U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 29 1995

DOT-E 10809
(SECOND REVISION)

1. Clean Earth Systems, Inc., Tampa, Florida, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell the packaging described in paragraph 7 below for use in the transportation in commerce of various corrosive solids, flammable solids, Environmentally hazardous substances, solid, n.o.s and poison solids as described in paragraph 3 below subject to the requirements specified herein. This exemption authorizes the manufacturing, marking and sale of nonreusable, fiberboard bulk boxes having an inside lining of 0.007-inch minimum thickness polyethylene film. These non-reusable, fiberboard bulk boxes must be securely mounted to wood pallet bases and may not contain more than 2500 pounds of solid hazardous material, and this exemption provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on Clean Earth Systems, Inc.'s application dated September 15, 1995 and supplemental letters dated September 20 and 29, 1995, submitted in accordance with 49 CFR 107.105.

3. HAZARDOUS MATERIALS (Descriptor and class). Corrosive solid, n.o.s, Class 8, UN1759; Corrosive solid, acidic, inorganic, n.o.s., Class 8, UN3260; Corrosive solid, acidic, organic, n.o.s, Class 8, UN3261; Corrosive solid, basic, inorganic, n.o.s., Class 8, UN3262; Corrosive solid, n.o.s., Class 8, UN3262; Poison solid, n.o.s., Class 6.1, UN2811; Flammable solids, n.o.s., Class 4.1, UN1325, Environmentally hazardous substances, solid, n.o.s., Class 9, UN3077, or the specific chemical name or generic commodity description, as appropriate, preceded by the word "Waste".

4. PROPER SHIPPING NAME (49 CFR 172.101). Corrosive solids, n.o.s., Poison solids, n.o.s., Flammable solids, n.o.s, Environmental hazardous substance, solid, n.o.s. or the specific chemical name or generic commodity description, as appropriate, preceded by the word "Waste".

5. REGULATION AFFECTED. 49 CFR 173.242, 173.240.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle and rail freight.

Expired 8-31-97
Not Active

7. SAFETY CONTROL MEASURES. Packaging prescribed is a non-DOT specification, nonreusable fiberboard bulk box having an outer layer consisting of a double-wall corrugated fiberboard box and an inner sleeve of triple-wall corrugated fiberboard; these components are laminated to each other, and mounted securely to a wood pallet base as described in the application. The box, is fitted with a lining of polyethylene film of 0.007-inch minimum thickness and may not contain more than 2500 pounds of product. The box, closed as for shipment, must be capable of satisfactorily withstanding the performance tests (bottom tilt-drop, incline impact, vibration, dynamic and static compression) described and reported in Gayne's Testing Labs report dated January 23, 1992 included with the application.

8. SPECIAL PROVISIONS.

a. Offerors for transportation of hazardous materials specified in this exemption may use the packaging described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. Packagings are to be used for waste solids from plant site to waste disposal site and are not to be reused.

c. A copy of this exemption, in its current status, must be maintained at the manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.

d. Each packaging manufactured under the authority of this exemption must be either (i) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (ii) marked with the registration symbol designated for a specific manufacturing facility.

e. Each box must be marked "DOT-E 10809" and "NONREUSABLE CONTAINER" in letters at least two inches high on a contrasting background on two opposite sides of the box.

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d. Consistent with the regulations adopted under Docket HM-181E for intermediate bulk containers (IBCs), exemptions for IBCs of the type covered by those regulations will not allow new constructions after October 1, 1996. Existing IBC's may continue in service until October 1, 1998 under the conditions specified in the exemption that applies to their use. After October 1, 1998, each IBC must conform to, and be certified as meeting, a UN IBC standard set forth in Subparts N and O of Part 178 of the Hazardous Materials Regulations (HMR; 49 CFR). A provision for approval of an equivalent IBC is specified in 49 CFR 178.801(i).

9. 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 Federal hazardous materials transportation law, 49 U.S.C. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.

10. 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. (49 CFR 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 incidents involving the package and shipments made under the terms of this exemption.

10. EXPIRATION DATE. August 31, 1997.

Issued at Washington, D.C.:

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J. Suzanne Hedgepeth

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

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

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

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