



Regulatory Advisory

August 2013



TRU Advisory: 13-28 Operator Reporting Requirements for Terminal Operators

What is the purpose of this advisory?

This advisory explains the Air Resources Board's Operator Reporting requirements for terminal operators, as required under the Transport Refrigeration Unit (TRU) Regulation¹

Who is subject to this advisory?

This advisory applies to operators of terminals located in California. Terminal means any place where a TRU or TRU genset-equipped truck, trailer, refrigerated shipping container, or railcar, or TRU generator set is regularly garaged, maintained, operated, or dispatched from. Terminals may include distribution centers, port terminals port depots, dispatch offices, cross-dock facilities, maintenance shops (excluding third party repair shops), businesses, or private residences. A terminal operator means the person that owns or operates the terminal.

When do these requirements go into effect?

All of the requirements for terminal operators are now in effect. An Operator Report must be submitted to ARB's Equipment Registration (ARBER) system within 30 days of the start-up of any new terminal and shall be removed from ARBER within 30 days of a terminal shutting down.

What are the requirements?

Terminal operators must submit an Operator Report to ARB for each terminal located in California. In addition, the Operator Report shall be updated within 30 days when changes to any of the operator report information occurs.

What information is included in an Operator Report?

- (A) Terminal information, including terminal name (the name you use to identify this terminal), street address, city, Zip Code, county, and terminal contact person's name, email address, and phone number for each California terminal where TRUs or TRU generator sets are garaged, maintained, operated, or dispatched from.
- (B) List of ARB Identification Numbers issued by ARBER for all TRUs and TRU gen sets assigned to each California terminal.

How do I submit an Operator Report?

The quickest and easiest way to submit an Operator Report is to use ARB's ARBER website at: <https://arber.arb.ca.gov>. ARBER Help Screens are available which explain each information entry for the following steps in the process:

1. Company Profile: Using your Internet browser, go to - <http://www.arb.ca.gov/arber/profile.htm>. You will have already entered this information if you registered TRUs or TRU gen sets in ARBER; However, if you didn't register equipment in ARBER because you lease the

¹ See title 13, California Code of Regulations (CCR), section 2477.6.

equipment you operate at your terminal, then you will need to enter company profile information and obtain an Owner-Operator Number (OON) from ARBER.

2. User Profile: Using your Internet browser, go to - <http://www.arb.ca.gov/arber/user.htm>. Set up your user ID and password.
3. Operator Reports: Using your Internet browser, go to - <http://www.arb.ca.gov/arber/trureg/operator.htm>. Fill out the terminal information and list the ARB IDNs for TRUs and/or TRU gensets assigned to the terminal.

Alternatively, an operator may choose to download the Operator Report Form (at: http://www.arb.ca.gov/diesel/tru/forms/tru_or_33_12-08v1.pdf) and the Terminal Information Form (at: http://www.arb.ca.gov/diesel/tru/forms/tru_ti_34_12-08v1.pdf), then fill out, sign, scan, and electronically submit them by attaching the scanned forms to an email to: arber@arb.ca.gov.

Another alternative is to mail or deliver a completed physical Operator Report Form and Terminal Information Form to ARB at the address listed immediately below:

California Air Resources Board
Stationary Source Division (ARBER/TRU)
1001 I Street
Sacramento, CA 95814

Be sure to save copies of these forms for your records.

Is there an easier, more error-free way to list the ARB IDNs in the Operator Report?

Yes. The following steps can be used if the TRUs or TRU gensets you operate at the terminal have been registered in ARBER and ARB IDNs have been issued:

1. Log into ARBER
2. Hover the cursor over the "Reports" tab, click on "Equipment Reports".
3. To the right of "Select Report", click on the down arrow to get a drop-down menu and select "TRU Equipment List".
4. To the right of "Select Output Type", click on the "CSV" button and then the "SUBMIT" button.
5. Open the file that is generated with Microsoft Excel or another type of spreadsheet.
6. Highlight the IDNs that you would like to enter in the Operator Report under the "IDN" column heading and click on the "COPY" icon (Ctrl+c).
7. Open a text editor, such as Notepad.
8. Click on the "Edit" button and then click on "Paste" (Ctrl+v).
9. Delete the letters "ARB" from the first entry. Move the cursor to the end of the first entry by hitting the "End" button. Hit "Delete" to remove the hidden return so that the next IDN is added to the top row. Continue hitting "End" and "Delete" until all of the IDNs are lined up horizontally.
10. Click on the "Edit" button and select "Replace" from the drop-down menu. In the box to the right of "Find what", type the letters "ARB". In the box to the right of "Replace with", type a single comma with no spaces. Click the "Replace all" button. Save this file.
11. Highlight the entire resulting list of comma-delimited IDNs with your mouse and click on the "Edit" button and then the "Copy" button from the drop-down menu (Ctrl+c).

12. Open the Operator Report form and click inside the box where IDNs must be listed. Paste from your clipboard by entering “Ctrl+v” on your keyboard.
13. Repeat this process (or similar) when adding IDNs from other lists, but place your cursor at the end of the list in the final step.

Are port terminals responsible for submitting Operator Reports?

Yes. The TRU Regulation requires the terminal operator to submit an Operator Report if they garage, maintain, operate, or dispatch TRUs or TRU gen sets.

Since ocean carriers typically own the TRU gensets that port terminals or depots dispatch, can the port terminal or depot delegate the Operator Report to the ocean carriers?

The TRU Regulation currently has no provision for port terminals or depots to delegate Operator Reports to ocean carriers. However, on a pilot-program basis, ARB has established policies and procedures to allow port terminals or depots to oversee Operator Reports that ocean carriers submit on behalf of the port terminal operator or depot. The following policies and procedures may change over time, as issues are identified and resolved:

1. As owners, ocean carriers are responsible for compliance with the in-use performance standards and registering their TRU gensets in ARBER. Responsibility for registration may be delegated to a third party, such as a consultant or contractor. Responsibility for compliance with the in-use standards cannot be delegated to another party.
2. Port terminals or depots must notify the ocean carriers they provide genset services to that:
 - a. The port terminal or depot has delegated the ocean carrier to submit the Operator Report to ARB for the TRU gensets owned by the ocean carrier on behalf of the port terminal or depot.
 - b. These notices must include the port terminal or depot name, street address, city, ZIP code, and county. The notice to ocean carriers must also include a port terminal or depot contact person name, title, email address, and phone number; and must direct the ocean carrier to enter this information into the ARBER Operator Report webpage, under the Terminal Information section.
 - c. These notices must also direct the ocean carrier to list in the Operator Report all of the active TRU genset IDNs that may circulate through the port terminal or depot. This may be all of the TRU gensets the ocean carrier owns that circulate between port terminals in California, the U.S., or North America.²
3. The port terminal or depot must complete an *Agreement Confirmation Form for Delegating Responsibility for Operator Reporting from Port Terminals or Depots to Ocean Carriers*. Call the TRU Help Line at 888-878-2826 or email arber@arb.ca.gov to request this form.
4. The port terminal or depot must submit the *Agreement Confirmation Form* to ARB by mail or email and retain a copy for their records.
5. The port terminal or depot must provide a copy of the completed and signed *Agreement Confirmation Form* to the delegated ocean carrier.

² Ocean carriers may choose to use a compliance strategy for TRU gensets where they only operate the newer, compliant gensets in California and set up procedures to ensure that older, noncompliant gensets are never dispatched to California. Call the TRU Help Line if you are interested in ARB's *Recommended Fleet Management Strategy for TRU Gen Sets Used In Multi-State Fleets*.

Our TRU gensets circulate widely and are temporarily garaged, maintained, and dispatched at numerous port terminals. Are we still required to register them in ARBER and submit an Operator Report?

Yes. Any operational TRU genset that is found at a California port terminal or depot is considered to be assigned to that port terminal or depot because it is garaged, maintained, checked out, re-fueled, and dispatched from that port terminal or depot. Therefore, the owner of the TRU genset must register those units in ARBER and the unit's IDN must show up on the Operator Report for the port terminal or depot they are found at. If a TRU genset is circulating between many port terminals and depots, the best strategy may be to include the TRU gensets' IDN in the Operator Reports for all of the California port terminals and depots that they could potentially be assigned to, even if that assignment is temporary. This strategy also applies to other types of terminals (e.g. grocery distribution centers).

Are off-dock depots that dispatch TRU gen sets on refrigerated shipping containers required to submit Operator Reports?

Yes, depots near ports that garage, maintain, check-out, re-fuel, and dispatch TRU gensets, meet the definition of terminal and terminal operator (see above), so they must submit an Operator Report to ARB.

We are concerned about the burden of updating of our Operator Reports because TRU gen sets come to a port terminal, stay for an undetermined time, and are frequently dispatched to other port terminals in California, the United States, and North America. How can we minimize the number of updates?

The easiest strategy may be for the ocean carrier to register all of the TRU gensets they use in the U.S. or North America in ARBER and list all of these active TRU gen sets in the Operator Report for each of the port terminals they use in California. Updates to the registration information would then only be required when the TRU genset is brought into compliance with an in-use performance standard, when it is sold, or when it is inactivated.

Another option may be to update the Operator Reports for each of the California terminals you use every 30 days.

What are the consequences of failing to submit an Operator Report?

Failure to report or submittal of false information is a separate violation of this rule and subject to civil penalty. State Law establishes penalties for violations of ATCM requirements of up to \$10,000 per violation. ARB's enforcement penalty policies are described in detail at: <http://www.arb.ca.gov/enf/sb1402/policy.pdf>. The proposed penalty amount may be adjusted based on the relevant circumstances, such as the extent of harm to public health, safety, and welfare; nature and persistence of the violation; compliance history of the defendant; preventive efforts and actions taken to ensure compliance prior to the violation; magnitude of effort required to comply; cooperation of the defendant; and financial burden to the defendant. Penalties may start at \$1,000 per violation.

Background

TRUs are refrigeration systems powered by integral diesel internal combustion engines designed to control the environment of temperature-sensitive products that are transported in trucks, trailers, shipping containers, and railcars. The emissions from these units are a source of unhealthy air pollutants including particulate matter, toxic air contaminants, nitrogen oxides, carbon monoxide, and hydrocarbons, and pose a potential threat to both public health and the environment. These units often congregate in large numbers at California distribution centers, grocery stores, and other

facilities where they run for extended periods of time to ensure their perishable contents remain cold or frozen. These distribution and loading facilities are often in close proximity to schools, hospitals, and residential neighborhoods. In 2004, the TRU Regulation was adopted by the Board to reduce diesel particulate matter emissions from TRUs and TRU generator set engines. The TRU Regulation is designed to accelerate the cleanup of existing (in-use) TRUs and TRU generator sets through retrofit with verified diesel emission control strategies (VDECS), engine repowers, use of Alternative Technologies, or unit replacements. The TRU Regulation's in-use standards are phased in and will reduce diesel particulate matter (PM) emissions from in-use TRU and TRU generator set engines that operate in California. The Board adopted amendments to the TRU Regulation on November 18, 2010,³ and October 21, 2011.⁴

For more information

To obtain a copy of the regulation or other related compliance assistance documents, visit the TRU website at <http://www.arb.ca.gov/diesel/tru/tru.htm>. Additional questions may be addressed by calling the toll-free TRU Help Line at 888-878-2826 (888-TRU-ATCM). If you need this document in an alternative format or another language, please call 888-878-2826 or email arber@arb.ca.gov. TTY/TDD/Speech users may dial 711 for a California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma por favor llame al 1-888-878-2826 o contáctenos por correo electrónico a arber@arb.ca.gov. Para Servicios de Relevé de California (CRS) o para el uso de teléfonos TTY, marquen al 711.

³ ARB's Regulatory Activity webpage for the 2010 rulemaking is at:
<http://www.arb.ca.gov/regact/2010/tru2010/tru2010.htm>

⁴ ARB's Regulatory Activity webpage for the 2011 rulemaking is at:
<http://www.arb.ca.gov/regact/2011/tru2011/tru2011.htm>