



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

JAN 29 1998

Mr. Robert Jacobs  
Delta Liquid Energy  
P.O. Box 3068  
Paso Robles, California 93447

Dear Mr. Jacobs:

This is in response to your letter of June 23, 1997, requesting clarification of requirements for transporting compressed gases in a storage tanks under the Hazardous Material Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked whether storage tanks, under § 173.315 (j) (4), are allowed to be charged with propane to more than 5 percent of their water capacity when being either delivered to a residence or being pickup from a residence and being returned to the propane retailer facility.

The answer is no. A storage tank with a water capacity exceeding 1,042 pounds (125 gallon) may not be shipped when charged with propane to more than 5 percent of its water capacity regardless of whether the tank is being delivered to a residence or being picked up from a residence.

I hope this information is helpful. Should you have further questions, do not hesitate to contact us.

Sincerely,

Hattie L. Mitchell, Chief  
Exemptions and Regulations Termination  
Office of Hazardous Materials Standards



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Hattie L. Mitchell, Chief  
Exemptions and Regulations Termination  
Office of Hazardous Materials Standards

173,315

JAN 29 1998

Mr. Robert Jacobs  
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**Original signed by  
Hattie L. Mitchell**

Hattie L. Mitchell, Chief  
Exemptions and Regulations Termination  
Office of Hazardous Materials Standards

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Revised:8/6/97:cdd  
Revised:08/18/97:gt  
Revised:DHM-12:1/28/98:cdd  
File:173.315  
SC:358



# DELTA LIQUID ENERGY

Location: Freeway 101 at 46 West • P.O. Box 3068 • Paso Robles, California 93447 • Phone (805) 239-0618

June 23, 1997

FAK (805) 239-1327  
Beth O  
File: 173315  
sc.

United States Department of Transportation  
Research and Special Programs Administration  
Office of Hazardous Materials Standards  
400 7th. Street Southwest  
Washington, D.C. 20590  
(800) 167-4922 fax (202) 366-8700  
ATT: Edward Mazzullo, Director

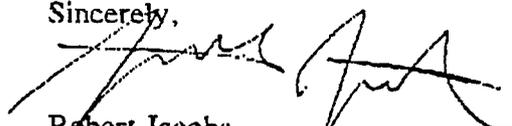
Dear Mr. Mazzullo,

Delta Liquid Energy operates five retail propane facilities in central California. Daily operations require the delivery of propane storage tanks in excess of 125 water gallon capacity to private residences. There has always been some confusion as to the understanding of Title 49 C.F.R. 173.315 (j) (4). I have spoken with Deborah Boothe regarding this issue, at which time she conferred with Hattie Mitchell, and gave me the answer. "Propane storage tanks exceeding a 125 gallon water capacity cannot be shipped when charged with liquid petroleum gas to more than 5 percent of their water capacity regardless if the tank is being delivered or picked up." This is what our company has always understood. However, other propane retailers do not agree when I explain Title 49. They believe the tank must be at 5% or less when delivering to a permanent location, however they are allowed to ship the tank above 5% when bringing a tank from a residence back to the propane retailer's office/plant location.

At this time I am requesting a written interpretation of Title 49 that will alleviate the confusion amongst several propane companies and consumers. Please prepare the written interpretation so that it is easily understood that the above described propane tanks are not to exceed the 5% charge when you are either delivering to a residence or picking up a propane storage tank from a residence and returning it to the propane retailer's facility.

Thank you very much. Please contact me at (805) 239-0616 if you have any questions or comments.

Sincerely,

  
Robert Jacobs  
Director of Marketing





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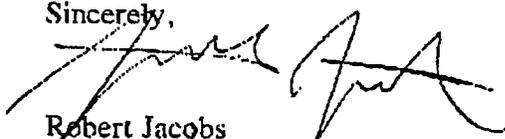
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