U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DEC 2 3 2004

DOT-E 13757

EXPIRATION DATE: November 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Maryland Army National Guard
Harve de Grace, MD

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the one-way, one-time transportation in commerce for disposal of one pallet of plastic bags contaminated with toluidine, Division 6.1, UN1078, PGII. The pallet must be shrink wrapped and over packed in a non-DOT specification wooden bulk package. 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 § 173.242 in that a non-specification bulk packaging is not authorized.

5. BASIS: This exemption is based on the application of Maryland Army National Guard dated July 7, 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**
Toluidine *solid*	6.1	UN1078	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a pallet of plastic bags containing toluidine solid, covered with shrink wrap and overpacked in a non-DOT specification outer bulk package. The outer package must be manufactured in accordance with § 178.709 for wooden intermediate bulk containers, but is not tested or marked as a UN11D plywood IBC.

b. OPERATIONAL CONTROLS -

i. The one-way, one-time transportation for disposal is only authorized between the Maryland Army National Guard facility in Havre de Grace, Maryland and the Clean Harbor Environmental, Inc., Deer Park Facility in LaPorte, Texas.

ii. Transportation is only authorized in a vehicle owned and operated by Clean Harbor Environmental.

8. SPECIAL PROVISIONS:

a. 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 only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each 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: 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.:

DEC 2 3 2004

Date

for Robert A. McGuire
Associate Administrator for
Hazardous Material Safety

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: DBurger