

REGULATION II
PROHIBITIONS

Rule 227 **Cutback and Emulsified Asphalt Paving Materials**

1.0 General Requirements

1.1 Applicability

A person shall not discharge to the atmosphere volatile organic compounds (VOC's) caused by the use or manufacture of Cutback or Emulsified asphalts for paving, road construction or road maintenance, unless such manufacture or use complies with the provisions of this Rule.

1.2 Exemptions

The provisions of Section 3.0 shall not apply to:

1.2.1 The use of cutback asphalt or emulsified asphalt in the manufacturing of paving materials where such materials are for immediate shipment and eventual use outside of the federal non-attainment area known as Western Nevada County, State of California, and where such area is designated as attainment for the State and Federal Ozone Standard.

1.2.2 The use of medium cure cutback asphalt during the months of the year when the National Weather Service forecasts that atmospheric temperature for the 24-hour period following application will not exceed 10° C (50° F).

2.0 Definitions

2.1 Asphalt: A dark brown to black cementitious material (solid, semisolid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

2.2 Cutback Asphalt: Paving grade asphalts liquified with petroleum distillate and conforming to specifications of the American Society for Testing & Materials (ASTM) as follows:

Rapid Cure Type: ASTM D2028

Medium Cure Type: ASTM D2027

Slow Cure Type: ASTM D2026

2.3 Emulsified Asphalt: Any asphalt liquified with water containing an emulsifier.

2.4 Paving Material: A mixture consisting mainly of an asphalt and aggregate.

2.5 Paving and Maintenance Operations: All activities involved in the new construction and maintenance of roadways and parking areas.

3.0 Standards

3.1 Cutback Asphalt

3.1.1 A person shall not manufacture for sale nor use for paving, road construction or road maintenance any:

3.1.2 Rapid cure cutback asphalt;

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3.1.3 Slow cure cutback asphalt containing organic compounds which evaporate at 260° C (500° F) or lower as determined by current ASTM Method D402, or;

3.1.4 Medium cure cutback asphalt except as provided in Section 1.2.

3.2 Emulsified Asphalt

3.2.1 A person shall not manufacture for paving, road construction or road maintenance any emulsified asphalt containing organic compounds in excess of three percent by volume which evaporate at 260° C (500° F) or lower, as determined by current ASTM Method D244.

4.0 Administrative

4.1 Test Methods

4.1.1 Analysis of Cutback Asphalt samples for VOC content shall be in accordance with current ASTM Method D402.

4.1.2 Analysis of Emulsified Asphalt samples for VOC content shall be in accordance with current ASTM Method D244, in excess of three percent by volume.

4.2 Recordkeeping

4.2.1 Any person who manufactures or uses cutback asphalts and emulsified asphalts which contain solvents shall comply with the following requirements:

4.2.2 The manufacturer shall maintain records showing the types and amounts of cutback asphalts and emulsified asphalts which contain solvents produced and the destination of these products.

4.2.3 The users shall maintain records showing the types, amounts received, and amounts used of cutback asphalts and emulsified asphalts which contain solvents.

4.2.4 Such records shall be maintained daily and retained and available for inspection by the APCO for the previous 24 month period.

4.2.5 In addition to the recordkeeping requirements as specified herein, all provisions of Regulation V, Rule 513, when applicable, must be adhered to.