U.S. Department
of Transportation

**Pipeline and
Hazardous
Materials Safety
Administration**

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

MAR 8 2005

DOT-E 12296
(FIFTH REVISION)

EXPIRATION DATE: February 28, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Clean Earth Systems, Inc.
Tampa, FL

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, mark, sale and use of certain UN11G Fiberboard Intermediate Bulk Containers (IBC) and UN11HH2 Composite IBC's for use as the outer packaging for lab pack applications in accordance with § 173.12(b)(2)(i). 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 § 173.12(b)(2)(i) in that a UN11G Fiberboard IBC outer packaging or a UN11HH2 composite IBC outer packaging is not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of Clean Earth Systems, Inc. dated February 21, 2005, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identi- fication Number	Packing Group
Waste hazardous materials classed as Class or Division 3, 4.1, 4.2, 4.3, 5.1, 6.1, 8, or 9, which are authorized to be shipped in lab packs in accordance with 49 CFR § 173.12(b).	3, 4.1, 4.2, 4.3, 5.1, 6.1, 8, or 9.	As appro- priate	I, II, or III as appro- priate

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is either:

(1) A UN 11G fiberboard intermediate bulk container with an inner polyethylene liner with a minimum thickness of six mils; or

(2) A UN11HH2 composite intermediate bulk container with a combination of multiple layers of encapsulated corrugation between inner and outer layers of woven coated polypropylene, with an inner six mil liner of polyethylene.

b. TESTING - In addition to the performance tests required by Subpart O of Part 178, the IBC, loaded to 205 kg and filled to 95% of its total capacity with a solid material, must be satisfactorily tested in accordance with § 178.603 at the Packing Group II level.

c. OPERATIONAL CONTROL - As specified in § 173.12(b)(2)(v), the gross weight of the complete package may not exceed 205 kg.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modification or change is made to the package or its contents and it is offered 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.

d. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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, 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: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAR 8 2005
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: DBurger/alb