



State of Wisconsin \ Department of Commerce

Report From Agency

RULES IN FINAL DRAFT FORM

Rule No.: Chapter Comm 131

Relating to: Diesel Truck Idling Reduction Grants

Clearinghouse Rule No.: 06-034

RULE REPORT

Department of Commerce

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Rule No.: Chapter Comm 131

Relating to: Diesel Truck Idling Reduction Grants

Contact person for substantive questions:

Contact person for internal processing:

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1. Basis and purpose of the proposed rule.

As directed by section 530.125 (5m) of the Statutes, the proposed rule would establish criteria for administering a diesel truck idling reduction grant program.

2. How the proposed rule advances relevant statutory goals or purposes.

The diesel truck idling reduction units that would be installed because of the grants administered under these rules would save energy and would lower air pollution emissions for the trucks on which these units are installed. The results from the field testing of these units that is proposed in the rules should enhance efforts to save energy and to lower air pollution emissions for other diesel trucks.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No substantive changes were made to the fiscal estimate. The following two changes were made to the proposed rules after the public hearing, and are further addressed in the revised summary of the rule, in the rule analysis: (1) an option has been added for preferentially directing awards to applicants who have not previously received these grants, and (2) an option has been added for requiring applicants to pay more than 30 percent of the eligible costs.

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

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Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

The 6- and 12-month post-installation reports that would be required by the proposed rules are expected to include the minimum information needed to reliably field test the installed units across the full spectrum of the heavy-duty trucking industry in Wisconsin. Discussions with representatives for small fleets and for large fleets, and input from the US Environmental Protection Agency, indicate that small fleets of eligible trucks have reporting capabilities which are similar to the pertinent capabilities of large fleets.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

Representatives for small trucking fleets recommended retaining criteria in the rules for allocating up to 25 percent of the grant funding to applicants who own and operate 50 or fewer truck tractors. Although representatives for large fleets recommended deleting this criteria, the draft rules continue to include this criteria.

A representative for small trucking fleets recommended limiting the grants to fleet-owned trucks that cannot be leased to another individual. The draft rules continue to reflect a statutory requirement to issue grant funding only to an applicant who both owns and operates a diesel truck, and the Department has revised the grant application form to make applicants certify that they own and operate the truck.

A representative for small fleets recommended disqualifying trucks that are not licensed in Wisconsin, disqualifying trucking operations that spend little or no time in Wisconsin, and requiring a report of the amount of time a truck spends in Wisconsin. The Department has revised the application form to require listing the total miles driven in Wisconsin; and the required format for 6- and 12-month post-installation reports will also address Wisconsin miles and total miles. During the first year of the program, the Department will monitor this data, and may consider it further during allocation of grants in subsequent years.

One commenter noted that (1) many smaller fleets may have older vehicles because the owners cannot afford to upgrade to newer vehicles, (2) these owners likewise may not be able to afford idling reduction retrofits, (3) older vehicles have the highest emissions, and (4) these fleets are therefore most in need of the grant funds and have a high potential for a large reduction of emissions. This commenter recommended adding a requirement for older model year trucks to be "reflashed" to meet prescribed emissions standards prior to receiving grant funds. The Department has revised the application form, for older model year trucks, to require submitting proof of compliance with the 1998 or newer federal emission standards that are prescribed in section 560.125 (1) (f) of the Statutes.

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3. Nature and estimated cost of preparation of any reports by small businesses.

Each grant recipient must submit a 6- and 12-month post-installation report describing the operation and performance of the idling reduction equipment funded by the grant. However, installing this equipment is voluntary rather than mandatory, and the cost of preparing these reports is expected to be substantially less than the energy cost savings that should typically result from installing this equipment.

4. Nature and estimated cost of other measures and investments required of small businesses.

Grant recipients would pay 30 percent of the cost of purchasing and installing the corresponding idling reduction equipment. However, these installations are voluntary rather than mandatory, and the payback for the 30 percent, based on energy savings, should be in months rather than in years.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the draft rules.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the draft rules.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

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Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached