

NOTICE TO CONTRACTOR – DIESEL VEHICLE EMISSIONS CONTROLS

All Contractor and Sub-contractor diesel powered non-road construction equipment with engine horsepower (HP) ratings of 60 HP and above, that are on the project or are assigned to the contract for a period in excess of 30 consecutive calendar days shall be retrofitted with Emission Control Devices and/or use Clean Fuels in order to reduce diesel emissions. In addition, all motor vehicles and/or construction equipment (both on-highway and non-road) shall comply with all pertinent State and Federal regulations relative to exhaust emission controls and safety.

The reduction of emissions of carbon monoxide (CO), hydrocarbons (HC), nitrogen oxides (NO_x), and particulate matter (PM₁₀) will be accomplished by installing Retrofit Emission Control Devices or by using less polluting Clean Fuels.

The Retrofit Emission Control Devices shall consist of oxidation catalysts, or similar retrofit equipment control technology that (1) is included on the Environmental Protection Agency (EPA) *Verified Retrofit Technology List* and (2) is verified by EPA or certified by the manufacturer to provide a minimum emissions reduction of 20% PM₁₀, 40% CO, and 50% HC.

The Clean Fuels shall consist of low NO_x and PM₁₀ emission diesel fuel that (1) can be used without engine modification, (2) is certified to provide a minimum emissions reduction of 30% PM₁₀ and 10% NO_x when compared to No. 2 Diesel Fuel, and (3) is included on the California Air Research Board (CARB) Verification List.

Construction shall not proceed until the contractor submits a certified list of the non-road diesel powered construction equipment that will be retrofitted with emission control devices or that will use Clean Fuels. The list shall include (1) the equipment number, type, make, and contractor/sub-contractor name; (2) the emission control device make, model and EPA verification number; and/or (3) the type and source of fuel to be used.

The contractor shall submit monthly summary reports, updating the same information stated above, and include certified copies of the clean fuel delivery slips for the report time period, noting which vehicles received the fuel. The addition or deletion of non-road diesel equipment shall be included on the monthly report.

The contractor shall establish truck-staging zones for diesel powered vehicles that are waiting to load or unload material at the contract area. Such zones shall be located where the diesel emissions from the trucks will have minimum impact on abutters and the general public. Idling of delivery and/or dump trucks, or other diesel powered equipment shall not be permitted during periods of non-active use, and it should be limited to three minutes in accordance with the Regulations of Connecticut State Agencies Section 22a-174-18(b)(3):

“Emissions” from stationary or idling “mobile sources”. No “mobile source engine shall be allowed to operate for more than three (3) consecutive minutes when the "mobile source" is not in motion except as follows:

- (i) When a “mobile source” is forced to remain motionless because of traffic conditions or mechanical difficulties over which the "operator" has no control;
- (ii) When it is necessary to operate heating, cooling or auxiliary equipment installed on the “mobile source” when such equipment is necessary to accomplish the intended use of the “mobile source”;
- (iii) To bring the “mobile source” to the manufacturer's recommended operating temperature;
- (iv) When the outdoor temperature is below twenty (20) degrees Fahrenheit;
- (v) When the “mobile source” is being repaired.

All work shall be conducted to ensure that no harmful effects are caused to adjacent sensitive receptors. Sensitive receptors are to include but not be limited to hospitals, schools, daycare facilities, elderly housing and convalescent facilities. Diesel powered engines shall be located away from fresh air intakes, air conditioners, and windows.

A Diesel Emissions Mitigation plan will be required for areas where extensive work will be performed in close proximity (less than 50 feet (15 meters)) to sensitive receptors. No construction will proceed until a sequence of construction and a Diesel Emissions Mitigation plan is submitted in writing to the Engineer and approved by the Engineer prior to the commencement of any extensive construction work in close proximity (less than 50 feet (15 meters)) to sensitive receptors. The mitigation plan must address the control of diesel emissions from all diesel powered construction equipment including the equipment that is not retrofitted with emission control devices or uses Clean Fuels (i.e. engines smaller than 60 HP rating and/or equipment that will remain in the construction area for less than 30 days).

If any diesel powered non-road construction equipment is found to be in non-compliance with this specification, the contractor will be issued a Notice of Non-Compliance and given a 24 hour period in which to bring the equipment into compliance or remove it from the project. If the contractor then does not comply with these “Diesel Vehicle Emissions Controls”, the Engineer shall withhold all payments for the work performed on any item(s) on which the non-conforming equipment was utilized for the time period in which the equipment was out of compliance.

Any costs associated with this “Diesel Vehicle Emissions Controls” notice shall be included in the general cost of the contract. In addition, there shall be no time granted to the contractor for compliance with this notice. The contractor’s compliance with this notice and any associated regulations shall not be grounds for claims as outlined in Section 1.11 – “Claims”.