

Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Frac Tanks



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) addressed in a December 8th Interpretive Letter the application of the Hazardous Materials Regulations (“HMR”) to bulk containers commonly known as “frac tanks.”

PHMSA was responding to a June 23rd query from the Radiation/Nuclear Threat Detection Unit of the Texas Department of Public Safety (“Texas”).

Texas asked for clarification regarding the use of frac tanks for the transportation of “NA1993, Diesel fuel, 3, Packing Group (PG) III.”

A frac tank is typically described as a large capacity steel tank that can store liquids or solids such as petroleum products, chemicals, saline water, and proppants. They are used in a number of applications. There are different variations of the tanks.

PHMSA first addresses whether the definition of a portable tank includes frac tanks in accordance § 171.8.

Frac tanks are stated to not meet the definition of a portable tank and the term “frac tank” is not defined in § 171.8. The pictures provided in Texas’ initial request are stated to not display the characteristics (e.g., skids, mountings, etc.) to identify the packagings as portable tanks. They are, however, stated to potentially qualify as non-DOT specification cargo tank motor vehicles.

PHMSA then addresses the question of whether if a frac tank meets the definition of a portable tank, is “NA1993, Diesel fuel, 3, PG III” authorized for transport in a frac tank in accordance with § 173.241(c)? Frac tanks are stated to not meet the definition of a portable tank. However, the previously referenced fuel may be transported in a non-DOT specification cargo tank motor vehicle suitable for the transport of liquids. Regardless, it is the offeror’s responsibility to determine:

- The flash point of the hazardous material.
- Package compliance.
- All requirements of the HMR are met prior to the shipment being offered for transportation.

PHMSA further states that “NA1993, Diesel fuel, 3, PG III” can be transported in a frac tank as residue. Empty packaging containing only the residue of a hazardous material shall be offered for transportation and transported in the same manner as when it previously contained a greater quantity of that hazardous

material. Further, the same specification can be transported on a frac tank, while the frac tank is located on a trailer. The HMR are stated to not prohibit frac tanks from being transported on trailers.

Finally, PHMSA is asked whether a frac tank qualifies as a “tank” for purposes of a commercial driver’s license (CDL) and is the driver required to obtain an endorsement? PHMSA responds that the endorsement requirements for a CDL are under the purview of the Federal Motor Carrier Safety Administration which is the lead federal government agency responsible for regulating and providing safety oversight of commercial motor vehicles. It is suggested to contact that agency for further CDL inquiries.

A copy of the Interpretive Letter can be found [here](#).