



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

**September 21, 2023**

1200 New Jersey Avenue, SE  
Washington, DC 20590

DOT-SP 21098  
(FIRST REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the transportation in commerce of tank cars in which the manway cover gasket has been subjected to the leak detection method(s) in lieu of a visual inspection. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
  - 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. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document. Only The Dow Chemical Company and wholly owned subsidiary companies of The Dow Chemical Company may be a granted party status to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.203(a) in that the special permit number need not be notated on the shipping paper; § 172.302(c) in that the special permit number need not be marked on the package; and § 173.31(d)(1)(ii) in that the manway cover gasket need not be subjected to the external visual inspection.
5. BASIS: This special permit is based on the application of The Dow Chemical Company dated August 19, 2020, submitted in accordance with § 107.105 and the public proceeding thereon and additional information dated March 25, 2021, and December 19, 2022.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
All hazardous materials authorized to be transported in AAR Specification 211, DOT Specification 111, DOT Specification 117J, DOT Specification 117R, and DOT Specification 117P tank cars	As appropriate	As appropriate	As appropriate

7. SAFETY CONTROL MEASURES:

- a. PACKAGING: Prescribed packagings are AAR Specification 211, DOT Specification 111, DOT Specification 117J, DOT Specification 117R, and DOT Specification 117P tank cars that conform to all applicable requirements in Part 179.
- b. TESTING REQUIREMENTS: Prior to offering for transportation, authorized tank cars must be externally visually inspected in accordance with all applicable requirements in § 173.31(d)(1), except that the solution, instrument, or pressure reduction leak detection method (on file with the Office of Hazardous Materials Safety) must be followed in lieu of opening the manway cover to visually inspect the manway gasket. The Dow Chemical Company must provide the leak detection method to each grantee to this special permit.
- c. OPERATIONAL CONTROLS:
  - (1) The tank car owner must be notified in writing by the grantee on the use of the leak detection method(s) for inclusion into their Service Reliability Assessment (SRA).
  - (2) The manway cover must be verified to be tool tight prior to use of the leak detection method.
  - (3) The leak detection method(s) is authorized for unloading and/or residue tank cars only.
  - (4) A tank car that fails the selected leak detection method(s) must have the manway opened and inspected in accordance with § 173.31(d)(1)(ii). A tank car that fails the selected leak detection method(s) cannot be retested using the leak detection method. The manways on cars that fail leak testing must be closed in accordance with the closure instructions used by the original shipper.

(5) Each grantee must submit an annual report for each leak detection method. The report must contain the following:

- (i) Tank car number;
- (ii) Tank car specification;
- (iii) Offeror of the tank car;
- (iv) Leak detection method used;
- (v) Leak detection method result: pass or fail;
- (vi) Manway remedy for failed leak detection method; and
- (vii) Manway defects found prior to performance of the leak detection test.

(6) This special permit is only authorized for use at:

- (i) Facilities of The Dow Chemical Company.
- (ii) The Dow Chemical Company wholly owned subsidiary company facilities.

(7) Each grantee must train all personnel on the terms and conditions of this special permit. This includes the leak detection methods and securement procedures on file with the Office of Hazardous Materials Safety.

(8) Use of this special permit does not relieve the grantee from the requirements of § 173.31(d)(2).

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 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.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

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.
- 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 William Schoonover  
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-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: MAJORS/NICKS