

1 15A NCAC 02D .1010 is proposed for repeal as follows:

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3 **15A NCAC 02D .1010 HEAVY-DUTY VEHICLE IDLING RESTRICTIONS**

4 ~~(a) Applicability. The requirements of this Rule apply to on-road heavy-duty vehicles powered in part or entirely by an~~
5 ~~internal combustion engine.~~

6 ~~(b) Definitions. For the purposes of this Rule, the following definitions apply:~~

7 ~~(1) "Auxiliary power unit" means a mechanical or electrical device affixed to a vehicle that is designed to~~
8 ~~be used to generate an alternative source of power for any of the vehicle's systems other than the~~
9 ~~primary propulsion engine;~~

10 ~~(2) "Congestion" means a situation that occurs when the volume of traffic exceeds the capacity of a~~
11 ~~roadway;~~

12 ~~(3) "Emergency" means a situation that poses an immediate risk to health, life, property, or environment;~~

13 ~~(4) "Emergency vehicle" means any vehicle that responds to or supports an emergency. These vehicles are~~
14 ~~operated by part of the government, charities, non-governmental organizations, and commercial~~
15 ~~companies;~~

16 ~~(5) "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of~~
17 ~~a single vehicle;~~

18 ~~(6) "Farm vehicle" means a vehicle used exclusively for farm use and operated within 150 miles of the~~
19 ~~farmer's farm by the farmer or the farmer's employee to transport either agricultural product, farm~~
20 ~~machinery, or farm supplies. It is not used in the operations of a for-hire motor carrier.~~

21 ~~(7) "Heavy-duty vehicle" means a motor vehicle (excluding trailer(s)) with a gross vehicle weight rating of~~
22 ~~10,001 pounds or greater for the purpose of this Rule;~~

23 ~~(8) "Idling" means the operation of a motor vehicle's propulsion engine while the vehicle is stationary;~~

24 ~~(9) "Military vehicle" means a motor vehicle owned by the U.S. Department of Defense;~~

25 ~~(10) "Motor vehicle" means any self-propelled vehicle used for transporting property or persons;~~

26 ~~(11) "On-road vehicle" means a self-propelled vehicle that is designed for use on a highway.~~

27 ~~(12) "Passenger bus" means any bus, including school buses, which is designed to carry sixteen or more~~
28 ~~passengers;~~

29 ~~(13) "Power take-off" means a device used to transfer mechanical energy from a heavy-duty vehicle's~~
30 ~~propulsion engine to equipment that supplies mechanical, pneumatic, hydraulic, or electric power to~~
31 ~~non-vehicular mechanical, pneumatic, hydraulic, or electrically-operated devices; and~~

32 ~~(14) "Queue area" means an area used by heavy-duty vehicles waiting to provide or receive services.~~

33 ~~(c) Exemptions. The following exemptions to idle restrictions apply to this Rule:~~

34 ~~(1) Heavy-duty vehicles may idle if they remain motionless due to traffic conditions, traffic control~~
35 ~~devices or signals, congestion, or at the direction of law enforcement officials;~~

36 ~~(2) Emergency vehicles may idle while performing an emergency or training function. This exemption~~
37 ~~does not apply when idling only for driver comfort;~~

1 ~~(3) Military vehicles;~~

2 ~~(4) Heavy duty vehicles may idle main propulsion engines to operate power take offs to perform the~~
3 ~~heavy duty vehicle's designed functions (e.g., refrigeration of cargo, processing of cargo, dumping,~~
4 ~~lifting, hoisting, drilling, mixing, loading, unloading, other operations requiring the use of power take~~
5 ~~offs). This exemption does not apply when idling only for driver comfort;~~

6 ~~(5) Heavy duty vehicles may idle if following manufacturer's recommendations for cold engine startup and~~
7 ~~engine cool down, maintenance, inspection, servicing, repairing, or diagnostic purposes, if idling is~~
8 ~~required for such activity;~~

9 ~~(6) Heavy duty vehicles with an occupied sleeper berth compartment may idle for the purposes of air~~
10 ~~conditioning or heating during federally mandated rest or sleep periods. This exemption shall expire~~
11 ~~on May 1, 2011;~~

12 ~~(7) Auxiliary power units;~~

13 ~~(8) Heavy duty vehicles with a primary diesel engine meeting the nitrogen oxide idling emission standard~~
14 ~~in Title 13, of the California Code of Regulations, Section 1956.8(a)(6)(C);~~

15 ~~(9) A passenger bus when non driver passengers are on board the vehicle and up to 20 minutes prior to~~
16 ~~passengers boarding;~~

17 ~~(10) Heavy duty vehicles may idle to provide customer climate controlled comfort during periods of~~
18 ~~providing customer services (e.g., library bookmobile, blood mobile, safety shoe and safety glasses~~
19 ~~vendors). This exemption does not apply when idling only for driver comfort; and~~

20 ~~(11) Heavy duty vehicles may idle if defrosters, heaters, air conditioners, or other equipment are operating~~
21 ~~solely to prevent a safety or health emergency.~~

22 ~~(12) Heavy duty farm vehicles.~~

23 ~~(d) Requirements.~~

24 ~~(1) No person who operates a heavy duty vehicle shall cause, let, permit, suffer or allow idling for a~~
25 ~~period of time in excess of 5 consecutive minutes in any 60 minute period.~~

26 ~~(2) Heavy duty vehicles located in a queue area are not exempted from this Rule.~~

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28 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.107(a)(7); 143-215.107(b);*

29 *Eff. July 10, 2010.*

30 *Repealed Eff _____.*

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cluster box units whereupon the associated built-upon area supporting the cluster box units shall be considered incidental and shall not be required in the calculation of built-upon area for the development for stormwater permitting purposes.

"**SECTION 46.(b)** This section is effective when this act becomes law and expires on December 31, ~~2015~~, 2017, or when regulations on cluster box design and placement by the United States Postal Service become effective and those regulations are adopted by local governments, whichever is earlier."

STUDY EXEMPTING LINEAR UTILITY PROJECTS FROM CERTAIN ENVIRONMENTAL REGULATIONS

SECTION 4.21. The Department of Environment and Natural Resources shall study whether and to what extent activities related to the construction, maintenance, and removal of linear utility projects should be exempt from certain environmental regulations. For purposes of this section, "linear utility project" means an electric power line, water line, sewage line, stormwater drainage line, telephone line, cable television line, data transmission line, communications-related line, or natural gas pipeline. For purposes of this section, "environmental regulation" means a regulation established or implemented by any of the following:

- (1) The Department of Environment and Natural Resources created pursuant to G.S. 143B-279.1.
- (2) The Environmental Management Commission created pursuant to G.S. 143B-282.
- (3) The Coastal Resources Commission established pursuant to G.S. 113A-104.
- (4) The Marine Fisheries Commission created pursuant to G.S. 143B-289.51.
- (5) The Wildlife Resources Commission created pursuant to G.S. 143-240.
- (6) The Commission for Public Health created pursuant to G.S. 130A-29.
- (7) The Sedimentation Control Commission created pursuant to G.S. 143B-298.
- (8) The North Carolina Mining and Energy Commission created pursuant to G.S. 143B-293.1.
- (9) The North Carolina Oil and Gas Commission created pursuant to G.S. 143B-293.1.

No later than March 1, 2016, the Department shall report the results of this study, including any recommendations, to the Environmental Review Commission.

REPEAL DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IDLING RULES

SECTION 4.24. The Secretary of Environment and Natural Resources shall repeal 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions) on or before March 1, 2016. Until the effective date of the repeal of the rule required pursuant to this section, the Secretary, the Department of Environment and Natural Resources, the Environmental Management Commission, or any other political subdivision of the State shall not implement or enforce 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions).

AMBIENT AIR MONITORING

SECTION 4.25.(a) The Department of Environment and Natural Resources shall review its ambient air monitoring network and, in the next annual monitoring network plan submitted to the United States Environmental Protection Agency, shall request the removal of any ambient air monitors that are not required by applicable federal laws and regulations and that the Department has determined are not necessary to protect public health, safety, and welfare; the environment; and natural resources.

SECTION 4.25.(b) No later than September 1, 2016, the Department of Environment and Natural Resources shall discontinue all ambient air monitors not required by applicable federal laws and regulations if approval from the United States Environmental Protection Agency is not required for the discontinuance and the Department has determined that the monitors are not necessary to protect public health, safety, and welfare; the environment; and natural resources.

SECTION 4.25.(c) Nothing in this section is intended to prevent the Department from installing temporary ambient air monitors as part of an investigation of a suspected