



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

JAN 29 2007

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Ms. Jennifer Eberle  
Manager, Transportation Compliance  
Veolia Environmental Services  
Technical Solutions, L.L.C.  
1 Eden Lane  
Flanders, NJ 07836

Ref. No. 07-0229

Dear Ms. Eberle:

This responds to your letter regarding the use of overpacks for hazardous wastes under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for guidance in how to describe 10 fiberboard drums on a shipping paper when the drums are “overpacked” on a pallet and secured with shrink-wrap. Your various scenarios are paraphrased and answered as follows:

S1. Would it be a violation of the HMR to indicate the number and type of packages on a shipping paper, as required in § 172.202(a)(6), as “1 pallet”?

A1. Yes. The number and type of stand-alone packages must be indicated (e.g., “10 fiberboard drums”) on a shipping paper in any appropriate manner either before or after the basic description required by the HMR.

S2. Would it be a violation of the HMR to indicate the number and type of packages on a shipping paper, as required in § 172.202(a)(6), as “1 pallet” or “overpack” if the actual stand-alone packages were described elsewhere on the shipping paper?

A2. No. As specified in § 172.202(c), the number and type of stand-alone packages must be indicated (e.g., “10 fiberboard drums”) on a shipping paper in any appropriate manner either before or after the basic description required by the HMR. Note also that annotating “1 pallet” or “overpack” in block 10 (No. and Type Containers) of a Uniform Hazardous Waste Manifest may cause confusion; this information would more appropriately be annotated in block 14 (Special Handling Instructions and Additional Information).

S3. Would it be a violation of the HMR to indicate the number and type of stand-alone packages on a shipping paper, as required in § 172.202(a)(6), as “10 fiberboard drums” if the words “1 pallet” or “overpack” were indicated elsewhere on the shipping paper or Uniform Hazardous Waste Manifest?

A3. No. Assuming all other documentation requirements are satisfied, this would be the preferred method of indicating an overpack on a shipping paper or Uniform Hazardous Waste Manifest.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hattie L. Mitchell', with a large, sweeping flourish extending to the right.

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



Stevens  
§ 172.202(a)(6)  
Shipping Papers  
07-0229

November 30, 2007

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
12 New Jersey Avenue, SE East Building, 2<sup>nd</sup> Floor  
Washington, DC 20590

Dear Mr. Mazzullo,

Please accept this letter as a request for a formal interpretation from your office. Veolia wishes to receive written clarification related to the HM-215E revision to §172.202(a)(6) as it applies to overpacks.

In accordance with the amended requirements of §172.202(a)(6), it is now mandatory for shippers to include the number and types of packages being used to transport hazardous materials on the shipping paper for all modes of transportation.

Veolia is a hazardous waste management company and utilizes the EPA Hazardous Waste Manifest as the shipping paper for its hazardous materials shipments. It is our understanding that an overpack is not a "package" as defined in §171.8 and therefore it is the total number of packages contained within the overpack that is required to be indicated on the shipping paper to comply with §172.202(a)(6).

Specifically, Veolia is looking to receive clarification as to the proper method used to indicate the number and types of packages in compliance with §172.202(a)(6) when shipping overpacks.

**[NOTE: Please see the attached example of a shipping paper as it relates to the questions below. For all 3 questions, the packaging is 10 fiberboard drums (DF) secured to a single pallet with shrink-wrap (overpack - CF).]**

1. Is it compliant to indicate the type of overpack being used as the type of package required under §172.202(a)(6) without any further clarification of the number and types of packages contained within the overpack? See line item 1 on the attached sample shipping paper for example.
2. Is it compliant to satisfy §172.202(a)(6) by indicating the type of overpack as the type of package with further clarification of the number and types of packages contained within the overpack elsewhere on the shipping paper? See line item 2 on the attached sample shipping paper noting additional information identified in section 14 of the hazardous waste manifest.
3. Is it compliant to indicate the number and types of packages contained within an overpack as the number and type of packages required under §172.202(a)(6) with additional information to clarify that an overpack was used elsewhere on the shipping paper? See line item 3 on the attached sample shipping paper noting additional information in section 14 to indicate that an overpack was used for all packages.



Your written response to this question is greatly appreciated. If you require any further information regarding this letter please contact me at 973-448-4209 or [jennifer.eberle@veoliaes.com](mailto:jennifer.eberle@veoliaes.com).

Thank you,

A handwritten signature in black ink that reads "Jennifer Eberle".

Jennifer Eberle  
Manager, Transportation Compliance