

February 10, 2004



U.S. Department
of Transportation

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

**Research and
Special Programs
Administration**

DOT-E 13464

EXPIRATION DATE: March 31, 2004

1. GRANTEE: Hydrite Chemical Company
Brookfield, WI
2. PURPOSE AND LIMITATION:
 - a. This emergency exemption authorizes the one-time, one-way transportation in commerce of a damaged IBC containing the residue of sulfuric acid. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analysis 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 §§ 173.35(a) and 173.35(b) in that a damaged IBC may not be offered for transportation, except as provided herein.
5. BASIS: This emergency exemption is based on the application of Hydrite Chemical Company dated February 9, 2004, 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):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Sulfuric acid	8	UN1830	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are three (3) damaged UN 31HA1 intermediate bulk containers (IBCs) identified with the serial numbers "11803PM1, 11803PM2 and 11803PM4."

b. OPERATIONAL CONTROLS -

(1) Transportation must be by private motor carrier.

(2) This exemption only authorizes the one-time, one-way transportation of the IBCs described in paragraph 7 above from Kankakee, IL to University Park, IL.

(3) No stacking of IBCs during transportation is authorized.

(4) IBCs must only contain the residue of a hazardous material.

8. SPECIAL PROVISIONS:

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

b. Each IBC must be plainly and durably marked "DOT-E 13464" in accordance with § 172.302(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard the motor vehicle used to transport the package 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:
 - o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o 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.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

February 10, 2004

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.

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: dl/DBurger