

Texas Commission on Environmental Quality

4 Chapter 114 - Control of Air Pollution from Motor Vehicles

4K Subchapter K : Mobile Sources Incentive Programs

4K8 DIVISION 8 : SEAPORT AND RAIL YARD AREAS EMISSIONS REDUCTION PROGRAM
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Outline:

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**DIVISION 8: SEAPORT AND RAIL YARD AREAS EMISSIONS REDUCTION
PROGRAM**

**§§114.680 - 114.682
Effective April 26, 2018**

§114.680. Definitions.

Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the commission, the terms used in this division have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms that are defined by the TCAA and §§3.2, 101.1, and 114.1 of this title (relating to Definitions), the following words and terms, when used in this division will have the following meanings, unless the context clearly indicates otherwise.

(1) Cargo handling equipment--Any heavy-duty non-road, self-propelled vehicle or land-based equipment used at a seaport or rail yard to lift or move cargo, such as containerized, bulk, or break-bulk goods. Equipment includes, but is not limited to, rubber-tired gantry cranes, yard trucks, top handlers, side handlers, reach stackers, forklifts, loaders, and aerial lifts.

(2) Drayage activities--The transport of cargo, such as containerized, bulk, or break-bulk goods.

(3) Drayage truck--A heavy-duty on-road or non-road vehicle used for drayage activities and that operates on or transgresses through a seaport or rail yard for the purpose of loading, unloading, or transporting cargo, including transporting empty containers and chassis.

(4) Non-road yard truck--A non-road mobile utility vehicle used to transport cargo containers with or without chassis; also known as a utility tractor rig, yard tractor, or terminal tractor.

(5) Rail yard--A rail facility where cargo is routinely transferred from drayage truck to train or vice-versa, including structures that are devoted to receiving, handling, holding, consolidating, and loading or delivery of rail-borne cargo.

(6) Repower--To replace an old engine powering a vehicle with a new engine, a used engine, or a remanufactured engine, or electric motors, drives, or fuel cells.

(7) Seaport--Publicly or privately owned property associated with the primary movement of cargo or materials from ocean-going vessels or barges to

shore or vice-versa, including structures and property devoted to receiving, handling, holding, consolidating, and loading or delivery of waterborne shipments. A seaport also includes publicly or privately owned property within a ship channel security district established under Texas Water Code, Chapter 68.

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§114.681. Applicability.

The provisions of §114.680 and §114.682 of this title (relating to Definitions and Eligible Vehicle Models) apply to the Seaport and Rail Yard Areas Emissions Reduction Program established and implemented under Texas Health and Safety Code, Chapter 386, Subchapter D-1.

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§114.682. Eligible Vehicle Models.

(a) Models of drayage trucks eligible for purchase to replace an existing drayage truck under the program include:

- (1) a heavy-duty on-road vehicle with a gross vehicle weight rating (GVWR) over 26,000 pounds;
- (2) a non-road yard truck; and
- (3) other cargo handling equipment.

(b) Models of existing drayage trucks eligible for replacement or repower under the program include:

- (1) a heavy-duty on-road vehicle with a GVWR over 26,000 pounds;
- (2) a non-road yard truck; and
- (3) other cargo handling equipment.

(c) To be eligible for purchase under this program a drayage truck or cargo handling equipment must:

- (1) be powered by an electric motor or contain an engine certified to the current federal emissions standards applicable to that type of engine, as determined by the commission; and

(2) emit nitrogen oxides at a rate that is at least 25% less than the emissions rate of the engine on the truck or equipment being replaced.

(d) To be eligible for purchase under the program an engine or motor repowering a drayage truck or cargo handling equipment must:

(1) be powered by electricity or be an engine certified to the current federal emissions standards applicable to that type of engine, as determined by the commission; and

(2) emit nitrogen oxides at a rate that is at least 25% less than the emissions rate of the engine being replaced.

(e) Unless otherwise determined by the commission, the nitrogen oxides emissions rate of engines replaced or purchased under this program will be based on the emissions standard or family emissions limit to which the engine is certified or, for replacement of an uncontrolled engine, a baseline emissions rate established by the commission.

(f) The executive director may place additional limits on vehicle models and engine model years eligible for purchase and replacement under the program for a particular grant round in order to improve the effectiveness and further the goals of the program.

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