

RULE 329. CUTBACK AND EMULSIFIED ASPHALT PAVING MATERIALS. (Adopted 6/11/1979, revised 2/25/1992)

A. Applicability

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

B. Exemptions

The provisions of this rule shall not apply to cutback asphalt manufactured in the District for shipment and use outside the District.

C. Definitions

1. **"Asphalt"** means the dark-brown to black cementitious material (solid, semi-solid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.
2. **"Cutback asphalt"** means paving grade asphalts 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. **"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 dust palliatives or tack coats.
6. **"Road oils"** shall be synonymous with slow cure asphalts.
7. **"Tack coat"** means any application of asphalt applied to an existing surface to provide a bond between new surfacing and existing surface to eliminate slippage planes where the new and existing surfaces meet.

D. Prohibitions

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 which contains more than 0.5 percent by volume ROC's, which evaporate at 260 degrees Celsius (500 degrees Fahrenheit) 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 ROC's, which evaporate at 260 degrees Celsius (500 degrees Fahrenheit) or less.

E. Recordkeeping

Any person who manufactures or uses cutback asphalts and emulsified asphalts which contain solvents shall comply with the following requirements:

1. The manufacturer or user shall maintain records showing the types and amounts of cutback and emulsified asphalts produced or used. In addition, the manufacturer or user shall keep records of the destination of asphalt paving material not in compliance with this rule.
2. Such records shall be retained and made available for inspection by the District for a period of two years.

F. Test Methods

1. Samples of cutback asphalt containing ROC as specified in Section D.1 shall be analyzed in accordance with ASTM Distillation Method D402.
2. Samples of emulsified asphalt containing ROC as specified in Section D.2 shall be analyzed in accordance with ASTM Distillation Method D244.

G. Compliance Schedule

1. Any person who manufactures or uses cutback or emulsified asphalt within Santa Barbara County shall comply with Section E. of this rule on February 25, 1992.
2. Any person who uses cutback or emulsified asphalt within Santa Barbara County shall comply with Sections D.1 and D.2 by May 25, 1992, provided that materials not in compliance with Sections D.1 and D.2 used before that date were purchased prior to February 25, 1992.