

Rule 231 Cutback and Emulsified Asphalt

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RULE 231

1 **PURPOSE:** The purpose of this Rule is to limit emissions of volatile organic compounds (VOCs) from the use of cutback and emulsified asphalt in paving, construction, or maintenance of parking lots, driveways, streets, and highways.

2 **DEFINITIONS:** For the purposes of this Rule, the following definitions shall apply:

2.1 **Asphalt** means a brownish-black cementitious material (solid, semi-solid, or liquid mixture) of which the main constituents are bitumens which occur naturally or are obtained by distillation from coal or petroleum.

2.2 **Cutback asphalt** means paving-grade asphalt liquified with petroleum distillate and as further defined by American Society for Testing and Materials (ASTM) specifications as follows:

Rapid Cure Type	ASTM Method D-2028
Medium Cure Type	ASTM Method D-2027
Slow Cure Type	ASTM Method D-2026

2.3 **Emulsified asphalt** means rapid-, medium- or slow-setting grade as described under Section 94 of the January 1981 State of California Department of Transportation Standard Specifications.

2.4 **Emergency Road Maintenance** means road maintenance activities required for traffic safety considerations requiring immediate response and of a nature that the maintenance cannot be rescheduled.

2.5 **Volatile Organic Compounds** means any compound as defined in District Rule 101 – *Definitions*.

3 **REQUIREMENTS**

3.1 **Cutback Asphalt:** A person shall not sell, offer for sale, use or apply for paving, construction or maintenance of parking lots, driveways, streets, or highways any:

3.1.1 rapid or medium cure cutback asphalt;

3.1.2 slow cure cutback asphalt containing more than 0.5 percent by volume of VOCs which evaporate at 260°C (500°F) or less.

3.2 **Emulsified Asphalt:** A person shall not sell, offer for sale, use or apply for paving, construction or maintenance of parking lots, driveways, streets, or highways any emulsified asphalt material containing more than 3.0 percent by volume of VOCs which evaporate at 260°C (500°F) or less.

3.3 Test Methods:

- 3.3.1** Measurement of VOC content in cutback asphalt pursuant to Section 3.1 of this Rule shall be conducted and reported in accordance with ASTM Test Method D-402-76.
- 3.3.2** Measurement of VOC content in emulsified asphalts pursuant to Section 3.2 of this Rule shall be conducted and recorded in accordance with ASTM Test Method D-244-89.
- 3.3.3** Measurement of exempt compound content (compounds not included in the VOC definition) in cutback and emulsified asphalts pursuant to Sections 3.1 and 3.2 of this Rule shall be conducted and reported in accordance with ASTM Test Method D-4457-85.

4 EXEMPTIONS:

- 4.1** The provisions of this Rule shall not apply to the use of cutback and emulsified asphalt sold in the Sacramento Valley Air Basin (Basin) for shipment and use outside of the Basin, if cutback and emulsified asphalt is approved for use by the receiving District.
 - 4.2** Medium cure cutback asphalt for road patching work.
 - 4.3** Medium cure cutback asphalt when the National Weather Service forecasts that the atmospheric temperature for the 24-hour period following application will not exceed 50°F (10°C).
 - 4.4** Medium cure cutback asphalt at any elevation in the District from November 1st to May 1st each calendar year.
 - 4.5** Medium cure cutback asphalt above 1,000 feet in elevation year round.
 - 4.6** Medium cure cutback asphalt for emergency road maintenance at any elevation in the District year round.
- 5 RECORDKEEPING:** Any person who manufactures, sells, offers for sale, uses or applies any asphalt material subject to this Rule shall maintain a current record of all asphalt materials in use and Material Safety Data Sheets (MSDSs) or manufacturer specifications for each asphalt material containing sufficient information to readily determine compliance with Section 3 of this Rule, as applicable. These records shall be kept on site for at least three (3) years and be made available to the Colusa County Air Pollution Control District upon request.