



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

JUL 22 2015

Mr. Keane Lao  
SOLARIS  
12223 Highland Ave. # 106-306  
Rancho Cucamonga, CA 91739

Ref. No. 15-0065

Dear Mr. Lao:

This responds to your April 3, 2015 email request for clarification on the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding applicability. Specifically, you ask for clarification on whether the functions performed by your company cause your company to be considered an "offeror" under the HMR.

In your letter you indicate your company is considered a generator of large quantities of hazardous waste by the California state government. Additionally, you indicate that you contract with a company to perform certain hazardous waste operations at your facility including: (1) profiling the waste streams; (2) determining if placarding is necessary; (3) labeling; (4) loading and transporting of hazardous waste/material; (5) repacking of hazardous waste, if necessary; and (5) developing and preparing hazardous waste manifests.

You state that as the generator, your company's responsibilities as mandated by your state include: (1) placing hazardous waste generated on site in the appropriate containers; (2) labeling the drum with a hazardous waste sticker; and (3) signing the hazardous waste manifests identifying yourselves as a generator.

For purposes of the HMR, and based on the information provided, your company performs pre-transport functions specified in § 171.1(b) that make it subject to the HMR. In accordance with § 171.8, a "person who offers" or "offeror" means "any person who does either or both of the following: (i) [p]erforms, or is responsible for performing, any pre-transportation function required under [the HMR] for transportation of the hazardous material [in this case hazardous waste] in commerce," or "(ii) [t]enders or makes the hazardous material available to a carrier for transportation in commerce."

I hope this answers your inquiry. If you need additional assistance, please contact this Office at 202-366-8553.

Sincerely,

  
For

Dirk Der Kinderen  
Acting Chief, Standards Development Branch  
Standards and Rulemaking Division

Boothe  
§ 171.8  
Definitions

15-0065

**Dodd, Alice (PHMSA)**

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**From:** Ciccarone, Michael CTR (PHMSA)  
**Sent:** Friday, April 03, 2015 11:26 AM  
**To:** Hazmat Interps  
**Subject:** FW: Letter of Interpretation Request

Shante/Alice,

Please submit this for a formal letter of interpretation. Mr. Lao spoke with Jordan in the HMIC.

Thanks,

Mike

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**From:** Keane Lao [<mailto:keanelao@me.com>]  
**Sent:** Thursday, April 02, 2015 4:57 PM  
**To:** PHMSA HM InfoCenter  
**Cc:** Thomas Lao; Noah Mark Roth  
**Subject:** Letter of Interpretation Request

Dear PHMSA Info Center Staff,

We are a large company in the business of manufacturing buses. As such we are regarded by the Certified Unified Program Agency and the Department of Toxic Substances Control as Large Quantity Generators of Hazardous Waste.

Our hazardous waste contractor is Safety Kleen, their responsibilities at our facility are as follows:

- Profiling the Waste Streams
- Determining if Placarding is necessary
- DOT Labeling (Class I, Class II, etc...)
- Loading and Transporting of Hazardous Waste / Materials
- Repacking of Hazardous Waste if necessary
- Developing and typing up Hazardous Waste Manifests

As a Generator, our responsibilities as mandated by our Certified Unified Program Agency and the EPA are to,

- Place hazardous waste generated on site in the appropriate containers
- Label drum with hazardous waste sticker (attached)
- Signing the hazardous waste manifests identifying ourselves as a Generator

**\*\*SIDE NOTE\*\***

- We DO NOT fill out the bottom DOT Section of the Hazardous Waste sticker

We kindly request a Letter of Interpretation of whether or not we our actions categorize us as “offerers” of hazardous wastes.

Please do not hesitate to contact us at anytime if you would like any additional clarification or information.

We look forward to speaking with you, and thank you for your guidance.

Best Regards,  
Keane Lao  
SOLARIS

909-999-7899 - Direct  
626-288-7711 - Mobile