



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

OCT 13 2000

Mr. Michael Ritchie
Minnesota Department of Transportation
Office of Motor Carrier Services
Mail Stop 420
1110 Centre Pointe Curve
Mendota Heights, MN 55120-4152

Ref. No. 00-0242

Dear Mr. Ritchie:

This is in response to your August 24, 2000 letter regarding the applicability of the registration requirements to various scenarios involving small quantity hazardous waste generators offering a shipment of waste at one loading facility using one vehicle for transport by highway. Specifically, you are requesting clarification on whether the offeror/generator in the following examples is required to register.

The following scenarios from your letter are presented and answered in numerical sequence:

- (Q1) A Conditionally Exempt Small Quantity Generator (CESQG) offers 3 drums, with an aggregate gross weight of 1500 pounds, of Class 3 and Class 8 waste to a transporter in a single shipment. The transporter loads and removes the drums.
- (A1) The generator/offeror must register.
- (Q2) A generator accumulates and temporarily stores its wastes in non-bulk drums. The transporter pumps 100 gallons (700 pounds) of Class 3 waste from the drums into its 4,000-gallon capacity cargo tank vehicle, and leaves the drums with the generator for reuse as storage containers.
- (A2) The generator/offeror must register.
- (Q3) A generator accumulates and temporarily stores its waste in non-bulk drums. The generator offers the drums to the transporter, but the transporter opts to pump the 100 gallons (700 pounds) of Class 3 waste from the drums to its 4,000-gallon cargo tank vehicle, rather than return with a vehicle equipped to haul drums.
- (A3) The generator/offeror must register if he/she allows the transporter to use the 4,000-gallon cargo tank instead of a vehicle equipped to haul drums.



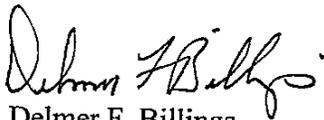
000242

107.606

- (Q4) A generator offers 2,600 pounds of Class 8 waste, which is pumped from a storage tank to the transporter's 2,500-gallon capacity cargo tank.
- (A4) The generator/offeror must register.
- (Q5) A hazardous materials shipper offers a non-bulk 750-pound shipment of Class 3 material to a motor carrier. The carrier already has 500 pounds of non-bulk Class 3 materials on board from another shipper. The truck now requires placards.
- (A5) The shipper/offeror does not have to register.
- (Q6) A transporter is hauling 6,000 pounds of electric storage batteries in conformance with the exception provided in § 173.159(e). That exception states that the shipment is not subject to the requirements of Subchapter C. The hazmat registration requirements are in Subchapter A.
- (A6) The transporter does not have to register.
- (Q7) A shipper offers for transportation 20 pounds of a Division 1.1 explosive material, a Table 1 hazardous material, by highway.
- (A7) The shipper must register.

I hope this answers your inquiry.

Sincerely,



Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



Minnesota Department of Transportation

Office of Motor Carrier Services
Mail Stop 420
1110 Centre Pointe Curve
Mendota Heights, MN 55120-4152

Boothe Edmonson
Tel: 651/ 405-6060
Fax: 651/ 405-6082

August 24, 2000

Mr. Delmer Billings
Chief of Regulations Development
United States Department of Transportation
RSPA DHM-11
400 Seventh St S.W.
Washington, D.C. 20590

§ 107.606(a)(6)
Registration
CO-C292

Dear Mr. Billings

The changes to the USDOT Hazardous Materials Registration Program applicability standards found in 49 CFR 107.601 has raised some questions from waste generators and some small volume shippers or offerors of hazardous materials. Waste generators that meet the U.S. Environmental Protection Agency or State Environmental Agency definition of a Conditionally Exempt Small Quantity Generator (CESQG) may be excepted from the Uniform Hazardous Waste Manifest requirements by environmental rules. However, much of this waste still meets the USDOT definition of a Class 3 flammable liquid, Class 6 poison, Class 8 corrosive, or other hazard classes, and is regulated when offered into transportation as a hazardous material.

Many smaller generators offer waste to licensed and registered hazardous materials transporters, rather than transport themselves. CESQG's do not offer 5000 pound non-bulk shipments, because environmental regulations don't allow them to accumulate that quantity of waste. Some CESQG's offer waste for transportation to carriers operating cargo tank vehicles. The manner of offering the waste has become important because of the addition of subparagraph § 107.601 (a) (6), which requires registration of any person who offers or transports a quantity of hazardous material that requires placarding.

Please indicate if the generator/offerrer and transporter in the following examples will be required to register with RSPA. In the first examples, the waste offered is a DOT Table 2 hazardous material. Each shipment is offered at one loading facility using one vehicle for transport by highway.

1. A CESQG offers 3 drums, with an aggregate gross weight of 1500 pounds, of Class 3 and Class 8 waste to a transporter in a single shipment. The transporter loads and removes the drums.
2. A generator accumulates and temporarily stores its wastes in non-bulk drums. The transporter pumps 100 gallons (700 pounds) of class 3 waste from the drums into its 4,000 gallon capacity cargo tank vehicle, and leaves the drums with the generator for reuse as storage containers.

3. A generator accumulates and temporarily stores its waste in non-bulk drums. The generator offers the drums to the transporter, but the transporter opts to pump the 100 gallons (700 pounds) of Class 3 from the drums to its 4,000 gallon cargo tank vehicle, rather than return with a vehicle equipped to haul drums.
4. A generator offers 2600 pounds of Class 8 waste, which is pumped from a storage tank to the transporters 2,500 gallon capacity cargo tank.
5. A hazardous materials shipper offers a non-bulk 750 pound shipment of Class 3 to a motor carrier. The carrier already has 500 pounds of non-bulk Class 3 materials on board from another shipper. The truck now requires placards.
6. A transporter is hauling 6000 pounds of electric storage batteries in conformance with the exception provided in § 173.159 (e). That exception states that the shipment is not subject to the requirements of Subchapter C. The hazmat registration requirements are in Subchapter A.

The last example covers the offering or transport of a Table 1 hazardous material by highway.

7. A shipper offers for transportation 20 pounds of a Division 1.1 explosive.

Please review these examples and respond in writing. State and local environmental regulators, hazardous waste generators, and hazardous materials transporters, requesting clarification of these issues, have contacted our office. One local transporter reports he serves more than 1000 small quantity hazardous waste generators, and the capacity of the cargo tank he uses may determine if his customers need to register with RSPA.

Thank you for your assistance. If you have any questions, please contact me at (651) 405-6120, or by e-mail at michael.ritchie@dot.state.mn.us.

Yours truly,



Michael Ritchie
Hazardous Materials Specialist
Minnesota Department of Transportation
Office of Motor Carrier Services