



U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 25 2011

Mr. Sarathi Chilukuri
Cusco Fabricators, Inc.
305 Enford Road
Richmond Hill, ON L4C 3E9
Canada

Reference No.: 11-0036

Dear Mr. Chilukuri:

This responds to your email concerning the definition of a "Portable Tank" as defined by the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the roll-on/roll-off units you describe in your letter can be defined as portable tanks under the HMR.

In your letter you describe your roll-on/roll-off units as tanks that can be moved on and off of a truck chassis or trailer bed using a detachable lifting system. These units you describe are equipped with a hoisting system that utilizes chains and binding straps to move the unit. These units are not permanently attached to any mobile system. Based on the description you provided for your roll-on/roll-off units, these units appear to meet the definition of a portable tank. However, in your letter you also state that it is a widespread industry practice to build and certify these roll-on/roll-off units to DOT 407 and DOT 412 specifications. It should be noted that DOT 407 and DOT 412 are specifications for cargo tanks therefore, if the units you describe are built to these specifications they are considered a cargo tank.

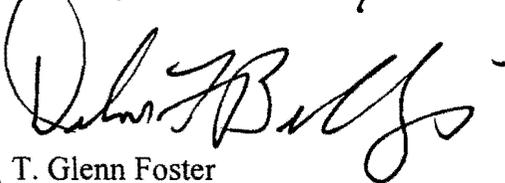
As specified in § 171.8, a portable tank means a bulk packaging (except a cylinder having a water capacity of 1,000 pounds or less) designed primarily to be loaded onto, or on, or temporarily attached to a transport vehicle or ship and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means. It does not include a cargo tank, tank car, multi-unit tank car tank, or trailer carrying 3AX, 3AAX, or 3T cylinders.

The specifications for portable tanks are found in Subpart H of Part 178 of the HMR. Portable tanks not meeting a specification found in Subpart H of Part 178 of the HMR would be considered a non-specification bulk container. In accordance with §173.22(a)(2)

it is the shipper's responsibility to determine that the packaging or container to be used is an authorized packaging, including part 173 requirements, and that it has been manufactured, assembled, and marked in accordance with part 178.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is written in a cursive style with a large initial "T" and "F".

bⁿ T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Benedict
§ 177.800
§ 177.870

From: INFOCNTR (PHMSA)
Sent: Monday, February 14, 2011 3:58 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Highway (Sections 177.800 & 177.870)

Highway
11-0036

Hi Carolyn,

We received the following request for a letter of interpretation at the Info Center.

Thanks,
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
Pipeline & Hazardous Materials Safety Administration 1200 New Jersey Avenue, SE,
E21-119 Washington, D.C. 20590
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Monday, February 14, 2011 11:42 AM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Highway (Sections 177.800 & 177.870)

Background:

Roll-On-Roll-off units are the tanks that are rolled off and on from a truck chassis or trailer bed or some form of transport system using a detachable lifting system. They are neither permanently attached to any mobile system nor dedicated to any such system but are secured to the hoisting system using chains or binding straps. They have been in Hazardous Material service for over 20 years. Most of them are vacuum loaded. The definition of Portable tanks, vide clause # 171.8 that reads "Portable Tank means a bulk packaging (except a cylinder having a 1000-pound or less water capacity) over 110 USG capacity and designed primarily to be loaded into or on or temporarily attached to a transport vehicle or ship and equipped with skids, mounting or accessories to facilitate handling of the tank by mechanical means. It does not include a cargo tank, tank car, multi-unit tank car tank, or trailer carrying 3AX, 3AAX, or 3T cylinders"

My understanding is that these Roll-On-Roll-off units meet the definition of portable tanks. However there is no specification under the category of portable tanks that addresses these Roll-On-Roll-off Units. Possibly because of this lack of clarity in the regulation, it has been the practice across the industry to build and certify these tanks to DOT 407 / 412 that are cargo tanks.

Some of the manufacturers of these Roll-On-Roll-off units are not having license to build the portable tanks.

How does DOT classify these units? Are they Cargo Tanks or they are portable tanks?

Request an interpretation.

Regards,
Sarathi Chilukuri

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