



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAR 17 2000

Mr. Jeff R. Bowman
The Texas A&M University System
Public Service Training Division
600 Hemis Fair Plaza Way, Building 227
San Antonio, Texas 78205-3223

Ref. No. 99-0310

Dear Mr. Bowman:

This is in response to your letter regarding the requirements for inclusion of a technical name(s) for a hazardous waste described by generic or n.o.s. description under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

You stated that a common practice of emergency response contractors is to perform a hazard characterization ("HAZCAT") field test as a method to determine the hazard category for unknown hazardous wastes from an emergency response cleanup, and selection of a generic or n.o.s. description to identify the waste materials. Disposal sites often accept these unknown wastes identified under the HAZCAT field test method. Once the waste is received at the disposal site, additional analysis, if required, may then be performed.

You asked how the technical name should be shown for generic or n.o.s. proper shipping names (PSNs), other than "Hazardous waste liquid or solid, n.o.s.". Can it be assumed that since additional testing may be performed by the disposal site, these generic PSNs are excepted from the technical name(s) requirement as specified in § 172.203(k)(2)(ii)?

The answer is no. The technical name exception in § 172.203(k)(2)(ii) only applies to a hazardous material for which the hazard class is to be determined by testing under the criteria of § 172.101(c)(11). This does not include analysis performed at a disposal site.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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172-203



The Texas A&M University System

Texas Engineering Extension Service

Public Sector Training Division

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§ 172.203
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October 29, 1999

US Department of Transportation

RSPA

400 Seventh Street S.W.

Washington D.C. 20590

Attn.: Thomas G. Allan

Dear Mr. Allan:

I am in receipt of a copy of your letter dated August 6, 1999 to Mr. Paul Bomgardner regarding the use of EPA waste codes to satisfy the requirements for a technical name. As a provider of EPA and DOT compliance training, many of our students provide emergency response services for the illegal disposal of unknown/unmarked hazardous waste drums and containers. It has been, and continues to be, a common practice of emergency response contractors to perform a hazard characterization (HAZCAT) field test as a method to determine the hazard category by which a generic, or n.o.s., proper shipping name can be chosen. Unknown waste from an emergency response cleanup can oftentimes be accepted by a disposal site using the HAZCAT as identification. Once received, additional analysis, if required, can then be performed.

As per 49 CFR 172.203(k) these PSNs require technical names in association with the basic description. Due to public and environmental health concerns, it is often not practicable to leave these containers on site while analysis is performed to determine the technical constituents of each container. In emergency response type situations such as this, how should the technical name be shown for generic PSNs other than hazardous waste liquid or solid, n.o.s.? Can we assume that since additional testing may be performed by the disposal site, these generic PSNs are then exempt from requiring technical names under 49 CFR 172.203(k)(3)(ii)?

Your clarification on this matter will be greatly appreciated.

Thank you:

Jeff R. Bowman

Environmental Compliance

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