



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AIR, ENERGY AND MATERIALS SUSTAINABILITY  
DIVISION OF AIR ENFORCEMENT  
BUREAU OF DIESEL ENFORCEMENT & EMISSION MEASUREMENT  
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### MOBILE CARGO HANDLING EQUIPMENT AT PORTS AND INTERMODAL RAIL YARDS

New Jersey Administrative Code [\(N.J.A.C.\) 7:27-34](#)

## FACT SHEET

### **What is the purpose of N.J.A.C. 7:27-34?**

The purpose of this rule is to reduce emissions of nitrogen oxides (NO<sub>x</sub>) and particulate matter (PM) from cargo handling equipment (CHE) with diesel-fueled compression ignition (CI) engines operating at ports and intermodal rail yards in New Jersey.

### **Who is regulated?**

Any person who owns or operates a terminal or business at a port and/or intermodal rail yard in New Jersey and operates CHE at that location as well as any person conducting business in New Jersey who sells, offers for sale, leases, rents or purchases any CHE or CI engine that is used at any port or intermodal rail yard in New Jersey.

### **What is cargo handling equipment (CHE)?**

N.J.A.C. 7:27-34 defines CHE as any mobile off-road, self-propelled vehicle, or equipment with a diesel-fueled CI engine used at a port or intermodal rail yard to lift or move container, bulk, or liquid cargo carried by ship, train, or another vehicle, or used to perform maintenance and repair activities that are routinely scheduled or that are due to predictable process upsets. CHE includes **yard trucks** and **non-yard trucks**.

**Yard truck** means an off-road mobile utility vehicle with or without a chassis that is used to carry cargo containers. It is also known as a utility tractor rig (UTR), yard tractor, yard goat, yard hostler, yard hustler, or prime mover.

**Non-yard truck** means all CHE other than yard trucks, including rubber-tired gantry cranes, top handlers, side handlers, reach stackers, straddle carriers, forklifts, loaders, tractors, aerial lifts, excavators, and dozers.

### **Equipment NOT covered:**

- Portable CI engines; Military tactical support CHE; CHE used solely to support construction activities; Mobile cranes; Sweepers; Rented, leased or contracted equipment for unexpected repairs that are not routine or predictable maintenance; Equipment at low-throughput ports no closer than 75 miles to an urban area (except as provided at N.J.A.C. 7:27-34.13)

**New CHE Compliance Options:**

	Option #1	Option #2	Option #3
New cargo handling equipment (yard truck or non-yard truck) registered as motor vehicle	Certified on-road engine for the model year of purchase, lease, or rental		
New yard truck not registered as motor vehicle	Certified on-road engine for the model year of purchase, lease, or rental  -OR-	Certified Tier 4 final off-road engine for rated horsepower and model year  -OR-	Certified engine and power system equivalent to option 1 or 2
New non-yard truck not registered as motor vehicle*	Certified on-road engine for the model year of purchase, lease, or rental  -OR-	Certified Tier 4 final off-road engine for rated horsepower and model year  -OR-	Certified engine and power system equivalent to option 1 or 2  -OR-  * If Options 1-3 are unavailable, Option 4 = Best Available Control Technology in accordance with N.J.A.C. 7:27-34.10 and 34.10A

**New CHE Compliance Deadline for Performance Standards and Opacity Limits:**

Beginning on or after **March 1, 2025**

**When is CHE considered to be “New”?**

N.J.A.C. 7:27-34.3 defines “New cargo handling equipment.” It means cargo handling equipment or a certified diesel-fueled CI engine installed in cargo handling equipment that is purchased, rented, leased, or otherwise brought onto and operated at a port or intermodal rail yard in New Jersey on or after March 1, 2025. The rule treats any CHE that is introduced to a facility on or after March 1, 2025 as New CHE.

**In-use CHE Compliance Options:**

	Option #1	Option #2	Option #3
In-use yard truck	Certified on-road engine for the model year of purchase, lease, or rental  -OR-	Certified Tier 4 final off-road engine for rated horsepower and model year  -OR-	Certified engine and power system equivalent to option 1 or 2
In-use non-yard truck*	Certified on-road engine or certified Tier 4 final off-road engine  -OR-	Engine or power system certified to the Tier 4 Alternate PM off-road diesel engine standards for rated horsepower and model year plus Level 3 verified diesel emission control strategy (VDECS)  -OR-	Certified engine or power system equivalent to option 1  -OR-  * If Options 1-3 are unavailable, Option 4 = Best Available Control Technology in accordance with N.J.A.C. 7:27-34.10 and 34.10A

**In-use CHE Compliance Deadlines for Performance Standards and Opacity Limits:**

N.J.A.C. 7:27-34.6 Table 1: Compliance Schedule for In-Use Cargo Handling Equipment

Cargo handling equipment with an on-road engine	Cargo handling equipment with an off-road engine	Compliance deadline
Pre-1998 model year	Tier 0	March 1, 2025
1998-2003 model year	Tier 1	March 1, 2026
2004-2006 model year	Tier 2	March 1, 2027
2007-2009 model year	Tier 3 and Tier 4 interim	March 1, 2028

**Opacity Limits**

- CHE that is a registered motor vehicle is subject to the applicable tests, procedures, and standards set forth at N.J.A.C. 7:27-14, 7:27B-4, and 13:20-26.
- CHE that is NOT a registered motor vehicle is subject to opacity limits in Table 2 below. Compliance with these limits will be determined by the Department with a smoke meter

that meets, and is used in accordance with, the Society of Automotive Engineers “Surface Vehicle Recommended Practice, Snap Acceleration Smoke Test Procedure for Heavy-Duty Powered Vehicles” (SAE J1667, February 1996).

N.J.A.C. 7:27-34.8 Table 2: Opacity Limits

PM emissions limit to which cargo handling equipment powered by a diesel CI engine is certified	Opacity Limit
>0.40 g/bhp-hr PM	55%
0.31-0.40 g/bhp-hr PM	45%
0.21-0.30 g/bhp-hr PM	35%
0.11-0.20 g/bhp-hr PM	25%
0.05-0.10 g/bhp-hr PM	15%
<0.05 g/bhp-hr PM	5%

**Recordkeeping and Reporting Requirements:**

- Beginning **January 1, 2023**, an owner or operator subject to these requirements must **maintain records or copies of records** at a single location at the port or intermodal rail yard where the cargo handling equipment is operated or normally resides as set forth at **N.J.A.C. 7:27-34.15**.
- Any owner or operator subject to these requirements must submit an **annual report** through the DEP Online Services web portal. A link to the web portal will be provided on [www.stopthesoot.org](http://www.stopthesoot.org). All submissions to the web portal shall include a certification(s), as provided at N.J.A.C. 7:27-1.39.
- An **initial report** of the cargo handling equipment reflecting an owner’s or operator’s fleet as of January 1, 2024, must be submitted through the web portal **on or before August 1, 2024**. The information required for the initial report is set forth at **N.J.A.C. 7:27-34.14(c)**.
- Subsequent **annual reports** must be submitted on or before **August 1 of each year**, reflecting the cargo handling equipment in the fleet as of January 1 of that calendar year. The information required for the annual reports is set forth at **N.J.A.C. 7:27-34.14(d)**.
- All reports must be submitted on forms to be made available by the Department at [www.stopthesoot.org](http://www.stopthesoot.org).

**Alternate Compliance Options:**

An owner or operator may request that the Department approve one of the following alternate compliance options if it cannot meet the performance standards at N.J.A.C. 7:27-34.5 through 34.7 as applicable:

- Approval to use the Best Available Control Technology (BACT) for a new non-yard truck that is not registered as a motor vehicle, OR an in-use non-yard truck, if a compliant non-yard truck is not available in accordance with N.J.A.C. 7:27-34.10 and 10A.
- Approval of a Fleet Averaging Plan that establishes reduction of PM and NOx emissions from the entire fleet of CHE in accordance with N.J.A.C. 7:27-34.10 and 10B

Alternate compliance option applications must be submitted to the Department at least 90 days prior to the applicable compliance deadline on a form that will be available from the Department at [www.stopthesoot.org](http://www.stopthesoot.org)  
See N.J.A.C. 7:27-34.10, 10A, and 10B for more information on alternate compliance options.

### **Compliance Extensions:**

An owner or operator may apply for an extension of the deadline to comply with N.J.A.C. 7:27-34.6 and 34.7 for the following:

- **Manufacturer delay** after purchase of new CHE
- **Low-use equipment** that operated less than 200 hours in a calendar year
- In-use CHE is being replaced with **zero-emission CHE**

Compliance extension requests must be submitted to the Department at least 60 days prior to the applicable compliance deadline on a form that will be available from the Department at [www.stopthesoot.org](http://www.stopthesoot.org)

See N.J.A.C. 7:27-34.11, 11A, 11B and 11C for more information on compliance extensions.

## **OTHER RESOURCES**

See N.J.A.C. 7:27-34 at: <https://dep.nj.gov/wp-content/uploads/aqm/sub34.pdf>

See <https://dep.nj.gov/stopthesoot/cargo-handling-equipment-at-ports-and-rail-yards/>

## **WHO SHOULD I CONTACT WITH QUESTIONS?**

<b>Bureau of Diesel Enforcement &amp; Emission Measurement</b>	<b>Email:</b> <a href="mailto:njdieselenforcement@dep.nj.gov">njdieselenforcement@dep.nj.gov</a>
<b>Bureau of Mobile Sources</b>	<b>Email:</b> <a href="mailto:StopTheSoot@dep.nj.gov">StopTheSoot@dep.nj.gov</a>