U.S. Department of Transportation
Research and Special Programs Administration

MAR 30 1998

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

DOT-E 10775
(THIRD REVISION)

EXPIRATION DATE: October 1, 1998

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Elkhart Plastic, Inc., Middlebury, Indiana

2. PURPOSE AND LIMITATION: This exemption authorizes the use, until October 1, 1998, of the non-DOT specification, rotationally molded, linear low density polyethylene portable tank enclosed within a protective metal frame for the shipment of hazardous materials listed in paragraph 6 below, and provides no relief from any regulation other than as specifically stated.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 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 the application of Elkhart Plastics, Inc. dated August 27, 1997, 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
Hydrogen peroxide solution in water containing 52% or less hydrogen peroxide by weight.	5.1	as appli-cable	as appli-cable

Hazardous materials authorized	Hazard Class/ Division	Identi-fication Number	Packing Group
Isopropyl, ethyl, and methyl alcohols and solutions thereof; class 3 materials compatible with polyethylene which have no secondary hazards and have flash points above 73°F and a vapor pressure not greater than 14.7 psia at 130°F; and other class 3 materials which are specifically identified to, and acknowledged in writing, by the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the first shipment.	3	as appli-cable	as appli-cable

a. For transport by cargo vessel, the following requirements apply:

i. No hazardous material listed in the Annex to subsection 26.5 of the General Introduction to the IMDG Code may be carried in the non-DOT specification portable tanks authorized under this exemption.

ii. Hazardous materials that are listed as suitable for composite intermediate bulk containers (IBC's), Column (6) in Appendix 1 to Section 26 of the General Introduction to the IMDG Code and which are specified above are authorized to be transported in the non-DOT specification portable tanks authorized under this exemption. Materials that are not: listed in that appendix; allowed for transport in column (6) of the appendix; nor listed above may not be transported under the terms of this exemption.

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

7. PACKAGING AND SAFETY CONTROL MEASURES: Packagings prescribed are non-DOT specification rotationally molded polyethylene portable tanks not exceeding 330-gallon capacity, enclosed within a protective rigid metal frame, as shown on or represented by Elkhart Plastics, Inc. drawings No. 330-0 dated 03/04/92, No. 330-1 dated 10/18/91, and No. 330-2 dated 10/15/91. Each tank must be made of linear low density polyethylene which has been specifically identified, is acceptable to the OHMEA and is 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, the marked area thickness may not be reduced below the minimum reduced thickness prescribed herein. The markings must be in letters and number 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 10775 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. gallons

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(a)(2) - Does not apply.

c. 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 on portable tanks transported by vessel.

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) - Any fusible device used will function at a temperature no greater than 250° F. The vapor pressure in the tank may not exceed 15 psig when the device functions.

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 and lifting device tests prescribed in 49 CFR 178.251-5(a)(2), and the vibration test prescribed in 49 CFR 178.253-5(a)(1).

e. The minimum polyethylene thickness at any point for these tanks must be 0.150 inches.

f. The tanks will be molded form Exxon's Escorene® LL-8361 linear low density polyethylene resin meeting the specifications on file with OHMEA.

g. Any changes in design, resin, or process methods must be approved by the OHMEA prior to change. Prototype test results for the tests required in paragraph 7.d of this exemption must accompany any request for changes in design, resin or process method. In addition, prototype test results for the stacking and lifting device tests required in paragraph 7.d. of this exemption must accompany any request for changes in the design or construction of the frame enclosure.

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 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. 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 portable tank, and may not permeate the polyethylene to an extent that a hazardous condition could be caused during transportation and handling.

k. Portable tanks for hydrogen peroxide must have a vented closure to prevent accumulation of internal pressure.

l. Any fitting used 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 degrees apart, with an arrow pointing to the tank top.

n. Tanks must always be filled and shipped while enclosed within the protective wire frame as shown 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 on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-E 10775".

c. Shipments by rail must be in compliance with the requirements of 49 CFR 174.63. Portable tanks may not be transported on flatcars or on flat trailers on flat cars, except under conditions approved by the Federal Railroad Administration.

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. 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 October 1, 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 49CFR 178.801(i).

g. Persons who receive the packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

h. 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.

i. Drivers must have been instructed as to necessary safeguards and proper procedure in the event of unusual delay, fire, or accident.

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

10. MODAL REQUIREMENTS: When transported by vessel, each polyethylene portable tank must be permanently and durable marked, in letters at least five centimeters (two inches) high on a contrasting background, in accordance with the requirements of subsection 26.1.5 of the General Introduction to the IMDG Code. The use of labels, tags, or signs for marking purposes is prohibited.

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, 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.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving 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 inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

Ann Mazzullo

MAR 30 1998

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

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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