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

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

JUN 21 1993

DOT-E 10659

EXPIRATION DATE: May 31, 1995

1. GRANTEE: Consani Engineering (PTY) Limited, Cape Province, South Africa, (U.S. Agent: First Tank Corporation, Edison, N.J.)

2. PURPOSE AND LIMITATIONS: This exemption authorizes the manufacture, mark and sale of a non-DOT specification IM 101 steel portable tank, fitted with an external discharge valve in lieu of an internal discharge valve, for the transportation in commerce of certain hazardous waste material subject to the limitations and special provisions specified herein. This exemption 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 Section 173.32c(g), 178.270-12(c).

5. BASIS: This exemption is based on the application of Consani Engineering (PTY) Limited, dated 3 May 2, 1991, and supplemental information dated April 28, August 10, 1992, and 21 April 1993, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class (Written Class/ Class Number)	Identification Number	Packing Group
Hazardous waste, liquid, n.o.s.	Class 9 (Miscellaneous hazardous material)	NA3082	III
Waste flammable liquids n.o.s.	Class 3 (Flammable liquid)	UN1992	II III
Waste poisonous liquids, n.o.s.	Class 6.1 (Poison)	UN2810	II III
Waste corrosive liquids, n.o.s.	Class 8 (Corrosive)	UN1760	II III

NOTE: Effective October 1, 1993, the appropriate numeric hazard class or division descriptions must be used in place of the written hazard class descriptions.

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a vacuum loaded, ASME Code "U" stamped, non-DOT specification portable tank in full conformance with DOT Specification IM 101 steel portable tank except that the tank is fitted with an external discharge valve in lieu of an internal discharge valve. The discharge valve is self-closing and is fitted with a remote closure system. The portable tank must be designed and constructed in accordance with the drawings, specifications and design calculations on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

b. TESTING - Tank must meet all initial test and retest requirements for a DOT Specification IM 101 steel portable tank.

c. MARKING - Each tank must be plainly marked on two sides, in letters at least two inches on a contrasting background, "DOT-E 10659." In addition, each tank may be marked as a DOT Specification IM 101 portable tank in accordance with the requirements of 49 CFR 178.270-14 - Marking of tanks.

8. SPECIAL PROVISIONS.

a. Offerors for transportation of the 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. 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.

c. 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.

d. Each portable tank must be visually inspected prior to each trip to ensure that it has not been damaged on the previous trip;

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.

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

10. MODAL REQUIREMENTS. A copy of this exemption must be carried aboard each cargo vessel or 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 Hazardous Materials Transportation Act:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- Any use or application of this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.
- Registration required by 49 CFR 107.601 *et seq.*, when applicable.

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 of this exemption must also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.

JUN 21 1993

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

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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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