

Chapter I

General Provisions

A. REGULATORY COMPLIANCE.

The purpose of this instruction is to provide DRMO personnel with guidance on handling, processing, and disposing of DoD excess and surplus property that may be hazardous to human health and the environment. These types of property are normally regulated under Federal or state environmental and safety laws, or applicable laws and regulations, and overseas, by the DoD Executive Agent's Final Governing Standard (FGS), for the host nation, or the DoD Directive 4715.5-G, Overseas Environmental Baseline Guidance Document (OEBGD), March 15, 2000, where no FGS exists. In cases of inconsistency between this instruction and the OEBGD/FGS, the latter takes precedence. Overseas DRMOs should contact DRMSI-H for specific guidance if conflicts arise.

B. HAZARDOUS PROPERTY DEFINITIONS AND IDENTIFICATION.

1. Hazardous Material (HM).

a. Any material that is capable of posing an unreasonable risk to health, safety and property during transportation. All hazardous materials appear in the Hazardous Material Table (49 CFR 172.101).

(1) DOT defines a number of hazard classes (e.g., flammable liquid, corrosive material, oxidizer, etc.) which establish the parameters a material must be measured against to determine if it is a hazardous material.

(2) DOT lists all hazardous materials in the Hazardous Materials Table (HMT) (49 CFR 172.101). Many materials are listed there by name; however, the table also contains general hazard class entries (e.g., flammable liquid N.O.S.) to cover any material not listed by name. The responsibility for proper item identification

and description rests solely with the generating activity.

b. Any item identified as HM by the Occupational Safety and Health Administration (OSHA), the Toxic Substances Control Act (TSCA), or by any other Federal, state or local agency or regulation.

2. Hazardous Substances (HS).

a. Any HM that requires a report to the National Response Center when spilled. A list of reportable quantities can be found at 40 CFR 302.4 and 49 CFR 172.01, Appendix A.

b. For identification purposes during transportation, HS is further defined as a material, including mixtures and solutions, that is included in the Appendix to the Hazardous Materials Table (HMT) (49 CFR 172.101), and meets or exceeds the reportable quantity listed in the appendix, in one package.

3. Hazardous Waste (HW).

a. Any item that is regulated under RCRA or state regulation as a hazardous waste. From a practical standpoint, if an EPA/state waste number (40 CFR Subpart C and Subpart D) can be assigned, the item is a hazardous waste. If it cannot, it is not a hazardous waste (see Enclosure 1).

b. Before an item can be classed as a hazardous waste, it must first be a solid waste. A solid waste defined at 40 CFR Part 261.2 is essentially any discarded material, in any physical state (solid liquid, gas or combinations).

c. A solid waste must meet one or more of the criteria listed below to be a hazardous waste:

(1) **Listed Wastes.** The solid waste is listed (or mixed with something listed) at 40 CFR

261, subpart D. Subpart D contains the following four lists:

- *261.31 - Hazardous Wastes from Non-Specific Sources.* These wastes are generally spent solvents, metal plating wastes that contain cyanides, wood preservative (pentachlorophenol) formulations and some others. They are often referred to as the “F” (e.g., F001, F004, etc.) listed wastes. The F wastes are HW as soon as they are created, and as such, will be received as HW from the generating activity.

- *261.32 - Hazardous Wastes from Specific Sources.* The “K” wastes are manufacturing or industrial process wastes, and are also hazardous waste as soon they are created. “K” Listed wastes are generally not a DRMO disposal responsibility.

- *261.33(e) - Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.* These are acutely hazardous “P” listed wastes. At turn-in, they will usually be identified as HM and become HW only when discarded (i.e., after RTDS). Spill residue is an example of an exception to this policy.

- *261.33(f) - Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.* These are acutely hazardous “U” listed wastes. At turn-in, they will usually be identified as HM and become HW only when discarded (i.e., after RTDS). Spill residue is an example of an exception to this policy.

(2) **Characteristic Wastes.** Items that are not listed (or mixed with something listed) in subpart D may still be a hazardous waste if they exhibit one or more of the characteristics identified in subpart C. The four characteristics are:

- *Ignitability (D001) 40 CFR 261.21 -* A solid waste exhibits the characteristics of ignitability if a representative sample of the waste has any of the following properties: Is a liquid with a flash point of less than 140 Fahrenheit. Is not a liquid and is capable of causing fire through friction, absorption of moisture or spontaneous chemical changes. Is an ignitable compressed gas

as defined in 49 CFR 173.300. It is an oxidizer as defined in 49 CFR 173.151.

- *Corrosivity (D002) 40 CFR 261.22 -* A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties: A liquid and corrodes steel at a rate greater than 6.35mm (0.25 inches) per year. An acidic or alkaline, aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5.

- *Reactivity (D003) 40 CFR 261.23 -* A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties: It is normally unstable and readily undergoes violent change without detonating. It reacts violently with water. It forms potentially explosive mixtures with water. When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment. It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment. It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement. It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.

- *Toxicity Characteristic (D004-D043) 40 CFR 261.24 -* A solid waste exhibits the characteristic of toxicity if it contains toxic chemicals that can leach, as determined by a special laboratory test.

(3) **State Regulated Wastes.** If a waste is neither listed nor exhibits a characteristic, it may still be regulated as a hazardous waste. EPA has provided for states that have a program equivalent to the Federal RCRA standards to receive RCRA Authorization. This authorization allows the state to manage the hazardous waste program. It also allows them to impose more stringent requirements, one of which could be to designate additional wastes as hazardous. California, for example, has identified asbestos, PCBs and “empty” containers as additional items that must be managed as hazardous waste in California. Unlike

RCRA hazardous wastes, whether or not an item is a state regulated waste is entirely dependent upon where it is generated and/or disposed of.

4. EPA-DOT Interface.

a. DOT and EPA use different hazard classification systems. It is important to understand the relationship between the two systems because EPA uses DOT's method for describing wastes on a manifest.

b. DOT regulates the transportation of hazardous material while EPA and/or a state agency regulates hazardous waste. An item can be regulated by both at the same time, but not always. A hazardous waste is always a hazardous material, but the reverse is not always true.

c. An item's characteristics must be evaluated against each system independently to make the determination. DOT and EPA both regulate liquids with low flash points.

- DOT has defined two classes, flammable liquids (flash point < 141 degrees Fahrenheit) and combustible liquids (flash point at or above 142 degrees Fahrenheit to 200 degrees Fahrenheit). See 49 CFR Part 173.120.

- EPA, on the other hand, has identified only one category - ignitability (flash point < 140 degrees Fahrenheit.). See 40 CFR Part 261.21.

d. DOT and EPA regulate many items. In some cases the relationship is exact. For instance, DOT "oxidizers" are included in EPA's definition of "ignitability". Therefore, an "oxidizer", will always be an "ignitable" when discarded.

e. *General guidance.*

(1) An item may be a hazardous material, but not a hazardous waste.

(2) An item may be both a hazardous material and a hazardous waste.

(3) An item may not be a hazardous waste without also being a hazardous material.

5. Management of HM/HW.

The key is that whichever definitions are followed, the management and control of HM/HW will comply with applicable environmental laws and regulations. For example, an item that meets the definition of an EPA hazardous waste will only be sold to a buyer that can demonstrate the ability to handle the item in an environmentally safe manner.

C. REFERENCES.

DRMOs are required to have either hard copies or access to electronic copies of the following references, unless indicated otherwise. It is the responsibility of DRMS National and International commands to ensure DRMOs have either electronic access or hard copies of the required references.

http://www.drms.dla.mil/newrtd/html/pubs_regs.html

1. DoD 4160.21-M, Defense Materiel Disposition Manual.

2. DoD Executive agents' Final Governing Standards (FGS) and DoD Directive 4715.5-G, Overseas Environmental Baseline Guidance Document (OEBGD), March 15, 2000.

3. DoD 6050.5-H, Hazardous Chemical Warning Labeling System.

4. DoD 6050.5-L DoD Hazardous Material Information System (HMIS)/Hazardous Item Listing.

5. DLAI 4145.11, Storage and Handling of Hazardous Material.

6. DLAR 4145.25, Storage and Handling of Compressed Gases and Liquids in Cylinders, and of Cylinders.

7. DLAD 6055.1, DLA Safety and Health Directive.

8. DLAM 6050.1, DLA Environmental Protection Manual.

9. DRMS-I 6050.1, Environmental Compliance for the DRMS Hazardous Property Program.

10. DRMS-I 3020.1, DRMS Special Situation Reporting System.

11. DRMS-I 4160.14, Volume I, Instructions for Administration for DRMS and the DRMOs.

12. DRMS-I 4160.14, Volume II, Instructions for Warehousing for DRMS and the DRMOs.

13. DRMS-I 4160.14, Volume III, Instructions for Reutilization, Transfer and Donation, for DRMS and the DRMOs.

14. DRMS-I 4160.14, Volume IV, Instructions for Property Accounting for DRMS and the DRMOs.

15. DRMS-I 4160.14, Volume V, Instructions for Marketing for DRMS and the DRMOs (pending publication).

16. DRMS-I 4160.14, Volume VI, Instructions for Cashier Functions for DRMS and the DRMOs.

17. DRMS-I 4160.14, Volume VII, Instructions for Demilitarization at DRMS and the DRMOs.

18. DRMS-I 4160.14, Volume VIII, Instructions for Precious Metals at DRMS and the DRMOs.

19. DRMS-H 6055.2, Personal Protective Equipment Handbook.

20. DRMS-H 6055.1, Mishap Prevention in the DRMO.

21. DRMS-M 4100.2, Fire Prevention and Protection Manual.

22. Access to web based regulations 40, 49 and 29 CFR, and state regulations are acceptable. However, recommend DRMOs keep hard copies of 40 CFR Parts 260-299 and 49 CFR Parts 100-185.

NOTE: Overseas DRMOs will also have copies of equivalent regulations to cover overseas countries. If necessary, required regulations must be translated. The Executive Agent for each country

is responsible for official translation of all governing regulations.

23. Current 29 CFR 1910, OSHA General Industry Standards.

24. DRMO RCRA Part B Permit application or permit or overseas equivalent.

25. Environmental/Safety Training Plan. See the DRMS Corporate Training Plan. <http://www.drms.dla.mil/drms/internal/General/Training/training.html>

26. DRMO Hazard Communication Standard Plan.

27. At least two of the following environmental/safety references:

- NFPA Fire Protection Guide on Hazardous Materials.
- Chemical Dictionary.
- NIOSH/OSHA Pocket Guide to Chemical Hazards.
- DOT Chemical Hazard Response Information System (CHRIS).
- Federal Facilities Compliance Strategy, (Yellow Book).

28. Recommend DRMOs have a copy of host's Military component's environmental regulations.

29. DOT 1996 North American Emergency Response Guide (published every 3 years).

D. LABELS.

Labels that are not annotated with a DRMS Form number must be purchased by commercial means.