



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 15 1998

Ms. Pat Czeczuga
Miller Products Company, Inc.
2220 91st Street
North Bergen, NJ 07047-4731

Ref. No. 98-0275

Dear Ms. Czeczuga:

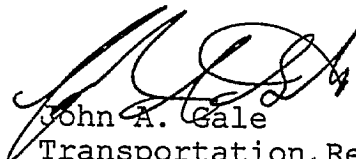
This is in response to your letter dated September 10, 1998, requesting clarification on the limited quantity and consumer commodity provisions for Class 3 and Division 2.1 materials in §§ 173.150(b)(2) and 173.306(a)(3) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether your packagings containing isopropyl alcohol may be shipped under these provisions.

Based on the information provided in your letter, you are correct in your understanding of the use of the limited quantity and consumer commodity exceptions for Class 3 materials in § 173.150(b)(2) and Division 2.1 materials in § 173.306(a)(3). Limited quantities of Class 3 materials and Division 2.1 materials are excepted from labeling requirements, unless offered for transportation by aircraft, placarding, and specification packaging.

In addition, a limited quantity of Class 3 or a Division 2.1 material which meets the definition of a consumer commodity in § 171.8, may be renamed consumer commodity and re-classed as ORM-D. An ORM-D material is also excepted from shipping paper requirements of the HMR unless it meets the definition of a hazardous substance, hazardous waste, or a marine pollutant, or is offered for transportation by aircraft.

I hope this satisfies your request.

Sincerely,



John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards

173.150
+
173.306



MILLER

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MILLER PRODUCTS COMPANY, INC. 2220 91ST STREET, NORTH BERGEN, NEW JERSEY 07047-4731

September 10, 1998

BAH
§ 173.150
980275

Ms. Eileen Mack
Hazardous Materials Information Center
Washington, DC

Re: **DOT 49 CFR**
Ground Shipments

Dear Ms. Mack,

I wish to confirm our conversation of September 09, 1998, to be assured we will be shipping in accordance with the DOT 49 CFR regulations.

A. Our product **Isopropyl Alcohol, Class 3, UN1219, PG II, Label Code 3, Special Provision T1, Packaging 173.150, 173.202.** We have two (2) different packaging containers:

- 1) 1 gallon containers packaged in plastic bottles
- 2) 12 oz trigger bottles packaged in plastic bottles with a spray pump

According to our conversation we meet the exception for Class 3 in accordance with 175.150 (b) and (2) to **re-classify our 12 oz trigger bottles for Limited Quantities under ORM-D.** I understand we will be exempt from labeling and packaging requirements. Our gallon containers will be shipped in accordance of the above packaging and label requirements.

B. Our product **Isopropyl Alcohol, Aerosol, Class 2.1 UN1950, Label Code 2.1, Special Provisions N82, Packaging 173.306.** This item is packed in 12 oz metal aerosol cans, 24 per case.

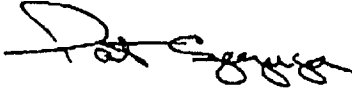
We also feel this item qualifies for the **Limited Quantities under ORM-D** of compressed gases accordance to 173.306 (3).

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Ms. Mack

I would appreciate if you can review the above and confirm that we will be shipping in the correct class. Thank you, Ms. Mack, for your help and clarification on our questions and concerns.

Sincerely,



Pat Czeczuga
Sales Coordinator

cc: Hector Ortiz

FAX: 202-366-3012



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400 Seventh Street, S.W.
Washington, D.C. 20590

DEC 31 1990

Mr. Gregory B. Heath
Sr. Project Scientist
SEA Consultants, Inc.
485 Massachusetts Avenue
Cambridge, MA 02139-4018

Dear Mr. Heath:

This is in response to your letter dated October 23, 1990 regarding the transportation of an underground storage tank which contained a residue of flammable or combustible liquids.

There is no provision in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) that authorizes the transportation of flammable liquids in non-specification tanks, i.e., underground storage tanks. Neither do the HMR provide a quantitative definition for empty packaging. As provided in § 173.29, an "empty" packaging that contains a residue of a hazardous material is fully subject to the HMR. Such tanks must be transported under the terms of an exemption, cleaned and purged of all residue, or reloaded with a material not subject to the HMR.

An acceptable procedure for cleaning gasoline tanks is available in the American Petroleum Institute (API) Recommended Practice 1604, 1987 edition. However, if the sediments remaining in the tank after the cleaning process are considered hazardous wastes and are in quantities subject to the Environmental Protection Agency's regulations (40 CFR 260-265) making use of Hazardous Waste Manifests mandatory, DOT hazardous waste regulations will apply (See §§ 172.101(c)(10), 172.203(e), 172.205).

In accordance with § 173.118a(b), the transportation of combustible liquids does not require DOT specification packaging. Therefore, adherence to API Recommended Practice 1604 would not be required for the transportation of a leaktight underground storage tank containing the residue of a combustible liquid.

If we can be of further assistance, please feel free to contact us.

Sincerely,

Hattie L. Mitchell

for

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

173.118
173.150