



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

SEP 15 1999

Mr. George Lewis  
Measurement Manager  
Ultramar Diamond Shamrock  
HCR1 Box 36  
Sunray, TX 79086

Ref. No. 99-0169

Dear Mr. Lewis:

This is in response to your letter dated June 23, 1999, concerning the requirements for placarding a vehicle, other than a cargo tank, with up to 60 gallons of flammable and combustible liquid in a non-specification packaging under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether placarding is based solely on the weight of the material, or the material plus the packaging (including the hoses and piping).

As provided by § 172.504(a), a transport vehicle containing over 1,000 pounds aggregate gross weight (packaging plus contents) of a hazardous material covered by Table 2 must be placarded. In this case, the packaging is considered a non-bulk packaging (capacity of less than 119 gallons) and authorized under the terms of an exemption. The exemption grants no relief from the placarding provisions of Part 172, Subpart F; therefore, your meter provers containing flammable liquid and/or flammable gas must be placarded.

I trust this answers your inquiry. If you have further questions, please do not hesitate to contact this Office.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



990169

172.504

Nelson  
§ 172.504  
99-0169

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ULTRAMAR DIAMOND SHAMROCK  
C O R P O R A T I O N

**RSPA Office of Hazardous Materials Standards (DHM-10)**  
**U.S. Department of Transportation**  
**400 Seventh Street SW**  
**Washington, DC**  
**20590-0001**

**TO WHOM IT MAY CONCERN**

Diamond Shamrock Refining and Marketing, a group company of Ultramar Diamond Shamrock, employs Small Volume Provers (SVP) to accomplish measurement tasks. The function of these units is to "prove" the accuracy of meters, thereby establishing a "meter factor".

The SVPs are 15 gallon certified containers traceable to the National Institute of Standards and Technologies (NIST). Typically they will contain diesel, gasoline, crude oil, or other petroleum products associated to the industry in a quantity no greater than 60 gallons including connecting hoses, associated piping, etc. The ANSI pressure ratings are 740 for the two older units and 1480 for the two newer units. The prover's shipping weight is listed as 4,350 pounds.

Three of these provers are mounted on Ford F450 trucks / utility beds, and one is mounted on a fifth wheel trailer towed by a ¾ ton pickup. The Ford F450 units, with provers permanently mounted, weigh no greater than 16,000 pounds.

We are currently attempting to placard the units in accordance with Hazardous Materials Regulations of the Department of Transportation because of confusion and uncertainty concerning our responsibilities, as well as our desire to do the right thing. State Troopers have been little help. We can't seem to get a consensus from them as to what we should do. For example, the Colorado troopers tell us we don't need placards while the Texas troopers are split in their opinions.

Given our understanding of the regulations, we believe we **do not** need to apply placards to these SVPs as set forth below:

- Under 172.504 (c)

"Except for bulk packagings and hazardous materials subject to 172.505 when hazardous materials covered by table 2 of this section are transported by highway or rail are not required on -

- (1) a transport vehicle or freight container which contains less than 1,001 pounds aggregate gross weight **of hazardous materials covered by Table 2** of paragraph (e) of the section;

**Our contention is that while our container weighs over 4,000 pounds, we believe the DOT is specifically addressing the weight of these products in table 2. Our container is stainless steel which, of course, is NOT hazardous.** An applicable example of this section might be transport trucks which could be carrying 2,000 gallons of Diesel, 4,000 gallons of gasoline, and 4,000 gallons of turbine fuel. We believe the aggregate **weight of the products** is the intent of the regulation.

However, several troopers have insisted that we placard because the "aggregate gross weight" **includes the weight of the container**, which we know exceeds the aforementioned 1,001 pounds. In this context, though, we believe the DOT is specifically concerned with safety and environmental issues with respect to these hazardous materials. Other troopers agree with us that the subject and purpose of the sentence is **hazardous materials** covered in Table 2.

- According to the Definitions, we believe we qualify as "non bulk", exceeding neither the 119 gallons as a receptacle for liquid **NOR** the 1000 pounds as a receptacle for gas.
- 172.500 (b)(6) states that these placarding requirements **do not apply to non bulk containers.**

Finally, in the Publisher's Note, one is led to believe the purpose of the placards is to inform others to the danger of **hazardous materials**, but we continually get the "weight of the container" issue.

It is our desire is to be conscientious corporate citizens, keenly aware of environmental concerns, and lawful in our practices. Therefore, we respectfully request your written concurrence that our vehicles as described are exempt from these laws. Any additional instruction or advice you deem pertinent will be greatly appreciated.

Sincerely,



George Lewis

Measurement Manager

Ultramar Diamond Shamrock

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