

COMPLIANCE ADVISORY: Evaporation and Leakage of Volatile Organic Compounds (VOCs)

Federally Enforceable Emission Control Requirements for Use of Cutback Asphalt

This Compliance Advisory is intended for all currently active users of cutback asphalt operating with or without a current air quality permit in Clark County, Nevada, who use paving asphalts liquefied with petroleum distillate.

On April 19, 2011, Clark County's Air Quality Board repealed Section 60 of the Clark County Air Quality Regulations (AQRs). Section 60 governed how affected operations used VOC-containing products, in some cases restricting their use. Since it was originally adopted as part of federally approved Clean Air Plans, the U.S. Environmental Protection Agency (EPA) has the authority to determine whether it should be retained. On January 14, 2016, the EPA disapproved Clark County's request to repeal Section 60. Therefore, control requirements and restrictive use provisions for cutback asphalts remain in effect and federally enforceable in Clark County.

The Department of Air Quality will address this conflict with federal law by re-establishing the requirements of Section 60 in the AQRs. Until these regulations are in place, **all active users of cutback asphalts shall employ the control measures and limitations specified in Section 60.** Failure to do so could result in an EPA enforcement action.

If you have any questions, or need more information, please contact our Small Business Assistance Program staff: John Richardson at (702) 455-3455 or Bill Gray at (702) 455-1624.

Sincerely,



Chuck Richter, Acting Compliance & Enforcement Manager

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(see reverse for FAQs)

Frequently Asked Questions (FAQs)

Why is DAQ issuing this advisory?

In April 2011, Clark County's Air Quality Board repealed Section 60 of the AQRs. Section 60 governed how VOC-containing materials are used in Clark County and restricted some of their uses. In January 2016, EPA disapproved Clark County's request to repeal Section 60. Therefore, control measures and limitations for VOCs remain in effect and federally enforceable in Clark County.

What is an "enforcement action"?

EPA has the authority to take civil or criminal action against violators of environmental laws. These actions may result in expensive fines or, if the violation is serious enough, criminal charges.

What is a User of Cutback Asphalts?

Users of cutback asphalts are those who apply paving asphalts that have been liquefied with petroleum distillate. They are mostly applied by direct spraying on road surfaces or as a cold mix to patch roads. Cutback asphalts are used by commercial installers/contractors and by individuals for private applications.

As a User of Cutback Asphalts, what must I do?

You must make sure your use of cutback asphalts complies with the requirements of AQR 60.4. Requirements include restrictions on the use of cutback asphalt for paving within the Las Vegas Valley, although exceptions are made when (1) the 24-hour period following application is not expected to exceed 50°F, (2) cutback asphalts are used as a penetrating prime coat on lightly-traveled gravel surfaces, or (3) cutback asphalts are used on surfaces for temporary traffic.

What are the next steps?

The Department of Air Quality will work with representatives from the regulated community, EPA, and state and local agencies to put the VOC control measures and limitations back into the AQRs. Please check www.clarkcountynv.gov/airquality regularly for updates.