



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

MAR 10 2000

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

Mr. William J. Briner
Regulatory Affairs Manager
Monsanto Company
800 North Lindbergh Blvd.
St. Louis, MO 63167

Ref. No. 00-0025

Dear Mr. Briner:

This is in response to your letter dated January 13, 2000, regarding the definition of a hazardous substance under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a package containing 400 pounds of a D001 waste, the composition of which is known to be 100% mineral spirits, would exceed its reportable quantity (RQ) as stipulated under Appendix A to § 172.101.

The appropriate RQ for a hazardous waste depends on the amount of information available on the waste stream including the constituents of the waste stream and their respective concentrations. If the constituent and its exact concentration in the waste stream are known, then the RQ for the constituent is appropriate. For example, Toluene has an RQ of 1000 pounds (454 kg). If Toluene is the only constituent and its concentration in a mixture or solution is known, then the RQ for Toluene is appropriate. However, if the waste's constituent or its respective concentration is unknown, then the appropriate RQ is that which is assigned to the waste stream. Therefore, you must know the constituents and their exact concentration in the mineral spirits, otherwise the material is subject to the RQ for a D001 waste (100 pounds (454 kg)).

I hope this satisfies your request.

Sincerely,



John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



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171.8

MONSANTO

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BHH
§ 171.8 H
Hazardous Substance

MONSANTO COMPANY
800 NORTH LINDBERGH BOULEVARD
ST. LOUIS, MISSOURI 63167
PHONE (314) 694-1000
<http://www.monsanto.com>

January 13, 2000

00-0025

U.S. Department of Transportation
Research and Special Programs Administration
Office of Hazardous Materials Standards (DHM-10)
400 Seventh Street, S.W.
Washington, D.C. 20590-0001
Attn: Mr. Thomas Allan

Dear Mr. Allan:

I am writing to request a written interpretation concerning 49 CFR 172.203(c) and Appendix A to 172.101 - List of Hazardous Substances and Reportable Quantities.

A 55-gallon drum contains a net weight of 400 lbs. of an EPA RCRA hazardous waste. The composition of the waste is known to be 100% mineral spirits, a D001 characteristic hazardous waste. Mineral spirits is not specifically listed as a hazardous substance in Appendix A to 172.101 - List of Hazardous Substances and Reportable, Table 1 - Hazardous Substances Other Than Radionuclides.

Question: Does this drum contain a reportable quantity of the hazardous substance D001?

Thank you in advance for providing this interpretation.

If you have any questions, please call me at (314) 694-2999.

Sincerely,

William J. Briner

William J. Briner
Regulatory Affairs Manager