

RULE 410.5 Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations - Adopted 6/26/79, Amended 5/6/91, 3/7/96

I. **Applicability**

This Rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

II. **Definitions**

- A. **Asphalt**: a dark-brown to black refined liquid or solid cementitious material of which the main constituents are bitumens suitable for use in the manufacture of paving materials or dust palliatives.
- B. **Cutback Asphalt**: paving grade asphalt liquified with petroleum distillate and conforming to specification of the American Society for Testing & Materials (ASTM) as following:
 - Rapid cure type: ASTM D2028-76 (Reapproved 1981)
 - Medium cure type: ASTM D2027-76 (Reapproved 1981)
- C. **Dust Palliative**: any light application of cutback asphalt, slow cure asphalt or emulsified asphalt for the express purpose of controlling loose dust.
- D. **Emulsified Asphalt**: any asphalt liquified with water containing an emulsifier. The two kinds of emulsions most pertinent are the anionic and cationic types.
- E. **Organic Compound**: any compound which contains VOC's.
- F. **Paving and Maintenance Operations**: all activities involved in the new construction and maintenance of roadways and parking areas.
- G. **Penetrating Prime Coat**: means any application of asphalt to an adsorptive surface to penetrate and bind the aggregate surface and promote adhesion between it and the new superimposed construction. Prime coats do not include dust palliative or tack coats.
- H. **Road Oils**: shall be synonymous with slow cure asphalt.
- I. **San Joaquin Valley Air Basin**: is all of San Joaquin, Stanislaus, Merced, Madera, Fresno Counties and the San Joaquin Valley Portion of Kern County.
- J. **Slow Cure Asphalt**: paving grade asphalt conforming to specification of the American Society for Testing & Materials (ASTM) D2026-72 (Reapproved 1979).

- K. Tack Coat: any application of asphalt applied to an existing surface to provide a bond between new surfacing and existing surface and to eliminate slippage planes, where the new and existing surfaces meet.
- L. Volatile Organic Compound (VOC): any compound containing at least one atom of carbon except for compounds exempted by Rule 102, Subsection L.

III. Exemptions

- A. The requirements of Section IV. shall not apply to the manufacture of cutback asphalt or emulsified asphalt in the manufacturing of paving materials where such materials are for shipment and use outside of Kern County and the San Joaquin Valley Air Basin.
- B. The requirements of Subsection IV.A.2 shall not apply to the use of medium cure asphalt where the National Weather Service official forecast of the high temperature for the 24-hour period following application is below 50 F (10 C).

IV. Requirements

- A. A person shall not manufacture for sale nor use any of the following for penetrating prime coat, tack coat, dust palliative, or other paving and maintenance operations:
 - 1. Rapid cure cutback asphalt;
 - 2. Medium cure cutback asphalt;
 - 3. Slow cure asphalt which as produced for application, contains more than 0.5 percent of organic compounds which evaporate at 500 F (260 C) or lower.
 - 4. Emulsified asphalt containing organic compounds, in excess of 3 percent by volume, which evaporate at 500 F (260 C) or lower.

V. Administrative Requirements

- A. Record Keeping
 - 1. The manufacturer of cutback, slow cure or emulsified asphalt for dust palliative, or any other road paving and maintenance operations shall maintain records showing the types and amounts of cutback asphalt slow cure asphalt and emulsified asphalt which contain organic compounds produced and the destination of these products.
 - 2. The users of cutback slow cure or emulsified asphalt for penetrating prime coat, tack coat, dust palliative, or other paving and maintenance operations shall maintain records showing the types, amounts received, and amounts used.

3. Such records shall be maintained daily and retained and available for inspection by the Control Officer for the previous 24 month period.

B. Test Methods

1. Analysis of Cutback Asphalt samples for VOC content shall be in accordance with ASTM Method D402-76 (Reapproved 1987).
2. Analysis of Emulsified Asphalt samples for VOC content shall be in accordance with ASTM Method D244-88.
3. Analysis for halogenated exempt compounds shall be by ARB Method 432.

VI. Compliance Schedule

- A. Any person subject to the requirements of this Rule prior to May 6, 1991 shall be in compliance with all previous requirements by January 1, 1985.
- B. Any person subject to the requirements of this Rule revised on May 6, 1991 or now subject to the recordkeeping requirements of Subsection V.A. shall be in full compliance before January 1, 1992.