



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 23, 2026

Tom Forbes
Ohio Public Utilities Commission
Chief, Motor Carrier Enforcement
180 E Broad Street
Columbus, OH 43215

Reference No. 25-0073

Dear Chief Forbes:

This is in response to your June 2, 2025, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the discharge of the contents of an intermediate bulk container (IBC) while still on a transport vehicle. In your letter, you describe a scenario involving a vehicle equipped with five IBCs, three of which are filled with a hazardous material. These IBCs remain on the motor vehicle and are connected by hoses to a 55-gallon capacity “induction tank.” The hazardous materials are mixed with water from an onboard water tank and the resulting mixture is transferred from the “induction tank” via hose to the end user. Is the above scenario authorized without being granted a special permit or party status to a special permit?

No. Under § 177.834(h), “discharge of contents of any container, other than a cargo tank or IM portable tank, must not be made prior to removal from the motor vehicle.” Because the contents of the IBCs are being offloaded while still on the transport vehicle, this operation violates the requirements of § 177.834(h). Discharging these IBCs while they remain on the transport vehicle is not permitted without a special permit granting relief from this regulation.

In addition, please note that PHMSA published a notice of proposed rulemaking (NPRM) titled “Hazardous Materials: Adoption of Department of Transportation Special Permits 12412 and 11646 into the Hazardous Materials Regulations” under Docket HM-268L. PHMSA proposes to adopt the provisions of Department of Transportation (DOT) Special Permit (SP) 12412 into a new § 177.834(h)(1) that would allow the discharge of liquid hazardous materials from certain UN Intermediate Bulk Containers (IBCs) and DOT Specification 57 portable tanks without removing them from the vehicle, provided certain conditions are met to ensure safety. Although the HM-268L NPRM does not propose to authorize the manifolding of IBCs during transportation, the use of more than two IBCs under the new provisions, or the discharge of other

packaging types while on the transport vehicle, the proposals therein may impact the answer to your question in the future.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Alexander Wolcott". The signature is fluid and cursive, with a long horizontal stroke extending to the right at the end.

Alexander Wolcott
Acting Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

From: INFOCNTR (PHMSA)
To: Baker, Yul (PHMSA)
Cc: Hazmat_Interns
Subject: FW: Interpretation Request
Date: Monday, June 2, 2025 3:20:21 PM
Attachments: image001.png

Hi Yul,

Please see the below interpretation request. Let us know if you need anything.

Sincerely,
Janaye

From: tom.forbes@puco.ohio.gov <tom.forbes@puco.ohio.gov>
Sent: Monday, June 2, 2025 10:17 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation Request

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

HM Info Center:

I am requesting a written interpretation of the HMRs on the scenario described below.

I recently stopped a CMV transporting Hazardous Materials (HM) for delivery of agricultural chemicals. The vehicle was being operated by a Co-Op not a farmer. The vehicle had 5 IBC on board 3 of which were transporting HM. In discussions with the driver, I ask how the IBCs were off-loaded. Were they removed from the CMV or transferred while they remained on the CMV. He stated they remain on the CMV. I ask him to explain the process. The IBCs are connected by hoses to an "induction tank" and then mixed with water from a large water tank on board. The induction tank is 55 gallon in size. Once the water and AG chemicals are mixed, they are transferred by hose to the end user (farmer). I ask if they had a special permit that allows the IBCs to be off loaded or transferred while remaining on the vehicle and the driver stated no. I am providing photos below to detail the CMV and off-loading process.

My question: Is it a violation of 177.834(h) to transfer or off-load these IBCs before removing them from the CMV in this scenario if you are not party to the Special Permit that allows it?



Rear of truck showing some of the IBCs and the discharge hose with the valve and yellow shut off handle



Front of truck showing the Green water tank and the 55-gallon "inductor tank"



Close up of "inductor tank" and discharge pipe



Tom Forbes
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