

## SPECIAL SPECIFICATION

### 5051

#### Incentive for Use of Low Emission Diesel in Nonattainment and Affected Counties

- 1. Description.** This Item will govern for furnishing and using low emission diesel (LED) fuel during roadway construction or maintenance for the Department in the following districts: Austin, Atlanta, Beaumont, Bryan, Corpus Christi, Dallas, Fort Worth, Houston, Lufkin, Paris, San Antonio, Tyler, Waco and Yoakum.

Notify the Engineer in writing to request incentive payments under this optional special specification. By requesting incentive payments, the Contractor relinquishes all rights to seek compensation or grants from the Texas Commission on Environmental Quality (TCEQ) under the Texas Emission Reduction Program (TERP) or any other federal, state or local agency or program for any LED fuel for which they seek incentive payments from the Department.

In order to receive incentive payments, use LED fuel as fuel on the project site for non-road diesel engines. This special specification will only be in effect for LED fuel delivered to the project prior to October 1, 2005. This specification will provide compensation for the cost difference between LED fuel and standard diesel in an effort to reduce NOx emissions in non-attainment and affected counties until the TCEQ requirements regarding LED fuel take effect.

- 2. Materials.** The LED fuel must comply with the requirements for low emission diesel fuel specified in Title 30 Texas Administrative Code, §114.312 to qualify for the incentive payments. Diesel fuel produced in compliance with a TCEQ approved alternative emission reduction plan as allowed under Title 30 Texas Administrative Code, §114.318 does not qualify to receive incentive payments.
- 3. Documentation.** Provide the Engineer copies of the following documentation for all quantities of LED fuel to request incentive payments, as specified in Article 4, "Measurement and Payment."
  - A.** Delivery tickets or receipts and project usage documentation that is maintained to document the LED fuel used in non-road diesel engines on the project site; and,
  - B.** Certification from the supplier that the LED fuel delivered to the project meets the requirements for LED fuel specified in Title 30 Texas Administrative Code, §114.312 and may be used in any Texas county requiring the use of LED fuel in compression-ignition engines.

Submit documentation on a monthly basis.

4. **Measurement and Payment.** This Item will be paid for at the following rate per gallon for a project in a district specified in Article 1, "Description," for the quantity of LED fuel delivered to and used on the project site in non-road diesel engines. The rate will be \$0.10 per gallon of LED fuel. This rate will be full compensation for furnishing, storing, dispensing, and using LED fuel on the project site and all additional Contractor costs related to using LED fuel.

Payment under this special specification will only be made for LED fuel delivered to the project prior to October 1, 2005.

The Department retains the right to suspend incentive payments for this project when inconsistencies or improprieties are found.