



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

July 28, 2022

Mr. Charles Denny  
Duke Energy Corporation  
410 S. Wilmington Street, NC15  
Raleigh, NC 27601

Reference No. 22-0022

Dear Mr. Denny:

This letter is in response to your March 7, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to Environmental Protection Agency's (EPA) hazardous waste manifests and hazardous materials shipping papers. Specifically, you ask when it is appropriate to place an "X" before a shipping description on a hazardous waste manifest and whether the weight of a hazardous material listed on the shipping paper should be indicated as net or gross weight.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether an "X" is required in Column 9a (Hazardous Material) of a hazardous waste manifest when only transporting hazardous materials.
- A1. This Office does not regulate the contents of a hazardous waste manifest. For information on how to complete a hazardous waste manifest, please contact the EPA.

However, as provided in § 172.205(h) of the HMR, a hazardous waste manifest required by 40 CFR part 262 and containing all of the information required by Part 172 Subpart C of the HMR may be used as a shipping paper. In accordance with § 172.201, when a hazardous material and a material not subject to the requirements of the HMR are described on the same shipping paper, the hazardous material description entry must be entered first, entered in a color that clearly contrasts with any description on the shipping paper of a material not subject to the requirements of the HMR, or must be identified by the entry of an "X" placed before the basic shipping description required by § 172.202 in a column captioned "HM." The "X" may be replaced by "RQ," if appropriate. This requirement also applies when transporting a hazardous material without an additional material that is not subject to the requirements of the HMR, as well.

- Q2. You ask whether an “X” is required in Column 9a of a hazardous waste manifest when only shipping hazardous materials although the shipment includes both a hazardous waste and a non-hazardous waste. You also state that the shipment could contain a hazardous waste and a non-hazardous waste that are both hazardous materials.
- A2. See answer A1.
- Q3. You ask whether Column 9a of the hazardous waste manifest could be filled with an “X” for a hazardous waste and left “blank” for a non-hazardous waste when the shipment contains a hazardous waste and a non-hazardous waste, and both are hazardous materials.
- A3. See answer A1.
- Q4. When shipping non-bulk packages identified on the hazardous waste manifest, you ask whether the “net” weight of the hazardous waste in the package can be used instead of the “gross” weight of the package.
- A4. A hazardous materials shipping paper may use either “net” or “gross” weight to comply with the hazardous materials shipping paper requirements specified in Part 172 Subpart C of the HMR. As stated in answer A1, this Office does not regulate the contents of a hazardous waste manifest and the EPA may have more restrictive requirements when preparing a hazardous waste manifest.

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

Sincerely,



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

**From:** [Mangum, Rachel CTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)  
**Cc:** [Jones, Breanna CTR \(PHMSA\)](#)  
**Subject:** Interpretation Request 04/01/2022  
**Date:** Friday, April 1, 2022 3:15:58 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

Greetings,

I am submitting this LOI request for Mr. Denny regarding his questions about requirements for filling out shipping papers and EPA hazardous waste manifests. After an extensive phone conversation, he was not satisfied with the information I found in the FM or publications on our website to answer his question. I am submitting his interpretation request to obtain more detail on the questions he has.

His original email that he sent to us is shown below:

“PHMSA,

Would appreciate some guidance and confirmation on the usage of “net” total weight on an hazardous waste manifest and the usage or non-usage of the hazardous waste manifest HM column. When EPA requires the usage of a hazardous waste manifest (eManifest), EPA’s hazardous waste manifest is used.

[Form 8700-22 Uniform Hazardous Waste Management - OMB 2050-0039](#)

*Item 9. U.S. DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)*

*Item 9a. If the wastes identified in Item 9b consist of both hazardous and nonhazardous materials, then identify the hazardous materials by entering an “X” in this item next to the corresponding hazardous material identified in Item 9b.*

*Item 9b. Enter the U.S. DOT Proper Shipping Name, Hazard Class or Division, Identification Number (UN/NA) and Packing Group for each waste as identified in 49 CFR part 172. Include technical name(s) and reportable quantity references, if applicable.*

Facility's Phone:							
NERATOR	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
			No.	Type			
	1.						
	2.						

Per Item 9 instructions, if waste identified in Item 9B consists of **both** hazardous and nonhazardous materials, then identify the hazardous materials by entering an “X” in this item next to the corresponding hazardous material identified in Item 9b. (DOT Letter of Interpretation [11-0286](#))

Question 1: If only shipping DOT hazardous materials on the hazardous waste manifest (e-Manifest), is Column 9a required to be filled with an “X”? Since both hazardous and nonhazardous materials are **not** being shipped, Column 9a appears to have the option of being left blank.

Question 2: If only shipping DOT hazardous materials on the hazardous waste manifest where the shipment includes both hazardous waste and nonhazardous waste, would the Column 9A be required to be filled with an “X”? The shipment could involve hazardous waste that is DOT hazardous material and nonhazardous waste that is DOT hazardous material. Since both hazardous and nonhazardous materials are **not** being shipped, only hazardous material is being shipped, Column 9a appears to have the option of being left “blank”.

Question 3: If only shipping DOT hazardous materials on the hazardous waste manifest where the shipment includes both hazardous waste and nonhazardous waste, could the 9a HM Column be filled with "X" for hazardous waste and "blank" for nonhazardous waste when both are DOT hazardous material? Only DOT hazardous material is being shipped. Since both hazardous and nonhazardous materials are **not** being shipped, whether Column 9a is filled with "X" or left "Blank" both appear to be options.

*Item 11. Total Quantity*

Enter, in designated boxes, the total quantity of waste. Round partial units to the nearest whole unit, and *do not* enter decimals or fractions. To the extent practical, report quantities using appropriate units of measure that will allow you to report quantities with precision. Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities shipped. Container capacities are not acceptable as estimates.

*Item 12. Units of Measure (Weight/Volume)*

Enter, in designated boxes, the appropriate abbreviation from Table II (below) for the unit of measure.

TABLE II.--UNITS OF MEASURE

G = Gallons (liquids only).	N = Cubic Meters.
K = Kilograms.	P = Pounds.
L = Liters (liquids only).	T = Tons (2000 Pounds).
M = Metric Tons (1000 kilograms).	Y = Cubic Yards.

**Note:** Tons, Metric Tons, Cubic Meters, and Cubic Yards should only be reported for very large bulk shipments, such as rail cars, tank trucks, or barges.

Per Item 11, the total quantity of waste is to be entered. Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities being shipped.

Question 4: For non-bulk packages identified on the hazardous waste manifest, can "net" weight of the hazardous waste in the package be used instead of the "gross" weight of the package? Per manifest guidance and for eManifest, total quantity of waste is to be provided. Whether the total weight is "net" or "gross" weight of the package is not indicated. Providing the "net weight" of hazardous waste would be beneficial since only the "net" weight of hazardous waste in the container counts towards EPA's generator classification. Per DOT Interpretation letters, [15-0158](#), [15-0048](#), [13-0185](#), [13-0052R](#), total quantity may be entered as net weight, gross weight, capacity, or as otherwise appropriate.



Thanks,

Charles (Chuck) Denny, CHMM

Duke Energy Corporation

DOT Hazmat and Waste SME

Environmental Services

Environmental Programs

410 S. Wilmington Street, NC15

Raleigh, NC 27601

980-312-4232 (Cell)

919-546-3669 (Fax)”

End of email.

Here is a list of resources I used:

- Interp letters 13-0170 & 11-0022
- Brochure from PHMSA website, specifically pages 3-4 discussing shipping papers:  
<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-04/Hazmat-Transportation-Reqmts-PDF-0184-0220-3-27-20.pdf>
- To clarify his question, he wants to know if he needs to indicate that the shipment is hazmat with an “X” in column 9 if only hazmat is being shipped in the load. His point was that he should not have to differentiate it as such if there is no other material in the shipment.

His email originated from Chuck.Denny@duke-energy.com on 03/07/2022. Should you have any questions, please do not hesitate to reach out.

Regards,

Rachel, HMIC