

August 28, 2008



U.S. Department  
of Transportation

East Building, PHH-30  
1200 New Jersey Avenue, Southeast  
Washington, D.C. 20590

**Pipeline and Hazardous  
Materials Safety Administration**

DOT-SP 10882  
(SIXTH REVISION)

EXPIRATION DATE: July 31, 2010

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Espar Products, Inc., Mississauga, Ontario, Canada  
(U.S. Agent: Ebersparecher North America (ENA),  
Novi, Michigan)
2. PURPOSE AND LIMITATIONS:
  - a. This special permit authorizes the manufacture, marking, sale and use of temperature controlled equipment (Air Heaters: D1LCC, D3LCC, AIRTRONIC D2, AIRTRONIC D4, D5LC; Coolant Heaters HYDRONIC 4, HYDRONIC 5 and HYDRONIC 10) for use in motor vehicles engaged in the transportation of materials described in paragraph 6, subject to the limitations and special requirements herein. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in development of this special permit 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 § 172.203(a) in that shipping papers need not bear this special permit number and § 177.834(1)(2)(i), in that combustion cargo heaters are not permitted, except as specified herein.
5. BASIS: This special permit is based on the application of Espar Products, Inc. dated May 29, 2008 submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Specific or generic names, as Appropriate	3	As appro- priate	As appro- priate
Specific or generic names, as appropriate	2.1	As appro- riate	N/A

7. PACKAGING(S) and SAFETY CONTROL MEASURES: Conditions under which shipments may be made are as follows:

a. Materials in the classes identified above, properly packaged, may be shipped by highway vehicles equipped with diesel-fueled heating equipment described in the special permit application. Any electrical equipment in the lading space must be of non-sparking or explosion proof type. There must be no combustion equipment in the lading space and no arrangement for return of air from any lading space to any combustion equipment. The heating system must be such that no part of the lading will be heated to over 130°F and must conform to the requirements of § 393.77.

b. The heating unit and component parts must be as shown in the following three titled Espar Technical Bulletins which were submitted in the special permit application:

Airtronic D2/D4; Hydronic 4/5 (Coolant Heaters); and  
Hydronic 10 (Water Heater)

The heater unit and its fuel supply must be externally mounted on the truck or trailer, must retain combustion in a sealed combustion chamber, must utilize outside air for combustion (air from the cargo space cannot be used for combustion) and gases from combustion must be exhausted to the outside of the truck or trailer.

8. SPECIAL PROVISIONS:

a. Offerors for transportation of the hazardous materials specified in this special permit may use an Espar heating system described in this special permit for the transportation of such hazardous materials so long as no

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modifications or changes are made to the system, all terms of this special permit are complied with, and a copy of the current special permit is maintained at each facility from which such offering occurs.

b. Shippers using vehicles equipped with Espar heating systems covered by this special permit must comply with the marking, labeling, and placarding requirements of 49 CFR Part 172; all provisions of this special permit, and all other applicable requirements contained in 49 CFR Parts 100-180.

c. Each Espar heater sold under the authority of this special permit is manufactured and marked at the facility of J. Eberspächer, Postfach 289, W7300 Esslingen, Germany.

d. Each Espar heater must be plainly and durably marked with the special permit number "DOT-SP 10882".

e. A current copy of this special permit, in its current status, must be maintained at the facility at which the Espar heater is manufactured and 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 special permit must be carried aboard of each motor vehicle equipped with Espar heating systems when transporting the above classed hazardous materials under the provisions of this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit 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 special permit and the Hazardous Materials Regulations, Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

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- 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 special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when the special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit 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 special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Theodore L. Willke  
Associate Administrator for Hazardous Materials Safety

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Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at

[http://hazmat.dot.gov/sp\\_app/special\\_permits/spec\\_perm\\_index.htm](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm)

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PO: PTOlson/sln