

# NOTICE OF AGENCY RULE-MAKING PROPOSAL

**AGENCY:** Department of Environmental Protection

**RULE TITLE:** Chapter 131 Cutback and Emulsified Asphalt

**PROPOSED RULE NUMBER:** \_\_\_\_\_

**CONCISE SUMMARY:** The Department is proposing amendments that prohibit the use of cutback asphalt and limit the use of emulsified asphalt to that which contains not more than 6.0 ml of oil distillate for all asphalt paving operations and maintenance activities annually from May 1 through September 15. These amendments are intended to reduce the volatile organic compound (VOC) emissions from paving and maintenance operations, which contribute to the formation of ground-level ozone. The Department believes there are compliant alternatives available that have a negligible fiscal impact on municipalities and other users for various applications. Copies of this rule are available upon request by contacting the Agency contact person listed below or on the DEP website at [www.maine.gov/dep/air/regulations/proposed.htm](http://www.maine.gov/dep/air/regulations/proposed.htm).

Pursuant to Maine law, interested parties must be publicly notified of the proposed rulemaking, the public hearing and be provided an opportunity for comment. Any party interested in providing public comment can testify at the public hearing or provide written comments before the end of the comment period. All comments should be sent to the Agency contact person.

**THIS RULE WILL \_\_\_\_\_ WILL NOT  X  HAVE A FISCAL IMPACT ON MUNICIPALITIES**

**STATUTORY AUTHORITY:** 38 MRSA § 585-A

**PUBLIC HEARING:** June 18, 2009  
9:00 AM  
Holiday Inn/Ground Round  
Augusta, Maine

**DEADLINE FOR COMMENTS:** June 30, 2009 5:00 P.M.

**AGENCY CONTACT PERSON:** Carolyn Wheeler

**AGENCY NAME:** Bureau of Air Quality Control  
Department of Environmental Protection

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