

April 28, 2006



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-SP 14269

EXPIRATION DATE: March 31, 2008

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Texmark Chemicals, Inc.
Galena Park, TX
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the use of specially designed hoses during loading incidental to movement or unloading incidental to movement of certain Class 3 materials at the Galena Park, TX, Texmark Chemical, Inc. facility in place of personnel remaining within 25 feet of a cargo tank motor vehicle. This special permit only applies to loading or unloading operations meeting the definition of "loading incidental to movement" or "unloading incidental to movement" as those terms are defined in § 171.8 of the Hazardous Materials Regulations (HMR). This special permit provides no relief from the 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.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 177.834(i)(3) in that loading and unloading operations of flammable liquids on DOT Specification cargo tanks may be performed using specially designed hoses in lieu of full time attendance by a qualified person; and that the marking requirements of § 172.302(c) are waived.

5. BASIS: This special permit is based on the application of Texmark Chemicals, Inc. dated 10-18-05, and supplemental information dated 12-19-05, submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Class 3 flammable liquids authorized for transport in DOT specification cargo tanks.	3	As appropriate	N/A

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - Packaging prescribed is a DOT Specification cargo tank motor vehicle authorized for Class 3 flammable liquids and meeting all requirements for the applicable DOT specification.
- b. OPERATIONAL CONTROLS -
- (1) This special permit applies only to loading incidental to movement or unloading incident to movement at the Galena Park, Texas facility.
 - (2) Hoses used for the loading or unloading operation must be manufactured by Smart Hose Technologies, Inc. and marked with the name of the manufacturer, the location (city and state) of the facility at which it is manufactured, and the date of manufacture.
 - (3) Each hose must be able to stop the flow of product from both the source and the receiving tank within one second without human intervention in the event of a hose rupture, disconnection or separation.
 - (4) The facility must designate an employee or employees responsible for on-site attendance of the loading/unloading operation. The designated employee(s) must be familiar with the nature and properties of the product contained in a tank being

loaded/unloaded on site and procedures to be followed in the event of an emergency, and, in the event of an emergency, must have the ability and authority to take responsive actions. The loading or unloading operation must be inspected by one of the designated employees at least once every fifteen (15) minutes and a log must be maintained documenting the times and dates of inspection. If more than one employee is "designated," during each shift or any other time when the cargo tank containing a hazardous material is being loaded or unloaded, the special permit grantee must specify which of the designated employees is responsible for on-site attendance of the loading or unloading operation.

(5) Prior to the first use of any hose, it must be tested in accordance with the written procedures and acceptance criteria established and provided by Smart Hose Technologies, Inc. and on file with the Office of Hazardous Materials Special permits and Approvals. Such written procedures must specify retest procedures and time frames for periodic re-qualification of each hose.

(6) Prior to each use, each hose must be inspected to ensure that it is of sound quality, without defects detectable through visual observation.

8. SPECIAL PROVISION:

a. The marking requirements of § 172.302(c) are waived.

b. A current copy of this special permit must be maintained at the Galena Park, TX facility where this special permit is utilized.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENT: 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.
- 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 "special permit" 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

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this special permit must notify the Associate Administrator for Hazardous Materials Safety -- OHMSPA, 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

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: PTolson