

February 5, 2007



U.S. Department  
of Transportation

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

**Pipeline and Hazardous  
Materials Safety Administration**

DOT-SP 13443  
(SECOND REVISION)

EXPIRATION DATE: January 31, 2011

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: SemMaterials, L.P.  
Tulsa, OK
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the unloading of certain Class 8, corrosive liquids from a non-specification, non-bulk packaging without first removing the packaging from the transport vehicle. 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. The safety analyses did not consider the hazards and risks associated with use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
  - c. Party status will not 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 § 173.28(b) in that leakproofness testing is not required prior to reuse, § 173.202 and § 173.203 in that non-DOT specification or non-UN Standard packaging is authorized except as prescribed herein; and § 177.834(h) in that the contents of the packaging may be discharged without removing the packaging from the transport vehicle.

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5. BASIS: This special permit is based on the application of SemMaterials, L.P. dated January 29, 2007, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Corrosive liquid, basic, organic, n.o.s.	Class 8	UN3267	II, III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The prescribed packaging is a steel, 24 inch diameter, 100 gallon cylindrical fuel tank constructed, marked, and located on the motor vehicle in accordance with the Federal Motor Carrier Safety Administration requirements of 49 CFR §§ 393.65 and 393.67 for liquid fuel tanks. The tank has a 12 gauge minimum thickness. The tanks must be securely mounted to an asphalt emulsion trailer with steel banding and located as indicated in the special permit application on file with Office of Hazardous Materials Special Permits and Approvals (OHMSPA).

b. OPERATIONAL CONTROLS -

i. Tanks may only be used for unloading chemical additives for use in asphalt emulsions for road construction.

ii. Tanks may not have hoses and pumps and hoses attached during transportation. Tanks may be unloaded using pumps and hoses that are maintained at the job site. Pumps and hoses may not be transported unless they are cleaned and purged of hazardous materials prior to transportation.

iii. Tanks must be leakproofness tested and marked in accordance with § 173.28(b) at least once every five years.

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8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

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

c. The motor vehicle carrying the tank authorized by this special permit must be placarded in accordance with Subpart F of Part 172.

d. The tank must be marked "DOT-SP 13443" on a contrasting background in accordance with § 172.302(c).

e. Packagings permanently marked 'DOT-E 13443', prior to October 1, 2007 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packagings marked on or after October 1, 2007 must be marked 'DOT-SP 13443'.

f. Shipping papers displaying 'DOT-E 13443' may continue to be used until October 1, 2007, provided the special permit remains valid.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle only.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by 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.

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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 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. 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 Bob Richard  
Deputy 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](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm)

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PO: DB/sln