



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

OCT 20 2005

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

Mr. Thomas L. Kettler  
6627 Northshore Drive  
Lake Tomahawk, WI 54539

Ref. No.: 05-0242

Dear Mr. Kettler:

This is in response to your September 26, 2005 letter and subsequent telephone conversation regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your detailed scenario, you have a 100-gallon tank for diesel fuel that is connected to your vehicle's (a pick-up truck) fuel tank. You want to mount an additional 100-gallon tank for gasoline to fuel your boat and all-terrain vehicles. You ask if you are subject to the requirements of the HMR.

The answer is no. The HMR govern the safe transportation of hazardous materials in commerce as specified in § 171.1. The phrase "in commerce" generally means in furtherance of a commercial enterprise. A private citizen who transports hazardous materials for non-commercial purposes in a private vehicle is not subject to the HMR (See § 171.1(d)(6); copy enclosed).

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

Enclosure



050242

171.1

Satterthwaite

\$ 171.1

\$ 177.834 (w)

\$ 173.202

Loading Unloading

Dear Director of Haz-mat Safety,

05-0242

DOT/RSPA/PHMSA

05 SEP 26 PM 2:12

I HAVE A 100 GAL. "auxiliary" diesel fuel tank in my 2000 F350 1 Ton Ford Reg. Cab 8ft box w/ 7.3 powerstroke. I would like to put a 100 gal. Gasoline "transfer" tank with a 12 volt pump & nozzle in the back of my truck bed also, to fuel my boat & ATV's. I was told that it wouldn't be legal. I am a Truck driver & I have a Haz-mat endorsement so I understand about the 119 gal & the 1001 lb. & over for placards.

I don't think either one applies in my situation because the 100 gal diesel tank in the back of my pickup does not have a 12 volt pump nor does it have anything on the tank for taking the diesel out. The "auxiliary" tank has a small hose that is connected to the hose that goes to my stock tank. (I need this size because I drive 350 miles to work in Chicago, IL 6-8 times a month.) I have been using 7 gas cans when I trailer the ATV's to legal trails or refilling the boat, refilling them more than twice or more. I thought about a transfer tank for gas because it's a much safer way of transporting, & since it is under 119 gal and under 1001 lbs. wouldn't it be legal?

If this situation is legal could I get a letter stating this. I have a trailer I sometimes tow & with anything on it I have to pull into the weigh stations & with a COL for my income I can't afford for anything to happen. On the back I will give you all the info you need. Thank you very much.

Thomas Satterthwaite

THOMAS L. KETTLER  
6627 Northshore Drive  
LAKE TOMAHAWK, WI 54539

Cell# 608-695-8778

Home# 715-277-3555

Truck Info:

2000 F350 Ford Superduty 7.3 diesel 4x4

White Regular Cab 8 Foot box

Fuel tank info: Have in truck now

100 Gal. Auxiliary diesel tank with 2" fuel cap going to  
stock 38 Gal diesel tank. - No wiring, works by gravity.

100 Gal. Gasoline tank (Transfer) with 12 volt pump &  
nozzle for pumping gas out. \*Note this tank will be bolted  
down but be able to take out & stored when not needed  
wiring will only be clipped on battery when pumping gas.