

# Appendix A.1

## Transport Refrigeration Unit Final Regulation Order

### Section 100 Changes to Title 13

### Addition of Authority and Reference Cited

[Note: This version of the proposed amendments to Title 13 California Code of Regulations (CCR) complies with Government Code section 11346.2, subdivision (a)(3). The existing, original regulatory language currently adopted into the CCR is shown as plain, clean text, while the proposed amendments are shown in tracked changes (underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text). Subsections for which no changes are proposed in this rulemaking are indicated with “[No proposed regulatory changes.]”. For ease of readability, and to review the proposed amendments in an Accessible format that can toggle between amendments in strikeout/underline and a “clean” version with amendments incorporated into the regulatory text, please refer to the Word version of this Regulation Order]

## Title 13. Motor Vehicles

### Division 3 – Air Resources Board

- Section 2477      Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate.
- Section 2477.5.      Requirements for Owners or Owner/Operators.
- Section 2477.12.      Requirements for Lessors and Lessees.
- Section 2477.17.      Requirements for Applicable Facility Owners or Applicable Facility Owner/Operators.
- Section 2477.21.      Fees.
- Section 2477.24.      Severability.

## Final Regulation Order

### Title 13, California Code of Regulations

Amend Division 3, Chapter 9, Article 8, Sections 2477, 2477.5, 2477.12, 2477.17, 2477.21 and 2477.24, of Title 13, California Code of Regulations to read as follows:

[Note: The amendments to existing regulatory language are shown in ~~strikethrough~~ to indicate deletions and underline to indicate additions]

### **§ 2477. Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate.**

[No proposed regulatory changes.]

NOTE: Authority cited: Sections 38597, 39600, 39601, 39618, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 43013, 43018 and 43019.1, Health and Safety Code. Reference: Sections 38597, 39611, 39618, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 43013, 43018 and 43019.1, Health and Safety Code.

### **§ 2477.5. Requirements for Owners or Owner/Operators.**

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- (h) TRU Operating Fees. The term TRU as used in this subsection (h) refers to TRUs and TRU gen sets, as well as ZE truck TRUs used to comply with section 2477.5(b).
  - (1) Beginning December 31, 2023, ~~t~~The Executive Officer shall assess and collect fees from owners or owner/operators of TRUs that operate in California to recover the costs to the Executive Officer administering the TRU ATCM as specified under section 2477.21(a).

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NOTE: Authority cited: Sections 38597, 39600, 39601, 39611, 39618, 39658, 39659, 39666, 39667, 43013, 43018 and 43019.1, Health and Safety Code. Reference: Sections 38597, 39611, 39618, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 43013, 43018 and 43019.1, Health and Safety Code.

## **§ 2477.12. Requirements for Lessors and Lessees.**

[No proposed regulatory changes.]

NOTE: Authority cited: Sections 38597, 39600, 39601, 39618, 39658, 39659, 39666, 39667, 43013, 43018 and 43019.1, Health and Safety Code. Reference: Sections 38597, 39611, 39618, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 43013, 43018 and 43019.1, Health and Safety Code.

## **§ 2477.17. Requirements for Applicable Facility Owners or Applicable Facility Owner/Operators.**

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(d) Facility Registration Fees. ~~Beginning December 31, 2023, t~~The Executive Officer shall assess and collect fees from owners or owner/operators of applicable facilities in California to recover the costs to the Executive Officer administering the TRU ATCM as specified in section 2477.21(b).

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NOTE: Authority cited: Sections 38597, 39600, 39601, 39611, 39618, 39658, 39659, 39666, 39667, 43013, 43018 and 43019.1, Health and Safety Code. Reference: Sections 38597, 39611, 39618, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 43013, 43018 and 43019.1, Health and Safety Code.

## **§ 2477.21. Fees**

(a) TRU Operating Fees. The term TRU as used in this subsection (a) refers to TRUs and TRU gen sets, as well as ZE truck TRUs used to comply with section 2477.5(b).

(1) ~~Beginning December 31, 2023, t~~The Executive Officer shall assess and collect fees from owners or owner/operators of TRUs that operate in California to recover the costs to the Executive Officer administering the TRU ATCM.

(2) Fees shall be due and payable to the Executive Officer upon reporting a TRU in accordance with section 2477.5 (g) and every three (3) years from the date the TRU was originally reported to CARB.

(3) A TRU owner or owner/operator shall submit fees to the Executive Officer in accordance with the fee schedule in Table 5.

Table 5: TRU Operating Fee Schedule

Fee Type	Fee Amount (Per TRU)
TRU Operating Fee, paid once every three years	\$45
Zero-Emission TRU Operating Fee, paid once every three years	\$23

(b) Applicable Facility Registration Fees.

- (1) ~~Beginning December 31, 2023, t~~The Executive Officer shall assess and collect fees from owners or owner/operators of applicable facilities in California to recover the costs to the Executive Officer administering the TRU ATCM.
- (2) Fees shall be due and payable to the Executive Officer upon registering an applicable facility in accordance with section 2477.17(a) and every three (3) years from the date of original registration.
- (3) An applicable facility owner or owner/operator shall submit fees to the Executive Officer in accordance with the fee schedule in Table 6.

Table 6: Applicable Facility Registration Fee Schedule

Fee Type	Fee Amount (Per Facility)
Facility Registration Fee, paid once every three years	\$45

- (c) If any part of this section is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction as to any party, the Executive Officer shall continue to assess and collect payments from unaffected parties pursuant to this section. If such holding applies to all parties, such holding shall not affect the validity of the remaining portions of this TRU Regulation.

NOTE: Authority cited: Sections 38597, 39600, 39601, 39611, 39618, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 43013, 43018 and 43019.1, Health and Safety Code. Reference: Sections 38597, 39611, 39618, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400,

42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 43013, 43018 and 43019.1, Health and Safety Code.

**§ 2477.24. Severability.**

[No proposed regulatory changes.]

NOTE: Authority cited: Sections 38597, 39600, 39601, 39618, 39658, 39659, 39666, 39667, 43013, 43018 and 43019.1 Health and Safety Code. Reference: Sections 38597, 39611, 39618, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 43013, 43018 and 43019.1, Health and Safety Code.