

Option 3

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; 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 is included as Attachment 1 of the 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 amend Rule 1113 - Architectural Coatings to achieve further VOC emission reductions for architectural coatings to provide relief to manufacturers, distributors and end uses of architectural coatings by postponing implementation of VOC limits, eliminating future VOC limits and reinstating the exemption for clear wood finishes sold in small containers; 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 Governing Board determines that there is a problem that Proposed Amended Rule 1113 - Architectural Coatings will alleviate, that all manufacturers are not yet able to supply architectural coatings that comply with current or future VOC limits for some coating categories; and

WHEREAS, the AQMD Governing Board has determined that the Socioeconomic Impact Assessment is consistent with the provisions of the March 17, 1989 and October 14, 1994, Board Resolution for rule adoption and Health and Safety Code Sections 40440.8, 40728.5 and 40920.6; and

WHEREAS, the AQMD Governing Board has reviewed and considered the staff's findings related to cost and employment impacts of Proposed Rule 1113 – Architectural Coatings set forth in the socioeconomic impact assessment, and hereby finds and determines that cost and employment impacts are as set forth in that assessment; and

WHEREAS, the AQMD Governing Board has actively considered the Socioeconomic Impact Assessment and has made a good faith effort to minimize such impacts; and

WHEREAS, a public hearing has been properly noticed in accordance with all provisions of Health and Safety Code, Section 40725; and

WHEREAS, the AQMD Governing Board has held a public hearing in accordance with all provisions of law; 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.

WHEREAS, the AQMD Governing Board determines that the VOC emission limits of 100 grams of VOC per liter for industrial maintenance coatings and rust preventative coatings are not feasible by July 1, 2006, but will be feasible by July 1, 2007 ; that the future limits of 100 gram of VOC per liter are not feasible for exterior stains; waterproofing sealers; waterproofing concrete/masonry sealers; specialty primers; exterior primers, sealers, undercoaters; exterior quick-dry primers, sealers, undercoaters and exterior floor coatings; the future limits of 50 grams of VOC per liter for exterior nonflats is not feasible; the future limits of 150 grams of VOC per liter for exterior quick-dry enamels is not feasible; that the 275 grams of VOC per liter for clear wood finishes sold in quart or smaller containers is not feasible and the 50 grams of VOC per liter limit for interior flat coatings is available by July 1, 2007; and

WHEREAS, the AQMD Governing Board finds and determines that alternative measures will be adopted and implemented to eliminate the shortfall in emission reductions by adoption of Proposed Amended Rule – Architectural Coatings on or before July 1, 2008; and

WHEREAS, the AQMD Governing Board finds and determines, taking into consideration the factors in §(d)(4)(D) of the Governing Board Procedures, that the modifications adopted which have been made to Proposed Amended Rule 1113 – Architectural Coatings since notice of public hearing was published do not significantly change the meaning of the proposed amended rule within the meaning of Health and Safety Code §40726 and would not constitute significant new information pursuant to CEQA Guidelines §15088.5; and

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, 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 prior to acting on Proposed Amended Rule 1113 - Architectural Coatings; and

BE IT FURTHER RESOLVED, that the AQMD Governing Board does hereby amend, pursuant to the authority granted by law, Rule 1113 - Architectural Coatings, as set forth in the attached, and incorporated herein by this reference.

Attachment

DATE: _____

CLERK OF THE BOARD