



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JUN 2 2008

Mr. Ray Couture
Reeves Construction Company
1 APAC Industrial Way
Augusta, GA 30903

Ref. No.: 08-0094

Dear Mr. Couture:

This is in response to your April 7, 2008 letter regarding the transportation of diesel fuel in auxiliary fuel tanks under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if you may install two separate auxiliary fuel tanks for dispensing diesel fuel on a company vehicle provided the capacity of each tank does not exceed 220 liters (119 gallons).

The answer is yes. Based on its flashpoint, diesel fuel may be reclassified as a combustible liquid, thereby qualifying for the exceptions to the HMR provided in § 173.150(f) (see the Hazardous Materials Table, Column 8A). That section provides that a combustible liquid in a non-bulk packaging (i.e., having a capacity less than 220 liters (119 gallons)) is not subject to the HMR unless the combustible liquid is a hazardous substance, a hazardous waste, or a marine pollutant.

Regarding your concern about tractor-trailer fuel tanks, vehicle fuel tanks are not subject to the HMR. However, fuel tanks must meet the requirements for all fuel systems under § 393.65 and the diesel fuel tanks you refer to in your letter must also comply with § 393.67 of the Federal Motor Carrier Administration's Federal Motor Carrier Safety Regulations (FMSCR).

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standard

Pollack
§171.1
§172.101
Applicability
08-0094

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Monday, April 07, 2008 12:21 PM
To: 'Drakeford, Carolyn <PHMSA>'
Cc: 'RCouture@reevescc.com'
Subject: FW: Hazmat Regs.

From: Ray Couture [mailto:RCouture@reevescc.com]
Sent: Monday, April 07, 2008 7:36 AM
To: INFOCNTR <PHMSA>
Subject: Hazmat Regs.

Federal DOT Regulations:

Our company would like for determination of federal/state rules concerning the transportation of diesel fuel to support our paving and construction operations. We are outfitting a truck to support our operations and would like to be able to carry at least two hundred gallons of fuel to our job sites. We have been told by Georgia State DOT officers, that if we carry more than one hundred and nineteen gallons, our driver will be required to have a commercial driver's license, with hazmat and tanker endorsements. While we totally support law enforcements attempts to make our roads and highways safe, it seems that there are some laws that are conflicting at best. Some, or most tractor and trailers, on our roads today, carry two or more hundred gallons in tanks mounted on the side of the frame rails of their trucks. We have been told by Georgia officials that as long as the tanks were installed by the manufacture, and are the primary source for engine operations, that there are no requirements for tanker or hazmat endorsements. We have also been told that if we install a two hundred gallon tank on our truck, and have a pump plumbed into the tank to dispense fuel to our equipment, as well as serve as an auxiliary fuel tank for the truck, we would be required to have hazmat/tanker endorsements.

What we are asking for (in writing) is: If we install 2 separate 110 to 119 gallon tanks, that share no common connections, would we be in compliance with all applicable DOT rules? The tanks that we are talking about will be certified by the manufacture, and have all the information attached to the tank.

Thank you for your time and we await your response.

Ray Couture
Shop/Equipment Superintendent
Reeve's Construction Co.
1 APAC Industrial Way
Augusta, Ga. 30903

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