



U.S. Department of Transportation  
Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave, SE  
Washington, D.C. 20590

DEC 19 2010

Ms. Erin Jarman  
URS Corporation  
1600 Perimeter Park Drive, Suite 400  
Morrisville, NC 27560

Ref. No. 10-0238

Dear Ms. Jarman:

This responds to your November 2, 2010 letter regarding the transportation of hazardous waste under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification of the appropriate hazardous material description for hazardous waste that contains constituents that are also hazardous materials. Your questions are paraphrased and answered as follows:

Q1. A bulk bin of solid hazardous waste material meeting the EPA toxicity waste characteristic (i.e., D008) due to the presence of lead also contains friable asbestos (i.e., a material included among the list of hazardous substances) in an amount less than the reportable quantity. The asbestos is not an EPA hazardous waste. Must the basic description of the hazardous material account for the friable asbestos?

A1. Yes, the shipper of this material must account for the asbestos. Asbestos in friable form is listed in the § 172.101 Hazardous Materials Table (HMT) as a material that presents a hazard during transportation. Therefore, based on the information provided, either "UN3082, Hazardous waste, solid, n.o.s., (D008), 9, PG III, (contains asbestos)" or "UN3082, Waste environmentally hazardous substance, solid, n.o.s., (D008, asbestos), 9, PG III" are examples of descriptions that could be used for the material.

Q2. What would be the correct basic description if the solid hazardous waste (i.e., D008) material contained lead and friable asbestos in reportable quantities? Both lead and asbestos are listed as hazardous substances in Table 1 to Appendix A of the § 172.101 HMT?

A2. The shipper must still account for the asbestos. Based on the information provided, "UN3082, Hazardous waste, solid, n.o.s., (D008), 9, PG III, RQ (lead, asbestos)" or "UN3082, Waste environmentally hazardous substance, solid, n.o.s., (D008), 9, PG III, RQ (lead, asbestos)" are examples of descriptions that could be used for the material. Special provision 8 limits use of the proper shipping name "Other regulated substances, n.o.s." to hazardous substances that are **not** also hazardous wastes, therefore, because the asbestos is not a hazardous

waste even though it is contained in the solid hazardous waste material, "Other regulated substances, n.o.s." is not an appropriate shipping description. See § 172.102(c)(1).

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Ben Supko". The signature is written in a cursive style with a large, stylized "B" and "S".

Ben Supko  
Acting Chief, Standards Development  
Standards and Rulemaking Division



Der Kinderen  
§ 172.101  
§ 171.8  
Applicability  
10-0238

November 2, 2010

Mr. Charles E. Betts  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

Dear Mr. Betts:

I am writing to you with regards to the correct basic description for a hazardous waste solid that contains other constituents that are hazardous materials, but that are not considered hazardous waste. Due to varying approaches used by waste vendors to describe these types of materials, we are seeking your assistance.

My questions are as follows:

- 1) A bulk bin of a hazardous waste solid material is characteristic of toxicity (D008) due to the presence of low levels of Lead. In addition, the same waste material contains friable asbestos (a hazardous substance, but non-hazardous waste) in an amount less than the reportable quantity. Do we need to account for the friable asbestos that is mixed in with the hazardous waste? What would be the correct basic description for this waste mixture?
- 2) A bulk bin of a hazardous waste solid material is characteristic of toxicity (D008) due to the presence of low levels of Lead. The Lead is present in a reportable quantity amount. In addition, the waste contains a reportable quantity amount of friable asbestos (a hazardous substance, but non-hazardous waste). What would be the correct basic description for this waste mixture?

Thank you in advance for your assistance. I look forward to your response.

Sincerely,

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