



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

AUG. 27 2001

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

Mr. Juan R. Alcaraz Vázquez
Puerto Rico Electric Power Authority
Environmental Protection Division
1110 Ponce de León Avenue
Santurce, PR 00907

Ref. No. 01-0213

Dear Mr. Vázquez:

This is in response to your August 20, 2001, letter, requesting clarification on the transportation of polychlorinated biphenyls (PCBs) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1: Is transportation between Puerto Rico and the continental United States considered domestic transportation?
- A1: The answer is yes. Section 171.8 defines domestic transportation as transportation between places within the United States other than through a foreign country.
- Q2: Are PCBs subject to the HMR when transported by air or water if, as packaged, they do not meet the definition of a hazardous substance or marine pollutant?
- A2: The answer is no. According to special provision 140, PCBs are only subject to the HMR when they meet the defining criteria for a hazardous substance or a marine pollutant. This provision applies to all modes of transportation, including air and water.

I hope this satisfies your request.

Sincerely,


John A. Gale
Transportation Regulation Specialist
Office of Hazardous Material Standards



01-0213

172.101 Appendix B

CN 078-04495
REV. 1/01COMMONWEALTH OF PUERTO RICO
PUERTO RICO ELECTRIC POWER AUTHORITY
SAN JUAN, PUERTO RICO

www.prepa.com

Betts
§ 172.101 App. B
Marine PollutantsPO Box 364267
San Juan, Puerto Rico 00936-4267

01-0213

August 20, 2001

Mr. Edward Mazzuloo
Director
OHMS

Dear Mr. Mazzuloo:

The Puerto Rico Electric Power Authority has contacted the DOT Hotline regarding interpretations of the newly amended HMR's on PCB's. I have personally talked with Mr. Arthur Pollack one of your specialists. Following is my interpretation of the basic points, which I have discussed with him:

1. Transportation between Puerto Rico and the United States is considered domestic transportation and only DOT HMR's apply.
2. PCB's containing wastes are only regulated, in any mode of domestic transportation, when they are a hazardous substance or a Marine Pollutant in a single container (deletion of symbols A and W from the 172.101 Table and addition of special provision 140).
3. Single containers which do not contain a hazardous substance or a Marine Pollutant of PCB's wastes are not HMR regulated in any mode of domestic transportation and shall not be labeled or marked (this includes the item itself according to special provision 81).
4. A shipping container containing non-HMR regulated single containers is not HMR regulated, regardless of the amount and aggregate weight of the single containers, and shall not be marked or placarded.

Mr. Edward Mazzuloo

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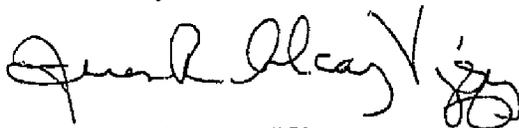
August 20, 2001

According to one of our contractors a lawyer working for their mainland partners contacted DOT Hotline and interviewed personnel from DOT Headquarters and other DOT offices and from the USCG Marine Safety Division on these matters. Accordingly, they sent us a letter stating that even for domestic transportation all single containers containing PCB wastes at any level (whether or not there is an RQ present) are subject to HMR. We are enclosing a copy of the letter sent to us by our contractor and the document they claim was reviewed and accepted by DOT personnel.

We have a scheduled disposal activity for the beginning of September 2001. If possible, please send us your opinion on these matters in written form within the next 10 business days. You can contact me or my supervisor Freddie Rodriguez at (787) 289-4976 to answer any questions regarding these matters. You can fax the answer to (787) 289-4999. Our mailing address is:

Puerto Rico Electric Power Authority
Environmental Protection Division
Substances and Wastes Management Department
NEOS Building, 7th Floor
1110 Ponce de León Avenue
Santurce, PR 00907

Sincerely,



Juan R. Alcaraz Vázquez
Substances and Wastes Management
Department
Section Supervisor