



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

JUN 7 2001

Ms. Sheila B. Ryan
Conoco Inc.
P.O. Box 2197
Houston, TX 77252-2197

Ref. No. 01-0114

Dear Ms. Ryan:

This is in response to your May 2, 2001 letter concerning requirements for the use of non-DOT specification bulk packagings under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a non-DOT specification, sift-proof closed bulk bin is allowed for the transportation of a Class 9 environmentally hazardous waste. In addition, you had several questions concerning related issues.

Concerning your first question, it is important to note that the shipping name you reference is not correct. The correct shipping description is "Waste, Environmentally hazardous substance, solid, n.o.s., 9, UN 3077, PG III." Column 8C of the hazardous materials table in § 172.101 refers you to § 173.240 for bulk packaging options. A non-DOT specification, sift-proof closed bulk bin is authorized to transport this material. Your additional questions are paraphrased and answered below:

Question 1: Are non-DOT specification bins authorized under § 173.240 also permissible for use in intrastate transportation if the state does not have regulations covering the transportation of hazardous materials in non-DOT specification bins?

Answer 1: Yes.

Question 2: Are non-DOT specification bins excepted from the HMR requirements?

Answer 2: No. Non-DOT specification bins must meet the general packaging requirements for bulk packages in §§ 173.24 and 173.24b.

Question 3: July 2000 was the deadline for the transition period during which non-specification packagings were allowed for intrastate transportation under § 173.8. Must these non-DOT specification bins authorized for use under § 173.240 be tested and certified in order to be used for either intrastate or interstate transportation of hazardous materials?



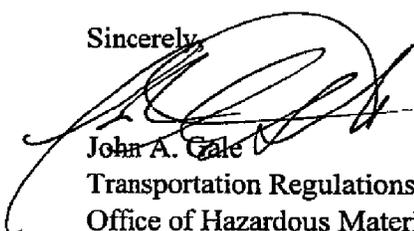
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173.240

Answer 3: No. A non-DOT specification bin may be used for certain low-hazard materials without any testing or certification.

I hope this satisfies your request.

Sincerely,



John A. Gale

Transportation Regulations Specialist
Office of Hazardous Materials Standards



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Johnsen
§ 173.240(c)
§ 173.8
Applicability
01-0114

2 May 2001

Office of Hazardous Materials Standards
Research and Special Program Administration
U.S. Department of Transportation
400 7th Street, SW
Washington, D.C. 20590

SUBJECT: Use of Non-Specification Bins

Dear Sirs:

Conoco Inc. is using non-DOT specification roll-off boxes to transport environmentally-hazardous waste, n.o.s., NA 3077, class 9 material. The boxes are lifted onto a truck bed, filled, covered, properly marked/labeled/placarded to meet EPA-RCRA and DOT requirements, and transported via highway to a TSDF site out of state. We believe the use of these non-DOT specification sift-proof, closed bulk bins is permissible under 49 CFR 173.240(c). Is this interpretation of the regulation correct?

We are also seeking additional clarification on other regulatory issues:

- (1) Are non-DOT specification bins under § 173.204(c), such as these roll-off boxes, also permissible for use in intrastate transportation if the state wherein the shipment originates and within which it travels does not have regulations covering the transportation of hazardous materials in non-DOT specification bins?
- (2) Are non-DOT specification bins exempt from all of the Hazardous Materials regulations?
- (3) July 2000 was the deadline for a transition period during which non-specification packagings were allowed for intrastate transportation under § 173.8. It is our understanding that UN packaging (or DOT-specified) must now be used. Must these non-DOT specification bins be tested and certified in order to be used for either intrastate or interstate transportation of hazardous material?

We look forward to a prompt response. Please let me know if you have any questions.

Yours truly,

Coordinator, Safety & Regulatory Compliance