U.S. Department
of Transportation

Research and
Special Programs
Administration

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

JAN 6 1992

DOT-E 10633

1. Poly Processing Company, Monroe, Louisiana, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell the packaging described in paragraph 7 below for use in the transportation in commerce of flammable liquids or corrosive liquids described in paragraph 3 below, subject to the requirements specified herein. This exemption authorizes the use of a non-DOT specification rotationally molded, cross-linked polyethylene portable tank enclosed within a protective steel frame for the shipment of certain flammable liquids or corrosive liquids, and provides no relief from any regulation other than as specifically stated.

2. BASIS. This exemption is based on Poly Processing Company's application dated May 24, 1991, and additional information dated September 24, 1991, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class).

a. Corrosive liquids for which a DOT-34 reusable polyethylene container is prescribed in 49 CFR Part 173, and which have no secondary hazards and a vapor pressure of no greater than 14.7 psia at 130°F., classed as corrosive material.

b. Flammable liquids compatible with polyethylene which have no secondary hazards and have a flash point of 73°F or higher.

4. PROPER SHIPPING NAME (49 CFR 172.101). Specific chemical name or generic description, as appropriate.

5. REGULATION AFFECTED. 49 CFR Part 173, Subparts D and F, 178.19, and 178.253.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a non-DOT specification rotationally molded polyethylene portable tank having a nominal capacity of 300 gallons or 400 gallons, set in a foam filled polyethylene pallet and enclosed within a steel

frame, as shown on or represented by Poly Processing Company's drawing numbers PPC091589-1 dated Sept. 15, 1989, PPC042485-3 dated April 24, 1989, and PPC100186-3 dated Oct. 1, 1986; and Pioneer Plastics & Services drawing number 2002 (Sheets 1 through 5), on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

b. Each portable tank must be made from high density cross-linkable polyethylene which has been specifically identified and is acceptable to the OHMEA and 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 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 stamping or etching is performed on the tank, the marked area may not be reduced below the minimum thickness prescribed herein. The marking must be in letters and numbers at least 1/4-inch high located on the side of the 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 10633 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(a)(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. 178.19-7(c)(2) - Does not apply.

c. Each tank must be fitted with a pressure relief device that will limit the pressure in the tank 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 at 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 psig.

iii. 178.253-4(c)(3)

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

d. Portable tanks must be capable of satisfactorily withstanding the drop test and hydrostatic pressure test prescribed in 49 CFR 178.19-7(a), the stacking test prescribed in 49 CFR 178.251-5(a)(2), and the vibration test prescribed in 49 CFR 178.253-5(a)(1).

e. The nominal thickness of the portable tank is 0.3125 inch for the 300-gallon container and 0.375 inch for the 400-gallon container. The minimum thickness of the portable tank, measured at any point, is 0.200 inch for the 300-gallon container and 0.250 inch for the 400-gallon container. Other details of the shipping container must be as depicted on Poly Processing Company drawing numbers PPC091589-1, PPC042485-3, and PPC100186-3, included in the petitioner's application; and Pioneer Plastics & Services drawing number 2002 (Sheets 1 through 5), on file with the OHMEA.

f. Additionally, each portable tank must possess the chemical and physical properties as reported to the OHMEA by the petitioner's letter dated September 15, 1989.

g. Any changes in design, resin, or process methods must be approved by the OHMEA. Prototype test results for the drop, hydrostatic, and vibration tests required in paragraph 7.d. of this exemption must accompany any request for changes in design, resin, or process method. Additionally, prototype test results for the stacking test required in paragraph 7.d. of this exemption must accompany any request for changes in design or construction of the steel frame.

h. 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 portable tanks, at a 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.b.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.

i. Portable tanks with repaired bodies are not authorized.

j. 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.

k. Any fitting must be protected in accordance with the provisions of 49 CFR 178.253-3.

l. 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.

m. Tanks must always be filled and shipped on the foam filled polyethylene pallet and enclosed within the protective steel frame, as described in the petitioner's application.

8. SPECIAL PROVISIONS.

a. Offerors for transportation of 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 in two locations, 180° apart, near the middle, in letters at least two inches high on a contrasting background, "DOT-E 10633."

c. A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

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. 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 for a specific manufacturing facility.

f. Shippers using the packaging covered by this exemption must comply with the shipping paper, marking, labeling, and placarding requirements of 49 CFR Part 172; all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 100-180.

9. REPORTING REQUIREMENTS. Any incident involving loss of packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

10. EXPIRATION DATE. November 30, 1993.

Issued at Washington, D.C.:

JAN 6 1992

(DATE)

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Program.

Dist: FHWA.