Honey, Kelly

From: Knauss, Elizabeth
Sent: Thursday, February 25, 2010 5:49 PM
To: Honey, Kelly
Subject: RE: Shipping Papers

I think Beverly's interpretation is fine for mineral oil type transformers, because the mineral oil is not on the DOT hazmat list. However DOT defers to EPA Part 761 regulations for PCB items being stored or disposed. So of the oil is PCB oil, they should be complying with PCB rules. I am not familiar with the specifics....

40 CFR 112.2 definitions for SPCC purposes

Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (*e.g.* , those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

49 CFR 172.102 Special Provisions

9 Packaging for certain PCBs for disposal and storage is prescribed by EPA in 40 CFR 761.60 and 761.65.

81 Polychlorinated biphenyl items, as defined in 40 CFR 761.3, for which specification packagings are impractical, may be packaged in non-specification packagings meeting the general packaging requirements of subparts A and B of part 173 of this subchapter. Alternatively, the item itself may be used as a packaging if it meets the general packaging requirements of subparts A and B of part 173 of this subchapter.
140 This material is regulated only when it meets the defining criteria for a hazardous substance or a marine pollutant. In addition, the column 5 reference is modified to read "III" on those occasions when this material is offered for transportation or transported by highway or rail.

49 CFR 173.222 **Dangerous goods in equipment, machinery or apparatus.**
Hazardous materials in machinery or apparatus are excepted from the specification packaging requirements of this subchapter when packaged according to this section. Hazardous materials in machinery or apparatus must be packaged in strong outer packagings, unless the receptacles containing the hazardous materials are afforded adequate protection by the construction of the machinery or apparatus. Each package must conform to the packaging requirements of subpart B of this part, except for the requirements in §§173.24(a)(1) and 173.27(e), and the following requirements:
(a) If the machinery or apparatus contains more than one hazardous material, the materials must not be capable of reacting dangerously together.
(b) The nature of the containment must be as follows—
(1) Damage to the receptacles containing the hazardous materials during transport is unlikely. However, in the event of damage to the receptacles containing the hazardous materials, no leakage of the hazardous materials from the machinery or apparatus is possible. A leakproof liner may be used to satisfy this requirement.
(2) Receptacles containing hazardous materials must be secured and cushioned so as to prevent their breakage or leakage and so as to control their movement within the machinery or apparatus during normal conditions of transportation. Cushioning material must not react dangerously with the content of the receptacles. Any leakage of the contents must not substantially impair the protective properties of the cushioning material.
(3) Receptacles for gases, their contents and filling densities must conform to the applicable requirements of this subchapter, unless otherwise approved by the Associate Administrator.

(c) The total net quantity of hazardous materials contained in one item of machine or apparatus must not exceed the following:
(1) 1 kg (2.2 pounds) in the case of solids;
(2) 0.5 L (0.1 gallons) in the case of liquids;
(3) 0.5 kg (1.1 pounds) in the case of Division 2.2 gases. For transportation by aircraft, Division 2.2 gases with subsidiary risks and refrigerated liquefied gases are not authorized; and
(4) A total quantity of not more than the aggregate of that permitted in paragraphs (c)(1) through (c)(3) of this section, for each category of material in the package, when a package contains hazardous materials in two or more of the categories in paragraphs (c)(1) through (c)(3) of this section.
(d) Except for transportation by aircraft, when a package contains hazardous materials in two or more of the categories listed in paragraphs (c)(1) through (c)(3) of this section the total quantity required by §172.202(c) of this subchapter to be entered on the shipping paper must be either the aggregate quantity, or the estimated quantity, of all hazardous materials, expressed as net mass.
[64 FR 10779, Mar. 5, 1999, as amended at 64 FR 44428, Aug. 16, 1999; 66 FR 45379, Aug. 28, 2001; 70 FR 56098, Sept. 23, 2005; 71 FR 78633, Dec. 29, 2006; 74 FR 2259, Jan. 14, 2009]
Browse Previous | Browse Next

From: Honey, Kelly
Sent: Thursday, February 25, 2010 4:55 PM
To: Knauss, Elizabeth
Subject: FW: Shipping Papers

Hi Beth,

I'mnot sure what the answer to her queston is. I am inclined to say we don't care whether shipping papers accompany the equipment or not. That seems entirely like a DOT issue to me. (and possibly TSCA if there are PCBs in the equipment's oil) Am I missing something?

From: Morgan, Beverly J. [mailto:BJMorgan@tecoenergy.com]
Sent: Thursday, February 25, 2010 10:09 AM
To: Honey, Kelly
Subject: Shipping Papers

Kelly,
A question regarding oil filled equipment (OFE) handling was brought up by TEC's compliance team and we wanted to confirm our interpretation of the regulatory requirements. Our reading of DEP and DOT regulations indicates that no shipping papers are required when transporting out-of-service OFE from the field to the nearest operation center within the TEC service area.
If this is correct, it would relieve the responding TEC repair crew of the burden of having to prepare a shipping paper when transporting failed equipment to the nearest service area operations center.
Instead, we would propose that shipping papers first be generated by the service area operations center where the equipment is initially taken.
The equipment and accompanying shipping papers would then be transported to TEC's Transformer Repair Shop at the Central Service Area located at 2200 Sligh Ave., in Tampa. There, the equipment would be managed for either repair or recycling.
This procedure would not require shipping papers for the first transport of the OFE from the field, but it would ensure that shipping papers are generated for transfer of the equipment between operating centers. We believe this is an allowable interpretation of the requirements, but we would really value your take on this issue.
Thank you for your help,

Beverly Morgan
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