U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 10238 (EXTENSION)
ORIGINAL July 13, 1992

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 10238 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to April 30, 1996. This change is effective from the issue date of this extension. All other terms of the exemption remain unchanged.

This extension applies only to party(ies) listed below based on the application(s) received in accordance with 49 CFR 107.105. This extension constitutes a necessary part of this exemption and must be attached to it.

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

MAY 20 1994
(DATE)

Dist: FHWA FRA USCG

EXEMPTION HOLDER	APPLICATION DATE
Poly Cal Plastics, Inc. French Camp, CA	April 29, 1994
Poly Processing Company Monroe, LA	April 29, 1994

ADVISORY

IF YOU ARE A HOLDER OF AN EXEMPTION THAT AUTHORIZES THE USE OF A PACKAGING WITH A MAXIMUM CAPACITY LESS THAN 450 L (119 GALLONS) OR A MAXIMUM NET MASS LESS THAN 400 KG (882 POUNDS), PLEASE BE ADVISED THAT YOUR EXEMPTION MAY NOT BE RENEWED BEYOND SEPTEMBER 30, 1996. IN ADDITION, NO NEW CONSTRUCTION OF PACKAGINGS WHICH FALL WITHIN THE NON-BULK CAPACITIES LISTED ABOVE ARE AUTHORIZED AFTER SEPTEMBER 30, 1994. THIS IS CONSISTENT WITH THE IMPLEMENTATION OF THE NEW PACKAGING REQUIREMENTS ADOPTED UNDER DOCKET HM-181. ANY APPLICATION SUBMITTED TO THIS OFFICE TO RENEW AN EXEMPTION BEYOND THE SEPTEMBER 30, 1996 DATE WILL BE DENIED UNLESS THE APPLICATION CONTAINS SUPPORTING INFORMATION TO JUSTIFY THE CONTINUATION OF THE EXEMPTION.

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FEB 23 1998

DOT-E 10238
(SECOND REVISION)

EXPIRATION DATE: September 30, 1998

1. GRANTEE: Poly Processing Company
Monroe, Louisiana

2. PURPOSE AND LIMITATIONS: This exemption authorizes the manufacture, mark and sale, until September 30, 1996, of the non-DOT specification polyethylene portable tank of 300 gallons rated capacity for use in the transportation in commerce of certain Class 8 materials, Class 3 materials, Division 5.1 materials and blasting agents described in paragraph 6 below. This exemption provides no relief from any regulation other than as specifically stated.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 173.242, 173.243 and Part 178, Subparts N and O, and part 180, Subpart D.

5. BASIS: This exemption is based on Poly Processing Company's application dated January 26, 1998, submitted in accordance with 49 CFR 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials authorized	Hazard Class/ Division	Identi-fication Number	Packing Group
Class 8 liquids for which a DOT specification 34 reusable polyethylene container is prescribed in 49 CFR Part 173, **effective on September 30, 1991**, and which have no secondary hazards and a pressure of no greater than 14.7 psia at 130°F.	8	as appli-cable	as appli-cable

Hazardous materials authorized	Hazard Class/ Division	Identi-fication Number	Packing Group
Hydrogen peroxide solution in water containing 52% or less hydrogen peroxide by weight.	5.1	as appli-cable	as appli-cable
Isopropanol, ethanol, and methanol including water solutions thereof; class 3 materials compatible with polyethylene which have no secondary hazards and have a flash point above 73°F or higher, and a vapor pressure not greater than 14.7 psia at 130 degrees F.	3	as appli-cable	as appli-cable
Nitric acid mixtures *with not more than 10% nitric acid by weight*	8	UN 1796	II
Blasting agent identified as GEL-PAC and other blasting agents specifically identified to, and acknowledged in writing by the Office of Hazardous Materials exemptions and Approvals prior to the first shipment.	as appli-cable	as appli-cable	as appli-cable

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

NOTE: **Reference to 49 CFR Part 178 in the following paragraphs are references to the regulations in effect on September 30, 1991.**

a. Packaging prescribed is a non-DOT specification rotationally molded, cross-linked, polyethylene portable tank of 300 gallons rated capacity. The nominal dimensions of the molded tank are 46½ inches long by 40½ inches wide by 45 inches high. The minimum wall thickness is 0.260 inches. The tank is rectangular in shape with a sloped bottom and with an elliptical manway opening (15 inches by 13 inches) on the top. The manway opening is sealed with a steel

enclosure assembly, covered with a molded weather guard to prevent the accumulation of precipitation on the top of the tank. A steel frame skid is provided to protect the corners of the portable tank and to allow the tanks to be stacked in storage. The bottom discharge outlet consists of a 1½ inch flange, nipple, 90° elbow, and ball valve with cap or plug. Discharge outlet must have leak-tight cap or plug in place during transportation. The polyethylene portable tank and steel frame skid unit must be as shown on Poly Processing Company, Inc. drawings PPC081989-1 Pages 1 and 2, dated 8-19-89, included in the petitioner's application. Each portable tank must be made from high density cross-linkable polyethylene which has been specifically identified and is acceptable to OHMEA. In addition, the tank must be in compliance with the provisions of 49 CFR 178.19, except as follows:

(i) 178.19-3. - Does not apply.

(ii) 178.19-4. - Does not apply.

(iii) 178.19-6(a) - Does not apply. Instead, each portable tank must be permanently marked by embossment or with a metal certification plate permanently affixed to each portable tank. Where the tank is marked by embossment on the polyethylene unit, the Serial Number and Date of Manufacture may be etched or stamped into the polyethylene. Where etching or stamping is used, it may not reduce the marked area thickness below the minimum thickness prescribed herein. The markings must be in letters and numbers at least ¼-inch high located on the side of the portable tank. The markings shall be understood to certify that the portable tank complies with all requirements of this exemption and must contain at least the following information:

DOT-E 10238 portable tank
Tank manufacturer _____
Test pressure 15 psig.
Serial number _____
Date of manufacture (month and year) _____
Tare weight _____lbs.
Rated gross weight_____lbs.
Capacity _____U.S. gal.

(iv) 178.19-7(c)(3) - Changed to read: Each portable tank shall be tested by retaining for 5 minutes, hydrostatic pressure of at least 15 psig at equilibrium without leakage or pressure drop.

(v) 178.10-7(c)(2) - Does not apply.

b. Each tank must be fitted with a pressure relief device that will limit the pressure in the tanks to 15 psig and is in accordance with 49 CFR 178.253-4 except as follows:

(i) 178.253-4(a) - Frangible devices are not authorized.

(ii) 178.253-4(c)(1) - The pressure relief device must open not less than 10 psig and not over 15 psig. The minimum venting capacity for pressure activated vents must be 6,000 SCFH at not more than 15 pounds per square inch gauge.

(iii) 178.253-4(c)(3) - A fusible device that will function at a temperature no greater than 250°F may be used provided vapor pressure in the tank does not exceed 15 psig.

c. Portable tanks must be capable of satisfactorily withstanding the hydrostatic pressure test prescribed in 49 CFR 178.19-7(a), the drop test prescribed in 49 CFR 178.19-7(a) [except that the portable tank may be dropped on a one inch thick steel plate], and the vibration test prescribed in 49 CFR 178.253-5(a)(1).

d. The nominal thickness of each portable tank is 0.3125 inch with a minimum thickness measured at any point on the container of 0.260 inch.

e. Additionally, each portable tank must possess the chemical and physical properties as reported to the OHMEA by the petitioner's application.

f. Any changes in design, resin, or process methods must be approved by the OHMEA. Prototype test results for the tests required in paragraph 7.c. of this exemption must accompany any request for changes in design, resin, or process methods.

g. Reuse of any portable tank must be in accordance with the applicable requirements of 49 CFR 173.28 and 173.32(f) as modified herein. Each portable tank must be hydrostatically retested in accordance with 49 CFR 173.32(f) as applicable to DOT Specification 57 tanks, at test pressure of 15 psig for 5 minutes without a drop in pressure or leakage. Any tank that fails must be rejected and may not be used again for the transportation of hazardous materials. The date of the most recent periodic retest must be marked on the tank near the tank identification markings required in paragraph 7, a, iii. of this exemption. The owner of the tank or his authorized agent must retain a written record indicating the date and results of all

required tests and the name and address of the tester, until the next retest has been satisfactorily completed and recorded.

h. Portable tanks with repaired bodies are not authorized.

i. Commodities must be compatible with the polyethylene (PE) portable tank, and may not permeate the PE to an extent that a hazardous condition could be caused during transportation and handling.

j. Portable tanks for hydrogen peroxide must be vented to prevent accumulation of internal pressure.

k. Tanks must always be filled and shipped while enclosed in the steel skid and stacking frame as shown in the petitioner's application.

l. Any fitting must be protected in accordance with 49 CFR 178.253-3.

m. The sides of each portable tank must be marked "KEEP THIS END UP" in two places, 180° apart, with an arrow pointing to the tank top.

8. SPECIAL PROVISIONS:

a. Offerors for transportation of the hazardous materials specified in this exemption may use the packaging described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. 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-E 10238".

c. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals Program for a specific manufacturing facility.

d. A copy of this exemption, in its current status, must be maintained at each manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.

e. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

f. Shipments by rail must be in compliance with the requirements of 49 CFR 174.63(a) and (c).

g. Each portable tank used to ship Nitric acid solution must be visually inspected once every four months for evidence of oxidation, embrittlement, discoloration, stress cracking or crazing, container collapse, or any other condition which would adversely affect the tanks structural integrity. Any tank showing such evidence must be immediately removed from service and have its serial number reported to the OHMEA.

h. When a blasting agent is transported in a portable tank under this exemption:

(i) The bulk blasting agent may not be allowed to remain in the portable tank for any time period that could result in caking. The equipment must be cleaned frequently enough to assure against any accumulation of product on its packaging.

(ii) Drivers must have been instructed as to necessary safeguards and proper procedures in the event of unusual delay, fire, or accident. A copy of written instructions must be provided to the master of the cargo vessel used to transport bulk blasting agents under this exemption.

i. For transportation of blasting agents by cargo vessel:

(i) The portable tanks must be stowed "on deck only".

(ii) The blasting agents must be segregated from other hazardous materials in accordance with the requirements for Class A Explosives. In addition, the blasting agents must be stowed "separate from" non-regulated readily combustible materials, as defined in 49 CFR 176.83(d).

(iii) The portable tanks must be stowed in a readily accessible location which can be reached by at least two streams of water from separate fire hydrants or if carried on an unmanned barge by an effective stream of water from a vessel alongside.

(iv) Before packages of a blasting agent covered by this exemption are loaded on or discharged from a

vessel at any place in the United States, the carrier must obtain a permit from the Coast Guard Captain of the Port. A copy of this exemption must be provided to the Captain of the Port when requesting a permit.

j. Consistent with the regulations adopted under Docket HM-181E for intermediate bulk containers (IBCs), exemptions for IBCs of the type covered by those regulations will not allow new construction after September 30, 1996. Existing IBCs may be continued in service, **provided renewal provisions under 107.105 are met,** until September 30, 1998 under the conditions specified in the exemption that applies to their use. After September 30, 1998, each IBCs must conform to, and be certified as meeting, a UN IBC standard set forth in Subparts N and O of Part 178 of the Hazardous Materials Regulations (HMR; 49 CFR). A provision for approval of an equivalent IBC is specified in 49 CFR 178.801(i).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and cargo vessel, except that nitric acid solutions, methanol, ethanol and isopropanol may not be transported by cargo vessel.

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard each cargo vessel or aircraft used to transport packages covered by this exemption. In accordance with the provisions of 49 CFR Part 107, Appendix B to Subpart B, paragraph 3, the shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

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

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

Each "hazmat employee" as defined in 49 CFR 171.8 who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by 49 CFR 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is

otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving fire, loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.

FEB 23 1998

(DATE)

for Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

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

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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