



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAY 19 2016

Tony Cubbedge
Environmental Division Manager
St. Johns County Utility Department
1205 SR 16
St. Augustine, FL 32084

Ref. No.: 16-0019

Dear Mr. Cubbedge:

This letter is in response to your February 2, 2016, email requesting the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transportation of sanitary sewage and sewage sludge. In your email, you state that you are looking to hire contract hauling for the transportation of sanitary sewage and sewage sludge from one wastewater plant to another for further processing. You note that one of your potential contractors is concerned these materials could be classified as a hazardous material under the infectious substance definition. Specifically, you ask whether sanitary sewage and sewage sludge are regulated as a Division 6.2 infectious substance under the HMR.

The answer is no. As provided in § 173.134(b)(13)(ii) and (iii), any waste or recyclable material other than regulated medical waste, including sanitary waste or sewage and sewage sludge or compost, are not subject to the requirements of the HMR as Division 6.2 materials.

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

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Nickels
§173.134(b)13
Exceptions
16-0019

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Tuesday, February 02, 2016 3:36 PM
To: Hazmat Interps
Subject: FW: Sludge hauling

Dear Shante and Alice,

Forwarded is a request for formal letter of interpretation. Mr. Cubbedge spoke with Jordan.

Thanks,
Shelby

From: Tony W. Cubbedge [<mailto:twcubbedge@sjcfl.us>]
Sent: Tuesday, February 02, 2016 7:25 AM
To: Rivera, Jordan CTR (PHMSA)
Cc: Bubba Solana
Subject: RE: Sludge hauling

Thank you Jordan,

After reviewing 49 CFR 173.134 (b) 13, it appears that sanitary sewage and sewage sludge is exempt. Can you please confirm?

This is not an area of expertise I possess, but it appears to be a rather straight forward exception provided by this part of the rule. Thank you for this clarification,

Tony Cubbedge, MS, PWS
Environmental Division Manager
St. Johns County Utility Department
1205 SR 16
St. Augustine, FL 32084
(904) 209-2620

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the St. Johns County Board of County Commissioners and employees regarding public business are public records available to the public and media through a request. Your e-mail communications may be subject to public disclosure.

From: jordan.rivera.ctr@dot.gov [<mailto:jordan.rivera.ctr@dot.gov>]
Sent: Monday, January 25, 2016 4:32 PM
To: Tony W. Cubbedge
Subject: RE: Sludge hauling

Dear Tony,

We have received your inquiry about the hazardous materials regulations (HMR) (49 CFR Parts 171-180). Please note that this response from the Hazardous Materials Information Center and its regulatory specialists is considered informal.

The HMR prescribes the requirements of the Department of Transportation governing the offering and transportation of hazardous materials in interstate, intrastate, and foreign commerce by rail car, aircraft, motor vehicle, and vessel. While

we cannot provide an exhaustive list of each applicable requirement, we suggest you review section 173.134(a) and (b) for additional information on classification of an infectious substance and exceptions. The hazardous materials regulations are available at the following URL:

<http://phmsa.dot.gov/regulations>

Additionally, you may wish to review the following Infectious Substance Guidance Document at the following URL:

<http://phmsa.dot.gov/vgn-ext-templating/v/index.jsp?vgnextoid=be0d5f29a45b3110VgnVCM1000009ed07898RCRD&vgnnextchannel=4f347fd9b896b110VgnVCM1000009ed07898RCRD&vgnnextfmt=print>

If you require further assistance, you may contact the Hazardous Materials Information Center by phone expected to resume Tuesday January 26, 2016 at 9:00 AM EST.

The HMIC is staffed with regulatory specialists who can quickly answer your questions by phone, Monday through Friday, 9 AM - 5 PM EST at 1(800) 467-4922 or +1 (202) 366-4488.

Sincerely,

Jordan, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

From: Tony W. Cubbedge [mailto:twcubbedge@sjcfl.us]
Sent: Monday, January 25, 2016 9:47 AM
To: INFOCNTR (PHMSA)
Cc: Bubba Solana
Subject: Sludge hauling

Can you please direct me to a contact to assist with this inquiry?

We are looking at contract hauling of our sludge from one wastewater plant to another for further processing. One of our contractors was concerned this would be classified a hazardous material under the infectious substance definition. It appears that sludge is exempt (see attached sheet). Can I please get clarification on this? Thank you,

Tony Cubbedge, MS, PWS
Environmental Division Manager
St. Johns County Utility Department
1205 SR 16
St. Augustine, FL 32084
(904) 209-2620

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the St. Johns County Board of County Commissioners and employees regarding public business are public records available to the public and media through a request. Your e-mail communications may be subject to public disclosure.