
Section 8

Rule Applicability Analysis

Pursuant to 30 TAC §116.111, Axis proposes to meet the rules and regulations of the TCEQ and the intent of the Texas Clean Air Act (TCCA). This section addresses each of those requirements.

8.1 Protection of Public Health and Welfare – 30 TAC §116.111(a)(2)(A)

The emissions from the facilities included in this application will comply with all air quality rules, regulations, and the intent of the Texas Clean Air Act (TCAA); including protection of public health and welfare. Applicable regulations are as follows:

8.1.1 Chapter 101 – General Air Quality Rules

The facilities included in this application will be operated in accordance with the General Rules relating to circumvention, nuisance, traffic hazard, notification requirements for emissions events and scheduled maintenance, startup and shutdown activities, sampling, sampling ports, emissions inventory requirements, sampling procedures, compliance with Environmental Protection Agency standard, the National Primary and Secondary Air Quality Standards, inspection fees, emissions fees, and all other applicable General Rules.

8.1.2 Chapter 106 – Permits by Rule

Facilities included in this application are currently not subject to the requirements of 30 TAC Chapter 106. In the event 30 TAC Chapter 106 becomes applicable, Axis will operate in compliance with the applicable requirements.

8.1.3 Chapter 111 – Visible Emissions and Particulate Matter

Facilities included in this application are subject to and will operate in compliance with all requirements of 30 TAC Chapter 111.

8.1.4 Chapter 112 – Sulfur Compounds

Facilities included in this application are subject to and will operate in compliance with all requirements of 30 TAC Chapter 112.

8.1.5 Chapter 113 – Toxic Materials

This chapter references the regulations under 40 CFR Part 63. Applicability for those regulations is addressed in Section 8.5.

8.1.6 Chapter 114 – Motor Vehicles

Facilities included in this application are not subject to the requirements of 30 TAC Chapter 114.

8.1.7 Chapter 115 – Volatile Organic Compounds (VOC)

Facilities included in this application are subject to and will operate in compliance with the following subchapters of 30 TAC 115:

- 30 TAC §115.112 – Control Requirements for Storage of Volatile Organic Compounds;
- 30 TAC §115.212 – Control Requirements for Loading and Unloading of Volatile Organic Compounds;
- 30 TAC §115.542 – Control Requirements for Degassing of Storage Tanks, Transfer Vessels, and Marine Vessels.

8.1.8 Chapter 116 – New Construction or Modification

Facilities included in this application are subject to and will operate in compliance with the applicable requirements of 30 TAC 116.

8.1.9 Chapter 117 – Nitrogen Compounds

Facilities included in this application are subject to and will operate in compliance with the applicable requirements of 30 TAC Chapter 117.

8.1.10 Chapter 118 – Air Pollution Episodes

The facilities included in this application are subject to and will operate in compliance with the applicable requirements of 30 TAC Chapter 118.

8.1.11 Chapter 122 – Federal Operating Permits

The proposed Harbor Island Marine Terminal is a major source for Title V purposes; therefore, subject to the requirements of 30 TAC Chapter 122.

8.1.12 Impact on Schools

There are no schools located within 3,000 feet of the facilities included in this application.

8.2 Measurement of Emissions – 30 TAC §116.111(a)(2)(B)

Emissions will be sampled upon request of the Executive Director of the TCEQ.

8.3 BACT Technology – 30 TAC §116.111(a)(2)(C)

Section 6 of this application provides a detailed best available control technology analysis for the facilities included in this application.

8.4 NSPS – 30 TAC §116.111(a)(2)(D)

Facilities included in this application are subject to and will operate in compliance with the applicable requirements of the following New Source Performance Standards:

40 CFR 60, Subpart Kb

Standards of Performance for Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.

8.5 NESHAP – 30 TAC §116.111(a)(2)(E)

The facilities included in this application are not subject to the requirements of the National Emission Standards for Hazardous Air Pollutants.

8.6 NESHAP for Source Categories – 30 TAC §116.111(a)(2)(F)

Facilities included in this application are subject to and will operate in compliance with the applicable requirements of the following National Emission Standards for Hazardous Air Pollutants for Source Categories:

40 CFR Part 63, Subpart Y

National Emission Standards for Marine Tank Vessel Loading Operations

8.7 Performance Demonstration – 30 TAC §116.111(a)(2)(G)

This facilities included in this application will perform as represented in the application and as required by the permit.

8.8 Nonattainment Review – 30 TAC §116.111(a)(2)(H)

Nueces County has been designated attainment or unclassified with regard to criteria pollutant National Ambient Air Quality Standards. Therefore, nonattainment New Source Review requirements are not applicable to this project.

8.9 Prevention of Significant Deterioration – 30 TAC §116.111(a)(2)(I)

See Section 7 for a detailed PSD applicability analysis.

8.10 Air Dispersion Modeling – 30 TAC §116.111(a)(2)(J)

Axis will provide air dispersion modeling results demonstrating compliance with all applicable air quality standards and guidelines, if requested by the TCEQ.

8.11 Hazardous Air Pollutants – 30 TAC §116.111(a)(2)(K)

The Harbor Island Marine Terminal is a minor source of Hazardous Air Pollutants (HAPs); therefore, it is not an affected source subject to the requirements of FCAA 112(g).

8.12 Mass Cap and Trade Allowances – 30 TAC §116.111(a)(2)(L)

The Harbor Island Marine Terminal is not located in a county that is covered by the Mass Emissions Cap and Trade (MECT) program; therefore, this rule does not apply.

8.13 Public Notice – 30 TAC §116.111(b)

This project will result in increases in allowable emissions which exceed the applicable public notice threshold; therefore, public notice is required for this application.