



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

DEC 11 2008

1200 New Jersey Ave., SE
Washington, DC 20590

Ms. Sheryl Pham
Foth
2737 South Ridge Road
Suite 600
P.O. Box 12326
Green Bay, WI 54307-2326

Ref. No. 08-0263

Dear Ms. Pham:

This responds to your October 17, 2008 letter requesting clarification on the §173.150 exceptions in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the exceptions apply to your client's shipping operations.

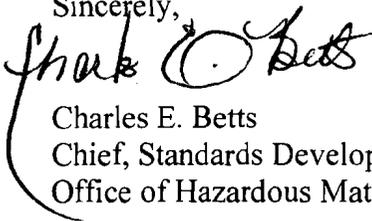
According to your letter, your client ships a combustible liquid (solvent waste) that does not meet the definition of a hazardous waste in non-bulk packaging. You request confirmation that this shipment of combustible liquid as well as shipments of less than 1000 pounds of hazardous waste in non-bulk packaging, are excepted from placarding, training, registration, and security requirements.

Under §173.150(f)(2), the HMR do not apply to a material classed as a combustible liquid in a non-bulk packaging unless the combustible liquid is a hazardous substance, a hazardous waste, or a marine pollutant. Therefore, the HMR do not apply to your shipment of non-hazardous waste combustible liquid in non-bulk packaging.

Shipments of less than 1000 pounds of hazardous waste in non-bulk packaging that do not meet the definition of any other hazard class are excepted from placarding, registration, and security plan requirements. However, the training requirements in Subpart H of Part 172 do apply to such shipments.

I hope this answers your inquiry.

Sincerely,



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



Boothe
§ 173.150
Exceptions
08-0263

October 17, 2008

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Dear Mr. Mazzullo:

RE: Hazardous Materials Regulations Requirements

Foth Infrastructure & Environment LLC is sending this letter to request written confirmation of the applicability of the Hazardous Materials Regulations (HMRs) under 173.150 to one of our clients.

Our client ships a solvent waste classified as a Department of Transportation (DOT) combustible liquid. The material is not classified as a hazardous waste and is shipped in non-bulk packaging. We are requesting confirmation that this material is not required to be placarded for shipment, is exempt from registration, and is exempt from security requirements. Please also verify whether hazardous material training is required for personnel handling this waste.

In addition, our client occasionally generates a small amount of hazardous waste to be shipped from the facility. It is our understanding that if the amount shipped at any one time is less than 1000 pounds in non-bulk packaging, no HMRs (placarding, registration, security plan, or training) would apply. Please confirm whether this understanding is correct.

A written response would be appreciated. Please send your response to Sheryl Pham at spham@foth.com or at Foth Infrastructure & Environment, LLC, 2737 South Ridge Road, Suite 600, P.O. Box 12326, Green Bay, Wisconsin, 54307-2326. If you have any questions, please call Sheryl Pham at (920)496-6722.

Sincerely,

Foth Infrastructure & Environment, LLC

Colleen Geurts
Colleen Geurts, P.E.
Environmental Engineer

Sheryl Pham
Sheryl Pham
Lead Engineer

respond to:

BY CERTIFIED MAIL W/RETURN RECEIPT