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

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

SEP 11 2003

DOT-E 11769
(SIXTH REVISION)

EXPIRATION DATE: June 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Pioneer Americas, LLC.
Henderson, NV
(Former grantee: Pioneer Americas, Inc.)

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the discharge of certain Division 5.1 and Class 8 liquids from UN Intermediate Bulk Containers (IBC) without removing the IBC from the vehicle on which it is transported. 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 § 177.834(h) in that an IBC is unloaded while on a motor vehicle; and the marking requirements in §§ 172.203(a) and 172.302(c), except as specified herein.

5. BASIS: This exemption is based on the application of Pioneer Americas, LLC. dated September 10, 2003, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| **Proper Shipping Name/ Hazardous Materials Description** | **Hazard Class/ Division** | **Idenifi-cation Number** | **Packing Group** |
|---|---|---|---|
| Ammonia solutions, *relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but nor more than 35 percent ammonia* | 8 | UN2672 | III |
| Bisulfites, aqueous solution, n.o.s. | 8 | UN2693 | III |
| Corrosive liquid, acidic, inorganic, n.o.s. | 8 | UN3264 | II |
| Corrosive liquid, acidic, organic, n.o.s. | 8 | UN3265 | II |
| Corrosive liquid, basic, inorganic, n.o.s. | 8 | UN3266 | II |
| Corrosive liquid, basic, organic, n.o.s. | 8 | UN3267 | II |
| Corrosive liquid, n.o.s. | 8 | UN1760 | II |
| Disodium trioxosilicate | 8 | UN3253 | II |
| Hydrochloric acid | 8 | UN1789 | II |
| Hydrogen peroxide, aqueous solutions *with more than 40 percent but not more than 60 percent hydrogen peroxide (stabilized as necessary)* | 5.1 | UN2014 | II |
| Hypochlorite solutions | 8 | UN1791 | III |
| Nitric acid *other than red fuming with not more than 70 percent nitric acid* | 8 | UN2031 | II |
| Phosphoric acid, *liquid or solid* | 8 | UN1805 | III |
| Potassium hydroxide, solution | 8 | UN1814 | II |
| Sodium chlorite | 5.1 | UN1496 | II |

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Idenifi-cation Number | Packing Group |
|---|---|---|---|
| Sodium hydroxide solution | 8 | UN1824 | II |
| Sodium chlorate, aqueous solution | 5.1 | UN2428 | II, III |
| Sulfuric acid *with more than 51 percent acid* | 8 | UN1830 | II |
| Sulfuric acid *with not more than 51% acid* | 8 | UN2796 | II |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are UN IBCs having capacities not exceeding 793 gallons.

b. TESTING - Each IBC must be retested and reinspected as specified in § 180.352.

c. OPERATIONAL CONTROLS -

(1) The IBC must be attended at all times during unloading operations by a qualified person. For the purposes of this requirement, "attended" and "qualified" must have the meanings described in §§ 177.834(i)(3) and (4), respectively.

(2) Hoses may not be attached to discharge outlets during transportation (movement) of the motor vehicle.

(3) The IBC may be unloaded but may not be refilled while on a motor vehicle.

(4) Two or more materials may not be loaded on the same vehicle if, as a result of any mixture of the materials, an unsafe condition would occur.

(5) Hazardous materials listed in paragraph 6 may only be shipped in UN IBCs authorized for those materials.

8. SPECIAL PROVISIONS:

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

b. MARKING - The marking requirements of §§ 172.203(a) and 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

b. Drivers must have been instructed as to necessary safeguards and proper procedure in the event of unusual delay, fire, or accident.

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 in Washington, D.C.:

Robert A. McGuire
for 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: sln