



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

FEB 10 2015

Mr. Tom Stone
Project Manager
Premium Environmental Services
P.O. Box 370
5032 South Plaza Drive
Newburgh, IN 47629

Reference No. 14-0220

Dear Mr. Stone:

This is in response to your recent e-mail to Ms. Gail Twitty, Investigative Analyst, Field Services Support Division, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA). PHMSA forwarded your letter to its Standards and Rulemaking Division for response. You request clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the incident reporting requirements. Specifically, you ask if the HMR except incidents that involve "UN 1263, Paint, 3 (flammable liquid), Packing Group (PG) I, II, or III" in commercial transport from being reported to the Department of Transportation (DOT) on a Hazardous Materials Incident Report DOT Form F 5800.1.

Provided the incident is not one that requires immediate notification to the National Response Center (NRC) with a telephonic report, the requirements of paragraphs (a), (b), and (c) of § 171.16 do not apply to the following incidents:

- (1) A release of a minimal amount of material from—
 - (i) A vent, for materials for which venting is authorized;
 - (ii) The routine operation of a seal, pump, compressor, or valve; or
 - (iii) Connection or disconnection of loading or unloading lines, provided that the release does not result in property damage.
- (2) An unintentional release of a hazardous material when:
 - (i) The material is—

- (A) A limited quantity material packaged under authorized exceptions in the §172.101 Hazardous Materials Table of this subchapter excluding Class 7 (radioactive) material; or
- (B) A Packing Group III material in Class or Division 3, 4, 5, 6.1, 8, or 9;
- (ii) The material is released from a package having a capacity of less than 20 liters (5.2 gallons) for liquids or less than 30 kg (66 pounds) for solids;
- (iii) The total amount of material released is less than 20 liters (5.2 gallons) for liquids or less than 30 kg (66 pounds) for solids; and
- (iv) The material is not—
 - (A) Offered for transportation or transported by aircraft;
 - (B) A hazardous waste; or
 - (C) An undeclared hazardous material;
- (3) An undeclared hazardous material discovered in an air passenger's checked or carry-on baggage during the airport screening process.

You did not provide the packing group of the paint, the type of packaging used, or the amount being shipped per package. Please note additional reporting exceptions may apply for incidents involving paint based on this missing information.

I hope this satisfies your request.

Sincerely,



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

*Edmonson
\$173.150
Packaging Specs
14-0220*

Dodd, Alice (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Monday, November 17, 2014 10:48 AM
To: Hazmat Interps
Subject: FW: UN1263 Paint Exemption for Form 5800

Shante/Alice,

Please submit this for a formal letter of interpretation.

Thanks,

Mike

From: Twitty, Gail (PHMSA)
Sent: Wednesday, November 12, 2014 9:47 AM
To: Ciccarone, Michael CTR (PHMSA)
Subject: FW: UN1263 Paint Exemption for Form 5800

Completed by message by SG on 11/12/2014 at 2:50 pm
Completed but not available by SG on 11/14/2014 at 4:55 pm – will try and get in contact on 11/17

Good morning Michael

I was told by Shante Goodall to email this letter to you for a written interpretation for Mr. Stone of PES. He would like to have a written interpretation of his question below.

Thank you

Ms. Gail L. Twitty

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From: Tom Stone [<mailto:tom@premiumenvironmentalservices.com>]
Sent: Tuesday, November 11, 2014 7:41 PM
To: Twitty, Gail (PHMSA)
Subject: UN1263 Paint Exemption for Form 5800

Hi Gail,

I am seeking some clarification on a topic that I have heard discussed recently among some trucking companies. Some of them are of the opinion that UN1263 paint is exempt from reporting on the Form 5800. Is this correct? I am of the

opinion that since the paint is offered up for transport, that it is indeed necessary to report incidents involving UN1263 paint on the Form 5800.

Can you offer some clarification on this issue?

Thank you for any assistance on this,

Tom Stone

Project Manager



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