



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 29, 2024

Mr. David J. Ladwig
Compliance & EHS Manager
LDJ Manufacturing, Inc.
1833 Highway 163
Pella, IA 50219

Reference No. 23-0018

Dear Mr. Ladwig:

This letter is in response to your February 27, 2023, email and a conversation with a member of my staff concerning the shipment of combustible liquids transported by highway in compliance with the the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state that your company manufactures and sells multi-tank units for the purpose of transporting diesel fuel that has been reclassified as a “combustible liquid” in accordance with § 173.150(f)(1). Further, these multi-tank units are then mounted on a trailer or truck chassis, with each individual tank having a maximum capacity of no greater than 115 gallons. You also state that each individual tank is a self-contained packaging that does not share a common wall with the other tanks, and that each individual tank is equipped with a shutoff valve that isolates the tanks from one another during transportation by highway.

Your questions are paraphrased and answered below:

Q1: You ask whether the multi-tank unit, as described in your email, can transport a combustible liquid—one that is not also classed as a hazardous substance, hazardous waste, or marine pollutant—without being subject to Subchapter C of the HMR, as stated in § 173.150(f)(2).

A1: The answer is yes. When transported by highway or rail, a flammable liquid reclassified as a combustible liquid in a non-bulk packaging (i.e., capacity less than or equal to 119 gallons) is not subject to the requirements of the HMR. *See* § 173.150(f)(1) and (2).

However, it should be noted that if the shutoff valves on each individual tank are not being used and therefore not preventing the flow of product in between the non-bulk tanks, the multi-tank unit—as described in your email—would instead be considered a

single bulk packaging and would be subject to all applicable requirements of the HMR as provided in § 173.150(f)(3).

Q2: You note that the provisions in § 173.150(f)(2) do not specify the total number of non-bulk packagings allowed on a transport vehicle. As such, you ask whether eight or fewer non-bulk packagings containing up to a total of 1,000 gallons (or less) of a combustible liquid on a transport vehicle can utilize the provisions specified in § 173.150(f)(2).

A2: Provided the non-bulk packagings (i.e., capacity less than or equal to 119 gallons) comprising the multi-tank unit are separated as described in answer A1, the answer is yes.

Q3: You ask whether a transport vehicle that carries a maximum of 1,000 gallons of combustible liquids—contained in non-bulk packagings comprising the multi-tank unit—would require hazardous materials shipping papers, markings, labels, or placards.

A3: Provided the non-bulk packagings (i.e., capacity less than or equal to 119 gallons) comprising the multi-tank unit are separated as described in answer A1, the answer is no.

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

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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

From: [David Ladwig](#)
To: [Dodd, Alice \(PHMSA\)](#)
Subject: RE: Request for Interpretation - LDJ Manufacturing, Inc.
Date: Thursday, March 9, 2023 5:47:35 PM
Attachments: [image001.png](#)
[Request for Interpretation LDJ Manufacturing, Inc..pdf](#)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Ms. Dodd,

I am following up to check on this request as I have not received an acknowledgment letter yet.

Please let me know if you need anything additional from me, and thank you for your assistance.

Best,

David J. Ladwig, CCEP, CCEM | Compliance & EHS Manager
LDJ Manufacturing, Inc. | [ldj-products.com](#)
Thunder Creek Equipment | [ThunderCreek.com](#)
D 641.620.4034 | davidl@ldj-products.com

From: David Ladwig
Sent: Monday, February 27, 2023 9:14 AM
To: alice.dodd@dot.gov; m.ciccarone@dot.gov; dirk.derkinderen@dot.gov
Subject: Request for Interpretation - LDJ Manufacturing, Inc.

Greetings,

I am submitting the attached the Request for Interpretation, the text of which is also below. Thank you in advance for your time and consideration.

We request clarification on the Hazardous Materials Regulations, specifically 49 CFR 173.150(f), as applicable to non-bulk packaging.

Background

LDJ Manufacturing, Inc. manufactures and sells a multi-tank unit designed to haul diesel fuel reclassified as a combustible liquid in accordance with 49 CFR 173.150(f)(1). These multi-tank units are comprised of individual tanks mounted on a trailer or truck chassis. Each individual tank comprising a unit has a maximum capacity of 115 gallons for a liquid and is a non-bulk package. Each of these individual tanks has its own shutoff valve to isolate each tank during transport, and each tank is a completely independent package and does not share a common wall.

Question 1

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Do the hazardous materials regulations allow a non-bulk package as described above to transport a combustible liquid such as diesel fuel that is not a hazardous substance, a hazardous waste, or a marine pollutant and not be subject to Subchapter C of the Hazardous Materials Regulations in accordance with 49 CFR 173.150(f)?

Question 2

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The 49 CFR 173.150(f) exception does not specify the total number of non-bulk packages allowed to be transported on a vehicle and not be subject to Subpart C. Would a total of eight (8) or fewer non-bulk packages, as described above, containing up to 1,000 gallons of a combustible liquid on a vehicle, as an example, not be subject to Subchapter C?

Question 3

-
Using the above example, if a vehicle had up to 1,000 gallons of a combustible liquid all in our non-bulk packages mounted on a vehicle, would hazardous materials shipping papers, marking, labeling, or placarding be required?

Respectfully submitted,

David J. Ladwig, CCEP, CCEM | Compliance & EHS Manager

LDJ Manufacturing, Inc. | ldj-products.com

Thunder Creek Equipment | ThunderCreek.com

D 641.620.4034 | davidl@ldj-products.com



Thunder Creek Equipment is a division of LDJ Manufacturing, Inc.

I may be working in a different time zone than you, and I don't expect you to respond outside your preferred working times.

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David J. Ladwig
LDJ Manufacturing, Inc.
1833 Highway 163
Pella, IA 50219
Phone: (641) 620-4034
Email: davidl@ldj-products.com

February 27, 2023

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

VIA EMAIL ONLY

Request for Interpretation

Dear Sir:

We request clarification on the Hazardous Materials Regulations, specifically 49 CFR 173.150(f), as applicable to non-bulk packaging.

Background

LDJ Manufacturing, Inc. manufactures and sells a multi-tank unit designed to haul diesel fuel reclassified as a combustible liquid in accordance with 49 CFR 173.150(f)(1). These multi-tank units are comprised of individual tanks mounted on a trailer or truck chassis. Each individual tank comprising a unit has a maximum capacity of 115 gallons for a liquid and is a non-bulk package. Each of these individual tanks has its own shutoff valve to isolate each tank during transport, and each tank is a completely independent package and does not share a common wall.

Question 1

Do the hazardous materials regulations allow a non-bulk package as described above to transport a combustible liquid such as diesel fuel that is not a hazardous substance, a hazardous waste, or a marine pollutant and not be subject to Subchapter C of the Hazardous Materials Regulations in accordance with 49 CFR 173.150(f)?

Question 2

The 49 CFR 173.150(f) exception does not specify the total number of non-bulk packages allowed to be transported on a vehicle and not be subject to Subpart C. Would a total of eight (8) or fewer non-bulk packages, as described above, containing up to 1,000 gallons of a combustible liquid on a vehicle, as an example, not be subject to Subchapter C?

Question 3

Using the above example, if a vehicle had up to 1,000 gallons of a combustible liquid all in our non-bulk packages mounted on a vehicle, would hazardous materials shipping papers, marking, labeling, or placarding be required?

I respectfully request a written response to this inquiry at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to be 'DL', with a long horizontal flourish extending to the right.

David J. Ladwig
Compliance and EHS Manager
LDJ Manufacturing, Inc.