



## **How to Comply with City of Philadelphia Executive Order 1-07 Requiring Clean Diesel Technology in Public Works**

As part of the City of Philadelphia's commitment to improve Philadelphia's air quality and reduce the health related harm from diesel fuel exhaust in Philadelphia, nonroad diesel fueled vehicles operating on City of Philadelphia public works contracts are required to be equipped with clean diesel technology (diesel retrofits).

**Who does the rule apply to?** All contractors, and their subcontractors, who are selected through the City of Philadelphia's competitive bidding process for public works projects using certain nonroad diesel equipment. Emergency bids are excluded.

### **What is the effective date?**

**July 1, 2013:** public works projects advertised for bid on or after this date that will reasonably cost \$1,000,000 or greater will be required to comply with the City's new policy to install clean diesel technology on certain diesel vehicles.

**July 1, 2014:** all public works projects advertised for bid on or after this date will need to comply regardless of dollar amount.

**What vehicles must be retrofitted to comply?** All nonroad vehicles greater than 50 horsepower (i.e. vehicles that are self-propelled but cannot legally be driven on a highway) EXCEPT for vehicles meeting Tier 4 emissions standards as established by the Environmental Protection Agency, and stationary sources such as generators.

**What technology is acceptable?** Eligible technologies include diesel oxidation catalysts, diesel particulate filters, emission upgrade groups, selective catalytic reduction, engine repowers, or other similar technologies. A list of products verified by the Environmental Protection Agency and the California Air Resources Board can be found at: <http://epa.gov/cleandiesel/verification/verif-list.htm>

<http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>. The City will also accept as proof of compliance letters from technology vendors certifying that the installed device reduces particulate matter by at least 20%.

**How to comply:** Each vehicle subject to the provision must be equipped with clean diesel technology to reduce particulate matter emissions by 20% or more before being brought onto the City's public works project site.

### **Funding Available**

#### **Clean Air Council**

Has limited grant funding to help support the cost of retrofits.

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**Step One:** When submitting public work bids, contractors must agree to comply, and ensure that any subcontractors will also comply with these requirements.

**Step Two:** If awarded the public contract bid, no later than two business days before any covered vehicle is brought onto the City's contract site, the contractor must give the City's project manager the following information about each vehicle:

- a. vehicle identification number (VIN), if applicable, or vehicle serial number, and the vehicle type, make, year and owner;
- b. the horsepower rating of each engine;
- c. the emission control device manufacturer name, model, and verifying/certifying organization;
- d. the type of fuel to be used and approximate expected quantity.

**Exemptions:** With documentation from the technology vendor or equipment manufacturer, exemptions to the diesel retro fit requirements are permitted if:

1. It is physically impossible to install appropriate emissions control technology on the vehicle;
2. installation of the appropriate emissions control technology would render the vehicle operation unsafe; and/or
3. installation of the appropriate emissions control technology would void any applicable manufacturer's warranty on the vehicle.
4. TEMPORARY exemptions will be allowed if the emissions control technology:
  - a. has been ordered but not yet delivered (up to 60 days); equipment must be installed within five days of receipt;
  - b. if the vehicle malfunctions and no other compliant vehicle is immediately available (up to 30 days); or
  - c. the vehicle will remain on site for less than three business days.

**Enforcement:** The Philadelphia Department of Public Health, Air Management Services Division (AMS), is responsible for enforcement of this program. AMS suggests contractors keep documentation of all technology installations available at the job site for verification purposes.

**Enforcement Start Date:** To allow adequate time for contractors to comply with these new requirements, these requirements will not be enforced and violations will not be issued until January 1, 2014.

**Compliance with Anti-Idling Laws:** Idling of delivery and/or dump trucks, or equipment on the work site during periods of non-active use is prohibited.

The contractor must establish truck-staging zones for vehicles that are waiting to load or unload material at the contract site. Such zones shall be located where the emissions from the trucks will have minimum impact to the public. Any necessary idling is limited to three minutes in accordance with Philadelphia and Pennsylvania law.

For additional information or if you have questions, please contact:

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