



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

FEB 15 2011

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

Mr. Tom Baker
Director, Environment and Transportation
Veolia ES Technical Solutions, L.L.C.
1 Eden Lane
Flanders, NJ 07836

Ref. No. 10-0262

Dear Mr. Baker:

This responds to your December 14, 2010 letter requesting clarification on emergency response telephone number requirements in § 172.604 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You provide examples of manifests where the generator/offeree is "ABC Company, Inc" while the person registered with the emergency response information provider (ERI provider) for these shipments is a different company, "VESTS". "VESTS" is also the unique identifier assigned by the ERI provider. Specifically, you provide scenarios and ask for verification that they comply with §§ 172.604(a)(3)(ii) and 172.604(b)(2) requirements. Your scenarios are restated as follows:

Scenario 1: In the case where the generator/offeree identified on the manifest is also the ERI provider, by entering the emergency response telephone number in Item 3 of the manifest and the generator's/offeree's name in Item 5 of the manifest, you ask if the shipping paper is in compliance with §§ 172.604(a)(3)(ii) and 172.604(b)(1) with respect to the display of the emergency information.

Scenario 2: In the case where the generator/offeree identified on the manifest is not the person registered with the ERI provider, by entering the emergency response phone number in Item 3 of the manifest and a statement in Item 14 of the manifest identifying the person who is registered with the ERI provider, you ask if the shipping paper is in compliance with §§ 172.604(a)(3)(ii) and 172.604(b)(2) with respect to the display of the emergency response information.

As shown in the two examples of manifests you provide, the placement of the emergency response telephone number and contact information is consistent with requirements in §§ 172.604(a)(3)(ii) and 172.604(b)(1) for Scenario 1 and §§ 172.604(a)(3)(ii) and 172.604(b)(2) for Scenario 2.

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

Sincerely,

Ben Supko
Acting Chief, Standards Development
Standards and Rulemaking Division



Booth e
§172.604
Emergency Response
Telephone Number
10-0262

December 14, 2010

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue S.E.
Washington DC 20590-0001

RE: Request for Interpretation Regarding Indicating the ERI Provider on EPA's Uniform Hazardous Waste Manifest

To Whom It May Concern:

Veolia is requesting guidance from PHMSA regarding the completion of the uniform hazardous waste manifest with respect to compliance with 49 CFR 172.604, the requirements for including the emergency response phone number on shipping papers. Generators of hazardous waste are required to use the uniform hazardous waste manifest, EPA Form 8700-22, when shipping hazardous wastes. USEPA has provided specific instructions for completion of the uniform manifest, including the entering of the emergency response phone number in Item 3 of the form. The instructions for completion of Item 3 of the manifest as referenced in 40 CFR Part 262, Appendix, are as follows:

Item 3. Emergency Response Phone Number

Enter a phone number for which emergency response information can be obtained in the event of an incident during transportation. The emergency response phone number must:

1. Be the number of the generator or the number of an agency or organization who is capable of and accepts responsibility for providing detailed information about the shipment;
2. Reach a phone that is monitored 24 hours a day at all times the waste is in transportation (including transportation related storage); and
3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has comprehensive emergency response and spill cleanup/incident mitigation information for the material being shipped or has immediate access to a person who has that knowledge and information about the shipment.



Note: Emergency Response phone number information should only be entered in Item 3 when there is one phone number that applies to all the waste materials described in Item 9b. If a situation (e.g. , consolidated shipments) arises where more than one Emergency Response phone number applies to the various wastes listed on the manifest, the phone numbers associated with each specific material should be entered after its description in Item 9b.

Below are several questions related to the emergency response phone information when entered on the manifest in accordance with USEPA's instructions and how those entries comply with the PHMSA regulations in 49 CFR 172.604. Please respond in writing as to whether PHMSA is in agreement with the answers provided by Veolia to these questions.

Q1) *In the case where the generator/offeror identified on the manifest is also the emergency response information provider (ERI provider), by entering the emergency response phone number in Item 3 of the manifest and the generator's/offeror's name in Item 5 of the manifest, is the shipping paper in compliance with 172.604(a)(3)(ii) and 172.604(b)(1) with respect to the display of the emergency information?*

A1) Veolia believes that the manifest completed in this manner complies with 172.604(a)(3)(ii) and 172.604(b)(1).

That is, by entering the ER telephone number in the space identified on the manifest form as the "Emergency Response Phone" the shipping paper complies with 172.604(a)(3)(ii), in that the ER telephone number is "entered once on the shipping paper in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found, such as by ... setting the information apart to provide for quick and easy recognition".

In addition, section 172.604(b)(1) requires the name of the person identified with the emergency response telephone number to be identified in one of several ways. One such option is "entered elsewhere on the shipping paper in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found." By entering the generator's name in Item 5 of the manifest this requirement is also satisfied.

Q2) *In the case where the generator/offer identified on the manifest is not the person registered with the ERI provider, by entering the emergency response phone number in Item 3 of the manifest and a statement in Item 14 of the manifest identifying the person who is registered with the ERI provider, is the shipping paper in compliance with 172.604(a)(3)(ii) and 172.604(b)(2) with respect to the display of the emergency response information?*

Attached are examples of 2 completed manifests to better illustrate this question. In "Example 1" and "Example 2" the generator/offeror of the waste shipment is "ABC Company, Inc" while the person registered with the ERI provider for these shipments is a different company, "VESTS". In these examples, "VESTS" is also the unique identifier assigned by the ERI provider. The two examples differ only in the wording of the statements appearing in Item 14 of the manifests.



A2) Veolia believes that both manifests, Example 1 and Example 2, completed in this manner comply with 172.604(a)(3)(ii) and 172.604(b)(2).

That is, by entering the ER telephone number in the space identified on the manifest form as the "Emergency Response Phone" the shipping paper complies with 172.604(a)(3)(ii), in that the ER telephone number is "entered once on the shipping paper in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found, such as by ... setting the information apart to provide for quick and easy recognition".

Furthermore, according to 172.604(b)(2), "The person who is registered with the ERI provider must be identified by name, or contract number or other unique identifier assigned by the ERI provider, on the shipping paper immediately before, after, above, or below the emergency response telephone number in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found, unless the name of the identifier is entered elsewhere in a prominent manner as provided in paragraph (b)(1) of this section." Reference to paragraph (b)(1) allows the name to be "entered elsewhere on the shipping paper in a prominent readily identifiable, and clearly visible manner that allows the information to be easily and quickly found."

In these examples since "VESTS" is the person who is registered with the ERI provider, the statement "ER Service Contracted by VESTS" (Example 1) or "ER Identifier – VESTS" (Example 2) has been entered into Item 14 of the manifest as a means to comply with 172.604(b)(2). The ER information entered in this manner complies with the PHMSA requirements in that the information is readily identifiable and can be easily and quickly found.

Your written response to this question is greatly appreciated. If you require any further information regarding this request please feel free to contact me at tom.baker@veoliaes.com or 973-691-7330.

Thank you,

Tom Baker
Director, Environment and Transportation

EXAMPLE 1



Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number ABC123456789	2. Page 1 of 1	3. Emergency Response Phone (999) 999-9999	4. Manifest Tracking Number 000000001 VES						
5. Generator's Name and Mailing Address ABC Company, Inc 1 First Street Somewhere, State 01234 Generator's Phone: (123) 456-7890				Generator's Site Address (if different than mailing address) SAME							
6. Transporter 1 Company Name Tom's Transport Service				U.S. EPA ID Number DEF234567890							
7. Transporter 2 Company Name				U.S. EPA ID Number							
8. Designated Facility Name and Site Address VEOLIA ES TECHNICAL SOLUTIONS, L.L.C. 1 EDEN LANE FLANDERS, NJ 07836 Facility's Phone: 973-347-1999				U.S. EPA ID Number NJD980536593							
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes			
	X	1. UN1993, WASTE FLAMMABLE LIQUIDS, n.o.s., (TOLUENE, XYLENE), 3, II, RQ (D001)		001	DM	00400	P	F003 D001	F005 D035		
		2.									
		3.									
		4.									
14. Special Handling Instructions and Additional Information ER Service Contracted by VESTS 1)W:700253 A:MARFS											
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.											
Generator's/Offeror's Printed/Typed Name				Signature				Month	Day	Year	
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____											
17. Transporter Acknowledgment of Receipt of Materials											
Transporter 1 Printed/Typed Name				Signature				Month	Day	Year	
Transporter 2 Printed/Typed Name				Signature				Month	Day	Year	
18. Discrepancy											
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection											
18b. Alternate Facility (or Generator) Manifest Reference Number: _____ U.S. EPA ID Number _____											
18c. Signature of Alternate Facility (or Generator) _____ Month _____ Day _____ Year _____											
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)											
1. _____			2. _____			3. _____			4. _____		
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a											
Printed/Typed Name				Signature				Month	Day	Year	

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EXAMPLE 2



Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number ABC123456789	2. Page 1 of 1	3. Emergency Response Phone (999) 999-9999	4. Manifest Tracking Number 000000001 VES					
5. Generator's Name and Mailing Address ABC Company, Inc 1 First Street Somewhere, State 01234 Generator's Phone: (123) 456-7890			Generator's Site Address (if different than mailing address) SAME							
6. Transporter 1 Company Name Tom's Transport Service				U.S. EPA ID Number DEF234567890						
7. Transporter 2 Company Name				U.S. EPA ID Number						
8. Designated Facility Name and Site Address VEOLIA ES TECHNICAL SOLUTIONS, L.L.C. 1 EDEN LANE FLANDERS, NJ 07836 Facility's Phone: 973-347-1909				U.S. EPA ID Number NJ0980536593						
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes		
	X	1. UN1993, WASTE FLAMMABLE LIQUIDS, n.o.s., (TOLUENE, XYLENE), 3, II, RQ (D001)		No.	Type			F003	D001	
		2.		001	DM	00400	P	F005	D035	
		3.								
		4.								
14. Special Handling Instructions and Additional Information ER IDENTIFIER - "VESTS" 1)W:700253 A:MARFS										
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.										
Generator's/Offeror's Printed/Typed Name				Signature				Month	Day	Year
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____										
17. Transporter Acknowledgment of Receipt of Materials										
Transporter 1 Printed/Typed Name				Signature				Month	Day	Year
Transporter 2 Printed/Typed Name				Signature				Month	Day	Year
18. Discrepancy										
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection										
18b. Alternate Facility (or Generator) Manifest Reference Number: _____ U.S. EPA ID Number _____										
18c. Signature of Alternate Facility (or Generator) Month Day Year										
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)										
1.		2.		3.		4.				
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a										
Printed/Typed Name				Signature				Month	Day	Year

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