



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

FEB 09 2012

Mr. Brian Eberly
Processing Engineer
Yokayo Biofuels
150 Perry Street
Ukiah, CA 95482

Ref. No. 12-0009

Dear Mr. Eberly:

This responds to your January 6, 2012 email regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a bulk shipment of a byproduct of the production of biodiesel, consisting of water, glycerin, methanol, and small amounts of soaps, salts and vegetable oil, is subject to the HMR.

Section 173.22 states that a shipper is required to properly class and describe the hazardous material in accordance with Parts 172 and 173 of the HMR, and to determine that the packaging or container is an authorized packaging in accordance with Part 173. This Office does not perform this function. However, based on the information provided, it appears that the material you describe may meet the definition for an aqueous solution of alcohol as specified in § 173.150(e)(2). Section 173.150(e)(2) states that an aqueous solution containing 24 percent or less alcohol by volume and no other hazardous material is not subject to the HMR as long as it contains no less than 50 percent water (§ 173.150(e)(2)).

I hope this answers your inquiry. If you have further questions, please contact this office.

Sincerely,

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Winter
§ 173.150.
Exceptions

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, January 06, 2012 4:30 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Formal Letter of Interpretation

Hi Carolyn,

We received the following request for a letter of interpretation.

Thanks,
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

From: Brian Eberly [<mailto:brian@ybiofuels.org>]
Sent: Friday, January 06, 2012 4:18 PM
To: PHMSA HM InfoCenter
Subject: Formal Letter of Interpretation

Hello, I wish to get interpretation on the classification of a material for bulk trucking. I believe the material is except under 49 CFR 173.150 e, as a material having a low flashpoint due only to alcohol in an aqueous solution and having no other hazardous components. Our material is a byproduct of the production of biodiesel, is consists of crude glycerin and wash water. The primary components are water, glycerin and methanol, with small amounts of soaps, salts and vegetable oil. The methanol content varies, but it is usually 10% and never higher than 20% (v/v), the mixture is always more than 50% water. As methanol meets the definition for alcohol as described in 49 CFR 382.107, I believe our mixture is not classified as a hazardous material. Is this correct?

Cheers,
Brian Eberly
Process Engineer
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Ukiah, CA
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brian@ybiofuels.org