

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR RESOURCES**

AIR POLLUTION CONTROL REGULATION NO. 25

**CONTROL OF VOLATILE ORGANIC COMPOUND EMISSIONS
FROM CUTBACK AND EMULSIFIED ASPHALT**



Effective 19 November 1992

Last Amended 19 July 2007

AUTHORITY: These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

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25.1 Definitions

Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to the Rhode Island Air Pollution Control General Definitions Regulation. As used in this regulation, the following terms shall, where the context permits, be construed as follows:

- 25.1.1 **"Asphalt"** means a dark brown cementitious material which is solid, semisolid, or liquid in consistence and in which the predominating constituents are bitumens that occur in nature or which are obtained as residue in refining petroleum.
- 25.1.2 **"Chip seal"** or **"Aggregate seal"** means a single application of liquefied asphalt to an existing paved surface followed by a single layer of aggregate.
- 25.1.3 **"Cutback asphalt"** means asphalt cement that has been liquefied by blending with petroleum solvents (dilutents).
- 25.1.4 **"Dense-graded aggregate"** means a dense aggregate containing sand, stone and fines which has small void spaces, resulting in a compacted mixture.
- 25.1.5 **"Emulsified asphalt"** means an emulsion of asphalt cement and water that contains a small amount of an emulsifying agent.
- 25.1.6 **"Long life stockpile storage"** means the storage of cutback asphalt paving mixtures for 30 days or longer.
- 25.1.7 **"Medium curing cutback asphalt"** means a cutback asphalt composed of asphalt cement and a kerosene-type diluent of medium volatility, which meets the specifications of the American Society for Testing and Materials (ASTM) Designation D-2027 for Medium-Curing Asphalt, or the American Association of State Highway and Transportation Officials (AASHTO) Designation M82.
- 25.1.8 **"Open-graded aggregate"** means aggregate containing little or no mineral filler or in which the void spaces in the compacted aggregate are large.
- 25.1.9 **"Penetrating Prime Coat"** means the application of low-viscosity liquid asphalt to an absorbent base surface prior to applying an asphalt surface.
- 25.1.10 **"Seal coat"** means a thin liquefied asphalt surface treatment used to waterproof and improve the texture of an asphaltwearing surface.

25.2 Applicability

- 25.2.1 The provisions of this regulation shall apply to any person, stationary source, facility or municipality which manufactures, stores, mixes, uses or applies asphalt for road paving or repairs. The provisions of this regulation shall not apply to the manufacture of asphalt products exclusively for use outside of the State of Rhode Island.
- 25.2.2 Wherever the term Volatile Organic Compound or VOC is used in Sections 25.2 through 25.6, this term should be read as Volatile Organic Compound and Halogenated Organic Compound or VOC and HOC.

25.3 Prohibitions

- 25.3.1 No person shall cause, allow or permit the manufacture, mixing, storage, use or application of cutback asphalt between 1 April and 30 September, except for the manufacture and use of medium curing cutback asphalt in patching mixtures for pavement repairs when long life stockpile storage is necessary and, with written approval of the Director, for the application of a penetrating prime coat. Medium curing cutback asphalt used for the manufacture of patching mixtures or as a penetrating prime coat shall have less than 5 percent (5%) of the total solvent evaporate at a temperature up to and including 500°F.
- 25.3.2 No person shall cause, allow or permit the manufacture, mixing, storage use or application of cutback asphalt between 1 October and 31 March except in the following circumstances:
- (a) The use of medium curing cutback asphalt solely as a penetrating prime coat, or
 - (b) The use of medium curing cutback asphalt for the manufacture and use of patching mixtures for pavement repairs when long life stockpile storage is necessary, or
 - (c) The use of medium curing cutback asphalt of which less than 5 percent (5%) of the total solvent evaporates at a temperature up to and including 500°F.
- 25.3.3 No person shall cause, allow or permit the manufacture, mixing, storage, use or application of emulsified asphalt which has been diluted with a petroleum solvent or another VOC or which has a VOC content greater than the limits specified in Subsection 25.3.4 between 1 April and 30 September:
- 25.3.4 The VOC content of any emulsified asphalt manufactured, mixed, stored, used or applied between 1 October and 31 March shall be limited as follows:

	<u>Application/Use</u>	<u>Maximum VOC Content-Percent (by wt.)</u>
(a)	Use as a seal coat	3
(b)	Use as a chip seal when dusty or dirty aggregate is used	3
(c)	Mixing with open graded aggregate that is not well washed	8
(d)	Mixing with dense graded aggregate	12

25.4 Test Methods

25.4.1 Compliance with subsections 25.3.1 and 25.3.2(c) shall be demonstrated using ASTM Method D-402, "Distillation of Cut-Back Asphaltic Product" or another method approved by the Director and EPA.

25.4.2 Compliance with section 25.3.4 shall be demonstrated using ASTM Method D-244, "Standard Test Methods for Emulsified Asphalts", or another method approved by the Director and EPA.

25.5 Recordkeeping

Any person, stationary source, facility or municipality subject to this regulation shall maintain records of the manufacture, mixing, storage, use of application of any asphalt which contains VOC between 1 April and 30 September. These records shall be maintained in a readily accessible location for a minimum of three years and shall be made accessible to the Office of Air Resources upon request.

25.6 Compliance schedule

Compliance with the provisions of this regulation shall be required on and after 1 May 1994.

25.7 General Provisions

25.7.1 Purpose

The purpose of this regulation is to limit volatile organic compound emissions from cutback and emulsified asphalt used for road paving or repairs.

25.7.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the

procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35

25.7.3 Application

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state law, goals and policies.

25.7.4 Severability

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

25.7.5 Effective Date

The foregoing regulation, "Control of Volatile Organic Compound Emissions from Cutback and Emulsified Asphalt", as amended, after due notice, is hereby adopted and filed with the Secretary of State this _____ day of _____, 20__ to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 23-23, 42-35, 42-17.1, 42-17.6, of the General Laws of Rhode Island of 1956, as amended.

W. Michael Sullivan, PhD., Director
Department of Environmental Management

Notice Given on: February 21, 2007

Public Hearing held: March 23, 2007

Filing Date: June 29, 2007

Effective Date: July 19, 2007