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RULE 1113. ARCHITECTURAL COATINGS

(a) Applicability

This rule is applicable to any person who supplies, sells, markets, offers for sale, or manufactures any architectural coating in the District that is intended to be field applied to stationary structures or their appurtenances, and to fields and lawns; as well as any person who applies, stores at a worksite, or solicits the application of any architectural coating within the District. The purpose of this rule is to limit the VOC content of architectural coatings used in the District ~~or to allow the averaging of such coatings, as specified, so their actual emissions do not exceed the allowable emissions if all the averaged coatings had complied with the specified limits~~.

(b) Definitions

For the purpose of this rule, the following definitions shall apply:

(1) AEROSOL COATING PRODUCT means a pressurized coating product containing pigments, resins, and/or other coatings solids that dispenses product ingredients by means of a propellant, and is packaged in a disposable aerosol container for hand-held application, or for use in specialized equipment for ground marking and traffic marking applications.

(2) ALUMINUM ROOF COATINGS are roof coatings containing at least 0.7 pounds per gallon (84 grams per liter) of coating as applied, of elemental aluminum pigment.

(3) APPURTENANCES are accessories to a stationary structure, including, but not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain-gutters and down-spouts, window screens, lamp-posts, heating and air conditioning equipment, other mechanical equipment, large fixed stationary tools, signs, motion picture and television production sets, and concrete forms.

(4) ARCHITECTURAL COATINGS are any coatings applied to stationary structures or their appurtenances, or to fields and lawns.

(5) BELOW-GROUND WOOD PRESERVATIVES are wood preservatives formulated to protect below-ground wood.

(6) BITUMINOUS COATING MATERIALS are black or brownish coating materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits, or as residues from the distillation of crude petroleum oils, or of low grades of coal.

(7) BITUMINOUS ROOF PRIMERS are primers formulated for or applied to roofing that incorporate bituminous coating materials.

(8) BOND BREAKERS are coatings formulated for or applied between layers of concrete to prevent the freshly poured top layer of concrete from bonding to the substrate over which it is poured. Bond breakers will be exempt from Rules 1113 and 314 upon adoption of Rule 1161 – Release Agents or any other Regulation IX Rule limiting the VOC content of bond breakers.

(9) BUILDING ENVELOPE is the ensemble of exterior and demising partitions of a building that enclose conditioned space.

(10) BUILDING ENVELOPE COATINGS are fluid applied coatings 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 stranded board (OSB), gypsum board, wood substrates, and adjacent structural components and include:

(A) 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/ft2), [0.02 liters per square meter per second under a pressure differential of 75 Pa (0.02 L/(s m2) @ 75 Pa)]. (0.02 L/m2 at 75 pa), when tested in accordance with ASTM E2178; and/or

(B) 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:

(i) Passes water resistance testing according to ASTM E331, and

(ii) Water vapor permeance is classified in accordance with ASTM E96/E96M-10.

~~(9) CLEAR WOOD FINISHES are clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates, including floors, decks and porches, to provide a transparent or translucent solid film.~~

~~(10)~~(11) COATING is a material which is applied to a surface in order to beautify, protect, or provide a barrier to such surface.

~~(11)~~(12) COLORANTS are solutions of dyes or suspensions of pigments.

(13) COLOR INDICATING SAFETY COATINGS are industrial maintenance coatings for safety management of process streams to prevent or minimize the consequences of the release of toxic, reactive, flammable or explosive substances, and include chemical and thermal color indicating coatings.

~~(12)~~(14) CONCENTRATES are coatings supplied in a form that must be diluted with water or an exempt compound, prior to application, according to the architectural coatings manufacturer's application instructions in order to yield the desired coating properties.

~~(13)~~(15) CONCRETE-CURING COMPOUNDS are coatings formulated for or applied to freshly poured concrete to retard the evaporation of water. Concrete-curing compounds manufactured and used for roadways and bridges (does not include curbs and gutters, sidewalks, islands, driveways and other miscellaneous concrete areas) are those concrete-curing compounds that meet ASTM Designation C309, Class B, and meet a loss of water standard of less than 0.15-kg/m^2 in 24 hours as determined by the California Transportation Department, California Test 534.

~~(14)~~(16) CONCRETE SURFACE RETARDERS are coatings containing one or more ingredients such as extender pigments, primary pigments, resins, and solvents that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

(17) DEFAULT COATINGS are specialty coatings (those other than flat or non-flat coatings) that are not defined in section (b) as any other coating category.

~~(15)~~(18) DRIVEWAY SEALERS are coatings that are applied to worn asphalt driveway surfaces in order to:

(A) Fill cracks;

(B) Seal the surface to provide protection; or

(C) Restore or preserve the surface appearance.

~~(16)~~(19) DRY-FOG COATINGS are coatings which are formulated only for spray application so that when sprayed, overspray droplets dry before falling on floors and other surfaces.

~~(17)~~(20) EXEMPT COMPOUNDS (See Rule 102-Definition of Terms.)

~~(18)~~(21) FAUX FINISHING COATINGS are coatings that meet one or more of the following subcategories:

(A) CLEAR TOPCOATS are clear coatings used to enhance, seal and protect a Faux Finishing coating that meets the requirements of subsection (b)(21)(B), (C), (D) or (E). These clear topcoats must be sold and used solely as part of a Faux Finishing or graphic arts coating system, and must be labeled in accordance paragraph (d)(7).

(B) DECORATIVE COATINGS are coatings used to create a gonioapparent appearance, such as metallic, iridescent, or pearlescent appearance, that contain 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).

~~(A)~~(C) GLAZES~~, which~~ are coatings formulated and recommended (or mixed with another coating) ~~designed~~ for:

(i) ~~w~~Wet-in-wet techniques, where a wet coating is applied over another wet coating ~~used~~ to create artistic effects, including simulated marble or wood grain, or

(ii) Wet-in-dry techniques, where a wet coatings is applied over a pre-painted or a specially prepared substrate or base coat and is either applied or is treated during the drying period with various tools, such as a brush, rag, comb, or sponge to create artistic effects such as~~but not limited to~~ dirt, old age, smoke damage, simulated marble and wood grain finishes, decorative patterns, or color blending~~, and wet edge techniques~~.

~~(B) DECORATIVE COATINGS, which are coatings used to create a gonioapparent appearance, such as metallic, iridescent, or pearlescent appearance, that contain 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).~~

~~(C)~~(D) JAPANS~~, which~~ are pure concentrated pigments, finely ground in a slow drying vehicle used by Motion Picture and Television Production Studios to create artistic effects, including but not limited to, dirt, old age, smoke damage, water damage, and simulated marble and wood grain.

~~(D)~~(E) TROWEL APPLIED COATINGS~~, which~~ are coatings exclusively applied by trowel that are used to create aesthetic effects, including, but not limited to polished plaster, clay, suede and dimensional, tactile textures.

~~(E)~~(F) ~~CLEAR TOPCOATS, which are clear coatings used to enhance, seal and protect a Faux Finishing coating that meets the requirements of subsection (b)(18)(A), (B), (C) or (D). These clear topcoats must be sold and used solely as part of a Faux Finishing or graphic arts coating system, and must be labeled in accordance paragraph (d)(7).~~

~~(19)~~(22) FIRE-PROOFING COATINGS are opaque coatings formulated to protect the structural integrity of steel and other construction materials and listed by Underwriter's Laboratories, Inc. for the fire protection of steel.

~~(20)~~(23) FLAT COATINGS are coatings that register a gloss of less than 15 on an 85-degree meter or less than 5 on a 60-degree meter.

~~(21)~~(24) FLOOR COATINGS are opaque coatings that are formulated for or applied to flooring; including but not limited to garages, decks, and porches, and clear coatings formulated for or applied to concrete flooring, but do not include Industrial Maintenance Coatings.

~~(22)~~(25) FORM RELEASE COMPOUNDS are coatings designed for or applied to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of metal, wood, or some material other than concrete. Form release compounds will be exempt from Rules 1113 and 314 upon adoption of Rule 1161 – Release Agents or any other Regulation IX Rule limiting the VOC content of form release compounds.

~~(23)~~(26) FORMULATION DATA is the actual product recipe which itemizes all the ingredients contained in a product including VOCs and the quantities thereof used by the manufacturer to create the product. Material Safety Data Sheets (MSDS) are not considered formulation data.

~~(24)~~(27) GONIOAPPARENT means a change in appearance with a change in the angle of illumination or the angle of view, as defined according to ASTM E 284.

~~(25)~~(28) GRAMS OF VOC PER LITER OF COATING OR COLORANT, LESS WATER AND LESS EXEMPT COMPOUNDS, is the weight of VOC per combined volume of VOC and coating or colorant solids and can be calculated by the following equation:

$$\text{Grams of VOC per Liter of Coating, Less Water and Less Exempt Compounds} = \frac{W_s - Ww - Wes}{Vm - Vw - Ves}$$

Where:	Ws	=	weight of volatile compounds in grams
	Ww	=	weight of water in grams
	Wes	=	weight of exempt compounds in grams
	Vm	=	volume of material in liters
	Vw	=	volume of water in liters
	Ves	=	volume of exempt compounds in liters

For coatings that contain reactive diluents, the Grams of VOC per Liter of Coating, Less Water and Less Exempt Compounds, shall be calculated by the following equation:

$$\text{Grams of VOC per Liter of Coating, Less Water and Less Exempt Compounds} = \frac{Ws - Ww - Wes}{Vm - Vw - Ves}$$

Where:	Ws	=	weight of volatile compounds emitted during curing, in grams
	Ww	=	weight of water emitted during curing, in grams
	Wes	=	weight of exempt compounds emitted during curing, in grams
	Vm	=	volume of the material prior to reaction, in liters
	Vw	=	volume of water emitted during curing, in liters
	Ves	=	volume of exempt compounds emitted during curing, in liters

~~(26)~~(29) GRAMS OF VOC PER LITER OF MATERIAL is the weight of VOC per volume of material and can be calculated by the following equation:

$$\text{Grams of VOC per Liter of Material} = \frac{Ws - Ww - Wes}{Vm}$$

Where:	Ws	=	weight of volatile compounds in grams
	Ww	=	weight of water in grams
	Wes	=	weight of exempt compounds in grams
	Vm	=	volume of the material in liters

~~(27)~~(30) GRAPHIC ARTS COATINGS (Sign Paints) are coatings formulated for hand-application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.

~~(28)~~(31) HIGH-TEMPERATURE INDUSTRIAL MAINTENANCE COATINGS are industrial maintenance coatings formulated for or applied to substrates exposed continuously or intermittently to temperatures above 400 degrees Fahrenheit.

~~(29)~~(32) INDUSTRIAL MAINTENANCE COATINGS are coatings, including primers, sealers, undercoaters, intermediate coatings and topcoats, formulated for or applied to substrates, including floors, that are exposed to one or more of the following extreme environmental conditions:

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

(B) Acute or chronic exposure to corrosive, caustic or acidic agents, or similar chemicals, chemical fumes, chemical mixtures, or solutions;

(C) Repeated exposure to temperatures in excess of 250 degrees Fahrenheit;

(D) Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial solvents, cleaners, or scouring agents; or

(E) Exterior exposure of metal structures.

~~(30)~~(33) INTERIOR STAINS are stains labeled and formulated exclusively for use on interior surfaces.

~~(31)~~(34) LACQUERS are clear or pigmented wood ~~finishes~~coatings, including clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by evaporation without chemical reaction.

~~(32)~~(35) LOW-SOLIDS COATINGS are coatings containing one pound or less of solids per gallon of material.

~~(33)~~(36) MAGNESITE CEMENT COATINGS are coatings formulated for or applied to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

~~(34)~~(37) MANUFACTURER is any person, company, firm, or establishment who imports, blends, assembles, produces, packages, repackages, or re-labels an architectural coating, excluding retail outlets where labels or stickers may be affixed to containers or where colorant is added at the point of sale.

~~(35)~~(38) MARKET means 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.

~~(36)~~(39) MASTIC COATINGS are coatings formulated to cover holes and minor cracks and to conceal surface irregularities, and applied in a thickness of at least 10 mils (dry, single coat).

~~(37)~~(40) METALLIC PIGMENTED COATINGS are decorative coatings, excluding industrial maintenance and roof coatings, containing at least 0.4 pounds per gallon (48 grams/liter) of coating, as applied, of elemental metallic pigment (excluding zinc).

~~(38)~~(41) MULTI-COLOR COATINGS are coatings which exhibit more than one color when applied and which are packaged in a single container and applied in a single coat.

~~(39)~~(42) MULTI-COMPONENT COATINGS are reactive coatings requiring the addition of a separate catalyst or hardener before application to form an acceptable dry film.

~~(40)~~(43) NONFLAT COATINGS are coatings that ~~are not defined under any other definition in this rule and that~~ register a gloss of 5 or greater on a 60 degree meter and a gloss of 15 or greater on an 85 degree meter according to ASTM Test Method D 523 as specified in paragraph (e)(5).

~~(41)~~(44) NON-SACRIFICIAL ANTI-GRAFFITI COATINGS are clear or opaque Industrial Maintenance Coatings formulated and recommended to deter adhesion of graffiti and to resist repeated scrubbing and exposure to harsh solvents, cleansers, or scouring agents used to remove graffiti.

~~(42)~~(45) PEARLESCENT means exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

~~(43)~~(46) PIGMENTED means containing colorant or dry coloring matter, such as an insoluble powder, to impart color to a substrate.

~~(44)~~(47) POST-CONSUMER COATINGS are finished coatings that would have been disposed of in a landfill, having completed their usefulness to a consumer, and does not include manufacturing wastes.

~~(45)~~(48) PRE-TREATMENT WASH PRIMERS are coatings which contain a minimum of 1/2 percent acid, by weight, applied directly to bare metal surfaces to provide necessary surface etching.

~~(46)~~(49) PRIMERS are coatings applied to a surface to provide a firm bond between the substrate and subsequent coats.

~~(47)~~(50) PRODUCT LINE is a line of coatings reported under one product number and name and subject to one coating VOC limit as specified in subdivision (c) Table of Standards.

~~(48)~~(51) QUICK-DRY ENAMELS are non-flat, high gloss coatings which comply with the following:

(A) Shall be capable of being applied directly from the container by brush or roller under normal conditions, normal conditions being ambient temperatures between 60°F and 80°F; and

(B) When tested in accordance with ASTM D 1640 they shall: set-to-touch in two hours or less, dry-hard in eight hours or less, and be tack-free in four hours or less by the mechanical test method. Coatings classified as quick-dry enamels are subsumed by the non-flat coating category.

~~(49)~~(52) QUICK-DRY PRIMERS, SEALERS, AND UNDERCOATERS are primers, sealers, and undercoaters which are intended to be applied to a surface to provide a firm bond between the substrate and subsequent coats and which are dry-to-touch in one-half hour and can be recoated in two hours (ASTM D 1640). Coatings classified as quick-dry primers, sealers, and undercoaters are subsumed by the primer, sealer, undercoater category.

~~(50)~~(53) REACTIVE DILUENT is a liquid which is a VOC during application and one in which, through chemical and/or physical reaction, such as polymerization, becomes an integral part of the coating.

~~(51)~~(54) REACTIVE PENETRATING SEALERS are clear or pigmented coatings 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 meet the following criteria:

(A) Used only for reinforced concrete bridge structures for transportation projects within 5 miles of the coast or above 4,000 feet elevation; or for restoration and/or preservation projects on registered historical buildings that are under the purview of a restoration architect.

(B) Penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate.

(C) Line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film.

(D) 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: ASTM C67, or ASTM C97, or ASTM C140.

(E) ~~Not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate.~~ 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 or ASTM D6490.

(F) Meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), surface chloride screening applications, for products labeled and formulated for vehicular traffic.

~~(52)~~(55) RECYCLED COATINGS are coatings manufactured by a certified recycled paint manufacturer and formulated such that 50 percent or more of the total weight consists of secondary and post-consumer coatings and 10 percent or more of the total weight consists of post-consumer coatings.

~~(53)~~(56) RESTORATION ARCHITECT is an architect that has a valid certificate of registration as an architect issued by the California State Board of Architectural Examiners or the National Council of Architectural Registration Boards and working on registered historical restoration and/or preservation projects.

~~(54)~~(57) RETAIL OUTLET means any establishment at which architectural coatings are sold or offered for sale to consumers.

~~(55)~~(58) ROOF COATINGS are coatings formulated for application to exterior roofs for the primary purpose of preventing penetration of the substrate by water, or reflecting heat and ultraviolet radiation.

~~(56)~~(59) RUST PREVENTATIVE COATINGS are coatings formulated for use in preventing the corrosion of metal surfaces in residential and commercial situations.

~~(57)~~(60) SACRIFICIAL ANTI-GRAFFITI COATINGS are non-binding, clear coatings which are formulated and recommended for applications that allow for the removal of graffiti primarily by power washing.

~~(58)~~(61) SANDING SEALERS are clear wood coatings formulated for or applied to bare wood for sanding and to seal the wood for subsequent application of coatings.

~~(59)~~(62) SEALERS are coatings applied to either block materials from penetrating into or leaching out of a substrate, to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

~~(60)~~(63) SECONDARY (REWORK) COATINGS are fragments of finished coatings or finished coatings from a manufacturing process that has converted resources into a commodity of real economic value, but does not include excess virgin resources of the manufacturing process.

~~(61)~~(64) SHELLACS are clear or pigmented coatings formulated solely with the resinous secretions of the lac insect (laccifer lacca). Shellacs are formulated to dry by evaporation without a chemical reaction providing a quick-drying, solid, protective film for priming and sealing stains and odors; and for wood finishing excluding floors ~~effective January 1, 2007~~.

~~(62)~~(65) SOLICIT is to require for use or to specify, by written or oral contract.

~~(63)~~(66) SPECIALTY PRIMERS are coatings formulated for or applied to a substrate to seal fire, smoke or water damage; or to condition excessively chalky surfaces. An excessively chalky surface is one that is defined as having chalk rating of four or less as determined by ASTM D-4214 – Photographic Reference Standard No. 1 or the Federation of Societies for Coatings Technology “Pictorial Standards for Coatings Defects”.

~~(64)~~(67) STAINS are opaque or semi-transparent coatings which are formulated to change the color but not conceal the grain pattern or texture.

~~(65)~~(68) STATIONARY STRUCTURES include but are not limited to, homes, office buildings, factories, mobile homes, pavements, curbs, roadways, racetracks, and bridges.

~~(66)~~(69) STONE CONSOLIDANTS are coatings that are 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 meet the following criteria:

(A) Used only for restoration and/or preservation projects on registered historical buildings that are under the purview of a restoration architect.

(B) Penetrate into stone substrates to create bonds between particles and consolidate deteriorated material.

(C) Specified and used in accordance with ASTM E2167.

~~(67)~~(70) SWIMMING POOL COATINGS are coatings specifically formulated for or applied to the interior of swimming pools, including but not limited to water park attractions, ponds and fountains, to resist swimming pool chemicals.

~~(68)~~(71) SWIMMING POOL REPAIR COATINGS are chlorinated, rubber-based coatings used for the repair and maintenance of swimming pools over existing chlorinated, rubber-based coatings.

(72) TILE AND STONE SEALERS are clear or pigmented sealers that are used for sealing tile, stone or grout to provide resistance against water, alkalis, acids, ultraviolet light or staining and which meet one of the following subcategories:

(A) Penetrating sealers are polymer solutions that cross-link in the substrate and must meet the following criteria:

(i) A fine particle structure to penetrate dense tile such as porcelain with absorption as low as 0.10% per ASTM C 373, ASTM C 97, or ASTM C 642,

(ii) Retain or increase static coefficient of friction per ASTM C 1028, ANSI A137.1, and

(iii) Not create a topical surface film on the tile or stone.

(B) Film forming sealers which leave a protective film on the surface.

~~(69)~~(73) TINT BASE is an architectural coating to which colorants are added.

(74) TRAFFIC COATINGS are coatings formulated for or applied to public streets, highways, and other surfaces including, but not limited to, curbs, berms, driveways, and parking lots.

(75) TUB AND TILE REFINISHING COATINGS are clear or opaque coatings that are used exclusively for refinishing the surface of a bathtub, shower, or sink which must meet all of the following criteria:

(A) Have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder as determined on bonderite 1000 in accordance with ASTM D3363-05,

(B) Have a weight loss of 20 milligrams or less after 1000 cycles as determined with CS-17 wheels on bonderite 1000 in accordance with ASTM D4060-07,

(C) Must withstand 1000 hours or more of exposure with few or no #8 blisters as determined on unscribed bonderite in accordance with ASTM D4585-99, and ASTM D714-02e1, and

(D) Must have an adhesion rating of 4B or better after 24 hours of recovery as determined on unscribed bonderite in accordance with ASTM D4585-99 and ASTM D3359-02.

~~(70)~~(76) UNDERCOATERS are coatings formulated for or applied to substrates to provide a smooth surface for subsequent coats.

~~(71)~~(77) VARNISHES are clear or pigmented wood finishes formulated with various resins to dry by chemical reaction.

~~(72)~~(78) VOLATILE ORGANIC COMPOUND (VOC) is as defined in Rule 102 – Definition of Terms. For the purpose of this rule, tertiary butyl acetate (tBAc) shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC content requirements and will continue to be a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs, when used in industrial maintenance coatings, including zinc-rich industrial maintenance coatings and non-sacrificial anti-graffiti coatings. For the purpose of this rule, 2-Amino-2-Methyl-1-Propanol (AMP) shall be considered exempt as a VOC.

~~(73)~~(79) WATERPROOFING SEALERS are coatings which are formulated for the primary purpose of preventing penetration of porous substrates by water.

~~(74)~~(80) WATERPROOFING CONCRETE/MASONRY SEALERS are clear or pigmented sealers that are formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, or staining.

(81) WOOD COATINGS are film forming coatings used for application to wood substrates only, which are applied to substrates including floors, decks and porches. The Wood Coating category includes all lacquer top coats, varnish top coats and sanding sealers, regardless of whether they are clear, semi-transparent or opaque.

(82) WOOD CONDITIONERS are coatings that are used to prepare bare wood for staining to provide uniform penetration of stain.

~~(75)~~(83) WOOD PRESERVATIVES are coatings formulated to protect wood from decay or insect attack by the addition of a wood preservative chemical registered by the California Environmental Protection Agency.

~~(76)~~(84) WORKSITE means any location where architectural coatings are stored or applied.

~~(77)~~(85) ZINC-RICH INDUSTRIAL MAINTENANCE PRIMERS are primers formulated to contain a minimum of 65 percent metallic zinc powder (zinc dust) by weight of total solids for application to metal substrates.

(c) Requirements

(1) Except as provided in paragraphs (c)(3), (c)(4)~~, and designated coatings averaged under (c)(6)~~, no person shall supply, sell, offer for sale, market, manufacture, blend, repackage, apply, store at a worksite, or solicit the application of any architectural coating within the District~~:~~ that is listed in the Table of Standards 1 and contains VOC (excluding any colorant added to tint bases) in excess of the corresponding VOC limit specified in the table, after the effective date specified.

~~(A) That is listed in the Table of Standards 1 and contains VOC (excluding any colorant added to tint bases) in excess of the corresponding VOC limit specified in the table, after the effective date specified; or~~

~~(B) That is not listed in the Table of Standards 1, and contains VOC (excluding any colorant added to tint bases) in excess of 250 grams of VOC per liter of coating (2.08 pounds per gallon), less water, less exempt compounds, until January 1, 2014, at which time the limit drops to 50 grams of VOC per liter of coating, less water, less exempt compounds (0.42 pounds per gallon).~~

(2) No person within the District shall add colorant at the point of sale that is listed in the Table of Standards 2 and contains VOC in excess of the corresponding VOC limit specified in the Table of Standards 2, after the effective date specified.

TABLE OF STANDARDS 1
VOC LIMITS

Grams of VOC Per Liter of Coating, Less Water and Less Exempt Compounds

COATING CATEGORY	Category Codes	~~Ceiling Limit~~[1]	Current Limit[12]	Effective Date					Small Container Exemption
				~~7/1/08~~	~~1/1/12~~	1/1/14	1/1/16	1/1/19	
Bond Breakers	5		350						✓
Building Envelope Coating	62		~~50~~100					50	✓
~~Clear Wood Finishes~~			~~275~~						
~~Varnish~~	~~46,47~~	~~350~~	~~275~~						
~~Sanding Sealers~~	~~36~~	~~350~~	~~275~~						
~~Lacquer~~	~~20~~		~~275~~						
Concrete-Curing Compounds	7		100						✓
Concrete-Curing Compounds For Roadways and Bridges[23]	7		350						✓[3]
Concrete Surface Retarder	58		~~2~~50			50			✓
Default	51		50			50			✓
Driveway Sealer	52		~~100~~50		~~50~~				✓
Dry-Fog Coatings	8		~~1~~50			50			✓
Faux Finishing Coatings									
Clear Topcoat	9a		~~350~~100		~~200~~	100			✓
Decorative Coatings	9		350						✓
Glazes	9b		350						✓
Japan	9c		350						✓
Trowel Applied Coatings	9d		~~350~~50		~~150~~	50			✓
Fire-Proofing Coatings	10		~~350~~150			150			✓
Flats	13	~~250~~	50	~~50~~					✓[4]
Floor Coatings	14	~~100~~	50						✓
Form Release Compound	16		~~250~~100			100			✓
Graphic Arts (Sign) Coatings	17		~~500~~200			150	200		✓
Industrial Maintenance (IM) Coatings	19	~~420~~	100						✓[4]
Color Indicating Safety Paint			480						✓[4]
High Temperature IM Coatings	18		420						✓[4]
Non-Sacrificial Anti-Graffiti Coatings	19a		100						✓[4]
Zinc-Rich IM Primers	56		100						✓[4]
Magnesite Cement Coatings	22		450						✓[3]
Mastic Coatings	23		~~300~~100			100			✓
Metallic Pigmented Coatings	24	~~500~~	~~500~~150			150			✓
Multi-Color Coatings	25		250						✓[3]
Nonflat Coatings	26, 27, 28	~~150~~	50						✓[4]
Pre-Treatment Wash Primers	29		420						✓[3]
Primers, Sealers, and Undercoaters	30		100						✓
Reactive Penetrating Sealers	59		350						✓[3]
Recycled Coatings	33		250				150		✓[3]
Roof Coatings	34		50						✓
Roof Coatings, Aluminum	53		100						✓
Roof Primers, Bituminous	4		350						✓[3]
Rust Preventative Coatings	35	~~400~~	100						✓[4]
Sacrificial Anti-Graffiti Coatings	60		~~100~~50		~~50~~				✓[3]

COATING CATEGORY	Category Codes	~~Ceiling Limit[1]~~	Current Limit[1,2]	Effective Date					Small Container Exemption
				~~7/1/08~~	~~1/1/12~~	1/1/14	1/1/16	1/1/19	
Shellac									
Clear	37		730						✓[3]
Pigmented	38		550						✓[3]
Specialty Primers	39		100						✓
Stains	41	~~350~~	100						✓
Stains, Interior	40	~~250~~	250						✓
Stone Consolidants	61		450						✓[3]
Swimming Pool Coatings									
Repair	43		340						✓[3]
Other	42		340						✓[3]
Tile and Stone Sealers	63		100						✓
Traffic Coatings	45		100						✓
Tub and Tile Coatings	64		420						✓[3]
Waterproofing Sealers	48		100						✓
Waterproofing Concrete/Masonry Sealers	49		100						✓
Wood Coatings			275						
Varnish	46,47	~~350~~	275						
Sanding Sealers	36	~~350~~	275						
Lacquer	20		275						
Wood Conditioners	65		100						
Wood Preservatives			~~350~~						
Below-Ground	50		350						✓[3]
Other	55		350						✓[3]

~~1. The specified ceiling limits are applicable to products sold under the Averaging Compliance Option.~~

1. ~~2.~~The specified limits remain in effect unless revised limits are listed in subsequent columns in the Table of Standards.
2. ~~3.~~Does not include compounds used for curbs and gutters, sidewalks, islands, driveways and other miscellaneous concrete areas.
3. Effective 01/01/2016, the small container exemption no longer applies per (f)(1).
4. Effective 01/01/2019, the small container exemption is further restricted per (f)(1).

TABLE OF STANDARDS 1 (cont.)
VOC LIMITS

Grams of VOC Per Liter of Material

COATING	Limit
Low-Solids Coating	120

TABLE OF STANDARDS 2
VOC LIMITS FOR COLORANTS

Grams of VOC Per Liter of Colorant
Less Water and Less Exempt Compounds

COLORANT ADDED TO	Limit[4]

Architectural Coatings, excluding IM Coatings	50
Solvent-Based IM	600
Waterborne IM	50

~~4. Effective January 1, 2014~~.

(3) Coating Categorization

(A) If anywhere on the container of any coating listed in either Table of Standards, on any sticker or label affixed thereto, or in any sales or advertising literature, any representation is made that the coating may be used as, or is suitable for use as, a coating for which a lower VOC standard is specified in the table or in paragraph (c)(1), then the lowest VOC standard shall apply.

(B) The provisions of paragraph (c)(3)(A) shall not apply to a coating described in part as a flat, nonflat or primer-sealer-undercoater coating, or represented in part for use on flooring, provided that all of the following requirements are met:

(i) The coating meets the definition of a specific coating category for which a higher VOC standard is specified in the Table of Standards, and

(ii) The coating is labeled in a manner consistent with the definition and all the specific labeling requirements for that specific coating category, and

(iii) The coating is suitable and only recommended for the intended uses of that specific coating category.

(4) Sell-Through Provision

Any coating that is manufactured prior to the effective date of the applicable limit specified in the Table of Standards 1, and that has a VOC content above that limit (but not above the limit in effect on the date of manufacture), may be sold, supplied, offered for sale, or applied for up to three years after the specified effective date. The manufacturer shall maintain sales and distribution records, as applicable, for any coating manufactured prior to the effective date ~~if that coating volume is not included in an approved Averaging Compliance Option [specified in paragraph (c)(6) of this rule] Program that includes the same coating manufactured on or after the effective date~~. Such records shall clearly indicate the date of manufacture (or date code or batch code) and volume of coating sold or distributed ~~to distinguish between those coatings subject~~

~~to the provisions of this paragraph and those subject to the provisions of Appendix A section (K)~~. These records shall be made available to the Executive Officer upon request and shall be maintained for a period of at least three years after the effective date of the VOC limit change~~end of a compliance period of the Averaging Compliance Option Program~~.

(5) All architectural coating or colorant containers from which the contents ~~-~~are used by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These containers include, but should not be limited to: drums, buckets, cans, pails, trays or other storage or application containers.

~~(6) Averaging Compliance Option~~

~~Until January 1, 2015, in lieu of specific compliance with the applicable limits in the Table of Standards, manufacturers may average designated coatings such that their actual cumulative emissions from the averaged coatings are less than or equal to the cumulative emissions that would have been allowed under those limits over a compliance period not to exceed one year.~~

~~(A) The following coatings may be averaged: floor coatings; industrial maintenance coatings; interior stains; metallic pigmented coatings; rust preventative coatings; sanding sealers; stains; varnishes; as well as flats and nonflats (excluding recycled coatings).~~

~~(B) Manufacturers using the Averaging Compliance Option shall:~~

~~(i) Comply with the averaging provisions contained in Appendix A, as well as maintain all records for the Averaging Compliance Option (ACO) Program and make these records available to the Executive Officer upon request, for a period of at least three years after the end of the compliance period; and~~

~~(ii) Use only the sell-through provision in Appendix A for each coating included in the ACO Program in lieu of the sell-through provision of subparagraph (c)(4).~~

~~(7)~~(6) No person shall apply or solicit the application within the District of any industrial maintenance coatings, except non-sacrificial anti-graffiti coatings, for residential use or for use in areas such as office space and meeting rooms of industrial, commercial or institutional facilities not exposed to such extreme environmental conditions described in the definition of industrial maintenance coatings.

~~(8)~~(7) General Prohibition

No person shall supply, sell, market, offer for sale, manufacture, blend, or repackage any architectural coating or colorant in the District subject to the provisions of this rule with any materials that contain in excess of 0.1% by weight any Group II exempt compounds listed in Rule 102. Cyclic, branched, or linear, completely methylated siloxanes (VMS) are not subject to this prohibition.

(d) Administrative Requirements

(1) Containers for all coatings and colorants subject to this rule shall display the date of manufacture of the contents or a code indicating the date of manufacture. The manufacturers of such coatings shall file with the Executive Officer of the District and the Executive Officer of the Air Resources Board an explanation of each code.

(2) Containers for all coatings subject to the requirements of this rule shall carry a statement of the manufacturer's recommendation regarding thinning of the coating. This requirement shall not apply to the thinning of architectural coatings with water. The recommendation shall specify that the coating is to be employed without thinning or diluting under normal environmental and application conditions, unless any thinning recommended on the label for normal environmental and application conditions do not cause a coating to exceed its applicable standard.

(3) Each container of any coating or colorant subject to this rule shall display the maximum VOC content in grams per liter, as follows:

(A) For coatings or colorants packaged in a single container, the VOC per liter of coating (less water and less exempt compounds, and excluding any colorant added to the tint base) as supplied, after any recommended thinning;

(B) For multi-component coatings, the VOC per liter of coating (less water and exempt compounds, and excluding any colorant added to the tint base) after mixing the components, as recommended for use by the architectural coatings manufacturer;

(C) For concentrates, the VOC per liter of coating (less water and exempt compounds, and excluding any colorant added to the tint base) at the minimum dilution recommended for use by the architectural coatings manufacturer;

(D) For low solids coatings, the VOC per liter of material (excluding any colorant added to the tint bases) after any recommended thinning; and

(E) VOC content displayed may be calculated using product formulation data, or may be determined using the test method in subdivision (e). VOC content calculated from formulation data shall be adjusted by the manufacturer to account for cure volatiles (if any) and maximum VOC content within production batches. ~~Effective January 1, 2014, t~~The VOC shall be displayed on the coating container such that the required language is:

(i) Noticeable and in clear and legible English;

(ii) Separated from other text; and

(iii) Conspicuous, as compared with other words, statements, designs, or devices in the label as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.

(4) The labels of all rust preventative coatings shall include the statement “For Metal Substrates Only” prominently displayed.

(5) The labels of all specialty primers shall prominently display one or more of the following descriptions:

(A) For fire-damaged substrates.

(B) For smoke-damaged substrates.

(C) For water-damaged substrates.

(D) For excessively chalky substrates.

(6) The labels of concrete-curing compounds manufactured and used for roadways and bridges shall include the statement "FOR ROADWAYS AND BRIDGES ONLY (Not for Use on Curbs and Gutters, Sidewalks, Islands, Driveways and Other Miscellaneous Concrete Areas)" prominently displayed.

(7) All Clear Topcoat for Faux Finishing coatings shall prominently display the statement “This product can only be sold as a part of a Faux Finishing coating system”.

(8) A manufacturer, distributor, or seller of a coating meeting the requirements of this rule, who supplies that coating to a person who applies it in a non-compliant manner, shall not be liable for that non-compliant use, unless the manufacturer, distributor, or seller knows that the supplied coating would be used in a non-compliant manner.

(9) Manufacturers of recycled coatings shall submit a letter to the Executive Officer certifying their status as a Recycled Paint Manufacturer.

(e) Test Methods

For the purpose of this rule, the following test methods shall be used:

(1) VOC Content of Coatings and Colorants

The VOC content of coatings subject to the provisions of this rule shall be determined by:

(A) U.S. EPA Reference Test Method 24 (Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings, Code of Federal Regulations Title 40, Part 60, Appendix A) with the exempt compounds' content determined by Method 303 (Determination of Exempt Compounds) in the South Coast Air Quality Management District's (SCAQMD) "Laboratory Methods of Analysis for Enforcement Samples" manual, or

(B) Method 304 [Determination of Volatile Organic Compounds (VOC) in Various Materials] in the SCAQMD's "Laboratory Methods of Analysis for Enforcement Samples" manual.

(C) Method 313 [Determination of Volatile Organic Compounds VOC by Gas Chromatography-Mass Spectrometry] in the SCAQMD's "Laboratory Methods of Analysis for Enforcement Samples" manual.

~~(C)~~(D) ASTM Test Method 6886 (Standard Test Method for Determination of the Weight Percent Individual Volatile Organic Compounds in Waterborne Air-Dry Coatings by Gas Chromatography).

(E) Exempt Perfluorocarbons

The following classes of compounds:

cyclic, branched, or linear, completely fluorinated alkanes

cyclic, branched, or linear, completely fluorinated ethers with no unsaturations

cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations

sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

will be analyzed as exempt compounds for compliance with subdivision (c), only when manufacturers specify which individual compounds are used in the coating formulations. In addition, the manufacturers must identify the U.S. EPA, CARB, and SCAQMD approved test methods, which can be used to quantify the amount of each exempt compound.

(2) Acid Content of Coatings

The acid content of a coating subject to the provisions of this rule shall be determined by ASTM Test Method D 1613-85 (Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products).

(3) Metal Content of Coatings

The metallic content of a coating subject to the provisions of this rule shall be determined by Method 318 (Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction) in the SCAQMD's "Laboratory Methods of Analysis for Enforcement Samples" manual.

(4) Drying Times

The set-to-touch, dry-hard, dry-to-touch, and dry-to-recoat times of a coating subject to the provisions of this rule shall be determined by ASTM Test Method D 1640 (Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature). The tack-free time of a coating subject to the provisions of this rule shall be determined by ASTM Test Method D 1640, according to the Mechanical Test Method.

(5) Gloss Determination

The gloss shall be determined by ASTM Test Method D 523 (Specular Gloss).

(6) Gonioapparent Characteristics for Coatings

A coating will be determined to have a gonioapparent appearance by ASTM E 284 (Standard Terminology of Appearance).

(7) Water Repellency for Reactive Penetrating Sealers shall be determined by any of the following:

(A) ASTM C67 (Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile);

(B) ASTM C97/97M (Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone); or

(C) ASTM C140 (Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units).

(8) Water Vapor Transmission for Reactive Penetrating Sealers and Building Envelope Coatings shall be determined by ASTM E96/96M (Standard Test Methods for Water Vapor Transmission of Materials).

(9) Selection and Use of Stone Consolidants shall be determined by ASTM E2176 (Standard Guide for Selection and Use of Stone Consolidants).

(10) Chloride Screening for Reactive Penetrating Sealer shall be determined using the National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures”.

(11) Air permeance for Building Envelope Coatings shall be determined by ASTM E2178 (Standard Test Method for Air Permeance of Building Materials).

(12) Water resistance for Building Envelope Coatings shall be determined by ASTM E331 (Standard Test Method for Water Penetration of Exterior Windows, Skylights, Doors, and Curtain Walls by Uniform Static Air Pressure Difference).

(13) Performance criteria for Tub and Tile Refinishing Coating must meet the following :

(A) ASTM D3363 (Standard Test Method for Film Hardness by Pencil Test);

(B) ASTM D4060 (Standard Test Method for Abrasion Resistance of Organic Coatings by the Taber Abraser);

(C) ASTM D4585 (Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation);

(D) ASTM D714 (Standard Test Method for Evaluating Degree of Blistering of Paints); and

(E) ASTM D3359 (Standard Test Methods for Measuring Adhesion by Tape Test).

~~(10)~~(14) Equivalent Test Methods

Other test methods determined to be equivalent after review by the Executive Officer, CARB, and the U.S. EPA, and approved in writing by the District Executive Officer may also be used.

~~(11)~~(15) Multiple Test Methods

When more than one test method or set of test methods are specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of the rule.

~~(12)~~(16) All test methods referenced in this subdivision shall be the version most recently approved by the appropriate governmental entities.

(f) Exemptions

(1) Small Container Exemption

~~Until December 31, 2013, the provisions of this rule shall not apply to any architectural coatings in containers having capacities of one liter (1.057 quart) or less, excluding clear wood finishes, varnishes, sanding sealers, lacquers, and pigmented lacquers, provided that the provisions in the subparagraphs below are met. Effective January 1, 2014, t~~The provisions of the Table of Standards 1 and paragraph (c)(1) of this rule shall not apply to ~~any~~ architectural coatings in

containers having capacities of one liter (1.057 quart) or less, ~~excluding~~ but shall apply to the following:~~clear wood finishes~~coatings, ~~varnishes, sanding sealers, lacquers, and pigmented lacquers, provided the provisions in the subparagraphs below are met.~~

(A) Wood Coatings, including Lacquers, Varnishes, and Sanding Sealers.

(B) Effective January 1, 2016, Concrete-Curing Compounds For Roadways and Bridges; Color Indicating Safety Paint; Magnesite Cement Coatings; Multi-Color Coatings; Non-Sacrificial Anti-Graffiti Coatings; Pre-Treatment Wash Primers; Roof Primers, Bituminous; Sacrificial Anti-Graffiti Coatings; Clear and Pigmented Shellacs; Stone Consolidants; Repair and Other Swimming Pool Coatings; and Tub and Tile Coatings.

(C) Effective January 1, 2019, Flats, Non-Flats, and Rust Preventative Coatings that are sold:

(i) In containers having capacities greater than eight fluid ounce, or

(ii) Sold in any quantity for purposes other than touch-up.

(D) Effective January 1, 2019, Industrial Maintenance Coatings and Zinc-Rich IM Primers that are sold:

(i) In containers having capacities greater than one liter,

(ii) Sold in any quantity for purposes other than touch-up, or

(iii) Sold at a retail outlet.

(2) The small container exemption only applies if the following conditions are met:

(A) The manufacturer reports the sales in the Rule 314 Annual Quantity and Emissions Report. The loss of this exemption due to the failure of the manufacturer to submit the Rule 314 Annual Quantity and Emissions Report shall apply only to the manufacturer.

(B) The coating containers are not bundled together to be sold as a unit that exceeds one liter (1.057 quarts), or eight fluid ounces for coatings under subparagraph (f)(1)(B), excluding containers packed together for shipping to a retail outlet.

(C) The label or any other product literature does not suggest combining multiple containers so that the combination exceeds one liter (1.057 quarts) or eight fluid ounces under (f)(1)(B).

~~(2)~~(3) The provisions of subparagraph (d)(1) through (d)(7) shall not apply to architectural coatings in containers having capacities of two fluid ounces (59mL) or less.

~~(3)~~(4) The provisions of this rule shall not apply to:

(A) Architectural coatings supplied, sold, offered for sale, marketed, manufactured, blended, repackaged or stored in this District for shipment outside of this District or for shipment to other manufacturers for repackaging.

(B) Emulsion type bituminous pavement sealers.

(C) Aerosol coating products.

(D) Use of stains and lacquers in all areas within the District at an elevation of 4,000 feet or greater above sea level or sale in such areas for such use.

~~(4)~~(5) The provisions of paragraph (c) shall not apply to facilities which apply coatings to test specimens for purposes of research and development of those coatings.

(g) Solvent Cleaning

(1) Solvent cleaning that is conducted as part of a business including solvent cleaning of architectural coating application equipment and the storage and disposal of VOC-containing materials used in cleaning operations are subject to the provisions of Rule 1171 - Solvent Cleaning Operations.

(2) Solvent cleaning that is not conducted as part of a business and solvent thinning of coatings including solvent cleaning of architectural coating application equipment and solvent thinning of architectural coatings are subject to the provisions of Rule 1143 – Consumer Paint Thinner and Multi-Purpose Solvents.

~~APPENDIX A: Averaging Compliance Option (ACO) Provision~~

~~The manufacturer shall demonstrate that actual emissions from the coatings being averaged are less than or equal to the allowable emissions, for the specified compliance period using the following equation:~~

$$\sum_{i=1}^{n} GiMi \leq \sum_{i=1}^{n} GiViLi$$

~~Where:~~

$\sum_{i=1}^{n} GiMi$ ~~= Actual Emissions~~

$\sum_{i=1}^{n} GiViLi$ ~~= Allowable Emissions~~

~~**Gi** = Total Gallons of Product (i) subject to Averaging;~~

~~**Mi** = Material VOC content of Product (i), as pounds per gallon; {as defined in paragraph (b)(22)}~~

~~**Vi** = Percent by Volume Solids and VOC in Product (i), {as defined in paragraph (b)(21)}~~

~~=~~ $\dfrac{Vm - Vw - Ves}{Vm}$

~~*For Non-Zero VOC Coatings*:~~

~~$\dfrac{MaterialVOC}{CoatingVOC}$~~

~~*For Zero VOC coatings*:~~

~~= % solids by volume~~

~~**Li** = Regulatory VOC Content Limit for Product (i), as pounds per gallon; {as listed in subdivision (c) Table of Standards}~~

~~The averaging is limited to coatings that are designated by the manufacturer. Any coating not designated in the ACO Program shall comply with the VOC limit in the Table of Standards. The manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in the District.~~

~~In addition to the requirements specified in Section (A), a manufacturer shall not include in an ACO Program or supply, sell, offer for sale, manufacture, blend, or repackage for use within the District any architectural coating with a VOC content in excess of the ceiling limit in the Table of Standards or the VOC content limits specified in the National VOC Emission Standard, whichever is less.~~

~~ACO Program~~

~~At least six months prior to the start of the compliance period, manufacturers shall submit an ACO Program, which is subject to all the provisions of Rule 221 – Plans and Rule 306 – Plan~~

~~Fees, to the Executive Officer. Averaging may not be implemented until the ACO Program is approved in writing by the Executive Officer.~~

~~Within 45 days of submittal of an ACO Program, the Executive Officer shall approve, disapprove or deem the ACO Program incomplete. The ACO Program applicant and the Executive Officer may agree to an extension of time for the Executive Officer to take action on the ACO Program.~~

~~General Requirements~~

~~The ACO Program shall include all necessary information for the Executive Officer to make a determination as to whether the manufacturer may comply with the averaging requirements over the specified compliance period in an enforceable manner. Such information shall include, but is not limited to, the following.~~

~~An identification of the contact persons, telephone numbers, and name of the manufacturer who is submitting the ACO Program.~~

~~An identification of each coating that has been selected by the manufacturer for inclusion in this ACO Program that exceeds the applicable VOC limit in the Table of Standards, their VOC content specified in units of both grams of VOC per liter of coating, and grams of VOC per liter of material and the designation of the coating category.~~

~~A detailed demonstration showing that the projected actual emissions will not exceed the allowable emissions for a single compliance period that the ACO Program will be in effect. In addition, the demonstration shall include VOC content information for each coating that is below the compliance limit in the Table of Standards. The demonstration shall use the equation specified in paragraph (A) of this Appendix for projecting the actual emissions and allowable emissions during each compliance period. The demonstration shall also include all VOC content levels and projected volume to be sold and distributed, as applicable, within the District for each coating listed in the ACO Program during each compliance period. The requested data can be summarized in a matrix form.~~

~~A specification of the compliance period(s) and applicable reporting dates. The length of the compliance period shall not be more than one year nor less than six months.~~

~~An identification and description of specific records to be used to calculate emissions and track coating volume for the ACO Program and subsequent reporting. This shall include a detailed explanation as to how the records are to be used to demonstrate compliance with the averaging requirements of the ACO Program. Such records or electronic versions (if hardcopy originals are not generated) shall be made available to the Executive Officer upon request. These records shall include records from each of the following categories:~~

~~Product formulation records (including both coating and material VOCs):~~

~~Lab reports [including percent weight of non-volatiles, water, and exempts (if applicable); density of the coating; and raw laboratory data] of test methods conducted as specified in paragraph (e)(1) of the rule or~~

~~Product formulation data, including physical properties analyses, as applicable, with a VOC calculation demonstration; and~~

~~Production records consisting of batch tickets including the date of manufacture, batch weight and volume; and~~

~~Distribution records:~~

~~Customer lists or store distribution lists or both (as applicable) and~~

~~Shipping manifests or bills of lading or both (as applicable); and~~

~~Sales records consisting of point of sale receipts or invoices to local distributors or both, as applicable.~~

~~If the manufacturer requests to demonstrate compliance with the ACO Program by using records other than those specifically listed above, those records must be approved by the U.S. EPA, CARB, and the Executive Officer before an ACO Program can be approved. The Executive Officer may request additional records, as necessary, as a condition of approving the ACO Program or to verify compliance.~~

~~A statement, signed by a responsible party for the manufacturer, certifying that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request.~~

~~Reporting Requirements~~

~~For every single compliance period, the manufacturer shall submit to the Executive Officer a mid-term report listing all coatings subject to averaging during the first half of the compliance period, detailed analysis of the actual and allowable emissions at the end of the mid-term, and if actual emissions exceed allowable emissions an explanation as to how the manufacturer intends to achieve compliance by the end of the compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct. The mid-term report shall be submitted within 45 days after the midway date of the compliance period. A manufacturer may request, in writing, an extension of up to 15 days for submittal of the mid-term report.~~

~~Within 60 days after the end of the compliance period or upon termination of the ACO Program, whichever is sooner, the manufacturer shall submit to the Executive Officer a final report, providing a detailed demonstration of the balance between the actual and allowable emissions for the compliance period, an update of any identification and description of specific records used by the manufacturer to verify compliance with the averaging requirement, and any other~~

~~information requested by the Executive Officer to determine whether the manufacturer complied with the averaging requirements over the specified compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request. A manufacturer may request, in writing, an extension of up to 30 days for submittal of the final report.~~

~~Renewal of an ACO Program~~

~~An ACO Program automatically expires at the end of the compliance period. The manufacturer may request a renewal of the ACO Program by submitting a renewal request that shall include an updated ACO Program, meeting all applicable ACO Program requirements. The renewal request will be considered conditionally approved until the Executive Officer makes a final decision to deny or approve the renewal request based on a determination of whether the manufacturer is likely to comply with the averaging requirements. The Executive Officer shall base such determination on all available information, including but not limited to, the mid-term and final reports of the preceding compliance period. The Executive Officer shall make a decision to deny or approve a renewal request no later than 45 days from the date of the final report submittal, unless the manufacturer and the Executive Officer agree to an extension of time for the Executive Officer to take action on the renewal request.~~

~~Modification of an ACO Program~~

~~A manufacturer may request a modification of the ACO Program at any time prior to the end of the compliance period. The Executive Officer shall take action to approve or disapprove the modification request no longer than 45 days from the date of its submittal. No modification of the compliance period shall be allowed. An ACO Program need not be modified to specify additional coatings to be averaged that are below the applicable VOC limits.~~

~~Termination of an ACO Program~~

~~A manufacturer may terminate its ACO Program at any time by filing a written notification to the Executive Officer. The filing date shall be considered the effective date of the termination, and all other provisions of this rule including the VOC limits shall immediately thereafter apply. The manufacturer shall also submit a final report 60 days after the termination date. Any exceedance of the actual emissions over the allowable emissions over the period that the ACO Program was in effect shall constitute a separate violation for each day of the entire compliance period.~~

~~The Executive Officer may terminate an ACO Program if any of the following circumstances occur:~~

~~The manufacturer violates the requirements of the approved ACO Program, and at the end of the compliance period, the actual emissions exceed the allowable emissions.~~

~~The manufacturer demonstrates a recurring pattern of violations and has consistently failed to take the necessary steps to correct those violations.~~

~~Change in VOC Limits~~

~~If the VOC limits of a coating listed in the ACO Program are amended such that its effective date is less than one year from the date of adoption, the affected manufacturer may base its averaging on the prior limits of that coating until the end of the compliance period immediately following the date of adoption.~~

~~Labeling~~

~~Each container of any coating that is included in an ACO Program, and that exceeds the applicable VOC limit in the Table of Standards shall display the following statement: "This product is subject to the averaging provisions of SCAQMD Rule 1113". A symbol specified by the Executive Officer may be used as a substitute.~~

~~Violations~~

~~The exceedance of the allowable emissions, as defined in Appendix A, Section (A), at the end of any compliance period shall constitute a separate violation for each gallon of each coating product line that is over the VOC limit specified in the Table of Standards for each day of the compliance period. However, any violation of the requirements of the ACO Provision of this rule, which the violator can demonstrate, to the Executive Officer, did not cause or allow the emission of an air contaminant and was not the result of negligent or knowing activity may be considered a minor violation (pursuant to District Rule 112).~~

~~Sell-Through Provision~~

~~A coating that is included in an approved ACO Program that does not comply with the specified limit in the Table of Standards may be sold, supplied, offered for sale, or applied for up to three years after the end of the compliance period specified in the approved ACO Program. This section of Appendix A does not apply to any coating that does not display on the container either the statement: "This product is subject to architectural coatings averaging provisions of the SCAQMD Rule 1113" or a designated symbol specified by the Executive Officer of the SCAQMD.~~