



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

FEB 20 2013

Charles McDowell
EMS Representative
American Ordnance LLC
2280 Highway 104 West, Ste. 2
Milan, TN 38358-3177

Reference No. 13-0016

Dear Mr. McDowell:

This is in response to your January 22, 2013 e-mail requesting the Pipeline and Hazardous Materials Safety Administration (PHMSA) provide clarification on the shipment of waste water canisters containing perchlorate resins. In your scenario, the canisters are removed from service and the perchlorate resin in the containers is tested in accordance with § 173.127(a)(1) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and found not to support combustion. In addition the perchlorate resin is tested and is determined not to be an Environmental Protection Agency (EPA) hazardous waste. You ask if empty packaging provisions in § 173.23 would apply to the perchlorate resin in your containers.

Under § 173.22, it is the shipper's responsibility to properly classify a hazardous material. This Office does not perform that function. However, based on the information you provided, it does not appear that the material you describe meets the definition of a hazardous material. Therefore, the empty packaging provision in § 173.23 would not apply to the containers.

I hope this satisfies your request.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Andrews
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\$ 173.29

From: INFOCNTR (PHMSA)
Sent: Tuesday, January 22, 2013 11:14 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Interpretation.

Empty Packagings
13-0014

Hi Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,
Victoria

From: McDowell, Charles [<mailto:Charles.McDowell@aollc.biz>]
Sent: Tuesday, January 22, 2013 10:59 AM
To: INFOCNTR (PHMSA)
Cc: Arnold, Jackie
Subject: Interpretation.

At our facility, we have used an ion exchange resin to remove perchlorate from waste water. Once the canisters reach a saturation point, they are removed from service and drained. The contaminated resin has been tested in accordance with 173.127 (a)(1), and would not support combustion, thus exceeding the burn time of the 3:7 potassium bromate/cellulose mixture. Based upon analysis, the material does not meet the definition of a hazardous waste.

Question:

Since a hazardous material (Perchlorate) passed through the containers of the ion exchange resin and contaminated the resin, does 49 CFR 173.29 (Empty Packagings) apply to the containers of contaminated resin and ship the containers as **UN 1481 Perchlorates, Inorganic N.O.S.** or do we base our shipping name upon the analysis of the contaminated resin and ship the contaminated resin as an unregulated material?

If you have any questions feel free to contact me (Monday thru Thursday).

Charles McDowell
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