U.S. Department of Transportation
**Research and Special Programs Administration**

JUL - 7 2000

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

DOT-E 12503

EXPIRATION DATE: August 15, 2000

1. GRANTEE: Chemical Waste Management Company
Sulphur, LA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time transportation in commerce of a Class 9 material in an over-loaded gondola rail car with a maximum gross weight greater than 263,000 pounds. 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 §§ 173.24b(d)(2) and 173.26 in that the lading of the gondola car exceeds the maximum authorized weight of lading; and § 172.302(c) in that marking the exemption number on the gondola rail car is waived.

5. BASIS: This emergency exemption is based on the application of Chemical Waste Management Company dated July 7, 2000, submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Identi-fication Number | Packing Group |
|---|---|---|---|
| Hazardous waste, solid, n.o.s. (contains toxaphene) | 9 | UN3077 | III |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is authorized in § 173.240(a) for certain low hazard solid materials. The over-loaded gondola rail car's number is CSXT 703139.

b. MARKING - "DOT E-12503" must appear on the shipping papers.

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at the facility where the gondola rail car is offered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS:

a. Movement of the rail car is authorized from Waycross, Georgia to Beaumont, Texas, using the most direct rail route.

b. Prior to transportation, the grantee must ensure that the gondola car is inspected to determine that the rail car complies with all other applicable regulatory requirements and is in a safe condition for transportation.

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.:

J. Suzanne Hedgepeth

Robert A. McGuire
Acting Associate Administrator for
Hazardous Materials Safety

JUL - 7 2000
(DATE)

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

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: AM