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

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

JUN 16 2003

Mr. Patrick M. Haas, P.E.
Department of the Army
Newport Chemical Agent Disposal Facility
Newport Field Office
P. O. Box 519
Newport, Indiana 47966

Ref. No.: 03-0030

Dear Mr. Haas:

This responds to your letter regarding classification of a hazardous waste mixture that separates into two phases during transportation in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). We apologize for the delay in responding and hope it has not caused any inconvenience.

> The hazardous waste is a mixture of corrosive and flammable components. As generated, the hazardous waste is vigorously mixed and has a flash point of more than 200°F. When the waste is not well mixed, an organic phase separates from the aqueous phase. The aqueous phase comprises 95-98% of the total waste mixture and has a pH of 13.5. The upper organic phase, a mixture of various organic compounds, begins forming shortly after the waste is generated and continues forming during transportation. This organic phase comprises 2-5% of the total waste mixture, and has a flash point of approximately 120°F.

You did not provided sufficient information (e.g., the packing group(s)) associated with the hazardous waste mixture, which is necessary in determining the ranking of hazards for dual hazard materials. As you are aware, it is the shipper's responsibility to properly classify a hazardous material in accordance with the HMR.

For the hazardous waste described above, both the corrosive and flammable characteristics must be taken into account when determining the proper class/division and proper shipping description. The proper class of the mixture must be determined in accordance with the precedence of hazard table in

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172.101c

§ 173.2a(b) based on the hazard classes and packing groups met. The hazardous waste must be described on a Uniform Hazardous Waste Manifest and contain a shipper's certification statement as prescribed in §172.204. (See §§ 172.202, 172.203(k), 172.204(a)(1) and (2), and 172.205).

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

Sincerely,

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

DEPARTMENT OF THE ARMY
NEWPORT CHEMICAL AGENT DISPOSAL FACILITY
NEWPORT FIELD OFFICE
P.O. BOX 519
NEWPORT, INDIANA 47966

January 23, 2003

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§172.101 C
Classification
03-0030

ID03-0007

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street SW
Washington, DC 20590-0001

SUBJECT: **Request for Interpretation of Hazard Identification of a Hazardous Waste that Separates into Two Phases During Transportation.**

Dear Mr. Mazzullo:

This letter serves as a request for a formal interpretation of the requirements for hazard identification of a hazardous waste that separates into two phases during transportation. We are aware that it is the shipper's responsibility to identify hazards posed by the material at the point it is offered for transportation, and we are concerned that we appropriately communicate the hazards of this waste on our shipping papers.

Our hazardous waste is a mixture of corrosive and flammable components. As generated, the hazardous waste is well mixed and has a flash point greater than 200 °F. However, in the absence of vigorous mixing, an organic phase separates from the aqueous phase. The aqueous phase comprises 95-98% of the total waste mixture and has a pH of 13.5. The upper organic phase, which is a mixture of various organic compounds, begins forming shortly after the waste is generated and continues forming during transportation. This organic phase comprises 2-5% of the total waste mixture, and has a flash point of approximately 120 °F.

A hazard determination of the waste at the point it is generated or offered for transportation would result in a proper shipping name of waste corrosive liquids, mixture, n.o.s. This is because the Pensky-Martens flash point test involves stirring of the mixture during the determination of the flash point. With this mixing, the mixture has a flash point greater than 200 °F. However, this proper shipping name does not convey the potential flammability of the organic phase that will form in the cargo tank during transportation. Since this waste has a flammable upper phase (once it separates) during transportation, is it more appropriate to utilize the proper shipping name waste corrosive liquids, flammable, mixture, n.o.s.?

We are requesting an interpretation of hazard identification requirements related to phase separation during transportation and the corresponding specific requirements at 49 CFR 172.202(a) [Description of hazardous material on shipping papers], 49 CFR 172.204(a)(1) and (2) [Shipper's certification], 49 CFR 173.2a [Classification of a material having more than one hazard], and 49 CFR 173.22 [Shipper's responsibility].

If you have any questions regarding this matter or require clarification, please contact Mr. Glen Shonkwiler, NECDF Environmental Engineer at (765) 245-6069 or Mr. Scott Rowden, Parsons Environmental Manager at (765) 245-5811.

Sincerely,

PATRICK M. HAAS, P.E.
Site Project Manager

CF:
CEHNC-CD (Harold Merschman)
PMATA (Jeff Brubaker)
JMC (John Kaddatz)
PMCD-EMO (Matt Hurlburt)
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