U.S. Department
of Transportation

**Pipeline and
Hazardous
Materials Safety
Administration**

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

MAR 8 2005

DOT-E 13027
(SECOND REVISION)

EXPIRATION DATE: January 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Hernco Fabrication & Services
Midland, TX

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, mark, sale and use of multiple non-DOT specification containers conforming with all regulations applicable to a UN31A intermediate bulk containers, except as specified herein, for the transportation in commerce of the materials authorized by this exemption. The containers are manifolded together within a frame and securely mounted on a truck chassis. 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 §§ 173.202, 173.203, 173.241 and 173.242 in that non-DOT specification packaging is not authorized, except as provided herein.

5. BASIS: This exemption is based on the application of Hernco Fabrication & Services dated May 6, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Corrosive liquids, n.o.s.	8	UN1760	II and III
Flammable liquids, n.o.s.	3	UN1993	II and III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a group of non-DOT specification containers manifolded together within a frame, having top and bottom openings designed and constructed in accordance with Hernco Fabrication & Services drawings and technical specifications on file with the Office of Hazardous Materials Exemptions and Approvals. Each container is sixty (60) gallons or less in capacity and must be equipped with a 2" Clay and Bailey Mfg. Co. Model #937 Pressure Actuated Vent, or equivalent. In addition, each container must be in compliance with the following:

(1) Containers must conform with the requirements of a DOT Specification UN31A intermediate bulk container (IBC) in all respects except for specification marking, water capacity and that the use of sight glasses is authorized.

(2) Each sight glass must have shut-off valves, top and bottom and be provided with adequate protection to prevent accidental breakage.

b. TESTING -

(1) 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.

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

(3) Each container must be reinspected and retested once every two and one-half years in accordance with § 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.

c. OPERATIONAL CONTROLS -

(1) Class 3 liquids having a vapor pressure greater than 16 psia at 130°F are not authorized.

(2) Class 8 liquids may only be corrosive to skin only and must be compatible with the tank and its appurtenances.

(3) Sight glass valves must be closed during transportation.

(4) Each container must be filled so as not to be liquid full at less that or equal to 130°F.

(5) Each filling overflow opening on the top of the tank must connect to a 2" overflow line equipped with a shut-off valve, which must be closed during transportation.

(6) Containers are only authorized when manifolded together within a frame. The number of containers manifolded within a group may not exceed six. Each container may not exceed sixty (60) gallons in capacity.

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 modification or change

is made to the package or its contents 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.

f. MARKING - Each manifolded unit must be plainly marked on both sides near the middle, in letters at least 2 inches high on a contrasting background, "DOT-E 13027". In addition, marking and placarding requirements specified for cargo tanks in 49 CFR Part 172, Subparts D and F must be met.

g. The prototype test on this tank design, as required by §178.801(d) and paragraph 7 of this exemption, will serve to qualify smaller tanks 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 tanks must be on file with OHMEA prior to the first shipment.

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.

MAR 8 2005
(DATE)

Robert A. McGuire
for 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.

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: PTOlson