



MOBILE CARGO HANDLING EQUIPMENT AT PORTS & INTERMODAL RAIL YARDS

WHO IS AFFECTED BY THIS ADVISORY?

1. Any person who owns or operates a terminal or business at a port in New Jersey and operates cargo handling equipment at that location;
2. Any person who owns or operates an intermodal rail yard in New Jersey and operates cargo handling equipment at that location;
3. 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; and
4. Any person or business operating equipment brought onto a port or intermodal rail yard to perform expected maintenance or repairs that are routine in nature or due to predictable process upsets. This includes property maintenance and process upsets due to predictable seasonal weather patterns such as snow and ice removal.

WHY IS DEP ISSUING THIS ADVISORY?

On December 29, 2022, New Jersey Department of Environmental Protection (Department) adopted New Jersey Administrative Code (N.J.A.C.) 7:27-34, Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards. The purpose of this subchapter is to reduce oxides of nitrogen (NO_x) and particulate matter (PM) emissions from cargo handling equipment with diesel-fueled compression ignition engines that operate at ports and intermodal rail yards in the State of New Jersey.

The Department is charged to ensure full compliance with N.J.A.C. 7:27-34 to protect public health statewide and in overburdened communities near ports and intermodal rail yards. Inspections revealed that some facilities are unclear about applicability requirements and what equipment meets the definition of cargo handling equipment. The cargo handling equipment definition at N.J.A.C. 7:27-34.3 includes the language “or used to perform maintenance and repair activities that are routinely scheduled or that are due to predictable process upsets”. The subchapter applies to all businesses operating at the port or intermodal rail yard.

WHAT IS DEP DOING?

The Department is conducting inspections at New Jersey ports and intermodal rail yards to verify compliance with N.J.A.C. 7:27-34 as follows –

- 1 – Meet performance standards for new cargo handling equipment (N.J.A.C. 7:27-34.5);

Compliance Advisory

- 2 – Meet performance standards for in-use yard trucks (N.J.A.C. 7:27-34.6) *see Table below;
- 3 – Meet performance standards for in-use non-yard trucks (N.J.A.C. 7:27-34.7) *see Table below;
- 4 – Opacity limits (N.J.A.C. 7:27-34.8);
- 5 – Reporting Requirements (N.J.A.C. 7:27-34.14);
- 6 – Recordkeeping Requirements (N.J.A.C. 7:27-34.15)

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

WHAT SHOULD I DO?

Ensure compliance for all cargo handling equipment as defined at N.J.A.C 7:27-34.3 including equipment that is used in routine facility maintenance or predictable process upsets, and rented or leased equipment.

WHO SHOULD I CONTACT WITH QUESTIONS?

Diesel Enforcement	NJdieselenforcement@dep.nj.gov
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WHERE CAN I GET MORE INFORMATION?

The following websites can be accessed for additional information regarding this advisory:

- For general NJDEP information (Contact NJDEP): <https://dep.nj.gov/contact-njdep/>
- For entire N.J.A.C. 7:27-34 rule: [sub34.pdf](#)
- For Mobile Sources: <https://dep.nj.gov/stophesoot/cargo-handling-equipment-at-ports-and-rail-yards/>

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