SIP COMPLETENESS CHECKLIST

(Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's <u>Guidelines on the Implementation of the 40 CFR 51</u>, <u>Appendix V</u>, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's <u>Guidance Document for Correcting Common VOC & Other Rule Deficiencies</u> (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: Mojave Desert Air Quality Management District

Rule No: 442

Rule Title: Usage of Solvents

Date Adopted or Amended: 2/27/06

ADMINISTRATIVE MATERIALS

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

<u>Attached</u>	Not <u>Attached</u>	N/A	
			COMPLETE COPY OF THE RULE: Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
			UNDERLINE AND STRIKEOUT COPY OF THE RULE: If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended. (See Staff Report Appendix A)
			COMPLETE COPY OF THE REFERENCED RULE(S): For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as part of a previous SIP submittal.
			PUBLIC NOTICE EVIDENCE: Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended. (See Staff Report Appendix B)
			RESOLUTION/MINUTE ORDER: Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).
			PUBLIC COMMENTS AND RESPONSES: Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left. (See Staff Report Appendix C)

SIP COMPLETENESS CHECKLIST (Electronic Format)

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

	RULE EVALUATION FORM: See instructions for completing the Rule Evaluation Form and the accompanying sample form.
	NON-EPA TEST METHODS: Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to EPA. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process."
	MODELING SUPPORT: Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥ 100 TPY) in an attainment area for SO2, directly emitted PM10, CO, or NOx (for NO2 purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required.
	ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES: The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are de minimus according to EPA's RACM/BACM policy. (See Staff Report)
	ADDITIONAL MATERIALS : Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule.

APCD/AQMD RULE EVALUATION FORM - Page 1

(Electronic Format)

GENERAL INFORMATION District: Mojave Desert Air Quality Management District Rule No(s): 442 Date adopted/Amended/Rescinded: 2/27/06 Rule Title(s): Usage of Solvents Date Submitted to ARB: 12/8/05 If an Amended Rule, Date Last Amended (or Adopted): 2/20/79 Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? X Yes No. (If No, do not complete remainder of form) District Contact: Roseana Navarro-Brasington Phone Number: (760)245-1661, ext. 5706 E-mail Address: rnbrasington@mdagmd.ca.gov Narrative Summary of New Rule or Rule Changes: New Rule Amended Rule Rule 442 - Usage of Solvents, is proposed for revision to conform the rule to current MDAQMD rule format; update terminology, add specific test methods; and eliminate obsolete provisions. The proposed rule amendments do not fundamentally change the current emissions limitations but use different units of measurement. The proposed amendments also update the rule to conform with other District rules and regulations, add storage and disposal requirements, update recordkeeping requirements modify certain exemptions, and add an exemption for aerosol products. There are no changes in emissions associated with the proposed amendments to Rule 442. \square (NOx) ☐ SO2 Pollutant(s) Regulated by the Rule (Check): □ (CO) □ PM ☐ TAC (name):_____

II. <u>EFFECT ON EMISSIONS</u>

Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission
factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.

Net Effect on Emissions: \square Increase \square Decrease \boxtimes N/A

Emission Reduction Commitment in SIP for this Source Category: None

Inventory Year Used to Calculate Changes in Emissions: N/A Area Affected: MDAQMD

Future Year Control Profile Estimate (Provide information on as many years as possible):

N/A

APCD/AQMD RULE EVALUATION FORM - Page 2

(Electronic Format)

Baseline Inventory in the SIP for the Control Measure: N/A			
Emissions Reduction Commitment in the SIP for the Control Measure: NONE			
Revised Baseline Inventory (if any): N/A			
Revised Emission Reduction Estimate (if developed): N/A			
Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.			
III. SOURCES/ATTAINMENT STATUS			
District is: ☐ Attainment ☐ Split			
Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: <u>ALL</u>			
Percent in Nonattainment Area: 95%			
Number of Large (≥ 100 TPY) Sources Controlled: ALL Percent in Nonattainment Area: 95%			
Name(s) and Location(s) (city and county) of Large (≥ 100 TPY) Sources Controlled by Rule (Attach additional sheets as necessary): ALL			
IV. <u>EMISSION REDUCTION TECHNOLOGY</u>			
Does the Rule Include Emission Limits that are Continuous? $oximes$ Yes $oximes$ No			
If Yes, Those Limits are in Section(s) <u>C</u> of the Rule.			
Other Methods in the Rule for Achieving Emission Reductions are: N/A			
V. <u>OTHER REQUIREMENTS</u>			
The Rule Contains:			
Emission Limits in Section(s): <u>C</u> Work Practice Standards in Section(s): <u>C</u> Recordkeeping Requirements in Section(s): <u>E</u> Reporting Requirements in Section(s): <u>E</u>			

APCD/AQMD RULE EVALUATION FORM - Page 3 (Electronic Format)

VI. <u>IMPACT OI</u>	N AIR QUALITY PLAN		
☐ No Impact	☐ Impacts RFP	☐ Impacts attainment	
Discussion:			

AGENDA ITEM 8

DATE: February 27, 2006

RECOMMENDATION: 1. Conduct a public hearing to consider the proposed amendment of Rule 442 - *Usage of Solvents*; 2. Make a determination that the CEQA Categorical Exemption applies; 3. Adopt a resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 442 and directing staff actions.

SUMMARY: Rule 442 is proposed for amendment because it will conform the rule to current MDAQMD rule format; update terminology; add specific test methods; and eliminate obsolete provisions.

BACKGROUND: On July 1, 1993 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of its predecessor agency, the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Rule 442 was last amended on February 20, 1979 and is the current version in the MDAQMD rulebook.

Rule 442 – *Usage of Solvents* regulates "organic solvent emissions" from equipment not subject to any source specific rules. These emissions are now referred to as Volatile Organic Compounds (VOC). Rule 442 – *Usage of Solvents*, is proposed for revision to conform the rule to current MDAQMD rule format; update terminology; add specific test methods; and eliminate obsolete provisions.

The proposed rule amendments do not fundamentally change the emissions limitations but rather use different units of measurement. The proposed amendments also update the rule to conform with other District rules and regulations, add storage and disposal requirements, update recordkeeping requirements modify certain exemptions, and add an exemption for aerosol products.

Cc: Roseana Navarro-Brasington

I, MICHELE BAIRD, CLERK OF THE COMEMBING GOARD OF MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT DISTRICT, HEREBY CERTIFY THE FOREGOING TO BE A FULL, TRUE AND CORRECT COPY OF THE RECORD OF THE ACTION AS THE SAME APPEARS IN THE OFFICIAL MINUTES OF SAID GOVERNING BOARD MEETING CLERK OF THE ROARD OF THE BOARD OF THE BOA

AGENDA ITEM 8

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the proposed amendments of Rule 442- Usage of Solvents pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(1) (FCAA §110(1)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This agenda item was reviewed as to legal form by Karen K. Nowak, Deputy District Counsel and by Eldon Heaston, Deputy Air Pollution Control Officer, on February 3, 2006

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Eldon Heaston, Deputy Air Pollution Control Officer.

ACTION OF THE GOVERNING BOARD **APPROVED**

Upon Motion by BARBARA RIORDAN, Seconded by MIKE ROTHSCHILD, as approved by the following roll call vote:

9 Ayes: LEONE, SAGONA, POSTMUS, RIORDAN, GLASPER, VALENTINE, PACK, ROTHSCHILD, WILSON

Noes:

5 Absent: BIANE, HANSBERGER, CRAIN, LUELLIG, BENTON

Abstain: Vacant:

MICHELE BAIRD, CLERK OF THE GOVERNING BOARD

Dated: FEBRUARY 27, 2006

Ref: Resolution 06-01, titled "A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 442 - USAGE OF SOLVENTS AND DIRECTING STAFF ACTIONS.

AGENDA ITEM 4

DATE: November 28, 2005

RECOMMENDATION: Set date of January 23, 2006 to conduct a public hearing to consider the proposed amendments to Rule 442 - *Usage of Solvents* and approval of CEQA documentation.

SUMMARY: This item officially sets the date for the mandatory public hearing to be held on the proposed amendments to Rule 442 - *Usage of Solvents*. The proposed amendments change the language of the rule to more accurately reflect current air pollution control terminology

BACKGROUND: On July 1, 1993 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of its predecessor agency, the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Rule 442 was last amended on February 20, 1979 and is the current version in the MDAQMD rulebook..

Rule 442 – Usage of Solvents regulates "organic solvent emissions" from equipment not subject to any source specific rules. These emissions are now referred to as Volatile Organic Compounds (VOC). Rule 442 - Usage of Solvents, is proposed for revision to conform the rule to current MDAQMD rule format; update terminology, adding specific test methods; and eliminate obsolete provisions.

The proposed rule amendments do not fundamentally change the emissions limitations but rather use different units of measurement. The proposed amendments also update the rule to conform with other District rules and regulations, add storage and disposal requirements, update recordkeeping requirements modify certain exemptions, and add an exemption for aerosol products.

Cc: Karen Nowak

I, MICHELE BAIRD, CLERK OF THE GOVERNMEN SOARD OF MOJAVE DESERT AIR QUALITY MARKOTTERS OF THE DISTRICT, HEREBY CERTIFY THE FETTING ACTION ASSESSMENT OF THE ACTION ASSESSME

AGENDA ITEM 4

A <u>Notice of Exemption</u>, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the AVAQMD for the proposed amendments of Rule 442- *Usage of Solvents* pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: Eldon Heaston, Deputy APCO and Fazle Rab Quadri, District Counsel reviewed this item on November 14, 2005.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Roseana Navarro-Brasington, Transportation Program Coordinator.

ACTION OF THE GOVERNING BOARD APPROVED

Upon Motion by **BOB SAGONA**, Seconded by **BARBARA RIORDAN**, as approved by the following roll call vote:

Ayes: 9 LUELLIG, LEONE, RIORDAN, SAGONA, GLASPER, CRAIN DWYER, WILSON, ROTHSCHILD

Noes:

Absent: 5

BIANE, POSTMUS, HANSBERGER, HONEYCUTT, BERNAL

Abstain: Vacant:

MICHELE BAIRD, CLERK OF THE GOVERNING BOARD

BY

Dated: NOVEMBER 28, 2005

RESOLUTION 06-01

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A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 442 - USAGE OF SOLVENTS AND DIRECTING STAFF ACTIONS.

On <u>February 27, 2006</u>, on motion by Member **RIORDAN**, seconded by Member **SAGONA**, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has authority pursuant to California Health and Safety Code (H & S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

WHEREAS, the proposed amendments will conform the rule to current MDAQMD rule format; update terminology; add specific test methods; and eliminate obsolete provisions; and

WHEREAS, The proposed rule amendments do not fundamentally change the current emissions limitations but use different units of measurement; and

WHEREAS, The proposed amendments also update the rule to conform with other District rules and regulations, add storage and disposal requirements, update recordkeeping requirements modify certain exemptions, and add an exemption for aerosol products, and

WHEREAS, There are no emission reductions associated with the proposed amendments to Rule 442, and

WHEREAS, the proposed amendments to the Rule are necessary to conform the rule to current MDAQMD rule format; update terminology; add specific test methods; and eliminate obsolete provisions; and

WHEREAS, the MDAQMD has the authority pursuant to H & S Code §40702 to amend rules and regulations; and

WHEREAS, the proposed amendments are clear in that the meaning can be easily understood by the persons impacted by the Rule; and

WHEREAS, the proposed amendments are in harmony with, and not in conflict with, or contradictory to existing statutes, court decisions, or State or Federal regulations because the proposed amendments update terminology and test methods to conform to other provisions of law; and

RESOLUTION 06-01

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WHEREAS, the proposed amendments do not impose the same requirements as any existing State or federal regulation; and

WHEREAS, the proposed amendments are needed to conform the rule to current MDAQMD rule format; update terminology, add specific test methods; and eliminate obsolete provisions; and

WHEREAS, a public hearing has been properly noticed and conducted, pursuant to H&S Code §40725, concerning the proposed amendments to Rule 442; and

WHEREAS, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the proposed amendments to Rule 442, completed in compliance with the California Environmental Quality Act (CEQA), has been presented to the MDAQMD Board; each member having reviewed, considered and approved the information contained therein prior to acting on the proposed amendments to Rule 442, and the MDAQMD Board having determined that the proposed amendments will not have any potential for resulting in any adverse impact upon the environment; and

WHEREAS, the Board has considered the evidence presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the MDAQMD finds that the proposed amendments to Rule 442 - *Usage of Solvents* are necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the <u>Notice of Exemption</u> for the proposed amendments to Rule 442; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the <u>Notice of Exemption</u> for the proposed amendments to Rule 442; and

BE IT FURTHER RESOLVED, that the Board of the MDAQMD does hereby adopt, pursuant to the authority granted by law, the proposed amendments to Rule 442, as set forth in the attachments to this resolution and incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption, that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions of CEQA.

RESOLUTION <u>06-01</u>

1	PASSED, APPROV	ED AND ADOPTED by the Governing Board of the Mojave Desert Air Quality
2	Management District	t by the following vote:
3	AYES:	MEMBER: LEONE, SAGONA, POSTMUS, RIORDAN, GLASPER, VALENTINE, PACK, ROTHSCHILD, WILSON
4	NOES:	MEMBER:
5	ABSENT:	MEMBER: LUELLIG, BIANE, HANSBERGER, BENTON, CRAIN
6 7	ABSTAIN:	MEMBER:
8 9 10	STATE OF CALIFO	SS:
11	I Michele Ro	aird, Clerk of the Governing Board of the Mojave Desert Air Quality Management
12	District, hereby certif	fy the foregoing to be a full, true and correct copy of the record of the action as the Official Minutes of said Governing Board at its meeting of January 23, 2006
13 14	same appears in the C	The fair Williams of Said Governing Board at its inteering of January 25, 2000
15	Clerk of the Governing Mojave Desert Air Q	ng Board, Puality Management District.
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07/25/77; **Amended:** 02/20/79; **Amended:** 02/27/06)

Rule 442 Usage of Solvents

(A) General

- (1) Purpose
 - (a) To reduce volatile organic compound (VOC) emission from VOC containing materials or equipment which is not subject to VOC limits of any rule found in District Regulation XI *Source Specific Standards*.
 - (b) To provide emissions limits for the use of organic solvents which are not VOCs.

(2) Applicability

- (a) This rule applies to any person using VOC containing materials or Emissions Unit which is not subject to the VOC limits of any other rule found in District Regulation IV *Prohibitions* or in any rule found in the District Regulation XI *Source Specific Standards*.
 - (i) VOC containing materials include, but are not limited to; coatings, resins, adhesives, inks, solvents, thinners, diluents, mold seal and release compounds, lubricants, cutting oils and quenching oils.
- (b) This rule applies to any person using a Non-VOC organic solvent and which is not subject to the limits of any other rule found in District Regulation IV *Prohibitions* or in any rule found in District Regulation XI *Source Specific Standards*.

(B) Definitions

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

- (1) Aerosol Product A hand held, non-refillable container that expels pressurized materials by means of a propellant-induced force.
- (2) California Air Resources Board (CARB) The California State Air Resources Board the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with section 39500).
- (3) District The Mojave Desert Air Quality Management District the geographical area of which is described in District Rule 103.
- (4) Emissions Unit Any article, machine, equipment contrivance or combination thereof which emits or has the potential to emit any Regulated Air Pollutant.

- (5) Facility Any structure, building, Emissions Unit, combination of Emissions Units or installation which emits or may emit a Regulated Air Pollutant and which are:
 - (a) Located on one or more contiguous or adjacent properties within the District;
 - (b) Under the control of the same person (or by persons under common control);
 - (c) Belong to the same industrial grouping, as determined by being within the same two digit Standard Industrial Classification Code (SICC).
 - (d) For the purpose of this Rule, such above-described grouping, remotely located but connected only by land carrying a pipeline, shall not be considered one Facility.
- (6) Regulated Air Pollutant Any of the following:
 - (a) Any air pollutant and its precursors for which an Ambient Air Quality Standard has been promulgated.
 - (b) Any air pollutant that is subject to a standard under 42 U.S.C. §7411, Standards of Performance for New Stationary Sources (Federal Clean Air Act §111) or the regulations promulgated thereunder.
 - (c) Any substance which has been designated a Class I or Class II substance under 42 U.S.C. §7671a (Federal Clean Air Act §602) or the regulations promulgated thereunder.
 - (d) Any air pollutant subject to a standard or other requirement established pursuant to 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §1112) or the regulations promulgated thereunder.
- (7) South Coast Air Quality Management District (SCAQMD) The local air district created pursuant to Division 26, Part 3, Chapter 5.5 of the Health & Safety Code (commencing with §40400).
- (8) United States Environmental Protection Agency (USEPA) The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.
- (9) Volatile Organic Compound (VOC) Any volatile compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate and those compounds listed in 40 CFR 51.100(s)(1).

(C) Requirements

(1) Emission Limitations

- (a) A person shall not discharge VOCs into the atmosphere from all VOC containing materials, Emissions Units, equipment or processes subject to this rule, in excess of 540 kilograms (1,190 pounds) per month per Facility.
 - (i) Compliance with the provisions of subsection (C)(1)(a) above may be obtained through use of any of the following or any combination thereof:
 - a. Product reformulation or substitution:
 - b. Process changes;
 - c. Improvement of operational efficiency;
 - d. Development of innovative technology;
 - e. Installation of a control device operated in accordance with section (C)(2) below.
- (b) A person shall not discharge into the atmosphere a non-VOC organic solvent in excess of 272 kilograms (600 pounds) per day as calculated on a thirty (30) day rolling average.
 - (i) For purposes of this subsection, discharge shall include a drying period of 12 hours following the application of such non-VOC solvents.

(2) Control Equipment

- (a) A person may comply with the provisions of (C)(1) above by using a VOC emission collection and control system that reduces overall emissions by eighty-five percent (85%) as follows
 - (i) The system shall capture at least ninety percent (90%), by weight, of the emissions generated by the Emissions Unit, material or operation and
 - a. Have a destruction efficiency of at least ninety-five percent (95%), by weight; or
 - b. Have an output of less than fifty parts per million(50 PPM) calculated as carbon with no dilution.

(3) Storage and Disposal

(a) All VOC containing materials subject to this rule, whether in its form for intended use or as a waste or used product, shall be stored in non-absorbent, non-leaking containers which shall be kept closed at all times, except when filling or emptying, and disposed of in a manner to prevent evaporation of VOCs into the atmosphere at the Facility.

(D) Exemptions

- (1) The provisions of this rule shall not apply to:
 - (a) The manufacture, transport or storage of organic solvents, or the transport or storage of materials containing organic solvents.
 - (b) The emissions of VOCs from VOC-containing materials or equipment which are subject to other Regulation IV rules or which are exempt from air pollution control requirements by such rules.
 - (c) The use of pesticides including insecticides, rodenticides or herbicides.
 - (d) The use of 1,1,1 trichloroethane, methylene chloride and trichlorotrifluroethane.
 - (e) Aerosol products

[Moved to (C)(2)(a)]

(E) Monitoring, Recordkeeping and Reporting

- (1) Usage records for all VOC-containing materials subject to this Rule shall be maintained on a daily basis and shall include but not be limited to:
 - (a) The amount, type and VOC content of each solvent used; and
 - (b) The method of application and substrate type; and
 - (c) The permit units involved in the operation (if any)
- (2) Such records shall be retained for two years and shall be made available upon request.

(F) Test Methods

- (1) For the purpose of this rule, the following test methods shall be used:
 - (a) Determination of VOC Content in Solvent-containing materials
 - (i) The VOC content of VOC-containing materials subject to the provisions of this rule shall be determined by USEPA Reference Method 24 (Code of Federal Regulations, Title 40, Part60, Appendix A).
 - (ii) The exempt compounds' content shall be determined by SCAQMD Method 303 Determination of Exempt Compounds or Method 304 Determination of Volatile Organic Compounds (VOC) in Various Materials contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual.

- (iii) The following classes of Exempt Perfluorocarbon 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; and sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine, will be analyzed as exempt compounds for compliance with Section (C)(1), only when manufacturers specify which individual compounds are used in the solvent formulation and identify the USEPA, CARB, and the District approved test methods used to quantify the amount of each exempt compound.
- (b) Determination of Presence of VOC in Clean-up Materials
 - (i) The presence of VOC in the headspace over the cleaning material shall be determined by SCAQMD Method 313 Determination of Volatile Organic Compounds (VOC) by Gas Chromatography/ Mass Spectrometry (GC/MS) contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual.
- (c) Determination of Efficiency of Emission Control Systems
 - (i) The capture efficiency of the capture system for purposes of determining overall efficiency shall be determined by verifying the use of a permanent total enclosure and 100% capture efficiency as defined by USEPA Method 204 Criteria for and Verification of a Permanent or Temporary Total Enclosure."
 - (ii) Alternatively, if a USEPA Method 204 defined permanent total enclosure is not employed, capture efficiency shall be determined using a minimum of three sampling runs subject to data quality criteria presented in the USEPA *Guidelines for Determining Capture Efficiency*, January 9, 1995."
 - (iii) Individual capture efficiency test runs subject to the USEPA technical guidelines shall be determined by the Temporary Total Enclosure approach of USEPA Methods 204 through 204F.
 - (iv) The control device efficiency of an emission control system on a mass emissions basis and the VOC concentrations in the exhaust gases, measured and calculated as carbon, shall be determined by USEPA Test Methods 25, 25A, SCAQMD Method 25.1 Determination of Total Gaseous Non-Methane Organic Emissions as Carbon, or SCAQMD Method 25.3 Determination of Low Concentration Non-Methane Non-Ethane Organic Compound Emissions from Clean Fueled Combustion Sources, as applicable.
 - (v) USEPA Test Method 18, or CARB Method 422 shall be used to determine emissions of exempt compounds.

- (vi) The overall efficiency of an emission <u>collection and</u> control system shall be determined using the following equation (all efficiencies expressed in percent):
 - Overall Efficiency = (Capture Efficiency) x (Control Device Efficiency) / 100
- (d) Any other applicable test methods approved by CARB, the USEPA, and the District.
- (2) Multiple Test Methods
 - (a) When more than one test method or set of test methods are specified for any testing, the application of these methods to a specific set of test conditions is subject to approval by the Air Pollution Control Officer.
- (3) All test methods referenced in this section shall be the most recent version as approved by USEPA.
- (4) 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.

[SIP: Approved 6/9/82, 47 FR 25013, 40 CFR 52.220(c)(51)(xii)(B); Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(ii)(C)]

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THE PRESS-ENTERPRISE

3512 Fourteenth Street Riverside CA 92501-3878 951-684-1200 951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P.)

Publication(s): Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Rule 442 - Usage of Solvents

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the city of Riverside, County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

01-27-06

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Jan. 27/2006 At: Riverside, California

MOJAVE DESERT AQMD

14306 PARK AVE ATTN: MICHELE BAIRD VICTORVILLE CA 92392

Ad #: 7428257

PO #:

Agency #:

Ad Copy:

NOTICE OF HEARING NOTICE IS HEREBY GIVEN that the Governing Board of the Mojove Desert Air Quality Management District (MDAGMD) will conduct a public hearing on Monday, February 27, 2006 at 10:00 a.m. to consider the proposed amendments of Rule 442 - Usage of Solvents.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAGMD offices 1430 Fark Avenue, Victorville, CA 92392-2310 where all interested persons may be present and heard. Copies of the proposed amendments to Rule 442 - Usage of Solvents and the Staff Report ore on file and may be obtained from the Clerk of the Governing Board at the MDAGMD Offices. Written comments may be submitted to Eldon Heaston, Depuly APCO at the above office address. Comments must be received no later than February 13, 2006 to be considered. If you have any questions you may contact Roseana Navarro-Brasington at (760) 245-1661, ext. 5706.

The proposed amendments to Rule 442 - Usage of Solvents and such action is necessary to create harmony and avoid conflict with other MDAGMD pries and standardize the romat. The proposed amendments to Rule 442 - Usage of Solvents and such action is necessary to create harmony and avoid conflict with other MDAGMD pries and standardize the romats cauministrative in nature and such action is necessary to create harmony and avoid conflict with other MDAGMD pries and standardize the remainal provisions being amended ore storage and dispensed requirements for and a court of the court of the court of the court of the provisions being amended ore storage and dispensed requirements for and the court of th

omended ore storage and disposal requirements, record-keeping requirements and certain exemptions.
Pursuant to California Environmental (guality ActicEQA), the MDAQMD has determined that a Categorical Exemption (Class 8 - 14 Cal. Code Reg. \$15308) applies and has prepared a Notice of Exemption for this item.
MICHELE BAIRD
Clerk of the Governing Board
Mojave Desert Air Quality
Management District 1/27

RECEIVED MOJAVE DESERT AQMD CLERK OF THE BOARD

MAR 0 6 2006

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA, County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case Number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

all in the year	20 <u>06</u> .			
I certify (or declare) under penalty of perjury that the foregoing is true and correct.				
Dated this	26th	day		
of Janua	, 2	0 06 .),	

Signature

LesTie/Jacobs

January 26

This space is the County Clerk's Filing Stamp

FILED MOJAVE DESERT AQMD CLERK OF THE BOARD

JAN 3 1 2006

BY Diese

Proof of Publication of

NOTICE OF HEARING

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SAID HEARING will be conducted in the Governing Board Chambers located at the MDAGMD offices; 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and heard, Copies of the proposed amendments to Rule 442 – Usage of Solvents and the Staff Report are on fite and may be obtained from the Clerk of the Governing Board at the MDAGMD Offices. Written comments may be submitted to Etdon Heaston, Deputy APCO at the above office address. Comments must be received no later than February 13, 2008 to be considered. If you have any quiestions you may contact Rossetta, Navarro-Brissington at (760) 246-1661, ext. 5706.

The proposed amendments to Rule 442 – Usage of Solvents are administrative in nature and such action is necessary to create harmony and avoid conflict with other MDACMD rules and standardize their format. The proposed amendments change the terminology of the rule to more accurately reflect language that could be used to demonstrate compliance with other District rules. Other provisions being amended are storage and disposal requirements, record-keeping requirements and certain exemptions.

Pursuant to California Environmental Quality Act (CEQA), the MDACMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg. \$15308) applies and has prepared a Notice of Exemption for this item.

MICHELE BAIRD
Clerk of the Governing Board
Mojave Desert Air Quality
Management District

Published in the Daily Press January 26, 2006 (Th-1)



Mojave Desert Air Quality Management District

Staff Report Proposed Amendments to Rule 442 – Usage of Solvents

For adoption on February 27, 2006

14306 PARK AVE, VICTORVILLE, CA 92392-2310 PHONE: (760) 245-1661

Fax: (760) 245-2699

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STAFF REPORT Rule 442 – Usage of Solvents

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

On July 1, 1993 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of its predecessor agency, the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Rule 442 was last amended on February 20, 1979 and this is the current version in the MDAQMD rulebook..

Rule 442 – *Usage of Solvents* regulates "organic solvent emissions" from equipment not subject to any source specific rules. These emissions are now referred to as Volatile Organic Compounds (VOC). Rule 442 - *Usage of Solvents*, is proposed for revision to conform the rule to current MDAQMD rule format; update terminology; add specific test methods; and eliminate obsolete provisions.

The proposed rule amendments do not fundamentally change the emissions limitations but rather use different units of measurement. The proposed amendments also update the rule to conform with other District rules and regulations, add storage and disposal requirements, update recordkeeping requirements, modify certain exemptions, and add an exemption for aerosol products.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the MDAQMD adopt, after conducting a public hearing, a resolution approving amendments to Rule 442 – *Usage of Solvents*. Rule 442 is proposed for revision to conform the rule to current MDAQMD rule format; update terminology; add specific test methods; and eliminate obsolete provisions.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendments to Rule $442 - Usage\ of\ Solvents$. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS		ELEMENTS OF A FEDERAL SUBMISSION	
X	Necessity	<u>X</u>	Elements as set forth in applicable Federal law or regulations.
<u>X</u>	Authority	CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):	
<u>X</u>	Clarity	<u>N/A</u>	Ministerial Action
<u>X</u>	Consistency	<u>X</u>	Exemption
X	Nonduplication	<u>N/A</u>	Negative Declaration
X	Reference	<u>N/A</u>	Environmental Impact Report
X	Public Notice & Comment	<u>X</u>	Appropriate findings, if necessary.
X	Public Hearing	<u>N/A</u>	Public Notice & Comment
REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):			MENTAL ENVIRONMENTAL IS (RULES & REGULATIONS ONLY): Environmental impacts of compliance.
<u>X</u>	Public Notice & Comment	<u>X</u>	Mitigation of impacts.
X	Availability of Document	<u>X</u>	Alternative methods of compliance.
<u>X</u>	Notice to Specified Entities (State, Air Districts, USEPA, Other States)	OTHER:	
<u>X</u>	Public Hearing	<u>X</u>	Written analysis of existing air pollution control requirements
<u>X</u>	Legal Authority to adopt and implement the document.	<u>X</u>	Economic Analysis
<u>X</u>	Applicable State laws and regulations were followed.	<u>X</u>	Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed amendments to Rule 442. These are actions that need to be performed and/or information that must be provided in order to amend the rule in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Board in making these findings.

a. Necessity:

The proposed amendments to Rule 442 - *Usage of Solvents* are necessary to conform the rule to current MDAQMD rule format; update terminology; add specific test methods; and eliminate obsolete provisions.

b. Authority:

MDAQMD has the authority pursuant to California Health and Safety Code (H & S Code) §40702 to adopt, amend or repeal rules and regulations.

c. Clarity:

The proposed amendments are clear in that they are written so that the persons subject to the rule can easily understand the meaning.

d. Consistency:

The proposed amendments to Rule 442 - *Usage of Solvents* are in harmony with, and not in conflict with or contradictory to, any State law or regulation, Federal law or regulation, or court decisions because they are primarily administrative in nature.

e. Nonduplication:

The proposed amendments to Rule 442 - *Usage of Solvents* do not impose the same requirements as an existing State or Federal law or regulation.

f. Reference:

MDAQMD has the authority pursuant to H & S Code §40702 to adopt, amend or repeal rules and regulations.

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendments to Rule 442 - *Usage of Solvents* was published on December 23, 2005 and January 27, 2006. See Appendix "B" for a copy of the public notice. See Appendix C for copies of comments and MDAQMD responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying Federal law that requires the submittal. The information below indicates which elements are required for the proposed amendments to Rule 442 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The adoption of proposed amendments to Rule 442 – *Usage of Solvents* is subject to all the requirements for a SIP submittal because previous versions of the rule are in the SIP. Rule 442 also serves as a "backstop" measure for a variety of source specific rules which are also contained in the SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendments to Rule 442 - *Usage of* Solvents was published on December 23, 2005 and January 27, 2006. See Appendix "B" for a copy of the public notice.

c. Availability of Document:

Copies of the proposed amendments to Rule 442 - *Usage of Solvents* and the accompanying draft staff report was made available to the public on December 23, 2005 and January 27, 2006. The proposed amendments were also reviewed by the Technical Advisory Committee, a committee consisting of a variety of regulated industry and local governmental entities, on January 9, 2006.

d. Notice to Specified Entities:

Copies of the proposed amendments to Rule 442 - *Usage of Solvents* and the accompanying draft staff report was distributed to all affected

agencies, including but not limited to CARB and USEPA on December 8, 2005.

e. Public Hearing:

A public hearing to consider the proposed amendments to Rule 442 has been set for January 23, 2006 and continued to February 27, 2006

f. Legal Authority to Adopt and Implement:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §\$40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the California Environmental Quality Act (CEQA).

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H & S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. The proposed amendments to Rule 442 - *Usage of Solvents* are administrative in nature and produce no change in emissions. There are currently no general Federal requirements relating to VOC emissions from solvents. All such Federal requirements are source specific or use specific rather than generalized.

C. ECONOMIC ANALYSIS

1. General.

No economic impacts are anticipated from the adoption of the proposed amendments to Rule $442 - Usage \ of \ Solvents$ because the VOC limitations are not changed, only the units of measure modified. Recordkeeping and reporting requirements have been modified but no economic impact is anticipated because the requirements are similar to those contained in source specific rules already being implemented by most affected facilities.

2. Incremental Cost Effectiveness.

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or "all feasible measures" to control volatile compounds, oxides of nitrogen or oxides of sulfur. The proposed amendments to Rule 442 - *Usage of Solvents* are not subject to incremental cost effectiveness calculations because this rule does not impose BARCT or "all feasible measures".

D. ENVIRONMENTAL ANALYSIS (CEQA)

- 1. Through the process described below the appropriate CEQA process for the proposed amendments to Rule 442 was determined.
 - a. The proposed amendments to Rule 442 meet the CEQA definition of "project". They are not "ministerial" actions.
 - b. The proposed amendments to Rule 442 *Usage of Solvents* are exempt from CEQA review because they are administrative in nature and there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts. Therefore, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

The proposed amendments to Rule $442 - Usage \ of \ Solvents$ are administrative in nature. No environmental impacts are anticipated from the proposed amendments hence no analysis of mitigation measures or alternative methods of compliance are necessary.

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix "B"

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

The proposed amendments to Rule 442 – *Usage of Solvents* are administrative in nature but will affect all sources of VOC within the District that are not subject to source specific VOC rules contained elsewhere in MDAQMD Regulation IV or in Regulation XI.

B. EMISSIONS

The proposed amendments to Rule 442 - Usage of Solvents do not cause the release of additional air contaminants or create any adverse environmental impacts because the VOC limitations are not changed, only the units of measure modified.

C. CONTROL REQUIREMENTS

The proposed amendments to Rule 442 do not change control requirements. They do not impose any new or additional requirements other than conforming recordkeeping and reporting to standardized provisions found in other MDAQMD rules.

D. PM MEASURES ANALYSIS

Health and Safety Code §39614 requires the air districts to adopt a list of the most readily available, feasible, and cost effective control measures that could be employed by CARB and the air districts to reduce particulate matter (PM). On June 27, 2005, the MDAQMD PM Measures List and Implementation Schedule was adopted. Pursuant to that schedule the MDAQMD committed to analyze Rule 442 for compliance with CARB measures 83, 84 and 85. Measure 83 requires limits on VOC emissions from solvent cleaning operations. Rules 1104 – *Organic Solvent Degreasing Operations* provides requirements similar to the CARB control measure with Rule 442 serving as a backstop. Measure 84 requires limits on VOC emissions from solvent degreasing operations. Rules 1104 – *Organic Solvent Degreasing Operations* provides requirements similar to the CARB control measure with Rule 442 serving as a backstop. Measure 85 requires limits of VOC emissions from the general use of solvents. Rule 442 - *Usage of Solvents* provides requirements similar to the CARB control measure.

E. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed amendments to Rule 442. Readers are encouraged to examine the [bracketed and italicized] notations contained in the iterated version of the rule contained in Appendix A for notations regarding movement and modification of specific sections and subsections.

- Section (A) This section has been renamed "General" to conform with standard MDAQMD rule format. The Purpose (A)(1) and Applicability (A)(2) subsections have been drafted to update terminology to reflect current regulatory trends and to remove unnecessary and obsolete references.
- Section (B) The definitions section has been modified to update the terminology reflect current regulatory trends. A variety of other terms have been revised to conform to definitions contained in Regulation XIII. The organic materials definition was amended to more accurately reflect language that could be used to demonstrate compliance with other District rules requiring recording and labeling of VOC materials.
- Section (C) This section has been renamed "Requirements" and all procedural requirements have been moved to this section. The rule amendments remove restrictions

to the use of non-photo chemically reactive solvents and change the VOC usage restriction from 39.6 lbs/day to a monthly limit of 1190 lbs./month. This change results in no increase of emissions but does changes the units of measure.

Section (D) All exemptions to this rule have been moved to this section and the section has been renamed "Exemptions". An exemption for aerosol products has been added

Section (E) This section has been renamed "Monitoring, Recordkeeping and Reporting". The language in this section has been modified for consistency with other MDAQMD rules and regulations.

Section (F) This section has been named "Test Methods" and contains the methods for determining VOC content. Test methods have been defined and language updated for consistency with other MDAQMD rules and regulations.

F. SIP HISTORY

- 1. SIP History.
 - a. SIP in the San Bernardino County Portion of MDAQMD

Rule 442 was originally adopted on May 7, 1976 by the Southern California Air Pollution Control District (So.Cal.APCD) which was created by a Joint Powers Agreement (JPA) between Los Angeles, Orange, Riverside and San Bernardino Counties to replace the previous county-wide air pollution control districts for those counties. On February 1, 1977, pursuant to statute (Cal. Stats. 1976, Ch 324 p. 815) the South Coast Air Quality Management District (SCAQMD) was created with an initial jurisdiction that only included areas of Los Angeles, Orange, Riverside and San Bernardino Counties contained within the South Coast Air Basin (SCAB). Outlying areas remained under the So. Cal. APCD. Also on February 1, 1977 the California Air Resources Board (CARB) issued Executive Order G-73 (1977) which adopted a "rule book" for those non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties. CARB submitted the G-73 rulebook on behalf of the "county" districts and these rule books, including Rule 442, were approved into the SIP by USEPA on September 8, 1978 (43 FR 40011, 40 CFR 52.220(c)(39)(iv)(C).

By its terms Executive Order G-73 (1977) was only effective until the non-SCAB areas took other action. On February 22, 1977 the JPA forming the So.Cal.APCD was formally dissolved. By the terms of the JPA upon dissolution each county would regain its county air pollution control district with a jurisdiction of the non-SCAB areas of the county and the applicable rules being the SoCal.APCD's rules in effect upon the date of dissolution. Thus, as of February 22, 1977 the version of Rule 442 for the San Bernardino County APCD (SBCAPCD) reverted from the G-

73 (1977) CARB version back to the original So.Cal.APCD May 7, 1976 version.

On July 25, 1977 the SBCAPCD readopted its rulebook including Rule 442. Rule 442 was subsequently amended by the SBCAPCD on February 20, 1979 and submitted as a SIP submission. USEPA approved this version on June 9, 1982 (47 FR 25013, 40 CFR 52.220(c)(51)(xii)(B))

On July 1, 1993 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. The MDAQMD has not amended Rule 442.

Since SIP revisions in California are adopted by USEPA as effective in areas which happen to be defined by both air basin designations and the jurisdictional boundaries of local air districts within those air basins, the MDAQMD "inherited" the SBCAPCD SIP which was in effect for what is now called the San Bernardino County Portion of Mojave Desert Air Basin (formerly Southeast Desert Air Basin). Therefore, the version in the SIP for the San Bernardino County portion of the MDAQMD is the February 20, 1979 version.

b. SIP in the Riverside County (Blythe/Palo Verde Valley) Portion of the MDAQMD

One of the provisions of the legislation that created the MDAQMD allowed areas contiguous to the MDAQMD boundaries and within the same air basin to leave their current air district and become a part of the MDAQMD. On July 1, 1994 the area commonly known as the Palo Verde Valley in Riverside County, including the City of Blythe, left SCAQMD and joined the MDAQMD. Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Upon annexation of the Blythe/Palo Verde Valley the MDAQMD acquired the SIP prior to July 1, 1994 that was effective in the Blythe/Palo Verde Valley. Therefore, the SIP history for the Blythe/Palo Verde Valley Portion of the MDAQMD is based upon the rules adopted and approved for that portion of Riverside County by SCAQMD.

The SIP history for Rule 442 in Riverside County remains the same up until early 1978. As of January 1, 1978 the non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties were allowed to "opt in" to SCAQMD (Cal. Stats. 1977 Ch. 1195 pg. 4005). Both Los Angeles and Riverside Counties did so. SCAQMD had amended Rule 442 on

September 2, 1977 and upon "opt in" by Riverside County in early 1978 this version became the effective version in the non-SCAB areas of Riverside County. Rule 442 was subsequently amended on March 3, 1978 and June 6, 1979. These versions were submitted as SIP revisions and USEPA approved the 1979 version on September 28, 1981 (46 FR 47451, 40 CFR 52.220(c)(58)(ii)(B)). SCAQMD thereafter amended the Rule on March 5, 1982 and USEPA approved that version on November 16, 1983 (48 FR 52054, 40 CFR 52.220(c)(125)(ii)(D)). SCAQMD took no other action on Rule 442 prior to the Palo Verde/Blythe area of Riverside County joining the MDAQMD. Therefore, the version in the SIP for the Riverside County portion of the MDAQMD is the March 5, 1982 SCAQMD version.

2. SIP Analysis.

The District will request CARB to submit the proposed amendments to Rule 442 to replace the SIP versions in effect in the San Bernardino County portion of the MDAB and the Blythe/Palo Verde Valley portion of Riverside County. This submission is necessary because there are two different SIP versions currently in effect within the MDAQMD. In addition, the proposed amendments will update the rule to current terminology. Since emissions limits remain the same the net result of this SIP submission will be to reduce confusion and increase enforceability.

Appendix "A" Rule 442 - Usage of Solvents Iterated Version

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

- 1. <u>Underlined text</u> identifies new or revised language.
- 2. <u>Lined out text</u> identifies language which is being deleted.
- 3. Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.
- 4. [Bracketed italicized text] is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

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(Adopted: 5/7/76; CARB Ex. Ord. G-73: 02/01/77; Readopted: 07/25/77; Amended: 02/20/79; Amended:

Rule 442 Usage of Solvents

- (a) A person shall not discharge organic materials into the atmosphere from equipment in which organic solvents or materials containing organic solvents are used, unless such emissions have been reduced by at least 85% or to the following: [Moved to (C)(1) and (E)(1)]
 - (1) Organic materials that come into contact with flame or are baked, heat cured or heat polymerized, are limited to 1.4 kilograms (3.1 pounds) per hour not to exceed 6.5 kilograms (14.3 pounds) per day. [Provisions covered by other source specific Rules in Regulation IV and XI]

(A) General

(1) Purpose

- (a) To reduce volatile organic compound (VOC) emission from VOC containing materials or equipment which is not subject to VOC limits of any rule found in District Regulation XI Source Specific Standards.

 [Derived from SCAQMD Rule 442(a)]
- (b) To provide emissions limits for the use of organic solvents which are not $\underline{\text{VOCs.}}$ [Included to continue to allow limitation found in (C)(1)(b)]
- Organic materials emitted into the atmosphere from the use of photochemically reactive solvents are limited to 3.6 kilograms (7.9 pounds) per hour, not to exceed 18 kilograms (39.6 pounds) per day, except as provided in subsection (a)(1). All organic materials emitted for a drying period of 12 hours following their application shall be included in this limit. [Moved to (C)(1)(a)]

(2) Applicability

- (a) This rule applies to any person using VOC containing materials or
 Emissions Unit which is not subject to the VOC limits of any other rule
 found in District Regulation IV Prohibitions or in any rule found in the
 District Regulation XI Source Specific Standards. [Derived from
 SCAQMD Rule 442(b)]
 - (i) VOC containing materials include, but are not limited to; coatings, resins, adhesives, inks, solvents, thinners, diluents, mold seal and release compounds, lubricants, cutting oils and quenching oils.

 [Derived from SCAQMD 442(b)]

Usage of Solvents D3: 01/03/06

- (b) This rule applies to any person using a Non-VOC organic solvent and which is not subject to the limits of any other rule found in District

 Regulation IV Prohibitions or in any rule found in District Regulation

 XI Source Specific Standards. [Included to continue to allow limitation found in (C)(1)(b)]
- (3) Through and including November 30, 1980, organic materials emitted into the atmosphere from the use of non-photochemically reactive solvents are limited to 180 kilograms (396 pounds) per hour not to exceed 1350 kilograms (2970 pounds) per day, except as provided in subsection (a)(1). All organic materials emitted for a drying period of 12 hours following their application shall be included in this limit. [Provision expired by its own terms.]
- (4) On and after December 1, 1980, organic materials emitted into the atmosphere from the use of non-photochemically reactive solvents are limited to 36.8 kilograms (81 pounds) per hour not to exceed 272 kilograms (600 pounds) per day, effective December 1, 1980. [Moved to (C)(1)(b)(i)]
 - All organic materials emitted for a drying period of 12 hours following their application shall be included in this limit. [$Moved\ to\ (C)(1)(b)(i)$]
- (5) The provisions of subsection (a)(4) shall not apply to:
 - (A) Coating application to aerospace subassemblies or assemblies prior to March 3, 1983, provided the emission of organic materials from the use of non-photochemically reactive solvents if limited to 100 kilograms (220 pounds) per hour not to exceed 600 kilograms (1320 pounds) per day, effective December 1, 1980. [Provision expired by its own terms.]
 - (B) Use of undertread cementers in tire manufacturing processes prior to March 3, 1983, provided the emission of organic materials from the use of undertread cementers is limited to 180 kilograms (396 pounds) per hour not to exceed 1350 kilograms (2970 pounds) per day. [Provision expired by its own terms.]
 - (C) Any primer or topcoat application line of a motor vehicle or motor vehicle component production line for a light or medium duty vehicle (as defined in Section 1900, Title 13, California Administration Code) prior to March 3, 1983, provided the emissions of organic materials from the use of non-photochemically reactive solvents is limited to 180 kilograms (396 pounds) per hour not to exceed 1350 kilograms (2970 pounds) per day. [Provision expired by its own terms.]
- (6) A person operating equipment which is subject to the provisions of subsection (a)(4) shall comply with the following increments of progress: [Provision expired by its own terms.]

- (A) Submit by (DA + 3 months)* to the Air Pollution Control Officer a control plan which describes the steps that will be taken to achieve compliance with the provisions of this rule. [Provision expired by its own terms.]
- (B) By (DA + 6 months) negotiate and sign all necessary contracts for emission control systems or issue orders for the purchase of component parts to accomplish emission control. [Provision expired by its own terms.]
- (C) By (DA + 13 months) initiate construction or installation of emission control equipment. [Provision expired by its own terms.]
- (D) By (DA + 24 months) complete construction or installation of emission control equipment. [Provision expired by its own terms.]
- (E) By (DA + 30 months) assure final compliance with the provisions of subsection (a)(4) of this rule. [Provision expired by its own terms.]
- * DA means date of adoption of rule.
- (b) Equipment designed for processing in a continuous web, strip or wire which emit organic materials shall be collectively subject to the limitations stated in subsection (a)(1). [Provision removed as unnecessary]

(B) Definitions

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

- (1) Aerosol Product A hand held, non-refillable container that expels pressurized materials by means of a propellant-induced force. [Derived from SCAQMD Rule 442(c)(1)]
- (2) California Air Resources Board (CARB) The California State Air Resources

 Board the powers and duties of which are described in Part 2 of Division 26 of the
 California Health & Safety Code (commencing with section 39500). [Derived from Rule 1301(L)]
- (3) District The Mojave Desert Air Quality Management District the geographical area of which is described in District Rule 103. [Derived from Rule 1301(S)]
- (4) Emissions Unit Any article, machine, equipment contrivance or combination thereof which emits or has the potential to emit any Regulated Air Pollutant.

 [Derived from Rule 1301(W)]
- (5) Facility Any structure, building, Emissions Unit, combination of Emissions

 Units or installation which emits or may emit a Regulated Air Pollutant and which are:

Usage of Solvents D3: 01/03/06

MDAQMD Rule 442

- (a) Located on one or more contiguous or adjacent properties within the District;
- (b) Under the control of the same person (or by persons under common control);
- (c) Belong to the same industrial grouping, as determined by gbeing within the same two digit Standard Industrial Classification Code (SICC).
- (d) For the purpose of this Rule, such above-described grouping, remotely located but connected only by land carrying a pipeline, shall not be considered one Facility.

[Derived from Rule 1301(FF)

- (6) Regulated Air Pollutant Any of the following:
 - (a) Any air pollutant and its precursors for which an Ambient Air Quality Standard has been promulgated.
 - (b) Any air pollutant that is subject to a standard under 42 U.S.C. §7411,

 Standards of Performance for New Stationary Sources (Federal Clean Air Act §111) or the regulations promulgated thereunder.
 - (c) Any substance which has been designated a Class I or Class II substance under 42 U.S.C. §7671a (Federal Clean Air Act §602) or the regulations promulgated thereunder.
 - (d) Any air pollutant subject to a standard or other requirement established pursuant to 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §1112) or the regulations promulgated thereunder.

[Derived from Rule 1301(AAA)]

- (7) South Coast Air Quality Management District (SCAQMD) The local air district created pursuant to Division 26, Part 3, Chapter 5.5 of the Health & Safety Code (commencing with §40400). [Derived from Health & Safety Code §39052.5]
- (8) United States Environmental Protection Agency (USEPA) The United States

 Environmental Protection Agency, the Administrator of the USEPA and his or her

 authorized representative. [Derived from Rule 1301(GGG)]
- (9) Volatile Organic Compound (VOC) Any volatile compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate and those compounds listed in 40 CFR 51.100(s)(1). [Derived from Rule 1301(HHH)]

- (c) Emissions of organic materials into the atmosphere required to be controlled by subsection (a) shall be reduced by:
 - (1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to non-organic materials, [Moved to (C)(2)]

(C) Requirements

- (1) Emission Limitations
 - (a) A person shall not discharge VOCs into the atmosphere from all VOC containing materials, Emissions Units, equipment or processes subject to this rule, in excess of 540 kilograms (1,190 pounds) per month per Facility. [Converted 18 kg per day to monthly limit]
 - (i) Compliance with the provisions of subsection (C)(1)(a) above may be obtained through use of any of the following or any combination thereof:
 - a. Product reformulation or substitution;
 - b. Process changes;
 - c. Improvement of operational efficiency;
 - d. Development of innovative technology;
 - e. Installation of a control device operated in accordance with section (C)(2) below.

[Derived from SCAQMD 442 (d)(2-3)]

- (b) A person shall not discharge into the atmosphere a non-VOC organic solvent in excess of 272 kilograms (600 pounds) per day as calculated on a thirty (30) day rolling average. [Moved and modified from (a)(4)]
 - (i) For purposes of this subsection, discharge shall include a drying period of 12 hours following the application of such non--VOC solvents. [Moved and modified from (a)(4)]
- (2) Incineration, provided that the concentration of organic material following incineration is less than 50 ppm, calculated as carbon and with no dilution, or
- (2) Control Equipment
 - (a) A person may comply with the provisions of (C)(1) above by using a VOC emission collection and control system that reduces overall emissions by eighty-five percent (85%) as follows: [Moved and modified from (a)(1), (e) and (f)]

MDAQMD Rule_442 Usage of Solvents D3: 01/03/06

- (i) The system shall capture at least ninety percent (90%), by weight, of the emissions generated by the Emissions Unit, material or operation and [Moved and modified from (c)(1)]
 - a. Have a destruction efficiency of at least ninety-five percent (95%), by weight; or
 - b. Have an output of less than fifty parts per million(50 PPM) calculated as carbon with no dilution.
- (3) Adsorption, or [Removed as unnecessary, automatically covered by (C)(2)(a)]
- (3) Storage and Disposal
 - (a) All VOC containing materials subject to this rule, whether in its form for intended use or as a waste or used product, shall be stored in non-absorbent, non-leaking containers which shall be kept closed at all times, except when filling or emptying, and disposed of in a manner to prevent evaporation of VOCs into the atmosphere at the Facility.
- (4) Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (3) above.
- (d) A person shall not use any organic solvent containing a total of 4 percent or more by volume of the materials described in Rule 102 under PHOTOCHEMICALLY REACTIVE SOLVENT for the commercial cleaning of garments and fabrics unless the emission of organic materials into the atmosphere has been reduced by at least 90 percent by weight. [Removed as unnecessary. Covered by Dry Cleaning ATCM.]

(D) Exemptions

- (1) The provisions of this rule shall not apply to: [Moved from (h)]
 - (a) The manufacture, transport or storage of organic solvents, or the transport or storage of materials containing organic solvents. [Moved and modified from (h)(1)]
 - (b) The emissions of VOCs from VOC-containing materials or equipment which are subject to other Regulation IV rules or which are exempt from air pollution control requirements by such rules. [Moved and modified from (h)(2)]
 - (c) The use of pesticides including insecticides, rodenticides or herbicides. [Moved and modified from (h)(3)]
 - (d) The use of 1,1,1 trichloroethane, methylene chloride and trichlorotrifluroethane. [Moved from (h)(8)]
 - (e) Aerosol products [Covered by CARB consumer products regulations]

- (e) A person shall not use photochemically reactive solvent to thin, reduce or dilute industrial and commercial metal surface coatings unless the emission of organic materials in to the atmosphere has been reduced by at least 85 percent by weight. [Moved to (C)(2)(a)]
- (E) Monitoring, Recordkeeping and Reporting
 - (1) Usage records for all VOC-containing materials subject to this Rule shall be maintained on a daily basis and shall include but not be limited to: [Derived from SCAQMD 442(g) and SCAQMD 109(c)(1)]
 - (a) The amount, type and VOC content of each solvent used; and
 - (b) The method of application and substrate type; and
 - (c) The permit units involved in the operation (if any)
 - (2) Such records shall be retained for two years and shall be made available upon request. [Derived from SCAQMD Rule 442(g)]
- (f) A person shall not use photochemically reactive solvent in industrial and commercial surface cleaning or degreasing operations unless the emission of organic materials into the atmosphere has been reduced by at least 85 percent by weight [Moved to (C)(2)(a)]
- (F) Test Methods
 - (1) For the purpose of this rule, the following test methods shall be used:
 - (a) Determination of VOC Content in Solvent-containing materials
 - The VOC content of VOC-containing materials subject to the provisions of this rule shall be determined by USEPA Reference Method 24 (Code of Federal Regulations, Title 40, Part60, Appendix A).
 - (ii) The exempt compounds' content shall be determined by SCAQMD

 Method 303 Determination of Exempt Compounds or Method
 304 Determination of Volatile Organic Compounds (VOC) in

 Various Materials contained in the SCAQMD "Laboratory
 Methods of Analysis for Enforcement Samples" manual.
 - (iii) The following classes of Exempt Perfluorocarbon 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; and sulfur-containing
 perfluorocarbons with no unsaturations and with sulfur bonds only
 to carbon and fluorine, will be analyzed as exempt compounds for
 compliance with Section (C)(1), only when manufacturers specify
 which individual compounds are used in the solvent formulation

MDAQMD Rule_442 Usage of Solvents D3: 01/03/06 and identify the USEPA, CARB, and the District approved test methods used to quantify the amount of each exempt compound.

- (b) Determination of Presence of VOC in Clean-up Materials
 - (i) The presence of VOC in the headspace over the cleaning material shall be determined by SCAQMD Method 313 Determination of Volatile Organic Compounds (VOC) by Gas Chromatography/
 Mass Spectrometry (GC/MS) contained in the SCAQMD

 "Laboratory Methods of Analysis for Enforcement Samples"
 manual.
- (c) Determination of Efficiency of Emission Control Systems
 - (i) The capture efficiency of the capture system for purposes of determining overall efficiency shall be determined by verifying the use of a permanent total enclosure and 100% capture efficiency as defined by USEPA Method 204 Criteria for and Verification of a Permanent or Temporary Total Enclosure."
 - (ii) Alternatively, if a USEPA Method 204 defined permanent total enclosure is not employed, capture efficiency shall be determined using a minimum of three sampling runs subject to data quality criteria presented in the USEPA *Guidelines for Determining*Capture Efficiency, January 9, 1995."
 - (iii) Individual capture efficiency test runs subject to the US-EPA technical guidelines shall be determined by the Temporary Total Enclosure approach of USEPA Methods 204 through 204F.
 - (iv) The control device efficiency of an emission control system on a mass emissions basis and the VOC concentrations in the exhaust gases, measured and calculated as carbon, shall be determined by USEPA Test Methods 25, 25A, SCAQMD Method 25.1
 Determination of Total Gaseous Non-Methane Organic Emissions as Carbon, or SCAQMD Method 25.3 Determination of Low Concentration Non-Methane Non-Ethane Organic Compound Emissions from Clean Fueled Combustion Sources, as applicable.
 - (v) USEPA Test Method 18, or CARB Method 422 shall be used to determine emissions of exempt compounds.
 - (vi) The overall efficiency of an emission collection and control system shall be determined using the following equation (all efficiencies expressed in percent):
 - Overall Efficiency = (Capture Efficiency) x (Control Device <u>Efficiency</u>) / 100
- (d) Any other applicable test methods approved by CARB, the USEPA, and the District.

- (2) Multiple Test Methods
 - (a) When more than one test method or set of test methods are specified for any testing, the application of these methods to a specific set of test conditions is subject to approval by the Air Pollution Control Officer.
- (3) All test methods referenced in this section shall be the most recent version as approved by USEPA.
- (4) 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.
- (g) A person shall not during any one day dispose of a total of more than 5 liters (1.3 gallons) of any photochemically reactive solvent, or of any material containing more than 5 liters (1.3 gallons) of any photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere [Removed as unnecessary. More restrictive provisions in (C)(3)(a)]
- (h) The provisions of this rule shall not apply to:
 - (1) The manufacture of organic solvents, or the transport or storage of organic solvents, or the transport or storage of materials containing organic solvents. $[Moved\ to\ (D)(1)(a)]$
 - (2) The use of equipment for which other requirements are specified by Rules 461, 462, 463, and 464 or which are exempt from air pollution control requirements by said rules. [Moved to (D)(1)(b)]
 - (3) The spraying or other employment of organic solvents as insecticides, pesticides or herbicides. [Moved to (D)(1)(c)]
 - (4) The use of water reducible materials, provided that:
 - (a) the volatile content of such material is not photo-chemically reactive and consists of at least 80 percent water by volume, and
 - (b) the organic solvent or any material containing organic solvent does not come into contact with flame. [Covered by change in terminology to VOC.]
 - (5) The use of high solid materials, provided that:
 - (a) the volatile content of such material is not photochemically reactive and does not exceed 20 percent by volume of said material, and
 - (b) more than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

MDAQMD Rule 442

Usage of Solvents

- (c) the organic solvent or any material containing organic solvent does not come into contact with flame. [Covered by change in terminology to VOC.]
- (6) The use of ultra high solid materials, provided that:
 - (a) the volatile content of such material is not photochemically reactive and does not exceed 5 percent by volume of said material, and
 - (b) the organic solvent or any material containing organic solvent does not come into contact with flame. [Covered by change in terminology to VOC.]
- (7) The use of equipment or materials for which other requirements are specified in source specific rules of Regulation XI after the compliance dates specified in such source specific rules. [See (A)(2)(a)]
- (8) The use of 1-1-1 Trichloroethane. [Moved to (D)(1)(a)]

[SIP: Approved 6/9/82, 47 FR 25013, 40 CFR 52.220(c)(51)(xii)(B); Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(ii)(C)]

Appendix "B"Public Notice Documents

- Proof of Publication Daily Press December 23, 2005 1.
- 1. Proof of Publication – Daily Press January 26, 2006

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PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA, County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case Number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

nder penalty of perjury e and correct.
20 05

December 23

This space is the County Clerk's Filing Stamp

FILED
MOJAVE DESERT AQME
CLERK OF THE BOART

JAN 0 3 2006

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Proof of Publication of				
NOTICE OF HEAD	RING			
NOTICE OF HEARING	·			
NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAGMD) will conduct a public hearing on Monday, January 23, 2008 et 1000	·			

am. to consider the proposed amendments of Ruie
442 – Usage of Solvents.

SAID MEARING will be conducted in the Governing Board Chambers located at the MDAGMO offices 14506 Park Avenue, Victorville, CA 92392–2310 where all interesting the same service of persons may be present and heard. Copies of the proposed amendments to Ruie
442 – Usage of Solvents and the MDAGMO offices. Written comments are office and that in the MDAGMO offices. Written comments may be unfailed to Etion Heaston, Deputy APCO at the above office address. Comments must be received no later than January 2, 2005 to be considered. If you have any questions you may contact Roseans Naivar-o-Brasnington at (760) 245-1678, vt. 15706.

The proposed amendments to

The proposed amendments to Rule 442 - Usage of Solvents are administrative in nature and such action is necessary to create harmory and avoid conflict with other MDACMD rules and standardize their format. The proposed amendments change the terminology of the rule to more accurately reflect language that could be used to demonstrate complicance with other District rules. Other provisions being amended are storage and dispensal requirements, record-keeping requirements and certain exemptions.

Pursuant to California Environmental Quality Act (CEQA), the MDAQMD has determined that a Categorical Exemption (Class 8 – 14 Gal. Code Reg. §15308) applies and has prepared a Notice of Exemption for this item.

MICHELE BAIRD
Clerk of the Governing Board
Mojave Desert Air Qualit

Published in the Daily Press December 28, 2005 (F-37)

LGL 202 (12/99)

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA, County of San Bernardino

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case Number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Janua	ary 26	
all in the year	2006	
- `	eclare) under poing is true and	penalty of perjury correct.
Dated this	26th	day
of Janua	ary , 20 Signature Leslie Ja	2pcd>0

This space is the County Clerk's Filing Stamp

FILED MOJAVE DESERT AQMD CLERK OF THE BOARD

JAN 3 1 2006

BY Meso

Proof of Publication of

NOTICE OF HEARING NOTICE OF HEARING NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAGMD) will conduct a public hearing on Monday; February 27, 2006 at 40:00 a.m. to consider, the pro-

ALD HEARING will be contucted in the Governing Coard Chambers located at he MDAGMD offices, 14306 art. Avenue, Victoryllis, CA 2392-2310 where all Interestant Avenue, Victoryllis, CA 2392-2310 where all Interestant Chambers are seen as a company to present and heard. Copies of the proceed amendments to Rule 42 - Usage of Solvents and the Staff Report are on fille and may be obtained from the staff Report are on fille and may be obtained from the most of the Coverning Board the MDAGMD Offices. Owners are seen the seen of the MDAGMD offices of the seen of the MDAGMD offices. Comments must be received in letter than February 13, 2008 to be considered. If you have any quiescons you may contact Rossel.

The proposed amendments to TRUE 442 - Usage of Solvenit Rule 442 - Usage of Solvenit are administrative in nature and such action is necessary of the solvenit Rule 442 - Usage of Solvenit Rules and standardize their conflict with other MDACMI of the charge the eminology of the charge the common that the complete complete complete the charge of the ch

Pursuant to California Erivironmental Quality Act (CEQA), the MDAGMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg. §15308) applies and has prepared a Notice of Exemption

MICHELE BAIRD Clerk of the Governing Board Mojave Desert Air Qualit Management District

oublished in the Daily Press January 28, 2006 (Th-1)

THE PRESS-ENTERPRISE

3512 Fourteenth Street Riverside CA 92501-3878 951-684-1200 951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P.)

Publication(s): Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Rule 442 - Usage of Solvents

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the city of Riverside, County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

01-27-06

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Jan. 27, 2006 At: Riverside, California

MOJAVE DESERT AQMD

14306 PARK AVE ATTN: MICHELE BAIRD VICTORVILLE CA 92392

Ad #: 7428257

PO #:

Agency #:

Ad Copy:

NOTICE OF HEARING
NOTICE IS HEREBY
GIVEN that he Governing
Board of the Mojove Desert
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Appendix "C"Public Comments and Responses

1.	California A	Air Resources	Board (CARB)	comment lette	r dated	January	31,	2006
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STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY AIR RESOURCES BOARD



P. O. Box 2815

Sacramento, California 95812

January 31, 2006

Transmittal of ARB Staff Rule Review Comments

To: Mr. Charles L. Fryxell, Air Pollution Control Officer

Mojave Desert Air Quality Management District

Telephone Number: (661) 723-8070 e-mail: cfryxell@mdagmd.ca.gov

From: Dave Brown, (916) 324-1129

e-mail: dabrown@arb.ca.gov

The following proposed rule, which was the subject of a public hearing to be held by your District Board on January 23, 2006, but which has now been continued to February 27, 2006, was received by us on December 8, 2005, for our review:

Rule 442 Usage of Solvents (for amendment)

We have reviewed the rule and have the comments on the following page. The rule was reviewed by the Stationary Source Division, the Enforcement Division, and the Monitoring and Laboratory Division.

On December 27, 2005, Mr. James McCormack of the Stationary Source Enforcement Section, Fuels & Consumer Products Enforcement Branch, Enforcement Division, discussed our comments with Ms. Karen Nowak of your staff. Ms. Nowak stated that the District would consider incorporating our comments.

If you have any questions about our comments, please contact Mr. Carl Brown, Manager of the Stationary Source Enforcement Section at (916) 323-8417.

Rule review comments are on the following page

Date: January 31, 2006

Air Resources Board Staff Comments on Mojave Desert Air Quality Management District Proposed Rule 442

Rule 442 Usage of Solvents (for amendment)

- 1. <u>Section E(1)</u>: Section E(1) contain requirements for recordkeeping and requires that records be maintained on a daily basis. However, there is no requirement to sign and date the daily records. To improve the enforceability of Rule 442 we recommend that the District include the requirement that the daily records be signed and dated.
- 2. Section E(2): Section E(2) requires that records be retained for two years. It may be more than two years before an inspection of the records can be performed. Also, retaining records for five years is more consistent with the five year record retention requirement for Title V sources. To improve the enforceability of Rule 442, we recommend that the District include the requirement that records be retained for five years.

Response to CARB comments 1 and 2:

Comments noted. The recommended revisions of the recordkeeping requirements are considered to be overly cumbersome for small to medium size sources. The increased recordkeeping stipulations suggested would require additional staff time and resources and may not be feasible for smaller businesses. The increased recordkeeping requirements seem better suited to larger sources. These additional requirements are already included in Title V and are already being implemented by sources subject to Title V. Staff will reanalyze these suggestions the next time the rule is reopened.

Appendix "D"California Environmental Quality Act Documentation

- 1. Notice of Exemption – Riverside County
- 2. Notice of Exemption – San Bernardino County

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Mojave Desert Air Quality Management District 14306 Park Avenue, Victorville, CA 92392

(760) 245-1661 fax (760) 245-2699

(760) 245-1001 Jax (100) 245-252
Visit our web site: http://www.mdaqmd.ca.gov
Charles L. Fryxell, Air Pollution Control Officer
RIVERSIDE COUNTY

NOTICE OF EXEMPTION

City of Adelanto		MAR 08 2006
Town of Apple Valley	To: Clerk/Recorder From: Riverside County 3470 12 th St. Riverside, CA 92501	MAR 0 8 2006 Mojave Desert Air Quality Management District 14306 Park Avenue Victorville, CA 92392 M. Mey Deput
		X MDAQMD Clerk of the Governing Board
City of	Project Title: Proposed amendments to Rule 442	Usage of Solvents
Barstow	Project Location – Specific: The Mojave Desert A Palo Verde Valley portion of Riverside County.	Air Basin portion of San Bernardino County and the
City of Blythe	Project Location - County: San Bernardino and l	Riverside Counties
City of Hesperia	with other District rules. Other provisions being an recordkeeping requirements and certain exemptions	inguage that could be used to demonstrate compliance mended are storage and disposal requirements,
City of Needles	Name of Public Agency Approving Project: Mo (MDAQMD)	jave Desert Air Quality Management Distriction/Nic Determinate. POSTED POSTED
iverules	Name of Person or Agency Carrying Out Project	1 Will 0 0 2009
County of Riverside	Exempt Status: (check one) Ministerial (§§21080(b)(1); 1526 Emergency Project (§§21080(b)(X Categorical Exemption (Class 8;	4): 15269(b)):
County of ian Retnardino	Reasons Why Project is Exempt: The proposed a administrative changes necessary to implement the the California Health and Safety Code.	amendments to Rule 442 - Usage of Solvents, are requirements imposed on MDAQMD by Division 26 of
ity of wentynine laims	Lead Agency Contact Person: Eldon Heaston	Area Code/Telephone/Extension: (760) 245-1661
	SIGNATURE: Eldon Heaston	TITLE: Executive Director
ity of ictorville	: :	DATE:February 27, 2006
own of	DATE RECEIVED FOR FILLING:	



Receipt # 268944

Mojave Desert Air Quality Management District 14306 Park Avenue, Victorville, CA 92392 (760) 245-1661 fax (760) 245-2699

Visit our web site: http://www.mdaqmd.ca.gov

Charles L. Fryxell, Air Pollution Control Officer

NOTICE OF EXEMPTION

CLERK OF THE BOARD

City of

Clerk of the Board

San Bernardino County 385 N. Arrowhead. 2nd Floor San Bernardino, CA 92415

From: Mojave Desert Air Quality

Management District 14306 Park Avenue Victorville, CA 92392 MAR 0 6 2006

COUNTY OF SAN BERNARDINO

X MDAOMD Clerk of the Governing Board

City of Barstow

City of Bivthe

Town of Apple Valley

Project Title: Proposed amendments to Rule 442 - Usage of Solvents

Project Location - Specific: The Mojave Desert Air Basin portion of San Bernardino County and the Palo Verde Valley portion of Riverside County.

Project Location - County: San Bernardino and Riverside Counties

City of Hesperia

Description of Project: Adoption of amendments to Rule 442 - Usage of Solvents, will change the terminology of the rule to more accurately reflect language that could be used to demonstrate compliance with other District rules. Other provisions being amended are storage and disposal requirements, recordkeeping requirements and certain exemptions.

City of

Name of Public Agency Approving Project: Mojave Desert Air Quality Management District

Name of Person or Agency Carrying Out Project: Mojave Desert Air Quality Management District

Exempt Status: (check one)

Ministerial (§§21080(b)(1); 15268); Emergency Project (§§21080(b)(4); 15269(b));

X Categorical Exemption (Class 8; 14 Cal, Code Reg. §15308)

Reasons Why Project is Exempt: The proposed amendments to Rule 442 - Usage of Solvents, are administrative changes necessary to implement the requirements imposed on MDAQMD by Division 26 of the California Health and Safety Code.

Contact Person: Eldon Heaston

Area Code/Telephone/Extension: (760) 245-1661

SIGNATURE:

TITLE: Executive Director

City of Victoryille

February 27, 2006

DATE RECEIVED FOR FILING:

Appendix "E"Bibliography

The following documents were consulted in the preparation of this staff report.

1. SCAQMD Staff Report Proposed Amendments to 442 - November 16, 2000

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Valley

Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392 (760) 245-1661 fax (760) 245-2699

Visit our web site: http://www.mdaqmd.ca.gov

Charles L. Fryxell, Air Pollution Control Office.

NOTICE OF EXEMPTION

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RIVERSIDE		T=
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City of From: Mojave Desert Air Quality Management District Clerk/Recorder To: Riverside County Victorville, CA 92392 3470 12th St. Town of Riverside, CA 92501 Apple Valley X MDAQMD Clerk of the Governing Board Project Title: Proposed amendments to Rule 442 - Usage of Solvents City of Project Location - Specific: The Mojave Desert Air Basin portion of San Bernardino County and the Palo Verde Valley portion of Riverside County. Project Location - County: San Bernardino and Riverside Counties City of Description of Project: Adoption of amendments to Rule 442 - Usage of Solvents, will change the terminology of the rule to more accurately reflect language that could be used to demonstrate compliance with other District rules. Other provisions being amended are storage and disposal requirements, City of Hesperia recordkeeping requirements and certain exemptions. COUNTY CLERK Name of Public Agency Approving Project: Mojave Desert Air Quality Management Distriction/Nic Determination per P.R.C. 21152 POSTED (MDAQMD) City of Needles Name of Person or Agency Carrying Out Project: MDAQMD MAR 08 2006 Exempt Status: (check one) Ministerial (§§21080(b)(1); 15268); County of Riverside Emergency Project (§§21080(b)(4); 15269(b)); Categorical Exemption (Class 8; 14 Cal, Code Reg. §15308) Reasons Why Project is Exempt: The proposed amendments to Rule 442 - Usage of Solvents, are County of administrative changes necessary to implement the requirements imposed on MDAQMD by Division 26 of the California Health and Safety Code. Lead Agency Area Code/Telephone/Extension: (760) 245-1661 Contact Person: Eldon Heaston City of Twentynin TITLE: Executive Director Eldon Heaston City of DATE: February 27, 2006 Victorville DATE RECEIVED FOR FILLING:



Receipt # 268944

Mojave Desert Air Quality Management District 14306 Park Avenue, Victorville, CA 92392

(760) 245-1661 fax (760) 245-2699

Visit our web site: http://www.mdaqmd.ca.gov

Charles L. Fryxell, Air Pollution Control Officer

NOTICE OF EXEMPTION

CLERK OF THE BOARD

City of

To:

Clerk of the Board

San Bernardino County 385 N. Arrowhead. 2nd Floor San Bernardino, CA 92415

Mojave Desert Air Quality

Management District 14306 Park Avenue Victorville, CA 92392 MAR 0 6 2006

COUNTY OF SAN BERNARDINO

DATE FILED & POSTEI

X MDAQMD Clerk of the Governing Board

City of

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City of Hesperia

City of

Apple Valley

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Name of Public Agency Approving Project: Mojave Desert Air Quality Management District

Name of Person or Agency Carrying Out Project: Mojave Desert Air Quality Management District

County of

Riversid

Ministerial (§§21080(b)(1); 15268);

Emergency Project (§§21080(b)(4); 15269(b));

Categorical Exemption (Class 8; 14 Cal, Code Reg. §15308)

County of Bernardine

Reasons Why Project is Exempt: The proposed amendments to Rule 442 - Usage of Solvents, are administrative changes necessary to implement the requirements imposed on MDAQMD by Division 26 of the California Health and Safety Code.

City of Twentynine Polms

Contact Person: Eldon Heaston

Exempt Status: (check one)

Area Code/Telephone/Extension: (760) 245-1661

Executive Director

DATE:

February 27, 2006

City of

DATE RECEIVED FOR FILING:

Town of Valley

Rule in.txt

Subject: Amendment of MDAQMD Rule 442 - Usage of Solvents

Date: Mon, 19 Jun 2006 16:48:15 -0700

From: Roseana Navarro-Brasington <rnbrasington@mdaqmd.ca.gov>

To: dabrown@arb.ca.gov

CC: Steckel.Andrew@epamail.epa.gov

The Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) adopted amendments to Rule 442 - Usage of Solvents on February 27, 2006. Please accept my apologies that it has taken this long to get these documents to you. Attached for your review are the following documents pertaining to the amendment:

- * Rule 442 (clean)
- * Rule 442 iterated version
- * Staff Report
- Proof of Publication
- * Signed Notice of Exemption, Riverside County
- * Signed Notice of Exemption, San Bernardino County
- * Set Date Minute item, Official Copy
- * Adoption Minute item, Official Copy
- * Resolution 06-01, Official Copy
- * CARB Rule Evaluation Form

The Rule is included in the State Implementation Plan (SIP) The MDAQMD is therefore requesting that the California Air Resources Board (CARB) review the amendments to Rule 442 and forward it to the United States Environmental Protection Agency (USEPA) as an amendment to the SIP. Please let me know if you need anything further on this. Thank you for your assistance in this matter.

Roseana Navarro-Brasington Transportation Program Coordinator MDAQMD

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