



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 02 2018

Andrew N. Romach
Regulatory Compliance Manager
AECOM
1600 Perimeter Park Drive
Morrisville, NC 27560

Ref. No. 15-0168R

Dear Mr. Romach:

This letter supersedes our December 11, 2015 letter to you under Reference No. 15-0168 that responded to your August 10, 2015 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the definition of a bulk packaging as it relates to a solid material. In your email, you described a non-specification packaging that can accommodate a maximum net mass greater than 400 kg (882 lbs) and has a maximum capacity less than 450 L (119 gallons). You asked whether it meets the definition of bulk packaging.

The answer is no. After careful review of our original response to you, we have reconsidered our conclusion. In accordance with § 171.8, the definition of a bulk packaging is a packaging with a “maximum net mass greater than 400 kg (882 pounds) and a maximum capacity greater than 450 L (119 gallons) as a receptacle for a solid.” Based on a strict reading of this definition, your packaging does not meet the definition of a bulk packaging in the HMR.

Prior to 1990, the non-specification closed bin described in your original email would have been considered a bulk packaging. As currently defined in § 171.8 of the HMR, a bulk packaging must have a maximum net mass greater than 400 kg (882 pounds) and a maximum capacity greater than 450 liters (119 gallons) as a receptacle for a solid. Because the non-specification closed bin used to package a solid material described in Reference No. 15-0168 has a volumetric capacity of less than 450 liters (119 gallons) and a maximum capacity of greater than 400 kg (882 pounds), it does not meet the definition of a bulk packaging under the HMR; therefore, its use is not authorized under the description’s bulk packaging provisions prescribed in § 173.240(c) and may only be used to package solid material under the terms of an approval granted in accordance with § 178.601(h).

Please accept our apologies for any inconvenience this reconsideration of our original guidance may cause. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "S. C. Kelley". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Shane C. Kelley
Director
Standards and Rulemaking Division

Ciccarone
§173.240(c)
Bulk Packaging
15-0168

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Monday, August 10, 2015 3:55 PM
To: Hazmat Interps
Subject: FW: Request for written DOT interpretation
Attachments: DOT interpr def of bulk nonbulk 08102015.pdf

Dear Shante and Alice,

Attached is a request for a formal letter of interpretation.

Thanks,
Shelby

From: Norris, Carolyn [<mailto:carolyn.norris@aecom.com>]
Sent: Monday, August 10, 2015 1:44 PM
To: PHMSA HM InfoCenter
Cc: Romach, Andy
Subject: Request for written DOT interpretation

Dear Infocenter,

I have attached a request for a written DOT interpretation. Please let me know if you have any questions.

Thank you in advance for your assistance.

Thanks,

Carolyn Norris, DGSA
Senior Project Scientist/Project Manager, EHS Department
D 1-919-461-1238 F 1-919-461-1371
Carolyn.norris@aecom.com

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August 10, 2015

Mr. Charles Betts, Division Director
Standards and Rulemaking (PHH-10)
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Mr. Betts:

I am writing to request a Department of Transportation (DOT) written interpretation concerning the correct assignment of "bulk packaging" or "non-bulk packaging" when shipping a medium hazard solid PGII material.

The following definitions are listed in 49 CFR 171.8:

"bulk packaging" has:

(2) A maximum net mass greater than 400 kg (882 pounds) and a maximum capacity greater than 450 L (119 gallons) as a receptacle for a solid;

"non-bulk packaging" has:

(2) A maximum net mass of 400 kg (882 pounds) or less and a maximum capacity of 450 L (119 gallons) or less as a receptacle for a solid;

[Emphasis added.]

Based on the above-listed definitions, a hazardous material would be required to meet **both** the net mass and maximum capacity criteria to qualify as either a bulk packaging **or** a non-bulk packaging.

We would like to ship a medium hazard PGII solid hazardous material, which has a net mass in excess of 882 pounds, yet the material is collected and contained in a receptacle that has a maximum capacity less than 450 liters. Based on the definitions listed above, this hazardous material meets neither the definition of "bulk packaging" nor "non-bulk packaging".

We understand that non-bulk packaging rated to a UN specification must meet both the net mass and the maximum capacity criteria as set out in the non-bulk packaging UN specification section 49 CFR 178 Subpart L; for example: For a steel drum, the net mass and maximum capacity limits are listed in 49 CFR 178.505(a)(6) & (7).

In our case, the net mass of this hazardous material is greater than 882 pounds; however, the capacity of the receptacle that it is contained in is less than 119 gallons. Both the net mass and the maximum capacity must be met to meet the definition of a non-bulk packaging. As this hazardous material does not meet the criteria for a non-bulk packaging, and does not meet the criteria for a bulk packaging either, we

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would like to know if the hazardous material can be shipped following the bulk packaging requirements in 49 CFR 173.240(c).

The receptacle in which we collect this material is a non-specification strong metal container, that meets the requirements of a sift-proof, closed bin in 49 CFR 173.240 and can accommodate the heavy weight of this material, which is about 1,200 pounds; however, the capacity of this packaging is less than 100 gallons.

Could we consider our receptacle as a sift-proof, closed bulk bin as described in 49 CFR 173.240(c)?

I appreciate your assistance with these questions.

Sincerely,



Andrew N. Romach
Regulatory Compliance Manager
AECOM