

## ATTACHMENT B TO RESOLUTION 11-30

September 22, 2011

### **Staff's Suggested Modifications to the Proposed Amendments to the Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards**

Revise section 2479(f)(2), Compliance Extension Based on No Verified Diesel Emission Control Strategy (VDECS) for Non-Yard Truck Mobile Cargo Handling Equipment, to provide additional incentive for the purchase of electric or hybrid equipment through the following modification:

- Provide an additional third and fourth year of compliance extension for equipment for which there are no VDECS available if the equipment owner or operator agrees to replace the engine and equipment for which an extension has been granted with either electric or hybrid equipment, if such equipment is available. If, at the end of the fourth year, no electric or hybrid replacement equipment is available by that date, the equipment would be required to come into compliance by another compliance option. Alternatively, the owner or operator could agree to replace a different piece of equipment with electric or hybrid technology.

Additionally, restrict the dirtiest equipment from qualifying for this additional third and fourth year by not allowing equipment for which the basic reason that a VDECS is not available is because of high engine exhaust opacity.

Revise section 2479(f)(6) Compliance Extension for Non-yard Truck Equipment Operated Less Than 200 Hours Annually, to require all applicable non-yard truck equipment in its fleet for which a compliance option is feasible be brought into compliance prior to Executive Officer approval of a low-use compliance extension.

Revise section 2479(h) Alternative Compliance Plan for Non-Yard Truck Cargo Handling Equipment, to allow owners and operators to submit Alternative Compliance Plans that could include yard truck equipment, as well as non-yard truck equipment, which would encourage increased use of electric and hybrid yard trucks, as well as non-yard truck equipment.

Revise proposed sections 2479(e)(2)(A)4. and 2479(e)(3)(A)3. to exempt both yard truck and non-yard truck equipment that is less than four years old from the opacity monitoring requirements.

Add a provision to the regulation that requires any person selling equipment with an engine subject to this regulation or selling an engine subject to this regulation, where that engine is certified to Tier 4 Family Emission Limits Alternative Particulate Matter standards, to disclose to the purchaser that the engine is subject to retrofit requirements.