



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

August 18, 2023

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 21621

EXPIRATION DATE: 2023-10-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: US Army Corps of Engineers
Honolulu, HI
2. PURPOSE AND LIMITATIONS:
 - a. This emergency special permit authorizes the transportation in commerce of combustible and flammable liquids by persons conducting operations under the direction of the US Army Corps of Engineers within the areas identified in Major Disaster Declaration for the Hawaii Wildfires for the State of Hawaii under conditions that may not meet the Hazardous Materials Regulations (HMR). This special permit provides no relief from the 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. 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 Parts 171-180 in that compliance with the HMR is required, except as specified herein.

Tracking Number: 2023085005

5. BASIS: This emergency special permit is based on the application of US Army Corps of Engineers dated August 16, 2023, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Combustible or flammable liquid fuel, as appropriate	As appropriate	As appropriate	As appropriate

7. SAFETY CONTROL MEASURES:
- a. Compliance with the HMR is required to the extent practicable. When compliance with the HMR is not practicable, shipments may be offered or transported under alternative safety requirements imposed by the grantee.
- b. Flammable or combustible liquid fuels may be transported a maximum of 100 miles under the terms of this special permit.
8. SPECIAL PROVISIONS: The special permit covers all areas identified in Major Disaster Declaration for the Hawaii Wildfires for the State of Hawaii (DR-4724-HI).
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.

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: ae