



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

FEB 18 2014

Ms. Jennifer Eberle
Manager, Transportation Compliance
Veolia ES Technical Solutions, L.L.C.
1 Eden Lane
Flanders, NJ 07836

Ref. No. 13-0185

Dear Ms. Eberle:

This is in response to your September 5, 2013 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) applicable to preparation of one element of a U.S. Environment Protection Agency (EPA) Uniform Hazardous Waste Manifest (UHW) when used as an alternative to a shipping paper required by the HMR. Specifically, you ask whether a net or a gross mass, volume, or activity must be indicated in Block 10 of a UHW for transportation by modes other than aircraft. You also state in your letter that if the answer is "yes," then you are challenging the response in a previously issued interpretation letter, under Ref. No. 13-0052, that indicates otherwise.

The answer to your question is yes, except as otherwise provided in § 172.202(a)(5), a net *or* a gross mass, volume, or activity may be indicated on either a shipping paper or a EPA UHW for transportation by modes other than aircraft. For transportation by aircraft, entries may only be indicated as the net sum of hazardous materials as prescribed in § 172.202(a)(6). Thank you for bringing this matter to our attention. We intend to correct our previous response as quickly as possible.

I trust this information is helpful. Please contact us if you require further assistance.

Sincerely,

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



Stevens
3172.202
Shipping Papers
13-0185

September 5, 2013

Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
East Building
1200 New Jersey Avenue, SE
Washington D.C. 20590-0001

RE: Request for Interpretation of Total Quantity Indicated on Shipping Papers

Dear Sir or Madam:

Please accept this letter as a request for a formal written letter of interpretation from your office. Veolia wishes to receive clarification related to the requirements of §172.202(a)(5) as it applies to total quantity of hazardous materials indicated on a shipping paper.

§172.202(a)(5) requires, "Except for transportation by aircraft, the total quantity of hazardous materials covered by the description must be indicated (by mass or volume, or by activity for Class 7 materials) and must include an indication of the applicable unit of measurement, for example, '200 kg' (440 pounds) or '50 L' (13 gallons)". A recent interpretation letter (Ref. No. 13-0052) issued from your office indicates that the total quantity of hazardous material covered by a description for transportation by modes other than aircraft is indicated as the net sum of hazardous materials only.

Veolia is a hazardous waste management company and utilizes the EPA Uniform Hazardous Waste Manifest as the shipping paper for its hazardous materials shipments. §172.205(b) requires the hazardous waste manifest to be prepared in accordance with 40 CFR Part 262. It is current industry practice when particularly manifesting solid hazardous waste and lab packs to indicate the total quantity on the hazardous waste manifest as the gross weight of the completed packaging. Veolia has obtained clarification from Mr. Rich LaShier at USEPA indicating that either gross or net weights are permissible to use when indicating "total quantity" on the hazardous waste manifest. Previous interpretations issued from PHMSA related to completion of the hazardous waste manifest have deferred to EPA policy as well as the manifest completion instructions when it comes to manifesting issues.

Specifically, Veolia is looking to receive clarification as to the proper method for indicating total quantity of hazardous materials on a shipping paper in compliance with §172.202(a)(5) when utilizing an EPA Uniform Hazardous Waste Manifest:

Is it a violation of §172.202(a)(5) to indicate the total quantity of a hazardous material on an EPA Uniform Hazardous Waste Manifest as the total gross weight of the package (weight of the hazardous materials plus the weight of the container)?



Your written response to this question is greatly appreciated. If you require any further information regarding this letter please contact me at 973-448-4209 or jennifer.eberle@veoliaes.com.

Thank you,

A handwritten signature in black ink that reads 'Jennifer Eberle'.

Jennifer Eberle
Manager, Transportation Compliance