

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 04 2008
STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSED NEW 35 ILL. ADM. CODE) R 08 -17
PART 223 STANDARDS AND) (Rulemaking – Air)
LIMITATIONS FOR ORGANIC)
MATERIAL EMISSIONS FOR AREA)
SOURCES)

NOTICE

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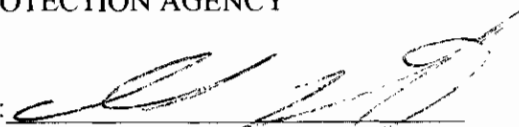
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PLEASE TAKE NOTICE that I have filed with the Office of the Pollution Control Board the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S SECOND ERRATA SHEET TO ITS PROPOSAL FOR THE ADDITION OF 35 ILL. ADM. CODE 223 on behalf of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Date: June 2, 2008

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
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THIS FILING IS SUBMITTED ON
RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PROPOSED NEW 35 ILL. ADM. CODE)
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(Rulemaking – Air)

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S SECOND ERRATA SHEET TO ITS PROPOSAL FOR THE ADDITION OF 35 ILL. ADM. CODE 223

NOW COMES the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney Charles E. Matoesian, and submits this Second Errata Sheet to its proposal for the addition of 35 Ill. Adm. Code 223. The Illinois EPA proposes the following amendments to the text of the rules submitted in its proposal to the Board dated January 2, 2008:

1. *Amend Section 223.203 to clarify that the ASTM method specified was incorporated by reference. The notation was inadvertently omitted from the proposed rule.*

"Liquid" means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D-4359-90(2000)e1, incorporated by reference in Section 223.120, including any subsequent amendments or an equivalent method approved by the California Air Resources Board. This does not include powders or other materials that are composed entirely of solid particles.

"Solid" means a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90(2000)e1, incorporated by reference in Section 223.120, or an equivalent method approved by the California Air Resources Board.

"Special Purpose Spray Adhesive" means an aerosol adhesive that meets any of the following definitions:

“Mounting Adhesive” means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.

“Flexible vinyl adhesive” means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91, incorporated by reference in Section 223.120, or from product formulation data or an equivalent method approved by the CARB.

“Polystyrene Foam Adhesive” means an aerosol adhesive designed to bond polystyrene foam to substrates.

“Automobile Headliner Adhesive” means an aerosol adhesive designed to bond together layers in motor vehicle headliners.

“Polyolefin Adhesive” means an aerosol adhesive designed to bond polyolefins to substrates.

“Laminate Repair/Edgebanding Adhesive” means an aerosol adhesive designed for:

The touch-up or repair of items laminated with high pressure laminates (e.g., lifted edges, delaminates, etc.); or

The touch-up, repair, or attachment of edgebanding materials, including but not limited to, other laminates, synthetic marble, veneers, wood molding, and decorative metals.

For the purposes of this definition “high pressure laminate” means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265 degrees F, and at pressures between 1,000 and 1,400 psi.

“Automotive Engine Compartment Adhesive” means an aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200 - 275 degrees F.

2. Amend Section 223.203 to change the term “Part” to Subpart” in the following definitions. The term Subpart more accurately describes the meaning of the words.

“Adhesive” means for purposes of this Subpart Part, any product that is used to bond one surface to another by attachment. This does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate. For “Contact Adhesive,” adhesive does not include units of product, less packaging, which consist of more than one gallon. For “Construction, Panel, and Floor Covering Adhesive,” and “General Purpose Adhesive,” “Adhesive” does not include units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces. This limitation does not apply to aerosol adhesives.

“Architectural Coating” means for purposes of this Subpart Part, a coating to be applied to stationary structures or the appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered “Architectural Coatings” for the purposes of this rule.

“Hair spray” means:

For products manufactured before January 1, 2009, a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure which will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time, and

For products manufactured on or after January 1, 2009, a consumer product that is applied to styled hair, and is designed or labeled to provide sufficient rigidity, to hold, retain and/or (finish) the style of the hair for a period of time. This includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hairsprays that make finishing claims; and products that are both a styling and finishing product. This does not include spray products that are intended to aid in styling but does not provide finishing of a hairstyle. For the purposes of this Subpart Part, “Finish” or “Finishing” means the maintaining and/or holding of previously styled hair for a period of time. For the purposes of this Subpart Part, “Styling” means the forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

“Hair Styling Product” means a consumer product manufactured on or after January 1, 2009, that is designed or labeled for the application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. This includes, but is not limited to hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hairstyle, and leave-in volumizers, detanglers and/or conditioners that make styling claims. This does not include “Hair Mousse” “Hair Shine,” “Hair Spray,” or shampoos and/or conditioners that are

rinsed from the hair prior to styling. For the purposes of this Subpart Part, “Finish” or “Finishing” means the maintaining and/or holding of previously styled hair for a period of time. For the purposes of this Subpart Part, “Styling” means the forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

“Sanding Sealer” means for purposes of this Subpart Part, a clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A “Sanding Sealer” that also meets the definition of a “Lacquer” is not included in this category, but it is included in the “Lacquer” category.

3. *Amend Section 223.207 to clarify that the FIFRA section specified was incorporated by reference. The notation was inadvertently omitted from the proposed rule.*

For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA, 7 U.S.C. Section 136-136y), incorporated by reference in Section 223.120, the effective date of the VOM standards will be January 1, 2010.

4. *Amend Section 223.208 to clarify that the California Code section specified was incorporated by reference. The notation was inadvertently omitted from the proposed rule.*

Section 223.208 Requirements for Aerosol Adhesives

- a) As specified in California Code section 41712(h)(2), incorporated by reference in Section 223.120, the standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in Sections 223.207, 223.230, 223.240, 223.245, and 223.207, no person shall sell, supply, offer for sale, use or manufacture for sale in Illinois any aerosol adhesive which, at the time of sale, use, or manufacture, contains VOMs in excess of the specified standard.
5. *Amend Section 223.220 to clarify that the California Code section specified was incorporated by reference. The notation was inadvertently omitted from the proposed rule.*
 - a) No person shall sell, supply, or offer for sale on or after January 1, 2009, any charcoal lighter material product unless at the time of the transaction the manufacturer can demonstrate that they have been issued an effective certification by the CARB under the Consumer Products provisions under Subchapter 8.5, Article 2, Section 94509(h), of Title 17 of the California Code of Regulations, incorporated by reference in Section 223.120. This

certification remains in effect for Illinois for as long as the CARB certification remains in effect.

6. *Amend Section 223.240 to clarify that the California Code sections specified were incorporated by reference. The notation was inadvertently omitted from the proposed rule.*
 - a) Any manufacturer of consumer products which have been granted an Innovative Product exemption by the CARB under the Innovative Products provisions in Subchapter 8.5, Article 2, Section 94511, or Subchapter 8.5, Article 1, Section 94503.5 of Title 17 of the California Code of Regulations, both incorporated by reference in Section 223.120, shall be exempt from the limits in 223.205(a) for the period of time that the CARB Innovative Products exemption remains in effect, provided that all consumer products within the CARB Innovative Products exemption are contained in the limits in 223.205(a) of this regulation. Any manufacturer claiming such an exemption on this basis must submit to the Agency a copy of the CARB Innovative Product exemption decision (i.e., the Executive Order), including all conditions established by CARB applicable to the exemption.
7. *Amend Section 223.245 to clarify that the California Code section specified was incorporated by reference. The notation was inadvertently omitted from the proposed rule.*
 - b) Any manufacturer of consumer products which have been granted an ACP Agreement by the CARB under the provisions in Subchapter 8.5, Article 4, Sections 94540-94555, of Title 17 of the California Code of Regulations, incorporated by reference in Section 223.120, shall be exempt from the limits in Section 223.205(a) for the period of time that the CARB ACP Agreement remains in effect provided that all ACP Products used for emissions credits within the CARB ACP Agreement are contained in Section 223.205(a) of this regulation. Any manufacturer claiming such an ACP Agreement on this basis must submit to the Agency a copy of the CARB ACP decision (i.e., the Executive Order), including all conditions established by CARB applicable to the exemption.
8. *Amend Section 223.270(a), to clarify that companies have 90 days, not 30, to submit the pertinent information to the Illinois EPA. The 30 day limit was of concern to members of the public.*
 - a) Upon request, a responsible party must submit to the Agency any of the following information within 90 ~~30~~ days of a request by the Agency:

9. Amend Section 223.275(b), to clarify that companies have 90 days, not 30, to submit the pertinent information to the Illinois EPA. The 30 day limit was of concern to members of the public.

- b) For each consumer product that contains perchloroethylene or methylene chloride, the responsible party shall report the following information for products sold in Illinois, upon request of the Agency, within 90 30 days written notice:

10. Amend Section 223.285(c) to correct the citation to the ASTM and reconcile it with the newer version which was incorporated by reference.

- c) Testing to determine whether a product is a liquid or solid shall be performed using ASTM D4359-90 (2000)e1, which is incorporated by reference in Section 223.120 or an equivalent method approved by the CARB.

11. Amend Section 223.307 to add a line between the definitions of "Bituminous Roof Primer" and "Bond Breaker." A blank line was inadvertently omitted.

"Bituminous Roof Primer" means a primer which incorporates "Bitumens" that is labeled and formulated exclusively for roofing.

"Bond Breaker" means a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

12. Amend Section 223.307 to change the term "Part" to Subpart" in the following definitions. The term Subpart more accurately describes the meaning of the words.

"Coating" means for purposes of this Subpart Part, a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.

"Concrete Curing Compound" means for purposes of this Subpart Part, a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

"Primer" means for purposes of this Subpart Part, a coating labeled and formulated for application to a substrate to provide a firm bind between the substrate and subsequent coats.

“Sanding Sealer” means for purposes of this Subpart Part, a clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A “Sanding Sealer” that also meets the definition of a “Lacquer” is not included in this category, but it is included in the “Lacquer” category.

“Sealer” means for purposes of this Subpart Part, a coating labeled and formulated for application to a substrate for one or more of the following purposes: to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

13. *Amend Section 223.307 to clarify that the ASTM method specified was incorporated by reference. The notation was inadvertently omitted from the proposed rule.*

“Nuclear Coating” means a protective coating formulated and recommended to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusions by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure [ASTM Method D 4082-89], incorporated by reference in Section 223.120, relatively easy to decontaminate, and resistant to various chemicals to which the coatings are likely to be exposed [ASTM Method D 3912-80 incorporated by reference in Section 223.120].

14. *Amend Section 223.320, to clarify that companies only have to submit date codes to the Illinois EPA upon request. It was not intended that companies should be required to provide this information without a request from the Illinois EPA.*

- a) If a manufacturer uses a code other than specified in 223.250(b) indicating the date of manufacture for any consumer product subject to Section 223.205(a), an explanation of the date portion of the code must be filed with the Agency upon request. ~~no later than 12 months prior to the effective date of the applicable standard specified in Section 223.205.~~

15. *Amend Section 223.320, to clarify that companies only have to submit date codes to the Illinois EPA upon request. It was not intended that companies should be required to provide this information without a request from the Illinois EPA.*

- a) Date Code. The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Agency upon request.

16. Amend Section 223.320(c) to repeat and clarify that “VOM Content” and “VOC Content” shall have the same meaning. The use of the two terms caused confusion among members of the public.

- c) VOM or VOC Content. Each container of any coating subject to this rule shall display either the maximum or the actual VOM content of the coating, as supplied, or the actual VOM content including the maximum thinning as recommended by the manufacturer. VOM content shall be displayed in grams of VOM per liter of coating. VOM content displayed shall be calculated using product formulation data, or shall be determined using the test methods in subsection 223.340(b). The equations in subsection 223.340(a) shall be used to calculate VOM content. In each of the above cases, the term “VOC content” shall have the same meaning as “VOM content.”

17. Amend Section 223.330, to clarify that companies have 90 days, not 30, to submit the pertinent information to the Illinois EPA. The 30 day limit was of concern to members of the public.

- a) Clear Brushing Lacquers. Each manufacturer of clear brushing lacquers shall report the following information for products sold in Illinois, upon request of the Agency, within 90 ~~30~~ days written notice:
 - 1) The number of gallons of clear brushing lacquers sold in the state during the preceding calendar year; and
 - 2) The method used by the manufacturer to calculate state sales.
- b) Rust Preventive Coatings. Each manufacturer of rust preventive coatings shall report the following information for products sold in Illinois, upon request of the Agency, within 90 ~~30~~ days written notice:
 - 1) The number of gallons of rust preventive coatings sold in the state during the preceding calendar year; and
 - 2) The method used by the manufacturer to calculate state sales.
- c) Specialty Primers, Sealers, and Undercoaters. Each manufacturer of specialty primers, sealers, and undercoaters shall report the following information for products sold in Illinois, upon request of the Agency, within 90 ~~30~~ days written notice:
 - 1) The number of gallons of specialty primers, sealers, and undercoaters sold in the state during the preceding calendar year; and

- 2) The method used by the manufacturer to calculate state sales.
- d) Toxic Exempt Compounds. For each architectural coating that contains perchloroethylene or methylene chloride, the manufacturer shall report the following information for products sold in Illinois, upon request of the Agency, within 90 ~~30~~ days written notice:
- 1) The product brand name and a copy of the product label with the legible usage instructions;
 - 2) The product category listed in Section 223.210(a) to which the coating belongs;
 - 3) The total sales in Illinois during the calendar year to the nearest gallon; and
 - 4) The volume percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the coating.
- e) Recycled Coatings.
- 1) Manufacturers of recycled coatings must submit a letter to the Agency self-certifying their status as a Recycled Paint Manufacturer upon request of the Agency, within 90 ~~30~~ days written notice.
 - 2) Each recycled coatings manufacturer shall report the following information for products sold in Illinois, upon request of the Agency, within 90 ~~30~~ days written notice:
 - A) The number of gallons of recycled coatings sold in the state during the preceding calendar year; and
 - B) The method used by the manufacturer to calculate state sales.
- f) Bituminous Coatings. Each manufacturer of “Bituminous Roof Coatings” or “Bituminous Roof Primers” shall report the following information for products sold in Illinois, upon request of the Agency, within 90 ~~30~~ days written notice:
- 1) The number of gallons of “Bituminous Roof Coatings” or “Bituminous Roof Primers” sold in the state during the preceding calendar year; and
 - 2) The method used by the manufacturer to calculate state sales.

18. *Amend Section 223.370 to clarify that the various test methods specified were incorporated by reference. The notation was inadvertently omitted from the proposed rule.*

Section 223.370 Test Methods

The following test methods are incorporated by reference herein, and shall be used to test coatings subject to the provisions of this Subpart:

- a) **Flame Spread Index.** The flame spread index of a fire-retardant coating shall be determined by the ASTM Designation E 84-99, "Standard Test Method for Surface Burning Characteristics of Building Materials," as incorporated by reference in Section 223.120, (see Section 223.307, Fire-Retardant Coating) or an equivalent method approved by the CARB.
- b) **Fire-Resistance Rating.** The fire-resistance rating of a fire-resistive coating shall be determined by ASTM designation E 119-98, "Standard Test Methods for Fire Tests of Building Construction Materials," as incorporated by reference in Section 223.120, (see Section 223.307, Fire-Resistive Coating) or an equivalent method approved by the CARB.
- c) **Gloss Determination.** The gloss of a coating shall be determined by ASTM Designation D 523-89 (1999), "Standard Test Method for Specular Gloss," (see Section 223.307, Flat Coating, Non-flat Coating, Non-flat - High-Gloss Coating, and Quick Dry Enamel) or an equivalent method approved by the CARB.
- d) **Metal Content of Coatings.** The metallic content of a coating shall be determined by SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," SCAQMD "Laboratory Methods of Analysis for Enforcement Samples," as incorporated by reference in Section 223.120, (see Section 223.307, Metallic Pigmented Coating).
- e) **Acid Content of Coatings.** The acid content of a coating shall be determined by ASTM Designation D 1613-96, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products," as incorporated by reference in Section 223.120, (see Section 223.307, Pre-Treatment Wash Primer) or an equivalent method approved by the CARB.
- f) **Drying Times.** The set-to-touch, dry-hard, dry-to-touch and dry-to-recoat times of a coating shall be determined by ASTM Designation D 1640-95, "Standard Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature," as incorporated by reference in Section 223.120, (see Section 223.307, QuickDry Enamel and Quick-Dry Primer,

Sealer, and Undercoater). The tack free time of a quick-dry enamel coating shall be determined by the Mechanical Test Method of ASTM Designation D 1640-95 or an equivalent method approved by the CARB.

- g) Surface Chalkiness. The chalkiness of a surface shall be determined using ASTM Designation D 4214-98, "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films," as incorporated by reference in Section 223.120, (see Section 223.307, Specialty Primer, Sealer, and Undercoater) or an equivalent method approved by the CARB.
- h) Exempt Compounds – Siloxanes. Exempt compounds that are cyclic, branched, or linear, completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with Section 223.340 by BAAQMD Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," BAAQMD Manual of Procedures, Volume III, adopted November 6, 1996, as incorporated by reference in Section 223.120, (see Section 223.307, Volatile Organic Material, and subsection 223.340(b)).
- i) Exempt Compounds - Parachlorobenzotrifluoride (PCBTF). The exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with Section 223.400 by BAAQMD Method 41, "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride," BAAQMD Manual of Procedures, Volume III, adopted December 20, 1995, as incorporated by reference in Section 223.120, (see Section 223.307, Volatile Organic Material, and subsection 223.340(b)).
- j) Exempt Compounds. The content of compounds exempt under USEPA Method 24 shall be analyzed by SCAQMD Method 303-91 (Revised 1993), "Determination of Exempt Compounds," SCAQMD "Laboratory Methods of Analysis for Enforcement Samples," as incorporated by reference in Section 223.120, (see Section 223.307, Volatile Organic Material, and subsection 223.340(b)).
- k) VOM Content of Coatings. The VOM content of a coating shall be determined by USEPA Method 24 as it exists in Appendix A of 40 Code of Federal Regulations (CFR) Part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings," as incorporated by reference in Section 223.120, (see subsection 223.340(b)) or an equivalent method approved by the CARB.
- l) Alternative VOM Content of Coatings. The VOM content of coatings may be analyzed by either USEPA Method 24 or SCAQMD Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," SCAQMD "Laboratory Methods of Analysis for

Enforcement Samples,” (see subsection 223.340(b)) as incorporated by reference in Section 223.120.

- m) Methacrylate Traffic Marking Coatings. The VOM content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, subpart D, appendix A, “Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings,” (September 11, 1998), as incorporated by reference in Section 223.120, (see subsection 223.360) or an equivalent method approved by the CARB.

19. Amend Section 223.407 to change the term “Part” to Subpart” in the following definitions. The term Subpart more accurately describes the meaning of the words.

“Primer” means for purposes of this Subpart Part, a coating labeled and formulated for application to a substrate to provide a firm bind between the substrate and subsequent coats.

“Retail Outlet” means for purposes of this Subpart Part, any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.

20. Amend Section 223.450, to clarify that companies have 90 days, not 30, to submit the pertinent information to the Illinois EPA. The 30 day limit was of concern to members of the public.

- a) Any responsible party for an aerosol coating product subject to this article which is sold, supplied, or offered for sale in Illinois, must supply the Agency, upon request, with the following information within 90 30 days of the effective date of this Subpart: the company name, mail address, contact person, and the telephone number of the contact person. For responsible parties who do not manufacture their own aerosol coating products, the responsible party shall also supply the information specified in this subsection (a) for those manufacturers which produce products for the responsible party. The responsible party shall also notify the Agency within 90 30 days of any change in the information supplied to the Agency pursuant to this subsection (a).
- b) Upon 90 30 days written notice, each manufacturer or responsible party subject to this Subpart shall submit to the Agency a written report with all of the following information for each product they manufacture under their name or another company's name:

21. Amend Section 223.450(b) to add a space after the caption "Product formulation data:" and before the word "For." The space was inadvertently left out of the original text.

- 6) Product formulation data: For products subject to the reactivity limits specified in Section 223.410(c), the WMIR and the weight fraction of all ingredients including: water, solids, each ROC, and any compounds assigned a MIR value of zero as specified in Section 223.410(j), and Appendices A or B to this Part. Each ROC must be reported as an ingredient if it is present in an amount greater than or equal to 0.1% by weight of the final aerosol coatings formulation. If an individual ROC is present in an amount less than 0.1% by weight, then it does not need to be reported as an ingredient. In addition, an impurity that meets the following definition does not need to be reported as an ingredient.

22. Amend Section 223.460(a) and (b) to clarify that several of the various test methods specified were incorporated by reference. The notation was inadvertently omitted from the proposed rule.

Section 223.460 Test Methods

Compliance with the requirements of this Subpart shall be determined by using the following test methods, which are incorporated by reference herein. Alternative test methods which are shown to accurately determine the VOM content, ingredient name and weight percent of each ingredient, exempt compound content, metal content, specular gloss, or acid content may also be used after approval in writing by the Agency:

- a) The VOM content of all aerosol coating products subject to the provisions of this Subpart shall be determined by the procedures set forth in "Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOM) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products," adopted September 25, 1997, and as last amended on May 5, 2005, as incorporated by reference in Section 223.120.
- b) Testing for Products Subject to the Reactivity Limits Specified in Section 223.410(b).
 - 1) The ingredients and the amount of each ingredient of all aerosol coating products subject to the provisions of this Subpart shall be determined by the procedures set forth in "Air Resources Board Method 310, Determination of Volatile Organic Compounds (VOM) in Consumer Products," adopted September 25, 1997 and as last amended on May 5, 2005, as incorporated by reference in Section 223.120.

- 2) Upon written notification from the Agency, the aerosol coating manufacturer shall have 10 working days to provide to the Agency the following information for products selected for testing:
- A) The product category as defined in Section 223.407;
 - B) The PWMIR;
 - C) The weight fraction of all ingredients including: water, solids, each ROC, and any compounds assigned a MIR value of zero as specified in sections 223.410(j), and Appendices A and B to this Part. Each ROC must be reported as an ingredient if it is present in an amount greater than or equal to 0.1% by weight of the final aerosol coatings formulation. If an individual ROC is present in an amount less than 0.1% by weight, then it does not need to be reported as an ingredient. In addition, an impurity that meets the following definition does not need to be reported as an ingredient.

For the purpose of this section, an “impurity” means an individual chemical compound present in a raw material which is incorporated into the final aerosol coatings formulation, if the compound is present below the following amounts in the raw material:

- i) For individual compounds that are carcinogens, as defined in 29 CFR Section 1910.1200(d)(4), as incorporated by reference in Section 223.120, each compound must be present in an amount less than 0.1% by weight in order to be considered an “impurity.”
 - ii) For all other compounds present in a raw material, a compound must be present in an amount less than one percent by weight in order to be considered an “impurity”;
- D) Any other information necessary to determine the PWMIR of the aerosol coating products to be tested.
- 3) Final determination of the PWMIR of the aerosol coatings shall be determined using the information obtained from Appendix A and B.

23. Amend Section 223.APPENDIX A, the "*" to clarify that the California Code section specified was incorporated by reference. The notation was inadvertently omitted from the proposed rule

* ULMIR (as defined in Section 94521(a)(71), title 17, California Code of Regulations,incorporated by reference in Section 223.120).

24. Amend Section 223.APPENDIX B, the "*" to clarify that the California Code section specified was incorporated by reference. The notation was inadvertently omitted from the proposed rule

* ULMIR (as defined in Section 94521(a)(71), title 17, California Code of Regulations,incorporated by reference in Section 223.120).

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY



Charles E. Matoesian
Assistant Counsel

DATED: _____
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Illinois Environmental Protection Agency's Second Errata Sheet to its Proposal for the Addition of 35 Ill. Adm. Code 223 upon the person to whom it is directed, by placing it in an envelope addressed to:

TO: John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Timothy Fox, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

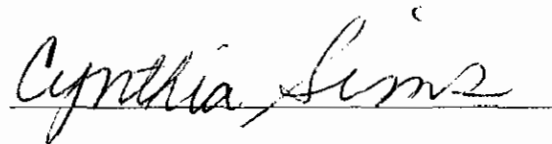
Matthew Dunn, Chief
Office of Attorney General
188 West Randolph Street, 20th Floor
Chicago, Illinois 60601

Mark Biel
Chemical Industry Council of Illinois
400 West Monroe, Suite 205
Springfield, Illinois 62704

HODGE DWYER ZEMAN
Katherine Hodge
Monica Rios
Lauren Lurkins
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776

Virginia Yang
Office of Legal Services
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702

and mailing it by First Class Mail from Springfield, Illinois on June 2, 2008 with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

this 2nd day of June, 2008



Notary Public



THIS FILING IS SUBMITTED ON RECYCLED PAPER