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

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

JUN 24 2002

DOT-E 9769
(ELEVENTH REVISION)

EXPIRATION DATE: March 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Clean Earth of North Jersey, Inc.
South Kearny, New Jersey
(Former grantee: S&W Waste, Inc.)

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

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain hazardous wastes in lab-pack packages for transportation in commerce subject to the limitations and special requirements specified herein. This exemption provides no relief from any Hazardous Materials Regulation (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 § 173.12, § 174.81, § 176.83 and § 177.848, except as specified herein.

5. BASIS: This exemption is based on the application of Clean Earth of North Jersey, Inc. dated June 4, 2002, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Corrosive materials	8	as appro-priate	as appro-priate
Dangerous when wet materials	4.3	as appro-priate	as appro-priate
Flammable solids	4.1	as appro-priate	II
Flammable liquids	3	as appro-priate	as appro-priate
Organic peroxides	5.2	as appro-priate	as appro-priate
Oxidizers	5.1	as appro-priate	as appro-priate
Poisonous materials	6.1	as appro-priate	I, Hazard Zone A
Spontaneously combustibles	4.2	as appro-priate	as appro-priate

7. SAFETY CONTROL MEASURES:

a. PACKAGING:

(1) Lab packs of flammable liquids and solids must be packaged in glass or metal inside packagings.

(2) Oxidizers may not exceed 2 lbs. per lab pack.

(3) Poisonous materials may not exceed one lb. per inside packaging and 5 lbs. per lab pack.

b. OPERATIONAL CONTROLS:

(1) Except during emergency situations, lab packs must be within the transport vehicles at all times.

(2) The transport vehicle may not contain explosives, radioactive materials, or hazardous materials or wastes in the same shipment which are not packaged in accordance with the terms of this exemption.

(3) Oxidizers may not exceed 2 percent of the aggregate weight of the waste in the shipment.

(4) Organic peroxides must be shipped in accordance with § 173.152(b) and may not exceed one percent of the aggregate weight of the wastes in the shipment.

8. SPECIAL PROVISIONS:

a. The exemption from the requirements of § 174.81, § 176.83 and § 177.848 applies to the segregation of the lab packs within the transport vehicle. If required to be placarded, the transport vehicle must be segregated from other hazardous cargoes in accordance with § 176.83(e).

b. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight and cargo vessel.

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

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.

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.

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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

JUN 24 2002
(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