MAR 24 1998

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DOT-E 8942
(SEVENTH REVISION)

1. Poly Processing Company, Inc., 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 of the class 3 liquids, class 8 liquids, a division 5.1, and division 1.5D material described in paragraph 3 below in commerce subject to the requirements specified herein. This exemption authorizes the use of a steel jacketed non-DOT specification rotationally molded, cross-linked polyethylene portable tank for the shipment of class 8 liquids, class 3 liquids, division 5.1 , and division 1.5D materials, and provides no relief from any regulation other than as specifically stated. NOTE: Reference to 49 Sections in this exemption are to regulations in effect on September 30, 1991.

2. BASIS. This exemption is based on Poly Processing Company, Incorporated's application dated February 6, 1998, submitted in accordance with 107.109.

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. Nitric acid solutions containing 10 percent or less nitric acid by weight, classed as corrosive material (not authorized for shipment by cargo vessel).

c. Hydrogen peroxide solution in water containing 52 percent or less hydrogen peroxide by weight, classed as an oxidizer.

MAR 24 1998

d. Methanol, Ethanol, and Isopropanol, class 3 liquids; Flammable liquids compatible with polyethylene which have no secondary hazards and have a flash point of 73°F or higher, and other flammable liquids which have been specifically identified to, and acknowledged in writing by, the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the first shipment. Materials meeting the class 3 hazard class and having a flashpoint below 73°F. may not be transported by cargo vessel.

e. 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 (OHMEA) prior to the first shipment.

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; 173.114a(h)(3); 173.266; 173.268; 176.83; 176.415; 178.19; 178.251; 178.253.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight, and cargo vessel.

7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a steel jacketed non-DOT specification rotationally molded polyethylene portable tank of nominal 300-gallon capacity, as shown in applicant's drawings included in Exhibit B of the application. 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 178.19-6 and 178.19-7(a)(3), except as follows:

I. 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 markings 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 8942 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.

ii. 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.

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 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 pounds per square inch gage.

(iii) 178.253-4(c)(3)

- The fusible device must function at a temperature no greater than 250°F and at no greater than the tank test pressure of 15 psig.

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

d. The minimum thickness of the portable tank, measured at any point on the container, is 0.26-inch. Other details of the shipping container must be as depicted in drawings included in petitioner's application as Exhibit B.

e. Additionally, each portable tank must possess the chemical and physical properties as reported to the OHMEA by enclosures to petitioner's application dated September 24, 1982.

f. Any changes in design, resin, or process methods must be approved by the OHMEA.

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 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.a.i. 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 test and the name and address of the tester, until the next retest has been satisfactorily completed and recorded.

h. Portable tanks having any portion of their molded polyethylene body or components that are repaired 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 have a vented closure to prevent accumulation of internal pressure.

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

1. The sides of each portable tank must be marked in at least 2-inch letters "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 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. 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 continue in service, provided renewal provisions under 107.109 are met, until September 30, 1998 under the conditions specified in the exemption that applies to their use. After September 30, 1998, each IBC 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).

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 for a specific manufacturing facility.

d. A copy of this exemption, kept current, must be carried aboard each cargo vessel used to transport packages covered by this exemption.

e. 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 8942".

f. Shipments by rail must be in compliance with the requirements of 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 or its packing.

(ii) Drivers must have been instructed as to necessary safeguards and proper procedure in the event of unusual delay, fire, or accident. A copy of written instructions must be provided to the masters of cargo vessels 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.

9. 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. 5101 et seq.:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR 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.

MAR 24 1998

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. September 30, 1998.

Issued at Washington, D.C.

Ann Mazzullo 3/24/98

for Alan I. Roberts (DATE)
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: 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.

Dist: FHWA, FRA, USCG.
PO: am