



WELCOME to *THE HAZMAT NEWS NETWORK*. This monthly publication (or close to it) is a FREE service provided by Regulatory Resources, Inc.

The purpose is to provide you with valuable information concerning DOT hazardous materials regulations (and some EPA waste issues). Please forward this to others you feel may benefit from our service.

DON'T FORGET TO GIVE ME YOUR EMAIL address if you're still receiving the newsletter by fax. Please, if you have an email address, send it to me at rri@televar.com so you can start receiving the newsletter electronically and save me distribution \$\$\$\$. Besides, I often have to shorten or omit articles just to make a single page fax and the color pictures display okay via email.

RECENT DOT DOCKET ACTIONS INCLUDE...

- Sept 29th: RSPA published advisory guidance to remind all persons who travel or ship materials by aircraft that flammable gas torches are prohibited in passenger-checked or carry-on baggage and regulated when offered on cargo-only aircraft. This may include cigarette lighters or similar devices. Check out the docket for more information.
- Sept 30th: RSPA published the NPRM, HM-218, proposing miscellaneous amendments to the hazmat regulations. Comments due by November 29, 1999.
- Oct 6th: RSPA published a notice of preemption determination against the Tennessee hazardous waste transporter fee and reporting requirements.
- Oct 8th: RSPA published a notice of public meeting regarding the study of the applicability of Hazard Analysis and Critical Control Points (HACCP) or similar methodologies to the transport of hazmat. See the docket for specific meeting dates and locations.
- Oct 20th: The FHWA is conducting public meetings to discuss responsibilities for the inspection, repair, and maintenance of intermodal container chassis and trailers. See the docket for specific dates and locations.
- Oct 21st: RSPA published a Safety Advisory notice regarding Luxfer manufacturer's mismarking of some DOT-3AL cylinders in carbon dioxide service.

ADVANCED RAD PACKAGING & TRANSPORT class is set for December 13-17, 1999 at the Amarillo Technical College in Amarillo, Texas. We'll be discussing multiple nuclide determinations, packaging selection & configuration, and more. We have room for only a few more participants. Call me for registration or further information.

CERTAIN METALS ARE EXEMPTED FROM CERCLA hazardous substance determinations. I received a call from a client concerning the applicability of hazardous substances to lead plates and bricks. In this case, hazardous substance determination does not apply per 40 CFR 302.6(d). If the metal listed in the before mentioned reference (which includes lead) is at or above 100 micrometers in diameter, the requirements for RQ do not apply. Therefore, lead plates or bricks themselves are not hazardous substances, hence, not subject to DOT hazardous materials regulations (unless a hazardous waste under RCRA). Remember, this applies only to the elemental metal and not compounds of the metal (i.e., lead cyanide, lead nitrate, etc.).

DOT AUTHORIZED PACKAGE MAY NOT MEET the RCRA "CC" organic air emission standards. Four specific requirements apply when using DOT containers to meet "CC" standards (40 CFR 256.1087(f) and 264.1087(f)). First the container used must be a specification package found in 49 CFR 178 or 179. This requirements throws out all non-specification packaging and strong-tight packagings – bulk and non-bulk. Secondly, the package must meet all DOT requirements (DOT-E packaging allowed); e.g., it must be the authorized packaging for the waste. The third and fourth requirements really suck. These requirements do not allow the use of any DOT packaging exceptions or non-178/179 packagings. This means that limited quantity packaging, bulk bins, roll-offs, etc., cannot be used to meet "CC" standards. It goes so far as to disallow the reuse for waste, per 49 CFR 173.12(c), of authorized DOT specification packaging that would otherwise normally be subject to reconditioning requirements of 173.28 before being allowed for reused. The EPA's reason: these packagings are no longer in compliance with 49 CFR 178. The only allowed DOT packaging exception that still can meet "CC" standards is labpacks per 49 CFR 173.12(b).

