

**EXEMPTION EVALUATION FORM**  
(Revised as of May 20, 1998)

**PART 1 APPLICANT**

- 1A. Exemption Number : 13443  
Application Number: 2004020108  
Project Officer : Burger
- 1B. Date of Application: Jan 30, 2004
- 1C. Name of Applicant: Mark Shalkowski  
Title:  
Company Name: Koch Materials Company  
Address: Wichita, KS  
Phone Number: 316-828-2173
- 1D. U.S. Agent for foreign applicant or Consultant Name: N/A
- 1E. Summary of What Applicant is Requesting: Use of non-specification packages for transportation of Class 8, PG II and PG III liquids and to discharge the contents of the package without removing it from the vehicle.
- 1F. Regulation(s) exempted: 173.202, 173.203 and 177.834(h).
- 1G. Modes of Transportation:  
1 Motor Vehicle (X)            2 Rail Freight ( )  
3 Cargo Vessel ( )            4 Cargo Aircraft ( )  
5 Passenger Aircraft ( )

**PART 2 REVIEW FOR DOCKETING**

- (X) Application contains sufficient information to support docketing.  
( ) Application is incomplete or unnecessary and should be returned for the following reason(s).

13443EVAL

**PART 3 HAZARDOUS MATERIALS**

3A. Hazardous Materials to be shipped:

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Corrosive liquid, basic, organic (contains amidomines)	8	UN3267	II

3B. Is the hazardous material capable of being detonated? (If No - go to 3C) **No.**

If so, under what conditions?

- (1) What special precautions have been taken to prevent these conditions in transportation?
- (2) Has the hazardous material been classed as an explosive?
  - Has it been tested and approved under § 173.56?
  - Is stabilization required and what type?

3C. Other risks presented by the material that warrant special assessment. (e.g. flammable or toxic gases produced upon contact with water, material can initiate or enhance a fire, article or device contains an ignition source) **None.**

**PART 4 PACKAGING**

4A. Is the applicant seeking an exemption from the packaging requirements? **Yes.** (If No - Go on to Part 5)

- 4B.
- Non authorized specification package.
  - Authorized Specification package with quantity or size variation.
  - Material change.
  - Over authorized pressure.
  - Non specification package. Most comparable spec. package. UN1A1 drum.

- 4C. What are the possible failure modes of the packaging?  
**Rupture or puncture.**

Is the material of construction appropriate? **Yes, this package will be manufactured from 12 gauge steel and meets the FHWA requirements for use as a fuel tank.**

Will the packaging integrity be sufficient? **Yes, it is designed in accordance with the FHWA requirements for fuel tanks.**

In the case of a pressurized packaging, will the package adequately contain any pressure that might develop? **Not applicable.**

Does packaging meet the performance requirements for air transportation? **Not applicable.**

Have evaluation of tests results shown the package to be equivalent? **These tanks are required to meet the following tests: 30 foot drop onto the body and 10 foot drop onto the fill pipe.**

- 4D. Are special handling measures needed (specify)? **No.**

#### **PART 5 SPECIAL TRANSPORT AND INFORMATIONAL CONTROLS**

- 5A. Is the applicant seeking an exemption from Special Transport and Informational Controls? (If No - go to Part 6) **No.**
- 5B. Indicate control from which variance is sought. (i.e., placarding requirements, etc.)
- 5C. What controls have been offered or might be appropriate to mitigate risks otherwise presented with the exemption?
- 5D. What special data collection and reporting requirements are needed to document experience and exemption performance?

**PART 6 SHIPPING EXPERIENCE**

- 6A. What has the generally shipping experience been with this type of material, package, and operation? ***This type of package is used everyday for transportation of fuel for motor vehicles.***
- 6B. Can any rough estimate be made on the extent of the use of this exemption? How many shipments will be made and how much material will be transported? **No.**
- 6C. Is this a new package with no shipping experience? **No.**

**PART 7 SAFETY AND RISK ASSESSMENT**

- 7A. 49 CFR § 107.105(d) prescribes requirements for justification of an exemption through comparisons with established levels of safety and risk assessment. Has the applicant demonstrated equivalent levels of safety or provided an appropriate risk analysis? **Yes.**
- 7B. What are the hazards (worst case) posed by the proposed exemptions? What could go wrong? Are the risks significant? What is the degree of uncertainty as to likelihood or consequences? ***In an accident the tank could be ruptured causing spillage of the contents or during unloading the contents could be spilled.***
- 7C. What are the benefits to the public and the applicant of granting the exemption? What trade-offs have been made? ***Granting the exemption would eliminate the need to handle drums of hazardous materials at a work site prior to unloading. Eliminating the handling cycle removes several additional chances to have a hazardous materials incident during the operation.***
- 7D. Does this exemption (and other similar exemptions) point to the need for possible regulatory changes? If so what other information is needed to support a regulatory change. ***The exemption demonstrates that under certain conditions there should be exceptions to the regulations that require packages to be removed prior to unloading. In some situations, this actually increases the likelihood of a hazmat spill.***

**PART 8 DOCKET COMMENTS/INFORMATION**

8A. Date checked: June 2, 2004

8B. Comments: None (If Yes, summarize)

8C. Has **CONFIDENTIAL** or **PROPRIETARY** information (49 CFR 107.5) been considered in this application? **No.**

**PART 9 OVERALL EVALUATION & RECOMMENDATION**

Provide standard of equivalency and rationale supporting equivalent level of safety or comment on additional requirements needed to establish equivalency. Include main issues, evidence (i.e. tests), and technical conclusions. See note in Part VI concerning confidential information.

The tanks described in the application are currently certified in accordance with the Federal Highway Administration requirements for fuel tanks and therefore will not present a safety hazard transporting this product.

Unloading the material from the tank will not decrease the safety of the operation and will most likely increase the level of safety of the operation since there will not be additional handling of a drum of HAZMAT. The use of pumps that are transported and stored off of the motor vehicle eliminates an additional concern of transporting hazardous materials in these components.

Since these tanks are designed as fuel tanks which do not require leakproofness testing prior to refilling the period for leakproofness testing has been extended to five years.

**Office of Hazardous Materials Technology (OHMT)**

**Office of Hazardous Materials Exemptions and Approvals (OHMEA)**

Office: DHM-22

Project Officer/Date: Burger, Donald

Reviewer/Date:

Office Director/Date: *Safe CAH* 10/29/04

*[Handwritten signatures and dates]*  
10/29/04  
10/29/2004



KOCH OPERATIONS GROUP

CALCULATIONS AND SKETCHES

DATE 5/13/04

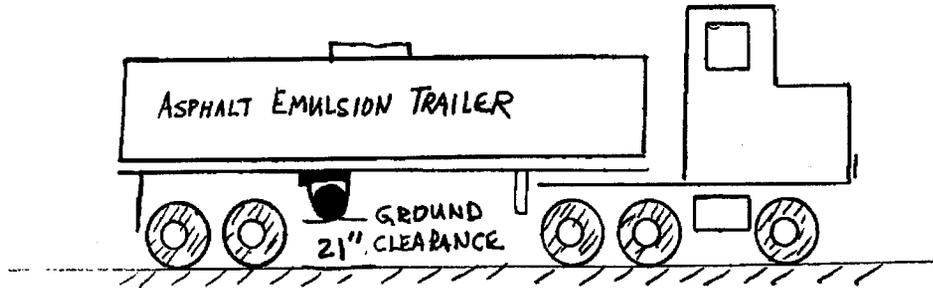
SHEET \_\_\_\_\_ OF \_\_\_\_\_

SUBJECT ASPHALT EMULSION TRAILER SKETCH  
- SHOWING PROPOSED ADDITIVE TANK CONFIGURATION

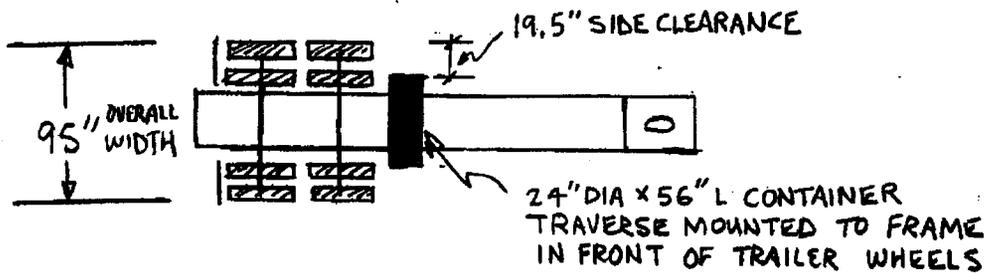
JOB NO. E-13443

BY ZUISS

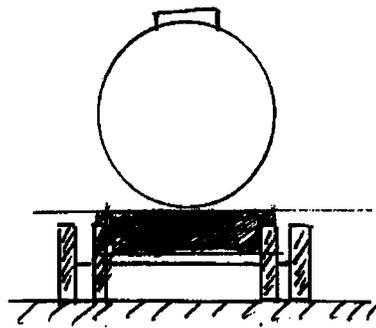
CHKD \_\_\_\_\_



SIDE VIEW



TOP VIEW - FRAME



END VIEW

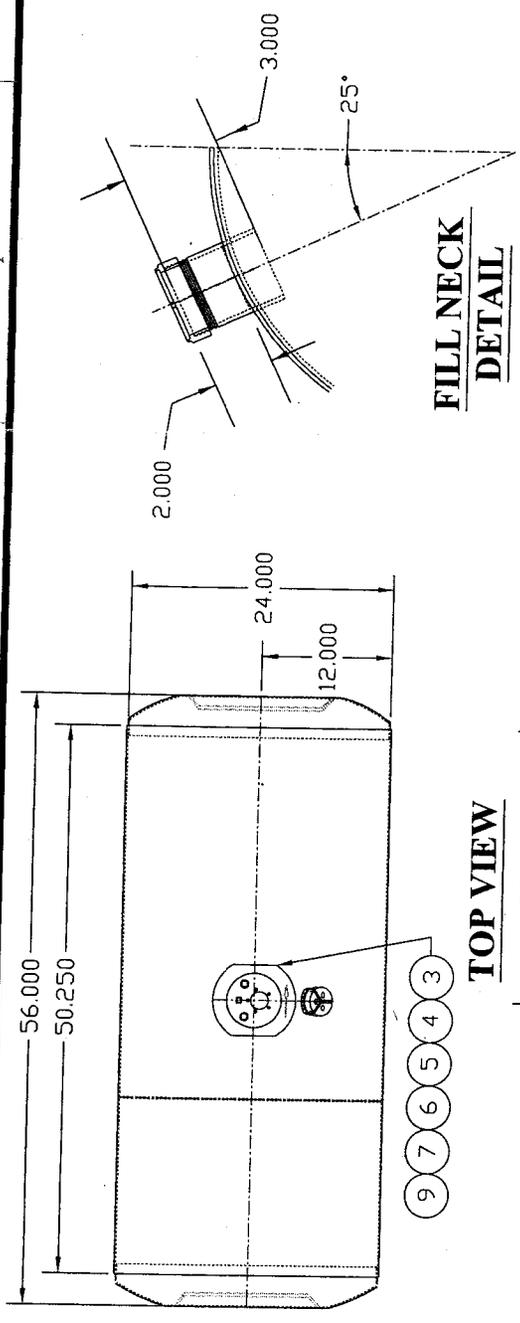


Inf. # 200402010  
 Enclosure

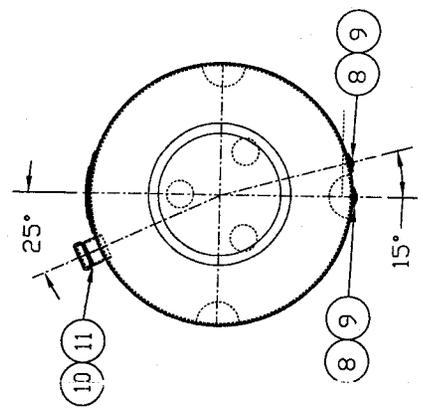
*Koch-Plate*  
*dated 4/30/14*

ITEM#	PART #	QTY	DESCRIPTION
1	80.15.12.36	1	50 1/4 X 75 3/8 X 12 GA P40 SHELL
2	80.25.01.24	2	24" CYLINDER HEAD
3	31.10.01.01	1	CLUSTER PLATE
4	31.10.12.00	1	GAUGE COVER
5	50.15.15.48	1	GAUGE GASKET
6	78.20.00.10	5	8/32 X 1/2" SELF TAPPERS
7	50.08.02.05	1	1/4" SQUARE HEAD PLUG
8	50.05.01.08	2	1/2" STAMPED FLANGE
9	50.08.02.08	4	1/2" COUNTER SUNK PLUG
10	50.01.01.24	1	2" X 3" LONG FILL NECK
11	91.03.01.08	1	2" CAP ASSEMBLY
12	50.25.54.70	1	SIDE MOUNT TAG
13		1	BAFFLE 12 GA P40

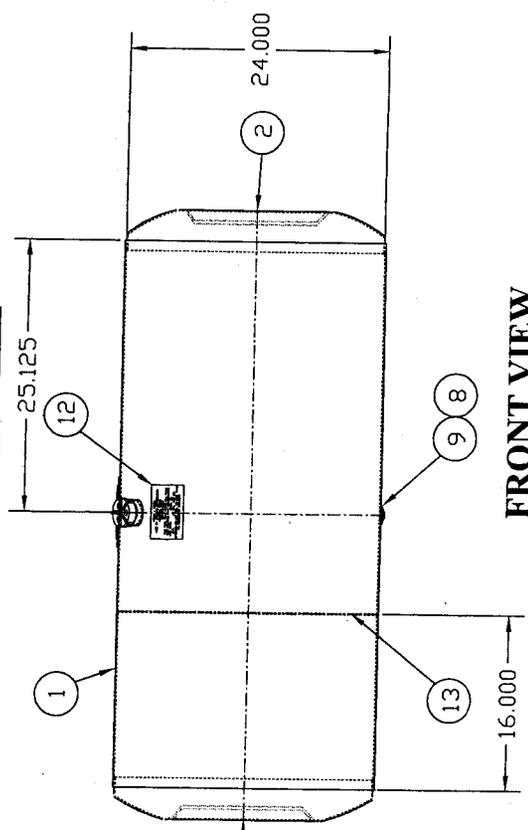
- GENERAL NOTES:
- (1) MATERIAL - 12 GA P40
  - (2) TANK TO BE CONSTRUCTED TO MEET ALL FHVA APPLICABLE REQUIREMENTS
  - (3) TANK TO BE WELDED, TESTED FOR LEAKS AND QUALITY INSPECTED
  - (4) TANK WILL BE PERMANENTLY MARKED WITH "MEETS FHVA" NAME PLATE
  - (5) INTERIOR TO BE CLEAN OF ALL SCALE, DIRT, CHIPS & TRACE OF DEBRIS



**FILL NECK  
 DETAIL**



**SIDE VIEW**



**FRONT VIEW**

**Dynafab Corporation**  
 Dynafab Corporation  
 4711 Winfield Rd.  
 Houston, TX, 77039  
 Toll Free: 800-243-5378  
 Ph: 281-590-5467  
 Fax: 281-590-9255

PROJ. TITLE: 24" CYLINDRICAL 100 GALLON FUEL TANK  
 CUSTOMER: M. KEY  
 DRAWN BY: BEN V  
 DWG / FILE #: 96012410  
 DATE: 10-9-03  
 PART #: 96.01.24.10  
 REV: A  
 SHEET: 1 OF 1

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Unless otherwise noted  
 Tolerances:  
 Fractions: 1/8" (±)

REV	DATE	DESCRIPTION
A		ISSUED FOR APPROVAL

REV	DATE	DESCRIPTION
A		ISSUED FOR APPROVAL

Customer Approval:

ISSUED FOR APPROVAL

Customer Approval:

KOCHN  
 1-30-04

E13443