



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

JUN 19 2014

Mr. John Nelson
Transportation and Safety Manager
Brighter Horizons Environmental Inc.
4 Courthouse Lane
Chelmsford, MA 01824

Ref No.: 14-0102

Dear Mr. Nelson:

This is a response to your May 12, 2014 letter requesting clarification of placarding requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and their relation to the Federal Motor Carrier Administration (FMCSA) regulations pertaining to hazmat endorsement requirements on Commercial Drivers' Licenses (CDLs). Specifically, you ask if a carrier voluntarily placards a shipment containing bulk quantities of "UN3077, Environmentally hazardous substance, n.o.s. (lead, arsenic), 9, PG III, RQ10," must the driver hauling the material have a CDL with a hazmat endorsement.

Based on the information in your letter, bulk quantities of "UN3077, Environmentally hazardous substance, n.o.s. (lead, arsenic), 9, PG III" are appropriately described as Class 9 (Miscellaneous) hazardous materials. For Class 9 (Miscellaneous) hazardous materials, placards are not required to be displayed for domestic transportation, including that portion of international transportation, that occurs within the United States (see § 172.504(f)(9)).

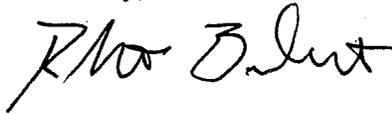
In accordance with the FMCSA regulations, only drivers of vehicles transporting hazardous materials that are required to be placarded in accordance with Subpart F of Part 172 of the HMR must have a hazardous materials endorsement to their CDL (See § 383.93). Thus, a hazardous materials endorsement is not required for a driver transporting any quantity of Class 9 materials, even when placarded with Class 9 placards. It should be noted that the HMR does require that the driver must receive hazardous materials training (see §§ 177.800(c) and 177.816). This training must include general awareness, function-specific, safety, and security awareness training as specified in § 172.704(a) of the HMR, as well as driver training in the applicable requirements of FMCSA Regulations (FMCSR; 49 CFR parts 390 through 397) and the procedures necessary for the safe operation of that motor vehicle.

Requirements for drivers to possess a CDL with a hazmat endorsement are maintained by FMCSA in 49 CFR Part 383. Questions regarding hazmat endorsements on CDLs should be directed to the Transportation Security Administration at 877-429-7746 or the appropriate

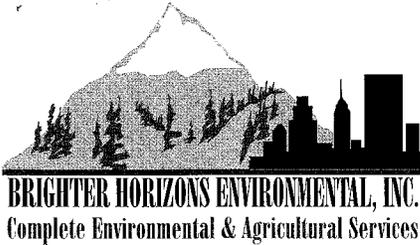
FMCSA field office. A list of FMCSA field offices and contact information is available at:
<http://www.fmcsa.dot.gov/about/contact/offices/displayfieldroster.asp>

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Benedict". The signature is written in a cursive style with a large initial "R" and "B".

Robert Benedict
Chief, Standards Development
Standards and Rulemaking Division



May 12th, 2014

O'Donnell
\$171.1
\$172.101
\$172.504(9)
Applicability
14-0102

US Department of Transportation
Standards & Rule Making Division PHMSA
Attn: PHH-10 East Building
1200 New Jersey Av. South East
Washington, DC 20590

Dear Standards & Rule Making Division,

I would like to respectfully request an interpretation regarding a shipment of impacted soils. I have a project in Newport, RI that would like me to haul this product.

Proper shipping name: Impacted soils, [lead, arsenic]

The shipper is using a straight Bill of Lading with a Material Shipping Log. See attached copy.

This soil product has traces of lead and arsenic. Environmentally hazardous substance, solid NOS (lead, arsenic), class 9, UN3077, PGIII, RQ10.

My understanding of the hazmat laws and CDL endorsement regulations is:

1. Per 49 CR 172.504 (9) only needs to be labeled, not placarded.
2. Our CDL drivers can transport it without a hazmat endorsement on their license.
3. If the customer chooses to put class 9, UN3077 placards on the trailer instead of using ID stick on labels on the trailer to ID bulk product inside, does the fact that the trailer is ID with class 9 placards now make our drivers subject to needing a hazmat endorsement? Or is it correct to say that the class 9 UN3077 placards are exempt from needing the hazmat endorsement?

We would like to haul this product in a tarp covered dump trailer. The product is dry and remains inert at ambient temperatures during transport.

Would you please let us know if our interpretation of the law is correct? I believe the product we want to transport would be covered by your response letter.

Respectfully,

John S. Nelson
Transportation & Safety Manager
Brighter Horizons Environmental Inc.
4 Courthouse Lane
Chelmsford, MA. 01824

EA 12

BEECHWOOD TYPE 4 SOIL

RQ, UN3077, Environmentally hazardous substances, solid, n.o.s., 9 PGIII, (lead, arsenic)
24 HOUR EMERGENCY RESPONSE HOTLINE - ChemTrec (800) 262-8200

60224 MA

Waste Management Facility Turnkey Landfill

Material Shipping Record & Log

489763NH

Profile Number

For the shipment of incinerator products, processed C&D materials, impacted soils, and non-BUD material.

A. Location Information

1. Provide the following information on the location where the waste was generated:

Eastern Estates, LLC & SF Pacific, LLC.

Release name (optional)

570 & 580 Bellevue Avenue

Street

Location aid

Newport

RI

02840

City/Town

State

Zip code

B. Transporter/Common Carrier Information

1. Provide the following information:

Brighter Horizons Environmental, Inc.

Name of organization

Shane Duval

CFO

Contact name

Title

PO Box 219

Chelmsford

Street address

City/Town

MA

01824

(978) 970-0500

State

Zip code

Telephone number (including extension)

C. Load Information

1. Shane Duval
Name of Transporter

11/21/14
Date Received

Time Received

EA #12 60224 78
Truck Information

20.60
Load size (cubic yards/tons)

[Signature]
Landfill Signature

2. _____
Name of Transporter

Date Received

Time Received

Truck Information

Load size (cubic yards/tons)

Landfill Signature

3. _____
Name of Transporter

Date Received

Time Received

Truck Information

Load size (cubic yards/tons)

Landfill Signature

4. _____
Name of Transporter

Date Received

Time Received

Truck Information

Load size (cubic yards/tons)

Landfill Signature

5. _____
Name of Transporter

Date Received

Time Received

Truck Information

Load size (cubic yards/tons)

Landfill Signature

D. Log Sheet Volume Information

20.60
Total volume this page (cubic yards/tons)

64.61
Total carried forward (cubic yards/tons)

85.21
Total carried forward and this page (cubic yards/tons)

Bill of Lading

Delivery Address:

Turnkey Landfill
90 Rochester Neck Road
Rochester, NH 03839
Profile Number: 489763NH

Shipper Address:

Eastern Estates, LLC & SF Pacific, LLC
570 & 580 Bellevue Avenue
Newport, RI 02840

Name of Transporter	Truck Information
EA Russell	60224 MA

HM	No. & Type of Package	Total Qty.	Shipping Description
X	1 dump trailer	30 tons	RQ, UN3077, Environmentally hazardous substance, solid, n.o.s., 9, PGIII, (lead, arsenic)

Emergency Contact: CHEMTREC – (800) 262-8200

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation

Signature:

Date:

jeal
1/21/14