

OTC Model Rule: Non-Road Diesel Equipment Anti-Idling

8.9.2010 draft

1. The terms [OTC STATE] and [OTC STATE AGENCY] are placeholders for individual State and State Agency names.
2. Please note that States opting to promulgate rules based on this model rule must comply with State specific administrative requirements and procedures.

Model Rule for Non-Road Diesel Equipment Anti-Idling

PART Env-A XXXX

NON-ROAD DIESEL EQUIPMENT ANTI-IDLING.

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Env-A XXXX.01 Purpose. The purpose of this regulation is to protect public health and the environment by reducing emissions from criteria pollutants, primarily particulate matter (PM), that result from unnecessary idling while conserving fuel from in-use non-road diesel equipment.

Env-A XXXX.02 Applicability. Except as provided in the paragraphs below, this regulation applies to any person, entity, owner, or operator of a property or location where non-road diesel equipment is operated, owners and operators of non-road diesel equipment, or the holder of the permit for the activity for which the non-road diesel equipment is being operated.

Non-road diesel equipment subject to this regulation are operated for, but not limited to, construction, mining, landscaping, recycling, landfilling, manufacturing, warehousing, composting, airport ground support equipment, industrial activities, and other operations.

Env-A XXXX.03 Non-Applicability. This regulation does not apply to locomotives, marine engines, recreational vehicles, farming equipment, or military equipment when it is being used during training exercises, emergency or public safety situations. Non-road diesel equipment owned and operated by an individual for personal, non-commercial purposes are exempt from the provisions of this regulation.

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:

- (1) "Airport ground support equipment" means mobile diesel-fueled non-road compression ignition engines used to service and support aircraft operations. Ground support equipment performs a variety of functions, including but not limited to: aircraft maintenance, aircraft fueling, pushing or towing aircraft, transporting cargo to and from aircraft, loading cargo, and baggage handling. Ground support equipment includes, but is not limited to, equipment types such as baggage tugs, belt loaders, and cargo loaders;
- (2) "Farming equipment" means any appliance used directly and principally for the purpose of producing agricultural products, including horticultural products, for sale and use or consumption off the premises. This definition includes any equipment or machinery used primarily in preparation of land, planting, raising, cultivating, irrigating, harvesting, or placing in storage of farm crops. This definition also includes any equipment or machinery used primarily for the purpose of feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or bees, or for dairying and the sale of dairy products. This definition also includes any equipment or machinery used primarily in any other agricultural or horticultural use or animal husbandry or any combination thereof.
- (3) "Idling" means, for purposes of non-road diesel equipment, operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolution per minute specified by the engine manufacturer, or when the accelerator is fully released and there is no load on the engine;
- (4) "Locomotives" means a self-propelled diesel-powered vehicle, for pulling or pushing freight or passenger cars on railroad tracks.
- (5) "Marine engines" means any diesel engine installed in a marine vessel, for use as a propulsion engine or for use as an auxiliary engine. For purposes of this definition only, "propulsion engine" means an engine that is intended to move a vessel through the water or assists in guiding the direction of the vessel, including, for example, bow thrusters. For the purposes of this definition only, "auxiliary engine" means all other marine engines.
- (6) "Military equipment" means equipment that meets military specifications, is owned by the U.S. Department of Defense and/or the U.S. military services or its allies, and is used in combat, combat support, combat service support, tactical or relief operations or training for such operations; and
- (7) "Non-road diesel equipment" means equipment that is used to provide motive power to a self-propelled piece of machinery or

vehicle via the combustion of diesel fuel, renewable diesel, or biodiesel. If such equipment is:

(A) in a piece of machinery or vehicle that is not a motor vehicle pursuant to 40 CFR 85.1703, it is non-road diesel equipment.

(B) in a piece of machinery or vehicle that is a motor vehicle pursuant to 40 CFR 85.1703, and it meets any of the following criteria, it is non-road diesel equipment:

(i) it is subject to non-road standards in 40 CFR 89.112(a) or Part 1039.101; or

(ii) the equipment has a permanently mounted auger or blower for snow removal; or

(iii) the equipment is a drill rig, crane, or concrete pump truck used predominantly off of public roads.

- (8) “Recreational vehicle” means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, 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.

Env-A XXXX.05 General Requirements. No person, entity, owner, or operator shall cause or allow the idling of non-road diesel equipment under its control or on its property for more than three (3) consecutive minutes.

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 non-road diesel equipment;
- (2) Idling for testing, servicing, repairing, or diagnostic purposes, including regeneration of a diesel particulate filter;
- (3) Idling when the diesel engine is utilized in whole or in part for necessary and prescribed mechanical or electrical operation (such as operating a crane, cement mixer, cherry picker, or boom lift);
- (4) Idling for less than fifteen (15) minutes when queuing, i.e., when non-road 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;

- (5) Idling by any non-road diesel equipment being used in an emergency or public safety capacity; and
- (6) 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.

Env-A XXXX.07 Penalties. Penalties may be assessed to any person, entity, owner, or operator who causes or allows idling of non-road diesel equipment in violation of this regulation to occur on property or locations under their control or during activities for which a permit was acquired. Any person, entity, owner, or operator of a property or location where non-road diesel equipment is located or operated will be held responsible for ensuring compliance of all contractors and subcontractors operating non-road diesel equipment at that site. Owners and operators of non-road diesel equipment may also be held responsible for complying with this regulation.

Env-A XXXX.08 Enforcement. The prohibitions of this regulation may be enforced by any municipal or local government entity having jurisdiction over the place where the idling occurs, as well as by any agent or employee of the [OTC STATE AGENCY]. For the purposes of inspecting non-road diesel equipment to determine compliance with these regulations, an inspector of the [OTC STATE AGENCY] has the right to enter any facility where non-road diesel equipment is located.

Env-A XXXX.09 Severability. If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.