

October 20, 2009



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 10751  
(EIGHTEENTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
  - a. This Special Permit authorizes the transportation in commerce of certain Division 1.1, 1.4 and 1.5 explosives, Division 5.1 oxidizers and combustible liquids in separate containers mounted on the same vehicle frame structure. This Special Permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
  - b. The safety analyses performed in support of this special permit considered only the hazards and risks associated with transportation in commerce.
  - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 177.835(c)(3) in that Division 1.1 and 1.5 materials may not be carried on any vehicle in combination with a cargo tank required to be marked or placarded under § 177.823, §§ 177.848(d) and 177.848(e)(2) in that transportation of Division 1.1 and 1.5 explosives may not be shipped together with Division 5.1 liquids, and § 177.848(g)(3) in that Compatibility Group B detonators may not be carried on the same motor vehicle as Compatibility Group D explosives, except as specified herein.

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5. This special permit is based on the responses to the Pipeline and Hazardous Materials Safety Administration's (PHMSA) show cause letter issued under § 107.121 initiated on August 14, 2008.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| <b>Hazardous Materials Description</b>                                      |                               |                              |                      |
|---|-------------------------------|------------------------------|----------------------|
| <b>Proper Shipping Name</b>   | <b>Hazard Class/ Division</b> | <b>Identification Number</b> | <b>Packing Group</b> |
| Ammonium nitrate emulsion   | 5.1                           | UN3375                       | II                   |
| Boosters, without detonator   | 1.1D                          | UN0042                       | II                   |
| Combustible liquid, n.o.s. (contains No.2 fuel oil and organic emulsifiers) | Combustible                   | NA1993                       | III                  |
| Cord, detonating, flexible  | 1.1D                          | UN0065                       | II                   |
|   | 1.4D                          | UN0289                       | II                   |
| Detonators, electric, for blasting  | 1.1B                          | UN0030                       | II                   |
|   | 1.4B                          | UN0255                       | II                   |
| Detonator assemblies, non-electric  | 1.4B                          | UN0361                       | II                   |
| Explosive, blasting, type E or Agent blasting, type E                       | 1.5D                          | UN0332                       | II                   |
| Ammonium nitrate  | 5.1                           | UN1942                       | III                  |
| Oxidizing liquid n.o.s. (Contains ammonium, sodium and/or calcium nitrates) | 5.1                           | UN3139                       | II                   |

**NOTE:** Other blasting explosives and oxidizers must be specifically identified to, and acknowledged in writing, by the Office of Hazardous Materials Special Permits and Approvals (OHMSPA) prior to the first shipment.

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7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are as follows:

(1) Division 1.1D and 1.4D explosives must be packaged as prescribed in the § 173.62(c) Table according to their UN number and overpacked in an IME Safety Library Publication 22 (IME-22) container.

(2) Division 1.1B and 1.4B electric detonators and non-electric detonator assemblies must be packaged according to § 173.63(f) or (g) in a separate IME 22 container.

(3) Bulk Division 1.5D blasting explosives, 5.1 oxidizing liquid, n.o.s. and ammonium nitrate must be transported in either specification or non-specification aluminum cargo tanks and/or cargo bins which have been identified to and acknowledged, in writing, by OHMSPA prior to the first shipment.

(4) Non-specification cargo tanks must be equipped with pressure relief systems meeting the requirements of §§ 178.346-3 or § 178.347-4.

(5) Combustible liquids must be contained in at least 1/8 inch thick aluminum chassis-mounted saddle tanks not exceeding 300 gallons capacity and meeting all Federal Motor Carrier Safety Administration side-mounted fuel tank requirements.

b. OPERATIONAL CONTROLS -

(1) The two (2) IME 22 containers must be located directly behind the cab on opposite sides of the motor vehicle. The IME 22 containers may not share a common wall or be in direct contact with any cargo tank, tank bin, pump or piping containing a hazardous material and must be located entirely within the profile of the vehicle

(2) The saddle tanks must be mounted between the cab and the cargo area and below the IME 22 magazine compartment and completely segregated from the rear cargo compartments containing tanks and/or bins of Division 1.5D blasting explosives and/or Division 5.1 oxidizers.

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(3) Spillage, waste or residual accumulations of Division 1.5D blasting explosives and/or 5.1 oxidizers and/or any combustible liquids anywhere in the vehicle should be cleaned up immediately and properly handled for disposal.

(4) All transfer pumps must be equipped with at least two positive means to prevent operation while in transportation. All process lines must be clear of any hazardous materials and all valves shall be securely closed before transport on a public road or highway.

(5) Driver Qualification and Training Program Audits. Beginning the date this special permit is issued, the special permit grantee must annually audit its program to validate the qualifications and training of the persons who operate the vehicles authorized under the terms of the special permit. The records of the audit must be maintained for one year or until the next annual audit. The audit must ensure:

(i) Each driver holds a Commercial Driver's License and appropriate endorsements, as required by 49 CFR Part 383, and meets the qualification requirements in 49 CFR Part 391.

(ii) Each driver has received current training as required by 49 CFR part 172, Subpart H, and 49 CFR §§ 177.800 and 177.816. This training must specifically include the terms and conditions of the special permit(s); design and operational characteristics of the vehicles authorized under these special permits; methods of defensive driving and vehicle control to avoid accidents (including roll-overs) and how to recover control in the event the wheels leave the paved surface of the road; successful road tests in a vehicle similar to the one they will operate prior to being authorized to operate a vehicle under the terms of this special permit and emergency response procedures including information necessary to communicate to responders in the event of an incident. Training records must be maintained as required by 49 CFR part 172, Subpart H.

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(6) Training after an accident. Beginning the date this special permit is issued, a driver of a vehicle operated under the terms of this special permit that is involved in a "preventable" accident, as described in 49 CFR Part 385, Appendix A, must be retrained in accordance with the applicable provisions of paragraph 7.b.(5)(ii) above prior to resuming operations of a vehicle operated under the terms of this special permit. Note that if the vehicle is not disabled as a result of the preventable accident, the driver may complete the assigned movement for the vehicle.

(7) Vehicle Inspections.

(i) Beginning the date this special permit is issued, the special permit grantee must perform an annual audit of its program for vehicle inspections to ensure that the requirements for daily and periodic inspections set forth in 49 CFR Part 396 are properly performed and recorded. A record of the audit must be maintained for a minimum of one year or until the next annual audit.

(ii) Tire Inspections

(A) When tires are installed on a vehicle authorized under the terms of this special permit the grantee must ensure that the tires are rated and sized according to the tire manufacturer's recommendations for size and gross vehicle weight rating.

(B) Tires that are more than six years old, based on the manufacture date marked on the sidewall of the tire, may not be used on vehicles authorized under this special permit.

(C) Tires on the steering axle must have a minimum tread depth of 8/32 inch and may not be retreaded tires. All other tires on the vehicle must have a minimum tread depth of 4/32 inch.

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(D) Tire Pressure. When vehicles authorized under this special permit are in use, tire pressure must be monitored using one of the following methods:

(1) Tire pressure must be measured and recorded as a minimum on a daily basis and additionally each time the vehicle begins a trip on a public roadway. Tire pressure must be adjusted if it is more than 25% below the recommended inflation pressure. The results must be recorded in the vehicle inspection report as required in 49 CFR 396.11, or

(2) Tire pressure is physically measured and recorded at least once in each consecutive seven day period and electronic pressure monitoring systems are installed and functional on all wheels. The results must be recorded in the driver vehicle inspection report as required in 49 CFR 396.11.

(E) Prior to traveling on a public roadway, tires must be inspected to ensure they conform to requirements in the North American Standards of the Commercial Vehicle Safety Alliance. However, tread depth must meet the minimum requirements of paragraph 7.b.(7)(ii)(C). Tires that meet the out-of-service criteria must be replaced prior to the vehicle being used on a public roadway.

(8) Vehicle Batteries.

(i) By January 1, 2010, each vehicle operating under the terms of this special permit must be equipped with three battery disconnect switches - one at the front of the vehicle, one at the rear of the vehicle, and one near the battery box. All switches must be clearly marked. The switches must be installed in a manner that ensures they are protected in the event of a rollover. The disconnect switch must be tested every month and repaired or replaced if the test indicates a malfunction.

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(ii) By January 1, 2010, batteries and housings must be located towards the front of the vehicle, within the profile of the vehicle, and marked in such a way as to be easily identified to emergency responders. The battery housing must be designed to meet the requirements of 49 CFR 393.30 with the additional requirement that all cables, not just those leading to the starter motor, must be protected and that the positive (+) battery terminal must be covered to prevent the possibility of short circuit.

(9) Emergency Response.

(i) By January 1, 2010, the grantee must develop, maintain, and implement an emergency response action plan that at a minimum describes the risks associated with a fire involving these vehicles and the actions to be taken to minimize such risks.

(ii) Emergency response guidance developed as part of the action plan must be maintained on each vehicle operating under the special permit in the manner set forth in 49 CFR § 172.602(c).

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this Special Permit who receives a package covered by this Special Permit may reoffer it for transportation provided no modification or change is made to the package and it is reoffered for transportation in conformance with this Special Permit and the HMR.

b. A current copy of this Special Permit must be maintained at each facility where the package is offered or reoffered for transportation.

c. MARKING -

(1) Each motor vehicle must be plainly marked on the right side near the front, in letters at least 5 cm (2 inches) high on a contrasting background "DOT-SP 10751."

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(2) Each portable tank must be plainly marked on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-SP 10751".

d. In the event of an accident for which an incident report is required under 49 CFR §§ 171.15 or 171.16 that results in an overturn of a vehicle operated under the terms of this special permit, the special permit grantee must:

(1) Conduct an in-depth investigation to determine the cause of the cause(s) of the accident and provide a report of the investigation's findings, conclusions, and recommendations to prevent future accidents or incidents. The report must be completed within 30 days after the accident or incident and forwarded to OHMSPA within 15 days.

(2) Provide a copy of the insurance company investigation report and the police report to OHMSPA within 15 days of the date the special permit grantee receives them.

(3) If requested by PHMSA, the grantee must arrange for an independent accident reconstruction investigation to determine the root cause of the incident and any other factors that might be relevant to prevent similar accidents from occurring in the future. The report from the reconstruction must be provided to OHMSPA within 60 days of the PHMSA request to conduct the investigation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

a. A current copy of this Special Permit must be carried aboard each motor vehicle used to transport packages covered by this Special Permit.

b. Drivers must have been instructed as to the necessary safeguards and proper procedures in the event of an unusual transportation delay, fire, explosion or accident involving the hazardous materials covered by this special permit.

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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.
- o All applicable requirements in the Federal Motor Carrier Safety Regulations (49 CFR Parts 390-397).

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.

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

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie  
Acting Associate Administrator for Hazardous Materials Safety

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

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at [http://hazmat.dot.gov/sp\\_app/special\\_permits/spec\\_perm\\_index.htm](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.

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