



Air Enforcement Update

May 3, 2023



Agenda

Idling

Tampering

Cargo Handling Equipment



Idling Regulations

Nothing in the regulations has changed, still limited to three minutes with some exceptions.

- School Buses
- Neighbor-Neighbor
- Convenience Stores
- Emergency Vehicles
- Utility Vehicles

If there is discrepancy between the information on this presentation and the rule, the provisions in the rule prevails.

Vehicle Tampering



Background

- NJDEP issued compliance advisory in November 2017

<https://www.nj.gov/dep/enforcement/advisories/2017-08.pdf>

- Focus on Medium Duty Diesel Pickup Trucks
 - GVWR between 8,501 and 14,000 pounds
- Since the 1970's, these trucks have not been subject to New Jersey's MVC Inspection & Maintenance Program
- Reasons for tampering a vehicle include: durability, increased MPG, increased HP & torque and lower maintenance costs.
- The reasons **not** to tamper are the increased emissions, penalties and repair costs.
- MVC adopted regulations to support roadside tampering inspections effective February 2020

Tampering is common in this class of vehicles (Medium Duty Diesels) although we received multiple complaint for gasoline vehicles also.

EPA has reported that nationwide over 500,000 trucks have some degree of emission control deletes.*

The impact of these half-million tampered vehicles in this class alone is equivalent to adding an additional 9 million more trucks to our roads (this is double the truck sales over the past decade!)*

***Phillip Brooks, Director, EPA @ NACAAWorkshop2/2020**



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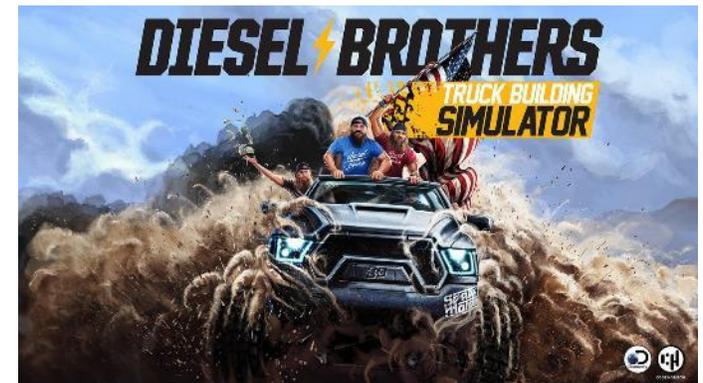
Dealership Inspection Results

Year	# of Dealerships	# Vehicles Inspected	# Vehicles Tampered	% Tampered
2018	4	74	20	
2019	8	104	23	
2020	3	14	6	
2021	10	66	20	
2022	24	58	27	
2023	7	28	6	
Total	56	344	102	30%

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Private Sales & Influencers

- Started issuing Enforcement Actions (EAs) to private sellers in October 2021
 - Generated 372 cases to-date.
 - Sellers are required to make repairs within 60 days, can be extended upon request
 - Re-inspections conducted by NJDEP staff prior to releasing vehicle for sale
 - Non-compliance with EAs may result in additional penalty assessments (second offense or higher), and requirement to repair
- Influencers
 - In today's world nothing happens in a vacuum
 - One 'kid tinkering' with his vehicle at home can reach millions of people
 - Diesel Brothers – case in appellate court



A yellow mobile crane is shown in the process of lifting a large red shipping container. The crane's boom is extended over the container, and its lifting mechanism is engaged. The container is being moved from a truck or trailer. The scene is set in an outdoor industrial area, likely a port or intermodal rail yard, with other containers and buildings visible in the background under a clear blue sky.

N.J.A.C. 7:27-34
Mobile Cargo Handling Equipment
At Ports and Intermodal Rail Yards



Goals –

- **Primary: reduce NOx, PM; Especially in EJ communities**
- **Secondary: Encourage Electrification**

- **Timing**

- Adopted on December 29, 2022
NJ Register February 6, 2023
Operative Date February 27, 2023
- Initial Phase in 2025

- **What is in rule?**

- Modernization of CHE at Ports and Intermodal Rail Yards
- Requires move to Tier 4F or Tier 4 w/alternate PM

- **How will this help?**

- Modernize some of the oldest diesel-powered equipment in the state
- Clean up equipment used near some of the most densely populated areas

Applicability

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 CI engine that is used at any port or intermodal rail yard in New Jersey.**

- **Excludes low-throughput facilities over 75 miles from urban areas**
- **Extension for low-use CHE**
- **Extension for Mfg. delay**
- **Extension for ZERO-emission replacement equipment**



Moving to Tier 4F which is a mature technology on the market for over 10 years

On or after March 1, 2025, any new CHE must be Tier 4F or meet the standards of a certified on-road engine.

Phase-in 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

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Thank you!

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