



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

**OCT 06 2017**

Mr. Brian Biancavilla  
Project Manager  
Waste Management Sustainability Services  
P.O. Box 16682  
Denver, CO 80216

Reference No. 17-0055

Dear Mr. Biancavilla:

This letter is in response to your May 11, 2017, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of hazardous wastes. You describe a large quantity generator of hazardous wastes that transports drums of hazardous waste between three contiguous facilities that operate under one U.S. Environmental Protection Agency Identification Number. You state that although the three facilities are contiguous, a public road must be used to move between the locations.

We have paraphrased and answered your questions as follows:

- Q1. You ask if the transporter (i.e., carrier) of hazardous wastes is considered a carrier of hazardous materials and subject to the marking, labeling, placarding, and training requirements of the HMR.
- A1. Based on the understanding that the wastes are classified as hazardous materials subject the HMR and that access to the public road is not restricted, the answer is yes. Note also that if public access to the facility is unrestricted, the movement of drums of hazardous materials exclusively within the confines of the facility is regulated and all applicable requirements of the HMR (e.g., marking, labeling, placarding, and hazardous material employee training) must be met unless otherwise excepted. In accordance with § 171.1(d)(4), if movement of hazardous materials occurs on or across a public road within the contiguous boundary of the facility, that transport is subject to the HMR unless access to the public road is restricted by signals, lights, gates, or similar controls during transport.
- Q2. You ask if the transportation of hazardous wastes requires drivers to register for a U.S. Department of Transportation (DOT) Number, have hazardous materials driver's license endorsement on a commercial driver's license (CDL), and meet insurance requirements.

- A2. The Federal Motor Carrier Safety Administration (FMCSA) regulates registration for U.S. DOT Numbers, CDLs, hazardous materials endorsements, and insurance requirements. Drivers of vehicles transporting hazardous materials required to be placarded in accordance with Subpart F, Part 172 of the HMR must have a hazardous materials endorsement to their CDL (*see* 49 CFR § 383.93).

Questions regarding FMCSA regulations may be directed to the appropriate FMCSA field office. A list of field offices and contact information is available at <https://www.fmcsa.dot.gov/mission/field-offices> or you may contact FMCSA Headquarters in Washington, DC at 202-385-2400.

For questions regarding the HMR, you may contact the Hazardous Materials Information Center at 1-800-467-4922.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written over a horizontal line.

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



Waste Management Sustainability Services  
P.O. Box 16682  
Denver, CO 80216-0682

Casey  
§ 171. P  
Applicability  
17-0055

USDOT  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

Re: Hazardous Materials Transporter

Dear Sir / Madame:

I am requesting that the USDOT offer a Federal interpretation or guidance on the regulations surrounding the transportation of hazardous materials; particularly when there are several locations considered contiguous and share one US EPA ID Number for a Large Quantity Generator of Hazardous Waste site.

This issue surrounds transporting drums of hazardous waste from two of the three locations to one final 90-day storage area, located on a third property.

A public road must be driven on to accomplish the task of moving hazardous waste containers from two of the three contiguous areas to the final location where the hazardous waste storage area is located.

Is the transporter of the hazardous waste deemed a hazardous materials transporter that must comply with obtaining a US DOT ID Number and is the driver/carrier subject to all applicable labeling, placarding (if applicable), marking, hazardous materials driver's license endorsement requirements, insurance requirements, hazardous materials transportation training, such as HM-126, HM-181, HM215, 49 CFR Part 172, and 49 CFR Part 177 compliance as a carrier of Hazardous Materials ?

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Biancavilla'.

Brian Biancavilla, Project Manager

May 11, 2017