



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

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

MAR 23 2010

Ana Wauthion-Melgar
BP West Coast Products LLC
Environmental Department
Campus One
2350 E. 223rd. Street
Carson, CA 90810

Ref. No. 10-0004

Dear Ms. Wauthion-Melgar:

This responds to your January 19, 2010 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if you need a special permit to transport solid hazardous wastes in an intermodal bin with a custom made bladder bag/ liner.

According to your letter, you want to use custom made bladder bags as liners inside intermodal bins to contain the waste materials, "RQ Hazardous Waste, solid, n.o.s., 9, NA3077, PG III" for railroad transport. The materials to be transported are classed as solids, but contain moisture that during transportation could be released to the surface as a result of vibration during transport.

The answer is no. A special permit is not required. The packaging you describe conforms to the packaging requirements in §173.240, which authorizes the use of sift-proof, closed bulk packaging, such as a closed or tarp-covered bulk bin or intermodal container. The addition of a bladder bag as a liner inside an intermodal container is permitted.

I hope this answers your inquiry. If you need additional assistance, please contact this office on 202-366-8553.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Boothe
§173.24
Packagings / Packages
10-0004

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, January 19, 2010 4:26 PM
To: Drakeford, Carolyn (PHMSA)
Cc: Lavalle, Diane (PHMSA); Supko, Ben (PHMSA)
Subject: FW: Guidance needed re: use of bladder bags as supplemental packaging - testing requirements
Attachments: 1723_001.pdf; 1726_001.pdf; 1722_001.pdf

Carolyn,
Attached is a request for a written interpretation of the regulations. I discussed the issue with Ana but she insisted on having a written interpretation of the issue. Please let whomever get assigned the letter know they can contact me or Ana directly with any questions.
Thanks,
Rob

From: Special Permits (PHMSA)
Sent: Tuesday, January 19, 2010 1:30 PM
To: INFOCNTR (PHMSA)
Subject: FW: Guidance needed re: use of bladder bags as supplemental packaging - testing requirements

I hate to do this to you but Ana has a packaging question that is not really related to a special permit. She is concerned that her solid material has the potential to become liquid during transportation.
Can you help please?
Thx,
Diane

From: Melgar, Ana [mailto:Ana.Melgar@bp.com]
Sent: Tuesday, January 19, 2010 12:52 PM
To: Special Permits (PHMSA)
Subject: Guidance needed re: use of bladder bags as supplemental packaging - testing requirements

Ms. Dianne Labelle
Department of Transportation
Office of Hazardous Materials Special Permits Units and Approvals

Ms. Labelle,

Per our conversation on the phone today, I need to make a determination related to testing of inner packaging bags to transport RQ Haz Waste, solid, n.o.s. 9. NA3077 PG III.

I am having a hard time reaching a determination on this issue due to the fact that the materials although classified as solids contain moisture that during transportation would have the potential to release liquids to the surface of the load due to continuous vibration of the containers during transport. Due to the potential to release liquids to the surface of the loads, looking at the regulations, I need to follow requirements for solids that have the potential to become liquids during transportation.

1/19/2010

I am considering the use of custom made bladder bags that would be used as liners inside intermodal bins to contain the materials for railroad transport (see attached PACTEC spec sheet and Transpac bladder bag design brochure). Requirements for solids that have the potential to become liquids are listed in 49CFR173.24 and furthermore, 49 CFR 173 App B comprises general testing requirements that I am unsure how to apply to the liners if these are to be considered inner packagings.

These liners would go inside of intermodal containers for an application similar in kind to the one Transload of North America presented to request guidance from Mr. Delmer Billings in 2007. In accordance to the letter from Mr. Billings, the materials I am referring to, would go out in sift proof, close bulk containers, such as close top intermodal bins.

My specific question is, can this package combination (intermodal bin + liner/bag) also be considered supplemental packaging; therefore be exempted from special permit? If these are not to be considered supplemental packagings, how should I classify them to ensure that I am conforming to the requirements of 49CFR173.24?

I have attached a copy of the Transload of North America determination letter and a copy of the PACTEC bags specs and design that I need feedback for. Your assistance to obtain guidance on this matter will be highly appreciated; feel free to reach me at the number listed below.

Regards,

Ana

<<1723_001.pdf>> <<1726_001.pdf>> <<1722_001.pdf>>

Ana Wauthion-Melgar
BP West Coast Products LLC
Environmental Department
Campus One
2350 E. 223rd. Street
Carson, CA 90810
Direct (310) 847-5656
Fax: (310) 847-5780



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