

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

During the 6/3/05 meeting, discussions were held on proposed Regulation 24 Section 46. During the meeting Subsections **g** and **h** were completed. However, the initial discussion focused on review and comments from the workgroup meeting note from the 5/2/05 meeting.

### **Review of the 5/2 workgroup meeting notes**

- It was pointed out that there had been discussion on 5/2 concerning the applicability or use of general or source category permits to address the permitting of services vessels or small lightering operations. The alternative to this approach would be the issuance of Reg. 2 operating permits on a case-by-case basis.
- There were discussions on the meaning in the 5/2 notes on the “Third Party Certification”. Potentially this could have stemmed from several different discussions.
  - Using an independent vapor-tightness testing organization in lieu of the testing being done by the lightering operation
  - Addressing industry-standard vapor-tight testing requirements being on a different timeframe than annual testing requirements.
- Regarding the vapor tight testing requirements, the following comments were made.
  - Just what is the testing that AQM wants to be done?
  - Should the regulation specify the test methodology or utilize existing industry or USCG required testing if required.
  - What is the required testing frequency? Initial or annual?
  - What is the required reporting frequency? It was noted that vapor balanced vessels must undergo vapor-tight testing annually and there was concern that monthly reporting would be required.
  - It was recommended that the regulation provide the specific timing for recording and reporting vapor-tightness testing. It was further noted that this should be done in paragraph f.1.ii.
- It was pointed out that the more specific the regulation versus the lightering operation proposing to implement could constrict the operating freedom for the lightering operation. Kathy added that greater freedom provides the lightering operation the opportunity to develop an innovative program to demonstrate compliance.
- Tim has asked for clarification of the USCG vapor-tightness requirements.
- Rick noted that Maritrans is currently subject to leak testing requirements under 40 CFR Part 61 Subpart BB.

### **Subsection h. Reporting Requirements**

- Two questions were raised on the format of subsection h.
  - Should paragraphs h.1 and h.2, which reference reporting requirements in 5.a and 5.b, be spelled out in subsection h or left as is?

- Should the reporting requirements for vapor balancing operations be delineated from the other control technology reporting requirements?
  - There were considerable discussions; various points were made to supporting each.
  - The preferred format may be driven by the need for the regulation to define what constitutes and excess emission.
- The fact that vapor balancing does not have an emission limitation requirement leads to confusion as to what constitutes an excess emission. For that reason, excess emissions should be described in the regulation.
- For vapor balancing, excess emissions will generally result from the failure to meet one of the “operational limitations”. There were discussions as to what these operation limitations would be. The following list is not all inclusive, but records one that were discussed during the meeting
    - Leaks – Do they of themselves constitute an excess emission? There seems to be different interpretations in that continued operation is permitted until leak is repaired.
    - Leak repairs – If repair is not made within the specified repair window.
    - Failure to utilize vapor balancing due to
      - Emergency situations, other than the those associated with the earlier definition of emergency lightering
      - Bad weather
      - Mechanical problems that prevent vapor balancing operations
      - Crude not conducive to lightering aka gassy
- Are presence of a leak and failure to repair subject to two different violations?
  - Could there be an alternative term to excess emissions?
  - What was the source (land based LDAR, California lightering regulation, etc) of the leak repair timing, i.e. 15 days?
 

**Answer:** It appears that the 15 day language came from the land based requirements of 40 CFR Part 63 Subpart Y address Marine Vessel Loading Operations. The two California lightering regulations require the lightering operations be shut down until the repair is completed and the leak retested for tightness.
  - With respect to the above item, a question was raised as to whether there were safety issues in allowing continued operations with known leaks in the VCS. It was suggested that there may be some guidance in the USCG regulations.
  - The question was raised on whether there is guidance available on how to estimate the emissions for the purpose of reporting excess emissions when leak are found..
  - The question was raised as to whether the SIP is based on actual reported emissions or factors?
  - This concluded the discussions on the 2001 proposed regulatory language.

- A subgroup was set up to redraft the lightering regulatory language to reflect the changes since 2001 as presented in meetings earlier this year and to reflect comments made during the reviews of the past three meetings.