



Regulatory Advisory

June 2013



Advisory: 13-390

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

The purpose of this advisory is to clarify when the equipment model year may be used instead of the engine model year. Some questions have arisen due to a footnote added to Tables 1 and 2 in section (e)(2)(B), of the Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards (CHE regulation)¹ as part of the 2011 amendments.

The California Air Resources Board (ARB or Board) approved the original CHE regulation for adoption on December 8, 2005, and the regulation became effective on December 31, 2006. The Board approved amendments to the CHE regulation for adoption on September 22, 2011. ARB received authorization to enforce the originally adopted regulation from the United States Environmental Protection Agency (U.S. EPA) effective on November 28, 2011.² After receiving authorization from U.S. EPA to enforce the regulation, ARB notified the regulated community that we would begin enforcement on August 1, 2012. Subsequently, the CHE regulation amendments became effective on October 14, 2012.

The footnote added to Tables 1 and 2, of section (e)(2)(B), allows the use of either the equipment model year or the engine model year, whichever is newer, for determining the compliance date for in-use yard trucks. However, this provision is only available for yard trucks with compliance dates of December 31, 2012, and later. Yard trucks with compliance dates prior to October 14, 2012 — the effective date of the amendment — must use the engine model year for determining the compliance date for the particular piece of equipment. The engine model year must be used for determining all non-yard truck equipment compliance dates.

Final regulatory language can be accessed at: <http://www.arb.ca.gov/regact/2011/cargo11/finalfro.pdf>

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. Michele Houghton at (916) 327-5638 or via e-mail at mhoughto@arb.ca.gov. 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.

¹ California Code of Regulations, title 13, section 2479.

² 77 Fed. Reg. 9916 (February 21, 2012)