



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

May 31, 2022

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 21363

EXPIRATION DATE: 2022-12-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Environmental Protection Agency and contractors acting on their behalf
Chicago, IL
2. PURPOSE AND LIMITATIONS:
 - a. This emergency special permit authorizes the transportation in commerce of certain damaged or defective waste lithium batteries and batteries of other chemistries in the same outer packaging from a clean-up 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.
 - 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 § 172.102(c)(1) Special Provision 130(d) in that batteries of different chemistries may be packaged in the same package and 49 CFR § 173.185(f)(1) and (3) in that more than one damaged or defective lithium cell or battery per metal package are authorized, as specified herein.
5. BASIS: This emergency special permit is based on the application of the Environmental Protection Agency (EPA) dated May 2, 2022, submitted in accordance with § 107.117 and the determination it is necessary to protect life and property.

Tracking Number: 2022054044

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Lithium ion batteries <i>including lithium ion polymer batteries</i>	9	UN3480	N/A
Lithium ion batteries contained in equipment <i>including lithium ion polymer batteries</i>	9	UN3481	N/A
Lithium metal batteries <i>including lithium alloy batteries</i>	9	UN3090	N/A
Lithium metal batteries contained in equipment <i>including lithium alloy batteries</i>	9	UN3091	N/A
Batteries, wet, non-spillable, <i>electric storage</i>	8	UN2800	N/A
Batteries, wet, filled with alkali, <i>electric storage</i>	8	UN2795	N/A
Batteries, wet, filled with acid, <i>electric storage</i>	8	UN2794	N/A
Mercury contained in manufactured articles	8	UN3506	N/A
Batteries, dry, sealed, n.o.s.	See Special Provision 130		

7. SAFETY CONTROL MEASURES:a. OPERATIONAL CONTROLS:

(1) The dedicated vehicles transporting the waste materials including damaged and defective lithium batteries enumerated in Paragraph 6 must be driven by HazMat trained drivers from the point of collection (a clean-up site in Morris, IL) to disposal or recycling facilities.

(2) The confined spaces in vehicles transporting damaged or defective waste button cells must have adequate ventilation to prevent accumulation of gases vented from the outer packaging by having an air exchange rate of at least five times per hour.

- (3) Damaged or defective cells or batteries liable to rapidly disassemble, dangerously react, produce a flame or a dangerous evolution of heat or a dangerous emission of toxic, corrosive or flammable gases or vapors under normal conditions of transport must be transported only if for a period of at least seven (7) days prior to transport there is no evidence of venting, leakage, heat, smoke, fire, or other adverse reaction.
- (4) The dedicated vehicles transporting the waste cells or batteries must be directly driven from the clean-up site in Morris, IL to disposal or recycling facilities.
- (5) The drivers must be briefed on the safety issues associated with the waste cells or batteries.

b. PACKAGING: A vented 55-gallon UN 1A2 metal drum meeting the Packing Group 1 requirements, as the outer packaging lined with thermally insulating fire suppressant as described in EPA's application dated May 4, 2022, and supplemental information dated May 11, 2022 and on file with the Office of Hazardous Materials Safety must be packaged as follows:

- (1) Each drum must have in the bottom of the drum approximately three (3) inches of fire suppressant (term used hereafter in lieu of the registered trademark as provided in the packing instructions) which is noncombustible, electrically non-conductive, and 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 one (1) inch of the fire suppressant.
- (3) Layers of lithium cells ion batteries must be placed in the drum (with a minimum of two (2) 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 three (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 lithium cells or batteries and batteries of other chemistries.
- (6) Each vehicle may contain not more than 96 drums.

(7) The outer packagings must be leak-proof to prevent the potential release of electrolyte.

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 21363".

(2) The words: "Batteries for Disposal or Recycling: Contains Damaged or Defective Lithium Batteries" in letters at least 12 mm (0.5 inch) in height.

(3) Hazard communication statement in approximate proportions: "Contains x % lithium batteries, y % batteries of other chemistries, and z % mercuric materials" where x, y, and z denote the numerical percentages of each battery (lithium and other type battery) type and mercuric material on the outside of packaging, as applicable.

(4) The lithium battery mark in 49 CFR § 173.185(c)(3)(1).

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

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit, but 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 offered 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: 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