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**Category:** 14 – Cutback Asphalt

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Air Quality Planning and Standards  
Research Triangle Park, North Carolina 27711

DATE: 23 JAN 1980

SUBJECT: Standardized Language

FROM: G. T. Helms, Chief  
Control Programs Operations Branch (MD-15)

TO: Chief, Air Branch, Regions I-X

Because of the frequency of comments from the Asphalt Emulsion Manufacturers Association and the State of New Jersey on solvent content of emulsified asphalts and ozone SIPs, respectively, my office and the Office of General Counsel have prepared the attached sample language for your use in preparing Federal Register notices for SIPs where final actions are still pending. Please call Mary Ann Muirhead of OGC (755-0744) or Bill Beal of my office (629-5365) if you have any comments or questions on this material.

Attachments

cc: Mary Ann Muirhead, OGC

Attachment

Suggested Response to Comments from the Asphalt  
Emulsion Manufacturers Association

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Comments were also received from the Asphalt Emulsion Manufacturers Association (AEMA) concerning the availability of emulsified asphalts with low solvent content for all applications in all regions of the country. Although some of the issues raised are not relevant to the \_\_\_\_\_ plan, EPA is notifying the public of its response to these comments at this time. AEMA's main point is that no general rule regarding solvent content of emulsified asphalt for the nation is possible because of varying conditions. AEMA urges that EPA accept each State's emulsion specifications as RACT. AEMA also incorrectly concludes that EPA has been using a figure of five percent as nationwide RACT for maximum solvent content in emulsified asphalt.

EPA recognizes that varying conditions may require different solvent content asphalts. RACT for asphalt should be determined on a case-by-case basis in order to take varying conditions into account. Therefore, EPA has not set a nationwide standard for the solvent content of emulsified asphalt. However, EPA has accepted a five percent maximum solvent content regulation where a State has chosen to submit an across-the-board regulation for emulsified asphalt, rather than develop case-by-case RACT. The intent of EPA guidance has been for States to specify in the regulations, and justify, those emulsions and/or applications where addition of solvent is necessary. Since RACT can be determined on a case-by-case basis, States are free to specify necessary solvent contents on the basis of application or asphalt grade. Where a State demonstrates that these are RACT, EPA will approve the regulations. The following maximum solvent contents for specific emulsified asphalt applications have appeared in EPA guidance and are based on ASTM, AASHTO, and State specifications and on information recently received from the Asphalt Institute.

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Use	Max. Solvent Content
Seal coats in early spring or late fall	3%
Chip seals when dusty or dirty aggregate is used	3%
Mixing w/open graded aggregate that is not well washed	8%
Mixing w/dense graded aggregate	12%

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Attachment

Suggested Response to New Jersey's  
Comments on Ozone Sips

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The State of New Jersey submitted comments on the proposed Part D ozone SIP revisions for several States. New Jersey contends that SIPs which do not include uniform Statewide controls for existing and new sources which meet the requirements of Part D will not attain the ozone standard. New Jersey urges the Administrator to disapprove ozone SIPs which do not include such Statewide measures. The State of \_\_\_\_\_ however, has adopted measures including Statewide RACT regulations for existing sources and has demonstrated in its plan that the ozone standard will be attained before the statutory deadline of December 31, 1982. Moreover, New Jersey has not made a specific showing that \_\_\_\_\_'s SIP will not attain standards. Therefore, the Administrator has no basis for disapproving \_\_\_\_\_'s SIP.

In addition, New Jersey argues as it did, in objecting to the Administrator's ozone nonattainment area designations that entire States should be designated nonattainment, thereby requiring Part D SIP revisions Statewide. The Administrator considered all of New Jersey's objections to the designations and responded in the document entitled "Technical Support Document for Agency Policy Concerning Designation of Attainment, Unclassifiable, and Nonattainment Areas for Ozone" January 1979. Availability of this document was announced in the February 1, 1979 Federal Register (44 FR 6395). This document and the Administrator's response to New Jersey's comments are incorporated herein by reference.