

Ohio EPA

Division of Air Pollution Control

Engineering Guide #5

Question:

Are the capacity exemptions contained in OAC rule 3745-21-09(L)(2) applicable to fixed roof tanks in which the owner reduces the capacity of the tank from a nonexempted capacity to an exempted capacity? (This question was submitted by William Garber of the Toledo Environmental Services Agency and Lynn Malcolm of the Akron Regional Air Quality Management District in February 1980.)

Answer:

Yes. The capacity exemptions contained in OAC rule 3745-21-09(L)(2) still apply to a fixed roof tank in which the capacity was reduced from a nonexempted capacity to an exempted capacity, regardless of when the capacity was reduced. Capacity means the maximum, physical volume of liquid which can be stored in the tank.

The capacity exemptions contained in OAC rule 3745-21-09(L)(2) were based on RACT for fixed roof tanks in general. A time is not specified for when the capacity is to be determined. The rule simply states that tanks below a specified capacity are exempted from the requirements of OAC rule 3745-21-09(L)(1). Therefore, there is nothing to preclude a source owner from reducing the tank capacity from a nonexempted (or regulated) capacity to an exempted capacity. A reduction in capacity should result in less air pollutant emissions for a fixed throughput. A reduced capacity may even be accompanied by a lowered throughput, also resulting in less air pollutant emissions. Since companies are concerned with maintaining the maximum storage capacity and operating throughput, it is unlikely that many would physically reduce the tank capacity in order to obtain an exemption.

"Capacity" is not defined in OAC rule 3745-15-01 or OAC rule 3745-21-01. The Webster definition for "capacity" is "1. the ability to contain, absorb, or receive and hold, 2. a) the amount of space that can be filled; room for holding; content or volume [a tank with a capacity of 21 gallons], b) the point at which no more can be contained [filled to capacity]..."¹ Thus, "capacity" refers to a physical, maximum content of volume in which no more can be held or stored.

There is no provision in OAC Chapter 3745-21 which would allow the "capacity" of a storage tank to be derated by means of a special term and condition of a permit. In other words, a source owner cannot define a maximum operating capacity in place of the physical capacity of the tank as a term and condition of a permit in order to obtain

an exemption under OAC rule 3745-21-09(L)(2).

¹Webster's New World Dictionary, Second College Edition, 1978.

WJ/FM/sk

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