



State of New Jersey

Department of Environmental Protection
Division of Air Quality
Bureau of Mobile Sources
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www.StopTheSoot.org

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

NJDEP IMPLEMENTATION PLAN FOR EXECUTIVE ORDER NO. 60

And

ADMINISTRATIVE ORDER NO. 2011-04 **Issued June 1, 2011**

PHASE 1

Construction Projects

By June 20, 2011, the New Jersey Department of Environmental Protection (NJDEP) and New Jersey Department of Transportation (NJDOT) shall select one or more publicly funded construction projects that will be underway in urban areas during the next three years.

Requirements

The following requirements shall be implemented at the selected project(s), with the goal of installing tailpipe particulate retrofits on 175 pieces of non-road construction equipment by June 20, 2014.

- a. Use ultra low sulfur diesel fuel (< 15 ppm sulfur) in accordance with USEPA requirements;
- b. Implement measures to ensure compliance with the three minute idling limit for all heavy duty diesel on-road vehicles and non-road diesel equipment operating at, or visiting, the site, as required by N.J.A.C. 7:27-14.1 et seq; and
- c. Diesel construction equipment that is powered by a Tier 1 and newer non-road diesel engine greater than 100 horsepower and used on the project for more than ten days shall have engines that meet the United States Environmental Protection Agency's (USEPA) Tier 4 non-road emission standards or the best available emission control technology that is technologically feasible for that application and is verified by the USEPA, the California Air Resources Board (CARB), or the Switzerland BUWAL program (VERT filter list) to reduce particulate matter emissions.
- d. The above noted requirements shall not apply to diesel equipment used by a public utility performing utility relocations for a NJDOT construction project.

Best Available Control Technology

If it is not technologically feasible to install a control device to reduce particulate emissions by at least 85%, the contractor may utilize a control technology verified by the USEPA, CARB, or the Switzerland BUWAL program to reduce particulate matter emissions by a minimum of 50%. If

that control level is also technologically infeasible, the contractor may utilize a control technology verified by the USEPA, CARB, or the Switzerland BUWAL program to reduce particulate matter emissions by a minimum of 25%.

Waiver

If there is no technologically feasible and appropriate emissions control technology, or installation of a control technology would create a safety hazard, the contractor may request a waiver from NJDOT. Proof of technical infeasibility, safety hazard, or impaired visibility shall consist of documentation from two individual authorized installers of retrofit systems describing the specific piece of equipment and detailed reasoning for the request to use a lower control level or a waiver. NJDOT must have NJDEP's concurrence on any waiver. The waiver can also be requested if the contractor can prove to the satisfaction of NJDOT and NJDEP that a piece of equipment that is operating in accordance with manufacturer's specifications and used within the confines of the applicable verification letter by CARB or USEPA, is exhibiting compatibility problems related to the retrofit device during the construction project.

Funding

NJDEP will provide funding of not less than \$2.5 million for the costs associated with purchasing and installing 175 retrofits. NJDOT and NJDEP will coordinate on the disbursement of any funds that have been transferred to NJDOT for the purposes of paying the retrofit costs. NJDOT shall meet all grant requirements associated with the funding sources provided by NJDEP, including quarterly reporting to NJDEP so that NJDEP can satisfy its reporting obligation to the USEPA.

Reporting

The construction contractors that implement this Implementation Plan shall send quarterly reports to NJDEP's Bureau of Mobile Sources, using forms available on www.stophthesoot.org (attached). The reports shall be submitted on January 10, April 10, July 10 and October 10 of each year, regardless of the date the project started or the date(s) the retrofits occurred. NJDEP prefers that the reports be submitted electronically to Melinda.dower@dep.state.nj.us, but if necessary, hard copies can be submitted to:

NJDEP
Bureau of Mobile Sources
Mail Code 401-03G
PO Box 420
Trenton, NJ 08625-0420
Attn: Melinda Dower

NJDOT shall provide information to NJDEP at least quarterly regarding the progress in implementing Phase 1 including any funds expended on paying for retrofit costs.

General Provisions

1. A list of verified control technology can be found at:
<http://www.arb.ca.gov/diesel/verdev/vt/vt.htm> or <http://www.epa.gov/otaq/retrofit/verif-list.htm> or <http://www.bafu.admin.ch/partikelfilterliste/index.html?lang=en>

2. If an owner has retrofitted diesel equipment used on the construction project prior to May 20, 2011, NJDOT may consider that retrofit technology to be compliant with this Implementation Plan even if it does not achieve the level of reduction specified by this Implementation Plan.
3. This Implementation Plan does not supercede any diesel emission reduction measures undertaken as part of an Environmental Impact Statement commitment, a National Environmental Policy Act commitment, or an environmental permit or grant requirement.
4. For questions, contact the Bureau of Mobile Sources at (609) 292-7953 or visit www.stophthesoot.org

PHASE 2

On June 20, 2014, NJDEP and NJDOT will begin a 90 day evaluation phase, which will include a stakeholder process, for the purpose of determining, based on experience, whether a recommendation can be made to continue and expand, with any appropriate modifications, the diesel emission reduction measures implemented in Phase 1, or whether the measures have not been successfully implemented. The evaluation process shall consist of the following:

- a. Evaluate information collected during Phase 1 via the quarterly reports submitted by participating construction contractor(s);
- b. Evaluate the experience of other agencies/entities in New Jersey and in other parts of the country that have implemented similar programs, including analysis of successes and hurdles;
- c. Calculate estimated emission reductions achieved during Phase 1 using USEPA emission factors;
- d. Solicit input from representatives of environmental advocacy groups, relevant trade associations, and affected construction contractors regarding experience in implementing diesel retrofit programs on construction equipment; and
- e. Perform air quality dispersion modeling of one or more construction projects, taking into account any relevant air monitoring data, to estimate air quality and health related benefits of a diesel emission reduction program for non-road construction equipment.

NJDEP and NJDOT will conclude the evaluation by September 20, 2014 and NJDEP shall submit a recommendation to the Governor of the State of New Jersey by October 20, 2014. NJDEP's recommendation will be to continue and expand the measures implemented in Phase 1 of this Implementation Plan, with any appropriate modifications, unless NJDEP finds that those measures have not been successfully implemented.