



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

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

JAN 14 2005

Ms. Kelly Noelle
Manager, Logistics
Bennett Environmental Inc.
208 – 1540 Cornwall Rd.
Oakville, Ontario
Canada
L6J7W5

Ref No.: 05-0004

Dear Ms. Noelle:

This responds to your January 4, 2005 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if your steel containers, commonly referred to as "Flower Pots," are an acceptable means of containment for contaminated soil packaged under § 173.240. You provide detailed photographs and test results indicating that the containers remain securely closed and sift-proof during transit.

Section 173.240(e) authorizes the transportation of certain low hazard solid materials in non-DOT specification sift-proof closed bulk bins. We believe that your packaging is best described as a non-DOT specification closed bulk bin. In order to be deemed sift-proof the completed package may not permit the escape of any of the hazardous material contained therein. In our opinion, based on the test results and photographs provided, this package is sift-proof for contaminated soil and; therefore, is an authorized packaging under § 173.240(e). However, it is the shipper's responsibility to ensure that the packaging provides sift-proof containment for contaminated soil at the time of shipment and will continue to provide that containment until the package reaches its final destination.

In addition to being sift-proof and closed the package must also meet the general provisions of § 173.240. These provisions require non-DOT specification bins to meet the general packaging requirements for bulk packages in §§ 173.24 and 173.24b. In addition, the bins are subject to the requirements of the special provisions contained in Column 7 of the Hazardous Materials Table (HMT; § 172.101), as applicable.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

John A. Gale
Chief, Standards Development
Hazardous Materials Standards



050004

172.101
173.240



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January 4, 2005

Office of Hazardous Materials Standards

Research and Special Programs Administration
Attention: DHM-10
U.S. Department of Transportation
400 7th Street SW
Washington, DC, USA
20590-0001

Dear Sir or Madam:

This letter is a request for authorization to use our 3.1m³ steel containers, known as Flower Pots, as acceptable means of containment to transport. This authorization from the US Department of Transportation is in accordance with the requirements of subparts A and B of part 173 of the 49 CFR regulations and the special provisions specified in Column 7 of the 172.101 Table.

The purpose of these containers is for the transportation of hazardous contaminated soil as defined in 49 CFR section 173.240. These containers will hold solid bulk soil and soil-like material of low hazard.

Contaminated soil will be generated by numerous sources across the United States. This soil will be comprised of composite representative from these various sites. This composite will consist of bulk soil and soil-like material contaminated with such low hazards as organochloride molecules: PCE, TCE, Dioxins, Furans, Creosote and Polychlorinated Biphenyls (PCBs) in concentrations of more than 50 ppm by mass.

The Flower Pot containers are to be used to ship by rail, road and waterways. They will be transported from various locations in the US to a wholly owned subsidiary of Bennett Environmental Inc., Récupère Sol Inc., located in St. Ambroise, Quebec, Canada. Upon receipt of such material, Bennett Environmental Inc. will thermally treat the low hazard material as per its Certificate of Authorization.

Flower Pots were initially designed by LDS Consultants in Montreal, Canada. At initiation of their fabrication several test were performed in compliance with the specifications of Section 6.5.7 of the 'Can/CGSB-43.146-94' standard, in accordance with the procedures described in ASTM D-999-96 Method A1.

These units of containment have been approved by Transport Canada's division of Safety and Security of the Transport of Dangerous Goods. They have been used by Bennett Environmental Inc., without incident, to ship such aforementioned material within Canada in the past.

49 CFR, section 172.101 of the US DOT regulations states clearly that low hazard solid bulk material may be packaged and shipped only with specific authorized containment units. We believe the Flower Pots to be consistent with the DOT's requirements. Please refer to the attached documentation for further details on our containers. Please contact the undersigned should you require any clarification or further information.

We appreciate the US DOT's acknowledgement that such containment units are in fact authorized.

Sincerely,

Kelly Noelle
Manager, Logistics
Bennett Environmental Inc.

Supko
\$172.101
\$173.240
Packages
05-0004

