



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Avenue SE
Washington DC 20590

MAR 06 2015

Mr. Chuck Denny
Duke Energy Corporation
526 South Church Street, EC13K
Charlotte, NC 28202

Ref. No. 14-0181

Dear Mr. Denny:

This responds to your September 25, 2014 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding shipment of aerosols for recycling or disposal under § 173.306(k). Specifically, you request further clarification of a previous Letter of Interpretation (Ref. No. 12-0004) discussing waste aerosols (subject to EPA manifest requirements) that are placed in a 55-gallon drum and exceed 66 pounds gross weight. Your questions are paraphrased and answered as follows:

Q1. It is your understanding that the only marking required for a drum of aerosols destined for disposal and transported by highway is the "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS" marking; however, you inquire further how the container is to be marked under § 173.306(k)?

A1. Your understanding is not correct. Under the requirements of § 173.306(k), a package of limited quantity aerosols to be transported by highway must display the limited quantity marking of § 172.315(a) and, when applicable under the conditions of the relevant provisions in (a)(3), (a)(5), and (b)(1), must be marked with the language "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS." This will be clarified in a future rulemaking.

Q2. With regard to hazardous material description requirements for a drum of flammable aerosols transported for disposal as hazardous waste by highway under § 173.306(k), would the shipping description "UN1950, Waste Aerosols, 2.1," or "UN1950, Waste Aerosols, 2.1, Limited Quantity" be more appropriate?

A2. The appropriate shipping description is "UN1950, Waste Aerosols, 2.1, Limited Quantity." Under the shipping paper requirements of Part 172, Subpart C, the shipping description for a hazardous material shipped as a limited quantity must include the words "Limited Quantity" (or "Ltd Qty") following the basic description (see § 172.203(b)); and under the requirements for use of the hazardous materials table, a material that is defined as a hazardous waste must include the word "Waste"

before the proper shipping name in the hazardous material description unless the word is already present as part of the proper shipping name (see § 172.101(c)(9)).

Q3. What is the appropriate shipping description for a drum with both flammable and non-flammable aerosols (not corrosive or toxic) for disposal as hazardous waste by highway under § 173.306(k)?

A3. A separate shipping description covering each of the Divisions of the Class 2 hazardous wastes must be included on the shipping paper.

I hope this answers your inquiry. If you need additional assistance, please call this Office at 202-366-8553.

Sincerely,



Dirk Der Kinderen
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Dodd, Alice (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Friday, September 26, 2014 3:45 PM
To: Hazmat Interps
Subject: FW: DOT Letter of Interpretation Requested on "Aerosols for recycling or disposal"

Shante and Alice,

Please submit this for a formal letter of interpretation. Mr. Denny spoke with Adam Lucas in the HMIC.

Thanks,

Mike

From: Denny, Chuck [<mailto:Chuck.Denny@duke-energy.com>]
Sent: Thursday, September 25, 2014 5:41 PM
To: PHMSA HM InfoCenter; INFOCNTR (PHMSA)
Cc: Denny, Chuck
Subject: DOT Letter of Interpretation Requested on "Aerosols for recycling or disposal"

PHMSA,

The following questions pertain to offering a 55-gallon drum of waste aerosols that weighs over 66 gross pounds and is destined for disposal. The shipment is to be made by highway only and the material is being managed as hazardous waste with the usage of a hazardous waste manifest. In reading DOT interpretation letter 12-0004, further clarification is requested.

MARKING/LABELING Requirements

For a drum of aerosol destined for disposal and transported only by highway, how is the container to be marked under 49 CFR 173.306 (k)?

In talking with DOT's INFOCENTER on September 25, 2014, it appears that the only marking requirement when offering aerosols under 49 CFR 173.306 (k) is "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS." There is no requirement to mark the container with the Limited Quantity marking identified under 49 CFR 172.315; there is no requirement to mark the container with the Proper Shipping Name and UN/NA number; and, there is no requirement to label the 55-gallon drum with a FLAMMABLE GAS label. The container is to be marked with EPA's Hazardous Waste label.

Hazardous Waste Manifest Shipping Description

For a drum of flammable aerosols only that is destined for disposal as hazardous waste and transported by highway only and prepared under 49 CFR 173.306 (k), would the shipping description "UN1950, Waste Aerosols, 2.1" or "UN1950, Waste Aerosols, 2.1, Limited Quantity" be appropriate?

For a drum of non-flammable aerosols only (not corrosive or toxic) that is destined for disposal as hazardous waste and transported by highway only and prepared under 49 CFR 173.306 (k), would the shipping description "UN1950, Waste Aerosols, 2.2" or "UN1950, Waste Aerosols, 2.2, Limited Quantity" be appropriate?

For a drum with both flammable and non-flammable aerosols (not corrosive or toxic) that is destined for disposal as hazardous waste and transported by highway only and prepared under 49 CFR 173.306 (k), what would be the shipping description(s) to use?

A DOT letter of interpretation is requested.



Thanks,
Charles (Chuck) Denny, CHMM
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DOT Hazmat SME
Waste Compliance
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