

State of California
AIR RESOURCES BOARD

Resolution 05-46

October 20, 2005

Agenda Item No.: 05-10-4

WHEREAS, the Air Resources Board (ARB or Board) and the United States Environmental Protection Agency (U.S. EPA) have established health-based ambient air quality standards for ozone, and these standards are exceeded in a number of the State's air basins;

WHEREAS, Health and Safety Code sections 39003, 39500, 39602, and 41500 authorize the Board to coordinate, encourage, and review efforts to achieve and maintain the State and national ambient air quality standards;

WHEREAS, Health and Safety Code sections 39600 and 39605 authorize the Board to act as necessary to execute the powers and duties granted to and imposed upon the Board and to assist the local air pollution control and air quality management districts (districts);

WHEREAS, ARB staff has developed a proposed Suggested Control Measure (SCM) to control volatile organic compound (VOC) emissions from automotive coatings, and has brought the SCM to the Board for consideration;

WHEREAS, the proposed SCM is designed to be considered for adoption by the districts, and is intended to improve the clarity and enforceability of district automotive coatings rules and provide a basis for statewide uniformity in automotive coatings rules;

WHEREAS, under California law the districts have the primary legal authority for adopting control measures for automotive coatings, as provided in sections 39002, 40000, and 40001 of the Health and Safety Code, and the provisions in the SCM would apply to affected persons only if one or more districts adopts the SCM as a district rule;

WHEREAS, upon adoption by the districts, implementation of the SCM will reduce the emissions of VOCs from the application of automotive coatings;

WHEREAS, the California Environmental Quality Act (CEQA) and Board regulations require that no project having significant adverse environmental impacts shall be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, ARB's regulatory program has been certified by the Secretary of Resources pursuant to Public Resources Code section 21080.5, and this certification would allow the ARB to include the environmental analysis for the SCM in an ARB Staff Report instead of preparing a formal environmental impact report (EIR);

WHEREAS, ARB staff has prepared a Staff Report for the proposed SCM;

WHEREAS, the Board has held a duly-noticed public meeting, in accordance with all applicable provisions of law, to consider approval of the proposed SCM for automotive coatings, and has heard and considered the comments presented by representatives of the Board, districts, affected industries, and other interested persons and agencies;

WHEREAS, the Board finds that:

The application of automotive coatings in the State emits about 20.7 tons per day of VOCs into the atmosphere;

The control and reduction of VOC emissions is necessary to attain and maintain the State and national ambient air quality standards for ozone;

Statewide implementation of the proposed SCM would reduce VOC emissions from the various coating categories and cleaning solvents by 15.8 tons per day;

To effectively control the emissions of VOCs from automotive coatings applied at widely dispersed locations, and to minimize the regulatory burden on the automotive coatings industry, automotive coatings standards should be uniform among districts which need automotive coatings rules;

The technology to control VOC emissions from automotive coatings to the extent provided in the SCM is reasonably available and cost-effective; and

ARB staff has conducted an economic analysis of the SCM and presented the conclusions and supporting documentation for this analysis in the Staff Report.

WHEREAS, the Board has determined, pursuant to the requirements of the CEQA and the Board's regulations, that the adoption and implementation of the proposed SCM will not have any significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the SCM for Automotive Coatings, with the modifications approved at the October 20, 2005, public meeting as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the modifications approved by the Board extend the compliance date by one year (from January 1, 2009 to January 1, 2010) for cleaning solvents and the automotive coating categories of primer sealer, single-stage coating, and adhesion promoter.

BE IT FURTHER RESOLVED that the Executive Officer is directed to forward the SCM to the districts for their consideration of its adoption in regulatory form.

BE IT FURTHER RESOLVED that the Board strongly encourages districts to adopt the SCM as approved by the Board, without modification, so that statewide uniformity in automotive coatings standards can be achieved.

BE IT FURTHER RESOLVED that the Executive Officer is directed to provide assistance to any district requesting assistance in adopting, interpreting, or implementing the SCM.

BE IT FURTHER RESOLVED that the Board directs the ARB Executive Officer to take the following actions: (1) monitor the progress of manufacturers in meeting the VOC limits in the SCM; (2) conduct technology assessments prior to the effective date for each of the proposed VOC limits that are lower than the most stringent limit currently in effect in district rules; and (3) propose any future modifications to the SCM that may be appropriate.

I hereby certify that the above is a true and correct copy of the Resolution 05-46, as adopted by the Air Resources Board.

Lori Andreoni, Clerk of the Board

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Identification of Attachment to the Resolution

Attachment A: Proposed Suggested Control Measure for Automotive Coatings, as set forth in Appendix A to the Staff Report: Initial Statement of Reasons, released September 21, 2005, with the modifications approved by the Board at the October 20, 2005, public meeting.