



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

1200 New Jersey Avenue, SE
Washington, DC 20590

NOV 25 2009

Mr. James La Porte
1670 Axtell
Troy, MI 48084

Ref. No. 09-0247

Dear Mr. La Porte:

This responds to your October 20, 2009 request for clarification of exceptions for the transportation of combustible liquids in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the § 173.150 exceptions apply to the transportation of a non-bulk packaging of diesel fuel with a dispensing hose and pump within an enclosed trailer. According to your letter, the non-bulk packaging contains 50 gallons of diesel fuel.

The answer is yes. Under § 173.150, the HMR do not apply to a material classed as a combustible liquid in a non-bulk packaging unless the combustible liquid is a hazardous substance, a hazardous waste, or a marine pollutant. Thus, the § 173.150 exceptions apply to the transportation of a non-bulk packaging of diesel fuel with a dispensing hose and pump within a trailer.

You should be aware that the Occupational Safety and Health Administration (OSHA) and the State of Michigan regulate fuel containers and fuel dispensers such as a non-bulk packaging of diesel fuel with a dispensing hose and pump. Specific questions about requirements for fuel containers and fuel dispensers should be directed to OSHA and your state transportation department.

I hope this answers your inquiry. If you need additional assistance, do not hesitate to contact this Office.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Drakeford, Carolyn (PHMSA)

From: LA PORTE, JAMES J (ATTSI) [jl7454@att.com]
Sent: Friday, October 30, 2009 3:54 PM
To: Drakeford, Carolyn (PHMSA)
Subject: RE: Re PHMSA Hazmat Center Inquiry

Boothe
 \$172.101
 \$172.150
 Non-Bulk Package
 Applicability
 09-0247

From: LA PORTE, JAMES J (ATTSI)
Sent: Tuesday, October 20, 2009 2:11 PM
To: 'carolyn.drakeford@dot.gov'
Subject: RE: Re PHMSA Hazmat Center Inquiry

Carolyn,

I have another question. Under the HM regulations transport of diesel fuel in a non-bulk container by ground is not regulated by the HMR. What about a non-bulk package of diesel fuel (50 gallons) with a dispensing hose and pump within an enclosed trailer. What are the HM regulations that would apply. Would like a written response.

Regards,

Jim La Porte
 1670 Axtell
 Troy, MI 48084
 (248) 649-7865