



**HI EVERYONE!** Welcome again to the *The Hazmat News Network*. This free publication, provided by REGULATORY RESOURCES, INC., is to help you in your hazardous materials and waste packaging and transportation duties. Please forward the Newsletter to others you think can benefit from the information. If you're not on distribution and would like to be, just give us an email (or call). It's that simple!

**THANK YOU FOR YOUR EMAIL ADDRESS.** A lot of you have changed over from fax to email distribution. Thank you. This helps me keep the cost down. For those still receiving this by fax and have an email address, please send it to me at [rri@televar.com](mailto:rri@televar.com). Try it...you'll like it!

**RSPA TAKES VACATION???** WOW, I only have a couple of docket actions to report. This is truly a miracle.

- **Feb 14<sup>th</sup>:** RCRA published a Final Rule, HM-145L, to amend the list of hazardous substances in Appendix A of §172.101. The rule is effective on August 14, 2000, however immediate compliance is authorized.
- **Feb 14<sup>th</sup>:** RSPA published the Final Rule to HM-208C, Registration and Fee Assessment. The effective date is May 1, 2000. See the article in this issue for more information.
- **Feb 16<sup>th</sup>:** EPA published a proposed rule to temporarily defer the requirement that PCBs be considered a UHC when they are present in soils that exhibit TCLP metals. This is good. Don't forget to comment on this docket.

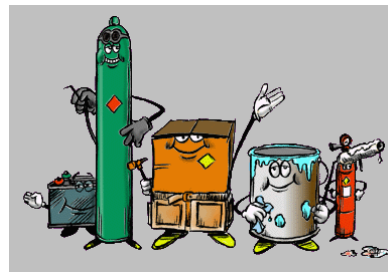
**HEADS-UP ON HAZARDOUS SUBSTANCES...** The DOT regulations don't always agree with CERCLA's hazsub list and RQ values. DOT has a lag in revising their hazsub list once EPA publishes their revisions. Therefore, you need to think about **TWO** different RQ requirements: CERCLA's and DOT's. For shipping, you comply with DOT's hazsub list; however, for reporting a discharge you must also comply with CERCLA. This means that a given package may not be a hazsub for shipping but is reportable under CERCLA if it discharges into the environment. Use both hazsub lists!

**CAN I GET IN TROUBLE** if I receive from a carrier hazmat that is not in DOT compliance? No. The HMRs apply to transportation in commerce. Once transportation ends it is not subject to the HMRs. Just don't reoffer the hazmat for transport unless it is in full compliance. You may want to contact the shipper and carrier though...they are in violation!



**"IN DIRECT SUPPORT OF A PRINCIPLE BUSINESS**

that is other than transportation by motor vehicle" is a phrase associated with Materials of Trade (MOTs). How does this apply? Well, here's some examples of MOTs. (1) Propane delivery services can



claim MOT for the methanol they use as an additive to prevent internal freezing of regulators, valves and lines of their customers; (2) chemists may transport small amounts of chemicals to labs or schools to conduct experiments; (3) a sample transported to a lab by the lab personnel or sample collector; (4) gasoline transported by and used by lawn services personnel, including fill-ups at the station; (5) pesticides and fertilizers transported by administrative staff from a warehouse to the field for use; (6) samples and chemicals transported by sales personnel. The key is that the transportation is made by a "private carrier" and by someone other than a person whose principle job is the transport of materials from point A to point B (e.g., a driver/carrier).

**GET YOUR WALLET OUT** because the new HM-208C Registration and Fee Assessment rule is expanding those who must register and possibly increasing the fee you pay. All five filing criteria in §107.601(a) still apply with an additional sixth criteria for registration and fees to *persons who offer for transport or transport hazmats requiring placarding* (except activities of farmers directly in support of farming operations...hey, we have to eat!). The term "shipper" or "offeror" includes, but is not limited to, selection of the package for a regulated hazmat, physical transfer of hazmat to a carrier, classifying the material, preparing shipping papers, reviewing shipping papers to verify compliance, signing hazmat certifications on shipping papers, placing hazmat marking or placards on vehicles or packages, providing placards to carriers, etc. One change to this, however, is that the persons who purchases a hazmat, has his or her name on the shipping paper as the shipper, and performs no "offeror" functions will not be required to register. Now for the fee. If you're a Small Business (as defined by the SBA), you pay \$300 (\$275+\$25 admin fee). For all others the fee is \$2000 (\$1975+\$25 admin fee) annually. All applicable persons must register no later than June 30<sup>th</sup> of each year, unless you opt to register and pay for two or three consecutive years all at one time on one form.