



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JAN 14 1998

Ms. Joanna L. Johnson
Johnson Law Office, PC
1028 Harvard Avenue
Billings, MT 59102

Dear Ms. Johnson:

This is in response to your letter concerning a combustible liquid (a spent solvent having a flash point of 40.5°C (105°F) that is being transported to a facility to be reclaimed.

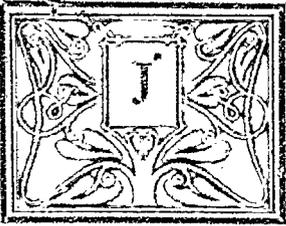
You are correct in your understanding that if the spent solvent is exempt from the Environmental Protection Agency's Hazardous Waste Manifest requirements and is not a hazardous substance or marine pollutant, it is not subject to the Hazardous Materials Regulations (HMR; 49 CFR, Parts 171-180) when packaged in non-bulk packages. (See § 173.150(f)(2).)

I hope this information is helpful. If you need additional information, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell".

Hattie L. Mitchell, Chief
Exemptions and Regulations Termination
Office of Hazardous Material Standards



Johnson Law Office, P.C.

Joanna L. Johnson, Attorney

McLoughlin
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April 3, 1997

Sent Via U.S. Mail and Facsimile

Mr. Edward Mazzullo
Director
Office of Hazardous Materials Standards
Nassif Building
Washington, DC 20590
fax (202) 366-3753

**Re: Verification of the Applicability of 40 CFR § 262.20(e)
to 49 CFR §§ 171.8 & 173.150**

Dear Mr. Mazzullo:

The National Independent Parts Cleaners Association ("NIPCA") requests formal verification with regard to the applicability of the reclamation agreement exemption for hazardous waste generators in 40 CFR §262.20(e) in the context of 49 CFR §§ 171.8 & 173.150.

To put it in practical terms, many NIPCA members are involved in reclamation agreements with their customers pursuant to 40 CFR §262.20(e). These members deliver fresh solvent in 16 and 30 gallon drums to their customers and later retrieve the drums after the customers have utilized the solvent and it is technically a hazardous waste. Thereafter, the members recycle the spent solvent. The vehicles used to transport the spent solvent to the recycling facilities and to deliver regenerated material back to the generator-customers are owned and operated by the members. Under 40 CFR § 262.20(e), NIPCA members and their customers acting under this type of reclamation agreement are exempt from U.S. EPA's Hazardous Waste Manifest Requirements.

Section 173.150(f)(2) states: "[t]he requirements in this subchapter do not apply to a material classed as a combustible liquid in a non-bulk packaging unless the combustible liquid is a hazardous substance, a hazardous waste, or a marine pollutant." Spent solvent is neither a hazardous substance nor marine pollutant and, when transported under a reclamation agreement, it is not even a hazardous waste. Section 171.8 defines

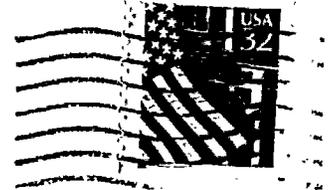


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llw



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Director
Office of Hazardous Materials Standards
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