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

MAY 3 1 2001

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

MAY 31 2001

DOT-E 12712

EXPIRATION DATE: June 30, 2001

1. GRANTEE: T. J. Egan Waste Systems
Bloomfield, NJ

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-way, one-time transportation in commerce of three non-DOT specification bulk containers containing solid waste materials commingled with regulated medical waste. 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 § 172.101 Hazardous Materials Table, column 8(C) for Regulated medical waste, in that a bulk packaging is not authorized; and the marking requirement specified in § 172.302(c).

5. BASIS: This emergency exemption is based on the application of T. J. Egan Waste Systems dated May 25, 2001, 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): MAY 31 2001

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Regulated Medical Waste	6.2	UN3291	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are three non-DOT specification roll-off bulk containers containing regulated medical waste (RMW) commingled with unregulated solid wastes. Each of the roll-off containers must be in conformance with the requirements of a bulk outer packaging (BOP) as described in DOT-E 10808 and must be transported in a closed motor vehicle trailer.

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) Each roll-off container must be decontaminated after unloading.

8. SPECIAL PROVISIONS:

a. This exemption authorizes the one-way, one-time private carriage of regulated medical waste from Brooklyn, NY to American Waste Industries in Norfolk, VA.

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.:

J. Suzanne Hedgspeth

Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

MAY 31 2001
(DATE)

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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.

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.

PO: PTOlson