U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JAN 2 8 2005

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

DOT-E 14040

EXPIRATION DATE: June 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Clean Harbors Environmental Services, Incorporated San Diego, CA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the one-way transportation in commerce of certain non-DOT specification cylinders containing Dichlorodifluoromethane for disposal only. 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. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §173.304(d) in that non-DOT specification cylinders are not authorized except as specified herein.

5. BASIS: This exemption is based on the application of Clean Harbors Environmental Services dated November 29, 2004 submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Dichlorodifluoromethane *or* Refrigerant gas R12	2.2	UN 1028	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are five (5) non-DOT specification welded steel cylinders manufactured to Australian Standard AS2470 - 1995, on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA). Each cylinder has a marked water capacity not exceeding 20.5L, and a marked test pressure of 3.6 Mpa.

b. OPERATIONAL CONTROLS -

(1) Prior to transportation, each cylinder must be given an external visual inspection by the grantee. Only cylinders that are free of dents, corrosion, bulges or leaks are authorized for transportation.

(2) Cylinders must be surrounded with cushioning material and overpacked in a strong outside packaging that will protect the cylinders from damage.

(3) Each outside container must be marked "DOT-E 14040".

8. SPECIAL PROVISIONS:

a. This exemption only authorizes one-way transportation by motor vehicle from Port Hueneme, California to a disposal facility in Texas. Subsequent transportation of the prescribed cylinders in hazardous material service is not authorized.

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard the 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.
- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- 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: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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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.

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: CWF