



WHOOSH...ANOTHER MONTH IS GONE! Wow, the last month has flown by. Why is it when the days are longer they seem shorter? Hmmm. Welcome to the July 99 issue of *The Hazmat News Network*. Please pass our newsletter to others you feel may benefit from the information.

FLBs ARE FINALLY UNIVERSAL WASTES effective January 6, 2000. The EPA's final rule, published 7/6/99, brought into Universal Waste (UWs) (40 CFR 273) hazardous waste lamps, e.g., lamps that are hazardous due to exhibiting

one or more of the characteristics of hazardous waste. Most of the requirements in place for pre-existing UWs apply to lamps as well. Here are some point to read about.

- (1) small quantity handler (e.g., ≤5000 kg aggregate of all UW at any one time) that exceeds the 5000 kg limit becomes a large quantity handler for the remaining calendar year;
- (2) specific packaging standards are added for lamps to prevent breakage of spent lamps during

accumulation, storage, and transport;

- (3) lamps, or lamp packages, managed as UW must display specified markings(e.g., identity and accumulation start date);
- (4) One-year maximum for accumulation applies – for multiple lamp packagings, this date is the date the first lamp is placed in the package (unless each lamp is managed separately in which case each lamp must be marked);
- (5)an EPA manifest is not required...however, take special care to find out about other states' adoption of the UW exception.

The docket spends time on this issue in the preamble, Section VI.C.

Don't forget to check with the various State regulations. Just because RCRA has added FLBs to UWs doesn't mean the State has adopted it.

THEY JUST KEEP COMING, AND COMING, AND... you just have to love this job to enjoy such fine readings.

- June 30th: The FHWA and RSPA reopened the comment period for a preemption determination (PDA-20(RF)) between the Waste Hazardous Materials Transporters and Cleveland, Ohio. Comments are due by 8/16/99.
- July 1st: The FHWA seeks information about technologies that may reduce CMV driver fatigue, while also lowering

CMV emissions and reducing fuel consumption. Hey, that's simple. Each day the driver gets a 4-hour break for golf or fishing. How hard is this! Anybody have any openings?

- July 6th: EPA publishes the hazardous lamp Universal Waste rule. See article above.
- July 7th: RSPA published an Advisory Notice concerning the transportation (hence packaging and shipping) of batteries and devices that contain batteries. It seems some folks are starting fires in transportation. Heads Up!
- July 13th: The FHWA published an extension for motor carriers to submit applications to participate in the GPS technology pilot demonstration project

DOT's ALCOHOL/AQUEOUS EXCEPTION is easily misread. The exclusion in 49 CFR 173.150(e) consists of two paragraphs, (a) and (b), which are separated by the conjunction, "and". Normally this means that both (or all) of the paragraphs must be met. Well, not in this case. The exception in 173.150(e) is actually two exceptions. Both of the exceptions' common denominator is that the aqueous solution can contain no more 24% alcohol by volume and cannot contain any other DOT regulated material/waste. If this is met, then you can:

- (1) reclass the solution to a combustible liquid (with regard to the flashpoint of the solution), **OR**
- (2) if the solution is at least 50% or more water content, the solution is no longer a DOT regulated material (unless a hazardous waste of course).

The difference between the two options is that bulk packages will not be regulated under the second options. Now heads up waste folks, EPA's aqueous/alcohol exception for D001 (40 CFR 261.21(a)(1)) applies only to the second option. Therefore to be excepted from D001 status, the aqueous solution must be at least 50% water and no more than 24 % alcohol.

DON'T FORGET ABOUT OUR UPCOMING TRAINING

workshops. You can find out about these by referring to our June 99 issue or by calling/emailing me. Also, if you're in need of on-site training, please give us a call. This is our speciality. I guarantee you'll learn something new in our workshops!!





RCRA's DOMESTIC SEWAGE EXCLUSION has its limitation. In 40 CFR 261.4(a)(1), an exclusion from the definition of **solid waste**, hence hazardous waste, applies to domestic sewage and any mixture of domestic sewage and other wastes that passes through a sewer system to a POTW for treatment. Two facts to note. First, to claim the exception for a mixture of domestic sewage and other wastes the waste must be mixed with non-industrial sewage – that is it must mix with private houses (i.e., domestic homes). A POTW in an industrial park in which no domestic homes are attached to the sewer system cannot apply for the 261.4(a)(1) exclusion.

Second, even if domestic sewage is connected, the waste mixture must “pass through” the sewer system. If a line breaks, hence curtailing the waste mix from entering the POTW, the exclusion is lost and waste clean-up is subject to RCRA (and possibly the CWA). Be careful. It's a wonderful exclusions if all the pieces are in place. (Thanks Allison)

NEXT MONTH we'll look at the benefits and pitfalls in using DOT packagings to meet the “CC” organic air emission requirements for waste accumulation and storage, and much more. Stay tuned...