

## Transporting Skid Tanks: Mark Morgan (PMAA Journal) Addresses Hazardous Materials Regulation Issues



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Mark S. Morgan authored an article in the Spring Edition of the *Petroleum Marketers Association of America Journal* titled:

*Properly Transporting Skid Tanks Under the Federal Hazardous Materials Regulations (Article)*

Mr. Morgan serves as the Petroleum Marketers Association of America's Regulatory Counsel.

The article addresses potential Pipeline and Hazardous Materials Safety Administration Hazardous Material Regulations ("HMR") when skid tanks are transported that contain residues of fuels. In other words, tanks that may be considered empty by the shipper or transporter.

Skid tanks are often utilized on construction, farm, and other sites where fueling operations are performed on a temporary basis. The temporary nature of their use means that they are not usually installed underground or mounted with permanent supports. They are designed primarily to be loaded onto, or on, or temporarily attached to a transport vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.

Mr. Morgan initially notes:

When the end user is finished with the skid tank, it is shipped back to the marketer's tank yard in the same manner in which it was delivered. Since skid tanks at this point may only contain a small amount of fuel mixed with residue that is unsuitable for use in motor vehicles or other equipment, they are considered "empty" by marketers for purposes of complying with federal Hazardous Materials Regulations (HMR). Unfortunately, "empty" can be a relative term. Skid tanks deemed empty by marketers are often treated as containing hazardous materials by roadside inspectors. This difference of opinion over what constitutes "empty" is likely to result in marketers being cited for failure to comply with the HMR, accompanied by a hefty fine and probable out of service order.

Mr. Morgan voices concern that a skid tank that some may consider empty of usable product (i.e., only a fuel/residue mixture remains) may still be classified as a hazardous material under the HMR. If so, such tanks must be:

- Properly placarded
- Accompanied by a shipping paper
- Transported by a CDL driver with a HAZMAT endorsement

He states, "This is true regardless of the amount of residue left in the tank." Further, he notes that they will only be empty when the skid tank is cleaned and purged of vapors. Once this action is taken, it is considered empty under 49 C.F.R. 173.29 of the HMR.

Suggestions provided in the Article for avoiding such issues include:

- Placarding as required by the regulations unless the tank is empty (as provided by the HMR)
- Shipping Papers (generating the required shipping papers using the same format as used with fuel being transported by cargo truck or transport)
- Driver Qualifications (only utilizing drivers with a current CDL and HAZMAT endorsement to transport such tanks)