



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

NOV 04 2014

Mr. Kevin J. Teter
Master Trooper, Virginia State Police
15139 State Police Rd.
Culpeper, VA 22701

Ref. No.: 14-0133

Dear Mr. Teter:

This is in response to your letter dated June 14, 2014, and attached magazine article, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding multi-compartment fuel tanks and their ability to utilize exceptions provided in § 173.150(f)(2). You present a scenario in which a trailer has been equipped with a permanently mounted diesel fuel tank that contains various individual compartments each having a 105 gallon capacity. The total amount of fuel contained within the tank varies between 315 gallons and 945 gallons depending on the number of compartments. You note that each of the individual compartments within the tank are not connected to each other in any way. You ask if the tank represents a non-bulk package that would be eligible for exceptions mentioned in § 173.150(f)(2).

The compartments mentioned in your letter would be considered non-bulk packages, and be eligible for the exceptions provided for such packages in § 173.150(f)(2) because they are not connected to each other. Each individual compartment is considered a package.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Shane C. Kelley
Acting International Standards Coordinator
Standards and Rulemaking Division

Webb
173.150(f)
Combustible Liquids
14-0133

DOT/RSPA/OHMS
UNIT

14 JUN 27 PM 3:30

Mr. Magdy El-Sibaie, PhD
Associate Administrator for Hazardous Material Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
East Building Second Floor (PH)
1200 New Jersey Avenue, S.E ..
Washington, D.C. 20590-0001

Dear Mr. El-Sibaie:

I read an article in the March 2014 issue of Southern Loggin Times" about a diesel fuel transport trailer that has a permanently mounted tank. There are nine total compartments in this one tank. Each compartment has a capacity of 105 gal. each and can total anywhere from 315 gals total to 945 gallons depending on the number of compartments. The compartments are not connected to each other. (See attached Article and Photo) The manufacture states that the tank is in compliance with 49-CFR 173.150(f) in that the tanks are not connected therefore it is a non-bulk package. (see attached)

Does this tank represent a non-bulk package that would be granted certain exemptions under 49 CFR 173.150(f)(2)?

Looking forward to your response.

Sincerely

Kevin J. Teter

Kevin J. Teter, Master Trooper

Virginia State Police

15139 State Police Road

Culpeper VA 22701



SOUTHERN STUMPIN'

By David Abbott • Associate Editor • Ph. 334-834-1170 • Fax: 334-834-4525 • E-mail: david@hattonbrown.com

Logger Innovation

I'm a big movie guy. I enjoy watching movies, I keep up with movie industry news, and if I could I'd love to make movies (you know, if I had any discernable talent). Every year Hollywood turns out blockbusters that make a big splash, raking in hundreds of millions of dollars, and sometimes in the billions, worldwide. Still, those movies cost so much to make that many of them barely break even. They say that sometimes, the smaller movies with smaller budgets, even though they gross a lot less, actually profit a lot more. It can sometimes be the same way with loggers.

In this month's installments of both *At The Margins* (page 28) and *As We See It* (page 32), there are mentions of the oft-cited need for loggers to maximize efficiency. In a lot of ways, the companies featured in this issue have found creative ways to do just that, improving profit potential and strengthening their businesses by doing little things a little differently. These are people who think outside the box.

South Carolina's Dennis Wall, whose story begins on page 14, has developed a special flip-bolster on lightweight trailers to let him haul more payload within the legal weight range. The Redfern family of Tennessee (page 20) keeps debt and overhead down. Georgia's Diamond G Forest Products (page 26) looked at a dormant domestic turpentine industry and saw opportunity.

According to Tommy Carroll, Executive Director of the Southeastern Wood Producers Assn., Ken Sheppard of Vidalia, Ga. is another example of just such an out-of-the-box type logger who looked at a problem and found a way around it. As I'm sure many of you know, it is

not legal to transport more than 119 gallons of fuel without a hazmat permit, unless the fuel is in separate, unconnected containers. Obviously, this is a strain on those working in the forestry and agricultural fields. Tired of getting pulled over and threatened with fines, Sheppard became inspired. As a solution, he has developed his own fuel transport system. He started building the system just for his own use but soon realized it could be useful to others.

Sheppard, a former Georgia Logger of the Year (and a feature article subject in *Southern Loggin' Times* in March 2011), has applied for and received patent pending (evidently it takes a few years to get final approval for the full patent number). He has partnered with Albany-based LMC-AG (Lewis M. Carter Agriculture) to manufacture and market the innovation. They've already sold two units, both to farmers, and presented the diesel hauling trailer at farm shows in the South in February. They're also making it available to the logging community. The first logger to buy one was Charles Hill of Hill Logging of Jeffersonville, Ga.

Approval

Sheppard built three prototype versions himself before taking his plans to the Georgia Dept. of Public Safety and Dept. of Transportation. They inspected the prototypes and gave it their seal of approval.

Members of the DPS were enthusiastic in their support for the project, calling repeatedly to see when it would be ready. "As long as it is on

DOT-approved trailers with lights, he said it's legal and will keep the DPS off our backs," Sheppard says. "We won't have to have a hazardous material permit so long as it's not over 1,000 gallons. That's a federal law, not just Georgia." In October last year Sheppard got the patent pending number and informed the DPS that he could start selling. "They said that's what they wanted to know."

Sheppard says the DPS was very helpful and instrumental in getting this off the ground. The DPS spent hours one Friday measuring it and when finished, one of the sergeants, Mike Hatcher, said it was legal and to build them. His contacts at the DPS put him in touch with Lewis M. Carter, who was interested and soon agreed to the manufacture it.

Design

The tanks are in compliance with 49-CFR 173.150 (F), which allows users to haul fuel over 119 gallons combined total without having CDL and hazmat endorsement. So class C drivers license and medical card are the only things required to legally haul this tank. Sheppard and the manufacturer, LMC-AG, offer three sizes of tanks: a 315 (three tanks), 630 (six tanks) and 945-gallon (nine tanks). The design allows for up to nine separate tanks with capacity of up to 105 gallons each to connect to a single pump. A quick coupler connects to each one as the last one is emptied. They offer it as a tank ready to mount on trailer or as a whole unit with a trailer.

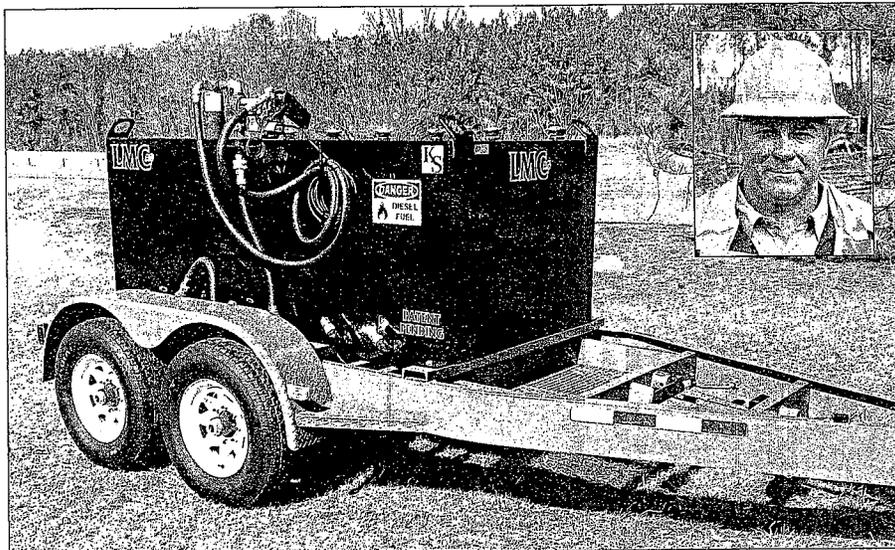
For its part, LMC-AG says it is "trying to fulfill a need in the logging and agricultural market." They offer the tanks either as individual units or on running gears to allow towing. They offer 20-25 gallon per minute pumps along with the units.

The running gears are made from mild steel channel (8 in. on the 630 and 945 gallon units, and 6 in. on the 315). They use heavy-duty Torflex axles with eight lug hubs. Each trailer comes with one axle with brakes and emergency brake box.

Trailer lights come with a seven-way plug. You can order your trailer with any one of a variety of hitches, such as drop pin, pintle eye, and a 2-3/4 in. ball hitch. The trailers come with highway rated, DOT-approved tires, size ST235/80R16 load range E, and include tread plate fender wells over the tires. A basket is included on the front of each trailer for whatever you need (spare chain, etc.). DEF (diesel exhaust fluid) tanks are available; DEF tanks, according to LMC-AG, will likely be required for all diesel tanks in the next year due to stricter emissions standards.

To find out more, contact Ken Sheppard at 912-245-9180 or email kshepp@att.net or call the LMC-AG office at 229-639-1775.

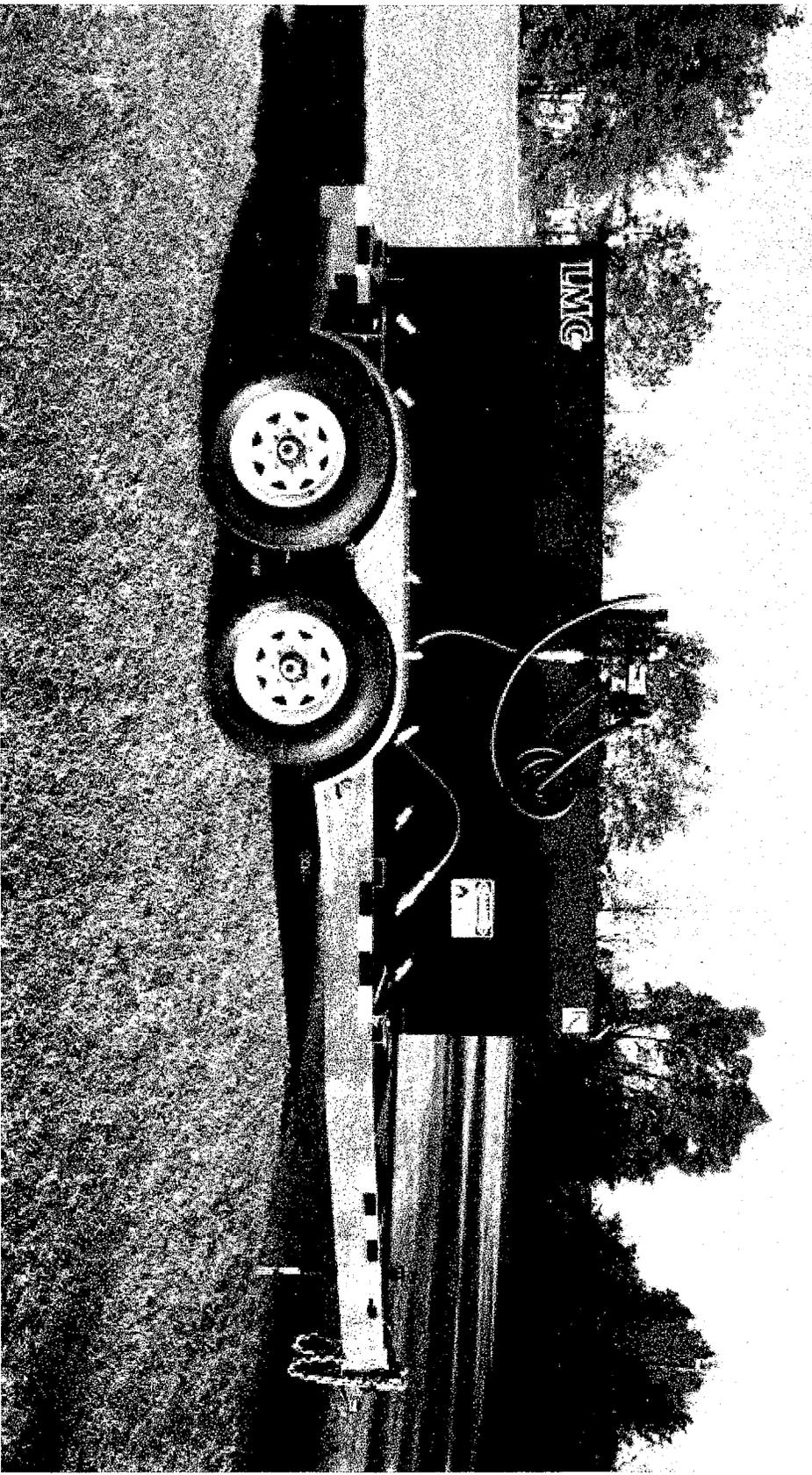
SLT



Logger Ken Sheppard, inset, relies on LMC-AG to make and market his fuel system.

Diesel Fuel Trailer

Back to Album · LMC Ag's Photos · LMC Ag's Page
Previous · Next



LMC
Lancaster Motor Company
LMC Ag

Diesel Fuel Trailer, 9 Chambers @ 105 Gallon Each (950 Gallons Total) ----- at Diesel Fuel
Trailer, 9 Chambers @ 105 Gallon Each (950 Gallons Total).