



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

MAR 17 2003

Mr. Robert Gomez
Hazardous Waste-Transportation Oversight Unit
Department of Environmental Protection
State of New Jersey
P.O. Box 407
Trenton, New Jersey 08625-0407

Ref. No. 02-0227

Dear Mr. Gomez:

This responds to your August 26, 2002 letter requesting clarification on segregation requirements under § 177.848(e)(3) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked whether Class 8, Class 3, and Division 4.1 material may be loaded on the same transport vehicle under § 177.848(e)(3) of the HMR.

According to your letter a violation was issued to a hazardous waste carrier citing requirements in § 177.848(d) for transporting and storing one container of Class 8 hazardous waste adjacent two containers of Division 4.1 hazardous waste and several containers of Class 3 materials. The carrier responded to the violation stating that the constituents of the Class 8 and Class 4 materials would not react if commingled; therefore, they are in compliance with the segregation requirements in § 177.848(e)(3).

A representative from our Hazardous Materials Information Center (HMIC) advised you that the exception in § 177.848(e)(3) applies only when the shipper loads the truck and when a truckload shipment of Class 4, 5, and 8 material are the only hazard classes on the truck. Therefore, you are requesting written clarification on § 177.848(e)(3) regarding truckload shipments and Class 4, 5, and 8 material, and how it applies when the shipment also contains a Class 3 hazardous waste.

Section 177.848(e)(3) states that Class 8 liquids may not be loaded above or adjacent to Division 4.1 or Class 5 materials. Section 177.848(e)(3) also states that shippers may load truckload shipments of such materials together when it is known that the mixture of contents would not cause a fire or a dangerous evolution of heat or gas. The term truckload as used in this section means a shipment of hazardous materials loaded into a transport vehicle by a single shipper. Shipments of hazardous materials offered to a carrier by different shippers and loaded into a transport vehicle are not considered to be a truckload. Therefore, a carrier that receives Division 4.1 and Class 8 materials from different shippers must segregate the materials in accordance with § 177.848(d). An



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acceptable loading plan under the HMR, would include separating the Class 8 and Division 5.1 materials by using Division 4.1 and Class 3 packaged materials between them for separation and segregation. This would also ensure that the Division 5.1 and Class 3 materials remained separated from each other as required by § 177.848.

I hope this further clarifies requirements in § 177.848(e)(3) and answers your inquiry.

Sincerely,



Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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Department of Environmental Protection

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August 26, 2002

Mr. Edward Mazzullo
Director of Office of Hazardous Materials Standards, DHM-10
USDOT-RSPA
400 Seventh Street, SW, Rm. 8422
Washington, D.C. 20590-0001

Re: 49 CFR 177.848(e)3

Dear Mr. Mazzullo:

This Department inspects hazardous waste transporters in New Jersey and needs clarification of the instructions under the letter "O" on the Hazardous Materials Load and Segregation Chart (chart). Recently, an NJDEP inspector inspected a vehicle storing a shipment of hazardous waste. The shipment contained one Class 8 container, forty-seven Division 4.1 containers and thirty-two Class 3 containers.

A violation was issued to the hazardous waste carrier citing 177.848(d) for transporting and storing one container of Class 8 hazardous waste adjacent to two containers of Division 4.1 hazardous waste. The carrier responded to the violation stating that the constituents of the Class 8 and Division 4.1 wastes would not react if commingled, therefore, they are in compliance with the instructions under the letter "O" of the chart.

The DOT Hotline was contacted regarding this matter and received an unofficial interpretation. Ben Supko, Information Specialist explained that the exception to the letter "O" applies only when the shipper loads the truck and when a truckload shipment of Class 4, 5 and 8 material are the only hazard classes on the truck.

Since a Notice of Violation was issued, we are requesting an official interpretation of 49 CFR 177.848(e)3, specifically where it discusses truckload shipments and Class 4, 5 and 8 material. Also, because the subject shipment contained a Class 3 hazardous waste does the exception still apply to this situation?

If you have any questions, please contact me at 856-614-3650 or Paula Hanley-Tagliaferri at 609-588-4487. Thank you for your help.

Sincerely,

Robert Gomez, CHMM, Acting Supervisor
Hazardous Waste - Transportation Oversight Unit