

Option 2

RESOLUTION NO. 2006-

A Resolution of the Governing Board of the South Coast Air Quality Management District ("AQMD") certifying the Final Environmental Assessment prepared for Proposed Amended Rule 1113.

A Resolution of the AQMD Governing Board adopting Amended Rule 1113 - Architectural Coatings.

WHEREAS, the AQMD Governing Board finds and determines that the proposed amendments to Rule 1113 - Architectural Coatings, are considered a "project" pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and has conducted CEQA review and analysis pursuant to such program (Rule 110); and

WHEREAS, the AQMD staff prepared a program Environmental Assessment (EA) setting forth the potential environmental consequences of adopting Proposed Amended Rule 1113 - Architectural Coatings and was released for a 45-day public review period; and

WHEREAS, the program EA for the 2003 AQMP was incorporated by reference by the Draft EA to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole; and

WHEREAS, it is necessary that the adequacy of the EA be determined by the AQMD Governing Board prior to its certification; and

WHEREAS, two comment letters were received and responses to comments have been prepared and included in the Final EA; the Draft EA has been revised such that it is now a Final EA; and

WHEREAS, the Final EA has been completed in compliance with CEQA and Rule 110 except for exercising enforcement discretion for interior nonflat coatings, interior floor coatings; interior primers, sealers, undercoaters; interior quick-dry primers, sealers, undercoaters; interior quick-dry enamels and for varnish and sanding sealers in containers greater than one quart; and

WHEREAS, the Final EA concluded that the proposed project resulted in significant air quality impacts, and no feasible mitigation measures were identified to reduce adverse air quality impacts to less than significant; and

WHEREAS, a Statement of Findings and Overriding Considerations pursuant to CEQA Guidelines §15091 and §15093, respectively, have been prepared

since the remaining air quality impacts will be significant and included as Attachment 1 of this resolution; and

WHEREAS, the staff report, the Final EA and the Socioeconomic Impact Analysis, this June 2, 2006 Board letter, and other supporting documentation was presented to the AQMD Governing Board and that the Board has reviewed and considered the entirety of this information prior to approving the project; and

WHEREAS, the AQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Sections 39002, 40000, 40001, 40440, 40441, 40702, and 41508 of the California Health and Safety Code; and

WHEREAS, the AQMD Governing Board has determined that a need exists to postpone the public hearing to amend Rule 1113 - Architectural Coatings to September 8, 2006; and

WHEREAS, the AQMD Governing Board has determined that Rule 1113 - Architectural Coatings, as proposed to be amended, is written and displayed so that its meaning can be easily understood by persons directly affected by them; and

WHEREAS, the AQMD Governing Board has determined that Rule 1113 - Architectural Coatings, as proposed to be amended, is in harmony with, and not in conflict with, or contradictory to, existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the AQMD Governing Board has determined that Rule 1113 - Architectural Coatings, as proposed to be amended, does not impose the same requirements as any existing state or federal regulation, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the AQMD; and

WHEREAS, the AQMD Governing Board in amending the regulation, references the following statutes which the AQMD hereby implements, interprets or makes specific: Health and Safety Code Sections 40001 (a) (air quality standards), 40440(a) (rules to carry out plan), 40440 (b) (BARCT), 40440 (c) (cost effectiveness), 40702 (adopt regulation to execute duties), and Federal Clean Air Act Sections 116 and 172 (c)(1); and

WHEREAS, the AQMD specifies the manager of Rule 1113 as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this proposed amendment is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California.

NOW, THEREFORE BE IT RESOLVED that the AQMD Governing Board does hereby approve the written responses to the comments to the Draft EA, and certify the Final EA for Proposed Amended Rule 1113 - Architectural Coatings except for interior nonflat; interior floor coatings; interior primers, sealers, undercoaters; interior

quick-dry primers, sealers, undercoaters; interior quick-dry enamels and for varnish and sanding sealers in containers greater than one quart, which was completed in compliance with CEQA and Rule 110 provisions; and find that the Final EA was presented to the AQMD Governing Board, whose members reviewed, considered, and approved the information therein; and

BE IT FURTHER RESOLVED, that the AQMD Governing Board amends the effective date for the July 1, 2006 emission limits in Rule 1113 - Architectural Coatings until October 6, 2006, except for interior nonflats; interior floor coatings; interior primers, sealers, undercoaters; interior quick-dry primers, sealers, undercoaters; and interior quick-dry enamels and for varnish and sanding sealers in containers greater than one quart; and

BE IT FURTHER RESOLVED, that the AQMD Governing Board directs the Executive Officer to exercise enforcement discretion with regard to the supplying, selling, offering for sale, manufacturing, blending, repackaging and the use of architectural coating categories where new limits take effect on July 1, 2006, for interior nonflat; interior floor coatings; interior primers, sealers, undercoaters; interior quick-dry primers, sealers, undercoaters; interior quick-dry enamels for varnish and sanding sealers in containers greater than one quart until such time as staff has completed the CEQA evaluation and returned with rule amendment recommendations as expeditiously as possible; and

BE IT FURTHER RESOLVED, that the AQMD Governing Board does hereby direct staff to continue to work through the Paint and Coatings Task Force (Ad Hoc Board Committee) to find a resolution to the current dispute with the architectural coatings industry, present a final Ad Hoc Board Committee report at the June 2006 Governing Board hearing; and

BE IT FURTHER RESOLVED, that the AQMD Governing Board directs staff to complete the CEQA evaluation for interior nonflat; interior floor coatings; interior primers, sealers, undercoaters; interior quick-dry primers, sealers, undercoaters; interior quick-dry enamels and for varnish and sanding sealers in containers greater than one quart which have not been analyzed under CEQA and return to the AQMD Governing Board with recommendations as expeditiously as possible; and

BE IT FURTHER RESOLVED, that the AQMD Governing Board does hereby continue the public hearing to consider amendments to Rule 1113 - Architectural Coatings until the September 8, 2006 regular Board meeting.

Attachment

DATE: _____

CLERK OF THE BOARD