



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

Mr. Matt Fernandez
ES&H Specialist
Rinchem
6133 Edith NE Blvd
Albuquerque, NM 87107

JUN 23 2014

Reference No. 14-0024

Dear Mr. Fernandez:

This is in response to your February 5, 2014 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the definition of "residue." In your letter, you describe a scenario in which a container is unloaded but not to the maximum extent practicable. You state an example would be an unloading process that leaves the tank with $\frac{1}{4}$ of its capacity remaining. You ask if the material left in the container could be considered a residue in this scenario. In addition, you ask if "Residue last contained" is required on the shipping paper in this scenario. You also ask if a similar scenario involving an Intermediate Bulk Container (IBC) with an aggregate capacity of 1,000 gallons must comply with the requirement to place "Residue last contained" on a shipping paper.

The answer is no as the contents of the packaging in your scenario were not unloaded to the maximum extent practicable. As defined in § 171.8, a residue means the hazardous material remaining in a packaging, including a tank car, after its contents had been unloaded to the maximum extent practicable and before the packaging is either refilled or cleaned of hazardous material and purged to remove any hazardous vapors. If the packagings you describe in your letter had been emptied to the maximum extent practicable, the hazardous material would be considered a residue by definition. Section 172.203(e) states that the description on the shipping paper for a packaging containing the residue of a hazardous material may include the words "RESIDUE: Last Contained * * *" immediately before or after the basic shipping description on the shipping paper. However, it should be noted that while this section allows the statement "RESIDUE: Last Contained * * *" to appear on the shipping paper with a residue, it is not required.

I hope this satisfies your request.

Sincerely,

for T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Andrews
§171.8
§173.29

From: INFOCNTR (PHMSA)
Sent: Wednesday, February 05, 2014 3:03 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Formal request for letter of interpretation

§172.101
Empty / Applicability
14-0024

From: Matthew Fernandez [<mailto:mfernandez@Rinchem.com>]
Sent: Wednesday, February 05, 2014 11:39 AM
To: INFOCNTR (PHMSA)
Cc: Safety
Subject: Formal request for letter of interpretation

Good morning,

I am looking for clarification on the D.O.T.'s definition of a residue. If the contents of a container have been unloaded, but not to the maximum extent possible, is the remaining material considered a residue? An example would be a container holding ¼ of its capacity when shipping it back for refill. Also, when is "Residue last contained" required on shipping papers? Do unloaded IBC's containing with an aggregated capacity of 1,000 gallons or more fall into the requirements of "Residue last contained?" If the answers to the above questions are "no", I assume that we can transport these containers over the road as if they were full. Thanks for your help and clarification.

Regards,

Matt Fernandez
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