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Cooper, Kathy

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From: mtate@state.pa.us
Sent: Thursday, March 13, 2008 3:32 PM
To: IRRC

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Subject: Proposed Rulemaking - Diesel Vehicle Idling; and Auxiliary Power Systems (#7-422)

INDEPENDENT REGULATORY
REVIEW COMMISSION

Re: Proposed Rulemaking - Diesel Vehicle Idling; and Auxiliary Power Systems (#7-422)

The Environmental Quality Board (EQB) has received the following comments regarding the above-referenced proposed rulemaking.

Commentor Information:

John Romero
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Section 126.611 of the Vehicle Idling rule includes the phrase "or allow" in its restriction on idling. This has the effect of requiring facility owners to ensure all affected vehicles, whether under the direct control of the facility or independently operated, that come on their properties comply with the regulation or the facility itself could be found in violation of the anti-idling regulation. This rule is a reapplication of a California regulation-California Code, Title 13, Division 3, Article 1, Chapter 10, Section 2485 with the following requirement, "On or after February 1, 2005, the driver of any vehicle subject to this section: (1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d);" There is no reference to allowing idling to occur. The California requirement correctly places all the compliance requirements on the owner of the vehicle. Proving compliance at a large manufacturing facility would require to site to ensure that all 125,000 independently owned trucks that visit the site annually comply with the regulation. The regulation as written would have substantial impact on schools (with idling buses), warehousing operations, manufacturing facilities, etc. If specific operations need to be targeted, such as truck stops, then they should be specifically called out in the regulation. We strongly recommend removing the term "or allow" from Section 126.611. Idling restriction.

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Please contact me if you have any questions.
Sincerely,
Michele L. Tate

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