



Advisory

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

Number 439

April 2012

ENFORCEMENT OF THE CARGO HANDLING EQUIPMENT REGULATION AT PORTS AND INTERMODAL RAIL YARDS; STATUS OF RECENTLY PROPOSED AMENDMENTS

On November 28, 2011, the United States Environmental Protection Agency (U.S. EPA) authorized the California Air Resources Board (ARB or Board) to enforce the Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards (Cargo Handling Equipment Regulation) that was initially approved by the Board in December 2005.¹ This advisory informs owners and operators of mobile cargo handling equipment at ports and intermodal rail yards as to how ARB staff will proceed with the enforcement of the Cargo Handling Equipment Regulation.

Enforcement Schedule:

On **August 1, 2012**, ARB staff will begin enforcing the following provisions of the Cargo Handling Equipment Regulation, as adopted in 2006:

- Newly purchased, leased, or rented yard truck and non-yard truck equipment performance standards [section 2479(e)(1)].
- In-use performance standards for yard truck and non-yard truck equipment [section 2479(e)(2) and (3)].
- Prohibitions [section 2479(l)].

Owners and operators subject to any of the above requirements for which the compliance date was before August 1, 2012, must be in compliance with the requirements no later than August 1, 2012.

Consistent with Enforcement Advisory 387, ARB has been enforcing the following requirements since December 31, 2006:

- Fuel Requirements [section 2479(e)(4)].
- Recordkeeping Requirements [section 2479(i)].
- Reporting Requirements [section 2479(j)].

Background

On December 8, 2005, the ARB considered and approved a regulation to reduce emissions from diesel engines on mobile cargo handling equipment at ports and intermodal rail yards. 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. The regulation was formally adopted on October 17, 2006, and became operative under California law on December 1, 2006. The regulation includes emission limits for both new and in-use diesel engines in mobile cargo handling equipment as well as requirements for reporting, recordkeeping, and fuel use. Under section 209(e)(2) of the

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

federal Clean Air Act, California may enforce its own emission standards and other requirements related to the control of emissions for off-road engines and equipment not conclusively preempted by section 209(e)(1) – new locomotives and engines and new off-road engines less than 175 horsepower used in farm and construction equipment and vehicles – so long as it first applies for and receives authorization from the Administrator of U.S. EPA. As stated, U.S. EPA granted California authorization to enforce the Cargo Handling Equipment Regulation on November 28, 2011. (77 Fed. Ref. 9916, February 21, 2012.)

Status of Recently Proposed Amendments to the Regulation:

On September 22, 2011, the Board considered amendments to the Cargo Handling Equipment Regulation. The proposed changes were principally designed to clarify some of the initially adopted regulatory language and to provide additional compliance flexibility. As directed by the Board, ARB staff will shortly be releasing modifications to the proposed amendments for public comment. The regulations will be adopted and submitted to the Office of Administrative Law (OAL) by August 5, 2012. For more information on the amendments, please visit these webpages: <http://www.arb.ca.gov/regact/2011/cargo11/cargo11.htm>, and <http://www.arb.ca.gov/ports/cargo/cargo.htm>. Upon final approval of the amendments by OAL, ARB staff will issue an advisory regarding enforcement of the amended provisions.

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.