

November 6, 2007



U.S. Department  
of Transportation

East Building, PHH-30  
1200 New Jersey Avenue S.E.  
Washington, D.C. 20590

**Pipeline and Hazardous  
Materials Safety Administration**

DOT-SP 14607

EXPIRATION DATE: December 31, 2007
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1. GRANTEE: Bayer Crop Science LP  
Research Triangle Park, NC
2. PURPOSE AND LIMITATION:
  - a. This emergency special permit authorizes the one-time, one-way transportation in commerce of four (4) DOT IM 101 portable tanks containing a Division 6.1 material, which are overdue for periodic inspection. This special permit provides no relief from the hazardous materials regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
  - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.302(c) in that marking the SP number on the tanks is waived; § 173.32(a)(2) in that the one-time transportation of portable tanks that have been filled past their retest due date is permitted; § 177.801 in that motor carriers would be authorized to accept the 4 IM 101 portable tanks not in accordance with the regulations; and § 180.605, in that portable tanks filled past their retest due date would be authorized for a one-time shipment.

5. BASIS: This emergency special permit is based on the application of Bayer Crop Science LP dated November 2, 2007, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Chlorobenzyl chlorides, liquid	6.1	UN2235	III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are four (4) DOT IM 101 portable tanks that are authorized for bulk shipments of chlorobenzyl chlorides, liquid. The portable tanks were filled after the 2.5 year reinspection period.

b. This special permit authorized the one-time, one-way transportation of the four DOT IM 101 portable tanks by contract motor carrier from their present locations (three tanks in Los Angeles, CA and one tank in Kansas City, KS) to the Bayer Crop Science facility in Kansas City, MO, where the contents of all four tanks will be emptied.

c. The four tanks have the following owners serial number markings:

SFTU 021031-2 (Los Angeles)  
SFTU 021035-4 (Los Angeles)  
SFTU 021039-6 (Los Angeles)  
SFTU 021034-9 (Kansas City)

d. The marking requirements of § 172.302(c) are waived.

8. SPECIAL PROVISIONS: A current copy of this special permit must be maintained at each facility where the tanks are offered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
  - o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
  - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
  - o Registration required by § 107.601 et seq., when applicable.

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

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



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for Theodore L. Willke  
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at [http://hazmat.dot.gov/sp\\_app/special\\_permits/spec\\_perm\\_index.htm](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm) Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: MAZZULLO