U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

FEB 1 8 2005

DOT-E 9462
(FIFTH REVISION)

EXPIRATION DATE: January 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Aztec Metal Fabrication
Odessa, Texas

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, mark, sale and use of non-DOT specification portable tanks manifolded together within a frame and securely mounted on a truck chassis for the transportation of Class 3 and Class 8 hazardous materials described in paragraph 6 below. This exemption provides no relief from the Hazardous Materials Regulations (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 § 173.242 in that a non-DOT specification packaging is authorized.

5. BASIS: This exemption is based on the application of Aztec Metal Fabricating dated January 26, 2005, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Class 3 liquids having a vapor pressure less than 16 psia at 130°F/Flammable liquids, n.o.s.	3	UN1993	II or III
Class 8 liquids which are corrosive to skin only and which are compatible with the tank and its appurtenances; and other class 8 liquids specifically identified and acknowledged in writing by the Associate Administrator for Hazardous Materials Safety/Corrosive liquids, n.o.s.	8	Various	II or III
Flammable liquid, corrosive, n.o.s.	3, 8	UN2924	II or III, as appro-priate

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a group of three (3), four (4), or six (6), 60 gallon capacity, non-DOT specification portable tanks manifolded together within a frame, having top and bottom openings, designed and constructed in accordance with Aztec Metal Fabricating drawings dated December 20, 1982 and August 18, 1983 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) and in conformance with the following:

(1) Tanks manufactured before October 1, 1996 must conform to DOT specification 57 in all respects except the metal certification plate required by § 178.251-7 must not be marked DOT specification 57.

(2) A capacity of less than 110 gallons is authorized.

(3) The use of sight glasses is authorized. Each sight glass must have shut off valves, top and bottom and be provided with adequate protection to prevent accidental breakage.

(4) No new construction of tanks manufactured in conformance with DOT Specification 57 is permitted after October 1, 1996.

(5) Tanks manufactured after October 1, 1996 must meet the requirements for UN Standard 31A Intermediate bulk container (IBC) in all respects except for specification marking, water capacity, and that the use of sight glasses is authorized. Each sight glass must have shut-off valves, top and bottom and be provided with adequate protection to prevent accidental breakage. After the drop test is performed as described in § 178.810(c), a manifolded unit must also be subjected to a drop flat on a side, flat on the top, and on a corner, whichever is considered to be the most vulnerable part. The same or different container may be used for each drop.

b. TESTING -

(1) A test report documenting a satisfactory prototype test for the tank assembly design of six tanks must be on file with the OHMEA prior to the first shipment.

(2) Hydrostatic test certificates for each tank must be maintained by the manufacturer or owner and made available upon request to any representative of the Department of Transportation.

(3) Each tank must be visually inspected prior to each trip to insure that it has not been damaged on the previous trip.

(4) Each DOT specification 57 portable tank must be reinspected and retested once every two and one-half years in accordance with § 173.32(e) as prescribed for DOT specification 57 portable tanks at a minimum pressure of 10 psig.

(5) Each UN31A intermediate bulk container must be reinspected and retested once every two and one-half years in accordance with 49 CFR 180.352(b) as

prescribed for UN31A intermediate bulk containers except that hydrostatic testing at a minimum pressure of 10 psig must be conducted instead of leakproofness testing.

(6) The prototype test on this tank assembly design will serve to qualify smaller tank assembly designs made of the same material and thickness, by the same fabrication technique, and with identical supports and equivalent closures and other appurtenances. A drawing showing the arrangement of the smaller tank assembly design must be on file with the OHMEA prior to the first shipment.

c. OPERATIONAL CONTROLS -

(1) Each tank must be filled so as not to be liquid full at less than or equal to 130°F.

(2) Sight glasses shut off valves must be closed during transportation.

(3) Tanks are only authorized when manifolded together within a frame. The number of tanks within a group may not exceed six and may not exceed sixty (60) gallons capacity each.

(4) Marking and placarding requirements specified for cargo tanks in 49 CFR Part 172, Subpart D and Subpart F, must be met. Also each manifolded unit must be plainly marked on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-E 9462".

(5) Each filling overflow line must be fitted with a shut off valve on the top of the tank which must be secured during transportation.

(6) Each bottom discharge valve must be secured during transportation.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

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

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

d. 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 for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

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. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 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 §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

FEB 18 2005
(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.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM