

# Texas Natural Resource Conservation Commission

INTEROFFICE MEMORANDUM

To: Commissioners Date: March 20, 1998

Thru: Eugenia K. Brumm, Ph.D.  
Chief Clerk

From: Beverly Hartsock, Deputy Director  
Office of Policy and Regulatory Development

Subject: **Docket No. 98-0290-RUL.** Consideration of petition for rulemaking for amendments to 30 TAC Chapter 115, Subchapter F concerning Miscellaneous Industrial Sources - Degassing or Cleaning of Stationary, Marine, and Transport Vessels, Sections 115.542 and 115.545. If approved, the petition would make the current degassing/cleaning rules less restrictive by allowing a marine vessel to be disconnected sooner from the control device. The staff recommendation is to deny the petition. (Eddie Mack) (Rule Log No. 98013-115-AI)

## What the Proposed Rule Would Do:

On February 19, 1998, the agency received a letter from Southwest Shipyard, L.P. (attached) which requested modification of 30 Texas Administrative Code (TAC) §115.542(b)(4) and §115.545 to allow determination of the vapor space concentration in a marine vessel by using the lower explosive limit (LEL), expressed as methane. The Legal Division has determined that the company's letter should be considered a petition for rulemaking under the commission's rules at §20.15.

## Applicable Law:

30 TAC §20.15(c) states: "Within 60 days after submission of a petition, the commission shall consider the petition and shall either deny the petition in writing, stating its reasons for the denial, or shall initiate rulemaking proceedings in accordance with the APA." The APA is the Texas Administrative Procedure Act, Texas Government Code, Chapter 2001. The 60-day deadline for commission action on the petition is April 20, 1998.

## Reason Rules Are Needed:

The petitioner believes that revisions to §115.542(b)(4) and §115.545 which allow determination of the volatile organic compound (VOC) vapor space concentration in a marine vessel by using the LEL, expressed as methane, will be essentially equivalent to existing rule requirements. The petitioner did not provide evidence of alleged injury or inequity which could result from the failure to adopt the proposed rule revisions.

**Affected Public:**

Revisions to the vessel degassing rules would affect marine vessel degassing operations in the Beaumont/Port Arthur and Houston/Galveston ozone nonattainment areas by modifying the criteria which determines when the marine vessel may be disconnected from the control device.

**Recommendation:**

The Chapter 115 degassing rules were developed in 1993 by a workgroup comprised of industry and agency staff. The purpose of the rules was to generate emission reductions in ozone nonattainment areas as required by the 1990 amendments to the Federal Clean Air Act.

The proposed change appears essentially equivalent to one of the existing control options available under §115.542(b)(4). However, it actually represents a relaxation of the current rule. For degassing of marine vessels, §115.542(b)(4) states: "Vapors shall be routed to the control device until the marine vessel is stripped VOC liquid-free and

[1] a turnover of at least four vapor space volumes has occurred,

[2] the partial vapor pressure is less than 0.5 psia (19,000 ppmw [parts per million by weight], or 34,000 ppmv [parts per million by volume] expressed as methane), or

[3] the concentration of VOC is less than 20% of lower explosion limit.

After one of these conditions has been satisfied, the marine vessel may be vented to the atmosphere for the remainder of the degassing or cleaning process."

The three options (4 vapor space turnovers, 34,000 ppmv, or 20% LEL) are not equivalent. Specifically, typical LELs for common VOCs range from 1 to 3% (10,000 to 30,000 ppmv), so 20% of the LEL for typical VOCs would be 2000 to 6000 ppmv.

The test methods (TM) used to determine compliance with the 34,000 ppmv criteria (TM 25A using a flame ionization detector, or TM 25B using non-dispersive infrared) represent a more accurate test method than the TM 21 organic vapor analyzer used to determine compliance with the 20% LEL cutoff.

In other words, the more restrictive limit (20% LEL) uses the less accurate test method (TM 21), while the less restrictive limit (34,000 ppmv) uses the more accurate test method (TM 25A or 25B). What the petitioner has asked for is use of the less restrictive limit (34,000 ppmv) with the less accurate test method (TM 21), which represents a relaxation of the rule.

Consequently, staff recommends that the petition be denied. However, there are a variety of issues unrelated to the petition which need to be addressed in the vessel degassing rules. Therefore, staff

Commissioners  
Page 3  
March 20, 1998  
Re: Docket No. 98-0290-RUL

also recommends continuing to evaluate the best way to ensure that the rules are enforceable and achieve the emission reductions for which the rules were initially developed.

**Takings Impact Assessment:**

N/A

**Coastal Management Program Consistency Review:**

N/A

**Affected Agency Programs:**

The Field Operations Division and the Enforcement Division of the Office of Compliance and Enforcement are responsible for enforcing the Chapter 115 rules. The agency's compliance activities regarding these rules would not be appreciably affected by the petition for rulemaking.

**Agency Contacts:**

Team Leader: Eddie Mack, Air Policy & Regulations (EMACK, x-1488)  
Team Members: Chris Kadas, Legal Division (CKADAS, x-0655)  
Pat Funair, Field Operations Division (PFUNAIR, x-5896)  
Jeff Greif, Enforcement Division (JGREIF, x-1534)  
John Vermillion, New Source Review Program (JVERMILL, x-1292)

cc: 7 copies to the Chief Clerk for distribution