

Executive Summary

25 Pa. Code Chapters 121 and 126, Subchapter F

Diesel Vehicle Idling Final Rulemaking

The Department of Environmental Protection (Department) recommends amending 25 Pa. Code Chapters 121 and 126 (relating to general provisions; and motor vehicle and fuels programs) for consideration by the Environmental Quality Board (Board, EQB).

Purpose of the Final-Form Rulemaking

The purpose of this final-form rulemaking is to amend Chapter 126 by adding a new Subchapter F (relating to diesel vehicle idling) as set forth in Annex A. The final-form rulemaking establishes an idling restriction of a total of 5 minutes in any continuous 60-minute period for diesel-powered motor vehicles with a gross vehicle weight rating (GVWR) of 10,001 pounds or more, with a number of exemptions. The final-form rulemaking adds definitions to § 121.1 (relating to definitions) for terms used in new Subchapter F.

The Department estimates that the final-form rulemaking will reduce emissions in this Commonwealth by about 1,610 tons of NO_x, 45 tons of volatile organic compounds and 30 tons of particulate matter once the temperature exemption expires. These emission reductions are not only a part of the Commonwealth's efforts to achieve and maintain the health-based ozone and PM_{2.5} air quality standards, but will also reduce direct exposure to diesel particulate emissions, a likely carcinogen.

The U.S. Environmental Protection Agency (EPA) estimates that idling heavy-duty vehicles can consume about one gallon of diesel fuel for every hour of idling time, resulting in more than 21 pounds of CO₂ emissions, a major greenhouse gas. Therefore, the idling restrictions will reduce fuel use and greenhouse gas emissions. Reducing unnecessary idling will save vehicle owners money in the long run.

The final-form rulemaking, if adopted by the Board, will be submitted to the EPA as a revision to the State Implementation Plan.

Summary of Final-Form Rulemaking

The final-form rulemaking adds several definitions to § 121.1, including those related to farming. Three proposed definitions are no longer necessary and are deleted at final. Other clarifying definitions were also added.

The Department revised the proposed rulemaking to apply the requirements to diesel-powered motor vehicles with a Gross Vehicle Weight Rating (GVWR) of 10,001 pounds or more instead of "diesel-powered commercial vehicles" for purposes of clarity. Motor homes are exempted because it is not the intent of the Department to regulate non-commercial vehicles. The final-form rulemaking exempts most agricultural activities by not applying the requirements to most farm vehicles, since the Department is precluded from regulating most agricultural

activities under the Air Pollution Control Act (APCA). The final-form rulemaking prohibits persons subject to this subchapter from causing or allowing the engine of a diesel-powered motor vehicle with a GVWR of 10,001 pounds or more to idle more than a total of 5 minutes in any continuous 60-minute period, with certain exemptions. The Air Quality Technical Advisory Committee (AQTAC) recommended deleting the words "or allow" from § 126.611 of the final-form regulation in order to address concerns about responsibility for location owners and location operators that do not have direct control over idling vehicles. The final form rulemaking retains the words "or allow" in § 126.611. The final-form rulemaking was also revised to clarify the 5-minute and 60-minute time periods based on a recommendation from an AQTAC member.

Section 126.612 contains a list of exemptions. Section 126.12(a)(1) provides a temporary exemption for vehicles with sleeper berths that idle for driver comfort during hot and cold weather. This exemption expires on May 1, 2010, allowing diesel vehicle owners and operators time to identify and finance alternatives to idling the main propulsion engine of the vehicle.

Section 126.612 also includes several exemptions for various purposes that apply only when idling is necessary. Section 126.612(a)(2) allows a longer (15 minute) idling period for buses and school buses when passengers are on board or for any amount of time to maintain a safe temperature for students with special needs. Section 126.612(a)(3) allows a longer (15 minute) idling period when idling is necessary for loading and unloading activities and, based on comments received, for sampling and weighing, and waiting to load, unload, sample or weigh.

Sections 126.612(a)(4)-(12) allow idling when necessary for certain other situations. An exemption was added to the final-form regulation to allow a vehicle that is carrying an oversized load to idle for reasons of safety. Section 126.612(b) allows idling of vehicles that have a California label indicating they are less polluting while idling. Section 126.612(c) allows idling if idling is due to mechanical difficulties over which the driver has no control. Section 126.612(d) allows a local government or local air authority with idling regulations predating the effective date of the final-form rulemaking to approve alternative compliance plans for locations where buses are routinely kept overnight.

The final-form rulemaking adds new § 126.613 to require certain location owners to post signs to inform drivers that idling is restricted in this Commonwealth. This provision will assist the Department with public outreach to drivers.

Proposed Subchapter G, which addressed auxiliary power systems, has been removed from the final-form rulemaking.

Affected parties

The amendments will affect owners of diesel-powered motor vehicles with a GVWR of 10,001 pounds or more, including trucking and bus companies, transit agencies and school districts, and the owners and operators of facilities where these vehicles load, unload and park, such as truck stops and warehouses. The Department has consulted with representatives of many of these affected parties, with the petitioners and with local air agencies that have pre-existing idling restrictions.

Advisory groups and public comments

The AQTAC reviewed this final-form rulemaking on May 23, 2008. The AQTAC concurred with the Department's recommendation to present the final-form rulemaking to the Board for approval, with a request that the words "or allow" be deleted from § 126.611 to address concerns about the responsibilities of location owners and location operators who do not have direct control over idling vehicles. In addition, the proposed revisions were reviewed with the Citizens Advisory Council on May 20, 2008. An overview of the proposal was presented to the Small Business Compliance Advisory Committee on April 23, 2008.

The Department consulted with the Department of Transportation (PennDOT) during development of the rulemaking in accordance with section 5(a)(7) of the APCA (35 P.S. § 4005(a)(7)) and with the Pennsylvania State Police.

The Board approved the proposed regulation on October 16, 2007. It was published in the *Pennsylvania Bulletin* on January 12, 2008 (38 *Pa.B.* 229). The Board held three public hearings in Allentown, Harrisburg and Pittsburgh on February 12, 13, and 15, 2008, respectively. The public comment period for the proposed regulation ended on March 17, 2008.

The Board received 568 comments for the proposed regulations, including petitions with over 2,200 signatures. A majority of the comments are from citizens who offered their support of the proposal in order to improve public health. Several self-identified truck drivers support the regulation. These drivers own their own auxiliary power systems (APS) or asked that the state support programs to develop more truck stop electrification projects. Thirty-eight comments received were opposed to either the regulation or the temperature exemption. There were many comments from business and industry expressing general support, but that also asked for additional exemptions or guidance.

The Department received comments from the Engine Manufacturers' Association that stated that proposed Subchapter G (relating to auxiliary power systems) would be unlawful unless drafted to be identical to similar requirements required by the California Air Resources Board and unless engine manufacturers were given a two-year lead time (until model year 2012), as required by the Clean Air Act. The Department considered the comment and for various reasons decided to delete proposed Subchapter G from the final-form rulemaking. Importantly, the APS emissions reduction and alternative technology fields are still developing. The Department will monitor the technological developments until a more satisfactory approach can be identified.