



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

400 Seventh Street, S.W.  
Washington, D.C. 20590

**AUG 31 2004**

DOT-E 12443  
(FIFTH REVISION)

EXPIRATION DATE: March 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: ChemCentral/Charlotte  
Charlotte, NC

(See Appendix A of this exemption for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes tank cars, containing hazardous materials identified in paragraph 6, to remain standing with unloading connections attached when no product is being transferred, provided that a minimal level of monitoring, as specified in this exemption is maintained. This exemption provides no relief from the Hazardous Materials Regulation (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.302(c) in that marking the exemption number on tank cars is waived; and § 174.67 (i) and (j), except as specified herein.

5. BASIS: This exemption is based on ChemCentral's application of August 31, 2004, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Hazardous materials authorized by § 172.101 and Part 173 to be shipped in tank cars	Class 2, 3, 4, 5, 6, 8, & 9	As appro- priate	As appro- priate

7. PACKAGING:

a. Prescribed packagings are DOT or non-DOT specification tank cars authorized for the material specified meeting all DOT specification requirements.

b. The facility operator must secure access to the track to prevent entry by other rail equipment, including motorized service vehicles. Derails, lined and blocked switches, portable bumper blocks, or other processes or methods that provide an equivalent level of security may be used to satisfy this requirement.

c. The facility operator shall designate an employee responsible for on-site monitoring of the transfer facility in the absence of the unloader. The designated employee must be made familiar with the nature and properties of the product contained in the tank car, procedures to be followed in the event of an emergency; and, in the event of an emergency, have the ability and authority to take responsive actions.

d. When a signaling system is used (including a monitoring system or a sensing device), the system must be capable of alerting the designated employee in the event of an emergency and providing immediate notification of any monitoring system malfunction. If the monitoring system does not have self-monitoring capability, the designated employee shall check the monitoring system hourly for proper operation. (For recommendations on the selection, installation and maintenance of signaling systems see NFPA 72 - Installation, Maintenance and Use of Protective Signaling Systems.)

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e. In the absence of the unloader:

- (i) The tank car and facility shutoff valves must be secured in the closed position;
- (ii) No product may be transferred; and
- (iii) The requirements of § 174.67(a)(2) and (3) apply.

8. SPECIAL PROVISIONS.

a. At each facility unloading tank cars under this exemption, the facility operator shall have written safety procedures on file at each location that uses this exemption. The facility operator shall instruct each employee performing any function under this exemption on the contents of these procedures and ensure compliance with them. The written procedures must contain at least the following:

- (1) A physical description of the facility including the address and hours of operation.
- (2) A drawing of the transfer facility showing natural and manmade barriers, locations of protective equipment (i.e. derail, portable bumper blocks, and caution sign), locations of emergency equipment and locations of signaling equipment.
- (3) Procedures for monitoring the transfer facility [see paragraphs 7(c) and (d)].
- (4) Information on the contents of the tank car including:
  - (i) Chemical or common name of the product
  - (ii) Health and physical hazards involved in handling the product
  - (iii) Emergency and first aid procedures
- (5) Procedures for securing the transfer facility and protective equipment. [See paragraph 7(b)]
- (6) Equipment available for employee safety and procedures for using the equipment.

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(7) Procedures and limitations for movement of tank cars in the vicinity of the transfer facility.

(8) Testing and maintenance of system components including signaling systems.

(9) Training requirements for designated employees responsible for monitoring the transfer facility.

(10) Procedural steps in the event of an emergency, including names and phone numbers of key personnel and public agencies to contact.

(11) Procedures for reviewing incidents to determine whether the written procedures require revision or modification to prevent future occurrences and amending those procedures when the review necessitates changes.

b. The facility operator must establish and maintain liaison with fire, police and other appropriate public officials to learn the responsibilities and resources of each governmental agency that may be called upon to respond to an emergency involving the tank car and transfer facility and acquaint the officials with the facility's capabilities and procedures in the event of an emergency.

c. The marking requirements in § 172.302(c) are waived.

d. A current copy of this exemption must be maintained at each facility where this exemption is utilized. A current copy of this exemption must be made available to a DOT representative upon request.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None as a requirement of this exemption.

11. COMPLIANCE. Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

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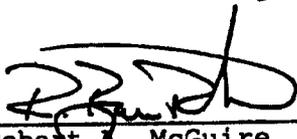
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8 who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.

12. REPORTING REQUIREMENTS. The holder of this exemption must inform the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving inadvertent release of the hazardous material during operations conducted under the terms of this exemption.

Issued in Washington, D.C.:

  
\_\_\_\_\_  
Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

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\_\_\_\_\_  
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.  
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: sln

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

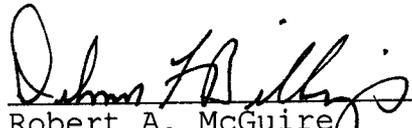
Company Name City/State	Application Date	Issue Date	Expiration Date
Air Liquide America L.P. Houston, TX	Jun 28, 2004	Jul 12, 2004	Mar 31, 2006
Alcoa, Inc. Pittsburgh, PA	Jun 25, 2004	Jul 12, 2004	Mar 31, 2006
Allied Universal Corporation, Miami, FL	Sep 29, 2004	Oct 13, 2004	Mar 31, 2006
ALTIVIA Corporation Houston, TX	May 14, 2004	Jun 15, 2004	Mar 31, 2006
Alumax of South Carolina, Inc. Goose Creek, SC	Jun 25, 2004	Jul 12, 2004	Mar 31, 2006
Arkansas Eastman Division, Eastman Chemical Co. Batesville, AR	Jun 10, 2004	Jun 29, 2004	Mar 31, 2006
Ashland Inc. Columbus, OH	Jul 22, 2004	Aug 2, 2004	Mar 31, 2006
BOC Gases Riverton, NJ	Jun 11, 2004	Jun 22, 2004	Mar 31, 2006
Buckeye Florida, Ltd. Partnership Perry, FL	Jun 25, 2004	Jul 12, 2004	Mar 31, 2006
Buckeye Lumberton, Inc. Lumberton, NC	Jun 25, 2004	Aug 11, 2004	Mar 31, 2006
Buckeye Technologies Inc. Memphis, TN	Jun 25, 2004	Aug 11, 2004	Mar 31, 2006
Bulk Handlers Inc. Albany, NY	May 19, 2004	Jun 15, 2004	Mar 31, 2006
CF Industries, Inc. Plant City, FL	May 28, 2004	Jun 15, 2004	Mar 31, 2006
Carolina Power & Light Co. Southport, NC	Jun 21, 2004	Jul 12, 2004	Mar 31, 2006
Chemical Formulators, Inc., Tampa, FL	Sep 29, 2004	Oct 13, 2004	Mar 31, 2006

<b>Company Name City/State</b>	<b>Application Date</b>	<b>Issue Date</b>	<b>Expiration Date</b>
Chem Lab Products, Inc Ontario, CA	Jul 6, 2004	Jul 20, 2004	Mar 31, 2006
ChevronTexaco Products Company a division of Chevron, U.S.A. Inc., Asphalt. (Former Grantee: Chevron USA Products Company, Inc.) San Ramon, CA	Aug 30, 2004	Aug 31, 2004	Mar 31, 2006
Ciba Specialty Chemicals Corporation McIntosh, AL	Jun 18, 2003	Jun 29, 2004	Mar 31, 2006
Colorite Speciality Resins Burlington, NJ	Jun 1, 2004	Jun 15, 2004	Mar 31, 2006
Cytec Industries Inc. Willow Island, WV	May 24, 2004	Jun 15, 2004	Mar 31, 2006
Dow Reichhold Sepciality Latex LLC Chickamauga, GA	Apr 19, 2006	Jun 15, 2004	Mar 31, 2006
Durez Corporation Addison, TX	Aug 17, 2004	Aug 25, 2004	Mar 31, 2006
E.R. Carpenter, L.P. Pasadena, TX	Jun 6, 2004	Jun 22, 2004	Mar 31, 2006
Eastern Propane Corporation Oak Ridge, NJ	May 6, 2004	Jun 15, 2004	Mar 31, 2006
Eastman Chemical Co. Kingsport, TN	Jun 10, 2004	Jun 29, 2004	Mar 31, 2006
FERRO Corporation Bridgeport, NJ	Aug 17, 2004	Aug 25, 2004	Mar 31, 2006
FMC Corporation Tonawanda, NY	May 28, 2004	Jun 22, 2004	Mar 31, 2006
Formosa Plastics Corporation Delaware Delaware City, DE	Jun 15, 2004	Jun 29, 2004	Mar 31, 2006
General Chemical LLC Parsippany, NJ	Jun 17, 2004 & Jul 16, 2004	Jul 28, 2004	Mar 31, 2006

Company Name City/State	Application Date	Issue Date	Expiration Date
Harcros Chemicals, Inc. Kansas City, KS	May 26, 2004	Jun 15, 2004	Mar 31, 2006
Hasa, Inc. Saugus, CA	Jun 4, 2004	Jun 29, 2004	Mar 31, 2006
Hawkins, Inc. Minneapolis, MN	Jun 30, 2004	Jul 28, 2004	Mar 31, 2006
Honeywell Intl. Inc. Morristown, NJ	May 24, 2004	Aug 31, 2004	Mar 31, 2006
Infineum USA LP Linden, NJ	Jun 28, 2004	Jul 20, 2004	Mar 31, 2006
Intalco Aluminum Corporation Ferndale, WA	Jun 25, 2004	Jul 12, 2004	Mar 31, 2006
ISOCHEM, Inc. (Former Grantee: VanDeMark Inc.) Lockport, NY	Mar 1, 2004	Jun 22, 2004	Mar 31, 2006
JCI Jones Chemicals, Inc. Sarasota, FL	Jun 8, 2004	Jun 29, 2004	Mar 31, 2006
Jefferson Smurfit Corporation/Container- Board Mill Division Fernandina Beach, FL	Apr 13, 2004	Apr 29, 2004	Mar 31, 2006
Kinder Morgan Materials Services, Sewickley, PA	Aug 11, 2004	Aug 25, 2004	Mar 31, 2006
Kingsford Manufacturing Company Oakland, CA	Jun 25, 2004	Jul 12, 2004	Mar 31, 2006
MeadWestvaco Corp. Stamford, CT	Jun 1, 2004	Jul 12, 2004	Mar 31, 2006
Mitsubishi Polyester Film Greer, SC	Jun 18, 2004	Jun 29, 2004	Mar 31, 2006
Pioneer Americas LLC Henderson, NV	Jun 22, 2004	Jun 29, 2004	Mar 31, 2006
Praxair Inc. Danbury, CT	July 1, 2004	Jul 12, 2004	Mar 31, 2006

Company Name City/State	Application Date	Issue Date	Expiration Date
Rayonier Inc. Jessup, GA	Aug 27, 2004	Aug 31, 2004	Mar 31, 2006
Reilly Industries, Inc. Indianapolis, IN	Oct 8, 2004	<b>OCT 14 2004</b>	Mar 31, 2006
Reynolds Metals Company Rooseveltown, NY	Jun 25, 2004	Jul 12, 2004	Mar 31, 2006
Rhodia Inc. Cranbury, NJ	Jun 11, 2004	Jun 22, 2004	Mar 31, 2006
Rohm And Haas Co. Philadelphia, PA	Jul 6, 2004	Jul 20, 2004	Mar 31, 2006
Rowell Chemical Corporation Hinsdale, IL	Aug 24, 2004	Aug 31, 2004	Mar 31, 2006
SGL Carbon, LLC Morganton, NC	Jul 21, 2004	Aug 11, 2004	Mar 31, 2006
Solutia, Inc. St. Louis, MO	Jul 30, 2004	Aug 25, 2004	Mar 31, 2006
Sunbelt Chemicals Palm Coast, FL	Apr 13, 2004	Apr 27, 2004	Mar 31, 2006
Sunoco Inc. Pittsburgh, PA	Aug 12, 2004	Aug 25, 2004	Mar 31, 2006
Surpass Chemical Co., Inc Albany, NY	Apr 26, 2004	Jun 15, 2004	Mar 31, 2006
TDY Industries, Inc. dba Wah Chang Albany, OR	Jul 9, 2004	Aug 11, 2004	Mar 31, 2006
The McGregor Company Colfax, WA	May 3, 2004	Aug 25, 2004	Mar 31, 2006
Thatcher Company Salt Lake City, UT	May 5, 2004	Jun 15, 2004	Mar 31, 2006
Thatcher Company of Nevada Henderson, NV	May 5, 2004	Jun 15, 2004	Mar 31, 2006
Thatcher Company of New York Williamson, NY	May 5, 2004	Jun 15, 2004	Mar 31, 2006
The Dow Chemical Company Midland, MI	Jun 22, 2004	Jun 29, 2004	Mar 31, 2006
Tomah Reserve, Inc. Reserve, LA	May 24, 2004	Jun 15, 2004	Mar 31, 2006

Company Name City/State	Application Date	Issue Date	Expiration Date
TRANSFLO Terminal Services, Inc. Jacksonville, FL	Sep 14, 2004	Sep 28, 2004	Mar 31, 2006
TriCal, Inc. Hollister, CA	Jun 29, 2004	Jul 12, 2004	Mar 31, 2006
Trinity Mfg., Inc. Hamlet, NC	Jun 30, 2004	Jul 12, 2004	Mar 31, 2006
Truck Rail Handling Fremont, CA	Jul 7, 2004	Sep 28, 2004	Mar 31, 2006
Truck Rail Handling El Paso, TX	Jul 7, 2004	Sep 28, 2004	Mar 31, 2006
Truck Rail Handling Tacoma, WA	Jul 7, 2004	Sep 28, 2004	Mar 31, 2006
Ulrich Chemical, Inc. Indianapolis, IN	Jul 6, 2004	Jul 20, 2004	Mar 31, 2006
Univar USA Inc. Kirkland, WA	Jun 16, 2004	Jul 20, 2004	Mar 31, 2006
Vertex Chemical Corp. St. Louis, MO	Jun 10, 2004	Jun 29, 2004	Mar 31, 2006
Vulcan Chemicals Wichita, KS	Aug 4, 2004	Aug 25, 2004	Mar 31, 2006
WILBUR-ELLIS Company Fresno, CA	Aug 31, 2004	Sep 21, 2004	Mar 31, 2006

  
 Robert A. McGuire  
 Associate Administrator for  
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