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Transportation/Hazardous Materials: U.S. Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Propane Storage Containers

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The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in a October 14th interpretive letter the application of the federal Hazardous Materials Regulations ("HMR") to transportation of ASME propane storage containers, with respect to requirements for consumer storage containers. See Reference No. 26-0103.

PHMSA was responding to a July 14th inquiry from Thompson Gas ("TG") which noted that § 171.8 defines neither "storage container" nor "consumer storage container."

TG presented a transport scenario involving an ASME storage container that:

1. Does not exceed 500 gallons water capacity;
2. Contains more than 5 percent propane;
3. Is being transported by a private motor carrier; and
4. Is being moved one way from the consumer's premises to the container owner's nearest facility.

TG first asked what the phrase "only one storage container" means in the context of § 173.315(j)(2)(iv).

PHMSA responds that the HMR does not specifically define "consumer storage container" in § 171.8. However, it does note that the phrase "only one storage container" means a single consumer storage container intended for permanent installation on consumer premises and does not refer to HMR authorized transport packagings, such as a DOT specification cylinder.

TG then asked whether under § 173.315(j)(2), may a transport vehicle carrying one qualifying ASME consumer propane storage container containing more than 5 percent propane under the applicable transportation exception also transport one or more DOT specification propane cylinders.

PHMSA responds in the affirmative, stating that § 173.315 does not prohibit, or otherwise address, the transportation of additional hazardous materials packages, such as a DOT specification cylinder filled with propane, on the same vehicle. It further notes that such transportation is authorized, as long as all applicable transportation requirements are met.

A qualification is referenced in that the intent of § 173.315(j) is to allow for limited movement of consumer propane storage containers, which are not otherwise authorized for transportation, without having to first empty the tanks. § 173.315(j) is noted to not prohibit other hazardous materials packages on the vehicle, as (j)(2) specifies one-way movement from the consumer to the owner's nearest facility, such that intermediate stops for dropoffs or pickups are not allowed.

Finally, TG asked if additional DOT specification propane cylinders are transported on the same vehicle as the consumer storage container, does it make a difference whether the DOT specification cylinders contain propane products or only propane residue? If that is the case, TG asks how the presence of product versus residue affects the interpretation or application of § 173.315(j)(2)(iv)?

PHMSA responds in the negative, stating that generally, empty packagings containing only the residue of a hazardous material are treated in the same manner as when filled.

A copy of the interpretive letter can be found [here](#).