



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

February 23, 2022

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 21329
(FIRST REVISION)

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATIONS:
 - a. This emergency special permit authorizes the transportation in commerce of damaged/defective waste lithium ion cells or batteries from a Superfund Site for disposal or recycling. 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 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 consumer use, use as a component of a transport vehicle or other device, or other uses not associated with 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.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171- 180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.185(f)(1) in that each cell or battery must be placed in individual, non-metallic inner packaging that completely encloses the cell or battery and 173.185(f)(3) in that each inner packaging must be individually placed in each outer packaging.
5. BASIS: This emergency special permit is based on the application of Environmental Protection Agency Region 4 dated January 26, 2022, submitted in accordance with § 107.117 and the determination it was necessary to protect life and property and additional information dated February 8, 2022.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Lithium ion batteries including <i>lithium ion polymer batteries</i>	9	UN3480	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING: Prescribed packaging is vented and lined metal drums rated to PG I performance. Packaging is as follows:

- (1) Each drum must have in the bottom of the drum approximately 3 inches of fire suppressant (term used hereafter in lieu of the registered trade mark as provided in the packing instructions enclosed in the January 25, 2022 application on file with the Office of Hazmat Safety (OHMS)), a noncombustible, electrically non-conductive, absorbent with heat and fire suppression properties.
- (2) Each drum must be filled with the fire suppressant where the fire suppressant completely surrounds each cell or battery by at least 1 inch of the fire suppressant.
- (3) Layers of lithium cells ion batteries must be placed in the drum (with a minimum of one-inch space between each cell or battery) and surrounded by the fire suppressant to ensure that all voids between cells or batteries are filled.
- (4) Prior to closing the drum, approximately 3 inches of the fire suppressant must be loose-filled over the last cell or battery at the top of each drum.
- (5) Each drum is limited to not more than 82 kg (180 pounds) net weight of waste cells or batteries.
- (6) Each vehicle may contain not more than 96 drums.

b. OPERATIONAL CONTROLS:

- (1) Prior to being packaged for transport, the cells or batteries must be placed in a brine solution for a minimum of 21 days to reduce the state of charge from

the cells or batteries to the maximum extent possible and to provide an additional level of safety in transport.

(2) The cells or batteries after removing from the brine solution must be held and monitored for at least seven days in the approved Packing Group I packaging in order to ensure there is no venting of toxic or flammable gas, leakage, heat, smoke, fire or other adverse reactions prior to being offered for transport.

(3) The dedicated vehicles transporting the waste cells or batteries must be directly driven from a Superfund site in Lawrenceville, Georgia to disposal or recycling facilities.

(4) The drivers must be briefed on the safety issues associated with the waste cells or batteries.

c. **MARKING:** Each package covered under the terms of this special permit must be durably and legibly marked and displayed on a background of contrasting color with the following:

(1) “DOT-SP 21329”.

(2) The words: “Batteries for Recycling or Disposal: Contains Damaged or Defective Lithium Batteries - FOR HIGHWAY TRANSPORT ONLY - FORBIDDEN FOR TRANSPORTATION BY AIRCRAFT OR VESSEL” in letters at least 12 mm in height.

(3) The lithium battery mark in 49 CFR 173.185(c)(3)(i).

(4) An emergency response telephone number in case of damage to the packaging or contents.

8. **SPECIAL PROVISIONS:** A person who is not a holder of this special permit, but receives a packaging covered by this special permit, may reoffer it for transportation provided no modification or change is made to the packaging and it is offered for transportation in conformance with this special permit and the HMR.

9. **MODES OF TRANSPORTATION AUTHORIZED:** Motor vehicle.

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.
- 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 Materials 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: Steve H/ae