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

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

AUG 1 2003

DOT-E 13273

EXPIRATION DATE: September 30, 2003

1. GRANTEE: Atlantic Waste Disposal, Inc.
Waverly, VA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-way transportation in commerce of a non-DOT specification bulk container containing approximately 28,000 pounds of solid waste materials commingled with regulated medical waste. 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 § 173.197 in that the 48 foot aluminum trailer is not authorized except as specified herein; and § 172.302(c) in that marking the exemption number on the bulk container is waived.

5. BASIS: This emergency exemption is based on the application of Atlantic Waste Disposal, Inc., dated July 31, 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** |
| Regulated medical waste | 6.2 | UN3291 | II |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging is one (1) non-DOT specification 48 foot aluminum trailer known as a walking floor trailer containing regulated medical waste (RMW) commingled with unregulated solid wastes. The trailer is constructed of a metal frame and walls. The trailer is leak-proof and has bottom and side joints of fully welded or seamless construction and a weatherproof cover that prevents the intrusion of water.

b. OPERATIONAL CONTROLS -

(1) Any release of waste must be cleaned up and affected area decontaminated.

(2) Free liquid RMW material is not authorized.

(3) The trailer must be decontaminated after unloading.

(4) Transportation of the commingled waste will commence at the Atlantic Waste Disposal facility in Waverly, VA and will be transported by a vehicle owned and operated by American Waste Industries, Inc. (AWI) to their Norfolk, VA facility a distance of approximately 55 miles.

8. SPECIAL PROVISIONS:

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

b. The marking requirement specified in § 172.302(c) is waived.

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.

    - 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.:

R. Rao

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

AUG 1 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.

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