



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

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

FEB 7 2005

DOT-E 10929  
(TENTH REVISION)

EXPIRATION DATE: November 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Brenntag Mid-South, Inc.  
(Former Grantee: Ashland, Inc.)  
Henderson, KY

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption 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 exemption is maintained, and 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 § 172.302(c) in that marking the exemption number on the tank car is waived and § 174.67 (i) and (j).

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5. BASIS: This exemption is based on the application of Brenntag Mid-South, Inc., dated January 4, 2005, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101): See Appendix B of this exemption for a list of hazardous materials.
7. SAFETY CONTROL MEASURES:
  - a. Prescribed packagings are DOT Specification tank cars authorized for the material specified.
  - b. Any manually operated switch, under the proprietary control of the exemption holder, providing access to the track on which the equipment is located must be lined against movement to that track and locked with an effective locking device operable only by a representative of the facility.
  - c. The facility operator must install a bi-directional derail in an effective location (at least 50 feet when possible) from the end of the equipment to be protected by the caution sign. The person performing the unloading operation must lock the device in the derailing position with an effective locking device operable only by a representative of the facility.
  - d. The facility operator must 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. Continuous attendance is not required during the heating process for tank cars containing elevated temperature, liquid, n.o.s. (asphalt); however, these cars must be monitored at least every fifteen minutes during heating. A log must be maintained indicating the date and time of each observation, the person observing, and any discrepancies noted.
  - e. 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

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must 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.)

f. In the absence of the unloader:

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

8. SPECIAL PROVISIONS:

a. The facility operator must have written safety procedures on file at each location that uses this exemption. The facility operator must instruct each employee performing any function under this exemption 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 and caution sign), locations of emergency equipment and locations of signaling equipment.
- (3) Procedures for monitoring the transfer facility [see paragraphs 7(a) and (b)].
- (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 including derail, switch locks, tank car brakes, caution sign and wheel blocks.

(6) Equipment available for employee safety and procedures for using the equipment.

(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 of § 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None as a requirement of 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 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.

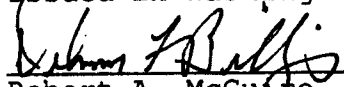
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

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.

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.

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

**FEB 7 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.

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## APPENDIX B

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Hazardous materials description - - proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Acetic acid solution	8	UN2789	II
Acetone	3	UN1090	II
Aluminum chloride, solution	8	UN2581	III
Aniline	6.1	UN1547	II
Argon, refrigerated liquid	2.2	UN1951	N/A
Bisulfites, inorganic, aqueous solutions, n.o.s.	8	UN2693	III
Butanols	3	UN1120	III
Carbon dioxide	2.2	UN1013	N/A
Combustible liquid, n.o.s.	combust- ible liquid	NA1993	III
Corrosive liquid, acidic, inorganic, n.o.s.	8	UN3264	II
Corrosive liquid, n.o.s.	8	UN1760	III
Cyclohexanone	3	UN1915	III
Dimethylformamide, N, N-	3	UN2265	III
Elevated temperature material, liquid, n.o.s.	9	NA9259	III
Environmentally hazardous substances, solid, n.o.s.	9	UN3077	III
Environmentally hazardous substances, liquid, n.o.s.	9	UN3082	III
Ethyl methyl ketone	3	UN1193	II
Ferric Chloride, solution	8	UN2582	III
Ferric Chloride, anhydrous	8	UN1773	III
Ferrous chloride, solution	8	NA1760	II

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Hazardous materials description - - proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Flammable liquid, n.o.s.	3	UN1993	II
Fluorosilicic acid	8	UN1778	II
Formic acid	8	UN1779	II
Fuel oil	3	UN1993	III
Gasoline	3	UN1203	II
Hazardous waste, liquid, n.o.s.	9	UN3082	III
Heptanes	3	UN1206	II
Hexanes	3	UN1208	II
Hydrochloric acid, solution	8	UN1789	II
Hydrofluoric acid, solution	8	UN1790	II
Hydrogen chloride, refrigerated liquid	2.3	UN2186	n/a
Hydrogen peroxide, aqueous solutions	5.1	UN2014	II
Isobutanol	3	UN1212	III
Isopropanol	3	UN1219	II
Maleic anhydride	8	UN2215	III
Nitric acid	8	UN2031	II
Other regulated substances, liquid, n.o.s.	9	NA3082	III
Petroleum oil	3	UN1270	II
Petroleum distillates, n.o.s.	3	UN1268	II
Phosphoric acid	8	UN1805	III
Resin solution	3	UN1866	II, III
Potassium hydroxide, solution	8	UN1814	II
Sodium hydroxide solution	8	UN1824	II
Sulfur, molten	9	NA2448	III

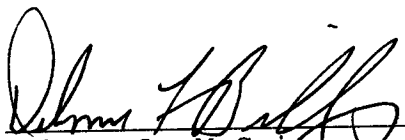
Hazardous materials description - - proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Sulfuric acid	8	UN1830	II
Sulfuric acid, fuming	8	UN1831	I
Sulfuric acid, spent	8	UN1832	II
Tetrahydrofuran	3	UN2056	II
Toluene	3	UN1294	II
Toluene diisocyanate	6.1	UN2078	II
Triethylamine	3	UN1296	II
Vinyl acetate inhibited	3	UN1301	II
Waste sulfuric acid	8	UN1832	II
Waste combustible liquid, n.o.s.	combusti ble liquid	NA1993	III
Waste caustic alkali liquids, n.o.s.	8	UN1719	II
Waste flammable liquid, n.o.s.	3	UN1993	III
Xylene	3	UN1307	III



**JUL 26 2005**

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Brenntag Pacific, Inc. Santa Fe Springs, CA	Jun 29, 2005	<b>JUL 26 2005</b>	Nov 30, 2006
Brenntag Southwest, Inc. Sand Springs, OK	Dec 15, 2004	Dec 21, 2004	Nov 30, 2006
Bulkmatic Transport Griffith, IN	Nov 30, 2004	Feb 7, 2005	Nov 30, 2006
Matheson Tri-Gas Inc. East Rutherford, NJ	Dec 13, 2004	Dec 21, 2004	Nov 30, 2006
RSI Leasing Inc. Okemos, MI	Jan 10, 2005	Jan 25, 2005	Nov 30, 2006

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Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

**JUL 26 2005**

Date