

Texas Commission on Environmental Quality

5 Chapter 115 - Control of Air Pollution from Volatile Organic Compounds

5F Subchapter F: Miscellaneous Industrial Sources

5F1 DIVISION 1 : CUTBACK ASPHALT

As approved by EPA December 21, 2017 (82 FR 60546) SIP effective January 22, 2018 (TXd204), Regulations.gov docket EPA-R06-OAR-2015-0832 [TX179].

Outline:

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EPA Approval Information for Current SIP-Approved Sections

5-63 TXd05, Sections 510, 513, 515:

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5-78 TXd52 TX014, Sections 512, 516, 517:

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5-96 TXd204 TX179, Section 519:

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Errors in Federal Register amendatory language:

*** State approval date should be June 3, 2015, NOT June 15, 2015;

*** Section 519 title should be "Counties and Compliance Schedules", NOT "Compliance Schedules".

Tx5F1TXd204***end SIP-Approved Information***TX179***y5m*** 5 pages***

Tx5F1 TXd204 Cutback Asphalt SIP effective January 22 2018 TX179 y5m

SUBCHAPTER F: MISCELLANEOUS INDUSTRIAL SOURCES
DIVISION 1: CUTBACK ASPHALT
§§115.510, 115.512, 115.513, 115.515 - 115.517, 115.519
Effective June 25, 2015

§115.510. Cutback Asphalt Definitions.

The following terms, when used in this division (relating to Cutback Asphalt), shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions for terms used in this division are found in §115.10 of this title (relating to Definitions), §101.1 of this title (relating to Definitions), and §3.2 of this title (relating to Definitions).

(1) Asphalt emulsion--An emulsion consisting of a continuous and discontinuous phase, composed principally of a semisolid or liquid asphaltic base, water, and an emulsifying agent.

(2) Conventional cutback asphalt--Any cutback asphalt which does not meet the definition of an exempt cutback asphalt.

(3) Cutback asphalt--Any asphaltic cement which has been liquified by blending with petroleum solvents (diluents).

(4) Exempt cutback asphalt--Any cutback asphalt which, when tested in accordance with American Society of Testing Materials Test Method D 402, "Distillation of Cutback Asphalt Products," as published in the 1997 edition of the Annual Book of ASTM Standards, shows the distillate fraction recovered up to 260 degrees Celsius (500 degrees Fahrenheit) to be less than 5.0% by volume of the total distillate recovered up to a temperature of 316 degrees Celsius (680 degrees Fahrenheit).

Adopted July 28, 1999

Effective August 18, 1999

§115.512. Control Requirements.

The following control requirements shall apply in Nueces, Bastrop, Caldwell, Hays, Travis, and Williamson Counties and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions).

(1) The use of conventional cutback asphalt containing volatile organic compounds (VOC) solvents for the paving of roadways, driveways, or parking lots is restricted to no more than 7.0% of the total annual volume averaged over a two-year

period of asphalt used by or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(2) In the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas and in Bastrop, Caldwell, Hays, Travis, and Williamson Counties, no person shall allow the use, application, sale, or offering for sale of conventional cutback asphalt containing VOC solvents for paving roadways, driveways, or parking lots during the period from April 16 to September 15 of any year.

(3) When asphalt emulsion is used or produced, the maximum VOC content shall not exceed 12% by weight or the following limitations, whichever is more stringent:

(A) 0.5% by weight for seal coats;

(B) 3.0% by weight for chip seals when dusty or dirty aggregate is used;

(C) 8.0% by weight for mixing with open graded aggregate with less than 1.0% by weight of dust or clay-like materials adhering to the coarse aggregate fraction (1/4 inch in diameter or greater); and

(D) 12% by weight for mixing with dense graded aggregate when used to produce a mix designed to have 10% or less voids when fully compacted.

Adopted November 17, 2004

Effective December 9, 2004

§115.513. Alternate Control Requirements.

Alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this division may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

Adopted July 28, 1999

Effective August 18, 1999

§115.515. Testing Requirements.

Compliance with §115.510 and §115.512 of this title (relating to Cutback Asphalt Definitions; and Control Requirements) shall be determined by applying the following test methods, as appropriate:

(1) American Society of Testing and Materials (ASTM) Test Method D 244, "Standard Test Methods for Emulsified Asphalts, Sections 11 to 15, Residue and Oil Distillate by Distillation," as published in the 1997 edition of the Annual Book of ASTM Standards, for determining volatile organic compound (VOC) content of asphalt emulsions;

(2) ASTM Test Method D 402, "Standard Test Method for Distillation of Cut-Back Asphaltic Products," as published in the 1997 edition of the Annual Book of ASTM Standards, for determining the VOC content of cutback asphalt; or

(3) minor modifications to these test methods approved by the executive director.

Adopted July 28, 1999

Effective August 18, 1999

§115.516. Recordkeeping Requirements.

In Nueces, Bastrop, Caldwell, Hays, Travis, and Williamson Counties and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, any state, municipal, or county agency who uses or specifies the use of cutback asphalt or asphalt emulsion shall maintain records sufficient to document compliance with applicable restrictions and shall make such records available upon request to representatives of the executive director, EPA, or the local air pollution control agency having jurisdiction in the area.

Adopted November 17, 2004

Effective December 9, 2004

§115.517. Exemptions.

For persons in Nueces, Bastrop, Caldwell, Hays, Travis, and Williamson Counties and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas, the following are exempt from the provisions of §115.512(2) of this title (relating to Control Requirements):

(1) asphalt concrete made with cutback asphalt, used for patching, which is stored in a long-life stockpile (longer than one-month storage); and

(2) cutback asphalt used solely as a penetrating prime coat.

Adopted November 17, 2004

Effective December 9, 2004

§115.519. Counties and Compliance Schedules.

(a) In Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, and Waller Counties, the compliance date has passed and all affected persons shall continue to comply with this division.

(b) All affected persons in Bastrop, Caldwell, Hays, Travis, and Williamson Counties shall comply with this division as soon as practicable, but no later than December 31, 2005.

(c) All affected persons in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties shall comply with this division as soon as practicable, but no later than March 1, 2009.

(d) All affected persons in Wise County shall comply with this division as soon as practicable, but no later than January 1, 2017.

(e) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designated for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator in Wise County is not required to comply with any of the requirements in this division.

Adopted June 3, 2015

Effective June 25, 2015