



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

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

JAN 13 2011

Ms. Erin Jarman
URS Corporation
1600 Perimeter Park Drive, Suite 400
Morrisville, NC 27560

Ref. No. 10-0238R

Dear Ms. Jarman:

This responds to your November 2, 2010 letter regarding the transportation of hazardous waste under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification of the appropriate hazardous material description for hazardous waste that contains constituents that are also listed hazardous substances. Your questions are paraphrased and answered as follows:

Q1. A bulk bin of solid hazardous waste material meeting the EPA toxicity waste characteristic (i.e., D008) due to the presence of lead also contains friable asbestos (i.e., a material included among the list of hazardous substances) in an amount less than the reportable quantity. The asbestos is not an EPA hazardous waste. Must the basic description of the hazardous material account for the friable asbestos?

A1. Yes, the shipper of this material must account for the asbestos. Asbestos in friable form is listed in the § 172.101 Hazardous Materials Table (HMT) as a material that presents a hazard during transportation. Therefore, based on the information provided, either "NA3077, Hazardous waste, solid, n.o.s., (D008), 9, PG III, (contains asbestos)" or "UN3077, Waste environmentally hazardous substance, solid, n.o.s., (D008, asbestos), 9, PG III" are examples of descriptions that could be used for the material.

Q2. What would be the correct basic description if the solid hazardous waste (i.e., D008) material contained lead and friable asbestos in reportable quantities? Both lead and asbestos are listed as hazardous substances in Table 1 to Appendix A of the § 172.101 HMT?

A2. The shipper must still account for the asbestos. Based on the information provided, "NA3077, Hazardous waste, solid, n.o.s., (D008), 9, PG III, RQ (lead, asbestos)" or "UN3077, Waste environmentally hazardous substance, solid, n.o.s., (D008), 9, PG III, RQ (lead, asbestos)" are examples of descriptions that could be used for the material. Special provision 8 limits use of the proper shipping name "Other regulated substances, n.o.s." to hazardous substances that are **not** also hazardous wastes, therefore, even though the asbestos itself is not a

hazardous waste, because it is contained in the solid hazardous waste material, "Other regulated substances, n.o.s." is not an appropriate shipping description. See § 172.102(c)(1).

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Ben Supko". The signature is written in a cursive style with a long, sweeping underline.

Ben Supko
Acting Chief, Standards Development
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Der Kinderen
3172,101
Shipping Names
10-0238R

From: Eichenlaub, Kurt (PHMSA)
Sent: Tuesday, January 04, 2011 2:24 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Other Questions?

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

From: INFOCNTR (PHMSA)
Sent: Monday, January 03, 2011 1:42 PM
To: Eichenlaub, Kurt (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Other Questions?

Hi Kurt,

Letter 10-0238 has a minor typo with the UN numbers. The proper shipping names in the letter describe a solid, but UN3082 describes a liquid.

Thanks,
Victoria

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

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Saturday, January 01, 2011 5:49 PM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Other Questions?

I just read interpretation 10-0238 and you used the wrong ID numbers, and description for the technical name(D008). Based on the information the correct ID numbers should be UN3022 and NA3077.

Name: Charles Keller
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Zip Code: 21409
Phone: 4109744265



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A1. Yes, the shipper of this material must account for the asbestos. Asbestos in friable form is listed in the § 172.101 Hazardous Materials Table (HMT) as a material that presents a hazard during transportation. Therefore, based on the information provided, either "UN3082, Hazardous waste, solid, n.o.s., (D008), 9, PG III, (contains asbestos)" or "UN3082, Waste environmentally hazardous substance, solid, n.o.s., (D008, asbestos), 9, PG III" are examples of descriptions that could be used for the material.

Q2. What would be the correct basic description if the solid hazardous waste (i.e., D008) material contained lead and friable asbestos in reportable quantities? Both lead and asbestos are listed as hazardous substances in Table 1 to Appendix A of the § 172.101 HMT?

A2. The shipper must still account for the asbestos. Based on the information provided, "UN3082, Hazardous waste, solid, n.o.s., (D008), 9, PG III, RQ (lead, asbestos)" or "UN3082, Waste environmentally hazardous substance, solid, n.o.s., (D008), 9, PG III, RQ (lead, asbestos)" are examples of descriptions that could be used for the material. Special provision 8 limits use of the proper shipping name "Other regulated substances, n.o.s." to hazardous substances that are **not** also hazardous wastes, therefore, because the asbestos is not a hazardous

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Acting Chief, Standards Development
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Drakeford, Carolyn (PHMSA)

From: Eichenlaub, Kurt (PHMSA)
Sent: Tuesday, January 04, 2011 2:24 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Other Questions?

Carolyn,

Please log into the system as 10-0238R and assign to somebody to make the necessary corrections and re-issue.

Thanks.

Kurt Eichenlaub
Transportation Regulations Specialist
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration East Building, 2nd Floor, PHH-10 1200
New Jersey Avenue, SE Washington, D.C. 20590-0001
Phone: 202-366-8553
Fax: 202-366-7435

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