



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

AUG 7 2008

Mr. Chris W. Gibson
EHS&R Manager
Hawkins, Inc.
3100 East Hennepin Avenue
Minneapolis, MN 55413

Ref. No.: 08-0143

Dear Mr. Gibson:

This responds to your letter dated May 21, 2008, regarding the segregation requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they apply to various chemicals transported in the same motor vehicle. You did not provide any diagrams or photographs or specific information of the location or configuration of the packages on the transport vehicle.

Your company was cited with a violation of the segregation requirements in §177.848; the citation stated that a material described as "Chlorine, 2.3, 8, Zone B, UN 1017" was prohibited from being loaded on the same transport vehicle with Class 5.1 (oxidizing) and Class 8 (corrosive) materials. You asked whether this citation is consistent with the requirements of §177.848.

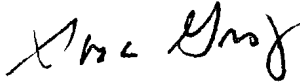
Hazardous materials may not be loaded, transported, or stored together, except as specified in the "Segregation Table" in §177.848(d). As indicated by the letter "O" in the table, Division 2.3 (poisonous gas, hazard zone B), Class 8 (corrosive) liquid and Division 5.1 (oxidizing) materials may not be loaded, transported, or stored together in the same transport vehicle or storage facility during the course of transportation unless separated in a manner that, in the event of leakage from packages under conditions normally incident to transportation, commingling of hazardous materials would not occur.

The hazardous materials mentioned above are not prohibited from being transported in the same transport vehicle. The provisions for separation can be met by placing barriers (i.e., impediments, obstructions, dividers, packages of non-hazardous materials, or intervening space) between packages inside of the transport vehicle that prevent commingling of materials in the event of leakage from the packages. Regardless of the methods of separation used, Class 8 (corrosive) liquids may not be loaded above or adjacent to Class 4 (flammable solid) or Class 5 (oxidizing) materials; however, shippers

may load truckload shipments of such materials together when it is known that the mixture would not cause a fire or a dangerous evolution of heat or gas (see §177.848(e)(3)).

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Gorsky". The signature is written in a cursive, flowing style.

Susan Gorsky
Acting Chief, Standards Development
Office of Hazardous Materials Standards



HAWKINS, INC.

Engram
§177.848
Segregation
08-0143

Corporate Office
3100 East Hennepin Avenue
Minneapolis, Minnesota 55413
Phone: (612) 331-6910
Fax: (612) 331-5304

May 21, 2008

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

URGENT REQUEST FOR INTERPRETATION DUE TO OOS VIOLATION

RE: 49 CFR 177.848(d) & e(3)

Dear Mr. Mazzullo:

We are seeking an urgent interpretation based on a violation issued on 5/20/08 (see attached) for the transportation of Class 2.3, Zone B gases.

The violation as stated, and based on comments by the officer performing the inspection appear to indicate that Class 2.3, Zone B gases (in this instance, Chlorine) is prohibited from being in the same transportation unit as Class 5.1 and Class 8 materials.

The Segregation Table at 177.848(d) shows that the transportation of this material with regards to Class 5.1 & Class 8 as an "O", requiring adequate separation to prevent commingling. The inspector verbally indicated that no adequate separation was possible, since in an event of chlorine release, the gas would come into contact with any/all material. To satisfy the inspector, an additional vehicle was driven 100 miles to the scene to remove the Chlorine gas from the transportation unit.

We feel that this is a misinterpretation of the rule based on the following:

1. When the "O" is present in the segregation table, the materials must be adequately separated to prevent commingling during normal transportation.
2. The rule does NOT prohibit gases from being in the same space, as long as the containers are adequately segregated.
3. In addition, we are under the impression that if the products do NOT create a hazardous condition when commingled, then the materials may be adjacent to each other, if the mixture would not cause a fire or a dangerous evolution of heat or gas, based upon 177.848(e)(3) and Interpretation 03-0146.

Therefore, the following questions are:

1. Do you concur with our understanding that the rule was misapplied, and that no violation occurred?
2. Do you concur with our conclusion that all three product classes (2.3-Zone B, 5.1, and 8) may be transported in close proximity to each other if no fire or dangerous evolution of heat or gas would occur?

If you have any questions, I can be reached at 612-331-6910, x8551 or at chris.Gibson@hawkinsinc.com

Thank you.

Sincerely,



Handwritten signature of Chris W. Gibson, dated 3/21-08.

Chris W. Gibson
EHS&R Manager
Hawkins, Inc.



WYOMING HIGHWAY PATROL
COMMERCIAL CARRIER SECTION
5300 Bishop Blvd.
Cheyenne, WY 82009-3340
Phone: (307) 777-4572 / Fax: (307) 777-4282

DRIVER/VEHICLE EXAMINATION REPORT
Report Number: WYERCC000514
Inspection Date: 05/20/2008
Start Time: 01:34 PM End Time: 02:15 PM
Insp. Level: II-Walk-Around, Non-Bulk HM Insp

HAWKINS INC
3100 EAST HENNEPIN AVE
MINNEAPOLIS, MN 55413-2923
USDOT#: 00075303 Phone#: (612)331-6910
MC/MX#: Fax#:
State#:

Driver: BLAKE, JOHN T
License#: 1002419654127 State: MT
Date of Birth: 10/27/1966
CoDriver:
License#: State:
Date of Birth:

Location: DIETZ PORT OF ENTRY MilePost: 16 Shipper: HAWKINS INC
Highway: I-90 Origin: BILLINGS, MT Bill of Lading: 1289399
County: SHERIDAN, WY Destination: SHERIDAN, WY Cargo: CORROSIVE, PIH GAS, OXIDI

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	License #	Company #	Vin #	GWWR	CVSA #	OOS#
1	TT	INTL	1997	MN	PRY1784	197	076620	80,000		

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Section Code	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
172.605(a)	F	1	Y	97690Y	U	N	No placard for poison inhalation hazard, Placard displayed is poison not PIH
177.848(d)	F	1	Y		U	N	Prohibited loading, transportation, or storage combination of hazardous materials. 2.3 zone B loaded with corrosive 8 and loaded with 5.1.
172.202(a)(5)	F	1	N		N	N	Total quantity not listed correctly. Total Quantity for Hypochlorite Solutions shows 19 only 4 in trailer
172.202(a)(5)	F	1	N		N	N	Total quantity not listed correctly: Bleulfites, aqueous solutions, NOS shows 1 actual NONE

HazMat: 2.3 Zone B; 5.1 Oxidizer, 8 Corrosive material

Placard: Yes Cargo Tank:

Special Checks: No Data for Special Checks.

Pursuant to the authority contained in Title 49, CFR, Section 15 of the Wyoming Department of Transportation Rules and Regulations as prescribed by Wyoming Statute 31-19-303, I hereby declare vehicles so marked to be "Out-of-Service". No person shall remove the out-of-service stickers applied to these vehicles until out-of-service defects have been repaired and vehicles restored to a safe operating condition.

I certify the above violations were corrected.

Signature Of Repairer X: _____ Facility: _____ Date: _____

CARRIER CERTIFICATION: The undersigned, a responsible company official, certifies that all violations on this report have been corrected and action taken to assure compliance with the Motor Carrier Safety and HM Regulations insofar as they are applicable to motor carriers and drivers. This certification MUST BE SIGNED by the motor carrier and RETURNED WITHIN 15 days to the Commercial Carrier Section at the address listed at the top of this form or faxed to 307-777-4282.

REPORTS WITH NO VIOLATIONS RECORDED ARE NOT REQUIRED TO BE RETURNED.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
E.J. RAMIREZ

Badge #:
4661

Copy Received By:
JOHN BLAKE

Page 1 of 1

x

x



WYERCC000514