



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

SEP 27 2019

Rex Railsback
Railsback Hazmat Safety Professionals, LLC
312 Lawrence Ave.
Lawrence, KS 66049

Reference No. 19-0033

Dear Mr. Railsback:

This letter is in response to your March 21, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to Department of Transportation special permits (DOT-SP or SP). Specifically, you describe several scenarios pertaining to DOT-SP 8627 and DOT-SP 20705 and their use.

We have paraphrased and answered your questions as follows:

- Q1. You describe a scenario in which a carrier is transporting a “six-pack” consisting of six 60-gallon portable tanks or Intermediate Bulk Containers (IBCs), constructed and marked in accordance with DOT-SP 8627. One of the six tanks is filled with 60 gallons of a combustible liquid while the remaining five tanks are empty. You ask whether the “six-pack” and transport vehicle are subject to the HMR pertaining to the transportation of an IBC or portable tank.
- A1. A shipment using tanks marked with DOT-SP 8627 would be subject to the requirements of the SP. For the purposes of this SP, the group of specially designed 60-gallon tanks used under the terms of DOT-SP 8627 are considered “bulk” packagings. Therefore, the shipment would have to meet the HMR requirements for transporting the material in a bulk packaging. Please note that DOT-SP 8627 only authorizes the transportation of the hazardous materials listed in DOT-SP 8627 tanks.
- Q2. You describe a scenario in which a carrier is transporting a “six-pack” consisting of six 60-gallon portable tanks or IBCs, constructed in accordance with DOT-SP 8627 but either not marked with the SP number or the SP number is covered. Each of the six tanks is filled with 60 gallons of a combustible liquid, totaling 360 gallons. You ask whether the “six-pack” and transport vehicle are subject to the HMR due to the non-bulk combustible liquid exception provided in § 173.150(f).
- A2. If the SP marking is removed or covered, the package is considered a non-bulk, non-specification package. If the manifold package is sealed off so that each 60-gallon

tank is an independent package, the shipment would be excepted from the HMR in accordance with § 173.150(f)(2) provided the material is not a hazardous substance, a hazardous waste, or a marine pollutant.

- Q3. You describe a scenario in which a carrier is transporting one 50-gallon IBC, constructed and marked in accordance with DOT-SP 20705 and filled with 50 gallons of a combustible liquid. You ask whether the IBC and transport vehicle are subject to the HMR pertaining to the transportation of an IBC.
- A3. A shipment using packagings marked with DOT-SP 20705 would be subject to the requirements of the SP. For the purposes of this SP, the specially designed 50-gallon tanks used under the terms of SP-20705 are considered "bulk" packagings. Therefore, the shipment would have to meet the HMR requirements for transporting the material in a bulk packaging. Please note that DOT-SP 20705 only authorizes the transportation of the hazardous materials listed in the SP in DOT-SP 20705 packagings.
- Q4. You describe a scenario in which a carrier is transporting 20 50-gallon IBCs, constructed in accordance with DOT-SP 20705 but either not marked with the SP number or the SP number is covered. Each IBC is filled with 50 gallons of a combustible liquid, totaling 1,000 gallons. You ask whether the IBC and transport vehicle are subject to the HMR due to the non-bulk combustible liquids exception in § 173.150(f).
- A4. If the SP marking is removed or covered, the package is considered a non-bulk, non-specification package. Therefore, the combustible liquid would be excepted from the HMR under § 173.150(f)(2) provided the material is not a hazardous substance, a hazardous waste, or a marine pollutant.
- Q5. You describe a scenario in which a carrier is transporting 30 50-gallon UN specification 1A1/X steel drums, marked in accordance with § 178.503. Each drum is filled with 50 gallons of a combustible liquid, totaling 1,500 gallons. You ask whether this shipment is subject to the HMR due to the non-bulk combustible liquid exception in § 173.150(f).
- A5. The shipment would be excepted from the HMR in accordance with § 173.150(f)(2), provided the drums are filled with a combustible liquid and the material is not a hazardous substance, a hazardous waste, or a marine pollutant.

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

Wolcott

19-0033

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, March 21, 2019 11:54 AM
To: Hazmat Interps
Subject: FW: Request for letter of interpretation

Hello Alice and Ikeya,

Below is a request for letter of interpretation. Breanna spoke with Andrew Eckenrode and Mike Nicks about this topic.

Thanks,

Jonathon, HMIC

From: Rex Railsback [mailto:rex@hazmatgeek.com]
Sent: Thursday, March 21, 2019 11:49 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: Request for letter of interpretation

Rex Railsback
312 Lawrence Ave, Lawrence, KS 66049
913-568-3001

Thanks

Rex Railsback, HazMat Specialist
913-568-3001
rex@hazmatgeek.com
www.hazmatgeek.com

RAILSBACK HAZMAT SAFETY PROFESSIONALS LLC



Your HazMat Training & Compliance Specialist

From: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Sent: Thursday, March 21, 2019 10:47 AM
To: Rex Railsback <rex@hazmatgeek.com>
Subject: RE: Request for letter of interpretation

Dear Rex,

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:

- Full Name
- Physical Mailing Address
- Telephone Number

Sincerely,

Jonathon, 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: Rex Railsback [mailto:rex@hazmatgeek.com]
Sent: Wednesday, March 20, 2019 12:15 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Cc: Rex Railsback <rex@hazmatgeek.com>
Subject: Request for letter of interpretation

I respectfully request a formal letter of interpretation to the below scenarios, reference my 03/19/2019 telephone conversations with PHMSA, regarding DOT-SP 8627, DOT-SP 20705 and PHMSA Interpretation 16-0004, to ensure my understanding of PHMSA's response to my previous questions, emailed on 03/06/2019 & 03/12/2019.

Scenario #1. Per our phone conversation, it is my understanding that if a carrier is transporting one "six-pack" consisting of six 60 gallon tanks, constructed per DOT-SP 8627, marked with said SP number, with one of the six tanks filled with 60 gallons of a combustible liquid, and the remaining five tanks are empty, the "six-pack" and transport vehicle would be subject to all hazmat regulations pertaining to the transportation of an IBC. *isolated*

Scenario #2. Per our phone conversation, it is my understanding that if a carrier is transporting a "six-pack" consisting of six 60 gallon tanks, constructed per DOT-SP 8627, NOT marked with said SP number or the SP number is covered, with each of the six tanks filled with 60 gallons of a combustible liquid, totaling 360 gallons, the "six-pack" and transport vehicle would NOT be subject to the hazmat regulations, per the non-bulk combustible liquids exception found in 173.150(f).

Scenario #3. Per our phone conversation, it is my understanding that if a carrier is transporting one 50 gallon tank, constructed per DOT-SP 20705, marked with said SP number, and filled with 50 gallons of a combustible liquid, the tank and transport vehicle would be subject to all hazmat regulations pertaining to the transportation of an IBC.

Scenario #4. Per our phone conversation, it is my understanding that if a carrier is transporting twenty (20), 50 gallon tanks, constructed per DOT-SP 20705, NOT marked with said SP number or the SP number is covered, each tank filled with 50 gallons of a combustible liquid, totaling 1,000 gallons, the tank and transport vehicle would NOT be subject to the hazmat regulations, per the non-bulk combustible liquids exception found in 173.150(f).

Scenario #5. Per our phone conversation, it is my understanding that if a carrier is transporting thirty (30), 50 gallon UN specification 1A1/X steel drums, marked per 178.503, each filled with 50 gallons of a combustible liquid, totaling 1,500 gallons, the drums and transport vehicle would NOT be subject to the hazmat regulations, per the non-bulk combustible liquids exception found in 173.150(f).

Thank you for your time and effort in this matter.

Respectfully

Rex Railsback, HazMat Specialist

913-568-3001

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www.hazmatgeek.com

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Your HazMat Training & Compliance Specialist