

**Comments captured during review of previously proposed language**

During the 5/2/05 meeting, discussions were held on proposed Regulation 24 Section 46. During the meeting Subsections **e** and **f** were completed. Discussions on Subsection **g** was begun, but were not completed when the meeting closed at noon. Discussion on Subsection **g** and other subsections will continue at the next meeting on 6/3/05.

**Subsection e. Construction and operating permits – continued**

- Subsection e. defines the permitting requirements. Considerable discussion continued regarding the inclusion of permitting requirements in the proposed regulation. Members of the workgroup provided the following additional insights:
  - Air Quality Management (AQM) construction permitting requirements are based on land-based operations; whereas, the United States Coast Guard regulations define the proper design requirements to assure that marine vessels, including vapor control systems, are constructed in a safe fashion.
  - The lightering regulation should be written to recognize the USCG authority to approve the safe design and operation of the marine vapor control system. Likewise, the regulation should recognize AQM authority to assure that the marine vapor control system performs properly from an environmental perspective.
  - AQM should focus on the environmental aspects in the operating permit.
  - Will the operating permits be issued to 1) the service vessels or 2) the lightering operation?
  - If AQM plans to require permits for the potential 300 services vessels that could ply Delaware waters, how is AQM going to manage this huge burden?
  - Once again, the regulation needs to clarify if AQM is planning to permit the vessel or lightering operation?
  - Mike Dixon noted that AQM is the best and most thorough permitting authority that he's seen.
  - The permitting requirements on lightering operations would be further complicated should another state, say New Jersey, also decide to permit lightering operations.
  - The regulation should emphasize that the requirements apply to the marine vapor control system on the service vessel, not to the other service vessel systems and not to the STBL.
  - One alternative to the construction permit would be to substitute/accept the USCG certification [Approval Letter] that establishes the sufficiency of the equipment.
    - There was a comment that AQM may have a concern with some design aspect before the fact. Maximum transfer rate was mention, as it might affect the operation of the marine vapor control system.
    - Tim Meyers pointed out that the maximum transfer rate determination was part of the US Coast Guard's review and approval of the service vessel's design and was noted in the USCG Approval Letter.

**Subsection f. Compliance Demonstration**

- The requirements that are applicable to vapor balancing should be segregated from the requirements for other control technologies.
- Paragraph f.1.i to iv, the compliance demonstration plan, is confusing.
- The use of the term “pollution prevention plan” in paragraph f.1.iv is confusing and should be described.
- The pollution prevention plan is not required and may be duplicating requirements elsewhere in the regulation.
- Paragraph f.1.iv. could be duplicating the existing requirements in paragraphs f.1.i and ii.
- Paragraph f.1.iii is also covered in paragraphs f.1.i and ii.
- The service vessel’s operating plan or manual could address all the items in the compliance demonstration.
- The compliance plan could be retained on the service vessel. **This is a recordkeeping item**
- Couldn’t the service vessel’s annual leak testing certification and operating procedures be used as an alternative?
- What about third party certification (IMO)? **I lost the context/meaning of this one. Can someone refresh my memory?**
- AQM should delete f.1.iii and iv and incorporate the requirements into f.1.ii.F.

### **Subsection g. Recordkeeping**

- Recordkeeping location requirement needs to consider that other lightering operations may not be as conveniently located as those of Maritrans.
- Land-based recordkeeping requirements can serve for guidance, but there are other considerations that need to be weighed with lightering operations, especially with respect to 5 years of records retention.
- More discussion is required on where to keep the 5 years of records, including to what extent archiving is allowed.
- If records are to be kept on shore, some provision needs to be made to allow for the normal lag time in records transfer from the service vessels.
- Recordkeeping requirements in paragraph g.2. should be segregated into vapor balancing requirements and other control technology requirements. This may apply elsewhere as well.
- Paragraph g.4 needs to be adjusted consistent with changes made to the pollution prevention plan comments made on paragraph f.1.iv.
- Paragraph g.7. needs to include some type of sunset provision once full compliance is being achieved or as might be dictated by other triggers.
- It was recommend to change the “at minimum” in paragraph g.7 to “as provided”, in recognition that some STBL operators may be unwilling to provide the required information.
- Consideration in paragraph g.7 (and probably elsewhere) needs to be given to situations when the service vessel officers’ have assessed there may be safety issues with vapor balancing with a given non-US STBL. [Review this situation for US Coast Guard position on regulation or practices.]
- With regards to paragraph g.7., Maritrans’ expressed concern with having to maintain yet another database.
- Given that there are multiple lightering operations, wouldn’t it make more sense for Air Quality Management to collect the information from the various lightering operators and maintain the database themselves.
- Rather than have the lightering operators collect information on the STBL’s compatibility, it was suggested that AQM develop a survey that the STBL officers would complete and mail to Dover.
- Paragraph g.7.V is a duplicate of the operating recordkeeping requirement.
- How do the USCG regulations address proficiency or lack their of STBL crews?

Note: The meeting ended prior to completion of the discussion on recordkeeping.

Mike Dixon pointed out that there would be discussions on paragraphs **a** and **b** of Regulation 24 Section 5 at the next meeting and these should be sent to the workgroup members prior to the next meeting.

**Bucket List Item**

- Mike Dixon requested a revisit of the EPA/DNREC determination of the SIP VOC reduction requirements, as he feels the SIP reduction defines the requirements of the proposed lightering regulation.