



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

NOV 16 2001

Reference No.: 01-0258

Mr. Jeff Guenther
Carver Boat Corporation, LLC
P. O. Box 1010
Pulaski, WI 54162-1010

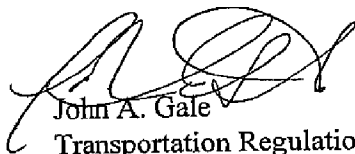
Dear Mr. Guenther:

This is in response to your letter concerning the applicability of the registration requirements to small quantity hazardous waste generators. Your letter states that Carver Boat Corporation has two separate facilities, each of which offers one to two drums of hazardous waste at a time on separate manifests. You are of the opinion that Carver Boat Corporation is not required to register, if it does not offer for transportation quantities of hazardous waste in non-bulk packagings that require placarding. You also asked whether the placarding requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) apply to individual shipments from each facility or to the combined total from the two facilities.

You are correct that Carver Boat Corporation is not required to register if it does not offer for transportation or transport in commerce a quantity of hazardous material that requires placarding under the provisions of subpart F of part 172 of the HMR and does not engage in any other activity specified in 49 CFR 107.601. To determine placarding requirements, each shipment should be considered separately. Paragraph (c) of § 172.504 of the HMR provides a placarding exception for a transport vehicle or freight container containing less than 454 kg (1,001 lbs) aggregate gross weight of hazardous materials covered by Table 2 of § 172.504(e). The exception does not apply to Table 2 materials contained in bulk packagings.

I trust this satisfies your inquiry.

Sincerely,



John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



010258

107.601



Corbin
§107.601
Applicability
01-0258

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May 3, 2001

Mr. Edward Mazzullo
U.S. D.O.T. – RSPA – DHM-10
400 7th Street Southwest
Washington, DC 20590-001

Dear Mr. Mazzullo:

I am writing for an interpretation on the current regulation for registering as an offeror of hazardous materials. I am new to Carver and my interpretation is that we are not required to register, even though we have in the past. Please write a response to my interpretation of the regulations.

It is my understanding, that under the 6 terms in 49 CFR 107.601 and the instructions mailed to us by you along with registration form DOT F 5800.2, that we do not qualify for registration.

I believe us to be exempt because we have recently switched the majority of our hazardous cleaning solvents to non-hazardous materials and have switched to a small quantity generator status. For disposal, along with our many drums of non-hazardous materials, we ship off-site <1000 lbs per load of F-coded paint booth solvents. We also conduct lab packs on a semi-yearly basis and do not ship any placardable quantities, explosives, radioactive materials, material poisonous by inhalation, or bulk materials.

The main reason that I am looking for interpretation is that we have two facilities with separate EPA ID #s a few blocks away from each other. Each facility will ship 1 or 2 drums of hazardous solvents per truck with separate manifests. Does the placarding rule apply to each EPA ID# or does it apply to the total amount shipped by Carver? The facilities are not contiguous properties of Carver.

If my interpretation is correct and we don't need to register, but at a later date, we accumulate a material that would classify Carver as needing to register, I will complete the registration forms and submit the payment before we ship them off-site. If you have any questions please feel free to call me, otherwise I anticipate your response.

Respectfully,

Jeff Guenther, CHMM
Environmental and Safety Manager