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Transportation/Hazardous Materials: Pipeline and Hazardous Material Safety Administration Addresses Status of Gasoline/Diesel/Water Mixture

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The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in an August 4th Interpretive Response a question regarding applicability of the Hazardous Materials Regulations ("HMR") to:

... gasoline or diesel fuel mixed with water.

PHMSA was responding to a March 25th request for clarification from a Mr. Justin Lacy ("Lacy").

Lacy referenced work for:

... an environmental cleanup company that pumps out fuel tanks at various customer sites for residential properties and businesses.

After pumping out and cleaning the customer fuel tanks Lacy indicated that mixtures of either gasoline or diesel fuel mixed with water used to clean out the fuel tanks is often transported in a vacuum truck.

The question Lacy posed was whether such return loads (i.e., gasoline or diesel fuel mixed with water) are considered hazardous materials (i.e., substances regulated by the HMR) and require placarding. Lacy further noted that:

- The company's practice had been to not placard such return loads because they were considered "recycled waste" or "gassy water"
- The maximum capacity of the tank on the vacuum truck is more than 119 gallons and therefore meets the definition of a "bulk packaging" in 171.8 of the HMR

PHMSA notes that it is the shipper's responsibility to properly class and describe hazardous material. Nevertheless, it states that the opinion of the Office is that:

... the recovered return materials (i.e., "recycled waste" or "gassy water") you described in your email may continue to meet the defining criteria of a class 3 flammable liquid, in accordance with 173.120.

The rationale for PHMSA's conclusion is that the gasoline and/or diesel fuel does not mix with water and therefore may retain its physical properties that make them hazardous materials under the HMR. Such physical properties are stated to include the flashpoints of gasoline and diesel fuel.

As to the capacity of the vacuum truck tank being more than 119 gallons (therefore meeting the definition of a bulk packaging) the recovered return materials are stated to be subject to the placarding requirements of Subpart F of Part 172 of the HMR. Because the recovered returns may require placarding the PHMSA notes that the motor vehicle driver would need a commercial driver's license that is properly endorsed in accordance with 49 CFR 393.93 of the Federal Motor Carrier Safety Regulations.

A copy of the August 14th Interpretive Response can be downloaded [here](#).