



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

DEC 6 2005

Mr. Steven P. Stokke
Vice President
Operations Support
WRR Environmental Service Company, Inc.
5200 State Road 93
Eau Claire, Wisconsin 54701

Ref. No. 05-0256

Dear Mr. Stokke:

This is in response to your September 2, 2005 letter and subsequent telephone conversation with Mr. Cameron Satterthwaite of my staff regarding the packaging reuse provisions for steel drums in § 173.28 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state that the steel UN1A1 drums are made of other than stainless steel. Your questions are paraphrased and answered as follows:

Q1. A UN1A1 drum containing residue is returned to our company from a distributor for refilling. May we refill the drum with the same product and return it to the distributor without performing a leakproofness test?

A1. No. A steel drum may not be reused without leakproofness testing, as specified in § 173.28(b) (2). The provisions of § 173.28(b)(7)(iv) apply to stainless steel drums.

Q2. If a drum meets the general reuse inspection requirements in § 173.28, what level of testing is required?

A2. A drum, subject to leakproofness testing, must be tested to the criteria specified in § 178.604.

I hope this information is helpful.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



050256

173.28
178.604

Satterthwaite
\$173.28
\$178.60
Reuse
05-0256

September 2, 2005

Mr. Duane Cassidy
Pipeline And Hazardous Materials Safety Administration
United States Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Mr. Cassidy;

This memorandum is in response to a previous telephone conversation at which time you had requested a detailed description of the request for guidance regarding the reuse of 55-gallon steel drums, specifically, 1A1/1Y1.8/300 drum specification. The drums in question, formerly contained WRR Environmental Services Company, Inc., (WRR) products such as Lacquer Thinner and Acetone. W & S Supplies is a recognized distributor of liquid chemical products, which are procured from WRR. In addition, these procured materials are utilized by various customers and clients of W & S Supplies for parts cleaning and degreasing and are recognized as hazardous materials. Once used by the customers for their intended purpose, these solvents are collected in 55-gallon drums and transported to WRR for reclamation.

W & S Supplies has requested that the drums used to transport the various solvents purchased from WRR be reused and refilled with compatible material for transport and reuse by W & S Supplies. For the purposes of this discussion, it is important to recognize the type of container used as defined by the United States Department of Transportation (DOT).

“Non-bulk packaging means a packaging which has:

- (1) A maximum capacity of 450 L (119 gallons) or less as a receptacle for a liquid;*
- (2) A maximum net mass of 400 kg (882 pounds) or less and a maximum capacity of 450 L (119 gallons) or less as a receptacle for a solid; or*
- (3) A water capacity of 454 kg (1000 pounds) or less as a receptacle for a gas as defined in § 173.115 of this subchapter.”*

Research and discussions with United States DOT personnel have revealed that there are provisions within 49 Code of Federal Regulations (49 CFR) which allow for the reuse of 55 gallon product drums provided the following provisions are adhered to;

Sec. 173.28 Reuse, reconditioning and remanufacture of packagings.

(a) General. Packagings and receptacles used more than once must be in such condition, including closure devices and cushioning materials, that they conform in all respects to the prescribed requirements of this subchapter. Before reuse, each packaging must be inspected and may not

be reused unless free from incompatible residue, rupture, or other damage which reduces its structural integrity.

(b) Reuse of non-bulk packaging. A non-bulk packaging used more than once must conform to the following provisions and limitations:

(1) A non-bulk packaging which, upon inspection, shows evidence of a reduction in integrity may not be reused unless it is reconditioned in accordance with paragraph (c) of this section.

(2) Before reuse, packagings subject to the leakproofness test with air prescribed in Sec. 178.604 of this subchapter shall be--

(i) Retested without failure in accordance with Sec. 178.604 of this subchapter using an internal air pressure (gauge) of at least 48 kPa (7.0 psig) for Packing Group I and 20 kPa (3.0 psig) for Packing Group II and Packing Group III; and

(ii) Marked with the letter "L", with the name and address or symbol of the person conducting the test, and the last two digits of the year the test was conducted. Symbols, if used, must be registered with the Associate Administrator.

(7) Notwithstanding the provisions of paragraph (b)(2) of this section, a packaging otherwise authorized for reuse may be reused without being leakproofness tested with air provided the packaging--

(i) Is refilled with a material which is compatible with the previous lading;

(ii) Is refilled and offered for transportation by the original filler;

(iii) Is transported in a transport vehicle or freight container under the exclusive use of the refiller of the packaging; and

(iv) Is constructed of--

(A) Stainless steel, monel or nickel with a thickness not less than one and one-half times the minimum thickness prescribed in paragraph (b)(4) of this section;

(B) Plastic, provided the packaging is not refilled for reuse on a date more than five years from the date of manufacture marked on the packaging in accordance with Sec. 178.503(a)(6) of this subchapter; or

(C) Another material or thickness when approved under the conditions established by the Associate Administrator for reuse without retesting.

The clarification need arises which respect to the leakproof testing. If a drum is emptied by W & S Supplies or any other customer for that matter, and if the empty drum is transported back to WRR and refilled with the same product, would this drum need to be tested? This is assuming that W & S would be transporting the same drum, in affect, a closed loop scenario, where in the drum is retained and under the control of W & S Supplies at all times with the exception being when WRR is refilling the container. This also assumes that before reuse, each packaging must be inspected and may not be reused unless free from incompatible residue, rupture, or other damage, which reduces its structural integrity.

In summation, can a drum under the aforementioned circumstances, be reused without retesting and reconditioning. In addition, should the drum need to be retested, even though it passes inspection, what level of testing is required? Thank you for your time and consideration of this request and for the assistance provided. Should you have any further questions or if I may be of any further assistance, please do not hesitate to contact me at (715) 834-9624 or by electronic mail at stokkesp@wrres.com.

Respectfully Yours,

STEVEN P. STOKKE
Vice President - Operations Support
WRR Environmental Services Company, Inc.

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