



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

AUG 08 2019

Haley Hoewt
1040 C St #505
Sparks, NV 89431

Reference No. 19-0043

Dear Ms. Hoewt:

This letter is in response to your April 1, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to portable tanks. Specifically, you ask whether a portable tank that has been "rendered stationary" (e.g., welded feet, bolted to the ground) and is no longer used in transportation must be requalified in accordance with § 178.605.

If the packaging is represented as being maintained and retested in accordance with applicable requirements in the HMR by displaying the applicable specification markings, it is subject to the HMR. Section 171.2(g) states that no person may represent or offer a packaging as meeting the requirements of the HMR unless the packaging is maintained, marked, and retested in accordance with the applicable requirements of the HMR. These requirements are applicable whether or not the packaging is used for the transportation of a hazardous material. Therefore, if the UN or DOT specification portable tank used at your facility is not maintained in accordance with the HMR, we recommend you securely cover any identifying marks or specification plates representing it as such. In the instance the packaging is used in transportation again at some point in the future, it would have to meet all applicable requirements of the HMR prior to being filled and placed into transportation.

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

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Cardez
19-0043

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, April 01, 2019 3:11 PM
To: Hazmat Interps
Subject: FW: Request for Letter of Interpretation

Alice and Ikeya,

Below is a request for letter of interpretation. In a separate email chain, Haley provided the information below:

1040 C St #505
Sparks, NV 89431

850.266.5069

Thanks,

Lynsie Patschke
Transportation Regulatory Specialist
Hazardous Materials Information Center (HMIC)

From: haley hoewt [mailto:haleyhoewt@gmail.com]
Sent: Monday, April 01, 2019 11:11 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Re: Request for Letter of Interpretation

Revision to request for interpretation.

- 1) Is DOT UN portable tank re certification a valid vessel permit for a UN portable tank that has been rendered stationary (ie: welded feet, bolted to ground, hard piping to and from tank) and has not been in transit for over 2 years?
- 2) If answer to 1) (above) is "Yes," does recertification for CSC apply to UN portable tank regardless of it's lack of international transit?
- 3) If answer to 1) (above) is "Yes," is an alternative means of hydrostatic testing allowable due to incompatibility with stored material in tank?

On Fri, Mar 22, 2019 at 10:34 AM INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov> wrote:

Dear Haley,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<http://phmsa.dot.gov/regulations>

However, before we can submit your request for processing, please respond to this email with:

- Physical Mailing Address
- Telephone Number

Sincerely,

Lynsie, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

From: haley hoewt [<mailto:haleyhoewt@gmail.com>]
Sent: Friday, March 22, 2019 10:32 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request Letter of Interpretation

To whom it may concern,

I'm emailing regarding a concern with respect to the jurisdiction of a UN portable tank.

This UN portable tank (T11) was built and certified for means of shipment of materials.

However, since this time, it has been grounded (welded feed bolted to ground) with hard piping run to it (in essence, used for bulk storage). Due to it's nature of no longer being an "in-transit" vessel, i'm requesting guidance for determining under which code/who's jurisdiction it will now fall.

Is it acceptable to call this tank "compliant" if it remains compliant with the DOT regulations of rectification given that it is no longer in transit?

Thanks,

Haley

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Haley Hoewt (何海莉)

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Haley Hoewt (何海莉)