RULE 67.7. CUTBACK AND EMULSIFIED ASPHALTS (Effective 8/29/79; (Rev. Effective 5/21/91)

(a) APPLICABILITY

The provisions of this rule apply to the application and sale of cutback and emulsified asphalt materials for the paving, construction or maintenance of parking lots, driveways, streets and highways.

(b) EXEMPTION

(1) The provisions of this rule shall not apply to any asphalt material sold in San Diego County for shipment and use outside San Diego County.

It shall be the responsibility of any person claiming the above exemption to clearly label each container of materials subject to this exemption or provide shipping records to demonstrate that the asphalt material is not for use within San Diego County.

(2) The provisions of Section (e) shall not apply to any person who uses or applies asphalt materials utilized exclusively in connection with any structure which is designed and used exclusively as a dwelling for not more than four families.

(c) DEFINITIONS

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

(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 D2028
Medium cure type:	ASTM D2027
Slow cure type:	ASTM D2026

(3) **"Dust Palliative"** means any light application of liquified asphalt (cutback or emulsified asphalt) for the express purpose of controlling loose dust.

(4) **"Emulsified Asphalt"** means any asphalt liquified with water containing an emulsifier. The two kinds of emulsions most pertinent are the anionic and cationic types.

(5) **"Exempt Compound"** is any of the following compounds: methylene chloride, 1,1,1-trichloroethane, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), dichlorotrifluoroethane (HCFC-123), tetrafluoroethane (HFC-134a), dichlorofluoroethane (HCFC-141b), and chlorodifluoroethane (HCFC-142b).

(6) **"Penetrating Prime Coat"** means any application of asphalt to an absorptive surface to penetrate and bind the aggregate surface and promote adhesion between it and the new superimposed construction. Prime coats do not include palliatives or tack coats.

(7) **"Road Oils"** shall be synonymous with slow cure asphalts.

(8) **"Tack Coat"** means any application of asphalt applied to an existing surface to provide a bond between new surfacing and existing surface and to eliminate slippage places where the new and existing surfaces meet.

(9) **"Volatile Organic Compounds (VOC)"** means any volatile compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, ammonium carbonate, metallic carbides, metallic carbonates, and exempt compounds which may be emitted to the atmosphere during the application of asphalt materials subject to this rule.

(d) **STANDARDS**

(1) A person shall not sell, offer for sale, use or apply for paving, construction or maintenance of parking lots, driveways, streets or highways any cutback asphalt material or road oils which contain more than 0.5 percent by volume VOC which evaporate at 260° C (500° F) or less.

(2) 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 which contains more than 3.0 percent by volume VOC which evaporate at 260° C (500° F) or less.

(e) **RECORDKEEPING**

Any person who sells, offers for sale, uses or applies for paving, construction or maintenance of parking lots, driveways, streets or highways any asphalt material subject to this rule shall maintain a current list of all asphalt materials in use and Material Safety Data Sheets (MSDS) or manufacturer specifications for each asphalt material containing sufficient information to readily determine compliance with Subsections (d)(1) or (d)(2) of this rule, as applicable. These records shall be kept on site for at least three years and made available to the District upon request.

(f) **TEST METHODS**

(1) Measurement of VOC content in cutback asphalts pursuant to Subsection (d)(1) of this rule shall be conducted and reported in accordance with ASTM Test Method D 402-76.

(2) Measurement of VOC content in cutback asphalts pursuant to Subsection (d)(2) of this rule shall be conducted and reported in accordance with ASTM Test Method D 244-89.

(3) Measurement of exempt compound content in cutback asphalts pursuant to Subsections (d)(1) and (d)(2) of this rule shall be conducted and reported in accordance with ASTM Test Method D 4457-85.