

**K.A.R. 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 to be 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.)

K.A.R. 28-19-69

EPA Rulemakings

CFR: 40 C.F.R. 52.870(c)(20)(i)(A)  
FRM: 53 FR 17700 (5/18/88)  
PRM: 52 FR 36963 (10/2/87)  
State Submission: 1/6/88  
State Effective Date: 5/1/88  
APDB File: KS-21  
Description: This revision makes previously automatic exemptions now subject to state approval.

---

CFR: 40 C.F.R. 52.870(c)(17)(i)(A)  
FRM: 51 FR 25200 (7/11/86)  
PRM: none  
State Submission: 2/21/86  
State Effective Date: 5/1/86  
APDB File: KS-23  
Description: This revision revised the applicability portion of K.A.R. 28-19-69 so the rule will remain in effect after an area is redesignated from nonattainment to attainment.

---

CFR: 40 C.F.R. 52.870(c)(13)  
FRM: 46 FR 35089 (7/7/81) 47 FR 8358 (2/28/82) Correction  
PRM: none  
State Submission: 5/12/81  
State Effective Date: 5/1/81  
APDB File: KS-12  
Description: This revision corrects two conditions on the approval of the Part D SIP for Kansas. The conditions are: (1) adoption of permanent regulations for the control of major VOC sources, and (2) adoption of a permanent regulation providing for new source review permits.

---

CFR: 40 C.F.R. 52.870(c)(9)(i)  
FRM: 46 FR 20165 (4/3/81)  
PRM: 45 FR 9017 (12/11/80) 45 FR 81613 (2/11/80)  
State Submission: 9/22/80, 9/25/80  
State Effective Date: 5/1/81  
APDB File: KS-01  
Description: This regulation adopts VOC regulations. The EPA conditionally approved these revisions to the Kansas Part D SIP.

---

Difference Between the State and EPA-Approved Regulation

None.