

SECTION 107: VOC EMISSIONS CONTROL FOR CUTBACK ASPHALT MANUFACTURING AND USE

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107.1 PURPOSE

Section 107 implements Control Technique Guidelines Reasonably Available Control Technology requirements (CTG RACT) for cutback asphalt operations as required by Section 182(b)(2)(A) of the Clean Air Act (the Act) under Title 42, Section 7511a of the U.S. Code (42 U.S.C. 7511a).

107.2 APPLICABILITY

- (a) Section 107 is applicable to any owner or operator of cutback asphalt operations with projected maximum emissions of volatile organic compounds (VOC) equal to or greater than 3.0 tons per calendar year from all worksites located in Clark County, Nevada.
- (b) A stationary source, regulated by a minor source permit, an authority to construct permit, or a Part 70 operating permit, that is subject to Section 107 shall apply for a permit revision to incorporate Section 107 requirements in accordance with the requirements in Sections 12.1, 12.4, and 12.5.
- (c) An owner or operator of cutback asphalt operations engaging in the following activities is exempt from the requirements of Section 107 except for the notification requirement in Section 107.6.1:
 - (1) Manufacturing or selling cutback asphalt in Clark County for shipment and use outside Clark County.
 - (2) Using asphalt solely as a penetrating prime coat.
 - (3) Conducting dust suppression operations.
 - (4) Performing maintenance operations.
 - (5) Using cutback asphalt materials exclusively in connection with any structure designed and used as a residential dwelling (e.g., residential driveway).
 - (6) Using cutback asphalt materials to pave an area smaller than 5,000 ft² (465 m²) per worksite.

107.3 DEFINITIONS

Unless the context requires otherwise, the following terms shall have the meanings set forth below for the purposes of this section. When a term is not defined, it shall have the meaning provided in Section 0 of the Clark County Air Quality Regulations, Chapter 445B of the Nevada Revised Statutes (NRS), the Act, or common usage, in that order of priority.

“Asphalt” means a dark brown to black solid, liquid, or semisolid cementitious material composed primarily of bitumen that occurs naturally or is obtained as a residue of petroleum refining.

“ASTM methods” means methods developed and recommended by ASTM International, formerly the American Society for Testing and Materials.

“Cutback asphalt” means asphalt that has been liquefied by blending it with an organic solvent meeting the definition of a rapid cure type, medium cure type, or slow cure type under ASTM methods and is used for paving or repairing roads and surfaces.

“Cutback asphalt operations” means the manufacturing, sale, mixing, storing, or use of cutback asphalt.

“Dust suppression operations” means any light application of asphalts for the express purpose of controlling loose dust.

“Maintenance operations” means the use of cutback asphalt to fill potholes (i.e., a depression or hollow in a road of less than approximately 8 ft² (0.74 m²)) or cracks in paved surfaces, or for conducting emergency road repairs (i.e., an urgent need to return a road to a safe condition).

“Material change” means a change in the owner or operator, a change in compliance method, or an increase in either the cutback asphalt operator’s maximum emissions or annual actual emissions of VOC above the projected maximum emissions.

“Mixing” means the blending of petroleum solvent with asphalt cement to make cutback asphalt, or the blending of petroleum solvent, asphalt cement, water, and emulsifiers to make emulsified asphalt.

“Projected maximum emissions” means the highest annual rate, in tons per year, at which an owner or operator is projected to emit VOC based on anticipated production, throughput, heat input, or material utilization rates that does not include emission reductions from add-on controls.

“Rapid curing” means a cutback asphalt generally using highly volatile gasoline or naphtha as the solvent.

“Worksite” means a location where asphalt is manufactured, sold, mixed, used, and/or stored in Clark County.

107.4 EMISSIONS STANDARDS

- (a) An owner or operator of cutback asphalt operations shall not manufacture, sell, mix, store, or use cutback asphalt for the paving, construction, or maintenance of parking lots, driveways, streets, or highways unless the cutback asphalt contains 0.5% VOC or less by

volume (equivalent to 6.0 ml (0.2 oz) of oil distillate from a 200 ml (6.8 oz) sample at 500°F (260°C)), as verified using ASTM Method D402, “Standard Test Method For Distillation of Cutback Asphaltic Products”; or AASHTO T78, “Standard Method of Test for Cutback Asphaltic Products,” all incorporated herein by reference.

- (b) An owner or operator of cutback asphalt operations shall not manufacture, sell, mix, store, or use rapid curing cutback asphalt for paving purposes in Clark County.

107.5 REGISTRATION REQUIREMENTS

An owner or operator of cutback asphalt operations shall comply with the registration requirements of this section, as indicated below.

- (a) No later than September 29, 2024, or 45 days after becoming subject to any requirements in Section 107, whichever is later, submit a registration application to the Control Officer in the manner and form prescribed that includes, at a minimum, the following information:
 - (1) Name, email address, and telephone number of the owner or operator and the Responsible Official;
 - (2) Company name and address (and source name and address, if different);
 - (3) Projected maximum emissions of VOC (in tons per year) from cutback asphalt operations from all worksites within a calendar year;
 - (4) Calculations to support the values reported in paragraph (a)(3) of this section;
 - (5) Name and address of each worksite, and the estimated dates when cutback asphalt operations will occur as used to determine the projected maximum emissions of VOC in paragraph (a)(3) of this section;
 - (6) Location of records required by Section 107.6.2, if different than the address reported in paragraph (a)(5) of this section; and
 - (7) Other information as required by the Control Officer.
- (b) Submit an updated registration to the Control Officer within 60 days of a material change.

- (c) The Control Officer may require updated information after the initial registration to determine that the source continues to operate below the applicability threshold in Section 107.2.
- (d) Owners or operators may submit a revised registration application with reduced projected maximum emissions from cutback asphalt operations if less than 3.0 tons of VOC were emitted and reported in each of the previous three consecutive calendar years.
- (e) By the deadlines established in paragraph (a) of this section, but in lieu of complying with the registration requirements in paragraphs (a)-(d) of this section, a stationary source regulated by a minor source permit, an authority to construct permit, or a Part 70 operating permit shall apply for a permit revision to incorporate Section 107 requirements in accordance with the requirements in Sections 12.1, 12.4, and 12.5.

107.6 NOTIFICATION, RECORDKEEPING, AND REPORTING REQUIREMENTS

An owner or operator shall comply with the notification, recordkeeping, and reporting requirements of this section, as indicated below. The Control Officer may deny an applicability status upon finding that the cutback asphalt operation does not meet the eligibility criteria, the operation has a poor regulatory compliance history, or the RACT emissions standard does not provide comparable emission reductions to Section 107.

107.6.1 Notification Requirements

Owners or operators relying on the applicability status in Section 107.2(c) shall submit a notice to the Control Officer that substantiates the claim by the owner or operator within 30 days of the applicable compliance date in Section 107.7.

107.6.2 Recordkeeping Requirements

An owner or operator of cutback asphalt operations shall comply with all the following:

- (a) Retain all required records for a period of five years from their creation.
- (b) Make records available and producible onsite to the Control Officer's authorized representative upon request and without prior notice during the owner or operator's hours of operation.
- (c) Maintain records, updated monthly, of the mixing, storage, or use of cutback asphalt, including:
 - (1) The percent VOC content of cutback asphalt mixed, stored, or used, and when mixing, the total percent VOC content of the mix.
 - (2) The quantity of cutback asphalt manufactured, sold, mixed, stored, or used during each month in the calendar year.

- (3) The name and location of the worksite(s) where the cutback asphalt was mixed, stored, or used.

107.6.3 Reporting Requirements

- (a) Owners or operators shall complete and submit to the Control Officer an annual emissions inventory for VOCs in the manner and form prescribed.
- (b) The annual emission inventory must be submitted to and received by the department on or before March 31 of each year (or other specified date, upon prior notice by the Control Officer).
- (c) The inventory shall include, at a minimum:
 - (1) Actual annual emissions of VOC (in tons per year) for the previous calendar year from cutback asphalt operations.
 - (2) Emission factors and calculations to support the values reported in paragraph (c)(1) of this section.
 - (3) Name and location of the worksite(s) where cutback asphalt was mixed, stored, or used the previous calendar year.
- (d) Any information submitted pursuant to this section shall contain a certification by the Responsible Official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the information in the statement or inventory is true, accurate, and complete.

107.7 COMPLIANCE DATES

- (a) The owner or operator of cutback asphalt operations shall comply with Section 107 by whichever date is later:
 - (1) September 29, 2024; or
 - (2) When the cutback asphalt operations commence normal operations or meet the applicability criteria in Section 107.2.
- (b) The Control Officer may establish an alternative compliance date for meeting Section 107 requirements not later than April 2, 2027, considering the technical feasibility and time needed to comply through the issuance of a minor source permit, an authority to construct permit, or a Part 70 operating permit.

- (1) The filing of a complete permit application requesting an alternative compliance date stays the compliance date in this section until:
 - (A) The Control Officer issues the applicable permit;
 - (B) The alternative compliance date being requested; or
 - (C) The Control Officer denies the request.

History: Adopted March 19, 2024