

Comments on Proposed Rules to OAC 165:26 Aboveground Storage Tanks

Cause RM NO 201700012

165:26-2-1-3. Approved Tanks, Tank Design

- (d) Product lines must be installed above the ninety percent (90%) maximum liquid level.

Recommendation: Product lines must be installed above the ninety percent (90%) maximum liquid level, except vertical tanks installed in a secondary containment such as a dike.

This rule may be applied to horizontal tanks because the vertical lift of a horizontal tank is within the limitations of a suction pump. Also, installing a submerged pump is feasible because the maximum diameter of a horizontal tank is 12 ft., with the majority of large horizontal tanks being 10 ft. dia, or less.

However, vertical tanks pose a completely different issue. It is not uncommon for vertical tanks to be 25 -30 ft. high. The problem lies in 2 issues. (1) It is not economically feasible to install a submersible pump into the top of a vertical tank with a 25 ft. suction. If an owner with a 25-ft. aboveground vertical tank wanted to install a submerged pump, the pump would have to be a special design by the manufacturer and require a crane to install the pump. In addition, the tank manufacturer would have to install internal braces to accommodate the extra long suction. All of this adds considerably to the expense of the installation. The tank owner could not use a suction pump because the 25 ft. height exceeds the maximum lift capacity that a suction pump is capable of.

These comments were presented to the OCC for their review. These are some of their comments to my recommended revision. (1) This was added to the rules to comply with the NFPA 30A Fire Code.

My Reply: NFPA Fire Codes are "model codes" they are not regulations. The AHJ or Authority Having Jurisdiction is usually the fire code enforcement officer. The AHJ has 3 options: (1) He can enforce the codes as they are written. (2) He can choose to enforce only the codes he deems necessary for his jurisdiction, and (3) he can choose not to enforce any of the NFPA codes and use another authority such as the ICC or none at all. The codes may be adopted into state or local regulations, as the OCC is recommending, making them enforceable by the jurisdiction adopting them. My point here is that the codes can be edited or changed to meet the requirements of the governing body. They do not have to be adopted exactly as written.

(2) I was told that the OCC would waive the rule on an exception basis for vertical tanks located inside dikes. When I asked a situation that the OCC would not grant a waiver to the rule for vertical tanks inside dikes I received no reply. This gives the appearance of adding another layer of bureaucracy for no reason other than administrative paperwork.

Installing large vertical tanks is not an exception to the rule it is the rule. Implementing this rule means that an owner must apply for a waiver to install his vertical aboveground storage tanks and it is more likely than not that the waiver will be approved. Most of these tanks are found at airports and bulk plants. Implementing this rule means that the design firm will have to apply for the waiver from the OCC before the owner can be assured that the tanks will be allowed to be installed at a site. This is needlessly adding to the cost of the project.

There doesn't appear to be a justifiable reason for this revision. I would not object to the OCC revision if there was a safety, health or environmental concern. However, there does not appear to be any reason other than it is in the NFPA 30A; 4.3.6.1 Fire Code and the OCC wants to grant waivers to vertical aboveground tanks. I call your attention to the following revision recommendation:

165:26-2-92 Dispenser Hose

(a)(1) Hose length at facilities will not exceed eighteen feet.

(a)(3) Hoses on dispensers that are connected to aboveground tanks within a fenced area may not exceed fifty feet in length and must be secured, such as with a hose reel, to protect it from damage.

This revision is a modification of NFPA30A 6.5.1 which only allows the hose length to be 18 ft. in length as in 165:26-2-92 (a)(1) above with the exception of marine facilities where the hose length may exceed 18 ft. if it is secured to protect it from damage. 165:26-2-92(a)(3) is not a marine facility and is a modification of NFPA 30A.

If a modification can be made to NFPA 30A for dispenser hose, then there is no justification for not allowing it for the installation of product lines.

I am recommending that my edited version of the rule revision be adopted.



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