

[Jurisdiction] Clean Construction Specification

Definitions

The following definitions apply to the provisions of this bid specification:

“Construction Equipment” means all machinery of 25 horsepower or more which is powered by an internal combustion engine, but which is not used solely for competition or as a motor vehicle subject to the requirements of Texas Transportation Code §502.002. This includes, but is not limited to, excavators, backhoes, loaders, bulldozers, graders, generators, and similar equipment.

“EPA” means the United States Environmental Protection Agency.

“Low-Use Equipment” means any piece of construction equipment which is used for less than ten (10) hours per week on a single public works contract.

“Texas Low Emission Diesel” means diesel fuel which is compliant with the Texas Low Emission Diesel (TxLED) requirements defined under 30 TAC §114.6, as regulated by the Texas Commission on Environmental Quality (TCEQ). TxLED compliant fuel must contain less than 10 percent by volume of aromatic hydrocarbons and must have a cetane number of 48 or greater, or be otherwise approved as compliant by TCEQ.

“Ultra-Low Sulfur Diesel” means diesel fuel with a sulfur content of 15 parts per million or less, as defined by 40 CFR §500-620.

Equipment Requirements

- 1) All construction equipment being used to perform work on the Contract shall meet EPA emissions standards of Tier 2 or equivalent. Compliance may be achieved through the use of equipment powered by an EPA-certified engine, through engine repowers, or through the use of retrofits which have been verified by the EPA and/or California Air Resources Board. A list of available retrofits is available online at www.epa.gov/otaq/retrofit/verif-list.htm.
- 2) Equipment that meets one or more of the following conditions may be exempt from these requirements:
 - a) Equipment powered by an engine that is less than or equal to 10 years old.
 - b) Equipment that must be used to fulfill use or reporting requirements for a grant program or other clean air initiative. Documentation of such obligations must be submitted to Owner Representative for verification.
 - c) Equipment that is designated as low-use equipment. A *Low-Use Exemption Weekly Reporting Form* will be required for all equipment for which this exemption is claimed.
 - d) Equipment that is being used to address a critical or emergency public works need, including, but not limited to, broken water mains or sanitary sewer lines. This exemption is limited to work performed in a situation in which the procurement of construction services is performed on an emergency basis, as provided for by State law.

Operational Requirements

- 1) All diesel fuel used to perform work on the public works contract shall be Ultra-Low Sulfur Diesel (ULSD) fuel which also complies with Texas Low Emission Diesel (TxLED) program requirements. This may include TxLED-compliant Biodiesel blends.
- 2) The Contractor shall limit idling of equipment to no more than five (5) minutes, unless the idling is applicable to one or more of the following exceptions:
 - a) is being used for emergency response purposes;
 - b) is idling as a necessary component of mechanical operation, maintenance, or diagnostic purposes; or
 - c) is idling for the health or safety of the equipment operator.
- 3) To the greatest extent possible, Contractor shall stage equipment away from, and minimize operation near, sensitive receptors including, but not limited to, fresh air intakes, hospitals, schools, licensed day care facilities, and residences.

Reporting to OWNER

- 1) On or before the day construction activity commences, the Contractor shall submit to the Owner Representative an inventory report containing identifying data for each piece of equipment to be used on the worksite. A form for submitting such information will be provided by the Owner Representative. This inventory may be used by the Owner Representative or Inspector to conduct site inspections and/or verify compliance with specification elements.
- 2) If additional equipment is brought on-site after construction begins, the Contractor shall provide this same inventory information to the Owner Representative for the new equipment on or before the day it begins work on-site.
- 3) Reports shall be provided for all equipment used on-site.

Enforcement

- 1) All construction equipment used on the job site is subject to inspection by the Owner Representative or Inspector at random.
- 2) Contractor is responsible for ensuring that all subcontractors meet the requirements of this specification.
- 3) The provisions of this specification shall be enforced as ***[complete with specific jurisdictional language/requirements].***
- 4) If the provisions of this specification are not met, **Owner** may ***[complete with specific jurisdictional requirements, such as a monetary penalty, liquidated damages, citation, etc.].***