



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

FEB 26 2004

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

Mr. Andrew N. Romach
Regulatory Manager
URS Corporation
1066 Perimeter Park Drive
Morrisville, NC 27560

Ref. No. 03-0278

Dear Mr. Romach:

This responds to your November 3, 2003, letter requesting clarification on packaging under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You ask whether a sift-proof bulk bin may be used as both a bulk package for a Division 4.1 material and a freight container for limited quantity packages of a Class 3 material. Specifically, you ask if it is permissible to ship limited quantity packages of "Flammable liquid, n.o.s.(toluene, xylene), UN 1993, PG II", each marked with the proper shipping name and UN number and "Ltd. Qty." in a leakproof, siftproof bulk bin containing otherwise unpackaged "Solids containing flammable liquid, n.o.s.(toluene, xylene), 4.1, UN 3175, PG II" material.

The answer to your question is no. A freight container that is the bulk packaging for an unpackaged hazardous material may not be used simultaneously as a freight container for the shipping of packaged hazardous material. Such usage is inconsistent with the definition for "bulk packaging" and would result in incongruous quantity descriptions on the shipping paper. Therefore, the limited quantity Class 3 material packages must be shipped separately from the package containing the bulk solid Division 4.1 material.

I hope this answers your inquiry.

Sincerely,

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



030278

173.25

INFOCNTR

From: Andy_Romach@urscorp.com
Sent: Monday, November 03, 2003 4:28 PM
To: INFOCNTR
Cc: Carolyn_Norris@urscorp.com
Subject: Attn: Arthur- Bulk Bin Question

Boothe
\$ 173.25
\$ 173.240
Packaging
03-0278

DOT interpretation request:

I am writing to ask for an interpretation concerning whether it is possible for a package to be simultaneously a bulk container and a freight container containing a non-bulk package.

The hazardous material in bulk is vermiculite damp with a solvent mixture, with no free liquid present, which is classified as: Solids containing flammable liquid, n.o.s. (toluene, xylene), 4:1, UN3175, PGII. The required packaging for this material is set out in 49 CFR 173.240(c): "sift-proof non-DOT specification portable tanks and closed bulk bins are authorized." This bulk container is a leak-proof, sift-proof bin. The outside of the bulk container would be placarded on each of four sides with a flammable solid placard and also have the UN number 3175 displayed on each of four sides.

The hazardous material in the non-bulk container is the same solvent mixture as above; however, it is contained in glass jars [the largest solvent volume being 1 quart (1 liter)] placed into 5 gallon metal drums; this hazardous material in this volume qualifies as a limited quantity shipment, with classification: Flammable liquid, n.o.s. (toluene, xylene), 3, UN1993, PGII. The required packaging for this material is set out in 49 CFR 173.150(b)(2). This material would be packaged in sturdy metal 5 gallon drums (pails), each pail is much less than 66 pounds gross weight.

1- Would we be allowed to place the non-bulk limited quantity packages, each marked with the proper shipping name and UN number and "Ltd. Qty.", into the bulk container with the bulk material? Because limited quantity shipments are excepted from placarding, it is not a requirement to indicate the presence of the limited quantity shipment on the outside of the freight container. The container would only be placarded for the bulk material.

2- How would the DOT basic description for this shipment be written? See suggestion below:

1 bulk bin Solids containing flammable liquid, n.o.s.
(toluene, xylene), 4.1, UN3175, PGII 1,000 pounds

Bulk bin also contains:
100 (5gal)drums Flammable liquid, n.o.s. (toluene, xylene), 3,
UN1993, PGII, Ltd. Qty. 400 pounds

I look forward to receiving a reply to my request for interpretation.

Thanks,