

State of California
AIR RESOURCES BOARD

Addendum to the Final Statement of Reasons for Rulemaking

ADOPTION OF REGULATION FOR MOBILE CARGO HANDLING EQUIPMENT AT PORTS AND INTERMODAL RAIL YARDS

Public Hearing Date: September 22, 2011
Agenda Item: 11-7-5
Addendum Prepared: September 14, 2012

CORRECTION TO TEST PROCEDURE

Explanation of the deletion of the test method from subsection (n):

The test method 40 CFR Part 94 (as amended in 2007) was removed from the list of test methods in subsection (n) of the CHE regulation to correct the error made by including it. This test method is applicable only to marine engines and not to the off-road engines used in CHE.

Regarding the deletion of one of the tests allowed to be used for demonstrating that certain equipment meet the applicable emission standards: "Testing conducted to meet the requirements for U.S. EPA certification of systems providing remanufacture to a cleaner standard." This testing is applicable to marine and locomotive engines and not to the off-road engines used in CHE. EPA has a certification program set up for the remanufacture of marine and locomotive engines, however it does not have a similar program set up for off-road engines used in CHE. Consequently, this testing is not applicable to off-road engines used in CHE and removing this test method does not modify the options available to the regulated community.

Pursuant to Govt. Code Section 11346.2(b)(7) , the Board found in the notice of proposed rulemaking discussion of Comparable Federal Regulations, that the regulation does not duplicate or conflict with Federal law. Federal authority to regulate nonroad engines used in CHE is limited to new, while the CHE regulation addresses in-use nonroad engines.