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INDEPENDENT REGULATORY
REVIEW COMMISSION

From: mtate@state.pa.us
Sent: Monday, March 17, 2008 4:58 PM
To: IRRC
Subject: Proposed Rulemaking - Diesel Vehicle Idling; and Auxiliary Power Systems (#7-422)

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:

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Berwyn PA 19312 US

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The Pennsylvania Waste Industries Association ("PWIA") and its members submit these comments to the Pennsylvania Department of Environmental Protection's ("Department" or "PADEP") proposed amendments to the Diesel Vehicle Idling and Auxiliary Power Systems Regulations (25 Pa. Code, Chapter 121 and Chapter 126, Subchapters F and G) hereinafter "Proposed Anti-Idling Regulations"). In order to eliminate the undue burdens, and impracticalities that will result from the implementation of the current form of Proposed Anti-Idling Regulations, the PWIA submits that the Proposed Anti-Idling Regulations should incorporate a minor expansion to Existing Exemption #8 and include an additional exemption that is specific to the solid waste collection, transportation, and disposal industry. Specific requests for amendment to Chapter 126 of the Proposed Anti-Idling Regulations follow: Chapter 126. Subchapter F. Diesel Vehicle Idling PWIA members respectfully request that the Existing Exemption at Section 126.612(a)(8) of the Proposed Anti-Idling Regulations be expanded to permit idling that is "necessary to comply with manufacturers' operating requirements, specifications and warranties." Specifically, PWIA members request that Section 126.612(a)(8) of the Proposed Anti-Idling Regulations be revised as follows: (8) When idling is necessary to operate defrosters, heaters, air conditioners or cargo refrigeration equipment, or to install equipment to prevent a safety or health emergency and not for the purpose of a rest period, or as otherwise [necessary to comply with manufacturers' operating requirements, specifications and warranties,] Federal or State motor carrier safety regulations, or local requirements. The expansion of the Existing Exemption at Section 126.612(a)(8) of the Proposed Anti-Idling Regulations that is described above is essential for allowing PWIA members to maintain compliance with vehicle manufacturer operating specifications, which is a necessary prerequisite for obtaining vehicle warranty protections. In addition to its request to expand the language of Section 126.612(a)(8) of the Proposed Anti-Idling Regulations, PWIA members respectfully request that Section 126.612(a) of the Proposed Anti-Idling Regulations be amended to include the following exemption that is specific to the solid waste collection, transportation, and disposal industry: (12) When a commercial motor vehicle is engaged in solid waste collection, transportation, or disposal, or the collection and lawful management of source-separated recyclable materials. This exemption does not apply when a vehicle is not engaged in solid waste collection, transportation, or disposal, or the collection and lawful management of source-separated recyclable materials.

Please contact me if you have any questions.

Sincerely,  
Michele L. Tate

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Michele L. Tate
Regulatory Coordinator
PA Department of Environmental Protection

3/17/2008