

The Texas Commission on Environmental Quality (commission) proposes new §§114.510 - 114.512, and 114.517; and corresponding revisions to the state implementation plan (SIP).

The new rules and revised SIP narrative will be submitted to the United States Environmental Protection Agency (EPA) as proposed revisions to the SIP.

#### BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULES

Texas has a history of proactive air quality initiatives. Since 1996, the Texas Legislature has provided funding to the near-nonattainment areas (San Antonio, Austin, Northeast Texas, Corpus Christi, and Victoria) for use in performing planning functions related to the reduction of ozone concentrations in each area. The areas have conducted ambient air monitoring, following EPA guidelines, which goes beyond that performed by the commission, including installing and maintaining supplementary monitors. The areas developed emissions inventories and photochemical modeling episodes, and the modeling episode results have been used for air quality planning and to develop clean air action plans. In response to the promulgation of the new eight-hour ozone national ambient air quality standard (NAAQS), the local elected officials and air quality planners in Central Texas proposed an “accelerated attainment area” concept to the commission and to the EPA. This concept, which was designed to help voluntarily achieve the eight-hour ozone standard, eventually developed into an “early implementation plan.” Neither concept was endorsed by EPA, although in 2001, EPA proposed an “ozone flex” program to allow areas to create voluntary plans to address the one-hour ozone NAAQS. The state was among the first in the nation to adopt an “ozone flex agreement.” A precursor to the early action

compact (EAC) program, “ozone flex agreements” were designed to help maintain compliance with the one-hour ozone standard.

The commission continued to be committed to the concept of voluntary, early action toward the eight-hour standard and continued to work with EPA and members of the environmental community toward that end. In March 2002, the commission approached EPA for approval of the concept of an “early action plan” to be established through a compact between local, state, and EPA officials for areas that are in attainment (including no monitored violations) of the one-hour ozone standard, but that are approaching or monitoring exceedances of the eight-hour standard.

This concept of an early, voluntary eight-hour air quality plan, or EAC, was endorsed by EPA Region 6 in June 2002, then slightly modified and made available nationally in November. The EACs include all the necessary elements of a comprehensive air quality plan, but are tailored to local needs and driven by local decisions. An EAC is designed to develop and implement control strategies, account for growth, and achieve and maintain the eight-hour ozone standard. This approach offers a more expeditious time line to achieve emission reductions earlier than the EPA’s eight-hour implementation rulemaking, while providing “fail-safe” provisions for the area to revert to the traditional SIP process if specific milestones are not met.

The principles of a tri-party EAC, to be executed by local, state, and EPA officials, are: 1) early planning, implementation, and emission reductions leading to expeditious attainment and maintenance of the eight-hour ozone standard; 2) local control of the measures to be employed, with broad based

public input; 3) state support to ensure technical integrity of the EAC; 4) formal incorporation of the EAC into the SIP; 5) deferral of the effective date of nonattainment designation and related requirements, provided all EAC terms and milestones are met; and 6) safeguards to return areas to traditional SIP requirements should EAC terms and/or milestones be unfulfilled, with appropriate credit given for emission reduction measures implemented. A key point of an EAC is the flexibility afforded areas to select emission reduction measures. Based on quality science, signatories may choose the combination of measures that meet both local needs and emission reduction targets. Each EAC recognizes that not every entity within the EAC area will implement every measure. Should an EAC area agreement miss a milestone at any time during the agreement, including attaining the eight-hour standard by 2007, it would forfeit its participation and rejoin the eight-hour implementation process in progress. The EAC area would then be subject to the same requirements and deadlines that would have been effective had it not participated in this program, with no delays or exemptions from EPA rules.

On December 9, 2002, the cities of Floresville, New Braunfels, San Antonio, and Seguin; the counties of Bexar, Comal, Guadalupe, and Wilson; the commission; and EPA entered into an EAC for the San Antonio metropolitan statistical area (MSA). The San Antonio EAC area applies to Bexar, Comal, Guadalupe, and Wilson Counties. The EPA default assumption in defining nonattainment area boundaries is the MSA boundaries; therefore, the San Antonio EAC elected to use the MSA at the time of agreement for the EAC and the clean air action plan. In accordance with the commitments made in the San Antonio EAC, the area prepared and submitted by March 2004 a clean air action plan that demonstrates attainment of the eight-hour standard in the area by 2007 and maintenance of the standard until at least 2012. On April 15, 2004, EPA designated as nonattainment the San Antonio EAC area

counties of Bexar, Comal, and Guadalupe based on the 2001-2003 design value of 89 parts per billion. Wilson County was designated as attainment.

On December 18, 2002, the cities of Austin, Bastrop, Elgin, Lockhart, Luling, Round Rock, and San Marcos; the counties of Bastrop, Caldwell, Hays, Travis, and Williamson; the commission; and EPA entered into an EAC for the Austin MSA. The Austin EAC area applies to the five counties included in the MSA, which are Bastrop, Caldwell, Hays, Travis, and Williamson Counties. The EPA default assumption in defining nonattainment area boundaries is the MSA boundaries; therefore, the Austin EAC elected to use the MSA for the EAC and the clean air action plan. In accordance with the commitments made in the Austin EAC, the area prepared and submitted in March of 2004 a clean air action plan that demonstrates attainment of the eight-hour standard in the area by 2007 and maintenance of the standard until at least 2012. On April 15, 2004, EPA promulgated nonattainment designations under the eight-hour ozone standard. Based on the 2001-2003 design value of 84 parts per billion, the Austin EAC area was designated attainment.

On December 20, 2002, the cities of Gilmer, Henderson, Kilgore, Longview, Marshall, and Tyler; the counties of Gregg, Harrison, Rusk, Smith, and Upshur; the commission; and EPA entered into an EAC for the Northeast Texas area. The Northeast Texas area applies to the five counties of Gregg, Harrison, Rusk, Smith, and Upshur. In accordance with the commitments made in the Northeast Texas EAC, the area prepared and submitted in March of 2004 a clean air action plan that demonstrates attainment of the eight-hour standard in the area by 2007 and maintenance of the standard until at least 2012. On April 15, 2004, EPA promulgated nonattainment designations under the eight-hour ozone

standard. Based on the 2001-2003 design value of 84 parts per billion, the Northeast Texas EAC area was designated attainment.

Proposed new Chapter 114, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, would limit heavy-duty motor vehicle idling to five consecutive minutes during the time period April 1 through October 31 of each calendar year within the jurisdiction of any local government in the state that has signed a Memorandum of Agreement with the commission to delegate enforcement to that local government.

These new rules are being proposed at the request of the local air quality planning organization in the Austin EAC area (Bastrop, Caldwell, Hays, Travis, and Williamson Counties) for use as a control strategy in its EAC agreement to maintain attainment with the federal eight-hour ozone NAAQS. This rule package will also provide local governments in other areas of the state the option of applying these rules in their areas when additional control measures are needed to achieve or maintain attainment of the federal eight-hour ozone standard in the future.

The December 18, 2002 EAC, commits the commission to incorporate a Clean Air Action Plan for the Austin area into the SIP and adopt the revised SIP by December 31, 2004. The proposed rules are part of the attainment demonstration. The Austin MSA is not currently monitoring nonattainment with the eight-hour ozone standard, but future monitoring could show nonattainment. If the Austin MSA continues to meet the milestones of its compact, a nonattainment designation can be deferred if future monitoring shows nonattainment.

These proposed rules will implement idling limits for gasoline and diesel-powered engines in heavy-duty motor vehicles within the jurisdiction of any local government in the state that has signed a Memorandum of Agreement with the commission to delegate enforcement to that local government. Local enforcement is crucial to the effective implementation of rules to reduce the extended idling of gasoline and diesel powered heavy-duty vehicles and will help to ensure the reduction in nitrogen oxide (NO<sub>x</sub>) and volatile organic compound (VOC) emissions which is needed by local governments to achieve or maintain attainment of the federal eight-hour ozone standard. These proposed idling limits will lower NO<sub>x</sub> emissions and other pollutants from fuel combustion. Because NO<sub>x</sub> is a precursor to ground-level ozone formation, reduced emissions of NO<sub>x</sub> will result in ground-level ozone reductions. To comply with the heavy-duty motor vehicle idling regulations, no person within the jurisdiction of a local government that has signed a Memorandum of Agreement with the commission to delegate enforcement to that local government may cause, suffer, allow, or permit the primary propulsion engine of a heavy-duty motor vehicle to idle for more than five consecutive minutes when the vehicle is not in motion during the time period of April 1 through October 31.

Currently, there are no federal regulations governing idle time for heavy-duty motor vehicles.

Therefore, the state has the authority to control motor vehicle idling. The requirements developed by the commission for this NO<sub>x</sub> emission reduction strategy will result in restrictions on the time allowed for motor vehicle idling.

Modeling assessing the benefits of this NO<sub>x</sub> emission reduction strategy demonstrated that emission reductions could be achieved by limiting the idling time of heavy-duty motor vehicles. By the year 2007, the proposed idling limits will reduce NO<sub>x</sub> emissions in the Austin MSA by 0.19 tons per day.

#### SECTION BY SECTION DISCUSSION

Proposed new §114.510, Definitions, contains definitions for the terms “Idle,” “Local government,” “Motor vehicle,” and “Primary propulsion engine.” Because these rules only apply to motor vehicles with a gross vehicle weight rating (GVWR) over 14,000 pounds, the definition of “Motor vehicle” in this division differs from the definition of “Motor vehicle” in 30 TAC §101.1, concerning Definitions.

Proposed new §114.511, Applicability, establishes that these proposed rules are applicable only within the jurisdiction of a local government that has signed a Memorandum of Agreement with the commission to delegate enforcement of these provisions to that local government.

Proposed new §114.512, Control Requirements for Motor Vehicle Idling, establishes the control requirements that limit motor vehicle idling to five consecutive minutes when the vehicle is not in motion during the time period April 1 through October 31 of each calendar year.

Proposed new §114.517, Exemptions, provides exemptions to the control requirements of §114.512 for the following circumstances: 1) a motor vehicle that has a GVWR of 14,000 pounds or less; 2) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control; 3) a motor vehicle being used as an emergency or law enforcement motor vehicle; 4) the

primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation other than propulsion, passenger compartment heating, or air conditioning; 5) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes; 6) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield; 7) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort or safety in those vehicles intended for commercial passenger transportation or school buses, in which case idling up to a maximum of 30 minutes is allowed; 8) the motor vehicle is used for transit operations, in which case idling up to a maximum of 30 minutes is allowed; 9) the primary propulsion engine of a motor vehicle being used as airport ground support equipment; or 10) if the motor vehicle is rented or leased to a person who operates the vehicle and who is not employed by the vehicle owner, the vehicle owner is not covered. Exemptions from this category of equipment which may exist in other rules or agreements, such as freezing weather equipment or leased equipment, do not apply here.

#### FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENT

Jeffrey Horvath, Analyst, Strategic Planning and Grants Management Section, determined that for the first five-year period the proposed rules are in effect, no fiscal implications are anticipated for units of state or local government.

The proposed rules will prohibit motor vehicles with a GVWR of over 14,000 pounds from idling for more than five consecutive minutes during the time period of April 1 through October 31 of each

calendar year within the jurisdiction of a local government that has signed a Memorandum of Agreement with the commission to delegate enforcement to that local government.

These new rules are being proposed at the request of the local air quality planning organization in the Austin EAC area for use as a control strategy in its EAC agreement to maintain attainment with the federal eight-hour ozone NAAQS. This rulemaking will also provide local governments in other areas of the state the option of applying these rules in their areas when additional control measures are needed to achieve or maintain attainment of the federal eight-hour ozone NAAQS in the future.

At this time, there are no agreements to delegate enforcement to a local government to implement the proposed idling controls. Enforcement costs are anticipated for those units of government who choose to implement the agreement for idling controls. These costs are self-imposed and would depend upon how the local government chooses to allocate its resources to enforce the idling controls..

#### PUBLIC BENEFITS AND COSTS

Mr. Horvath also determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated from the enforcement of and compliance with the proposed rules would be the provision of additional options for local governments to use to ensure a reduction in NO<sub>x</sub> and VOC emissions needed to maintain attainment of the federal eight-hour ozone standard.

No costs are anticipated to businesses or individuals as a result of the implementation of the proposed rules.

Currently, there are 486,703 motor vehicles with a GVWR of over 14,000 pounds registered in the State of Texas. The proposed rules would only apply to those motor vehicles with a GVWR of over 14,000 pounds operating during the time period of April 1 through October 31 of each calendar year within the jurisdiction of a local government that has signed a Memorandum of Agreement with the commission to delegate enforcement to that local government.

Agency staff estimate that limiting a vehicle's idle time could provide cost savings to the vehicle owners and operators by reducing fuel use and the mechanical wear on the vehicle's engine, thereby reducing fuel and maintenance costs. Heavy-duty diesel trucks have fuel consumption rates that average 0.80 gallons per hour during idling. Therefore, with the current average retail price of diesel in Texas at \$1.65 per gallon, the proposed rules would provide an average cost savings of \$1.32 for every hour of idling reduced per vehicle impacted.

#### SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

No adverse fiscal implications are anticipated for small or micro-businesses as a result of implementation of the proposed rules.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

The commission reviewed this proposed rulemaking and determined that a local employment impact statement is not required because the proposed rules do not adversely affect a local economy in a material way for the first five years that the proposed rules are in effect.

#### DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the proposed rulemaking action in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the rules are not subject to §2001.0225 because although the proposal meets the definition of a “major environmental rule” as defined in that statute, it does not meet any of the four applicability requirements listed in §2001.0225(a). The regulatory analysis requirements of Texas Government Code, §2001.0225 only apply to a major environmental rule, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law. Specifically, this proposed rulemaking would limit heavy-duty motor vehicle idling within the jurisdiction of any local government in the state that has signed a Memorandum of Agreement with the commission to delegate enforcement to that local government. States are primarily responsible for ensuring attainment and maintenance of the federal ozone standards once established by EPA. Under Federal Clean Air Act (FCAA), §110, states must submit to EPA for approval SIPs that provide for the attainment and maintenance of the ozone NAAQS through control programs directed to sources of the pollutants involved. This proposed rulemaking does not exceed a standard set by federal law, and does not exceed an express requirement of state law, but was developed to aid in the maintenance of federal air quality standards. This proposal is intended to help keep the Austin EAC area from going into nonattainment of the eight-hour ozone standard. This proposed rulemaking does involve a compact, which is an agreement or contract between the state and an agency

or representative of federal government to implement a state and federal program, however, the proposed rules do not exceed the requirements of that compact. This proposed rulemaking helps the Austin EAC area continue to meet the milestones of the compact and demonstrate continuing attainment of the eight-hour ozone standard. Finally, this proposed rulemaking was not developed solely under the general powers of the agency. Because this rulemaking does not meet any of the four applicability requirements, Texas Government Code, §2001.0225 does not apply, and a regulatory impact analysis is not required. The commission invites public comment on the draft regulatory impact analysis determination.

#### TAKINGS IMPACT ASSESSMENT

The commission evaluated this proposed rulemaking action and performed an analysis of whether Texas Government Code, Chapter 2007 is applicable. The analysis indicates this action is reasonably being taken to fulfill an obligation mandated by federal law, and therefore is exempt under Texas Government Code, §2007.003(b)(4). The specific purpose of this proposed rulemaking is to limit heavy-duty motor vehicle idling within the jurisdiction of any local government in the state that has signed a Memorandum of Agreement with the commission to delegate enforcement to that local government. These rules are proposed at the request of local governments in the affected counties as part of the EAC for the Austin area. The Austin area is currently monitoring attainment of the eight-hour ozone standard, but future monitoring could show nonattainment. If Austin continues to meet the milestones of its compact, a nonattainment designation can be deferred if future monitoring shows nonattainment.

Although the proposed idling rules do not directly prevent a nuisance, prevent a grave and immediate threat to life or property, and do not prevent a real and substantial threat to public health and safety, Texas Government Code, §2007.003(b)(4) provides that Chapter 2007 does not apply to these proposed rules because they are reasonably taken to fulfill an obligation mandated by federal law. The proposed rules can be used by the Austin EAC area to meet the ozone air standard set by EPA under FCAA, §109. States are primarily responsible for ensuring attainment and maintenance of the NAAQS once established by EPA. Under FCAA, §110, states must submit to EPA for approval SIPs that provide for the attainment and maintenance of the ozone NAAQS through control programs directed to sources of the pollutants involved. Therefore, one purpose of this rulemaking action is to allow the Austin EAC area to meet and maintain federal air quality standards. Emissions reductions which can be obtained by use of the proposed rules will help the Austin EAC area meet its compact milestones and thus defer a nonattainment designation if future monitoring shows nonattainment of the ozone standard.

Because the proposed rules meet the requirements of §2007.003(b)(4), this rulemaking will not constitute a takings under Texas Government Code, Chapter 2007. The commission invites public comment on the takings impact assessment.

#### CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the proposed rulemaking action and found that the proposal is an action identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, or will affect an action/authorization identified in §505.11, and therefore will require that applicable goals and policies of the Coastal Management Program (CMP) be considered during the rulemaking process.

The commission determined that under 31 TAC §505.22, the proposed rulemaking action is consistent with the applicable CMP goals and policies. The CMP goal applicable to this rulemaking action is the goal to protect, preserve, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas (31 TAC §501.12(l)). No new sources of air contaminants will be authorized and ozone levels will be reduced as a result of the proposed rulemaking. The CMP policy applicable to this rulemaking action is the policy that commission rules comply with regulations in 40 Code of Federal Regulations, to protect and enhance air quality in the coastal area (31 TAC §501.14(q)). This rulemaking action complies with 40 Code of Federal Regulations. Therefore, in compliance with 31 TAC §505.22(e), this rulemaking action is consistent with CMP goals and policies. Interested persons may submit comments regarding the consistency of the proposed rule amendments with the CMP during the public comment period.

#### ANNOUNCEMENT OF HEARING

Public hearings for this proposed rulemaking have been scheduled for the following times and locations: August 23, 2004, 2:00 p.m., Texas Commission on Environmental Quality, 12100 North I-35, Building E, Room 254S, Austin; August 24, 2004, 10:00 a.m., Longview City Hall Council Chambers, 300 West Cotton Street, Longview; and August 26, 2004, 10:00 a.m. and 7:00 p.m., Alamo Area Council of Governments Board Room, 8700 Tesoro Drive, Suite 100, San Antonio. The hearings will be structured for the receipt of oral or written comments by interested persons. Registration will begin 30 minutes prior to the hearings. Individuals may present oral statements when called upon in order of registration. A time limit may be established at each hearing to assure that enough time is allowed for every interested person to speak. There will be no open discussion during the hearings; however,

commission staff members will be available to discuss the proposal 30 minutes before each hearing and will answer questions before and after each hearing.

Persons planning to attend the hearing who have special communication or other accommodation needs, should contact the Office of Environmental Policy, Analysis, and Assessment at (512) 239-4900.

Requests should be made as far in advance as possible.

#### SUBMITTAL OF COMMENTS

Written comments may be submitted to Lola Brown, MC 205, Office of Environmental Policy, Analysis, and Assessment, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087; faxed to (512) 239-4808; or emailed to [eacsip@tceq.state.tx.us](mailto:eacsip@tceq.state.tx.us). All comments should reference Rule Project Number 2004-072-114-AI. Comments must be received by 5:00 p.m. on August 30, 2004. For further information, please contact Morris Brown, Technical Analysis Division, at (512) 239-1438 or Joe Thomas, Policy and Regulations Division, at (512) 239-4580.

**Subchapter J: Operational Controls for Motor Vehicles**

**Division 2: Locally Enforced Motor Vehicle Idling Limitations**

**§§114.510 - 114.512, 114.517**

STATUTORY AUTHORITY

The new sections are proposed under Texas Water Code (TWC), §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC, and under the Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA. The new sections are also proposed under TCAA, §382.011, which authorizes the commission to control the quality of the state's air; §382.012, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; §382.019, which authorizes the commission to adopt rules to control and reduce emissions from engines used to propel land vehicles; and §382.039, which authorizes the commission to develop and implement transportation programs and other measures necessary to demonstrate attainment and protect the public from exposure to hazardous air contaminants from motor vehicles.

The proposed new rules implement TCAA, §382.002, relating to Policy and Purpose; §382.011, relating to General Powers and Duties; §382.012, relating to State Air Control Plan; §382.019, relating to Methods Used to Control and Reduce Emissions from Land Vehicles; and §382.039, relating to Attainment Program.

**§114.510. Definitions.**

Unless specifically defined in the Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act) or in the rules of the commission, the terms used in this subchapter have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by Texas Health and Safety Code, Chapter 382; §3.2 of this title (relating to Definitions); §101.1 of this title (relating to Definitions); and §114.1 of this title (relating to Definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

**(1) Idle** - The 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 revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.

**(2) Local government** - A city, county, municipality, or political subdivision of the state.

**(3) Motor vehicle** - Any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, §502.002, excluding vehicles registered under §502.006(c).

**(4) Primary propulsion engine - A gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.**

**§114.511. Applicability.**

The provisions of §114.512 and §114.517 of this title (relating to Control Requirements for Motor Vehicle Idling; and Exemptions) are applicable only within the jurisdiction of a local government that has signed a Memorandum of Agreement with the commission to delegate enforcement of the provisions of this division to that local government.

**§114.512. Control Requirements for Motor Vehicle Idling.**

No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle is not in motion during the period of April 1 through October 31 of each calendar year.

**§114.517. Exemptions.**

The provisions of §114.512 of this title (relating to Control Requirements for Motor Vehicle Idling) do not apply to:

(1) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less;

(2) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;

(3) a motor vehicle being used as an emergency or law enforcement motor vehicle;

(4) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation other than propulsion, passenger compartment heating or air conditioning;

(5) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;

(6) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;

(7) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles intended for commercial passenger transportation or school buses in which case idling up to a maximum of 30 minutes is allowed;

(8) the primary propulsion engine of a motor vehicle used for transit operations in which case idling up to a maximum of 30 minutes is allowed;

(9) the primary propulsion engine of a motor vehicle being used as airport ground support equipment; or

(10) the owner of a motor vehicle rented or leased to a person who operates the vehicle and is not employed by the owner.