



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

MAR 5 1990

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

173.156

Ms. Terri Zick
Integrated Waste Services
Browning Ferris Industries
5400 Cogswell Road
Wayne, MI 48184

Ref. No. 88-0072

Dear Ms. Zick:

This is in response to your letter concerning a provision contained in 49 CFR 173.156(b)(1), of the Department of Transportation (DOT) regulations, that permits "Consumer commodity, ORM-D" materials in packages weighing more than 66 pounds each when the materials are from a single offeror and are transported by a common motor carrier in a vehicle used exclusively for such service. I am sorry for the delay and hope this has not caused you any inconvenience.

Your questions are paraphrased and answered as follows:

Q1. Packages (cages, carts, boxes or similar overpacks) containing consumer commodities or waste consumer commodities not meeting the definition in 49 CFR 171.8 of a hazardous waste are transported to or from a manufacturing facility, a distribution center and a retail outlet. May packages from one offeror be loaded a multiple operating locations?

A1. Yes.

Q2. Packages containing consumer commodities meeting the definition in 49 CFR 171.8 of a hazardous waste are transported from a manufacturing facility, a distribution center or a retail outlet to a waste disposal facility. May packages from a single offeror be loaded at multiple operating locations?

A2. Yes, provided all applicable requirements are met. The offeror (generator) must properly prepare the material for transportation in accordance with the DOT regulations in 49 CFR 173.156 and provide a hazardous waste manifest to the carrier as required by the Environmental Protection Agency (EPA) regulations in 40 CFR Part 262.

The manifest must be signed by the generator and contain the generator's EPA identification number. The EPA definition of a generator in 40 CFR 260.10 is keyed to both person and site, with each generator being issued its own identification number. The manifest may be used to meet the shipping paper requirements of the DOT regulations in 49 CFR Part 172, Subpart C. See 49 CFR 172.205. Therefore, to ensure that both the DOT and EPA requirements are met, all waste consumer commodities contained within a single outer package must be from one generator (i.e., person and site). However, the transport vehicle may contain packages from other sites of the same offeror.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

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



Betls
File: 173.156
Σ: 158,300

January 21, 1997

Mr. Edward Mazullo
Director, Office of Hazardous Materials Standards
US Dept. of Transportation
Washington, DC

via fax: (202) 366-8700

Re: Intent of Consumer commodity packaging provisions
49 CFR 173.156

Dear Mr. Mazullo,

Pursuant to recent discussions with USDOT staff through the DOT Hotline, we would like to request clarification of the intent of provisions in 173.156 (b)(1). As referenced, consumer commodities (including waste consumer commodities) may be transported without observation of the 66 lb/package requirement associated with the limited quantity exemption provided that the material is transported by a common carrier and the contents of the load are from a single offeror.

Often, a manufacturing type facility will generate waste aerosol cans which clearly fit the description of waste consumer commodities. Commonly, an offeror may have a relatively small volume of these aerosols (either spent or off-spec) at a given facility, making it economically and logistically inappropriate to transport only the cans generated at that single location. More suitably, aerosols provided by the same offeror at multiple operating locations allows for economical transportation of these waste cans to a disposal facility. We request concurrence that management of waste consumer commodities (such as aerosols) under the provisions of 173.156 (b)(1) from varied operating locations under common control of a single offeror is consistent with the intent of the rule.

Your attention in this matter is appreciated. Please do not hesitate to contact me at any time if there are questions regarding this inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Terri Zick".

ms. Terri Zick
Technical Services Manager
Integrated Waste Services

cc: Mitch Hatter