



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

APR 29 2003

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

Mr. Ted Nebrich
Waste Technology Services, Inc.
640 Park Place
Niagara Falls, New York 14301

Ref. No. 02-0069

Dear Mr. Nebrich:

This responds to your letter regarding the shipping description of a hazardous material under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, You inquire whether a drum containing an organic toxic solid mass (70%; Division 6.1, Packing Group III) immersed in water (30%) would be described as a Division 6.1 solid, liquid, or in some other manner. You state in your letter that the solid is completely insoluble in water. I apologize for the delay in responding.

In the situation which you describe, the two-phase non-homogeneous material would be properly described as "Toxic solids, organic, n.o.s., UN2811, PG III" and must be packaged in a packaging suitable for liquids as prescribed in § 172.101(i)(4). Because the shipping description identifies the material as a solid, additional information may be included on the shipping paper, in association with the basic description, to convey the physical state of the material. Alternatively, the shipper may want to consider requesting an approval, under the provisions of § 172.101(l)(2), to describe the material in domestic transportation using a shipping description which includes the word "liquid."

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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172.101



WASTE TECHNOLOGY SERVICES INC.

Steven s
§ 173.101

Proper Shipping
Name

02-0069

February 12, 2002

Mr. Edward Mazullo
Director, Office of Hazardous Materials Standards
USDOT/RSPA/DHM10
400 Seventh Street SW
Washington, DC 20590

Dear Mr. Mazullo,

I am writing this letter requesting an interpretation and answer to the following:

A drum contains 70% of an organic solid that meets the definition of a Class 6.1 PG III material. The remaining 30% of the drum is water. The organic solid is completely insoluble in water.

Question: Would this material be shipped as a Class 6.1 PG III SOLID, a Class 6.1 PG III LIQUID, or something else?

Thank you in advance for your response to this letter.

Sincerely,

David J. Passuite
Waste Technology Services, Inc.
640 Park Place
Niagara Falls, NY 14301

DP/dp

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