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

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

MAR _ 8 1999

DOT-E 12231
(FIRST REVISION)

EXPIRATION DATE: May 31, 1999

1. GRANTEE: EQ-The Environmental Quality Company
Wayne, MI

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-time transportation in commerce of the material described in paragraph 6 below, in eight over-loaded gondola rail cars. This exemption provides no relief from any Hazardous Materials Regulation (HMR) other than as specifically stated herein.

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 rail cars exceeds the maximum weight of lading marked on the specification plates.

5. BASIS: This emergency exemption is based on the application of EQ-The Environmental Quality Company dated February 26, 1999, submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and property, and a subsequent letter dated March 5, 1999.

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.	9	NA3077	III

For the n.o.s. entry above, the requirements of § 172.203(k) must be met.

7. SAFETY CONTROL MEASURES: Packaging prescribed is authorized in § 173.240(a) for certain low hazard solid materials. The over-loaded rail cars' numbers are: CSXT 705169, CSXT 705303, CSXT 705113, CSXT 705233, CSXT 701230, CSXT 705322, CSXT 497695, CSXT 705124, CSXT 702010 and CSXT 481805.

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8. SPECIAL PROVISIONS: "DOT-E 12231" must appear on the shipping papers.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None as a requirement of 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 the 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 at Washington, D.C.:

3/8/99

(DATE)

for Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

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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.

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