



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

AUG 13 2007

Mr. Steven Duque  
Operations Manager  
Castaway Trash Hauling  
Post Office Box 51930  
Sparks, NV 89435

Ref. No.: 07-0148

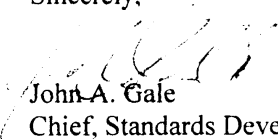
Dear Mr. Duque:

This is in response to your letter dated July 27, 2007 and subsequent telephone conversation with Ben Supko of my staff, requesting clarification of the registration requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification of the registration provisions in § 107.601 applicable to the shipment of asbestos in a 22.94 cubic meter (30 cubic yards) roll-off. In addition, during the telephone conversation with Mr. Supko, you indicated that the asbestos is bagged in order for the roll-off to comply with the sift-proof closed bulk bin requirement in § 173.240(c).

Section 107.601(4) states that a person offering a hazardous material in a bulk packaging, container, or tank with a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids is subject to the registration requirement. The roll-off container you are using to transport the asbestos has a capacity of 22.94 cubic meters; therefore, you must register.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

  
John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



070148

107.601

Supko  
§107.601  
Registration  
07-0148

Drakeford, Carolyn <PHMSA>

**From:** INFOCNTR <PHMSA>  
**Sent:** Friday, July 27, 2007 1:24 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: Request for formal interpretation

**From:** Steve Duque [mailto:steve@castawaytrashhauling.com]  
**Sent:** Friday, July 27, 2007 1:18 PM  
**To:** INFOCNTR <PHMSA>  
**Subject:** Request for formal interpretation



July 27, 2007

Department of Transportation  
Via E-Mail: [infocntr@dot.gov](mailto:infocntr@dot.gov)

To Whom It May Concern:

My company Castaway Trash Hauling transports Friable Asbestos within the State of Nevada only. At no time do my trucks cross state lines while transporting Friable Asbestos. The State of Nevada classifies Friable Asbestos as a Class 9 Hazardous material. Therefore, it is an optional placard.

When I received my "Alliance for Uniform Hazmat Transportation" renewal packet they requested a copy of my PHMSA registration number. While speaking with a representative from the PHMSA, I was informed that due to the nature of the material that my company transports I am not required to have a PHMSA registration number.

I would like a formal interpretation of this rule. In addition to the interpretation I am requesting a letter stating that I do or do not have to have a PHMSA registration number.

Sincerely

Steven Duque  
Operations Manager  
Castaway Trash Hauling  
Cell 775.771.8597  
Office 775.342.2444  
Fax 775.342.6262

7/30/2007