Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control—Volatile Organic Compound Emissions.

28-19-69. Cutback asphalt.

(a) A person shall not cause, allow or permit the use or application of cutback asphalt for the purposes of paving after December 31, 1982, without the approval of the department. A person seeking approval from the department shall submit a request in writing which provides as much information as the department may require. Any approval may be subject to conditions imposed by the department which may include, but are not limited to, maintenance of records necessary to demonstrate compliance with this regulation. Emulsified asphalt shall be an acceptable substitute for cutback asphalt.

(b) The use or application of cutback asphalts may be approved where:

(1) the liquified cutback asphalt is used to produce a plant-mix for sale and use outside the areas as described in subsection (c);

(2) the liquified cutback asphalt is used in a plant-mix or road-mix which is used only for filling potholes on emergency road repair; or

(3) the cutback asphalt is used only as an asphalt prime coat or an asphalt seal coat or absorbent surfaces.

(c) This regulation shall be applicable only to the use or application of cutback asphalt within areas which were identified as not meeting the national ambient air quality standard for ozone in the manner prescribed by the provisions of Section 107(d) of the federal clean air act, 42 U.S.C. 7407, as promulgated at 40 CFR Part 81 as in effect July 1, 1986.

(Authorized by and implementing K.S.A. 65-3005, 65-3010; effective, E-81-28, Sept. 10, 1980; effective May 1, 1981; amended May 1, 1986; amended, T-88-55, Dec. 16, 1987; amended May 1, 1988.)

***** Authenticated Kansas Administrative Regulation *****