

George Latimer  
County Executive

Department of Health

Sherlita Amler, M.D.  
Commissioner

To: All Contractors and Subcontractors who enter into or who have contracts to do work with Westchester County

From: Westchester County Health Department (WCDH)  
Bureau of Environmental Quality

Re: New Westchester County Law  
Chapter 873, Article XIII, Section 873.1329  
Air Quality, Onroad and Nonroad Vehicles; Emission Standards

Please be informed that as of February 10, 2006 all contractors and subcontractors who enter into an agreement or contract with Westchester County valued at more than \$150,000.00 (amount is increased by \$5000.00 yearly following the Law effective date until it reaches a maximum of \$250,000.00) must conform to the following:

All diesel-powered on-road and Nonroad vehicles shall be fueled with the Ultra-Low Sulfur Diesel Fuel (ULSDF) having sulfur content of no greater than 15 ppm. In addition, as of September 1, 2009 all diesel powered Nonroad vehicles and equipment 50 Hp and greater and all on-road vehicles having a gross vehicle weight rating of more than 14,000 pounds shall utilize an air pollution control device which is categorized as Best Available Technology (BAT).

Please consult both the Environmental Protection Agency (EPA) Verified Retrofit Technology List at <http://www.epa.gov/otaq/retrofit/verif-list.htm> and California Air Resource Board (CARB) List at <http://www.arb.ca.gov/diesel/verdev/vt/cvt/htm> to ensure that the emission control device has been pre-approved for your type of engine. The BAT selection shall be made in accordance with the Rules of the City of New York City Department of Environmental Protection (NYCDEP) Chapter 14 of Title 15 of the Rules of the City of New York concerning the use of ULSDF and Emission Control Technology. Information on the NYCDEP program is available at [http://www.nyc.gov/html/dep/html/air\\_and\\_noise/index.shtml](http://www.nyc.gov/html/dep/html/air_and_noise/index.shtml) (choose Local Law 77 and Final Rule 2008).

Enclosed are monthly summary reports (Form I – Vehicle/Equipment Information and Form II – Vehicle/Equipment ULSDF usage). Contractors and subcontractors are required to complete and submit to WCDH a list of diesel powered construction equipment/vehicles that will be retrofitted with BAT and that will use ULSDF.

Additional information including a copy of the Law, Rules and Regulations, and Summary of the Law, can be obtained by accessing the Westchester County Website at <http://health.westchestergov.com/> searching under A-Z listing for Diesel Emission Standards.

For more information please contact the Westchester County Department of Health at (914) 813-5149 or (914) 813-5148.