

Tim Friday

Stolthaven Houston Inc. appreciates the opportunity to comment on the TCEQ's proposed new Chapter 338, Aboveground Storage Vessel Safety (ASVS) Program. Stolthaven Houston operates a large terminal located along the Houston Ship Channel in Harris County, Texas that provides quality storage and distribution services to customers worldwide. The facility currently operates over 200 aboveground storage vessels that are potentially subject to the ASVS Program, and handles as many as 175 unique chemical streams on an annual basis. Please see the attached comments. If you have any questions, please feel free to reach out.

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Comment:

Proposed §338.3(a)(2) would exempt vessels that are part of a stormwater or wastewater collection system. Stolthaven Houston suggests that this exemption be clarified to also include vessels that are associated with wastewater treatment systems, instead of only expressly exempting wastewater collection systems. The proposed flow-through process vessel definition is associated with a production process, which is different than a wastewater treatment process.

Comment:

Proposed §338.3(a)(4) would exempt vessels operating above 0.5 pounds per square inch gauge (psig) pressure. Certain storage vessels are designed to operate above 0.5-psig, but will not necessarily maintain a working pressure that is above 0.5-psig at all times. For example, a low-pressure designed storage vessel may operate at pressures that are over 0.5-psig before relieving to a control device. As the tank is actively emptied, the internal tank pressure will drop as the liquid level decreases and the corresponding vapor space increases. Storage vessels are equipped with vacuum breakers, conservation vents, and/or inert gas regulators to protect the vessel from exceeding design vacuum limits while being emptied. In such cases the internal vessel pressure may drop below 0.5-psig as it is emptied. When the transfer stops and the tank vapor space pressure subsequently increases (due to either diurnal heating or refilling, for example), the vessel's internal pressure can increase to above 0.5-psig. In this case, it is unclear if the exemption as drafted would apply to the storage vessel.

Stolthaven Houston suggests the TCEQ clarify this exemption to apply when the tank is designed to operate above 0.5-psig, instead of the proposed language, which could be interpreted to require that to qualify for this exemption, the tank must be constantly maintained above 0.5-psig.



Comment:

Proposed §338.3(a)(5) would provide a complete exemption from the regulation for vessels that are heated using external heat. Third-party storage terminals store a wide variety of cargos on an annual basis, including both heated and non-heated materials. Storage vessels are often equipped with external heating capabilities, but all such vessels are not actively heated unless the cargo in storage requires heating for product storage and transfer. In addition, some cargos require heating only during the cooler winter months.

Stolthaven Houston suggests that the final rules, and the associated reporting systems, clearly allow for a given storage vessel to be routinely added and removed from program applicability based on the current external heating status of the vessel. For large facilities with frequent stored cargo changes and external heating changes, flexibility and clarity of requirements are essential to ensure compliance and consistency.

Comment:

Proposed §338.20(e) would require the owner or operator of a storage vessel to provide notice of changes to the registration within 30-days of the change, including operational status and the substance stored. A large third-party storage terminal regularly removes vessels from service for planned maintenance, routine service changes, and scheduled inspections. As proposed, monthly reporting would very likely be required for a large facility, as tanks are frequently emptied, cleaned, and/or prepared for a new service. Stolthaven Houston proposes that the TCEQ provides a mechanism that provides quick and efficient reporting as required by the final rule for any noted operational changes, such as reporting in the STEERS system, by e-mail, etc.

Comment:

The proposed rule includes a preliminary fee structure that is variable for vessels over 20,000-barrels in capacity. Stolthaven Houston suggests that the TCEQ define how a vessel's capacity is determined for purposes of these fee payments. For example, is the per barrel fee based on the vessel's calculated shell capacity? Storage vessels typically also have a maximum working fill capacity, and a preferred working fill capacity, which both are less than the calculated shell capacity. Clarification of a vessel's capacity determination for purposes of ASVS Program fees would be appreciated.