



THE HAZMAT NEWS NETWORK



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

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2008



HEY, OUR EXTRA DAY IS ALMOST HERE! What are you all going to do with the 'Leap Year' day? I think I'll sit by the fireplace with a glass of wine and a good docket (now that would be scary!). Welcome to the Jan/Feb 2008 issue of **The Hazmat News Network** newsletter. This issue reviews what's been happening with

DOT hazmat dockets and other important news. Best of all...it's FREE. Pass it along to others you think will benefit. And please contact us if you wish to be removed. Cheers!

THERE IS A PULSE IN PHMSA'S DOCKET LIFE. We have two Final Rules and a Notice to report! Remember, if you need a copy of any of these dockets, visit [2008 Federal Register Contents](#).

Jan 7th: PHMSA published the Final Rule, *Revisions to the List of Hazardous Substances and Reportable Quantities* (HM-145N). This final rule revises the listing of hazsubs and corrects editorial errors. The effective date of the rule change is March 31st with voluntary compliance Feb 29th. Finally, the DOT's RQ list is now current with EPA's...no more looking at one list for transportation and the other for spills/leaks.

Jan 28th: PHMSA published the Final Rule, *Miscellaneous Amendments* (HM-218D). The changes include: • new proper shipping name for ethanol/gasoline fuel blends and marking amendment (§172.336); • clarification of the marine pollutant exception in §171.4; • updated standards incorporated by reference (§171.7); • household waste exception in §§ 171.8 and 173.12(f) (more on this later); • varied changes in the Hazmat Table; • revision of Special Provision B69; • "RQ" marking for limited quantities that display the ID number in a white diamond (§172.324); • labeling requirements for IBCs (§172.406); • new 'small quantity' exception in §173.4 (ha); • amended the waste cyanide/acid transport allowance to include all acids (not just Class 8) (§173.12(e)); • new shipper requirement to verify the carrier has a valid Safety Permit if offering any material specified in 49 CFR 385.403 (§173.22); • clarification that the package venting prohibition for aircraft transport does not apply to dry ice (§173.24(g)); • inclusion of UN0500 to the list of explosives not authorized to be packaged with other Class 1 explosives (§173.61); • amending Class 1 packaging instruction 134 to include UN 4H1 (§173.62); • changes to air transport of dry ice to be consistent with ICAO (§ 173.217, 175.10, 175.900); • removal of §173.335; • added placarded packages to the scope of those requiring §177.848 segregation; • corrections for UN portable tanks in §178.274 and MC 331 cargo tanks in §178.337; • word change from 'inspector' to 'investigator' in §107.305; • reference corrections in §172.704.

Jan 28th: PHMSA published an extension of comment period for Notice 07-9, *Proposed Recommended Practices for Bulk Loading and*

Unloading of Hazardous Materials in Transportation. Comments are due by March 14, 2008.

SIGN UP TODAY FOR SOME GREAT TRAINING! The second page contains our 2008 open-enrollment training courses. Most all our training is done in-house at the company's request. Don't miss the opportunity to receive some in-depth training that even challenges the veteran. The March class is closed; however, the all other classes still have openings. Please make sure to register early so you are assured a seat for the class and a conference-rate hotel room.

HEY HOTEL/MOTEL INDUSTRIES ... YOU'RE FREE!

First, pad the nearest thing that you'll be tempted to bang your head against. Okay, now you're ready. The Final Rule HM-218D, published January 28th 'clarified' a long-standing exception that all household waste is excepted from the HMR. You see, it's currently hidden in §173.134(b)(13)(i) which is a reference specific to only Division 6.2 material. But, heck, we should have known PHMSA really meant the whole HMR! Argggg (BANG). For clarity, a definition of "household" waste has been added to §171.8 and the new complete exception located at §173.12(f). Here's it is: All household waste is completely excepted from the HMR. End of story. Household waste is defined as "any solid waste (including garbage, trash, and sanitary waste from septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas)." So now, let your mega hotel clients know they can do whatever they want with the unexploded and dud fireworks after the 4th of July and New Year's shows. That's right, PHMSA excepted 'the waste' based on who generates it without regard to danger, quantity or packaging. And it can never enter the regs again because...well, it's household waste! (BANG) But wait, PHMSA did provide, in the second sentence to the definition, one point in time when household waste morphs to waste or hazardous waste: "Household waste does not apply to consolidated shipments transported from collections centers." Now look at this. The definition for household waste is almost verbatim from EPA (40 CFR 261.4(b)(1)) except PHMSA changed the word "materials" in EPA's to "solid waste". What's solid waste per the HMR? If I'm not mistaken, the term "solid" is a regulatory defined word in §171.8 and it doesn't include liquid or gas. So now we have in the HMR: (1) hazardous waste (defined in §171.8); (2) household waste (defined in §171.8); (3) waste (waste that is not a hazardous waste); and (4) solid waste. What a mess! (BANG) I believe PHMSA has fallen into the compliance trap that so many other do when mixing EPA regs with the HMRs. PHMSA said the terms used are a non-issue; the meaning is obvious. I disagree. Remember when the term 'offeror' was so obvious that it didn't need to be defined in the HMR? (BANG...BANG...BANG...).



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RRI's 2008 Open Enrollment Training Course Schedule

Regulatory Resources, Inc. is pleased to provide a range of open enrollment courses. The courses are conducted in Richland, Washington at the top rated Hampton Inn nestled on the banks of the beautiful Columbia River or in exciting Las Vegas, Nevada at the stylish Alexis Park Hotel. Don't delay in registering as each course fills on a first-come, first-serve basis. (Oh, July 26-27 is the Unlimited Hydroplane races here in Richland along with many other events.)

**NOTE: Scheduled 5-day workshops conclude at noon on Friday.
All other workshops run full days, 8am through 4:30 pm.**

Date	Course No.	Title	Location	Tuition
Mar 3-6	301	Advanced Hazardous Material Packaging & Transport Workshop	Richland, WA	\$1,195
Apr 24-25	204	DOT Explosives Packaging & Transport Workshop	Las Vegas, NV	\$675
May 5-9	303	Advanced Radioactive Materials Packaging & Transport Workshop	Las Vegas, NV	\$1,395
Jun 2-6	302	Advanced Hazardous Waste Packaging & Transport Workshop	Richland, WA	\$1,295
Jul 22-25	203 & 402	Shipping of Radioactive Materials DOT Ground and IATA/ICAO Air	Richland, WA	\$1,095
Jul 28-29	306	Class 7 Packaging for Shippers & Inspectors	Richland, WA	\$595
Dec 3	504	IATA/ICAO Dangerous Goods Recertification Training	Richland, WA	\$450*
Dec 4	505	IATA/ICAO Radioactive Materials Recertification Training	Richland, WA	\$450*
				*\$695 if together

Hotel Info:	Las Vegas, NV	Richland, WA	Hotel Info:
\$89/night	Alexis Park Hotel 375 E. Harmon Ave. Las Vegas, NV 89169 800-582-2228 702-796-3322	Hampton Inn 468 Bradley Blvd. Richland, WA 99352 800-560-7809 509-943-4400	Gov't Rate
(Special training rate; limited number of rooms available!)			(Special training rate; limited number of rooms available!)
	www.alexispark.com	www.hamptoninn.com	