



U.S. Department  
of Transportation

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

**Pipeline and Hazardous  
Materials Safety  
Administration**

**OCT 23 2008**

Mr. Mark. M. Baron  
6158 Willow Creek Drive  
Canton, MI 48187

Ref. No. 08-0123

Dear Mr. Baron:

This is in response to your request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) with respect to determining the correct shipping description for polychlorinated biphenyl (PCB) contaminated soil that will be transported by highway and rail. You ask whether the words "waste" and "mixture" must be included in the shipping description "RQ Polychlorinated biphenyls, solid, UN3432, 9 PG II."

As specified in § 171.8, a hazardous waste is any material that is subject to the hazardous waste manifest requirements of the U.S. Environmental Protection Agency (EPA) as specified in 40 CFR Part 262. If a hazardous waste manifest is required under EPA regulations for the material, § 172.101(c)(9) of the HMR specifies that if the word "waste" is not included in the hazardous material description, the proper shipping name for a hazardous waste must include the word "waste" preceding the proper shipping name via highway and rail.

With respect to the use of the word "mixture," § 172.101(c)(10) specifies that a mixture or solution not identified specifically by name, comprised of a hazardous material identified in the § 172.101 Hazardous Materials Table (HMT) by technical name (such as PCBs) and a non-hazardous material (such as soil), must be described using the proper shipping name of the hazardous material and the qualifying word "mixture" or "solution," as appropriate, unless

any of the provisions in § 172.101(c)(10)(A) through (F) apply. Therefore, if none of the provisions apply, the word “mixture” must be included in the shipping description.

Also, note that Special Provision 140 allows Packing Group II to be modified to read “III” when the material is offered for transportation or transported by highway or rail.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', with a stylized flourish at the end.

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

**Drakeford, Carolyn <PHMSA>**

McIntyre  
\$172.101  
Proper Shipping Name  
08-0123

**From:** INFOCNTR <PHMSA>  
**Sent:** Thursday, May 01, 2008 10:34 AM  
**To:** Drakeford, Carolyn <PHMSA>  
**Cc:** 'mmlbaron62@yahoo.com'  
**Subject:** FW: Information Center Comments/Questions

Carolyn,  
This gentleman would like a written letter of interpretation on the issue addressed below.  
Thanks,  
Rob

-----Original Message-----

From: mmlbaron62@yahoo.com [mailto:mmlbaron62@yahoo.com]  
Sent: Thursday, May 01, 2008 10:38 AM  
To: INFOCNTR <PHMSA>  
Subject: Information Center Comments/Questions

Below is the result of your feedback form. It was submitted by Mark M. Baron (mmlbaron62@yahoo.com) on Thursday, May 1, 2008 at 10:37:33.

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Email:

Name: Mark M. Baron

Category: Other questions?

Street: 6158 Willow Creek Drive

City: Canton

State: Michigan

Zip Code: 48187

Phone: 7169013410

Fax: 7346673870

Comments: Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards U.S. DOT/PHMSA (PHH-10) 1200 New Jersey Avenue, SE East Building, 2nd Floor Washington, DC 20590

Dear Mr. Mazzullo,

I am working on a USEPA Project where my company has been contracted to transport and dispose of PCB contaminated Soils. They have been sent by Truck and Rail to a licensed TSCA Landfill. One of the Rail Carriers has questioned the shipping name being used. I called your hotline number and the representative answered my question. He agreed with the rail carrier.

Since this is a USEPA site I am requesting a written response.

The question is for PCB contaminated Soils is:

"RQ, Polychlorinated Biphenyls, Solid, UN3432, 9, PG II"

an acceptable shipping name.

The rail carrier feels that since the PCB contaminated Soil needs to be shipped on a Uniform Hazardous Waste Manifest the words Waste and Mixture should be in the shipping

name:

"RQ, Waste Polychlorinated Biphenyls, Solid, Mixture, UN3432, 9, PG II"

The other argument is that since PCB (TSCA) Materials are not a hazardous waste in the Federal Regulations, then the words Waste and Mixture should not be used.

Please feel free to call me at (716) 901-3410 or email me at [mmbaron62@yahoo.com](mailto:mmbaron62@yahoo.com) with any questions or comments.

Sincerely,

Mark M. Baron