

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Attachment 1 to the Governing Board Resolution for:

**Proposed Amended Rules 1171 – Solvent Cleaning Operations and
1122 – Solvent Degreasers:**

Findings and Statement of Overriding Considerations

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TABLE OF CONTENTS

Introduction	A1-1
Summary of the Proposed Project	A1-1
Significant Adverse Impacts That Cannot Be Reduced Below a Significant Level.	A1-2
Findings	A1-3
Statement of Overriding Considerations	A1-4

ATTACHMENT 1

Introduction

Summary of the Proposed Project

Potential Significant Adverse Impacts that Cannot Be Reduced Below a Significant Level

Findings

Statement of Overriding Considerations

INTRODUCTION

The proposed amendments to Rules (PARs) 1171 – Solvent Cleaning Operations and 1122 – Solvent Degreasers, are a "project" as defined by the California Environmental Quality Act (CEQA) Guidelines (California Public Resources Code §§ 21000, *et seq.*). The South Coast Air Quality Management District (SCAQMD) is the lead agency for the proposed project and, therefore, has prepared a Subsequent Environmental Assessment (SEA) pursuant to CEQA Guidelines § 15162 and § 15252 and SCAQMD Rule 110.

The purpose of the SEA is to describe the proposed project and to identify, analyze, and evaluate any potentially significant adverse environmental impacts that may result from adopting and implementing the proposed project. A Draft SEA was released for a 45-day public review and comment period from March 3, 2009 to April 16, 2009. No comment letters on the Draft SEA were received. Minor changes were necessary to make the Draft SEA into a Final SEA. However, these minor modifications and updates do not constitute "significant new information"¹ and, therefore, do not require recirculation of the document pursuant to CEQA Guidelines §15088.5. The Final SEA was prepared and will be presented to the Governing Board at its May 1, 2009 public hearing.

SUMMARY OF THE PROPOSED PROJECT

PARs 1171 and 1122 will include the following: 1) extend the Rule 1171 final compliance date to lower the 100 grams per liter VOC content limit until January 1, 2010 for cleaning solvents used in ultraviolet or electron beam (UV/EB) ink application equipment; 2) extend the Rule 1171 exemption to comply with a lower VOC content limit until January 1, 2010 for: a) cleaning of UV/EB lamps and reflectors; b) cleaning of metering rollers, dampening rollers, and printing plates in lithographic UV/EB ink application equipment provided the clean-up solvent used for such cleaning does not contain more than 800 grams of VOC per liter; and c) on-press cleaning of screens subject to an interim limit of 300 grams per liter effective on date of adoption; 3) permanently exempt cleaning products for photocurable resins from

¹ "Significant new information" requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

stereolithography equipment from complying with any VOC content limit in both Rules 1171 and 1122; and 4) exempt cleaning of application equipment used to apply solvent-based fluoropolymer coating provided the clean-up solvent does not contain more than 900 grams of VOC per liter.

POTENTIAL SIGNIFICANT ADVERSE IMPACTS THAT CANNOT BE REDUCED BELOW A SIGNIFICANT LEVEL

One environmental topic area, air quality, was identified as having a significant adverse environmental impact due to the extension of compliance dates for some coating categories and permanent exemption for one coating category, which will delay or permanently forego originally anticipated reductions in VOC emissions in amounts that exceed the SCAQMD's daily VOC significance threshold.

Air Quality

A delay of originally anticipated VOC emission reductions of 280 pounds of VOC per day until January 1, 2010, would result from an extension in complying with the final VOC content limit for cleaning solvents used in the following:

- UV/EB ink application equipment;
- UV/EB lamps and reflectors used for curing of UV/EB ink or coatings;
- metering rollers, dampening rollers and printing plates in UV/EB ink application equipment; and
- on-press cleaning of screens provided the solvent contains no more than 300 g/l.

The cleaning of photocurable resins from stereolithography equipment will be permanently exempt from a VOC content limit, as well as the cleaning of application equipment used to apply solvent-based fluoropolymer coating provided the clean-up solvent does not contain more than 900 grams of VOC per liter. The foregone emission reductions from the permanent exemptions will total 5.56 pounds of VOC per day.

Total peak foregone emission reductions are expected to be approximately 286 pounds of VOC per day. The delay in anticipated VOC emission reductions of 286 pounds per day will exceed the SCAQMD's daily operational significance threshold of 55 pounds per day and, thus, adverse air quality impacts have been determined to be significant. No feasible mitigation measures were identified to reduce significant adverse air quality impacts to less than significant.

The SEA concluded that replacement compliant cleaning solvents are generally less toxic than conventional cleaning solvents. As a result, human health impacts from exposure to air toxics from reformulating cleaning solvents with replacement solvents would not be significant. The delay in complying with the lower VOC content limit would maintain current toxic exposure levels from conventional solvents in use for a longer time. However, since the amount of cleaning solvents is not expected to change during the delay of compliance, health impacts from exposure to air toxics will not change from what is currently occurring and, therefore, is considered not significant.

No other environmental topic area is considered to have an adverse impact as a result of the proposed project. No feasible mitigation measures were identified.

FINDINGS

Public Resources Code § 21081 and CEQA Guidelines § 15091(a) state that no public agency shall approve or carry out a project for which a CEQA document has been completed that identifies one or more significant adverse environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. Additionally, the findings must be supported by substantial evidence in the record (CEQA Guidelines §15091(b)). As identified in the Final SEA and summarized above, the proposed project has the potential to create significant adverse air quality impacts as a result of future emission reductions delayed or foregone. The SCAQMD Governing Board, therefore, makes the following findings regarding the proposed project. The findings are supported by substantial evidence in the record as explained in each finding. The Findings will be included in the record of project approval and will also be noted in the Notice of Decision. The Findings made by the SCAQMD Governing Board are based on the following significant adverse impact identified in the Final SEA.

- 1. Potential VOC emission reductions delayed or foregone exceed the SCAQMD's VOC operational significance thresholds and cannot be mitigated to insignificance.**

Finding and Explanation: With respect to this proposed project, the air quality analysis concluded that the delay of anticipated peak daily VOC emission reductions of 286 pounds per day would occur from the following project components: a one-year delay in complying with the final VOC content limit for cleaning solvents used in UV/EB ink application equipment, UV/EB lamps and reflectors, on-press cleaning of screens in screen printing

operations; and cleaning metering rollers, dampening rollers and printing plates used in lithographic UV/EB ink application equipment. In addition, a permanent exemption will be provided to cleaning of photocurable resins from stereolithography equipment and cleaning of application equipment using fluoropolymer coatings. The Governing Board finds further that the overall VOC emission reductions foregone exceed the SCAQMD's daily CEQA VOC operational significance threshold of 55 pounds per day. The air quality impact was the only significant adverse impact identified for the proposed project.

The Governing Board finds that no feasible mitigation measures have been identified to eliminate or minimize the potentially significant adverse impact to air quality. CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code § 21061.1).

When making findings as required by Public Resources Code § 21081 and CEQA Guidelines § 15091, the lead agency must adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment (Public Resources Code § 21081.6 and CEQA Guidelines § 15097[a]). The Governing Board finds further that a Mitigation Monitoring Plan (pursuant to Public Resources Code § 21081.6 and CEQA Guidelines § 15097) need not be prepared since no feasible mitigation measures were identified.

The Governing Board finds further that the Final SEA considered alternatives pursuant to CEQA Guidelines § 15126.6, but no project alternatives would reduce to insignificant levels the significant air quality impacts identified for the proposed project and still achieve the objectives of the proposed project.

The record of approval for this project may be found in the Office of the Secretary of Resources, General Counsel's Office, in accordance with CEQA Guidelines § 15252(b).

STATEMENT OF OVERRIDING CONSIDERATIONS

If significant adverse impacts of a proposed project remain after incorporating mitigation measures, or no measures or alternatives to mitigate the adverse impacts are identified, the lead agency must make a determination that the benefits of the project outweigh the unavoidable adverse environmental effects if it is to approve the project. CEQA requires the decision-making

agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project (CEQA Guidelines § 15093(a)). If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” (CEQA Guidelines § 15093(a)). Accordingly, a Statement of Overriding Considerations regarding potentially significant adverse air quality impacts resulting from the proposed project has been prepared. This Statement of Overriding Considerations is included as part of the record of the project approval for the proposed project. Pursuant to CEQA Guidelines § 15093(c), the Statement of Overriding Considerations will also be noted in the Notice of Decision for the proposed project.

Despite the inability to incorporate changes into the proposed project that will mitigate potentially significant adverse air quality impacts to a level of insignificance, the SCAQMD's Governing Board finds that the following benefits and considerations outweigh the significant unavoidable adverse environmental impacts:

1. The affected solvent cleaning categories are relatively low-volume use activities, which limit the research and development efforts of large suppliers. The proposed project provides sufficient time for industry to complete longer-term performance testing, solve the challenges presented by using the reformulated cleaning solvents, and transition to the new cleaning solvents used in UV/EB ink application equipment; the cleaning of UV/EB lamps and reflectors; metering rollers, dampening rollers and printing plates in UV/EB ink application equipment; and on-press cleaning of screens in screen printing by extending the current exemptions until January 1, 2010. This additional time is necessary because, in some cases, compliant products have not yet been fully demonstrated and cannot currently be implemented.
2. Although there is a delay in some VOC emission reductions, overall both the rules have achieved 77 tons per day of VOC emission reductions (90 percent of the total inventory).
3. The analysis of potential adverse environmental impacts incorporates a “worst-case” approach. This entails the premise that whenever the analysis requires that assumptions be made, those assumptions that result in the greatest adverse impacts are typically chosen. This method likely overestimates the actual emission reductions delayed or foregone as a result of implementing the proposed project.

4. The long-term effect of PARs 1171 and 1122, other SCAQMD rules, and AQMP control measures is the reduction of emissions district-wide, contributing to attaining and maintaining the state and federal ambient air quality standards. This determination is consistent with the conclusion in the 2007 AQMP Program EIR that the overall cumulative air quality impacts from implementing all AQMP control measures are not expected to be significant (SCAQMD, 2007) because of the reduction in the overall VOC emissions inventory. Rules 1171 and 1122 will continue to reduce emissions from solvent cleaning applications and solvent degreasers as proposed by the existing rules, although the implementation will take place over a longer period of time. The effect of the proposed amendments is the delay of anticipated VOC emission reductions of approximately 286 pounds per day between present and January 1, 2010. The delay of emission reductions would exceed the SCAQMD's VOC operational significance threshold of 55 pounds per day for 12 months only.

The SCAQMD's Governing Board finds that the above-described economic and technological considerations outweigh the unavoidable significant effects to the environment as a result of the proposed project.