



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

MAR 26 2009

Mr. John F. Di Leo
Pentair Water Group, Inc.
Import/Export Compliance Manager
450 Remington Road
Schaumburg, IL 60173

Ref. No.: 09-0010

Dear Mr. Di Leo:

This responds to your letter dated December 29, 2008 regarding clarification of the provisions in § 173.306(g) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they apply to water pump system tanks transported by highway and vessel.

According to your letter, Pentair Water Group, Inc., (Pentair) sells steel water pump system tanks that are hooked up to a water pump in a basement or near a well to provide proper water pressure for a home or other building. The tank accomplishes this by the use of a bladder that has been pressurized, either with nitrogen or air, compressed to a gauge pressure of about 38-40 psi. You state that these articles are tested and safe up to 300 psi – or seven times their working and shipping pressure, fall under the hazardous material definition for a non-flammable, compressed gas (40 psig + 1 bar = 54.7 psia) and use either Nitrogen, UN1066, or Air, compressed, UN1002. In domestic transportation, Pentair ships these tanks in accordance with the limited quantity provisions in § 173.306(g).

You ask for clarification of the term “single-trip shipment”, as used in § 173.306(g). In addition, you ask if the exception in § 173.306(g) for the steel water pump system tanks applies to ocean shipments moving under the International Maritime Dangerous Goods (IMDG) Code.

The exceptions applicable to water pump system tanks in § 173.306(g) specify that the tanks must be offered for transportation for single-trip shipment to installation sites. In this context, “single-trip shipment” means the one-time movement of tanks from the facility from which they are purchased to the site where they will be installed (e.g., from manufacturer/distributor to the end-user). Such shipments are not subject to the placarding requirements in subpart F of Part 172, to part 174 or part 177, except for the shipping paper requirements in § 174.24 and § 177.817 for rail and highway, respectively.

The limited quantity exception in § 173.306(g) for steel water pump system tanks does not apply to vessel or ocean shipments under the IMDG Code. Vessel shipments must be approved in writing by the Associate Administrator for Hazardous Materials Safety. The person requesting approval must provide a detailed description of the activity for which the approval is requested, including a tentative shipping description and all relevant data concerning the physical state of the material, temperature or other controls, and test results. Alternatively, the person requesting the approval may provide a copy of an approval issued by the competent authority of a foreign government. The procedures for applying for an approval are specified in §§ 107.705 and 107.709.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts". The signature is stylized and cursive.

Charles E. Betts
Chief, Standards Division
Office of Hazardous Materials Standards

Pentair Water Group, Inc.

John F. Di Leo
Import/Export Compliance Manager
450 Remington Rd., Schaumburg, IL 60173
John.DiLeo@Pentair-EP.com
Tel: 847-466-8812

On behalf of all its affiliates and subsidiaries, including:

Sta-Rite Industries, LLC
293 Wright St, Delavan, WI 53115
and

Pentair Pump Group Inc, DBA Myers Pump
1101 Myers Parkway, Ashland, OH 44805

Date: December 29, 2008 A.D.
To: Duane Pfund, Director
Office of International Standards
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington, DC 20590
Duane.Pfund@DOT.gov, 202-366-0656

Engrum
§ 173.306(g)
Limited Quantities
09-0010

Request for Letter of Interpretation for Ground Shipping under 49CFR 173.306(g)

Subject: Steel Water Pump System Tanks, 49CFR 173.306(g)

We are writing to request your support in clarifying an exception provided in 49CFR, for domestic shipment by ground and water transport (it does not apply to airfreight).

We sell steel water pump system tanks, which are hooked up to a water pump in the basement or near a well to provide proper water pressure for a home or other building. The tank accomplishes this by the use of a bladder that has been pressurized, either with nitrogen or plain air, to a gauge pressure of about 38-40 psi. We are therefore not selling a pressurized gas, as such... we are selling an article which is pressurized for its functionality.

While these articles are totally safe – harmless – in transportation (they are tested and confirmed safe up to 300 psi – over seven times their working and shipping pressure), they do fall under the definition of a hazardous material because of the definition for nonflammable compressed gas (40 psig + 1 bar = 54.7 psia)... either UN1066 (when nitrogen is used) or UN1002 (when plain air is used).

We therefore ship them domestically under the Limited Quantity provision that was created specifically for these products, in 49CFR 173.306(g). We only have one issue that is slightly unclear – the reference to “single-trip shipment” transportation, so we are writing to request a written clarification in the form of a DOT Letter of Interpretation.

Request Details:

We stipulate that our steel water pressure system tanks do fully meet the requirements of 49CFR 173.306(g).

A reading of the initial permits that led to 49CFR 173.306(g) seems to show that the “single-trip shipment” language means only that the tank itself does not change – i.e. that the pre-charged gas stays in the one single packaging through the entire shipment – and does not prevent going from truck to truck – in multiple stages of shipment (i.e. from manufacturer to distribution to dealer to end-user). Michael Stevens of PHMSA has verbally confirmed this understanding.

Accordingly, we hereby ask that the DOT please confirm in writing, through a Letter of Interpretation, that we understand the above correctly: that this exception applies to multiple-stage shipment as long as the tank is not further altered after leaving our factory.

History

Steel water pump system tanks are a \$100 million-plus industry worldwide, with sales of approximately a million units per year. We manufacture approximately a quarter of them here in the USA, producing critical jobs in Wisconsin and revenue for our parent, Pentair Inc, a publicly held Minnesota-based holding company with a presence in over fifteen states, employing some 13,000 worldwide.

Sta-Rite Industries has been in the water systems business since 1934, and has been making these water pump system tanks for over 35 years. Our safety record with these products is excellent; we consider them to be totally safe, both in transportation and in use. To the best of our knowledge, there has never been a transportation incident in which the pressure of our tanks played any role at all.

We are among the world's leading producers of these products, and we employ approximately 800 employees in the small rural town of Delavan, Wisconsin alone (population just over 8000). We want to be 100% compliant in our shipping, and the clarification of the "single-trip shipment" clause will remove any doubt that we are.

Thank you for your consideration of this request.

Regards,

John F. Di Leo
Pentair Water Group, Inc.
