

Quick Reference for Proposed Amendments to California's Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards Regulation

Why are changes to the regulation being proposed?

Staff is proposing amendments to California's Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards Regulation (regulation) to provide additional flexibility for complying with the regulation and clarify the regulatory language.

What are the proposed amendments?

The proposed amendments would clarify regulatory applicability and provide additional compliance flexibility. The proposed amendments address:

1. **Additional time for equipment with no VDECS available.** Staff is considering allowing an additional two year compliance extension for in-use non-yard truck equipment for which there are currently no Verified Diesel Emission Control Systems (VDECS) available. The regulation currently requires this in-use equipment to be repowered or replaced when the current two-year extension period expires.
2. **Low-use compliance extension.** Staff is considering adding compliance extensions for equipment that operates less than an established maximum hours per year. A tiered system is being considered that would tie the length of the compliance extension to the number of hours of use per year. For example, a piece of equipment that is used between 100 and 150 hours per year may be eligible for a two-year extension and a piece of equipment used less than 100 hours per year may be eligible for a three-year extension.
3. **Allow demonstration of emissions equivalency.** Staff is considering allowing owners/operators to use engines that they can demonstrate achieves the applicable new or in-use emissions limits.
4. **Non-yard truck equipment transfers.** Staff is considering allowing owner/operators to move their non-yard truck equipment from port-to-port or rail yard-to-rail yard to provide operational flexibility. Transfers could not be used to comply, or delay compliance, with the regulation. ARB would approve transfer requests, on a case-by-case basis, for equipment under the same ownership.
5. **Add a safety provision for VDECS.** Staff is considering adding a compliance extension for cases where a VDECS may create a safety hazard. ARB is currently working with the California Department of Occupational Safety and Health Administration to develop a safety provision for inclusion in the proposed amendments.
6. **Manufacturer delays for new equipment.** Staff is considering allowing rental of equipment that does not meet current standards for up to six months if equipment meeting current standards are not available and owner/operator can demonstrate need for equipment. Rental equipment could only be one Tier lower than required engine standards (i.e. if Tier 4 engine standards are in place, only Tier 3 engines could be rented).

7. **Warranty engine replacement.** Staff is considering allowing the replacement of an engine under warranty with the same engine type in cases of premature engine failure, even when newer engine standards are in place.
8. **Clarify definition of port.** Staff is proposing to clarify that diesel-fueled equipment within the boundaries of the port or intermodal rail yard, including those at non-port or non-intermodal rail yard related businesses, are subject to the regulation.
9. **Clarify and add definitions.** Staff is proposing to clarify definition of “newly purchased, leased, or rented,” “cargo handling equipment,” and “compression ignition,” and add a definition for “water-borne commerce.”
10. **Equipment for construction or unexpected repairs.** Staff is proposing to clarify that equipment brought in for construction or unexpected repairs are not subject to the regulation.
11. **Small port extension.** Staff is considering the development of a small port extension for the port of Humboldt Bay. The port of Humboldt Bay has been disproportionately impacted by the recent economic downturn. Staff will be proposing either to provide an alternative compliance schedule within the regulation for Humboldt Bay or provide provisions in the regulation to allow the port to submit an interim compliance plan to be reviewed and approved by the Executive Officer after receiving public comment and holding a workshop in Humboldt Bay.

How do the proposed changes affect cargo handling equipment owners and operators?

The proposed amendments will provide additional flexibility for complying with the regulation and should provide some fiscal relief for cargo handling equipment owners/operators.

What considerations did ARB staff use in developing the proposed changes?

ARB staff considered issues that arose during implementation of the regulation since it became effective in December 2006. ARB staff will also rely on the input of stakeholders as the regulatory development process moves forward.

When will the proposed changes be considered by the Air Resources Board?

It is anticipated that the amendments will be considered at a hearing in June/July of 2011.

More Information

For further information, please visit our website at <http://www.arb.ca.gov/ports/cargo/cargo.htm> or call Kirk Rosenkranz at (916) 327-7843 or email at krosenkranz@arb.ca.gov. Or sign up for our listserv at http://www.arb.ca.gov/listserv/listserv_ind.php?listname=cargo