



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

FEB 20 2013

Mr. Larry Moothart  
Manager  
Belshire Environmental Services, Inc.  
25971 Towne Centre Drive  
Foothill Ranch, CA 92610

Ref. No.: 13-0008

Dear Mr. Moothart:

This is in response to your January 7, 2013 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you seek clarification of the packaging requirements for non-bulk shipments in specification packaging of materials regulated as a hazardous waste. You indicate that you will be using the packaging exception provided in § 173.12(c), which allows previously used packagings to be reused for shipments of waste materials transported for disposal or recovery. Your questions are paraphrased and answered below.

Q1. Must non-bulk specification packagings, (i.e., 55-gallon drums) meet the requirements of Part 178 when using the exception provided in § 173.12(c)?

A1. Yes. Non-bulk specification packagings that are being reused to ship hazardous waste under the exception provided in § 173.12(c) are subject to all applicable requirements in Part 178, except those pertaining to the reconditioning and reuse provisions.

Q2. Are there any hazard classes that would not be allowed under the exception in § 173.12 for hazardous waste?

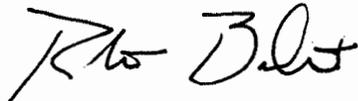
A2. No. A waste material in any hazard class may be transported for disposal or recovery under the exceptions provided in § 173.12.

Q3. Is it a correct understanding that § 173.28(b)(6) provides relief from the container reconditioning requirement for waste materials identified in § 173.12(c)(5)?

A3. Yes. As provided by § 173.28(b)(6) a "previously used non-bulk packaging may be reused for the shipment of hazardous waste, not subject to the reconditioning and reuse provisions of this section, in accordance with § 173.12(c)."

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Benedict". The signature is written in a cursive, somewhat stylized font.

Robert Benedict  
Chief, Standards Development  
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Winter  
§ 173.12  
§ 173.28

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, January 07, 2013 4:51 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: hazardous waste in non bulk packagings

Non Bulk Packaging  
13-0008

Hi Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,  
Victoria

**From:** Larry Moothart [<mailto:Larry@belshire.com>]  
**Sent:** Monday, January 07, 2013 2:27 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** hazardous waste in non bulk packagings

Please provide a response to this information in a formal letter.

This email requests interpretive guidance from the US Department of transportation Pipeline and Hazardous Material Safety Administration concerning the requirement to comply with the specification packaging requirements in 49 CFR part 178 when transporting a hazardous material that is a hazardous waste in a non bulk packaging (i.e. 55 gallon drums).

In your response, please consider that the hazardous waste will be packaged in accordance with the requirements of 49 CFR 173.12 (c) (1) through (5).

Question 1: Is there a requirement that non bulk containers (i.e. 55 gallon drums) satisfy any of the requirements in 49 CFR part 178 when transporting a non bulk package that contains a hazardous material that is a hazardous waste?

Question 2: Are there any hazard classes that would not be allowed under this exception for waste materials?

Question 3: Is it correct to understand that 49 CFR 173.28 (6) provides for relief from the container reconditioning requirement for waste materials identified in 49 CFR 173.12 (c)(5)?

Thank you,

Larry Moothart  
Manager  
Belshire Environmental Services, Inc.  
25971 Towne Centre Drive  
Foothill Ranch, CA 92610

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