

February 11, 2004



U.S. Department  
of Transportation

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

**Research and  
Special Programs  
Administration**

DOT-E 13290

EXPIRATION DATE: December 31, 2005
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(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Teris L.L.C.  
Camarillo, CA
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes the transportation in commerce of Waste, Phosphorus, white, under water in alternate packaging. 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 § 173.188 in that a UN 1H2 drum is not an authorized packaging, except as provided herein.
5. BASIS: This exemption is based on the application of Teris, L.L.C., dated August 14, 2003, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Waste, Phosphorus, white, under water	4.2	UN1382	I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a 30-gallon UN 1H2 plastic drum certified to the PG I performance level, further packed in a 55-gallon UN 1A2 steel drum certified to the PG I performance level. The inner package must be surrounded by wetted vermiculite.

b. OPERATIONAL CONTROLS:

(1) Transportation is authorized by private or contract carrier only.

(2) Transportation is authorized one-time, one-way, only from the generator of the waste material to the hazardous waste treatment facility where it must be unloaded by the consignee for disposal.

(3) Transportation is authorized only from the facility in Lawrence, Kansas to the hazardous waste treatment facility in El Dorado, Arkansas.

8. SPECIAL PROVISION(S): 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.

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:
- 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, including security requirements, if applicable.

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.

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

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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: DL