U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JUL 9 1999

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

DOT-E 12251

EXPIRATION DATE: September 30, 1999

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Four Seasons Environmental
Greensboro, NC

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain hazardous materials in a non-DOT specification cargo tank motor vehicle previously authorized under a DOT exemption. The cargo tank motor vehicle must meet the requirements in § 180.405(f)(2) for certification as a DOT Specification MC 307 or MC 312 cargo tank motor vehicle. This exemption provides no relief from any Hazardous Materials Regulation (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 180.405(b) in that a cargo tank motor vehicle is marked as a MC 312 cargo tank motor vehicle after August 31, 1995; § 180.405 (f) (2) (ii) in that the cargo tank is fitted with a self-closing system after September 1, 1993; and the marking requirements specified in §§ 172.203(a) and 172.302(c).

5. BASIS: This exemption is based on the application of Four Seasons Environmental dated March 18, 1999, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Those materials authorized to be transported in a MC 312 cargo tank motor vehicle	Various	Various	Various

For the N.O.S entries above, the requirements of § 172.203(k) must be met.

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification cargo tank motor vehicle which was authorized for the transportation in commerce of certain hazardous materials by a DOT exemption and which was designed and constructed in full conformance with DOT Specification MC 307 or MC 312 (§§ 178.340, 178.342 or 178.343) except as follows:

(1) The cargo tank was designed, constructed and certified in accordance with Section VIII, Division 1 of the ASME Code to the following pressure requirements:

(i) internal design pressure (min) = 25 psig

NOTE: The design pressure must be at least equal to the maximum pressure used for loading.

(ii) external design pressure (min) = 15 psig

(iii) test pressure (min) = 37.5 psig

(2) Circumferential reinforcement complied with § 178.340-7 except the maximum unreinforced portion of the shell may have exceeded 60-inches provided the thickness and tensile strength of the shell material in combination with the frame and circumferential

reinforcement produced structural integrity at least equal to that prescribed in § 178.340-4(b).

b. TESTING:

(1) Periodic tests and inspections must be conducted as prescribed in Part 180, Subpart E., as required for MC 307 or MC 312 cargo tank motor vehicles.

(2) Any of the periodic tests and inspections cited above which are due or past-due must be successfully completed before a cargo tank motor vehicle covered by this exemption may be used for transportation of hazardous materials.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may re-offer it for transportation provided no modifications or changes are made to the package and it is re-offered for transportation in conformance with this exemption and the HMR.

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

c. The following conditions must be met before a cargo tank motor vehicle covered by this exemption may be used for transportation of hazardous materials:

(1) The cargo tank motor vehicle must be equipped with a self-closing discharge system meeting the requirements of § 178.345-11 as specified in § 180.405(f)(1)(ii).

(2) The certification required by § 180.405(f)(5) must be completed. Both the owner and a Registered Inspector or Design Certifying Engineer must sign the certification. A copy of the certification must be on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the transportation of hazardous materials.

(3) General arrangement drawings of the cargo tank motor vehicle showing conformance with the requirements of § 180.405(f)(2) must be on file with(OHMEA). The drawings must show the number and spacing of the external circumferential reinforcing rings and the self-closing discharge system.

d. MARKING

(1) The cargo tank specification plate or a plate placed adjacent to the specification must be durably marked "MC +++-E****####". "+++" is to be replaced by the applicable specification number, "****" is to be replaced by the exemption number, and "####" is to be replaced by the alloy as specified in § 180.405(f)(6).

(2) The marking requirements of §§ 172.203(a) and 172.302(b) and (c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

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 incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

for Edward T. Mazzullo July 9, 1999
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, 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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-0001, Attention: Docket Section, 202-366-5046.

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