



Enforcement Division

Advisory

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

Number 382

October 2008

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

The purpose of this advisory is to provide information regarding changes being considered to California Code of Regulations, title 13, section 2479: Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards (Cargo Handling Equipment Regulation). These changes are anticipated to be proposed with a public notice to be released at the end of October.

What Changes are Being Considered and Why?

Staff is considering a proposal to exempt mobile cranes (other than rubber-tired gantry cranes) and sweepers from the Cargo Handling Equipment Regulation and a proposal with related modifications to other regulations, such as the Portable Equipment Airborne Toxic Control Measure (ATEM) and the Regulation for In-Use Off-Road Diesel Vehicles. These changes being considered would provide consistency for owners and operators in complying with one set of rules, since cranes and sweepers are often subject to two regulations (one for the motive engine, and one for the auxiliary engine). Additionally, the modifications would address other issues such as safety, certification, and compliance flexibility.

With the modifications under consideration, all two-engine cranes and off-road single-engine cranes would be subject to the Regulation for In-Use Off-Road Diesel Vehicles (sections 2449, 2449.1, 2449.2, 2449.3, title 13, California Code of Regulations). This regulation became effective on June 15, 2008, and requires equipment owners to meet fleet average diesel particulate matter (PM) and oxides of nitrogen (NOx) emission rates that decrease over time. For small fleets, those with a combined engine rating under 2,500 horsepower (hp), compliance begins in 2015. For medium fleets, those with a combined engine rating between 2,501 and 5,000 hp, compliance begins in 2013. Large fleets over 5,000 hp have compliance dates beginning in 2010. Beginning March 1, 2009, all fleet sizes must report their vehicle information to ARB. Additional information regarding the Regulation for In-Use Off-Road Diesel Vehicles is available online at <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>.

The regulatory modifications under consideration would result in sweepers and on-road single-engine cranes being subject to the proposed In-Use Heavy-Duty Diesel Vehicle Regulation (On-Road Truck and Bus Regulation). The proposed regulation would require engines to meet PM best available control technology (BACT) beginning in 2010 for the oldest vehicles, and 2010 or later certified on-road diesel engine standards beginning in 2012. Additional information regarding the proposed In-Use Heavy-Duty Diesel Vehicle Regulation is available online at <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

When are the Changes Expected to Occur?

The modifications being considered to the existing regulations mentioned above are currently expected to be presented, as part of the initial rulemaking for the proposed On-Road Truck and Bus Regulation, to the Air Resources Board (ARB or Board) for its consideration at an upcoming public Board meeting on

December 11-12, 2008. An official notice of this public hearing will be released at least 45 days prior to the meeting and will contain detailed information regarding the proposed rulemakings and provide an opportunity for public comment. The notice will be posted on our website at <http://www.arb.ca.gov/cargo> and sent to our e-mail list server (cargo). If you would like to be on our list server but are not already subscribed, you can do so at the following link: <http://www.arb.ca.gov/listserv/cargo.htm>.

If I have a mobile crane or sweeper, how will my compliance schedule be affected?

If you have mobile cranes and/or sweepers that are subject to compliance with the Cargo Handling Equipment Regulation by the end of 2008, and you have complied or are planning to meet compliance with those pieces of equipment this year, you may still count that compliance toward your compliance requirement for the specific model year group. Alternatively, you may choose other pieces of equipment to comply in place of the mobile cranes and/or sweepers. We understand that these regulatory modifications under consideration may impact your decisions regarding which units to retire, retrofit, or replace this year, and we will apply additional flexibility to this year's compliance deadline if warranted in specific situations involving mobile cranes or sweepers that are subject to this year's compliance requirements.

If you have mobile cranes and/or sweepers in the pre-1988 and/or 1988 to 1995 model year groups that are required to comply this year, we will delay enforcement of those specific vehicles until June, 2009, pending the Board's action on the Cargo Handling Equipment Regulation modifications. If the modifications are approved by the Board, no enforcement of those specific vehicles for the Cargo Handling Equipment Regulation will occur; if the Board does not adopt the modifications, the mobile cranes and/or sweepers that were required to comply by December 31, 2008, will be expected to comply by June 1, 2009.

Annual Reports for the Cargo Handling Equipment Regulation are still required to be submitted by January 31, 2009, and should still include mobile cranes and sweepers operated at a port or intermodal rail yard in California. Pending the Board's action on the regulatory modifications, mobile cranes and sweepers will not be included on the Cargo Handling Equipment Annual Reports or Demonstration of Compliance Reports for subsequent years.

Will I be Notified of the Board's Action on the Proposed Modifications?

Yes; we will post information regarding the Board's action to our website at <http://www.arb.ca.gov/cargo> following the December Board meeting and distribute the information via our e-mail list server. We will also send a notice, or contact by phone, the mobile crane and sweeper owners or operators that have reported their equipment as part of the Cargo Handling Equipment reporting requirements.

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.