

Subject: Disclosure Requirements for Renters, Dealers and Sellers of
Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards.

The Air Resources Board (ARB) adopted amendments to the Regulation for Mobile Cargo Handling Equipment (CHE) at Ports and Intermodal Rail Yards in 2011. These amendments became effective on October 14, 2012. This notice reminds renters, dealers and sellers of CHE at ports and intermodal rail yards of the disclosure requirement, adopted in 2011, for equipment with engines certified to Tier 4 Alternate PM off-road engine standards. It is also a reminder that all equipment brought onto a port or intermodal rail yard must have engines that meet the current engine standards.

Disclosure Requirement: Section 2479(p) of the CHE Regulation states:

Section 2479(p): Disclosure of Retrofit Requirements

- (1) Any person who sells, offers for sale, leases or rents cargo handling equipment with an engine certified to Tier 4 Alternate PM off-road diesel engine standards, as specified in title 13, CCR, section 2423(b)(2)(B), or an independent engine certified to those standards that will be used in cargo handling equipment must provide the following disclosure in writing on the bill of sale, lease agreement, or rental agreement: "When operated at a California port or intermodal rail yard, this engine is subject to the retrofit requirements of either subsection (e)(1)(B)3., (e)(3)(B)1.b., (e)(3)(B)2.b., or (e)(3)(B)3.b. of the California Air Resources Board's Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards."
- (2) For purposes of this section, it shall be presumed that an independent engine sold or leased by a person who sells cargo handling equipment will be used to repower cargo handling equipment. For more information, please visit the California Air Resources Board's website at <http://www.arb.ca.gov/ports/cargo/cargo.htm> .

Note: If you have sold or leased equipment subject to this disclosure requirement on or after October 14, 2012, and did not include the disclosure, please contact all buyers/lessees and provide them with the disclosure.

Engine Requirements for Equipment Brought onto a Port or Intermodal Rail Yard

As an additional reminder to renters, dealers and sellers, all newly purchased, leased, or rented CHE equipment that is brought onto a port or intermodal rail yard must have an engine that meets the current engine requirements. Please see section 2479(e)(1) for more information.

- Yard Trucks: All yard trucks must have engines that are certified to meet either the:
 - a) 2010 or later on-road emission standards, or

- b) Tier 4 Final off-road emission standards;
- Non-Yard Equipment: All non-yard truck equipment must have engines that are certified to meet the either the:
 - a) Current on-road emission standards; or
 - b) Tier 4 off-road emission standards

For information concerning the regulation please visit our website or contact us directly.

CHE Website:		http://www.arb.ca.gov/ports/cargo/cargo.htm
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For questions regarding the enforcement of the CHE Regulation, please contact:
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Background:

Cargo handling equipment is used to transfer goods or perform maintenance and repair activities and includes equipment such as yard trucks (hostlers), rubber-tired gantry cranes, top handlers, side handlers, forklifts, and loaders, just to name a few. The Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards was adopted in December 2005 to reduce diesel particulate matter in communities located near ports and intermodal rail yards.

On September 22, 2011, the Air Resources Board (ARB) approved the amendments to the Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards (CHE Regulation). The amendments established a new opacity based monitoring program for both yard truck and non-yard truck equipment, and new retrofit requirements for engines meeting the United States Environmental Protection Agency (U.S. EPA) Tier 4 Family Emission Limit (FEL) Alternate PM standards. ARB was required to request authorization from the U.S. EPA to enforce the new requirements. On April 29, 2015, the U.S. EPA authorized ARB to enforce these provisions of the CHE regulation.

Additional information on the regulation is available at the following link:

<http://www.arb.ca.gov/ports/cargo/cargo.htm> .