

## MEMORANDUM

**TO:** Community Advisory Council Members

**FROM:** Rebecca Armstrong

**DATE:** February 27, 2008

**SUBJECT:** Proposed Amended Rule 339, Motor Vehicle and Mobile Equipment Coating Operations

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Enclosed please find the draft proposed amended Rule 339 for your review. The state Air Resources Board (ARB) Automotive Coatings Suggested Control Measure Fact Sheet has also been enclosed for your information. We plan to discuss this rule and request that the CAC formulate a Board recommendation on it during the March 12 meeting. We anticipate bringing this rulemaking effort to the Board in May 2008.

Rule 339 limits the amount of volatile organic compounds (VOC) in motor vehicle and mobile equipment coatings. The revised rule will reduce the amount of allowable VOC in the coatings and also control solvents used in association with the spray painting. Rule modifications are needed to implement the state ARB Suggested Control Measure (SCM) for the application of automotive coatings and to fulfill a commitment indicated in the 2007 Clean Air Plan. The proposed amended Rule 339 replaces the existing Rule 339 with the state SCM including some existing Rule 339 provisions (as explained further below).

Rulemaking and the inspection staff have conducted two workshops (Sept. 2007) and attended several autobody shop association meetings to talk about this state-required rule revision. Based on input from the regulated community, they generally concur with the state SCM requirements with the exception of one provision: all solvent shall be limited to 25 grams of VOC per liter. According to the autobody shop owners, there are certain situations that require higher VOC-content material to assure a quality paint finish. Thus, we have addressed this issue by adding a limited usage exemption of high-VOC solvent in Section B.8. This provision limits usage to no more than 20 gallons per year with recordkeeping to demonstrate compliance with this limit.

Other deviations from the SCM include, maintaining the requirement that all painting be done in a booth. As a result of our maintaining this requirement, we are also maintaining exemptions associated with this requirement in Section B.5 and B.6. Our current rule also provides relief for painting done by the vehicle's registered owner. Thus, we are maintaining the exemption as indicated in Section B.7 of the proposed amended rule.

When we bring a proposed amended rule to the CAC, we normally show the changes in ~~strikeout~~ and underline format. However, since we are essentially replacing all of existing Rule 339 with the state SCM, we have changed our format. The attached draft proposed amended Rule 339 is the state SCM; where we deviate from the state SCM is shown in underlined text. Most of the deviations are administrative (e.g., definitions) that arise from the addition of the aforementioned exemptions and/or are necessary for rule clarity.