

February 25, 2009



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 12443
(SEVENTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes tank cars, containing hazardous materials identified in paragraph 6, to remain standing with unloading connections attached when no product is being transferred, provided that a minimal level of monitoring, as specified in this special permit is maintained. This special permit provides no relief from the Hazardous Materials Regulation (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.302(c) in that marking the special permit number on tank cars is waived; and § 174.67 (i) and (j), except as specified herein.
5. BASIS: This special permit is based on the Pipeline and Hazardous Materials Safety Administration's (PHMSA) editorial review under § 107.121 initiated on December 4, 2008.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Materials Description | | | |
|---|-------------------------------|------------------------------|----------------------|
| Proper Shipping Name | Hazard Class/ Division | Identification Number | Packing Group |
| Hazardous materials authorized by § 172.101 and Part 173 to be shipped in tank cars | Class 2, 3, 4, 5, 6, 8, & 9 | As appropriate | As appropriate |

7. PACKAGING:

a. Prescribed packagings are DOT or non-DOT specification tank cars authorized for the material specified meeting all DOT specification requirements.

b. The facility operator must secure access to the track to prevent entry by other rail equipment, including motorized service vehicles. Derails, lined and blocked switches, portable bumper blocks, or other processes or methods that provide an equivalent level of security may be used to satisfy this requirement.

c. The facility operator shall designate an employee responsible for on-site monitoring of the transfer facility in the absence of the unloader. The designated employee must be made familiar with the nature and properties of the product contained in the tank car, procedures to be followed in the event of an emergency; and, in the event of an emergency, have the ability and authority to take responsive actions.

d. When a signaling system is used (including a monitoring system or a sensing device), the system must be capable of alerting the designated employee in the event of an emergency and providing immediate notification of any monitoring system malfunction. If the monitoring system does not have self-monitoring capability, the designated employee shall check the monitoring system hourly for proper operation. (For recommendations on the selection, installation and maintenance of signaling systems see NFPA 72 - Installation, Maintenance and Use of Protective Signaling Systems.)

e. In the absence of the unloader:

- (i) The tank car and facility shutoff valves must be secured in the closed position;
- (ii) No product may be transferred; and
- (iii) The requirements of § 174.67(a)(2) and (3) apply.

8. SPECIAL PROVISIONS.

a. At each facility unloading tank cars under this special permit, the facility operator shall have written safety procedures on file at each location that uses this special permit. The facility operator shall instruct each employee performing any function under this special permit on the contents of these procedures and ensure compliance with them. The written procedures must contain at least the following:

- (1) A physical description of the facility including the address and hours of operation.
- (2) A drawing of the transfer facility showing natural and manmade barriers, locations of protective equipment (i.e., derail, portable bumper blocks, and caution sign), locations of emergency equipment and locations of signaling equipment.
- (3) Procedures for monitoring the transfer facility [see paragraphs 7.c. and d.].
- (4) Information on the contents of the tank car including:
 - (i) Chemical or common name of the product
 - (ii) Health and physical hazards involved in handling the product
 - (iii) Emergency and first aid procedures
- (5) Procedures for securing the transfer facility and protective equipment. [See paragraph 7.b.]
- (6) Equipment available for employee safety and procedures for using the equipment.

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(7) Procedures and limitations for movement of tank cars in the vicinity of the transfer facility.

(8) Testing and maintenance of system components including signaling systems.

(9) Training requirements for designated employees responsible for monitoring the transfer facility.

(10) Procedural steps in the event of an emergency, including names and phone numbers of key personnel and public agencies to contact.

(11) Procedures for reviewing incidents to determine whether the written procedures require revision or modification to prevent future occurrences and amending those procedures when the review necessitates changes.

b. The facility operator must establish and maintain liaison with fire, police and other appropriate public officials to learn the responsibilities and resources of each governmental agency that may be called upon to respond to an emergency involving the tank car and transfer facility and acquaint the officials with the facility's capabilities and procedures in the event of an emergency.

c. The marking requirements in § 172.302(c) are waived.

d. A current copy of this special permit must be maintained at each facility where this special permit is utilized. A current copy of this special permit must be made available to a DOT representative upon request.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None as a requirement 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 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, 49 CFR Parts 171-180.

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- 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.
- 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 unless a regulation has been amended making the special permit no longer necessary.

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

February 25, 2009

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

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 Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: dl