



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

August 4, 2022

Mr. Justin Lacy  
336 S. Taylor Ave.  
Essex, MD 21221

Reference No. 22-0020

Dear Mr. Lacy:

This letter is in response to your March 25, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the placarding of hazardous materials. In your email, you state that you work for an environmental cleanup company that pumps out fuel tanks at various customer sites for residential properties and businesses. You also state that after you pump out and clean these customer fuel tanks, you often transport—in a vacuum truck—mixtures of either gasoline or diesel fuel mixed with water used to clean out the fuel tanks.

You ask whether these return loads—gasoline or diesel fuel mixed with water—are considered hazardous materials and require placarding. You further state that it has been your company's practice not to placard these types of return loads because they have been considered “recycled waste” or “gassy water.” Lastly, you state that the maximum capacity of the tank on your vacuum truck is more than 119 gallons—therefore meeting the definition of a “bulk packaging” in § 171.8 of the HMR. You ask whether these return loads—of either gasoline or diesel fuel mixed with water—are considered hazardous materials and require placarding.

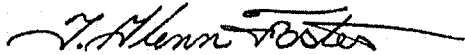
In accordance with § 173.22 of the HMR, the shipper must properly class and describe a hazardous material. This Office does not perform the function of classifying or describing a hazardous material. However, it is the opinion of this Office that the recovered return materials (i.e., “recycled waste” or “gassy water”) you describe in your email may continue to meet the defining criteria of a Class 3 flammable liquid, in accordance with § 173.120.

The gasoline and/or diesel fuel does not mix with water and may retain their physical properties that make them hazardous materials under the HMR—including the respective flash points of gasoline and diesel fuel. In addition, the capacity of the tank on your vacuum truck is more than 119 gallons—therefore meeting the definition of a “bulk packaging” in § 171.8 of the HMR. In this scenario, the recovered return materials would be subject to the placarding requirements of Subpart F of Part 172 of the HMR. Since the recovered return materials may require placarding,

as described under this scenario, the motor vehicle driver would need a commercial driver's license that is properly endorsed in accordance with 49 CFR 393.93 of the Federal Motor Carrier Safety Regulations.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name.

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division