



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

DEC 28 2006

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

Mr. Ronald Sutherland
Wisconsin Propane Council
2308 Jubilee Drive
Green Bay, WI 54311

Ref. No.: 06-0279

Dear Mr. Sutherland:

This is in response to your December 20, 2006 letter regarding labeling and placarding requirements for bulk packagings under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask a series of questions regarding transportation of a liquefied petroleum gas (LPG) storage container that is constructed to the American Society of Mechanical Engineers (ASME) Code and is for permanent installation on consumer premises. You state that the tanks generally have a capacity of 500 or 1,000 gallons and satisfy the conditions of § 173.315(j) for LPG storage containers. You include pictures of these bulk propane storage containers loaded on tank setting trailers and flat bed trucks. Your questions are summarized and answered as follows:

Q1: Does an LPG bulk storage container meet the definition of "portable tank" as defined in § 171.8 or "other bulk packaging" as referenced in §§ 172.331 and 172.514?

A1: An LPG bulk storage container that meets the conditions of § 173.315(j) and is built in compliance with section VIII of the ASME Code is not considered a portable tank as defined in § 171.8. A bulk storage container meeting the conditions set forth in § 173.315(j) is considered a non-specification bulk packaging, or "other bulk packaging" for hazard communication requirements of Part 172.

Q2: Is an LPG bulk storage container subject to labeling requirements for a bulk packaging, other than a cargo tank, portable tank, or tank car, with volumetric capacity of less than 18m³ (640 cubic feet) as specified in § 172.400(a)(2); or, is it subject to the labeling requirements for portable tanks specified in § 172.400(a)(3)?

A2: The LPG bulk storage container is subject to the labeling requirements for bulk packagings specified in § 172.400(a)(2). See A1.

Q3: Is an LPG bulk storage container required to be labeled if the tank setting trailer is placarded in accordance with Subpart F of Part 172?

A3: Yes. A bulk packaging, other than a cargo tank, portable tank, or tank car, with a volumetric capacity of less than 18m³ (640 cubic feet) is required to be labeled in



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172.315(j)
172.400
172.514

accordance with § 172.400(a)(2) unless the packaging itself is placarded in accordance with Subpart F of Part 172.

Q4: Is an LPG bulk storage container eligible for the placarding exception in § 172.514(c)(1) applicable to portable tanks; or, is it eligible for the exception in § 172.514(c)(3) for a bulk packaging, other than a portable tank, cargo tank, or tank car?

A4: The LPG bulk storage container is eligible for the exception in § 172.514(c)(3) for a bulk packaging, other than a portable tank, cargo tank, or tank car. See A1.

Q5: Are the labeling and placarding requirements different for a 500 gallon LPG bulk storage container than a 1,000 gallon LPG bulk storage container?

A5: No. Provided the volumetric capacity of each LPG bulk storage container is below 18m³(640 cubic feet).

Q6: Is the LPG bulk storage container required to be placarded if it is loaded on a tank setting trailer or flat bed truck that is placarded?

A6: The LPG bulk storage container must be placarded, unless it is labeled on two opposing sides in accordance with § 172.400(a)(2). Placards displayed on a tank setting trailer or flat bed truck do not preclude the requirement to label or placard the bulk packaging.

Q7: Is it permissible to display placards and identification numbers when transporting an empty LPG bulk storage container?

A7: The HMR prohibit the display of labels, placards or identification numbers on a bulk packaging or transport vehicle unless the bulk packaging or transport vehicle contains a material that meets the definition of a hazardous material under the HMR. However, a packaging or transport vehicle that contains a residue of a hazardous material must display the appropriate labels, placards, and identification numbers unless otherwise excepted under § 173.29.

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

Sincerely,



John A. Gale

Chief, Standards Development
Office of Hazardous Materials Standards

Eichenlaub
\$172.400
\$172.514

Gale, John <PHMSA>

From: Ronald Sutherland [wiperc@yahoo.com]
Sent: Wednesday, December 20, 2006 2:10 PM
To: Gale, John <PHMSA>
Subject: Letter -Reference #06-0223

Labeling & Placarding
06-0279

John Gale,

This is in regards to the letter dated November 15, 2006 reference #06-0223 to a Mr. Michael Ritchie at the Minnesota Department of Transportation in reference to placarding ASME Storage Tanks. Could you please send me a letter with the same information in Mr. Ritchie's letter?

Thank you,
Ronald Sutherland

Ronald Sutherland- Executive Director
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