



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

Mr. Victor Garcia
Environmental Engineer
Western Refining
212 N. Clark Street
El Paso, TX 79905

MAR 13 2015

Ref. No.: 14-0135

Dear Mr. Garcia:

This is in response to your letter dated June 13, 2014, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) pertaining to the preparation of a Hazardous Waste Manifest. You relate that your facility generates a waste comprised of several hazardous components and described as "Hazardous waste, solid, n.o.s.", Class 9. In accordance with Environmental Protection Agency (EPA) requirements up to six applicable waste stream codes may be entered into Section 13 of the Hazardous Waste Manifest. You ask if it is acceptable to include the waste codes in parentheses in association with the U.S. DOT Description in Section 9b of the manifest.

Section 172.205(a) of the HMR requires a hazardous waste manifest to be prepared in accordance with the instructions referenced in 40 CFR § 262.20. The instructions for preparing the manifest found in the Appendix to 40 CFR Part 262 provide for entering up to six waste codes in Section 13 of the manifest. Further, as you point out, § 172.203(k)(2)(i) of the HMR provides that the requirement to enter technical names on the shipping paper for n.o.s. descriptions does not apply to a material that is a hazardous waste and described using the proper shipping name "Hazardous waste, liquid *or* solid, n.o.s.", Class 9; provided the EPA hazardous waste code is included on the shipping paper in association with the basic description. Finally, the instructions for preparing the hazardous waste manifest authorizes including technical names in Section 9b (U.S. DOT Description) if applicable. Therefore, while the appropriate waste codes are required to be entered in Section 13 of the hazardous waste manifest, neither the instructions nor the HMR would prohibit the waste codes from also being entered in parentheses in association with the U.S. DOT Description in Section 9b.

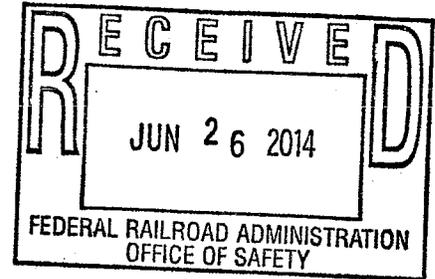
I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Shane C. Kelley
Acting International Standards Coordinator
Standards and Rulemaking Division

VIA CERTIFIED MAIL
7012 1640 0002 3032 9189

June 13, 2014



Pipeline and Hazardous Materials Safety Administration –
U.S. Department of Transportation
1200 New Jersey Avenue, SE
East Building Second Floor
Washington, DC 20590

**Re: Hazardous Materials (HAZMAT) Regulation Clarification
49 CFR 203 – Additional Description Requirements**

Dear PHMSA,

172.

172.

This letter constitutes a written request for clarification of Regulation 49 CFR 203, specifically 49 CFR 203(k)(2)(i). In accordance with the above mentioned regulation, if a hazardous material is a mixture or solution of two or more hazardous materials, the proper shipping name should include in parenthesis the technical names of at least two of these components which predominately contribute to the hazards of the mixture. However, these requirements do not apply to a material classified as Hazardous Waste Solid n.o.s., classed as a miscellaneous Class 9, provided the EPA hazardous waste number is included on the shipping paper in association with the basic description.

Our specific request of clarification to PHMSA is as follows:

Our facility generates a waste-stream made of several hazardous components. This waste is identified as a "Waste Solid n.o.s., Class 9". Per the Environmental Protection Agency (EPA) requirements, applicable EPA Codes have to be included in Section 13 of the Hazardous Waste Manifest (Attachment A). The Hazardous Waste Manifest form allows using one to up to six EPA Codes. These EPA Codes relate to specific hazardous components or processes. In this respect, is it acceptable to include these applicable EPA codes in the parenthesis section of the waste shipping name (section 9.b of Hazardous Waste Manifest) in substitution of technical names?

If you have any questions or comments, or if you need any additional information regarding this written request for clarification, please contact Mr. Victor Garcia at victor.garcia@wnr.com or at (915) 775-3358.

Sincerely,

Victor Garcia
Environmental Engineer

SLDW.2.C.1.a.4

| UNIFORM HAZARDOUS WASTE MANIFEST | | 1. Generator ID Number | | 2. Page 1 of | | 3. Emergency Response Phone | | 4. Manifest Tracking Number | | |
|--|--|---|--|--------------|--------------------------|-----------------------------|--|-----------------------------|-----------------|------|
| | | 5. Generator's Name and Mailing Address | | | | | Generator's Site Address (if different than mailing address) | | | |
| Generator's Phone: | | | | | | | | | | |
| 6. Transporter 1 Company Name | | | | | | | U.S. EPA ID Number | | | |
| 7. Transporter 2 Company Name | | | | | | | U.S. EPA ID Number | | | |
| 8. Designated Facility Name and Site Address | | | | | | | U.S. EPA ID Number | | | |
| Facility's Phone: | | | | | | | | | | |
| 9a. HM | 9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any)) | | | | 10. Containers | | 11. Total Quantity | 12. Unit Wt./Vol. | 13. Waste Codes | |
| | | | | | No. | Type | | | | |
| 1. | | | | | | | | | | |
| 2. | | | | | | | | | | |
| 3. | | | | | | | | | | |
| 4. | | | | | | | | | | |
| 14. Special Handling Instructions and Additional Information | | | | | | | | | | |
| 15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true. | | | | | | | | | | |
| Generator's/Officer's Printed/Typed Name | | | | | Signature | | | Month | Day | Year |
| 16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ | | | | | | | | | | |
| Transporter signature (for exports only): _____ | | | | | Date leaving U.S.: _____ | | | | | |
| 17. Transporter Acknowledgment of Receipt of Materials | | | | | | | | | | |
| Transporter 1 Printed/Typed Name | | | | | Signature | | | Month | Day | Year |
| Transporter 2 Printed/Typed Name | | | | | Signature | | | Month | Day | Year |
| 18. Discrepancy | | | | | | | | | | |
| 18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection | | | | | | | | | | |
| Manifest Reference Number: _____ | | | | | | | | | | |
| 18b. Alternate Facility (or Generator) | | | | | | | U.S. EPA ID Number | | | |
| Facility's Phone: | | | | | | | | | | |
| 18c. Signature of Alternate Facility (or Generator) | | | | | | | Month | Day | Year | |
| 19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) | | | | | | | | | | |
| 1. | | 2. | | 3. | | 4. | | | | |
| 20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a | | | | | | | | | | |
| Printed/Typed Name | | | | | Signature | | | Month | Day | Year |

GENERATOR

TRANSPORTER INT'L

DESIGNATED FACILITY