



Clearinghouse Rule 00-101
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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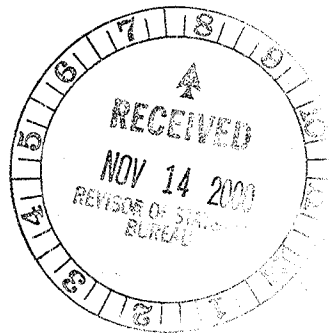
CR00-101

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. AM-28-00 was duly approved and adopted by this Department on September 27, 2000. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

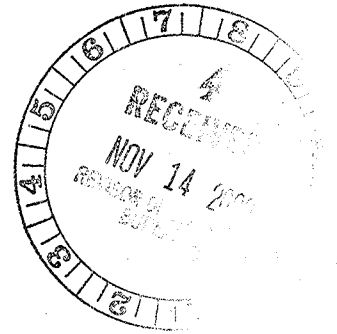
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 10th day of November, 2000



George E. Meyer
George E. Meyer, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
REPEALING, RENUMBERING AND AMENDING, AMENDING
REPEALING AND RECREATING AND CREATING RULES



AM-28-00

The Wisconsin Natural Resources Board adopts an order to **repeal** NR 422.095(2)(c), (6)(a), (b), (8) and (8)(b)Note; to **renumber and amend** NR 422.095(6)(c)to(f); to **amend** NR 406.04(7), 407.03(4)(intro.) and (c), 419.02(2), 422.02(1), (68), (70), (89) and (102), 422.095(title), (1), (2)(a), (3)(a)(intro.), (b) and Note, (5)(intro.) and (6)(intro.) and (7) and 484.10(9); to **repeal and recreate** NR 422.095(4); and to **create** NR 406.04(1)(gm), 407.03(1)(gm), 422.02(7e), (7m), (7s), (19m), (20m), (39m), (42m), (45m), (49m), (53m), (54m), (67m), (87m), (96m), (105g), (105r), (109m), (110m) and 484.10(25m) of the Wisconsin Administrative Code relating to the control of volatile organic compound emissions from automobile refinishing operations.

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 227.11(2)(a) and 285.11(1), Stats.

Statutes interpreted: s. 285.11(6), Stats. The State Implementation Plan developed under that provision is revised.

These proposed rule revisions for automobile refinishing operations affect two portions of Wisconsin's air pollution control program: the air permitting requirements, and air emissions limits. The current VOC emission limits in s. NR 422.095 would be revised to reflect current federal standards. The federal rule, 40 CFR Part 59, Subpart B, which was adopted September 11, 1998, limits the amount of volatile organic compounds in automobile coatings and coating components when they are manufactured. This portion of the proposed revisions applies to facilities in a nine county area in Southeast Wisconsin only.

Additionally, the air permitting rules in chapters NR 406 and 407 are being revised to allow for small automobile refinishing facilities to be exempt from permitting. This portion of the proposed revisions affects facilities statewide.

SECTION 1. NR 406.04(1)(gm) is created to read:

NR 406.04(1)(gm) Automobile refinishing operations, including associated cleaning operations, which emit or will emit not more than 1666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant listed under section 112(b) of the act (42 USC 7412(b)) equal or exceed

10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112(b) of the act equal or exceed 25 tons per year.

SECTION 2. NR 406.04(7) is amended to read:

NR 406.04(7) In order to be eligible for a specific exemption under sub. (1)(ce), (cm), (d), (g), (gm), (h), (j), (m), (o), (y) or (z), the owner or operator of a direct stationary source shall keep and maintain records of materials used, emissions or production rates, that are adequate to demonstrate that the source qualifies for the exemption. The owner or operator of a direct stationary source shall begin keeping these records no later than January 1, 1996 in order to qualify for exemption under sub. (1)(d), (g), (h), (j), (m), (o), (y) or (z), January 1, 1998, in order to qualify for exemption under sub. (1)(ce), (cm), or the date that the source commences operation, whichever is later, and maintain them for a minimum of 5 years. Any direct stationary source that ever exceeds any level listed in sub. (1)(ce), (cm), (d), (g), (gm), (h), (j), (m), (o), (y) or (z) is not thereafter eligible for the exemption under that subsection.

SECTION 3. NR 407.03(1)(gm) is created to read:

NR 407.03(1)(gm) Automobile refinishing operations, including associated quality assurance laboratories and cleaning operations, which emit or will emit not more than 1,666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant listed under section 112(b) of the act (42 USC 7412(b)) equal or exceed 10 tons per year or the cumulative emissions of

hazardous air pollutants listed under section 112(b) of the act equal or exceed 25 tons per year.

SECTION 4. NR 407.03(4) (intro.) and (c) are amended to read:

NR 407.03(4) (intro.) In order to be eligible for a specific exemption under sub. (1) (ce), (d), (g), (gm), (h), (o), (s), (w) or (x), the owner or operator of a direct stationary source shall keep and maintain the records required under pars. (a) to (f), as applicable. The records shall be kept in a manner that allows the source to accurately calculate the required information on a monthly basis. The owner or operator of a direct stationary source shall begin keeping the records required under pars. (b) to (f) no later than January 1, 1994, and the records required under par. (a) no later than January 1, 1998, or the date that the source commences operation, whichever is later, and maintain them for a minimum of 5 years. After January 1, 1994, any direct stationary source that ever exceeds any level listed in sub. (1) (d), (g), (h), (o), (s), (sm), (w) or (x) is not eligible for the exemption under that subsection. After January 1, 1998, any direct stationary source that ever exceeds any level listed in sub. (1) (ce) or (cm) is not eligible for the exemption under that subsection. After January 1, 2001, any direct stationary source that ever exceeds any level listed in sub. (1) (gm) is not eligible for the exemption under that subsection. The records required are as follows:

(c) To be exempt under sub. (1) (g), (gm) or (h), records of the amounts used and VOC content of all VOC containing materials used at the facility per month.

SECTION 5. NR 419.02(2) is amended to read:

NR 419.02(2) "Automobile" means ~~all passenger cars or passenger car derivatives capable of seating 12 or fewer passengers~~, vans, motorcycles, trucks, or any equipment that is physically capable of being driven or drawn upon a highway including, but not limited to, the following types of equipment: construction vehicles such as mobile cranes, bulldozers or concrete mixers; farming equipment such as tractors, plows, or pesticide sprayers; hauling equipment such as truck trailers, utility bodies or camper shells; and miscellaneous equipment such as street cleaners or golf carts.

SECTION 6. NR 422.02(1), (68), (70), (89) and (102) are amended to read:

NR 422.02(1) "Adhesion promoter" means a coating ~~used to promote adhesion of a~~ designed to facilitate the bonding of a primer or topcoat on surfaces such as trim moldings, door locks and door sills, where sanding is impractical, and on plastic parts and the edges of sanded areas.

(68) "Prime coat" means a coating applied directly to a substrate or on top of a pretreatment ~~coat~~ wash primer or other coating for purposes of filling pores in the substrate, providing corrosion resistance or enhancing adhesion or blister resistance of subsequent coatings.

(70) "Primer sealer" means ~~a~~ any coating, applied subsequent to the prime coat or primer surfacer, and prior to the application of a topcoat, that improves the adhesion of the topcoat, provides corrosion resistance and prevents solvents from the topcoats from penetrating into the prime coat or primer surfacer coating.

(89) "Specialty coatings" means, for the purpose of ~~motor vehicle~~ automobile refinishing operations, coatings used only for discrete portions of the vehicle, such as bumpers or spot repairs, which are necessary due to unusual

coating performance requirements. Specialty coatings include, but are not limited to, adhesion promoters, uniform finish blenders, elastomeric coatings, gloss flatteners, bright metal trim repair, jambing (cut-in) clearcoats, impact resistant coatings, underbody coatings, weld-through primers and antiglare/safety coatings.

(102) "Touch-up coating" means a coating applied by brush, air-brush or hand held, non-refillable aerosol cans to repair minor surface damage and imperfections.

SECTION 7. NR 422.02(7e), (7m), (7s), (19m), (20m), (39m), (42m), (45m), (49m), (53m), (54m), (67m), (87m), (96m), (105g), (105r), (109m) and (110m) are created to read:

NR 422.02(7e) "Automobile refinishing coating component" means any portion of a coating, such as a reducer or thinner, hardener, additive, etc., recommended, by its manufacturer or importer, to distributors or end-users for automobile refinishing. The raw materials used to produce the components that are mixed by the end-user to prepare a coating for application are not considered automobile refinishing coating components.

(7m) "Automobile refinishing coating importer", "coating component importer" or "importer" means any company, group or individual that brings automobile refinishing coatings or coating components from a location outside the United States into the United States for sale or distribution in the United States.

(7s) "Automobile refinishing coating component manufacturer" or "manufacturer" means any company, group or individual that produces or packages automobile refinishing coatings or coating components for sale or distribution in

the United States, including an entity which produces or packages such coating or coating components under a private label for another party.

(19m) "Container" means the individual receptacle that holds a coating or coating component for storage and distribution.

(20m) "Cut-in clearcoat" or "jamming clearcoat" means a fast-drying, ready-to-spray clearcoat applied to surfaces such as door jambs and trunk and hood edges to allow for quick closure.

(39m) "Hardener" means a coating component specifically designed to promote a faster cure of an enamel finish.

(42m) "Impact-resistant coating" means a coating designed to resist chipping caused by road debris.

(45m) "Lacquer" means a thermoplastic coating which dries primarily by solvent evaporation and which is resolvable in its original solvent.

(49m) "Low-gloss coating" means a coating which exhibits a gloss reading of less than or equal to 25 on a 60-degree glossmeter, as measured according to ASTM D523-89, incorporated by reference in s. NR 484.10(9).

(53m) "Mixing instructions" means the coating or coating component manufacturer's or importer's specification of the volumetric quantities of coating.

(54m) "Multi-colored topcoat" means a topcoat that exhibits more than one color, is packaged in a single container, and camouflages surface defects on areas of heavy use, such as cargo beds and other surfaces of trucks and other utility vehicles.

(67m) "Pretreatment wash primer" means a primer that is applied directly to metal substrates and which contains at least 0.50% acid by weight, as measured according to ASTM D1613-96, incorporated by reference in s. NR 484.10(25m), and

is used to provide surface etching, corrosion resistance and enhanced adhesion of subsequent coatings.

(87m) " Single-stage coating" means a topcoat consisting of only one coating.

(96m) " Thinner" means any solvent used to reduce the viscosity or solids content of a coating.

(105g) " Two-stage topcoat" means a topcoat consisting of a pigmented basecoat and a transparent clearcoat.

(105r) " Underbody coating" means a coating designed for protection and sound deadening that is typically applied to the wheel wells and underbody of an automobile.

(109m) " 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.

(110m) " Weld-through primer" means a primer that is applied to an area before welding is performed and that provides corrosion resistance to the surface after welding has been performed.

SECTION 8. NR 422.095 (title) (1) and (2) (a) are amended to read:

NR 422.095 (title) ~~Motor vehicle~~ Automobile refinishing operations.

(1) APPLICABILITY. This section applies to ~~motor vehicle~~ automobile refinishing operations performed in the following types of facilities in the counties of Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha: auto body and repair shops; production paint shops; new and used motor vehicle dealer repair and paint shops; fleet operator repair and paint shops; and any facility which coats vehicles and is classified under

standard industrial classification code 7532, as described in the Standard Industrial Classification Manual, 1987, incorporated by reference in s. NR 484.05, including dock repair of imported vehicles and dealer repair of vehicles damaged in transit.

(2) (a) ~~Motor vehicle~~ Automobile refinishing operations at facilities which use less than 20 gallons per year of coatings are exempt from the equipment requirements in subs. (5) and (6) ~~(c)~~.

SECTION 9. NR 422.095(2)(c) is repealed.

SECTION 10. NR 422.095(3)(a)(intro.)(b) and Note are amended to read:

NR 422.095(3)(a)(intro.) The owner or operator of ~~a motor vehicle~~ an automobile refinishing operation in existence on September 1, 1995, and subject to this section shall submit a notification to the department, in writing, within 60 days of September 1, 1995, consisting of the following information:

(b) The owner or operator of ~~a motor vehicle~~ an automobile refinishing operation which becomes subject to this section ~~after September 1, 1995~~, shall submit a written notification to the department containing the information specified in par. (a) within 30 days after becoming subject to this section.

Note: Notifications submitted under this subsection should be submitted to:

Wisconsin Department of Natural Resources

Bureau of Air Management

PO Box 7921

Madison WI 53707-7921

Attn: ~~Compliance~~ Small Business Section

SECTION 11. NR 422.095(4) is repealed and recreated to read:

NR 422.095(4) EMISSION LIMITATIONS - COATING. (a) No owner or operator of

an automobile refinishing operation may refinish or allow the refinishing of any motor vehicles or their body parts and components using any coating or coating system with a VOC content in excess of that specified in Table 1. All coatings and coating components shall be used according to manufacturer's specifications and mixing instructions.

(b) The most restrictive VOC limitation in Table 1 applies with either of the following:

1. Different combinations or mixing ratios of coatings and coating components are used which constitute a different coating system than any of the systems listed in Table 1.

2. The same combination and mixing ratio of coating components is used for more than one category in Table 1.

(c) Automobile refinishing coatings and coating components manufactured prior to January 11, 1999 are exempt from the emission limitations in Table 1.

Table 1

**VOC Content Limitations for Coatings and Coating Components Used in
Automobile Refinishing Operations**

[Kilograms/liter (pounds/gallon) of coating, excluding water, as applied]

Type of Coating	Maximum VOC Content
Pretreatment wash primer	0.78 (6.5)
Primers/primer surfacers	0.58 (4.8)
Primer sealers	0.55 (4.6)
Single/2-Stage topcoats	0.60 (5.0)
Three or more stage topcoat system	0.63 (5.2)
Specialty coatings	0.84 (7.0)
Multi-colored topcoats	0.68 (5.7)

(d) The maximum VOC content for any category of coating in Table 1 shall be calculated according to the following formula:

$$\text{VOC} = \frac{(W_v - W_w - W_{ec})}{(V - V_w - V_{ec})}$$

where:

VOC content is the pounds of VOC per gallon of coating

W_v is the mass of total volatiles, in pounds

W_w is the mass of water, in pounds

W_{ec} is the mass of exempt compounds, in pounds

V is the volume of coating, in gallons

V_w is the volume of water, in gallons

V_{ec} is the volume of exempt compounds, in gallons

(e) The VOC content for a multi-stage topcoat shall be calculated according to the following formula:

$$\text{VOC}_{\text{multi}} = [\text{VOC}_{bc} + 3 \sum_{i=1}^M \text{VOC}_{mci} + 2(\text{VOC}_{cc})] / (M + 3)$$

where:

$\text{VOC}_{\text{multi}}$ is the VOC content of a multi-stage topcoat, in pounds of VOC per gallon of coating

VOC_{bc} is the VOC content of the basecoat, as determined in par. (d)

VOC_{mci} is the VOC content of midcoat i , as determined in par. (d)

VOC_{cc} is the VOC content of the clearcoat, as determined in par. (d)

M is the number of midcoats.

SECTION 12. NR 422.095(5) (intro.) is amended to read:

NR 422.095(5) APPLICATION EQUIPMENT. (intro.) ~~After January 1, 1996, no~~ No owner or operator of ~~a motor vehicle~~ an automobile refinishing operation may refinish or allow the refinishing of any motor vehicles or their body parts and components unless one of the following types of application equipment is used in accordance with the manufacturer's recommendations:

SECTION 13. NR 422.095(6) (intro.) is amended to read:

NR 422.095(6) SURFACE PREPARATION AND CLEANUP SOLVENT. (intro.) ~~After January 1, 1996, the~~ The owner or operator of ~~a motor vehicle~~ an automobile refinishing operation shall:

SECTION 14. NR 422.095(6) (a) and (b) are repealed.

SECTION 15. NR 422.095(6) (c) to (f) are renumbered (a) to (d) and 422.095(6) (d), as renumbered, is amended to read:

NR 422.095(6) (d) For facilities exempt under sub. (2) (a) from the requirements of par. ~~(e)~~ (c), collect solvent used to clean spray equipment and paint lines in a closed container for proper disposal.

SECTION 16 NR 422.095(7) is amended to read:

NR 422.095(7) SPECIALTY COATINGS. No owner or operator of ~~a motor vehicle~~ an automobile refinishing operation may apply or allow the application of a specialty coating for any reason other than the manufacturer's intended purposes.

SECTION 17. NR 422.095(8) and (8) (b) Note are repealed.

SECTION 18. NR 484.10(9) is amended to read:

NR 484.10(9)

ASTM D523-89 ~~(1994)~~ (1999)

Standard Test Method for
Specular Gloss

ANSI/AHA

A135.5-

1988

NR 422.02(49m)

SECTION 19. NR 484.10(25m) is created to read:

NR 484.10(25m)

ASTM D1613-96 (1999)

Standard Test Method for
Acidity in Volatile Solvents and
Chemical Intermediates Used
in Paint, Varnish, Lacquer,
and Related Products

NR 422.02(67)

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on September 27, 2000.

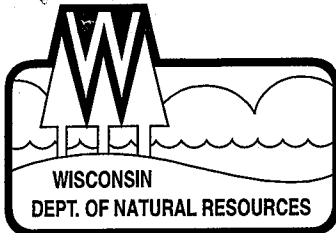
The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin November 10, 2000.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)



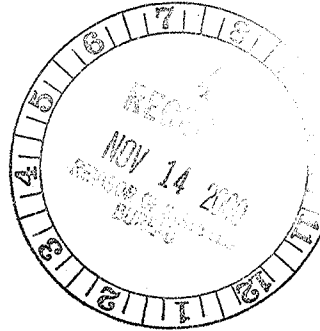
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November 8, 2000

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI




Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. AM-28-00. These rules were reviewed by the Assembly Committee on Environment and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


George E. Meyer
Secretary

Enc.

