



Enforcement Division

Advisory

To: Cargo Handling Equipment
Owners and Operators at Ports
and Intermodal Rail Yards.

Number 361

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ENFORCEMENT OF THE MOBILE CARGO HANDLING EQUIPMENT REGULATION AT PORTS AND INTERMODAL RAIL YARDS

The purpose of the Mobile Cargo Handling Equipment Regulation is to reduce diesel particulate matter (PM) and criteria pollutant emissions from compression ignition (CI) mobile cargo handling equipment that operate at ports and intermodal rail yards in the State of California.

The purpose of this advisory is to inform you that the California Air Resources Board's (ARB) Mobile Cargo Handling Equipment Regulation was adopted on December 8, 2005 and went into effect on December 31, 2006. The adoption of California Code of Regulations (CCR) Title 13, Section 2479 will affect the operation, record keeping, and maintenance of Mobile Cargo Handling Equipment. Initial reports for this regulation were to be submitted by January 31, 2007. **The Enforcement Division of the ARB will start to conduct announced inspections of mobile cargo handling equipment including audits of records at the facilities at ports and intermodal rail yards.** The inspection may start with the label on the equipment (or the alternative labeling option described below) which would lead to a verification of how the inspected piece of equipment fits into the overall compliance plan and, if applicable, an inspection of the emission control strategy installed on the diesel engine.

Please note that it is not necessary to submit "Records of maintenance for each installed diesel emission control strategy," [CCR, Title 13, Section 2479 (i)(1)(C)] as set forth in subsection (j)(1)(A). However, these emission-control-maintenance records must be available for review by ARB staff during an inspection at the terminal where the equipment operates.

Below is additional information to assist cargo handling equipment owners and operators in complying with the regulation:

Alternative Method of Complying with the Labeling Requirement

As part of the Recordkeeping Requirements in subsection (i)(2) of the regulation, owners or operators are required to affix an informational label to each piece of cargo handling equipment. Alternatively, the owner or operator may use a different method approved by the Executive Officer in lieu of applying the labels. The following alternative method has been approved for immediate use:

The individual piece of cargo handling equipment shall be marked with a visible, unique identification number or barcode which corresponds to the required label information in an electronic or hardcopy file that is immediately accessible at the time of inspection by the enforcement agency. Any owner or operator using this alternative in lieu of the label must notify the Air Resources Board through one of the methods below:

1. e-mail: cargoreport@arb.ca.gov; or
2. fax: 916.327.6251, Attention: CHE Reporting; or
3. postal mail: Air Resources Board
Attn: SSD – CHE Reporting
P.O. Box 2815
Sacramento, CA 95812-2815.

With 30-days notice to the owner or operator, the Executive Officer may revoke this approved alternative method if there have been multiple violations of the alternative method stated above.

Clarification of Compliance Extension for Engines Near Retirement

The regulation allows a one-year compliance extension for an engine that is scheduled to be retired from the active fleet within one year of its required compliance date, as stated in subsection (f)(1). While the regulation makes reference to the compliance dates for non-yard truck equipment only, this compliance extension was intended to, and therefore does indeed apply, to applicable yard trucks in addition to non-yard truck equipment. The extension does not apply to engines that are being replaced in order to comply with the provisions of the regulation.

Clarification of Compliance Option “b” for In-Use Non-Yard Truck Equipment

In-use non-yard truck equipment are provided three compliance options, as stated in subsections (e)(3)(B)1., (e)(3)(B)2., and (e)(3)(B)3. of the regulation. Compliance option “b” in each of the three subsections reads as follows:

- “b. An engine or power system certified to the on-road emission standards for the year manufactured as specified in title 13, CCR, section 1956.8, or certified to the Tier 2 or Tier 3 off-road diesel engine standard for the rated horsepower and model year of the year manufactured, and used in conjunction with the highest level VDECS that is verified for a specific engine family and model year...”

The intent of this compliance option is to require the application of the highest level verified diesel emission control strategy (VDECS) available for the engine in either case, whether a certified pre-2007 on-road engine or a certified Tier 2 or Tier 3 off-road engine is chosen for compliance. This concept was discussed at multiple public workshops and in the Initial Statement of Reasons for Proposed Rulemaking (Staff Report, Chapter IV). This intent is also reasonably implied, since the certified pre-2007 model year on-road engine standards and the certified Tier 2 and Tier 3 off-road engine standards are similar.

If you would like additional information regarding this advisory or the enforcement of mobile cargo handling equipment, please contact Mr. H. Cuauhtémoc Pelayo at 626.575.6779 or via e-mail at hpelayo@arb.ca.gov. For information regarding the regulation and reporting requirements, please visit our web site at <http://www.arb.ca.gov/cargo> or contact Ms. Lisa Williams at 916.327.1498 or via e-mail at lwilliam@arb.ca.gov.