



Regulatory Advisory

January 2014



TRU Advisory: 12-21

MOBILE CATERING COMPANY EXEMPTIONS

The purpose of this advisory is to explain how a mobile catering company can obtain an exemption from the California Air Resources Board's (ARB or Board) Transport Refrigeration Unit (TRU) Airborne Toxic Control Measure (ATCM) if operating under a government contract to provide food service for emergency operations, such as wildfire response.

Background

On October 21, 2011, ARB approved an amendment to the TRU ATCM that allows an annual exemption from the TRU ATCM's in-use performance standards, if the mobile catering company is under contract with the National Interagency Fire Center (NIFC) to provide mobile catering service during an emergency. The exemption is good for one year and can be renewed annually. Other conditions, as discussed below, must also be met.

TRUs, also known as reefers, are refrigeration systems powered by diesel internal combustion engines designed to control the environment of temperature-sensitive products that are transported in trucks, trailers, shipping containers, and railcars. Reefers operate on California roadways and at distribution centers, grocery stores, convenience stores, restaurants, cafeterias, and other facilities which are often in close proximity to residential neighborhoods. The emissions from these units pose a potential threat to both public health and the environment. In 2004, the TRU ATCM was adopted by the Board to reduce diesel particulate matter emissions from TRU and TRU generator set engines.

The TRU regulation requires all TRUs that operate in California to meet in-use performance standards by the end of the seventh year after the TRU engine's model year. The TRU ATCM also requires reefer owners to register California-based reefers in ARB's Equipment Registration (ARBER) system. ARBER issues ARB Identification Numbers (IDN) for each TRU and the owner must purchase and affix labels to both sides of the TRU housing (see TRU Advisory 08-10 for information on the requirements for affixing the IDNs to the TRU housing).

How do I qualify for this exemption?

Only mobile catering companies that are under contract with NIFC to provide mobile food service to emergency incidents will qualify for this exemption from TRU ACTM in-use performance standards. However, exempt companies must still comply with ARBER registration and IDN housing labeling. There is no exemption from ARBER registration and IDN housing labeling requirements for California-based reefers. Also, the reefers owned by a mobile catering company that are based outside of California that the catering company wants to be included on the exemption list must be registered in ARBER. ARBER will not issue IDNs for noncompliant TRUs, but the unit and engine information will be included in the ARBER database under the unit serial number so that the exemption status can be tracked.

How do I apply for a mobile catering company exemption?

Mobile catering company exemptions must be applied for annually. Exemptions expire on December 31st of each year. Application forms are available at the TRU Website at: <http://www.arb.ca.gov/arber/trureg/Application%20for%20Mobile%20Catering%20Exemption%203-14-2012.pdf> The applicant must provide typical business information, including company name, address, contact information, and the company's Federal Tax Identification Number (Employer Identification Number or EIN). The Owner-Operator Number that was issued to the company during ARBER registration must also be provided. The application must also include a list of all reefer IDNs, if available, and the unit serial numbers for all reefers that will be included under the exemption.

The application must include copies of the current contract between the catering company and the NIFC. The entire contract is not needed. Pages of the contract that must be included are:

1. NIFC Standard Form 1449 "Solicitation/Contract/Order For Commercial Items" (for base contract year) or Standard Form 30 "Amendment of Solicitation/Modification of Contract" (for current option contract year), signed by the NIFC Contracting Officer.
2. Title page of the National Mobile Food Services Contract, for the current year of the contract.
3. Pages of Section B with the National Food Service Unit Summary that lists the applicant's mobile catering service contractor contact information, NIFC contract number, designated dispatch points, kitchen units, equipment types and unit numbers.

Applications and supporting documentation must be submitted to ARB by one of the following methods:

- Mail to ARB at:
California Air Resources Board
Stationary Source Division (ARBER/TRU)
P.O. Box 2815
Sacramento, CA 95812
- Electronically submit by email to: arber@arb.ca.gov

If the application is complete and approved, ARB will issue a Mobile Catering Service Exemption to the mobile catering company within 30 days. If the application is incomplete or cannot be approved, ARB will notify the applicant about what information is required or provide reasons why the exemption cannot be approved. Applicants may then re-apply to re-start the application process.

Can a leased reefer that is noncompliant be exempted?

Since these units are not owned by mobile catering companies, they do not qualify for an exemption. Lessors own the reefers and are therefore responsible for owner requirements, which include registration of reefers in ARBER if they are based in California and meeting in-use performance standards if the reefer operates in California. Therefore, mobile catering companies would need to require lessors to provide compliant reefers to ensure compliance with the TRU ATCM.

What if the information in my exemption application changes, such as when I buy or sell reefers?

During the year that the exemption is in effect, if there are any changes to the information that was submitted in the annual application, the owner is required by law to update the application within 30 days of the changes. For example, the IDN and unit serial number list that was submitted with the application would need to be updated when the owner buys or sells reefers that need to be included under the exemption. In addition, catering companies that own TRUs need to be aware that it is against state law to sell a noncompliant reefer to a person who is a resident of the State of California or a person who could reasonably be expected to do business in California.

How do we avoid being cited if ARB's enforcement personnel find our reefers in the field?

The owner must provide the driver with copies of the current, approved Mobile Catering Service Exemption that is issued by ARB and the Mobile Food and Shower Service Request Form that is issued by the National Interagency Fire Center for the incident they are responding to. Upon request, drivers are required to present these documents to authorized enforcement personnel and allow them to inspect the reefer. All circumstances at the time of inspection must be consistent with the Mobile Catering Service Exemption and the Mobile Food and Shower Service Request Form.

California law requires that reefer registration and IDN labeling requirements must still be met. If the reefer is California-based, it must be registered in ARBER, the owner must purchase and affix the ARB IDN labels to both sides of the TRU housing, and the information that was submitted to ARBER must be true, accurate, and complete. Within 30 days of a change to any ARBER registration information, the owner or their agent must update ARBER. This includes updates to the company profile and primary contact information. Failure to update ARBER or submittal of false information to ARBER is a violation of state law subject to civil and criminal penalties.

Can reefers that are exempt under the mobile catering company exemption be used at distribution centers and can they be used for non-emergency operations?

This exemption only applies to reefers that are used for emergency response operations. Reefers that have a current exemption that is issued by ARB and a Mobile Food and Shower Service Request Form are exempt when they are at distribution centers to load goods for the incident identified on that form. The mobile catering company exemption does not apply for any other type of operation that is not associated with providing emergency food service for an emergency response. For example, a mobile catering company cannot use exempted reefers for common motor carrier transport or non-emergency event catering. Misuse of the mobile catering company exemption is subject to citations with penalties.

For more information

To obtain a copy of the regulation or other related compliance assistance documents, visit the TRU website at <http://www.arb.ca.gov/diesel/tru/tru.htm>. Additional questions may be addressed by calling the toll-free TRU Help Line at 888-878-2826 (888-TRU-ATCM). If you need this document in an alternative format or another language, please call 888-878-2826 or email arber@arb.ca.gov. TTY/TDD/Speech users may dial 711 for a California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma por favor llame al 1-888-878-2826 o contáctenos por correo electrónico a arber@arb.ca.gov. Para Servicios de Relevé de California (CRS) o para el uso de teléfonos TTY, marquen al 711.