

November 30, 2006



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14395

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of a Division 6.1 liquid soil fumigant in a non-DOT specification bulk packaging mounted on a farm tractor or wagon. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the 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 Parts 172, 173, and 177 except as specifically provided herein.
5. BASIS: This special permit is based on the application of Britz Fertilizers Inc. dated August 23, 2006 submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Pesticides, liquid, toxic, flammable, n.o.s. flash point not less than 23 degrees C	6.1	UN2903	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification bulk packaging (tank) mounted on a farm tractor or wagon used to apply the hazardous material to the farm fields and manufactured as follows:

(1) Tanks must be of welded construction and manufactured from either stainless steel or carbon steel with these minimum thicknesses:

(i) Stainless steel - 14 gauge (0.078 inches)

(ii) Carbon steel - 3/16 inch (.188 inches)

(2) Maximum capacity of the tank must not exceed 300 gallons.

(3) Each tank opening (e.g., vents, outlets, liquid level gauge lines) must be fitted with a valve or other closure located as close to the shell of the tank as is practicable.

b. TESTING - Prior to first use and every three years thereafter; each tank must be:

(1) Subjected to a pressure test with air or inert gas to a pressure of not less than 16.6 kPa (2.4 psig) without evidence of leakage. The test pressure must be maintained for a minimum period of five minutes; and

(2) Internally and externally inspected for evidence of damage, corrosion or other defects that would render the tank unsafe for transport.

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(3) Tanks evidencing damage, corrosion or other defects that would render the tank unsafe for transport must be removed from service until suitably repaired and retested.

c. OPERATIONAL CONTROLS -

(1) Prior to transport the tanks must be emptied to the maximum extent practicable; but in no case may they contain more than 5 liters of hazardous material.

(2) Applicator lines must be emptied to the maximum extent practicable, and fitted with a cap or other closure to retain any remaining contents.

(3) Each valve or other closure on each tank outlet must be securely closed.

(4) The headspace of the tank must be filled with an inert gas blanket to render the gas mixture in the tank non-flammable.

(5) Except when transported on a flatbed truck or trailer, farm tractors or farm wagons upon which the tanks are mounted when operating on a public highway must be:

(i) accompanied by an escort vehicle(s) in accordance with local requirements; and

(ii) operated at a speed of not more than 25 miles per hour.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered 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.

c. Each tank must be marked with the identification number of the hazardous material in the manner prescribed in

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§ 172.332 or on a white square-on-point display in accordance with § 172.336(b)(1), and with the common or technical name of the hazardous material (e.g. DICHLOROPROPENE).

d. The driver of each motor vehicle upon which the farm tractors or farm wagons are loaded and transported would be required to hold a current Commercial Drivers License (CDL) with hazardous materials endorsement, and to have been trained in accordance with the requirements of Subpart H of Part 172 of the HMR.

e. Operators of the farm tractors on which the tanks are mounted or towing farm wagons on which tanks are mounted, would be required to hold a CDL with a hazardous materials endorsement, or would be required to receive:

(1) General awareness/familiarization training and testing in accordance with § 172.704(a)(1) of the HMR; and

(2) Training in the hazards of the material being transported and its proper handling, and actions to be taken in the event of an incident involving the material in transportation.

f. The driver of each motor vehicle upon which the farm tractors or farm wagons are loaded and transported, and of each farm tractor with mounted tank or towing a farm wagon with a mounted tank when operating on a public highway would be required to have the following available in the cab of the vehicle:

(1) A document containing the basic description of the hazardous material as specified in §§ 172.202(a)(1), (2), (3) and (4) of the HMR, and including the word "RESIDUE" in association with that basic description.

(2) A document containing emergency response information that can be used in the mitigation of an incident involving the authorized hazardous material in transportation, and including as a minimum the information prescribed in § 172.602(a) of the HMR.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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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

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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 Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

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: DBurger