

April 16, 2009



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14836

EXPIRATION DATE: June 30, 2009

1. GRANTEE: Leschaco, Inc.
Houston, TX
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the one-time, one-way transportation in commerce of trichloroacetyl chloride in UN 6HA1 drums that are not authorized in the Hazardous Materials Regulations (HMR). This emergency special permit provides no relief from the HMR other than as specifically stated herein.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the 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 § 173.227 in that the UN drums certified at the Packing Group II performance level are not authorized, except as specified herein; and the marking requirement specified in § 172.301(c) is waived.
5. BASIS: This emergency special permit is based on the application of Leschaco, Inc. dated April 13, 2009 submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Trichloroacetyl chloride	8	UN2442	II, Hazard Zone B

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are twenty (20) UN 6HA1 drums that are certified at the Packing Group II performance level instead of the Packing Group I performance level specified in the Hazardous Materials Regulations. The drums were filled overseas in conformance with the requirements of the IMDG Code.

b. OPERATIONAL CONTROLS -

(1) Marking and labeling of the drums must be in conformance with the requirements of the HMR.

(2) Each UN 6HA1 drum must be placed UN 1A2 or UN 1H2 drum certified to Packing Group I. The UN 6HA1 drums must be isolated from the outer drum as specified in § 173.227(b)(4).

(3) The drums must be blocked and braced in a dedicated, sealed truck operated by Southwest Freight without any intermediate stops. The drums may not be stacked (double decked) within the vehicle.

(4) The driver must be briefed about the sensitivity of the cargo and the immediate response requirements and the transportation will be planned during daytime hours, avoiding high population areas and the delivery is coordinated with the consignee.

(5) The distance of the shipment is approximately 109 miles (3-4 hours transit time) from Houston, TX to Orange, TX.

8. SPECIAL PROVISIONS: The marking requirement specified in § 172.301(c) is waived.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard the 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.
 - 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 Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 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 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: AM