

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ENVIRONMENTAL QUALITY BOARD

\* \* \* \* \*

IN RE: PROPOSED RULEMAKING DIESEL VEHICLE IDLING  
AND AUXILIARY POWER SYSTEMS

PUBLIC HEARING

\* \* \* \* \*

BEFORE: MARK WAYNER, Chair  
Michele Tate, Member

HEARING: Friday, February 15, 2008  
1:00 p.m.

LOCATION: Department of Environmental Protection  
Southwest Regional Office  
Waterfront A and B Conference Room  
400 Waterfront Drive  
Pittsburgh, PA 15222

WITNESSES: Dennis Haraczak, Timothy French, Rachel  
Filippini, Ashleigh Deemer, Heather Sage,  
McMaster

Reporter: Barbara J. Jones

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TESTIMONY

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NONE OFFERED

## P R O C E E D I N G S

CHAIRMAN:

I'd like to welcome you to the Environmental Quality Board EQB Public Hearing on the Proposed Diesel Vehicle Idling and Auxiliary Power Systems Rulemaking. My name is Mark Wayner. I am the Program Manager of the Air Quality Control Program in DEP's Southwest Region. I call this hearing to order at 1:00 p.m.

The purpose of this hearing is to formally accept testimony on the proposed Diesel Vehicle Idling and Auxiliary Power Systems rulemaking. In addition to this hearing, two other hearings were conducted earlier this week on this regulatory proposal in Allentown and Harrisburg. The Diesel Vehicle Idling and Auxiliary Power Systems proposed rulemaking was initiated through a petition to the EQB by the Clean Air Board of Central Pennsylvania.

The proposed regulation would restrict owners or operators of diesel-powered commercial vehicle, including the owners and operators of locations at which such vehicles load, unload or park, from idling more than 5 minutes during any 60 minute period. Exemptions are provided in the proposed

1 rulemaking to allow idling under certain  
2 circumstances, including exemptions for idling during  
3 hot and cold weather --- which would expire on May  
4 1st, 2010, for maintenance and safety considerations  
5 and for active loading or unloading of passenger buses  
6 including school buses.

7           The proposed rulemaking allows idling of  
8 vehicles with model year 2007 and subsequent model  
9 years that display a label issued by the California  
10 Air Resources Board, CARB, indicating that the vehicle  
11 meets a more stringent NOx emission limit during  
12 idling than any other model year 2007 or older  
13 commercial diesel-powered vehicles.

14           The rulemaking also proposes restrictions  
15 on the use of Auxiliary Power Systems, APS, by  
16 requiring that commercial motor vehicles with model  
17 year 2007 or newer have the APS exhaust routed through  
18 the exhaust system of the vehicle's main propulsion  
19 engine. In lieu of this requirement, drivers may opt  
20 to exhibit a CARB-issued label on their vehicle to  
21 indicate that the APS engine meets a verified  
22 particulate matter control strategy established by  
23 CARB. Mobile idle-reduction technologies, such as  
24 APSS used by vehicle operators on model year 2006  
25 vehicles or older may be used without restriction

1 under the proposed rulemaking.

2           The Department consulted with the  
3 Department of Transportation and the Pennsylvania  
4 State Police during the development of the proposed  
5 rulemaking. In addition, the Department presented the  
6 draft proposed rulemaking to the Air Quality Technical  
7 Advisory Committee, AQTAC, the Citizens Advisory  
8 Council and the Pennsylvania Small Business Assistance  
9 Program Compliance Advisory Committee.

10           In order to give everyone an equal  
11 opportunity to comment on this proposal, I would like  
12 to establish the following ground rules:

13           1. I will first call upon the witnesses who have  
14 pre-registered to testify at this hearing. After  
15 hearing from these witnesses, I will provide any other  
16 interested parties with the opportunity to testify as  
17 time allows.

18           2. Testimony is limited to ten minutes for each  
19 witness.

20           3. Organizations are requested to designate one  
21 witness to present testimony on its behalf.

22           4. Each witness is asked to submit three written  
23 copies of his or her testimony to aid in transcribing  
24 the hearing. Please hand me your copies prior to  
25 presenting your testimony.

1           5. Please state your name, address and  
2 affiliation for the record, prior to presenting your  
3 testimony. We would appreciate your help by spelling  
4 names and terms that may not be generally familiar so  
5 that the transcript can be as accurate as possible.

6           6. Because the purpose of the hearing is to  
7 receive comments on the proposal, EQB or DEP staff may  
8 question witnesses; however, the witnesses may not  
9 question the EQB or the DEP staff.

10                       In addition to, or in place of, oral  
11 testimony presented at today's hearing, interested  
12 persons may also submit written comments on this  
13 proposal. All comments must be received by the EQB on  
14 or before March 17th, 2008. Comments should be  
15 addressed to the Environmental Quality Board, P.O. Box  
16 8477, Harrisburg, PA, 17105-8477. Comments may also  
17 be submitted electronically to the EQB by completing  
18 the online form at [www.depweb.state.pa.us/RegComments](http://www.depweb.state.pa.us/RegComments),  
19 all one word, by March 17th, 2008.

20                       All comments received at this hearing, as  
21 well as written or electronic comments received by  
22 March the 17th, 2008 will be considered by the EQB and  
23 will become included in a Comment/Response document,  
24 which will be prepared by the Department and reviewed  
25 by the EQB prior to the Board taking its final action

1 on this regulation.

2           Anyone interested in a copy of the  
3 transcript of this hearing may contact the reporter  
4 here this afternoon to arrange to purchase a copy. I  
5 would like now, to call for the first witness, Mr.  
6 Dennis HaracznaK.

7           MR. HARACZNAK:

8           HaracznaK (corrects pronunciation).

9           CHAIRMAN:

10          Okay.

11          MR. HARACZNAK:

12          Good enough.

13          CHAIRMAN:

14          I'm sorry.

15          MR. HARACZNAK:

16          Just one question here, I didn't get the  
17 address for written comments. Is it in this handout?

18          MS. TATE:

19          It is.

20          MR. HARACZNAK:

21          It is? Okay. Good to know. All right.

22 My name is Dennis HaracznaK. I live up in Arnold,  
23 which is about 18 miles up this river --- a city up  
24 there. And I have a lot of experience with idling  
25 trucks and other vehicles. As a matter of fact, as

1 far back as 1960 the city of Arnold passed an  
2 ordinance limiting the idling of trucks and busses and  
3 cars in the city of Arnold, and the tooting of horns.  
4 So there was both a concern with emission pollution  
5 and noise pollution in the city.

6           And as long ago as 1960, the City of  
7 Arnold Council and Mayor Horne recognized that problem  
8 and passed an ordinance regulating that issue. It's  
9 probably a little out of date by now, but at least  
10 their heart was in a very good place.

11           Now, I talked to a number of drivers ---  
12 semi-drivers, my brother was a licensed driver  
13 although he never did much of it; and my neighbor was  
14 a licensed semi-driver. And I've asked them, is there  
15 any need, is there any problem with a truck driver  
16 operating his rig just as we do with our cars when we  
17 buy gasoline. We pull up, turn the engine off, fill  
18 up, turn the engine on and drive off. No, there is no  
19 problem. Trucks can do that. And in Manhattan, New  
20 York City, when a bus driver pulls over for a break,  
21 he turns off his engine, he takes his break, comes  
22 back 20 minutes, half hour later, turns his engine on  
23 --- which I understand uses a compressed air to start  
24 the engine and he drives off.

25           So there is no reason why a trucker can't

1 turn off his engine technologically. They're doing it  
2 mostly for convenience and habit. We're truckers,  
3 we've done this for 100 years, we just do it, that's  
4 the way we operate. Or we like the heat, we like the  
5 air conditioning, we don't like the fuss and bother of  
6 turning the engine off and on and that's the way we  
7 operate.

8           So the problem that you can run into is  
9 truckers will find ways to evade a law that you have  
10 passed. For example, the problem can get worse than  
11 you can even imagine. Because there was one case  
12 about five or six years ago where a truck idled around  
13 the clock for about five days.

14           Why was he able to do this? Because he  
15 wasn't there with his rig. Someone came with a car,  
16 picked him up, he left the rig running and he went  
17 home to a nice, comfortable home, where he enjoyed all  
18 of the comforts of home, but none of the discomforts  
19 of an idling engine with the pollution and noise that  
20 would occur.

21           Another problem that can happen, is when  
22 a refrigeration unit will park. These devices operate  
23 by shutting down for about 15 minutes, and then every  
24 --- after 15 minutes elapses, the engine --- a  
25 separate engine on the refrigeration unit will turn on

1 to refrigerate the truck for about five minutes. And  
2 throughout the day, throughout the night, while you're  
3 trying to sleep, every 15 minutes you're going to hear  
4 this engine crank up and turn on, and run for five  
5 minutes, and then turn off. That's not nice, it's  
6 hard to sleep when you have that kind of a situation.  
7 And the place where I reside is about 100, 150 feet  
8 from where truckers can park.

9           Another trick they can pull is okay, we  
10 can't idle on the street, so we'll go inside an  
11 industrial area, a fence which is --- they'll move  
12 their truck 20 feet inside, now they're idling it on  
13 this private property. Well, now we can do it,  
14 because we're an industrial area. Well, you want to  
15 watch out for this. The problem is that the state can  
16 pass a law or a regulation and people will find ways  
17 to obey the letter of the law, but evade the spirit of  
18 the law.

19           The spirit of the law is look, noise and  
20 pollution are problems. It's not nice for people to  
21 live by it, while you're not enduring it. So I think  
22 there's got to be some kind of provision in this law  
23 that requires --- well, before I get to that I'll say,  
24 now in hot weather, they want the trucks running for  
25 the air conditioning convenience. In the winter, they

1 want it running to provide heat.

2                   Well, you really don't need air  
3 conditioning in the summer and you really don't need  
4 heat in the summer --- in the winter. People do very  
5 well on Mount Everest when they're climbing ---  
6 sleeping bags, they keep warm, those things are  
7 guaranteed at like 40 or 100 below zero. And it is  
8 possible for a trucker to use a sleeping bag instead  
9 of running his engine for comfort.

10                   Now, another way to get around this  
11 problem of refrigeration units or even heating and air  
12 conditioning, would be to somehow provide an  
13 electrical input. So if they don't have to run an  
14 engine --- an internal combustion engine, we could  
15 actually have an electric supply that would run their  
16 air conditioning and their refrigeration units.

17                   So the next --- what I see as a problem  
18 with this legislation and you gave a very nice reading  
19 of it and I would have to study it and make sure that  
20 I totally understand it. But, I'm still concerned  
21 that there would be this state law that would override  
22 any municipal ordinance, preventing a municipality  
23 from taking care of it's individual problems, the  
24 state law having overridden any possibility of a  
25 municipal ordinance to correct it's local problem.

1           What I would like to see written into  
2 this law, is something like is written into our  
3 Constitution.. Our Bill of Rights, which says anything  
4 that is not controlled by the federal government, is  
5 left up to the individual states. So I would like to  
6 see something written into this state law that says  
7 anything that is not covered by the state law, is  
8 allowed to be controlled by the local municipality.  
9 If they have an individual problem with truckers  
10 evading the spirit of the law, they can pass an  
11 ordinance to take care of that individual problem.

12           The main problem I had in our area, was  
13 these truckers who would park their rig, leave it  
14 idling, someone would pick them up in a car, drive  
15 them away, they would enjoy the comforts of home and  
16 then come back at their convenience to drive off. It  
17 could leave a refrigeration unit, or even in that ---  
18 it only happened once, that one case where the fellow  
19 left his truck idling around the clock for five days.  
20 That was intolerable. That's where you want to get  
21 out a shotgun and go after the guy, or his truck, or  
22 blow the darn thing up.

23           And believe it or not, that actually  
24 happened in California. One family took off on a  
25 weekend. And during the weekend while they were away,

1 their home security system alarm went off. And it  
2 just --- throughout the weekend, 24/7 that alarm was  
3 going off and the neighbor got out his shotgun, went  
4 over to the security system and blew it away. And the  
5 police said, justifiable homicide. There was no  
6 problem. The guy with the shotgun was not prosecuted.

7           So it's these kinds of concerns that I  
8 have, that I would like to see addressed. Because,  
9 you have these truckers who are doing something that  
10 is not necessary, I feel, and they leave their rig and  
11 enjoy the comforts of home. So you should have  
12 perhaps a requirement that they stay with their rig.  
13 A requirement that their rig cannot be run by an  
14 internal combustion engine, if it need by run at all;  
15 perhaps an electrical source.

16           And you may want to provide areas in the  
17 state which accommodate truckers, special areas where  
18 a truck can park and get these comforts and  
19 requirements that he needs. That's going to be  
20 something that's going to cost something, to set that  
21 up. But that's about the only way you're going to  
22 really eliminate these problems, because I do  
23 sympathize with the trucker; they do have some  
24 problems, especially with the refrigeration unit.

25           But, their problem becomes a local

1 problem when they foist it off onto the residents, and  
2 then they leave in some private car and enjoy the  
3 comforts of home, because they don't have to stick  
4 with their refrigeration unit or they don't have to  
5 stick with this truck that's idling 24/7. Thank you.

6 CHAIRMAN:

7 Thank you. Well, I would ask that you  
8 please state your name, address, and full initial  
9 prior to your testimony as well.

10 MR. HARACZNAK:

11 You want me ---?

12 CHAIRMAN:

13 If you would --- sorry to interrupt you.

14 MR. HARACZNAK:

15 Sure. Dennis HaracznaK, Arnold,  
16 Pennsylvania, 1910 Constitution Boulevard. And  
17 affiliation, retired, a lot of experience with idling  
18 vehicles.

19 CHAIRMAN:

20 All right. Next, Rachel Filippini.

21 MS. FILIPPINI:

22 Good afternoon. My name is Rachel  
23 Filippini, and I'm the Executive Director for the  
24 Group Against Smog and Pollution. We're located at  
25 5604 Solway Street, Room 204, Pittsburgh, PA, 15217.

1 GASP is a non-profit citizens group in Southwestern  
2 Pennsylvania, working for a healthy, sustainable  
3 environment. Founded in 1969, GASP has been a  
4 diligent watchdog, educator, litigator, and policy  
5 maker on many environmental issues, with the focus on  
6 air quality in the Pittsburgh region.

7           Thank you for the opportunity to speak  
8 today. GASP commends the Clean Air Board of Central  
9 Pennsylvania for petitioning the Environmental Quality  
10 Board for this important regulation, and the  
11 Pennsylvania DEP for their work on its development.

12           GASP played a key role in stimulating the  
13 development of the school bus idling, and diesel power  
14 motor vehicle idling regulations in Allegheny County.  
15 And we are pleased to know that the entire  
16 Commonwealth will soon have their own idling  
17 regulation.

18           Reducing exposure to harmful diesel  
19 emissions is an important activity for Pennsylvania to  
20 address. It is well known that diesel exhaust  
21 emissions have adverse health and environmental  
22 effects. The Environmental Protection Agency has said  
23 that long term exposure to diesel particulate exhaust  
24 is likely to pose a lung cancer hazard, as well as  
25 non-cancer and acute effects such as throat and eye

1 irritation and inflammation, exacerbation to existing  
2 respiratory and allergic conditions, and exacerbated  
3 risk of heart attacks. In addition, idling diesel  
4 vehicles can contribute to the formation of brown  
5 level ozone by omitting nitrogen dioxide --- nitrogen  
6 oxide, excuse me. According to the PA DEP, heavy-duty  
7 vehicles contributed about 25 percent of all NOx  
8 emission in Pennsylvania in 2002. Repeated exposure  
9 to ozone pollution can cause a variety of adverse  
10 health effects; including, difficulty in breathing,  
11 chest pains, cough and throat irritation as well as  
12 aggravating asthma, exacerbating bronchitis and  
13 emphysema, and reducing lung function. Eliminating  
14 unnecessary idling will go a long way in safeguarding  
15 Pennsylvanian's health and will assist the state in  
16 meeting the fine particulate and ozone standards.

17           GASP strongly supports the proposed  
18 diesel vehicle idling regulation, and the regulation  
19 on the use of diesel power, auxiliary power systems  
20 for diesel powered commercial motor vehicles, with  
21 model year 2007 and newer engines. GASP would,  
22 however, ask that you re-evaluate the regulation to  
23 address the following:

24       1. In addition to requiring that the exhaust of  
25 the auxiliary power system be rerouted through the

1 main engine's exhaust on diesel vehicles with model  
2 year 2007 or newer, we would encourage adding that if  
3 a vehicle has been retrofit with a diesel particulate  
4 filter, that that vehicle too, must reroute the  
5 exhaust from the auxiliary power system to their main  
6 engine's exhaust if that is technologically feasible.  
7 Since an older diesel vehicle retrofit with an EPA or  
8 CARB certified diesel particulate filter should have  
9 the same, or nearly the same emission reduction as a  
10 new 2007 engine it makes sense to reroute the more  
11 polluting auxiliary power system through this retrofit  
12 vehicle's exhaust system.

13       2. Under 126.612 Exemptions B, the proposed  
14 regulation says the restriction on idling set forth in  
15 126.611 does not apply to a vehicle that has a model  
16 year of 2007 or newer engine, and exhibits a label  
17 issued by CARB showing that the vehicle's engine meets  
18 the optional NOx idling emission standard. In the  
19 spirit of energy independence and the reduction of CO2  
20 emissions, GASP believes that regardless of the model  
21 year, a diesel vehicle should not be idling.

22       3. There is a need to protect school children  
23 from unnecessary exposure to diesel emissions and  
24 especially since this vulnerable group is more  
25 susceptible to environmental pollutants. When school

1 buses are on school property, they should not idle.  
2 We suggest that the exemption for school bus idling be  
3 clarified to allow such idling to public streets, and  
4 not allow such idling while on school property.

5           We believe that the May 1st, 2010  
6 expiration date for the temperature related exemption  
7 of idling during rest periods, provides companies and  
8 drivers with sufficient time to install bunk heaters,  
9 battery systems or auxiliary powered units. The  
10 expiration provision is mirrored in the EPA model  
11 rule, and it's designed to allow businesses the  
12 opportunity to identify, finance, and install mobile  
13 idling reduction equipment before the exemption  
14 expiration. We also believe it is sensible to require  
15 truck operators to use facility electrification  
16 systems such as idle air, where they exist and are  
17 operational.

18           Once again, GASP supports the proposed  
19 regulation and we sincerely hope the Pennsylvania DEP,  
20 state and local police will take the role of enforcing  
21 it seriously.

22           Thank you again for the opportunity to  
23 speak and for your hard work in developing this  
24 regulation.

25                           CHAIRMAN:

1 Timothy French.

2 MR. FRENCH:

3 Good afternoon. My name's Tim French,  
4 and I'm affiliated with the Engine Manufacturers  
5 Association which is located at Two North LaSalle  
6 Street in Chicago, Illinois.

7 The Engine Manufacturers Association, or  
8 EMA, is the trade association that represents the  
9 world's leading manufacturers of internal combustion  
10 engines, including the diesel fueled engines deployed  
11 in heavy duty on highway or HDOH commercial vehicles  
12 as well as the much smaller diesel fueled engines  
13 utilized in many auxiliary power systems or APS units.  
14 Accordingly, EMA's numbers have a direct and  
15 significant interest in the proposed rulemakings at  
16 issue here today.

17 As a general matter, EMA and it's members  
18 strongly support efforts to eliminate unnecessary  
19 idling emissions from HDOH diesel vehicles. And to  
20 that end, the EMA has worked with the U.S. EPA and  
21 many other stake holders, to develop a model rule for  
22 an operator based regulation to limit idling emissions  
23 from diesel trucks. EMA has also worked closely with  
24 the California Air Resources Board, or CARB, to craft  
25 it's anti-idling regulations which are found at 13 CCR

1 Section 2485. In light of the extensive collaborative  
2 efforts that have gone into the development of these  
3 regulations, EMA encourages the EQB to ensure that its  
4 operator based rule is consistent with EPAs and CARBs.  
5 And indeed is discussed a little bit further in my  
6 comments with respect to the proposed APS regulations  
7 and acting a rulemaking that is in fact identical to  
8 CARBs is a requirement of federal law.

9           Despite EMA's general support for  
10 reasonable anti-idling measures, there are certain  
11 specific provisions of the proposed operator based  
12 rule that should be addressed. First, the anti-idling  
13 exemption that is provided for maintenance, servicing,  
14 and repairs Subsection (a)(7) of the proposed  
15 regulation, should specifically include regeneration  
16 or maintenance of the exhaust emission control device  
17 as idling is often required to regenerate a  
18 particulate filter system.

19           Second, with respect to the exemptions  
20 provided for those commercial vehicles that are  
21 equipped with an engine certified by CARB to meet the  
22 alternative low idle NOx emission standard; that's  
23 proposed subsection (b) which we have just heard a  
24 little bit of testimony about. That exemption, in  
25 fact, should not be restricted to 2007 model year or

1 newer engines. Engine manufacturers now are working  
2 to develop retrofit kits to provide low idle NOx  
3 capabilities for prior model year engines. And the  
4 incentive and option to clean up those prior model  
5 year engines and to install those retrofit kits,  
6 should not be foreclosed by the proposed regulation.

7           Turning to the EQB's proposed regulation  
8 of APS units powered by diesel powered internal  
9 combustion engine as it's defined in the regulation.  
10 The EQB needs to recognize that those APS engines are,  
11 in fact, a subset of what are referred to as non-road  
12 engines under federal law. Under section 209(e)(2) of  
13 the Federal Clean Air Act which is found at 42 U.S.C.  
14 Section 7543(e)(2). Pennsylvania is pre-empted from  
15 enforcing any emission related requirements for non-  
16 road engines unless first, those requirements as well  
17 as their implementation and enforcement are identical  
18 to CARB standards that have been authorized by U.S.  
19 EPA. And two, Pennsylvania provides at least two  
20 years between the date it adopts such non-road engine  
21 requirements, and the date they are slated to take  
22 effect.

23           The EQB's proposed emission related  
24 requirements for APS engines fail on both of these  
25 grounds. They are not identical to CARBS APS engine

1 requirements, and in that regard I refer you to 13 CCR  
2 Section 2485(c)(2) and (c)(3). And the EQB is not  
3 providing two years' lead time prior to the effective  
4 date of the proposed requirements. It is our  
5 understanding that these proposed requirements would  
6 go into effect immediately upon adoption and that you  
7 seek to apply them, in fact, to any engine that's a  
8 2007 and later. Thus, you would almost have  
9 retroactive application. But in any event, two years  
10 lead time is not being provided which is a necessity.  
11 So the EQB's proposal for APS non-road engines needs  
12 to be revised to comply with the applicable provisions  
13 of controlling federal law.

14                   And in making those necessary revisions,  
15 the EQB also must ensure to follow and allow for all  
16 of the alternative compliance options that are  
17 included in the CARB APS regulations; specifically,  
18 subsection (c)(3) of Section 2485. Indeed, insuring  
19 this identity again with the anti-idling CARB rule  
20 is fundamental to enacting a viable regulatory program  
21 in Pennsylvania.

22                   Now, with respect to one of the  
23 compliance options at issue, that is the option of  
24 routing the APS exhaust through the main engine's  
25 exhaust system upstream of the particulate filter.

1 Certain conditions do need to be placed on that  
2 option. Specifically, that option should only be  
3 allowed where the routing of the APS exhaust through  
4 the main engine, has been designed and/or approved by  
5 the original engine manufacturer, or the OEM.  
6 Otherwise, if third parties are permitted to devise  
7 such exhaust re-routing strategies the result could be  
8 catastrophic --- catastrophic damage to, or extreme  
9 malfunctioning of the main engine or its emission  
10 control systems. Not to mention a voiding of the  
11 OEM's emission related warranty. Some care must be  
12 exercised in that regard.

13 In conclusion, EMA appreciated the  
14 opportunity to submit these initial comments on the  
15 pending rulemaking proposals and we look forward to  
16 working with EQB staff over the coming months to  
17 develop a sound and cost effective regulation to  
18 control and limit unnecessary idling emissions.

19 Thank you very much for your attention,  
20 and I would be happy to try to answer any questions  
21 you may have.

22 CHAIRMAN:

23 Ashleigh Deemer.

24 MS. DEEMER:

25 Thank you for having me here today. My

1 name's Ashleigh Deemer. I'm here on behalf of Clean  
2 Water Action, which is located at 100 Fifth Avenue,  
3 Pittsburgh, PA, 15222.

4           On behalf of Clean Water Action, I'm here  
5 today to provide our comments on the proposed  
6 amendments to Pa.C. Chapters 121 and 126 regarding  
7 Diesel Vehicle Idling and Auxiliary Power Systems. We  
8 strongly support the adoption of this rule to limit  
9 diesel idling, due to the serious and proven health  
10 impacts of diesel emission and the importance of  
11 reducing fuel consumption.

12           Diesel fine particulate emissions are  
13 proven to have broad impacts on human health ranging  
14 from acute asthma attacks to heart attacks, cancer,  
15 and even premature death. In Allegheny County alone,  
16 diesel emissions cause approximately 162 premature  
17 deaths, 230 heart attacks, 2,306 asthma attacks and a  
18 whopping 13,558 missed work days annually. That's a  
19 figure from the Clean Air Task Force. Far worse  
20 impacts are found across the state, as Allegheny  
21 County is only the fourth most diesel affected county  
22 in Pennsylvania.

23           Statistics such as these have prompted  
24 several Pennsylvania counties, including Allegheny  
25 County and Philadelphia County to enact their own

1 diesel idling regulations. We urge the Environmental  
2 Quality Board to build upon these initial efforts, and  
3 create a consistent diesel idling rule for the entire  
4 Commonwealth. We believe that in doing so, knowledge  
5 of the idling regulation and compliance will rise in  
6 both these counties. Both of which are in non-  
7 attainment for federal EPA PM2.5 standards.

8           In addition, it is important to limit the  
9 use of non-renewable fossil fuels where possible.  
10 Unnecessary idling of a diesel vehicle consumes  
11 approximately one gallon of fuel per hour, costing  
12 business owners and independent drivers hundreds, if  
13 not thousands of dollars each year. Most affected by  
14 the rising cost of fuel are long-haul operators who  
15 are required to take long rest periods between driving  
16 hours. By encouraging and enabling the installation  
17 of auxiliary power units on long haul trucks, this  
18 rule can both improve air quality and save operators  
19 significant amounts of money.

20           After careful review, Clean Water Action  
21 does not support any additional exemptions to idling  
22 other than those listed in the proposed rulemaking.  
23 We believe that these exemptions adequately  
24 accommodate all situations in which idling is  
25 necessary for the safety of operator and for

1 fulfilling the job required of the vehicle.

2           Excessive idling as defined by the  
3 proposed rule, should not be allowed in the case of  
4 delayed loading or unloading of vehicles on private  
5 property. Similarly, we request that the school bus  
6 exemption in Section 126.612(a)(11) be narrowed.  
7 While school bus idling may be necessary in urban  
8 settings where buses must line up on public streets,  
9 it is important to assert that idling beyond 5 minutes  
10 in any 60 minute period shall not be permitted on  
11 private property such as school owned grounds.

12           Children are often more susceptible to  
13 diesel pollution than adults, due to a larger ratio of  
14 particulates per unit of body mass. Children are also  
15 disproportionably exposed to diesel particulates  
16 because of emissions that accumulate inside the school  
17 bus cabin. Fine particulate levels often reach levels  
18 that are five to ten times higher than outdoor air,  
19 due to exhaust entering the cabin through the dash.  
20 Idling only serves to exacerbate this problem due to a  
21 lack of movement and air flow. All passenger-related  
22 temperature concerns surrounding this amendment to the  
23 exemption are adequately addressed in Section  
24 126.612(a)(2).

25           Finally, we present to you 846 signatures

1 of Pennsylvania residents who support the proposed  
2 diesel idling regulation, and we have more on the way.  
3 Diesel pollution is an issue that our members  
4 routinely identify as a problem in their communities,  
5 and the feedback we have received on this regulation  
6 is overwhelmingly positive.

7           Representing over 100,000 members in  
8 Pennsylvania, we strongly urge you to approve the  
9 proposed diesel idling regulation. And we hope that  
10 the Department of Environmental Protection will place  
11 a special emphasis on creating both a driver education  
12 program and a comprehensive plan for enforcement.

13           Thank you for your time. And any written  
14 response can be given at the address that we've  
15 provided.

16           CHAIRMAN:  
17 Heather Stage.

18           MS. SAGE:  
19 Sage.

20           CHAIRMAN:  
21 Yes, I'm sorry.

22           MS. SAGE:  
23 It's okay. Good afternoon, my name is  
24 Heather Sage and I'm the Director of Outreach for  
25 Citizens for Pennsylvania's Future, or PennFuture,

1 located at 425 Sixth Avenue, Suite 2770, Pittsburgh,  
2 PA, 15219.

3           On behalf of our many members in this  
4 region, I speak today in support of the diesel vehicle  
5 idling rule proposed in the Pennsylvania Bulletin on  
6 January 12th. This rule will significantly improve  
7 air quality in Pennsylvania and we urge your support.

8           PennFuture is a statewide public interest  
9 membership organization working to ensure a just  
10 future where nature, communities and the economy  
11 thrive. We know that every environmental victory  
12 grows our economy, and that this region in particular  
13 faces significant air quality challenges. That is why  
14 we have worked on many air issues across regulatory  
15 development permitting and enforcement, and will  
16 continue to do so. The health of our citizens and our  
17 economy depend upon continuous improvements in air  
18 quality.

19           Since PennFuture was founded in 1998,  
20 Pennsylvania has made progress on many fronts in  
21 reducing emissions from industrial, utility, new  
22 vehicle, and consumer sources. However, one of the  
23 most stubborn sources of air pollution remains,  
24 emissions from existing diesel motor vehicles; trucks  
25 and buses, especially older, dirtier ones, emit

1 harmful particles and toxic pollutants and frustrate  
2 efforts to protect Pennsylvanian's by meeting EPA's  
3 national ambient air quality standards for ozone and  
4 particulate matter.

5           Pennsylvania's proposed rule promises  
6 many significant benefits including reduced emissions  
7 of pollutants that threaten public health and reduced  
8 emissions of carbon dioxide which contribute to global  
9 warming. For these reasons, we support the  
10 Department's proposal.

11           However, we are concerned about the  
12 comment in the preamble that quote, a state wide  
13 regulation should also discourage boroughs, townships,  
14 cities, and counties from enacting their own idling  
15 restrictions. There is no language in the regulation  
16 itself that bars such county or local rules. Further,  
17 the Air Pollution Control Act specifically reserves to  
18 political subdivisions, the power to enact ordinances  
19 not less stringent than the APCA or the Clean Air Act.  
20 As to idling, the Department notes the high burdens  
21 bourne by two counties. Therefore, we believe that  
22 political subdivision should maintain the flexibility  
23 to be more stringent on anti-idling than the  
24 Department. And we urge DEP to affirm that no such  
25 pre-emption is intended.

1 I've witnessed first hand the changes in  
2 behavior by diesel truck operators just in my own  
3 neighborhood of Lawrenceville, since Allegheny County  
4 passed its idling ordinance several years ago. Trucks  
5 used to regularly park and idle while making  
6 deliveries at nearby construction sites, restaurants,  
7 and retail venues. Now, fewer operators do so. It's  
8 making a positive difference. More can be done, but  
9 it's a good start.

10 We know that effective outreach and  
11 enforcement will be critical to the long-term success  
12 of the state rule, which depends on ongoing compliance  
13 by the trucking industry. We support the  
14 applicability of the rule to the owners and operators  
15 of vehicle locations. The preamble to the proposed  
16 rule notes that the Department consulted with the  
17 Pennsylvania State Police, but doesn't provide much  
18 detail. We encourage the Department to develop  
19 inspection protocols in cooperation with the State  
20 Police that will be effectively implemented. We also  
21 urge the Department to put procedures in place to  
22 measure the effectiveness of the anti-idling rule and  
23 actually reducing emissions by gathering data in  
24 Pennsylvania and in cooperation with other federal and  
25 state agencies. And to evaluate the program

1 regularly, seeking to make ongoing improvements.

2 PennFuture supports the proposed rule and  
3 it's substantial benefits for air quality and public  
4 health in Pennsylvania. Thank you.

5 CHAIRMAN:

6 At this time, I'd like to open the floor  
7 for any person attending that wishes to provide  
8 testimony. Yes, sir? If you would, please state your  
9 ---.

10 MR. MCMASTER:

11 Yes, yes. Absolutely. My name is Bill  
12 McMaster, I'm with Kenworth of Pennsylvania.

13 CHAIRMAN:

14 Could you spell your last name?

15 MR. MCMASTER:

16 M-C-M-A-S-T-E-R.

17 CHAIRMAN:

18 Thank you.

19 MR. MCMASTER:

20 And I'm here representing Kenworth of  
21 Pennsylvania. We are a Kenworth truck dealership in  
22 New Stanton, PA. And what has drawn me to this  
23 meeting today --- I don't have any prepared remarks.  
24 But, we have been following the move, especially  
25 Pennsylvania's adoption of CARB rules in regards to

1 idling, emissions, and so forth.

2                   And first of all, I should say, we  
3 support the idea --- from the dealer standpoint, we  
4 support the idea of the economies of idle reduction  
5 certainly with fuel approaching --- well, in many cases  
6 beyond \$3.50 a gallon. I doubt there's too many guys  
7 that would be incentivized to let their trucks run for  
8 five days as this gentleman was talking about here  
9 because that's a mighty expensive proposition.

10                   The thing that we are, I guess sort of  
11 concerned and confused about from the dealer  
12 standpoint is, everybody wants groceries, but nobody  
13 wants a truck to bring it to them. And so we need to  
14 work on that fine line in between what's workable and  
15 what makes good, logical, sense as we move forward.  
16 Certainly from the manufacturer's standpoint, we've  
17 seen in combination with the engine manufacturer's  
18 that there has been this move towards cleaning up  
19 engine emissions.

20                   And it's been sort of roundly stated that  
21 as we get into 2010, which is the next guideline for  
22 emissions controls that the engine manufacturers have  
23 to meet. It's been stated a truck going from New York  
24 City is actually putting out cleaner air than it's  
25 bringing in. So we're seeing progress move towards

1 the idea of emissions from truck engines being  
2 cleaner, and being shall we say, more healthful.

3           The part that we're concerned from the  
4 dealer standpoint is trying to advise our customers on  
5 what their options are and what suggestions we can  
6 make to have them be compliant. And some of the  
7 ambiguities of this regulation as we see it, leave us  
8 somewhat without good advice as far as knowing what to  
9 suggest. For instance, there's temporary exemptions  
10 granted for temperature situations where it's below 40  
11 or above 75. So what do we say to a guy that if he  
12 crawls into his sleeper at night and it's 78 degrees,  
13 and he wakes up in the morning and it's 68 degrees,  
14 who is going to be standing there with a thermometer  
15 --- and I'm not trying to be facetious, but how do we  
16 monitor that and how do we determine a starting point,  
17 stopping point, and who's going to monitor the ambient  
18 temperature situations. And I'm not saying those  
19 things are bad ideas, but how are they enforced and  
20 how are they regulated, and how do we suggest to our  
21 customers that they are in compliance with the law?

22           The other thing that is of course ---  
23 since we've learned that Pennsylvania has decided to  
24 be an opt in state for CARB in terms of idle emissions  
25 reduction. There is required identification I think

1 that was eluded to earlier upon the side of the hood  
2 of the truck that identifies it as a CARB compliant  
3 vehicle. Which basically says at idle, it's nitrous  
4 oxide levels are within compliance, and it is thereby  
5 permitted, shall we say, to idle for extended periods  
6 of time. That's now been told to us as being part and  
7 parcel of Pennsylvania's regulations, and now we have  
8 this idle --- five minute idle time limit as a  
9 maximum, then why do we need to have the emissions  
10 legislation that puts that decal on the side of the  
11 hood that says you're allowed to idle for five  
12 minutes, if you're no longer allowed to idle more than  
13 five minutes in any sense. So it's sort of confusing  
14 to us, and certainly confusing from the customer  
15 standpoint as far as, what stone are they supposed to  
16 watch here, when they're operating their vehicles. So  
17 that's part of this.

18           In addition to what's happened with the  
19 engine changes in this last year or so with 2007 and  
20 on engines, one of the requirements of course, is that  
21 those engines run on ultra-low sulfur diesel fuel,  
22 which is 15 parts per million of sulfur. And the  
23 infrastructure quite frankly, is not yet in place to  
24 support that type of fuel requirement. Just  
25 yesterday, I know I brought a truck across the

1 Pennsylvania turnpike and stopped for fuel at the New  
2 Stanton plaza, and they don't have ultra-low sulfur  
3 diesel fuel at the New Stanton plaza on the turnpike.

4           So again, we're forcing changes on the  
5 trucking community which we don't have the  
6 infrastructures in place to support, to make it  
7 feasible for them to operate. And we like the idea of  
8 idle air --- as the lady from GASP brought forward,  
9 but there's still not near enough facilities in place  
10 for idle air to be effective for the majority of guys  
11 that are out there. It's first come, first serve and  
12 you might get one, you might not. So there's  
13 infrastructure issues involved. And also, in regard  
14 to the idea of modifying the exhaust on auxiliary  
15 power systems --- and again, we've been whole  
16 heartedly in support of that idea. And we enforce and  
17 encourage our customers to take advantage of those.  
18 Because, just from an economic standpoint, it makes  
19 sense.

20           If you're going to run an auxiliary power  
21 system that burns one gallon of fuel all night, versus  
22 one gallon of fuel an hour, there's a significant cost  
23 savings there. We support and encourage that idea.  
24 But, the --- if we're altering exhausts and we get  
25 into a situation where we have damage occurred to a

1 diesel particulate filter, because a third party  
2 altered the exhaust and the auxiliary power system as  
3 the gentleman from the engine manufactures noted the  
4 replacement costs of those diesel particulate filters,  
5 are in the neighborhood --- and depending which engine  
6 manufacturer you're talking about, are in the  
7 neighborhood of \$8,000 to \$10,000. So if technician A  
8 decides to jury-rig some type of a tap-in system to  
9 feed into the DPF, and it damages the DPF, then now we  
10 have the truck operator forced to bear an \$8,000 to  
11 \$10,000 replacement bill for that DPF. That's another  
12 thing altogether.

13           So these are some of the concerns from  
14 the truck community side of things that I think need  
15 to be brought into the discussion just so everybody as  
16 a clear hold here of this --- make it feasible on one  
17 side, and certainly environmentally friendly on the  
18 other side. Thanks very much.

19           CHAIRMAN:

20           Thank you.

21           MR. HARACZNAK:

22           May I make an additional addendum and  
23 short comment?

24           CHAIRMAN:

25           I think we do still have time. Yes, sir.

1                   MR. HARACZNAK:

2                   I like what Mr. McMaster said, that he's  
3 experienced ---.

4                   CHAIRMAN:

5                   Could you please restate your name?

6                   MR. HARACZNAK:

7                   Oh, Dennis HaracznaK. I like what Mr.  
8 McMaster said, that he's experienced and his heart  
9 seems to be in the right place, he had the right  
10 attitude. He's knowledgeable about all of this stuff.  
11 As far as legislation goes, I think this country is  
12 far over legislated. But, unfortunately, human nature  
13 being what it is, we need to have regulations in  
14 place.

15                   What I would like to see done in addition  
16 to regulation and legislation, is some kind of  
17 campaign to the trucking industry itself to say, come  
18 on guys, get your heart in the right place, try and  
19 break your habits, recognize the world the way it is  
20 now and what the costs are to you in fuel and  
21 pollution; try and change your habits.

22                   I also heard a comment that an exemption  
23 might be made for school buses, because they --- on  
24 the street, they have to line up. Well, frankly, I  
25 don't see why a string of 10 or 20 buses can't load

1 simultaneously. Why do they have to do it one at a  
2 time? They've got a sidewalk, the students walk down  
3 the sidewalk, walk up to their bus, get in it. Why  
4 does the school bus have to idle for 15, 20 minutes in  
5 line? Thank you.

6 CHAIRMAN:

7 Do we have any other persons on the floor  
8 wishing to present testimony? With no other witnesses  
9 present, on behalf of the Environmental Quality Board,  
10 I hereby adjourn this meeting at 1:47 p.m.

11  
12 \* \* \* \* \*

13 HEARING CONCLUDED AT 1:47 P.M.

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