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**From:** mtate@state.pa.us  
**Sent:** Monday, March 17, 2008 5:20 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:  
Charles McPhedran  
PennFuture mcphedran@pennfuture.org  
1518 Walnut Street Suite 1100  
Philadelphia PA 19102 US  
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On behalf of PennFuture, I am writing in support of the Diesel Vehicle Idling rule proposed in the Pennsylvania Bulletin on January 12, 2008. This rule will significantly improve air quality in Pennsylvania, and we urge your support. Since PennFuture was founded in 1998, Pennsylvania has made progress on many fronts in reducing emissions from industrial, utility, new vehicle, and consumer sources. However, one of the most stubborn sources of air pollution remains emission from existing diesel motor vehicles. Trucks and buses--especially older, dirtier ones--emit harmful particles and toxic pollutants, and frustrate efforts to protect Pennsylvanians by meeting EPA's national ambient air quality standards for ozone and particulate matter. Pennsylvania's proposed rule promises many significant benefits, including reduced emissions of pollutants that threaten public health and reduced emissions of carbon dioxide, which contributes to global warming. For these reasons, we support the Department's proposal. We are concerned about the comment in the preamble that "...a Statewide regulation should also discourage boroughs, townships, cities, and counties from enacting their own idling restrictions." 38 Pa. Bull. at 229. We have not identified any language in the regulation itself that bars such county or local rules. Further, the Air Pollution Control Act specifically reserves to political subdivisions the power to enact ordinances not less stringent than the APCA or the Clean Air Act. 35 P.S. § 4012(a). As to idling, the Department notes the high burdens borne by two counties. 38 Pa. Bull. at 233. Political subdivisions should maintain the flexibility to be more stringent on anti-idling than the Department, and we urge DEP to affirm that no such pre-emption is intended. Effective outreach and enforcement will be critical to the success of the rule, which depends on ongoing compliance by the trucking industry. We support the applicability of the rule to the owners and operators of vehicle locations. 25 Pa. Code § 126.601 (proposed). The preamble to the proposed rule notes that the Department consulted with the Pennsylvania State Police, 38 Pa. Bull. at 231; we encourage the Department to develop inspection protocols in cooperation with the State Police that will be effectively implemented. We also urge the Department to measure the effectiveness of the anti-idling rule in actually reducing emissions, by gathering data in Pennsylvania and in cooperation with other federal and state agencies. In conclusion, PennFuture supports the proposed rule and its substantial benefits for air quality and public health in Pennsylvania. Sincerely, Charles McPhedran, Law Staff Chair PennFuture  
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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  
Rachel Carson State Office Building

3/17/2008