



Enforcement Division

Advisory

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

Number 371

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

The purpose of this advisory is to provide reminders and clarifications to owners and operators of cargo handling equipment at ports and intermodal rail yards of specific compliance requirements per the California Code of Regulations, title 13, section 2479: Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards (Cargo Handling Equipment Regulation).

Demonstration of Compliance

The first in-use engine compliance date, December 31, 2007, has now passed. Owners and operators of equipment, as specified in the table below, were required to comply by installing compliant engines, retiring equipment, or by retrofitting non-yard truck equipment with verified diesel emission control strategies (VDECS).

Equipment Category	Number of Vehicles Required to Comply by 12/31/2007	
	Owners of 4 or More	Owners of Less Than 4
Pre-2003 model year off-road engine yard trucks without VDECS	3 vehicles or 50%, whichever is greater	100%
Pre-2000 model year on-road engine yard trucks without VDECS	3 vehicles or 25%, whichever is greater	100%
Pre-1988 engine model year non-yard truck equipment	3 vehicles or 25%, whichever is greater	100%

Owners or operators must now submit their *Demonstration of Compliance* for all applicable equipment in the equipment categories listed above. The *Demonstration of Compliance* is available as Section V of the reporting forms available online at <http://www.arb.ca.gov/ports/cargo/documents.htm#reportforms>. To streamline reporting, owners and operators may submit their *Demonstration of Compliance* concurrently with their facility's Annual Report (see next page) by January 31st each year. Air Resources Board (ARB) Enforcement Division staff are currently conducting inspections to determine if owners or operators are in compliance with the engine performance standards, recordkeeping, and reporting requirements of the regulation.

A compliance extension for the December 31, 2007 deadline may be granted in one of the following circumstances:

- a. equipment scheduled to be retired (not replaced) within one year of the December 31, 2007 compliance deadline (assuming all other engines in the same model year group have already complied); or
- b. an owner or operator has purchased new equipment by July 2, 2007 in order to comply with the December 31, 2007 compliance deadline, and the equipment has not been delivered due to manufacturing delays.

The specifics of each of the conditions listed above are set forth in section 2479(f) of the Cargo Handling Equipment Regulation. Owners or operators of equipment that meet the requirements of either of the above compliance extensions are requested to complete and submit to the ARB, in conjunction with their *Demonstration of Compliance*, the compliance extension element (Sections I and IV) of the reporting forms available on the website above.

Annual Report Due January 31st Each Year through 2016

Mobile cargo handling equipment owners or operators must submit their annual report to the ARB by January 31, 2008, and by January 31st each year through 2016. Owners or operators must provide their company's contact information, the location of the equipment, and the population, as of January 1st of the current reporting year, of equipment in each yard truck and non-yard truck equipment model year group. This information can be submitted using Sections I and VII of the reporting forms mentioned above.

Applicability

As a reminder, the Cargo Handling Equipment Regulation applies to off-road, mobile, compression ignition (i.e., diesel-fueled) vehicles operated at a port or intermodal rail yard. This includes equipment that is used for purposes other than cargo handling, such as for maintenance and repair activities that are routinely scheduled or that are due to predictable process upsets. However, the regulation does not apply to off-road equipment brought onto a port or intermodal rail yard terminal temporarily for construction projects or unexpected repairs. Additionally, the engine performance standards do not apply to vehicles used only for fuel delivery or transporting personnel, although those vehicles are still required to meet the regulation's recordkeeping and reporting requirements.

Retired Equipment Still On-Site

Mobile cargo handling equipment that has been retired (removed from service) in order to comply with the regulation should be removed from the facility premises by the required compliance date. However, in situations where the equipment is pending sale or scrap, the owner or operator may demonstrate non-operability by removing the battery(ies) and all fluids (i.e., oil and fuel) from the vehicle by the required compliance date. Additionally, the vehicle may not remain on-site for more than one year after the required compliance date. In other words, if the vehicle were required to comply by December 31, 2007, it must be removed from the terminal no later than December 31, 2008. If any of the above conditions are not met, citation(s) may occur.

If you would like additional information regarding 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 this advisory or technical questions concerning the regulation, 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.