

Requirements for Transporting Waste to a Very Small Quantity Generator Collection Program

Waste/Hazardous waste #2.53 • May 2011

In Minnesota, Very Small Quantity Generators of hazardous waste (VSQG) are allowed to transport their own hazardous waste to a VSQG Collection Program (Program). Government owned and operated Programs may also pick up hazardous waste from generators and transport it to their Program site under certain circumstances. This fact sheet provides guidance to VSQGs preparing to transport their own waste and to Programs directing or assisting VSQG customers with transportation requirements.

Note 1: Commercially owned or operated Programs may not transport hazardous waste under the exemptions discussed in this fact sheet. Rather, they must comply with requirements applicable to commercial hazardous waste transporters.

Note 2: A Program may not be listed as a destination facility on a uniform hazardous waste manifest.

Acronyms and abbreviations

CFR	Code of Federal Regulations
DOT	Department of Transportation
EPA	U.S. Environmental Protection Agency
HMR	Hazardous Materials Regulations
MOT	Materials of trade
MPCA	Minnesota Pollution Control Agency
MSDS	Material Safety Data Sheet
PHMSA	(DOT) Pipeline and Hazardous Materials Safety Administration
Rules	Minnesota Hazardous Waste Rules
VSQG	Very Small Quantity Generator (hazardous waste)

Regulations for transporting hazardous waste

Two sets of regulations affect transportation of hazardous waste in Minnesota:

1. The Minnesota Hazardous Waste Rules (Rules), Chapter 7045, administered by the Minnesota Pollution Control Agency (MPCA), available on the Office of the Revisor of Statute's website at <http://www.revisor.leg.state.mn.us/rules/?id=7045>.
2. The Hazardous Materials Regulations (HMR), Code of Federal Regulations (CFR), Chapter 49, Parts 100-185, administered by the U.S. Department of Transportation (DOT), available on the U.S. Government Printing Office's FDSys website at <http://www.gpo.gov/fdsys> (select Browse Collections > Code of Federal Regulations)

While the Rules apply only to hazardous waste in Minnesota, the HMR regulates the transport of all hazardous materials nationwide, of which hazardous wastes are a subset.

Hazardous waste transport requirements

Except for a government entity acting 'not in commerce' (see page 8), anyone transporting hazardous materials, including hazardous wastes, to a Program must ensure they meet all of the following requirements, which are listed on the next page and then discussed in detail.

1. **Verify** your eligibility to send hazardous waste to a Program.
2. **Train** employees to perform all tasks related to hazardous material handling (see Classify through Segregate and secure below); document this training.
3. **Classify** the hazardous materials under the HMR.
4. **Package** the hazardous material in authorized packaging.
5. **Mark and label** the packages correctly.
6. **Prepare** a shipping paper for the packages.
7. **Carry** emergency response information
8. **Placard** the transport vehicle, if required for the hazardous material being transported.
9. **Segregate and secure** the packages in the transport vehicle.

Note: Since many Programs provide technical assistance to VSQG customers, the MPCA recommends that Programs ensure Program employees meet the training requirements as well. When Programs use a commercial transporter to ship consolidated waste, they, as the *offeror* of the shipment, must then meet these requirements. This is true whether the transporter is engaged through the Minnesota State Contract or independently.

If your waste will be picked up and transported by a government-owned and -operated Program, you may not be required to meet these requirements; however, the MPCA still encourages you to implement these standards to protect your employees and the environment.

1. Verify your eligibility to send hazardous waste to a Program

In Minnesota, only VSQGs may send hazardous waste to a Program. To qualify for VSQG classification, you must meet both of these requirements:

- generate 220 pounds (100 kilograms) or less of hazardous waste in a month – roughly half a 55-gallon drum
- generate 2.2 pounds (1 kilogram) or less of acute hazardous waste in a month.

Remember that hazardous waste generator size is based on the amount generated each month – not the average amount. For more information on generator size, see MPCA hazardous waste fact sheet #1.01, [Step 1: Evaluate Waste; Determine Generator Size](#), available on the MPCA's website at: <http://www.pca.state.mn.us/publications/w-hw1-01.pdf>.

Currently, a generator of any size may ship universal wastes – fluorescent lamps, mercury-containing devices, batteries, and certain pesticides – to a Program. Just like with any waste, you must get pre-approval from the Program before taking universal waste there.

2. Train your employees; document the training

HMR requires that all employees who do any of the tasks related to hazardous waste shipment, including those who only prepare shipping documents, must be trained in that specific task and related safety skills. You must:

- document that the employee received the training
- test the employee in the trained skills
- certify that the employee can correctly perform the skills

Note: reviewing this fact sheet will not meet the HMR training standards.

For more information regarding HMR-required training, see the DOT's [Pipeline and Hazardous Materials Safety Administration](#) (PHMSA) webpage at <http://www.phmsa.dot.gov/>.

The Minnesota Department of Transportation (Mn/DOT) has free hazardous materials training resources on its website to help you meet HMR training requirements. See <http://www.dot.state.mn.us/cvo/hazmatElearning/index.html>.

3. Classify the hazardous materials under the HMR

For each hazardous waste you will be shipping to a Program, you must determine each of the items below. Together, these items make up the proper shipping description that you use to prepare the shipping paper and select appropriate packaging, marking, and labeling for the waste.

To classify a hazardous material and assign the correct shipping description, you must determine its:

- DOT Shipping Name
- DOT Hazard Class or Division
- DOT Packing Group
- United Nations or North American hazardous material identification number (this is not its Hazardous Waste Code)
- Any appropriate technical names for the hazardous material
- Any reportable quantity references for the hazardous material

Use all information about the waste that is available, including:

- information gathered or developed while evaluating the waste
- technical information, such as the Material Safety Data Sheet (MSDS) for the product that became waste
- applicable hazardous waste codes
- any unique knowledge you have about the waste

4. Put the hazardous material in an authorized package

A *package* is the container used to ship the hazardous material and its contents. You may use the container in which you accumulate a hazardous waste as the *package* for transporting if it meets HMR packaging requirements. You may not transport or offer for transport any hazardous materials package that does not meet HMR requirements.

Each hazardous materials package must be:

- Authorized for the specific hazardous material it will contain by the Hazardous Material Table and Special Provisions in the HMR (see 49 CFR 172.101-102)
- In good condition, undamaged and compatible with the hazardous material it contains
- Filled only to the volume appropriate for the container
- Closed with a leak-proof and secure closure that conforms to the package specifications
- Free from any hazardous residue on the outside of the package

Sometimes you may generate small amounts of separate but similar wastes. You may choose to package compatible wastes together in a *lab pack*. A lab pack is a container that holds several inner packages of compatible materials.

Note: Some materials – several poisons and strong acids – may not be shipped in a lab pack (see 49 CFR 173.12 (b)).

If you choose to use a lab pack to ship your waste, you must ensure that each lab pack container:

- Holds inner packages that do not exceed 4 liters, if glass, or 20 liters, if metal or plastic
- Holds only hazardous materials with the same Hazard Class
- Includes cushioning material to control movement of the inner packages during transport and enough chemically-compatible absorbent material to soak up the total liquid contents of all the inner packages
- Is in good condition, undamaged and compatible with the hazardous materials in the inner packages
- Is packed with the inner packages upright

- Is closed with a leak-proof and secure closure that conforms to the package specifications
- Is marked and labeled as required for all hazardous materials packages
- Is a United Nations standard package (see performance and testing standards in 49 CFR 173.12 (b))
- Does not exceed 205 kilograms (452 pounds) gross weight

5. Mark and label the packages correctly

You must correctly mark and label each hazardous materials package you ship to a Program. HMR marking requirements for shipping are more detailed than the hazardous waste markings used while accumulating a hazardous waste at your site. For guidance regarding container marking during on-site accumulation of hazardous waste under the Rules, see MPCA hazardous waste fact sheet #1.04/1.05, [Steps 4&5: Label and Store Hazardous Waste](http://www.pca.state.mn.us/publications/w-hw1-04-05.pdf) at <http://www.pca.state.mn.us/publications/w-hw1-04-05.pdf>.

When marking a package, use a color that stands out against the package color. Separate the marking from any other printing or advertisement on the package. Clearly mark with:

- DOT shipping name
- Chemical or technical and recognized names in parentheses for any material with a generic shipping name (such as for Flammable liquids, N.O.S.)
- DOT Hazardous Class or Division
- United Nations or North American hazardous material identification number (e.g.: UN1263)
- Generator name and address
- Orientation arrows for liquids in non-bulk combination packages
- Any additional markings required for specific materials (such as “Inhalation Hazard” for poison inhalation hazard materials, or “RQ” for hazardous substances that are present in an amount exceeding their reportable quantity (RQ))

Label each package with the DOT hazard label that indicates the material’s Hazard Class or Division (see column six of the Hazardous Material Table and Special Provisions in the HMR – 49 CFR 172.101-102). Ensure each label is:

- The correct label(s) assigned by the Table
- Visible and representative of each hazardous material in the package
- Placed within six inches of other DOT labels and required markings
- Durable, readable and in English
- Not obscured by other labels or attachments

For reference and illustrations of hazardous materials labels and markings, see *DOT Chart 14: Hazardous Materials Marking, Labeling, and Placarding Guide* on the [PHMSA webpage](http://www.phmsa.dot.gov/) at <http://www.phmsa.dot.gov/>.

6. Prepare a shipping paper for the packages

You must prepare a *shipping paper* instead of a hazardous waste manifest to accompany each shipment of hazardous waste that you transport to a Program. Even if a government-owned and -operated Program picks up and transports your waste, the Program may require, as part of their standard operating procedures, that you prepare a shipping paper.

Ensure that your shipping paper is available immediately for inspection whenever your waste is in transport. Keep a copy of your shipping paper on site for three years after the date of shipment.

For each hazardous material you transport, your shipping paper must include all of the following information. The first four items together are known as the *basic description* and must be in the order presented below:

1. United Nations (UN) or North American (NA) hazardous material identification number
2. DOT Shipping Name
3. DOT Hazard Class or Division (For materials having subsidiary hazards, the subsidiary hazard class or division must also be entered, following in parenthesis – for example, UN2790, acetic acid, glacial 8 (3))
4. DOT Packing Group
5. Chemical or technical and recognized names in parentheses for any material with a generic shipping name (such as for Flammable liquids, N.O.S.)
6. Type and count of packages
7. Total quantity of the hazardous material by weight or volume and the unit of measure used (e.g., 20 gallons)

In addition, the shipping paper must include:

- An emergency response telephone number clearly identified as *Emergency Contact Telephone Number*. This is the number that first responders, such as firefighters, should call in case of an emergency involving your waste shipment for specific information regarding your waste.

The number must be for a telephone that is monitored continuously and can be reached at any time the waste is in transit. It must contact someone who is knowledgeable of the hazardous waste and has comprehensive, product specific, emergency response and incident mitigation information for the wastes, or has immediate access to a person with such knowledge and information. Providing only the information already contained in the DOT Emergency Response Guidebook is insufficient. Do not list '9-1-1' or the Minnesota Duty Officer reporting number.

- One of the following two certification statements, signed by the generator:
 1. “This is to certify that the herein-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.”
 2. “I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.”
- Shipment date
- Any additional information required by the HMR for a specific hazardous material. For additional guidance regarding shipping papers and additional information that may be required, see DOT Publication #PHH50-0086-1206, 'Guide for Preparing Shipping Papers', available on the [PHMSA webpage](http://www.phmsa.dot.gov) at <http://www.phmsa.dot.gov>.

You may find an example of a hazardous materials shipping paper used when transporting to a Program in MPCA hazardous waste fact sheet #2.53b, [Example Shipping Paper for VSQGs Transporting to a VSQG Collection Program](http://www.pca.state.mn.us/publications/w-hw2-53b.doc), at <http://www.pca.state.mn.us/publications/w-hw2-53b.doc>.

7. Carry emergency response information

You must carry with you emergency response information for each hazardous material you are shipping. The information must be either attached to the shipping paper, or provided in a separate document that accompanies the shipping paper. This requirement is separate from the emergency telephone number discussed above; **you must meet both requirements.**

Emergency response information usually is given on a product's MSDS or in an emergency response guidebook. The information must include at least:

- A basic description of the hazardous material
- The material's immediate health hazards
- The risk associated with fire or explosion of the material
- The precautions to be taken immediately in the event of an accident or incident involving the material
- The methods to be used immediately for handling fires of the material
- The initial methods to be used for handling material spills or leaks in the absence of fire
- Preliminary first aid measures to be used upon exposure to the material

To meet the emergency response information requirement, you may use a copy of the DOT Emergency Response Guidebook or copies of the specific pages from the Guidebook that apply to the hazardous materials you are transporting. An electronic copy of the Guidebook is available free on the [DOT PHMSA webpage](http://www.phmsa.dot.gov/) at: <http://www.phmsa.dot.gov/>.

8. Placard the transport vehicle (if required for the hazardous material being transported)

If you transport more than threshold amounts of hazardous materials of certain hazard classes, you must placard the vehicle in which you transport the waste to a Program. The hazard classes and threshold volumes that require placards on a vehicle are specified in the HMR – Table 1 and Table 2 of 49 CFR 172.504.

If you are required to placard a vehicle for a hazard class in the shipment, you must also display placards for all other hazard classes carried on the vehicle – even if, independently, they would be below the threshold volumes for placards.

If your vehicle is required to display placards for a specific hazardous materials shipment, it is classified during transport as a Commercial Motor Vehicle. During that time, you and your driver must comply not only with the HMR requirements discussed in this fact sheet, but also with applicable Motor Carrier Safety Regulations, including:

- The driver must possess a Commercial Driver's License with a hazardous materials endorsement and have been trained in hazardous materials and motor safety requirements
- Your company must be registered with the DOT as a hazardous materials transporter
- The vehicle must stop at all railroad crossings

You may voluntarily placard your vehicle even if the volumes of hazardous material you will be transporting are below the mandatory placard threshold; however, you may not display:

- placards for hazardous materials that are not being carried on the vehicle
- signs that are similar to placards.

While government-owned and -operated Programs that act *not in commerce* are not required to placard their vehicles, the MPCA recommends that they voluntarily display the appropriate placards.

9. Segregate and secure the packages in the transport vehicle

Segregate incompatible hazardous materials in your vehicle. Segregation criteria are specified in the HMR Segregation Table, 49 CFR 177.848. If a hazardous material has additional (subsidiary) hazards, you must apply the most restrictive applicable segregation standard.

Materials of Trade Exemption

You may be eligible to transport your hazardous waste to a Program following the reduced requirements of the DOT Materials of Trade Exemption (MOT) if you:

- Transport only your own hazardous waste
- Transport the waste only from your site to a Program
- Transport only packages of limited size capacity:
 - Packing group I £ 1 pound or 1 pint per package
 - Packing Groups II and III £ 66 pounds or 8 gallons per package
 - Other Regulated Materials - Domestic (ORMD) £ 66 pounds or 8 gallons per package
- Transport £ 440 lbs aggregate gross weight of MOT on the vehicle
- Transport as MOT only hazardous materials in the following Hazard Classes or Divisions:
 - 3 Flammable Liquids
 - 8 Corrosives
 - 9 Miscellaneous
 - 2.1 Flammable Gasses
 - 2.2 Non-flammable Gasses
 - 4.1 Flammable Solids
 - 5.1 Oxidizers
 - 6.1 Poison Liquids or Solids
 - 6.2 Infectious Substances
- Package MOT in the original package or one of equal strength and integrity
- Ensure the MOT packages are leak proof for liquids or gases and sift proof (impermeable to dry contents) for solids
- Close each MOT package securely
- Secure each MOT package in the vehicle against movement and damage
- Mark each MOT package with the correct DOT shipping or common name
- Ensure the vehicle driver is able to identify the MOT carried on the vehicle

If you comply with the MOT requirements discussed above, you are exempt from the hazardous materials training, shipping paper and placard requirements discussed in this fact sheet. You must still correctly classify, package, segregate and secure your waste.

For more guidance on the MOT Exemption, see DOT Publication # PHH50-0062-0905, *What are Materials of Trade and What Regulations Apply*, available on the [PHMSA webpage](http://www.phmsa.dot.gov) at <http://www.phmsa.dot.gov>.

Government-owned and -operated Programs that act *not in commerce*

Under DOT definitions, Government Programs can act either *in commerce* or *not in commerce*.

They act *in commerce* when they do things that any business could or would do, like perform services for profit or offer wastes for shipment to a commercial transporter.

They act *not in commerce* when they do things that only a government can or would do, like providing services funded by general tax revenues without direct cost – such as picking up HW from a VSQG for no fee using only government-owned and -operated vehicles.

Government-owned and -operated Programs that act *not in commerce* may pick up and transport hazardous waste from VSQGs provided they comply with the conditions described in the MPCA's [April 14, 2009, Program Management Decision](#) (PMD), available in MPCA hazardous waste fact sheet #8.07 at <http://www.pca.state.mn.us/publications/w-hw8-07.pdf>.

Government-owned and -operated Programs that act *not in commerce* are not subject to the HMR. VSQGs that only ship waste with a government-owned and -operated program that acts *not in commerce* are also not subject to the HMR. However, to protect their employees and the environment, the MPCA strongly recommends that both government Programs and any customers from whom they pick up hazardous waste still voluntarily meet the HMR standards discussed in this fact sheet.

Businesses transporting their own waste to a government owned and operated Program are fully regulated under the HMR and the Rules and must meet all requirements described in this fact sheet.

More information

Your metropolitan county and the MPCA have staff available to answer waste management questions. For more information, contact your metropolitan county hazardous waste office or your nearest MPCA regional hazardous waste staff. For information about waste reduction, contact the Minnesota Technical Assistance Program.

Metro County Hazardous Waste Offices

Anoka.....	763-422-7093
Carver	952-361-1800
Dakota	952-891-7557
Hennepin	612-348-3777
Ramsey	651-266-1199
Scott.....	952-496-8475
Washington.....	651-430-6655
Websites.....	http://www.co.[county].mn.us

Minnesota Department of Transportation

Hazardous materials.....	651-215-6330
Website	http://www.dot.state.mn.us/cvo/hazmat.html

U.S. Department of Transportation

Hazardous materials.....	1-800-467-4922
Website	http://www.phmsa.dot.gov/hazmat

Minnesota Pollution Control Agency

Toll free (all offices).....	1-800-657-3864
Brainerd	218-828-2492
Detroit Lakes	218-847-1519
Duluth	218-723-4660
Mankato	507-389-5977
Marshall	507-537-7146
Rochester	507-285-7343
St. Paul	651-296-6300
Willmar	320-214-3786
Website	http://www.pca.state.mn.us