



Consideration of Final Rulemaking
Restrictions on Diesel Vehicle Idling Regulation
25 Pa. Code Chapter 126, Subchapter F

Environmental Quality Board Meeting
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Background on Restrictions of Diesel Vehicle Idling Final Rulemaking

- The Clean Air Board of Central PA (CAB) petitioned EQB in October 2006; accepted at January 2007 meeting.
- The EQB approved the proposed rulemaking at the October 2007 meeting.
- Proposed rulemaking added new definitions to Chapter 121 and new Subchapters F and G to 25 *Pa. Code* Chapter 126.
- The proposed rulemaking was published in the *Pa. Bulletin* on January 12, 2008.
- Three public hearings were held; the comment period closed on March 17, 2008.



Background on Restrictions on Diesel Vehicle Idling Final Rulemaking

- Reduce a source of diesel pollution, affecting fine particulate matter (PM 2.5) and ozone and toxic exposure.
- Reduce nitrogen oxides emissions by 1,600 tons and fine particulate emissions by 30 tons per year.
- Allows operators to know where and when idling is permitted.
- Will save money for vehicle owners and operators.
- Pennsylvania would join 15 other states, including neighboring Delaware, New Jersey, Maryland and New York, in regulating diesel vehicle idling.



Overview of Regulation

- Applies to diesel-powered highway vehicles 10,001 pounds or more gross vehicle weight rating -- most diesel commercial trucks, buses and most school buses.
- Restricts idling to 5 minutes in a 60-minute period
- Exemptions and longer idling periods are provided for if idling is necessary.



Comments Raised

- Community support for regulation based on protection of public health.
- Support for regulation from trucking association based on need for statewide consistency.
- Concern from some operators because of need for driver comfort, affordability of idling reduction technology.
- Applicability is confusing if “commercial motor vehicle” is used.



Comments Raised (Continued)

- Some commentators urged “or allow” to be removed from Section 126.611, which would have shifted compliance to only drivers and away from truck or location owners. Other commentators urged owners should be responsible.
- Exemptions requested for entire industries, including farming and waste; Exemptions requested for queuing.
- Safety exemptions requested:
 - Permitted loads waiting for police escort.
 - Accommodate students with special needs.
- Legal and practical concerns expressed regarding the regulation of auxiliary power systems.



Advisory Committee Review

- Discussed with the Small Business Assistance Program Compliance Advisory Committee on April 23, 2008, Citizens Advisory Council Air Committee on May 20, 2008 and the Air Quality Technical Advisory Committee (AQTAC) on May 23, 2008.
- AQTAC members recommended:
 - To clarify language related to an exemption for queuing that accounts for a continuous 60-minute period.
 - To clarify whether a driver could claim health emergency exemption for any reason from §126.612(a)(8).
- AQTAC voted to recommend that the final rulemaking be forwarded to the EQB.
- AQTAC recommended:
 - To remove language, “or allow” in 126.611, covering truck owners and location owners and operators.



Responsibility of Location Owners and Operators

- Comments received almost exclusively from industry to remove “or allow,” limiting DEP’s ability to hold location owners and operators responsible for idling on their property.
- Received comments from truck drivers which stated that truck owners should be responsible.
- Considered all other relevant factors including:
 - Petitioner’s language, which included “or allow.”
 - AQTAC vote
 - Experiences of other states
 - Existing DEP requirements



Major Changes in Final-Form Rulemaking

- Applicability based only on weight at 10,001 pounds gross vehicle weight rating.
- Not applicable to farm-related motor vehicles or motor homes.
- Added the terms “ a total of” and “any continuous” in §126.612(a)(2) & (3) to better define time period allowed for idling.
- Provided exemptions for permitted loads and special needs students.
- Loading/unloading exemption expanded to queuing and to 15 minutes in a 60-minute period.
- Added term “in order” to §126.612(a)(8) to prevent a person from using a health emergency exemption inappropriately.
- Refined language applicable to local regulations for bus depots.



Major Changes in Final-Form Rulemaking (continued)

- Requirement for certain locations to post signs.
- Subchapter G regulating diesel-powered auxiliary power systems (APS) deleted in its entirety.
 - To meet practical and legal concerns, provisions would not have been implemented until Model Year 2012.
 - APS equipment and adoption by industry are rapidly changing.
 - Department will monitor developments.



Compliance and Enforcement

- Emphasis will be on education and communication with the regulated public.
- Received EPA outreach grant to inform regulated public and train law enforcement.
- Will work with partners on additional outreach, such as Turnpike tollbooth posters, variable message signs.
- All law enforcement officers with authority to issue a summary citation may enforce this regulation.
- Signage requirement will assist in compliance. Department will work with PennDOT to authorize official permanent signs.



Diesel Vehicle Idling Final Rulemaking

- If approved, this regulation will be submitted to EPA as a revision of the State Implementation Plan.
- The Department recommends that the Board approve Pennsylvania's final-form rulemaking on Diesel Vehicle Idling.
- Your consideration of this final rulemaking is greatly appreciated.



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