



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

NOV 22 2011

John H. Evanski
President
Western Manufacturing Corp.
2476 S. Railroad Ave.
Fresno, CA 93706

Reference No.: 11-0211

Dear Mr. Evanski:

This is in response to your August 26, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to shipments of refurbished propane tanks. You state that a California enforcement agent issued your driver a warning for prohibited placarding and marking of your empty UN 1075 propane tank shipments. You ask if the HMR permits the removal of the relevant hazard communication (e.g. markings, placards, etc.) when your propane tank shipments contain only a flammable gas residue.

The requirements for empty packages in § 173.29 state that empty packages containing the residue of a hazardous material must be offered and transported in the same manner as when they previously contained a greater quantity of the hazardous material unless the packages are sufficiently cleaned of residue and purged of vapors to remove any potential hazard, or are refilled with a material that is not subject to the HMR to an extent that nullifies any hazard.

The methods and limits used for determining what qualifies as "cleaned and purged" under the HMR will vary depending on the properties of the particular hazardous material and type of packaging. In previous interpretations (03-0285 and 00-0117) this office has indicated that a propane cylinder would be considered to be sufficiently cleaned and purged when the vapors in the cylinder are no longer capable of sustaining combustion. Our previous interpretation on the meaning of cleaned and purged remains true and any such determination must be made by the shipper. In the instance you describe, if you determine that the propane tanks have been sufficiently cleaned and purged of vapors to remove any potential hazard, the required hazard communication would not need to be displayed.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

WESTERN MANUFACTURING CORP.

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PH. (559) 445-9008 FAX (559) 445-0540

Webb
§172.502(a)(1)
§172.303(a)

Marking & Placarding
11-0211

August 18, 2011

Mr. Charles E. Betts
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

MC/MX #: 509089

US DOT: 1311621

CA #: 0286094

Company: John Evanski Inc. dba Western Mfg. Corp.

Re: Formal Letter of Interpretation

Mr. Betts:

On 8/10/2011 the California Highway Patrol Chowchilla River Inspection Facility issued our driver a warning stating that we were in violation of Section 172.502(a)(1) and 172.303(a) because the load on the truck consisted of vacuumed refurbished propane tanks that were placarded with 1075.

Western Mfg. Corp has been in the propane tank refurbishing business for over 11 years and we have operated our own truck since 2005. We haul mostly Hazmat loads that consist largely of used and refurbished propane tanks throughout California as well as interstate. We transport tanks with propane vapor to our location and send them out with a vacuum as some of our customers require their propane tanks, once contaminated with oxygen, to be vacuumed (oxygen free). We evacuate the air in the tank to about 24" to 26" of mercury vacuum.

We currently placard all of our tanks, with or without vacuum, believing they are both considered Hazmat. The majority of the tanks that we deal with are ASME 120g to 1150g propane tanks. In addition, we have moved small DOT cylinders to larger 20,000g tanks.