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National Fuel

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Lee E. Hartz
Attorney

INDEPENDENT REGULATORY
REVIEW COMMISSION

March 14, 2008

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VIA NEXT DAY UPS

The Environmental Quality Board
Rachel Carson State Office Building
16th Floor, 400 Market Street
Harrisburg, PA 17101

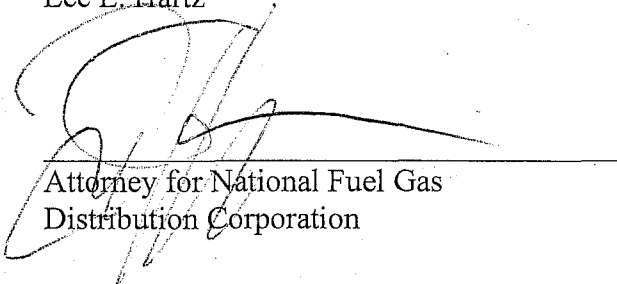
ENVIRONMENTAL QUALITY BOARD

**Re: Comments Regarding Proposed Rulemaking Regarding Diesel
Vehicle Idling; 25 Pa. Code §§ 121 & 126**

To the Environmental Quality Board:

Enclosed for your consideration are National Fuel Gas Distribution Corporation's comments to the above referenced proposed rulemaking. Many thanks for the opportunity to comment on this important issue.

Lee E. Hartz

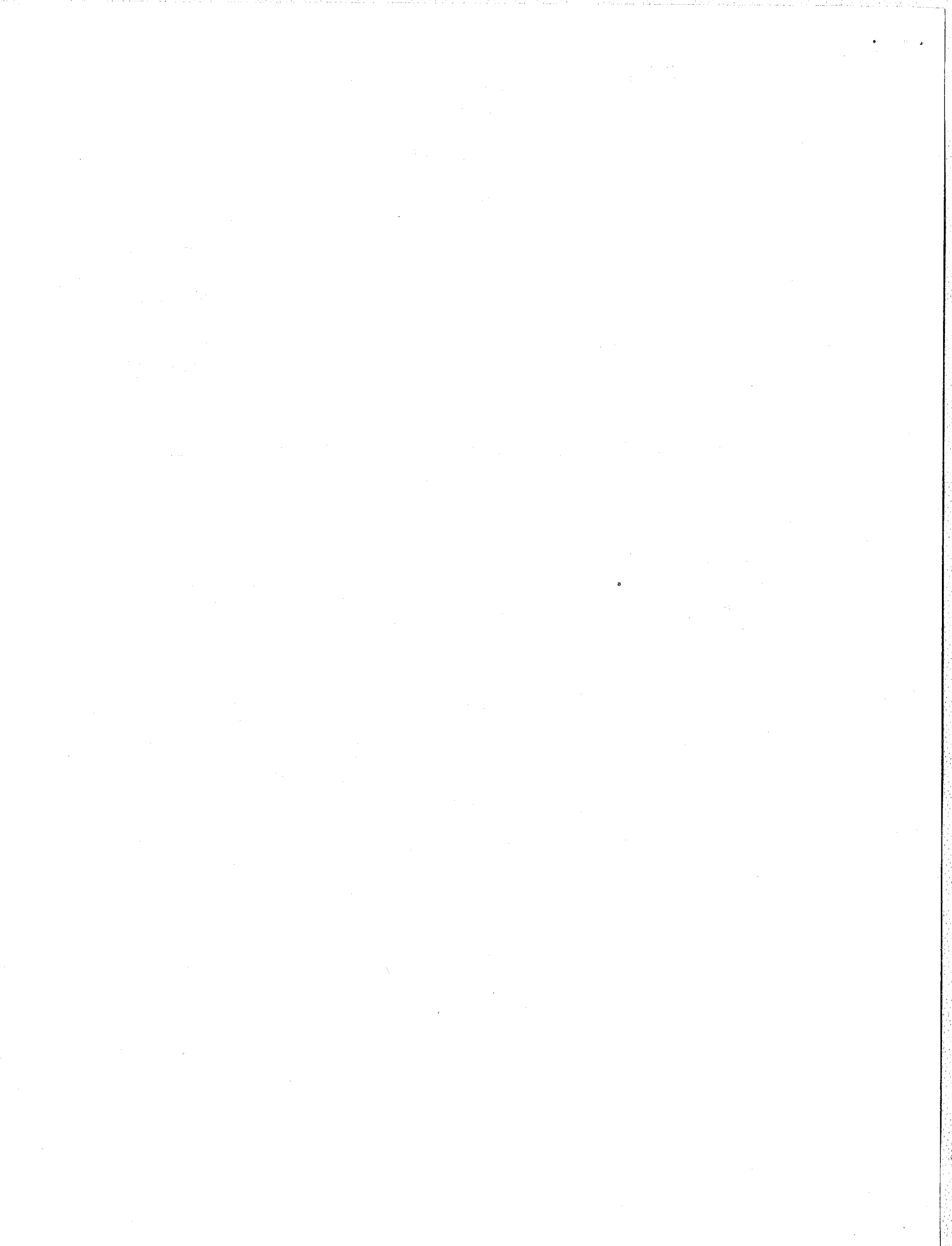


Attorney for National Fuel Gas
Distribution Corporation

Enclosure

cc: (all w/ encl.)

Michael Anderson
Michael Kasprzak
Jack Rimlinger
Michael Rose



BEFORE THE PENNSYLVANIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION - ENVIRONMENTAL QUALITY BOARD

Proposed Rulemaking: Diesel Vehicle :
Idling; and Auxiliary Power Systems, : COMMENTS
25 Pa. Code §§ 121 & 126 :
:
:
Issued for Comment: January 12, 2008 :

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REVIEW COMMISSION

COMMENTS ON BEHALF OF
NATIONAL FUEL GAS DISTRIBUTION CORPORATION

TO: The Environmental Quality Board
Rachel Carson State Office Building
16th Floor, 400 Market Street
Harrisburg, PA 17105-2301
www.depweb.state.pa.us/RegComments

National Fuel Gas Distribution Corporation ("National Fuel") is a certificated public utility company that provides natural gas service to over 210,000 customers in 14 counties in northwest and north-central Pennsylvania. National Fuel's customers depend and rely on National Fuel to ensure them with safe and reliable service to heat their homes and provide for other energy needs. In order to provide this service, National Fuel owns, operates and maintains a network of natural gas pipelines throughout its service territory. Often, this pipeline network requires repair, maintenance or service work during periods of extreme cold weather, with ambient temperatures often going below 15 degrees Fahrenheit. To perform this work, National Fuel maintains a fleet of utility vehicles, of which, approximately 50 may be subject to the instant proposed rulemaking regarding diesel idling restrictions. National Fuel appreciates this opportunity to submit comments on this important environmental issue.

With one exception, which is discussed below, National Fuel generally supports the proposed rulemaking to restrict diesel idling. National Fuel believes that the proposed rule will bring about a significant reduction in emissions and work to improve the ambient air quality in Pennsylvania. However, National Fuel is concerned that, as drafted, the proposed rulemaking could be interpreted to restrict National Fuel's ability to provide its utility work crews with a safe environment to perform necessary utility line repairs or service work in extremely cold outdoor temperatures.

In such conditions, it is necessary to provide utility work crews with an opportunity for a heated vehicle to provide intermittent relief from the severe cold.¹ In many circumstances, it would be necessary to idle the vehicle to provide heat. Based on the proposed rulemaking and various materials published by the Department of Environmental protection National Fuel does not believe that the intent of the proposed rulemaking is to restrict vehicle idling in such circumstances. Rather, the main intent of the proposed rulemaking is to restrict unnecessary diesel vehicle idling at rest stops for pure "rest periods". That said, the lack of an express exemption for utility vehicles performing utility line construction, service, maintenance or repair work could create ambiguity in the enforcement of the proposed rules.

Two of the exemptions appearing in the proposed rulemaking, § 126.612(a)(8) and 126.612(a)(9), could already be interpreted to provide such an exemption to utility work crews. Section 126.612(a)(8) provides an exemption when idling is necessary to operate heaters or to prevent a safety or health emergency. Likewise, Section 126.612(a)(9) provides an exemption for vehicles being used in an emergency situation.

¹ In addition, the agreement between National Fuel and its unionized work crews requires National Fuel "for the period October 1st to May 1st . . . to provide for construction crews, adequate heat in the cab and rear section of the trucks during the lunch period."

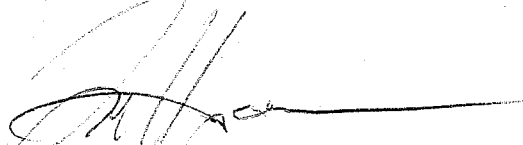
Through these comments, National Fuel is asking that these exemptions be extended to their logical conclusion with regard to a utility vehicle performing construction, service, maintenance or repair work to public utility facilities. Thus, National Fuel requests that the following additional exemption be added to the proposed rulemaking:

When idling is necessary for a utility company vehicle while such vehicle is being used to effectuate construction, service, maintenance or repair work to the facilities of a public utility.

It is National Fuel's contention that an express exemption is necessary to alleviate any potential confusion while utility workers are providing a vital service to the public.

Once again, National Fuel commends the Department and the Environmental Quality Review Board for its efforts in addressing this important issue and appreciates the opportunity to provide these comments. Any questions should be addressed to the undersigned.

Respectfully submitted,



Lee E. Hartz
Pa. I.D. No. 87675

Dated: March 14, 2008

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