

Mar 17, 2003

Mr. Robert Gomez  
Hazardous Waste-Transportation Oversight Unit  
Department of Environmental Protection  
State of New Jersey  
P.O. Box 407  
Trenton, New Jersey 08625-0407

Reference No. 02-0227

Dear Mr. Gomez:

This responds to your August 26, 2002 letter requesting clarification on segregation requirements under § 177.848(e)(3) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked whether Class 8, Class 3, and Division 4.1 material may be loaded on the same transport vehicle under § 177.848(e)(3) of the HMR.

According to your letter a violation was issued to a hazardous waste carrier citing requirements in § 177.848(d) for transporting and storing one container of Class 8 hazardous waste adjacent two containers of Division 4.1 hazardous waste and several containers of Class 3 materials. The carrier responded to the violation stating that the constituents of the Class 8 and Class 4 materials would not react if commingled; therefore, they are in compliance with the segregation requirements in § 177.848(e)(3).

A representative from our Hazardous Materials Information Center (HMIC) advised you that the exception in § 177.848(e)(3) applies only when the shipper loads the truck and when a truckload shipment of Class 4, 5, and 8 materials are the only hazard classes on the truck. Therefore, you are requesting written clarification on § 177.848(e)(3) regarding truckload shipments and Class 4, 5, and 8 material, and how it applies when the shipment also contains a Class 3 hazardous waste.

Section 177.848(e)(3) states that Class 8 liquids may not be loaded above or adjacent to Division 4.1 or Class 5 materials. Section 177.848(e)(3) also states that shippers may load truckload shipments of such materials together when it is known that the mixture of contents would not cause a fire or a dangerous evolution of heat or gas. The term truckload as used in this section means a shipment of hazardous materials loaded into a transport vehicle by a single shipper. Shipments of hazardous materials offered to a carrier by different shippers and loaded into a transport vehicle are not considered to be a truckload. Therefore, a carrier that receives Division 4.1 and Class 8 materials from different shippers must segregate the materials in accordance with § 177.848(d). An acceptable loading plan under the HMR, would include separating the Class 8 and Division 5.1 materials by using Division 4.1 and Class 3 packaged materials between them for separation and segregation. This would also ensure that the Division 5.1 and Class 3 materials remained separated from each other as required by § 177.848.

I hope this further clarifies requirements in § 177.848(e)(3) and answers your inquiry.

Sincerely,

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

177.848