

R307. Environmental Quality, Air Quality.

R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt.

R307-341-1. Purpose.

This rule establishes reasonably achievable control technology (RACT) requirements for the use or application of cutback asphalt in ozone nonattainment and maintenance areas.

R307-341-2. Applicability.

R307-341 applies to any person who uses or applies asphalt in any ozone nonattainment or maintenance area.

R307-341-3. Definitions.

The following additional definitions apply to R307-341:

"Asphalt or Asphalt Cement" means the dark brown to black cementitious material, either solid, semisolid or liquid in consistency, of which the main constituents are bitumens that occur naturally or as a residue of petroleum refining.

"Asphalt Concrete" means a waterproof and durable paving material composed of dried aggregate that is evenly coated with hot asphalt cement.

"Cutback Asphalt" means any asphalt that has been liquified by blending with petroleum solvents (diluent) or, in the case of some slow cure asphalts (road oils), which have been produced directly from the distillation of petroleum.

"Emulsified Asphalt" means asphalt emulsions produced by combining asphalt with water that contains an emulsifying agent.

"Patch Mix" means a mixture of an asphalt binder and aggregate in which cutback or emulsified asphalts are used either as sprayed liquid or as a binder.

"Penetrating Prime Coat" means an application of low-viscosity liquid asphalt to an absorbent surface in order to prepare it for paving with asphaltic concrete.

R307-341-4. Limitations on Use of Cutback Asphalt.

No person shall cause, allow, or permit the use or application of cutback asphalt, or emulsified asphalt containing more than 7 percent oil distillate, as determined by ASTM distillation test D-244, except as provided below:

(1) Where the use or application commences on or after October 1 of any year and such use or application is completed by April 30 of the following year;

(2) Where long-life (longer than 1 month) stockpile storage of patch mix is demonstrated to the executive secretary to be necessary;

(3) Where the asphalt is to be used solely as a penetrating prime coat;

(4) Where the user can demonstrate that there are no emissions of volatile organic compounds from the asphalt under conditions of normal use;

(5) Where the use or application is for the paving of parking lots smaller than 300 parking stalls.

R307-341-5. Recordkeeping.

Any person subject to R307-341 shall keep records for at least two years of the types and amounts of cutback or emulsified asphalt used, the amounts of solvents added, and the

location where the asphalt is applied. The records shall be made available to the executive secretary upon request.

R307-341-6. Compliance Schedule.

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

KEY: air pollution, emission controls, asphalt, solvent

Date of Enactment or Last Substantive Amendment: January 16, 2007

Notice of Continuation: August 5, 2003

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)