



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

APR 3 2007

400 Seventh Street, S.W.
Washington, D.C. 20590

Jennifer Eberle
Manager, Transportation Compliance
Veolia Environmental Services
1 Eden Lane
Flanders, NJ 07836

Ref. No.:07-0042

Dear Ms. Eberle:

This is in response to your letter dated February 13, 2007, concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for determining the appropriate reportable quantity for a hazardous waste. Specifically, you provide six scenarios that differ based on the amount of constituent and concentration information known on specific waste streams. You ask if the approach you use to determine the reportable quantity in each scenario is correct.

The scenarios and approaches you provide in your letter are paraphrased as follows:

1. The constituents are known as are their concentrations – use the weight of the constituents in order to determine the reportable quantity.
2. The constituents are known but their concentrations are unknown – use the net weight of the package as the weight of each constituent in order to determine the reportable quantity.
3. The constituents are unknown but concentrations are known – use the net weight of the waste code in order to determine the reportable quantity.
4. The constituents are unknown as are their concentrations – use the net weight of the package as the weight of the appropriate waste code in order to determine the reportable quantity.
5. The constituents are known as is a range of concentrations – use the weight of each constituent at its highest concentration in order to determine the reportable quantity.
6. The constituents are known as are their concentrations, but some are not listed in the Hazardous Substance Table (§ 172.101 Appendix A) – use the weight of the constituents listed in the Hazardous Substance Table and the net weight of the package as the weight of the appropriate waste code in order to determine the reportable quantity.



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172.101 App. A
171.8

In scenarios 1-5 the approaches you use to determine the reportable quantity for the waste streams are correct.

In scenario 6 the approach you use is not correct. Basically, your approach is more restrictive than what is required by the HMR. Since you know the constituents and their concentrations you can determine the reportable quantity based on the weight of the constituents. You are not required to apply the net weight of the package to the waste code when you know the constituents and their concentrations.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale". The signature is written in a cursive style with a large, looping initial "J".

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



February 13, 2007

Mr. Edward T. Mazzullo, Director
Office of Hazardous Materials Standards
USDOT/PHMSA (PHH-10)
400 7th Street, SW
Washington D.C. 20590-0001

Supko
§171.8
§172.101
Hazardous Substance
07-0042

Dear Mr. Mazzullo,

Based on a recent interpretation letter issued by your office on January 12, 2006 (Ref. No.: 03-0037) in addition to many past interpretation letters of the same subject, Veolia is requesting further clarification of the requirements in the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180) for determining if a waste stream contains a hazardous substance, as defined in §171.8.

There are several scenarios under common waste disposal practices that require the determination of an RQ for a wastestream. Please provide comments on the examples below related to applying the proper methods for determining the reportable quantity of a wastestream in these various scenarios.

EXAMPLE 1

Constituents = Known / Concentrations = Known

55 gallon drum weighing 400 pounds contains a hazardous waste solution consisting of 90% acetone (RQ = 5000 pounds) and 10% water and is assigned a waste code of F003.

To determine the RQ for a hazardous waste for which all the hazardous constituents and their respective concentrations are known, the RQ for each individual constituent should be evaluated to determine if an RQ has been met.

In this example, the RQ would be determined by evaluating the total weight of each hazardous constituent in the solution (acetone = 360 pounds). The amount of acetone contained within the solution is less than 5000 pounds therefore no RQ would apply to this container.

The RQ for F003 (100 pounds) would not be assigned since hazardous constituent is specifically listed in §172.101 appendix A.

EXAMPLE 2

Constituents = Known / Concentrations = Unknown

55 gallon drum weighing 400 pounds contains a hazardous waste solution consisting of acetone (RQ = 5000 pounds) and water and is assigned a waste code of F003. The concentration of acetone is not known.

To determine the RQ for a hazardous waste for which the constituents are known, but their respective concentrations are unknown, the RQ for each individual constituent should be considered to determine if the package contains an RQ.



In this example, the RQ would be determined by assuming each hazardous constituent to be present in the solution at 100% (acetone = 400 pounds). The amount of acetone contained within the solution is less than 5000 pounds therefore no RQ would apply to this container.

In addition, since all the hazardous constituents are known and specifically listed in §172.101 appendix A, the RQ for F003 which is 100 pounds would not be considered.

EXAMPLE 3

Constituents = Unknown / Concentrations = Known

55 gallon drum weighing 400 pounds contains a hazardous waste solution consisting of 10% water and 90% D001 unlisted waste stream (RQ = 100 pounds).

To determine the RQ for a hazardous waste for which the constituents are unknown, but the concentration is known, the RQ for the waste code (D001) should be evaluated to determine if an RQ has been met.

In this example, the RQ would be determined by evaluating the total weight of each waste code assigned to the solution (D001 = 400 pounds). The amount of D001 waste material contained within the solution is greater than the RQ threshold of 100 pounds therefore this container would be assigned with RQ (D001).

EXAMPLE 4

Constituents = Unknown / Concentrations = Unknown

55 gallon drum weighing 400 pounds contains a hazardous waste solution consisting of water and a D001 unlisted waste stream (RQ = 100 pounds).

To determine the RQ for a hazardous waste for which the constituents and concentrations are both unknown, the RQ for the waste code (D001) should be evaluated to determine if an RQ has been met.

In this example, the RQ would be determined by evaluating the weight of the entire wastestream (D001 = 400 pounds). The amount of D001 waste material contained within the solution is greater than the RQ threshold of 100 pounds therefore this container would be assigned with RQ (D001).

EXAMPLE 5

Constituents = Known / Concentrations = Specified Range

55 gallon drum weighing 400 pounds contains a hazardous waste solution consisting of 80-90% acetone (RQ = 5000 pounds) and 10-20% water and is assigned a waste code of F003.

To determine the RQ for a hazardous waste for which the constituents are known and their respective concentrations are known to be within a specified range, the RQ for each individual constituent should be evaluated to determine if an RQ has been met.

In this example, the RQ would be determined by evaluating the weight of each constituent at its highest concentration amount within the wastestream (acetone 90% = 360 pounds, water 10% = 40 pounds). The amount of acetone contained within the solution is less than the 5000 pound threshold therefore no RQ would apply to this container.

The RQ for F003 (100 pounds) would not be assigned since hazardous constituent is specifically listed in §172.101 appendix A.

EXAMPLE 6

Constituents = Known / Concentrations = Known / Listed and Unlisted Materials

55 gallon drum weighing 400 pounds contains a hazardous waste solution consisting of 60% acetone, 30% ethanol and 10% water and is assigned a waste code of D001 (RQ = 100 pounds).

To determine the RQ for a hazardous waste for which all the hazardous constituents and their respective concentrations are known, the RQ for each individual constituent should be evaluated to determine if an RQ has been met.

In this example, the RQ would be determined by evaluating the total weight of each hazardous constituent in the solution (acetone 60% = 240 pounds, ethanol 10% = 40 pounds). The amount of acetone contained within the solution is less than the 5000 pound threshold therefore no RQ would apply for acetone. However, since ethanol is not specifically listed in §172.101 appendix A, the D001 waste code would be considered by evaluating the weight of the entire wastestream (D001 = 400 pounds). The amount of D001 waste material contained within the solution is greater than the RQ threshold of 100 pounds therefore this container would be assigned with RQ (D001).

Your written response to these examples is greatly appreciated. If you require any further information regarding this letter please contact me at 973-448-4209 or jennifer.eberle@veoliaes.com.

Thank you,

Jennifer Eberle
Manager, Transportation Compliance