

June 10, 2024



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 10279
(TENTH REVISION)

EXPIRATION DATE: 2028-05-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. **GRANTEE:** Flexcon Industries, Inc.
Randolph, MA

2. **PURPOSE AND LIMITATIONS:**

a. This special permit authorizes the manufacture, mark, sale and use of a non-DOT specification steel water pump system tank with an outside diameter not exceeding 26 inches for the transportation of the materials listed in paragraph 6. This special permit provides no relief from any 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. In accordance with 49 CFR 107.107(a) party status may not be granted to a manufacturing permit. These packagings may be used in accordance with 49 CFR 173.22a.

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

4. **REGULATIONS FROM WHICH EXEMPTED:** 49 CFR, Subparts D and E of Part 172, with the exception of § 172.304, which requires that the name of the contents be marked on the outside packaging; and a portion of § 173.306(g)(l), except as specified herein.

5. **BASIS:** This special permit is based on the application of Flexcon Industries Inc. dated May 6, 2024, submitted in accordance with § 107.109.

6. **HAZARDOUS MATERIALS (49 CFR § 172.101):**

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identifi- cation Number	Packing Group
Air, compressed	2.2	UN1002	N/A
Nitrogen, compressed	2.2	UN1066	N/A

7. **SAFETY CONTROL MEASURES:**

a. **PACKAGING:** Prescribed packaging is a water pump system tank conforming with Flexcon's drawing submitted as Exhibit B with their application and § 173.306(g)(1) except that the maximum outside diameter may not exceed 26 inches. The wall thickness must be at least 0.075 inch. Drawings for water system tanks manufactured under this special permit must be on file with the Office of Hazardous Materials Safety (OHMS) prior to initial shipment.

b. **OPERATIONAL CONTROLS:** The marking and labeling requirements are waived except that the name of contents must be marked on the outside packaging in accordance with the marking requirements of § 172.304.

8. **SPECIAL PROVISIONS:**

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

b. A person who is not a holder of this special permit, but receives a package covered by this special permit, may reoffer it for transportation provided no modifications or changes are made to the package and it is offered for transportation in conformance with this special permit and the HMR.

c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

d. Each packaging manufactured under the authority of this special permit must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Special Permits and Approvals for a specific manufacturing facility.

e. A current copy of this special permit must be maintained at each facility where the package is manufactured under this special permit. It must be made available to a DOT representative upon request.

9. **MODES OF TRANSPORTATION AUTHORIZED:** Motor vehicle, rail freight, and cargo vessel.

10. **MODAL REQUIREMENTS:**

a. A current copy of this special permit must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this special permit.

b. Motor carriers operating under the terms of this special permit must have a "Satisfactory" or "Conditional" safety rating as prescribed in 49 CFR Part 385.

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.
- 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 William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building PHH-13, 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 <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: Jephthah Nti