

Yolo-Solano Air Quality Management District
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YOLO-SOLANO
AIR QUALITY MANAGEMENT DISTRICT

**PROPOSED AMENDMENTS TO
RULE 2.14, ARCHITECTURAL COATINGS**

DRAFT STAFF REPORT

April 8, 2024

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Reviewed by: Paul Hensleigh and Ben Beattie

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I. EXECUTIVE SUMMARY

Ozone is a highly reactive gas that is both a natural and a man-made product that occurs in the Earth's upper atmosphere (stratosphere) and lower atmosphere (troposphere). Tropospheric or ground-level ozone is formed primarily from photochemical reactions between two major classes of air pollutants, volatile organic compounds (VOC) and nitrogen oxides (NOx)¹.

The Yolo-Solano Air Quality Management District (District) is the local agency with the primary responsibility for the control of air pollution generated from stationary and area-wide sources in all of Yolo County and northeastern Solano County. The District, along with El Dorado County Air Quality Management District (EDCAQMD), Feather River Air Quality Management District (FRAQMD), Placer County Air Pollution Control District (PCAPCD), and Sacramento Metropolitan Air Quality Management District (SMAQMD), is located within the Sacramento Federal Nonattainment Area, which is designated as severe nonattainment for the 1997 and 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). The SFNA is currently designated as serious nonattainment for the 2015 8-hour NAAQS. However, the air districts of the SFNA have requested to voluntarily bump up to a severe nonattainment classification because additional time is needed to meet the standard.

On May 8th, 2024, the Yolo-Solano Air Quality Management District (District) Board of Directors will consider the proposed amendments to Rule 2.14, ARCHITECTURAL COATINGS. Rule 2.14. The District's proposed amendments are based on the Suggested Control Measures (SCM) for Architectural Coatings adopted on May 23, 2019, by the California Air Resources Board (CARB).

The main amendment(s) being proposed to Rule 2.14 will be:

1. Addition of new coating categories, replacing older categories.
2. Addition of stricter standards for certain categories, based on the 2019 SCM, to act as a contingency if the SFNA fails to demonstrate attainment of the 2008 or 2015 federal 8-hour ozone standard.

The proposed amendments will not have a significant or detrimental effect on the environment. Therefore, staff prepared a Notice of Exemption to satisfy the requirements of the California Environmental Quality Act (CEQA). The notice states that the revisions to Rule 2.14 are exempt from the requirements of CEQA pursuant to Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

A. BACKGROUND

History

Architectural coatings are paints applied to stationary sources along with their corresponding accessories. VOCs are emitted from these coatings in addition to the solvents used to thin them and for clean-up. The District is responsible for controlling these emissions and is basing these rule amendments on the 2019 SCM proposed by CARB. This SCM includes VOC limits for several coating

¹ U.S. EPA. *What is ozone and where is it in the atmosphere?* Research Triangle Park, NC. Last updated July 11, 2023. <https://www.epa.gov/ozone-pollution-and-your-patients-health/what-ozone>.

categories that are more stringent than those currently in Rule 2.14. The SCM also sets limits for three new coating categories and limits for colorants added to architectural coatings. Rule 2.14 was last amended by the District on October 12, 2016.

The federal Clean Air Act requires areas that are classified as nonattainment to develop State Implementation Plans (SIPs) that describe how a nonattainment area will attain the NAAQS through strategies that achieve emission reductions. CAA sections 172(c)(9) and 182(c)(9) require nonattainment areas, including ozone nonattainment areas classified as serious or higher, to include contingency measures in their SIPs. To fulfill the contingency measure requirement, the District is proposing to amend Rule 2.14 to contain stricter VOC limits for certain categories from the 2019 SCM to take effect if the SFNA fails to demonstrate attainment of the 2008 or 2015 federal 8-hour ozone standard.

The proposed amendment to Rule 2.14 adds provisions that, if triggered, will immediately reduce the allowable VOC content of certain categories of architectural coatings. The contingency provisions will automatically trigger within 60 days of the U.S. EPA finding that the region failed to attain the 2008 or 2015 federal 8-hour ozone standard by the attainment date, or any applicable milestones associated with the 2015 standard. The SFNA has an attainment year of 2024 for the 2008 8-hour ozone standard and 2032 for the 2015 8-hour ozone standard, and the milestone dates for the 2015 standard are 2026 and 2029.

Overview of source category

The affected sources include the following within the District: manufacturers, distributors, retailers, importers, paint contractors, construction workers, maintenance staff, and public works personnel. This includes hundreds of retailers within the District and within the vicinity of the District, as well as anyone providing coatings for use, or anyone using coatings in the District.

II. DISCUSSION OF PROPOSED RULE 2.29 AMENDMENTS

The proposed amendments to Rule 2.14 are as follows:

Section 110 Exemptions

The term “markets” has been added to section 102 to address mail order coatings and e-commerce companies that do not sell the coatings directly but market them for sale.

An exemption has been added for colorants added at factories or worksite, and for containers of colorants sold for use in the field or on a job site.

Section 200 Definitions

Eight definitions have been added, and 17 definitions have been removed. In addition, several other definitions have been revised to match the 2019 SCM.

Section 300 Standards

Section 301 has been renamed to CURRENT VOC CONTENT LIMITS to differentiate between the

current limits and those that will go into effect if the contingency measure is triggered. The term market is added to ensure sales through third-party vendors are covered by the Rule. The outdated Table 1 for limits effective through 12/31/2017 has been removed, and Table 2 has been renamed Table 1.

Section 302, VOC CONTENT LIMITS EFFECTIVE UNDER CONTINGENCY MEASURE, has been added to reflect the new VOC content limits for architectural coatings and colorants that will go into effect if the contingency measure is triggered. Language has been added to explain if and when the new limits will go into effect. Table 2 has been added to show the VOC content limits for coatings under the contingency measure, and Table 3 has been added to show the VOC content limits for colorants under the contingency measure.

The sell-through provisions of Section 304 have been revised to one year after the U.S. EPA makes a final determination of failure to attain. Colorants have been added to the sell-through provisions.

Section 308 has been added to provide an early compliance option for coatings and colorants meeting the standards listed in Tables 2 and 3 prior to the contingency measure going into effect.

Section 400 Administrative Requirements

Various provisions establishing specific labelling requirements for particular coatings have been added or deleted depending on whether the coating category was added or deleted. All past-due applicability dates have been deleted. In addition, a labelling requirements section for colorants has been added to go into effect after the contingency measure has been triggered.

Section 500 Monitoring and Records

No changes have been proposed for this section.

Section 600 Test Methods and Calculations

Various provisions incorporating test methods by reference have been added or removed depending on whether the coating was added or deleted. Provisions have also been revised to maintain consistency with the 2019 SCM. Test methods for VOC content of colorants have also been specified.

III. COMPARISON WITH OTHER APPLICABLE REGULATIONS AND REQUIREMENTS

Health and Safety Code Section 40727.2 requires districts to prepare a written comparative analysis of any new control standard that identifies all existing federal air pollution control requirements, including, but not limited to, emission control standards constituting best available control technology (BACT) that apply to the same equipment or source type as the rule or regulation proposed for adoption or modification by the District.

The District proposes to amend the rule to incorporate revisions made to the SCM in 2019, including additions and deletions to the VOC content limits. The revised rule includes the VOC content limits from the 2019 SCM to take effect if the SFNA fails to demonstrate attainment of the 2008 or 2015 federal 8-hour ozone standard.

It is noted that H&SC 40727.2 was last amended in 2000, while the National Volatile Organic Compound Emission Standards for Architectural Coatings have not been amended in any relevant way

since 1999. District Rule 2.14 was last amended in 2001, so the comparison to the Federal regulation conducted in 2001 remains valid. To the extent that any category comparison is still required, it is further noted that the national regulation has only been updated since 1999 to update certain industry-standard test methods that have been revised and to update the addresses of EPA Regional offices.

IV. IMPACTS OF THE PROPOSED RULE

Emissions Impacts

The total amount of emission reductions depends on if or when the contingency measure is triggered. Because the contingency measure will include a one-year sell-through period, emission reductions will begin in the second year after the measure is triggered.

The contingency measure will automatically be triggered if EPA finds the SFNA fails to attain the 2008 ozone standard by the attainment year of 2024 or the 2015 ozone standard by the attainment year of 2032, fails to meet reasonable further progress requirements, or fails to meet any applicable milestone. The milestone years in which the contingency measure could be triggered for the 2015 ozone standard are 2026 and 2029.

Table 1 shows the architectural coatings VOC emissions inventory in the District for 2024, the attainment year for the 2008 standard, and 2032, the attainment year for the 2015 standard. The potential estimated emission reductions from contingency measure commitment if triggered in the attainment years are shown in Table 2 below.

| TABLE 1 Emissions Inventory – Year 2024 and 2032 | | | |
|---|---|--|-------------|
| EIC Codes | Description | VOC/ROG Inventory for Control Measure (tpy) | |
| | | 2024 | 2032 |
| 520- 520- 9100- 0000 | 9100-OIL BASED (ORGANIC SOLVENT BASED) COATINGS (UNSPECIFIED) | 0.0036 | 0.0039 |
| 520- 520- 9105- 0000 | 9105-OIL BASED PRIMERS, SEALERS, AND UNDERCOATERS | 0.0004 | 0.0004 |
| 520- 520- 9106- 0000 | 9106-OIL BASED QUICK DRY PRIMERS, SEALERS, AND UNDERCOATERS | 0.0000 | 0.0000 |
| 520- 520- 9108- 0000 | 9108-OIL BASED SPECIALTY PRIMER, SEALER, AND UNDERCOATER | 0.0020 | 0.0021 |
| 520- 520- 9109- 0000 | 9109-OIL BASED BITUMINOUS ROOF PRIMER | 0.0013 | 0.0014 |
| 520- 520- 9112- 0000 | 9112-OIL BASED SANDING SEALERS | 0.0003 | 0.0003 |

| | | | |
|----------------------|--|--------|--------|
| | | | |
| 520- 520- 9113- 0000 | 9113-OIL BASED WATERPROOFING SEALERS | 0.0098 | 0.0104 |
| 520- 520- 9118- 0000 | 9118-OIL BASED WATERPROOFING CONCRETE/MASONRY SEALERS | 0.0150 | 0.0160 |
| 520- 520- 9122- 0000 | 9122-OIL BASED FAUX FINISHING | 0.0004 | 0.0005 |
| 520- 520- 9124- 0000 | 9124-OIL BASED MASTIC TEXTURE | 0.0003 | 0.0003 |
| 520- 520- 9126- 0000 | 9126-OIL BASED RUST PREVENTATIVE | 0.0075 | 0.0080 |
| 520- 520- 9131- 0000 | 9131-OIL BASED STAINS - CLEAR/SEMITRANSSPARENT | 0.0428 | 0.0457 |
| 520- 520- 9136- 0000 | 9136-OIL BASED STAINS - OPAQUE | 0.0119 | 0.0128 |
| 520- 520- 9141- 0000 | 9141-OIL BASED VARNISH - CLEAR/SEMITRANSSPARENT | 0.0354 | 0.0378 |
| 520- 520- 9153- 0000 | 9153-OIL BASED QUICK DRY ENAMEL COATINGS | 0.0001 | 0.0001 |
| 520- 520- 9157- 0000 | 9157-OIL BASED LACQUERS (UNSPECIFIED) | 0.0016 | 0.0017 |
| 520- 520- 9159- 0000 | 9159-OIL BASED FLAT COATINGS | 0.0009 | 0.0009 |
| 520- 520- 9160- 0000 | 9160-OIL BASED NONFLAT - LOW GLOSS/MEDIUM GLOSS | 0.0065 | 0.0069 |
| 520- 520- 9161- 0000 | 9161-OIL BASED HIGH GLOSS NONFLAT COATINGS | 0.0025 | 0.0027 |
| 520- 520- 9164- 0000 | 9164-OIL BASED BITUMINOUS ROOF COATINGS | 0.0003 | 0.0003 |
| 520- 520- 9165- 0000 | 9165-OIL BASED CONCRETE CURING COMPOUNDS | 0.0001 | 0.0001 |
| 520- 520- 9166- 0000 | 9166-OIL BASED DRY FOG COATINGS | 0.0000 | 0.0000 |
| 520- 520- 9169- 0000 | 9169-OIL BASED FLOOR COATINGS | 0.0010 | 0.0011 |
| 520- 520- 9170- 0000 | 9170-OIL BASED FORM RELEASE COATINGS | 0.0010 | 0.0010 |
| 520- 520- 9171- 0000 | 9171-OIL BASED HIGH TEMPERATURE COATINGS | 0.0005 | 0.0005 |
| 520- 520- 9172- 0000 | 9172-OIL BASED INDUSTRIAL MAINTENANCE COATINGS | 0.0330 | 0.0353 |
| 520- 520- 9173- 0000 | 9173-OIL BASED METALLIC PIGMENTED COATINGS | 0.0018 | 0.0019 |
| 520- 520- 9174- 0000 | 9174-OIL BASED ROOF COATINGS | 0.0000 | 0.0000 |
| 520- 520- 9176- 0000 | 9176-OIL BASED TRAFFIC COATINGS | 0.0006 | 0.0006 |

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| | | | |
| 520- 520- 9177- 0000 | 9177-OIL BASED WOOD PRESERVATIVES | 0.0068 | 0.0072 |
| 520- 520- 9200- 0000 | 9200-WATER BASED COATINGS (UNSPECIFIED) | 0.0119 | 0.0127 |
| 520- 520- 9205- 0000 | 9205-WATER BASED PRIMERS, SEALERS, AND UNDERCOATERS | 0.0180 | 0.0192 |
| 520- 520- 9206- 0000 | 9206-WATER BASED QUICK DRY PRIMERS, SEALERS, AND UNDERCOATERS | 0.0002 | 0.0002 |
| 520- 520- 9208- 0000 | 9208-WATER BASED SPECIALTY PRIMER, SEALER, AND UNDERCOATER | 0.0002 | 0.0002 |
| 520- 520- 9209- 0000 | 9209-WATER BASED BITUMINOUS ROOF PRIMER | 0.0000 | 0.0000 |
| 520- 520- 9212- 0000 | 9212-WATER BASED SANDING SEALERS | 0.0002 | 0.0002 |
| 520- 520- 9213- 0000 | 9213-WATER BASED WATERPROOFING SEALERS | 0.0036 | 0.0038 |
| 520- 520- 9218- 0000 | 9218-WATER BASED WATERPROOFING CONCRETE/MASONRY SEALERS | 0.0046 | 0.0049 |
| 520- 520- 9222- 0000 | 9222-WATER BASED FAUX FINISHING | 0.0008 | 0.0009 |
| 520- 520- 9223- 0000 | 9223-WATER BASED FORM RELEASE COMPOUNDS | 0.0008 | 0.0008 |
| 520- 520- 9226- 0000 | 9226-WATER BASED RUST PREVENTATIVE | 0.0003 | 0.0003 |
| 520- 520- 9231- 0000 | 9231-WATER BASED STAINS - CLEAR/SEMITRANSSPARENT | 0.0008 | 0.0009 |
| 520- 520- 9236- 0000 | 9236-WATER BASED STAINS - OPAQUE | 0.0030 | 0.0032 |
| 520- 520- 9241- 0000 | 9241-WATER BASED VARNISHES - CLEAR/SEMITRANSSPARENT | 0.0061 | 0.0065 |
| 520- 520- 9257- 0000 | 9257-WATER BASED LACQUERS (UNSPECIFIED) | 0.0006 | 0.0006 |
| 520- 520- 9259- 0000 | 9259-WATER BASED FLAT COATINGS | 0.0248 | 0.0264 |
| 520- 520- 9260- 0000 | 9260-WATER BASED NONFLAT - LOW GLOSS/MEDIUM GLOSS | 0.0310 | 0.0331 |
| 520- 520- 9261- 0000 | 9261-WATER BASED HIGH GLOSS NONFLAT COATINGS | 0.0033 | 0.0035 |
| 520- 520- 9264- 0000 | 9264-WATER BASED BITUMINOUS ROOF COATINGS | 0.0051 | 0.0055 |
| 520- 520- 9265- 0000 | 9265-WATER BASED CONCRETE CURING COMPOUNDS | 0.0116 | 0.0123 |
| 520- 520- 9266- 0000 | 9266-WATER BASED DRY FOG COATINGS | 0.0008 | 0.0008 |
| 520- 520- 9269- 0000 | 9269-WATER BASED FLOOR COATINGS | 0.0016 | 0.0017 |

| | | | |
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| 520- 520- 9272- 0000 | 9272-WATER BASED INDUSTRIAL MAINTENANCE COATINGS | 0.0043 | 0.0046 |
| 520- 520- 9273- 0000 | 9273-WATER BASED METALLIC PIGMENTED COATINGS | 0.0000 | 0.0000 |
| 520- 520- 9274- 0000 | 9274-WATER BASED ROOF COATINGS | 0.0001 | 0.0001 |
| 520- 520- 9276- 0000 | 9276-WATER BASED TRAFFIC COATINGS | 0.0056 | 0.0060 |
| 520- 520- 9277- 0000 | 9277-WATER BASED WOOD PRESERVATIVES | 0.0000 | 0.0001 |
| 520-522-8302-0000 | 8302-THINNING SOLVENTS - COATINGS (UNSPECIFIED) | 0.0583 | 0.0620 |
| 520-522-8310-0000 | 8310-ADDITIVES | 0.0049 | 0.0052 |
| 520-522-8350-0000 | 8350-CLEANUP SOLVENTS - COATINGS (UNSPECIFIED) | 0.1299 | 0.1381 |
| Total | | 0.5199 | 0.5543 |

| TABLE 2 Emission Reductions – Year 2024 and 2032 | | |
|---|--|---------------|
| EIC Description | Total VOC Reductions for Control Measure (tpd) | |
| | 2024 | 2032 |
| Architectural Coatings VOC Reduction from Rule 2.14 Amendment | 0.0302 | 0.0321 |
| Total | 0.0302 | 0.0321 |

The District assumes 80% of the potential benefits from implementing this contingency measure. This uncertainty factor accounts for potential differences between the assumptions made here and the final Rule 2.14 changes because of changes to the market, cost, availability of compliant coatings, or other issues that may arise. Taking this into consideration, the overall reduction from the proposed contingency measure can achieve a VOC reduction of 5.9% for this source category.

Cost Effectiveness

CH&SC Section 40703 requires the District, in the process of the adoption of any rule or regulation, to consider and make public its findings related to the cost effectiveness of the rule. Cost effectiveness for rulemaking purposes is calculated by dividing the cost of air pollution controls required by the rule by the amount of air pollution reduced.

CARB staff estimated the cost-effectiveness at \$1.85 per pound of VOC reduced.

Socioeconomic Impacts

California Health and Safety Code Section 40728.5 (a) requires the District, in the process of the

adoption of any rule or regulation, to consider the socioeconomic impact if air quality or emission limits may be significantly affected. However, districts with a population of less than 500,000 persons are exempt from the provisions of Section 40728.5 (a). The District's population is estimated to be approximately 331,600 and well below the 500,000 person threshold. Therefore, a socioeconomic analysis for this rulemaking is not required.

Incremental Cost Effectiveness

CH&SC Section 40920.6 requires an assessment of the incremental cost-effectiveness for proposed regulations relative to ozone, Carbon Monoxide (CO), Sulfur Oxides (SOx), Nitrogen Oxides (NOx), and their precursors. Incremental cost-effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential control options that can achieve the same emission reduction goal of a regulation.

To support statewide consistency, the District is only considering one control option, the limits in the SCM, so an incremental cost effectiveness analysis cannot be performed.

V. ENVIRONMENTAL IMPACTS OF METHODS OF COMPLIANCE

California Public Resource Code Section 21159 requires the District to perform an environmental analysis of the reasonably foreseeable methods of compliance. The analysis must include the following information:

1. An analysis of the reasonably foreseeable environmental impacts of the methods of compliance.
2. An analysis of the reasonably foreseeable mitigation measures.
3. An analysis of the reasonably foreseeable alternative means of compliance with the rule or regulation.

Compliance with the proposed rule amendment is expected to be achieved by the replacement of current coating products with compliant compounds. Application of these compliant compounds will generally result in less VOC emissions from the coating activities. The proposed rule amendments will have neither a significant nor detrimental effect on the environment or humans due to unusual circumstances. In addition, the proposed amendment is considered to be an action taken to maintain and protect the environment. Therefore, staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15308, Actions by Regulatory Agencies for Protection of the Environment. Staff prepared a Notice of Exemption (NOE) to meet the CEQA Guidelines (Attachment B).

VI. REGULATORY FINDINGS

Section 40727(a) of the California Health & Safety Code (H&SC) requires that prior to adopting or amending a rule or regulation, an air district's board make findings of necessity, authority, clarity, consistency, nonduplication, and reference. The findings must be based on the following:

1. Information presented in the District’s written analysis, prepared pursuant to H&SC Section 40727.2;
2. Information contained in the rulemaking records pursuant to H&SC Section 40728; and
3. Relevant information presented at the Board’s hearing for adoption of the rule.

The required findings are:

Necessity: It is necessary for the District to adopt this amended rule in order to implement a contingency measure for the SFNA SIP for the reductions of VOCs to achieve attainment with the 2008 and 2015 federal; 8-hour ozone standards and to fulfill the District’s requirements to implement “every feasible measure” and “Best Available Retrofit Control Technology” as required under California Health and Safety Code Sections 40919 and 40914.

Authority: The District is authorized to adopt rules and regulations by California Health and Safety Code, Sections 40001, 40702, 40716, 41010 and 41013. [H&SC Section 40727 (b)(2)]

Clarity: The proposed rule is written so that the meaning can be easily understood by the persons directly affected by it. In addition, the record contains no evidence that the persons directly affected by the rule cannot understand the rule. [H&SC Section 40727(b)(3)]

Consistency: The proposed rule does not conflict with and is not contradictory to, existing statutes, court decisions, or state or federal regulations. [H&SC Section 40727(b)(4)]

Non-Duplication: The proposed rule does not duplicate any state laws or regulations, regarding the attainment and maintenance of state and federal air quality limits. [H&SC 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. [H&SC Section 40727(b)(6)]

VII. PUBLIC COMMENTS AND STAFF RESPONSES

A regional SFNA workshop was held on July 18th, 2023. Notification was sent to surrounding Air Districts, City Managers within the District, building/planning/community development departments within the YSAQMD, all city and county libraries within the District, all Board members, and all affected sources. The workshop notice was published in the Vacaville Reporter, Woodland Democrat, and the Davis Enterprise. A copy of the public workshop notice and the workshop staff report were posted on the District’s web page prior to the public workshop. Comments were directed to SMAQMD.

VIII. REFERENCES

ATTACHMENT A

**PROPOSED RULE 2.14, ARCHITECTURAL COATINGS
STRIKE-OUT UNDERLINE VERSION**

ATTACHMENT B

NOTICE OF EXEMPTION FROM CEQA GUIDELINES

Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk
County of Yolo
625 Court Street Room 105
Woodland, CA 95695

County Clerk
Solano County
600 Texas Street
Fairfield, CA 94533

From: Yolo-Solano Air Quality Management District
1947 Galileo Court, Suite 103
Davis, CA 95618

Project Title: Revision of Rule 2.14 – ARCHITECTURAL COATINGS

Project Location: Yolo-Solano Air Quality Management District

Project description: The District is proposing to amend Rule 2.14, ARCHITECTURAL COATINGS. The District is proposing to amend the rule to add a contingency measure that will decrease the VOC content limits of certain architectural coatings and colorants if the Sacramento Federal Nonattainment Area fails to demonstrate attainment of the federal 8-hour 2008 ozone standard or the federal 8-hour 2015 ozone standard or other milestone years associated with the 2015 standard.

Name of Public Agency Approving Project: Yolo-Solano Air Quality Management District

Name of Person or Agency Carrying Out Project: Yolo-Solano Air Quality Management District

Exempt Status:

- Ministerial
- Emergency Project
- Categorical Exemption (CEQA Guidelines Section 15308, Action by Regulatory Agency for Protection of the Environment)
- Statutory Exemption

Reason why project is exempt: The revision of Rule 2.14 is an action taken to maintain and protect the environment and is therefore exempt from CEQA because it constitutes a Class 8 categorical exemption pursuant to CEQA Guidelines 15308.

Lead Agency Contact Person: Gretchen Bennitt, Air Pollution Control Officer

Telephone Number: (530) 757-3650

Signature: _____ **Date:** _____ **Title:** _____

Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk
County of Yolo
625 Court Street Room 105
Woodland, CA 95695

County Clerk
Solano County
600 Texas Street
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From: Yolo-Solano Air Quality Management District
1947 Galileo Court, Suite 103
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Lead Agency Contact Person: Gretchen Bennitt, Air Pollution Control Officer

Telephone Number: (530) 757-3650

Signature: _____ **Date:** _____ **Title:** _____

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Lead Agency Contact Person: Gretchen Bennitt, Air Pollution Control Officer

Telephone Number: (530) 757-3650

Signature: _____ **Date:** _____ **Title:** _____

ATTACHMENT C

RESOLUTION NO. 1X-XX

RESOLUTION NO. 1X-XX

RESOLUTION AMENDING YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT RULE 2.14

WHEREAS, California Health and Safety Code section 40702 provides that an air quality management district shall adopt rules and regulations as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by Division 26 of the Health and Safety Code; and

WHEREAS, Health and Safety Code section 40727 provides that before adopting, amending, or repealing a rule or regulation, a district board shall make findings of necessity, authority, clarity, consistency, nonduplication, and reference, based upon information developed pursuant to section 40727.2, information in the rulemaking record maintained pursuant to section 40728, and relevant information presented at the public hearing required by section 40725; and

WHEREAS, section 15308 of the CEQA Guidelines provides that actions taken by regulatory agencies as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, are categorically exempt from CEQA review (Class 8 Categorical Exemption); and

WHEREAS, District staff identified requirements within the Federal Clean Air Act, Section 172(c)(9) and 182(c)(9), which required the revision of Rule 2.14, ARCHITECTURAL COATINGS to implement a contingency measure for the SFNA SIP in compliance with federal law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Yolo-Solano Air Quality Management District hereby finds, authorizes, directs and declares as follows:

1. The Board of Directors has considered and hereby adopts by reference the staff report prepared in this matter.
2. The Board of Directors makes the following findings pursuant to Health and Safety Code section 40727:
 - a. Necessity: Information in the District's rulemaking record maintained pursuant to Health and Safety Code section 40728 demonstrates a need for amending District Rule 2.14;
 - b. Authority: Health and Safety Code section 40702 permits the District to amend District Rule 2.14;

- c. Clarity: District Rule 2.14 as amended is written so that its meaning can be easily understood by the persons directly affected by it;
 - d. Consistency: District Rule 2.14 as amended is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations;
 - e. Nonduplication: District Rule 2.14 as amended does not impose the same requirements as an existing state or federal regulation;
 - f. Reference: By adopting District Rule 2.14, the District meets the requirements of Health & Safety Code Sections 40702.
3. The Board of Directors finds that the District has complied with the procedural requirements set forth in Chapters 6 and 6.5 of Part 3 of Division 26 of the Health and Safety Code.
4. The Board of Directors finds that amending District Rule 2.14 is an action taken by a regulatory agency as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, and is therefore categorically exempt from CEQA review as a Class 8 Categorical Exemption.
5. The Board of Directors hereby amends District Rule 2.14 as set forth in Exhibit 1 (Attachment A of the Staff Report), which is attached and incorporated by reference. The amendment is effective May 8, 2024.

PASSED AND ADOPTED by the Board of Directors of the Yolo-Solano Air Quality Management District this 8th day of May, 2024, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Mitch Mashburn, Chair Board of Directors
Yolo-Solano Air Quality Management District

Attest:

Approved as to Form:

Denise Almaguer, Clerk
Board of Directors

Hope Welton, District Counsel

ATTACHMENT D

WRITTEN COMMENTS RECEIVED