



## Hazardous Waste Transporters

Office of Land Quality

(317) 232-8603 • (800) 451-6027

[www.idem.IN.gov](http://www.idem.IN.gov)

100 N. Senate Ave., Indianapolis, IN 46204

### Hazardous Waste Transporters

#### Definition

Subtitle C of the [Resource Conservation and Recovery Act](#) (RCRA) defines a hazardous waste transporter as any person engaged in the off-site transportation of the hazardous waste within the United States. Off-site transportation of hazardous waste includes shipments from a hazardous waste generator's facility or property to another facility for treatment, storage, or disposal.

Transporter regulations do not apply to the on-site transportation of hazardous waste within a facility's property or boundary. Examples of on-site transportation include both:

- Generators and Treatment/Storage/Disposal Facilities (TSDFs) transporting waste within their facilities, or on their own property, and
- Transportation among geographically contiguous properties, even if the properties are separated by a public road.

#### Requirements for Transporters (40 CFR 263)

- Obtain a U.S. Environmental Protection Agency (U.S. EPA) ID number,
- Comply with the manifest requirements,
- Respond properly to hazardous waste discharges,
- Comply with all applicable U.S. Department of Transportation (U.S. DOT) regulations.
- Properly label hazardous waste,
- Properly placard transportation vehicles.

The U.S. DOT regulations for hazardous waste transportation is at [49 CFR 171.3](#). To obtain information on regulations governing the packaging, labeling, placarding, and transportation of hazardous materials or hazardous waste, refer to the U.S. DOT Federal Motor Carrier Safety Administration's [How to Comply with Federal Hazardous Materials Regulations](#). You can also contact U.S. DOT at (202) 366-4000 or the [Indiana State Police's Commercial Vehicle Enforcement Division](#) at (317) 615-7373.

[U.S. DOT regulations](#) specify which containers, packaging, labels, and placards must be used for shipping hazardous materials. The hazardous waste regulations require SQGs and LQGs and universal waste handlers to have the appropriate placards available for the transporter.

### Hazardous Material Transporters

#### Definition:

The U.S. DOT defines a hazardous material as a substance or material that is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, which includes hazardous waste. Hazardous materials may pose varying degrees of risk in transportation, depending on the type of substance.

**Classification:**

Hazardous materials may be classified as any of the following: explosives, gases, flammable liquids, flammable solids, oxidizing substances, poisonous substances, radioactive material, corrosives, miscellaneous goods, and other regulated materials. A table of hazardous material classes and an index to class definitions are included in [49 CFR 173.2](#). Another table in [49 CFR 172.101](#) is more detailed and lists proper shipping names and class/division numbers, and provides guidance for the packaging and handling of specific hazardous materials.

**Requirements:**

Transporters must comply with marking, labeling, placarding, and shipping paper requirements. [40 CFR Part 262](#) requires [manifests](#) for transporting hazardous waste.

U.S. EPA has expressly adopted certain regulations from U.S. DOT by governing the transportation of hazardous materials. These regulations include:

- [49 CFR 172.101 \(hazardous materials table\)](#)
- [49 CFR 172.200 \(shipping papers\)](#)
- [49 CFR 172.300 \(marking\)](#)
- [49 CFR 172.400 \(labeling\)](#)
- [49 CFR 172.500 \(placarding\)](#)
- [49 CFR 172.600 \(emergency response information\)](#)
- [49 CFR 172.700 \(training requirements\)](#)
- [49 CFR 172.800 \(safety and security plans\)](#)
- [49 CFR 173 \(general shipping and packaging requirements\)](#)

According to these regulations:

- Wastes must be segregated and classified according to the applicable U.S. DOT hazard class.
- Waste chemicals must be packaged according to U.S. DOT guidelines as specified in [49 CFR 173.3](#) and [173.12](#).
- Unknown or unlabeled wastes must be identified in order to classify and package the waste according to the appropriate hazard class.
- Waste must be transported on properly licensed and placarded vehicles according to the appropriate hazard class.
- Waste must be disposed of or recycled at a Resource Conservation and Recovery Act-approved facility.

**Labeling, marking placarding, and loading/unloading Hazardous Waste Shipment**

Hazardous waste must be:

- Shipped in containers acceptable for transportation.
- Properly labeled.

Each container must have:

- The hazardous waste number identifying the waste
- Have the following statement: "Hazardous Waste – Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency."
- The headings "Generator Name and Address" and "Manifest Document Number," with that information provided. This label and others are available from commercial firms including mail order companies. Properly labeled

- containers also include:
- Proper labels;
    - Labels clearly identifying the type of waste and its hazards in that particular container along with the accumulation date.
  - Appropriate U.S. DOT labels for characteristics, such as flammable and corrosive.

### **Labeling of Containers**

A label is a prescribed hazard warning notice that is applied to the outside of shipping containers of hazardous materials. Labels identify the primary and subsidiary hazards specific to materials, and may give information about handling precautions and prohibitions as well.

General labeling requirements are contained in [49 CFR 172, Subpart E](#). A table that identifies proper labeling specifications for each hazardous material class and division is in [49 CFR 172.400](#). Other sections in Subpart E address authorized label modifications, label placement, and specifications. 49 CFR 172, Subpart E provides a separate section for each authorized label and gives a description and an example of the label.

### **Labeling Universal Waste for Shipment**

Universal waste must be properly labeled and packaged prior to shipment. For example, there are specific requirements for proper packaging and separation requirements for shipping certain batteries. If the universal waste is a hazardous material under U.S. DOT regulations, then that waste has to be packaged, labeled, marked, and placarded according to the requirements under [49 CFR 172-180](#).

### **Marking of Containers**

Markings are placed directly on the outer packaging of hazardous materials to identify the contents inside. The marking will provide a descriptive name, identification number, specifications, plus any required instructions and/or cautions.

The provisions for marking packages are contained in [49 CFR 172, Subpart D](#). The basic marking requirement consists of the proper shipping name (e.g., Ethyl Alcohol) and the identification number of the hazardous material contained in the package. This information is provided in the Hazardous Materials Table contained in [49 CFR 172.101](#).

Depending on the material, there may be additional marking requirements. Empty container exceptions, as well as information on authorized abbreviations; bulk packaging; liquid hazardous materials; and marking requirements for explosives, poisonous, and other regulated materials can all be found in [49 CFR 172, Subpart D](#).

### **Placarding of Carrier's Vehicle**

Placards are displayed on each end and each side of a carrier and are used to communicate the hazard to industry personnel, the general public, and first responders. Unless the regulations tell you differently, each person who offers or transports a regulated hazardous material must comply with the placarding requirements.

When evaluating placarding requirements you should be familiar with two classification tables, referred to as Table 1 and Table 2, located in [49 CFR 172.504](#). These tables identify when a carrier must be placarded. Except for bulk packaging and hazardous materials subject to [49 CFR 172.505](#), when hazardous materials covered by Table 2 are transported by highway or rail, a placard is not required if the aggregate gross weight does not exceed 1,000 pounds.

Bulk packaging is defined as a single container with:

- Capacity greater than 119 gallons as a receptacle for a liquid
- A net mass greater than 882 pounds and a capacity greater than 119 gallons as a receptacle for a solid
- A water capacity greater than 1,000 pounds as a receptacle for a gas

Bulk packaging containing hazardous materials must be placarded as specified in [49 CFR 172.504](#) and

[172.505](#) and must remain placarded when emptied unless sufficiently cleaned and purged or refilled with a nonhazardous material such that any residue is no longer hazardous.

If the material has a subsidiary hazard described in [49 CFR 172.505](#), it must be placarded accordingly. Subsidiary hazards that require a placard include:

- Poison inhalation hazards
- Dangerous when wet
- Radioactive materials with a corrosive subsidiary
- All other subsidiary hazards may be placarded, but it is not required.

Except for hazardous materials subject to [49 CFR 172.505](#), a non-bulk packaging that contains only the residue of a hazardous material covered by Table 2 need not be included in determining placarding requirements.

Additional information on placard applicability, placement, specifications, and other requirements can be found in [49 CFR 172, Subpart F](#).

### **Loading and Unloading – Compatibility and Packaging of Hazardous Materials**

Regulations pertaining to the loading and unloading of hazardous materials to and from a motor carrier are contained in [49 CFR 177, Subpart B](#). These regulations identify the general unloading and loading regulations that apply to all hazardous materials transportation and specific regulations that pertain to the unloading and loading of a particular class or division of hazardous material.

### **Importing and Exporting Hazardous Waste and Transporters**

The regulations governing imports and exports of hazardous waste are primarily found in [40 CFR part 262, subpart H](#), the section for hazardous waste generators. However, transporters are required to comply with these regulations if they import hazardous waste into the United States.

There are some additional export requirements for transporters found in [40 CFR section 263.20](#). Transporters who transport hazardous waste out of the United States must:

- Sign and date the manifest in the International Shipments block to indicate the date that the shipment left the United States;
- Retain one copy in accordance with [40 CFR section 263.22\(d\)](#);
- Return a signed copy of the manifest to the generator; and
- Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

## **Commercial Vehicle Enforcement**

The [Commercial Vehicle Enforcement Division](#) of the Indiana State Police enforces the hazardous material regulations contained in 49 CFR, Parts 107, 171-178, and 180. This agency routinely inspects hazardous shipments to ensure that they are following U.S. DOT regulations. Inspections include reviewing shipping paperwork, placarding, labeling, and marking of packages; correct specification packaging; whether cargo is secure; package integrity; load compatibility; and all safety requirements of the Federal Motor Carrier Safety Administration.

## **Liability of Improper Shipments of Hazardous Materials**

Compliance with the hazardous materials regulations is the responsibility of both the shipper and carrier. General shipper responsibilities are contained in 49 CFR Part 173. In many cases, shipper and carrier responsibilities overlap. Although both the shipper and the carrier can perform the task, the carrier is ultimately liable. 49 CFR Part 387 establishes the insurance requirements for vehicles transporting certain amounts of hazardous materials. Both Indiana and federal law require the carrier to maintain proof of financial responsibility on the federal form: Endorsement for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980.

Additionally, both carriers and shippers must properly train their employees, as required in 49 CFR 172.

The Emergency Response Guidebook (ERG) is a reference guide that identifies the proper response procedures that should be taken in the event of a hazardous materials spill or accident. It also lists specific and generic hazards associated with a particular material.

The 2012 guidebook and a mobile application for cell phones can be downloaded for free at

<https://www.phmsa.dot.gov/hazmat/erg/emergency-response-guidebook-erg>

Hard copies may be purchased through the U.S. Government Printing Office bookstore and commercial suppliers, which are accessible via the above website.

Because the information in the ERG is so tightly focused on transportation of hazardous materials, it may not be suitable for other applications. A better resource is WISER (Wireless Information System for Emergency Responders). Developed by the National Library of Medicine, WISER is a system designed to assist emergency responders in hazardous material incidents. It provides a wide range of information on hazardous substances, including substance identification support, physical characteristics, human health information, and containment and suppression guidance. It contains the ERG in health information, and containment and suppression guidance. It contains the ERG in health information, and containment and suppression guidance. Depending on the material being transported, there may be additional requirements, which are contained in [49 CFR 172, Subpart C](#). In addition, the Federal Hazardous Materials Transportation Law requires that shipping papers (in paper or electronic form) be retained by the shipper (generator) for three years from the date the waste was accepted by the initial carrier. Each retained copy must bear all required signatures and dates up to and including those entered by the next person who received the waste.

## **For More Information**

### **Environmental Emergencies**

IDEM's 24-Hour Emergency Spill Line

(317) 233-7745 or (888) 233-7745 (toll free nationwide)

<https://www.in.gov/idem/cleanups/investigation-and-cleanup-programs/emergency-response/>

### **Fire and Building Safety**

Indiana Department of Homeland Security

*Division of Fire and Building*

Safety Plan Review Staff (317)

232-6422

[www.IN.gov/dhs/index.htm](http://www.IN.gov/dhs/index.htm)

**Indiana State Police**

*Commercial Vehicle Enforcement Division*

(317) 615-7373

[www.isp.IN.gov/2557.htm](http://www.isp.IN.gov/2557.htm)

**IDEM – Office of Land Quality**

*Compliance & Response Branch*

(317) 232-8603; or (800) 451-6027

**U.S. Environmental Protection Agency**

Wastes

[www.epa.gov/osw](http://www.epa.gov/osw)

Spill Response

National Response Center (800)

424-8802