

SWAPCA 493

VOC AREA SOURCE RULES



Effective May 25, 1996

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VOC AREA SOURCE RULES

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SWAPCA 493-100 - CONSUMER PRODUCTS

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

Reserved for adoption by reference of the U.S. Environmental Protection Agency's (EPA) equivalent rule. The EPA proposed rule was published in the federal register on Tuesday, April 2, 1996; Federal Register Vol. 61, No. 64, page 14531; 40 CFR 59, [AD-FRL-5451-7].

SWAPCA 493-200 - SPRAY PAINTS

SWAPCA 493-200-010 Applicability

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) SWAPCA 493-200-010 through 493-200-060 apply to any manufacturer, distributor, retailer or commercial applicator of spray paint for sale or use in the Vancouver AQMA.

SWAPCA 493-200-020 Definitions

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

As used in SWAPCA 493-200:

- (1) **"Adhesive"** means a product used to bond one surface to another.
- (2) **"Anti-Static Spray"** means a product used to prevent or inhibit the accumulation of static electricity.
- (3) **"Art Fixative or Sealant"** means a clear coating, including art varnish, workable art fixative, and ceramic coating, which is designed and labeled exclusively for application to paintings, pencil, chalk, or pastel drawings, ceramic art pieces, or other closely related art uses, to provide a final protective coating or to fix preliminary stages of art work while providing a workable surface for subsequent revisions.
- (4) **"ASTM"** means the American Society for Testing and Materials.
- (5) **"Auto Body Primer"** means an automotive primer or primer surface coating designed and labeled exclusively to be applied to a vehicle body substrate for the purpose of corrosion resistance and building a repair area which can be sanded to a smooth condition after drying.
- (6) **"Automotive Bumper and Trim Product"** means a product, including adhesion promoters and chip sealants, designed and labeled exclusively to repair and refinish automotive bumpers and plastic trim parts.
- (7) **"Automotive Underbody Coating"** means a flexible coating which contains asphalt or rubber and is labeled exclusively for use on the underbody of motor vehicles to resist rust, abrasion and vibration, and to deaden sound.
- (8) **"Aviation Propeller Coating"** means a coating designed and labeled exclusively to provide abrasion resistance and corrosion protection for aircraft propellers.
- (9) **"Aviation or Marine Primer"** means a coating designed and labeled exclusively to meet federal specification TT-P-1757.
- (10) **"Belt Dressing"** means a product applied on auto fan belts, water pump belting, power transmission belting, industrial equipment belting, or farm machinery belting to prevent slipping, and to extend belt life.
- (11) **"Cleaner"** means a product designed and labeled primarily to remove soil or other contaminants from surfaces.
- (12) **"Clear Coating"** means a coating which is colorless, containing resins but no pigments,

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except flattening agents, and is designed and labeled to form a transparent or translucent solid film.

- (13) **"Coating Solids"** means the nonvolatile portion of a spray paint, consisting of the film forming ingredients, including pigments and resins.
- (14) **"Complying Spray Paint"** means a spray paint which complies with the VOC content limits in SWAPCA 493-100-020.
- (15) **"Consumer"** means any person who purchases or acquires any spray paint for personal, family, or household use. Persons acquiring a spray paint product for resale are not considered consumers of that product.
- (16) **"Commercial Applicator"** means any person who purchases, acquires, applies, or contracts for the application of spray paint for commercial, industrial or institutional uses, or any person who applies spray paint in the course of an activity from which compensation is derived.
- (17) **"Corrosion Resistant Brass, Bronze, or Copper Coating"** means a clear coating formulated and labeled exclusively to prevent tarnish and corrosion of uncoated brass, bronze or copper metal surfaces.
- (18) **"Distributor"** means any person who sells or supplies spray paint for the purposes of resale or distribution in commerce. "Distributor" includes activities of a self-distributing retailer related to the distribution of products to individual retail outlets. "Distributor" does not include manufacturers except for a manufacturer who sells or supplies spray paint products directly to a retail outlet. "Distributor" does not include consumers.
- (19) **"Dye"** means a product containing no resins which is used to color a surface or object without building a film.
- (20) **"Electrical Coating"** means a coating designed and labeled to be used exclusively to coat electrical components such as electric motor windings to provide electrical insulation or corrosion protection.
- (21) **"Enamel"** means a coating which cures by chemical cross-linking of its base resin and is not resoluble in its original solvent.
- (22) **"Engine Paint"** means a coating designed and labeled exclusively as such, which is used exclusively to coat engines and their components.
- (23) **"Environmental Protection Agency" or "EPA"** means the United States Environmental Protection Agency.
- (24) **"Exact Match Finish, Automotive"** means a topcoat which meets all of the following criteria:
 - (a) The product is designed and labeled exclusively to exactly match the color of an original, factory-applied automotive coating during the touch-up of automobile finishes;
 - (b) The product is labeled with the original equipment manufacturer's name for which it was formulated; and
 - (c) The product is labeled with one of the following:
 - (1) The original equipment manufacturer's (OEM) color code;
 - (2) The color name; or
 - (3) Other designation identifying the specific OEM color to the purchaser.
 - (d) Notwithstanding subsections (a) through (c) of this section, automotive clear coatings designed and labeled exclusively for use over automotive exact match finishes to replicate the original factory applied finish shall be considered to be automotive exact match finishes.
- (25) **"Exact Match Finish, Engine Paint"** means a coating which meets all of the following

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criteria:

- (a) The product is designed and labeled exclusively to exactly match the color of an original, factory-applied engine paint;
 - (b) the product is labeled with the original equipment manufacturer's name for which it was formulated; and
 - (c) the product is labeled with one of the following:
 - (1) The OEM color code;
 - (2) The color name; or
 - (3) Other designation identifying the specific OEM color to the purchaser.
- (26) **"Exact Match Finish, Industrial"** means a coating which meets all of the following criteria:
- (a) The product is designed and labeled exclusively to exactly match the color of an original, factory-applied industrial coating during the touch-up of manufactured products;
 - (b) The product is labeled with the original equipment manufacturer's name for which it was formulated; and
 - (c) The product is labeled with one of the following:
 - (1) The OEM color code;
 - (2) The color name; or
 - (3) Other designation identifying the specific OEM color to the purchaser.
- (27) **"Exempt compounds"** means compounds of carbon specifically excluded from the definition of VOC.
- (28) **"Flat Paint Product"** means a coating which, when fully dry, registers specular gloss less than or equal to 15 on an 85° gloss meter, or less than or equal to 5 on a 60° gloss meter, or which is labeled as a flat coating.
- (29) **"Flattening Agent"** means a compound added to a coating to reduce the gloss of the coating without adding color to the coating.
- (30) **"Floral Spray"** means a coating designed and labeled exclusively for use on fresh flowers, dried flowers, or other items in a floral arrangement for the purpose of coloring, preserving or protecting their appearance.
- (31) **"Fluorescent Coating"** means a coating labeled as such which converts absorbed incident light energy into emitted light of a different hue.
- (32) **"Glass Coating"** means a coating designed and labeled exclusively to be applied to glass or other transparent material, to create a soft, translucent light effect, or to create a tinted or darkened color while retaining transparency.
- (33) **"Ground/Traffic Marking Coating"** means a coating designed and labeled exclusively to be applied to dirt, gravel, grass, concrete, asphalt, warehouse floors, or parking lots. Such coatings must be in a container equipped with a valve and sprayhead designed to direct the spray downward when the can is held in an inverted position.
- (34) **"High Temperature Coating"** means a coating, excluding engine paint, which is designed and labeled exclusively for use on substrates which will, in normal use, be subjected to temperatures in excess of 400 degrees Fahrenheit.
- (35) **"Hobby/Model/Craft Coating"** means a coating which is designed and labeled exclusively for hobby applications and is sold in aerosol containers of 6 ounces in weight or less.
- (36) **"Ink"** means a fluid or viscous substance used in the printing industry to produce letters, symbols or illustrations, but not to coat an entire surface.
- (37) **"Lacquer"** means a thermoplastic film-forming finish dissolved in organic solvent, which dries primarily by solvent evaporation, and is resolvable in its original solvent.

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- (38) **"Layout Fluid" or "Toolmaker's Ink"** means a coating designed and labeled exclusively to be sprayed on metal, glass or plastic, to provide a glare-free surface on which to scribe designs, patterns or engineering guide lines prior to shaping the piece.
- (39) **"Leather Preservative"** means a leather treatment material applied exclusively to clean, condition or preserve leather.
- (40) **"Lubricant"** means a substance such as oil, petroleum distillates, grease, graphite, silicone, lithium, etc., that is applied to surfaces to reduce friction, heat, or wear when applied between surfaces.
- (41) **"Manufacturer"** means the company, firm or establishment which is listed on the product container or package. If the product container or package lists two companies, firms or establishments, the manufacturer is the party which the product was "manufactured for" or "distributed by", as noted on the product container or package.
- (42) **"Marine Spar Varnish"** means a coating designed and labeled to be exclusively used as a protective sealant for marine wood products.
- (43) **"Maskant"** means a coating applied directly to a component to protect surfaces during chemical milling, anodizing, aging, bonding, plating, etching, or other chemical operations.
- (44) **"Metallic Coating"** means a topcoat which contains at least 0.5 percent by weight elemental metallic pigment in the formulation, including propellant, and is labeled as "metallic", or with the name of a specific metallic finish such as "gold", "silver", or "bronze".
- (45) **"Mold Release"** means a coating applied to molds to prevent products from sticking to mold surfaces.
- (46) **"Multi-Component Kit"** means a spray paint system which requires the application of more than one component, (e.g. foundation coat and top coat), where both components are sold together in one package.
- (47) **"Noncomplying spray paint"** means a spray paint which does not comply with the VOC content limits in SWAPCA 493-200-030.
- (48) **"Non-Flat Paint Product"** means a coating which, when fully dry, registers a specular gloss greater than 15 on an 85° gloss meter or greater than 5 on a 60° gloss meter.
- (49) **"Photograph Coating"** means a coating designed and labeled exclusively to be applied to finished photographs to allow corrective retouching, protection of the image, changes in gloss level, or to cover fingerprints.
- (50) **"Pleasure Craft"** means privately owned boats used for noncommercial purposes.
- (51) **"Pleasure Craft Finish Primer/Surface/Undercoat"** means any coating designed and labeled exclusively to be applied before the application of a pleasure craft topcoat for the purpose of corrosion resistance and adhesion of a topcoat, and which promotes a uniform surface by filling in surface imperfections.
- (52) **"Pleasure Craft Topcoat"** means a coating designed and labeled exclusively to be applied to a pleasure craft as a final coat above the water line and above and below the water line when stored out of water. This category does not include clear coatings.
- (53) **"Primer"** means a coating labeled as such, which is designed to be applied to a surface to promote a bond between that surface and subsequent coats.
- (54) **"Propellant"** means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or other material from a container.
- (55) **"Retailer"** means any person who sells, supplies, or offers spray paint for sale directly to consumers or commercial applicators.
- (56) **"Retail Outlet"** means any establishment where spray paints are sold, supplied, or offered for sale directly to consumers or commercial applicators.

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- (57) **"Rust Converter"** means a product which is designed and labeled exclusively to convert rust to an inert material, and which has a minimum acid content of 0.5 percent by weight, and which has a maximum coating solids content of 0.5 percent by weight.
- (58) **"Shellac Sealer"** means a clear or pigmented coating formulated solely with the resinous secretion of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.
- (59) **"Slip-Resistant Coating"** means a coating designed and labeled exclusively as such which is formulated with synthetic grit, and used as a safety coating.
- (60) **"Spatter Coating/Multicolor Coating"** means a coating labeled exclusively as such in which spots, globules, or spatters of contrasting colors appear on or within the surface of a contrasting or similar background.
- (61) **"Spray Paint"** means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.
- (62) **"Spray Paint Category"** means the applicable category which best describes a spray paint listed in SWAPCA 493-200-030.
- (63) **"Stain"** means a coating labeled as such which is designed and labeled to change the color of a surface without concealing the surface from view.
- (64) **"SWAPCA"** means the Southwest Air Pollution Control Authority.
- (65) **"Topcoat"** means a coating applied over any coating, for the purpose of appearance, identification, or protection.
- (66) **"Vancouver Air Quality Maintenance Area" or "Vancouver AQMA"** is the Vancouver portion of the Portland-Vancouver Interstate Nonattainment Area for Ozone as defined in the Washington State Implementation Plan. The Vancouver AQMA includes the southern portion of Clark County, Washington.
- (67) **"Vinyl/Fabric/Polycarbonate Coating"** means a coating designed and labeled exclusively to coat vinyl, fabric, or polycarbonate substrates.
- (68) **"Volatile Organic Compound" or "VOC"** means those compounds of carbon defined in SWAPCA 400-030(89). For purposes of determining compliance with VOC content limits, VOC shall be measured by an applicable method identified in SWAPCA 493-200-060.
- (69) **"VOC Content"** means the ratio of the weight of VOC to the total weight of the product contents expressed as follows:

$$\text{VOC Content} = W_{\text{VOC}}/W_{\text{TOTAL}} \times 100$$

Where:

W_{VOC} = the weight of volatile organic compounds; and

W_{TOTAL} = the total weight of the product's contents.

- (70) **"Webbing/Veiling Coating"** means a spray product designed and labeled exclusively to produce a stranded or spider-webbed decorative effect.
- (71) **"Weld-Through Primer"** means a coating designed and labeled exclusively to provide a bridging or conducting effect to provide corrosion protection following welding.
- (72) **"Wood Stain"** means a coating which is formulated to change the color of a wood surface without concealing the surface from view.
- (73) **"Wood Touch-Up/Repair/Restoration Coatings"** means coatings designed and labeled

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exclusively to provide an exact color or sheen match on finished wood products.

SWAPCA 493-200-030 Spray Paint Standards and Exemptions

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) General Requirements. Where required by SWAPCA 493-200-040, spray paint shall not exceed the VOC content limits in Table C, as modified by the special conditions and exemptions in SWAPCA 493-200-030(2) and SWAPCA 493-200-030(3).

Table C

SPRAY PAINT VOC CONTENT LIMITS

<u>Spray Paint Category</u>	<u>VOC Content Percent-by-weight</u>
General Coatings	
Clear Coating	67.0
Flat Paint Products	60.0
Fluorescent Coatings	75.0
Lacquer Coating Products	80.0
Metallic Coating	80.0
Non-Flat Paint Products	65.0
Primer	60.0
Specialty Coatings	
Art Fixative or Sealant	95.0
Auto Body Primer	80.0
Automotive Bumper and Trim Products	95.0
Aviation or Marine Primer	80.0
Aviation Propeller Coating	84.0
Corrosion Resistant Brass, Bronze, or Copper Coatings	92.0

Table C (continued)

<u>Spray Paint Category</u>	<u>VOC Content Percent-by-weight</u>
Specialty Coatings (cont.)	
Exact Match Finish	
Engine Enamel	80.0
Automotive	88.0
Industrial	88.0

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Floral Spray	95.0
Glass Coating	95.0
Ground Traffic Marking Coating	66.0
High Temperature Coating	80.0*
Hobby/Model/Craft Coating	
Enamel	80.0
Lacquer	88.0
Clear or Metallic	95.0
Marine Spar Varnish	85.0
Photograph Coating	95.0
Pleasure Craft Finish Primer	75.0
Surface or Undercoater	
Pleasure Craft Topcoat	80.0
Shellac Sealer	
Clear	88.0
Pigmented	75.0
Slip-Resistant Coating	80.0
Spatter/Multicolor Coating	80.0
Vinyl/Fabric/Polycarbonate Coating	95.0
Webbing/Veil Coating	90.0
Weld-Through Primer	75.0
Wood Stains	95.0
Wood Touch-Up, Repair, or Restoration Coatings	95.0

*The VOC limit for High Temperature Coatings shall be 88.0% until July 1, 1999, after which the 80.0% limit shall apply.

- (2) Special Conditions. The following conditions shall apply to spray paint subject to VOC content limits under SWAPCA 493-200-030(1):
 - (a) The total weight of VOC contained in a multi-component kit shall not exceed the total weight of VOC that would be allowed in the multi-component kit had each component product met the applicable VOC standards.
 - (1) Except as provided in SWAPCA 493-200-030(2)(b)(B) if anywhere on the principal display panel of any spray paint or in any promotion of the product, any representation is made that the product may be used as, or is suitable for use as a spray paint for which a lower VOC standard is specified in SWAPCA 493-200-030(1), then the lower VOC standard shall apply.
 - (2) If a spray paint is subject to both a general coating limit and a specialty coating limit under SWAPCA 493-200-030(1), and the product meets all the criteria of the applicable specialty coating category as specified in SWAPCA 493-200-020, then the specialty coating limit shall apply instead of the general coating limit.
- (3) Exemption. SWAPCA 493-200-030(1) shall not apply to aerosol lubricants, mold releases, automotive underbody coating, electrical coatings, cleaners, belt dressings, anti-static sprays, layout fluids and removers, adhesives, maskants, rust converters, dyes, inks, leather preservatives, or spray paint assembled by adding bulk paint to aerosol containers of propellant and solvent used for minor finish repairs during the original manufacture of products.

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SWAPCA 493-200-040 Requirements for Manufacture, Sale and Use of Spray Paint

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) **Manufacturers.** Except as provided in SWAPCA 493-200-040(6), any person who manufactures spray paint after July 1, 1996 which is sold, offered for sale, supplied or distributed, directly or indirectly, to a retail outlet in the Vancouver AQMA shall:
 - (a) Manufacture complying spray paint for spray paint marketed in the Vancouver AQMA;
 - (b) Clearly display the following information on each product container such that it is readily observable upon hand-held inspection without removing or disassembling any portion of the product container or packaging:
 - (1) The maximum VOC content of the spray paint, expressed as a percentage by weight;
 - (2) The spray paint category as defined in SWAPCA 493-200-020, or an abbreviation of the spray paint category; and
 - (3) The date on which the product was manufactured, or a code indicating such date; and
 - (c) Notify direct purchasers of products manufactured for sale within the Vancouver AQMA upon determining that any noncomplying spray paint has been supplied in violation of this rule.
- (2) **Distributors.** Except as provided in SWAPCA 493-200-040(6), any distributor of spray paint manufactured after July 1, 1996 which is sold, offered for sale, supplied or distributed to a retail outlet within the Vancouver AQMA shall:
 - (a) Distribute to the Vancouver AQMA only spray paints are labeled as required under subsection SWAPCA 493-200-040(1)(b);
 - (b) Distribute to the Vancouver AQMA only spray paints labeled with VOC contents that meet the VOC limits specified in SWAPCA 493-200-030; and
 - (c) Notify direct purchasers of products distributed for sale within the Vancouver AQMA upon determining that any noncomplying spray paint has been supplied in violation of this rule.
- (3) **Retailers.**
 - (a) Except as provided in SWAPCA 493-200-040(6), no retailer shall knowingly sell within the Vancouver AQMA any noncomplying spray paint manufactured after July 1, 1996.
 - (b) Upon notification by SWAPCA, a manufacturer, or a distributor that any noncomplying spray paint has been supplied, a retailer shall remove noncomplying spray paint from consumer-accessible areas of retail outlets within the Vancouver AQMA.
- (4) **Commercial Applicators.** Except as provided in SWAPCA 493-200-040(6), no commercial applicator shall, within the Vancouver AQMA, knowingly use or contract for the use of any noncomplying spray paint manufactured after July 1, 1996.
- (5) **Label Alteration.** No person shall remove, alter, conceal or deface the information required in SWAPCA 493-200-040(1)(b) prior to final sale of the product.
- (6) **Exception.** For spray paint which has been granted a compliance extension under SWAPCA 493-500-020, SWAPCA 493-200-040 applies to spray paint manufactured after the date specified in the compliance extension.

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SWAPCA 493-200-050 Recordkeeping and Reporting Requirements

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) **Recordkeeping.** Manufacturers subject to SWAPCA 493-200-040 shall maintain the following records for at least 2 years after a product is sold, offered for sale, supplied or distributed by the manufacturer, directly or indirectly, to a retail outlet in the Vancouver AQMA:
 - (a) VOC content records of spray paint based methods provided in SWAPCA 493-200-060;
 - (b) An explanation of any code indicating the date of manufacture of any spray paint; and
 - (c) Information used to substantiate an application for a compliance extension SWAPCA 493-500-020;
- (2) **Reporting.** Following request and within a reasonable period of time, records specified in SWAPCA 493-200-050(1) shall be made available to SWAPCA.
- (3) **Exemption from disclosure.** If a person claims that any Records or Information, as defined in RCW 70.94.205 "Confidentiality of records and information", is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the procedures specified in SWAPCA 493-500-030.

SWAPCA 493-200-060 Inspection and Testing Requirements

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) The owner or operator of a facility subject to SWAPCA 493-200-010 through 493-200-060 shall, at any reasonable time, make the facility available for inspection by SWAPCA.
- (2) Upon request of SWAPCA, any person subject to SWAPCA 493-200-010 through 493-200-060 shall furnish samples of spray paint products selected by SWAPCA from available stock for testing by SWAPCA to determine compliance with SWAPCA 493-200-030.
- (3) Except as provided in SWAPCA 493-200-060(5), testing to determine compliance with SWAPCA 493-200-030 shall be performed using:
 - (a) VOC Content. The VOC content shall be determined by:
 - (1) The procedures set forth in Bay Area Air Quality Management District Manual of Procedures, Volume III, Laboratory Procedures, Method 35, "Determination of Volatile Organic Compounds (VOC) in Solvent Based Aerosol Paints," as amended January 19, 1994, and, for water-containing spray paints, by ASTM D5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992; or
 - (2) Calculation of VOC content from records of amounts of constituents used to manufacture the product and the chemical compositions of the individual product constituents.
 - (b) Exempt Compounds. If a method specified in subsection (a) of this section to measure VOC also measures exempt compounds, the exempt compounds may be excluded from the VOC content if the amount of such compounds is accurately quantified. SWAPCA may require a manufacturer to provide methods and results demonstrating, to the satisfaction of SWAPCA, the amount of exempt compounds in the spray paint or the spray paint's emissions.
- (4) Except as provided in Section (5) of this rule, testing to establish the spray paint category as defined in SWAPCA 493-200-020 shall be performed using:

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- (a) Metal Content. The metal content of metallic aerosol coating products shall be determined by South Coast Air Quality Management District Test Method 311 (SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual), June 1, 1991, after removal of the propellant following the procedure in ASTM Method 5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992.
 - (b) Specular Gloss. Specular gloss of flat and non-flat coatings shall be determined by ASTM Method D523-89, March 31, 1989.
 - (c) Acid Content. The acid content of rust converters shall be determined by ASTM Method D-1613-85, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates used in Paint, Varnish, Lacquer, and Related Products", May 31, 1985, after removal of the propellant following the procedure in ASTM Method D-5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992.
- (5) Alternative test methods which are shown to accurately determine the VOC content, exempt compounds, metal content, specular gloss, or acid content in a spray paint may also be used if approved in writing by EPA and SWAPCA.

SWAPCA 493-300 - ARCHITECTURAL COATINGS

SWAPCA 493-300-010 Applicability

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) SWAPCA 493-300 applies to any manufacturer, distributor, retailer, or commercial applicator of architectural coatings for sale or use in the Vancouver AQMA.

SWAPCA 493-300-020 Definitions

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

As used in SWAPCA 493-300:

- (1) "**AAMA**" means the American Architectural Manufacturers Association.
- (2) "**Alkali Resistant Primers**" means high performance primers formulated to resist reaction with alkaline materials including, but not limited to, lime, cement, and soap.
- (3) "**Antenna Coatings**" means coatings formulated and recommended for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.
- (4) "**Anti-Fouling Coatings**" means high performance coatings formulated and recommended for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms, including, but not limited to, coatings registered with the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC § 136, et seq.) and nontoxic foul-release coatings.
- (5) "**Anti-Graffiti Coatings**" means clear or opaque high performance coatings specifically labelled as anti-graffiti coatings and both formulated and recommended for application to graffiti-prone surfaces to deter adhesion of graffiti and to facilitate graffiti removal.
- (6) "**Appurtenance**" means an accessory to a stationary structure, whether installed or detached at the proximate site of installation, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating, air conditioning, or

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- other fixed mechanical equipment or large stationary tools; lamp posts; partitions; piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks and fire escapes; and window screens.
- (7) **"Architectural Coatings"** means coatings formulated and recommended for field application to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs.
 - (8) **"ASTM"** means the American Society for Testing and Materials.
 - (9) **"Below-Ground Wood Preservatives"** means coatings formulated and recommended to protect below-ground wood from decay or insect attack which are registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC § 136, et seq.).
 - (10) **"Bituminous Coatings and Mastics"** means coatings and mastics formulated and recommended for roofing, pavement sealing, or waterproofing that incorporate bitumens as a principal component. Bitumens are black or brownish materials which are soluble in carbon disulfide, which consist mainly of hydrocarbons, and which are obtained from natural deposits or as residues from the distillation of crude petroleum or low grades of coal. Bitumens include asphalt, tar, pitch and asphaltite.
 - (11) **"Bond Breakers"** means coatings formulated and recommended for application to concrete to prevent the formation of a bond to a subsequently placed concrete layer.
 - (12) **"Chalkboard Resurfacers"** means coatings formulated and recommended for application to chalkboards to restore a suitable surface for writing with chalk.
 - (13) **"Clear Coating"** means a coating that when dry allows light to pass so the substrate may be distinctly seen.
 - (14) **"Clear & Semitransparent Stains"** means transparent or translucent coatings formulated and recommended for application to wood-based substrates to impart a desired color without completely concealing the surface or its natural texture or grain pattern.
 - (15) **"Clear & Semitransparent Wood Preservatives"** means coatings formulated and recommended to protect exposed wood from decay or insect attack, registered with the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC § 136, et seq.), that may change the color of the substrate but do not completely conceal the substrate.
 - (16) **"Clear Waterproofing Sealers & Treatments"** means coatings which are formulated and recommended for application to porous substrates for the primary purpose of preventing the penetration of water and which do not alter the surface appearance or texture.
 - (17) **"Coating Category"** means the applicable category which best describes the coating as listed in this rule.
 - (18) **"Colorant"** means a concentrated pigment dispersion of water, solvent, or binder that is added to an architectural coating or tint base after the coating or tint base has been shipped from its place of manufacture.
 - (19) **"Commercial Applicator"** means any person who purchases, hires, acquires, applies or contracts for the application of architectural coatings for commercial, industrial or institutional uses, or any person who applies architectural coatings for compensation.
 - (20) **"Complying Architectural Coating"** means a coating which complies with the VOC content limits of SWAPCA 493-300-030.
 - (21) **"Concrete Curing Compounds"** means coatings formulated and recommended for application to recently cast concrete to retard the evaporation of water.
 - (22) **"Concrete Protective Coatings"** means high build coatings formulated and recommended for application in a single coat over concrete, plaster, or other cementitious surface. These coatings are formulated to be primerless, one-coat systems which can be applied over form

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- release compounds or uncured concrete. These coatings prevent spalling of concrete in freezing temperatures by providing long term protection from water and chloride ion intrusion.
- (23) **"Distributor"** means any person who sells or supplies architectural coating for the purposes of resale or distribution in commerce. "Distributor" includes activities of a self-distributing retailer related to the distribution of products to individual retail outlets. "Distributor" does not include manufacturers except for a manufacturer who sells or supplies products directly to a retail outlet. "Distributor" does not include consumers.
- (24) **"Dry Fog Coatings"** means coatings formulated and recommended only for circumstances in which overspray droplets are desired to dry before contacting incidental surfaces in the vicinity of a surface coating activity.
- (25) **"Environmental Protection Agency", or "EPA"** means the United States Environmental Protection Agency.
- (26) **"Exempt compounds"** means compounds of carbon excluded from the definition of VOC.
- (27) **"Exterior Coatings"** means coatings formulated and recommended for use in conditions exposed to the weather.
- (28) **"Extreme High Durability Coatings"** means air dry fluoropolymer based coatings formulated and recommended for the protection of architectural subsections and which meet the weathering requirements of AAMA 605.2-1985 Section 7.9.
- (29) **"Fire-Retardant/Resistive Coatings"** means clear or opaque coatings formulated and recommended to retard ignition and flame spread, or to delay melting or structural weakening due to high heat, and which are fire-tested and rated by a certified laboratory for use in bringing buildings or construction materials into compliance with building code requirements applicable to the place of use.
- (30) **"Flat Coatings"** means coatings which register gloss less than 15 on an 85 degree meter and less than 5 on a 60 degree meter according to ASTM Method D523, Standard Test Method for Specular Gloss.
- (31) **"Floor Coatings"** means coatings formulated and recommended for application to flooring, including, but not limited to, decks, porches, and steps, and which have a high degree of abrasion resistance.
- (32) **"Flow Coatings"** means coating materials formulated and recommended to maintain the protective coating systems present on utility transformers.
- (33) **"Form-Release Compounds"** means coatings formulated and recommended for application to concrete forms to prevent formation of a bond between the form and concrete cast within.
- (34) **"Graphic Arts Coatings" or "Sign Paints"** means coatings formulated and recommended for hand-application either on-site or in-shop by artists using brush or roller techniques to indoor or outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, and copy blockers.
- (35) **"Heat Reactive Coatings"** means high performance phenolic based coatings requiring a minimum temperature of 191° Celsius (C) [375° Fahrenheit (F)] to 204° C (400° F) to obtain complete polymerization or cure. These coatings are formulated and recommended for commercial and industrial use to protect substrates from degradation and maintain product purity in which one or more of the following extreme conditions exist:
- (a) Continuous or repeated immersion exposure to 90 to 98% sulfuric acid or oleum;
 - (b) Continuous or repeated immersion exposure to strong organic solvents;
 - (c) Continuous or repeated immersion exposure to petroleum processing at high temperatures and pressures; or,
 - (d) Continuous or repeated immersion exposure to food or pharmaceutical products which

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may or may not require high temperature sterilization.

- (36) **"High Temperature Coatings"** means high performance coatings formulated and recommended for application to substrates exposed continuously or intermittently to temperatures above 201° C (394° F).
- (37) **"Impacted Immersion Coatings"** means high performance maintenance coatings formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high-energy impact damage caused by floating ice or debris.
- (38) **"Industrial Maintenance Coatings"** means high performance architectural coatings including primers, sealers, undercoaters, intermediate coats, and topcoats formulated and recommended for application to substrates exposed to one or more of the following extreme environmental conditions:
 - (a) Immersion in water, wastewater or chemical solutions (aqueous and nonaqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
 - (b) Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, chemical mixtures or solutions;
 - (c) Repeated exposure to temperatures above 120° C (248° F);
 - (d) Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or
 - (e) Exterior exposure of metal structures and structural components.
- (39) **"Interior Coatings"** means coatings formulated and recommended for use in conditions not exposed to natural weathering.
- (40) **"Interior Clear Wood Sealers"** means low viscosity coatings formulated and recommended for sealing and preparing porous wood by penetrating the wood and creating a uniform and smooth substrate for a finish coat of paint or varnish.
- (41) **"Lacquers"** means clear or opaque wood finishes, including lacquer sanding sealers, formulated with cellulosic or synthetic resins to cure by evaporation without chemical reaction, and to provide a solid, protective film.
- (42) **"Lacquer Stains"** means interior semitransparent stains formulated and recommended specifically for use in conjunction with clear lacquer finishes and lacquer sanding sealers.
- (43) **"Manufacturer"** means the company, firm or establishment which is listed on the coating container. If the container lists two companies, firms or establishments, the manufacturer is the party which the coating was "manufactured for" or "distributed by", as noted on the product.
- (44) **"Magnesite Cement Coatings"** means coatings formulated and recommended for application to magnesite cement decking to protect against water erosion.
- (45) **"Mastic Texture Coatings"** means coatings formulated and recommended for concealing holes, minor cracks, or surface irregularities, and which are applied in a single coat of at least 10 mils (0.010 inches) dry film thickness.
- (46) **"Metallic Pigmented Coatings"** means non-bituminous coatings containing at least 0.4 pounds of metallic pigment per gallon (0.048 kilograms per liter) of coating, including but not limited to zinc pigment.
- (47) **"Multi-Color Coatings"** means coatings that exhibit more than one color when applied and which are packaged in a single container.
- (48) **"Noncomplying Architectural Coating"** means a coating which does not comply with the VOC content limits of SWAPCA 493-300-030.
- (49) **"Nonferrous Metal Lacquers & Surface Protectants"** means clear coatings formulated and recommended for application to ornamental architectural surfaces of bronze, stainless steel,

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- copper, brass or anodized aluminum to prevent oxidation, corrosion, or surface degradation.
- (50) **"Non-Flat Coatings"** means coatings that register a gloss of 15 or greater on an 85 degree gloss meter, or 5 or greater on a 60 degree gloss meter.
 - (51) **"Not Otherwise Specified" or "N.O.S."** means not otherwise specified as a coating category.
 - (52) **"Nuclear Power Plant Coatings"** means any protective coating formulated and recommended to seal porous surfaces such as steel or concrete that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to service-life cumulative radiation exposure as determined by ASTM D4082-83, relatively easy to decontaminate as determined by ASTM D4256-83, and resistant to various chemicals to which the coatings are likely to be exposed as determined by ASTM D3912-80. General protective requirements are outlined by the Department of Energy, formerly U.S. Atomic Energy Commission, Regulatory Guide 1.54).
 - (53) **"Opaque Coating"** means a coating producing a dry film that does not allow light to pass, so the substrate is concealed from view.
 - (54) **"Opaque Stains"** means coatings labeled as stains that are recommended to hide a surface but not conceal its texture.
 - (55) **"Opaque Waterproofing Sealers & Treatments"** means coatings with pigments that are formulated and recommended for application to porous substrates for the primary purpose of preventing the penetration of water and which alter the surface appearance and texture.
 - (56) **"Opaque Wood Preservatives"** means coatings formulated and recommended to protect wood from decay or insect attack, and that are not classified as clear, semitransparent, or below-ground wood preservatives, and are registered with the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 *et seq.*).
 - (57) **"Other Surfaces"** means paved parking areas (both publicly and privately owned), airport runways, airport taxiways, driveways, sidewalks, bikepaths and curbs.
 - (58) **"Post-Consumer Coating"** means a leftover architectural coating collected as a waste product from previous users that is employed as a raw material in the manufacture of a recycled coating product for reentry to the marketplace.
 - (59) **"Pre-treatment Wash Primers"** means primers which contain a minimum of 0.5 percent acid by weight, and that are applied directly to bare metal surfaces in thin films to provide corrosion resistance, and to promote adhesion of subsequent topcoats.
 - (60) **"Primers"** means coatings formulated and recommended for application directly to substrates to provide a firm bond between the substrate and subsequent coats.
 - (61) **"Public Streets & Highways"** means publicly owned surfaces used primarily for vehicular traffic such as streets, roads, and highways.
 - (62) **"Quick-Dry Enamels"** means non-flat coatings that:
 - (a) Are capable of being applied directly from the container under normal conditions, with ambient temperatures between 19° Celsius (C) [60° Fahrenheit (F)] and 27° C (80° F); and
 - (b) When tested in accordance with ASTM Method D1640, Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature, are set to touch in two hours or less, are tack free in four hours or less, and dry hard in eight hours or less by the mechanical method.
 - (63) **"Quick-Dry Primers, Sealers, and Undercoaters"** means primers, sealers and undercoaters which are dry to touch in one-half hour, and can be recoated in two hours, when tested in accordance with ASTM D1640, Standard Test Methods for Drying, Curing, or Film

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- Formation of Organic Coatings at Room Temperature.
- (64) **"Recycled Coating Product"** means an architectural coating that contains post-consumer coating.
 - (65) **"Repair and Maintenance Thermoplastic Coatings"** means industrial maintenance coatings with a primary resin of vinyl or chlorinated rubber which are formulated and recommended solely for the repair of existing coatings that also have a primary resin of vinyl or chlorinated rubber without the full removal of the existing coating system.
 - (66) **"Retailer"** means any person who sells, supplies, or offers architectural coatings for sale directly to consumers or commercial applicators.
 - (67) **"Retail Outlet"** means any establishment where architectural coatings are sold, supplied, or offered for sale directly to consumers or commercial applicators.
 - (68) **"Roof Coatings"** means non-bituminous and non-thermoplastic rubber coatings formulated and recommended for application to exterior roofs for the primary purpose of preventing penetration of the substrate by water, or reflecting heat and reflecting ultraviolet radiation.
 - (69) **"Rust Preventive Coatings"** means coatings formulated and recommended for use in preventing the corrosion of ferrous metal surfaces.
 - (70) **"Sanding Sealers"** means clear wood coatings formulated and recommended for application to bare wood to seal the wood and to provide a coating that can be sanded to create a smooth surface.
 - (71) **"Sealers"** means coatings formulated and recommended for application to substrates for one or more of the following purposes: to prevent subsequent coatings from being absorbed by the substrate; to prevent harm to subsequent coatings from materials in the substrate; to block stains, odors, or efflorescence; to seal water, smoke or fire damage; or to condition chalky surfaces.
 - (72) **"Shellacs"** means a clear or pigmented coating formulated with natural resins soluble in alcohol (including but not limited to, the resinous secretions of the lac beetle, Laciffer, lacca). Shellacs dry by evaporation without chemical reaction and provide a quick-drying, solid protective film that may be used for blocking stains.
 - (73) **"Solicit"** means to require for use or to specify, by written or oral contract.
 - (74) **"SWAPCA"** means the Southwest Air Pollution Control Authority.
 - (75) **"Swimming Pool Coatings"** means coatings formulated and recommended to coat the interior of swimming pools and to resist swimming pool chemicals.
 - (76) **"Thermoplastic Rubber Coatings & Mastics"** means coatings and mastics formulated and recommended for application to roofing and other structural surfaces which incorporate no less than 40% thermoplastic rubbers by weight of the total resin solids and may also contain other ingredients, including, but not limited to, fillers, pigments, and modifying resins.
 - (77) **"Tint Base"** means an architectural coating to which colorants are added after the coating has been shipped from its place of manufacture.
 - (78) **"Topcoat"** means a coating applied over any coating, for the purpose of appearance, identification, or protection.
 - (79) **"Traffic Marking Paints"** means coatings formulated and recommended to be used for marking or striping streets, highways and other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots and airport runways.
 - (80) **"Undercoaters"** means coatings formulated and recommended to provide a smooth surface for subsequent coats.
 - (81) **"Vancouver Air Quality Maintenance Area" or "Vancouver AQMA"** is the Washington portion of the Portland-Vancouver Interstate Nonattainment Area for Ozone as defined in the

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Washington State Implementation Plan. (The Vancouver AQMA includes the southern portion of Clark County, Washington.)

- (82) **"Varnishes"** means clear or semitransparent coatings which are not lacquers or shellacs, and which are formulated to provide a durable, solid protective film. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.
- (83) **"Volatile Organic Compound" or "VOC"** means compounds of carbon defined in SWAPCA 400-030(86). For purposes of determining compliance with VOC content limits, VOC shall be measured by an applicable method identified in SWAPCA 493-300-060.
- (84) **"VOC Content"** means the weight of VOCs contained in a volume of architectural coating. For products listed in SWAPCA 493-300-030(1) Table D, VOC content shall be determined on a "VOC Per Liter - Less Water Basis" or "VOC Per Gallon - Less Water Basis".
- (85) **"VOC Per Liter or Gallon - Less Water Basis"** means the weight of VOCs per combined volume of VOC and coating solids at the maximum thinning level recommended by the manufacturer, less water, less exempt compounds, and before the addition of colorants added to tint bases, and shall be calculated as follows:

$$\text{VOC Content} = W_{\text{VOC}} / (V_{\text{M}} - V_{\text{H}_2\text{O}} - V_{\text{EC}})$$

Where: W_{VOC} = weight of VOCs not consumed during curing, in grams or in pounds.
 V_{M} = volume of material prior to curing, in liters or in gallons.
 $V_{\text{H}_2\text{O}}$ = volume of water not consumed during curing, in liters or in gallons.
 V_{EC} = volume of exempt compounds not consumed during curing, in liters or in gallons.

SWAPCA 493-300-030 Standards

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) Where required by SWAPCA 493-300-040, architectural coatings shall not exceed the VOC content limits listed in Table D on a "VOC Per Liter or Gallon - Less Water Basis" as modified by the special conditions and exemptions in SWAPCA 493-300-030(2) and SWAPCA 493-300-030(3).

Table D

ARCHITECTURAL COATING VOC CONTENT LIMITS VOC PER LITER or GALLON - LESS WATER BASIS

<u>Coating Category</u>	VOC	
	<u>(g/l)</u>	<u>(lb/gal)</u>
Alkali Resistant Primers	550	4.58
Antenna Coatings	500	4.16
Anti-Fouling Coatings	450	3.75
Anti-Graffiti Coating	600	5.00
Bituminous Coatings and Mastics	500	4.16
Bond Breakers	600	5.00
Chalkboard Resurfacing	450	3.75
Concrete Curing Compounds	350	2.91
Concrete Protective Coatings	400	3.33

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Dry Fog Coatings	400	3.33
Extreme High Durability Coatings	800	6.66
Fire-Retardant/Resistive Coatings		
Clear	850	7.08
Opaque	450	3.75
Flat Coatings - N.O.S.		
Exterior	250	2.08
Interior	250	2.08

Table D (continued)

**ARCHITECTURAL COATING VOC CONTENT LIMITS
VOC PER LITER or GALLON - LESS WATER BASIS**

<u>Coating Category (continued)</u>	VOC	
	<u>(g/l)</u>	<u>(lb/gal)</u>
Floor Coatings	400	3.33
Flow Coatings	650	5.41
Form-Release Compounds	450	3.75
Graphic Arts Coatings or Sign Paints	500	4.16
Heat Reactive Coatings	420	3.5
High Temperature Coatings	650	5.41
Impacted Immersion Coatings	780	6.50
Industrial Maintenance Coatings	450	3.75
Lacquers	680	5.66
Lacquer Stains	780	6.50
Magnesite Cement Coatings	600	5.00
Mastic Texture Coatings	300	2.50
Metallic Pigmented Coatings	500	4.16
Multi-Color Coatings	580	4.83
Nonferrous Metal Lacquers & Surface Protectants	870	7.25
Non-Flat Coatings - N.O.S.:		
Exterior	380	3.16
Interior	380	3.16
Nuclear Power Plant Coatings	450	3.75
Pretreatment Wash Primers	780	6.50
Primers and Undercoaters - N.O.S.	350	2.91
Quick-Dry Coatings		
Enamels	450	3.75
Primers, Sealers and Undercoaters	450	3.75
Repair and Maintenance Thermoplastic Coatings	650	5.41
Roof Coatings	250	2.08
Rust Preventive Coatings	400	3.33
Sanding Sealers - (other than lacquer)	550	4.58
Sealers - (including interior clear wood sealers)	400	3.33
Shellacs:		

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Clear	650	5.41
Opaque	550	4.58
Stains & Wood Preservatives:		
Below Ground Wood Preservatives	550	4.58
Clear & Semitransparent	550	4.58
Opaque	350	2.91
Swimming Pool Coatings	850	7.08
Thermoplastic Rubber Coatings & Mastics	550	4.58

Table D (continued)

**ARCHITECTURAL COATING VOC CONTENT LIMITS
VOC PER LITER or GALLON - LESS WATER BASIS**

<u>Coating Category (continued)</u>	VOC	
	<u>(g/l)</u>	<u>(lb/gal)</u>
Traffic Marking Paints		
Public Streets & Highways	150*	1.25
Other Surfaces	250	2.08
Varnishes	450	3.75
Waterproofing Sealers & Treatments:		
Clear	600	5.00
Opaque	400	3.33

*Prior to Jan. 1, 1997, a VOC content limit of 250 grams per liter (2.08 lbs/gallon) applies to Traffic Marking Paints for Public Streets & Highways.

- (2) Special Conditions. The following conditions shall apply to architectural coatings subject to VOC content limits under SWAPCA 493-300-030(1):
- (a) Notwithstanding the definition of coating category in SWAPCA 493-300-020, if anywhere on the coating container, or in any promotion of an architectural coating, any representation is made that the coating may be used as, or is suitable for use as a coating for which a lower VOC limit is specified in SWAPCA 493-300-030(1), then the lower VOC limit shall apply. This requirement shall not apply to:
 - (1) High-Temperature Coatings, which may be represented as metallic pigmented coatings for use consistent with the High Temperature Coating definition;
 - (2) Lacquer, which may be recommended for use as sanding sealers in conjunction with clear lacquer topcoats;
 - (3) Metallic Pigmented Coatings, which may be recommended for use as primers, sealers, undercoaters roof coatings, or industrial maintenance coatings;
 - (4) Shellacs;
 - (5) Fire Retardant/Resistive Coatings;
 - (6) Sanding sealers which may be represented as quick dry sealers; and,
 - (7) Varnish, which may be recommended for use as a floor coating.
 - (b) VOC Content of Recycled Coating Products.
 - (1) For coatings manufactured domestically containing post-consumer coating,

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compliance with the VOC limits of Table D of this rule shall be determined by the adjusted VOC content at the maximum thinning recommended by the manufacturer using the following equation:

$$\text{VOC}_{\text{ADJUSTED}} = \text{VOC}_{\text{ACTUAL}} \times [1 - (\text{Recycled\%/100})]$$

Where:

$\text{VOC}_{\text{ADJUSTED}}$ = The adjusted VOC content of a recycled coating product expressed as grams VOC per liter or pounds per gallon, less water.

$\text{VOC}_{\text{ACTUAL}}$ = The VOC content of the recycled coating product as determined by procedures specified in SWAPCA 493-300-060(3) with the exception that VOCs in colorants of post-consumer coatings shall not be excluded from the VOC determination.

Recycled % = The volume percent of the recycled coating product that is post-consumer coating as determined by SWAPCA 493-300-030(2)(b)(B).

(2) The percent recycled shall be determined using the following equation:

$$\text{Recycled \%} = \text{VOL}_{\text{POST-CONS}} \times 100 / (\text{VOL}_{\text{POST-CONS}} + \text{VOL}_{\text{VIRGIN}})$$

Where:

$\text{VOL}_{\text{POST-CONS}}$ = The volume of post-consumer coating per gallon used in the production of a recycled coating product.

$\text{VOL}_{\text{VIRGIN}}$ = The volume of virgin coating materials used in the production of a recycled coating product.

- (3) Exemptions. SWAPCA 493-300-030(1) shall not apply to:
- Colorants added to tint bases by a retailer or commercial applicator.
 - Coatings that are sold in containers with a volume of not more than one quart (32 fluid ounce or 0.95 liter) or in non-refillable aerosol containers.

SWAPCA 493-300-040 Requirements for Manufacture, Sale and Use of Architectural Coating

[Statutory Authority: Chapter 70.94, 141 RCW, 70.94, 145 RCW, 70.94, 380 RCW and 70.94, 395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) **Manufacturers.** Except as provided in SWAPCA 493-300-040(6), any person who manufactures architectural coatings after July 1, 1996 which are sold, offered for sale, supplied or distributed, directly or indirectly, to a retail outlet in the Vancouver AQMA shall:
- Manufacture complying architectural coatings for architectural coatings marketed in the Vancouver AQMA;
 - Clearly display the following information on each product container such that it is

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readily observable upon hand-held inspection without removing or disassembling any portion of the product container or packaging:

- (1) The date on which the product was manufactured, or a code indicating such date;
 - (2) The maximum VOC content of the coating, at the maximum thinning recommended by the manufacturer, expressed as grams of VOC per liter or pounds VOC per gallon of coating, less water and exempt compounds, or distinguishing markings that identify the product's VOC content as described above, through reference to printed information that accompanies the product through distribution and is displayed at the point of sale;
 - (3) A statement of the manufacturer's maximum recommended thinning with diluents other than water, and, if thinning of the coating prior to use under normal environmental and application conditions is not necessary, a statement indicating the product is not to be thinned under normal circumstances; and
 - (4) For containers of recycled coating products, the phrase "CONTAINS NOT LESS THAN ___ PERCENT POST-CONSUMER COATING" where the percent, by volume, of the recycled coating is inserted before the word "percent".
- (c) Notify direct purchasers of products manufactured for sale within the Vancouver AQMA upon determining that any noncomplying architectural coatings have been supplied in violation of SWAPCA 493-300-040.
- (2) **Distributors.** Except as provided in SWAPCA 493-300-040(6), any distributor of architectural coating manufactured after July 1, 1996 which is sold, offered for sale, supplied or distributed to a retail outlet within the Vancouver AQMA shall:
- (a) Ensure that architectural coatings are labeled as required under subsection (1)(b) of SWAPCA 493-300-040;
 - (b) Ensure that the VOC content indicated under SWAPCA 493-300-040(1)(b)(B) does not exceed the VOC standard specified in SWAPCA 493-300-030; and
 - (c) Notify direct purchasers of products distributed for sale within the Vancouver AQMA upon determining that any noncomplying architectural coatings have been supplied in violation of SWAPCA 493-300-040.
- (3) **Retailers.**
- (a) Except as provided in SWAPCA 493-300-040(6), no retailer shall knowingly sell within the Vancouver AQMA any noncomplying architectural coating manufactured after July 1, 1996.
 - (b) Upon notification by SWAPCA, a manufacturer, or a distributor that any noncomplying architectural coating has been supplied, a retailer shall remove noncomplying architectural coatings from consumer-accessible areas of retail outlets within the Vancouver AQMA.
- (4) **Commercial Applicators.** Except as provided in SWAPCA 493-300-040(6):
- (a) No commercial applicator shall, within the Vancouver AQMA, knowingly use or contract for the use of any noncomplying architectural coating manufactured after July 1, 1996;
 - (b) No commercial applicator shall, within the Vancouver AQMA, knowingly use any noncomplying architectural coating manufactured after July 1, 1996 in a manner inconsistent with the coating category for which the product is formulated and recommended;

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- (c) All VOC-containing materials shall be stored in closed containers when not being accessed, filled, emptied, maintained, repaired or otherwise used.
- (d) It is recommended that architectural coatings be applied under the conditions and with the application techniques recommended by the coating's manufacturer.
- (5) **Label Alteration.** No person shall remove, alter, conceal or deface the information required in SWAPCA 493-300-040(1)(b) prior to final sale of the product.
- (6) **Exceptions.**
 - (a) Traffic marking paints seasonal requirements.
 - (1) Traffic marking paints which exceed the VOC content limits of SWAPCA 493-300-030(1) may be manufactured, distributed to retail outlets, offered for sale to commercial applicators, and sold to commercial applicators within the Vancouver AQMA if purchasers are provided with written information indicating that the product shall not be applied within the Vancouver AQMA during the period June 1 through August 31, and the labeling requirements of SWAPCA 493-300-040(1)(b)(A) and (B) are maintained.
 - (2) Traffic marking paints which exceed the VOC limits of SWAPCA 493-300-030(1) may be purchased by commercial applicators for use within the Vancouver AQMA provided they shall not be applied during the period June 1 through August 31.
 - (b) For architectural coatings which have been granted a compliance extension under SWAPCA 493-500-020, this rule applies to coatings manufactured after the date specified in the compliance extension.

SWAPCA 493-300-050 Recordkeeping and Reporting Requirements

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) **Recordkeeping.** Manufacturers subject to SWAPCA 493-300-040 shall maintain the following records for at least 2 years after an architectural coating is sold, offered for sale, supplied or distributed by the manufacturer, directly or indirectly, to a retail outlet in the Vancouver AQMA:
 - (a) VOC content records of architectural coatings based on methods provided in SWAPCA 493-300-060;
 - (b) An explanation of any code indicating the date of manufacture of any architectural coating; and
 - (c) Information used to substantiate an application for a compliance extension under SWAPCA 493-500-020.
- (2) **Reporting.** Following request and within a reasonable period of time, records specified in SWAPCA 493-300-050(1) shall be made available to SWAPCA.
- (3) **Exemption from disclosure.** If a person claims that any Records of Information, as defined in RCW 70.94.205 "Confidentiality of records and information", is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the procedures specified in SWAPCA 493-500-030.

SWAPCA 493-300-060 Inspection and Testing Requirements

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) The owner or operator of a facility subject to SWAPCA 493-300-010 through 493-300-060 shall, at any reasonable time, make the facility available for inspection by SWAPCA.

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- (2) Upon request of SWAPCA, any person subject to SWAPCA 493-300-010 through 493-300-060 shall furnish samples of architectural coatings selected by SWAPCA from available stock for testing by SWAPCA to determine compliance with SWAPCA 493-300-030.
- (3) Except as provided in SWAPCA 493-300-060(4), testing to determine compliance with SWAPCA 493-300-030 shall be performed using:
 - (a) VOC Content. The VOC content of an architectural coating shall be determined by:
 - (1) Procedures set forth in EPA Test Method 24 (40 CFR 60, Appendix A, July 1, 1994); or
 - (2) Calculation of VOC content from records of amounts of constituents used to manufacture the product and the chemical compositions of the individual product constituents.
 - (b) Exempt Compounds. If the method specified in SWAPCA 493-300-060(3)(a)(A) also measures compounds excluded from the definition of VOCs, those compounds may be excluded from the VOC content if the amount of such compounds can be accurately quantified. SWAPCA may require a manufacturer to provide conclusive evidence (such as production records, formulation data and test results) demonstrating, to the satisfaction of SWAPCA, the amount of exempt compounds in the architectural coating or the coating's emissions.
 - (c) Specular gloss of flat and non-flat coatings shall be determined by ASTM Method D523-89, March 31, 1989.
- (4) Alternative test methods which are shown to accurately determine the VOC content of architectural coatings may also be used if approved in writing by EPA and SWAPCA.

SWAPCA 493-400 - MOTOR VEHICLE REFINISHING

SWAPCA 493-400-010 Applicability

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

SWAPCA 493-400 applies to any person:

- (1) Who sells, offers for sale, distributes or manufactures motor vehicle refinishing coatings for sale in Vancouver AQMA, or
- (2) Who owns, leases, operates or controls a motor vehicle refinishing facility in the Vancouver AQMA.

SWAPCA 493-400-020 Definitions

As used in SWAPCA 493-400:

- (1) **"Aerosol Spray"** coating means a pre-mixed coating supplied in pressurized containers of 16 ounces or less.
- (2) **"Anti-glare/Safety Coating"** means a coating formulated to minimize light reflection to interior areas of a vehicle and which shows a reflectance of 25 or less on a 60 degree gloss meter.
- (3) **"Basecoat"** means a pigmented topcoat which is the first topcoat applied as a part of a multistage topcoat system.
- (4) **"Basecoat/Clearcoat Topcoat System"** means a topcoat system composed of a basecoat portion and a clearcoat portion. The VOC content of a basecoat/clearcoat topcoat system shall be calculated according to the following formula:

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$$\text{VOC}_{bc/cc} = \frac{\text{VOC}_{bc} + 2 \text{VOC}_{cc}}{3}$$

Where: $\text{VOC}_{bc/cc}$ = the composite VOC content, less water and less exempt compounds to be used for compliance determination under the basecoat/clearcoat topcoat system coating category.

VOC_{bc} = the VOC content of any given basecoat as prepared for use, less water and less exempt compounds.

2VOC_{cc} = twice the VOC content of any given clearcoat as prepared for use, less water and less exempt compounds.

- (5) **"Bright Metal Trim Repair Coating"** means a coating applied directly to chrome-plated metal surfaces for the purposes of appearance.
- (6) **"Clearcoat"** means a topcoat which contains no pigments or only transparent pigments and which is the final topcoat applied as a part of a multistage topcoat system.
- (7) **"Elastomeric Materials"** means coatings which are specifically formulated and applied over coated or uncoated flexible plastic substrates for the purpose of adhesion.
- (8) **"Exempt compounds"** means compounds of carbon excluded from the definition of VOC.
- (9) **"Graphic Design Application"** means the application of logos, letters, numbers, or artistic representations such as murals, landscapes, and portraits.
- (10) **"High Volume, Low Pressure Spray", or "HVL"** means equipment used to apply coatings with a spray device which operates at a nozzle air pressure between 0.1 and 10 pounds per square inch gravity (psig).
- (11) **"Impact Resistant Coating"** means any coating applied to a rocker panel for the purpose of chip resistance to road debris.
- (12) **"Manufacturer"** means the company, firm or establishment which is listed on the coating container. If the container lists two companies, firms or establishments, the manufacturer is the party which the coating was "manufactured for" or "distributed by", as noted on the product.
- (13) **"Midcoat"** means a semi-transparent topcoat which is the middle topcoat applied as part of a three-stage topcoat system.
- (14) **"Motor Vehicle"** means a any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.
- (15) **"Motor Vehicle Refinishing"** means the application of surface coating to on-road motor vehicles or non-road motor vehicles, or their existing parts and components, except Original Equipment Manufacturer (OEM) coatings applied at manufacturing plants.
- (16) **"Motor Vehicle Refinishing Coating"** means any coating designed for, or represented by the manufacturer as being suitable for motor vehicle refinishing.
- (17) **"Motor Vehicle Refinishing Facility"** means a location at which motor vehicle refinishing is performed.
- (18) **"Multi-Color Coating"** means a coating which is packaged in a single container that exhibits more than one color when applied, and is used to protect surfaces of vehicle cargo areas.
- (19) **"Multistage Topcoat System"** means any basecoat/clearcoat topcoat system or any three-stage topcoat system manufactured as a system, and used as specified by the manufacturer.
- (20) **"Non-Road Motor Vehicle"** means any motor vehicle other than an on-road motor vehicle.

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- "Non-Road Motor Vehicle" includes, but is not limited to, fixed load vehicles, farm tractors, farm trailers, all-terrain vehicles, and golf carts.
- (21) **"On-Road Motor Vehicle"** means any motor vehicle which is required to be registered under RCW 46.16 or exempt from registration under RCW 46.04. "On-Road Motor Vehicle" includes, but is not limited to: passenger cars, trucks, vans, motorcycles, mopeds, motor homes, truck tractors, buses, tow vehicles, trailers other than farm trailers, and camper shells.
- (22) **"Person"** means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever.
- (23) **"Portland-Vancouver Interstate AWMA"** is the interstate nonattainment area for ozone as defined in the Washington and Oregon State Implementation Plans. The Interstate area includes, Clackamas, Washington and Multnomah counties in Oregon and southern portion of Clark County in Washington.
- (24) **"Precoat Coating"** means a coating applied to bare metal primarily to deactivate the surface for corrosion resistance to a subsequent water-base primer.
- (25) **"Pretreatment Wash Primer"** means a coating which contains at least 0.5% acid, by weight, which is used to provide surface etching and is applied directly to bare metal surfaces to promote corrosion resistance and adhesion.
- (26) **"Primer"** means a coating applied for purposes of corrosion resistance or adhesion of subsequent coatings.
- (27) **"Primer Sealer"** means a coating applied prior to the application of a topcoat for the purpose of color uniformity, or to promote the ability of a underlying coating to resist penetration by the topcoat.
- (28) **"Primer Surface"** means a coating applied for the purpose of corrosion resistance or adhesion, and which promotes a uniform surface by filling in surface imperfections.
- (29) **"Public Highway"** means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.
- (30) **"Rocker Panel"** means the panel area of a motor vehicle which is no more than 10 inches from the bottom of a door, quarter panel, of fender.
- (31) **"Rubberized Asphaltic Underbody Coating"** means a coating applied to the wheel wells, the inside of door panels or fenders, the underside of a trunk or hood, of the underside of the motor vehicle itself for the purpose of sound deadening or protection.
- (32) **"Specialty Coating"** means any of the following coatings when used in accordance with each coating's specialized design purpose: adhesion promoters, uniform finish blenders, elastomeric materials, impact-resistant coatings, anti-glare safety coatings, rubberized asphaltic underbody coatings, water hold-out coatings, weld-through coatings, bright metal trim repair coatings, and surface appearance additives.
- (33) **"Spot Repairs"** means motor vehicle refinishing repairs in which the damaged area to be repaired is limited to only a portion of any given panel so that an entire panel need not be repaired.
- (34) **"Stencil Coating"** means an ink or a pigmented coating which is rolled or brushed onto a template or a stamp in order to add identifying letters, symbols, or numbers to motor vehicles, mobile equipment, or their parts and components.
- (35) **"Surface Appearance Additive"** means gloss control additives, fish-eye eliminators, retarders, and other additives designed to achieve the surface appearance of the original equipment specifications.

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- (36) **"SWAPCA"** means the Southwest Air Pollution Control Authority.
- (37) **"Three-Stage Coating System"** means a topcoat system composed of a basecoat portion, a midcoat portion, and a transparent clearcoat portion. For compliance purposes, the VOC content of a three-stage coating system shall be calculated according to the following formula:

$$\text{VOC}_{3\text{-stage}} = \frac{\text{VOC}_{\text{bc}} + \text{VOC}_{\text{mc}} + 2 \text{VOC}_{\text{cc}}}{4}$$

Where: $\text{VOC}_{3\text{-stage}}$ = the composite VOC content, less water and less exempt compounds in the three-stage coating system.

VOC_{bc} = the VOC content of any given basecoat as prepared for use, less water and less exempt compounds.

VOC_{mc} = the VOC content of any given midcoat as prepared for use, less water and less exempt compounds.

2VOC_{cc} = twice the VOC content, as prepared for application, of any given clearcoat.

- (38) **"Topcoat"** means a coating applied over any coating, for the purpose of appearance, identification, or protection.
- (39) **"Touch-up Coating"** means a coating applied by brush or non-refillable aerosol can to cover minor surface damage and dispensed in containers of no more than 8 ounces.
- (40) **"Uniform Finish Blender"** means a coating which is applied in spot repairs for the purpose of blending a paint overspray area of a repaired topcoat to match the appearance of an adjacent existing topcoat.
- (41) **"Vancouver Air Quality Maintenance Area" or "Vancouver AQMA"** is the Washington portion of the Portland-Vancouver Interstate Nonattainment Area for Ozone as defined in the Washington State Implementation Plan. The Vancouver AQMA includes the southern portion of Clark County, Washington.
- (42) **"Vehicle"** means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.
- (43) **"Volatile Organic Compound" or "VOC"** means those compounds of carbon defined in SWAPCA 400-030(89). For purposes of determining compliance with VOC content limits, VOC shall be measured by an applicable method identified in SWAPCA 493-400-060.
- (44) **"Water Hold-Out Coating"** means a coating applied to the interior cavity areas of doors, quarter panels, and rocker panels for the purpose of corrosion resistance to prolonged water exposure.
- (45) **"Weld-Through Coating"** means a coating applied to metal immediately prior to welding to provide corrosion resistance.

SWAPCA 493-400-030 Coating Standards and Exemptions

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) Where required by SWAPCA 493-400-040 and 493-400-050, motor vehicle refinishing coatings shall not exceed the VOC content limitations in Table E when prepared in accordance

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with the manufacturer's instructions, except as provided in SWAPCA 493-400-030(2).

Table E
VOC Content Limits of Motor Vehicle Refinishing Coatings

<u>Coating Type</u>	<u>VOC Content Limits*</u> (lbs/gal)
Pretreatment Wash Primer	6.5
Precoat	6.5
Primer	4.8
Primer Surface	4.8
Primer Sealer	4.6
Topcoat	5.0
Basecoat/Clearcoat Topcoat System	5.0
Three-Stage Coating System	5.2
Multi-Color Coating	5.7
Specialty Coating	7.0

VOC content is determined as prepared for use in accordance with manufacturer's instructions, and shall be calculated by the following equation:

$$\text{Pounds of VOC per gallon} = \frac{W_{\text{voc}}}{V_m - V_w - V_{\text{ec}}}$$

Where: W_{voc} = Weight of VOC in pounds, or the weight of all volatile compounds less the weight of water, less the weight of exempt compounds;
 V_m = Volume of material in gallons;
 V_w = Volume of water in gallons;
 V_{ec} = Volume of exempt compounds, in gallons.

[Note: * VOC emission limits are expressed as pounds of VOC per gallon of coating excluding the volume of water and exempt compounds.]

- (2) Exemptions. The VOC content limits in SWAPCA 493-400-030(1) shall not apply to:
- Coatings supplied in aerosol spray cans;
 - Touch-up coatings;
 - Stencil coatings;
 - Coatings used for graphic design applications.

SWAPCA 493-400-040 Requirements for Manufacture and Sale of Coatings

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) Manufacture. Any person who manufactures motor vehicle refinishing coatings for sale within Clark County, Washington after July 1, 1996 shall:
- Provide written instructions for preparation of the product; and
 - Designate in writing the VOC content of these products as prepared for use in accordance with the manufacturer's instructions.

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- (2) Shipment to the Vancouver AQMA. Except as provided in SWAPCA 493-400-040(4), no person shall knowingly sell, ship or provide a motor vehicle refinishing coating after July 1, 1996 for use within the Vancouver AQMA unless the VOC content of the product as designated by the manufacturer complies with the VOC content limits in SWAPCA 493-400-030 when prepared in accordance with the manufacturer's instructions.
- (3) Sale within Clark County, Washington. Except as provided in SWAPCA 493-400-040(4), no person shall sell motor vehicle refinishing coatings after July 1, 1996 within Clark County, Washington unless the VOC content of the product as designated by the manufacturer complies with the VOC content limits in SWAPCA 493-400-030 when prepared in accordance with the manufacturer's instructions.
- (4) Sale for use outside the Portland-Vancouver Interstate AQMA. Motor vehicle refinishing coatings which do not comply with the VOC limitations of SWAPCA 493-400-030 may be sold for shipment to the Vancouver AQMA, or sold within Clark County, Washington if:
 - (a) The product is to be used outside the boundary of the Portland-Vancouver Interstate AQMA; and
 - (b) The purchaser provides written certification to the seller in the manner described by SWAPCA 493-400-040(5) that the product is to be used outside of the Portland-Vancouver Interstate AQMA.
- (5) Purchase Certifications. When required by SWAPCA 493-400-040(4), certifications of intended use shall at a minimum contain the following information:
 - (a) Purchaser's name and address;
 - (b) Date of Purchase;
 - (c) Name of coating or coating system purchased;
 - (d) Type of coating;
 - (e) Quantity of coating purchased;
 - (f) Address of location where the coating will be used;
 - (g) A statement certifying that the coating will not be used within the Portland-Vancouver Interstate AQMA to the best of the purchaser's knowledge; and
 - (h) Purchaser's signature.

SWAPCA 493-400-050 Requirements for Motor Vehicle Refinishing in Vancouver AQMA

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

Except as provided in SWAPCA 493-400-050(3), persons performing motor vehicle refinishing of on-road motor vehicles within the Vancouver AQMA shall:

- (1) After July 1, 1996:
 - (a) Use motor vehicle refinishing coatings which are identified by the manufacturer as complying with the VOC limits established in SWAPCA 493-400-030; and
 - (b) Prepare and apply the coatings in accordance with the manufacturer's instructions; and
- (2) After June 1, 1997:
 - (a) Clean any spray equipment, including paint lines, in a device which:
 - (1) Minimizes solvent evaporation during the cleaning, rinsing, and draining operations;
 - (2) Recirculates solvent during the cleaning operation so the solvent is reused; and
 - (3) Collects spent solvent to be available for proper disposal or recycling; and
 - (b) Apply motor vehicle refinishing coatings by one of the following methods:
 - (1) High Volume Low Pressure spray equipment, operated and maintained in accordance with the manufacturer's recommendations;

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- (2) Electrostatic application equipment, operated and maintained in accordance with the manufacturer's recommendations;
 - (3) Dip coat application;
 - (4) Flow coat application;
 - (5) Brush coat application;
 - (6) Roll coat application;
 - (7) Hand-held aerosol cans; or
 - (8) Any other coating application method which can be demonstrated to effectively control VOC emissions, and which has been approved in writing by SWAPCA.
- (3) This rule shall not apply to any person who performs motor vehicle refinishing without compensation, and who performs refinishing on two or fewer on-road motor vehicles, or portions thereof, in any calendar year.

SWAPCA 493-400-060 Recordkeeping and Reporting Requirements

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) Recordkeeping.
 - (a) Manufacturers of motor vehicle refinishing coatings sold in Vancouver AQMA shall maintain records which demonstrate that the VOC content designated under SWAPCA 493-400-040(1) is true and accurate. These records shall be maintained for at least two (2) years after a manufacturer's sale of a product for use in Vancouver AQMA, and may include, but are not limited to, product formulation data and test results using test methods specified in SWAPCA 493-400-060.
 - (b) Persons who sell motor vehicle refinishing coatings within the Vancouver AQMA shall maintain records for at least 2 years which are sufficient to allow a determination of compliance with SWAPCA 493-400-040 (3) and (4). These records shall include, but are not limited to, purchase certifications and sales information specifying the coating identification, quantity sold, and date of sale.
 - (c) Persons who perform motor vehicle refinishing of on-road motor vehicles within the Vancouver AQMA shall maintain records for at least 2 years which are sufficient to allow determination of compliance with SWAPCA 493-400-050. These records shall include, but are not limited to, manufacturers' instructions for preparation of coatings used and purchase information specifying the coating identification, quantity purchased and date of purchase.
- (2) Reporting. Following request and within a reasonable period of time, records specified in SWAPCA 493-400-060(1) shall be made available to SWAPCA.
- (3) Exemption from disclosure. If a person claims that any Records or Information, as defined in RCW 70.94.205 "Confidentiality of records and information", is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the procedures specified in SWAPCA 493-500-030.

SWAPCA 493-400-060 Inspection and Testing Requirements

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) The owner or operator of any facility subject to SWAPCA 493-400 shall, at any reasonable time, make the facility available for inspection by SWAPCA.
- (2) Upon request of SWAPCA, any person subject to SWAPCA 493-400 shall furnish samples of motor vehicle refinishing coatings selected by SWAPCA from available stock for testing by

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SWAPCA to determine compliance with SWAPCA 493-400-030.

- (3) Testing conducted under this rule shall be in accordance with EPA Method 24 or Method 25 as described in CFR Title 40 Part 60 (July 1, 1994), or by other methods approved by SWAPCA and EPA.

SWAPCA 493-500 - AREA SOURCE COMMON PROVISIONS

SWAPCA 493-500-010 Applicability

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

SWAPCA 493-500 applies to all sections of SWAPCA 493-100 through SWAPCA 493-400.

SWAPCA 493-500-020 Compliance Extensions

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

Any manufacturer, as defined in SWAPCA 493-100-020, who cannot comply with the requirements specified in SWAPCA 493-100 to 493-400 by the applicable compliance date because of conditions specified in SWAPCA 493-500-020(4) may apply in writing to SWAPCA for a compliance extension of up to 3 years in renewable 1 year increments. Any compliance extension granted by the Oregon Department of Environmental Quality shall be deemed valid by SWAPCA for the duration of the extension.

- (1) A manufacturer shall apply in writing to SWAPCA for any compliance extension under SWAPCA 493-500-020. Information claimed by the applicant as confidential or otherwise exempt from disclosure shall be submitted in accordance with SWAPCA 493-500-030. The application shall include:
 - (a) An explanation of the specific grounds addressing each subsection under SWAPCA 493-500-020(4) on which the compliance extension is sought;
 - (b) The requested terms and conditions;
 - (c) The specific method(s) by which compliance with the requested terms and conditions will be achieved;
 - (d) Any interim measures which may be taken during the period of the compliance extension to limit the amount of emissions in excess of the rule limits; and
 - (e) If applicable, any compliance extension, alternate control requirement or variance order granted by another local, state or federal air pollution control agency.
- (2) Within 30 days of receipt of the compliance extension application, SWAPCA shall determine whether an application is complete.
- (3) Within 90 days after an application has been deemed complete, SWAPCA shall determine whether, under what conditions, and to what extent, a compliance extension shall be approved. The applicant and SWAPCA may mutually agree to extend the period for making a determination, and additional supporting documentation may be submitted by the applicant before the determination is reached.
- (4) In considering whether to approve a compliance extension, SWAPCA shall consider the following:
 - (a) Conditions beyond the control of the applicant;
 - (b) Special circumstances which render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause;
 - (c) Strict compliance would result in substantial curtailment or closing down of a business,

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- plant, or operation; or
- (d) No other alternative facility or method of handling is yet available.
- (5) Any compliance extension order shall specify terms and conditions, including a date by which final compliance shall be achieved. The final compliance date shall not exceed 3 years after the applicable compliance date. A compliance extension shall be granted in 1 year increments which may be renewed until the final compliance date upon a showing by the manufacturer that any increments of progress and other terms and conditions in the order have been met.
 - (6) SWAPCA shall notify the applicant in writing of the determination under SWAPCA 493-500-020(3) of this rule and the terms and conditions established under SWAPCA 493-500-020(5).
 - (7) Notwithstanding SWAPCA 493-500-020(4), if, prior to the applicable compliance date, a manufacturer, as defined in SWAPCA 493-100-020, submits to SWAPCA a variance order granted by CARB which is valid as of February 20, 1995, the manufacturer shall be granted a 1 year extension from the applicable compliance date. Such compliance extensions may be revoked by SWAPCA if SWAPCA believes that the manufacturer is not in compliance with the terms and conditions of the CARB variance order.
 - (8) For any product for which a compliance extension has been approved pursuant to this rule, the manufacturer shall notify SWAPCA in writing within 30 days if the manufacturer learns that information submitted to SWAPCA under this rule has changed in a manner which could modify the basis of SWAPCA's approval.
 - (9) If SWAPCA believes that a product for which a compliance extension has been granted no longer meets the criteria for a compliance extension specified in SWAPCA 493-500, SWAPCA may modify or revoke the extension as necessary to ensure that the product will meet these criteria. SWAPCA shall notify the applicant in writing if a compliance extension is modified or revoked under this section.

SWAPCA 493-500-030 Exemption from Disclosure to the Public

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

- (1) If a person claims that any records or information, as defined in RCW 70.94.205, is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the following procedures:
 - (a) The records or information shall be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page shall be so marked.
 - (b) For records or information that contains both exempt and non-exempt material, the proposed exempt material shall be clearly distinguishable from the non-exempt material. If possible, the exempt material shall be arranged so that it is placed on separate pages from the non-exempt material.
- (2) For records or information to be considered exempt from disclosure as a "trade secret," it shall meet all of the following criteria:
 - (a) The information shall not be patented;
 - (b) It shall be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;
 - (c) It shall be information which derives actual or potential economic value from not being disclosed to other persons; and
 - (d) It shall give its users the chance to obtain a business advantage over competitors not having the information.

SWAPCA 493-500-040 Future Review

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[Statutory Authority: Chapter 70.94.141 RCW, 70.94.145 RCW, 70.94.380 RCW and 70.94.395. Original adoption 96-10-026 filed 4/25/96, effective 5/26/96]

Within a reasonable period of time following adoption by the United States Environmental Protection Agency of regulations intended to reduce VOC emissions from one or more products subject to SWAPCA 493-100 through SWAPCA 493-400, SWAPCA shall provide the following information to the SWAPCA Board of Directors:

- (1) A comparison of the federal regulation with SWAPCA 493-100 through 493-400;
- (2) An estimate of the change in emissions which would occur from repeal of provisions in SWAPCA 493-100 through 493-400 applicable to such product or products;
- (3) An assessment of the effect of eliminating or modifying the provisions of SWAPCA 493-100 through 493-400 on the State Implementation Plan adopted for Redesignation/Ozone Maintenance Plan, including any need for substitute measures; and
- (4) A recommendation regarding amendment to eliminate such provisions and, if applicable, a schedule for amendment.

END