



THE HAZMAT NEWS NETWORK



Regulatory Resources, Inc. 240 Joshua Road Kennewick, WA 99338

Voice: 509-628-1020 — Fax: 509-628-0972 — email: newsletter@regulatoryresources.net — www.regulatoryresources.net — Jan 07

READY OR NOT HERE IT COMES
HAPPY NEW YEAR



HAPPY NEW YEAR! Can you all believe that 2007 is here already! I and my family were really blessed in 2006 and we all at RRI wish each of you a blessed 2007. Welcome to the January 2007 issue of *The Hazmat News Network*. This free service it to assist you by providing info on the latest DOT hazmat and RCRA hazardous waste rulemaking

actions, and discuss topics about both that may help you in your compliance efforts. Please spread the word about this free newsletter to all you think will benefit. Cheers!

DOCKET ACTION WAS SLOW since the Nov 07 newsletter (I didn't get the newsletter out in December...too much shopping!). Below are the two DOT hazmat docket actions published since the last newsletter. Please note that we do not address Special Permit (formerly Exemptions) actions.

Dec 21st: HM-232E; a Notice of Proposed Rulemaking published in consultation with the FRA and TSA to revise the hazmat regs (HMR) applicable to the safe and secure transport of hazmat by rail. The TSA published a sister docket to HM-232E on the same date. Comments are due by 2/20/07.

Dec 29th: HM-215I; the Final Rule for the harmonization of the HMR with the international regulations, and use of the 2007 ICAO (and IATA) and IMDG regulations. The effective date is 1/1/07 with delayed compliance for the domestic portion until 1/1/08. I'll be writing more up on this next month. The link to download: <http://hazmat.dot.gov/regs/notices/rulemake.htm#final>. Get this docket and read through it; there are changes coming about.

OUR 2007 TRAINING SCHEDULE IS OUT! We finally worked through all the scheduling issues and have included with this issue our 2007 training schedule. As you can see, we don't offer many open enrollment seminars; most all of the training we do is with a given company at their site location. Not only is this a cost savings to our client but it also allows us to customize the training to our client's specific needs. The 2007 schedule is only a sampling of the courses we offer. Please visit our website at www.regulatoryresources.net for a full list of courses and a syllabus for each.

DETERMINING HAZARDOUS SUBSTANCES for hazardous waste can be hazardous! Over the years, the DOT has issued several interpretation letters discussing the reportable quantity (RQ) determination for hazardous wastes. We commented to DOT that we did not agree with their application of the CERCLA Mixture Rule in 40 CFR 302.6(b)(1)(i) and (ii). Specifically, the DOT was stating that if the concentration of all constituents in the waste was not known, the RQ value to be used is the default for the applied waste code. In other words, DOT applied the Mixture Rule as... "if

the hazardous waste constituents or their respective concentrations are unknown, the appropriate RQ is that assigned to the waste code." For example, an F002 waste stream with all constituents known (e.g., 1,1,1-trichloroethane and methylene chloride) but concentrations unknown was assigned the F002 10-pound default RQ value. Arggg. In 40 CFR 302.4(a), EPA states that the "listed hazardous substance" (e.g., one that is found on the hazardous substance list *by name*) includes hazardous wastes. The RQ value for a "listed hazardous substance" per 40 CFR 302.5(a) is the value assigned for that listed hazardous substance. Finally, in 40 CFR 302.6(b)(1), the CERCLA Mixture Rule states that if the concentration of one or more of the constituents is unknown, the RQ for each hazardous substance is applied to the entire mixture. In other words, the application of the Mixture Rule should read... "if the hazardous waste constituents and their respective concentrations are unknown, the appropriate RQ is that assigned to the waste code." Since that does not apply in this example, the RQ value for both "listed hazardous substances" apply (at 1000 pounds each). Hence, an RQ designation can only be assigned in this example if there is, in one package, at least 1000 pounds net. Given this, for the spent solvent waste streams (F001 – F005), the

only time one would apply an RQ designation based on the default waste stream RQ is if there is an unknown constituent(s) in the waste...which would be a problem beyond just the RQ determination! In January of 2006, the DOT concurred with our application of CERCLA Mixture Rule and published a letter in agreement. Refer to DOT letter, Reference No. 03-0037. Make sure you're applying the appropriate RQ value for a given waste constituent. Remember, a "listed hazardous substance" in CERCLA is not synonymous with a "listed hazardous waste" in the RCRA regulations. Don't inappropriately apply the requirements of one regulation to the other! In another example, an RQ was misapplied to the D001 ignitable waste stream at 100 pounds for a waste consisting of an unknown concentration of ethyl cyanide (listed hazardous substance with a 10 pound RQ value) and water. The net mass of the mixture was 25 pounds. The response provided was that an RQ did not exist because the D001 RQ value of 100 pounds applied rather than the 10 pound RQ value for ethyl cyanide. This has since been corrected. In this example, an RQ does exist based on the application of the "listed hazardous substance" RQ value of 10 pounds and the fact that the CERCLA Mixture Rule could not be used – the entire 25 pound mix is applied to the listed hazardous substance RQ value for ethyl cyanide. I hope this has helped you out!





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RRI's 2007 Training Schedule

May 7-9 (*til noon)	Initial DOT Hazardous Materials & Waste Packaging & Transport	Richland, WA
May 9 (at 1pm) -11	Initial DOT Radioactive Materials Packaging & Transport	Richland, WA
June 26-29*	DOT & IATA/ICAO Radioactive Materials Packaging & Transport*	Houston, TX
July 9-13	Adv DOT Radioactive Material Packaging & Transport	Las Vegas, NV
July 23-27	Advanced DOT/RCRA Waste Packaging & Transport	Richland, WA
August 29-30	DOT Explosives Packaging and Transport	Las Vegas, NV
October 29 - Nov 2	Advanced Mixed Waste Packaging & Transport	Richland, WA
December 4-5	IATA/ICAO Dangerous Goods Packaging & Transport	Richland, WA
December 6-7	IATA/ICAO Radioactive Materials Packaging & Transport	Richland, WA

Training Location Information

Richland, WA 99338
[Hampton Inn](#)
 486 Bradley Blvd
 509-943-4400
 800-560-7809

Houston, TX 77056*
[DGAC](#)
 1100 H Street, NW
 202-289-4550
 800-634-1598

Las Vegas, NV 89109
[Atrium Suites Hotel Las Vegas](#)
 4255 S. Paradise Road
 702-369-4400
 800-330-7728

*For course registration and hotel info, contact DGAC and ask about course HMT-601.

Cost Information and Registration Form

May 7-9 (*til noon)	Richland, WA	\$ 650 each	} Both classes for \$1195 each	Registration Form
May 9-11 (at 1pm)	Richland, WA	\$ 650 each		
June 26-29*	Houston, TX*	\$1145 each (\$995 for DGAC members) – Course Number HMT-601*		
July 9-13	Las Vegas, NV	\$1395 each		Registration Form
July 23-27	Richland, WA	\$1295 each		Registration Form
August 29-30	Las Vegas, NV	\$ 675 each		Registration Form
October 29 - Nov 2	Richland, WA	\$1295 each		Registration Form
December 4-5	Richland, WA	\$ 675 each		Registration Form
December 6-7	Richland, WA	\$ 675 each		Registration Form

For course information, visit www.regulatoryresources.net. Registration forms for each course are hyperlinked in the above text. You can obtain the registration forms on our website. If you have questions, please contact us at training@regulatoryresources.net.