

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
1000 DIVISION OF AIR AND WASTE MANAGEMENT
AIR QUALITY MANAGEMENT SECTION
Statutory Authority: 7 Delaware Code, Chapter 60 (7 Del.C. Ch. 60)

PROPOSED

Reg. 45, Excessive Idling of Heavy Duty Vehicles

REGISTER NOTICE

1. Title Of The Regulation:

Regulation 45 -- Excessive Idling of Heavy Duty Vehicles

2. Brief Synopsis Of The Subject, Substance And Issues:

The Department of Natural Resources and Environmental Control, Division of Air and Waste Management, Air Quality Management Section is proposing a revision to the State Implementation Plan for the Attainment and Maintenance of the National Air Quality Standards for Ozone. Delaware has been designated moderate non-attainment for the eight hour ozone standard. The proposed revision will contain a new regulation, Regulation No. 45. In order to curb air emissions that contribute to the poor air quality in the State, the Department is proposing to regulate the engine idling time for the operation of on-road heavy-duty vehicles, having a gross vehicle weight rating of over 8,500 pounds. This regulation will continue the efforts by the State to reduce the emissions of NOx (nitrogen oxides), particulates and other tailpipe pollutants from vehicles operated in Delaware.

3. Possible Terms Of The Agency Action:

N/A

4. Statutory Basis Or Legal Authority To Act:

7 Del.C. Section 6010

29 Del.C. Chapter 101

5. Other Regulations That May Be Affected By The Proposal:

None

6. Notice Of Public Comment:

The Department will hold a public hearing on January 25, 2005 at 6 PM at the office of Air Quality Management Section, 156 South State Street, Dover Delaware, in the second floor conference room. Prior to the public hearing, an informational workshop on the proposal will be held on January 6, 2005 at 1:30 PM at the same location above.

7. Prepared By:

Philip Wheeler (302) 739-4791 December 9, 2004

Regulation 45
Excessive Idling of Heavy Duty Vehicles

1.0 Applicability

This regulation applies to all on-road heavy-duty motor vehicles with a gross vehicle weight rating (GVWR) of greater than 8,500 pounds operating in the State of Delaware.

2.0 Definitions

The following definitions are applicable to this regulation:

“Emergency vehicle” means any publicly owned and operated ambulance, lifeguard, or lifesaving equipment or any privately owned or operated vehicle which is in response to an emergency call. Any publicly owned vehicle operated by the following persons, agencies, or organizations: (a) any federal, state, or local agency, department, or district employing peace officers for use by those officers in the performance of their duties, and.; (b) any forestry or fire department of any public agency or fire department. Any vehicle owned or operated for the

purpose of: (a) fighting fires, (b) towing or servicing other vehicles, (c) caring for injured persons, or (d) repairing, maintaining and restoring public utility services necessary for the health and/or safety by any of the following: (1) the state, (2) a bridge and highway district, (3) a municipality and (4) a public or private utility. Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Delaware Emergency Management Agency or by any public agency or industrial fire department to which the Delaware Emergency Management Agency has assigned the vehicle. Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work. Any emergency vehicle which a permit has been issued by the Superintendent of the Delaware State Police.

“On-road heavy-duty motor vehicle” means any vehicle with a gross vehicle weight rating (GVWR) of greater than 8,500 pounds which is self-propelled and designed for transporting persons or property, including but not limited to trucks, buses, and farm vehicles.

3.0 Severability

Each section of this regulation shall be deemed severable. If any section of this regulation is held to be invalid, the remainder shall continue in full force and effect.

4.0 Operational Requirements for Heavy Duty Motor Vehicles.

The owner or operator of an on-road heavy duty motor vehicle shall comply with the following operational requirements unless specifically exempted from the operational requirements for these motor vehicles:

No on-road heavy duty motor vehicle shall be allowed to operate for more than three (3) consecutive minutes when the vehicle is not in motion.

5.0 Exemptions

5.1 any on-road heavy duty motor vehicle which is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control; or

5.2 any situation where it is necessary to bring the on-road heavy duty vehicle to the manufacturer's recommended operating temperature; or

5.3 any situation when the on-road heavy duty vehicle is being repaired; or

5.4 any emergency vehicle defined in Section 2.0 of this regulation; or

5.5 any vehicle using auxiliary power for equipment to perform the intended operation of the vehicle, including, by way of example, a power take off generator for any utility truck; or

5.6 any vehicle idling for the necessary power for a heater, air conditioner, or any ancillary equipment during sleeping or resting in a sleeper berth such that the vehicle's location is not within 25 miles of a parking facility with available truckstop electrification equipment, either shore power or an advance system; or

5.7 any vehicle idling to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or as otherwise needed, provided that such engine idling is mandatory for such verification; or

any transit or school bus for up to five (5) minutes prior to passenger boarding; or

5.8 any transit or school bus when passengers are onboard; or

5.9 any vehicle when providing heat to the occupant and when the temperature is between -23 and 0 C, or -10 and 32 F, an engine shall not idle for more than 15 consecutive minutes; or when the temperature is below -23 C or -10 F, and where no nuisance is created, an engine shall not be subject to idling restrictions.

6.0 Enforcement and Penalty

This regulation is enforceable under Title 7 Chapter 60, §§6005 and 6013 of the **Delaware Code**. Violators are subject to a penalty of not less than fifty dollars (\$50) and not more than five-hundred dollars (\$500) for each offence.

8 DE Reg. 982 (01/01/05)