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Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Addresses Questions Regarding Mounted Generator/Diesel Fuel Tank

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The Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in a December 11th letter questions from HWN Resources, LLC ("HWN") regarding the application of the Hazardous Materials Regulations ("HMR") to a trailer with a permanently mounted generator and a 350 gallon diesel fuel tank.

The December 11th letter first addressed whether the 350 gallon diesel tank is subject to the HMR.

The agency stated that a fuel tank meeting the requirements of 49 CFR §§ 393.65 and 393.67 of the Federal Motor Carrier Safety Regulations ("FMCSR") for fuel systems and used only for supplying fuel for the operation of the motor vehicle or its auxiliary equipment is not subject to the HMR with respect to its use on the vehicle. It further noted:

If it is not a fuel tank for this purpose, then the material is subject to the HMR when transported in commerce. A common shipping name for such a shipment is "Engines, internal combustion."

PHMSA was also asked:

If the fuel tank meets the requirements of FMCSR §§ 393.65 and 393.67 and is deemed a fuel system, is the 350-gallon tank on our equipment subject to the HMR; and commercial driver's license (CDL) hazmat endorsement requirements?

The agency referenced the answer to the previous question and noted:

With regard to the requirement for a CDL with a hazmat endorsement, if the vehicle meets the definition of a commercial motor vehicle under 49 CFR part 383, the driver would be required to have a CDL in conformance with Subpart B of part 383, however, the hazmat endorsement would not be required since the vehicle would not be required to display placards.

The remainder of the letter addressed questions regarding the trailer, a need for non-venting caps or valves, and an equipment trailer with two mounted tanks 119 gallons or less.

[Click here to download a copy of the letter.](#)