



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

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

JUN 7 2002

Mr. Gerry Blase
Asplundh Railroad Division
708 Blair Mill Rd.
Wilow Grove, PA 19090-1784

Ref. No. 02-0100

Dear Mr. Blase:

This is in further response to your request regarding the marking and placarding requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for an empty cargo tank motor vehicle that you previously stated was an empty tank car.

Specifically, you ask for confirmation of your understanding that an empty cargo tank motor vehicle that no longer contains a reportable quantity (RQ) of a hazardous substance is not required to be marked or placarded. You state that the material, transported as "Environmentally hazardous substances, liquid, n.o.s. (Diuron), 9, UN3082" was regulated when the cargo tank motor vehicle was full solely because it met the RQ of Diuron. You also ask whether any rulemakings were issued that changed this provision and whether the RESIDUE placard requirement still applies under the HMR.

You are correct in your understanding that markings or placards may be removed from an empty cargo tank motor vehicle that no longer contains an RQ of a hazardous substance, provided the material was regulated only because it met the RQ when the cargo tank was full. No rulemaking was issued to change this provision. With respect to the RESIDUE placard, the requirement for its use on tank cars (rail cars) was removed from the HMR in a final rule (Docket HM-216, 61 FR 28666) published on June 5, 1996 and effective October 1, 1996. The requirement to use the RESIDUE placard was not applicable to cargo tank motor vehicles.

I hope this information is helpful. Please contact this office if we can be of further assistance.

Sincerely,

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



020100

173.24

ASPLUNDH

ASPLUNDH RAILROAD DIVISION.

708

708 BLAIR MILL ROAD, WILLOW GROVE, PA 19090-1784 - AREA CODE 215 - TELEPHONE 764-4208 FAX 764-1388

McIntyre
3173.29
3172.504
Empty
Placarding
02-0000

Mr. Ben Supko
USDOT Haz. Mat. Info. Center
Office of Hazardous Materials and Standards

Dear Mr. Supko:

Regarding our conversation yesterday about the properly displaying UN numbers on "empty" bulk containers that DO NOT contain the RQ amount of product. I'm attaching to this fax the OOS Violation Notice that my driver received from Ohio Highway Patrol.

The officer states "residue of Class 9 material" NO MARKINGS and NO Class 9 Placards. We use white-square-on-point 3082 numbers when we are required to mark our tanks. He cites the regulation, which I copied from your Web site. There is no mention of a change to the Class 9 exemption for Domestic Shipments (which he claims is as of OCT. 1 2001)

Remember this container was EMPTY at the time of inspection and did not contain the required amount of the RQ.

172.504(f) 9

(9) For domestic transportation, a Class 9 placard is not required. A bulk packaging containing a Class 9 material must be marked with the appropriate identification number displayed on a Class 9 placard, an orange panel or a white-square-on-point display configuration as required by subpart D of this part.

Can this be resolved with a letter from your Department? We should not be charged with this OSS when clearly after full inspection for 1.5 hours the only violation this officer found WAS NOT A VIOLATION.

Your assistance is greatly appreciated.

Sincerely,



Gerry Blase
Manager Asplundh- Railroad Division

Called Mr. Blase -
his material was regulated
only because it was a
HAZ. SUB. MEETING THE
RQ - When empty no longer
meets RQ. He also
wants us to state in
response whether any
rulemaking has changed
placarding/markings to now
require plac/markings in a situation
such as this - also wants in
for whether residue placard still
applies. JOAN



Ohio State Highway Patrol
Office of Licensing and Commercial Standards
Post Office Box 182074
Columbus, Ohio 43218-2074
JACKSON HQ PHONE: 740-286-4141

DRIVER VEHICLE INSPECTION REPORT
Report #: OHLH302544
Date: 03/28/02
Time Started: 18:05
Time Ended: 19:32
Insp. Level: 1 (Full Inspection)

PLUNDH TREE EXPERT CO
8 BLAIR MILL ROAD
MILLOW GROVE, PA 19090
C #:
Phone #: 1-800-248-8733

DOT #: 101328
Fax #:

Driver: STARETT, CHARLES T
License #: E209360
DOB: 06/24/63
State #: WV
Cargo: HAZMAT (RESIDUE)

State: WV

Location: ROSS CO. (CHILlicoTHE) SCALES
Highway: 23
Upper:

Mile Post: MP 14
County: ROSS

Origin: COLUMBUS/OH
Destination: HUNTINGTON/WV
Shipping Paper #:

VEHICLE IDENTIFICATION

Unit	Type	Make	Yr	Company
1	TR	FORD	92	3992104

License # a18775
State MS

CVSA #

HAZARDOUS MATERIALS
HM Code/Class 9 Miscellaneous HM
Qty N
Wgt N

WHEEL ADJUSTMENTS

Wheel #	1	2	3
Light	1 1/2	1	1 1/2
Offset	1 3/4	1	1 1/2
Hubbner	C-16	C-20	C-30

VIOLATIONS

Violation Code	St	Unit	OOS	Citation #	Verify	Violations Discovered
72.302		1	Y		A	Marking requirements bulk packagings-No markings on tank at time of insp. Residue of Class 9 domestic shipment. Ref. 172.504(f) (9)
(72.504(a))		1	Y		U	Vehicle not placarded as required-No Class 9 placards found at time of inspection. As required as of Oct 1 2001.

Consignee: C Interstate Shipment: N For-Hire Carrier: N SSN: [REDACTED] Drvr Street Address: 605 30TH ST.
Drvr City: HUNTINGTON Drvr State: WV Drvr ZIP: 25702 Seal Broken for Inspection: N Original Seal No.:
Replacement Seal No.: HM Incident/Accident: N Placards Displayed: N Placards offered by shipper: N
Ship. docs. prep by carrier: Y Ship. docs. prep. by shipper: N Loaded by Shipper: N Loaded by carrier: N
Tank Spec. No.: NONE HazClass A: 9 ID No. A: 3082 Gross Wt. A: RESIDUE. Haz Class B: ID No. B:
Gross Wt B: Haz Class C: ID No. C: Gross Wt C: Haz Class D: ID No. D: Gross Wt D:
Haz Class E: ID No. E: Gross Wt. E: Photos Taken: N Photo Ref No: Supplemental Report: N
Paper Rpt Number:

I hereby declare the vehicle(s) so marked above to be OUT OF SERVICE. No person shall remove the OUT OF SERVICE stickers applied to this vehicle, if any, nor operate such vehicle until the out of service defects have been repaired and the vehicle(s) restored to safe operating condition. POSSIBLE \$1,000 PENALTY (\$10,000 IF HAULING HAZMAT)

NOTE TO DRIVER/MECHANIC: This report must be furnished WITHIN 24 HOURS to the motor carrier whose name appears at the top of this report. NOTE TO MOTOR CARRIERS: Sign the certification below and the one on the back of this form, and return this report to the address which appears on the other side of this report within 15 days.

Signature of Repairer: X _____

Facility: _____

Date: _____

CARRIER CERTIFICATION: [This certification and the one on the back of this form MUST BE SIGNED by the motor carrier and RETURNED WITHIN 15 DAYS if any mechanical violations are listed above.] "The undersigned certifies that all mechanical violations listed 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."

Signature of Carrier Official: X _____

Date: _____

Report Prepared By:
LESTER A.P.

Badge #:
3269

Conv Received By:
CHARLES T STARETT
X Charles T Starett

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