

April 10, 2006



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-SP 12120
(SECOND REVISION)

EXPIRATION DATE: March 31, 2010

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Sherwin-Williams Co.
Cleveland, Ohio
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain flammable resin solutions, paint and paint related materials, and flammable solids from Sherwin-Williams Automotive Finishes' offsite warehouse to the Sherwin-Williams factory, a distance of approximately one thousand feet on a public road without meeting the labeling, marking, placarding and shipping paper requirements of 49 CFR Part 172. This special permit provides no relief from any Hazardous Materials Regulation (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.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 172 Subpart C, Subpart D, Subpart E and Subpart F in that the labeling, marking, placarding and shipping paper requirements are waived.

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5. BASIS: This special permit is based on the application of Sherwin-Williams Company dated March 3, 2006, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Resin Solution, <i>flammable</i>	3	UN1866	II & III
Paint <i>including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base</i>	3	UN1263	II & III
Paint related materials <i>including paint thinning drying, removing, or reducing compound</i>	3	UN1263	II & III
Flammable liquid, n.o.s.	3	UN1993	II & III
Flammable solids, organic, n.o.s.	4.1	UN1325	II & III
Flammable solids, inorganic, n.o.s.	4.1	UN3178	II & III

For the n.o.s. entries above, the requirements of § 172.203(k) must be met

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging must be in accordance with the requirements of 49 CFR Part 173 for the materials listed in Paragraph 6.

b. OPERATIONAL CONTROLS -

(1) Shipment must be between the Sherwin-Williams facilities listed below:

395 Boggs Lane South
Richmond, KY 40475

370 Boggs Lane South
Richmond, KY 40475

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- (2) Shipments between the two facilities must be made via Boggs Road South.
 - (3) Shipments shall be made by private carrier, operated by drivers qualified to transport hazardous materials.
 - (4) The driver of the motor vehicle shall remain in radio contact with the plant.
 - (5) Shipments shall only be made while the plant is operating.
 - (6) Sherwin-Williams' first responder team must be on duty during transport of hazardous materials under terms of this special permit.
 - (7) Not more than one transport vehicle containing the hazardous material authorized by this special permit maybe operated at any time.
 - (8) In lieu of shipping papers the vehicle operator must possess an internal tracking document that identifies the general types of hazardous materials being transported.
8. SPECIAL PROVISIONS: A current copy of this special permit must be maintained at the facility where the package is offered for transportation.
 9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
 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 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, 49 CFR 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 this 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. 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 Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

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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: DBurger/sln/kah