013.2, as appropriate. The VOC content of a tint base must be determined without colorant that is added after the tint base is manufactured. If the manufacturer does not recommend thinning, the VOC Content must be calculated for the product as supplied. If the manufacturer recommends thinning, the VOC Content must be calculated including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the VOC Content must be calculated as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC Content must include the VOCs emitted during curing.

403.1 VOC Regulatory: VOC Regulatory, as defined in Section 270, must be determined using the following equation:

$$\text{VOC Regulatory} = (W_s - W_w - W_{ec}) / (V_m - V_w - V_{ec})$$

Where:

VOC Regulatory = grams of VOC per liter of coating or colorant, excluding water and exempt compounds, (also known as "Coating VOC")
W_s = weight of all volatiles, in grams
W_w = weight of water, in grams
W_{ec} = weight of exempt compounds, in grams
V_m = volume of coating or colorant, in liters
V_w = volume of water, in liters
V_{ec} = volume of exempt compounds, in liters

403.2 VOC Actual: VOC Actual, as defined in Section 268, must be determined using the following equation:

$$\text{VOC Actual} = (W_s - W_w - W_{ec}) / (V_m)$$

Where:
VOC Actual = grams of VOC per liter of coating or colorant, (also known as "Material VOC")
W_s = weight of all volatiles, in grams
W_w = weight of water, in grams
W_{ec} = weight of exempt compounds, in grams
V_m = volume of coating or colorant, in liters

500 MONITORING AND RECORDS

501 REPORTING REQUIREMENTS:

501.1 **ARB REQUEST OF SALES DATA:** A responsible official from each manufacturer must upon request of the Executive Officer of the ARB, or his or her delegate, provide data concerning the distribution and sales of architectural coatings. The responsible official must within 180 days provide information including, but not limited to:

a. the name and mailing address of the manufacturer;
b. the name, address and telephone number of a contact person;
c. the name of the coating product as it appears on the label and the applicable coating category;
d. whether the product is marketed for interior or exterior use or both;
e. the number of gallons sold in California in containers greater than one liter (1.057 quart) and equal to or less than one liter (1.057 quart);
f. the VOC Actual content and VOC Regulatory content in grams per liter. If thinning is recommended, list the VOC Actual content and VOC Regulatory content after maximum recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC content as mixed or catalyzed;
g. the names and CAS numbers of the VOC constituents in the product;
h. the names and CAS numbers of any compound in the product specifically exempted from the VOC definition, as referenced in Section 220;
i. whether the product is marketed as solvent-borne, waterborne, or 100% solids;
j. description of resin or binder in the product;
k. whether the coating is single-component or multi-component product;
l. the density of the product in pounds per gallon;
m. the percent by weight of: solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition, as referenced in Section 220;
n. the percent by volume of: solids, water, and any compounds in the product specifically exempted from the VOC definition, as referenced in Section 220.

501.2 All sales data listed under Section 501.1 must be maintained by the responsible official for a minimum of three years. Sales data submitted by the responsible official to the Executive Officer of the ARB may be claimed as confidential, and such information will be handled in accordance with the procedures specified in Title 17, California Code of Regulations Sections 91000-91022.

501.3 **DISTRICT INFORMATION REQUEST:** Section 501.1 does not limit the Air Pollution Control Officer's authority to request any manufacturer, supplier, wholesaler, or distributor to provide information pursuant to California Health and Safety Code Sections 40701(g) and 42303.2.

502 **TESTING PROCEDURES:**

502.1 **VOC CONTENT:** The VOC content of coatings or colorants must be determined by the following:

a. To determine the physical properties of a coating or colorant in order to perform the calculation in Section 402, the reference method for VOC content is U.S. Environmental Protection Agency Method 24, incorporated by reference in Section 502.4.h, except as provided in Sections 502.2 and 502.3.

b. An alternative method to determine the VOC content of coatings is South Coast Air Quality Management District Method 304-91 (Revised 1996), incorporated by reference in Section 502.4.i.

c. The exempt compounds content must be determined by South Coast Air Quality Management District Method 303-91 (Revised 1996), BAAQMD Method 43 (Revised 2005), or BAAQMD Method 41 (Revised 2005), as applicable, incorporated by reference in Sections 502.4.g, 502.4.e, and 502.4.f, respectively.

d, To determine the VOC content of a coating or colorant, the manufacturer may use U.S. Environmental Protection Agency Method 24, or an alternative method as provided in Section 502.2, formulation data, or any other reasonable means for predicting that the coating or colorant has been formulated as intended (e.g. quality assurance checks, recordkeeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 test results will govern, except when an alternative method is approved as specified in Section 502.2.

e. To determine the VOC content of a coating or colorant with a VOC content of 150 g/l or less, the manufacturer may use SCAQMD Method 313-91, incorporated by reference in Section 502.4.ab, ASTM D6886-18, incorporated by reference in Section 502.4.ac, or any other reasonable means for predicting that the coating or colorant has been formulated as intended (e.g., quality assurance checks, record keeping).

f. The District Air Pollution Control Officer may require the manufacturer to conduct a Method 24 analysis.

502.2 **ALTERNATIVE TEST METHODS:** Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with Section 502.1, after review and approved in writing by the staffs of the District, the California Air Resources Board, and the U.S. Environmental Protection Agency, may also be used.

502.3 **METHACRYLATE TRAFFIC MARKING COATINGS:** Analysis of methacrylate multicomponent coatings used as traffic marking coatings must be conducted according to a modification of U.S. Environmental Protection Agency Method 24 (40 CFR 59, Subpart D, Appendix A), incorporated by reference in Section 502.4.j. This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.

502.4 **TEST METHODS:** The following test methods are incorporated by reference herein, and must be used to test coatings subject to provisions of this rule:

a. **Fire Resistance Rating:** The fire resistance rating of a fire-resistive coating must be determined by ASTM E119-18ce1, “Standard Test Methods for Fire Tests of Building Construction and Materials“ (see Section 222, Fire-Resistive Coating).

b. **Gloss Determination:** The gloss of a coating must be determined by ASTM D 523-14 (2018), “Standard Test Method for Specular Gloss” (see Sections 223, 239, and 240, Flat Coating, Nonflat Coating, and Nonflat-High Gloss Coating).

c. **Metal Content of Coatings:** The metallic content of a coating must be determined by South Coast Air Quality Management District Method 318-95, ”Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction,” South Coast Air Quality Management District “Laboratory Methods of Analysis for Enforcement Samples,” (see Sections 203, 221, and 237, Aluminum Roof, Faux Finishing, and Metallic Pigmented Coatings).

d. **Acid Content of Coatings:** The acid content of a coating must be determined by ASTM D1613-17, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products”, (see Section 245, Pre-Treatment Wash Primer).

e. **Exempt Compounds – Siloxanes:** Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, must be analyzed as exempt compounds for compliance with Section 502 by Bay Area Air Quality Management District Method 43, “Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials,” Bay Area Air Quality Management District Manual of Procedures, Volume III, adopted 11/6/96, (see Section 267, Volatile Organic Compound and Section 502.1.c).

f. **Exempt Compounds – Parachlorobenzotrifluoride (PCBTF):** The exempt compound parachlorobenzotrifluoride, must be analyzed as an exempt compound for compliance with Section 502 by Bay Area Air Quality Management District Method 41, “Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride, Bay Area Air Quality Management District Manual of Procedures, Volume III, adopted 12/20/95, (see Section 267, Volatile Organic Compound and Section 502.1.c).

g. **Exempt Compounds:** The content of compounds exempt under U.S. Environmental Protection Agency Method 24 must be analyzed by South Coast Air Quality Management District Method 303-91 (Revised 1996), “Determination of Exempt Compounds,” South Coast Air Quality Management District “Laboratory Methods of Analysis for Enforcement Samples, (see Section 267, Volatile Organic Compound and Section 502.1c.)

h. **VOC Content of Coatings:** The VOC content of a coating must be determined by U.S. Environmental Protection Agency Method 24 as it exists in Appendix A of 40 CFR Part 60, “Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings,” (see Section 502.1.a)

i. **Alternative VOC Content of Coatings:** The VOC content of coatings may be analyzed either by U.S. Environmental Protection Agency Method 24 or South Coast Air Quality Management District Method 304-91 (Revised 1996), “Determination of Volatile Organic Compounds (VOC) in Various Materials,” South Coast Air Quality Management District “Laboratory Methods of Analysis for Enforcement Samples,” (see Section 502.1.b)

j. **Methacrylate Traffic Marking Coatings:** The VOC content of methacrylate multicomponent coatings used as traffic marking coatings must be analyzed by the procedures in 40 CFR Part 59, Subpart D, Appendix A, “Determination of Volatile Matter Content of Methacrylate

Multicomponent Coatings Used as Traffic Marking Coatings, "(see Section 502.3).

k. **Hydrostatic Pressure for Basement Specialty Coatings**: ASTM D7088-17, "Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry", (see Section 206.1, Basement Specialty Coating).

l. **Tub and Tile Refinish Coating Adhesion:** ASTM D4585/D4585-18, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D3359-17, "Standard Test Methods for Measuring Adhesion by Tape Test" (see Section 264.4, Tub and Tile Refinish Coating).

m. **Tub and Tile Refinish Coating Hardness**: ASTM D3363-05 (2011)e2, "Standard Test Method for Film Hardness by Pencil Test", (see Section 264.1, Tub and Tile Refinish Coating).

n. **Tub and Tile Refinish Coating Abrasion Resistance**: ASTM D4060-14, "Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser" (see Section 264.2, Tub and Tile Refinish Coating).

o. **Tub and Tile Refinish Coating Water Resistance**: ASTM D4585/D4585M-18, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D714-02 (2017), "Standard Test Method for Evaluating Degree of Blistering of Paints" (see Section 264.3, Tub and Tile Refinish Coating).

p. **Waterproofing Membrane**: ASTM C836/C836M-18, "Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course" (see Section 272, Waterproofing Membrane).

q. **Mold and Mildew Growth for Basement Specialty Coatings**: ASTM D3273-16, "Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber" and ASTM D3274-09 (2017), "Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Fungal or Algal Growth, or Soil and Dirt Accumulation" (see Section 206.2, Basement Specialty Coating).

r. **Reactive Penetrating Sealer Water Repellency:** ASTM C67/C67M-18, "Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile"; or ASTM C97/C97M-18, "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone"; or ASTM C140/C140M-18a, "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units" (see Section 247.1, Reactive Penetrating Sealer).

s. **Reactive Penetrating Sealer Water Vapor Transmission:** ASTM E96/E96M-16, "Standard Test Method for Water Vapor Transmission of Materials"; or ASTM D6490-99, "Standard Test Method for Water Vapor Transmission of Nonfilm Forming Treatments Used on Cementitious Panels" (see Section 247.2, Reactive Penetrating Sealer).

t. **Reactive Penetrating Sealer - Chloride Screening Applications:** National Cooperative Highway Research Report 244 (1981), "Concrete Sealers for the Protection of Bridge Structures" (see Section 247.3, Reactive Penetrating Sealer).

u. **Stone Consolidants:** ASTM E2167-01 (2008), "Standard Guide for Selection and Use of Stone Consolidants" (see Section 259, Stone Consolidant).

v. **Building Envelope Coating Air Permeance of Building Materials:** ASTM E2178-13, "Standard Test Method for Air Permeance of Building Materials" (see Section 212.1, Building Envelope Coating).

w. **Building Envelope Coating Water Penetration Testing:** ASTM E331-00 (2016), "Standard Test Method for Water Penetration of Exterior Windows, Skylights, Doors, and Curtain Walls by Uniform Static Air Pressure Difference" (see Section 212.2.a, Building Envelope Coating).

x. **Building Envelope Coating Water Vapor Transmission:** ASTM E96/E96M-16, "Standard Test Methods for Water Vapor Transmission of Materials" (see Section 212.2.b, Building Envelope Coating)

y. **Tile and Stone Sealers Absorption:** ASTM C373-18, "Standard Test Methods for Determination of Water Absorption and Associated Properties by Vacuum Method for Pressed Ceramic Tile and Glass Tiles and Boil Method for Extruded Ceramic Tiles and Non-tile Fired Ceramic Whiteware Products"; or ASTM C97/C97M-18, "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone"; or ASTM C642-13, "Standard Test Method for Density, Absorption, and Voids in Hardened Concrete" (see Section 261.1.a, Tile and Stone Sealers).

z. **Tile and Stone Sealers – Static Coefficient of Friction:** ANSI A137.1 (2012), "American National Standard of Specifications for Ceramic Tile" (see Section 261.1.b, Tile and Stone Sealers).

aa. **Tile and Stone Sealers Water Vapor Transmissions:** ASTM E96/E96M-16, "Standard Test Methods for Water Vapor Transmission of Materials" (see Section 261.1.d, Tile and Stone Sealers).

ab. **VOC Content of Coatings:** South Coast AQMD Method 313-91, "Determination of Volatile Organic Compounds (VOC) by Gas Chromatography/Mass Spectrometry (GS/MS)" (see Section 502.1.e, VOC Content).

ac. **VOC Content of Coatings:** ASTM D6886-18, "Standard Test Method for Determination of the Weight Percent Individual Volatile Organic Compounds in Waterborne Air-Dry Coatings by Gas Chromatography" (see Section 502.1.e, VOC Content).

Meeting Date: 8/22/2024
Report Type: CONSENT CALENDAR
Report ID: 2024-0822-2.

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT 2.

Title: Appointment of Hearing Board Member from the Medical Profession

Recommendation: Pass a motion appointing Dr. Alexander Kelter to the Hearing Board as the member from the medical profession for a 3-year term beginning August 22, 2024, and ending August 21, 2027.

Rationale for Recommendation: Section 40800 of the California Health and Safety Code requires that the Board of Directors establish and maintain a hearing board. The hearing board consists of five members: one attorney, one professional engineer, one medical professional, and two members of the general public. Each member is appointed by the Board of Directors for a three-year term.

A Hearing Board Nomination Committee was established to assist in the process of nominating finalists for Board consideration by the full board to serve on the Hearing Board. For the current vacancy, only one candidate submitted an application. Since the candidate is qualified to fill the position, staff are forwarding the application directly to the full board for approval.

Contact: Virginia Muller, Clerk of the Hearing Board (279) 207-1138

Presentation: No

ATTACHMENTS:

Attachment A: Alexander Kelter Resume

Approvals/Acknowledgements

Executive Director or Designee: Alberto Ayala, Report Approved 8/13/2024

District Counsel or Designee: Kathrine Pittard, Approved as to Form 8/9/2024

Discussion / Justification: Dr. Alexander Kelter served as the Chief of Emergency Preparedness and Injury Control (EPIC) Branch for the California Department of Health Services from 1989 to 2006. Dr. Kelter's career with CDHS spanned a total of 24 years from 1982 through 2006. He also served on the Board of Directors of Environmental Council of Sacramento for 13 years until 2019. A copy of his resume is included as Attachment A.

The term for the member from the medical profession of the Hearing Board will commence upon Board approval beginning August 22, 2024, and ending August 21, 2027.

EMPLOYMENT APPLICATION

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT
777 12th Street, 3rd Floor
Sacramento, California 95814
(279) 207-1123
http://www.airquality.org/About-Us/Employment

Kelter, Alexander
1893 PUBLIC SERVICE OPPORTUNITY: HEARING BOARD MEMBER FROM THE MEDICAL PROFESSION

Received: 7/18/24 4:04 PM
For Official Use Only:
QUAL:_____
DNQ:_____
☐Experience
☐Training
☐Other:_____

PERSONAL INFORMATION

POSITION TITLE: PUBLIC SERVICE OPPORTUNITY: HEARING BOARD MEMBER FROM THE MEDICAL PROFESSION	**EXAM ID#:** 1893
NAME: (Last, First, Middle) Kelter, Alexander	**SOCIAL SECURITY NUMBER:** N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [redacted]	**EMAIL ADDRESS:** [redacted]
HOME PHONE: [redacted] **ALTERNATE PHONE:** [redacted]	**NOTIFICATION PREFERENCE:** Email
DRIVER'S LICENSE: ■ Yes ☐ No **DRIVER'S LICENSE:** **State:** CA **Number:** [redacted]	**LEGAL RIGHT TO WORK IN THE UNITED STATES?** ■ Yes ☐ No
What is your highest level of education? Doctorate	

PREFERENCES

ARE YOU WILLING TO RELOCATE?
☐Yes ■No ☐Maybe

WHAT TYPE OF JOB ARE YOU LOOKING FOR?
Regular

TYPES OF WORK YOU WILL ACCEPT:
Per Diem

SHIFTS YOU WILL ACCEPT:
Day

OBJECTIVE:
SMAQMD Hearing Board vacancy for Medical Doctor

EDUCATION

Nothing Entered For This Section

WORK EXPERIENCE

DATES: From: 8/1982 To: 8/2006	**EMPLOYER:** California Department of Health Services	**POSITION TITLE:** see attached resumé
ADDRESS: (Street, City, State/Province, Zip/Postal Code) Sacramento, California		
MAY WE CONTACT THIS EMPLOYER? ■Yes ☐No		
HOURS PER WEEK: 40	**# OF EMPLOYEES SUPERVISED:** 1500	
DUTIES: see attached resumé		
REASON FOR LEAVING: retired		

CERTIFICATES AND LICENSES

Nothing Entered For This Section

Skills

Nothing Entered For This Section

ADDITIONAL INFORMATION

Nothing Entered For This Section

REFERENCES

Nothing Entered For This Section

Agency-Wide Questions

1. **List any relatives employed by Sac Metro Air District or serving on its Board of Directors.**

   none

2. **Have you previously worked for the Sac Metro Air District?**

   No

3. **Have you ever been dismissed or fired from a position for any reason?**

   No

4. **Have you ever resigned from or quit a position while (a) under investigation, (b) after being informed disciplinary action would be taken against you, or (c) during an appeal from a disciplinary action?**

   No

5. **Have you ever been dismissed or told you would not receive permanent or continued employment during any type of probationary or trial period on the job?**

   No

6. **How did you learn of this job opportunity?**

   Word of Mouth

Job Specific Supplemental Questions

1. Please describe any experience or education that directly relates to air quality, also describe any experience on Boards.

At the Arizona Department of Health Services I provided health, toxicological and epidemiological information to the Environmental Health Division of that department. At the California DHS, I was the founding Chief of the Office of Environmental Health Hazard Assessment, now a part of CalEPA.

2. Please list professional, trade or business associations held which relate to the Hearing Board category for which you are applying.

Certified in Preventive Medicine and Public Health by the American Board of Preventive Medicine, certificate # 40763

3. Please list any relevant accomplishments, publications or awards.

ECOS Environmentalist of the Year 2014. Publications are in the fields of neurophysiology, AIDS and epidemiology of injury.

4. The Hearing Board meets the 3rd Thursday of each month at 4:00 p.m. as needed and occasionally as needed. Do you have any commitments which would prevent you from meeting the attendance requirements of the Hearing Board?

No

5. No officer or employee of the District may be a member of the District Hearing Board (Cal. Health and Safety C. Sec 40803). Do you or does any member of your immediate family work for the Air District or hold a position that might conflict with your duties for the Board?

No

6. If you answered "Yes" to question #5, please explain:

7. Applicants are required by state law and District requirements to file a financial disclosure statement as part of the appointment process. Do you have any objections to this requirement?

No

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I certify under penalty of perjury that every statement I have made in this application is true and complete to the best of my knowledge.
I understand that applications that do not list related job experience in the "Employment History/Work Experience" section will be considered incomplete and will be rejected. A resume or answers to supplemental questions will not substitute for the information required in that section. A resume is also not a substitute for answering the supplemental application questions. The application must show all the relevant education and experience qualifying me for the position, and applications may be rejected if incomplete. I understand a cover letter is required, and a resume is not an acceptable substitute for a cover letter.
I further understand that any false, incomplete or incorrect answers may result in my disqualification from the examination process or dismissal from employment with the Sacramento Metropolitan Air Quality Management District.
I authorize the employers and educational institutions identified on this application to release any information they may have concerning my employment or education to the Sacramento Metropolitan Air Quality Management District.
I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S.
I understand that I may be required to verify any and all information given on this application.
I understand that this completed application is the property of the Sacramento Metropolitan Air Quality Management District and will not be returned.
I understand the Sacramento Metropolitan Air Quality Management District may contact prior employers and other references.
I understand that I must notify Human Resources of any changes in my name, address, or phone number.

This application was submitted by Alexander Kelter on 7/18/24 4:04 PM

Signature_____

Date_____

ALEXANDER KELTER, M.D.
CURRICULUM VITAE
October 6, 2022

[redacted]

Date of Birth: [redacted] Brooklyn (Kings County), New York City, New York

Education: Hastings-on-Hudson High School, 1959-65; diploma
California Institute of Technology, 1965-66
University of Arizona, B.A., 1969 with honor (Chemistry, Psychology double major)University of Arizona College of Medicine, M.D., 1973

Internship: University of Arizona Affiliated Hospitals Medical Internship, July, 1973 - June, 1974

Residency: University of Arizona Affiliated Hospitals, Community Medicine Residency, July,1974 - June,1976

Board Certification: American Board of Preventive Medicine in General Preventive Medicine
Certificate # 40763, dated January 26, 1982

Medical License: California - # G46503 (retired)

Consulting for: Children's Safety Network (www.childrenssafetynetwork.org/), a project of Education Developoment Corporation, Newton, MA (2007-9)

Local Government Commission (www.lgc.org/) Sacramento, CA (2006-10)

Safe States Alliance, Atlanta, GA (2006-2012)

Volunteer: Environmental Council of Sacramento Board Member at-large (2006-2020)
President (2009-10)
Immediate Past President (2011)

Sierra Sacramento Valley Medical Society, Public and Env. Health Committee

American Pain Society / American Academy of Pain Medicine committee to write medical guidelines for prescribing opioids for non-cancer chronic pain (representing American Public Health Association)

RETIRED FROM

Chief, Emergency Preparedness and Injury Control (EPIC) Branch (Public Health Medical Administrator I)
(12/4/89-8/16/06) Chronic Disease and Injury Control Division
California Department of Public Health

This branch included injury prevention and control and disability prevention strategic planning and surveillance. It also housed the Department's Emergency Preparedness office. Injury control includes mortality, morbidity and risk factor surveillance, research, planning, professional education and training, media advocacy, and support for statewide and local coalition-building, intervention and evaluation. We participate in the statewide violence prevention initiative (funded by The California Wellness Foundation and The California Endowment), and conduct field studies related to many injuries, including those related to natural disasters. Disability prevention includes both primary and secondary prevention, emphasizing preventive health care and systems change to prevent secondary conditions in people with a primary

disability. The principal focus at this time is disability related to injury to the brain or spinal cord, and the development of managed care for same.

The Emergency Preparedness office was charged with leading Department-wide planning for disaster response and staffing the Emergency Operations Center (EOC) along with the Emergency Medical Services Authority (the agency that designated Emergency Medical Services (EMS) units throughout California and created and coordinated Disaster Medical Assistance Teams, or DMATs). As the Branch Chief, I also trained to Chair the Radiological Health Emergency Committee, which would manage the Radiological Health EOC in the event of a nuclear incident at any of California's nuclear power plants).

California Obesity Control Initiative
(8/1/04-8/1/05) Office of the Public Health Officer
California Department of Public Health

On behalf of the Health Officer (Dr. Richard Jackson), led Department-wide development of strategies and proposals to combat obesity by fostering more physical activity and access to better nutrition for all Californians.

PREVIOUS POSITIONS AND DUTIES:

Chief, Reproductive and Cancer Hazard Assessment Section (Public Health Medical Officer (PHMO) III-Epidemiology)
8/1/88-12/3/89 Office of Environmental Health Hazard Assessment (OEHHA)Preventive Medical Services DivisionCalifornia Department of Health Services

This Section was responsible for the risk assessment and related policy and guidelines development for carcinogens and reproductive toxicants for DHS' scientific programs, including "Proposition 65" (Safe Drinking Water and Toxic Enforcement Act of 1986). It supported the Governor's Scientific Advisory Panel in adding chemicals to the Prop.65 Governor's List, and analyzed human, animal and laboratory data in estimating the human exposures that require warnings under the law, or that would prohibit discharges into the waters of the state. Staff numbered 18 (FY 1988-9) with a total budget of about $1.7 M.

Acting Deputy Director for Public Health (PHMO III-Epidemiology)
8/1/86 to 8/1/88 California Department of Health Services

I coordinated the planning, organization, operation, and evaluation of six divisions (Rural and Community Health, Family Health, Environmental Health, Laboratories, Preventive Medical Services, and Office of AIDS). My responsibilities included:overall management for the allocation and utilization of personnel and fiscal resources; interpretation and direction for program policies; consultation with public and voluntary human services agencies at the local, state, national and international levels; coordination with the California Conference of Local Health Officers and its affiliate organizations; technical assistance to the Legislature and the Executive Branch of government in the evaluation, support, and development of health programs; representation of the Director and the Administration before state and federal legislative committees and in programmatic negotiations with federal, state, and local agencies; and program management support for all public health

divisions.The budget exceeded $1.5 Billion; total number of employees exceeded 1400.

Chief, Office of Environmental Health Hazard Assessment (PHMO IIIEpi)
10/1/83 to 8/1/86 Preventive Medical Services DivisionCalifornia Department of Health Services

This newly-created Office was responsible for health effects assessments of hazardous wastes, toxic and criteria air pollutants, drinking water contaminants, pesticide registrations, occupational exposures, food contaminants and residues; carcinogenesis and science policy; training and public information on toxic substances; surveillance for birth defects and diseases related to occupational and environmental exposures. It had a budget of $8-10 million and staff of 91+, depending on current grants, contracts and cooperative agreements. It is now a Department within the California Environmental Protection Agency (Cal-EPA).

Chief, Interagency Epi. Support and Childhood Lead Units
(PHMO II, IIIEpi)
6/1/82 to 10/1/83 Epidemiological Studies SectionToxic Substances Control DivisionCalifornia Department of Health Services

The Interagency Epi. Support Unit was located in Sacramento, the State Capital, while the Epidemiological Studies Section as a whole was located in Berkeley. Thus, the roles of the Unit were to conduct program work and serve a liaison function to other programs within the Department, other departments and agencies, the Governor's Office, the Legislature, etc. The most concentrated program work in the Unit was in hazardous waste, pesticides and safe drinking water, while the Section as a whole also worked in air pollution, quantitative risk assessment, general epidemiological studies, birth defects monitoring, county health department staff training and support, occupational toxicology and studies, etc. The Childhood Lead Unit was responsible for consulting and supporting county-wide lead screening programs, providing data management services, and coordinating program with the laboratories. Special projects included a study of Victorian home restoration workers; case investigations of lead poisoning associated with folk remedies, and urban child care center playground contaminated with sand-blasted paint from nearby renovation.

EIS Officer Special Studies Branch,
7/1/80 to 5/31/82 Chronic Diseases Division
Center for Environmental Health
Centers for Disease Control
Atlanta, Georgia

I performed program work in 3 areas: indoor air quality (I conducted three "stuffy building" investigations, including both epidemiology and industrial hygiene components), environmental contamination with heavy metals (including one major consultation with State of Pennsylvania regarding zinc and cadmium contamination of a town with a zinc smelter), and was the NCEH designee to the Task Force studying the 1981 outbreak of Kaposi's Sarcoma and Opportunistic Infections (now called AIDS). I participated in the first exploratory interviews with patients and physicians in New York City in July 1981, then helped design studies, conduct surveillance, evaluate information and present interim findings both to scientific and lay audiences.

Assistant Director for Disease Control Services
7/1/76 to 6/30/80 Arizona State Department of Health ServicesPhoenix, Arizona

During these years my responsibilities included environmental health effects and epidemiology, chronic disease control programs, managing that division with its budget of $5 million plus and over 100 employees, including the State laboratory, Bureaus of TB and VD Control and epidemiology programs in communicable, chronic and environmental diseases. In this capacity, I served on the Director's Management Council and represented the Department in health-related interagency activities, including the State Board of Pesticide Control and the State Atomic Energy Commission. I was responsible for budgets, long-range planning and legislative functions as well as day-to-day management and personnel administration.

APPOINTMENTS

National Advisory Committee on Children and Terrorism -- March 6 – June 12, 2003

AWARDS

California Department of Health Services Public Health Recognition Award (2000)

State and Territorial Injury Prevention Directors' Association (STIPDA) [now Safe States Alliance]
Service Award (1997)
President's Award (1998)
Service Award (1999)
Ellen R. Schmidt Award (2003)
Alex Kelter Vision Award (2006)

American Public Health Association, Injury Control and Emergency Health Services (ICEHS) Section
Public Service Award (2003)

Mosby and Lange Book Awards for Academic Excellence presented at graduation, 1973,
University of Arizona College of Medicine

SOCIETIES AND PROFESSIONAL ORGANIZATIONS:

State and Territorial Injury Prevention Directors' Association (STIPDA) (now Safe States Alliance)
Member, Executive Committee (1996-2000)
Chair, Policy Committee (1999)
President-Elect (2001)
President (2002-2003)
Immediate Past President (2004)

American Public Health Association, Injury Control and Emergency Health Services (ICEHS) Section
Section Counselor (2000-3)
Representative to APHA Governing Council (2004-6)
Representative to the American Pain Society / American Academy of Pain Medicine (http://www.ampainsoc.org/) committee to write medical guidelines for prescribing opioids for non-cancer chronic pain (representing American Public Health Ass'n.)

California Public Health Association – North: member

Sierra Sacramento Valley Medical Society – Public and Env. Health Committee (2004-2011)

EARLIER ACTIVITIES

Free Clinic of Tucson, Inc.
Incorporating Member, Board of Directors,
Chairman of the Board, 1973-4, Medical Director, 1974-5

Pima County (Arizona) Board of Health, Appointed Member, (1974), President, (1975)

RESEARCH

Barrow Neurological Institute
Summer Student Fellow
St. Joseph's Hospital and Medical Center Phoenix, Arizona (1970)

PUBLICATIONS & ABSTRACTS

Eidelberg, E., Bond, M.D. and Kelter, A., "Effects of Alcohol on Cerebellar and Vestibular Neurons", Arch. Int. Pharmacodyn. Ther., 192: pp 213219, August, 1971

Thut, P.D., Hruska, R.E., Kelter, A., Mizne, J. and Lindell, T.J., "The Effect of αAmanitin on Passive and Active Avoidance Acquisition in Mice", Psychopharmacologia (Berl.), 30:pp.355368, 1973

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Morse, D.L., M.D., Harrington, J.M., M.D., Kelter, A., M.D., Houseworth, J., Landrigan, P.J., M.D., "Arsenic Exposure in Multiple Environmental Media Near a Smelter", Clinical Toxicology, 14:p.4,1979

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DEPARTMENT OF
Consumer Affairs

The Board of Medical Quality Assurance

OF THE STATE OF CALIFORNIA

This is to Certify, That Alexander Kelter, a graduate of University of Arizona College of Medicine having shown to the satisfaction of this Board that he possesses the qualifications required by law, and having produced a DIPLOMATE CERTIFICATE issued to him by the NATIONAL BOARD OF MEDICAL EXAMINERS OF THE UNITED STATES on the 1st day of July, 1974, which complies with the requirements of the Business and Professions Code of the State of California, relating to the practice of medicine and surgery, is hereby granted a

Physician's and Surgeon's Certificate

In This State

In Testimony Whereof, THE BOARD OF MEDICAL QUALITY ASSURANCE of the STATE OF CALIFORNIA has issued this CERTIFICATE and caused the same to be signed by its PRESIDENT and SECRETARY-TREASURER and its SEAL to be hereto affixed this 16th day of November, A.D. 1981.

No. G 46503

The Board of Medical Quality Assurance
OF THE STATE OF CALIFORNIA

Florence Stroud
President

W Seder
Secretary-Treasurer

DUP ⓘ ◇ OSP
07L-163 (REV. 1-77)

To Whom It May Concern,

I would like to join the SMAQMD Hearing Board as its member in the medical profession. I have submitted a resumé to my application. I retired from state service in 2006 and have served on the Board of Directors of ECOS for 13 years until 2019.

Respectfully,

Alex Kelter MD

Meeting Date: 8/22/2024
Report Type: CONSENT CALENDAR
Report ID: 2024-0822-3.

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT 3.

Title: Side Agreement with the Sacramento Air District Employees' Association to Increase the Reimbursement Allowance for Safety Shoes

Recommendation: Adopt a resolution authorizing the Executive Director/Air Pollution Control Officer to 1) execute a side agreement between the District and the Sacramento Air District Employees' Association (SADEA) for the General, Confidential General, and Supervisory Units to increase the biennial reimbursement allowance for eligible employees for safety shoes from $180 to $300, and 2) make minor changes or adjustments to the exhibit to the resolution to correct omissions and errors or for needed clarifications.

Rationale for Recommendation: The labor agreements between the District and SADEA include a reimbursement allowance for employees who are required by the District to wear safety shoes or boots in the fulfillment of their duties. The allowance has remained at $180 every two years since 1996, yet prices have risen over the years making it difficult for staff to find quality footwear within the constraints of decades-old cost estimates.

Providing a reimbursement allowance for safety shoes or boots is essential to ensure the safety and well-being of employees who regularly inspect manufacturing facilities, heavy equipment, and other potentially hazardous environments. Proper protective footwear reduces the risk of injuries from slips, trips, falls, and heavy objects, and can prevent costly work related accidents and downtime. By investing in this necessary safety measure, the District demonstrates its commitment to maintaining a safe working environment, which ultimately protects employees from injury and the District from potential liabilities.

Contact: Pat Smith, Program Manager, Administration, 279-207-1123

Presentation: No

ATTACHMENTS:

Resolution - Side Agreement to Increase the Safety Shoe Allowance
Exhibit 1 - Side Agreement to Increase the Safety Shoe Allowance

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Approvals/Acknowledgements

Executive Director or Designee: Alberto Ayala, Report Approved 8/13/2024

District Counsel or Designee: Kathrine Pittard, Approved as to Form 8/9/2024

Financial Considerations: The estimated maximum impact of the proposed change is $3,600 per year. There are sufficient funds in the FY24/25 budget to cover the increase.

RESOLUTION NO. 2024 – XXXX

Adopted by the Sacramento Metropolitan Air Quality Management District
Board of Directors

SIDE LETTER WITH THE SACRAMENTO AIR DISTRICT EMPLOYEES' ASSOCIATION TO INCREASE THE SAFETY SHOE REIMBURSEMENT ALLOWANCE

BACKGROUND:

A. The agreements between the District and SADEA include a reimbursement allowance for employees who are required by the District to wear safety shoes or boots in the fulfillment of their duties.

B. The allowance has remained at $180 every two years since 1996, yet prices have risen over the years making it difficult for staff to find quality footwear within the constraints of decades-old cost estimates.

C. Providing a reimbursement allowance for safety shoes or boots is essential to ensure the safety and well-being of our employees who regularly inspect manufacturing facilities, heavy equipment, and other potentially hazardous environments.

D. Proper protective footwear reduces the risk of injuries from slips, trips, falls, and heavy objects, and can prevent costly work-related accidents and downtime.

E. By investing in this necessary safety measure, the District demonstrates its commitment to maintaining a safe working environment, which ultimately protects employees from injury and the District from potential liabilities.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE BOARD OF DIRECTORS RESOLVES AS FOLLOWS:

Section 1. The side agreement with the Sacramento Air District Employees' Association to increase the safety shoe reimbursement allowance attached to this Resolution as Exhibit 1 is hereby approved, and the Executive Director / Air Pollution Control Officer, in consultation with District Counsel, is authorized to execute this agreement.

Section 2. The Executive Director/Air Pollution Control Officer, in consultation with District Counsel, is authorized to make minor changes or adjustments to the exhibit to the resolution to correct omissions and errors or for needed clarifications.

Section 3. Exhibit 1 is attached to and incorporated into this Resolution.

ON A MOTION by Director _____, seconded by Director _____, the foregoing resolution was passed and adopted by the Board of Directors of the Sacramento Metropolitan Air Quality Management District on August 22, 2024, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

ATTEST:

Clerk, Board of Directors
Sacramento Metropolitan Air Quality Management District

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Exhibit 1

SIDE AGREEMENT BETWEEN
SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT AND THE SACRAMENTO AIR DISTRICT EMPLOYEES' ASSOCIATION

SAFETY SHOE REIMBURSEMENT ALLOWANCE

This Side Agreement (Agreement) between the Sacramento Metropolitan Air Quality Management District (the District) and the Sacramento Air District Employees' Association (SADEA) is entered into on August 22, 2024, as an amendment to the agreements covering the SADEA General, Supervisory and General Confidential bargaining units

The District and SADEA, collectively the "Parties," have met and conferred in good faith concerning the terms and conditions of this Agreement and agree to the following:

1. As provided for in Article 6, Section I of the existing agreements between SADEA and Management, the safety shoe reimbursement allowance for employees who are required to wear safety shoes in the fulfillment of their duties is increased from $180 to $300 every two years, effective immediately upon the execution of this Side Agreement.

2. The provisions in this Side Agreement supersede any previous agreements, whether oral or written, regarding the substance of this Side Agreement and related Memorandums of Agreement.

3. Except as provided in this Side Agreement and Side Agreements dated June 1, 2022, and November 29, 2023, all wages, hours, and other terms and conditions of employment remain in full force and effect.

This Agreement is executed on this ___ day of August 2024, by the following authorized representatives of each Party:

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

_____
Alberto Ayala, Executive Director

Date: _____

Reviewed by:

_____
Kathrine Pittard, District Counsel

Date: _____

SACRAMENTO AIR DISTRICT EMPLOYEES' ASSOCIATION

_____
Ryan Nowshiravan, President

Date: _____

Reviewed by:

_____
Jeff D. Carter, Labor Relations Consultant

Date: _____

Meeting Date: 8/22/2024
Report Type: CONSENT CALENDAR
Report ID: 2024-0822-4.

4.

Title: Sacramento City Unified School District Incentive Contract Amendment

Recommendation: Authorize an amendment to an existing incentive agreement with the Sacramento City Unified School District (SCUSD) to increase the previously authorized not-to-exceed amount from $2,221,639 to $2,445,739.

Rationale for Recommendation: The District's purchasing authority requires Board approval for incentive contracts that exceed $1,000,000. The contract with SCUSD exceeds that threshold. Approval of this amendment will enable the District to further its mission of promoting advanced technology in the Sacramento region. Specifically, the funding will support the deployment of low emission and zero-emission equipment in communities that are significantly affected by local air pollution. These projects align with the District's strategic goals to improve air quality and public health by reducing harmful emissions.

Contact: Michael Neuenburg, Transportation and Climate Change Program Supervisor, 916-531-1119

Presentation: No

Approvals/Acknowledgements

Executive Director or Designee: Alberto Ayala, Report Approved 8/13/2024

District Counsel or Designee: Kathrine Pittard, Approved as to Form 8/9/2024

Discussion / Justification: SCUSD was previously awarded up to $2,221,639 for the acquisition of electric school buses. However, due to significant cost increases driven by COVID-related delays and rising material costs, the School District has requested an amendment to the agreement to increase the total funding.

Financial Considerations: Funding for these projects may come from various programs including the Carl Moyer Grant Program, the Community Air Protection Funding Program, the Funding Agricultural Replacement Measures for Emission Reductions Program, and the Department of Motor Vehicles Surcharge, depending on final staff review.

The actual incentive awards may be lower than the requested amount, but they will not exceed the proposed cap of $2,445,739. There is sufficient funding allocated within the approved Fiscal Year 2024/25 budget to support these projects.

Meeting Date: 8/22/2024
Report Type: PUBLIC HEARINGS
Report ID: 2024-0822-5.

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT 5.

Title: Amendments to Rule 101 - General Provisions and Definitions

Recommendation: Conduct a public hearing for the adoption of amendments to Rule 101 – General Provisions and Definitions, and: 1) determine that the adoption of amendments to Rule 101 is exempt from the California Environmental Quality Act (CEQA); 2) adopt a resolution approving amendments to Rule 101; and 3) direct Staff to forward Rule 101 and all necessary supporting documents to the California Air Resources Board (CARB) for submittal to the U.S. Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP).

Rationale for Recommendation: The Sacramento Metropolitan Air Quality Management District (District) is the agency with primary responsibility for achieving and maintaining clean air standards in Sacramento County. The District is within the Sacramento Federal Ozone Nonattainment Area (SFNA), which is currently designated as nonattainment for the 1979 1-hour and 1997, 2008, and 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). In addition, the District is designated as nonattainment for the California ozone standard. The Clean Air Act requires all ozone nonattainment areas to have a program that implements nonattainment new source review (NNSR).

Rule 101, General Provisions and Definitions, establishes general requirements and definitions that are applicable to all District rules and regulations. Ground level ozone is a secondary pollutant formed from photochemical reactions of nitrogen oxides (NOx) and volatile organic compounds (VOCs) in the presence of sunlight. Since VOCs are a precursor to ozone, one of the strategies to control ozone pollution is to reduce VOC emissions from existing stationary sources by establishing more stringent VOC emission limits. One method for complying with low VOC emission limits is to use organic compounds with negligible reactivity for ozone formation, also known as exempt compounds.

Staff is proposing to: 1) split the definition of Exempt Compound in Section 204 of Rule 101 so that the excluded compounds listed in 40 CFR 50.100(s) cannot be banked as Emission Reduction Credits (ERCs) or otherwise used as offsets for VOCs; 2) add eleven exempt compounds that have been added to the federal list since Rule 101 was last amended; and 3) amend the provision of “Disclosure of Data” to eliminate the notice requirement when the source is required by laws or regulations to submit air pollution data to the District.

Contact: Diana Collazo, Air Quality Engineer - Monitoring, Planning & Rules, (297) 207-1171

Presentation: Yes

ATTACHMENTS:

Resolution - Rule 101 General Provisions and Definitions
Exhibit A - Proposed Rule 101
Attachment 1 - Proposed Rule 101, Underline/Strikeout Version
Attachment 2 - Statement of Reasons
Attachment 3 - Evidence of Public Notice
Presentation - Amendments to Rule 101 - General Revisions and Definitions

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Approvals/Acknowledgements

Executive Director or Designee: Alberto Ayala, Report Approved 8/15/2024

District Counsel or Designee: Kathrine Pittard, Approved as to Form 8/9/2024

Discussion / Justification: The District is part of the SFNA, which is classified as a "severe" nonattainment area for the 2008 ozone NAAQS and as a "serious" nonattainment area for the 2015 ozone NAAQS. On August 26, 2021, the District's Board of Director's adopted a certification stating the District's existing NNSR plan, consisting of EPA-approved Rule 214 – Federal New Source Review and Rule 217 – Public Notice Requirements for Permits, meet the NNSR requirements of the 2015 ozone NAAQS.

EPA has indicated that the District's certification isn't approvable because the Districts' exempt compound list for VOCs does not include all compounds on the federal list. Their concern is that the District could grant emission reduction credits (ERCs) for compounds that would not satisfy federal ERC requirements. In other words, reductions in the use of compounds that are exempt from regulation and can be emitted could erroneously be granted ERCs and used to offset the emission of compounds whose emission is legally restricted. Consequently, EPA has determined that the emissions offset requirements of Rule 214 do not fully satisfy the federal emissions offset requirements for VOCs.

Since Rule 101 was last amended on October 27, 2011, EPA has revised the federal definition of volatile organic compound (VOC) in 40 CFR 51.100(s) to include an additional eleven exempt compounds that negligibly contribute to the formation of ozone. When EPA adds exempt compounds to the federal list, staff reviews the compounds and considers potential uses, impacts on human health, and environmental concerns and, if appropriate, adds them to the list of exempt compounds in Rule 101.

The proposed amendments to Rule 101 will bifurcate the definition of Exempt Compound such that the federal list applies for emission reduction credit purposes and the District-specific list applies for all other purposes. This will allow EPA to approve the District's NNSR certification as well as allow manufacturers and other sources more exempt compounds to use in meeting VOC limits. The proposed amendments will also provide clarification of the notice requirement for Disclosure of Data.

In addition, the current provision for disclosure of data requires that the District give "due notice" to the source before making information available to the public and other government agencies. Requiring notice to the source unnecessarily complicates the process when state regulations require the District to report annual emissions data from sources, The District intends to make this information promptly and fully accessible on the District and other websites.

Summary of Plan / Rule / Amendment: Amendments to Rule 101 are being proposed to: 1) split the definition of exempt compound such that the federal exempt compound list be referenced for purposes of granting emission reduction credits and for all other purposes the District-specific list should be referenced; 2) add compounds to the District-specific exempt compound list; and 3) expand the provision for disclosure of data to allow certain information to be made more readily available to the public.

Financial Considerations: The proposed amendments to the rule are not expected to result in additional costs to the District.

Emissions Impact: The proposed amendments are not expected to result in any emissions impact and will not interfere with the District's adopted plan to attain the ambient air quality standards.

Economic Impact: The proposed amendments to the rule do not establish new emission standards. The exemption for the eleven compounds will provide greater flexibility for product manufacturers and other businesses in meeting VOC emission limits. The amendments will have no economic impacts.

Public Outreach/Comments:
Staff held a public workshop to discuss the proposed amendments to Rule 101 on July 18, 2024. A public notice for the workshop was published on the District's website and was also sent by e-mail to interested parties, including all those who have requested to receive rulemaking notices, on July 5, 2024. The draft rule and

Statement of Reasons were made available for public review at that time. The workshop was held at the District office and participants were given the option to attend in person or via Zoom. Staff did not receive any comments during the notice period or during the workshop.

The noticing for today's hearing included:

- A public notice in the Sacramento Bee
- A notice posted on the District website with links to the proposed rule and Statement of Reasons.
- Email notices to:
  - CARB and EPA; and
  - All persons who have requested rulemaking notices.

As of August 9, 2024, no comments been received in response to the notice for today's hearing. Any comments received prior to the public hearing will be distributed to Board members at the meeting.

Environmental Review: California Public Resources Code Section 21159 requires an environmental analysis of the reasonably foreseeable methods of compliance. The proposed amendments to Rule 101 will ensure the District does not issue ERCs for federally exempt organic compounds and will update the District's list of exempt compounds to include eleven compounds that were exempted by EPA. These amendments will not establish emission limitations, and because these compounds have negligible reactivity, their exemption will not significantly affect air quality or emissions limitations. Staff reviewed the eleven compounds and determined that the compounds have negligible or zero ozone depletion potentials. Also, each compound either has a low Global Warming Potential (GWP) or would be used to replace other organic compounds with higher GWPs. The proposed amendments will not cause any other significant adverse effects on the environment and will not increase emissions; therefore, Staff has concluded that no environmental impacts will be caused by the proposed amendments.

Staff finds that the proposed rule amendments are exempt from CEQA 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 (§15061(b)(3), State CEQA Guidelines).

RESOLUTION NO. 2024 – XXXX

Adopted by the Sacramento Metropolitan Air Quality Management District
Board of Directors

RULE 101 – General Provisions and Definitions

BACKGROUND:

A. The Board of Directors (Board) of the Sacramento Metropolitan Air Quality Management District (District) is authorized by Sections 40001, 40702, and 41010 of the California Health and Safety Code (HSC) to adopt, amend or repeal rules and regulations [HSC Section 40727(b)(2)].

B. The District is within an area designated nonattainment for the 2008 and 2015 8-hr ozone National Ambient Air Quality Standards.

C. The Board has determined that a need exists to amend Rule 101 to fulfill requirements of nonattainment new source review pursuant to 40 CFR 51.165 and incorporate eleven compounds exempted by EPA to the District's list of exempt compounds [HSC Section 40727(b)(1)].

D. The Board has determined that the meaning of Rule 101 can be easily understood by the persons affected by it [HSC Section 40727(b)(3)].

E. The Board has determined that Rule 101 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations [HSC Section 40727(b)(4)].

F. The Board has determined that Rule 101 does not duplicate any existing state or federal regulations [HSC Section 40727(b)(5)].

G. The Board has determined that Rule 101 implements the requirements of CAA Sections 172(c)(5), 173, and 182(a)(2)(C) [HSC Section 40727(b)(6)].

H. The Board has considered a written analysis for Rule 101 in Staff's Statement of Reasons [HSC Section 40727.2].

I. The Board has maintained records of the rulemaking proceedings [HSC Section 40728].

J. The Board held a duly noticed public hearing on August 22, 2024, and considered public comments on Rule 101 [HSC Sections 40725 and 40726 and 40 CFR 51.102].

K. The Board has considered the socioeconomic impacts of Rule 101 in Staff's Statement of Reasons [HSC Section 40728.5].

L. The Board evaluated Rule 101 to determine whether it is exempt from the California Environmental Quality Act (CEQA) as an action by a regulatory agency for protection of the environment (Class 8 Categorical Exemption, §15308 State CEQA Guidelines) and as an action in which it can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment (§15061(b)(3), State CEQA Guidelines).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE BOARD OF DIRECTORS RESOLVES AS FOLLOWS:

Section 1. The amendment of Rule 101 is exempt from CEQA.

Section 2. Approves and amends Rule 101 – GENERAL PROVISIONS AND DEFINITIONS, shown in the attached Exhibit A.

Section 3. Rule 101 (set forth in Exhibit A) is effective as of August 22, 2024.

Section 4. Directs Staff to forward Rule 101 and all necessary supporting documents to the California Air Resources Board for submittal to U.S. EPA as a revision to the California State Implementation Plan.

Section 5. Exhibit A is attached to and incorporated into this Resolution.

ON A MOTION by Director _____, seconded by Director _____, the foregoing resolution was passed and adopted by the Board of Directors of the Sacramento Metropolitan Air Quality Management District on August 22, 2024, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

ATTEST:

Clerk, Board of Directors
Sacramento Metropolitan Air Quality Management District

RULE 101 GENERAL PROVISIONS AND DEFINITIONS
Adopted 8-1-62
(**Amended 12-6-78, 6-5-79, 11-29-83, 9-5-96, 6-5-97, 9-3-98, 10-27-11, XX-XX-24)**

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100 GENERAL

101 **TITLE:** These rules and regulations shall be known as the Rules and Regulations of the Sacramento Metropolitan Air Quality Management District.

102 **APPLICABILITY:** Except as otherwise specifically provided in these rules and regulations or where the context otherwise indicates, the provisions of this rule shall apply to all rules and regulations of the Sacramento Metropolitan Air Quality Management District.

103 **SEVERABILITY:** If any regulation, rule, section, subsection, sentence, clause, phrase, or portion of these rules and regulations is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the Rules and Regulations of the Sacramento Metropolitan Air Quality Management District.

200 DEFINITIONS

201 **ATMOSPHERE:** The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

202 **BOARD:** The Board of Directors of the Sacramento Metropolitan Air Quality Management District.

203 **EMISSIONS UNIT:** An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any affected pollutant or hazardous air pollutant (HAP), directly or as fugitive emissions. Emissions unit shall not include the open burning of agricultural biomass.

204 **EXEMPT COMPOUND:**

204.1 For purposes of granting Emission Reduction Credits pursuant to Rule 204 – EMISSION REDUCTIONS CREDITS, an exempt compound is a compound which has been excluded from the definition of Volatile Organic Compounds pursuant to 40 CFR 51.100(s).

204.2 For all other purposes, a chemical identified in the following list:

a. carbon monoxide
b. carbon dioxide
c. carbonic acid
d. metallic carbides or carbonates
e. ammonium carbonate
f. methane
g. ethane
h. methylene chloride (dichloromethane)
i. 1,1,1-trichloroethane (methyl chloroform)
j. 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
k. trichlorofluoromethane (CFC-11)
l. dichlorodifluoromethane (CFC-12)
m. chlorodifluoromethane (HCFC-22)
n. trifluoromethane (HFC-23)
o. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114)
p. chloropentafluoroethane (CFC-115)
q. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123)
r. 1,1,1,2-tetrafluoroethane (HFC-134a)
s. 1,1-dichloro 1-fluoroethane (HCFC-141b)
t. 1-chloro 1,1-difluoroethane (HCFC-142b)
u. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
v. pentafluoroethane (HFC-125)

w. 1,1,2,2-tetrafluoroethane (HFC-134)
x. 1,1,1-trifluoroethane (HFC-143a)
y. 1,1-difluoroethane (HFC-152a)
z. parachlorobenzotrifluoride (PCBTF)
aa. cyclic, branched, or linear completely methylated siloxanes
bb. acetone
cc. perchloroethylene (tetrachloroethylene)
dd. 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
ee. 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
ff. 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)
gg. difluoromethane (HFC-32)
hh. ethylfluoride (HFC-161)
ii. 1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
jj. 1,1,2,2,3-pentafluoropropane (HFC-245ca)
kk. 1,1,2,3,3-pentafluoropropane (HFC-245ea)
ll. 1,1,1,2,3-pentafluoropropane (HFC-245eb)
mm. 1,1,1,3,3-pentafluoropropane (HFC-245fa)
nn. 1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
oo. 1,1,1,3,3-pentafluorobutane (HFC-365mfc)
pp. chlorofluoromethane (HCFC-31)
qq. 1 chloro-1-fluoroethane (HCFC-151a)
rr. 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
ss. 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$ or HFE-7100)
tt. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$))
uu. 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$ or HFE-7200)
vv. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$)
ww. methyl acetate
xx. 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$ or HFE-7000)
yy. 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500)
zz. methyl formate ($HCOOCH_3$)
aaa. 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300)
bbb. propylene carbonate
ccc. dimethyl carbonate
ddd. $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180))
eee. trans-1,3,3,3-tetrafluoropropene (HFO-1234ze)
fff. trans-1-chloro-3,3,3-trifluoropropene (HFO-1233zd)
ggg. 2,3,3,3- tetrafluoropropene (HFO-1234yf)
hhh. 2-amino-2-methyl-1-propanol (AMP)
iii. 1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcf2)
jjj. cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz–Z)
kkk. 1,1,1',1'-tetrafluorodimethyl ether (HFE-134)
lll. bis(difluoromethoxy)difluoromethane (HFE-236cal2)
mmm. 1,2-bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane (HFE-338ppc13)
nnn. (2E)-1,1,1,4,4,4-hexaflourobut-2-ene (HFO-1336mzz(E))
ooo. perfluorocarbon compounds which fall into these classes:
A. cyclic, branched, or linear, completely fluorinated alkanes;
B. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
C. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
D. sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

205 **ON-SITE:** The parcel(s) of land or other real property(ies) on which an emissions unit is located.

206 **PERSON:** Any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local government agency or public district or any officer or employee thereof. “Person” also means the United States or its agencies to the extent authorized by Federal law.

207 **REGULATION:** One of the major subdivisions of the Rules and Regulations of the Sacramento Metropolitan Air Quality Management District.

208 **RULE:** A rule of the Sacramento Metropolitan Air Quality Management District.

209 **SECTION:** A section of the Rules and Regulations of the Sacramento Metropolitan Air Quality Management District unless some other rule, statute, or regulation is specifically mentioned.

210 **STANDARD CONDITIONS:** "Standard Conditions" are a gas temperature of 68 degrees Fahrenheit (20 degrees Celsius) and a gas pressure of 14.7 pounds per square inch (760 millimeters of mercury) absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

211 **TRADE SECRET:** A trade secret includes, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which:

211.1 Is not patented; and

211.2 Is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value; and

211.3 Gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

212 **VOLATILE ORGANIC COMPOUND (VOC):** Any compound containing at least one atom of carbon, excluding any exempt compound as defined in Section 204.

300 STANDARDS

301 **AUTHORITY TO ARREST:** In the performance of his or her duties, the Air Pollution Control Officer and his or her duly authorized agents shall have the authority and immunity of public officers and employees as set forth in the California Penal Code Section 836.5 to make arrests without a warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is in violation of any of the rules and regulations of the Sacramento Metropolitan Air Quality Management District wherein he or she has the authority to enforce or of any statute which he or she has the authority to enforce.

302 **DISCLOSURE OF DATA:** Except as provided in section 302.3, the Air Pollution Control Officer shall provide reasonable notice to the source prior to making the following data and information available to the public and other government agencies for examination and provide copies thereof where appropriate:

302.1 Air pollution data, including trade secrets, shall be disclosed in accordance with the provisions of Government Code Section 6254.7.

302.2 Data required to be submitted to the District under the Air Toxics “Hot Spots” Information and Assessment Act, and which the operator believes to be a trade secret, shall be protected from disclosure in accordance with the provisions of Health and Safety Code Section 44346.

302.3 Air pollution data required by District, state, or federal requirements will be made available to the public without prior notice to the source.

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RULE 101 GENERAL PROVISIONS AND DEFINITIONS

Adopted 8-1-62

(**Amended 12-6-78, 6-5-79, 11-29-83, 9-5-96, 6-5-97, 9-3-98, 10-27-11, XX-XX-24**)

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100 GENERAL

101 **TITLE:** These rules and regulations shall be known as the Rules and Regulations of the Sacramento Metropolitan Air Quality Management District.

102 **APPLICABILITY:** Except as otherwise specifically provided in these rules and regulations or where the context otherwise indicates, the provisions of this rule shall apply to all rules and regulations of the Sacramento Metropolitan Air Quality Management District.

103 **SEVERABILITY:** If any regulation, rule, section, subsection, sentence, clause, phrase, or portion of these rules and regulations is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the Rules and Regulations of the Sacramento Metropolitan Air Quality Management District.

200 DEFINITIONS

201 **ATMOSPHERE:** The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

202 **BOARD:** The Board of Directors of the Sacramento Metropolitan Air Quality Management District.

203 **EMISSIONS UNIT:** An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any affected pollutant or hazardous air pollutant (HAP), directly or as fugitive emissions. Emissions unit shall not include the open burning of agricultural biomass.

204 **EXEMPT COMPOUND:** ~~A chemical identified in the following list:~~

204.1 For purposes of granting Emission Reduction Credits pursuant to Rule 204 – EMISSION REDUCTIONS CREDITS, an exempt compound is a compound which has been excluded from the definition of Volatile Organic Compounds pursuant to 40 CFR 51.100(s).

204.2 For all other purposes, a chemical identified in the following list:

~~204.1~~a. carbon monoxide
~~204.2~~b. carbon dioxide
~~204.3~~c. carbonic acid
~~204.4~~d. metallic carbides or carbonates
~~204.5~~e. ammonium carbonate
~~204.6~~f. methane
~~204.7~~g. ethane
~~204.8~~h. methylene chloride (dichloromethane)
~~204.9~~i. 1,1,1-trichloroethane (methyl chloroform)
~~204.10~~j. 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
~~204.11~~k. trichlorofluoromethane (CFC-11)
~~204.12~~l. dichlorodifluoromethane (CFC-12)
~~204.13~~m. chlorodifluoromethane (HCFC-22)
~~204.14~~n. trifluoromethane (HFC-23)
~~204.15~~o. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114)
~~204.16~~p. chloropentafluoroethane (CFC-115)
~~204.17~~q. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123)
~~204.18~~r. 1,1,1,2-tetrafluoroethane (HFC-134a)
~~204.19~~s. 1,1-dichloro 1-fluoroethane (HCFC-141b)
~~204.20~~t. 1-chloro 1,1-difluoroethane (HCFC-142b)
~~204.21~~u. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
~~204.22~~v. pentafluoroethane (HFC-125)

~~204.23~~w. 1,1,2,2-tetrafluoroethane (HFC-134)
~~204.24~~x. 1,1,1-trifluoroethane (HFC-143a)
~~204.25~~y. 1,1-difluoroethane (HFC-152a)
~~204.26~~z. parachlorobenzotrifluoride (PCBTF)
~~204.27~~aa. cyclic, branched, or linear completely methylated siloxanes
~~204.28~~bb. acetone
~~204.29~~cc. perchloroethylene (tetrachloroethylene)
~~204.30~~dd. 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
~~204.31~~ee. 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
~~204.32~~ff. 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)
~~204.33~~gg. difluoromethane (HFC-32)
~~204.34~~hh. ethylfluoride (HFC-161)
~~204.35~~ii. 1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
~~204.36~~jj. 1,1,2,2,3-pentafluoropropane (HFC-245ca)
~~204.37~~kk. 1,1,2,3,3-pentafluoropropane (HFC-245ea)
~~204.38~~ll. 1,1,1,2,3-pentafluoropropane (HFC-245eb)
~~204.39~~mm. 1,1,1,3,3-pentafluoropropane (HFC-245fa)
~~204.40~~nn. 1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
~~204.41~~oo. 1,1,1,3,3-pentafluorobutane (HFC-365mfc)
~~204.42~~pp. chlorofluoromethane (HCFC-31)
~~204.43~~qq. 1 chloro-1-fluoroethane (HCFC-151a)
~~204.44~~rr. 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
~~204.45~~ss. 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$ or HFE-7100)
~~204.46~~tt. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$))
~~204.47~~uu. 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$ or HFE-7200)
~~204.48~~vv. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$)
~~204.49~~ww. methyl acetate
~~204.50~~xx. 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$ or HFE-7000)

~~204.51~~yy. 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500)
~~204.52~~zz. methyl formate ($HCOOCH_3$)
~~204.53~~aaa. 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300)
~~204.54~~bbb. propylene carbonate
~~204.55~~ccc. dimethyl carbonate
ddd. $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180))
eee. trans-1,3,3,3-tetrafluoropropene (HFO-1234ze)
fff. trans-1-chloro-3,3,3-trifluoropropene (HFO-1233zd)
ggg. 2,3,3,3- tetrafluoropropene (HFO-1234yf)
hhh. 2-amino-2-methyl-1-propanol (AMP)
iii. 1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcf2)
jjj. cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz–Z)
kkk. 1,1,1',1'-tetrafluorodimethyl ether (HFE-134)
lll. bis(difluoromethoxy)difluoromethane (HFE-236cal2)
mmm. 1,2-bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane (HFE-338ppc13)
nnn. (2E)-1,1,1,4,4,4-hexaflourobut-2-ene (HFO-1336mzz(E))
~~204.56~~ooo. perfluorocarbon compounds which fall into these classes:
- ~~a.~~A. cyclic, branched, or linear, completely fluorinated alkanes;
- ~~b.~~B. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- ~~c.~~C. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- ~~d.~~D. sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

205 **ON-SITE:** The parcel(s) of land or other real property(ies) on which an emissions unit is located.

206 **PERSON:** Any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local government agency or public district or any officer or employee thereof. “Person” also means the United States or its agencies to the extent authorized by Federal law.

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211.2 Is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value; and

211.3 Gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

212 **VOLATILE ORGANIC COMPOUND (VOC):** Any compound containing at least one atom of carbon, excluding any exempt compound as defined in Section 204.

300 STANDARDS

301 **AUTHORITY TO ARREST:** In the performance of his or her duties, the Air Pollution Control Officer and his or her duly authorized agents shall have the authority and immunity of public officers and employees as set forth in the California Penal Code Section 836.5 to make arrests without a warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is in violation of any of the rules and regulations of the Sacramento Metropolitan Air Quality Management District wherein he or she has the authority to enforce or of any statute which he or she has the authority to enforce.

302 **DISCLOSURE OF DATA:** Except as provided in section 302.3, ~~T~~the Air Pollution Control Officer shall~~, upon due notice,~~ provide reasonable notice to the source prior to ~~make~~ making the following data and information available to the public and other government agencies for examination and provide copies thereof where appropriate:

302.1 Air pollution data, including trade secrets, shall be disclosed in accordance with the provisions of Government Code Section 6254.7.

302.2 Data required to be submitted to the District under the Air Toxics “Hot Spots” Information and Assessment Act, and which the operator believes to be a trade secret, shall be protected from disclosure in accordance with the provisions of Health and Safety Code Section 44346.

302.3 Air pollution data required by District, state, or federal requirements will be made available to the public without prior notice to the source.

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

STAFF REPORT

PROPOSED AMENDMENTS TO:

RULE 101 – GENERAL PROVISIONS AND DEFINITIONS

Proposed Amendments
July 22, 2024

Prepared by: Diana Collazo
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Director – Monitoring, Planning and Rules Division

RULE JUSTIFICATION

Health Effects

Ground level ozone is a secondary pollutant formed from photochemical reactions of nitrogen oxides (NOx) and volatile organic compounds (VOCs) in the presence of sunlight. Ozone is a strong irritant that adversely affects human health and damages crops and other environmental resources. As documented by the U.S. Environmental Protection Agency (EPA) in the most recent science assessment for ozone[1], both short-term and long-term exposure to ozone can irritate and damage the human respiratory system, resulting in:

- increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing;
- decreased lung function;
- aggravated asthma;
- development of chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks,
- premature death in people with heart or lung disease; and
- increased risk of cardiovascular and cerebrovascular events in post-menopausal women.

Introduction

The Sacramento Metropolitan Air Quality Management District (District) is the agency with primary responsibility for achieving and maintaining clean air standards in Sacramento County. The District is within the Sacramento Federal Ozone Nonattainment Area (SFNA), which is currently designated as nonattainment for the 1979 1-hour and 1997, 2008, and 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). In addition, the District is designated as nonattainment for the California ozone standard.

Since VOCs are a precursor to ozone, one of the strategies to control ozone pollution is to reduce VOC emissions from existing stationary sources by establishing more stringent VOC emission limits. One method for complying with low VOC emission limits is to use organic compounds with negligible reactivity for ozone formation, also known as exempt compounds.

Purpose of Amendments

Amendments to Rule 101 are being proposed for three reasons 1) to conform to the Federal Nonattainment New Source Review requirements as described later in this statement of reasons 2) to add compounds to the exempt compound list and 3) to expand the provision for disclosure of data to account for information being made available to the public online.

Federal Nonattainment New Source Review Issues

The Clean Air Act requires all ozone nonattainment areas to have a program that implements nonattainment new source review (NNSR). The NNSR requirements for the 2015 8-hour ozone NAAQS of 70 parts per billion are included in the U.S. Environmental Protection agency (EPA)

[1] "Integrated Science Assessment (ISA) for Ozone and Related Photochemical Oxidants", U.S. EPA, April 2020.

"Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements[2]". A nonattainment area must submit or revise its NNSR plan to meet the requirements specified in 40 CFR 51.165. Alternatively, if a nonattainment area has a previously approved NNSR plan in force for a previous 8-hour or 1-hour ozone standard covering all portions of the nonattainment area for the 2015 8-hour ozone standard, the existing plan may be sufficient to meet the NNSR requirements for the 2015 ozone standard.

On August 26, 2021, the District's Board of Director's adopted a certification stating the District's existing NNSR plan, consisting of EPA-approved Rule 214 – Federal New Source Review and Rule 217 – Public Notice Requirements for Permits, meets the NNSR requirements of the 2015 ozone NAAQS.

EPA has not yet acted on the District's NNSR certification. However, in conversations with EPA, they have indicated that the District's certification isn't approvable because the emissions offset requirements of Rule 214 do not fully satisfy the federal emissions offset requirements for VOCs under 40 CFR 51.165(a)(3)(ii).

Emission reduction credits (ERCs) are generated by sources that reduce air pollution below mandated levels through enforceable and quantifiable means, usually by shutting down or reducing operations. These sources may apply for ERCs under Rule 204 – Emission Reduction Credits and, if all requirements are met, are granted ERCs. The ERCs may subsequently be used by sources as emissions offsets under Rule 214.

VOCs are compounds containing at least one atom of carbon, but "exempt" compounds, which have been determined to have negligible ozone-forming reactivity are excluded. The federal list of exempt compounds is contained in 40 CFR 51.100(s). EPA continues to add compounds to this list as new reactivity test results become available.

District regulations rely on the definition of Exempt Compound in Section 204 of Rule 101 – General Provisions and Definitions. The District's list of exempt compounds does not include all those on the federal list; some compounds with the potential for adverse health and environmental effects have not been added to the District's list. Many District prohibitory rules limit the amount of VOC emissions from various operations. Because exempt compounds are used as a means of complying with VOC limits, adding an exempt compound to the District's list has the potential to increase its use.

When the District grants ERCs for VOC under Rule 204, no credits are issued for reduction in the emissions of organic compounds on the District's exempt compound list. However, because of the differences in the federal and District exempt compound lists, it is possible that the District could grant ERCs for compounds that are considered VOCs under District rules but are exempt compounds under federal regulations. In conversations with EPA, they have stated that the possibility of a source offsetting emissions using VOC ERCs that were issued for federally exempt compounds will prevent EPA from approving the District's NNSR certification.

Staff is proposing to amend Rule 101 to add a provision stating that, for the purposes of Rule 204 – Emission Reduction Credits only, exempt compounds will be those listed in 40 CFR 51.100(s).

[2] 83 FR 62998, December 6, 2018.

Disclosure of Data Available Online

The current provision for disclosure of data requires that the District give "due notice" to the source before making information available to the public and other government agencies. The information in the current provision includes "air pollution data" and data required under the Air Toxics "Hot Spots' Information and Assessment Act. Staff recognizes that "air pollution data" is a broad term and includes a range of items such as permit information, emissions data, and source tests.

The District plans to launch a new database system that will include several features for sources to submit and check the status of permit applications, pay permit fees, and submit emission inventory data. In addition, state regulations for Reporting of Criteria Air Pollutant and Toxic Air Contaminants (CTR) requires the District to report annual emissions data from sources and the data is submitted to the California Air Resources Board (CARB) and will be accessible on the District and other websites. Requiring notice to the source unnecessarily impedes and complicates that process. Consequently, Staff is proposing to amend the provision of "Disclosure of Data" to eliminate the notice requirement when the source is required by laws or regulations to submit the information at issue to the District.

Additional VOC-Exempt Compounds Added By EPA

Different organic compounds have different levels of reactivity for forming ground level ozone. EPA has a policy to exempt organic compounds from the definition of VOC if the compounds have negligible levels of reactivity. Exempting compounds helps states and districts focus their efforts on compounds that significantly affect ozone concentrations, and creates an incentive for industry to use negligibly reactive compounds in place of more highly reactive compounds that are regulated as VOC.

EPA uses credible, peer-reviewed information in its review of VOC exemption petitions. The reactivity of a candidate compound is compared to the reactivity levels of ethane. Compounds with reactivity levels less than or equal to the reactivity levels of ethane are deemed negligibly reactive and exempted from the federal definition of VOC. EPA uses three methods to determine if a compound is negligibly reactive[3]. These are based on:

1) The reaction rate constant of hydroxyl radical (known as K_{oh}) in the air. This reaction is the first step in a series of chemical reactions in the formation of ozone. If this reaction is slow (smaller K_{oh} value), then the compound will not likely form ozone at a fast rate.
2) The maximum incremental reactivity (MIR) expressed either on a reactivity per gram basis (grams of ozone formed per gram of VOC) or
3) on a reactivity per mole basis (grams of ozone formed per mole of VOC). The MIR methods consider the activities from all steps in the ozone formation process from a specific organic compound as opposed to just the first step of the chemical reaction.

Since Rule 101 was last amended on October 27, 2011, EPA has revised the federal definition of volatile organic compound (VOC) in 40 CFR 51.100(s) several times to include an additional eleven exempt compounds that negligibly contribute to the formation of ozone. Staff periodically

[3] Interim Guidance on Control of Volatile Organic Compounds in Ozone State Implementation Plans, 2005, US Environmental Protection Agency, Document # 05–18015 (70 FR 54046). *https://www.govinfo.gov/content/pkg/FR-2005-09-13/pdf/05-18015.pdf*

reviews new compounds that EPA has added to the federal list of exempt compounds and, if appropriate, adds them to the list of exempt compounds in Rule 101. In doing so, the District considers a number of factors, including potential uses, impacts on human health, and environmental concerns.

Table 1 lists the eleven compounds that EPA has added to their exempt list and compares the reactivity levels of each compound to that of ethane.

Table 1: Compounds Exempted by EPA Since Last Revision of Rule 101

Federal Register Reference	EPA Exempt Compound	K_{oh}	MIR (mole basis)	MIR (mass basis)	100-yr Global Warming Potential (GWP)
	Ethane	**2.40×10^{-13}**	**8.12**	**0.27**	**5.5**
88 FR 8226	(2E)-1,1,1,4,4,4-hexaflourobut-2-ene (HFO-1336mzz(E))	1.72×10^{-13}	1.8	0.011	16
83 FR 61127	cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz–Z)	4.91×10^{-13}	6.6	0.04	9
81 FR 50330	1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcf2)	9.16×10^{-15}	0.14 - 0.26	0.0007 - 0.0013	889
79 FR 17037	2-amino-2-methyl-1-propanol (AMP)	2.8×10^{-11}	22.25	0.25	<1
78 FR 62451	2,3,3,3- tetrafluoropropene (HFO-1234yf)	9.16×10^{-15}	ND	0.28	4
78 FR 53029	trans-1-chloro-3,3,3-trifluoropropene (HFO-1233zd)	4.4×10^{-13}	5.22	0.04	4.7-7
77 FR 37610	trans-1,3,3,3-tetrafluoropropene (HFO-1234ze)	9.28×10^{-13}	11.2	0.098	<1
78 FR 9823	HCF_2OCF_2H (HFE-134)	2.3×10^{-15}	ND	ND	6320
78 FR 9823	$HCF_2OCF_2OCF_2H$ (HFE-236cal2)	2.4×10^{-15}	ND	ND	2800
78 FR 9823	$HCF_2OCF_2CF_2OCF_2H$ (HFE-338ppc13)	4.7×10^{-15}	ND	ND	1500
78 FR 9823	$HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040X or H-Galden ZT 130 (or 150 or 180)	4.6×10^{-15}	ND	ND	1870

ND = Not Determined

Each compound is discussed in detail below:

cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z)

On November 16, 2018, EPA exempted this compound from the federal definition of VOC because the MIRs of HFO-1336mzz-Z are less than the MIRs of ethane on both a mass and mole basis and therefore considered negligibly reactive. HFO-1336mzz-Z may be used as a refrigerant or foam-blowing agent[4]. HFO-1336mzz-Z is classified as a hydrofluoroolefin (HFO). The data in Table 1 show that HFO-1336mzz-Z has a higher k_{OH} value than ethane; however, studies cited within EPA's final rule exempting this compound[5] conclude that the resulting unsaturated fluorinated compounds in the atmosphere are short lived and do not contribute to O_3 formation. In general, HFOs, are more reactive in the atmosphere with the OH radical, which results in shorter lifetimes than chlorofluorocarbons (CFCs). Under Section 612(c) of the Clean Air Act (CAA), EPA is required to identify and publish lists of acceptable and unacceptable substitutes for class I and class II ozone-depleting substances, which is one reason EPA's Significant New Alternatives Policy (SNAP) program has identified HFOs as possible substitutes for chlorofluorocarbons (CFCs). HFO-1336mzz-Z has an ozone depletion potential (ODP) of zero, and an estimated 100-year global warming potential (GWP) of 9. This is a much lower GWP value than hydrochlorofluorocarbons (HCFCs) and CFCs. A comparison of HFE-1336mzz-Z with the compounds it may replace is summarized in Table 2.

Table 2: Comparison of HFO-1336mzz-Z with compounds it may replace.

Compound	GWP (100-yr)[a]	ODP[b]	8-hour Exposure Guideline[c]
cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z)	9	0	500ppm
HFC-4310mee	1650	0	225ppm
HFC-365mfc	804	0	500ppm
CFC-11	4460	1	1000ppm
CFC-113	5820	0.85	1000ppm[d]

a. 100-yr GWP values found on Federal Register notice or adapted from the IPCC Fifth Assessment Report, 2014 (AR5)
b. Ozone Depletion Potential (ODP) for alternative substitutes are listed under EPA's SNAP program: https://www.epa.gov/snap/snap-substitutes-sector. ODP for Class I and Class II ozone depleting substances (e.g. CFCs and HCFCs) listed on EPA website: Ozone-Depleting Substances | US EPA
c. Occupational Alliance for Risk Science (OARS-WEELs): https://tera.org/OARS/#reservations
d. Centers for Disease Control and Prevention – DHHS (NIOSH) Publication Number 89-109

As noted by EPA, there are potential health effects from inhalation of HFO-1336mzz-Z; however, it is not expected to be carcinogenic or mutagenic[6]. EPA anticipates that HFO-1336mzz-Z will be used consistent with the recommendations and safety precautions listed in the material safety data sheet provided to EPA by the petitioner.

Staff is proposing to exempt HFO-1336mzz-Z from the District's definition of VOC because, in addition to being negligibly reactive, this compound is not expected to have an adverse impact on human health or the environment. If used as an alternative to other compounds that can be used for the same purposes, HFO-1336mzz-Z may help mitigate to stratospheric ozone depletion and global warming.

[4] 83 FR 61127, November 28, 2018
[5] *Ibid.*
[6] 83 FR 61127, November 28, 2018

1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcf2)

On July 20, 2016, EPA exempted this compound from the federal definition of VOC because the MIRs, on both the mass and mole basis, and the K_{OH} value of HFE- 347pcf2 are less than the MIRs and k_{OH} value of ethane. HFE-347pcf2 may be used as a precision cleaning agent to remove contaminants from medical devices, electronic components, and aerospace items[7]. The SNAP program found HFE-347pcf2 has an ODP of zero, and therefore is listed as an acceptable substitute in electronics and precision cleaning and as an aerosol solvent. HFE-347pcf2 has an estimated GWP of 889, which is lower than some of the substitutes listed as acceptable in similar end uses but higher than some other substitutes such as HFE-7100. A comparison of HFE-347pcf2 and the compounds it may replace are summarized in Table 3.

Table 3: Comparison of HFE-347pcf2 with compounds it may replace.

Compound	GWP (100-yr)[a]	ODP[b]	8-hour Exposure Guideline[c]
1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcf2)	889	0	50ppm
HFC-4310mee	1650	0	200ppm
HFC-365mfc	804	0	500ppm
HFE-7100	421	0	600ppm[d]

a. 100-year GWP values found on Federal Register notice or adapted from the IPCC Fifth Assessment Report, 2014 (AR5)
b. Ozone Depletion Potential (ODP) for alternative substitutes are listed under EPA's SNAP program: https://www.epa.gov/snap/snap-substitutes-sector. ODP for Class I and Class II ozone depleting substances (e.g. CFCs and HCFCs) listed on EPA website: Ozone-Depleting Substances | US EPA
c. Occupational Alliance for Risk Science (OARS-WEELs): https://tera.org/OARS/#reservations
d. 61 FR 47016, September 5, 1996

As noted by EPA, HFE-347pcf2 is toxic by inhalation with mortality observed at levels of 2000 ppm and above.[8] Potential health effects at lower concentrations include coughing, dizziness, headache, and drowsiness. HFE-347pcf2 is not commonly used outside of industrial settings, and other compounds in the same industrial uses have similar health and environmental risks. It is mostly replacing chemicals with higher GWP and the SNAP program will continue to evaluate its acceptability as an alternative in electronics and precision cleaning.[9] EPA does not expect significant use of HFE-347pcf2 in applications not covered by the SNAP program. However, the Significant New Use Rule (SNUR) in place under the Toxic Substances Control Act (TSCA)[10] requires that any significant new use of the chemical be reported to EPA using a Significant New Use Notice (SNUN).[11] The required notification will give EPA the opportunity to evaluate the intended end use and to prohibit or limit that activity, if necessary, before it occurs. Staff does not expect a significant increase in health risks from the use of this compound.

Staff is proposing to exempt HFE-347pcf2 from the District's definition of VOC because, in addition to being negligibly reactive, this compound is not expected to have increased adverse

[7] 81 FR 50330, August 01, 2016
[8] 81 FR 50330, August 01, 2016
[9] *Ibid.*
[10] *Ibid.*
[11] *Ibid.*

impacts on health or the environment over other available substitutes. If used as an alternative to other compounds for the same purposes, HFE-347pcf2 may help mitigate stratospheric ozone depletion and global warming.

2-amino-2-methyl-1-propanol (AMP)

On March 21, 2014, EPA exempted this compound from the federal definition of VOC because the mass-based MIR is less than ethane. AMP may be used in a variety of applications, including in the manufacture or use of pigments in water-based coatings, as an additive in metalworking fluids, in food contact paper, as a neutralizer in personal care products, and as an intermediate in chemical synthesis[12]. As shown in Table 1, AMP has a larger k_{OH} value than ethane, meaning that it initially reacts more quickly in the atmosphere than ethane. However, the early reactivity of AMP is short lived because the reaction pathway is terminated by the formation of nitramine, that is assumed to be inert.[13] AMP has an ODP of 0 and is estimated to have a GWP of less than one. According to the reference material provided to EPA from the petitioner, AMP has low toxicity, is not considered carcinogenic or mutagenic and has no irritation or skin sensitization[14]. AMP is a reasonably strong base and forms salts with acids, which means very little AMP will evaporate and will be available for atmospheric reaction. Therefore, exposure levels are expected to be minimal due to its low volatility at room temperature.[15]

As noted by EPA, AMP has not been evaluated under the SNAP program and is not listed as a substitute for class I or class II ozone-depleting chemicals. However, AMP's performance as a multifunctional neutralizer combined with its reduced ozone potential and favorable toxicity data makes this product a preferred one compared to more toxic chemicals used for the same purpose.[16]

Staff is proposing to exempt AMP from the District's definition of VOC because, in addition to being negligibly reactive, this compound is not expected to have an adverse impact on human health or the environment. If used as an alternative to other compounds for the same purposes, AMP may help mitigate stratospheric ozone depletion and global warming.

2,3,3,3- tetrafluoropropene (HFO-1234yf)

On October 22, 2013, EPA exempted this compound from the federal definition of VOC because the k_{OH} value of HFO-1234yf was less than the k_{OH} value of ethane. The MIR of HFO-1234yf is also equal to the MIR of ethane on a mass basis, which is considered negligibly reactive.[17]. HFO-1234yf may be used as an aerosol propellant, blowing agent, or refrigerant. HFO-1234yf has an ODP of 0 and is estimated to have a GWP of 4. In EPA's SNAP program, HFO-1234yf has been identified as a possible substitute for CFCs and HCFCs; however, this compound has only been approved as an acceptable substitute for the motor vehicle air conditioning (MVAC) end-use[18]. The GWP of HFO-1234yf is substantially lower than the GWP for HFC-134a, a compound it replaces. The comparison results of replacement compounds with HFO-1234yf are summarized in Table 4.

[12] 79 FR 17037, March 27, 2014
[13] *Ibid.*
[14] *Ibid.*
[15] *Ibid.*
[16] *Ibid.*
[17] 78 FR 62451, October 22, 2013
[18] 76 FR 17488, March 29, 2011

Table 4: Comparison of HFO-1234yf with compounds it may replace

Compound	GWP (100-yr)[a]	ODP[b]	8-hour Exposure Guideline
2,3,3,3-tetrafluoropropene (HFO-1234yf)	4	0	500ppm[c]
HFC-134a	1300	0	1000ppm[c]
HFC-152a	138	0	1000ppm[d]
CFC-12	10200	1	1000ppm[d]

a. 100-year GWP values found on Federal Register notice or adapted from the IPCC Fifth Assessment Report, 2014 (AR5)
b. Ozone Depletion Potential (ODP) for alternative substitutes are listed under EPA's SNAP program: https://www.epa.gov/snap/snap-substitutes-sector.ODP for Class I and Class II ozone depleting substances (e.g. CFCs and HCFCs) listed on EPA website: Ozone-Depleting Substances | US EPA
c. Occupational Alliance for Risk Science (OARS-WEELs): https://tera.org/OARS/#reservations
d. 71 FR 55140, September 21, 2006

Data provided to EPA by the petitioner indicates that HFO-1234yf is low toxicity and is not considered carcinogenic or mutagenic. In the SNAP review of HFO-1234yf, EPA found that use of this chemical in currently allowed applications pose a lower or comparable overall risk to human health and the environment than other acceptable options[19]. EPA's confidence that the SNAP program and the requirements under TSCA[20] will prevent the use of this chemical in any additional applications where such use would pose a significant risk to human health or the environment[21].

Staff is proposing to exempt HFO-1234yf from the District's definition of VOC because, in addition to being negligibly reactive, this compound would not have an adverse impact on human health or the environment. If used as an alternative to other compounds for MVAC, HFO-1234yf may help mitigate stratospheric ozone depletion and global warming.

trans-1-chloro-3,3,3-trifluoropropene (HFO-1233zd(E) or Solstice™1233zd(E))

On May 16, 2013, EPA exempted this compound from the federal definition of VOC because both the mass and molar based MIRs of HFO-1233zd(E) are lower than the MIRs of ethane. HFO-1233zd(E) may be used as a refrigerant, a blowing agent, and a solvent and is classified as a hydrofluoroolefin[22]. HFO-1233zd(E) has an ODP of 0 and GWP between 4.7 and 7. In EPA's SNAP program, HFO-1233zd(E) has been identified as a possible substitute for CFC-11 as a refrigerant[23] and HFC-245fa as a foam blowing agent[24]. The GWP of HFO-1233zd(E) is very low compared to CFCs it replaces, making it advantageous in helping mitigate global warming. The comparison results of replacement compounds with HFO-1233zd(E) are summarized in Table 5.

[19] 76 FR 17488. March 29, 2011
[20] The Toxics Substances Control Act (TSCA) requires EPA to assess and prevent any unreasonable risks to human health and the environment before a new chemical substance is introduced into commerce. HFO–1234yf is subject to a reporting requirement according to a significant new use rule (SNUR) under TSCA.
[21] 78 FR 62451, September 19, 2013
[22] 78 FR 11101, February 15, 2013
[23] *Ibid.*
[24] 77 FR 47768, August 10, 2012.

Table 5: Comparison of HFO-1233zd(E) and the compounds it may replace.

Compound	GWP (100-yr)[a]	ODP[b]	8-hour Exposure Guideline[c]
Trans-1-chloro-3,3,3-trifluoropropene (HFO-1233zd(E))	4.7-7[d]	0	300ppm[d]
HFC-134a	1300	0	1000ppm
HFC-245fa	858	0	350ppm
CFC-11	4660	1	1000ppm
CFC-113	5820	0.85	1000ppm

a. 100-year GWP values found on Federal Register notice or adapted from the IPCC Fifth Assessment Report, 2014 (AR5)
b. Ozone Depletion Potential (ODP) for alternative substitutes are listed under EPA's SNAP program: https://www.epa.gov/snap/snap-substitutes-sector. ODP for Class I and Class II ozone depleting substances (e.g. CFCs and HCFCs) listed on EPA website: Ozone-Depleting Substances | US EPA
c. Occupational Alliance for Risk Science (OARS-WEELs): https://tera.org/OARS/#reservations
d. 77 FR 47768, August 10, 2012.

Data provided to EPA by the petitioner states that HFO-1233zd(E) is low toxicity and is not considered carcinogenic or mutagenic[25]. Potential health effects include serious eye irritation, skin irritation, and frostbite[26]. Additionally, EPA's SNAP program described the potential health effects of HFO-1233zd(E) as being common to many refrigerants, including many already listed as acceptable under SNAP. Thus, EPA anticipates users will be able to meet the recommended workplace exposure limits and any other safety precautions common to the refrigeration and air conditioning industry, the foam blowing industry, the solvent-based cleaning industry and when using adhesives and coatings.[27]

Staff is proposing to exempt HFO-1233zd(E) from the District's definition of VOC because, in addition to being negligibly reactive, this compound would not have an adverse impact on human health or the environment. If used as an alternative to other compounds for the same purposes, HFO-1233zd(E) may help mitigate stratospheric ozone depletion and global warming.

trans-1,3,3,3-tetrafluoropropene (HFO-1234ze)

On July 23, 2012, EPA exempted this compound from the federal definition of VOC because the mass-based MIR of HFO-1234ze is lower than the mass-based MIR of ethane. HFO-1234ze may be used as a refrigerant, a blowing agent and an aerosol propellent[28]. EPA's SNAP program has determined HFO-1234ze is an acceptable substitute for certain ozone depleting substances in foam blowing, as a refrigerant in non-mechanical heat transfer, and propellant, as previously mentioned[29]. HFO-1234ze is estimated to have a GWP of less than one and an ODP of 0. The GWP of HFO-1234ze is very low compared to the CFCs and HCFCs it replaces, such as HFC-134a and HFC-152a. The comparison results of replacement compounds with HFO-1234ze are summarized in Table 6.

[25] Honeywell. Safety Data Sheet Solstice 1233zd (E). August 2019
[26] 78 FR 11101, February 15, 2013
[27] 78 FR 53029, August 28, 2013.
[28] 77 FR 37610, June 22, 2012.
[29] *Ibid.*

Table 6: Comparison HFO-1234ze and the compounds it may replace.

Compound	GWP (100-yr)[a]	ODP[b]	8-hour Exposure Guideline[c]
Trans-1,3,3,3-tetrafluoropropene (HFO-1234ze)	<1	0	800ppm
HFC-134a	1300	0	1000ppm
HFC-152a	138	0	1000ppm[d]

a. 100-year GWP values found on Federal Register notice or adapted from the IPCC Fifth Assessment Report, 2014 (AR5)
b. Ozone Depletion Potential (ODP) for alternative substitutes are listed under EPA's SNAP program: https://www.epa.gov/snap/snap-substitutes-sector. ODP for Class I and Class II ozone depleting substances (e.g. CFCs and HCFCs) listed on EPA website: Ozone-Depleting Substances | US EPA
c. Occupational Alliance for Risk Science (OARS-WEELs): https://tera.org/OARS/#reservations
d. 71 FR 55140 (August 21, 2006).

Data provided to EPA by the petitioner[30] show that HFO-1234ze is low toxicity and is not considered carcinogenic or mutagenic. EPA's SNAP program reviewed HFO-1234ze for potential risks to human health and the environment and did not find any unreasonable risks from its expected end-use.[31]

Staff is proposing to exempt HFO-1234ze from the District's definition of VOC because, in addition to being negligibly reactive, this compound would not have an adverse impact on human health or the environment. If used as an alternative to other compounds for the same purposes, HFO-1234ze may help mitigate stratospheric ozone depletion and global warming.

Four Hydrofluoropolyether (HFPEs) Compounds

- HCF2OCF2H (HFE-134)
- HCF2OCF2OCF2H (HFE-236ca12)
- HCF2OCF2CF2OCF2H (HFE-338pcc13)
- HCF2OCF2OCF2CF2OCF2H (H-Galden 1040X)

On February 12, 2013, EPA exempted these compounds from the federal definition of VOC because the k_{OH} values of HFE-134, HFE-236ca12, HFE-338pcc13, and H-Galden 1040x were less than the k_{OH} value of ethane. These four compounds are in the family of products known by the trade name H-Galden. EPA's SNAP program has evaluated the use of these four H-Galden HFPEs and found acceptable their use as fire suppressants in non-residential applications, in place of Halon 1211.[32] However, the H-Galden HFPE's have not been approved as an acceptable substitute for other uses such as solvent, aerosol propellant, foam blowing, and refrigeration.[33] H-Galden HFPE's have an ODP of 0 and a GWP ranging from 1500 – 6320. The comparison results of replacement compounds with the H-Galden HFPEs are summarized in Table 7.

[30] Honeywell. Safety Data Sheet Solstice ZE Refrigerant. May 2016
[31] 77 FR 37610, June 22, 2012.
[32] 78 FR 9823, February 12, 2013.
[33] *Ibid.*

Table 7: Comparison of the four H-Galden HFPEs and the compounds they may replace.

Compound	GWP (100-yr)[a]	ODP[b]	8-hour Exposure Guideline[c]
HFE-134	6320	0	1163ppm
HFE-236ca12	2800	0	1163ppm
HFE-338pcc13	1500	0	1163ppm
HFE-43-10-pccc	1870	0	1163ppm
Halon 1211	1750	3	NR[d]

a. 78 FR 9823 (February 12, 2013)
b. Ozone Depletion Potential (ODP) for alternative substitutes are listed under EPA's SNAP program: https://www.epa.gov/snap/snap-substitutes-sector. ODP for Class I and Class II ozone depleting substances (e.g. CFCs and HCFCs) listed on EPA website: Ozone-Depleting Substances | US EPA
c. 68 FR 4004 (January 27, 2003)
d. Not Regulated – Amerex. Safety Data Sheet Halon 1211. March 2019

Reference material provided to EPA by the petitioner indicates that the four HFPEs have low toxicity, no irritation or skin sensitization, no detectible genotoxic activity, and low potential for developmental toxicity. EPA noted that the use of H Galden HFPEs was anticipated to have a smaller to comparable impact on global warming than the hydrofluorocarbons historically used in the same fire suppression application despite their relatively high GWP values.[34] Overall, EPA concluded the H-Galden HFPE's reduce risk compared to halon 1211, the ODS they replace.

Staff is proposing to exempt all four H-Galden HFPE's from the District's definition of VOC because, in addition to being negligibly reactive, these compounds would not have an adverse impact on human health or the environment as fire-suppressants. If used as alternatives to other compounds for the same purposes, the H-Galden compounds may help mitigate stratospheric ozone depletion and global warming.

(2E)-1,1,1,4,4,4-hexaflourobut-2-ene (HFO-1336mzz(E))

On January 31, 2023, EPA exempted this compound from the federal definition of VOC because the mass-based and molar-based MIR of HFO-1336mzz(E) are less than the MIR values of ethane on a mass and molar basis. HFO-1336mzz(E) may be used in several applications such as foam blowing, refrigeration, applications in solvents and aerosol propellants[35]. EPA's SNAP program has listed HFO-1336mzz(E) as an acceptable substitute for a number of foam-blowing end-uses and has an ODP of zero (0).[36] HFO–1336mzz(E)'s GWP of about 16 is lower than that of other acceptable substitutes in the listed end-uses, such as HFC–152a with a GWP of 138.

Table 8: Comparison HFO-1336mzz(E) and the compounds it may replace.

Compound	GWP (100-yr)[a]	ODP[b]	8-hour Exposure Guideline[c]
(2E)-1,1,1,4,4,4-hexaflourobut-2-ene (HFO-1336mzz(E))	16	0	400ppm
HFC-134a	1300	0	1000ppm
HFC-152a	138	0	1000ppm[d]

[34] 78 FR 9823, February 12, 2013.
[35] 88 FR 8227, February 8, 2023.
[36] 85 FR 79863, December 11, 2020.

a. 100-year GWP values found on Federal Register notice or adapted from the IPCC Fifth Assessment Report, 2014 (AR5)
b. Ozone Depletion Potential (ODP) for alternative substitutes are listed under EPA's SNAP program: https://www.epa.gov/snap/snap-substitutes-sector. ODP for Class I and Class II ozone depleting substances (e.g. CFCs and HCFCs) listed on EPA website: Ozone-Depleting Substances | US EPA
c. Occupational Alliance for Risk Science (OARS-WEELs): https://tera.org/OARS/#reservations
d. 71 FR 55140 (August 21, 2006).

Based on the screening assessments under the SNAP program, flammability and toxicity risks are comparable to or lower than flammability and toxicity risks of other available substitutes in the same end-use.[37] Potential health effects include skin or eye irritation or frostbite. EPA recognizes that this compound and its atmospheric breakdown product, trifluoracetic acid (TFA), are members of the broad class of compounds known as per- and poly-fluoroalkyl substances (PFAS)[38]. There is evidence that exposure to certain PFAS can lead to adverse human health effects; however, numerous states have developed health-based standards for various PFAS to mitigate adverse human health.[39] The Environmental Effects Assessment Panel for the Montreal Protocol (EEAP) has considered the production of TFA as a persistent breakdown product of HFCs and HFOs and found that exposure to current and predicted concentrations of TFA in the environment present minimal risk to human health or the environment.

Staff is proposing to exempt HFO-1336mzz(E) from the definition of VOC because, in addition to being negligibly reactive, this compound would not have an adverse impact to human health or the environment. If used as an alternative to other compounds for the same purposes, HFO-1336mzz(E) may help mitigate stratospheric ozone depletion and global warming.

Legal Mandates

Federal Mandates: As previously discussed, the Clean Air Act requires all ozone nonattainment areas to have a program that implements the NNSR requirements of 40 CFR 51.165. EPA's implementation rule for the 2015 ozone NAAQS[40] required nonattainment areas to submit or revise their NNSR plans to meet the requirements specified in 40 CFR 51.165. On August 26, 2021, the District's Board of Director's adopted a certification stating the District's existing NNSR plan, consisting of EPA-approved Rule 214 – Federal New Source Review and Rule 217 – Public Notice Requirements for Permits, meet the NNSR requirements of the 2015 ozone NAAQS.

EPA has indicated that the District's certification isn't approvable because of their concern that the emissions offset requirements of Rule 214 do not fully satisfy the federal emissions offset requirements for VOCs.

The proposed amendments to Rule 101 will meet the requirements of 40 CFR 51.165 and allow EPA to approve the District's NNSR certification.

[37] 85 FR 79863, December 11, 2020.
[38] The Office of Pollution Prevention and Toxics' (OPPT) proposed rule defined PFAS as "any chemical substance or mixture that structurally contains the unit R-(CF2)-C(F)(R')R''. Both the CF2 and CF moieties are saturated carbons. None of the R groups (R, R' or R'') can be hydrogen." Toxic Substances Control Act Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances Posted by the Environmental Protection Agency, 86 FR 33926, 33937 (proposed on June 28, 2021).
[39] 88 FR 8227, February 8, 2023.
[40] 83 FR 62998, December 6, 2018.

State Mandates: The District is designated "serious" nonattainment for the state ozone standard. The California Clean Air Act requires areas designated as "serious" to adopt control measures required in Section 40919 of the California Health and Safety Code (HSC).

- California HSC Section 40919 requires districts with serious nonattainment for ozone to adopt Best Available Retrofit Control Technology (BARCT) for all existing permitted sources. BARCT means an emission limitation that is based on the maximum degree of reduction achievable, considering environmental, energy, and economic impacts by each class or category of sources[41].
- Transport Mitigation Emission Control Requirements: Title 17, Section 70600 of the California Code of Regulations requires that districts within the areas of origin of transported air pollutants, as identified in Section 70500(c), include sufficient emission control measures (including "all feasible measures" and BARCT) in their attainment plans for ozone to mitigate the impact of pollution sources within their jurisdictions on ozone concentrations in downwind areas commensurate with the level of contribution. An upwind district must comply with the transport mitigation planning and implementation requirements set forth in this section regardless of its attainment status, unless the upwind district complies with the requirements of Section 70601.

The proposed amendments to Rule 101 will allow manufacturers and sources more exempt compounds to use in meeting VOC limits, which may result in the development of more stringent and feasible BARCT requirements.

PROPOSED AMENDMENTS

The proposed amendments to Rule 101 are summarized below. A detailed description of the amendments to the rule is included in Appendix A.

Exempt Compounds for ERC Purposes

The proposed amendments will split the definition of Exempt Compound in Section 204 of Rule 101 into two subsections:

- Subsection 204.1 will be added to state that, for purposes of granting Emission Reduction Credits pursuant to Rule 204 – EMISSION REDUCTIONS CREDITS, an exempt compound is a compound which has been excluded from the definition of Volatile Organic Compounds pursuant to 40 CFR 51.100(s). The effect of this change is that the excluded compounds listed in 40 CFR 50.100(s) cannot be banked as ERCs or otherwise used as offsets for VOCs, which will resolve the emissions offset issue identified by EPA in the District's NNSR plan.
- The current Section 204 will be renumbered as Subsection 204.2 and state that, for all other purposes, the District's own list of exempt compounds (current Section 204) will apply. Most notably, this will be the applicable list for compliance with VOC emissions limits in the District's prohibitory rules. The District will continue to review new compounds added by EPA to the federal exempt compounds list before adding them to the District's list.

[41] California Health and Safety Code Section 40406,

Disclosure of Data Available Online

The proposed amendments will clarify and expand the provision for Disclosure of Data in section 302 of Rule 101 to add a new subsection:

- Subsection 302.3 will be added to state that air pollution data required by District, state, or federal requirements will be made available to the public without prior notice to the source. The effect of this change will make data more readily available when the information at issue is required by laws or regulations to be submitted by the source to the District.
- Section 302 will be revised to state that except as provided in section 302.3, the Air Pollution Control Officer shall provide reasonable notice to the source prior to making the following data and information available to the public and other government agencies. The effect of this change will provide clarification of the notice requirement.

Additional Exempt Compounds

The proposed amendments will add eleven exempt compounds that have been added to the federal list since Rule 101 was last amended:

- $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180))
- trans-1,3,3,3-tetrafluoropropene (HFO-1234ze)
- trans-1-chloro-3,3,3-trifluoropropene (HFO-1233zd)
- 2,3,3,3- tetrafluoropropene (HFO-1234yf)
- 2-amino-2-methyl-1-propanol (AMP)
- 1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcf2)
- cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz–Z)
- 1,1,1',1'-tetrafluorodimethyl ether (HFE-134)
- bis(difluoromethoxy)difluoromethane (HFE-236cal2)
- 1,2-bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane (HFE-338ppc13)
- (2E)-1,1,1,4,4,4-hexaflourobut-2-ene (HFO-1336mzz(E))

SOCIOECONOMIC IMPACT ANALYSIS

The provisions of Section 40728.5 of the California Health and Safety Code require, in part, that:

> *"Whenever a district intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, that agency shall, to the extent that data are available, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation...This section does not apply to the adoption, amendment, or repeal of any rule or regulation that results in any less restrictive emissions limit if the action does not interfere with the district's adopted plan to attain ambient air quality standards, or does not result in any significant increase in emissions."*

The proposed amendments to Rule 101 ensure the District does not issue ERCs for federally

exempt organic compounds, and will update the District's list of exempt compounds to include eleven compounds that were exempted by EPA. These amendments will not establish emission limitations, and because these compounds have negligible reactivity, their exemption will not significantly affect air quality or emissions limitations. The proposed amendments will not interfere with the District's adopted plan to attain the ambient air quality standards. Therefore, the provisions of Section 40728.5 of the Health and Safety Code do not apply to the proposed amendments to Rule 101, and a socioeconomic impact analysis is not required.

PUBLIC COMMENTS

Staff held a public workshop to discuss the proposed amendments to Rule 101 on July 18, 2024. A public notice for the workshop was published on the District's website and was also be sent by e-mail to interested parties, including all those who have requested to receive rulemaking notices. The draft rule and statement of reasons were available for public review at that time. Staff did not receive any comments during the notice period or during the workshop.

ENVIRONMENTAL REVIEW AND COMPLIANCE

California Public Resources Code Section 21159 requires an environmental analysis of the reasonably foreseeable methods of compliance. The proposed amendments to Rule 101 will ensure the District does not issue ERCs for federally exempt organic compounds, and will update the District's list of exempt compounds to include eleven compounds that were exempted by EPA. These amendments will not establish emission limitations, and because these compounds have negligible reactivity, their exemption will not significantly affect air quality or emissions limitations. Staff reviewed the eleven compounds and determined that the compounds have negligible or zero ozone depletion potentials. Also, each compound either has a low GWP or would be used to replace other organic compounds with higher GWPs. The proposed amendments will not cause any other significant adverse effects on the environment and will not increase emissions; therefore, Staff has concluded that no environmental impacts will be caused by the proposed amendments.

Staff finds that the proposed rule amendments are exempt from CEQA 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[42].

FINDINGS

Finding	Finding Determination
Authority: The District must find that a provision of law or of a state or federal regulation permits or requires the District to adopt, amend, or repeal the rule.	The District is authorized to adopt and amend Rule 101 by California Health and Safety Code (HSC) Sections 40001, 40702, and 41010. [HSC Section 40727(b)(2)].

[42] State CEQA Guidelines, Section 15061(b)(3).

Finding	Finding Determination
Necessity: The District must find that the rulemaking demonstrates a need exists for the rule, or for its amendment or repeal.	The proposed amendments to Rule 101 are necessary to: 1) implement the requirements of nonattainment new source review pursuant to 40 CFR 51.165, and 2) incorporate eleven organic compounds exempted by EPA into the District's list of exempt compounds, giving manufacturers and sources more flexibility in formulating and using products with low VOC limits. [HSC Section 40727(b)(1)].
Clarity: The District must find that the rule is written or displayed so that its meaning can be easily understood by the persons directly affected by it.	Staff has reviewed the proposed rule amendments and determined that they can easily be understood by the affected parties. In addition, the record contains no evidence that the persons directly affected by the rule cannot understand it. [HSC Section 40727(b)(3)].
Consistency: The rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.	The proposed amendments to the rule do not conflict with and are not contradictory to existing statutes, court decisions, or state or federal regulations. [HSC Section 40727(b)(4)].
Non-Duplication: The District must find that either: 1) The rule does not impose the same requirements as an existing state or federal regulation; or (2) that the duplicative requirements are necessary or proper to execute the powers and duties granted to, and imposed upon, the District.	The proposed amendments to the rule do not duplicate any existing state or federal laws or regulations. [HSC Section 40727(b)(5)].
Reference: The District must refer to any statute, court decision, or other provision of law that the District implements, interprets, or makes specific by adopting, amending, or repealing the rule.	Health and Safety Code Sections 40001, 40702, and 41010 and 40 CFR 51.165. [HSC Section 40727(b)(6)].
Additional Informational Requirements: In complying with HSC Section 40727.2, the District must identify all federal requirements and District rules that apply to the same equipment or source type as the proposed rule or amendments.	The amendments to Rule 101 affect limitations on VOC emissions. Therefore, a written analysis of federal regulations and other District rules is not required. [HSC Section 40727.2(g)].

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APPENDIX A – SUMMARY OF PROPOSED AMENDMENTS

Rule 101 – General Provisions and Definitions

EXISTING SECTION	NEW SECTION	CHANGE
New	302.3	Added new subsection to provision for disclosure of data specifying that emissions reporting data will be made available to the public upon request.
New	204.1	Added new definition of exempt compounds specifying that, for the purposes of ERCs under Rule 204, exempt compounds are those on the federal list (40 CFR 51.100(s).)
204	204.2	Section renumbered, and added that for all other purposes, the definition in Section 204.2 applies.
204.1 – 204.55	204.2.a – 204.2.ccc	Sections renumbered.
New	204.2.ddd	Added $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)) as an exempt compound.
New	204.2.eee	Added trans-1,3,3,3-tetrafluoropropene (HFO-1234ze) as an exempt compound.
New	204.2.fff	Added trans-1-chloro-3,3,3-trifluoropropene (HFO-1233zd) as an exempt compound.
New	204.2.ggg	Added 2,3,3,3- tetrafluoropropene (HFO-1234yf) as an exempt compound.
New	204.2.hhh	Added 2-amino-2-methyl-1-propanol (AMP) as an exempt compound.
New	204.2.iii	Added 1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcf2) as an exempt compound.
New	204.2.jjj	Added cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz–Z)
New	204.2.kkk	Added 1,1,1',1'-tetrafluorodimethyl ether (HFE-134) as an exempt compound.
New	204.2.lll	Added bis(difluoromethoxy)difluoromethane (HFE-236cal2)
New	204.2.mmm	Added 1,2-bis(difluoromethoxy)-1,1,2,2-tetrafluoroethane (HFE-338ppc13) as an exempt compound.
New	204.2.nnn	Added (2E)-1,1,1,4,4,4-hexaflourobut-2-ene (HFO-1336mzz(E)) as an exempt compound.
204.56	204.2.ooo	Section renumbered.
204.56.a – 204.56.d	204.2.ooo.A – 204.2.ooo.D	Sections renumbered.
302	Same	Clarified that the District will provide reasonable notice to the source prior to making information described in Sections 302.1 and 302.2 available to the public and other government agencies. Added exception for information described in new Section 302.3.
302.3	New	Specified that air pollution data required by District, state, or federal requirements will be made available to the public without prior notice to the source.

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
12176	576314	Print Legal Ad-IPL01852430 - IPL0185243	Proposed Rev. to Rule 101	$1,768.04	3	83 L

Attention: [redacted]

SACRAMENTO METRO AIR QUALITY
777 12TH STREET, 3RD FLOOR
SACRAMENTO, CA 95814

finance@airquality.org

NOTICE OF PUBLIC HEARINGAVISO DE AUDIENCIA PUBLICA

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Proposed Revisions to Rule 101 – General Provisions and Definitions
Revisiones propuestas a la Regla 101 – Provisiones Generales y definiciones

The Board of Directors of the Sacramento Metropolitan Air Quality Management District (District) will conduct a public hearing on August 22, 2024, at 9:00 a.m. in Room 1450 (Board of Supervisors' Chambers), County Administration Building, 700 H Street, Sacramento, CA 95814.

The Board of Directors will consider the adoption of amendments to Rule 101 – GENERAL PROVISIONS AND DEFINITIONS. Rule 101 provides definitions of key terms that are applicable to other SMAQMD rules and regulations, which rely on the definitions in Rule 101 for proper enforcement.

The federal Clean Air Act requires all ozone nonattainment areas to have a program that implements nonattainment new source review (NNSR). The District's existing NNSR plan for a previous ozone standard was submitted to EPA to meet the NNSR requirements for the 2015 ozone standard. However, EPA identified that the District's emissions offset requirements in Rule 214 – Federal New Source Review, do not satisfy the federal emissions offset requirements because the District's list of exempt compounds in Rule 101 does not include all those on the federal list. The proposed amendments to Rule 101 will ensure the District does not issue emission reduction credits for federally exempt organic compounds, which will resolve the emissions offset issue identified by EPA and will update the District's list of exempt compounds to include eleven compounds that were exempted by EPA.

The District is moving toward making emissions reporting data more accessible to the public. The proposed amendments will change the provision for Disclosure of Data to make air pollution data required by District, state, or federal rules and regulations available to the public without prior notice to the source. If approved, the amended rule will be submitted to the U.S. Environmental Protection Agency to be included in the State Implementation Plan. This notice, the public hearing, and the proposed adoption are intended to satisfy the requirements of the federal Clean Air Act Section 110 and Title 40 of the Code of Federal Regulations Part 51.

Copies of this notice, the proposed rule, and the Statement of Reasons are posted on the SMAQMD web site (www.airquality.org). A paper copy of the materials can be viewed at the SMAQMD office or purchased for a cost of 25¢ per page plus mailing costs. You can also subscribe to e-mail notifications at www.airquality.org/Air-Quality-Health/Public-Outreach/Subscribe.

By this notice, all interested parties are specifically requested to provide comments on the proposed amendments to Rule 101. You may submit your comments by mail to the Sacramento Metropolitan AQMD, 777 12th Street, 3rd Floor, Sacramento, CA 95814, Attention: Diana Collazo (279) 207-1171 or by e-mail to DCollazo@airquality.org. Oral testimony may be directed to the Board of Directors at the public hearing.

AVISO DE AUDIENCIA PÚBLICA

Revisiones propuestas a la Regla 101 – Provisiones Generales y definiciones

La Junta Directiva del Distrito Metropolitano de la Calidad del Aire de Sacramento (Distrito) llevará a cabo una audiencia pública el 22 de agosto de 2024 a las 9:00 a.m. en el cuarto numero 1450 (Junta de Cámaras de Supervisores), Edificio de Administración del Condado de Sacramento, 700 H Street, Sacramento, CA 95814.

El Directorio considerará la adopción de modificaciones a la Regla 101 – PROVISIONES GENERALES Y DEFINICIONES. La Regla 101 proporciona definiciones de términos clave que son aplicables a otras reglas y regulaciones de SMAQMD, que se basan en las definiciones de la Regla 101 para su cumplimiento adecuado.

La Ley de Aire Limpio federal exige que todas las áreas de incumplimiento de ozono tengan un programa que implemente la revisión de nuevas fuentes de incumplimiento (NNSR, por sus siglas en inglés). El plan NNSR existente del Distrito para un estándar de ozono anterior se presentó a la EPA para cumplir con los requisitos de NNSR para el estándar de ozono de 2015. Sin embargo, la EPA identificó que los requisitos de compensación de emisiones del Distrito en la Regla 214 – Revisión federal de nuevas fuentes, no satisfacen los requisitos federales de compensación de emisiones porque la lista de compuestos exentos del Distrito en la Regla 101 no incluye todos los que están en la lista federal. Las enmiendas propuestas a la Regla 101 garantizarán que el Distrito no emita créditos de reducción de emisiones para compuestos orgánicos exentos a nivel federal, lo que resolverá el problema de compensación de emisiones identificado por la EPA y actualizará la lista de compuestos exentos del Distrito para incluir once compuestos que fueron exentos por la EPA.

El Distrito está avanzando para hacer que los datos de los informes de emisiones sean más accesibles al público. Las enmiendas propuestas cambiarán la disposición sobre Divulgación de Datos para que los datos de informes de emisiones requeridos por las reglas y regulaciones del Distrito, estatales o federales estén disponibles para el público sin previo aviso a la fuente. Si se aprueba, la regla enmendada se presentará a la Agencia de Protección Ambiental de EE. UU. para que se incluya en el Plan de implementación estatal. Este aviso, la audiencia pública y la adopción propuesta tienen como objetivo satisfacer los requisitos de la Sección 110 de la Ley federal del Aire Limpio y el Título 40 del Código de Regulaciones Federales, Parte 51.

Copias de este aviso, la regla propuesta y la exposición de motivos están publicadas en el sitio web de SMAQMD (www.airquality.org). Se puede ver una copia impresa de los materiales en la oficina de SMAQMD o comprarla por un costo de 25 centavos por página más los costos de envío. También puede suscribirse para recibir notificaciones por correo electrónico en www.airquality.org/Air-Quality-Health/Public-Outreach/Subscribe.

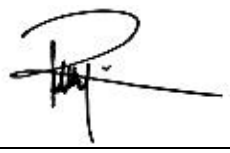
Mediante este aviso, se solicita específicamente a todas las partes interesadas que brinden comentarios sobre las enmiendas propuestas a la Regla 101. Puede enviar sus comentarios por correo a Sacramento Metropolitan AQMD, 777 12th Street, 3rd Floor, Sacramento, CA 95814, Atención: Diana Collazo (279) 207-1171 o por correo electrónico a DCollazo@airquality.org. El testimonio oral podrá dirigirse a la Junta Directiva en la audiencia pública.
IPL0185243
Jul 23 2024

DECLARATION OF PUBLICATION (C.C.P.2015.5)

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the printer and principal clerk of the publisher of The Sacramento Bee, printed and published in the City of Sacramento, County of Sacramento, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sacramento, State of California, under the date of September 26, 1994, Action No. 379071; that the notice of which the annexed is a printed copy, has been published in each issue thereof and not in any supplement thereof on the following dates, to wit:

1 insertion(s) published on:

07/23/24



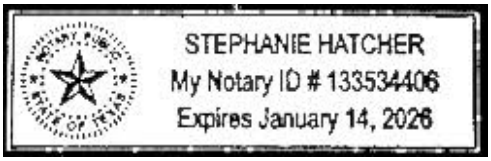
Legals Clerk

COUNTY OF DALLAS
STATE OF TEXAS

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Sacramento, California,on 7/23/2024.

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



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SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Amendments to Rule 101 - General Provisions and Definitions

Diana Collazo, Air Quality Engineer

Board Meeting, August 22, 2024

What is the General Provision and Definitions Rule?

- This rule contains general provisions and definitions applicable to other District rules.

- Other rules rely on these definitions for proper enforcement.

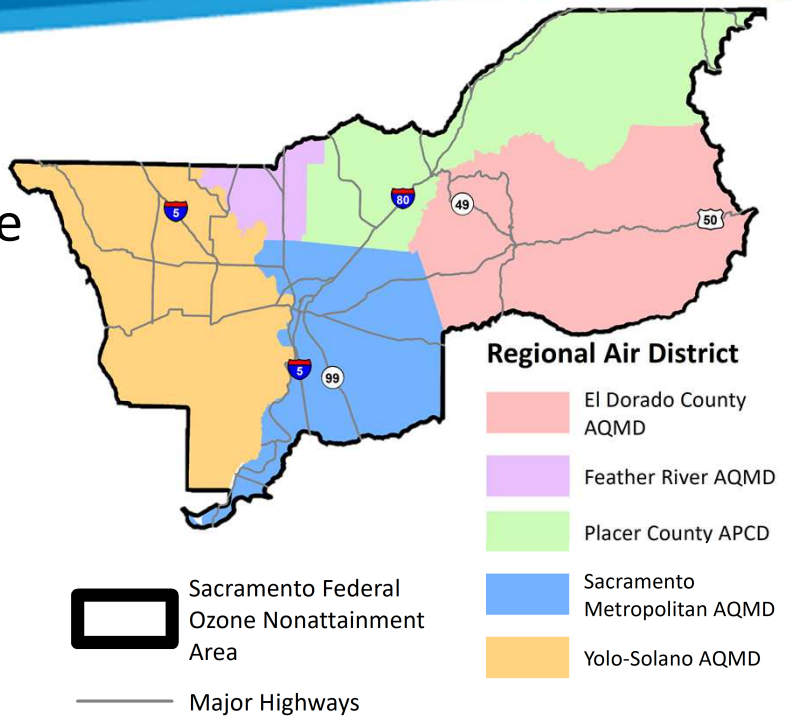
"Exempt Compound"
"VOC – Volatile Organic Compound"

Rule 202 – New Source Review
Rule 204 – Emission Reduction Credits
Rule 214 – Federal New Source Review

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

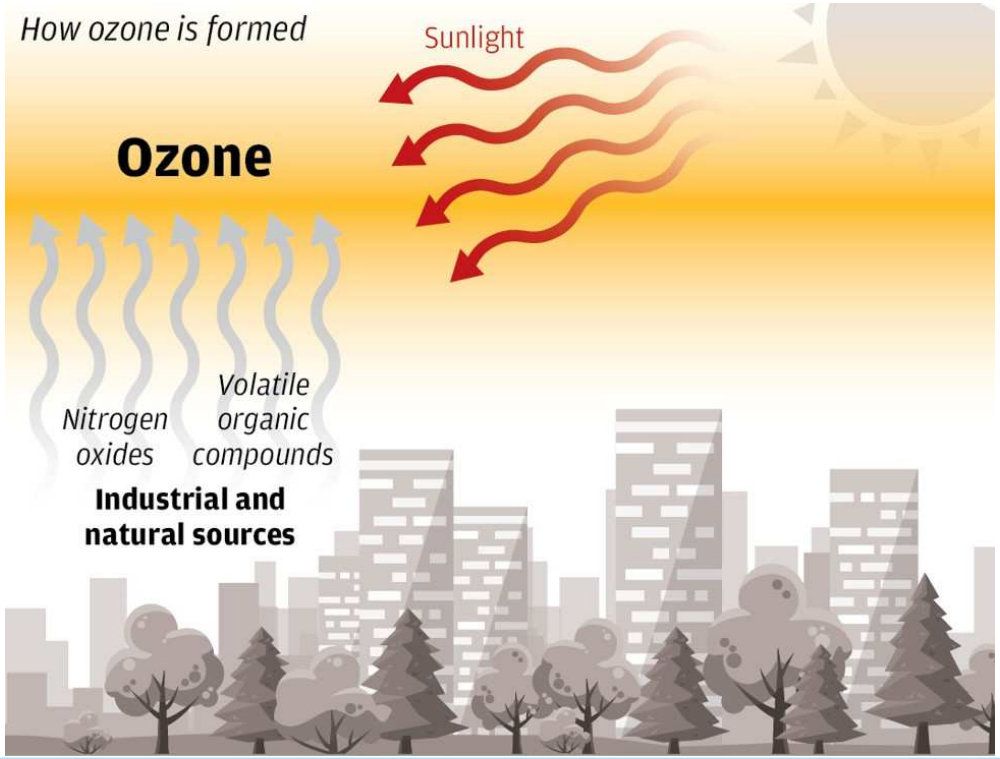
Why amend Rule 101?

- Federal requirement to submit or revise a Nonattainment New Source Review (NNSR) plan triggered by a severe non-attainment categorization for ozone.
- Update our exempt compound list
- Clarify availability of public records



SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

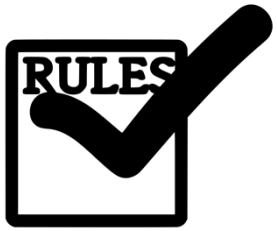
Why Update Exempt Compounds?



- It is a tool for controlling ozone
  - NOx + VOC + sunlight = ozone
  - NOx – nitrogen oxides
  - VOC – volatile organic compounds
- One method for complying with emissions limits is by using exempt compounds
- Exempt compounds contribute little to no ozone formation

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

How is Rule 101 being changed?



1. Bifurcate the definition of VOC
   a) Retain our list of VOCs for permitting and compliance
   b) And add a provision for the purposes of Rule 204 – Emission Reduction Credits, exempt compounds will be those listed on the federal exempt list
2. Add 11 compounds to the District-specific exempt compound list
3. Expand the provision for disclosure of data to clarify that certain information will be made more readily available to the public

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Impacts of adding 11 compounds to exempt list

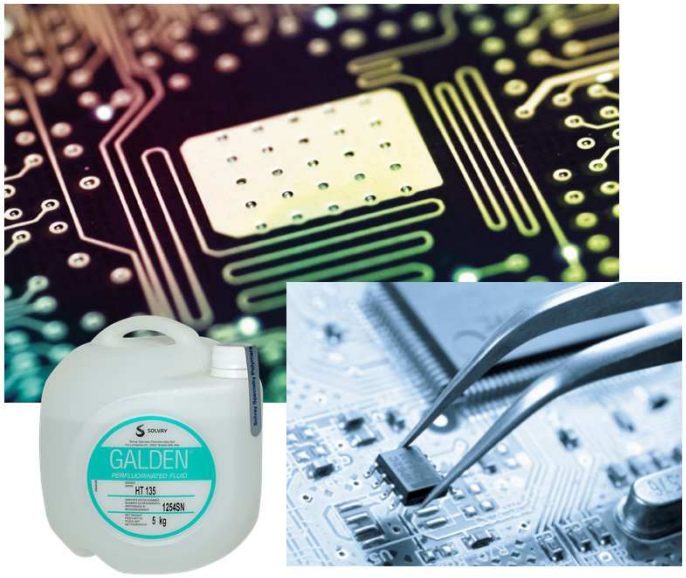
- No emission impacts
- No environmental impacts
- No significant public health impacts
- No impacts to sources
  - No new requirements
  - Sources are already required to comply with the conditions through local and federal operating permits

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Examples of Exempt Compounds

HFO-1234yf, HFO-1233zd, refrigerant

H-Galden ZT 130, heat transfer medium



SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Disclosure of Data

- Current provision states the District will provide air pollution data “upon due notice” to the source – the existing term is vague and unclear
- Impedes on emission inventory reporting

Outreach

- Public Workshop: July 18, 2024
- Today's Hearing
- Both noticed through the *Sacramento Bee*, District website, and by email

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Recommendations

- Conduct a public hearing
- Determine the amendments to Rule 101 are exempt from the CEQA
- Approve the resolution adopting amended Rule 101
- Direct staff to forward amended rule to CARB for submittal to US EPA

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Questions?

Meeting Date: 8/22/2024
Report Type: DISCUSSION / INFORMATION
Report ID: 2024-0822-6.

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT 6.

Title: Community Air Protection - South Sacramento/Florin Community Program Update

Recommendation: Receive and file an update on Assembly Bill 617 (AB 617) Community Air Protection Program for the South Sacramento-Florin community.

Rationale for Recommendation: This update provides information about the progress and achievements from the implementation of the state's Community Air Protection Program in the South Sacramento – Florin Community. The discussion item will provide updates on the community's transition towards the development of a Community Emission Reduction Program (CERP) and highlight the air quality monitoring data in South Sacramento, including from the portable air monitoring laboratory at the Fern Bacon Middle School.

Contact: Janice Lam Snyder, Director of Community Air Protection. 916-491-0929

Presentation: Yes

ATTACHMENTS:

Presentation: Community Air Protection - South Sacramento/Florin Community Program

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Approvals/Acknowledgements

Executive Director or Designee: Alberto Ayala, Report Approved 8/16/2024

District Counsel or Designee: Kathrine Pittard, Approved as to Form 8/9/2024

Discussion / Justification: In 2017, Governor Brown signed Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017) directing the development of a new State community-focused program to improve air quality in communities with high cumulative exposure burdens to air pollution. The California Air Resources Board (CARB) initially selected the South Sacramento-Florin Community to be a part of the State's program as a Community Air Monitoring Plan (CAMP) community and is now one of 19 communities that are part of the State's Community Air Protection Program.

At the July 25, 2024, CARB meeting, the South Sacramento-Florin community was selected to additionally include the designation of a Community Emissions Reduction Program (CERP) in addition to its CAMP designation. With state support and additional funding received, the District and the South Sacramento-Florin Community Steering Committee (Steering Committee) can move forward in creating a CERP that reflects the community's concerns and priorities. State law requires that a CERP be developed and adopted within two years after being formally designated as a CERP. Notably, one of the first steps that the Steering Committee has taken in the transition to a CERP is to revisit the community boundaries, and the Steering Committee voted to expand the boundaries to include adjacent areas with high cumulative exposure burdens. These adjacent communities will now be included in the continuation of the CAMP and the development of the CERP.

To help inform the development of the CERP, air quality data collected as part of the CAMP will be shared with the community along with other air quality data, community emission inventory and relevant community information used to assess the community exposure burden. Implementation of the CAMP is currently in the third phase with a portable air monitoring laboratory, which has been placed at the Fern Bacon Middle School since April 2023. Staff will provide an update on preliminary air monitoring results from Phase 2 and Phase 3 of the

CAMP. The District will work with the Steering Committee in the next few months to determine the next steps in Phase 3. This can include moving the portable laboratory into the newly expanded areas and an additional monitoring site.

Community Air Protection – South Sacramento/ Florin Community Program Update

Sac Metro Air District Board Meeting

August 22, 2024

Presenter: Lia Kollen, Air Quality Specialist

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Why are we here today?

Sharing AB617 air quality data

AB617 Steering Committee meets once a month, every 4th Monday of the month

Sharing air monitoring data with the Steering Committee in upcoming months

Air Monitoring data will provide a baseline of the community level air quality

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

South Sacramento-Florin: Community Air Monitoring Plan (CAMP) Progress

Portable air monitoring laboratory deployed at Fern Bacon Middle School since April 2023

Monitoring commitments in Community Air Monitoring Plan (CAMP) have been met

Community Steering Committee will review the results and decide whether lab will be deployed to another location

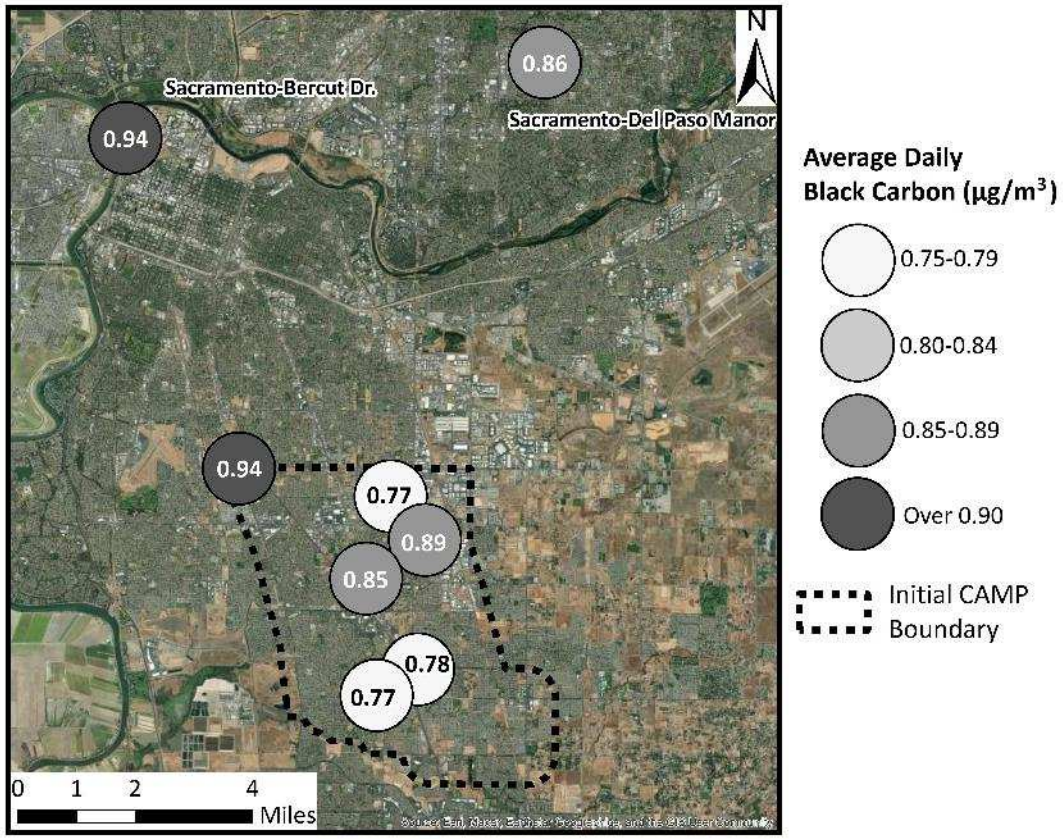
Ribbon cutting for portable air monitoring laboratory

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

South Sacramento-Florin Community Air Monitoring Results

Phase 2: 2020-2021

Phase 2 Results: PM 10 and Black Carbon Pollution



Particulate Matter and Black Carbon are similar or lower than the region

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Phase 2 Results: PM 2.5

Monitoring Site	24-hour $PM_{2.5}$ (µg/m³)		
	Mean	Median	Maximum*
South Sac 1	16.1	11.0	120.1
South Sac 2	16.0	9.7	134.0
South Sac 3	18.6	13.3	141.7
South Sac 4	20.6	14.7	141.4
South Sac 5	17.0	11.2	136.4
South Sac 6	18.5	12.2	147.6
Sac County High Concentration	14.2	9.0	122.4

Fine Particulate Matter is slightly higher than peak concentration in Sac County

Data includes wildfire smoke days

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

South Sacramento Florin Phase 2: Toxics Non-Cancer Health Impacts

Measured 59 Toxic Air Contaminants

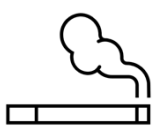
Only one (**acrolein**) above OEHHA* noncancer health thresholds

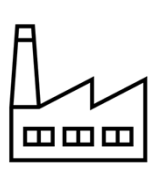
South Sacramento-Florin acrolein levels below California Statewide Average

What is acrolein?

- Can cause nose/eye irritation, allergic response, respiratory system impacts

- Can come from:





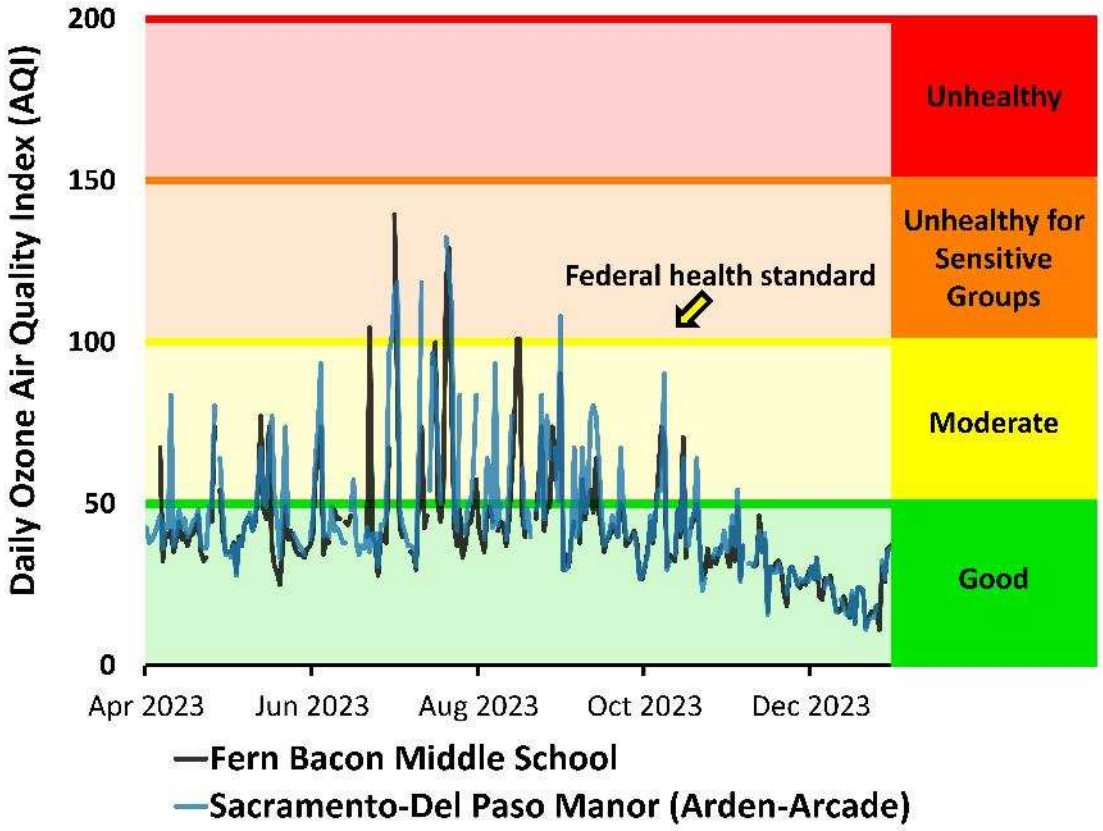
*California Office of Environmental Health Hazard Assessment

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

South Sacramento-Florin Community Air Monitoring Results

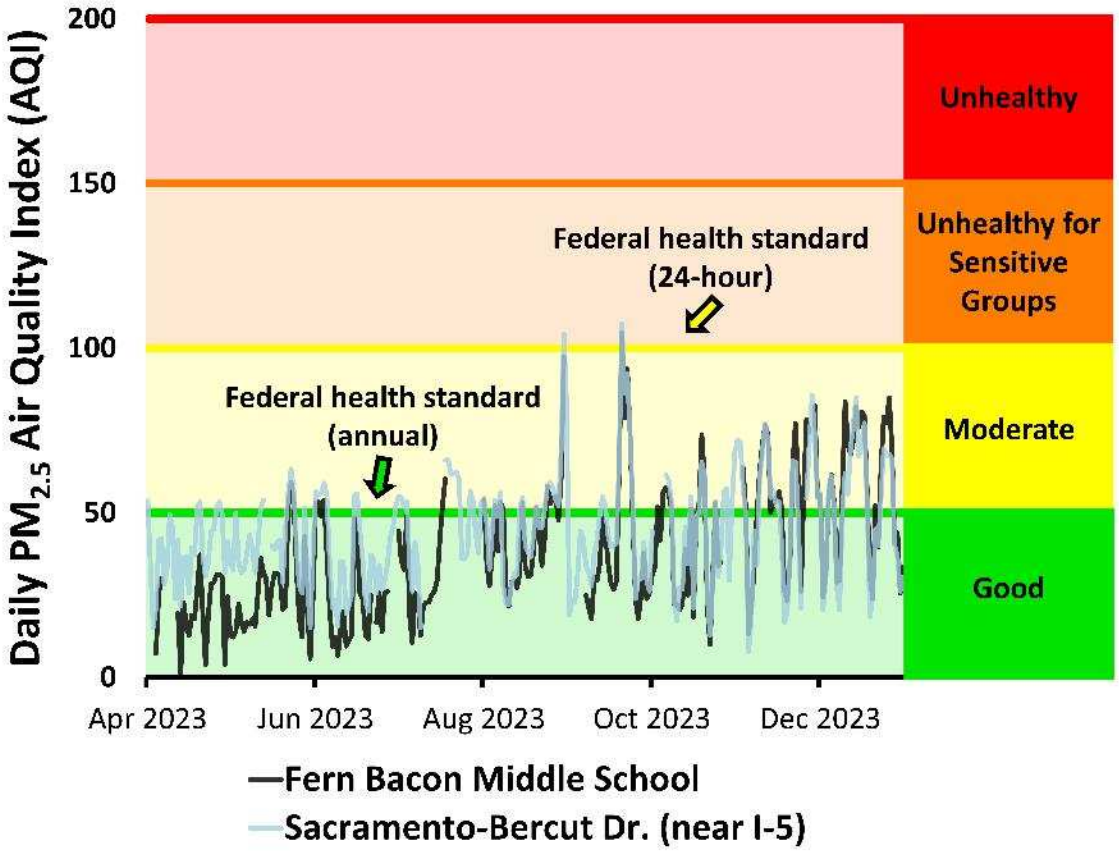
Phase 3: April 2023-Dec 2023

South Sacramento-Florin Portable Laboratory: Ozone



- Above standard on 6 dates
- Most similar to **Sacramento-Del Paso Manor** site
  - Del Paso Manor site has greatest ozone levels in Sacramento County in recent years

South Sacramento-Florin Portable Laboratory: $PM_{2.5}$



- Above 24-hr standard on one day
  - Potential wildfire smoke impacts locally on this day
- Average of levels shown below annual standard
- **Most similar to Sacramento region's near-road site**

Air Quality Monitoring Takeaways So Far…

Pollution Levels Similar to Peaks in Sac County:

- **Ozone**
- **$PM_{2.5}$**
- **Black carbon**

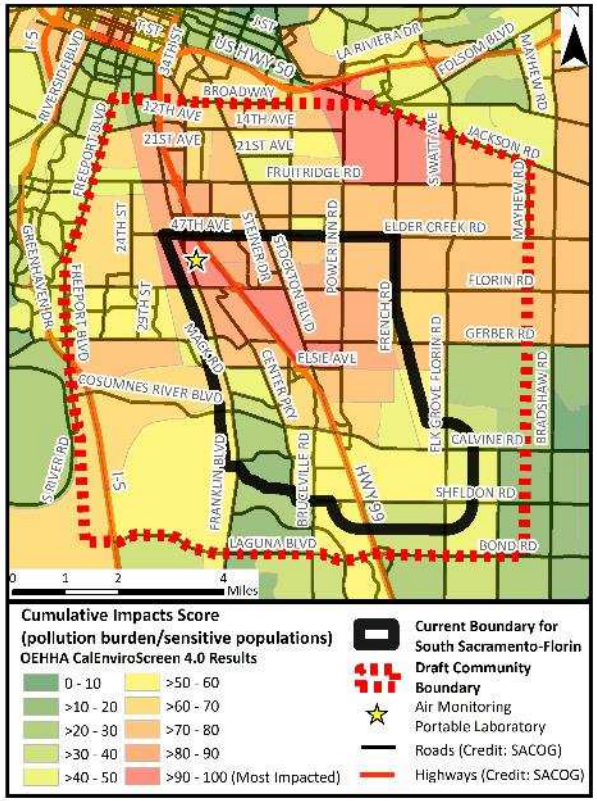
Takeaways

Peak pollution concentrations observed across county are present in South Sacramento Community

Data indicates exposure burden may be higher in community

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Next Steps: Monitoring in Expanded Boundaries



The Community Steering Committee has approved expanding the boundaries

Will work with the Steering Committee to determine the next steps in monitoring

Can leverage existing data completed by partners and other projects to inform future monitoring needs

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

Thank You

Meeting Date: 8/22/2024
Report Type: DISCUSSION / INFORMATION
Report ID: 2024-0822-7.

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT 7.

Title: District Headquarters Relocation Project Status Update

Recommendation: Receive and file an update on the District's Headquarters Relocation Project and an outlook on the hybrid model and building space needs.

Rationale for Recommendation: Following guidance from the Headquarters Facility Ad Hoc Committee in September 2023, staff engaged with Cushman and Wakefield, a leading commercial real estate firm, to explore options for selling the District's current building and securing a smaller facility through purchase, lease, or sublease. During the July 2024 Board of Directors meeting, Board members made inquiries about this initiative.

In response, staff will provide an update that addresses these inquiries, including an overview of the current commercial real estate market in downtown Sacramento, the District's relocation strategy, and considerations for a hybrid workplace model.

Contact: Megan Shepard, Director of Administrative Services (279) 207-1143

Presentation: Yes

ATTACHMENTS:

Presentation: District Headquarters Relocation Project Status Update

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Approvals/Acknowledgements

Executive Director or Designee: Alberto Ayala, Report Approved 8/15/2024

District Counsel or Designee: Kathrine Pittard, Approved as to Form 8/15/2024

District Headquarters Relocation Project Status Update

Board of Directors Meeting
August 22, 2024
Presenter: Megan Shepard, Director, Administrative Services Division

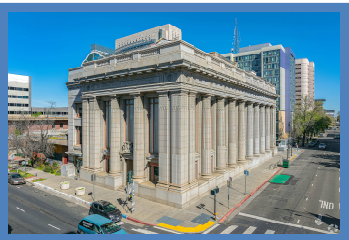
Key Points

- Address questions from last Board meeting
- Downtown Sacramento Commercial Real Estate Market
- Relocation Status
- Hybrid Workplace and Space Considerations

Current Downtown Sacramento Market Conditions

- 23 properties to lease & 6 buildings to purchase within ½ mile of HQ
- Vacancy rate: 14.2%
- Leasing demand for larger properties is low
- Sales Environment
  - Most “owner occupied” buyer activity is for buildings 10,000 SF or smaller
  - Limited financing options for office building investment buyers
  - More buyers may explore the market if interest rates go down

Recent Office Building Sales - Downtown

 630 K Street	 901 H Street	 629 J Street
Size: 86,244 SF	Size: 51,340 SF	Size: 49,906 SF
Occupancy: 25.4%	Occupancy: 97%	Occupancy: 100%
Price: $10,300,000 ($119 SF)	Price: $5,375,000 ($105 SF)	Price: $8,500,000 ($170 SF)
Sold: July 2024 (190 days on market)	Sold: Mar. 2024 (176 days on market)	Sold: Jan. 2024 (off market purchase)

Recent Office Building Sales – Owner Occupier

 3249 Quality Drive Rancho Cordova	 7750 College Town Drive Near CSUS	 3780 Rosin Court North Natomas
Size: 80,000 SF	Size: 34,000 SF	Size: 46,000 SF
Occupancy: 0%	Occupancy: 20%	Occupancy: 0%
Price: $6,900,000 ($86 SF)	Price: $3,900,000 ($115 SF)	Price: $3,800,000 ($83 SF)
Sold: Dec. 2023 (20 Mo's on market)	Sold: Dec. 2023 (9 Mo's on market)	Sold: May 2024 (14 Mo's on market)

Relocation Status Update

District's Ongoing Strategy:

- Actively market our current headquarters
- Implement minor cosmetic enhancements
- Avoid major renovations or capital projects
- Work closely with brokers to monitor market trends
- Maintain a patient approach:
  - Building debt fully repaid by 2027
  - Annual operating costs around $500K
  - Status quo for 2-3 years acceptable
  - Need to reassess beyond that

Hybrid Workplace & Space Considerations

Short-Term Plan (1 year):

- Continue minimum one in-office day/week
- Maintain current workspace assignments

Long-Term Plan (2-3 years):

- Reassess telework plan annually
- Reassess remaining in place and seeking out tenants
- Shared workspace configured for two in-office days/week
- Assigned workspaces for staff with three+ in-office days/week
- Private workspace available for managers/ confidential staff

Thank You