



# Compliance Advisory

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Air Enforcement

#2023-21

Issued: 10/31/2023

## Requirements for Cargo Handling Equipment with Diesel-Fueled Compression Ignition Engines

### WHO IS AFFECTED?

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

### WHY IS NJDEP ISSUING THIS ADVISORY?

The New Jersey Department of Environmental Protection is reminding affected persons of the requirements for mobile cargo handling equipment at ports and intermodal rail yards adopted at New Jersey Administrative Code (N.J.A.C.) 7:27-34 et seq. The purpose of this rule is to reduce oxides of nitrogen (NOx) and particulate matter (PM) from cargo handling equipment with diesel-fueled CI engines operating at these locations.

### WHAT ARE THE COMPLIANCE REQUIREMENTS?

**New cargo handling equipment** must comply with **performance standards** set forth at **N.J.A.C. 7:27-34.5** on or after **March 1, 2025**.

**In-use yard trucks** must comply with **performance standards** set forth at **N.J.A.C. 7:27-34.6** in accordance with the **Table 1 compliance schedule**.

**In-use non-yard trucks** must comply with **performance standards** set forth at **N.J.A.C. 7:27-34.7** except as otherwise provided, in accordance with the **Table 1 compliance schedule**.

Any cargo handling equipment subject to these rules must not exceed the **opacity limits** set forth at **N.J.A.C. 7:27-34.8** **Table 2** on or after **March 1, 2025** for new equipment and on or after the compliance deadlines at **Table 1** for in-use equipment.

The rule provides for **alternate compliance options** set forth at **N.J.A.C. 7:27-34.10, 10A and 10B** and **compliance extensions** set forth at **N.J.A.C. 7:27-34.11, 11A, 11B and 11C**.

### 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)**.

### **ARE THERE ANY EXCEPTIONS?**

As set forth at **N.J.A.C. 7:27-34.2(b)**, this rule **does not apply to**: portable CI engines; military tactical support cargo handling equipment; cargo handling equipment used solely to support construction activities at a port or intermodal rail yard; mobile cranes; sweepers; rented, leased, or contracted equipment brought onto a port or intermodal rail yard to perform unexpected repairs that are not routine in nature or due to predictable maintenance activities; and equipment at low-throughput ports that are no closer than 75 miles to an urban area, except as provided at N.J.A.C. 7:27-34.13.

### **OTHER RESOURCES**

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

See **Frequently Asked Questions** [here](#)

### **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>

This advisory is intended to be a summary explanation of DEP requirements. It does not include all potentially applicable requirements. If you have any questions related to compliance with these requirements, please contact the Enforcement numbers listed above.