

COMMENTS INCLUDED IN THIS DOCUMENT

Company Name	Meeting Date For Addressing Comments
ACCG (Athens-Clarke County)	5/23/08
Engine Manufacturers Association (EMA)	5/23/08
Georgia Forestry Association	5/23/08
Georgia Motor Trucking Association	5/23/08
Georgia Pulp & Paper Association, Inc.	5/23/08
GRTA	5/23/08
National Solid Waste Management Association (SWMA) Sunbelt Region	5/23/08
NATSO	5/23/08
NewportTimber	5/23/08
Southern Alliance for Clean Energy and Mothers and Others for Clean Air	5/23/08
Southern Company	5/23/08
The Langdale Company	5/23/08
TRNSR	5/23/08
Georgia Farm Bureau	6/11/08
Southern Alliance for Clean Energy and Mothers and Others for Clean Air	6/11/08
Georgia Forestry Commission	6/11/08
Georgia Pulp & Paper Association, Inc.	6/11/08
Packaging Corporation of America	6/11/08
Cabaire	9/03/08
Department of Education	9/03/08
US EPA	9/03/08
ACCG (Athens-Clarke County)	9/03/08
Southern Alliance for Clean Energy and Mothers and Others for Clean Air	9/03/08
Department of Education	10/07/08
GA Industry Environmental Coalition	12/16/08
Georgia Construction Aggregates Association	12/16/08
Georgia Traditional Manufactures Association	12/16/08
Southern Environmental Law Center	12/16/08
Sierra Club	12/16/08

Eliminating Unnecessary Idling of Heavy-Duty Vehicles in Georgia
Comment on the March 24 Draft by Richard C. Field, Ph.D.
Environmental Coordinator, Unified Government of Athens-Clarke County

This rule is long over due. While it may result in a very small reduction in the level of emissions that contribute to degraded air quality in Georgia, it is one of many steps that must be taken to protect the health of current and future citizens. It is also a very public activity that illustrates the gravity of our situation and should inspire other actions that will achieve even greater reductions. Implementation of this rule will also result in greater fuel efficiency and reduced operating costs for vehicle owners. With increasing fuel prices, this alone should be sufficient incentive to adopt and comply with this rule. However, different organizations and jurisdictions have varying levels of sensitivity to this component of their operations and may not respond uniformly if this action is left to voluntary implementation. Therefore, a state-wide rule that establishes a consistent standard for all operators is most appropriate.

This state-wide approach is even more important from the standpoint of local government. Many, such as the Unified Government of Athens-Clarke County, have implemented this policy in their own operations, but have not adopted a local idling reduction ordinance for fear that it would reduce their competitive position with their neighbors. This is in spite of the health benefits that may be recognized by reducing emissions in local areas where heavy-duty vehicles congregate, such as truck stops, distribution centers, transportation depots, rail yards and industrial sites.

With regard to enforcement, I question the effectiveness of existing EPD personnel's ability to do so. They are already stretched too thinly. And without a substantial fine and consistent treatment by the judicial system, I am afraid this rule is unlikely to be effective. On the other hand, immediate and severe punishment of violators should gain quick compliance that will carry forward as new habits by all operators. Such consistent and effective enforcement is unlikely to occur if delegated to local governments. Most do not have sufficient personnel that are appropriately positioned and trained to report rule violations. Nor is local judiciary likely to provide uniform treatment of violators. This is much more effective at the state level using administrative measures or state courts. If this could be added to the responsibility of law enforcement officers state-wide, that may be another effective approach. I think most local governments will agree to depositing the fines collected in the hazardous waste trust fund because local governments frequently benefit from this fund. However, if local government is tasked with enforcement, then the fines should be directly available to the government that collects them.

A final recommendation is that the discussion and promotion of this rule should be driven by the expected current and future health benefits, instead of merely a necessary component of the EPA-required State Improvement Plan for air quality.

May 20, 2008

(by e-Mail; Richard_McDonald@dnr.state.ga.us)

Richard McDonald
Environmental Engineer
Engine and Fuels Unit
Environmental Protection Division, Air Protection Branch
Georgia Department of Natural Resources
4244 International Parkway, Suite 136
Atlanta, Georgia 30354

**Re: Draft Regulatory Proposal to Restrict
Unnecessary Idling of Heavy-Duty Vehicles**

Dear Mr. McDonald:

The Engine Manufacturers Association (“EMA”) hereby submits its initial comments regarding the proposed regulation that is being developed by the Air Protection Branch of the Georgia Environmental Protection Division (“GEPD”) to restrict the unnecessary idling of heavy-duty vehicles. EMA is the trade association that represents the interests of the world’s leading manufacturers of heavy-duty engines, including the on-highway and nonroad engines that would be covered by the proposed regulation. Accordingly, EMA’s members have a direct and significant interest in the regulatory proposal at issue.

As an initial matter, EMA and its members support efforts to eliminate unnecessary idling emissions from heavy-duty vehicles. To that end, EMA has worked with the U.S. EPA and many other stakeholders to develop a model rule for an operator-based regulation to limit idling emissions from diesel-fueled trucks. In light of the extensive collaborative efforts that went into the development of that model rule, EMA encourages the GEPD to adopt an operator-based rule for Georgia that is as consistent as possible with the EPA model.

Turning to the specifics of the GEPD proposal, there are many aspects of the draft regulation that should be revisited and revised, including the following:

1. The GEPD proposal would not only apply to heavy-duty on-highway (“HDOH”) vehicles with a GVR greater than 10,000 pounds, but also would cover “any subject nonroad vehicle with a brake horsepower (bhp) rating more than 75.” EMA is not aware of any other idling-control regulation that has included nonroad vehicles within its scope. Thus, the GEPD proposal appears to be unprecedented. The corollary to this is that no regulatory agency or stakeholder group has undertaken the requisite study, analysis and due diligence to assess the impacts (including safety, productivity and feasibility) that would result from imposing such a requirement on all nonroad vehicles rated above 75 bhp. In that regard, for example, EMA is not aware of any low-emission APUs or other anti-idling technologies that are designed for the very broad and diverse array of nonroad vehicles at issue. Accordingly, before proceeding any further

with such a proposal, the GEPD must engage in the necessary due diligence and outreach to the owners and operators of nonroad machinery and equipment.

2. The “extended idling” definition should be revised to reference a period greater than five consecutive minutes “in any 60 minute period.”

3. The draft regulation provides no exemption for HDOH vehicles equipped with sleeper-berths. This needs to be addressed. While alternative APU technologies are being developed as are other low-idle emission solutions for HDOH vehicles, those alternatives can be costly and certainly take time to implement for the existing fleet of sleeper-berth trucks. Imposing an anti-idling rule on all sleeper-berth trucks as of May 1, 2009, which the draft regulation proposes to do, would be entirely unreasonable. Instead, a multi-year leadtime period will be necessary. In that regard, the EPA model rule references a leadtime period of 5 years after state financial assistance programs for the deployment of anti-idling technologies have been implemented.

4. On a related point, an exemption should be provided for any HDOH vehicle that meets the requirements of the California Air Resources Board’s anti-idling regulations (see 13 CCR § 1956.8(a)(6), requiring an automatic engine shutdown system (“AESS”) or a low-NOx idling emission standard of 30 grams per hour), or that is equipped with a CARB-certified APU configuration (see 13 CCR § 2485(c)(3)).

5. Similarly, an exemption should be allowed for all 2010 model year and later EPA-certified (and CARB-certified) HDOH vehicles, since the emission profiles of those advanced technology vehicles, including for PM and NOx, will be near-zero.

6. The GEPD also should clarify and explain the status of whether Georgia will be opting into CARB’s most recent anti-idling amendments. (See point 4, supra.) The regulatory proposal states that Georgia “will likely” incorporate the CARB anti-idling amendments, but does not explain the status, process or timeline of that regulatory initiative.

7. As under the EPA model rule, a passenger bus should be allowed to idle for a maximum of 15 minutes (not 5) in any 60 minute period to maintain passenger comfort while non-driver passengers are on board.

8. Also as under the EPA model rule, an exemption to permit vehicle idling should be allowed for a vehicle that idles when operating defrosters, heaters, air conditioners, or installing other equipment solely to prevent a safety or health emergency, and not as a part of a rest period.

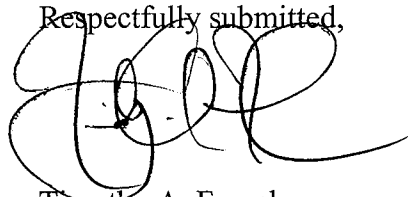
9. The proposed PTO exemption should add the phrase “or to power any other work-related mechanical or electrical operations other than propulsion” to ensure that the exemption adequately covers all of the myriad potential work operations of heavy-duty vehicles.

May 20, 2008
Richard McDonald
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10. The proposed exemption for vehicle repairs and maintenance should specifically include idling that is necessary for the maintenance or regeneration of any exhaust emission control device.

EMA appreciates the opportunity to submit these initial comments on the proposed anti-idling regulation, and we look forward to working with the GEPD over the coming months to craft a final rule that is both well-balanced and cost-effective.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. French', with a stylized flourish extending to the right.

Timothy A. French
EMA General Counsel



RECEIVED
MAY 20 2008
AIR BRANCH
MOBILE & AREA

May 19, 2008

Mr. Richard P. McDonald, P.E.
Environmental Engineer
Environmental Protection Division
Georgia Department of Natural Resources
4244 International Parkway-Suite 136
Atlanta, GA 30354

Subject: Idle Reduction Program

Dear Mr. McDonald:

The Georgia Forestry Association appreciates having been recognized as a stakeholder in EPD's anti-idling rules process. We were able to have a representative at the May 2 meeting and have shared the available information with a number of our Association members. You may have received comments from some of our forest product companies and loggers..

The first request that we would make is that the comment period be extended by at least 30 days to June 21. Many of our member companies that were not directly contacted by EPD will require more time than has been allowed to thoroughly review the proposed program and rule, to evaluate its impact on their operations, and to formulate a response. This would seem a reasonable request given that implementation of the program and rule is not scheduled until May 2009. In addition, given that it appears that our industries may be among those most concerned about the rule, I would be pleased to schedule a meeting at our facility in Forsyth, Georgia to give EPD representatives an opportunity to speak directly to an interested forestry audience.

One of the greatest challenges encountered by mill managers and their operations personnel is that of moving log trucks through their "queuing" processes. Most companies devote considerable time and resources to accelerating the unloading of wood and many are seeing significant improvements. However, there are serious questions about the practicality of a 5 minute idle time in this process for many of our facilities.

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GA Environmental Protection Division
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We do not agree that a 5 minute idle time requirement would reduce idling by 10 hours per truck per day. Furthermore, this start/stop cycle that would be necessary to meet the idle requirements would likely have a more adverse impact on air quality than the trucks at idle.

We believe that the circumstances of the forest products manufacturing facilities are unique and deserve specific attention with respect to the impact and practicality of the proposed idle reduction program. This proposal comes at a time when the forest products economy is already in a severe downturn and companies are not in a position to bear the added expense of the monitoring and enforcement of this proposed program.

Thank you for receiving our comments. We look forward to your response.

Sincerely,



Steve McWilliams
Executive Vice President
GEORGIA FORESTRY ASSOCIATION

Cc: Dr. Carol Couch



EDWARD B. CROWELL
PRESIDENT & CEO

May 23, 2008

Richard McDonald
GA EPD/APB
4244 International Parkway
Suite 134
Atlanta, GA 30354

Mr. McDonald:

The following comments are submitted on behalf of the Georgia Motor Trucking Association, Inc. (GMTA) in regards to the Environmental Protection Division's proposal to impose statewide regulations on engine idling by heavy duty commercial vehicles.

GMTA is a trade association representing nearly 1,000 member firms statewide, the majority of which are Georgia-based trucking operations. Our members include owners and/or operators of fleets that range from 1 to 100,000 vehicles, and service every facet of the economy of Georgia. Additionally, our membership includes hundreds of companies with tens of thousands of employees whose economic well-being depends directly on the health and vitality of Georgia's trucking industry.

Comments of the Georgia Motor Trucking Association

At the outset, GMTA wishes to voice strong objection to the proposal. The proposed regulations are ill-timed, unnecessary, lacking in adequate justification or basis and will impose needless burdens on the industry without achieving any substantial benefit.

The overwhelming majority of GMTA member firms already have policies and practices in place which control the idling of truck engines by drivers. These include, but are not limited to the use of written policies, driver incentives, software and hardware controls, the installation of auxiliary power units and more. These practices and policies provide substantially all the public benefit sought by EPD while imposing no additional regulatory costs on carriers.

At the same time, it is indisputable that situations can and do arise where extended idling of an engine is required because of outside circumstances in order to protect sensitive cargo or even the life and health individuals. The owners and operators of trucks are in far better positions to make the proper judgment in these situations than any regulation or government office.

Proposal seeks to regulate the wrong entities

All for-profit businesses have a vested interest in reducing waste in every way possible and in the current economic situation this is something of which trucking companies are acutely aware. In fact, government agencies which operate heavy-duty commercial vehicles are far more likely to be involved in long-term idling than members of the trucking industry. If EPD must pursue a regulation, it would be most productive for the agency to regulate other government entities such as school systems and transit systems, while letting the private sector follow its own best practices. If there is any benefit to be had from a statewide anti-idling regulation it is likely to be found in those government operations. EPD, unfortunately, is proposing to go in exactly the opposite direction.

Proposal will create safety hazards and increased need for idling

Yet another flaw in EPD's proposal is the threat to assess monetary fines on property owners where trucks are found to be in violation. This too, will result in greater burdens on the trucking industry (and the private sector in general) with no benefit to anyone except the entity collecting the fines. Moreover, this aspect of the proposed regulation will create a safety hazard and likely increase the need for idling.

If EPD threatens to impose fines on property owners, property owners will not react by timing the idling of trucks on the yard, nor by taking on the expense of running their loading/unloading operations to keep EPD's preferred pace. Rather, they will simply instruct truck operators to stay off the property until specifically called in. This will leave drivers further from any building or driver lounge and require them to remain in their cabs – thus creating a greater need for idling in inclement conditions. Moreover, this may also leave trucks on road shoulders, exit ramps or even in travel lanes, creating unsafe conditions for truck operators and other motorists.

Proposal lacks Georgia-based data to justify 5-minute limit

EPD has not produced any valid study of current statewide truck idling practices. Rather, using a variety of statistics from a variety of sources to support a claim that idling must be regulated (because “low-hanging fruit” has been picked). There is nothing in the EPD data to show EPD knows the current idling practices of the industry, and EPD makes no effort to show that the cost of meeting the regulation will equal the benefit derived by those regulated (or by anyone). Without a solid baseline, it cannot truly justify any limit as being beneficial. As such, it should exercise good judgment and refrain from regulating; instead gathering real-world Georgia specific data. Failing that, it should begin with a generous ceiling and only seek to fine tune it as it learns what effects (positive and negative) the regulation has; and again, should limit itself to regulating other government entities.

Proposal is lacking in common sense and common humanity

The wording of the proposed regulation calls for a five minute limit to idling – but sets no time frame to this. In other words it does not specify five minutes per hour, or per stop, it simply states “...five consecutive minutes at a time.”

A literal reading of this language indicates that should a driver shut off an engine after five minutes of idling, he will be free to immediately restart it for another “five consecutive minutes at a time.” Further, the driver will be free to do this as frequently as desired during a wait. Starting an engine uses much more fuel and produces more waste than idling. As such, the regulation will create ridiculous

situations that result in greater air pollution than simply leaving the driver or company to make reasonable choices.

The proposal also lacks any humane treatment of a truck driver. If EPD means the five consecutive minutes to be only a single instance when at a location, this could result in a truck driver being asked to sit for extended periods of time without air conditioning or heating. Without air conditioning, the temperature of a truck cab could easily exceed 120 degrees in a South Georgia summer. To ask truck drivers to endure these sorts of conditions is unreasonable, unhealthy and inhumane.

Minimums that should be in any Anti-idling Regulation

If, despite all reason, EPD should pursue this regulation, the regulation should at a minimum contain the following language:

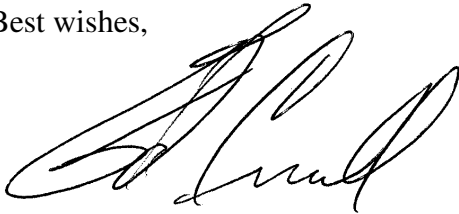
“A person that operates a motor vehicle operating on diesel fuel in Georgia may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 15 minutes within any 60 minute period, except under the following circumstances:

- (1) the motor vehicle has a Gross Vehicle Weight Rating equal to or more than 26,000 pounds;
- (2) the motor vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official;
- (3) the motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;
- (4) a police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator;
- (5) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity;
- (6) a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;
- (7) idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations; for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions;
- (8) an armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;
- (9) a bus idles a maximum of 30 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are on board;

- (10) if the motor vehicle has a sleeping berth, when the operator is occupying the vehicle during a rest or sleep period and idling of the vehicle is required to operate air conditioning or heating;
- (11) when the motor vehicle idles due to mechanical difficulties over which the operator has no control;
- (12) the motor vehicle is used as airport ground support equipment, including, but not limited to, motor vehicles operated on the air side of the airport terminal to service or supply aircraft;
- (13) the outdoor temperature is less than 32 degrees Fahrenheit or greater than 80 degrees Fahrenheit.
- (a) When the outdoor temperature is 32 degrees Fahrenheit or higher and 80 degrees Fahrenheit or lower, a person who operates a motor vehicle operating on diesel fuel may not cause or allow the motor vehicle to idle for a period greater than 45 minutes in any 60 minute period while waiting to weigh, load, or unload cargo or freight, unless the vehicle is in a line of vehicles that regularly and periodically moves forward.
- (b) This regulation does not prohibit the operation of an auxiliary power unit or generator set as an alternative to idling the main engine of a motor vehicle operating on diesel fuel.
- (14) Any person convicted of any violation of this regulation shall be fined \$50 for the first conviction and \$100 for a second or subsequent conviction within any 12 month period.”

Again, these comments are submitted on behalf of GMTA. GMTA stands ready to assist the EPD in any way that helps develop reasonable, efficient and cost-effective improvements to air quality in Georgia and looks forward to continuing to work together for the good of all Georgians.

Best wishes,

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ed/cls



817 Grogan St. #108
Lavonia, GA 30553
706/356-2267
FAX 706/356-2269

Georgia Pulp & Paper Association, Inc.

May 13, 2008

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MAY 20 2008

AIR BRANCH
MOBILE & AREA

Richard McDonald
Environmental Protection Division
Atlanta, GA 30329

Dear Mr. McDonald:

The Georgia Pulp & Paper Association appreciates the opportunity to comment on the proposed regulation to eliminate unnecessary idling of heavy duty vehicles.

GPPA understands the need regulate heavy vehicle idling as part of Georgia's air quality program. GPPA also supports promoting a broader public awareness to assist with mitigation efforts. However, we strongly disagree with the proposed rule as written. Our concerns arise in part from the enforcement burden placed on landowners. The rule would require landowners who receive material by truck to enforce a five-minute idling time on drivers that they do not employ in vehicles that the landowner does not own or lease. This would place a huge burden on the landowner while having only a minimal effect on air quality. We urge EPD to consider the following points before adopting the proposed rule.

1. Companies that receive and ship large volumes of material by truck, as in the forest products industry, would be forced to add costly additional resources just to monitor the idling of vehicles on their property. While the draft rule cites a cost recovery of \$3600 per year, that recovery goes to the trucker. Our facilities would be stuck with the cost of additional man-hours spent monitoring the idling of trucks as they wait in line at scales, loading sites, and unloading sites.
2. Landowner liability would escalate for any engine damage perceived by the trucker to be the result of the five-minute idling rule.
3. Landowner enforcement simply will not work. The landowner has no leverage over truck drivers, who are often independent contractors.
4. The five-minute rule would be counter-productive where trucks are in a queue waiting to reach scales or loading/unloading sites. Truck drivers would be shutting down their engines a few minutes or a few seconds before they have to start up again and move a few more feet. This starting and stopping would likely do more harm than good to the air quality, and may be harmful to truck engines. It would seem that the extraordinarily high cost of diesel fuel would be ample incentive for

From Georgia to the world....

May 14, 2008

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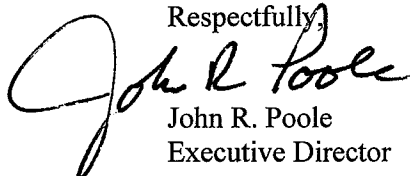
these truck drivers to minimize idling time.

5. The costs of addressing a regional problem with a statewide rule are not justified. Many of the trucks delivering to forest products facilities are short-haul vehicles that never come near a non-attainment area.
6. The draft regulation estimates that the five-minute idling rule would reduce idling by 10 hours per truck per day. That estimate seems to extremely optimistic, as it would assume that trucks and other heavy equipment spend as much or more time idling than in motion.
7. In reviewing idling rules and ordinances across the U.S. for comparison, we find that, with the exception of California, no other state holds the property owner accountable for enforcement.

In summary, pulp and paper mills and other forest products facilities would be especially impacted by the proposed rule because they have high volumes of trucks hauling raw materials and finished products that must wait in lines to be weighed, loaded, or unloaded.

GPPA urges the Environmental Protection Division to delete from the draft regulations those provisions requiring landowners to enforce idling rules. It would seem more appropriate to limit the idling rule to long haul trucks and heavy vehicles that operate in non-attainment areas of the state. In this regard, GPPA member companies stand ready to assist EPD with education and outreach efforts within their customer and supply networks.

Respectfully,

A handwritten signature in black ink, appearing to read "John R. Poole". The signature is written in a cursive style with a large, looping initial "J".

John R. Poole
Executive Director

