April 25, 2014

U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

East Building, PHH – 30
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

DOT-SP 9874
(NINTH REVISION)

EXPIRATION DATE: March 31, 2018

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Dow Chemical Company
Midland, Michigan

2. PURPOSE AND LIMITATION:

a. This special permit authorizes the use of video cameras and monitors or instrumentation and signaling systems such as sensors, alarms, and electronic surveillance equipment, to observe the loading and/or unloading operations of hazardous materials from Production Control Centers in lieu of personnel remaining within 25 feet of the cargo tanks. 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. Party status will not 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 §§ 172.203(a) and 172.302(c) in that marking the special permit number on the shipping papers and on tank cars is waived and § 177.834(i)(3) in that the use of video cameras is not authorized except as specified herein.

5. BASIS: This special permit is based on the application of The Dow Chemical Company dated September 12, 2013 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identification Number**	**Packing Group**
Hazardous Materials in various hazardous Classes or Divisions	2.1, 2.2 2.3, 3, 4.2, 5.1, 5.2, 6.1 8, 9 Combustible liquids	As appro-priate	I, II, or III as appro-priate

7. SAFETY CONTROL MEASURES: Production Control Centers must be manned during all loading/unloading operations. Each loading and/or unloading system must be equipped with the following:

a. Video camera(s) that provide an unobstructed view of all loading/unloading valves, hoses, domes, and safety relief devices.

NOTE: Upon loss of video, loading/unloading operations must be immediately terminated.

b. A positive means for pump shut-off must be provided.

c. Each loading/unloading location must be provided with a means other than visual, for determining the liquid level in the cargo tank.

d. For cargo tanks equipped with bottom discharge valves or for loading/unloading stations located more than 100 feet from the Production Control Center, a means to prevent loss of contents from the cargo tank must be provided at the cargo tank discharge valve.

e. Each loading/unloading station must be provided with a remotely operated fire control system that is compatible with the material being loaded.

f. Each loading/unloading station must be provided with a containment system that has capacity that is large enough to contain the entire contents of the largest cargo tank that is loaded/unloaded at that station.

g. If instrumentation or signaling systems are used to meet the attendance requirement, the system must provide a surveillance capability at least equal to that of a human observer.

(1) The system must be designed to automatically shut off the loading or unloading process if grounding is lost, if the high level probe is tripped, or if any emergency stop is pressed at any location in the scale area.

(2) The system must be designed to provide immediate notification of a malfunction to a person responsible for loading or unloading; if not, the system must be checked at least once an hour to assure proper functioning.

(3) In the event of a system malfunction, human observation of the loading or unloading operation must be instituted immediately.

8. SPECIAL PROVISIONS.

a. A current copy of this special permit must be conspicuously posted at each Production Control Center operating under this special permit.

b. Each cargo tank must be visually inspected prior to shipment to insure that it has not been damaged during loading.

c. Dow Chemical must maintain a list of qualified person(s) as described in § 177.834(i) (4) to be in charge of the loading/unloading operation. A current copy of this list must be available for inspection during normal working hours.

d. Before loading/unloading Dow Chemical must enter into a written agreement with each carrier specifying the person who must be responsible for moving the cargo tank in case of an emergency. A copy of each agreement must be available

for inspection during normal working hours. A sample copy of the written agreement must be on file with Office of Hazardous Materials Special Permits and Approvals (OHMSPA).

e. Dow Chemical must provide to OHMSPA a current listing of those facilities operating under this special permit.

f. The marking requirements in §§ 172.203(a) and 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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:

- All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- 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.
- Registration required by § 107.601 et seq., when applicable.

Each AHazmat 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 the 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 Dr. Magdy El-Sibaie
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: SGrey