

Chemical Conservation Corporation

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October 22, 1993

Mr. Edward Mazzullo
Office of Hazardous Materials Standards
U.S. Department of Transportation
Washington, DC 20590

Dear Mr. Mazzullo:

FLD980559728

Chemical Conservation Corporation (Chem-Con) needs clarification on certain aspects of the regulations that apply to two issues which deal with requirements for transporters and shippers of Hazardous Materials. The issues in question are described below.

49 CFR §177.848 - Segregation of Hazardous Materials

Chem-Con is a hazardous waste - which are hazardous materials - transporter and also a hazardous waste permitted facility. Most of the waste that Chem-Con hauls is stored temporarily in its facility and later shipped in the same containers to other facilities for treatment or disposal. The question is: Do the segregation provisions contained in this section apply to the waste temporarily stored in the facility the same way they apply to waste during transportation?

49 CFR §172.202 - Description of Hazardous Material in Shipping Papers

Paragraph (b) in this section indicates that the proper shipping name, the hazard class, the identification number and the packing group must be shown in sequence. The question is: Does this paragraph require that the description components mentioned above must be shown in sequence and in the order indicated above? In other words, is it admissible to use "Gasoline, 3, PGII, UN1203"?

Chem-Con will appreciate your written response to this letter.

Sincerely,

CHEMICAL CONSERVATION CORPORATION


Armando Gonzalez
Compliance Officer

AG/jb

Copy of what was filed
Attachment 2 submitted
4/25/94



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

MAR 8 1994

Mr. Armando Gonzalez
Chemical Conservation Corporation
653 Rocket Blvd.
Orlando, FL 32824

Dear Mr. Gonzalez:

This is in response to your letter of October, 22, 1993, and subsequent telephone conversation with Ms. Ann Weiss of my staff. Specifically, you ask about the requirements of the Hazardous Materials Regulations, (HMR; 49 CFR Parts 171-180) for the segregation of hazardous wastes temporarily stored in your facility. You also ask about the proper sequence of entries on shipping papers.

Your questions are paraphrased and answered as follows:

Q. Do the segregation provisions in 49 CFR 177.848 apply to hazardous waste which is temporarily stored in our facility in the same way as they apply to hazardous waste during transportation?

A. The answer is yes if the storage of the waste is incidental to transportation. In the Hazardous Materials Transportation Act, as amended, transportation is defined as "any movement of property by any mode, and any loading, unloading or storage incidental thereto." Thus, the provisions of 49 CFR 177.848 apply to storage incidental to transportation.

Q. Is it permissible to use a different sequence for the components of the proper shipping description from that specified in 49 CFR 172.202(b)? For example, may the packing group precede the identification number as in "Gasoline, 3, PGII, UN1203"?

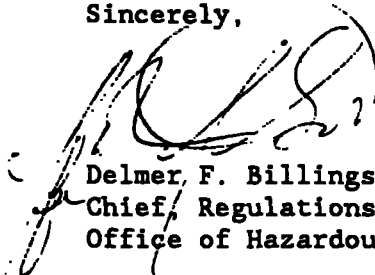
A. No, placement of the packing group before the identification number is not permissible. As specified in 49 CFR 172.202(a)(1) - 172.202(a)(4), the sequence of the information must be: proper shipping name, hazard class, identification number and packing group (see § 172.202(b)). That is, "Gasoline, 3, UN 1203, PGII."

Handwritten:
Requesting information
about...

A copy of Docket HM-181F, "Performance-Oriented Packaging Standards; Miscellaneous Amendments" [58 FR 50224] is enclosed for your convenience. It was published in the Federal Register on September 24, 1993. The changes to 49 CFR 177.848 are marked for your convenience.

I hope this information is helpful. If you have further questions, do not hesitate to contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Delmer F. Billings', is written over the typed name and title.

Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials Standards

Enclosure