



# Regulatory Advisory

Last Updated January 2011



## TRU Advisory: 08-15

### Revised Enforcement Schedule for TRU In-Use Performance Requirements and TRU Registration

The California Air Resources Board (ARB) staff has revised the enforcement schedule for the registration/reporting requirements for all transport refrigeration units (TRUs) and the in-use performance requirements for 2001 and older model year TRU engines operating in California. Originally, compliance with the in-use performance standards and registration/reporting requirements was to occur January 2009. However, given the U.S. Environmental Protection Agency's delay in approving ARB's request for authorization to enforce the TRU regulation's in-use performance requirements, a six-month grace period was allowed, but is scheduled to end in mid-July. To address a number of issues that have arisen, ARB staff is now implementing a two-phase process to enforce the TRU regulation. In the first phase, ARB staff will begin enforcing the registration/reporting requirements in August 2009. In the second phase, ARB staff will begin enforcing the performance requirements for pre-2002 TRUs in early January 2010. TRU owners will need to ensure that pre-2002 TRUs comply with the performance requirements by the end of the year. Compliance dates for 2002 and newer model year TRU engines are unchanged.

#### Why is ARB extending enforcement of the compliance deadline for pre-2002 TRU engines?

As the close of the grace period approached, it became clear that several thousand TRUs were not in position to comply by mid-July. The reasons for this include: lack of timely action by TRU owners, higher costs for compliance than originally anticipated, some retrofit systems not becoming available until May 2009, tightening of credit, and longer lead times for delivery of systems. Given these factors, ARB has determined that a two-phase enforcement schedule would allow for more complete registration and provide some additional time for pre-2002 TRUs to come into compliance in an orderly manner.

#### What is the new compliance schedule?

The revised TRU registration, Operator Report, and In-Use Performance Standard schedule follows:

July 31, 2009	All California-based TRUs must be registered with ARB. Initial Operator Report must also be submitted by this date.
August 2009	ARB staff will begin field enforcement for registration of all California-based TRUs.
December 31, 2009	Compliance deadline for 2001 and older <b>and</b> 2002 model year TRU engines to meet the Low-Emission TRU In-Use Performance Standards
January 2010	In-Use Performance Standard enforcement begins for model year 2002 and older TRU engines.

### **What do I need to do to register?**

You may apply for California Air Resources Board Identification Numbers (IDN) electronically, on the Internet, using the Air Resources Board's Equipment Registration (ARBER) system (<http://www.arb.ca.gov/arber/trureg/trureg.htm>). If you are the owner of a TRU that is based outside of California, applying for an IDN is voluntary. Please contact the TRU helpline at 1-888-TRU-ATCM (1-888-878-2826) for assistance with registration.

Please be aware that 30 days after compliance with the in-use performance standards, compliance information must be entered into ARBER for each California-based unit so that an IDN can be issued. Operator Reports for California terminals where TRUs operate must also be updated to add new IDNs. IDNs must be affixed to both sides of the TRU housing (see [TRU Advisory 08-10](#)) within 30 days of receipt.

### **What happens if I fail to register?**

In August 2009, ARB staff will begin enforcement of the registration requirement. When staff finds an unregistered vehicle they will issue a citation to the owner/operator of the TRU, require registration within 30 days, and assess a fine.

### **What if I fail to comply with the in-use performance standards due to a bottle neck in the availability of replacement engines or retrofit VDECS? Will I get cited and penalized?**

It is imperative that you make your compliance decisions and order equipment as soon as possible to ensure that you fully comply by December 31, 2009. Soon after January 1, 2010, ARB's enforcement staff will start inspecting TRUs at distribution centers, truck stops, border crossings, scales, road-side inspection stations, or other locations where TRUs congregate. When staff finds a TRU that is not meeting the in-use performance standards, they will issue a citation, require compliance in 60 days, and assess a fine. In determining the amount of the fine, factors such as documenting a good-faith effort to comply or special circumstances, can be taken into consideration.

### **Does this mean that ARB will also delay the subsequent phases of the In-Use Performance Standards?**

No. ARB does not plan to delay subsequent phases of the In-Use Performance Standards.

### **Since my model year 2001 and older TRU is noncompliant, I cannot get an ARB Identification Number. What do I do?**

The one-year enforcement delay ending December 31, 2009, created a conflict with the ARB Equipment Registration (ARBER) software. The compliance deadline for model year 2001 and older TRUs to meet the in-use performance standards was December 31, 2008. Therefore, ARBER will find these units to be noncompliant with the in-use performance standards during the enforcement delay. When the owner attempts to apply for an ARB Identification Number, ARBER cannot issue an IDN due to the missing compliance information. However, July 31, 2009, is the deadline for registering California-based TRUs and submitting Operator Reports for California terminals, and August 31, 2009, is the deadline for affixing the IDN to both sides of the TRU housing.

The owner and operator should do the following:

1. Submit the IDN application to ARBER as completely as possible. If the unit is not compliant with the TRU ATCM's in-use performance standard, it will not be issued an IDN, but the owner will have showed due diligence and a good-faith effort to comply with the IDN/registration requirement.
2. If you operate a California terminal where TRUs operate, you must submit an Operator Report for each California terminal to ARBER as completely as possible. Enter the terminal address and contact information and list all IDNs that have been issued that are assigned to this terminal. If you do not have an IDN, you may use the following temporary IDN: "990101797" in your incomplete Operator Report. By submitting this incomplete Operator Report, the operator will have showed due diligence and a good-faith effort to comply with the Operator Report requirement.
3. Owners must bring units into compliance by December 31, 2009. Once the TRU engine has been brought into compliance with the in-use performance standard, the owner must revise the information in ARBER to provide the missing compliance information. ARBER will issue an IDN when the application is complete and the unit is in compliance.
4. The operator must update the Operator Report for each terminal to add the IDNs for the units that were brought into compliance during the enforcement delay.
5. The owner is responsible for affixing the IDNs to both sides of the TRU housing within 30 days of being issued an IDN. **Do not affix or paint the temporary IDN (described in step 2, above) to any of your equipment.**

ARB recommends that a copy of the print-friendly Certification Page that ARBER issued when the incomplete IDN application was submitted for the noncompliant unit be carried with the TRU at all times during the enforcement delay to demonstrate to ARB inspectors that the owner has taken due diligence and good faith steps to comply with the IDN requirement. The Certification Page is issued online for those applying for IDNs electronically and is mailed to those applying for IDNs with manual mail-in forms.

#### **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 1-888-878-2826 (1-888-TRU-ATCM).

If you require special accommodation or language needs, please call 1-888-878-2826 or email [tru@arb.ca.gov](mailto:tru@arb.ca.gov). TTY/TDD/Speech users may dial 711 for a California Relay Service.