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

JUL 28 2000

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

DOT-E 12453
(SECOND REVISION)

EXPIRATION DATE: October 31, 2000

1. GRANTEE: EQ-The Environmental Quality Company
Wayne, Michigan

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one-time transportation in commerce of Class 9 material in four railroad gondola rail cars that exceed the maximum authorized gross weight. This exemption provides no relief from any regulations other than as specifically stated.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.302(c); § 173.24b (d)(2) and § 173.26.

5. BASIS. This emergency exemption is based on EQ-The Environmental Quality Company's application of April 19, 2000, and supplemental information dated June 27 and 28, 2000, and July 28, 2000, submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Materials Description | | | |
|---|---|---|---|
| **Proper Shipping Name** | **Hazard Class/Division** | **Identification Number** | **Packing Group** |
| RQ, Polychlorinated biphenyls, solid, mixture | 9 | UN2315 | III |

7. SAFETY CONTROL MEASURES:

a. PACKAGINGS: Packagings prescribed are as required in 49 CFR Part 173, Subpart B and § 173.240(a). The rail car numbers are: CSXT 705899, CSXT 705110, CSXT 707335, CSXT 486901, CSXT 705124, and CSXT 486703.

8. SPECIAL PROVISIONS: In accordance with § 172.203(a), each shipping paper used in connection with this shipment must bear the notation "DOT-E 12453" in association with the shipping description.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS:

a. A one-time transportation is only authorized from Waycross, Georgia to Romulus, Michigan utilizing the most direct rail route possible via CSXT.

b. Prior to transportation, the grantee must ensure that the gondola cars are inspected to determine that the cars comply with all other applicable regulatory requirements and are in safe condition for transportation.

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 the exemption has expired or is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.

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 at Washington, D.C.:

JUL 28 2000

(DATE)

For Robert A. McGuire
Acting, Associate Administrator for
Hazardous Materials 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.

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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: JR(FRA)/AM