

manufacturer in section 2477.4) that direct TRU or TRU gen set sales to the California market.

(i) TRU, TRU gen set, and TRU-equipped truck and trailer dealers located in California: Section 2477.14 applies to TRU, TRU gen set, and TRU-equipped truck and trailer dealers that maintain a business location in California and sell, maintain, or repair new or in-use TRUs, TRU gen sets, or TRU-equipped trucks or trailers.

(k) Repair shops located in California that work on TRUs or TRU gen sets: Section 2477.15 applies to repair shops that maintain a business located in California and install replacement engines in TRUs or TRU gen sets, or retrofit TRUs or TRU gen sets with verified diesel emissions control strategies to comply with this subarticle.

(l) Engine rebuilders: Section 2477.16 applies to TRU or TRU gen set engine rebuilders that sell to the California market.

~~(2)~~(m) Facilities: Section 2477.17 This regulation applies to facilities located in California with 20 or more loading dock doors spaces serving refrigerated areas where perishable goods are loaded or unloaded for distribution on trucks, trailers, shipping containers, or rail cars that are equipped with TRUs and TRU gen sets and that are owned, leased, or contracted for by the facility, its parent company, affiliate, or subsidiary that are under facility control (see definition).

~~(3)~~(n) To the extent not already covered under subsections (b)(1) and (b)(2) (a) through (m), above, subsection (g) 2477.18 of this regulation shall apply to any person engaged in this State in the business of selling to an ultimate purchaser, or renting or leasing new or used TRUs or TRU gen sets, including, but not limited to, manufacturers, distributors, and dealers, auctioneers, carriers, private fleets, and independent owner-operators, and rental and leasing companies.

~~(4) Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulations is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the regulation.~~

NOTE: Authority cited: sections 39600, 39601, 39618, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 43013, 43018, California Health and Safety Code. Reference: sections 39618, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 40717.9, 43013, and 43018.

### ~~(e)~~2477.3 Exemptions.

(a) This regulation does not apply to military tactical support equipment.

(b) Obviously non-operational TRUs or TRU gen sets are exempt from certain sections of this subarticle, as specified below, except that the prohibitions in section 2477.18 apply with respect to selling, renting, or leasing to a person that could be reasonably expected to operate the TRU in California:

(1) Any TRU that is removed or separated from the truck or trailer van, shipping container, or rail car is not subject to this subarticle. This exemption does not include TRU gen sets that are not attached to a shipping container or trailer chassis.

(2) Any trailer TRU housing that remains attached to a trailer van, but the fuel tank and battery have been removed and a label with the word "NONOPERATIONAL" has been affixed or attached to the housing in letters that contrast sharply with the color of the TRU housing and can be seen from 50 feet during daylight hours when the vehicle is stationary.

(3) Any truck TRU housing that remains attached to a truck van, but the positive and negative battery cables, fuel supply and return lines, and condensate drain line have been removed so that there are no visible ancillary connections to the TRU housing and a label with the word "NONOPERATIONAL" has been affixed or attached to the housing in letters that contrast sharply with the color of the TRU housing and can be seen from 50 feet during daylight hours when the vehicle is stationary.

(4) Any TRU or TRU gen set that has no engine or fuel injection system installed, making the engine incapable of being started.

(5) TRU gen sets that have been quarantined in a designated area that is separated from other compliant TRU gen sets by a cordon or barrier with signs that read "NONCOMPLIANT – DO NOT OPERATE IN CALIFORNIA". Bright red tags must be affixed to the TRU gen set control panel at all times while in California that read: "NONCOMPLIANT – DO NOT OPERATE IN CALIFORNIA". TRUs may be stored in a shipping container in lieu of being quarantined in a cordoned area.

(c) Transport refrigeration systems that are not driven by an integral diesel internal combustion engine are exempt from the requirements of this subarticle. Examples of exempt equipment include, but are not limited to:

(1) transport refrigeration systems that are driven by gasoline-fueled internal combustion engines;

(2) transport refrigeration systems that are driven by electric motors with no integral diesel engine providing power; or

(3) Pure cryogenic temperature control systems with no diesel engine driven refrigeration system integration.

(d) TRUs that are used during an emergency (as defined) are exempt from the in-use performance standards of section 2477.5(a) of this subarticle, provided the requirements of subsection 2477.5(o) are met. This exemption expires on January 1, 2025. California-based TRUs are not exempt from the ARBER registration requirements in section 2477.5(e).

NOTE: Authority cited: sections 39600, 39601, 39618, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 43013, 43018, California Health and Safety Code. Reference: sections 39618, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 40717.9, 43013, and 43018.

**(d)2477.4 Definitions.**

(a) For purposes of this regulation, the following definitions apply:

- (1) "Affiliate or Affiliation" refers to a relationship of direct or indirect control or shared interests between the subject business and another business.
- (2) "Alternative Fuel" means natural gas, propane, ethanol, methanol, or advanced technologies that do not rely on diesel fuel, except as a pilot ignition source at an average ratio of less than 1 part diesel fuel to 10 parts total fuel on an energy equivalent basis. Alternative fuels also means any of these fuels used in combination with each other or in combination with other non-diesel fuels. Alternative-fueled engines shall not have the capability of idling or operating solely on diesel fuel at any time.
- (3) "Alternative-Fueled Engine" means an engine that is fueled with a fuel meeting the definition of alternative fuel.
- (4) "Alternative Diesel Fuel" means any fuel used in diesel engines that is not ~~commonly or commercially known, sold or represented as a reformulated diesel fuel No. 1-D or No. 2-D, pursuant to the specification for Diesel Fuel Oils D975-84~~ as defined in sections 2281 and 2281 of title 13, California Code of Regulations (CCR), and does not require engine or fuel system modifications for the engine to operate, although minor modifications (e.g. recalibration of the engine fuel control) may enhance performance. Examples of alternative diesel fuels include, but are not limited to, biodiesel, Fischer Tropsch fuels, and emulsions of water in diesel fuel. Natural gas is not an alternative diesel fuel. An emission control strategy using a fuel additive will be treated as an alternative diesel fuel based strategy unless: