



Exhaust Center, Inc. d/b/a ECI Fuel Systems

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08/21/2026

Associate Administrator for Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
East Building, PHH-10
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Request for Written Interpretation — Operational Control Responsibility Under 49 CFR § 177.834 and DOT Special Permits Authorizing Non-DOT Specification Refueling Tanks (e.g., DOT-SP 20705)

Dear Associate Administrator:

Exhaust Center, Inc., doing business as ECI Fuel Systems (“ECI”), is the grantee of DOT-SP 20705, a special permit authorizing the manufacture, sale, and use of non-DOT specification metal refueling tanks for the transportation and on-vehicle dispensing of certain Class 3 liquids, including gasoline. We respectfully request a written interpretation of the Hazardous Materials Regulations (HMR) and of the operational-control conditions common to this category of special permit, to ensure ECI and the broader industry understand where compliance responsibility resides as between manufacturer and end user.

Background

We understand that special permits in this relieve holders from 49 CFR § 177.834(h) and § 178.700(c)(1)/178.705(d) on the condition that a defined set of operational controls are followed each time the tank is used, including (among others):

- The tank is attended at all times during loading and unloading by a qualified person;
- The pump hose and nozzle are locked during transportation;
- Electrical power to the pump is disconnected during transportation; and
- The operator has emptied the contents of the hose by inverting the polarity of the attached pump and pumping from the hose into the tank for a minimum of 15 seconds before transportation.

We further understand that the packaging (design/drawing) conditions of at least some permits in this category do not require that a pump be sold or installed with the tank — the tank alone, without a pump, can conform to the approved design. As a practical matter, we are aware that some tanks authorized under this category of special permit are commercially sold without a factory-installed pump, with the end purchaser independently sourcing and installing a pump, and without manufacturer-provided instructions describing how to perform the polarity-reversal/hose-purge operational control described above.



Questions Presented

1. Where a special permit's packaging conditions do not require a pump to be sold with the tank, does the sale of a bare tank (without a pump, and without instructions for satisfying the Section 7(c)-type operational controls) constitute a deviation from the terms of the special permit by the manufacturer, or does responsibility for satisfying the operational controls listed above rest entirely with the end user/operator at the time of use?
2. Does a special permit grantee or its authorized reseller have any affirmative obligation under the permit or the HMR to instruct purchasers on how to satisfy operational controls such as the 15-second polarity-reversal/hose-purge requirement, where the permit itself does not mandate a specific pump or purge mechanism as part of the packaging design?
3. If an end user installs a pump that is mechanically incapable of performing the required polarity reversal (e.g., a single-direction pump with no reversing switch or relay), is the resulting combination of tank and pump "authorized to be listed as DOT-SP XXXXX," consistent with prior informal guidance from your office that a product not complying with the terms of a special permit is not authorized to be so listed?

We ask these questions to ensure our own marketing and customer-facing materials accurately describe where compliance responsibility lies, and to support consistent, accurate compliance communication across this product category more broadly. Our questions are limited to the general allocation of responsibility under the regulations and this category of special permit.

Please direct any questions or requests for additional information to the undersigned.

Sincerely,

Dustin Hamm
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