

STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

August 28, 2002

Tom Peterson
Executive Director
Colorado Asphalt and Pavement Association
6880 South Yosemite Court, Suite 110
Englewood, Colorado 80112

Re: U.S. Environmental Protection Agency's Delisting of
Asphalt Concrete Manufacturing

Dear Tom:

Congratulations to the hot mix asphalt industry of Colorado and to the Colorado Asphalt Pavement Association ("CAPA") for the EPA ruling that de-lists hot mix asphalt plants from the list of major polluters. This is a significant announcement and speaks well for the environmental accomplishments of the industry.

On February 12, 2002, the U.S. Environmental Protection Agency ("US EPA") issued a decision that deleted asphalt concrete manufacturing as a source type that would require US EPA to promulgate a National Emission Standard for Hazardous Air Pollutants ("NESHAP"). The Clean Air Act requires, under section 112, that EPA list all categories of major sources emitting hazardous air pollutants ("HAPs") and such categories of area sources warranting regulation and promulgate a NESHAP to control, reduce, or otherwise limit the emissions of HAPs from such categories of major and area sources. On December 3, 1993 (58 FR 63941), pursuant to requirements in section 112(e), US EPA published a schedule for the promulgation of emission standards for each of the 174 initially listed source categories. The asphalt concrete manufacturing industry was one of these source categories.

The US EPA may, where appropriate, delete categories of sources on the US EPA's own motion or on petition. On February 12, 2002, US EPA deleted the Asphalt Concrete Manufacturing source category on the US EPA's own motion. US EPA included this source category on the initial list notice (57 FR 31576, July 1992), because at the time, US EPA believed there were major sources in each category, either because they were major sources in their own right or because of collocation with other sources of HAPs. This source category was deleted because available data indicate that there are no major sources in any of the source categories.

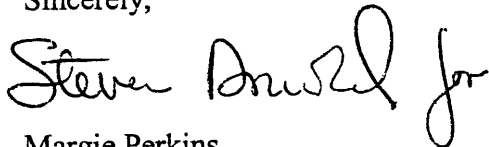
US EPA used emissions data and emission factors to estimate HAP emissions from eleven asphalt concrete manufacturing plants employing various production processes and different fuels. Emissions of total HAPs at the individual plants ranged from 1.5 tons per year ("tpy") to 6.4 tpy. In addition, emission factors were used to estimate HAP emissions from a plant with a high annual

production of 1.2 million tons of asphalt concrete. US EPA estimated total HAP emissions from that plant to be 6.2 tpy. Based on the above information, US EPA concluded that no asphalt concrete manufacturing facility has the potential to emit HAPs approaching major source levels.

As a result of this decision, the US EPA will not develop a specific regulation for the asphalt concrete manufacturing industry that requires affected sources to implement work practices and install control equipment to reduce HAP emissions. This decision does not exempt individual sources that are major sources from potentially having to comply with other regulatory requirements concerning HAP emissions. If a facility is concerned that it might be operating as a major source for HAPs, the Air Pollution Control Division ("Division") recommends the facility conduct an emissions inventory and contact the Division's Operating Permit Program.

The asphalt industry of Colorado continues to make significant strides towards environmental excellence and we are pleased to be partnering with your industry on the COMPASS Project and the newly initiated COMET project. Thank you for your continued cooperation in the partnership with the Division.

Sincerely,

A handwritten signature in cursive script that reads "Steve Arnold for". The signature is written in black ink and is positioned above the typed name of the signatory.

Margie Perkins
Director, Air Pollution Control Division

cc: Chuck Hix, APCD
Jill E. Cooper, Office of Environmental Programs