



Enforcement Division

Advisory

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

Number 387

January 2009

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

The purpose of this advisory is to provide clarifications regarding California Code of Regulations, title 13, section 2479: Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards (Cargo Handling Equipment Regulation or regulation).

U.S. EPA Waiver and Authorization

The Air Resources Board (ARB) has the authority to implement and enforce the recordkeeping, reporting, and new engine requirements of the Cargo Handling Equipment Regulation per California State law. However, an authorization from the United States Environmental Protection Agency (U.S. EPA) is required in order for ARB to have the authority to enforce the retrofit component of the regulation. In January 2007, the ARB submitted a waiver and authorization request to the U.S. EPA, pursuant to section 209(e)(2) of the federal Clean Air Act. As of this publication, the U.S. EPA has not yet made a decision on the request. Therefore, until the U.S. EPA authorization is granted, ARB staff will delay enforcing the retrofit component of the regulation. The retrofit component requires that non-yard truck equipment brought into service at a port or intermodal rail yard on or after January 1, 2007, have the highest level available verified diesel emission control strategy (VDECS) installed within one year; and in-use non-yard truck equipment in service at the ports or intermodal rail yards prior to January 1, 2007, that are electing to install retrofits must have the highest level VDECS installed by their required compliance date. For the December 31, 2008, compliance date, this affects all non-yard truck equipment engines brought into service in 2007, 50 percent of the pre-1988 model year group, and 25 percent of the 1988 to 1995 model year group. Enforcement for the required retrofits for these engines will begin within 30 days of the U.S. EPA waiver and authorization approval, if approval occurs after the required compliance date.

Retired Equipment Still On-Site

In January 2008, Advisory 371 was issued, which notified cargo handling equipment owners and operators that vehicles being retired in order to comply with the regulation may remain on-site for up to one year beyond the required compliance date, as long as batteries and fluids (i.e., oil and fuel) are removed from the unit by the required compliance date. In order to accommodate facility operators who are having difficulties selling, scrapping, or moving equipment to out-of-state facilities, we are extending this time to 18 months. In other words, if a vehicle has been retired in order to comply with a December 31, 2007 compliance date, it must be removed from the terminal no later than June 30, 2009.

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. 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.