



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

Ms. Lisa L. Neumann
Logistics Manager
U.S. Water Services
330 Cleveland St. S
Cambridge, MN 55008

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

FEB 08 2016

Reference No. 15-0158

Dear Ms. Neumann:

This responds to your July 29, 2015 email in which you request clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with regard to the provisions of § 172.202(a)(7). You include a copy of a letter from the Minnesota Department of Transportation citing your company for "incorrectly indicating the type of package on a shipping paper." You also attach copies of the inspection report forms that identify each violation.

In accordance with § 172.202(a)(7), the shipping description of a hazardous material on a shipping paper must include the number and type of packages (e.g., "10 cylinders per box" and "5 fiberboard boxes") either before or after the required basic description. In addition, § 172.202(a)(5) requires that, except for bulk packages, cylinders, and packages containing only hazardous material residue, the total quantity, including the unit of measurement of the hazardous materials covered by the description, be included in the shipping papers. Total quantity may be entered as net weight, gross weight, capacity, or as otherwise appropriate. Based on your description of the package (a 55 gallon plastic drum), it is the opinion of this Office that the descriptions, "503LB55 gal drum" and "541LB55 gal drum," would satisfy the requirements of § 172.202(a)(7). However, to avoid potential frustration of shipments, we advise that you include a space between the net quantity of hazardous material and the type of packaging (e.g., "503LB 55 gal drum") on your shipping paper.

I trust this satisfies your inquiry. Please feel free to contact us if you need further assistance.

Sincerely,

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Antonielli
§ 172.202(a)(7)
Shipping Papers
15-0158

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Thursday, July 30, 2015 10:57 AM
To: Hazmat Interps
Subject: FW: Request for Interpretation
Attachments: SKM_C364e15071511042.pdf

Dear Shante and Alice,

Please see the below request for a formal letter of interpretation. Ms Neumann spoke with Eamonn Patrick in the HMIC.

Thanks,
Shelby

From: Lisa Neumann [<mailto:lneumann@uswaterservices.com>]
Sent: Wednesday, July 29, 2015 6:36 PM
To: PHMSA HM InfoCenter
Subject: Request for Interpretation

Hello,

I received the attached violation, but according to section 172.202(a)(7), the requirement is for the number and type of packages. The example provided has "12 drums" and the packaging specification number may be included. Can you please clarify the interpretation of this? Thank you.

Lisa L. Neumann

Logistics Manager
US Water Services
330 Cleveland St. S
Cambridge, MN 55008
Direct 763-497-8772
Cell 763-248-4711



Minnesota Department of Transportation

Office of Freight and Commercial Vehicle Operations

395 John Ireland Boulevard, M.S. 470

Saint Paul, MN 55155

Date: July 9, 2015

Name: U S Water Services Inc.

Address: 330 South Cleveland Street

Cambridge, MN 55008

Dear Shipper:

During a recent hazardous materials shipment review conducted by one of our inspectors at a motor carrier facility, a shipment originating from your company was found to be in violation of Federal Hazardous Materials Regulation(s) (49CFR 100-177). These regulations were adopted by reference under Minnesota Statutes. Attached are copies of the specific Hazardous Materials inspection report form(s) that identify each violation.

An officer from your company must review the attached inspection report form(s), certify that the noted Hazardous Material violations were corrected, then sign and return the attached inspection report form(s) by July 30, 2015. Please return the attached form(s) with this cover letter to the address listed above on our letterhead. Your company must also take internal action at this time to ensure future compliance with the applicable Hazardous Materials regulations. If it is deemed necessary, a MnDOT representative may contact you to conduct an on-site review of your hazardous material's programs.

There is a return signature block area under the Hazardous materials inspector's signature on each attached Hazardous Materials inspection report form(s). Under each Hazardous Materials inspector's signature, you must do the following:

1. Print your name
2. Sign your name
3. Print the date of your response

Please call the MnDOT Hazardous Materials Enforcement Unit at (651) 366-3676 if you have questions concerning any of the violations listed. Thank you.

Sincerely,

Mike McKay
Enforcement Supervisor

An Equal Opportunity Employer



HAZARDOUS MATERIALS PACKAGE INSPECTION
Federal Motor Carrier Safety Administration

INSPECTION LOCATION

Inspection Date: 05/11/2015
Report Number: NGXL.2015-42362-MN0669
Location: Dock
Facility Name: CON-WAY FREIGHT INC
Street: 51 81ST AVENUE N.E.
City: FRIDLEY
State: MINNESOTA Zip: 55432

SHIPPER INFORMATION

USDOT: 00816626
Shipper Name: U S WATER SERVICES INC
PHMSA:
Enforcement Case:
Street Address: 330 SOUTH CLEVELAND STREET
City: CAMBRIDGE
State: MINNESOTA Zip: 55008
Country: UNITED STATES
Phone:

SHIPMENT INFORMATION

Ship Date: 05/11/2015 Shipping Name: CORROSIVE LIQUID N.O.S.
Shipping Paper #: SLSO192030 Shipping Paper Source: Shipper
Hazard Class: 8 Corrosive Material

Origin		Destination	
City:	CAMBRIDGE	City:	ALEXANDRIA
State:	MINNESOTA	State:	MINNESOTA
Country:	UNITED STATES	Country:	UNITED STATES

UN/NA Nbr: UN1760	Packing Group: III	
Nbr of Pkgs: 1	Pkg Size: 55	Units: GL
Pkg Type: PLASTIC DRUM	Pkg Spec#: 1H1	

CARRIER INFORMATION

Carrier Type: Highway
Carrier USDOT: 00241829
Carrier Name: CON-WAY FREIGHT INC
PHMSA:
Enforcement Case:

VIOLATION INFORMATION

Section Number: 172.202(a)(7) Nbr Checked: 1 Nbr Discovered: 1 Enforce: No
Description: Incorrectly indicating the type of package on shipping paper.

NOTES

1 55-gallon plastic drum loose. S.P. had "503lb55 gal drum" in packaging column.

INSPECTOR SIGNATURE

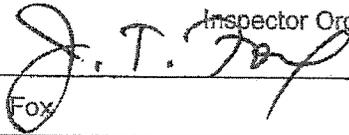
Inspector Office: Minnesota

Inspector Org. Code: FMCSA

Inspector Signature: _____

Inspector Name:

James Fox



Inspector Number: mn0669

Company Officer's Name (Please Print) _____

Company Officer's Signature Certifying That The Violations
Noted In This Inspection Notice Have Been Corrected

(Signature) _____

Date: _____

TRAIGHT BILL OF LADING

Conway

FROM: U.S. Water-Cambridge
 AT: 330 S. Cleveland St.
 Cambridge, MN 55008

Driver's signature acknowledges receipt of freight only. Received shipment is subject to terms of a written contract, if any, otherwise subject to the terms, conditions and provisions of liability set forth in tariff CNWY 199. (see www.MyConway.com)

352-527932 Conway



ORDER DATE	05/07/15
ORDER NO.	SLSO192030

S
 H Arrowwood Resort Conf. Cntr
 I 2100 Arrowwood Lane
 P Alexandria, MN 56308
 T
 O

S
 O Arrowwood Resort Conf. Cntr
 L 2100 Arrowwood Lane
 D Alexandria, MN 56308
 T
 O

CUST NO.	USER ID	SHIP VIA	CUSTOMER PO #			
11037-000	VDOTEN	USW Truck	4/17/2015-RS			
QUANTITY SHIPPED	PACKAGING	H M	DESCRIPTION	NET WEIGHT	GROSS WEIGHT	FRT CLASS

1 503LB55 gal drum X UN 1760, Corrosive Liquid N.O.S.
 (Phosphoric acid, Zinc chloride)
 8,,PG III
 CT0034-55 -CWT 533 (55)
 Lot/Serial No: 068626

NMC 50227-1

660

Shipper Notes:

Total Weights: 503 lbs 525 lbs

<p>Note-Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding.</p> <p>\$ _____ per _____</p>	<p>This is to verify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.</p> <p>Signature _____</p>	<p>Subject to Section 7 of the conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement: The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.</p> <p>(Signature of Consignor) _____</p>	<p>FOR CHEMICAL EMERGENCY CALL CHEM-TEL 1-800-255-3924 MIS 0004281</p>
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RECEIVED, subject to the classifications and lawfully filed tariffs in effect on the date of the issue of this Bill of Lading, the property described above in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated above which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to each carrier of all or any

of, said property over all or any portion of said route to destination and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the bill of lading terms and conditions in the governing classification on the date of shipment.
 Shipper hereby certifies that he is familiar with all the bill of lading terms and conditions in the governing classification and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

SHIPPER	CARRIER	COD Amt:\$	0.00
USWS	PLACARDS OFFERED DRIVER PLEASE INITIAL.	FREIGHT CHARGE	TO BE PREPAID
Perley	PLACARD <input type="checkbox"/> NAME OF PLACARD		
	AGENT Conway 42725 5/1/15		
	PER [Signature]		
	TOTAL NO. OF PACKAGES REC'D 1 S576/1000		

HAZARDOUS MATERIALS PACKAGE INSPECTION
Federal Motor Carrier Safety Administration

INSPECTION LOCATION

Inspection Date: 05/11/2015
Report Number: NGXL.2015-42361-MN0669
Location: Dock
Facility Name: CON-WAY FREIGHT INC
Street: 51 81ST AVENUE N.E.
City: FRIDLEY
State: MINNESOTA
Zip: 55432

SHIPPER INFORMATION

USDOT: 00816626
Shipper Name: U S WATER SERVICES INC
PHMSA:
Enforcement Case:
Street Address: 330 SOUTH CLEVELAND STREET
City: CAMBRIDGE
State: MINNESOTA Zip: 55008
Country: UNITED STATES
Phone:

SHIPMENT INFORMATION

Ship Date: 05/11/2015 Shipping Name: CORROSIVE LIQUID N.O.S.
Shipping Paper #: SLSO191975 Shipping Paper Source: Shipper
Hazard Class: 8 Corrosive Material

Origin		Destination	
City:	CAMBRIDGE	City:	HANCOCK
State:	MINNESOTA	State:	MINNESOTA
Country:	UNITED STATES	Country:	UNITED STATES

UN/NA Nbr: UN1760 Packing Group: III
Nbr of Pkgs: 2 Pkg Size: 55 Units: GL
Pkg Type: PLASTIC DRUM Pkg Spec#: 1H1

CARRIER INFORMATION

Carrier Type: Highway
Carrier USDOT: 00241829
Carrier Name: CON-WAY FREIGHT INC
PHMSA:
Enforcement Case:

VIOLATION INFORMATION

Section Number: 172.202(a)(7) Nbr Checked: 1 Nbr Discovered: 1 Enforce: No
Description: Incorrectly indicating the type of package on shipping paper.

NOTES

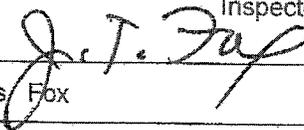
2 55-gallon plastic drums loose. S.P. had "541LB55 gal drum" in "packaging" column.

INSPECTOR SIGNATURE

Inspector Office: Minnesota

Inspector Org. Code: FMCSA

Inspector Signature:
Inspector Name:



James Fox

Inspector Number: mn0669

Company Officer's Name (Please Print) _____
Company Officer's Signature Certifying That The Violations Noted In This Inspection Notice Have Been Corrected
(Signature) _____
Date: _____



STRAIGHT BILL OF LADING

Conway

Driver's signature acknowledges receipt of freight only. Received shipment is subject to terms of a written contract, if any, otherwise subject to the terms, conditions and limitations of liability set forth in tariff CNWVY 199. (see www.MyCon-way.com)

352-527943 Conway



ORDER DATE
05/07/15
ORDER NO.
SLSO191975

FROM: U.S. Water-Cambridge
AT: 330 S. Cleveland St.
Cambridge, MN 55008

S
H Hancock Concrete Products Inc/MN
I 17 Atlantic Ave
P Hancock, MN 56244
T
O

S
O Hancock Concrete Products Inc/MN
L 17 Atlantic Ave
D Hancock, MN 56244
T
O

CUST NO.	USER ID	SHIP VIA	CUSTOMER PO #
10832-000	VDOTEN	Common Carrier Collect on customer's acct	166061
QUANTITY SHIPPED	PACKAGING	H M DESCRIPTION	NET WEIGHT GROSS WEIGHT FRT CLASS

2 541LB55 gal drum X UN 1760, Corrosive Liquid N.O.S. 1,082 lbs 1,126 lbs

(Potassium hydroxide)
8,,PG III

BT0021-55 -BWT 278 (55)
Lot/Serial No:

068826 nmfc 50227-1 60

Shipper Notes: conway acct # HANZDXBD000

065130

Total Weights: 1,082 lbs 1,126 lbs

<p>Note-Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding.</p> <p>\$ _____ per _____</p>	<p>This is to verify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.</p> <p><i>AKS</i></p> <p>_____ Signature</p>	<p>Subject to Section 7 of the conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:</p> <p>The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.</p> <p>_____ (Signature of Consignor)</p>	<p>FOR CHEMICAL EMERGENCY CALL CHEM-TEL 1-800-255-3924 MIS 0004281</p>
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RECEIVED, subject to the classifications and lawfully filed tariffs in effect on the date of the issue of this Bill of Lading, the property described above in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated above which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to each carrier of all or any

of, said property over all or any portion of said route to destination and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the bill of lading terms and conditions in the governing classification on the date of shipment.

Shipper hereby certifies that he is familiar with all the bill of lading terms and conditions in the governing classification and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

SHIPPER	CARRIER		COD Amt:\$ 0.00
<p>USWS Sandra J.</p>	PLACARDS OFFERED DRIVER PLEASE INITIAL	PLACARD <input type="checkbox"/> NAME OF PLACARD	<p>FREIGHT CHARGE TO BE PREPAID Collect</p>
	AGENT <i>352-527943</i>	<i>5/11/15</i>	
	PER <i>[Signature]</i>		
	TOTAL NO. OF PACKAGES REC'D <i>A 55 gallon Drum</i>		