

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1113

IN THE MATTER OF:

Served December 30, 1970

Complaint and Request for Rule)
Making of Greater-Washington)
Alliance to Stop Pollution, Inc.)

Formal Complaint No. 22

On August 21, 1969, the Greater-Washington Alliance to Stop Pollution, Inc. (GASP) filed a formal complaint alleging (1) that all companies operating buses under WMATC jurisdiction are violating the Compact and Commission regulations relating to exhaust emissions, and (2) that the Commission should adopt new exhaust emission regulations.

Commission Order No. 994, served on November 28, 1969, denied respondents' motions to dismiss, stating that the complaint was sufficient to state a claim upon which relief may be granted. A pre-hearing conference was ordered for January 8, 1970, to better define the specific matters and issues which we may wish to take evidence on in formal hearing.

As a consequence of that conference, Order No. 1003 was issued on January 8, 1970, directing the Commission staff to undertake a study (1) of the adequacy of the pollution control practices of those companies operating diesel buses under the jurisdiction of this Commission; (2) to determine which of those companies, if any, is violating the present Commission exhaust emission regulations; and (3) to make any further recommendations it deems appropriate for the control of exhaust emissions.

Pursuant to the agreement reached at the January 8, 1970, pre-hearing conference, GASP submitted a memorandum to the Commission staff on February 6, 1970, outlining its views as to what the study should encompass.

GASP filed a motion on July 22, 1970, requesting that the WMATC remove Complaint No. 22 from abeyance and immediately order a pre-hearing conference to consider commencement of formal proceedings. This motion was granted by Order No. 1094,

served October 8, 1970, wherein the Commission ordered a pre-hearing conference for November 5, 1970, to consider the Commission staff study undertaken pursuant to Order No. 1003 and to consider the future direction of this proceeding. The Commission staff study was distributed to the parties October 31, 1970.

At the November 5, 1970, conference, it was agreed by all parties present that the Commission would dismiss without prejudice the portions of the GASP Complaint No. 22 alleging violations of existing Commission regulations, provided that the Commission would proceed expeditiously to order the initiation of a formal rule-making proceeding pursuant to the GASP Request for Rule Making for exhaust emission control.

We agree with the suggestion from the parties that the most productive way to proceed is to establish soundly-conceived new regulations on the subject of exhaust emission control. In our judgment, the best way to work toward that end is to evolve a set of draft regulations to be published for comment. We shall direct the staff immediately to develop proposed regulations for the control of diesel bus exhaust emissions which are to be distributed to all parties and the general public for written comment. If necessary or appropriate, a hearing will be held to hear oral comments on the staff proposal.

It was suggested at the pre-hearing conference that there existed two sources from which a draft set of rules could be drawn. These were the proposals made by GASP in its original Complaint and the recommendations in the staff report. We will expect the staff to examine the concepts in both of these documents during the course of drafting its proposed regulations. In addition, any other source leading to sound regulations on the subject should be considered.

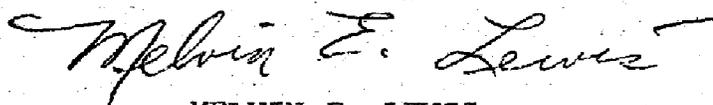
THEREFORE, IT IS ORDERED:

1. That on January 15, 1971, the Commission staff will distribute to the parties to this proceeding and to the general public a set of proposed rules for the control of exhaust emissions from diesel buses operated by companies subject to the jurisdiction of the Commission.

2. That the filing of written comments on the proposed regulations will be permitted by any interested party within the subsequent forty-five (45) days.

3. That those provisions of Complaint No. 22, filed by the Greater-Washington Alliance to Stop Pollution, Inc. on August 21, 1969, which allege violations of existing regulations on air pollution control and seek the imposition of penalties therefore, be, and they are hereby, dismissed without prejudice.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS
Executive Director

