



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

SEP 10 2015

Ms. Jennifer Eberle
Manager, Transportation Compliance
Industrial Business
VEOLIA NORTH AMERICA
1 Eden Lane
Flanders, NJ 07836

Ref. No. 15-0103

Dear Ms. Eberle:

This responds to your letter dated October 31, 2014 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of sift-proof, closed bulk bins. In your letter, you describe a shipment of "Hazardous waste, solid, n.o.s.," a Class 9, Packing Group III material, in a non-bulk quantity with an identification of "NA3077" in a device that exceeds the physical dimensions of a non-bulk packaging. Your questions are paraphrased and answered as follows:

- Q1. Is it permissible to transport this material in the device without any further outside packaging as a sift-proof, closed bulk bin under the provisions of § 173.240(c)?
- A1. The answer is yes, provided the device is consistent with the provisions of the HMR for a non-Department of Transportation (DOT) specification, sift-proof, closed bulk bin. Under § 171.8, "siftproof packaging" is a "packaging impermeable to dry contents, including fine solid material produced during transportation." The HMR provides no definition for closed bulk bins, but it is the opinion of this Office that a "closed bulk bin" can be described as an "enclosed packaging that is tough, firm, and durable (i.e., strong), constructed so that its contents cannot pass through (i.e., completely enclosed), and which meets other applicable requirements of § 173.24." Please be aware that it is your responsibility to ensure that the packaging is "designed, constructed, maintained, filled, its contents so limited, and closed, so that under conditions normally incident to transportation" there will be no identifiable release of hazardous material per the requirements of § 173.24(b).
- A2. Is the device required to comply with the marking requirements for a non-bulk or a bulk packaging under Subpart D—Marking?
- Q2. The packaging is required to be marked in conformance with the marking requirements for a bulk packaging under § 172.302. As you have described the

this shipment must comply with the marking requirements for bulk packagings per § 172.302, regardless of whether the quantity of material transported is of a non-bulk amount.

I hope this answers your inquiry. If you need additional assistance, please contact this Office again.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

Dirk Der Kinderen
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Kestho
171.8, 173.213, 173.24
173.240(c)

From: Rivera, Jordan CTR (PHMSA)
Sent: Wednesday, May 27, 2015 3:45 PM
To: Hazmat Interps
Subject: FW: Request for Written Interpretation
Attachments: Authorized Bulk Packaging Substituted for Non-Bulk Packages - Interp Request (VES).pdf

Definitions
15 → 0103

Shante/Alice,

Please submit this for a formal letter of interpretation. It looks like it was never entered into the interps database.

Thanks,
Jordan

From: Ciccarone, Michael CTR (PHMSA)
Sent: Friday, October 31, 2014 2:29 PM
To: Hazmat Interps
Subject: FW: Request for Written Interpretation

Shante/Alice,

Please submit this for a formal letter of interpretation. Ms. Eberle spoke with Jordan Rivera in the HMIC.

Thanks,

Mike

From: Eberle, Jennifer [<mailto:jennifer.eberle@veolia.com>]
Sent: Friday, October 31, 2014 1:53 PM
To: PHMSA HM InfoCenter
Subject: Request for Written Interpretation

Jennifer Eberle

Manager, Transportation Compliance
Industrial Business
VEOLIA NORTH AMERICA

tel

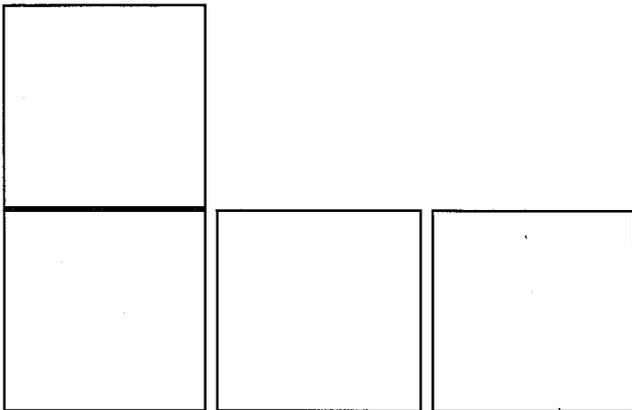
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October 31, 2014

USDOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue S.E.
Washington DC 20590-0001

RE: Request for Interpretation Regarding the Use of Sift-Proof Closed Bulk Bins for Packagings Meeting the Definition But Exceeding the Physical Dimensions of a Non-Bulk Packaging

To Whom It May Concern:

Please accept this letter as a request for a formal written interpretation from your office. Recently, Veolia obtained guidance from a PHMSA Hazmat Regulatory Specialist who clarified that there is no restriction against the use of a non-specification bulk packaging authorization when the capacity of the package is defined as non-bulk.

Based on this recent guidance, Veolia is requesting a written interpretation from PHMSA to clarify the following:

- 1) Example: A device containing a Class 9 hazardous waste solid material meets the definition of non-bulk under §171.8 however, the outside dimensions of the device are too large to be packaged in any non-bulk packaging currently authorized under §173.213. Since the device itself is a sift-proof container meeting the general packaging requirements in §173.24, is it permissible to be shipped without any further outside packaging as a sift-proof closed bulk bin under the provisions of §173.240(c)?
- 2) If the answer to question 1 is "yes" is the device required to meet the marking requirements for a non-bulk or bulk packaging under Subpart D-Marking?

Your written response to this request is greatly appreciated. If you require any further information regarding this request please feel free to contact me at jennifer.eberle@veolia.com / 973-691-7331 or Tom Baker at tom.baker@veolia.com / 973-691-7330.

Thank you,

A handwritten signature in cursive script that reads "Jennifer Eberle".

Jennifer Eberle
Manager, Transportation Compliance
Industrial Business
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