U.S. Department
of Transportation

**Research and
Special Programs
Administration**

MAY 27 2003

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 13242

EXPIRATION DATE: June 15, 2003

1. GRANTEE: Environmental Protection Agency
Atlanta, GA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce of certain drums containing hazardous material under the conditions specified herein. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.202 in that non-specification packaging is not authorized except as provided herein; and § 172.301(c) in that the marking requirements are waived.

5. BASIS: This emergency exemption is based on the application of the Environmental Protection Agency dated May 23, 2003, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Corrosive liquid, n.o.s.	8	UN1760	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging are approximately 130 non-DOT specification drums as follows:

(1) A 55-gallon drum further packed in a salvage drum certified to PG I performance level; or

(2) Other drums further packed in salvage drums. If the salvage drum is not certified to PG I performance level, it must be further packed in a bulk roll-off container that has a leak resistant water proof liner.

b. OPERATIONAL CONTROLS -

(1) Transportation must be conducted by private motor carrier and be escorted by an EPA emergency response contractor.

(2) Transportation is authorized one-way from Miami, FL to Palm Beach, FL.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package is offered for transportation.

b. The marking requirements of § 173.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

    - All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

    - Registration required by § 107.601 et seq., when applicable.

    Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

    No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAY 27 2003
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: DL