



EPA Reportable Quantities (RQ) and Misnomers¹

When profiling and shipping hazardous waste versus a raw chemical product, I've run into the debate over the application of the RQ designation. The RQ, reportable quantity, designation is a term both EPA and DOT use to describe a material that is or contains a hazardous substance. However, when to use it on shipping documents versus packages is where confusion occurs. This article will outline the basic application of an RQ designation on packages and shipping documentation.

EPA and DOT have the same definition for a hazardous substance. **Hazardous substances** are materials that can be extremely harmful to the environment when released. EPA comprised a list of hazardous substances that can be found under 40 CFR 302.4. DOT adopted the same list and incorporated it under 49 CFR 172.101 Appendix A, Table 1 and Table 2. The distinction between EPA's and DOT's designation is that a material is only considered to be a hazardous substance under DOT if it is listed under 49 CFR 172.101 Appendix A and is transported in a package that contains a *reportable quantity* of that substance. Under EPA, the material has to be listed under 40 CFR 302.4.

Once the determination has been made as to whether the material is a "hazardous substance", the next designation to determine is whether the package contains the reportable quantity of each hazardous substance. A **reportable quantity** (RQ) is the amount of hazardous substance that has to be released into the environment before the EPA requires notification of the release to the National Response Center. These numerical designations are listed under 49 CFR 172.101 Appendix A, Table 1 and Table 2. The lists contain chemical names and EPA waste codes. If the material is below the concentration quantities shown, the RQ designation does not apply. If you meet or exceed the concentration quantities shown, the RQ designation is required. If you have a mixture, you can use the chart under 49 CFR 171.8 that converts RQ pounds into concentration by weight per percent or parts per million (ppm) to determine the RQ for a specific constituent in the mixture. For example, any hazardous substance with an RQ value of 10 pounds (4.54 kilograms) would have a 0.02 percent or 200 ppm concentration by weight. When

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selecting an RQ designation for characteristic waste (ie D001, F002), if the amount of each hazardous substance is known in each waste container, the characteristic RQ value need not be used. The RQ value for each hazardous substance would be used. If the material has multiple RQ values, the lowest RQ value is to be used.

When the RQ designation is required, it is used in conjunction with the DOT hazardous materials shipping description. The letters "RQ" need to be entered before or after the basic shipping description. If more than one RQ exists for the material, each hazardous substance containing an RQ must be listed. For example, Environmentally hazardous substance solid, n.o.s., 9, UN3077, PG III, RQ (Thiuram) or RQ, Allyl alcohol, 6.1, UN1098, PG I.

If you need more information on this topic, please access EPA's or DOT's websites.

¹ T. Warsheski, CHMM; Hazardous Materials Specialist

RSPA Proposes Security Requirements²

Ever since September 11, 2001, the United States has been asking everyone to focus on security issues. In response to this request, many agencies have been proactive in their efforts. The American Chemistry Council published two Security Guidance Documents. One to assist the Chemical Manufacturing Industry and one for Chemical Carriers. The biggest news breaking effort has come from the Research and Special Programs Administration (RSPA). RSPA has been actively pursuing changes in the DOT regulations to enhance the security of hazardous materials transported in commerce. The proposals to current regulation include: a requirement for motor carriers to maintain a copy of their current registration certificate on each motor vehicle; require shipping papers to include the name and address of the consignor and consignee and the shipper's DOT Hazmat Registration number, if applicable; require shippers and carriers of certain highly hazardous materials to develop and implement security plans; and require hazardous materials shippers and carriers to assure that their employee training includes a security component where the employee is trained to recognize and respond to security threats.

² T. Warsheski, CHMM, Hazardous Materials Specialist; DGI News, Issue No. 24 – Summer 2002

Federal Government to Pay for Cleanup³

In an article published by Waste News, a federal appeals court has ruled that the federal government must pay for the cleanup of a Superfund site in Torrance, California, that manufactured synthetic rubber during World War II.

In the court's opinion, the judge stated that this was a shocking case. "The government is trying to take money from firms it conscripted for a critical part of a great war effort." The government argued that Dow Chemical Co., which operated the plant on behalf of the government, cannot be made to share in the cleanup cost.

The federal government oversaw the construction of a synthetic rubber plant and hired Dow to operate because of its expertise in the area. The government owned the property, plant, rubber and waste because Dow was bound by its contract to carry out the instructions of the federal government, including instructions about handling toxic waste. Aluminum chloride sludge and sulfur were kept in evaporation ponds at the plant.

The government argued that Dow should share in the cleanup costs because the company had management expertise in handling the waste and because it dug the pits, transported the waste to the pits and maintained security at the pits. The government also argued that Dow was paid for its services and gained valuable experience.

The court pointed out in its ruling that Dow accepted compensation far below market rates and that the government knew all along that soil and water were being polluted. "The government decided at the time that polluting the land and water this way was preferable to diverting resources from the war effort to do anything about it", the court stated in its written opinion. "Now the government wants its servants to pay for what it told them to do and promises them they could do with no fear of liability:"

³ Bruce Geiselman, U.S. to pay for Calif. Cleanup, Waste News , August 19, 2002

The court said that according to the governments logic, it could ask American soldiers who battled the Japanese in Alaska's Aleutian Islands to share in the cost of cleaning up the lead from their bullets.

FOURTH GENERAL MEETING OF 2002

The Fourth Philadelphia Chapter Meeting will be on *September 18th, 2002*. The meeting will be held at the D'Ignazio's Towne House Restaurant in Media, PA. The agenda for the meeting is a guest speaker who will be giving a technical presentation entitled "Implementing an Air Resources Management System; Lessons Learned". The dinner will start at 6pm and the cost is \$20.00 per person. The dinner choices are Capon & rice or Veal Parmesan.

If you plan on attending, please respond with your dinner choice no later than September 12, 2002. You can e-mail your attendance to dswitzer@UTRSmail.com or by calling 856-667-6770 x122.

DIRECTIONS TO TOWN HOUSE – (610-xxx-xxxx):

Take Route 476 (Blue Route) to Exit 3 (Media/Swathmore). If traveling South on Rt. 476, make a right onto Baltimore Pike. If traveling north on Rt. 476, make a left onto Baltimore Pike. The restaurant is 1.5 miles from Rt. 476 on the right.

Meeting Dates for 2002:

March 20 May 16 September 18 November 12

INTERNET INFORMATION

www.epa.gov: Environmental Protection Agency information/regulations

www.access.gpo.gov/nara/cfr/cfr-table-search.html: Code of Federal Regulations

www.state.nj.us/dep/: NJ regulations

www.pacode.com: PA regulations

www.siri.uvm.edu/msds/: MSDS archive (free)

www.hazmat.dot.gov/: DOT Hazardous Materials

www.solidwaste.com: Current issues and regulations regarding solid waste with links to numerous other waste and environmental sites.

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2001 IATA Regulatory Changes with 2002 Updates⁵

The 42nd edition of the IATA Dangerous Goods Regulations was made effective January 1, 2001. Here are the major changes:

- Extensive changes were made to radioactive (class 7) requirements. These will be effective in July to coordinate the same effective date for all modes of transport
- New exclusions were made for some explosives (class 1)
- As of June 1, 2001 Federal Express will not accept dangerous goods declarations unless they are computer generated or typewritten. See FX-12
- Delta Airlines is requiring all liquid dangerous goods to be packed in combination packaging with sufficient absorbent to absorb the entire contents of the inner packaging(s). See DL 14
- Numerous changes were made to Section 4.2 List of Dangerous Goods. Please watch effective dates of all changed items.
- Packing Instructions Section 5 contains many changes with different effective dates.
- Numbers may be shown on subsidiary hazard class labels. 7.2.3.2 effective July 1, 2001
- Added the requirement that the basic description on the Dangerous Goods declaration may not have any additional information interspersed. That description is Proper Shipping Name, Hazard Class, Identification Number, Packing Group, if applicable and subsidiary risk
See 8.1.6.9.1
- "Samples for further testing" shipment requirements now mirror the requirements of last year's US state variation 14

The newest changes to the regulations are minor. To view the complete list and the latest corrections and additions to the 2001-2002 ICAO Technical Instructions issued on 01/15/02, access www.iata.org/cargo/dg.

⁵ www.hazmathelp.com/iatachan.htm