

## Specific Comments & Redline Draft Rule For October 7, 2008 Meeting

1. *Requirements:* The following requirements shall apply:

- (i) After May 1, 2009, no person who owns, operates or leases a heavy-duty vehicle shall cause, let, permit, suffer, or allow the propulsion engine to idle for a period greater than five consecutive minutes except as exempt by this rule.
- (ii) After May 1, 2009, persons owning, leasing or occupying nonresidential land and engaging in activities involving the use of one or more heavy-duty vehicle(s) on such land shall implement policies, practices, and offer idling alternatives as needed to provide a practical and reasonable expectation for the operator to comply while on such land. Policies shall provide written guidance for decisions and actions that would encourage and enable operators of heavy-duty vehicles to comply. Practices are those actions carried out encouraging and enabling operators to comply. Actions may include, but are not limited to, displaying written policies, distribution of written or printed materials, radio communications, and contract stipulations. Idling alternative shall include any practical method, strategy, technology, structure, and/or mechanical or electrical device that would provide the same or similar function and/or comfort as idling the primary engine. These practical idling alternatives shall reduce idling and air pollution at a cost not to exceed the cost of the continued practice of idling. As a minimum, assessing a practical idling alternative shall compare the expense of the idling alternative to the financial benefit resulting from reduced fuel consumption. Financial benefit shall include the net benefit for the person owning, operating or leasing the heavy-duty vehicle and for the person owning, leasing or occupying land. The assessment shall cover the expected lifetime of the idling alternative. Any idling alternative used through sole discretion of the person owning, leasing or occupying land shall be considered practical even if the alternative exceeds the cost of idling. Practical idling alternatives may include, but are not limited to, shore power (electrification of parking spaces), building refuge (climate-controlled rooms at staging area), enhancement of loading and unloading equipment, and equipment used to disseminate information about loading/unloading conditions to operators;
- (iii) Operation of an auxiliary power system (APS) shall be allowed except as prohibited in this paragraph. No person who installs a diesel fueled auxiliary power system (APS) after May 1, 2011 on any 2007 or new model year motor vehicle subject to this rule ~~after May 1, 2009~~ shall operate ~~it the APS~~ unless it is the APS is equipped with a verified level three in-use strategy for particulate matter control or the exhaust is routed directly into the vehicles exhaust pipe, upstream of the diesel particulate after treatment device as specified in Title 13, of the California Code of Regulations, Section 2485(c)(3). A level three in-use particulate matter control device shall reduce particulate matter emissions by at least 85 percent from the baseline emission level, or achieve particulate matter emission levels of 0.01 grams per brake-horsepower-hour (g/bhp-hr) or less as specified in Title 13, of the California Code of Regulations, Section 2708. Any motor vehicle complying with this section shall have a label affixed to the hood

identifying it as a “certified clean APS” as specified in Title 13, of the California Code of Regulations, Section 86.001-35(B)4.

- Several stakeholders had expressed concern about Part (ii) applying to homeowners.

EPD Response: To address this concern, the term “nonresidential” has been added.

- Several stakeholders requested clarification of policies, practices and idling alternatives.

EPD Response: “Practical” idling alternative is further explained to clarify the intent of idling alternatives. Language has been added to describe what is required as part of policies, practices and practical idling alternatives. Vehicle compliance with idling limitations will provide the best gauge of success. If vehicles by in large are complying, then the policies, practices and idling alternatives are probably “ok.” If illegally idling is wide spread, then policies, practices and/or practical idling alternatives may be called into question. If there is no practical idling alternative, then a case specific exemption should be sought according to exemption (iv).

- Several stakeholders wanted language in Part (iii) that would clarify when an APS could and could not be operated.

EPD Response: language has been added and restructured to provide more clarity.

- A stakeholder pointed out that Georgia must provide a two-year lead-time from adoption to incorporate the California engine requirements for APS according to the Clean Air Act.

EPD Response: The date has been changed to May 1, 2011.

- The US EPA expressed concern about the status of California’s wavier that will need to be amended based on the new requirement in CCR 2485(c)3.

EPD Response: EPD recognizes that if the US EPA decides to withdraw California’s wavier this would nullify the requirements for Georgia too.

- Some stakeholders expressed concern that the current limit lends itself to abuse by vehicles turning off and immediately restarting. This same issue would apply for the exemption section providing an alternative idling time (15-consecutive minutes). A suggestion was made that the idling limit should be for each one-hour period. Other stakeholders expressed concern that an idling limit based on each one-hour period would create practical and logistical problems.

EPD Response: A one-hour period is anticipated to be impractical in some cases and would cause unintended logistical issues for regulated persons. For example, limiting a short delivery truck to 5 minutes of idling for 1-hour that has 20 stops would effectively limit the truck to a 15 second idle time per stop on average. This would be 7.5 seconds to start and 7.5 seconds to shutdown. Furthermore, determining if a person is in compliance

would require an observation over an entire 1-hour period, which could involve tracking the vehicle from one location to another. The increased compliance complexity and logistical issues for the regulated community are anticipated to be more problematic than the potential risk of abuse. While EPD does not anticipate abuse of the “consecutive minute” approach, EPD will continue to monitor idling activities and amend the rule if abuse becomes a problem.

2. *Applicability:* The requirements of this subparagraph shall apply to heavy-duty vehicles powered in-part or entirely by an internal combustion engine including:
  - (i) any motor vehicle with a gross vehicle weight rating more than 10,000 pounds;  
or
  - (ii) any subject nonroad vehicle with a brake horsepower (bhp) rating more than 75.
  
3. *Exemptions:* Provided all reasonable precautions are taken to minimize idling, exemptions shall apply to this rule as follows:
  - (i) idling of emergency, law enforcement and military tactical vehicles;
  - (ii) idling necessary for vehicle repair or maintenance;
  - (iii) idling necessary to provide power take off (PTO) for refrigeration of cargo, processing of cargo, pumping, dumping, lifting, hoisting, drilling, mixing, loading, unloading, compacting, vacuuming, repairing, servicing, installing, constructing, agricultural operations, utility operations, industrial operations, commercial operations, residential operations and any other function as approved by the Division;
  - (iv) idling for research, development, performance evaluations or other case specific reason as approved by the Division;
  - (v) idling of a vehicle when needed to safely fight or manage a fire, to respond to traffic accidents, or to respond and assist stranded motorists;
  - (vi) idling required for a federal, state or municipal inspection;
  - (vii) idling of an armored vehicle when a person remains inside the vehicle to guard contents or while the vehicle is being loaded or unloaded;
  - (viii) idling of a crane;
  - (ix) idling necessary for queuing provided the vehicle’s propulsion engine does not idle for more than fifteen consecutive minutes;
  - (x) idling of a transit bus provided the vehicle’s propulsion engine does not idle for more than fifteen consecutive minutes;
  - (xi) idling of a bus as needed to accommodate an individual’s impairment from a physiological or mental disorder covered by the Americans with Disabilities Act (ADA)-exceptional child’s physical or mental condition;
  - (xii) idling of a heavy-duty vehicle with an occupied sleeper berth until January 1, 2012;
  - (xiii) idling of a motor vehicle meeting the optional NOx idling emission standard in lieu of using an engine shutdown system in accordance with Title 13, of the California Code of Regulations, Section 1956.8(a)(6) provided such motor vehicle has the required “clean idle engine” decal displayed on the hood as

specified by Title 13, of the California Code of Regulations, Section 86.001-35(B)4;

- (xiv) idling of a heavy-duty vehicle while remaining motionless due to traffic conditions, official traffic control devices or signals, congestion, or at the direction of a law enforcement official provided that such idling is not for the purpose of queuing;

(xv) idling of a heavy-duty vehicle when the outside temperature is 20 degrees Fahrenheit or below; and

(xvi) idling of a heavy-duty vehicle that is in the process of clearing snow or ice from paved surfaces; and

- A stakeholder was concerned about the need for “HEROs” to idle as part of safely responding to stranded vehicles and accidents.

EPD Response: Exemption “(v)” has been updated as requested.

- Several stakeholders suggested expanding the exemption to accommodate children riding school buses with a mental and physical disorder to also apply to adults riding public transit.

EPD Response: the requested changes have been made.

- Several stakeholders were concerned about the need to idle equipment during very cold days.

EPD Response: an exemption has been added for when outside temperature is 20 degrees Fahrenheit or below.

- Several stakeholders were concerned about the need for idling when clearing snow and ice from paved surfaces. The ice and snow removal process requires vehicles to operate for short periods of time and then standby for short periods of time. The frequent re-starts during cold weather would cause operational problems.

EPD Response: the requested change has been made.

- A commenter suggested applying exemption (x) to school buses too. Exemption (x) currently allows transit buses to idle for 15 minutes. The primary interest is to idle school buses for the purposes of operating air conditioning systems.

EPD Response: Transit buses have fixed windows that do not allow for outside ambient air to cool the bus. On the other hand, school buses have been built for years with windows that open for cooling. While school bus air conditioning systems have become more common, school buses continue to have adjustable windows that allow for cooling using outside ambient air. Prior to making any change, further justification is needed to show this idling would be necessary. Other school buses operating safely without air conditioning would indicate a 15-minute exemption for school buses is unnecessary.

- School bus drivers are supposed to keep school buses in sight or in a secure area according to Homeland Security. There was concern for driver comfort when the driver is watching the bus.

EPD Response: Further information is needed and has been requested to precisely understand the nature of the policies and practices currently used to address this concern and what if any idling accommodations are needed.

- Some stakeholders suggested removing the proposed exemption (x) for transit buses, which allows 15-consecutive minute worth of idling.

EPD Response: Transit buses offer a critical emission reducing strategy because it is a more efficient means of moving people. Passenger comfort is important to maximize ridership. Transit buses have permanently-closed windows and are designed to inherently operate the air conditioning systems. Transit buses will have a much larger cooling and heating load than trucks, so APU technology has not yet been established as a proven technology for transit buses. Existing buildings can provide comfort to riders while waiting, but building may not be readily available in all transit bus service areas. Hybrid technology provides a promising means of reducing idling from buses, but this is very new and evolving technology. Most state idling rules have some form of exemption for transit buses.

- Some stakeholders expressed concerns about exemption (xiii), which allows idling of a California Clean Idle Engine that meets the low NOx idle standards. The concern is how this exemption affects fine particulate.

EPD Response: Providing an exemption for these California Clean Idle Engines provides continuity with Georgia's current Heavy-Duty Diesel Engine Requirements (391-3-1-.02(2)(ooo)), which adopts the California heavy-duty diesel emission standards. California requires new trucks to have an automatic shut down feature that turns the vehicle off after 5-minutes unless it meets their low NOx idle standard. The new trucks with the Clean Idle Engines are required to meet very low particulate matter emission standards also. To meet these standards, trucks need to use diesel particulate filters or equivalent technology. These new trucks have much lower emission profiles for both particulate matter and NOx compared to the existing legacy fleet. Hence, fleet turnover should be encouraged to maximize the environmental benefit of new emission control technologies. This exemption will encourage fleet turnover.

- A stakeholder expressed concern that school buses have pre and post inspection requiring idling that should be exempt.

EPD Response: If the school (federal, state, county or municipal government) requires the pre and post trip inspections, then these inspections would be exempt by (vi). On the other hand, if the pre and post trip inspections were part of a maintenance program then these activities would be exempt according to (ii). Exemption (vi) was intended to deal with inspections that are mandated and not necessarily part of a maintenance program.

4. *Definitions:* For the purpose of this subsection, the following definitions shall apply:
- (i) “Emergency vehicle” means any vehicle that is legally authorized by a governmental authority to exceed the speed limit to transport people and equipment to and from situations in which speed is required to save lives or property, such as a rescue vehicle, fire truck, or ambulance.
  - (ii) “Idle (idling)” means the operation of a vehicle’s propulsion engine while the vehicle is stationary.
  - (iii) “Gross vehicle weight rating” means the weight specified by the manufacturer as the loaded weight of a single vehicle.
  - (iv) “Heavy-duty vehicle” means any vehicle powered in-part or entirely by an internal combustion engine, which is a motor vehicle with a gross vehicle weight rating more than 10,000 pounds or any subject nonroad vehicle with a brake horsepower (bhp) rating more than 75.
  - (v) “Law enforcement vehicle” means any vehicle that is primarily operated by a civilian or military police officer or sheriff or enforcement agencies of the federal government, by state highway patrols, municipal law enforcement, or by other similar law enforcement agencies and which is used for the purpose of law enforcement activities including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged or potentially engaged in unlawful activities.
  - (vi) “Military tactical vehicle” means a motor vehicle or equipment owned by the U.S. Department of Defense and/or the U.S. military services and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.
  - (vii) “Motor vehicle” means any self-propelled vehicle that is used or intended to be used for transporting persons or commodities on public roads.
  - (viii) “Person” means any individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States, or any other entity, and includes any office, agent, or employee of any of the above. ~~“Physical or mental condition” means any physiological or mental disorder resulting in an impairment covered by the Americans with Disabilities Act (ADA).~~
  - (ix) “Propulsion engine” means an internal combustion engine used for the primary purposes of moving the vehicle.
  - (x) “Queuing” means keeping a vehicle in line for the purpose of an orderly receipt or delivery of items, services, fuel or people.
  - (xi) “Subject nonroad vehicle” means any non-rail vehicle that is designed to move across land and does not meet the definition of a Motor Vehicle. Examples of subject nonroad vehicles include, but is not limited to, tractors, dozers, loaders, backhoes, lifts, graders, combines, feller-bunchers, skidders and trucks. Subject Nonroad Vehicles exclude locomotives, ships, boats and planes.
  - (xii) “Transit bus” means any bus owned or operated by a publicly owned or operated transit system, or operated under contract with a publicly owned or operated transit system, and used to provide to the general public, regularly scheduled transportation for which a fare is charged. A paratransit bus shall be considered a transit bus. ~~A general public paratransit vehicle is not a transit bus.~~

- A stakeholder expressed concerns that queuing may take place while fueling and the definition should be expanded to encompass this issue.

EPD Response: The definition of queuing has been expanded to include fueling.

- A stakeholder explained that paratransit operate similar to transit buses. The paratransit buses are typically designed with permanently closed windows requiring the operation of the air conditioning system to maintain comfortable temperatures inside the bus.

EPD Response: The definition of transit bus has been updated to include paratransit.