



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 26, 2020

Pat Mentzel
Odfjell
12211 Port Road
Seabrook, TX 77586

Reference No. 19-0131

Dear Mr. Mentzel:

This letter is in response to your December 4, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to valve requirements for International Organization for Standardization (ISO) containers or United Nations (UN) portable tanks. In your email, you provided two photographs depicting two different configurations for bottom discharge outlets for a UN portable tank with a valve and cap.

- Photograph #1 illustrates a UN portable tank with a dry break fitting or coupling.
- Photograph #2 illustrates a UN portable tank with a traditional external stop-valve.

In your letter, you state that it is your understanding that a UN portable tank must have two valves and a cap for the bottom discharge to be in compliance with the portable tank outlet requirements in § 178.275(d)(3). Additionally, you ask whether the dry break fitting in photograph #1 conforms to the HMR.

A fitting or coupling is an apparatus that allows for the connection of two or more pipes or hoses, and is not considered a “valve” meeting the requirements of the shut-off devices described in § 178.275(d)(3) of the HMR. A fitting/coupling does not contain a lever or any other external manner of activation independent from the act of connecting. However, a fitting/coupling would be acceptable to use if it contained an internal valve with an external means of operation, which met the requirements of § 178.275(d)(3)(ii). It is important to note that the fitting’s internal valve, having the ability to start/stop the flow of lading, would meet the HMR requirements and not the fitting itself. Also, this fitting/coupling would not be able to be removed as the shut-off devices would no longer be in series as required.

Furthermore, photograph #1 appears to depict the bottom discharge outlet as containing a dry break fitting/coupling equipped with an internal valve and an external activation lever. If the fitting/coupling meets the requirements described above, this would then meet the requirement of § 178.275(d)(3)(ii) of the HMR.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

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

Danner
19-0131
\$178,275(d)(3)

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, December 05, 2019 3:34 PM
To: Hazmat Interps
Subject: FW: Letter of Interpretation Request
Attachments: FW: DOT Iso-Container Question?; Pat Mentzel Interp Request Notes.docx

Hello Alice and Ikeya,

Below is a request for letter of interpretation. See attachment for notes.

Thanks,

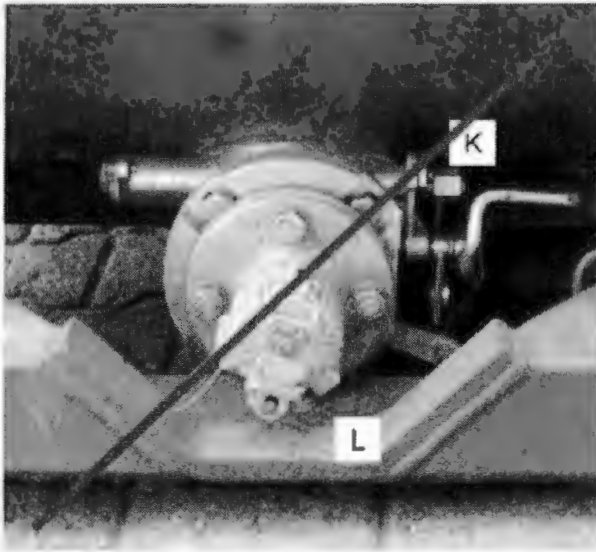
Jonathon, HMIC

From: Pat Mentzel [mailto:Pat.Mentzel@odfjell.com]
Sent: Wednesday, December 4, 2019 10:39 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Pat Mentzel <Pat.Mentzel@odfjell.com>
Subject: Letter of Interpretation Request

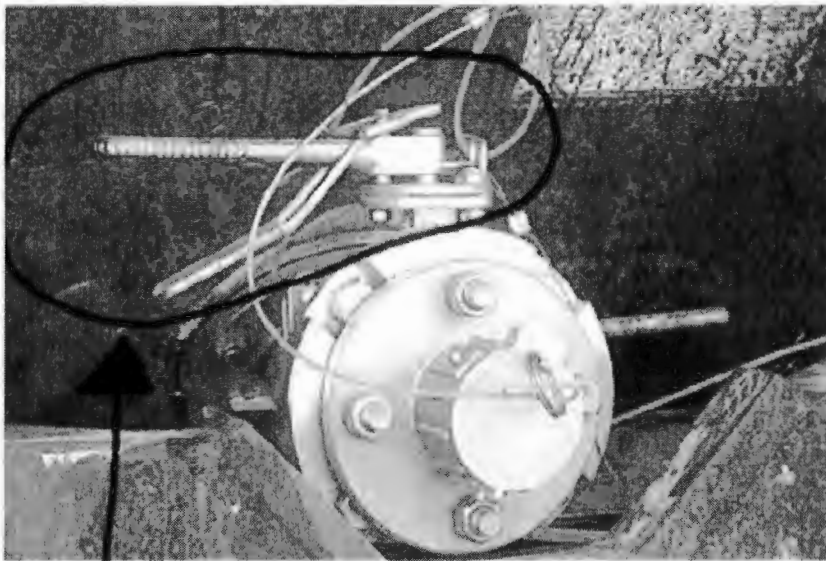
I have been in contact with Johnathan a few weeks ago about this subject. I will need a formal response back so that I can send to our customer regarding this issue.

Attached you will an email explaining our issue and past correspondence.

We have a customer sending us some Iso-Containers from overseas in the condition of picture 1 (1 valve, a dry break and a cap). It is my interpretation that they must be in condition 2 that has the 2 valves and a cap. There is push back from the customer saying that these are within DOT regs. They are saying that the dry break is considered a valve. Regs below.



1



2

(i) The tank outlets conform to § 178.275(d)(3) of this subchapter; or

(3) Except as provided in paragraph (d)(2) of this section, every bottom discharge outlet must be equipped with three serially fitted and mutually independent shut-off devices. The design of the equipment must include:

(i) A self-closing internal stop-valve, which is a stop-valve within the shell or within a welded flange or its companion flange, such that:

(A) The control devices for the operation of the valve are designed to prevent any unintended opening through impact or other inadvertent act;

(B) The valve is operable from above or below;

(C) If possible, the setting of the valve (open or closed) must be capable of being verified from the ground;

(D) Except for portable tanks having a capacity less than 1,000 liters (264.2 gallons), it must be possible to close the valve from an accessible position on

the portable tank that is remote from the valve itself within 30 seconds of actuation; and

(E) The valve must continue to be effective in the event of damage to the external device for controlling the operation of the valve;

(ii) An external stop-valve fitted as close to the shell as reasonably practicable;

(iii) A liquid tight closure at the end of the discharge pipe, which may be a bolted blank flange or a screw cap; and

(iv) For UN portable tanks, with bottom outlets, used for the transportation of liquid hazardous materials that are Class 3, PG I or II, or PG III with a flash point of less than 100 °F (38 °C); Division 5.1, PG I or II; or Division 6.1, PG I or II, the remote means of closure must be capable of thermal activation. The thermal means of activation must activate at a temperature of not more than 250 °F (121 °C).

Thank you very much for looking into this matter and we await your formal response. Below is my contact info with business address.

Pat Mentzel

Facility Security Officer / Terminal Support | Odfjell Terminals US

Tel. +1 713 844 2339 | Mob. +1 832 359 1557

Odfjell Terminals US | 12211 Port Road | Seabrook, Texas 77586 | USA

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Call the Info Center:

- *for help with use of the Hazardous Materials Regulations (49 CFR Parts 100-185);
- *for information concerning hazardous materials transportation and rulemakings;
- *to report violations of the HMR;
- *to receive recent copies of Federal Register publications or DOT special permits;
- *to request copies of training materials;
- *to request a formal letter of interpretation*

To request a formal letter of interpretation or to mail your question, write to:

Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

<https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-information-center>

Michael Horton
Lead Investigator III
Railroad Safety Inspector-Hazardous Materials
Texas Department of Transportation
7600 Washington Avenue
Houston, TX 77007
Cell: 512-971-3023
michael.horton@txdot.gov

From: Pat Mentzel [mailto:Pat.Mentzel@odfjell.com]
Sent: Tuesday, November 12, 2019 3:35 PM
To: Michael Horton
Cc: Pat Mentzel
Subject: DOT Iso-Container Question?

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

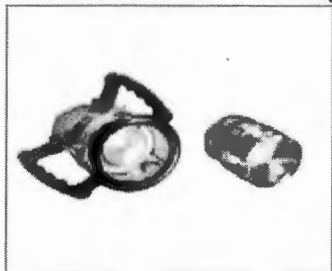
Good afternoon Michael,

I have a question maybe you could answer or point me in the right direction. We have a customer sending us some Iso-Container from over seas in the condition of picture 1 (1 valve, a dry break and a cap). It is my interpretation that they must be in condition 2 that has the 2 valves and a cap. There is push back from the customer saying that these are within DOT regs. They are saying that the dry break is considered a valve. Regs below.

Dodd, Alice (PHMSA)

From: Pat Mentzel <Pat.Mentzel@odfjell.com>
Sent: Wednesday, November 13, 2019 10:47 AM
To: INFOCNTR (PHMSA)
Cc: Pat Mentzel
Subject: FW: DOT Iso-Container Question?

Josh,
Here is the info I was talking to you about.



Dry break coupling, also known as dry disconnect coupling, is a fitting that offers advanced fluid handling solutions. They are used where accidental spillage of liquids is not acceptable due to health regulations and environmental concerns. Moreover, it is used when the value of liquids is too high to tolerate any spillage or loss. Dry disconnect couplings are easy to operate. You just open and close the valves using the handle on the device to control the flow of the liquid in the lines.

The red handle part is what is on the end of our hose and the other part is what is on the Iso-container. I need to know is okay per the regs. In the pictures below it also shows a cap on the end of the Iso-container.

I appreciate any recommendations you can give me.

Thanks,
Pat Mentzel

From: Michael Horton <Michael.Horton@txdot.gov>
Sent: Wednesday, November 13, 2019 6:11 AM
To: Pat Mentzel <Pat.Mentzel@odfjell.com>
Subject: RE: DOT Iso-Container Question?

Pat-
Good morning. Your question is one that would need to be answered by PHMSA (Pipeline and Hazardous Materials Safety Administration) since they write and interpret the Hazardous Materials Regulations. It appears that your question will require an interpretation by PHMSA. Below is their contact information.

Hazardous Materials Information Center

1-800-HMR-4922
1-800-467-4922
202-366-4488
infocntr@dot.gov

Have a question about transporting hazardous materials? Need clarification on an entry in the Hazardous Materials Regulations? PHMSA's Hazmat Information Center provides live, one-on-one assistance Monday through Friday from 9 a.m. - 5 p.m.