



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

DEC 22 2009

Mr. Fabio Maggiore
Orim S.p.A.
Via D. Concordia, 65
62100 Macerata
ITALY

Reference No. 09-0282

Dear Mr. Maggiore:

This is in response to your inquiry requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the transportation of hazardous waste from Italy to a metal reclamation facility in the United States. You state that the hazardous waste (ashes containing spent catalysts) will be transported by motor carrier in the United States and that the motor carrier you will be using is registered with the U.S. Department of Transportation's Hazardous Materials Registration Program. (You also state that an American trader will be involved in the export activity and that your local export authority will contact the U.S. Environmental Protection Agency (EPA) for information on its requirements.) You ask whether any additional permits must be obtained to transport the hazardous waste by motor carrier.

Additional permits under the HMR are not required, but additional permits may be required under the Federal Motor Carrier Safety Administration (FMCSA) and EPA regulations. First, to determine whether Orim S.p.A. as an offeror must register with the Hazardous Materials Registration Program, refer to § 107.606(a)(7), which exempts foreign-based companies from the registration program if they are domiciled solely outside the United States and if the country where that party is domiciled does not require persons domiciled in the United States who solely offer hazardous materials for transportation to that foreign country from places in the United States, to file a registration statement or to pay a registration fee. Otherwise, please refer to § 107.601 for the applicability of the program or access "Who Must Register" in the instruction brochure at <http://www.phmsa.dot.gov/hazmat/registration> by clicking on "Instruction Brochure." A person who offers or transports the type and amount of hazardous materials listed in the brochure (also specified in § 107.601) must register unless he meets the provisions for an exception in § 107.606. (A broker, agent or freight forwarder is not required to register unless he performs an offeror or carrier function.)

For highway transportation, a motor carrier must also comply with all applicable Federal Motor Carriers Safety Administration (FMCSA) requirements. Two helpful FMCSA

websites for the motor carrier to access are <http://www.fmcsa.dot.gov/safety-security/hazmat/safety-permits.htm> and <http://www.fmcsa.dot.gov/registration-licensing/online-registration/onlineregdescription.htm>). Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Hazardous Materials Division, 1200 New Jersey Avenue S.E., Washington, DC 20590, USA. The office's telephone number is 202-366-6121.

Finally, for purposes of the HMR, a hazardous waste is any material that is subject to the Hazardous Waste Manifest Requirements of the EPA specified in 40 CFR Part 262 (see §171.8 of the HMR). Certain materials that meet EPA's definition of hazardous waste are exempt from manifesting under EPA requirements. Hazardous wastes that are excepted from manifesting under EPA regulations are not regulated as hazardous wastes under the HMR, but may otherwise be regulated under the HMR as hazardous materials, hazardous substances or marine pollutants. Therefore, if the spent catalysts do not require an EPA hazardous waste manifest, you must determine whether they meet an HMR definition for a hazardous material, hazardous substance or marine pollutant and, if so, ensure that the shipments conform to all applicable HMR requirements.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,



Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

§§ 107.601, 107.606

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, November 20, 2009 10:36 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

Carolyn,
Another request for a written interpretation.
Thanks,
Rob

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Friday, November 20, 2009 10:30 AM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

Macerata (Italy), 20/11/09

Re: Hazardous waste transport.

Dear Mr. Mazzullo,
I am writing on behalf of Orim S.p.A., a company located in Italy.
We are organising, through an American trader, the export of some hazardous waste for metal reclamation operations to the facility Kalumetals Inc., located in Derry, PA 15627.

The transport will entail ocean freight plus road transportation by truck.

The trucking company chosen for the road transportation (Freight Cargo And Container Services Inc.) is registered with the U.S. department of Transportation with Reg. Number 010 209 550 006QR. I have got hold of a copy of this registration from your website.

Thus, I would like to ask if this registration is sufficient for the transport of such hazardous waste (ashes containing spent catalysts) or if other specific permits are needed.

We are asking this clarification since we are not familiar with American regulations on road transport, however in order to apply for the export procedures, we need to collect such information for our local export authority, which will then contact the American EPA.

Please do not hesitate to call me for further information or explanations.

Hoping to hear back from you soon, I would like to thank you in advance for your assistance.

Best regards.

Fabio Maggiore, MEng
Metal Man

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McIntyre
§107, Subpart G
§172.604
§171.1 (b)
Registration / Applicability
09-0282

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