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March 17, 2008

2658

Environmental Quality Board  
P.O. Box 8477  
Harrisburg, PA 17105-8477

**Re: Proposed Rulemaking, Environmental Quality Board**  
**[25 PA. CODE CHS. 121 AND 126]**  
**Diesel Vehicle Idling; and Auxillary Power Systems**  
**[38 Pa.B. 229]**  
**[Saturday, January 12, 2008]**

Dear Sirs and Madams:

Following are comments of the Electric Power Generation Association (EPGA) to the draft final rulemaking for 25 PA. Code CHS. 121 and 126. EPGA is a regional trade association of electric generating companies with headquarters in Harrisburg, Pennsylvania. Its members include AES Beaver Valley, LLC, Allegheny Energy Supply, Cogentrix Energy Inc., Constellation Energy, Inc., Dynegy Inc., Edison Mission Group, Exelon Generation, FirstEnergy Corp, LS Power Associates, Mirant Corporation, PPL Generation, Reliant Energy, Sunbury Generation and UGI Development Company. These companies own and operate more than 149,000 megawatts of electric generating capacity, approximately half of which is located in Pennsylvania and surrounding states.

These comments represent the views of EPGA as an association of electric generating companies, not necessarily the views of any individual member company with respect to any specific issue.

**EPGA supports a diesel idling regulation**

EPGA supports a diesel idling regulation. This type of regulation is a necessary measure to address the effects of the emissions of nitrogen oxides, fine particulate matter, particularly carbonaceous materials, hazardous air pollutants, and energy efficiency and conservation. As other emissions reduction programs affecting stationary sources such as the Clean Air Interstate Rule (CAIR) continue to be implemented, mobile sector emissions are becoming a much larger percentage of the emissions inventory. Also, as diesel idling typically occurs in the proximity of local populations, it can result in higher local exposure and have greater potential impact on the health and welfare of affected populations.

INDEPENDENT REGULATORY RELATIONS OFFICE  
RENEW COMMISSION

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**This regulation forces companies and/or persons where vehicles load or unload persons or materials to police the activities and actions of the operators which deliver goods, materials and people to your sites**

The regulation states that "...no person subject to this subchapter may cause or allow..." idling of an affected vehicle for more than 5 minutes in any hour. It is inappropriate for this regulation to make a site at which deliveries are made responsible for actions to force compliance with environmental regulations by a non-affiliated party. It is the responsibility of the department or other government agency to enforce this and other regulations. It should be solely the responsibility and accountability of the owner and operator of an affected vehicle to comply with these regulations. Accordingly, EPGA recommends that the regulation make it clear that only the owners or operators of affected vehicles are responsible for compliance and subject to potential enforcement actions.

**This proposed regulation primarily addresses long haul trucking issues and does not appear to consider short haul trucking issues**

This regulation primarily focuses on long haul trucking and does not appear to consider short haul trucking issues. The coal and electric generation industries rely heavily on short haul trucking for the transportation of coal and other fuels, waste coal and materials necessary for not only the operation of critical energy production facilities, but also the operation of air cleaning and pollution control devices such as flue gas desulfurization (FGD) and mercury sorbent systems. Short haul trucking is also used to transport recyclable products such as gypsum and coal ash to manufacturing sites and sites being remediated by the product(s) such as abandoned mines and other areas polluted by acid mine drainage. The gypsum produced by an FGD can be used for wallboard manufacturing or soil remediation. Fluidized bed and other coal ash are beneficially used for waste coal and abandoned mine site remediation. These activities are valuable because they provide needed resources, reduce the volume of waste streams that consume increasingly scarce land resources, and conserve energy compared to using raw materials. Consequently, it's important to Pennsylvania's economy and environment to adequately address the needs of short haul truckers working within the Commonwealth.

**EPGA proposes two changes to the exemptions provided in the proposed regulation**

The most important change is the modification to an existing proposed exemption. EPGA's proposed additional verbiage to the exemption in § 126.611(a)(3) of the proposed regulation is consistent with the intent of the exemption contained in the proposed regulation, but is more descriptive and specific. The suggested changes to this provision are highlighted in yellow:

*An attended vehicle must idle for active delivery, weighing, sampling, receipt, loading or unloading of property or passengers.*

These changes are necessary to accommodate the time necessary to pass through a plant to get to either a sampling or delivery point and to wait to load, unload or be sampled. Due to daily issues, it is sometimes necessary for a truck to remain motionless while other trucks conduct these activities or until the receiving facilities can conduct these activities.

The other change that should be made to this proposed regulation under the exemptions identified in § 126.611 is the inclusion for a short haul trucker to be exempted from this requirement if ambient conditions necessitate the operation of air conditioning or heating. This should be added to avoid the use of another exemption contained in the proposed regulation that allows this activity for health or safety reasons. The additional exemption that should be added is highlighted in yellow;

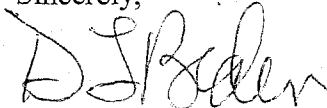
*An occupied vehicle not equipped with a sleeper berth compartment must operate air conditioning or heating and the outside temperature at the location of the vehicle is less than 40 degrees or greater than 75 degrees Fahrenheit.*

This provision recognizes the need to provide a comfortable work place for the drivers and also limits the potential uses of the currently proposed exemption. It's noteworthy that another provision in the proposed regulation allows this exemption for long haul truckers until May 1, 2010. It is expected that by that time, alternative options will be available to that class of trucker. Currently, those alternatives are not readily available for short haul truckers. It is important to the integrity of this regulation to be specific in the exemptions to avoid the misuse of some exemptions or to have parties claim safety or health issues which undermines the purpose of the proposed regulation.

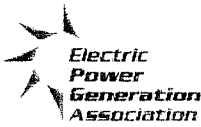
I have included a copy of the proposed regulation with EPGA's suggested revisions "tracked" into the document to avoid any confusion.

EPGA appreciates the opportunity to submit these comments. If you have any questions or wish to discuss our comments in greater detail, please contact me at (717) 909-3742.

Sincerely,



Douglas L. Biden  
President



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