



Regulatory Advisory

July 2015



Advisory: 311

ENFORCEMENT OF THE 2011 AMENDMENTS TO THE MOBILE CARGO HANDLING EQUIPMENT REGULATION AT PORTS AND INTERMODAL RAIL YARDS

On April 29, 2015, the United States Environmental Protection Agency (U.S. EPA) authorized the California Air Resources Board (ARB or Board) to enforce the 2011 amendments to the Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards (Cargo Handling Equipment Regulation or CHE Regulation). The amendments were initially approved by the Board in September 2011.¹ The Office of Administrative Law approved the 2011 Cargo Handling Equipment Regulation Amendments on October 14, 2012, at which time they became effective. 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 amendments to the Cargo Handling Equipment Regulation.

Enforcement Schedule:

U.S. EPA has granted a full authorization for the 2011 Cargo Handling Equipment Regulation amendments that established a new opacity based monitoring program for both yard truck and non-yard truck equipment, and new retrofit requirements for engines meeting the U.S. EPA Tier 4 Family Emission Limit (FEL) Alternate PM standards. ARB staff will begin enforcing these provisions on October 26, 2015. The CHE Regulation allows for a phase-in period for the opacity monitoring program, as explained below.

Opacity monitoring program – subsections 2479(e)(2)(A)5. and (e)(3)(A)3.

- At least 25 percent of both the yard truck and non-yard truck equipment subject to the opacity monitoring requirements must be in compliance by October 26, 2015.
- At least 50 percent of the yard truck and non-yard truck equipment subject to the opacity monitoring requirements must be in compliance by January 24, 2016.
- At least 75 percent of the yard truck and non-yard truck equipment subject to the opacity monitoring requirements must be in compliance by April 28, 2016.
- The fleet's remaining yard truck and non-yard truck equipment must be in compliance by July 27, 2016.
- *Note:* Cargo handling equipment powered by 2009 or subsequent model year engines is exempt from subsections (e)(2)(A)5. and (e)(3)(A)3. until January 1 of the calendar year that is four years after the model year of the engine. For example, a 2013 model year engine is exempt until January 1, 2017.

Retrofit requirements for engines certified to the U.S. EPA Tier 4 Alternate PM Standards – subsections 2479(e)(3)(B)1.b., (e)(3)(B)2.b., (e)(3)(B)3b., and (p).

- Owners and operators subject to the retrofit and labeling requirements for engines certified to the U.S. EPA Tier 4 Alternate PM Standards for which the compliance date

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

was before October 26, 2015, must be in compliance with the requirements no later than October 26, 2015.

ARB requested that U.S. EPA confirm that other amended provisions of the Cargo Handling Equipment Regulation, as adopted in 2011, are within the scope of the previously granted authorization. Consequently, U.S. EPA has granted a within-the-scope authorization for these other amendments, which are briefly described below.

- Modification of retrofit requirements (for example – provide additional extension time and add safety as a criterion).
- Modification of operational practices (for example – add a low-use compliance extension and allow for non-yard truck equipment transfers between facilities under common control).
- Allow demonstration of emissions equivalency for alternative technology.
- Modification of compliance requirements (for example – allow fleets to bring older engines into compliance first and add a rural low-throughput ports exemption).

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 approved by the Office of Administrative Law on December 1, 2006, and became effective under California law on December 31, 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 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. On November 28, 2011, U.S. EPA granted California authorization to enforce the Cargo Handling Equipment Regulation as originally adopted on October 17, 2006. (77 Fed. Reg. 9916, February 21, 2012)

The Office of Administrative Law formally approved the amendments to the CHE Regulation on October 14, 2012. The amendments modify certain retrofit, operational, and compliance requirements; strengthen certain emission standards; and address definitions and provide other clarifying language. U.S. EPA has confirmed that certain amendments fall within the scope of the previously granted authorization and has granted full authorization for the remaining two amendments. These two amendments established a new opacity based monitoring program and initiated new retrofit requirements for engines meeting the U.S. EPA Tier 4 Alternate PM standards. (80 Fed. Reg. 26249, May 7, 2015)

For information regarding this advisory or for technical questions concerning the regulation, please visit our website at: <http://www.arb.ca.gov/ports/cargo/cargo.htm> or contact Ms. Michele Houghton at (916) 327-5638 or via e-mail at michele.houghton@arb.ca.gov or Mr. Kirk Rosenkranz at (916) 327-7843 or via e-mail at kirk.rosenkranz@arb.ca.gov. If you would like additional information regarding the enforcement of the CHE Regulation, please contact Mr. H. Cuauhtémoc Pelayo at (626) 575-6779 or via e-mail at hector.pelayo@arb.ca.gov.