**From:** Martin, Amy
**To:** Joseph Jakuta; Ozone Transport;
**cc:** Holgado, Leilani; Fagan, Tim; Smith, Joseph A.;
**Subject:** Comments on the OTC Draft Model Rule for Anti-Idling
**Date:** Friday, September 30, 2011 4:44:20 PM

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September 30, 2011

Joseph Jakuta, Environmental Analyst
Ozone Transport Commission

Dear Joseph,

PSEG Services Corporation, on behalf of its affiliate Public Service Electric & Gas Company ("PSE&G") hereby submits the following comments on the Draft Model Rule for Non-Road Diesel Equipment Anti-Idling.

COMMENT 1: Draft Model Rule for Non-Road Diesel Equipment Anti-Idling (Non-Applicability)

PSEG's ongoing gas and electric utility work frequently involve the use of non-road diesel equipment to ensure the integrity and safety of our customers. It is critical that when this work occurs that it be uninterrupted to ensure the reliability of the electric and gas systems. PSEG requests that electric and gas utility work be added to the definition of Non-Applicability and proposes a new definition of "Public safety" as follows. New text is bold.

For these reasons PSEG requests that electric and gas utility work be added to the definition of Non-Applicability.

> Env-A XXXX.03 Non-Applicability. This regulation does not apply to locomotives, generator sets used on locomotives, marine vessels, recreational vehicles, farming equipment, military equipment when it is being used during training exercises, **electric and gas utility work**; emergency or public safety situations, or any use of a nonroad diesel engine that is not for compensation.

*Or if the OTC prefers, we offer the second comment:*

COMMENT 2: Draft Model Rule for Non-Road Diesel Equipment Anti-Idling (Public Safety)

Env-A XXXX.04 Definitions. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to [OTC STATE AGENCY: GENERAL DEFINITIONS]. As used in this regulation, the following terms shall, where the context permits, be construed as follows:

(8) "Nonroad equipment" means a piece of equipment that is powered by a nonroad diesel engine;

**(9) "Public safety" means activities necessary to protect the public health, safety and welfare. This includes activities performed by public safety personnel, public utility work necessary for the reliability of electric and gas systems, activities to rectify emergency or public safety situations, and other activities necessary to protect the public good.**

~~(9)~~ **(10)** "Recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, 4 belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. This definition includes snowmobiles, all-terrain vehicles (ATVs), non-road motorcycles, or any other legally registered motor vehicle when used for non-road recreational purposes.

COMMENT 3: Draft Model Rule for Non-Road Diesel Equipment Anti-Idling (Increase idling to 15 minutes)

PSEG suggests that the idling restrictions be expanded to fifteen (15) minutes rather than the proposed three (3) to five (5) minutes.

Three (3) to five (5) consecutive minutes is an insufficient amount of time for an equipment operator to step away from the equipment for even the simplest of discussions with a coworker or supervisor about work to perform, or a clarification, or minor modification of work to be performed, etc. Thus, PSEG proposes the following language.

**Env-A XXXX.05 General Requirements.** No person, entity, owner, or operator shall cause or allow the idling of nonroad diesel engine under its control or on its property for more than ~~[three (3)/five (5) consecutive minutes].~~ **fifteen (15) consecutive minutes.**

COMMENT 4: Draft Model Rule for Non-Road Diesel Equipment Anti-Idling (Exemptions for extreme weather conditions)

Should the OTC not accept PSEG's suggestion to define PSEG's work as "Public safety" and necessary for the reliability of electric and gas systems, we propose another alternative within exemptions, which allows PSEG to safely complete work during extremely cold weather (less then 25 degrees F) and on extremely hot days (a heat index greater than 104 degrees F).

PSEG's concern is worker safety. When operating equipment during extreme weather conditions, the frequency and severity of equipment operator judgment errors can be increased by heat or cold stress which presents an elevated risk to field personnel. In addition, extreme cold can impair dexterity that is needed by equipment operators to manipulate sensitive mechanical controls (excavation and lifting) that are used on, or in proximity to, pressurized natural gas and live electric delivery system components. In order to aid in ensuring the safe operation of equipment, we recommend that the proposed rule consider exclusions for utility work that is conducted in extreme hot and cold conditions.

PSEG recommends that the exemption be limited to equipment that has both a cab and heating and/or air conditioning (such as backhoes, dozers, and other applicable non-road equipment).
PSEG recommends the following:

> **Env-A XXXX.06 Exemptions.** The idling limit does not apply to:
> (1) Idling necessary to ensure the safe operation of the equipment, including idling to verify that the equipment is in good working order, or other conditions specified by the equipment manufacturer in the manual or other technical document accompanying the nonroad diesel engine;
> (2) Idling for testing, servicing, repairing, or diagnostic purposes, including regeneration of a diesel particulate filter;
> (3) Idling for less than fifteen (15) minutes when queuing, i.e., when nonroad diesel equipment, situated in a queue of other vehicles, must intermittently move forward to perform work or a service. This does not include the time an operator may wait motionless in line in anticipation of the start of a workday or opening of a location where work or a service will be performed. Idling will be limited to fifteen (15) minutes when queuing;
> (4) Idling by any nonroad diesel engine being used in an emergency or public safety capacity; and
> (5) Idling for a state or federal inspection to verify that all equipment is in good working order, if idling is required as part of the inspection.
>
> **(6) Idling of certain equipment used for electric and gas utility work (such as backhoes, dozers, and other applicable non-road equipment) that has**

**both a cab and heating and/or air conditioning during cold weather (less then 25 degrees F) and hot weather (heat index greater than 104 degrees F),**

PSEG appreciates the opportunity to comment on this proposal. If you should have any questions, please contact me at 973-430-8086 or by email at Amy.Martin@pseg.com .

Very truly yours,

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