



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

JUL 27 2012

Jennifer Eberle
Manager, Transportation Compliance
Veolia ES Technical Solutions, L.L.C.
1 Eden Lane
Flanders, NJ 07836

Reference No.: 12-0151

Dear Ms. Eberle:

This is in response to your July 5, 2012 letter requesting guidance in determining whether a solution meets the definition of a hazardous substance under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You present an example of a hazardous waste solution containing 50% methanol (RQ = 5,000 pounds) and 50% ethanol assigned to waste code D001 (RQ = 100 pounds). The total quantity of the solution is 400 pounds. You request the proper procedure for determining whether the waste solution meets the required RQ and is subsequently regulated under the HMR as a hazardous substance.

If the total 400-pound quantity of the solution is shipped in a single package, it meets the required RQ and is regulated as a hazardous substance. The requirements and procedure used in making this determination are as follow:

To meet the definition of a hazardous substance under § 171.8 of the HMR, the material must meet all of the following three criteria.

- (1) Is listed in appendix A to § 172.101 of the HMR.
- (2) Is in a quantity in one package which equals or exceeds the reportable quantity (RQ) listed in Appendix A to § 172.101 of the HMR.
- (3) For other than radionuclides, is in a concentration by weight which equals or exceeds a concentration corresponding to the RQ of the material.

The following are the steps for determining whether the solution meets the definition of a hazardous substance considering each of the above three criteria respectively.

- (1) Methanol is listed in appendix A to § 172.101. Ethanol is not listed by name in appendix A, however, the waste code D001 is listed. Both components of the solution meet criteria (1).

- (2) The solution contains 50% methanol. The total quantity of methanol in 400 pounds of solution is 200 pounds ($400 \text{ pounds} * 0.50 = 200 \text{ pounds}$). This is less than the 5,000-pound RQ listed in appendix A to § 172.101. The remainder of the solution (50%) is ethanol (D001). The total quantity of ethanol (D001) in 400 pounds of solution is also 200 pounds. This is greater than the 100-pound RQ listed in appendix A to § 172.101 for D001. Only the ethanol (D001) component of the solution meets criteria (2).
- (3) As provided in paragraph (3)(ii) of the definition of hazardous substance in § 171.8, the concentration corresponding to an RQ of 5,000 pounds is 10% and the concentration corresponding to an RQ of 100 pounds is 0.2%. Both the concentration of methanol (50%) and the concentration of ethanol (50%) exceed the concentration corresponding to their RQ. Both components of the solution meet criteria (3).

The ethanol (D001) component of the solution meets all three criteria. Based on the ethanol (D001) component, the solution meets the required RQ and is regulated under the HMR as a hazardous substance.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,



Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division



Babich
§ 172.101
§ 171.8
Reportable Quantity
12-0151

July 5, 2012

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
East Building
1200 New Jersey Avenue S.E.
Washington DC 20590-0001

RE: Request for Interpretation Regarding Determining a Hazardous Substance

To Whom It May Concern:

Veolia ES Technical Solutions, L.L.C. (Veolia) is requesting guidance in determining if a hazardous waste solution meets the definition of a hazardous substance. Specifically, when the constituents in a hazardous waste solution are known, and are both listed and unlisted in Appendix A and their respective concentrations are known, what would be the proper method for determining the RQ? Please provide the proper methodology for determining the RQ of the following waste solution.

EXAMPLE

Hazardous waste solution containing:

50% methanol (listed in Appendix A; RQ = 5000 lbs)
50% ethanol (not listed in Appendix A; assigned waste code D001; RQ = 100lbs)
Total weight of solution = 400 lbs.

Your written response to this request is greatly appreciated. If you require any further information regarding this request please feel free to contact me at Jennifer.eberle@veoliaes.com or 973-691-7331.

Thank you,

Jennifer Eberle
Manager, Transportation Compliance
Veolia ES Technical Solutions, L.L.C.