

COMMONWEALTH OF VIRGINIA  
STATE AIR POLLUTION CONTROL BOARD  
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION

9 VAC 5 CHAPTER 40.  
EXISTING STATIONARY SOURCES.

PART II.  
Emission Standards.

ARTICLE 39.  
Emission Standards For Asphalt Paving Operations (Rule 4-39).

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9 VAC 5-40-5490. Applicability and designation of affected facility.

A. The affected facility to which the provisions of this article apply is each asphalt paving operation.

B. The provisions of this article apply only to sources of volatile organic compounds in volatile organic compound emissions control areas designated in 9 VAC 5-20-206.

9 VAC 5-40-5500. Definitions.

A. For the purpose of these regulations and subsequent amendments or any orders issued by the board, the words or terms shall have the meaning given them in subsection C of this section.

B. As used in this article, all terms not defined here shall have the meaning given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.), unless otherwise required by context.

C. Terms defined.

"Asphalt" means a dark-brown to black cementitious material (solid, semisolid, or liquid in consistency) in which the predominating constituents are bitumens which occur in nature as such or which are obtained as residue in refining petroleum.

"Cutback asphalt" means asphalt cement which has been liquefied by blending with petroleum solvents (diluents). Upon exposure to atmospheric conditions the diluents evaporate, leaving the asphalt cement to perform its function.

"Emulsified asphalt" means an emulsion of asphalt cement and water which contains a small amount of an emulsifying agent; a heterogeneous system containing two normally immiscible phases (asphalt and water) in which the water forms the continuous phase of the emulsion, and minute globules of asphalt form the discontinuous phase.

"Penetrating prime coat" means an application of low-viscosity liquid asphalt to an absorbent surface. It is used to prepare an untreated base for an asphalt surface. The prime penetrates the base and fills the surface voids, hardens the top, and helps bind it to the overlying asphalt course. It also reduces the necessity of maintaining an untreated base course prior to placing the asphalt pavement.

9 VAC 5-40-5510. Standard for volatile organic compounds.

A. No owner or other person shall cause or permit the manufacture, mixing, storage, use or application of liquefied asphalt for paving operations unless such asphalt is of the emulsified asphalt type.

B. Regardless of the provisions of subsection A of this section, the manufacture, mixing, storage, use or application of cutback asphalt is permitted under any of the following circumstances:

1. When stockpile storage greater than one month is necessary;
  2. When use or application during the months of November through March is necessary;
  3. When use or application as a penetrating prime coat or tack coat is necessary;
- or
4. When the user can demonstrate that there are no volatile organic compound emissions from the asphalt under conditions of normal use.

C. The provisions of subsection A of this section do not preclude the manufacture, mixing, storage, use or application of heated asphalt cement as a component in asphaltic concrete mixing or for priming in surface treatment.

D. Notwithstanding the provisions of subsection A of this section, the manufacture, mixing, storage, use or application of emulsified asphalt containing volatile organic compounds is permitted provided the annual average of volatile organic compound content for all emulsified asphalts used does not exceed 6% of volatile organic compounds by volume.

9 VAC 5-40-5520. Standard for visible emissions.

The provisions of Article 1 (9 VAC 5-40-60 et seq.) of 9 VAC 5 Chapter 40 (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply.

9 VAC 5-40-5530. Standard for fugitive dust/emissions.

The provisions of Article 1 (9 VAC 5-40-60 et seq.) of 9 VAC 5 Chapter 40 (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply.

9 VAC 5-40-5540. **[Not in SIP]**

9 VAC 5-40-5550. **[Not in SIP]**

9 VAC 5-40-5560. Compliance.

The provisions of 9 VAC 5-40-20 (Compliance) apply.

9 VAC 5-40-5570. Test methods and procedures.

The provisions of 9 VAC 5-40-30 (Emission Testing) apply.

9 VAC 5-40-5580. Monitoring.

The provisions of 9 VAC 5-40-40 (Monitoring) apply.

9 VAC 5-40-5590. Notification, records and reporting.

The provisions of 9 VAC 5-40-50 (Notification, Records and Reporting) apply.