



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

MAR 9 2005

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

Ms. Susan J. Sevy  
Transportation Compliance Manager  
Clean Harbors Environmental  
Services, Inc.  
2930 Independence Road  
Cleveland, Ohio 44115

Ref. No. 03-0263

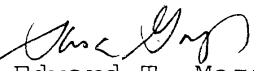
Dear Ms. Sevy:

This responds to your letter requesting clarification of the segregation requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the segregation requirements of § 177.848 apply to separate transport vehicles parked at a 10-day temporary storage facility. The storage is incidental to transport. I apologize for the delay in responding.

We understand your question to relate to "packages which require labels" as specified in § 177.848(a)(1). As explained in § 177.848(e)(2), packages that contain incompatible hazardous materials ("X" in the segregation table) may not be loaded, transported, or stored together in the same transport vehicle or storage facility during the course of transportation. However, when the packages containing incompatible materials are in separate transport vehicles, those transport vehicles may be stored in the same storage facility during the course of transportation. In the latter scenario, the "packages" are not being "stored together" for purposes of the segregation requirements in § 177.848.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

*for*   
Edward T. Mazzullo  
Director  
Office of Hazardous Materials Standards



030263

177.848



Stevens  
§ 177.848  
Highway  
03-0263

October 17, 2003

US DOT/ RSPA  
InfoCenter  
Washington, DC  
(202) 366-3012

Dear Sir or Madam:

Clean Harbors Environmental Service, Inc. (CHESI) is in the process of obtaining a permit to operate a 10 Day transfer (storage incidental to transport) facility in the State of Connecticut. The State of Connecticut is imposing the following interpretation of segregation regulations (49 CFR 177.848) for the 10 Day transfer facility:

If a trailer is staged in the permitted 10 day transfer facility that contains a Class 6.1 PGI A material, additional trailers staged on the same contiguous property( permitted 10 day transfer facility) may NOT contain any material that is not compatible with the Class 6.1 PGI A material.

The State of Connecticut is applying the segregation rule to the whole permitted 10 day transfer area in which incompatible materials may not be staged on different transport vehicles within the permitted 10 day transfer area.

CHESI has engaged in discussion of the regulation 49 CFR 177.848 with the State of Connecticut. CHESI presented to the State of Connecticut that the segregation of materials in transport (public highway) is applicable to those materials that are being loaded onto and transported in ONE transport vehicle; and, that as long as each separate transport vehicle is in compliance of 49 CFR 177.848, those vehicles may be parked/staged on contiguous property that is permitted as 10 day transfer facility.

The State of Connecticut is willing to accept the interpretation as long as Clean Harbors Environmental Services, Inc. can supply in writing to the State of Connecticut, a letter from the United States Department of Transportation indicating that CHESI's interpretation of 49 CFR 177.848 is correct and is in accordance with the 49 CFR regulations.

Clean Harbors Environmental Services, Inc. is requesting a letter that clearly states the application and interpretation of the regulation of 49 CFR 177.848. CHESI is requesting this response no later than October 22, 2003.



CHESI page 2, 10/17/03

Fax Number (21) 429-2713

Address: Clean Harbors Environmental Services, Inc.  
2930 Independence Road  
Cleveland, Ohio 44115

Should you require additional information or have any concerns, please contact me at  
(800) 368-4244, extension 204.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan J. Sevy". The signature is written in a cursive style with a large, prominent initial "S".

Susan J. Sevy  
Transportation Compliance Manager