



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

JUL 28 2009

Mr. James La Porte
1670 Axtell
Troy, MI 48084

Ref. No. 09-0145

Dear Mr. La Porte:

This responds to your June 17, 2009 inquiry concerning requirements applicable to the transportation of portable generators containing fuel under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if portable generators that contain fuel are excepted from the HMR under § 173.220(b)(4).

The answer is yes. In accordance with provisions in §§ 173.220(b)(4) and 173.220(g), a portable generator containing more than 17 ounces of liquid fuel that is transported by highway or rail is excepted from HMR requirements provided all the conditions listed in paragraph (b)(4) are met.

You also ask whether the 440-pound weight limit in the materials of trade (MOTs) exception in § 173.6 applies to the shipment of your portable generators containing fuel. A portable generator transported in accordance with § 173.220(b)(4) is excepted from all other HMR requirements. Thus, the 440-pound weight limit for MOTs shipments does not apply.

I hope this answers your inquiry.

Sincerely,

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

Boothe
§173.220
Exceptions
09-0145

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, June 18, 2009 8:23 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Re PHMSA Hazmat Center Inquiry

Carolyn,
This gentleman would like a written letter of interpretation on the topic discussed below.
Thanks,
Rob

From: LA PORTE, JAMES J (ATTSI) [mailto:jl7454@att.com]
Sent: Wednesday, June 17, 2009 3:17 PM
To: training (PHMSA)
Subject: FW: Re PHMSA Hazmat Center Inquiry

Was at the regional DOT training in Troy, MI and was told I could request an answer in writing and it should be no problem:

Would like an e-mail response.

When transporting portable generators that contain fuel under 49 CFR 173.220 Section b(4)(e) they are exempted from the HMR regulations. It states that for quantities of flammable liquid fuel (gasoline) greater than 500 mL (17 ounces) may remain in self-propelled vehicles and mechanical equipment (portable generators) only under the following conditions:

- Transportation by motor vehicle or rail car with the following requirements:
 - The fuel tank caps, engine components and lines must be securely closed to prevent leakage of fuel during transport.
 - Fuel tanks must not be filled to more than 90% of their total capacity.
 - Thoroughly wiped to remove any residue of diesel on the outside of the generator.
 - If practical, the generator should be stored away from direct sunlight and potential ignition sources.

This is also true for diesel fuel (combustible liquid) This only applies to rail and ground transport.

My question is two fold. Is this true. Second, if transporting generators on a trailer (let say 10 generators that have 12 gallons of fuel). If these are exempted from the HMR then does the weight of fuel count if transporting these under the Materials of Trade and the 440 pound limit?

Please advise.

Jim La Porte

-----Original Message-----

From: victoria.lehman@dot.gov [mailto:victoria.lehman@dot.gov]

Sent: Wednesday, June 17, 2009 8:43 AM

To: LA PORTE, JAMES J (ATTSI)

Subject: Re PHMSA Hazmat Center Inquiry

Dear James LaPorte,

We have received your inquiry about the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<http://hazmat.dot.gov/regs/rules.htm>

A hazardous materials regulatory specialist would be happy to speak with you regarding your inquiry. You may contact the Hazardous Materials Information Center, which is staffed with regulatory specialists who can quickly answer your questions by phone, Monday through Friday, 9 AM - 5 PM EST at (800) 467-4922 or (202) 366-4488. Alternatively, if you would like a regulatory specialist to contact you directly, please respond to this e-mail with a telephone number where you can be reached between 9 AM and 5 PM EST.

Sincerely,

Victoria, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20.

<http://hazmat.dot.gov/infocent.htm>

6/18/2009