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

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

MAR 1 2 1993

DOT-E 10828
(FIRST REVISION)

1. Enicon, Incorporated Division of Ameri-Kart Corp., Bristol, Indiana, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell the packaging described in paragraph 7 below for use in the transportation of corrosive liquids, flammable liquids or an oxidizer described in paragraph 3 below in commerce subject to the requirements specified herein. This exemption authorizes the use of a non-DOT specification rotationally molded polyethylene portable tank enclosed within a protective wire frame for the shipment of corrosive liquids, flammable liquids or an oxidizer, and provides no relief from any regulation other than specifically stated. (NOTE: Reference to 49 CFR sections in this exemption are to regulations in effect on September 30, 1990.)

2. BASIS. This exemption is based on an application from Enicon dated June 24, 1992, and additional information dated June 29, 1992 submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class).

a. Corrosive liquids for which a DOT Specification 34 reusable polyethylene drum is prescribed in 49 CFR Part 173, and which have no secondary hazards and a pressure of no greater than 14.7 psia at 130°F., Classed 8 (Corrosive material).

b. Hydrogen peroxide solution in water containing 52% or less hydrogen peroxide by weight, classed 5 (oxidizer).

iii. 178.19-6 (a) - Does not apply. Instead, each tank must be permanently marked by embossment or with a metal certification plate permanently affixed to each tank. Where the tank is marked by embossment on the polyethylene unit, the Serial Number and Date of Manufacture may be etched or stamped into the polyethylene. Where stamping or etching is performed on the tank, the marked area may not be reduced below the minimum thickness prescribed herein. The markings must be in letters and numbers at least 1/4-inch high located on the side of the tank. The markings shall be understood to certify that the portable tank complies with all requirements of this exemption and must contain at least the following information:

DOT-E 10828 portable tank
Tank manufacturer _____
Test pressure 15 psig.
Serial number _____
Date of manufacture (month and year) _____
Tare weight _____ lbs.
Rated gross weight _____ lbs.
Capacity: _____ gallon

iv. 178.19-7(a)(3) - Changed to read: Each portable tank shall be tested by retaining for 5 minutes, hydrostatic pressure of at least 15 psig at equilibrium without leakage or pressure drop.

b. Each tank must be fitted with a pressure relief device that will limit the pressure in the tanks to 15 psig and is in accordance with 49 CFR 178.253-4 except as follows:

i. 178.253-4(c)(1) - The pressure relief device must open at not less than 10 psig and not over 15 psig. The minimum venting capacity for pressure activated vents must be 6,000 SCFH at not more than 15 pounds per square inch gage.

ii. 178.253-4(c)(3) - Any fusible device used will function at a temperature no greater than 250° F. The vapor pressure in the tank may not exceed 15 psig when the device functions.

c. Portable tanks must be capable of satisfactorily withstanding the drop test and hydrostatic pressure test prescribed in 49 CFR 178.19-7(a), the stacking and lifting device tests prescribed in 49 CFR 178.251-5(a)(2), and the vibration test prescribed in 49 CFR 178.253-5(a)(1).

d. The minimum polyethylene thickness of the portable tank measured at any point is 0.180 inches.

e. High density crosslinkable polyethylene, which possess the chemical and physical properties as reported in petitioner's application dated June 24, 1992 is authorized for portable tank construction.

f. Any changes in design, resin, or process methods must be approved by the OHMEA prior to change. Prototype test results for the tests required in paragraph 7.c above of this exemption must accompany any request for changes in design, resin or process method. Prototype test results for the stacking and lifting device tests required in paragraph 7.c. above of this exemption must accompany any request for changes in the design or construction of the frame enclosure. Changes in design and construction exempt from this paragraph are changes in frame and tank height which allow construction of containers with less than 340 gallons capacity.

g. Reuse of any portable tank must be in accordance with the applicable requirements of 49 CFR 173.28 and 173.32(f) as modified herein. Each portable tank must be hydrostatically retested in accordance with 49 CFR 173.32(f) as applicable to DOT Specification 57 tanks, at a test pressure of 15 psig for 5 minutes without a drop in pressure or leakage. Any tank that fails must be rejected and may not be used again for the transportation of hazardous materials. The date of the most recent periodic retest must be marked on the tank near the tank identification markings required in paragraph 7.a. above of this exemption. The owner of the tank or his authorized agent must retain a written record indicating

the date and results of all required tests and the name and address of the tester, until the next retest has been satisfactorily completed and recorded.

h. Portable tanks with repaired bodies are not authorized.

i. Commodities must be compatible with the polyethylene portable tank, and may not permeate the polyethylene to an extent that a hazardous condition could be caused during transportation and handling.

j. Portable tanks for hydrogen peroxide must have a vented closure to prevent accumulation of internal pressure.

k. Any fitting used must be protected in accordance with 49 CFR 178.253-3.

l. The sides of each portable tank must be marked "KEEP THIS END UP" in two places, 180 degrees apart, with an arrow pointing to the tank top.

m. Tanks must always be filled and shipped while enclosed within the protective wire frame as shown in the petitioner's application.

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. Each portable tank must be plainly marked on both sides near the middle, in letters at least two inches high on a contrasting background, "DOT-E 10828".

c. Shipments by rail must be in compliance with the requirements of 49 CFR 174.63. Portable tanks may not be transported on flatcars or on flat trailers on flat cars, except under conditions approved by the Federal Railroad Administration.

d. 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.

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. REPORTING REQUIREMENTS. Any incident involving loss of packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

10. EXPIRATION DATE. September 30, 1994.

Issued at Washington, D.C.:

MAR 1 2 1993

(DATE)

Alan I. Roberts
Associate Administrator
Hazardous Materials Safety

MAR 1 2 1993

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions.

Dist: FHWA, FRA