ENVIRONMENTAL PROTECTION

ENVIRONMENTAL REGULATION

DIVISION OF AIR QUALITY

Notice of Extension of May 1, 2010 Deadline in Diesel Idling Regulations, N.J.A.C. 7:27-14.3; and Notice of Administrative Change

TAKE NOTICE, that in accordance with N.J.A.C. 7:27-14.3(b)7i, the Department is delaying the operative date of N.J.A.C. 7:14.3(b)7 for one year, until May 1, 2011, and extending the operative date of N.J.A.C. 7:14.3(b)6 for one year, through April 30, 2011.

After consulting with the New Jersey Department of Transportation and the State Police, who determined that public safety may be adversely affected if the requirement in N.J.A.C. 7:27-14.3(b)7 were to take effect on May 1, 2010, the Commissioner has decided to delay the operative date of N.J.A.C. 7:27-14.3(b)7 until May 1, 2011. Pursuant to N.J.A.C. 7:27-14.3(b)7i, no further extensions will be granted. Accordingly, on and before April 30, 2011, a diesel-powered motor vehicle that is manufactured with a sleeper berth may idle for more than three consecutive minutes while the vehicle's operator is sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties. This applies to all model year engines. After April 30, 2011, only a diesel powered motor vehicle that is manufactured with a

sleeper berth <u>and</u> is equipped with either a model year 2007 or newer engine or a properly functioning diesel particulate filter may idle for more than three consecutive minutes while the vehicle's operator is sleeping or resting.

Full text of the changed rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 14. CONTROL AND PROHIBITION OF AIR POLLUTION FROM DIESEL-POWERED MOTOR VEHICLES

7:27-14.3 General prohibitions

(a) (No change).

(b) The provisions of (a) above shall not apply to:

1. – 5. (No change.)

6. [Subject to (b)7i below, o]**O**n or before April 30, [2010] **2011**, a motor vehicle, manufactured with a sleeper berth, while it is being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties;

7. Beginning May 1, [2010]**2011**, a vehicle equipped with a sleeper berth, which vehicle is equipped with a model year 2007 or newer engine, or has been retrofitted with a diesel particulate filter that is connected and properly functioning[.]**; or**

[i. If the Commissioner, after consulting with the New Jersey Department of Transportation and the State Police, determines that the public safety would be adversely affected if the exemption in (b)7 above were to take effect on May 1, 2010, the Commissioner may, by notice published in the New Jersey Register on or before May 1, 2010, delay the operative date of the exemption in (b)7 above, and extend the exemption in (b)6 above, for up to one year, but in no case may the exemption of (b)6 above be extended beyond April 30, 2011; or]

8. (No change.)

(c) –(f) (No change.)