

PRO TRANSPORT INC

PO BOX 821700

FEMBROKE PINES, FL 33082
 Phone (305) 884-4186
 Fax (305) 884-6254

Invoice Date 05/20/2008

Invoice No. 26549

Terms: 15 DAYS

CLOSYST
 CLOVER SYSTEMS
 1910 NW 97TH AVE
 MIAMI, FL 33172

Date	DESCRIPTION OF SERVICE	AMOUNT	TOTAL
	Container #: JBKU2110074 20FTTRIAxLE PRO2061 Booking # 10024463 Order Ref # IMP01166 Container Ref # IMP01166 Chassis Rental Charges for 52 days (#PRO2061)	\$520.00	
03/13/2008	SPECIAL EQUIPMENT BCL # 888200 From SEABOARD MARINE MIAMI To AIR GAS SOUTH INC	\$75.00 \$135.00	
	Hazardous Fuel Sur Charge	\$75.00 33.75	
05/14/2008	BCL # 888201 From AIR GAS SOUTH INC To FLORIDA TRANSPORTATION PEV	\$135.00	
	Hazardous Over Wt. Carry Fee Fuel Sur Charge	\$75.00 \$75.00 33.75	
	Total Charges for Container No. JBKU2110074		\$1,157.50
TOTAL OF INVOICE			\$1,157.50

Invoice No. 26549

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U.S. DOT PHILADELPHIA/ATLANTA SOUTHERN REGION
 REPORT NUMBER: 08462028
 EXHIBIT NUMBER: 26
 PAGE NUMBER: 1 OF 4

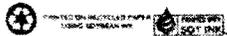
PLEASE REMIT THIS STUB WITH YOUR PAYMENT FOR THIS AMOUNT

\$1,157.50

BOOK # 100 24463

IMO DANGEROUS GOODS DECLARATION

1 Shipper/Consignor/Sender Airgas South-Miami 9030 N.W. 58th Street Miami, Florida 33178 Tel: (305) 470-8933 Fax: (305) 470-9099		2 Transport Document Number _____		
3 Page of pages 1 of 1		4 Shipper's Reference _____		
6 Consignee AGA SA PERU AV NESTOR GAMBETTA 880 CALLAO, PERU		5 Freight Forwarder's Reference _____		
7 Carrier (to be declared by the Carrier) _____		SHIPPER'S DECLARATION I hereby declare that the contents of this consignment are fully and accurately described below by the Proper Shipping Name, and are classified, packaged, marked and labelled/placarded and are in all respects in proper condition for transport according to the applicable international and national governmental regulations.		
10 Vessel/Flight & Date _____	11 Port/Place Handling MIAMI, FLA	9 Additional Handling Information EMERGENCY TELEPHONE NUMBER 1-800-949-7937 1-703-527-3887		
12 Port/Place of Discharge MIAMI, FLA	13 Destination CALLAO PERU	14 Shipping Marks *Number & Kind of Packages, Description of Goods GW (kg) CUBE (m ³) <div style="text-align: center; padding: 20px;"> 1 UNIT UN1951 ISO ARGON REFRIGERATED LIQUID CLASS 2.2 20,520 KGS </div>		
15 CTU ID No. JBKU 211007-4	16 Seal No. _____	17 CTU Size & Type _____	18 Tare Mass (kg) _____	19 Total Gross Mass (kg) _____
CONTAINER/VEHICLE PACKING CERTIFICATE I hereby declare that the goods described above have been packed/loaded into the container/vehicle identified above in accordance with the applicable provisions of IMDG code 5.4.2. MUST BE COMPLETED AND SIGNED FOR ALL CONTAINER/VEHICLE LOADS BY PERSON RESPONSIBLE FOR PACKING/LOADING		21 Receiving Organization Receipt: U.S. DOT/PHMSA/OHME/SOUTHERN REGION Received the above number of packages/containers/trailers in apparent good order and condition, unless stated hereon. REPORT NUMBER: 08462028 EXHIBIT NUMBER: 26 RECEIVING ORGANIZATION REMARKS: 2 OF 4		
20 Name of Company AIRGAS SOUTH		Hauler's Name _____		22 Name of Company Preparing Note AIRGAS SOUTH
Name/Status of Declarant GUSTAVO DEQUESADA EX. REP.		Vehicle Registration No. _____		Name/Status of Declarant GUSTAVO DEQUESADA EX. REP.
Place and Date MIAMI, FLA 5/13/08		Driver Name and Date _____		Place and Date MIAMI, FLA 5/13/08
Signature of Declarant 		Driver's Signature _____		Signature of Declarant 



PRO TRANSPORT INC.

Tel # : (305) 576-5373
 Fax # : (305) 576-9247

All Payments must be made to:
 P.O. Box 821700
 Pembroke Pines, FL 33082-1700
 I.C.C. M.C. 340614

B/L No. _____
 Driver's No. 490
 Date: 5-14-08

BILL OF LADING

Consignor: AIR GAS (NAME) 9030 NW 58 ST (ADDRESS) MIAMI, FL (CITY AND STATE)
 Consignee: FLORIDA TRANSP (NAME) INTE OCEAN (ADDRESS) FT LAUDERDALE, FL (CITY AND STATE)

Shipper Instructions: _____

BOOK# 10024463

Received subject to the classification and tariffs in effect on the date of issue of this B/L

No of Pkgs	Description Of Articles	Unit Number	Empty or Seal No.
	40' Van Trailer		5
	40' Flat Bed		2
	40' Container		0
	40' Bogle		1
	20' Container	<u>JBKU-211007-4</u>	3
	20' Bogle	<u>PRO-2061</u>	1

Subject to Section 7 of conditions of applicable bill of lading, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement. The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(SIGNATURE OF CONSIGNOR)

RESPONSIBILITY FOR LOSS OR DAMAGE TO EQUIPMENT
 Consignee shall be fully responsible to Carrier for any loss of, theft, mysterious disappearance or any other failure to return the equipment or damage to equipment (including chassis and container(s) or trailer(s) described in this bill of lading without regard to cause while this equipment is in the possession of the consignee. Damages for the loss, theft, mysterious disappearance or other failure to return the equipment or any part of it shall be the replacement value of the equipment or carrier's obligation to the owner, whichever is lower. Damages for the repair of the equipment or for the removal of any lien placed on the equipment shall be the carrier's or owner's actual cost of repair or clearing the lien.

TIME Arrived Shipper _____ Left Shipper _____ Arrived Consignee _____ Left Consignee _____
 WAITING TIME (@ \$ /hour) AT Shipper Consignee _____ Hrs. _____ Mins.

Authorized By _____ Title _____

Transportation		Weight Ticket		Detention		Other Charges		Declared Value Charge		Total Charges
Rate	Charge	Rate	Charge	Rate	Charge	Rate	Charge	Rate	Charge	
\$ _____	per	\$ _____	Ticket	_____ Hours	\$ _____	_____	\$ _____	_____	\$ _____	\$ _____
each way				@ \$ /Hr.						

DECLARED VALUE

Unless a greater value is declared and written in the place provided prior to tender of the shipment to carrier and additional transportation charge of 50 cents (50¢ U.S.) per \$100.00 or fraction thereof of the declared value is paid on the property in the above described trailer or container the shipment moves at a declared value of 50 cents (50¢ U.S.) per pound per article or actual value, whichever is less. The declared value is no more than \$ _____

SHIPPER'S CERTIFICATE

I do certify that the above described weighs _____ and consists of _____

RESPONSIBILITY FOR PER DIEM, DEMURRAGE, OR DETENTION CHARGES
 Consignee, from the time of acceptance of the equipment (including both chassis and container(s) or trailer described in the bill of lading) from Carrier, shall be responsible to Carrier for all per diem, demurrage, and/or detention charges assessed by whatever source until this equipment is returned to Carrier or the owner of the equipment. In the event the equipment is lost, stolen or destroyed while in the possession of the consignee said consignee shall be responsible for all per diem, demurrage and/or detention charges assessed until the date the consignee has paid the full amount assessed by the owners for the lost, stolen or destroyed equipment. Consignee's bailment shall not terminate until it has received a written receipt for the equipment from Carrier or owner.

"IN BOND AND HAZARDOUS MATERIAL SHIPMENTS"
 Shipper/Consignor/Consignee must advise Carrier if the shipment is an in bond movement or hazardous material shipment and must provide necessary documents, including shipping papers, and information for Carrier to properly perform under the applicable regulations and this bill of lading. Shipper/Consignor/Consignee must also furnish Carrier with proper shipping papers and correctly packaged and loaded commodities and/or all necessary documents needed for Carrier to comply with U.S. Custom Service and Dept. of Transportation regulations applicable to this shipment and its contents. Failure to comply with these provisions makes Shipper/Consignor/Consignee responsible to Carrier for any fines, penalties, liquidated damages or other assessments together with Carrier's costs including attorney's fees, incurred as a result of Shipper's/Consignor's/Consignee's failure to comply with these provisions.

"Special Conditions, IMPROPER LOADING, OVERWEIGHT & ADVANCE CHARGES"
 Unless otherwise stated in writing by Carrier this shipment may load, weight and count) and the terms and conditions of this bill of lading in effect on the date of issue of this bill of lading shall apply amended or changed unless said changes are negotiated and approved by an officer for Carrier prior to the issuance of this bill of lading and reduced to writing and signed by an officer for Carrier prior to the issuance of this bill of lading. Consignor/Consignee shall be responsible to Carrier for improper loading, including overweight and failure to properly distribute the contents of the equipment. Shipper/Consignor/Consignee shall be responsible to Carrier for all fines, penalties, liquidated damages, costs of investigating and defending, including attorney's fees and judgments incurred from any source, governmental or private, and judgments incurred from any governmental authority are advanced under this bill of lading and are transportation charges to be paid by the carrier upon delivery of the equipment and its contents, if loaded to the Carrier's equipment.

CONSIGNEE _____ (COMPANY NAME) CARRIER: **PRO TRANSPORT INC.**
 RECEIVED BY _____ DRIVER: [Signature]

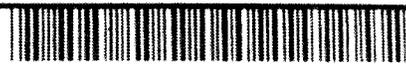
PAYMENT OF CHARGES

All charges must be paid within 7 days except C.O.D. and other advance charges which are due on the tender of this shipment. Unpaid balances due on this bill of lading for transportation charges, per diem, demurrage, detention, loss or damage to equipment shall bear interest at the rate of 1.5% per month, if carrier is required to file a law suit to collect transportation or any other applicable costs or

U.S. DEPARTMENT OF TRANSPORTATION
 SOUTHERN REGION
 REPORT # 08 48 20 28
 EXHIBIT # 1
 PAGE NUMBER 1 OF 1



T I R 30022981



INTEROCEAN LINES INC.
703 Waterford Way (NW 62 Av)
Suite # 650
MIAMI FL 33126

Job Number	00108009-02	Est. Date	05/15/2008	Port of Origin	N/A.
Line	INTEROCEAN LINES INC.	Port of Loading	PORT EVERGLADES, FL.	Port of Discharge	CALLAO, PERU
Vessel	MADELEINE	Port of Final Dest.	N/A.		
Voyage	87SB				

Dangerous Cargo	Booking	Date	Movement Type	PRO #
** YES **	10024463	05/14/2008	RCVF	Prepaid

Stevedoring	2425	Delivery Carrier	13286-	Equipment Destination	2425-
FTS-FLORIDA TRANSP. SERVICES P.O.Box 22696 Ft.Lauderdale FL 33335 USA		PRO-TRANSPORT		FTS-FLORIDA TRANSP. SERVICES P.O.Box 22696 Ft.Lauderdale FL 33335 USA	

Supplier / Shipper	3781-	Consignee	Freight Forwarder
CLOVER 1910 N.W. 97 AVENUE Miami FL 33172			

Container Number	Weight	Measures
JBKU-211007-4 20TK	58,520.0 Lb	0.00 CF
5201311	26,544.2 Kg	0.00 CM

Chassis: NOVO

Comments & Exceptions: SHIPPER STOWAGE, LOAD, COUNT & SEAL.
No Inland Freight Charge
Entered by: NOVO on 5/14/2008 @ 1:10:05 PM

U.S. DOT/PHMSA/OHMF/SOUTHERN REGION
REPORT NUMBER: 08462028
EXHIBIT NUMBER: 25
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RECEIVED THE ABOVE DESCRIBED MERCHANDISE IN APPARENT GOOD ORDER AND CONDITION, EXCEPT AS NOTED TO BE HELD AND TRANSPORTED SUBJECT TO ALL TERMS AND CONDITIONS CONTAINED IN THE REGULAR FORM OF BILL OF LADING OF THE CARRIER WHICH ARE INCORPORATED HEREIN AND SHALL BE CONSIDERED A PART HEREOF WITH THE SAME FORCE AND EFFECT AS IF SET FORTH HEREIN IN FULL. THE GOODS ARE RECEIVED SUBJECT TO DELAY CARRIER'S INABILITY TO CARRY DUE TO ACCUMULATION OF GOOD LACK OF CONVEYANCE, SPACE OR FACILITIES OF ANY SORT, LABOR DISTURBANCES, STRIKES, LOCKOUTS, RIOTS, WAR GOVERNMENT AUTHORITY OR ANY CONDITION WHATSOEVER BEYOND THE CONTROL OF THE CARRIER. ANY VALUATION IN EXCESS OF \$600.00 PER PACKAGES OF CUSTOMARY SHIPPING UNIT AS PROVIDED FOR IN THE CARRIER'S REGULAR FORM OF BILL OF LADING SHALL BE DECLARED IN WRITING BY THE SHIPPER UPON DELIVERY TO THE CARRIER AND INSERTED HEREIN, AS WELL AS IN THE BILL OF LADING, AND EXTRA FREIGHT PAID IF REQUIRED. NOTHING IN THIS WAREHOUSE RECEIPT SHALL OPERATE TO LIMIT OR DEPRIVE THE CARRIER OF ANY STATUTORY LIABILITY.

Dispatcher's Signature	Date / Time	Driver's Signature	Date / Time	Date	05/14/2008
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**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

Port Everglades

PHOTOGRAPH DATE

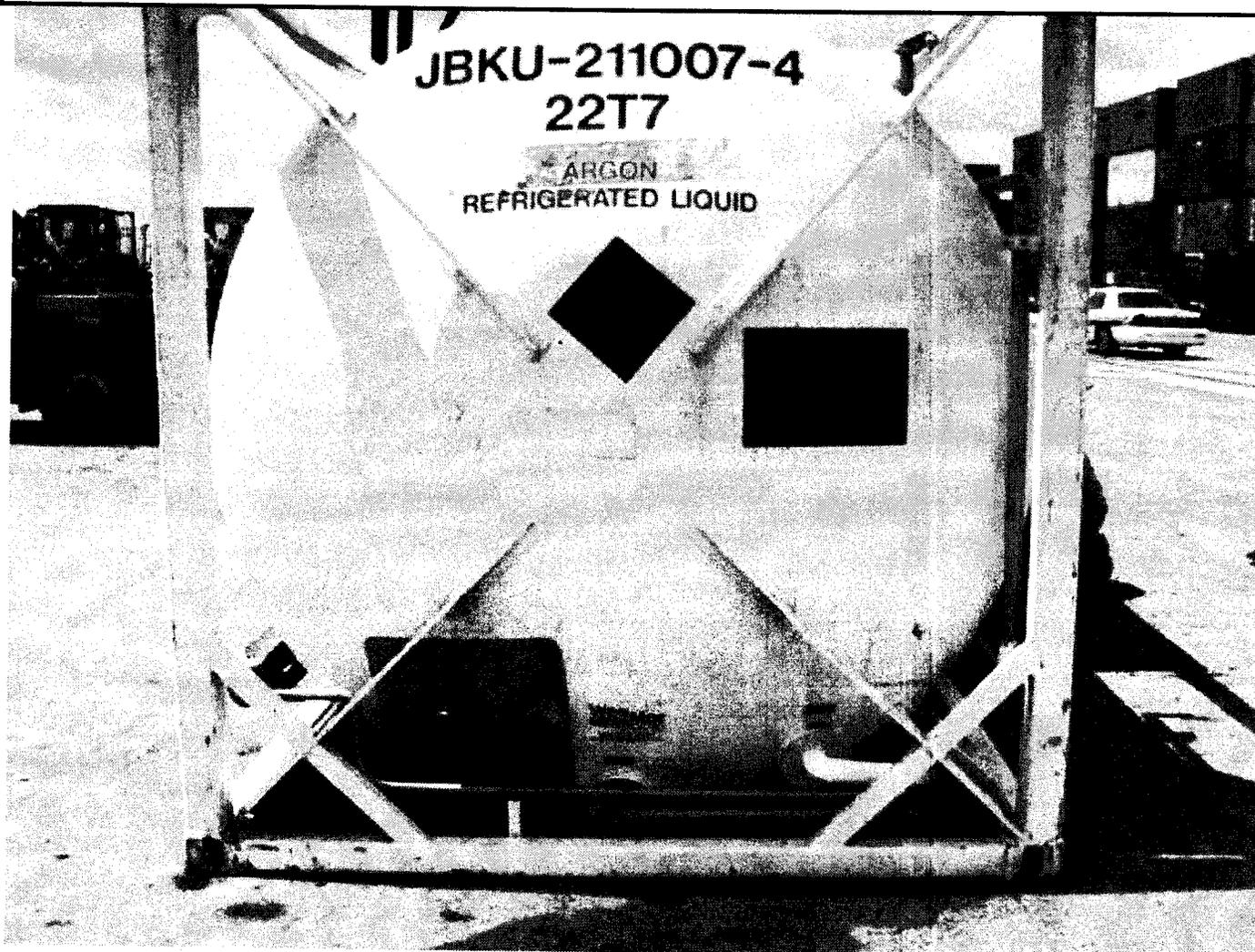
May 20, 2008

CITY, STATE

Fort Lauderdale, Florida

PHOTOGRAPHER

Robert Burns



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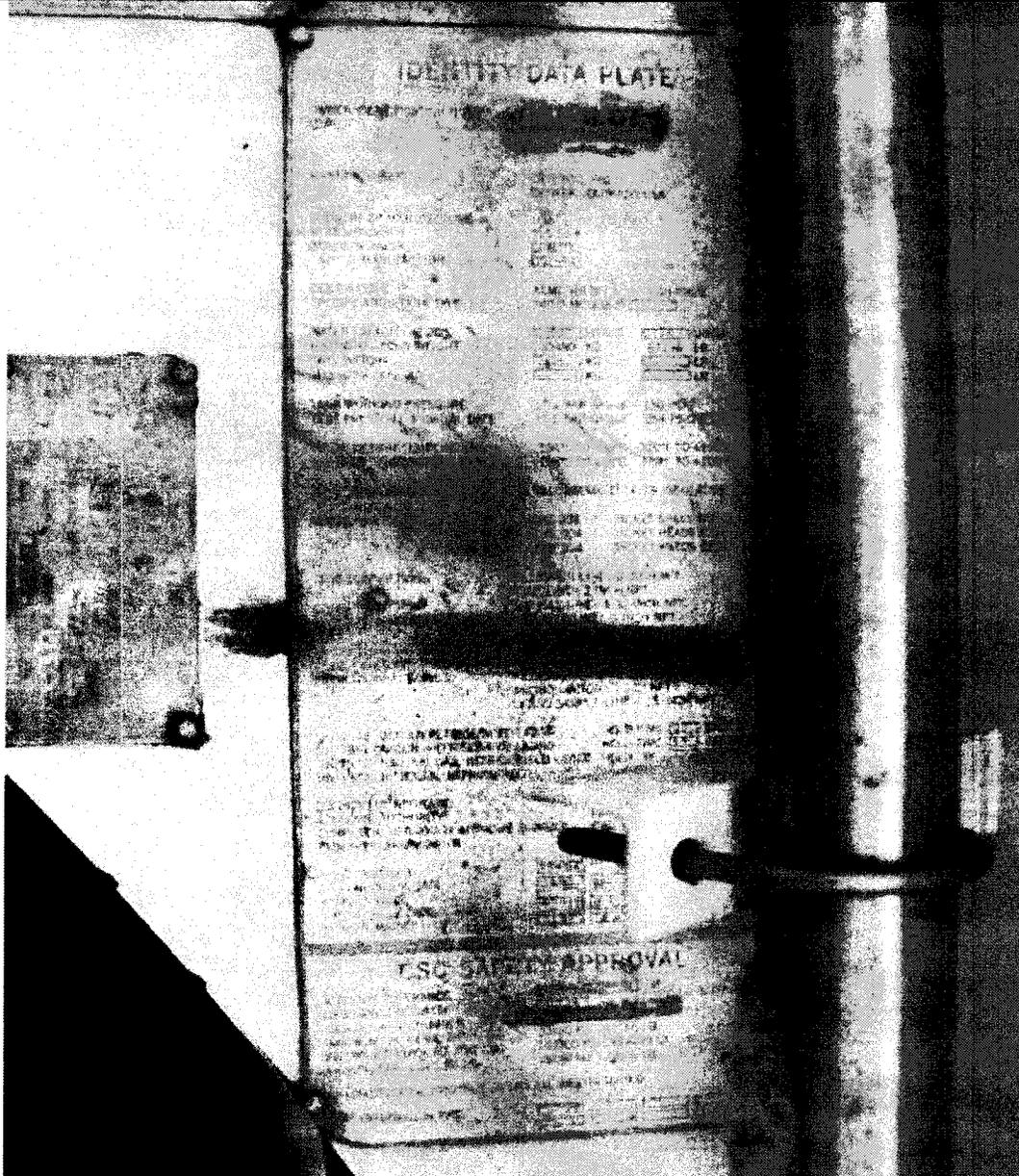
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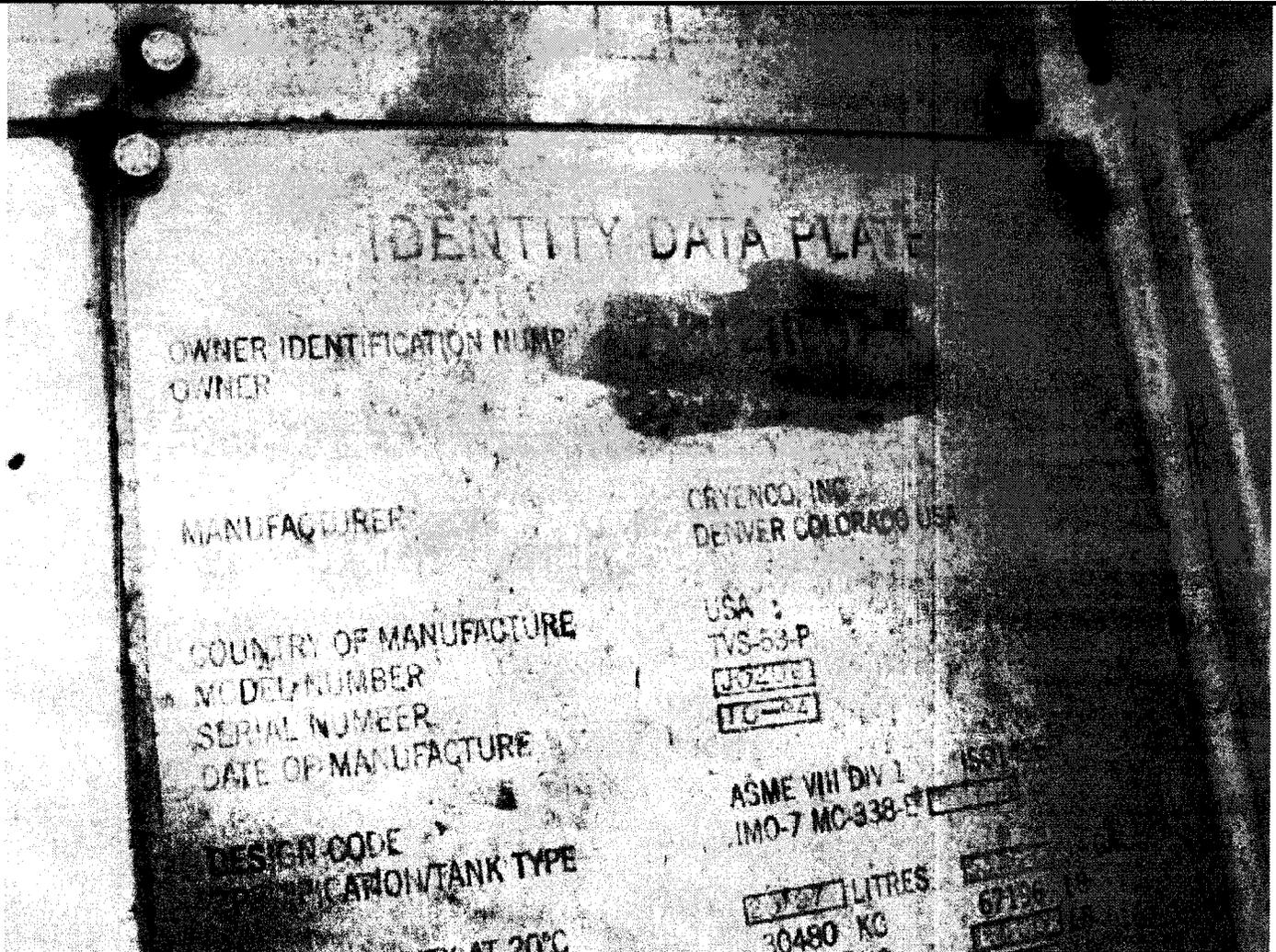
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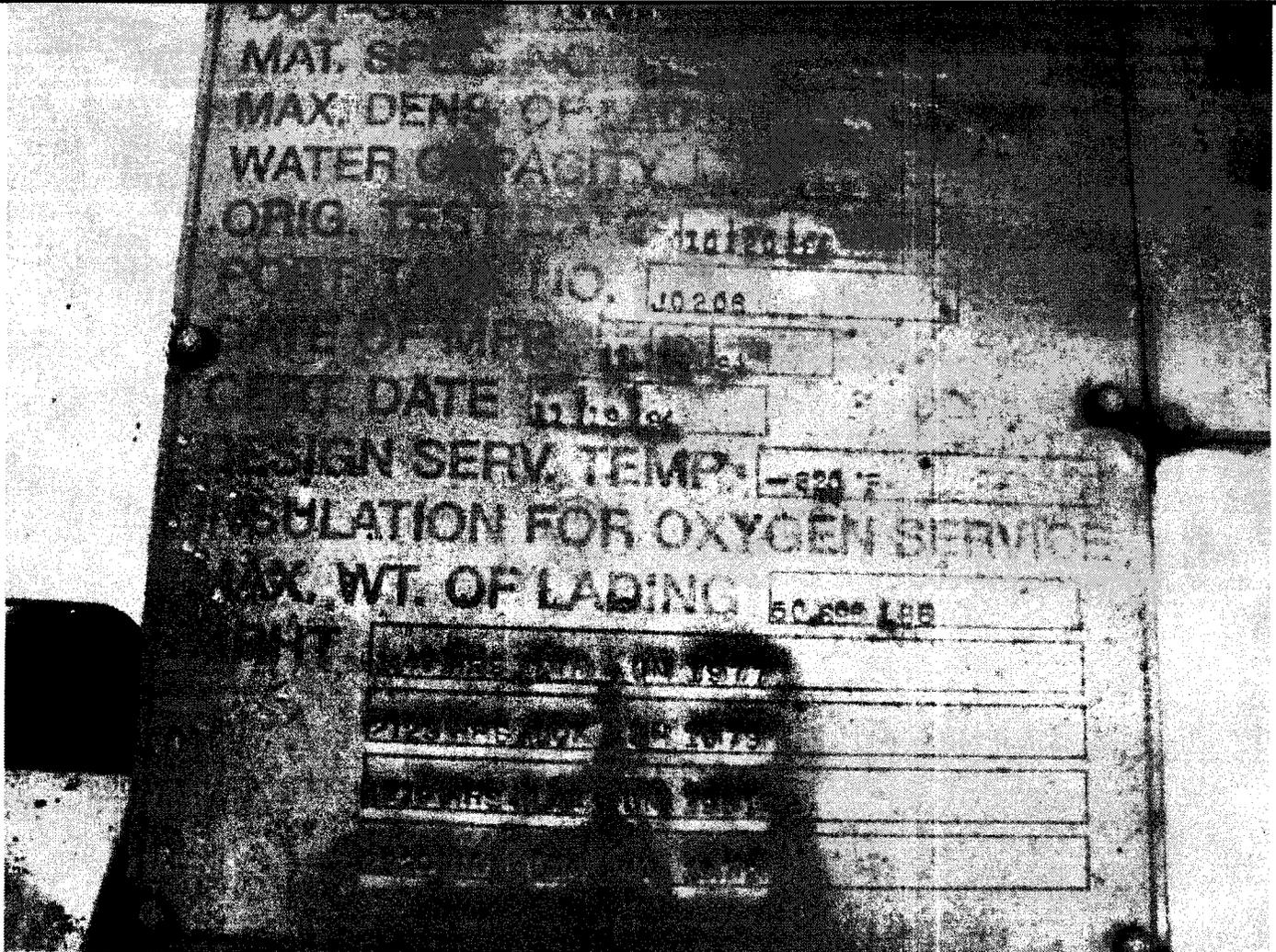
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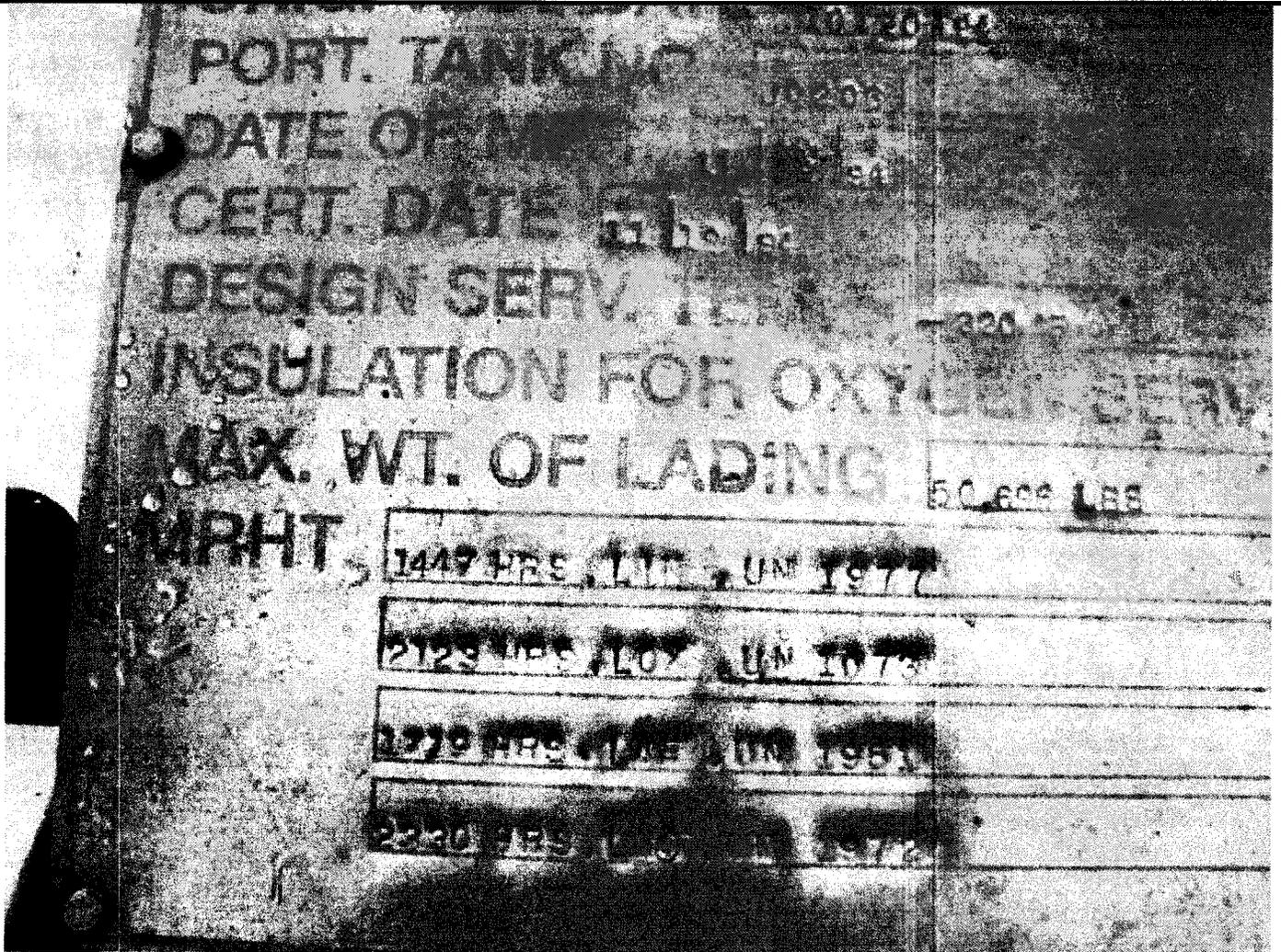
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CITY, STATE

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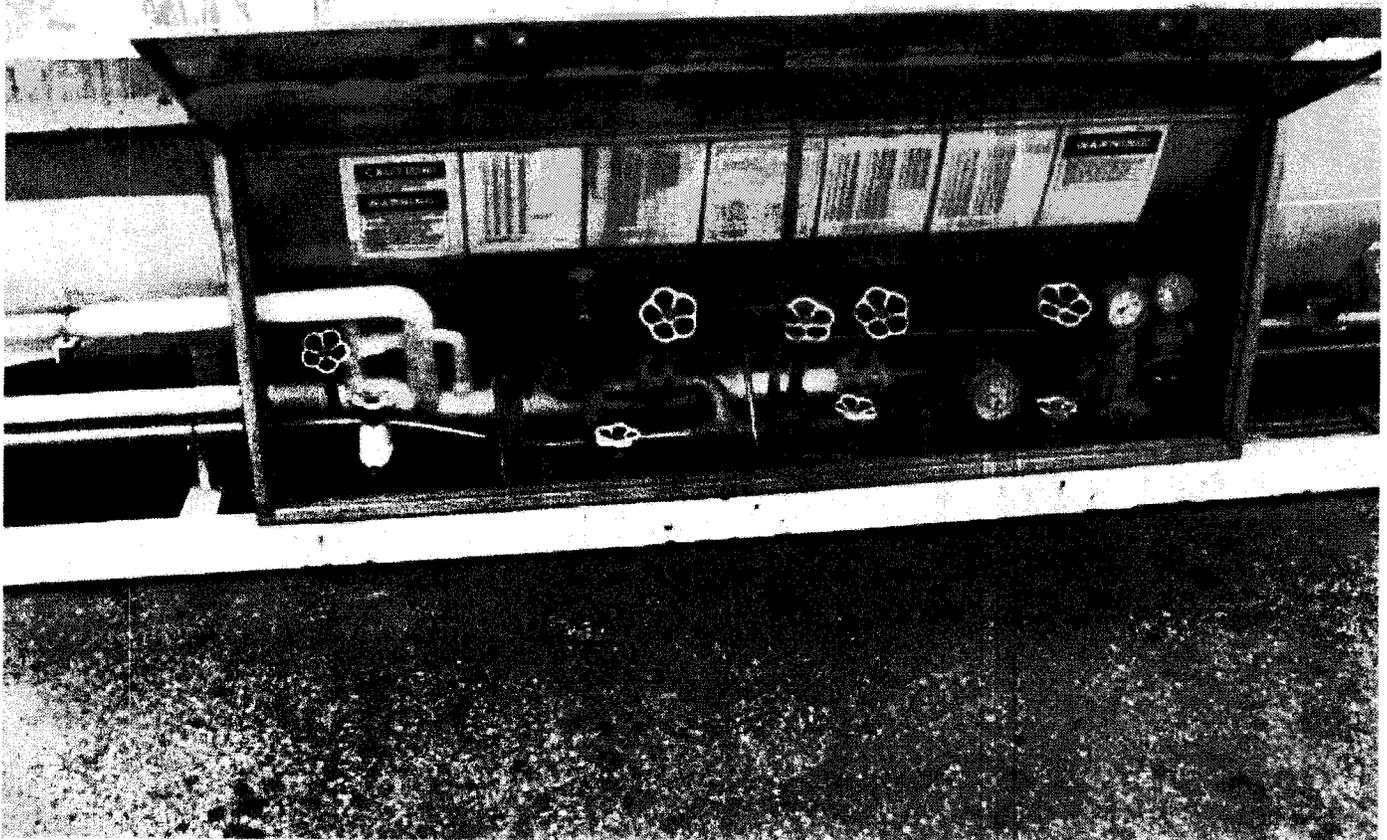
CITY, STATE

Fort Lauderdale, Florida

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Robert Burns

DOT E 11186



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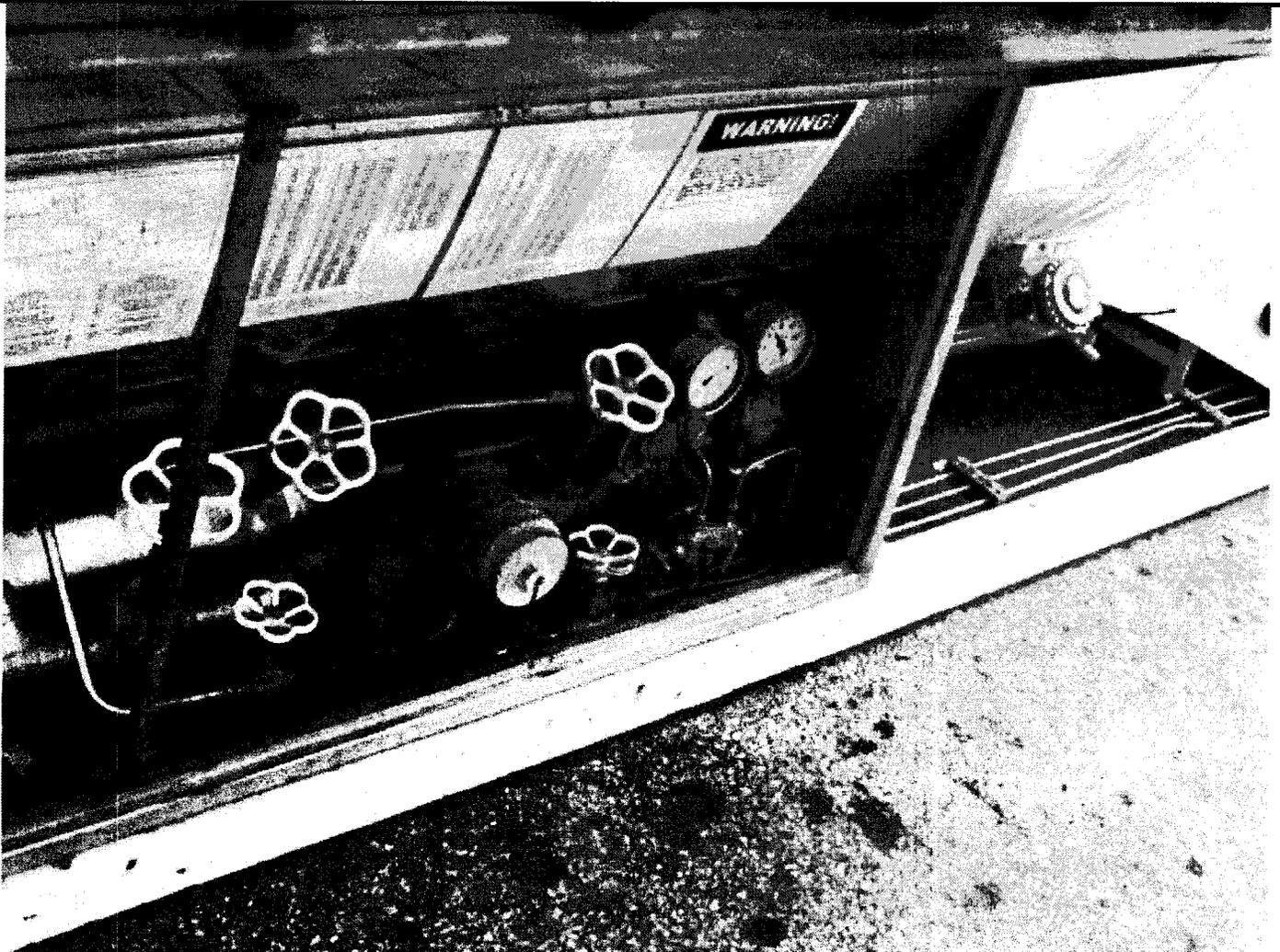
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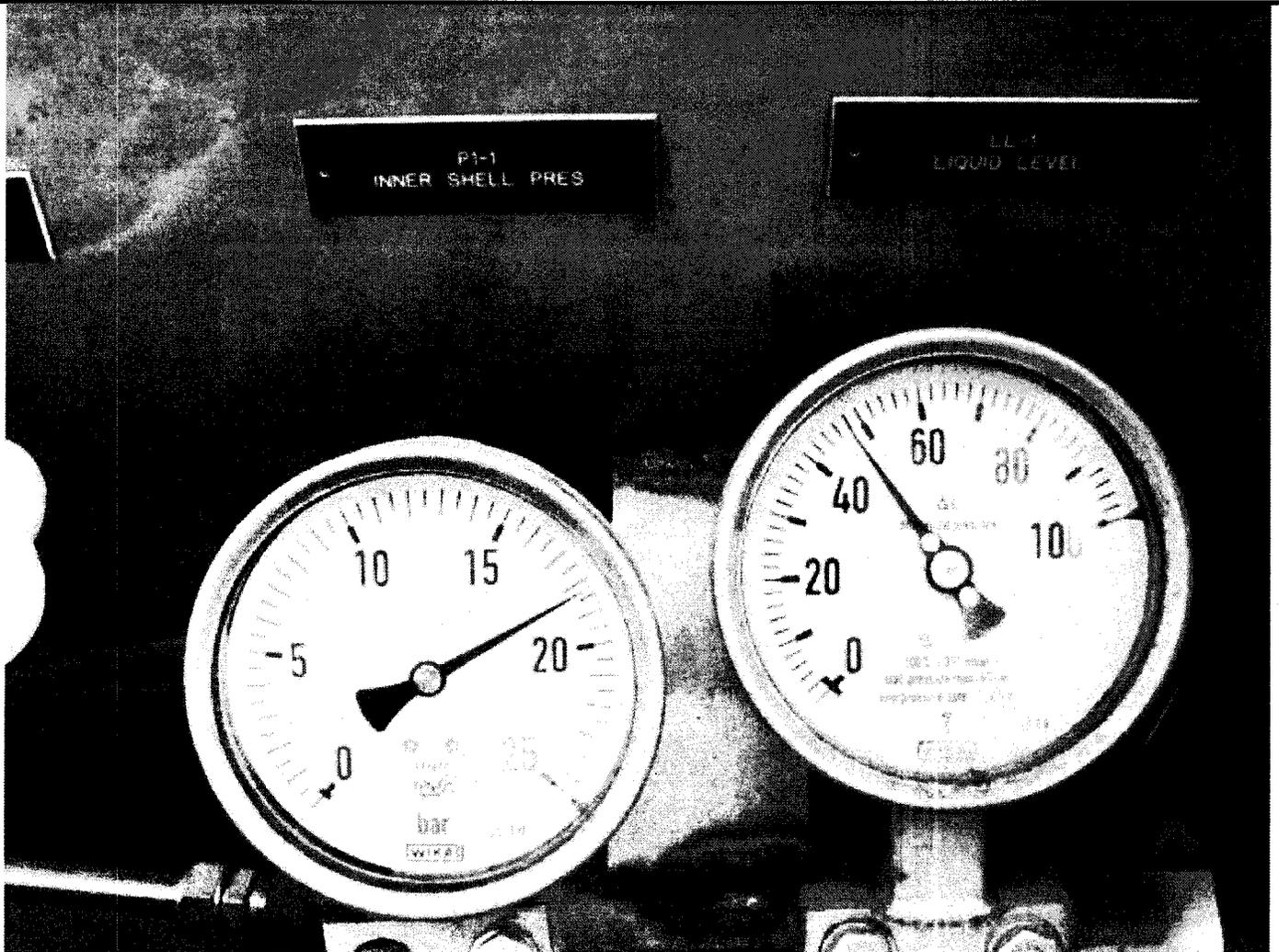
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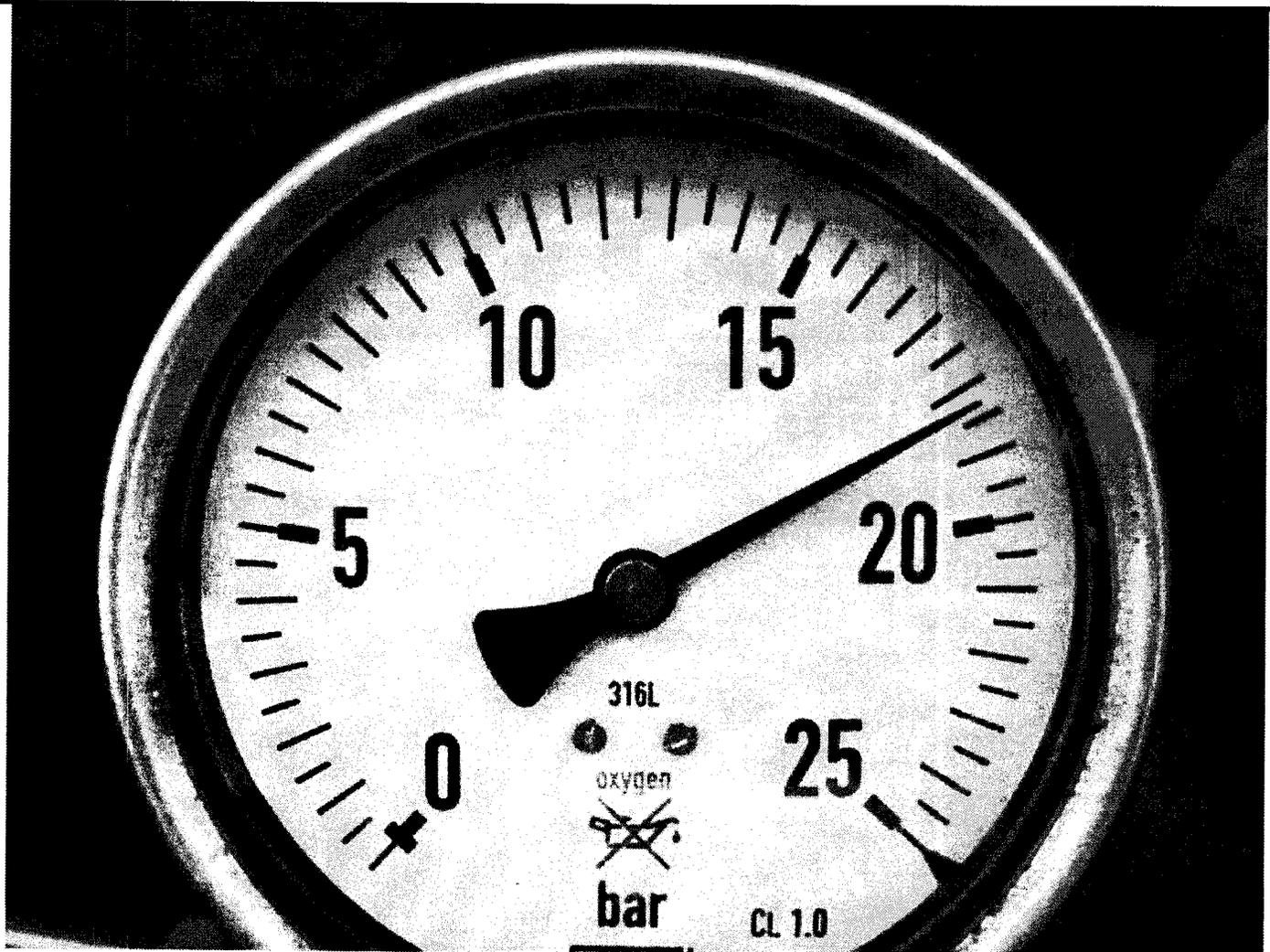
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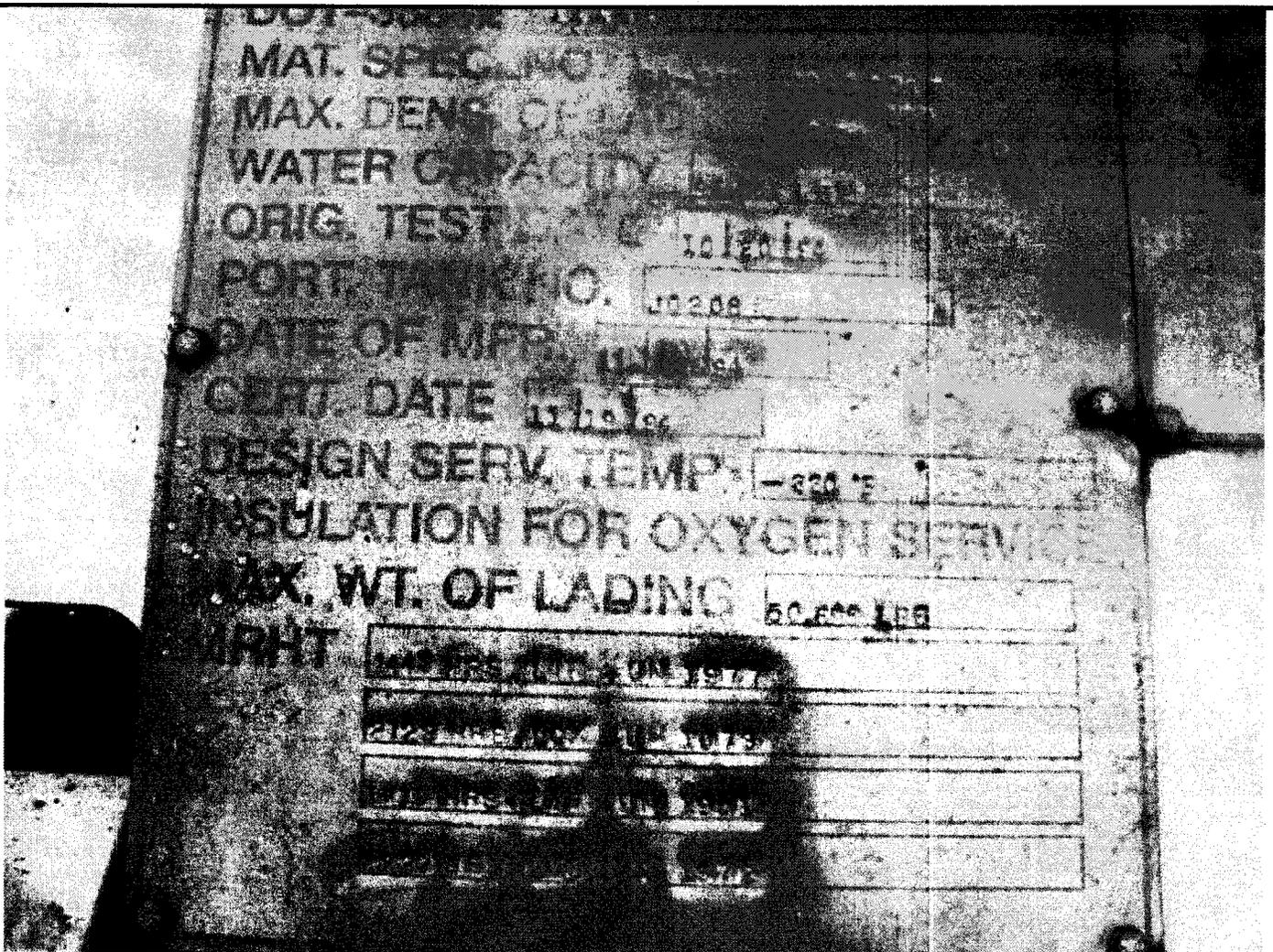
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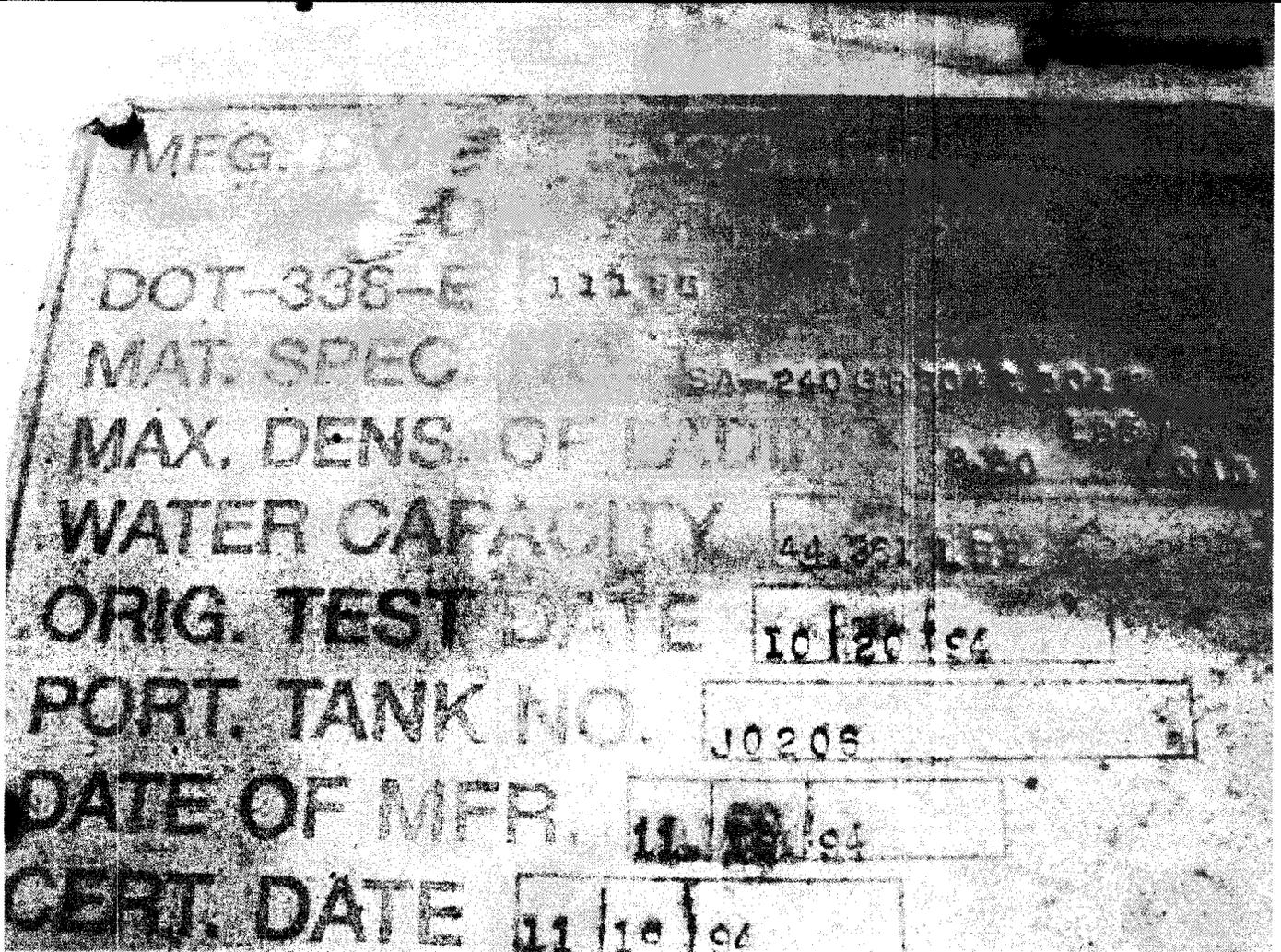
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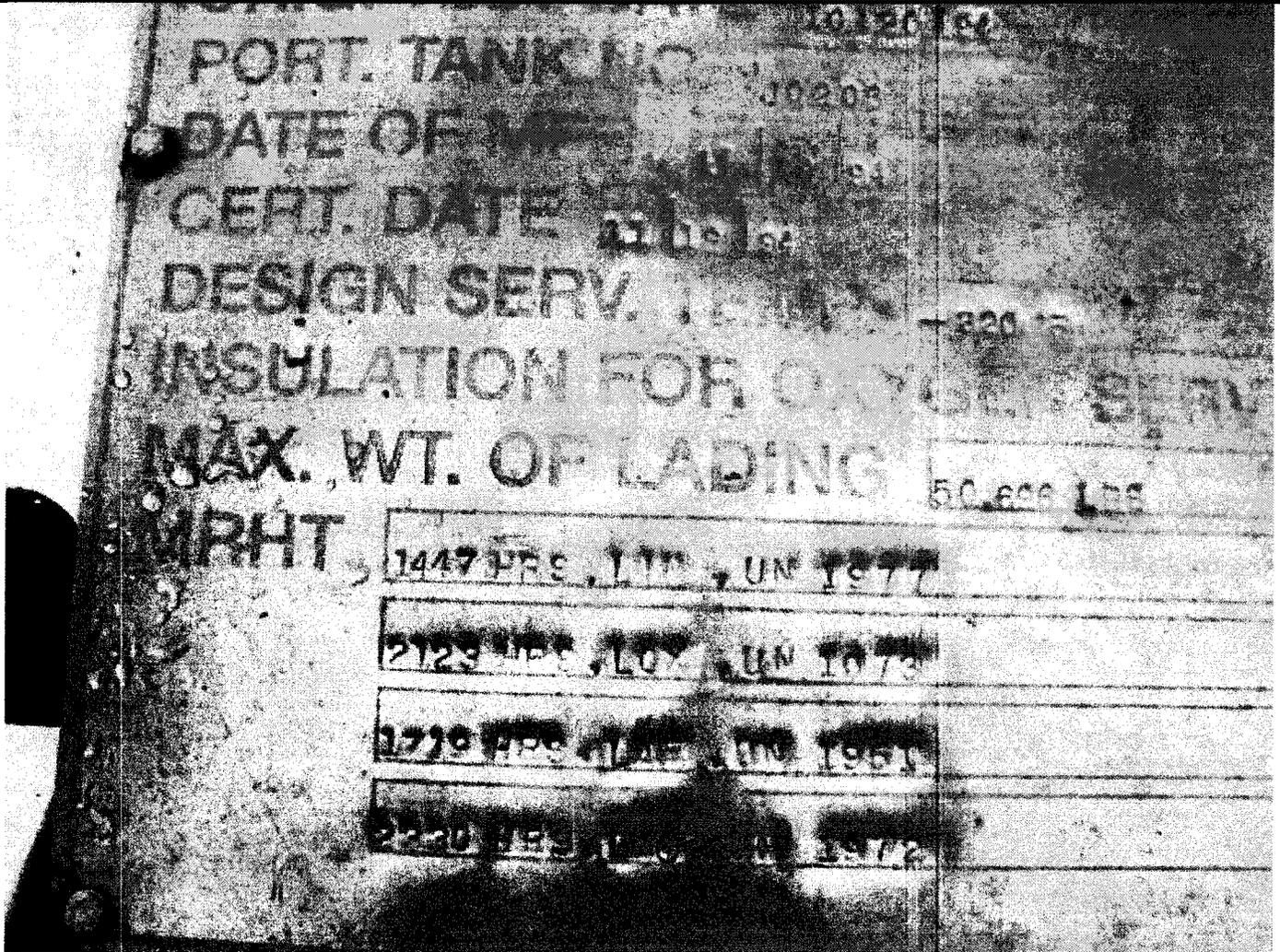
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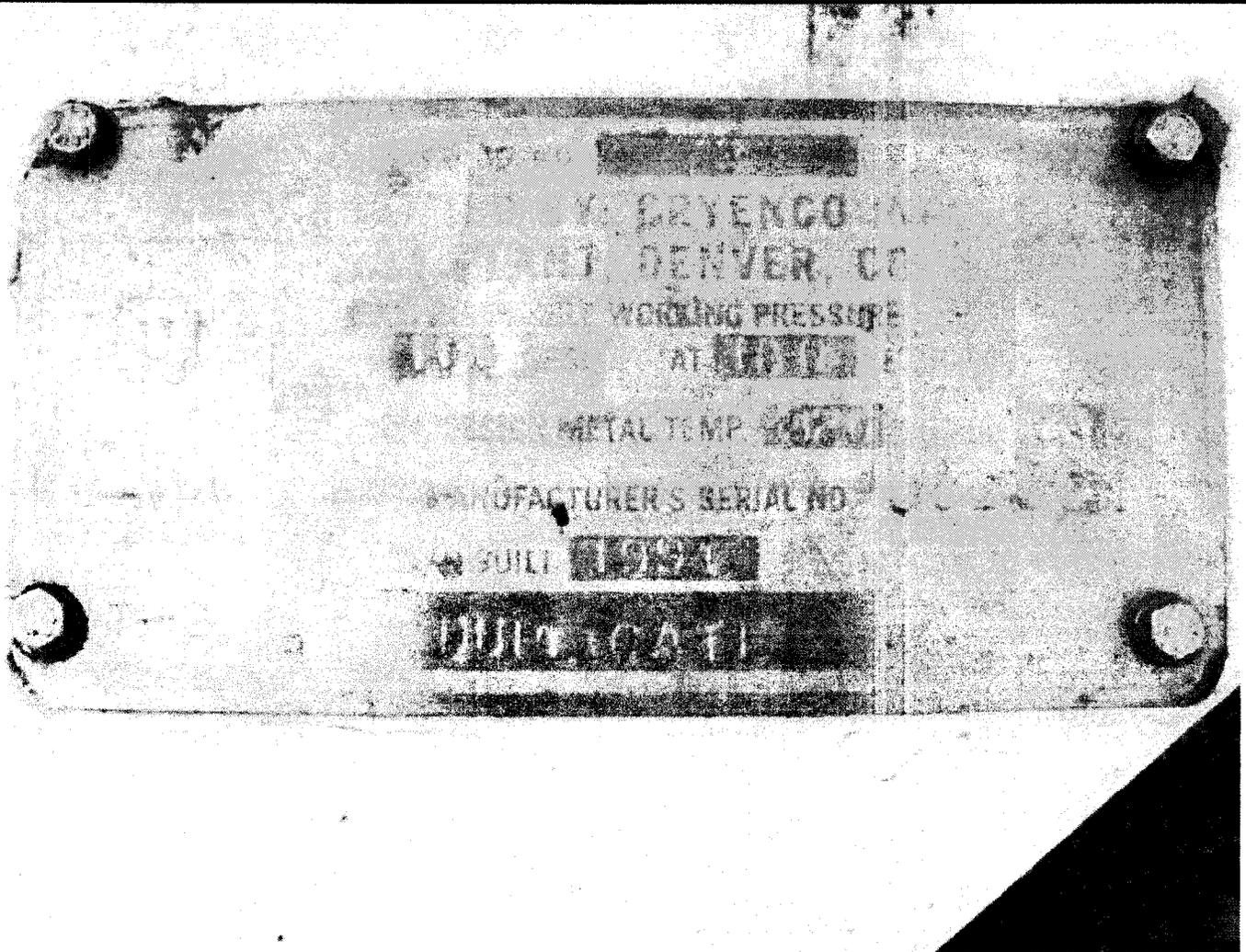
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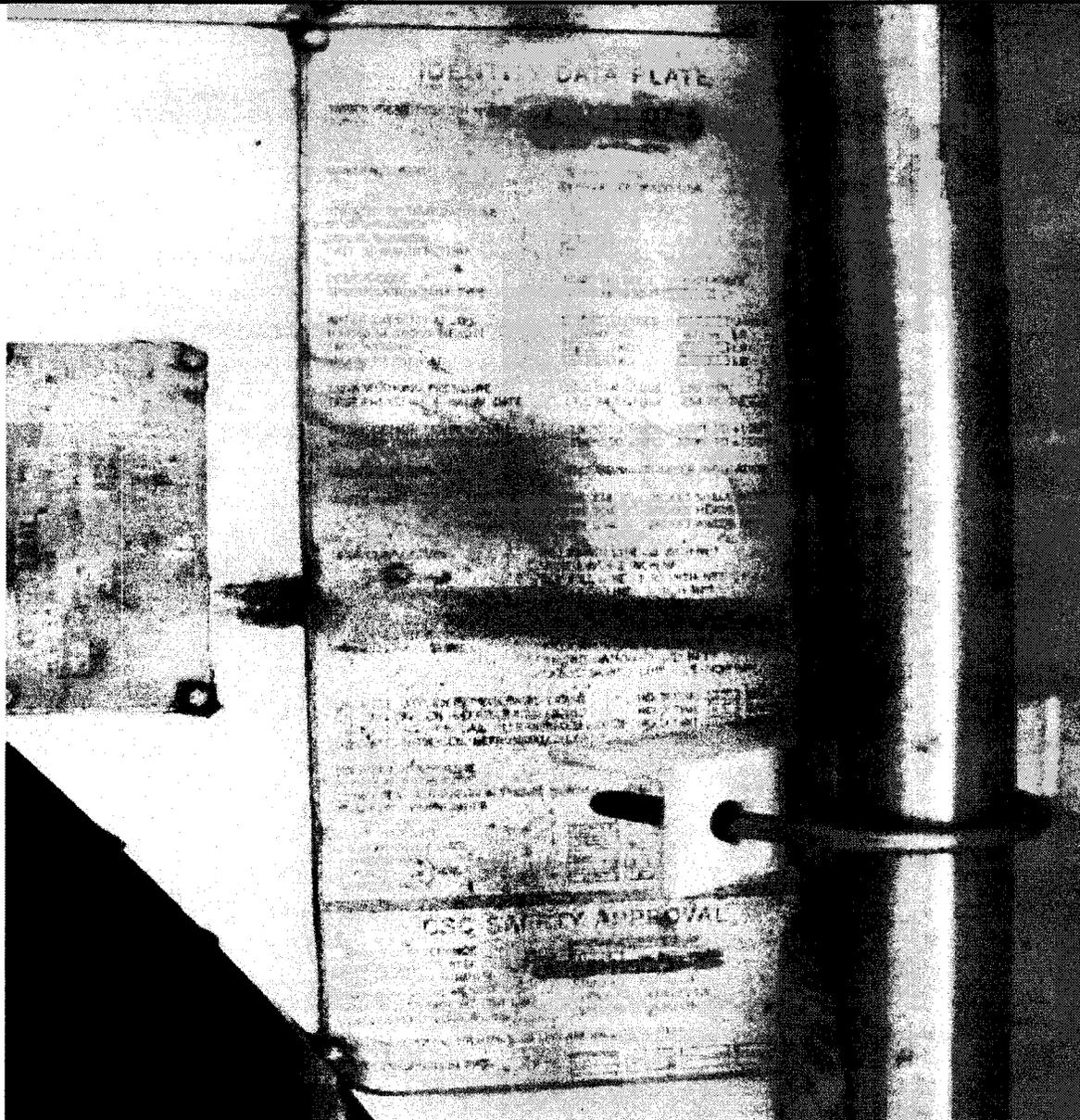
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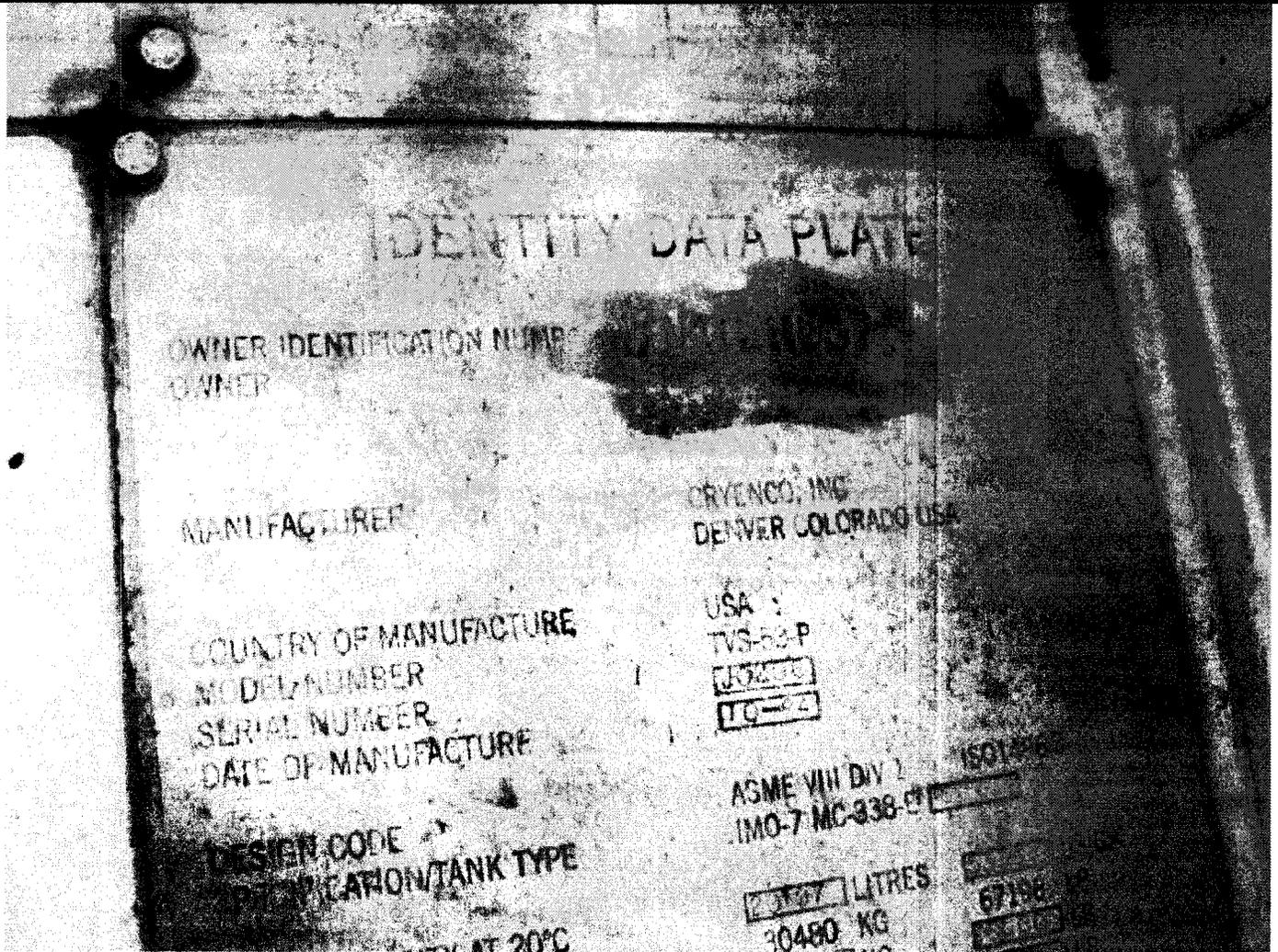
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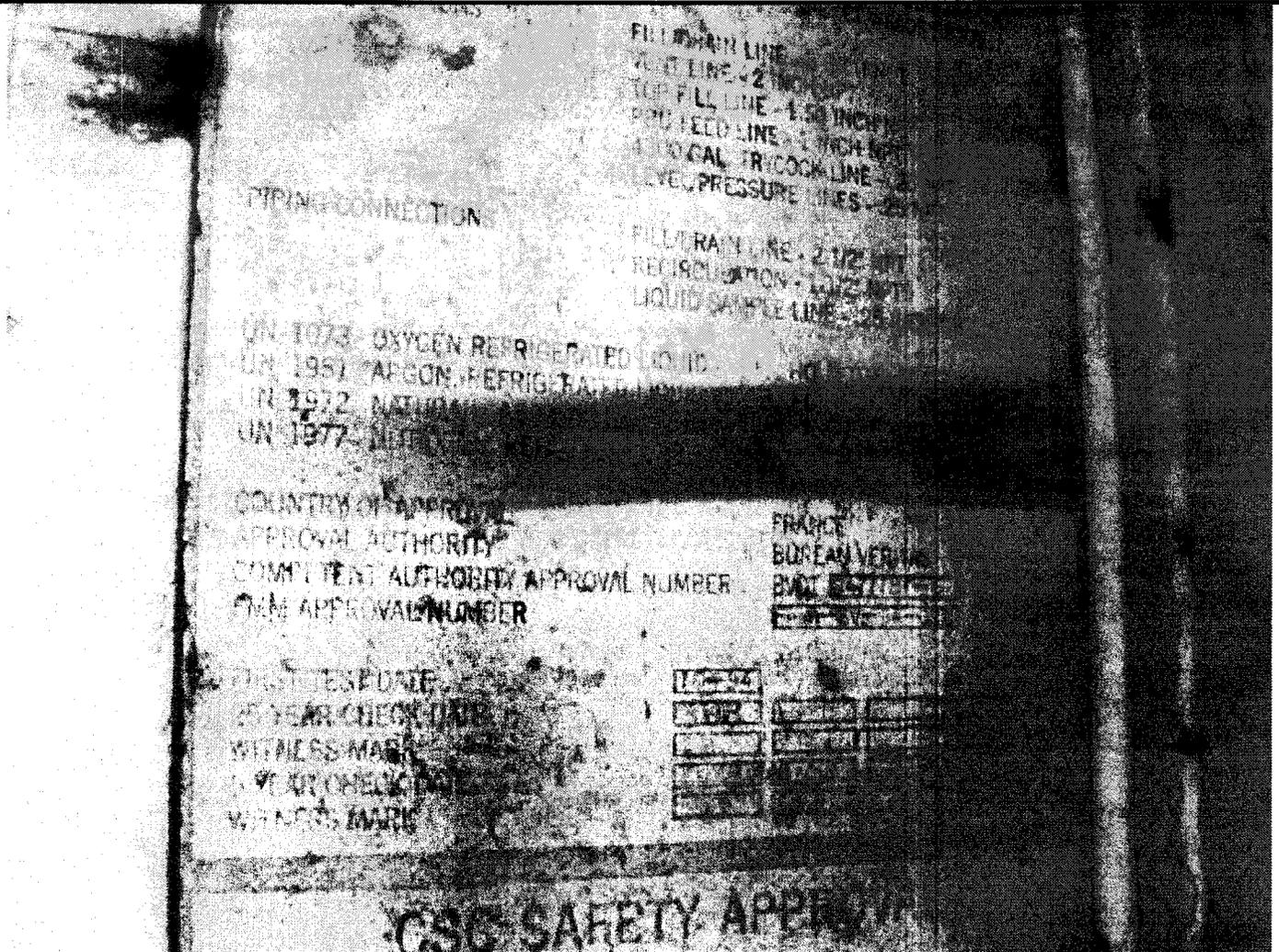
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<u>LOCATION</u> Port Everglades	<u>PHOTOGRAPH DATE</u> May 20, 2008
<u>CITY, STATE</u> Fort Lauderdale, Florida	<u>PHOTOGRAPHER</u> Robert Burns

WOM GROSS WEIGHT	30480 KG	67196 LB
WEIGHT	454 KG	1000 LB
NUM PAYLOAD	2996 KG	6600 LB
WORKING PRESSURE	10.3 BAR GAUGE	150 PSIG
PRESSURE & INITIAL DATE	17.5 BAR GAUGE	254 PSIG
TEMPERATURE	-196°C TO +38°C	-320°F TO +100°F
TEMPERATURE RANGE	-196°C TO +38°C	-320°F TO +100°F
	VACUUM/MULTI-LAYER INSULATION	
	SHELL ASME 304	JACKET SHELL A607 GR
	ASME 304	JACKET HEADS A285 GR
	ASME 304	JACKET WELDS ER70S
	PIPELINE LINE 5 INCH NPT	

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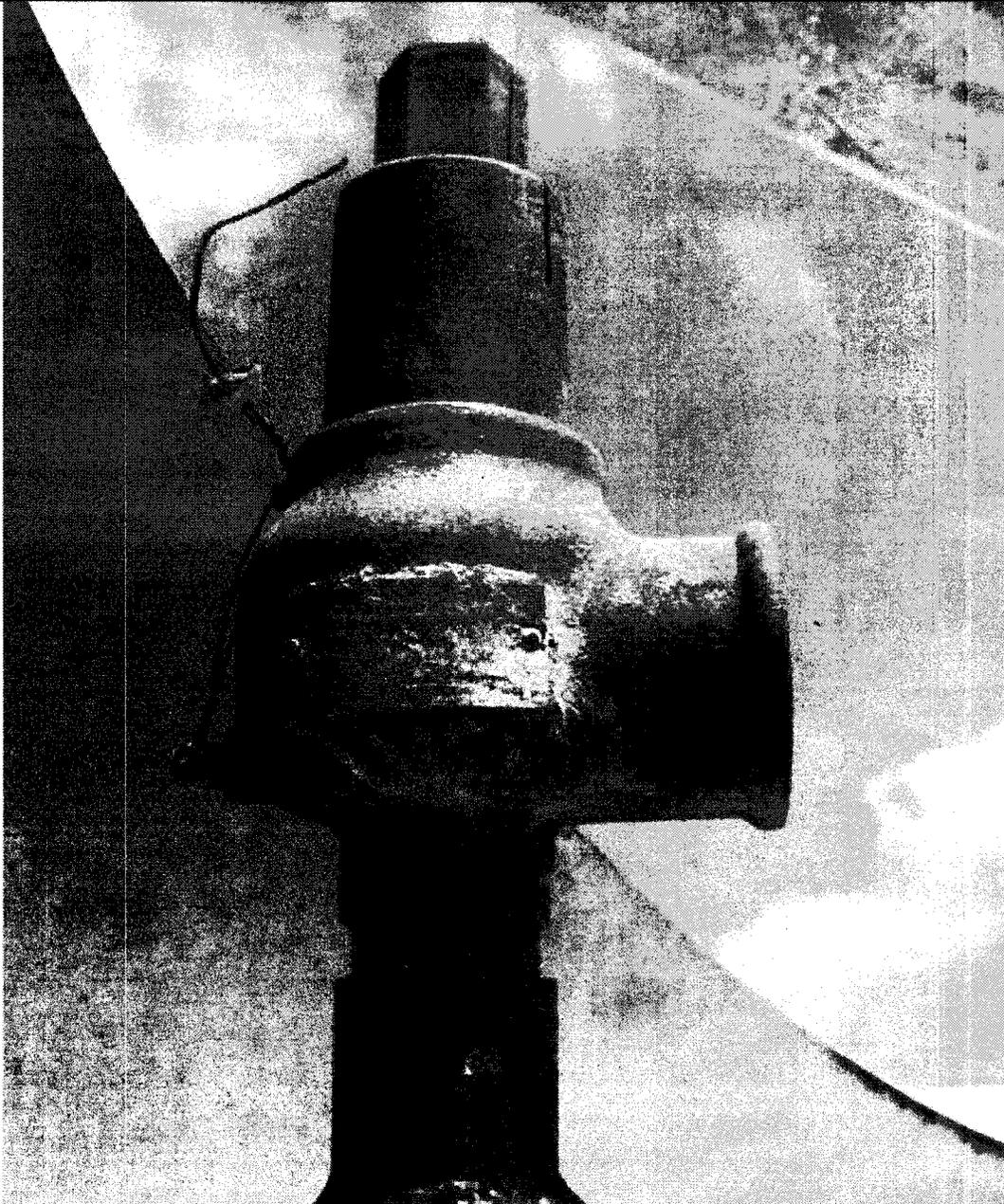
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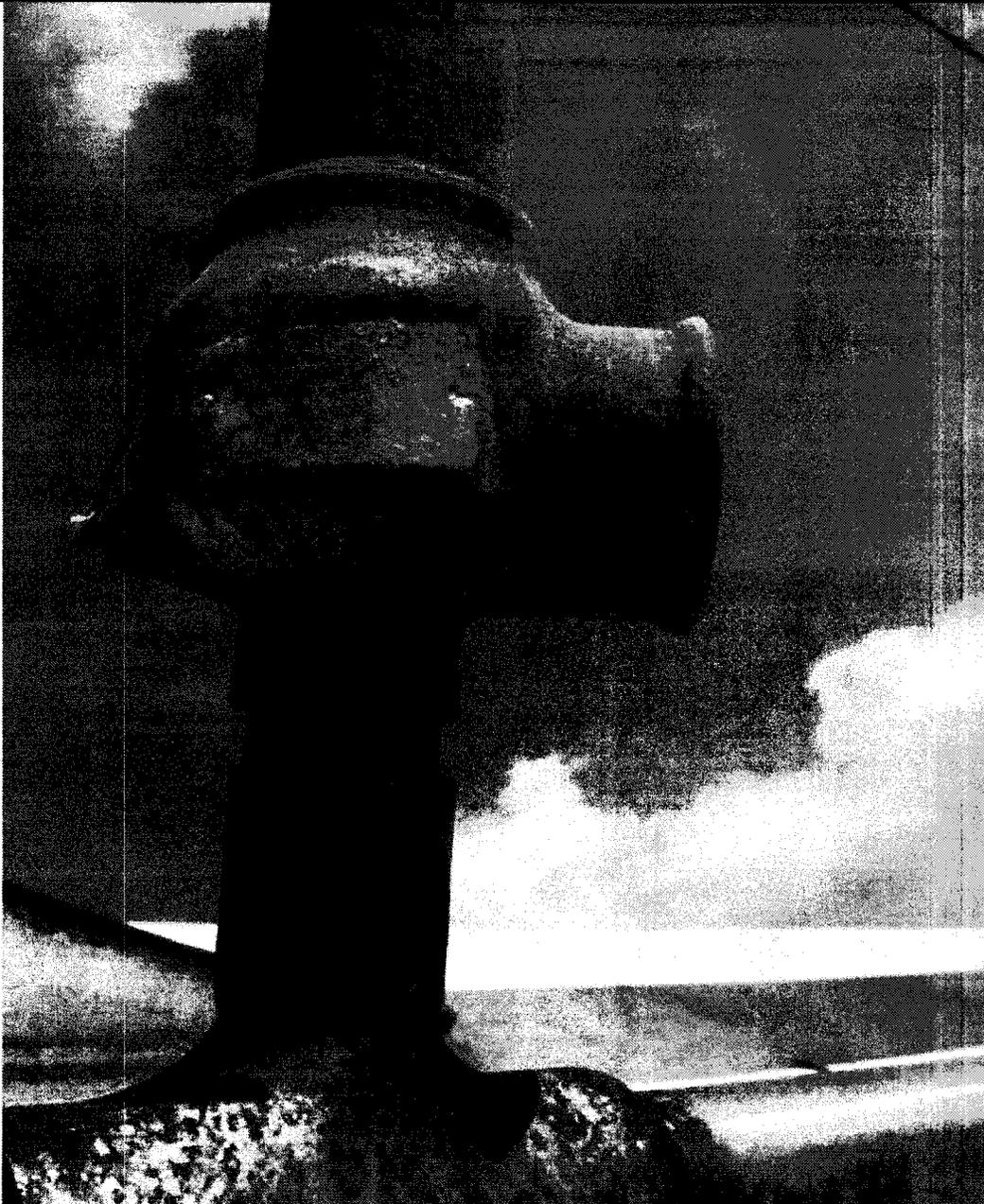
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IM PORTABLE TANK OBSERVATION REPORT

DATE: May 20, 2008

LOCATION: PORT EVERGLADES, FL

TIME: 1030 hrs

FORT LAUDERDALE, FL

F/B# _____

DATE # 5/19/2008

BOOKING # 10024463

SHIPPER: AirGas South-Miami
9030 N.W. 58th ST.
Miami, FL 33178

COSIGNEE: AGA SA PERU
AV. NESTOR BAMBOSTA 880
CALLAO, PERU

FORWARDER: CLOVER SYSTEMS INC.
MIAMI, FL

WATER CARRIER: TRINITY SHIPPING
SURFACE CARRIER: PRO TRANSPORT INC.

VESSEL & VOY: MADKISINE
8753

PORT OF LOADING: PORT EVERGLADES

PORT OF DISCHARGE: CALLAO, PERU

OWNER OR LESSEE NAME: SPECIALTY TRAILER LEASING, INC.

PROPER SHIPPING NAME _____ ON TANK SAME B/L SAME

HAZARD CLASS ARGON REFRIGERATED LIQUID, 2.2

UN NO. UN1951 ON TANK UN1951 P/L UN1951

1951 - ORANGE LABELS ON SIDE & ENDS - 1 SIDE PANEL DAMAGED

PLACARDS FRONT CLASS 2 REAR CLASS 2 DOT EXEMPTION # SR 111810

SIDE (DRIVER) N/A SIDE CLASS 2 - NOTE: 1 placard is missing

TANK NO. 56KU 211007-4 CHASSIS NO. S-0204

MODEL TVS-53-R

IMO-7 MC-338-E 11186

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1. SPECIFICATION PLATE (178.270-14)

A. REQUIRED: DESIGN CODE ASME VIII DIV 1 1501496/3

(1) US DOT Specification No.: DOT-338-E 11186

(2) Country of Manufacture: USA, DENVER, COLORADO

(3) Manufacturer's Name: CRYENCO, INC.

(4) Date of Manufacture: 11/18/1994

(5) Manufacturer's Serial Number: 50206

(6) Identification of USA/DOT Approval Agency & Approval No.: 75

CRYENCO, INC.  W-NPV T-2

(7) Maximum allowable working pressure: 150 bar or PSIG*

(8) Test Pressure: 254 bar or PSIG

(9) Total measured water capacity @ 20°C (68°F) ²⁰¹⁹⁷ liters or gallons.

(10) Maximum allowable gross weight: 30,480 kg or lbs.

(11) Equivalent minimum shell thickness in mild steel: ASME 304

THICKNESS NOT LISTED MM or inches**

(12) Tank Material and specification No.: SA-2406R304 & 304N

(13) Metallurgical design temperature range: 320°F @ 150psi C° and F° 8

MAX Density of Liquid - 9.50 LBS/LAL
* IM101 - <1.75 Bar (25.4 psig) and > 6.8 bar (100 psig)
IM102 - >1.75 Bar (25.4 psig) and <1.0 Bar (14.5 psig)

** 1.8 meters (5.9 ft.) or less - 3.18 MM = 0.125 inches
1.8 meters (5.9 ft.) or more - 4 MM = 0.157 inches

WATER CAPACITY 44,361 LBS. / NET WT. OF LIQUID - 60,966 LBS.

B. ADDITIONAL INFORMATION REQUIRED WHEN APPLICABLE.

(1) Lining Material INSULATED FOR OXYGEN SERVICE

(2) Heating coil MAXIMUM allowable working pressure _____ bar and psig.

(3) Corrosion allowance _____ MM or in.

2. SAFETY APPROVAL PLATE (CSC) YES _____ NO _____

APPROVAL NO. F-BV-4366-93

TARE WT -
16,500 LBS

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3. TESTING (173.32b)

A. HYDROSTATIC TEST (5 YRS).

(1) Name, Mark or Number: Wes Mar Cryogenic Services

(2) Test Date (Mo & Yr): 11-06

B. SPRING LOADED PRESSURE RELIEF VALVUES (2 1/2 YRS)

C. VISUAL INSPECTION (2 1/2/YRS):

Date of Visual Inspection: _____

D. MARKING SIZE: PLATE 3MM (Approx 1/8 in.) or 32 MM (1.25 inch)

IF ON TANK

4. Bottom Outlets (173.32c) IM Tank Table)

A. "A" (2 in series) _____

B. "B" (3 in series) YES

C. Is one valve an internal Yes _____ No

D. Does "B" have remote valve Yes _____ No

5. PRESSURE RELIEF DEVICE INFORMATION (178.270-11)

A. Pressure or temperture device is set to function 20 15 10 20

B. Rated flow capacity @ 15°C (59°F) (not vaccum) 405 SCFM

C. Manufacturers Name & Catalog No. Rockwell 1-90283-1A C 1 S

D. Allowable Tolerance

a. Start of discharge pressure _____

b. Discharge Temperature _____

6. VALVE PROTECTION 178.270-8 Yes No _____

NOTE: Relief valve information was obtained from the certificates attached to the document tube on the portable tank itself. 2 of the relief valves have corroded and illegible I.D. plates and the third valve has a missing I.D. plate

SEE NOTE BELOW



U.S. Department of
Transportation

Pipeline and Hazardous
Materials Safety Administration

Office of Hazardous
Materials Enforcement
Southern Region

233 Peachtree Street NE, Suite 602
Atlanta, Georgia 30303
(404) 832-1140 Fax (404) 832-1168

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

July 22, 2008

Frank A. Zacherl, Esq.
Shotts & Bowen, LLP
1500 Miami Center
201 South Biscayne Boulevard
Miami, Florida 33131

RE: Airgas South, Inc. - Response

Mr. Zacherl:

This letter is to acknowledge the Pipeline and Hazardous Materials Safety Administration (PHMSA) has received your response package on behalf of your client, Airgas South, Inc. (Airgas). As you are aware, on May 23, 2008, we conducted an Exit Briefing with you and senior officials of the Miami Airgas facility concerning probable violations of the Federal Hazardous Materials Regulations, 49 C.F.R. Parts 171 - 180 (HMR). This letter is also to provide you with information to several concerns and questions raised in your letter accompanying the response package. Additionally, we are requesting clarification of a pre-shipment function performed by Airgas prior to shipment.

First, you requested additional time, ninety (90) days, to provide us with supplemental information in terms of training documents and revised operating procedures reflecting Airgas' implemented corrective actions. In light of the seriousness of this matter, 90 days seems reasonable and as such, we will expect a supplemental response no later than 90 days from the date of the Exit Briefing.

Furthermore, you requested our comments and input regarding Airgas' remediation program and corrective actions to date. Due to the voluminous submission of information, we have not had sufficient time to fully evaluate all of the data against the probable violations noted in the Exit Briefing. However, based on a preliminary review, it appears that the summary of actions described in your letter may be sufficient to correct the alleged violations and prevent further occurrences of a similar nature.

Next, you raise a concern over the wording in the Exit Briefing, specifically "offering a cryogenic liquid, Argon, (in a) portable tank which had a pressure relief system with an external adjustment valve with broken tamper evident seals" and the ISO "vented in a means outside the normal pressure relief system". The ISO tank in question is fitted with three pressure relief valves, each with a tamper evident lead seal that had been cut or broken. As explained in the Exit Briefing, the HMR require an inspection of emergency relief devices prior to shipment to ensure that they are functional, legible, and within test date. A relief valve with a broken tamper evident seal would necessitate further investigation of its integrity.

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Here, the fact that the lead seals were cut or broken was confirmed by several Federal and local law enforcement investigators during the initial on-site investigation, as well as a representative of the ISO tank's manufacturer, who also inspected the tank.

Regarding the ventilation of the tank outside its normal means, it appears that the pressure relief devices that were designed to relieve the tank if over pressurization would occur failed to function as intended. The associated test reports for the relief valves depict that two of the valves are designed to function if the pressure inside the tank was to reach 150 psi, and the third valve should open at 200 psi. The pressure inside the tank was recorded at over 270 psi during the initial investigation. Investigators and technical specialists observed the tank intensely venting or "off gasing" through a vent on the liquid side of the tank's operating system. A function that is not normal as confirmed by technical specialists, including a representative of the ISO tank's manufacturer.

For your information, no person may offer a hazardous material in a portable tank, or any packaging, unless all applicable requirements of the HMR have been met. It is incumbent upon the person certifying compliance, in this case Airgas, that these requirements were properly carried out, whether directly or indirectly, through contractors or other third parties.

Last, it is our understanding that as a normal pre-shipment function, Airgas typically photographs ISO tanks prior to shipment and electronically provides the photographs to the customer. The photographs we reviewed of five separate shipments all depict tank identification numbers and pressure/fill gauges but not a single photograph captures the pressure relief devices. For our clarification, we ask that you provide an explanation for the purpose of this pre-shipment function and why such an important safety feature as the pressure relief device(s) would not be photographed.

PHMSA recognizes the prompt response from Airgas and appreciates your attention to this matter. We hope that the foregoing information addresses your concerns and we look forward to your response to our inquiry concerning the photographing of ISO tanks prior to shipment. In the meantime, feel free to contact me if you require additional information or further assistance.

Regards,



Robert F. Burns
Hazardous Materials Investigator
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of hazardous Materials Safety
Office Hazardous Materials Enforcement
Southern Region/Florida Resident Investigator
233 Peachtree Street, N.E., Suite 602 (PHH-46) Atlanta, Georgia 30303
Office (404) 832-1140
Office Fax (404) 832-1168
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**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

Port Everglades

PHOTOGRAPH DATE

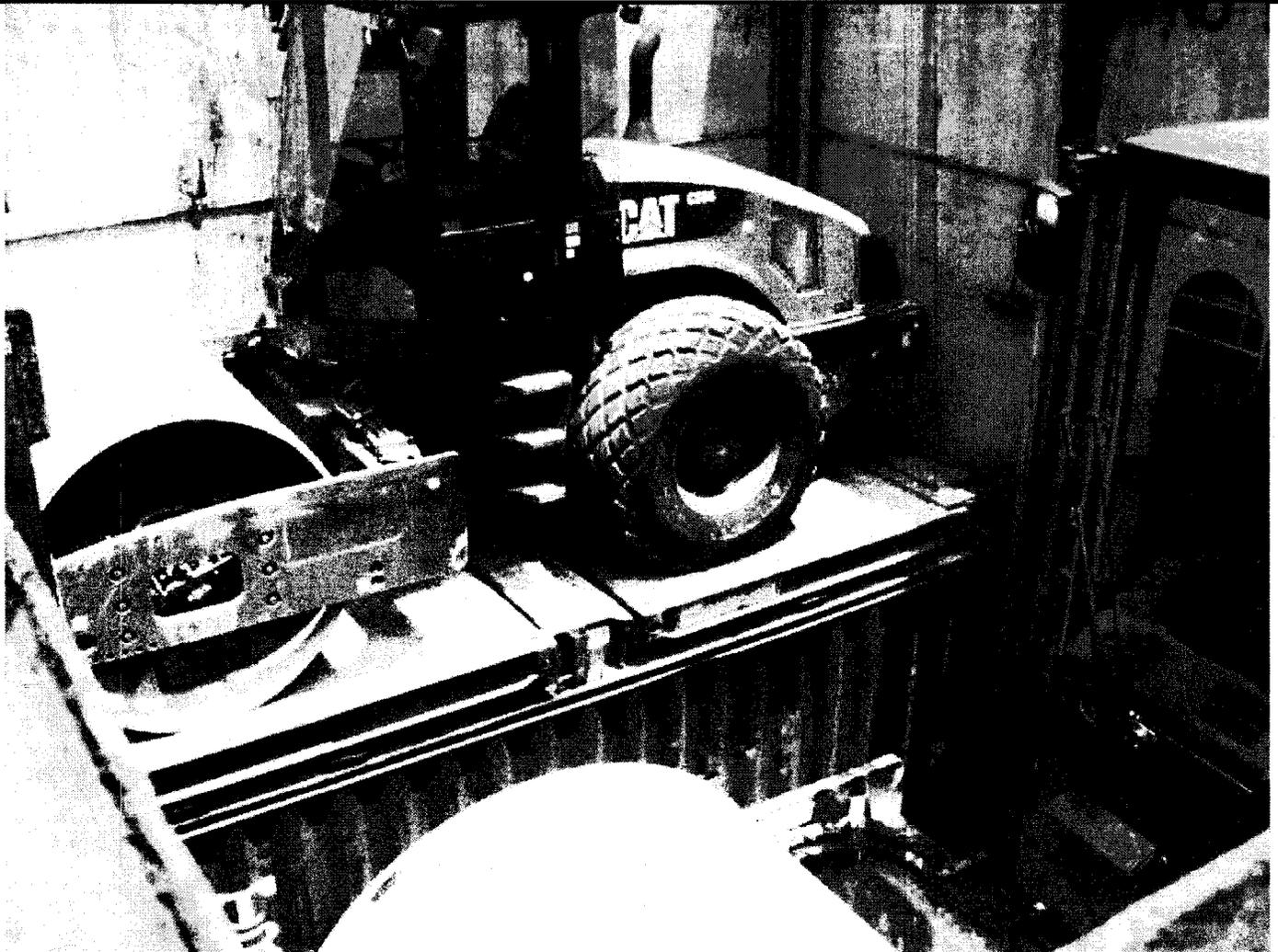
May 20, 2008

CITY, STATE

Fort Lauderdale, Florida

PHOTOGRAPHER

Robert Burns



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

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PHOTOGRAPH DATE

May 20, 2008

CITY, STATE

Fort Lauderdale, Florida

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LOCATION

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CITY, STATE

Fort Lauderdale, Florida

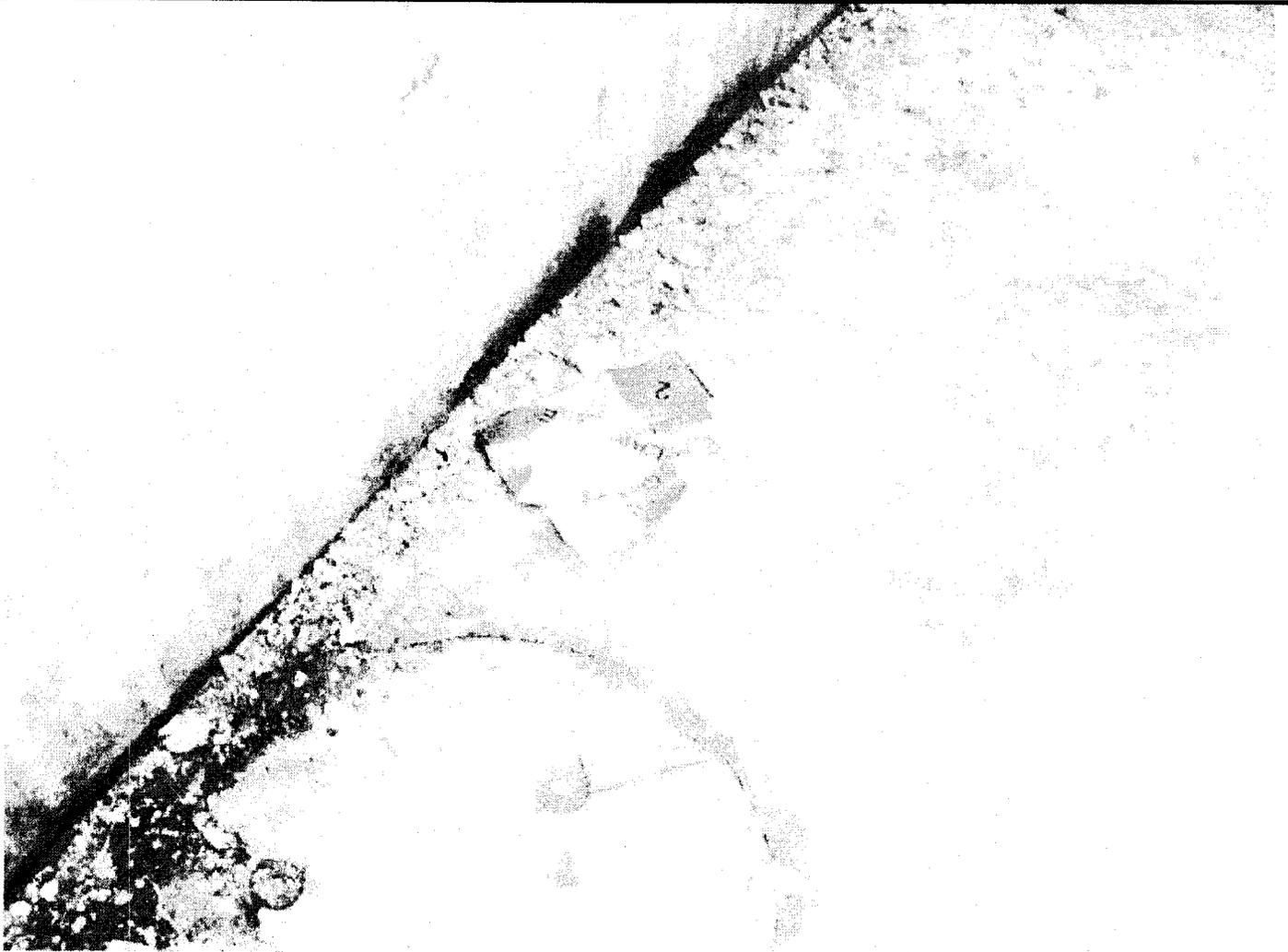
PHOTOGRAPHER

Robert Burns



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

<u>LOCATION</u> Port Everglades	<u>PHOTOGRAPH DATE</u> May 20, 2008
<u>CITY, STATE</u> Fort Lauderdale, Florida	<u>PHOTOGRAPHER</u> Robert Burns



Certificate of Achievement

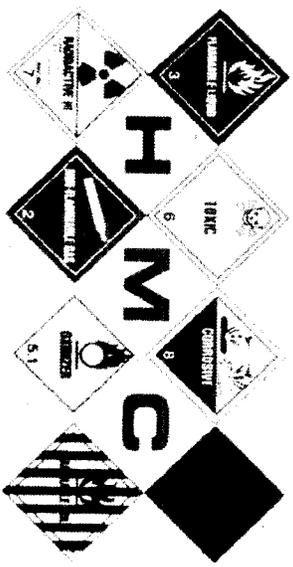
Presented by

Hazardous Material Compliance, Inc.

This is to certify that

Gustavo De Quesada

has successfully completed training in the transportation of Dangerous Goods by Ocean Initial in accordance with Code of Federal Regulations, Title 49 Parts 172.700-172.704 and International training requirements. This certification expires on October 26, 2008 and was issued on October 26, 2006 in the state of Florida, U.S.A.



Hazardous Material Compliance, Inc.

Sonia Irujo
Vice President
2701 NW 112 Ave.
Miami, FL 33172
(305) 471-0561

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FRANK A. ZACHERL

Member Florida Bar
(305) 347-7305 Direct Telephone
(305) 347-7705 Direct Facsimile

E-MAIL ADDRESS:
fzacherl@shutts.com

June 22, 2008

Via Electronic Mail

Mr. John Heneghan at John.Heneghan@dot.gov
Mr. Robert Burns at Bob.Burns@dot.gov
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Southern Region
233 Peachtree Street, NE Suite 602
Atlanta, Georgia 30303

RE: Airgas South, Inc.
Response to May 23, 2008, Exit Briefing

Dear Mr. Heneghan and Mr. Burns:

As you know, we represent Airgas South, Inc. ("Airgas South"). Please accept this letter (with attachments) as Airgas South's response to the May 23, 2008, Exit Briefing conducted by you on behalf of the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration ("PHMSA"). This Exit Briefing was provided to Airgas South on May 23, 2008, after your May 20, 2008 to May 22, 2008, inspection of the Airgas South Doral facility (the "Doral facility").

At the outset, we would like to thank you both for the collaborative and professional approach you have taken to this matter. Airgas South recognizes the importance of compliance with DOT regulations, and we very much appreciate your assistance and direction with respect to regulatory compliance issues.

We have endeavored to be as proactive and responsible as possible in response to your Exit Briefing, and we are hopeful that PHMSA recognizes our good faith in immediately suspending all ISO tank shipments from the Doral facility while remedial training courses and new Standard Operating Procedures are developed and implemented.

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The Exit Briefing identifies six issues that you have concluded constitute "probable violations" at the Doral facility. The "probable violations" relate to the following:

1. Placing the special permit number on each shipping paper.
2. Providing the special permit to the carrier with the shipment.
3. Providing function-specific training that relates to SP 11186 and special permits generally.
4. Conducting an inspection of the valves and their labels, and offering the tank for transportation with broken valves and improperly marked labels.
5. Completion of the shipping papers with the one-way travel time and a record of the pressure and temperature at the start of the trip.
6. Placarding and signage on the ISO tank.

We will address each of these "probable violations" below in describing:

1. The Corporate Culture of Regulatory Compliance at Airgas South;
2. The training programs provided by Airgas South (and ongoing revisions to that training) prior to the Exit Briefing;
3. Remedial training, corrective action and other measures undertaken since the Exit Briefing (including documentation of these measures); and
4. New "Standard Operating Procedures" ("SOPs") which will include, inspection criteria (with a mitigation plan for all violations discovered in these inspections).

In connection with the "probable violations" you have identified, we respectfully request that PHMSA consider as mitigating factors: (1) the extensive training programs already in place at Airgas South prior to the Exit Briefing (and the ongoing revisions to this training at the time of the Exit Briefing); (2) the extraordinary remedial measures undertaken by Airgas South in the 30 days since the Exit Briefing; (3) the new SOPs currently being developed at Airgas South for dealing with ISO tanks at the Doral facility; and (4) other mitigating factors identified below.

We further respectfully request that PHMSA permit us to supplement this response in 90 days, after Airgas South has completed its remedial training and fully tested and implemented the new training and SOPs. Airgas South wishes to take the time necessary to ensure that the actions it takes are implemented fully and correctly and are not rushed to completion within the 30 day initial response deadline.

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As a preliminary matter, the Exit Briefing lists as a probable violation "offering a cryogenic liquid, Argon . . . [in a] portable tank which had a pressure relief system with an external adjustment valve with broken tamper evident seals." Similarly, the Exit Briefing concludes that the ISO "vented in a means outside the normal pressure relief system." Would you kindly provide us with the evidence in support of these conclusions? We respectfully submit that we would appreciate the opportunity to review and investigate any information supporting these conclusions so that we can properly respond to them.

Also as a preliminary matter, we would appreciate your consideration of the fact that in conjunction with the shipment of the ISO on May 14, 2008, Airgas South took affirmative actions to inform the freight forwarder and the vessel operator of the hazardous properties of Argon gas by including the Material Safety Data Sheet ("MSDS") concerning Argon. A copy of the MSDS that was attached to the ISO is enclosed at Tab 1. Additionally, we would appreciate your consideration of the fact that Airgas South created a record of the ISO pressure at the start of the trip by taking a photograph of the pressure gauge indicating the P1-1 inner shell pressure prior to the shipment of the ISO. A copy of the photograph recording the ISO pressure at the start of the trip is enclosed at Tab 2.

As a final preliminary matter, please note that we are providing you with an electronic copy of this document and attachments. We will also send you a hard copy of this document and attachments *via* overnight mail.

I. Regulatory Compliance at Airgas South

Before addressing the past training, remedial action and SOPs, we would like to point out that Airgas South and its parent Airgas, Inc. ("Airgas") have demonstrated a decades-long, serious commitment to training and regulatory compliance. Indeed, Airgas's Code of Ethics states:

3. Protect Yourself, Your Fellow Employees and the Community

..... We ... are committed to observing the laws and regulations that are designed to protect the safety, health and environment in the communities in which we do business and be conscious of this responsibility during the course of our daily activities.

4. Complying With Laws and Regulations

4.1 Generally

All employees, officers and directors of the Company should respect and comply with all of the laws, rules and regulations of the U.S. and other countries, and the states, counties, cities and other jurisdictions, in which the Company conducts its business, or the laws, rules and regulations that are applicable to the Company. Employees, officers and directors who fail to comply with this Code and

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applicable laws will be subject to disciplinary measures, up to and including discharge from the Company.

This Code of Ethics, which existed long before the Exit Briefing, can be reviewed online at the following website address: <http://www.airgas.com/content/about.aspx?id=9005001002000>

Every Airgas South employee, officer and director is required to read the Code of Ethics ("Code") and certify in writing that he or she has read and will comply with the Code. Copies of Code of Ethics forms executed by employees of the Airgas South Doral Facility are attached at Tab 3.

Airgas's commitment to safety, training, and regulatory compliance is manifested by the creation of a separate safety, environmental and regulatory compliance division - SAFECOR. SAFECOR is an acronym for: Safety, Environmental, Compliance and Risk Management. SAFECOR utilizes field representatives who travel within the Airgas organization to provide (i) training, (ii) education and (iii) assistance regarding operational, safety, regulatory and environmental responsibilities and issues. In addition, SAFECOR provides guidance through informational bulletins that are distributed to employees in the field. All Airgas South employees are required to utilize the SAFECOR training programs and encouraged to contact a SAFECOR field representative if the employee has any questions, issues or concerns.

SAFECOR works closely with the safety directors of all of the Airgas companies to ensure regulatory compliance and training. With respect to Airgas South, SAFECOR has been working with Greg Barnett ("Barnett"), Airgas South's Director of Safety and Compliance, since October 1, 2007, to improve Airgas South's current training procedures and to develop new procedures. This work was underway well before the Exit Briefing.

Mr. Barnett is in the process of developing four new training formats which, when completed, will be implemented throughout all of the Airgas South facilities. These new training formats are described in detail as follows:

A. Online New Employee Orientation ("NEO")

NEO is an online course that Barnett has been developing over the last eight (8) months. The NEO program will work as follows: each week, the human resources department will e-mail Barnett a list of new employees, including the date of hire, the new employee's supervisor and the new employee's job title/function. Although district and branch managers will be responsible for ensuring that each new employee attends and successfully completes NEO, Barnett will also send a reminder notification to each new employee's district and branch manager that the employee needs to complete the NEO program. This system will ensure that all new employees are properly and uniformly trained.

The NEO program is essentially broken up into two sections: general awareness training and function specific training. The new hire will begin with the general awareness training. The employee will watch informational training videos on eighteen different topics covering general

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there may be certain tasks that each employee is required to complete individually and other tasks that employees are required to complete as a group.

Beginning on June 11, 2008, a new feature called "Safety Task" was added to the Safety Meeting webpage. This feature requires that the manager select his/her location (for example: Airgas South – Doral) and perform certain safety functions. The manager checks a box when each function is performed. Additionally, managers are required to go back to January 2008 and complete all required functions to date. Area safety managers are charged with reviewing the results of the Safety Tasks and ensuring that all locations have complied with the Safety Task and properly documented such compliance. A copy of June's Mandatory Safety Meeting Package e-mail is enclosed at Tab 4.

Again, as stated above, we will separately provide you with links, passwords, and other information that will permit you to electronically access this webpage.

C. Airgas Training Center

In addition to NEO training, refresher training and mandatory monthly safety meetings, it has long been Airgas South's practice for Area Safety Managers to visit each Airgas South location in his/her jurisdiction and conduct face-to-face training. Although Area Safety Managers have always covered all areas of training, as a response to the Exit Briefing, additional training will now be conducted on DOT regulations for personnel other than drivers. In-person training by Area Safety Managers will continue to occur no less than once every two years at every Airgas South location.

D. Safety Webpage

In addition to all of the training provided to Airgas South employees, a safety webpage is always available on the intranet for all Airgas South employees. This webpage contains an archive of all Mandatory Monthly Safety Meeting materials, frequently asked questions, common topics and other information that is relevant and pertinent to safety, environmental and regulatory compliance concerns. The safety webpage also breaks down regulatory training issues, such as HM 126f, into smaller segments to accentuate and reinforce the training done online or face-to-face. This webpage is available twenty-four hours a day, 365 days of the year.

As stated above, all of these training programs have been at various stages of development and implementation since October 2007. These programs are evidence of Airgas South's continuing commitment to provide all Airgas South employees with proper and thorough training, with the goal of ensuring the safety of each employee and the general public and full regulatory compliance by all employees and divisions of Airgas South.

II. Previous Training Actually Provided to Employees of Airgas South

Every two years, SAFECOR updates and distributes a lengthy manual on safety and regulatory compliance. One section in this manual specifically addresses 49 CFR § 172.700, et

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seq. and is a model program for HM 126f training. A copy of SAFECOR's Model Program for HM 126f Training 49 CFR § 172.700 ("HM 126f Manual") is enclosed at Tab 5. SAFECOR distributes this manual to all Airgas vice presidents of operations and safety directors, who in turn distribute the manual to the particular facilities within their areas of responsibility. This manual was provided to employees of the Doral facility in 2003, 2005, and 2007, by William Crane, Jr. and Greg Barnett. Copies of the 2003, 2005, and 2007 versions of this manual are attached in Tab 6.

The HM 126f Manual is currently located at Airgas South's Doral facility in two forms. First, a hard copy of the HM 126f manual is located in Aldo Carasa's (Company and Distribution Manager) office. Second, the HM 126f manual is available in electronic form on the Airgas South intranet and, as such, is always readily available for employees to utilize as a resource to ensure compliance with all federal regulations and safety considerations.

In addition to writing and distributing the HM 126f Manual, SAFECOR coordinated the training and testing of all Airgas South employees on the regulations addressed in the HM 126f Manual. This training is outlined in detail below, and includes both "general awareness training" and "function specific" training relating to how to deal with special permits and placarding.

A. General Awareness Training

Subsequent to Gus DeQuesada's hiring, DeQuesada, like all new Airgas South employees, received general awareness training on safety, environmental and regulatory compliance issues.

DeQuesada's general awareness training included training based on the HM 126f Manual. The HM 126f Manual contains specific sections on how to deal with Special Permits. See Tab 5, pp. 31-32.

In February 2005, DeQuesada successfully completed the HM 126f General Awareness training course (See Tab 5, p. 1-17), which covered the topics of hazardous materials, hazard classes, the Material Safety Data Sheet ("MSDS"), personal protection equipment, labels, marks, placards, shipping papers, and the identity of Airgas South's SAFECOR field representative.

The material in the HM 126f Manual and DeQuesada's tests demonstrate that DeQuesada was trained on the proper placarding of containers. Specifically, DeQuesada was trained: (i) where to locate the rules governing the use of placards (49 CFR § 712.500), (ii) when placards are required to be placed on a container, (iii) the purpose of placards, (iv) how many placards are required pursuant to 49 CFR §172.516 and (v) that any placard that is faded, broken or unreadable cannot be used and that a supervisor should be contacted to arrange for a replacement placard. See Tab 5, p. 13.

Although the above-referenced training was mainly focused on general awareness training, DeQuesada also received limited function specific training related to the Emergency Response Guidebook. DeQuesada took a Function Specific test that covered the Emergency

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Response Guidebook and a Security Awareness test that covered a Site Security Plan, En-route Security and transportation of hazardous materials on trucks. Copies of DeQuesada's HM 126f training tests are enclosed at Tab 7.

B. Function Specific Training

All employees of Airgas receive identical general awareness training. Once a new employee has completed the general awareness training, the employee then receives function specific training that covers issues which the employee will encounter due to the employee's specific job responsibilities and functions. Due to DeQuesada's job duties (the sale and shipment of cryogenic liquids, including hazardous materials, domestically and internationally), Airgas South determined that DeQuesada needed function specific training and made the decision to outsource this in-depth function specific training to Hazardous Materials Compliance, Inc. ("Hazardous Materials"), which is located in Miami. Hazardous Materials provides a three-day course of function specific training concerning the requirements of 49 CFR §§ 172.700-172.704. Upon successful completion of the three-day program, each participant receives a certificate of achievement. The certification is good for two years. Once the certification expires at the end of the two years, the participant must take a one-day refresher course in order to keep his/her certification current.

In October 2006, DeQuesada attended and successfully completed the Hazardous Materials Ocean Initial Seminar for the Transportation of Dangerous Goods and received a Certificate of Achievement, which certified that the training was given in accordance with 49 CFR 172.700-172.704. A copy of DeQuesada's Certificate of Achievement is enclosed at Tab 8. This is important, because 49 CFR 172.704(a)(2)(i) states:

Each hazmat employee must be provided function-specific training concerning the requirements of this subchapter, or exemptions or special permits issued under subchapter A of this chapter, that are specifically applicable to the functions the employee performs.

By making this certification, Hazardous Materials has certified that DeQuesada was trained on Subchapter C - the Hazardous Material Regulations, which include 49 CFR sections 171-180 (pre-transportation functions, shipping papers, reviewing shipping papers to verify compliance with Hazmat regulations, compliance with special permits/exemptions, transport in compliance with special permits/exemptions, shipper's responsibility, use of package authorized by special permit and the requirement that the shipper furnish a copy of current exemptions/special permits).

DeQuesada's successful completion of the course given by Hazardous Materials, his Certificate of Achievement and the HM 126f Manual at pages 31-32 reflect training provided to DeQuesada that was designed to address the existence of special permits/exemptions and the proper protocol for shipping any container marked with a DOT special permit/exemption number, as well as the proper placarding and UN markings that are required to be placed on containers. See Tabs 8; 5, p. 13, 31-32.

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C. Monthly Training

As a supplement to the training received by Airgas South employees, SAFECOR conducts mandatory monthly courses on regulatory and safety issues, and all employees are required to attend these monthly courses. The mandatory monthly meeting topics for 2007 and thus far for 2008 are:

January 2007:	Forklift Operator Review, Dewar Filling Procedure, Safe Lifting Review and Operators & Prescription Medication
February 2007:	Operators & Prescription Medication and Proper Usage of Personal Protection Equipment
March 2007:	"The Well Dressed Truck" and Unsafe Delivery Sites
April 2007:	Cylinder Loading & Storage and Proper Preparation of Hazardous Materials Manifest
May 2007:	Compliance with DOT, "Well-Dressed Truck" Review
June 2007:	Driver Ride-Along, Preparing and Following Document Manifest
July 2007:	Flammable Gas Focus Month
August 2007:	Vehicle Accident and Personal Injury Report, Driver Ride-Along, and En-Route Security Reviewed with all Drivers
September 2007:	DVIR Proper Completion, Proper Usage of Cylinder Carts, and Previous Accidents
October 2007:	Bloodborne Pathogens and Fire Extinguisher Usage
November 2007:	Vehicle Inspection Report and Manifest
December 2007:	Driver Qualification Files
January 2008:	Basic Cylinder Handling/Lifting
February 2008:	Bloodborne Pathogens and <i>Hazardous Material Training HM 126 for Non-Drivers - See Tab 5.</i>
March 2008:	Basic Cylinder Handling/Lifting
April 2008:	Anhydrous Ammonia and FDA Requirements for Drivers
May 2008:	Hurricane and Storm Policy and Truck Inspections

D. Remedial Courses when Safety Violations are Observed

In addition to the general and function specific training and the mandatory monthly training, remedial training courses are conducted when safety violations are observed to ensure that such violations are cured as soon as possible.

With respect to observing violations, it has long been the case that every Airgas South employee is required to be cognizant at all times and report near-misses to SAFECOR officials. A near-miss is defined as an incident where the proper safety procedure was not followed; however, no personal injury or property damage occurred. For example, a plant employee not wearing the proper personal protection equipment and not being injured would be classified as a near-miss. This policy requires all employees to remain vigilant and cognizant of all safety procedures and requirements.

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E. Videotapes and HM 126f refresher tests provided in 2005

In 2005, Mr. Barnett's predecessor at Airgas South (William Crane, Jr.) circulated an HM 126f-refresher test, together with a VHS training cassette. The package included instructions to the managers and a hard copy of the test to be administered to each associate. This refresher training was approved by SAFECOR, and the video was prepared from the Model Program of HM 126f training, which was enclosed. A copy of these materials, including the VHS training cassette, will be provided to you under separate cover.

F. Continuous Training

It is important to note that at all times, there are four different training resources that are always available to Airgas South employees: the HM 126f manual (available in hard copy and electronically), the HM 126f E-Learning program located on the E-Learning dock (available electronically), the Hydrotesting Manual (available in hard copy) and Airgas South's transportation manual (available in hard copy). Each of these training resources contain information and training on DOT special permits/exemptions.

As mentioned above, for security and trade secret reasons, Airgas South will separately provide you with access to all online training programs and resources referenced in this response, including but not limited to the NEO online training program, the Safety Meeting webpage, the HM 126f Manual and the HM 126f E-Learning program on the E-Learning Dock.

This continuous training, together with Mr. Barnett's ongoing makeover of the Airgas South training, is one more illustration of Airgas South's continuing commitment to improving its training and regulatory compliance.

III. Remedial Training in Response to the Exit Briefing

On May 23, 2008, immediately after the PHMSA Exit Briefing, SAFECOR conducted a general awareness training of Airgas South employees, and participants were tested on this training. Copies of the participants' certificates of training and general awareness tests dated May 23, 2008, (including DeQuesada's) are enclosed at Tab 9.

Moreover, after receiving the Exit Briefing, Airgas South immediately implemented remedial measures to ensure that it retrained and reeducated all employees on how to deal with special permits. Specifically, SAFECOR designed a PowerPoint presentation concerning DOT special permits/exemptions. A copy of the PowerPoint presentation is enclosed at Tab 10.

On June 13, 2008, SAFECOR delivered this PowerPoint presentation as a four (4) hour function specific training session for three individuals from the Airgas South Safety and Compliance team (Greg Barnett [Airgas South - Director of Safety and Compliance], Thad Speller [Area Safety Manager for Florida] and Danny Schultheisz [Area Safety Manager for Georgia]) and for four employees of the Airgas National Welders team. Subsequent to the

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training session, the PowerPoint presentation was sent to all Airgas Safety Directors so that the PowerPoint presentation can be used as an additional training tool for function specific training on DOT special permits/exemptions.

Moreover, on June 19-20, 2008, the same four (4) hour intensive function specific training session was conducted for all Airgas South – Doral employees, including DeQuesada, Pepi Montes, Osvaldo Cajas and Aldo Carasa at the Doral facility. In addition to this training, supplemental specialized function specific training on DOT SP 11186 was given. Subsequent to the training, all participants were tested on *both* the generalized function specific training regarding DOT special permits/exemptions *and* the function specific training relating specifically to DOT SP 11186. Copies of attendance sheets and tests for all Airgas South – Doral employees, including DeQuesada, Montes, Cajas and Carasa are enclosed at Tab 11.

This in-depth training was conducted and will continue to be conducted at other Airgas South locations to ensure that every Airgas South employee fully complies with all regulations and requirements governing special permits/exemptions.

In addition to this new, remedial training, Airgas South has emphasized the availability of the Transportation Manual, the online training tools and modules discussed above to all employees of Airgas South, in the form of a formal memorandum outlining these items. See attached Tab 12. This memorandum was provided to all managers and safety personnel, who will distribute the memorandum to all Airgas South Employees.

Airgas South has also developed a new set of Standard Operating Procedures (discussed in detail below), to specifically address and remediate all of the issues outlined in the Exit Briefing.

Finally, Airgas South also recirculated its quarterly list of special permits, along with a memo illustrating the need for all personnel to comply with applicable special permits, within days of the Exit Briefing. The recirculated list of special permits is attached as Tab 13. You will note that SP 11186 is not listed; this is because Airgas South is neither a party to nor holder of this permit. SP 11186 has been added to this list, and the updated list will shortly be circulated to all Airgas South employees.

While this remedial training and other efforts are underway, the Doral facility has suspended all ISO tank shipments pending confirmation by Airgas South that all employees of the Doral facility are trained on precisely how to deal with special permits and conduct tank inspections. This training is ongoing and will continue as Mr. Barnett rolls out his new training protocols. The suspension of ISO tank shipments will remain in effect until all of the corrective action outlined in this letter is completed.

IV. New Standard Operating Procedures

Airgas South has also conducted an examination of its operating procedures when shipping Cryogenic Intermodal Tank (“ISO”) Containers. This examination included meeting

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with employees of Airgas South (such as DeQuesada) at the Doral facility and discussing new standard operating procedures ("SOPs") that would ensure regulatory compliance. Through this collaboration, new SOPs are being developed, and Airgas South is confident that these new SOPs will ensure full regulatory compliance.

Airgas South is continuing to work on developing these SOPs, and will provide them to you once they have been fully implemented and tested. These SOPs will include specific provisions on each of the "probable violations" (to reinforce the above-referenced training) and will include:

1. Placing the special permit number on each shipping paper.
2. Providing the special permit to the carrier with the shipment.
3. Conducting an inspection of the entire tank (including valves and their labels), as well as protocols for mitigating all violations discovered in the inspection.
4. Completion of the shipping papers with the one-way travel time and a record of the pressure and temperature at the start of the trip.
5. Inspection Placarding and signage on the ISO tank.

These SOPs will specifically include inspection criteria for safety devices on ISO tanks, as well as a specific mitigation plan for mitigating and/or resolving all violations discovered during these inspections.

V. Conclusion

For the purposes of this response to the Exit Briefing, Airgas South respectfully submits that it cannot admit the "probable violations" referenced in the Exit Briefing. Nothing in this letter should be construed as an admission of wrongdoing, liability or regulatory violation, and Airgas South reserves all of its rights.

Notwithstanding this reservation, however, since receiving the Exit Briefing, Airgas South has taken significant corrective actions to specifically remediate the items raised in the Exit Briefing and ensure that no such violations occur in the future. Throughout its history, Airgas South has placed utmost importance on safety, compliance and training, and Airgas South's response to the Exit Briefing is consistent with that history.

As outlined above, immediately upon receiving the Exit Briefing, Airgas South conducted extensive remedial training, including general awareness training, intensive training on special permits/exemptions and very specific and intensive training on DOT SP 11186. Perhaps most importantly, Airgas South has also conducted a "top to bottom" review of all of its training programs and inspection criteria, and Airgas South has been developing a new training format to remediate its current training procedures. Airgas South will also shortly roll out new

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SOPs (including detailed special permit documentation requirements and specific tank inspection criteria) for dealing with ISO tanks at the Doral facility.

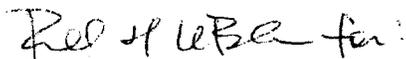
As stated above, Airgas South genuinely appreciates your guidance and input regarding the results of your May 20, 2008 to May 22, 2008, inspection, and we will work hard to ensure that we provide remedial training and implement appropriate new SOPs to ensure future compliance with all applicable DOT regulations. We respectfully request an additional 90 days within which to provide a supplemental response to the Exit Briefing. The additional time is necessary to ensure that all remedial training is completed, to ensure that Mr. Barnett's ongoing overhaul of Airgas South's training programs is fully implemented and to ensure that the SOPs are completed and properly implemented.

We would also appreciate your comments and input regarding our remediation program and corrective action undertaken to date.

In the event that DOT is considering issuing a Notice of Violation, including a sanction in the form of a civil penalty, Airgas respectfully requests that this response, along with the enclosed documentation, be considered for mitigation of any violation or penalty.

Thank you for your consideration of our response.

Very Truly Yours,



Frank Zacherl, Esq.

Enclosures – Tabs 1-13

FAZ/hs

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AIRGAS SOUTH, INC.
INDEX OF ATTACHMENTS TO JUNE 22, 2008 RESPONSE

1.	Material Safety Data Sheet
2.	Photo of ISO Gauges
3.	Code of Ethics Forms
4.	June Mandatory Safety Meeting E-mail
5.	Safecor HM 126f Manual
6.	2003, 2005, and 2007 versions of the Safecor HM 126f Manuals
7.	Gus De Quesada's general awareness, limited function-specific, and safety tests
8.	Gus De Quesada's Certificate of Achievement
9.	May 23, 2008, general awareness tests of Doral employees
10.	PowerPoint Presentation on Special Permits/Exemptions
11.	June 19-20, 2008 function specific training on special permits/exemptions and SP11186
12.	Training Memorandum distributed by Greg Barnett
13.	Recirculated List of DOT Special Permits

Airgas South, Inc.
Response to Exit Briefing dated June 22, 2008

11. June 19-20, 2008 Function specific training on special permits/exemptions and SP11186

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Location:

Safety Meeting Form

Topic descriptions:

Special Permits : SP 11186

Visual aids or references used to conduct the training:

Power point from John Anderson

Remarks:

Meeting conducted by:

[Signature]
(Signature)

Date: *6-19-8*

Business Address of Trainer:

Gregory P. Barnett

*125 TOWNPARK DR. N.W. Ste. 400
KENNESAW, GA. 30144*

Attendees

<i>Print Name</i>		Signature or Initials	Certified
		<i>Ben Bradwin</i>	<input checked="" type="checkbox"/>
		<i>Pepi MONTES</i>	<input checked="" type="checkbox"/>
		<i>GUSTAVO DE QUESADA</i>	<input checked="" type="checkbox"/>
		<i>Fernando de Velez</i>	<input checked="" type="checkbox"/>
		<i>Aldo Carras</i>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

(Use backside for additional signatures or initials and dates.)

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**HM 126f
Certification of Training**

Hazmat Employee's Name: Bill Browning

Date of Hazmat Training: June 19, 2008

A description, copy or the location of the training materials used to meet these requirements:

This course/presentation provides a general awareness and function specific training with regard to DOT Special Permits. The training will also include function specific training pertaining to special permit SP-11186.

Name and address of the person providing the training:

**Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW STE 400
Kennesaw, GA 30144**

This certification is in compliance with the requirements found in 49 CFR §172.704. This document certifies that the hazmat employee (insert hazmat employee's name):

Bill Browning

has been trained and tested, as required by this subpart.

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**Certification of Training
Special Permit PowerPoint Presentation Test**

Hazmat employee's name: Bill Browning
Miami, FL

Date of hazmat training: 6/19/08

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW Ste. 400
Kennesaw, GA 30144

Questions

1. Name the 4 other Airgas manuals or training programs that provide in depth (function specific) training regarding Special Permits.

Hm 126F, Hm 126F ELEVATING, HYDROTEST MANUAL, DANGEROUS TRAINING MANUAL

2. True or False – the term DOT Exemption and DOT Special Permit mean the same.

TRUE

3. What division of the Department of Transportation (DOT) Issues Special Permits.

PIPELINE & HAZARDOUS MATERIAL SAFETY ADMIN

4. True or False – you can download copies of Special Permits from the DOT's web site.

TRUE

5. As of May 2008 how many different DOT Special Permits have been issued?

OVER 14,400

6. True or False – since each Special Permit is unique you must read each Special Permit to ensure you fully understand the requirements.

TRUE

7. True or False – unless exempted the Special Permit number must be listed on the hazardous material shipping paper in association with the proper shipping name.

TRUE

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8. True or False – a cylinder, tube trailer, container, etc that is operated under a Special Permit must be marked with the SP number.

True

9. True or False – a copy of the Special Permit must be kept at the location that offers the product for transportation.

True

10. True or False – depending on the mode of transportation, the Special Permit may require that a copy of the Special Permit is provided to the carrier.

True

11. True or False – the Special Permit may restrict the products in the container.

True

12. When a Special Permit is renewed, how many years is it renewed for?

4 YEARS

13. True or False – a Special Permit may limit the amount of time a product can be stored/transported in a container.

True

14. Explain a Manufacture, mark and sale Special Permit.

Answers for Sale of a New DOT SPEC Container

15. Explain a Users Special Permit.

Answers "USER" of a DOT SPEC Container to use for DOT AUTHORIZED

16. List the Special Permit numbers that your location uses to requalify cylinders, fill or ship cylinders/containers.

REGISTRATION

SP 11786 SP 7835 SP 14494 SP 12391

This certification is in compliance with the requirements found in 49 CFR 172.704. This document certifies that the hazmat employee (insert hazmat employee's name) Ben Brading

has been trained and tested, as required by this subpart.

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DOT Special Permit 11186

Date 6/19/08

Employee Bin Brundage

Instructor and location Gregory P. Barnett - Miami

DOT Special Permit 11186 Questions

1. Does your facility have a current copy of this Special Permit?
YES
2. What is the expiration date of this Special Permit?
4/30/2009
3. Does the DOT-SP 11186 number need to be entered on the shipping paper in association with the proper shipping name?
YES
4. Do you have to provide a copy of this Special Permit if transported by highway? By water? By Air? By Rail? (DOES NOT SPECIFY THAT AIR/RAIL MUST HAVE 22)
5. What company is the Grantee of this Special Permit?
CHART INDUSTRIES
6. What cryogenic products can be loaded into this Special Permit container?
ARGON, ETHYLENE, HELIUM, METHANE, NAT GAS, NITROGEN, OXYGEN
7. Explain the term One Way Travel Time (OWTT)?
OWTT = MAX (MAXIMO RATED HOLDING TIME) - 24 HOURS
8. Is the OWTT required to be entered on the hazardous material shipping paper?
YES
9. Is a written record of tank pressure and outside temperature required to be prepared for shipments by water (vessel)?
YES
10. Is the DOT-SP 11186 number required to be displayed on the container?
YES

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**HM 126f
Certification of Training**

Hazmat Employee's Name: Fernando Valdes

Date of Hazmat Training: June 19, 2008

A description, copy or the location of the training materials used to meet these requirements:

This course/presentation provides a general awareness and function specific training with regard to DOT Special Permits. The training will also include function specific training pertaining to special permit SP-11186.

Name and address of the person providing the training:

**Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW STE 400
Kennesaw, GA 30144**

This certification is in compliance with the requirements found in 49 CFR §172.704. This document certifies that the hazmat employee (insert hazmat employee's name):

Fernando Valdes

has been trained and tested, as required by this subpart.

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Certification of Training
Special Permit PowerPoint Presentation Test

Hazmat employee's name: Feuando Valdes
Miami, FL

Date of hazmat training: 6/19/08

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW Ste. 400
Kennesaw, GA 30144

Questions

1. Name the 4 other Airgas manuals or training programs that provide in depth (function specific) training regarding Special Permits.
HM 126 F, HM 126 E Learning Program, Hydro Test Manual, Driver Training Manual which is included in APE
2. True or False - the term DOT Exemption and DOT Special Permit *Transportation Manual* mean the same. *YES TRUE*
3. What division of the Department of Transportation (DOT) issues Special Permits. *PHMSA*
4. True or False - you can download copies of Special Permits from the DOT's web site. *TRUE*
5. As of May 2008 how many different DOT Special Permits have been issued? *14,400*
6. True or False - since each Special Permit is unique you must read each Special Permit to ensure you fully understand the requirements. *TRUE*
7. True or False - unless exempted the Special Permit number must be listed on the hazardous material shipping paper in association with the proper shipping name. *TRUE*

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8. True or False – a cylinder, tube trailer, container, etc that is operated under a Special Permit must be marked with the SP number. *TRUE*

9. True or False – a copy of the Special Permit must be kept at the location that offers the product for transportation. *TRUE*

10. True or False – depending on the mode of transportation, the Special Permit may require that a copy of the Special Permit is provided to the carrier. *TRUE*

11. True or False – the Special Permit may restrict the products in the container. *TRUE*

12. When a Special Permit is renewed, how many years is it renewed for? *INITIAL 2 YEAR / AFTER EVERY 4 YEARS*

13. True or False – a Special Permit may limit the amount of time a product can be stored/transported in a container. *TRUE*

14. Explain a Manufacture, mark and sale Special Permit.
ALLOW FOR THE MANUFACTURE, MARK AND SALE OF DOT SPEC CONTAINER

15. Explain a Users Special Permit. *MANUF DEVIATION FROM DOT SPEC*

16. List the Special Permit numbers that your location uses to requalify cylinders, fill or ship cylinders/containers. *SP11186, SP7835, SP14494, 12391*

This certification is in compliance with the requirements found in 49 CFR 172.704. This document certifies that the hazmat employee (insert hazmat employee's name)

has been trained and tested, as required by this subpart.

DOT Special Permit 11186

Date 6/19/08
Employee Fernando Valdes
Instructor and location Gregory P. Barnett - Miami

DOT Special Permit 11186 Questions

1. Does your facility have a current copy of this Special Permit?
Yes
2. What is the expiration date of this Special Permit?
April 30 2009
3. Does the DOT-SP 11186 number need to be entered on the shipping paper in association with the proper shipping name? Yes
4. Do you have to provide a copy of this Special Permit if transported by highway? Yes By water? Yes By Air? NO By Rail? NO
5. What company is the Grantee of this Special Permit?
CHART Ind. STORAGE SYSTEMS Division
6. What cryogenic products can be loaded into this Special Permit container?
All mentioned on SP11186
7. Explain the term One Way Travel Time (OWTT)?
a record of portable pressure tank and outside Temp at the / SAFETY REASON
8. Is the OWTT required to be entered on the hazardous material shipping paper? YES
9. Is a written record of tank pressure and outside temperature required to be prepared for shipments by water (vessel)? Yes
10. Is the DOT-SP 11186 number required to be displayed on the container?
Yes

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**HM 126f
Certification of Training**

Hazmat Employee's Name: Aldo Carasa

Date of Hazmat Training: June 19, 2008.

A description, copy or the location of the training materials used to meet these requirements:

This course/presentation provides a general awareness and function specific training with regard to DOT Special Permits. The training will also include function specific training pertaining to special permit SP-11186.

Name and address of the person providing the training:

**Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW STE 400
Kennesaw, GA 30144**

This certification is in compliance with the requirements found in 49 CFR §172.704. This document certifies that the hazmat employee (insert hazmat employee's name):

Aldo Carasa

has been trained and tested, as required by this subpart.

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**Certification of Training
Special Permit PowerPoint Presentation Test**

Hazmat employee's name: AIDO CARSA *Miami, FL*

Date of hazmat training: 6/19/08

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW Ste. 400
Kennesaw, GA 30144

Questions

1. Name the 4 other Airgas manuals or training programs that provide in depth (function specific) training regarding Special Permits.

*HAZMAT MANUAL 7-2014 HYDROSTRESSING MANUAL
E LEARNING DIVER TRAINING MANUAL*

2. True or False – the term DOT Exemption and DOT Special Permit mean the same.

TRUE

3. What division of the Department of Transportation (DOT) issues Special Permits.

PHMSA

4. True or False – you can download copies of Special Permits from the DOT's web site.

TRUE

5. As of May 2008 how many different DOT Special Permits have been issued?

14060

6. True or False – since each Special Permit is unique you must read each Special Permit to ensure you fully understand the requirements.

TRUE

7. True or False – unless exempted the Special Permit number must be listed on the hazardous material shipping paper in association with the proper shipping name.

TRUE

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8. True or False – a cylinder, tube trailer, container, etc that is operated under a Special Permit must be marked with the SP number.

TRUE

9. True or False – a copy of the Special Permit must be kept at the location that offers the product for transportation.

TRUE

10. True or False – depending on the mode of transportation, the Special Permit may require that a copy of the Special Permit is provided to the carrier.

TRUE

11. True or False – the Special Permit may restrict the products in the container.

TRUE

12. When a Special Permit is renewed, how many years is it renewed for?

2 YEARS 4 YEARS FOR RENEWAL

13. True or False – a Special Permit may limit the amount of time a product can be stored/transported in a container.

ONLY

14. Explain a Manufacture, mark and sale Special Permit.

SP 1111

15. Explain a Users Special Permit.

MANUFACTURE INSTRUCTION FROM DOT SPSC

16. List the Special Permit numbers that your location uses to requalify cylinders, fill or ship cylinders/containers.

SP35 / SP1086 / 14494

This certification is in compliance with the requirements found in 49 CFR 172.704. This document certifies that the hazmat employee (insert hazmat employee's name)

ALDO CARASA

has been trained and tested, as required by this subpart.

U.S. DOT / PHMSA / OHMBS SOUTHERN REGION

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DOT Special Permit 11186

Date 6-19-8

Employee ALDO CARAKA

Instructor and location Gregory P. Barnett - Miami

DOT Special Permit 11186 Questions

1. Does your facility have a current copy of this Special Permit?

YES

2. What is the expiration date of this Special Permit?

4-30-09

3. Does the DOT-SP 11186 number need to be entered on the shipping paper in association with the proper shipping name? YES

4. Do you have to provide a copy of this Special Permit if transported by highway? YES By water? YES By Air? NO By Rail? YES

5. What company is the Grantee of this Special Permit?

CAVIT

6. What cryogenic products can be loaded into this Special Permit container?

ARGON, CO₂, N₂O, O₂

7. Explain the term One Way Travel Time (OWTT)? How long a shipment CAN BE MADE IN TRANSPORTATION SAFELY

8. Is the OWTT required to be entered on the hazardous material shipping paper? YES

9. Is a written record of tank pressure and outside temperature required to be prepared for shipments by water (vessel)? YES

10. Is the DOT-SP 11186 number required to be displayed on the container?

YES



Location:

Safety Meeting Form

Topic descriptions:

Special Permits : SP 11186

Visual aids or references used to conduct the training:

Power point from John Anderson

Remarks:

Meeting conducted by:

[Handwritten Signature]

(Signature)

Date: 6-19-8

Gregory A. Barnett

Business Address of Trainer:

125 TOWNPARK DR. N.W. STE. 400
KENNESAW, GA. 30144

Attendees

Print Name Signature or Initials	Certified
GILBERT VELEZ	<input checked="" type="checkbox"/>
Jonathan Prado	<input checked="" type="checkbox"/>
REFUEL (OWAL)	<input checked="" type="checkbox"/>
Reinel Hernandez	<input checked="" type="checkbox"/>
ALEXIS CRUZ	<input checked="" type="checkbox"/>
Jairo Silva	<input checked="" type="checkbox"/>
Orlando Gutierrez	<input checked="" type="checkbox"/>
John Hernandez	<input checked="" type="checkbox"/>
Orlando M. Garcia	<input checked="" type="checkbox"/>
OSCAR GOTTI	<input checked="" type="checkbox"/>

Signature or Initials	Certified
<i>[Signature]</i>	<input checked="" type="checkbox"/>

(Use backside for additional signatures or initials and dates.)

ARG-SM-3.1 10/04

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Location:

Safety Meeting Form

Topic descriptions:

Special Permits & SP 11186

Visual aids or references used to conduct the training:

Power point from John Anderson

Remarks:

Meeting conducted by:

[Signature]
(Signature)

Date:

Gregory P. Barnett

Business Address of Trainer:

125 TOWNPARK DR. N.W. Ste. 400
KENNESAW, GA. 30144

POINT NAME

Attendees

Signature or Initials	Certified
DON GOLDSCHMIDT	<input checked="" type="checkbox"/>
OSVALDO CEJAS	<input checked="" type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Signature or Initials	Certified
<i>[Signature]</i>	<input checked="" type="checkbox"/>
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U.S. DOT / PHMSA / OHRM SOUTHERN REGION
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HM 126f
Certification of Training

Hazmat Employee's Name: Gilbert Velez

Date of Hazmat Training: June 19, 2008

A description, copy or the location of the training materials used to meet these requirements:

This course/presentation provides a general awareness and function specific training with regard to DOT Special Permits. The training will also include function specific training pertaining to special permit SP-11186.

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW STE 400
Kennesaw, GA 30144

This certification is in compliance with the requirements found in 49 CFR §172.704. This document certifies that the hazmat employee (insert hazmat employee's name):

Gilbert Velez

has been trained and tested, as required by this subpart.

U.S. DOT / PHMSA / OHME SOUTHERN REGION
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**Certification of Training
Special Permit PowerPoint Presentation Test**

Hazmat employee's name: GILBERT VELEZ
Miami, FL

Date of hazmat training: 6/19/08

Name and address of the person providing the training:
Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW Ste. 400
Kennesaw, GA 30144

Questions

1. Name the 4 other Airgas manuals or training programs that provide in depth (function specific) training regarding Special Permits.
HM126F MANUAL, HM126F E LEARNING PROGRAM, HYDROTESTING DRIVER TRAINING MANUAL
2. True or False – the term DOT Exemption and DOT Special Permit mean the same.
3. What division of the Department of Transportation (DOT) issues Special Permits. PHMSA
4. True or False – you can download copies of Special Permits from the DOT's web site.
5. As of May 2008 how many different DOT Special Permits have been issued? 14,000
6. True or False – since each Special Permit is unique you must read each Special Permit to ensure you fully understand the requirements.
7. True or False – unless exempted the Special Permit number must be listed on the hazardous material shipping paper in association with the proper shipping name.

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8. True or False – a cylinder, tube trailer, container, etc that is operated under a Special Permit must be marked with the SP number.
9. True or False – a copy of the Special Permit must be kept at the location that offers the product for transportation.
10. True or False – depending on the mode of transportation, the Special Permit may require that a copy of the Special Permit is provided to the carrier.
11. True or False – the Special Permit may restrict the products in the container.
12. When a Special Permit is renewed, how many years is it renewed for? 2 FIRST 4 YEARS AFTER THAT
13. True or False – a Special Permit may limit the amount of time a product can be stored/transported in a container.
14. Explain a Manufacture, mark and sale Special Permit.
GIVE PERMISSION TO BULK TANK UNDER SPECIAL PERMIT.
15. Explain a Users Special Permit.
ALLOWS THE "USER" OF A DOT SPECIFICATION CONTAINER
16. List the Special Permit numbers that your location uses to requalify cylinders, fill or ship cylinders/containers.
7835, 14494, 12391

This certification is in compliance with the requirements found in 49 CFR 172.704. This document certifies that the hazmat employee (insert hazmat employee's name)

has been trained and tested, as required by this subpart.

U.S. DOT / PHMSA / OHME SOUTHERN REGION
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DOT Special Permit 11186

Date 6-19-08

Employee GILBERT VELEZ

Instructor and location Gregory P. Barnett - Miami

DOT Special Permit 11186 Questions

1. Does your facility have a current copy of this Special Permit?
YES
2. What is the expiration date of this Special Permit?
4 YEARS APRIL 30, 2009
3. Does the DOT-SP 11186 number need to be entered on the shipping paper in association with the proper shipping name?
YES
4. Do you have to provide a copy of this Special Permit if transported by highway? YES By water? YES By Air? NO By Rail? NO
5. What company is the Grantee of this Special Permit?
CHART
6. What cryogenic products can be loaded into this Special Permit container?
PAGE 2
7. Explain the term One Way Travel Time (OWTT)?
DETERMINED BY THE FORMULA
8. Is the OWTT required to be entered on the hazardous material shipping paper?
YES
9. Is a written record of tank pressure and outside temperature required to be prepared for shipments by water (vessel)?
YES
10. Is the DOT-SP 11186 number required to be displayed on the container?

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HM 126f
Certification of Training

Hazmat Employee's Name: Jonathan Prada

Date of Hazmat Training: June 19, 2008

A description, copy or the location of the training materials used to meet these requirements:

This course/presentation provides a general awareness and function specific training with regard to DOT Special Permits. The training will also include function specific training pertaining to special permit SP-11186.

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW STE 400
Kennesaw, GA 30144

This certification is in compliance with the requirements found in 49 CFR §172.704. This document certifies that the hazmat employee (insert hazmat employee's name):

Jonathan Prada

has been trained and tested, as required by this subpart.

U.S. DOT / PHMSA / OHME SOUTHERN REGION
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**Certification of Training
Special Permit PowerPoint Presentation Test**

Hazmat employee's name: Jonathan Prada
Miami, FL

Date of hazmat training: 6/19/08

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW Ste. 400
Kennesaw, GA 30144

Questions

1. Name the 4 other Airgas manuals or training programs that provide in depth (function specific) training regarding Special Permits.
Hm 126F manual, Hm 126 F Learning program, hydrotesting, Driver training manual
2. True or False – the term DOT Exemption and DOT Special Permit mean the same.
3. What division of the Department of Transportation (DOT) issues Special Permits.
Phmsa
4. True or False – you can download copies of Special Permits from the DOT's web site.
5. As of May 2008 how many different DOT Special Permits have been issued?
Over 14,000
6. True or False – since each Special Permit is unique you must read each Special Permit to ensure you fully understand the requirements.
7. True or False – unless exempted the Special Permit number must be listed on the hazardous material shipping paper in association with the proper shipping name.

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8. True or False - a cylinder, tube trailer, container, etc that is operated under a Special Permit must be marked with the SP number.

9. True or False - a copy of the Special Permit must be kept at the location that offers the product for transportation.

10. True or False - depending on the mode of transportation, the Special Permit may require that a copy of the Special Permit is provided to the carrier.

11. True or False - the Special Permit may restrict the products in the container.

12. When a Special Permit is renewed, how many years is it renewed for?

2 then 4

13. True or False - a Special Permit may limit the amount of time a product can be stored/transported in a container.

14. Explain a Manufacture, mark and sale Special Permit.

Allows for manufacture, mark and sale of a non DOT specification container

15. Explain a Users Special Permit.

Allows the "user" of a DOT specification container to perform a task not authorized by the regulations

16. List the Special Permit numbers that your location uses to requalify cylinders, fill or ship cylinders/containers.

7835, 14494, 12391

This certification is in compliance with the requirements found in 49 CFR 172.704. This document certifies that the hazmat employee (insert hazmat employee's name)

_____ has been trained and tested, as required by this subpart.

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DOT Special Permit 11186

Date 6/19/08
Employee Jonathan Prada
Instructor and location Gregory P. Barnett - Miami

DOT Special Permit 11186 Questions

1. Does your facility have a current copy of this Special Permit?
yes
2. What is the expiration date of this Special Permit?
4 years / April 30, 2009
3. Does the DOT-SP 11186 number need to be entered on the shipping paper in association with the proper shipping name?
yes
4. Do you have to provide a copy of this Special Permit if transported by highway? yes By water? yes By Air? no By Rail? no
5. What company is the Grantee of this Special Permit?
Chart
6. What cryogenic products can be loaded into this Special Permit container?
all of the products on page 2
7. Explain the term One Way Travel Time (OWTT)?
How long the shipment may remain in transportation and still hold the product, determine by formu.
8. Is the OWTT required to be entered on the hazardous material shipping paper?
yes
9. Is a written record of tank pressure and outside temperature required to be prepared for shipments by water (vessel)?
yes
10. Is the DOT-SP 11186 number required to be displayed on the container?
yes

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**HM 126f
Certification of Training**

Hazmat Employee's Name: Rafael Onate

Date of Hazmat Training: June 19, 2008

A description, copy or the location of the training materials used to meet these requirements:

This course/presentation provides a general awareness and function specific training with regard to DOT Special Permits. The training will also include function specific training pertaining to special permit SP-11186.

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW STE 400
Kennesaw, GA 30144

This certification is in compliance with the requirements found in 49 CFR §172.704. This document certifies that the hazmat employee (insert hazmat employee's name):

Rafael Onate

has been trained and tested, as required by this subpart.

U.S. DOT / PHMSA / OHME SOUTHERN REGION
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Certification of Training
Special Permit PowerPoint Presentation Test

Hazmat employee's name: Robert O'Neil *Miami, FL*

Date of hazmat training: 6/19/08

Name and address of the person providing the training:
Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW Ste. 400
Kennesaw, GA 30144

Questions

1. Name the 4 other Airgas manuals or training programs that provide in depth (function specific) training regarding Special Permits.
H.M. 126 F MANUAL, HM 126 FIRE FIGHTING PROGRAM, HAZARDOUS TESTING, DRIVER TRAINING
2. True or False – the term DOT Exemption and DOT Special Permit mean the same.
3. What division of the Department of Transportation (DOT) issues Special Permits. *P. H. S. M. A*
4. True or False – you can download copies of Special Permits from the DOT's web site.
5. As of May 2008 how many different DOT Special Permits have been issued? *14400*
6. True or False – since each Special Permit is unique you must read each Special Permit to ensure you fully understand the requirements.
7. True or False – unless exempted the Special Permit number must be listed on the hazardous material shipping paper in association with the proper shipping name.

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8. True or False – a cylinder, tube trailer, container, etc that is operated under a Special Permit must be marked with the SP number.

9. True or False – a copy of the Special Permit must be kept at the location that offers the product for transportation.

10. True or False – depending on the mode of transportation, the Special Permit may require that a copy of the Special Permit is provided to the carrier.

11. True or False – the Special Permit may restrict the products in the container.

12. When a Special Permit is renewed, how many years is it renewed for? *2 year 4 year*

13. True or False – a Special Permit may limit the amount of time a product can be stored/transported in a container.

14. Explain a Manufacture, mark and sale Special Permit.
Allows for Manufacture, Mark and Sale of b. Non DOT Specification Containers

15. Explain a Users Special Permit.
Allows the USER OF A D.O.T. SPECIFICATION CONTAINER TO PERFORM TASK NOT AUTHORIZED BY THE REGULATIONS

16. List the Special Permit numbers that your location uses to requalify cylinders, fill or ship cylinders/containers.

7835-14494, 12391

This certification is in compliance with the requirements found in 49 CFR 172.704. This document certifies that the hazmat employee (insert hazmat employee's name)

has been trained and tested, as required by this subpart.

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DOT Special Permit 11186

Date 6/19/08

Employee Rafael Oute, GAR

Instructor and location Gregory P. Barnett - Miami

DOT Special Permit 11186 Questions

1. Does your facility have a current copy of this Special Permit?
yes
2. What is the expiration date of this Special Permit?
1 year
3. Does the DOT-SP 11186 number need to be entered on the shipping paper in association with the proper shipping name?
yes
4. Do you have to provide a copy of this Special Permit if transported by highway? yes By water? yes By Air? NO By Rail? NO
5. What company is the Grantee of this Special Permit?
QHAET
6. What cryogenic products can be loaded into this Special Permit container?
All of the products on page 2
7. Explain the term One Way Travel Time (OWTT)?
How long the shipment may remain transported and still hold the product. Determined by formula
8. Is the OWTT required to be entered on the hazardous material shipping paper?
yes
9. Is a written record of tank pressure and outside temperature required to be prepared for shipments by water (vessel)?
yes
10. Is the DOT-SP 11186 number required to be displayed on the container?
yes

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HM 126f
Certification of Training

Hazmat Employee's Name: Reinol Hernandez

Date of Hazmat Training: June 19, 2008

A description, copy or the location of the training materials used to meet these requirements:

This course/presentation provides a general awareness and function specific training with regard to DOT Special Permits. The training will also include function specific training pertaining to special permit SP-11186.

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW STE 400
Kennesaw, GA 30144

This certification is in compliance with the requirements found in 49 CFR §172.704. This document certifies that the hazmat employee (insert hazmat employee's name):

Reinol Hernandez

has been trained and tested, as required by this subpart.

U.S. DOT / PHMSA / OHME SOUTHERN REGION
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**Certification of Training
Special Permit PowerPoint Presentation Test**

Hazmat employee's name: Reinold Hernandez
Miami, FL

Date of hazmat training: 6/19/08

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW Ste. 400
Kennesaw, GA 30144

Questions

1. Name the 4 other Airgas manuals or training programs that provide in depth (function specific) training regarding Special Permits.
*HM 126F manual HM 126 F Learning program
hydrotesting Driver transportation manual*
2. True or False – the term DOT Exemption and DOT Special Permit mean the same.
3. What division of the Department of Transportation (DOT) issues Special Permits. *PHSMA*
4. True or False – you can download copies of Special Permits from the DOT's web site.
5. As of May 2008 how many different DOT Special Permits have been issued? *14400*
6. True or False – since each Special Permit is unique you must read each Special Permit to ensure you fully understand the requirements.
7. True or False – unless exempted the Special Permit number must be listed on the hazardous material shipping paper in association with the proper shipping name.

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8. True or False – a cylinder, tube trailer, container, etc that is operated under a Special Permit must be marked with the SP number.

9. True or False – a copy of the Special Permit must be kept at the location that offers the product for transportation.

10. True or False – depending on the mode of transportation, the Special Permit may require that a copy of the Special Permit is provided to the carrier.

11. True or False – the Special Permit may restrict the products in the container. ~~XXXXXXXXXXXXXXXXXXXX~~

12. When a Special Permit is renewed, how many years is it renewed for?

2 year 4 year

13. True or False – a Special Permit may limit the amount of time a product can be stored/transported in a container.

14. Explain a Manufacture, mark and sale Special Permit.

allows for manufacture mark and sale of a non DOT specification container

15. Explain a Users Special Permit.

OP A DOT SPECIFICATION CONTAINER

16. List the Special Permit numbers that your location uses to requalify cylinders, fill or ship cylinders/containers.

7835, 14494, 12391

This certification is in compliance with the requirements found in 49 CFR 172.704. This document certifies that the hazmat employee (insert hazmat employee's name)

has been trained and tested, as required by this subpart.

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DOT Special Permit 11186

Date 6/19/08

Employee Reinaldo Hernandez

Instructor and location Gregory P. Barnett - Miami

DOT Special Permit 11186 Questions

1. Does your facility have a current copy of this Special Permit?
yes.
2. What is the expiration date of this Special Permit?
4 year
3. Does the DOT-SP 11186 number need to be entered on the shipping paper in association with the proper shipping name?
yes
4. Do you have to provide a copy of this Special Permit if transported by highway? yes By water? yes By Air? no By Rail? no
5. What company is the Grantee of this Special Permit?
CHART
6. What cryogenic products can be loaded into this Special Permit container?
All of the products on page 2
7. Explain the term One Way Travel Time (OWTT)?
How long the shipment may remain in Anchorage and still hold the product determine by formula
8. Is the OWTT required to be entered on the hazardous material shipping paper?
yes
9. Is a written record of tank pressure and outside temperature required to be prepared for shipments by water (vessel)?
yes
10. Is the DOT-SP 11186 number required to be displayed on the container?
yes

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**HM 126f
Certification of Training**

Hazmat Employee's Name: Alex Cruz

Date of Hazmat Training: June 19, 2008

A description, copy or the location of the training materials used to meet these requirements:

This course/presentation provides a general awareness and function specific training with regard to DOT Special Permits. The training will also include function specific training pertaining to special permit SP-11186.

Name and address of the person providing the training:

**Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW STE 400
Kennesaw, GA 30144**

This certification is in compliance with the requirements found in 49 CFR §172.704. This document certifies that the hazmat employee (insert hazmat employee's name):

Alex Cruz

has been trained and tested, as required by this subpart.

U.S. DOT / PHMSA / OHME SOUTHERN REGION
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**Certification of Training
Special Permit PowerPoint Presentation Test**

Hazmat employee's name: Alexis Cruz *Miami, FL*

Date of hazmat training: 6/19/08

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW Ste. 400
Kennesaw, GA 30144

Questions

1. Name the 4 other Airgas manuals or training programs that provide in depth (function specific) training regarding Special Permits.
1. HAZPGF MANUAL 2. HAZPGF & Learning Programs & Incident Response Manual cards 3. HYDRO TESTING PROGRAM MANUAL 4. HAZPGF & Learning Programs & Incident Response Manual cards
2. True or False - the term DOT Exemption and DOT Special Permit mean the same. *airgas transport*
3. What division of the Department of Transportation (DOT) issues Special Permits. *PHMSA*
4. True or False - you can download copies of Special Permits from the DOT's web site.
5. As of May 2008 how many different DOT Special Permits have been issued? *14,400*
6. True or False - since each Special Permit is unique you must read each Special Permit to ensure you fully understand the requirements. ~~PHMSA~~
7. True or False - unless exempted the Special Permit number must be listed on the hazardous material shipping paper in association with the proper shipping name.

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8. True or False -- a cylinder, tube trailer, container, etc that is operated under a Special Permit must be marked with the SP number.

9. True or False -- a copy of the Special Permit must be kept at the location that offers the product for transportation.

10. True or False -- depending on the mode of transportation, the Special Permit may require that a copy of the Special Permit is provided to the carrier.

11. True or False -- the Special Permit may restrict the products in the container.

12. When a Special Permit is renewed, how many years is it renewed for? 2 AND 4

13. True or False -- a Special Permit may limit the amount of time a product can be stored/transported in a container.

14. Explain a Manufacture, mark and sale Special Permit.

*1 SA special permit
outside the cylinder or container*

15. Explain a Users Special Permit.

allows the user of a DOT specification container to perform a task authorized by the regulation

16. List the Special Permit numbers that your location uses to requalify cylinders, fill or ship cylinders/containers.

SP 13835, SP 111861 Sp 12391

This certification is in compliance with the requirements found in 49 CFR 172.704. This document certifies that the hazmat employee (insert hazmat employee's name)

has been trained and tested, as required by this subpart.

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DOT Special Permit 11186

Date 6/19/08 Alexis Cruz

Employee ARGAS

Instructor and location Gregory P. Barnett - Miami

DOT Special Permit 11186 Questions

1. Does your facility have a current copy of this Special Permit?
Yes
2. What is the expiration date of this Special Permit?
4 Years / April 30, 2009
3. Does the DOT-SP 11186 number need to be entered on the shipping paper in association with the proper shipping name?
Yes
4. Do you have to provide a copy of this Special Permit if transported by highway? Yes By water? Yes By Air? NO By Rail? NO
5. What company is the Grantee of this Special Permit?
CHART
6. What cryogenic products can be loaded into this Special Permit container?
~~Propane, Acetylene, Ethylene, Propylene~~
all of the products on page 2
7. Explain the term One Way Travel Time (OWTT)?
How long the shipment may remain in transportation / still hold the product before we
8. Is the OWTT required to be entered on the hazardous material shipping paper?
NO Yes
9. Is a written record of tank pressure and outside temperature required to be prepared for shipments by water (vessel)?
Yes
10. Is the DOT-SP 11186 number required to be displayed on the container?
Yes

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**HM 126f
Certification of Training**

Hazmat Employee's Name: Jairo Silva

Date of Hazmat Training: June 19, 2008

A description, copy or the location of the training materials used to meet these requirements:

This course/presentation provides a general awareness and function specific training with regard to DOT Special Permits. The training will also include function specific training pertaining to special permit SP-11186.

Name and address of the person providing the training:

**Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW STE 400
Kennesaw, GA 30144**

This certification is in compliance with the requirements found in 49 CFR §172.704. This document certifies that the hazmat employee (insert hazmat employee's name):

Jairo Silva

has been trained and tested, as required by this subpart.

U.S. DOT / PHMSA / OHME SOUTHERN REGION
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**Certification of Training
Special Permit PowerPoint Presentation Test**

Hazmat employee's name: JAIRO SILVA Miami, FL

Date of hazmat training: 6/19/08

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW Ste. 400
Kennesaw, GA 30144

Questions

1. Name the 4 other Airgas manuals or training programs that provide in depth (function specific) training regarding Special Permits.
HM 126F HM 126F EARNING PROGRAM
HYDROTENS A MANUAL DRIVER TRAINING MANUAL
2. True or False – the term DOT Exemption and DOT Special Permit mean the same.
3. What division of the Department of Transportation (DOT) issues Special Permits. PHMSA
4. True or False – you can download copies of Special Permits from the DOT's web site.
5. As of May 2008 how many different DOT Special Permits have been issued? ~~4,400~~ 14,000
6. True or False – since each Special Permit is unique you must read each Special Permit to ensure you fully understand the requirements.
7. True or False – unless exempted the Special Permit number must be listed on the hazardous material shipping paper in association with the proper shipping name.

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8. True or False – a cylinder, tube trailer, container, etc that is operated under a Special Permit must be marked with the SP number.

9. True or False – a copy of the Special Permit must be kept at the location that offers the product for transportation.

10. True or False – depending on the mode of transportation, the Special Permit may require that a copy of the Special Permit is provided to the carrier.

11. True or False – the Special Permit may restrict the products in the container.

12. When a Special Permit is renewed, how many years is it renewed for? 2 YEARS AND 4 YEARS

13. True or False – a Special Permit may limit the amount of time a product can be stored/transported in a container.

14. Explain a Manufacture, mark and sale Special Permit.

GIVES PERMISSION TO BUILD TANK UNDER SPECIAL PERMIT.

15. Explain a Users Special Permit.

OF A DOT SPECIFIC.

16. List the Special Permit numbers that your location uses to requalify cylinders, fill or ship cylinders/containers.

7835, 14494, 12391

This certification is in compliance with the requirements found in 49 CFR 172.704. This document certifies that the hazmat employee (insert hazmat employee's name)

has been trained and tested, as required by this subpart.

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DOT Special Permit 11186

Date 06-19-08

Employee Jairo Silva

Instructor and location Gregory P. Barnett - Miami

DOT Special Permit 11186 Questions

1. Does your facility have a current copy of this Special Permit?
YES
2. What is the expiration date of this Special Permit?
4 YEARS APRIL 30, 2009
3. Does the DOT-SP 11186 number need to be entered on the shipping paper in association with the proper shipping name?
YES
4. Do you have to provide a copy of this Special Permit if transported by highway? YES By water? YES By Air? NO By Rail? NO
5. What company is the Grantee of this Special Permit?
CHART
6. What cryogenic products can be loaded into this Special Permit container?
~~DETERMINED BY THE~~ PAGE 2
7. Explain the term One Way Travel Time (OWTT)?
DETERMINED BY THE FORMULA
8. Is the OWTT required to be entered on the hazardous material shipping paper?
YES
9. Is a written record of tank pressure and outside temperature required to be prepared for shipments by water (vessel)? YES
10. Is the DOT-SP 11186 number required to be displayed on the container?

YES U.S. DOT PHMSA / OHME SOUTHERN REGION
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**HM 126f
Certification of Training**

Hazmat Employee's Name: Orlando Gutierrez

Date of Hazmat Training: June 19, 2008

A description, copy or the location of the training materials used to meet these requirements:

This course/presentation provides a general awareness and function specific training with regard to DOT Special Permits. The training will also include function specific training pertaining to special permit SP-11186.

Name and address of the person providing the training:

**Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW STE 400
Kennesaw, GA 30144**

This certification is in compliance with the requirements found in 49 CFR §172.704. This document certifies that the hazmat employee (insert hazmat employee's name):

Orlando Gutierrez

has been trained and tested, as required by this subpart.

U.S. DOT / PHMSA / OHME SOUTHERN REGION
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Certification of Training
Special Permit PowerPoint Presentation Test

Hazmat employee's name: Orlando Gutierrez
Miami, FL

Date of hazmat training: 6/19/08

Name and address of the person providing the training:

Gregory P. Barnett
Director of Safety and Compliance
125 Townpark Dr. NW Ste. 400
Kennesaw, GA 30144

Questions

1. Name the 4 other Airgas manuals or training programs that provide in depth (function specific) training regarding Special Permits.
HM 126 F HM 126 F E Learning Program Hydro testing manual driver training manual
2. True or False – the term DOT Exemption and DOT Special Permit mean the same.
3. What division of the Department of Transportation (DOT) issues Special Permits.
PHMSA
4. True or False – you can download copies of Special Permits from the DOT's web site.
5. As of May 2008 how many different DOT Special Permits have been issued?
ONLY 14,000
6. True or False – since each Special Permit is unique you must read each Special Permit to ensure you fully understand the requirements.
7. True or False – unless exempted the Special Permit number must be listed on the hazardous material shipping paper in association with the proper shipping name.

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8. True or False – a cylinder, tube trailer, container, etc that is operated under a Special Permit must be marked with the SP number.

9. True or False – a copy of the Special Permit must be kept at the location that offers the product for transportation.

10. True or False – depending on the mode of transportation, the Special Permit may require that a copy of the Special Permit is provided to the carrier.

11. True or False – the Special Permit may restrict the products in the container.

12. When a Special Permit is renewed, how many years is it renewed for?

2 years and then 4 years

13. True or False – a Special Permit may limit the amount of time a product can be stored/transported in a container.

14. Explain a Manufacture, mark and sale Special Permit.

GWE'S permission to build tank under special permit

15. Explain a Users Special Permit.

of a DOT Specification

16. List the Special Permit numbers that your location uses to requalify cylinders, fill or ship cylinders/containers.

7835, 14494, 12391

This certification is in compliance with the requirements found in 49 CFR 172.704. This document certifies that the hazmat employee (insert hazmat employee's name)

_____ has been trained and tested, as required by this subpart.

U.S. DOT / PHMSA / OHME SOUTHERN REGION
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