



MEMO

To: CT Department of Environmental Protection
From: Madeleine Weil, Environment Northeast
Date: November 22, 2005
Re: ENE Comments DEP Construction Draft Report

Thank you for the opportunity to present comments on the Draft Construction Equipment Report (11/10/05).

In Special Act 05-7, the CT General Assembly directed CTDEP to recommend “an implementation strategy, to be phased in not later than July 1, 2006, on projects valued at more than five million dollars, to maximize particulate matter emissions reductions from construction equipment servicing state construction projects, and an estimate regarding the cost and benefits to the state or municipalities of implementing such strategy;”

ENE Comments, Summary:

- Environment Northeast believes the DEP report should present a specific set of recommendations, rather than point to a set of options;
- We encourage the DEP to clarify Option 1 outlined in this report by including the following modifications:
 - A specific recommendation for how Connecticut should implement the adoption of “a uniform CT Clean Air Construction Contracting Procedure for application in construction contracting by any state agency” in a timely and enforceable manner (legislation, Executive Order, etc.);
 - A recommended process and timeline for expanding the scope of applicable projects to:
 - State-funded projects less than \$5 million, with the goal of phasing in the requirement on ALL state-funded projects;
 - School construction projects funded through the DOE’s school construction grant program;
 - A regular and formal process for reviewing the CT Clean Air Construction Contracting Procedure, to ensure that it continues to maximize emission reductions as the U.S. construction industry gains experience with more stringent control technologies, such as catalyzed wire mesh filters and diesel particulate filters;
 - A process for providing outreach to municipalities and other institutions that may wish to adopt the CT Clean Air Construction Contracting Procedure;
- We request that the DEP notify stakeholders of the process and timeline for reviewing and including subcommittee and public comments in later drafts of the report;
- We believe that SA 05-7 calls for the DEP to host a public hearing on the draft plan and we request notification from DEP as to the date and time of the public hearing;

Below are some additional, specific comments pertaining to the draft plan:

- Page 1: The report notes that the 694 tons per year of PM2.5 emissions from construction equipment represents 22% of annual PM2.5 emissions from all mobile sources. This equals 39% of PM2.5 from mobile source diesel engines, the subset of PM2.5 emissions addressed by SA 05-7.
- Page 5: It was East PBE, not H.O. Penn Machinery, who supplied the database of new construction sales (1998 and newer).
- Page 5: H.O. Penn Machinery estimated that the total equipment inventory for Connecticut contained approximately 10,000 engines. Even this estimate sounded high to subcommittee members at the August 31st meeting. DEP has estimated an inventory of 14,000 based on scaling national numbers to the state level based on fuel use. Typically, EPA's inventory development methodology recommends using locally-derived data where available, in favor of using state-apportioned national numbers.
- Page 6: *"DOCs are individually designed for the construction equipment on which it is to be installed."* This may be the case for some engines, but not all. H.O. Penn, for example, has approximately 200 part numbers for DOC mounting apparatus on Caterpillar engines, (Tom Balon, MJ Bradley).
- Page 7: *"DPFs have had limited success on construction equipment."* The major exception to this is the >6,500 DPFs installed on construction equipment in Switzerland as of mid-2003. Number expected to reach 15,000 by 2007. In addition, there have been at least 34 successful DPF installations on construction engines in the U.S. (in CA, NY, NJ). Perhaps an appropriate amendment would be to note instead that the U.S. construction industry has had limited experience with DPFs.
- Page 7: Is it a formal EPA position not to recommend DPFs on construction equipment?
- Page 11: *"Implementation of Local Law No. 77 was delayed because of stakeholder efforts to define BAT."* BAT has now been defined (as of March 2005), was submitted to DEP, and a link is available on DEP's website ([Notice of Opportunity to Comment on Promulgation of Revised Rules Concerning the Use of Ultra-Low Sulfur Fuel and Emissions Control Technology in Nonroad Vehicles Used in City Construction](http://www.ci.nyc.ny.us/html/dep/html/news/notices.html)). <http://www.ci.nyc.ny.us/html/dep/html/news/notices.html>
- Page 12: *"Other Items: Implementation Schedule: Many of the options are already in place. Implementation of enhancements to and expansion of these options to include all relevant state agencies will be completed by July 1, 2006."* We ask that DEP clarify the meaning of this subsection.
- Page 12: *"Option 1: Expand and Enhance the CT Clean Air Construction Initiative: Under this option, a uniform CT Clean Air Construction Contracting Procedure would be adopted by the State of Connecticut for application in construction contracting by any state agency by certain deadlines. DEP, DOT, DPW, DECD and UCONN have agreed to include contract specifications in their greater than \$5 million construction contracts that specifies..."* How has this agreement been commemorated and how does DEP propose that the State proceed with adopting the uniform contracting procedure? Does the DEP intend to write legislative language to this effect, or an executive order?
- Page 13: *"The contracting agencies will continue to revise and update the construction specifications as new technology and clean fuels that meet the new EPA emission standards become available."* By what process does DEP recommend that revision take place? This review should be regular (at least once per year) and should adopt the goal of maximizing reductions.
- Page 13: We note that the costs and benefits projected by DEP on are those that would result from a policy covering all state construction projects, including projects valued at less than \$5 million and including Department of Education construction grants. We request that the DEP explicitly include, within this report, the expected timeline and process for A) extending requirements to projects valued at less than \$5 million and B) extending the scope of projects to DOE school construction grants.