



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

SEP 5 2001

Mr. Edward D. Caracino
On Site Scheduled Maintenance Coordinator
Southworth-Milton, Inc.
100 Quarry Drive
Milford, MA 01757-1729

Reference No.: 01-0196

Dear Mr. Caracino:

This is in response to your July 24, 2001 letter regarding the classification and proper shipping name for "waste oil" under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

You state that your company transports a product that is classified as "waste oil" by the Massachusetts Department of Environmental Protection but is not subject to the regulations of the U.S. Environmental Protection Agency. Specifically, you ask what the proper shipping name is for "waste petroleum" that has a flash point between 141 °F and 200 °F, or has a flash point of 201 °F or higher. In a phone conversation with a member of my staff, you stated that the "waste oil" is being transported in a bulk packaging.

Under § 173.120(b)(1), a combustible liquid is defined as a material that has a flash point above 60.5 °C (141 °F) and below 93 °C (200 °F) that does not meet the definition of any other hazard class under the HMR. A combustible liquid that is not a hazardous waste, hazardous substance or a marine pollutant and is in a non-bulk package is not subject to the HMR. A combustible liquid in a bulk packaging is subject to the HMR. A material with a flash point of 93 °C (200 °F) or higher that does not meet the definition of any other hazard class and is not a hazardous waste, hazardous substance or a marine pollutant is not subject to the HMR.

Under the HMR, a waste that is subject to the Uniform Hazardous Waste Manifest (UHWM) requirements of the U.S. Environmental Protection Agency specified in 40 CFR part 262 is regulated for purposes of transportation as a "hazardous waste." A waste that does not require completion of a UHWM is not considered a "hazardous waste" for purposes of the HMR and is not subject to the requirements of the HMR unless it meets the definition of a hazardous material under the HMR. Thus, a State regulated waste that does not require completion of a UHWM and is not a hazardous material as defined in the HMR is not subject to the regulations under the HMR. Such a material may be described using a description such as "Waste oil" or "State regulated oil waste." This description on the shipping document may not include a hazard class or identification number specified in the § 172.101 Hazardous Materials Table (see § 172.202(e)).



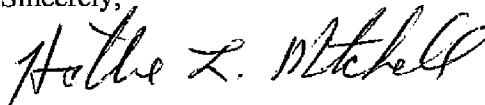
010196

172.101

A combustible liquid in a bulk packaging is subject to the requirements in the HMR (see § 173.150(f)(3)) and may be described on the shipping paper as "Combustible liquid, n.o.s., NA1993, III." The technical name for the hazardous material must be entered in parentheses in association with the basic description. A notation such as "State regulated oil waste" may be shown in item 15 of the waste manifest.

I hope you find this information helpful. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in black ink and is positioned above the typed name.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



**Southworth-
Milton, Inc.**



July 24, 2001

Main Store:
100 Quarry Drive
Milford, MA 01757-1729
(508) 634-3400

U.S. Dept of Transportation DHM-10
400 7th St. Southwest.
Washington, DC 20590

*Corbin
§ 172.101
Proper Shipping Name
01-0196*

14 Kendrick Road
Rte 28
Wareham, MA 02571-1079
(508) 291-1200

Dear Mr. Mazullo,

We at Southworth-Milton, Inc. provide heavy equipment sales and service in all of Massachusetts. A by-product of some of the services we provide is waste oil. Massachusetts Dept. of Environmental Protection has classified waste oil as a hazardous waste even though the Federal EPA does not.

79 Robertson Boulevard
Brewer, ME 04412-2246
(207) 989-1890

To comply with state regulations we have obtained a hazardous waste transporter's license and complete a state hazardous waste manifest for the waste oil we transport. One section of the manifest asks for a US DOT description of the material being transported. In an effort to comply I have checked with the Massachusetts DEP on the correct description and they differed the question to the DOT. I inquired with other licensed transporters and facilities only to find numerous descriptions.

16 Pleasant Hill Road
Mail: P.O. Box 960
Scarborough, ME 04070-0960
(207) 883-9586

Exit 6, Interstate 89
Hopkinton, NH 03229
Mail: 554 Maple Street
Hopkinton, NH 03229-3343
(603) 746-4611

After doing some research of my own the key element appears to be flash point. So my questions are: What is the proper US DOT description for waste petroleum with a flash point between 141 and 200 degrees Fahrenheit? What is the proper US DOT description for waste petroleum with a flash point 201 Fahrenheit degrees and above?

Exit 7, Interstate 89
Route 103
Warner, NH 03278
Mail: 554 Maple Street
Hopkinton, NH 03229-3343
(603) 746-4671

I am requesting a written response to these questions to keep in our files should the description on the manifest ever be in question. I appreciate your taking time to respond to this letter and thank you for your assistance.

90 Harts Lane
Albany, NY 12204-2489
(518) 465-5255

2158 Plainfield Pike
Commerce Park West #10
Cranston, RI 02920-2921
(401) 946-6350

Route #2 One Cat Lane
Richmond, VT 05477-9802
(802) 434-4228

Sincerely,

Edward D. Caracino
Edward D. Caracino

On Site Scheduled Maintenance Coordinator



COMMONWEALTH OF MASSACHUSETTS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DIVISION OF HAZARDOUS MATERIALS
 One Winter Street
 Boston, Massachusetts 02108

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator US EPA ID No.	Manifest Document No.	2. Page 1 of	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address				<small>State Manifest Document Number Manifest ID Generator ID State Transit ID Facility ID Transporter ID State Facility ID Facility Phone</small>		
4. Generator's Phone ()						
5. Transporter 1 Company Name		6. US EPA ID Number				
7. Transporter 2 Company Name		8. US EPA ID Number				
9. Designated Facility Name and Site Address				10. US EPA ID Number		
11. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)				12. Containers	13. Total	14. Unit
See reverse side				No.	Quantity	Wt/Vol
a.						
b.						
c.						
d.						
Additional Descriptions for Materials Listed Above (include physical state and hazard code)				15. Handling Codes for Wastes Listed Above		
15. Special Handling Instructions and Additional Information						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name				Signature		Date Month Day Year
17. Transporter 1 Acknowledgement of Receipt of Materials				Signature		Date Month Day Year
Printed/Typed Name				Signature		Date Month Day Year
18. Transporter 2 Acknowledgement of Receipt of Materials				Signature		Date Month Day Year
Printed/Typed Name				Signature		Date Month Day Year
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.						
Printed/Typed Name				Signature		Date Month Day Year

In case of emergency or spill, immediately call the National Response Center (800) 424-8802.

GENERATOR

TRANSPORTER

FACILITY

MA M37760 COPY 1 FACILITY MAILS TO DESTINATION STATE