

Comments on Draft Lightering Regulation
(24-46-draft-AQM-6.doc)

2002 as the Baseline Year

- 2002 should not be used for the baseline volume as this year was not a very representative year due to the events of 2001 (Dixon)
- 2002 was selected based on the ozone state implementation plan (SIP) requirements for needed VOC reductions (Amirikian)
- The change from the 2001 “last two year’s average volume” to 2002 appears to be arbitrary (Dixon)
- The baseline volume could be changed from 2002 back to the “last two year’s average volume;” but this would necessitate an adjustment of the compliance schedule percentages for allowable uncontrolled volume in order to still meet the SIP requirements (Amirikian)

Compliance Schedule

- It is impossible today to assess the long term feasibility of meeting the compliance schedule requirements associated with the 2017 and 2022 dates; especially in regards to there being available and vapor balancing compatible STBLs in the world wide fleet (Dixon)
- The reductions for the first three timelines(2008, 2010 and 2012) in the compliance schedule are within the foreseeable timeframe (Dixon)
- The reductions in the later years (2017 & 2022) need to be included (Ross)
- Another unforeseeable factor that can contribute to uncontrolled lightering operations are the possible changes in the “specs” of the crude oil, i.e. a gradual and permanent shift to more gassy crude oil (Iuliucci)
- The scheduled review of the compliance schedule (d.3.) only makes sense to include if the compliance schedule only includes the requirements associated with 2008, 2010 and 2012 (Dixon)
- 2012 should not be seen as a stopping point and the schedule review requirement (d.3.) should not be viewed as an optional action (Ross)
 - Drop the “if needed”, to insure review is undertaken (Ross)
- There is currently a limited pool of compatible STBLs with trained crews; an increase in availability must be driven by international forces (Murphy)
- Possible alternative to the draft regulation include
 - Alt # 1 - 3 tiers (2008, 2010 and 2012) and undertake reviews (Dixon)
 - Alt # 2 - 3 tiers (2008, 2010 and 2012) and 2 tiers of “goals” (2017 & 2022) and undertake review (Combination of several inputs)
- Inclusion of “goals” in a regulation would be a challenge; no similar precedent known (Snead)
- Inclusion of an “overview” at the beginning of the regulation might provide opportunity to define DNREC expectations, including “goals” (Dixon)

Ozone Action Day Prohibition

- The changes made were very practical (Ross)

Change of Applicability from Service Vessel to Lightering Operation

- Permit calculation currently used in the title V permit is specific to the STBL being unloaded and the particular service vessel being loaded (Dixon)
- The lightering operation (owner/operator) compliance status is somewhat at the discretion of the STBL master (Iulucci)
- The lightering operation (owner/operator) cannot tell the STBL master how to operate his vessel (Iulucci)
- The STBL master will vent the cargo tanks of the STBL at a pressure setting, whenever the master feels uncomfortable given the current circumstances (Murphy)
- The 80% of design setting for the pressure relief system (a USCG requirement) should not be taken as a part of the normal operating range (Ross)
- DNREC shouldn't assume the STBL can find an operating comfort zone near this higher level (Ross)
- Lightering operations are concerned about their compliance status being at the discretion of the international fleet (Iulucci)
- INTERTANKO has been undertaking an educational effort on how to properly adjust cargo tank over pressure in connection with general venting procedures (Murphy)
- The initial 2001 draft language was focused on the lightering operation and based on comments DNREC revised the applicability to service vessel; this current draft is a step backwards (Dixon)
- A question was raised on the feasibility of crude oil owners arranging STBLs to prioritize those masters, shipping companies or STBLs that had operating comfort zones with the higher cargo tank pressures (Amirikian)
- Using such a prioritization would not likely be successful due to the fluid nature of the international fleet and maritime practices; i.e. masters change on a given STBL and contract with various shipping companies (Murphy)
- The concern of minimal control over the STBL raised by lightering operations and crude oil owners is understandable and the lightering regulation should give due consideration, possibly in the form of offering a carrot (Ross)
- A question was raised on how would the owner or operator of the lightering operation know if the STBL was being vented (Seth)
- Including the venting of the STBL in the limitation of uncontrolled lightering operations is difficult to enforce (Ross)
- A question was asked on what would happen if the STBL vented (Ross)
- The question was raised on what DNREC would do to control the STBL from venting (Forgotten)
 - The master is always right for a myriad of reasons that the master must take into consideration (Murphy)
- The lightering operation may never know if the STBL vented even if an agreement to notice the lightering operation was made before hand (Iulucci)
- Even knowing venting occurred may not be translatable to the actual "emissions" because the lightering operation would not know all the "specifics" in place at the time of the venting (Iulucci/Dixon)

Other comments

- AQM has made a determination that Regulation 24 Section 43 is not applicable to the lightering of bulk gasoline (Snead)
- The definitions addressing “existing” (lightering operations and service vessels) is too broad and should only include those lightering operations/service vessels that operated between 1/1/01 (or similar date) and the effective date of the regulation; those before should be treated as “new” (Dixon)
- Paragraph d.1.iii. is unclear! (Dixon)
 - A review of the wording confirmed the need to insure that the referenced requirements (c.2. to c.5.) applied during times of vapor balancing (Snead)
- DNREC should be flexible in their requiring vapor balancing to greatest extent practicable by limiting this requirement only to the ozone season; especially during the early stages of the compliance schedule (2008 through 2016) (Dixon)
- To provide the requested flexibility would not address air quality concerns for air toxics emissions and particulate compliance issue (Amirikian)
- The definitions of the owner or operator of a lightering operation is messed up or confusing as it might, as written, include more than the owner or operator of a lightering service, which was the intention (Dixon)
- There are three distinct entities - STBL, service vessel & cargo owners (Murphy)
- It was recommended to add the VOC emissions calculation to g.3. (or other appropriate place in the regulation itself); the current method being used by Maritrans is based off an EPA formula for the sudden venting of equipment (Dixon)
- In paragraphs e.2. and i.1.iii. the reference needs to the USCG’s Approval Letter needs to be revised, given that alternative USCG-approved contractors can complete and provide the required certification (Dixon)
 - Tim Meyers offered to provide alternative wording for these two paragraphs

Next meeting

- Following internal review of comments, a redraft, if appropriate, will be sent to the subgroup for further comments.
- A meeting was tentatively set for 9 to 11ish on March 13th at Grantham.