

| <u>SUBJECT</u>   |        | <u>DATE</u>  |
|--|--------|--------------|
| 1188. RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario II   | ENCORE | AUG 11, 2016 |
| 1189. RCRA Empty Containers vs. TSCA PCB Decontaminated Containers - Scenario III  | ENCORE | AUG 18, 2016 |
| 1190. Product Spills and Waste Determinations                                      | ENCORE | AUG 25, 2016 |
| 1191. Product Spills, Waste Determinations, and LDR                                | ENCORE | SEP 1, 2016  |
| 1192. Regulatory Status of Caustic Rinse Waters Contaminated with Trace Solvents   | ENCORE | SEP 8, 2016  |
| 1193. Regulatory Status of Sand Blast Grit Contaminated with Trace Listed Solvents | ENCORE | SEP 15, 2016 |
| 1194. Hazardous Waste "F" Listings and Trace Contamination                         | ENCORE | SEP 22, 2016 |
| 1195. Hazardous Waste "F" Listings and Trace Contamination – Again!                | ENCORE | SEP 29, 2016 |
| 1196. Hazardous Waste Determinations and Phase Separation                          |        | OCT 6, 2016  |
| 1197. Asbestos and DOT Relief  | ENCORE | OCT 13, 2016 |

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## TWO MINUTE TRAINING

**TO:** CH2M HILL PLATEAU REMEDIATION COMPANY

**FROM:** PAUL W. MARTIN, RCRA Subject Matter Expert  
CHPRC Environmental Protection, Hanford, WA

**SUBJECT:** ASBESTOS AND DOT RELIEF

**DATE:** OCTOBER 13, 2016

| <u>CHPRC Projects</u>  | <u>CH PRC - Env. Protection</u>  | <u>MSA</u>  | <u>Hanford Laboratories</u>  | <u>Other Hanford Contractors</u>   | <u>Other Hanford Contractors</u>   |
|--|--|---|--|--|--|
| Richard Austin<br>Roni Ashley<br>Tania Bates<br>Bob Cathel<br>Rene Catlow<br>Richard Clinton<br>Larry Cole<br>John Dent<br>Brian Dixon<br>Eric Erpenbeck<br>Stuart Hildreth<br>Mike Jennings<br>Stephanie Johansen<br>Jeanne Kisielnicki<br>Melvin Lakes<br>Marty Martin<br>Jim McGrogan<br>Stuart Mortensen<br>Dean Nester<br>Dave Richards<br>Phil Sheely<br>Connie Simiele<br>Jennie Stults<br>Michael Waters<br>Jeff Westcott<br>Jeff Widney | Brett Barnes<br>Mitch Boyd<br>Ron Brunke<br>Bill Cox<br>Laura Cusack<br>Lorna Dittmer<br>Rick Engelmann<br>Ted Hopkins<br>Sasa Kosjerina<br>Jim Leary<br>Dale McKenney<br>Jon McKibben<br>Rick Oldham<br>Anthony Nagel<br>Linda Petersen<br>Fred Ruck<br>Ray Swenson<br>Wayne Toebe<br>Daniel Turlington<br>Dave Watson<br>Joel Williams | Jerry Cammann<br>Jeff Ehlis<br>Garin Erickson<br>Panfilo Gonzales Jr.<br>Dashia Huff<br>Mark Kamberg<br>Edwin Lamm<br>Candice Marple<br>Saul Martinez<br>Jon Perry<br>Christina Robison<br>Lana Strickling<br>Lou Upton | (TBD)<br><br><u>DOE RL, ORP, WIPP</u><br><br>Mary Beth Burandt<br>Duane Carter<br>Cliff Clark<br>Mike Collins<br>Tony McKarns<br>Ellen Mattlin<br>Greg Sinton<br>Scott Stubblebine | Bill Bachmann<br>Dean Baker<br>Scott Baker<br>Lucinda Borneman<br>Paul Crane<br>Tina Crane<br>Jeff DeLine<br>Ron Del Mar<br>John Dorian<br>Mark Ellefson<br>Darrin Faulk<br>Joe Fritts<br>Lori Fritz<br>Tom Gilmore<br>Rob Gregory<br>Gene Grohs<br>James Hamilton<br>Andy Hobbs<br>Ryan Johnson<br>Dan Kimball<br>Megan Lerchen<br>Richard Lipinski<br>Charles (Mike) Lowery<br>Michael Madison<br>Terri Mars<br>Cary Martin<br>Grant McCalmant<br>Steve Metzger<br>Tony Miskho<br>Matt Mills<br>Tom Moon<br>Chuck Mulkey<br>Mandy Pascual<br>Kirk Peterson<br>Jean Quigley | Dan Saueressig<br>Merrie Schilperoort<br>Joelle Moss<br>Glen Triner<br>Greg Varljen<br>Julie Waddoups<br>Jay Warwick<br>Kyle Webster<br>Ted Wooley |

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## TWO MINUTE TRAINING

**SUBJECT:** Asbestos and DOT Relief

**Q:** A customer who rarely has to deal with asbestos is pretty sure there is relief from DOT regulations for nonfriable asbestos but the wording is no longer present at 49 CFR 173.216, “Asbestos, blue, brown or white”. The customer remembers that in 2002 the relief was at 49 CFR 173.216(b) and now the specific paragraph is “reserved”. Is the DOT relief for nonfriable asbestos still valid and if so, where can the relief be found in 49 CFR?

**A:** A review of [49 CFR 173.216](#)(b) confirms that the paragraph is now reserved. As noted in the footnote area of the regulation, and a review of the July 31, 2003 Federal Register ([68 FR 45034](#)), paragraph (b) was reserved at that time. As stated on page 45005:

*“Section 173.216. We [DOT] are moving the exceptions for asbestos in paragraph (b) to a new special provision (see Special Provision 156 in § 172.102). Paragraph (b) excepts asbestos immersed or fixed in a natural or artificial binder material and also excepts asbestos contained in manufactured products. We understand that because the exception is located in § 173.216 and referenced in Column (7) of the HMT for non-bulk packagings, the exception appears to be limited to nonbulk packagings. To clarify the applicability, we are removing and reserving paragraph (b) and transferring the exception to new [Special Provision 156](#). The exception continues to apply to three entries, “Blue asbestos (Crocidolite) or Brown asbestos (amosite, miosorite),” UN2212, “White asbestos (chrysotile, actinolite, anthophyllite, tremolite),” UN2590, and “Asbestos,” NA2212.”*

Therefore the relief for nonfriable asbestos remains valid and was just moved from 49 CFR 173.216(b) to a new Special Provision 156 at 49 CFR 172.102(c) and effective on October 1, 2003.

Concerning friability, DOT makes a regulatory distinction between friable and nonfriable asbestos wastes. Per Appendix A to Part 172.101, "The List of Hazardous Substances and Reportable Quantities" (RQ), a footnote for “Asbestos<sup>6</sup>” states: “The RQ for asbestos is limited to the friable forms only”, i.e., can be crushed or pulverized to a powder by hand.

### SUMMARY:

- Nonfriable asbestos continues to have relief from DOT regulations.
- Prior to October 1, 2003, the relief was located at 49 CFR 173.216(b)
- On and after October 1, 2003, the relief was relocated to Special Provision 156.

49 CFR 173.216, an additional excerpt from the July 31, 2003 FR are attached to the e-mail. If you have any questions, please contact me at [Paul\\_W\\_Martin@rl.gov](mailto:Paul_W_Martin@rl.gov) or at (509) 376-6620.

**FROM:** Paul W. Martin

**DATE:** 10/13/16

**FILE:** 2MT\2016\101316.rtf

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## TWO MINUTE TRAINING - ATTACHMENT

**SUBJECT:** Asbestos and DOT Relief

### Subpart E - Non-Bulk Packaging for Hazardous Materials Other Than Class 1 and Class 7

#### §173.216 Asbestos, blue, brown or white

(a) Asbestos, blue, brown or white, includes each of the following hydrated mineral silicates: chrysotile, crocidolite, amosite, anthophyllite asbestos, tremolite asbestos, actinolite asbestos, and every product containing any of these materials.

#### (b) [Reserved]

(c) Packagings for asbestos must conform to the general packaging requirements of subpart B of this part but need not conform to the requirements of part 178 of this subchapter. Asbestos must be offered for transportation and transported in-

- (1) Rigid, leaktight packagings, such as metal, plastic or fiber drums, portable tanks, hopper-type rail cars, or hopper-type motor vehicles;
- (2) Bags or other non-rigid packagings in closed freight containers, motor vehicles, or rail cars that are loaded by and for the exclusive use of the consignor and unloaded by the consignee;
- (3) Bags or other non-rigid packagings which are dust and sift proof must be placed in rigid outer packagings or closed freight containers.

[Amdt. 173-224, 55 FR 52643, Dec. 21, 1990, as amended at 66 FR 45379, Aug. 28, 2001; [68 FR 45034, July 31, 2013](#) ; 71 CFR 78632, Dec. 29, 2006]

### **Federal Register /Vol. 68, No. 147 /Thursday, July 31, 2003 /Rules and Regulations Page 44996**

• New Special Provision 156 is added to three entries, “Blue asbestos (Crocidolite) or Brown asbestos (amosite, mysorite),” UN2212, “White asbestos (chrysotile, actinolite, anthophyllite, tremolite),” UN2590, and “Asbestos,” NA2212. The special provision provides an exception from the HMR for certain asbestos. Prior to this change, the exception was located in § 173.216(b) and excepted asbestos immersed or fixed in a natural or artificial binder material and asbestos contained in manufactured products. Before the development of the HM–215E NPRM, we received comments that § 173.216 was not an appropriate location for this exception because it is referenced in the non-bulk column of the HMT, leading readers to believe that the exception applies to non-bulk packagings only. To clarify that this exception applies to both non-bulk and bulk packagings, we are moving the exception from § 173.216(b) to new Special Provision 156.

**FROM:** Paul W. Martin

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