



U.S. Department  
of Transportation

1200 New Jersey Avenue, SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

AUG 14 2019

Mr. David Beretta  
Manger, Compliance & Regulatory  
AMTROL Water Systems  
1400 Division Road  
West Warwick, RI 02893

Reference No. 19-0024

Dear Mr. Beretta:

This letter is in response to your February 26, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of water pump systems. In your email, you describe water pump systems containing “UN1956, Compressed gas, n.o.s. (air with up to 15% helium), 2.2” shipped at 38 pounds per square inch (psi) of pressure, with each cylinder weighing approximately 112 pounds each. You also reference a previous letter of interpretation (09-0010) which discusses the application of the limited quantity exception in § 173.306(g) to the water pump systems described above. This previous letter of interpretation clarifies a “single-trip shipment” under § 173.306(g) as a one-time movement of the water pump systems from the facility where they are purchased to the installation site. However, you interpret a “single-trip shipment” as the movement from the manufacturing site to the end-user regardless of whether there is storage incidental to movement before delivery to an installation site. You note that there is no alteration of the package or outer packaging during the storage incidental to movement. You ask whether the described shipment would be considered a “single-trip shipment” under § 173.306(g) if there is storage incidental to movement with no alterations to the package or outer packaging prior to delivery at the installation site.

Provided the water pump systems and any packaging/outer packaging are unaltered, the scenario described in your email would qualify as a “single-trip shipment” under § 173.306(g) and the limited quantity exception would apply.

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

Sincerely,

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

**Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, February 27, 2019 2:10 PM  
**To:** Hazmat Interps  
**Subject:** FW: Letter of Interpretation for 173.306(g), Single Trip Shipment  
**Attachments:** 20190226135051510.pdf

Hello Alice and Ikeya,

Below is a request for letter of interpretation.

Thanks,

Jonathon, HMIC

**From:** Beretta, David [mailto:David.Beretta@worthingtonindustries.com]  
**Sent:** Tuesday, February 26, 2019 3:03 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Cc:** Lafazia, Patricia <Patricia.Lafazia@worthingtonindustries.com>; McKinley, Jody <Jody.McKinley@worthingtonindustries.com>; Morey, Susan <Susan.Morey@worthingtonindustries.com>; Gentry, Steve <Steve.Gentry@worthingtonindustries.com>; Newberry, Paul <Paul.Newberry@worthingtonindustries.com>  
**Subject:** Letter of Interpretation for 173.306(g), Single Trip Shipment

Hello:

A previous letter of interpretation , your #09-0010, was issued.

However, Oregon DOT has requested that I get a more detailed response in another letter of interpretation. Specifically, they are not sure if "from manufacturer/distributor to the end-user" allows stops along the way and still qualify as "single trip shipment".

I feel your original interpretation is clear since if the shipment goes to a distributor it must stop or otherwise it would be going directly to the end user.

(I have attached the original request for interpretation from John DiLeo of Pentair dated 12/29/2008).

During shipment, by AMTROL (and our competitors) there is storage of the packages incidental to movement. The one time shipment could take the form of transferring from a truck to truck to a storage facility then on to a distributor then on to a dealer then to a contractor and finally and end user. Or, the shipment could be more direct. We interpret "single trip shipment" as the movement from the manufacturing site to the end-user whether there are no stops or several. . (No alteration of the package or outer packaging at all during the stops in the "single trip" shipment. )

If you would please confirm in writing through a Letter of Interpretation our understanding of the above that would be greatly appreciated. If you can confirm our understanding, it would be appreciated if the Letter of Interpretation has a more detailed explanation than the sentence in your #09-0010 ("In this context , "single-trip shipment"....)

Feel free to contact me.

Thank you for your time and understanding.

Respectfully submitted,

Best Regards,

David

David Beretta  
Manager, Compliance & Regulatory  
AMTROL Water Systems | Engineering  
1400 Division Road  
West Warwick, RI 02893  
O 401.535.1252  
David.Beretta@WorthingtonIndustries.com | NYSE: WOR



**From:** Beretta, David  
**Sent:** Tuesday, February 26, 2019 8:55 AM  
**To:** 'infocntr@dot.gov'  
**Cc:** Lafazia, Patricia; McKinley, Jody; Morey, Susan; Gentry, Steve; Newberry, Paul  
**Subject:** RE: Clarification of 173.306(g) and DOT-SP11592 - Oregon D.O.T. [External]

Hello,  
Please refer to Andrew Zikmund's earlier email, copied below.  
Thank you for your help with this matter.  
I will (try to :>)) be brief but would be very happy to expand if you want.

AMTROL's (and our competitor's) understanding from your ref. no. 09-0010 is that single trip shipment ("from manufacturer/distributor to the end-user") means that the package can make one trip to the place where it will be installed with or without stops along the way as limited quantity as classified in 49CFR173.306(g).

The only thing that may not be clear is the use of the virgule "/". According to the dictionary I looked in that could mean "and", "or" or both, indicating to me that whether the package goes directly or indirectly to the installation site, it is one shipment and would stay classified as limited quantity.

During the trip the packages make, with or without stops along the way, the package or the strong overpack is not modified in any way.

There have been no known incidents with the tens of millions of packages since they started shipping this way in the 1960s (I don't have an exact date or quantity).

Beside the Interpretation letter, AMTROL was audited by US DOT's Wayne Chaney on Feb 28, 2008. I was present for the audit. He was extremely thorough reviewing all aspects of our packaging and its shipment. There was no issue with the method of shipping as limited quantity all the way to the installation site, no matter the stops along the way.

If the interpretation of single trip shipment is changed it will create a large burden on AMTROL and increased cost to our customers without increasing the level of safety during shipment.

My guess is that "single trip" shipment is used to prevent the packages from being used like several DOT specification cylinders where most or all of the package life is spent "on the road" (DOT39 and 4BA to my personal knowledge, we manufacture those as well).

I would be grateful if I could speak with someone about this before any action is taken.  
Thank you and have a good day.

Best Regards,  
Respectfully submitted,  
David

David Beretta  
Manager, Compliance & Regulatory  
AMTROL Water Systems | Engineering  
1400 Division Road  
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O 401.535.1252  
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**From:** ZIKMUND Andrew G [<mailto:Andrew.G.ZIKMUND@odot.state.or.us>]  
**Sent:** Monday, February 25, 2019 5:47 PM  
**To:** 'infocntr@dot.gov'  
**Cc:** Beretta, David  
**Subject:** FW: Clarification of 173.306(g) and DOT-SP11592 - Oregon D.O.T. [External]

**Security Notice:** External email. Think before you click!

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Hello, I apologize for any inconvenience, I have tried the phone number 1-800-467-4922 several different time today and have not been able to get through.

You will see in my email attached below from 2/20/19 that I requested clarification on 173.306(g) and DOT-SP11592.

My response from Brianna at PHMSA was very quick and much appreciated. In her verbal response she explained that it was PHMSA's understanding that the shipments described would not meet the exemption in 173.306(g) and because of that could not take advantage of the DOT-SP11592 simply because of the movements described in the email from 2/20 were not "Single trip shipments to installation sites".

That being said, the shipper I am currently working with (details attached) would like a written response clarifying this. And in addition would like to know of an option to adjust this exemption in 173.306(g) (or the interpretations of 173.306(g)) to fit their common practice of hauling the shipments described below.

Because this interpretation will dramatically affect such large business practices who have been shipping these shipments for so many years I would assume it could be the basis for the shipper to apply for a separate DOT-SP? For the same reasons I would like to ensure we have a clear outline for compliance for this shipper and the many others who ship these products in the United States.

I would appreciate if you could respond either to myself or most importantly to the shipper in question with the written clarification of my original question. Also if you could provide information relating to options they may have to further ship the material.

Shipper contact:

David Beretta  
Manager, Compliance & Regulatory  
AMTROL Water Systems Engineering  
1400 Division Road  
West Warwick, RI 02893  
O 401.535.1252  
[David.Beretta@worthingtonindustries.com](mailto:David.Beretta@worthingtonindustries.com)

Thank you all for your time with this complicated issue. I appreciate all the help.

*Andrew Zikmund*

HM Compliance Specialist  
Motor Carrier Safety  
Phone: (541) 869-2904 Fax: (541) 869-2026



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**From:** ZIKMUND Andrew G  
**Sent:** Wednesday, February 20, 2019 5:52 PM  
**To:** 'infocntr@dot.gov' <[infocntr@dot.gov](mailto:infocntr@dot.gov)>  
**Subject:** Clarification of 173.306(g) and DOT-SP11592 - Oregon D.O.T.

Hello, My name is Andy Zikmund. I am a Hazardous Materials compliance specialist for the Oregon D.O.T.

I am writing to clarify the applicability of 173.306(g) and DOT-SP11592.

My situation is:

A motor carrier is loading 98 water pump system tanks containing "UN1956, Compressed Gas, NOS (air with up to 15% Helium) 2.2" shipped at 38psi ea. weighing roughly 112 lbs. ea. from a the manufacturers facility (Amtrol Inc.) in Rhode Island to three separate distribution / retail locations in Washington state.

After they are delivered they are stored at the distribution / retail facilities until a customer purchases them for their home or business.

The motor carrier in question is shipping these tanks with the understanding that they meet the exception found in 173.306(g). And also is under the assumption that DOT-SP11592 applies to this shipment.

After reading 173.306(g), DOT-SP11592 and PHMSA interpretation reference # 09-0010 dated March 26, 2009. It is my understanding that shipment described above (98 water pump system tanks containing UN1956, Compressed Gas, NOS (air with up to 15% Helium) 2.2 shipped at 38psi ea weighing roughly 112 lbs ea) would not meet the exception in 173.306(g) and therefore the DOT-SP11592 would not apply to this shipment either. I came to this conclusion because the wording used in 173.306(g) specifically states "single trip shipments to installation sites". After reading the PHMSA interpretation 09-0010 which even more clearly defines that term saying "it means the one-time movement of tanks from the facility from which they are purchased to the site where they will be installed" it is my understanding that the above described shipment can-not take advantage of this exception in 173.306(g) or the DOT-SP11592.

Could you please respond clarifying if my understanding is correct, or if I am interpreting this incorrectly. Also, can you clarify that the DOT-SP 11592 is only an exception allowed for carriers that meet the exception in 173.306(g).

Sorry for the long email ☺ Thanks for your time.

*Andrew Zikmund*

HM Compliance Specialist

Motor Carrier Safety

Phone: (541) 869-2904 Fax: (541) 869-2026



**Pentair Water Group, Inc.**

John F. Di Leo  
Import/Export Compliance Manager  
450 Remington Rd., Schaumburg, IL 60173  
John.DiLeo@Pentair-EP.com  
Tel: 847-466-8812

*On behalf of all its affiliates and subsidiaries, including:*

**Sta-Rite Industries, LLC**  
293 Wright St, Delavan, WI 53115  
*and*

**Pentair Pump Group Inc, DBA Myers Pump**  
1101 Myers Parkway, Ashland, OH 44805

Date: December 29, 2008 A.D.  
To: Duane Pfund, Director  
Office of International Standards  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Ave., S.E.  
Washington, DC 20590  
Duane.Pfund@DOT.gov, 202-366-0656

Engrum  
§173.306(g)  
Limited Quantities  
09-0010

**Request for Letter of Interpretation for Ground Shipping under 49CFR 173.306(g)**

Subject: Steel Water Pump System Tanks, 49CFR 173.306(g)

We are writing to request your support in clarifying an exception provided in 49CFR, for domestic shipment by ground and water transport (it does not apply to airfreight).

We sell steel water pump system tanks, which are hooked up to a water pump in the basement or near a well to provide proper water pressure for a home or other building. The tank accomplishes this by the use of a bladder that has been pressurized, either with nitrogen or plain air, to a gauge pressure of about 38-40 psi. We are therefore not selling a pressurized gas, as such... we are selling an article which is pressurized for its functionality.

While these articles are totally safe – harmless – in transportation (they are tested and confirmed safe up to 300 psi – over seven times their working and shipping pressure), they do fall under the definition of a hazardous material because of the definition for nonflammable compressed gas (40 psig + 1 bar = 54.7 psia)... either UN1066 (when nitrogen is used) or UN1002 (when plain air is used).

We therefore ship them domestically under the Limited Quantity provision that was created specifically for these products, in 49CFR 173.306(g). We only have one issue that is slightly unclear – the reference to “single-trip shipment” transportation, so we are writing to request a written clarification in the form of a DOT Letter of Interpretation.

**Request Details:**

We stipulate that our steel water pressure system tanks do fully meet the requirements of 49CFR 173.306(g).

A reading of the initial permits that led to 49CFR 173.306(g) seems to show that the “single-trip shipment” language means only that the tank itself does not change – i.e. that the pre-charged gas stays in the one single packaging through the entire shipment – and does not prevent going from truck to truck – in multiple stages of shipment (i.e. from manufacturer to distribution to dealer to end-user). Michael Stevens of PHMSA has verbally confirmed this understanding.

Accordingly, we hereby ask that the DOT please confirm in writing, through a Letter of Interpretation, that we understand the above correctly: that this exception applies to multiple-stage shipment as long as the tank is not further altered after leaving our factory.

## History

Steel water pump system tanks are a \$100 million-plus industry worldwide, with sales of approximately a million units per year. We manufacture approximately a quarter of them here in the USA, producing critical jobs in Wisconsin and revenue for our parent, Pentair Inc, a publicly held Minnesota-based holding company with a presence in over fifteen states, employing some 13,000 worldwide.

Sta-Rite Industries has been in the water systems business since 1934, and has been making these water pump system tanks for over 35 years. Our safety record with these products is excellent; we consider them to be totally safe, both in transportation and in use. To the best of our knowledge, there has never been a transportation incident in which the pressure of our tanks played any role at all.

We are among the world's leading producers of these products, and we employ approximately 800 employees in the small rural town of Delavan, Wisconsin alone (population just over 8000). We want to be 100% compliant in our shipping, and the clarification of the "single-trip shipment" clause will remove any doubt that we are.

Thank you for your consideration of this request.

Regards,

John F. Di Leo  
Pentair Water Group, Inc.

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