

FILE

46

PUCO EXHIBIT FILING

Date of Hearing: April 23, 2018

Case No. 17-0779-TR-CVF and 17-1199-TR-CVF

PUCO Case Caption: _____

In the Matter of SJA Transport, Inc.,

Notice of Apparent Violations and Intent

to Assess Forfeiture

List of exhibits being filed:

Staff Exhibits 4-5, 8-12

SJA Exhibits 1-11, 13, 14

RECEIVED BOOKETING DIV

2018 MAY 14 PM 2:18

PUCO

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician AK Date Processed 5/12/18

Reporter's Signature: Carolyn M. Burke

Date Submitted: 5/14/2018

DRIVER/VEHICLE EXAMINATION REPORT

Staff Exhibit No. 1



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3210302495
Inspection Date: 12/30/2016 Certification Date:
Time Started: 10:25 Time Ended: 11:05
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk Inspection

SJA TRANSPORT INC
PO BOX 415
ROCKFORD, OH 45882
USDOT #: 01130578
MC/MX #: 460655
State #:

Phone #: (419)363-2342
Fax #:

Driver: HAUENSTEIN, DAVID W
License #: RU436148 State: OH
Date of Birth: 1/10/1950

Location: ROADSIDE
Highway: HOUX PKWY
County: ALLEN
Shipper: GUARDIAN LIMA LLC

MilePost: NONE
Origin: LIMA, OH
Destination: LIMA, OH

Bill of Lading: 25037818
Cargo: HAZ MAT (ALL)

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	FRHT	2004	OH	PVT3814	27	1FUJA9CV94LM06546	52,000			
2	ST	FRUE	1992	OH	TPX9067	93	1H4T04423NL019002	68,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
180.415B	180.415(b)	2	N		N	N	Cargo tank test or inspection markings: 306 SPEC CT, CONTAINING UN1987, ALCOHOLS NOS, 3, PGII; FAILED TO DISPLAY MARKING FOR LEAK TEST (K). EPA METHOD 27 DOES NOT APPLY TO CT CONTAINING UN1987.

* N - Non-OOS or Driver OOS Violation

HazMat: 3 Flammable, Placard: Yes Cargo Tank: 306

Special Checks:

- | | | |
|---|--|--|
| <input type="checkbox"/> Alcohol/Controlled Substance Check | <input type="checkbox"/> Traffic Enforcement | <input type="checkbox"/> Post Crash Inspection |
| <input type="checkbox"/> Conducted by Local Jurisdiction | <input type="checkbox"/> PASA Conducted Inspection | <input type="checkbox"/> PBBT Inspection |
| <input type="checkbox"/> Size and Weight Enforcement | <input type="checkbox"/> Drug Interdiction Search | Arrests: |
| <input type="checkbox"/> EScreening | | |

Inspection Notes: The carrier was stopped as it exited the Guardian Ethanol plant on Houx Parkway, displaying class 3 placards and ID# 1987. The driver presented an HMSP for UN1987, Alcohols NOS, 3, PG II. The driver was transporting the load from Guardian in Lima, to the Lima south rack. The passenger side front of the MC-306 CT displayed the marking for V, K-EPA Method 27, I and P specifications tests. The CT failed to display the leak test marking for other than the Method 27. The Method 27 is only applicable to a CT transporting petroleum distillate fuel. CT test date marking was photographed.

Special Study Fields:

Special Study1:	Special Study6:
Special Study2:	Special Study7:MEC VERIFIED
Special Study3:	Special Study8:
Special Study4:	Special Study9:
Special Study5:	Special Study10:

Locally Defined Fields:

HM Incid/Crash w/release(Y/N): N;Placards Displayed (Y/N): Y;Placards Offered (Y/N): Y;Loaded by Carrier (Y/N): Y;Loaded by Shipper (Y/N): N;Ship Docs Prep by Carrier(Y/N): N;Ship Doc Prep by Shipper(Y/N): Y;Haz Class A: 3;ID # A: UN1987;Packing Group A: II;Gross Weight A: 8,141 GAL;RQ (A): N;HW (A): N;For-Hire Carrier: Y;Driver Address: 11313 HUBER ROAD;Driver City: BLUFFTON;Driver State: OH;Driver Zip: 45817;Photos Taken (Y/N): Y;Reason Code: USSP;FMCSA Credentials Verified-Y/N: Y;CDL Verified (Y/N): Y;FMCSA OOS Order Issued(Y/N): N;HM Safety Permit Verified(Y/N): N;Shipper 1 Name: GUARDIAN LIMA LLC;Shipper 1 Street Address: 2485 HOUX PARKWAY;Shipper 1 City: LIMA;Shipper 1 State: OH;Shipper 1 Zip Code: 45804;*More Shippers-In Notes(Y/N): N

Report Prepared By:

RJ Barrett

Badge #:

3210

Copy Received By:

HAUENSTEIN, DAVID W

Page 1 of 2

X

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EXHIBIT

Staff 1

PENGAD 800-831-8989

DRIVER/VEHICLE EXAMINATION REPORT

Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3210302495
Inspection Date: 12/30/2016 Certification Date:
Time Started: 10:25 Time Ended: 11:05
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SJA TRANSPORT INC
PO BOX 415
ROCKFORD, OH 45882
USDOT #: 01130578
MC/MX #: 460655
State #:

Phone #: (419)363-2342
Fax #:

Driver: HAUENSTEIN, DAVID W
License #: RU436148 State: OH
Date of Birth: 1/10/1950

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, T ASD - 4th floor, 180 E Broad St, Columbus, OH 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000. If you have any questions, please contact (614) 466-0429.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature of Carrier Official: X Date: _____
Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature of Repairer: X Facility: _____ Date: _____

Report Prepared By:
RJ Barrett

Badge #:
3210

Copy Received By:
HAUENSTEIN, DAVID W

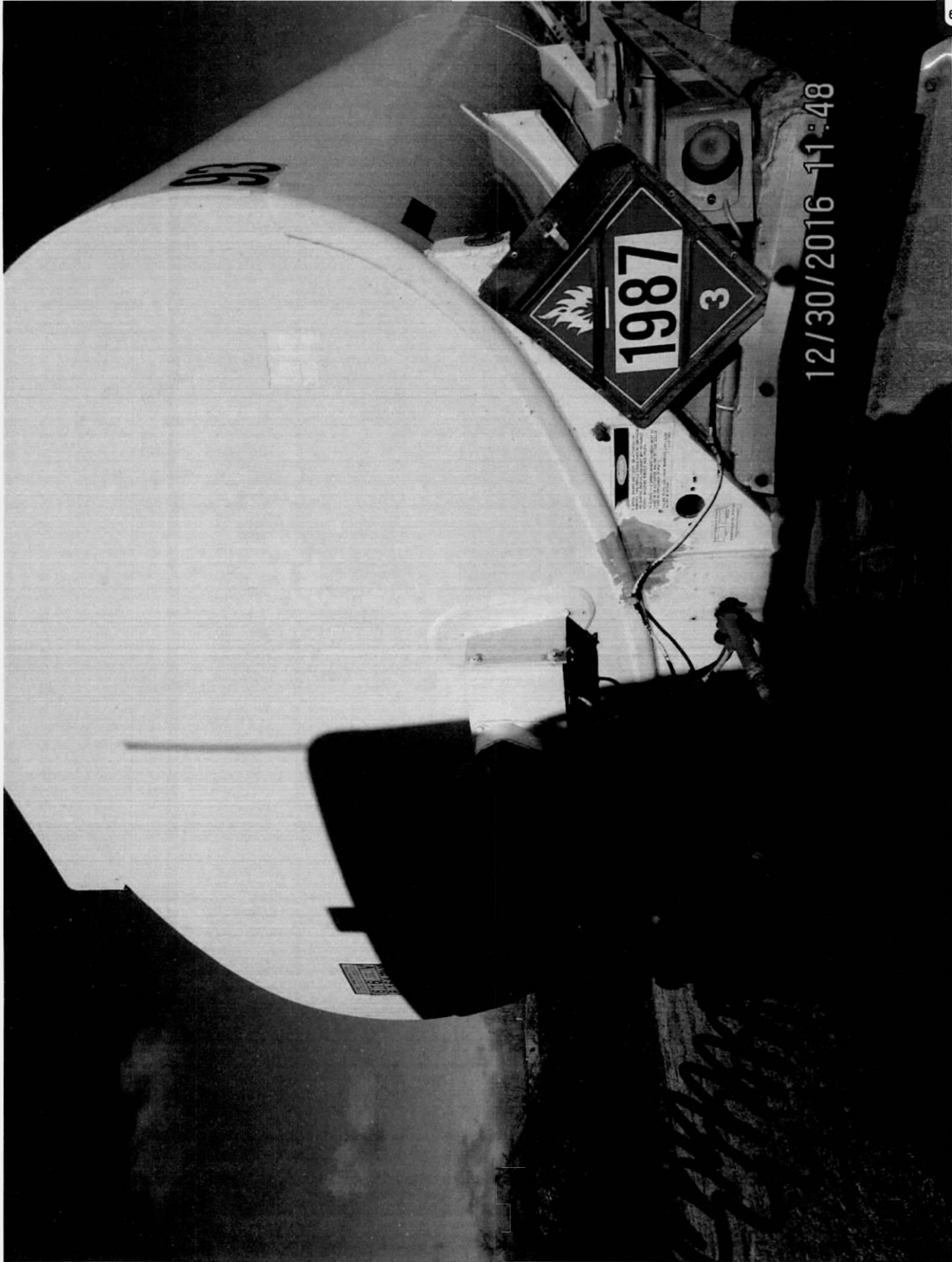
Page 2 of 2



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OH3210302495



EXHIBIT

Staff 2

PENGAD 800-631-6989



Staff Ex.3

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3238011444
Inspection Date: 2/21/2017 Certification Date:
Time Started: 11:18 Time Ended: 13:10
Inspection Level: I - Full Inspection
HM Inspection Type: Bulk Inspection

SJA TRANSPORT INC
PO BOX 415
ROCKFORD, OH 45882
USDOT #: 01130578
MC/MX #: 460655
State #:

Phone #: (419)363-2342
Fax #:

Driver: NICHOLS, BILLY H
License #: RH918443 State: OH
Date of Birth: 2/27/1978

Location: BOWLING GREEN SCALES
Highway: IR75
County: WOOD
Shipper: CARRIER

MilePost: 175
Origin: NORTH BALTIMORE, OH
Destination: TOLEDO, OH

Bill of Lading: 0000631988
Cargo: HAZ MAT (ALL)

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	FRHT	2007	OH	PVT6666	30	1FUJA6CV87LX34835	52,000		24019836	
2	ST	FRUE	1990	OH	TNW1222	21	1H4T04426LL011201	68,000			

BRAKE ADJUSTMENTS:

Axle #	1	2	3	4	5
Right	1 1/4	1 1/2	1 1/2	3/4	1 1/4
Left	1 1/2	1 1/2	1 1/2	1/2	1
Chamber	L-20	L-30	L-30	L-30	L-30

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.9	393.9(a)	2	N		N	N	Inoperable Required Lamp: License plate lamp is inoperable.
393.45B2UV	393.45(b)(2)	2	N		N	N	Brake Hose or Tubing Chafing and/or Kinking Under Vehicle: Emergency air hose (going to the L #5 brake chamber) is chafing within a metal conduit located between axles 4 and 5. Hose diameter is reduced where chafing.
393.45B2UV	393.45(b)(2)	2	N		N	N	Brake Hose or Tubing Chafing and/or Kinking Under Vehicle: Emergency air hose (going to the R #5 brake chamber) is chafing within a metal conduit located between axles 4 and 5. Hose diameter is reduced where chafing.
177.823A	177.823(a)	2	Y		A	N	No placards/markings when required: ID numbers 1993 missing on both sides and both ends of cargo tank.
180.415B	180.415(b)	2	N		N	N	Cargo tank test or inspection markings: No leakage test (K) marking - pertains to UN1987. Cargo tank only has K-EPA27 leakage test for petroleum distillate fuels.

* N - Non-OOS or Driver OOS Violation; A - Repaired at Scene

HazMat: 3 Flammable, 3 Combustible Liquid,

Placard: Yes Cargo Tank: 306

Special Checks:

<input type="checkbox"/> Alcohol/Controlled Substance Check	<input type="checkbox"/> Traffic Enforcement	<input type="checkbox"/> Post Crash Inspection
<input type="checkbox"/> Conducted by Local Jurisdiction	<input type="checkbox"/> PASA Conducted Inspection	<input type="checkbox"/> PBBT Inspection
<input type="checkbox"/> Size and Weight Enforcement	<input type="checkbox"/> Drug Interdiction Search	Arrests:
<input type="checkbox"/> EScreening		

Inspection Notes: 4 compartment cargo tank. Driver stated compartments 1, 3, and 4 contained diesel fuel and compartment 2 contained ethanol.

Flammable placards containing ID numbers 1987 are the only placards/ID numbers displayed on both ends and both sides of the cargo tank.

Driver was enroute to Sunoco, Toledo, OH to reload.

ADDENDUM

PUCO Haz Mat Specialist Kelli Hedglin was present during the inspection and provided guidance regarding the haz mat violations.

Report Prepared By:

M Byrne

Badge #:

3238

Copy Received By:

NICHOLS, BILLY H

Page 1 of 2



EXHIBIT

Staff 3

PENGAD 800-631-6989

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3238011444
Inspection Date: 2/21/2017 Certification Date:
Time Started: 11:18 Time Ended: 13:10
Inspection Level: I - Full Inspection
HM Inspection Type: Bulk Inspection

SJA TRANSPORT INC
PO BOX 415
ROCKFORD, OH 45882
USDOT #: 01130578
MC/MX #: 460655
State #:

Phone #: (419)363-2342
Fax #:

Driver: NICHOLS, BILLY H
License #: RH918443 State: OH
Date of Birth: 2/27/1978

Special Study Fields:

Special Study1:	Special Study6:
Special Study2:	Special Study7:
Special Study3:	Special Study8:
Special Study4:	Special Study9:
Special Study5:	Special Study10:

Locally Defined Fields:

Placards Displayed (Y/N): Y; Haz Class A: 3; ID # A: NA1993; Packing Group A: III; Gross Weight A: RESIDUE; Haz Class B: 3; ID # B: UN1987; Packing Group B: II; Gross Weight B: RESIDUE; For-Hire Carrier: Y; Driver Address: 718 RADCLIFFE ST; Driver City: LIMA; Driver State: OH; Driver Zip: 45804; Photos Taken (Y/N): Y; Reason Code: USSP; FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N

* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, T ASD - 4th floor, 180 E Broad St, Columbus, OH 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000. If you have any questions, please contact (614) 466-0429.

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Signature of Carrier Official: X Date: _____

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature of Repairer: X Facility: _____ Date: _____

Report Prepared By:
M Byrne

Badge #:
3238

Copy Received By:
NICHOLS, BILLY H

Page 2 of 2

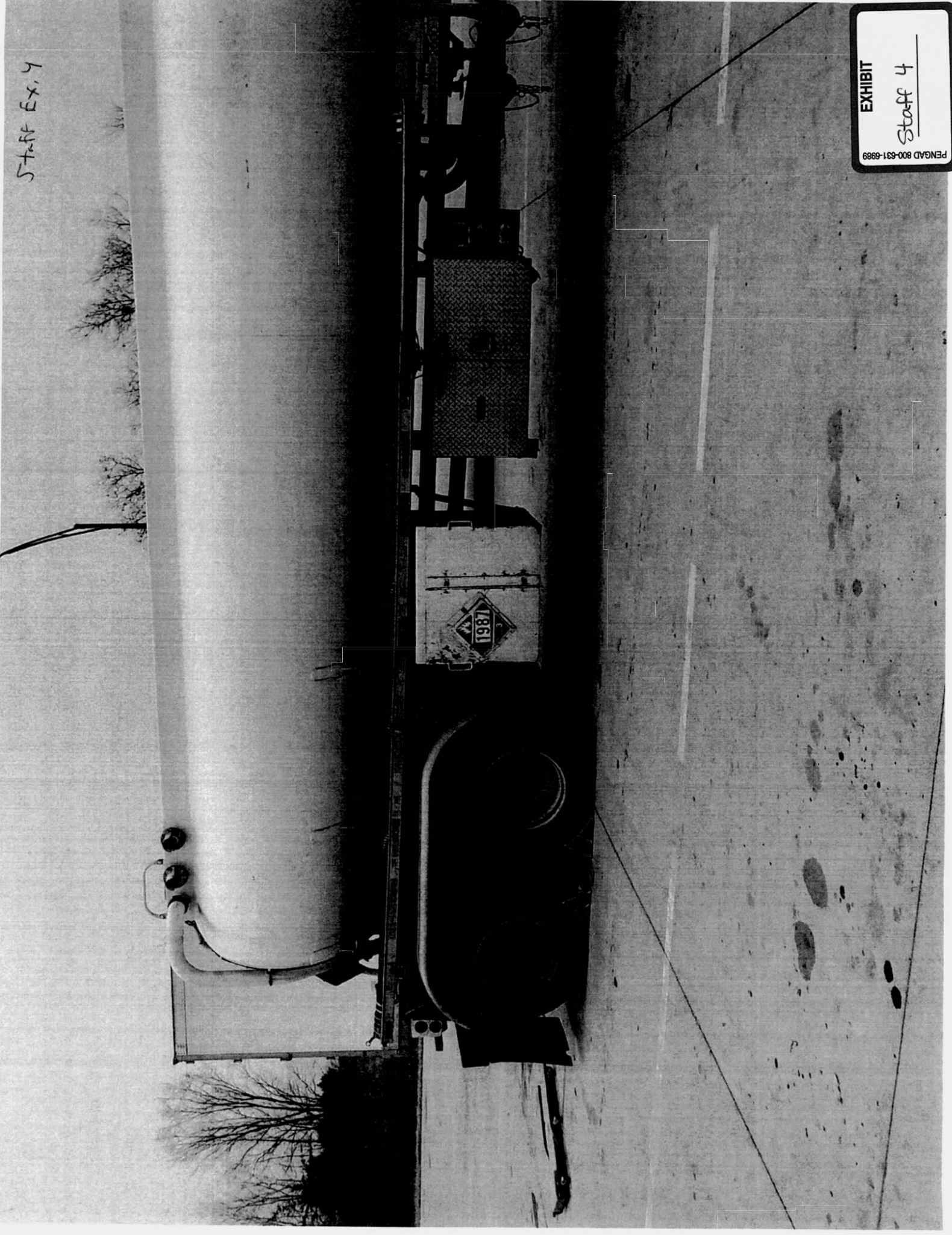


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OH3238011444

Staff Ex. 4

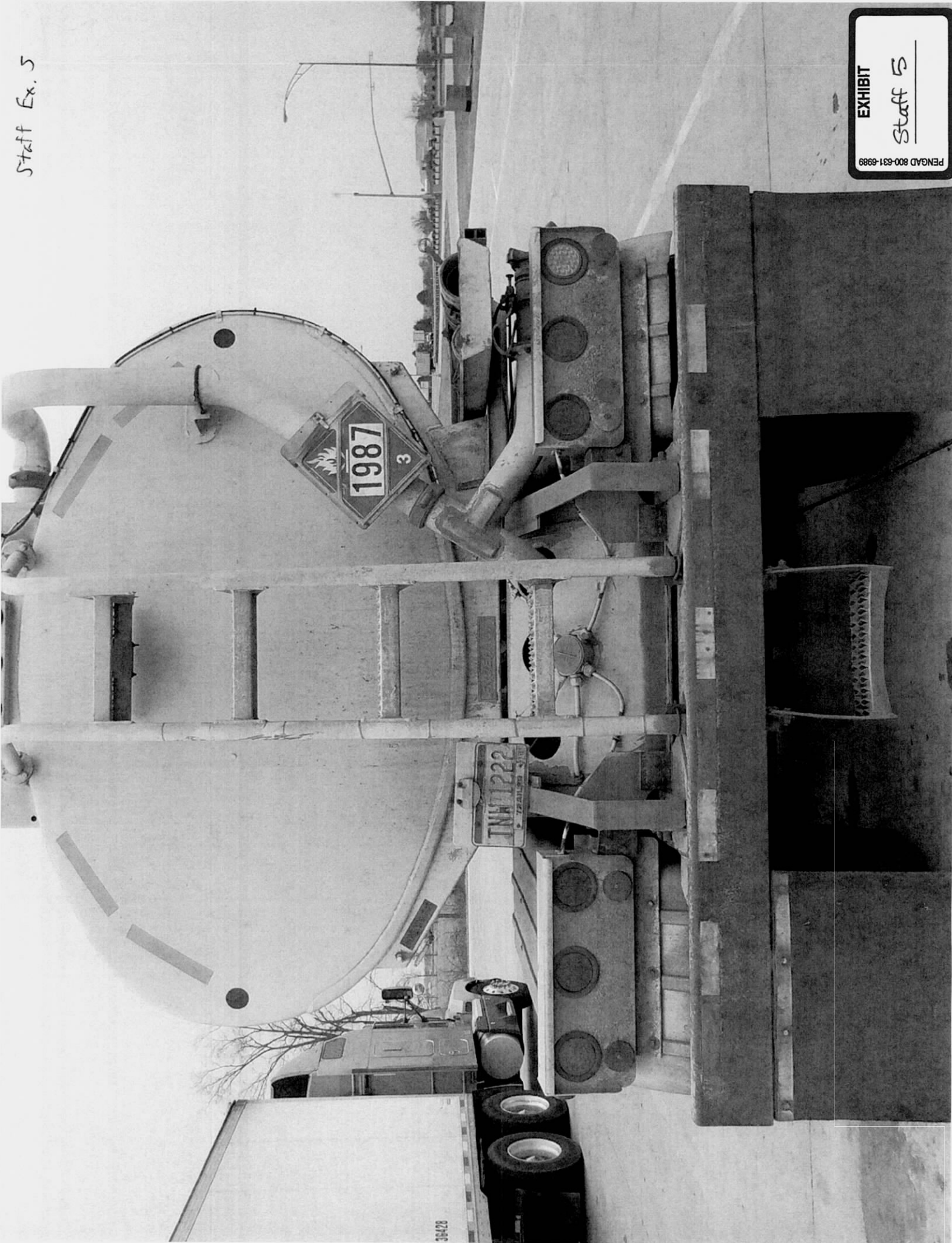


EXHIBIT

Staff 4

PENGAD 800-631-6989

Staff Ex. 5



EXHIBIT

Staff 5

PENGAD 800-631-6989



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

Staff Exhibit No. 8

1200 New Jersey Avenue, SE
Washington, D.C. 20590

MAY 10 2016

Mr. Roger Kirk
Petroleum Transport, Inc.
4967 Crooks Rd., Suite 201
Troy, MI 48098

Reference No. 15-0246

Dear Mr. Kirk:

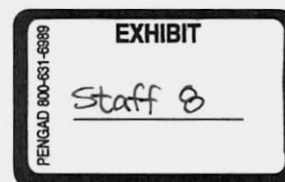
This is in response to your December 21, 2015 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification of the correct test markings for a tank trailer hauling UN 1987, Alcohols, n.o.s., 3, II. You provide a Safety Data Sheet for the mixture, which contains 60-100 percent weight Ethyl Alcohol, 1-5 percent weight Natural Gasoline and 0.1-1 percent weight Benzene. You also state that the trailer is marked with K-EPA-27, but the Ohio Public Utilities Commission cited this as incorrect.

In accordance with 49 CFR 180.407(h)(2), cargo tanks used to transport petroleum distillate fuels that are equipped with vapor collection equipment may be leak tested in accordance with the Environmental Protection Agency's "Method 27 - Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test" as set forth in Appendix A to 40 CFR part 60. In a final rule under Docket No. RSPA-98-3554 (HM-213; April 18, 2003), the Research and Special Programs Administration, predecessor to the Pipeline and Hazardous Materials Safety Administration, clarified that the EPA 27 test method may be used only for petroleum fuel service. It is the opinion of this Office that the material you describe may be used in blending with gasoline but is not, on its own, a petroleum distillate fuel. As such, the tank trailer may not be leak tested using the EPA Method 27 and marked with K-EPA-27.

I hope this satisfies your inquiry. Please contact this office if you need further assistance.

Sincerely,

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedeman

04/12/2017

OH3238011444C
ROB BEINA
101 E SOUTH ST BOX 415
ROCKFORD, OH 45882

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3238011444C

Dear Sir or Madam:

On 02/21/2017, a vehicle operated by SJA TRANSPORT INC, and driven by BILLY H NICHOLS, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified SJA TRANSPORT INC (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

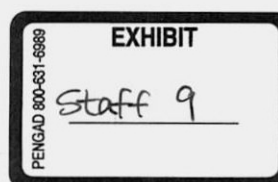
CODE	GROUP	VIOLATION	FORFEITURE
393.45B2UV	0	Brake Hose or Tubing Chafing and/or Kinking Under Vehicle	
393.45B2UV	0	Brake Hose or Tubing Chafing and/or Kinking Under Vehicle	
393.9	0	Inoperable Required Lamp	
177.823A	-	No placards/markings when required	1260.00
180.415B	-	Cargo tank test or inspection markings	1260.00
		Total of Group 0	0.00
		Total Hazmat	2520.00

TOTAL AMOUNT DUE: \$2,520.00

A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3016
www.PUCO.ohio.gov





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedeman

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against SJA TRANSPORT INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
393.45B2UV	0	Brake Hose or Tubing Chafing and/or Kinking Under Vehicle	
393.45B2UV	0	Brake Hose or Tubing Chafing and/or Kinking Under Vehicle	
393.9	0	Inoperable Required Lamp	
177.823A	-	No placards/markings when required	1260.00
180.415B	-	Cargo tank test or inspection markings	1260.00
		Total of Group 0	
		Total Hazmat	2520.00

TOTAL AMOUNT DUE: \$2,520.00

Within 30 days of this notice, you must **either**: (1) pay the assessed civil forfeiture **or** (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

Milan Orbovich, Director
Transportation Department

Compliance Officer: Michael Hines

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3016
www.PUCO.ohio.gov





Public Utilities Commission

John R. Kasich, Governor
Asim Z. Haque, Chairman

Staff Exhibit No. 910

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

01/06/2017

OH3210302495C
SJA TRANSPORT INC
101 E SOUTH ST BOX 415
ROCKFORD, OH 45882

RE: **NOTICE OF APPARENT VIOLATION
AND INTENT TO ASSESS FORFEITURE**
Case No. OH3210302495C

Dear Sir or Madam:

On 12/30/2016, a vehicle operated by SJA TRANSPORT INC, and driven by DAVID W HAUENSTEIN, was inspected in the State of Ohio. As the result of discovery of the following violations of the Commission's rules, the Commission intends to assess a civil forfeiture against SJA TRANSPORT INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
180.415B	-	Cargo tank test or inspection markings: 306 SPEC CT, CONTAINING UN1987, ALCOHOLS NOS, 3, PGII; FAILED TO DISPLAY MARKING FOR LEAK TEST (K), EPA METHOD 27 DOES NOT APPLY TO CT CONTAINING UN1987.	1260.00
		Total Hazmat	1260.00

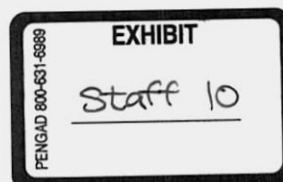
TOTAL AMOUNT DUE: \$1,260.00

Within 30 days of this notice, you must **either**: (1) pay the assessed civil forfeiture **or** (2) submit a written request for a conference. Failure to submit a written request for a conference within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Apparent Violation and Intent to Assess Forfeiture.

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3016
www.PUCO.ohio.gov





Public Utilities Commission

John R. Kasich, Governor
Asim Z. Haque, Chairman

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

Sincerely,
Thomas Persinger
Compliance Division
(614) 466-0351





Public Utilities Commission

John R. Kasich, Governor
Asim Z. Haque, Chairman

Staff Exhibit No. _____

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

02/16/2017

OH3210302495C

Rob Belna

101 E SOUTH ST BOX 415

ROCKFORD, OH 45882

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3210302495C

Dear Sir or Madam:

On 12/30/2016, a vehicle operated by SJA TRANSPORT INC, and driven by DAVID W HAUENSTEIN, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified SJA TRANSPORT INC (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
180.415B	-	Cargo tank test or inspection markings: 306 SPEC CT, CONTAINING UN1987, ALCOHOLS NOS, 3, PGII; FAILED TO DISPLAY MARKING FOR LEAK TEST (K), EPA METHOD 27 DOES NOT APPLY TO CT CONTAINING UN1987.	1260.00
		Total Hazmat	1260.00

TOTAL AMOUNT DUE: \$1,260.00

A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against SJA TRANSPORT INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
180 East Broad Street Columbus, Ohio 43215-3793			(614) 466-3016 www.PUCO.ohio.gov





Public Utilities Commission

John R. Kasich, Governor
Asim Z. Haque, Chairman

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

180.415B	-	Cargo tank test or inspection markings: 306 SPEC CT, CONTAINING UN1987, ALCOHOLS NOS, 3, PGII; FAILED TO DISPLAY MARKING FOR LEAK TEST (K), EPA METHOD 27 DOES NOT APPLY TO CT CONTAINING UN1987.	1260.00
		Total Hazmat	1260.00

TOTAL AMOUNT DUE: \$1,260.00

Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

Milan Orbovich, Director
Transportation Department

Compliance Officer: Thomas Persinger



SAP Ex. 11

REGULATIONS

FMCSA clarifies limitations on EPA Method 27 leakage test for cargo tanks

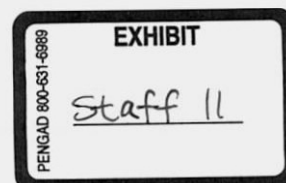
Jan 04, 2017



The Federal Motor Carrier Safety Administration (FMCSA) has issued a safety advisory to provide notice to owners, operators, and registered inspectors of cargo tank motor vehicles (CTMVs) concerning the limitations on the EPA Method 27 Test when used in lieu of the leakage test on DOT specification cargo tanks. The EPA Method 27 Test may be used only on CTMVs with vapor recovery equipment and in dedicated petroleum distillate service.

49 CFR Section 180.407(h)(2) permits the use of the EPA Method 27 Test as a substitute for the leakage test for cargo tanks used to transport petroleum distillate fuels and equipped with vapor recovery equipment, as prescribed in CFR Section 180.407(h)(1).

In interpretation No. 16-0048, the Pipeline and Hazardous Materials Safety Administration (PHMSA) states that to be eligible for the EPA Method 27 Test, the CTMV must be "...in dedicated service for the transportation of petroleum distillate fuel."





FMCSA-registered VDO RoadLog ELD available with no monthly fees

APR 17, 2018

DriverFacts, Drug and Alcohol Manager now integrated with Psychemedics

APR 11, 2018



FMCSA grants rest-break exemption for fuel haulers

APR 10, 2018

FMCSA calls for public comments on rules affecting autonomous commercial vehicles

MAR 28, 2018

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1901 N. FORT MYER DRIVE • SUITE 500 • ARLINGTON, VA 22209-1604 • 703-351-8000 • FAX 703-351-9160

SUBJECT: *U.S. DOT Placards*

ISSUE: *Proper Placards for Split Loads of Gasoline and Diesel Fuel or Heating Oil*

PMAA CONTACT: *Mark S. Morgan, Regulatory Counsel – mmorgan@pmaa.org*

DATE: *July 16, 2015*

PROPER PLACARDING FOR SPLIT LOADS OF GASOLINE AND DIESEL FUEL OR HEATING OIL:

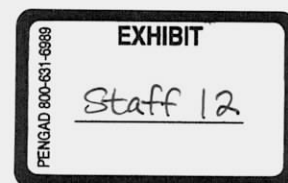
There have been numerous inquiries to PMAA about a recent letter from the U.S. DOT's Pipeline and Hazardous Material Safety Administration (PHMSA) explaining the marking exemption under 49 CFR 172.336(c) that allows operators of cargo tank shipments of gasoline and diesel fuel to placard the lowest flashpoint. The letter is not a new interpretation of the exemption but simply a written response to an inquiry from a local enforcement official. The letter explains that the only time an operator can placard a cargo tank vehicle to the lowest flash point is when both gasoline and petroleum distillates such as diesel fuel and heating oil are shipped *simultaneously* in a split load in separate compartments of the same cargo tank vehicle. The exemption *does not* apply to alternating straight loads of gasoline or diesel fuel shipped in separate delivery runs but in the same cargo tank vehicle. The letter reflects the plain language of PHMSA regulations as adopted in 2008 and is not subject to interpretation. PMAA sent out a notice of the change at the time it was announced back in 2008.

Confusion has arisen because PHMSA regulations at one time allowed operators to placard to the lowest flashpoint of gasoline (UN 1203) for straight loads of either gasoline or diesel fuel or heating oil (NA 1993). Thus, drivers were not required to change the UN 1203 placard at the terminal when switching loads from gasoline to diesel fuel or heating oil. The reason PHMSA allowed this exemption is because gasoline and diesel fuel emergency response procedures at the time were identical for both. However, with the advent of ethanol and biodiesel blends in motor fuels, emergency response procedures sometimes differ based on the content of the renewable fuel in the blend. As a result, in a 2008 rulemaking, PHMSA adopted the following placarding exemption and proper shipping names to address this difference:

Compliance:

Placards

- Placarding to the Lowest Flashpoint: Split loads of gasoline AND diesel fuel or heating oil in separate compartments of the SAME cargo tank shipment may be placarded to the lowest flash point (UN 1203).



- Straight loads of gasoline and diesel fuel shipped in alternating delivery runs must be placarded with the identification number associated with the fuel being shipped: either UN 1203 for gasoline or UN 1202 for diesel fuel.

Proper Hazardous Material Shipping Names

- **Diesel Fuel**
NA1993, Diesel Fuel
UN1202, Diesel Fuel
- **Fuel Oil**
NA 1993, Fuel Oil
UN 1202, Diesel Fuel
- **Biodiesel blends up to B-5**

NA 1993, Diesel Fuel
UN 1202, Diesel Fuel
UN 1202, Gas Oil
- **Biodiesel Blends over B-5**
NA 1993, Diesel Fuel Solution
UN 1202, Diesel Fuel Solution
UN 1202, Gas Oil Solution
- **Ethanol Blends up to E-10:**

UN 1203, Gasoline
- **Ethanol Blends over E-10 and up to E-20**

UN 3475, Ethanol and Gasoline Mixture
- **E-85 Ethanol Blends**

UN 3475, Ethanol and Gasoline Mixture
- **Alcohol with up to 5% Gasoline Content**

UN 1987, Alcohols
NA 1987, Denatured Alcohol
UN 3475, Ethanol and Gasoline Mixture, 3, PG II

Contact Mark S. Morgan, PMAA Regulatory Counsel at mmorgan@pmaa.org for questions or additional information.



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

AUG 03 2016

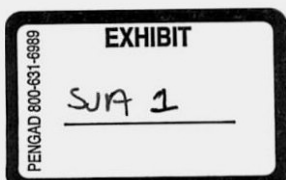
Ronald B. Swegheimer
Division Chief
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215

Ref. No. 16-0048

Dear Mr. Swegheimer:

This responds to your March 18, 2016 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requalification and maintenance of cargo tanks. In your email, you describe a Specification DOT 407 cargo tank equipped with vapor recovery equipment that is transporting "UN3295, Hydrocarbons, liquid, n.o.s." Your questions are paraphrased and answered as follows:

- Q1. Are all specification cargo tanks equipped with vapor recovery equipment allowed to use the EPA Method 27 leak test?
- A1. No. Only cargo tanks used to transport petroleum distillate fuels (defined in the test as a petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater which is used as a fuel for internal combustion engines) that are equipped with vapor collection equipment may be leak tested in accordance with the Environmental Protection Agency (EPA) "Method 27—Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test," as set forth in Appendix A to 40 CFR part 60.
- Q2. If a cargo tank with vapor collection equipment that has been tested in accordance with EPA Method 27 transports gasoline one time, is it authorized to carry other hazardous materials without being retested in accordance with § 180.407(h)(1)?
- A2. No. The authorization to perform the leak test in accordance with EPA Method 27 is only for cargo tanks that are in dedicated service for the transportation of petroleum distillate fuel.
- Q3. If a cargo tank is not operated in petroleum distillate fuel service but is equipped with vapor recovery equipment, is the vapor recovery equipment subject to the requirements in Part 180, Subpart E of the HMR?



- A3. The qualification and maintenance requirements in Part 180, Subpart E of the HMR apply to all specification cargo tanks. To be considered an authorized specification packaging, all applicable requirements in Part 180, Subpart E must be met for the particular cargo tank in question. However, there are no specific qualification and maintenance requirements or retesting requirements specific to vapor collection equipment, as it is not included in any cargo tank specification.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dirk Der Kinderen', is written over the printed name.

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division



Federal Motor Carrier Safety Administration

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Limitations on the use of the EPA Method 27 Test on DOT Specification Cargo Tank Motor Vehicles

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Use of EPA Method 27 Test_Final_11302016.pdf

The **Federal Motor Carrier Safety Administration (FMCSA)** is issuing this safety advisory to provide notice to owners, operators and Registered Inspectors of Cargo Tank Motor Vehicles (CTMVs) concerning the limitations on the EPA Method 27 Test when used in lieu of the Leakage Test on DOT Specification CTMVs. The EPA Method 27 Test may be used only on CTMVs with vapor recovery equipment and in dedicated petroleum distillate service.

EXHIBIT

SWA 2

PENGAD 800-631-6989

2-1-88

IPUC

[illegible]

FMCSA - PERIODIC INSPECTION

CONSTRUCTION
The service has proved to be popular to customers and C.F.A. has been able to handle the increased demand during the same period. In fact, the company has been able to handle the same amount of business in a shorter period of time.

NORTH DAKOTA TRUCK & TRAILER INC.

MONTH [8] - 2013

CARGO TANK INSPECTION
THIS CARGO TANK WAS SUCCESSFULLY COMPLETED THE TEST
AND INSPECTION CAPABILITY BY REQUIREMENTS OF 100.071

716
EXTERNAL
VISUAL
INSPECTION

716 K-EPA27

C.H. BRADSHAW CO.
614-471-2017
Columbus, Ohio City, Ohio
Rm 1/ CTM077

[illegible]

EXHIBIT

SUM

PENGAD 800-631-6989

Ciccarone
\$173.201
Packaging Spec
16-0048

Dodd, Alice (PHMSA)

From: Betts, Charles (PHMSA)
Sent: Friday, March 18, 2016 11:49 AM
To: Hazmat Interps
Subject: FW: Guidance request

Importance: High

Please log and assign to a specialist for response.

From: ronald.swegheimer@puc.state.oh.us [mailto:ronald.swegheimer@puc.state.oh.us]
Sent: Friday, March 18, 2016 11:11 AM
To: Betts, Charles (PHMSA)
Subject: Guidance request

March 18, 2016

Mr. Charles Betts, PHH-10
Office of Standards and Rulemaking
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Transportation of UN 3295, Hydrocarbons liquid n.o.s, 3, PG I in a DOT-407 cargo tank equipped with vapor recovery

Dear Mr. Betts:

I am requesting a written interpretation on the transportation requirements under the Hazardous Materials Regulations (HMR 49 CFR Parts 171-180). Specifically, clarification on the acceptability of using an Environmental Protection Agency Method 27 alternative leak test on a DOT 407 cargo tank equipped with vapor collection equipment.

A carrier using a DOT 407 cargo tank for the transportation of, UN3295, Hydrocarbons, liquid, NOS, 3, PGI, RQ (Hexane) has indicated to our Agency that the EPA Method 27 leakage test is acceptable since the cargo tank is equipped with a vapor recovery system. This was in response to a roadside vehicle inspection on January 14, 2016 citing the carrier for an improper leakage test.

The carrier contends to our agency that this test is acceptable for the above material because "the Method 27 K-EPA leakage test supersedes the K test based on the fact Method 27 K-EPA leakage test is required for vapor recovery system trailers. They are both the same leakage test but Method 27 K-EPA requires more."

In considering this, I reviewed the EPA Method 27 test procedures and the leakage test procedures in 49 CFR Part 180.407(h). According to my findings the EPA Method 27 test is performed at a much lower pressure and allows leakage versus the pressure of 80% of the tanks MAWP and no leakage allowed for a "standard" leakage test.

The nature of the materials transported in the cargo tank—petroleum distillate fuels—governs the use of the EPA Method 27 alternative leakage test. The DOT 407 cargo tank itself is approved for use in transporting many materials with a wide range of vapor pressures, not just low vapor pressure petroleum distillate fuels. Additionally many

companies have added vapor recovery systems to cargo tanks in an effort to reduce emissions or in some cases to protect the lading from contamination.

Guidance issued by PHMSA in July of 2011 indicated that *"Petroleum distillate fuel" is not specifically defined in the HMR (49 CFR Parts 171-180). However, the common definition of a petroleum distillate fuel is a hydrocarbon mixture extracted from crude oil through the distillation process and used to power vehicles or machinery. Further, EPA Method 27, Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure Vacuum Test applies to a "gasoline delivery tank which is equipped with vapor collection equipment" (EPA Method 27, Section 1.0 - Scope and Application). The term "gasoline" is defined in EPA Method 27, Section 3.6 to mean "a petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater which is used as a fuel for internal combustion engines."* It is PHMSA's opinion that EPA Method 27 may be used to satisfy the leakage test specified in § 180.407(h)(2) if a cargo tank is equipped with vapor collection equipment and has been used to transport "gasoline" as defined by EPA Method 27, Section 3.6". Additionally the guidance indicates if a "mixture meets the definition of "gasoline" in EPA Method 27, section 3.6, then it is also considered a petroleum distillate fuel for the purpose of § 180.407(h)(2)."

The carrier was transporting the material to an ethanol plant and has, as of yet, to contend that the material "is used as a fuel for internal combustion engines" just that the unit has a vapor recovery system and the "Method 27 K-EPA requires more."

The questions and answers as we see them regarding this issue are as follows;

Q1) Are all specification cargo tanks equipped with a vapor recovery system allowed to use the EPA Method 27 leak test?

A1) No, only cargo tanks equipped with a vapor recovery system transporting a mixture that meets the definition of "gasoline" in EPA Method 27, section 3.6, (petroleum distillate or petroleum distillate/alcohol blend which is used as a fuel for internal combustion engines) may utilize the test in 49 CFR§180.407(h)(2).

Q2) Previous PHMSA guidance has indicated that "if a cargo tank" ... equipped with vapor recovery system... "is used to transport gasoline one day and the next day ethanol with 5% gasoline the EPA method 27 test suffices for the leakage test required by the USDOT. Based on this if a cargo tank equipped with a vapor recovery system transports gasoline one time the rest of the time the cargo tank is in service it may utilize the EPA Method 27 test. Is this correct?

A2) No, the utilization of the EPA Method 27 was intended as a relief to cargo tanks operated in petroleum distillate fuel service. These cargo tanks were already required by the EPA to be subjected to a "leakage" test if transporting petroleum distillate fuels and the exception provided relief from dual testing. The guidance issued in 2011 was to address the use of alternative forms of distilled fuels for internal combustion engines.

Q3) If a cargo tank is not operated in petroleum distillate fuel service but is equipped with vapor recovery system, is the vapor recovery system subject to the requirements in Subpart E, Part 180, Qualification and Maintenance of Cargo Tanks?

A3) No, vapor recovery systems are not currently an equipment requirement for cargo tanks in Part 178 Specifications for Packages.

Thank you for your assistance in this matter.

Sincerely,
Ron Swegheimer

Ronald B. Swegheimer

Division Chief

Public Utilities Commission of Ohio

Transportation - Enforcement

Office: (614) 466-0423

Fax: (614) 728-2133

PUCO.ohio.gov





Safety Advisory: Limitations on the use of the EPA Method 27 Test in lieu of the Leakage Test on DOT Specification Cargo Tank Motor Vehicles.

The Federal Motor Carrier Safety Administration (FMCSA) is issuing this safety advisory to provide notice to owners, operators and Registered Inspectors of Cargo Tank Motor Vehicles (CTMVs) concerning the limitations on the EPA Method 27 Test when used in lieu of the Leakage Test on DOT Specification CTMVs. The EPA Method 27 Test may be used only on CTMVs with vapor recovery equipment and in dedicated petroleum distillate service.

Background:

49 CFR Section 180.407(h)(2) permits the use of the EPA Method 27 Test as a substitute for the leakage test for cargo tanks used to transport petroleum distillate fuels and equipped with vapor recovery equipment, as prescribed in Section 180.407(h)(1).

In interpretation No. 16-0048, the U.S. Department of Transportation (USDOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) states that to be eligible for the EPA Method 27 Test, the CTMV must be "...in dedicated service for the transportation of petroleum distillate fuel."

In this interpretation, PHMSA defined a petroleum distillate fuel as "defined in the test as a petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4 psi) or greater which is used as a fuel for internal combustion engines."

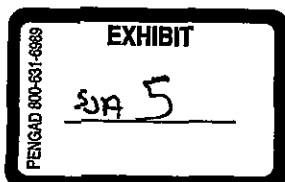
Examples of Fuels Meeting the Reid Vapor Pressure (RVP):

Gasoline (7.8 – 9 psi) and E-85 (7 – 12 psi) are petroleum distillate fuels for purposes of the EPA Method 27 Test. They meet the definition of a petroleum distillate and a CTMV used to transport these products in dedicated service is eligible to use the EPA Method 27 test. However, diesel fuel, biodiesel, ethanol, and methanol are not considered petroleum distillate fuels, and are not EPA Method 27 eligible.

Cautions:

Owners and operators of CTMVs that transport petroleum distillate fuels used to power internal combustion engines should:

- Verify the RVP of the product transported prior to deciding whether the EPA Method 27 test could be used in lieu of the leakage test.
- Ensure that the correct leakage test is performed on their cargo tank depending on which hazardous materials are being transported.



- Inform their Registered Inspectors of all of the hazardous materials that a CTMV has transported since the last test was completed, so the Registered Inspector can make the proper determination of what types of tests and inspections to perform.

For more information, concerning this Safety Advisory, please contact Vincent Babich, Transportation Specialist, Hazardous Materials Division, FMCSA, at (202)366-4871, or by email at vincent.babich@dot.gov.

RPMG

STRAIGHT BILL OF LADING

RPMG Inc 1157 Valley Park Drive Suite 100 Shakopee, MN 55379 PHONE: 9524653220 FAX: 9524653221	SHORT FORM - NON-NEGOTIABLE ETS NUMBER: 7030029018 BOL NUMBER: 25028465 ✓ LOAD START: 10/29/2015 06:13 LOAD STOP: 10/29/2015 06:39
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IN CASE OF EMERGENCY CALL: CHEMTREC (800)424-9300 RPMG INC # 18711. D.O.T. Emergency Response Information on Back.

MANUFACTURED AND SHIPPED FROM	METER DATA	GALLONS 7986
Guardian Lima LLC 2485 Houx Parkway Lima, OH 45804 5679409500 FAX: EPA Co # 3927 EPA Facility # 70448	Gross Net TOTALIZERS P1: 5945885 5892042 RACKID: Truck 2 - East	GROSS: 8006 NET: 7986 Temperature: 63.95 Transaction#: 8486
SOLD TO	ACCOUNT OF	
HUSKY MARKETING AND SUPPLY CO	HUSKY MARKETING AND SUPPLY CO DUBLIN, OH 43017	Customer PO: Customer Contract:
DESTINATION TERMINAL		PRODUCT DESCRIPTION
TEPCO Lebanon 2700 Hart Road Lebanon, OH 45036 Lebanon, OH	Contract No: S-OP2730	UN1987, Alcohols, n.o.s., 3, PGI (Ethanol, Gasoline) (Denatured with petroleum products in the range of 1.96% to 2.49%), Hazardous Materials One Truck

CERTIFICATE OF ANALYSIS -

Certificate of Analysis-This product meets or exceeds both Magellan specifications for ethanol and ASTM D 4806 Specifications

Specification	Method	Result	UOM	Specification	Method	Result	UOM
Ethanol	ASTM D5501	96.5	% volume				
Methanol	ASTM D5501	0.04	% volume				
Water	ASTM E 203 or E1064	0.955	% volume				
Acidity (as acetic acid)	ASTM D1613	0.0030	% mass				
pH	ASTM D6423	7.7					
Apparent Proof	Hydrometer	201					
Denaturant Content	Volumetric measure or D5501	2.21	% volume				
* Inorganic Chloride	ASTM D7319	<1.0	mg/L				
Existent sulfate	ASTM D7319	1.20	mass ppm				
* Copper	ASTM D1688	<0.05	mg/kg				
* Sulfur	ASTM D5453	<1	mass ppm				
* Solvent-washed gum	ASTM D381	<0.5	mg/100 ml				
# Benzene	ASTM D5580	0.00	% volume				
# Aromatics	ASTM D5580	0.01	% volume				
# Olefins	ASTM D6550	0.00	% volume				
Appearance	Visual	Clear and Bright					
Specific Gravity	ASTM D4052	.7900					
Corrosion Inhibitor		DCI-11 Plus					
Certified by/cert date		Tyler Welsh 10/29/15					
Tank		820					
Date of 3rd party lab test		03-09-15					

* 3rd party lab tested, # Denaturant meets CARB specs.

CARRIER INFORMATION	VEHICLE INFORMATION
CARRIER: SJA TRANSPORT DRIVER: DRIVER#:	Truck: 31 Trailer: 31

I verify that the quantities, label, and lot numbers are correct except as noted. This is to certify that the above named materials are properly classified described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation. Carrier hereby acknowledges that at the time of this shipment was offered for transportation, the shipper offered and or provided the required D.O.T. Hazardous Materials Placards.

DRIVER SIGNATURE

Employee Signature (If needed)

for Billy Nibel.

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
FINDLAY DISTRICT HEADQUARTERS
PHONE(419)421-5340 FAX(614)752-9274
RETURN CERTIFICATION TO AGENCY LISTED BELOW

Report Number: OH3249005878
Inspection Date: 12/23/2016
Start: 08:15 AM ET End: 8:45:00 AM ET
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk

SJA TRANSPORT INC
PO BOX 415
ROCKFORD, OH 45882

USDOT#: 01130578 Phone#: (419)363-2342
MC/MX#: 460655 Fax#:
State#:

Location: ROADSIDE/US30 MP 22
Highway: US30
County: ALLEN, OH

MilePost: 22 Shipper: GUARDIAN LIMA LLC
Origin: LIMA, OH Bill of Lading: 26029839
Destination: PITTSBURGH, PA Cargo: HAZ MAT (ALL)

Driver: CORR, CHRISTOPHER S
License#: TM709860 State: OH
Date of Birth: 02/06/1988
GoDriver:
License#:
Date of Birth:
State:

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	FRHT	2004	OH	PVT3613	26	1FUJA9CV44LM06549	52,000			
2	ST	FRUE	1992	OH	TNW1182	95	1H4T04429NL018503	68,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS: No Violations Were Discovered.

HazMat: 3 Flammable

Placard: Yes Cargo Tank: 306

Special Checks: No Data for Special Checks.

State Information:

FMCSA Credentials Verified(Y/N): Y; CDL Verified(Y/N): Y; FMCSA OOS Order Issued(Y/N): N; For-Hire Carrier: Y; Reason Code: 1988;
Fatalities(Y/N): N; Driver Address: 0000 HILLCREST DR; Driver City: LAKEVIEW; Driver State: OH; Driver Zip: 43331; Photos Taken(Y/N):
N; HM Safety Permit Verified(Y/N): Y; Loaded by Carrier(Y/N): N; Loaded by Shipper(Y/N): Y; Ship Docs Prep by Carrier(Y/N): N; Ship Doc
Prep by Shipper(Y/N): Y; Haz Class A: 3; ID # A: UN1987; Packing Group A: II; Gross Weight A: 8000 GAL; RQ (A): N; HW (A): N;

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature Of Repairer X:

Facility:

Date:

All violations of the FMCSA and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUOC's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, TASC - 4th floor, 180 E. Broad St. Columbus, OH 43216-3789 -OR- Fax (614) 762-9274 within 16 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000. If you have any questions, please contact (614) 466-0428.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature Of Motor Carrier X:

Title:

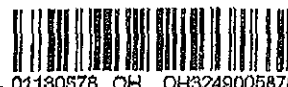
Date:

Report Prepared By:
T E HUFF

Badge #:
3249

Copy Received By:
CHRISTOPHER CORR

Page 1 of 1



01130578 OH OH3249005878

EXHIBIT

SJA 6

SJA000017



STRAIGHT BILL OF LADING

RPMG Inc 1157 Valley Park Drive Suite 100 Shakopee, MN 55379 PHONE: 9524653220 FAX: 9524653221		SHORT FORM - NON-NEGOTIABLE ETS NUMBER: 7030030157 BOL NUMBER: 25029839 LOAD START: 12/23/2015 06:54 LOAD STOP: 12/23/2015 07:20	
IN CASE OF EMERGENCY CALL: CHEMTREC (800)424-9300 RPMG INC # 18711. D.O.T. Emergency Response Information on Back.			
MANUFACTURED AND SHIPPED FROM		METER DATA	GALLONS 8000
Guardian Lima LLC 2485 Houx Parkway Lima, OH 45804 5679409500 FAX: EPA Co # 3927 EPA Facility # 70448		Gross Net TOTALIZERS P1: 10498491 10443067 RACKID: Truck 2 - East	GROSS: 8000 NET: 8008 Temperature: 58.33 Transaction#: 9051
SOLD TO		ACCOUNT OF	
SUNOCO LLC			Customer PO: Customer Contract:
DESTINATION TERMINAL			PRODUCT DESCRIPTION
Sunoco Logistics Partners-Pittsburgh,PA 5733 Butler Street Pittsburgh, PA 15201 Pittsburgh, PA		Contract No: S-FP3359	UN1987, Alcohols, n.o.s., 3, PGII (Ethanol,Gasoline) (Denatured with petroleum products in the range of 1.96% to 2.49%), Hazardous Materials One Truck
CERTIFICATE OF ANALYSIS - Certificate of Analysis-This product meets or exceeds both Magellan specifications for ethanol and ASTM D 4806 Specifications			
Specification	Method	Result	UOM
Methanol	ASTM D4501	0.03	% volume
Acidity (as acetic acid)	ASTM D1613	.0036	% mass
Apparent Proof	Hydrometer	200	
* Inorganic Chloride	ASTM D7319	<1.0	mg/L
* Copper	ASTM D1688	<0.05	mg/kg
* Solvent-washed gum	ASTM D381	<0.5	mg/100 mL
# Aromatics	ASTM D5580	0.00	% volume
Appearance	Visual	Clear and Bright	
Corrosion Inhibitor		DCF-11 Plus	
Tank		820	
* 3rd party lab tested, # Denaturant meets CARB specs.			
CARRIER INFORMATION		VEHICLE INFORMATION	
CARRIER: SJA TRANSPORT DRIVER: DRIVER#:		Truck: 26 Trailer: 95	

I verify that the quantities, label, and lot numbers are correct except as noted. This is to certify that the above named materials are properly classified described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation. Carrier hereby acknowledges that at the time of this shipment was offered for transportation, the shipper offered and or provided the required D.O.T. Hazardous Materials Placards.

DRIVER SIGNATURE

Employee Signature (if needed)

EXHIBIT

SJA 8

PENGLAD 800-631-8868

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17

OHIO STATE HIGHWAY PATROL
Motor Carrier Enforcement
Cleveland District
TELEPHONE: (330) 433-6210
Return certification to agency listed below

Report Number: OH1663003908
Inspection Date: 06/02/2016
Start: 01:35 PM ET End: 2:25:00 PM ET
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk

SJA TRANSPORT INC
PO BOX 415
ROCKFORD, OH 45882
USDOT#: 01130578 Phone#: (419)363-2342
MC/MX#: 460655 Fax#:
State#:
Location: WADSWORTH SCALES
Highway: IR76
County: MEDINA, OH

Driver: PINDELL, TRAVIS L
License#: RR673823 State: OH
Date of Birth: 03/05/1976
CoDriver:
License#: State:
Date of Birth:
Shipper: RPMG
Bill of Lading: 25033232
Cargo: HAZ MAT (ALL)

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	FRHT	2007	OH	PVT6666	30	1FUJA6CV87LX34835	52,000			
2	ST	FRUE	1990	OH	PTX9068	31	1H4T04421LL011302	68,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS: No Violations Were Discovered.

HazMat: 3 Flammable

Placard: Yes **Cargo Tank:** 306

Special Checks: No Data for Special Checks.

State Information:

FMCSA Credentials Verified(Y/N): Y; ODL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N; For-Hire Carrier: Y; Reason Code: ISSS;
Driver Address: 12379 SMITH RD; Driver City: ROCKFORD; Driver State: OH; Driver Zip: 45882; Photos Taken (Y/N): N; HM Safety
Permit Verified(Y/N): Y; Loaded by Carrier (Y/N): N; Loaded by Shipper (Y/N): Y; Ship Docs Prep by Carrier(Y/N): N; Ship Doc Prep by
Shipper(Y/N): Y; Haz Class A: 3; ID # A: UN1987; Packing Group A: II; Gross Weight A: RESIDUE;

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature Of Repairer X: _____ Facility: _____ Date: _____

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, TASD - 4th floor, 180 E Broad St, Columbus, OH 43216-3793 -OR- Fax (614) 762-8274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000. If you have any questions, please contact (614) 466-0429.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
PHILLIP MELJOAN

Badge #:
1663

Copy Received By:
TRAVIS PINDELL

Page 1 of 1



SJA000019

EXHIBIT

SJA 9

PENGAD 800-631-6986

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17

OHIO STATE HIGHWAY PATROL
Motor Carrier Enforcement
District 3 Cleveland
TELEPHONE: (330) 433-6210
Return certification to agency listed below

Report Number: OH0187000176
Inspection Date: 08/01/2018
Start: 02:50 PM ET End: 3:45:00 PM ET
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk

SJA TRANSPORT INC
PO BOX 415
ROCKFORD, OH 45882
USDOT#: 01130578 Phone#: (419)363-2342
MC/MX#: 480655 Fax#:
State#:
Location: WADSWORTH SCALES
Highway: IR76
County: MEDINA, OH

Driver: HUGHES, JOSHUA L
License#: RN768055 State: OH
Date of Birth: 07/23/1962
CoDriver:
License#:
Date of Birth:
Shipper: RPMG
Bill of Lading: 7030034841
Cargo: HAZ MAT (ALL)

MilePost: 5
Origin: DELMONT, PA
Destination: LIMA, OH

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	FRHT	2008	OH	PVN4988	22	1FUJF0CV96LN73568	52,000			Y
2	ST	FRUE	1990	OH	TPX9068	31	1H4T04421LL011302	88,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.75A	393.75(a)	1	Y		U	N	Flat tire or fabric exposed: #3 INSIDE LEFT ON TRUCK
393.11TL	393.11	1	N		N	N	Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997: NONE ON TRUCK FLAPS

HazMat: 3 Flammable

Placard: Yes Cargo Tank: 306

Special Checks: No Data for Special Checks.

State Information:

FMCSA Credentials Verified(Y/N): Y; CDL Verified(Y/N): Y; FMCSA OOS Order Issued(Y/N): Y; For-Hire Carrier: Y; Reason Code: OBVI;
Driver Address: 1120 WEST ST; Driver City: LIMA; Driver State: OH; Driver Zip: 45801; Co-Investigator #: 1663; HM Safety Permit
Verified(Y/N): Y; Loaded by Carrier(Y/N): Y; Loaded by Shipper(Y/N): N; Ship Docs Prep by Carrier(Y/N): N; Ship Doc Prep by
Shipper(Y/N): Y; Haz Class A: 3; ID # A: UN1987; Packing Group A: III; Gross Weight A: 8003 GAL;

* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 386.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature Of Repairer X: _____ Facility: _____ Date: _____

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ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, T&SD - 4th floor, 180 E Broad St, Columbus, OH 43215-3793 -OR- Fax (614) 762-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000. If you have any questions, please contact (614) 466-0429.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature Of Motor Carrier X: _____

Title: _____

Date: _____

Report Prepared By:

J DRAKE

Badge #: 0187

Copy Received By: JOSHUA HUGHES

Page 1 of 1

EXHIBIT

SJA 10

SJA000021

Scanned by CamScanner

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17

Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone: (614)466-0429 Fax: (614)752-9274

Report Number: OH9432300992
Inspection Date: 10/29/2015
Start: 09:33 AM ET End: 10:27:26 AM ET
Inspection Level: I - Full
HM Inspection Type: Bulk

SJA TRANSPORT INC
PO BOX 416
ROCKFORD, OH 45882
USDOT#: 01130578 Phone#: (419)363-2342
MC/MX#: 460655 Fax#:
State#:

Driver: NICHOLS, BILLY H
License#: RH918443 State: OH
Date of Birth: 02/27/1976
CoDriver:
License#: State:
Date of Birth:

Location: WILMINGTON SCALES NB
Highway: IR71
County: CLINTON, OH

MilePost: 49 Shipper: GUARDIAN LIMA LLC
Origin: LIMA, OH Bill of Lading: 25028465
Destination: LEBANON, OH Cargo: HAZ MAT (ALL)

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	FRHT	2007	OH	PVT6888	31	1FUJA6CV57DX24676	80,000	21822862	22218005	
2	ST	FRUE	1989	OH	TPX9068	31	1H1404421LL01302			22218006	

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	1 1/2	3/4	1 3/4	1 1/4	1
Left	1 1/2	3/4	1 3/4	1 1/4	1
Chamber	C-20	L-30	L-30	L-30	L-30

VIOLATIONS: No Violations Were Discovered.

HazMat: 3 Flammable

Placard: Yes **Cargo Tank:**

Special Checks: No Data for Special Checks.

State Information:

FMCSA Credentials Verified (Y/N): Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued (Y/N): N; For-Hire Carrier: Y; Reason Code: ISS;
Crash Report #: N; Supplemental Report #: N; Paper Report #: N; Driver Address: 2145 N DIXIE HWY LOT 88; Driver
City: LIMA; Driver State: OH; Driver Zip: 45801; Photos Taken (Y/N): N; Orig Seal Placed by (C/D/S/U): N; Co-Investigator #: N; HM Safety
Permit Verified (Y/N): N; Loaded by Carrier (Y/N): N; Loaded by Shipper (Y/N): Y; Ship Docs Prep by Carrier (Y/N): N; Ship Doc Prep by
Shipper (Y/N): Y; Haz Class A: 3; ID # A: 1987; Packing Group A: II; Gross Weight A: RES;

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature Of Repairer X:

Facility:

Date:

All violations of the FHM and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the FUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

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Signature Of Motor Carrier X:

Title:

Date:

Report Prepared By:
MIKE HINES

Badge #:
9432

Copy Received By:
BILLY NICHOLS

Page 1 of 1



01130578 OH OH9432300992

EXHIBIT

d by CamScanner

SJA 11

SJA000028

Belna Petroleum

From: robert.barrett@puco.ohio.gov
Sent: Thursday, January 05, 2017 1:08 PM
To: Belna
Subject: 2016 EPA Method 27 guidance-interp
Attachments: 2016 interp - EPA 27 +.pdf

Rob,

I received this this afternoon. It appears all CT will need the additional leak test ASAP unless dedicated to gasoline service.

Robert J. Barrett

Robert J. Barrett

Public Utilities Commission of Ohio
Transportation Enforcement Division
Hazardous Materials Specialist II

Cell (419)-236-2130
Fax (614)-728-4527

PUCO.ohio.gov

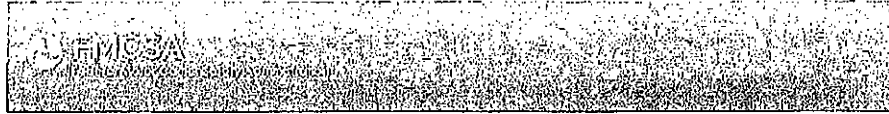


This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

*Check the DATA
compared to
CITATION*

EXHIBIT

SJA 13



Safety Advisory: Limitations on the use of the EPA Method 27 Test in lieu of the Leakage Test on DOT Specification Cargo Tank Motor Vehicles.

The Federal Motor Carrier Safety Administration (FMCSA) is issuing this safety advisory to provide notice to owners, operators and Registered Inspectors of Cargo Tank Motor Vehicles (CTMVs) concerning the limitations on the EPA Method 27 Test when used in lieu of the Leakage Test on DOT Specification CTMVs. The EPA Method 27 Test may be used only on CTMVs with vapor recovery equipment and in dedicated petroleum distillate service.

Background:

49 CFR Section 180.407(h)(2) permits the use of the EPA Method 27 Test as a substitute for the leakage test for cargo tanks used to transport petroleum distillate fuels and equipped with vapor recovery equipment, as prescribed in Section 180.407(h)(1).

In interpretation No. 16-0048, the U.S. Department of Transportation (USDOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) states that to be eligible for the EPA Method 27 Test, the CTMV must be "...in dedicated service for the transportation of petroleum distillate fuel."

In this interpretation, PHMSA defined a petroleum distillate fuel as defined in the test as a petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4 psi) or greater which is used as a fuel for internal combustion engines.

Examples of Fuels Meeting the Reid Vapor Pressure (RVP):

Gasoline (7.8 – 9 psi) and E-85 (7 – 12 psi) are petroleum distillate fuels for purposes of the EPA Method 27 Test. They meet the definition of a petroleum distillate and a CTMV used to transport these products in dedicated service is eligible to use the EPA Method 27 test. However, diesel fuel, biodiesel, ethanol, and methanol are not considered petroleum distillate fuels, and are not EPA Method 27 eligible.

~~BVT: CTMVs with RVP of 2.3 psi or less~~

Cautions:

Owners and operators of CTMVs that transport petroleum distillate fuels used to power internal combustion engines should:

- Verify the RVP of the product transported prior to deciding whether the EPA Method 27 test could be used in lieu of the leakage test.
- Ensure that the correct leakage test is performed on their cargo tank depending on which hazardous materials are being transported.

BULKTRANSPORTER™

WHAT'S IN PRINT

REGULATIONS

FMCSA officials attempt to explain, clarify the EPA Method 27 Test

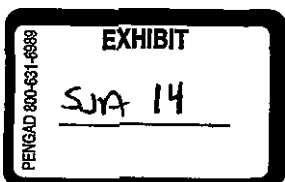
Mar 02, 2018

SUZANNE Rach and David Ford of the Federal Motor Carrier Safety Administration (FMCSA) made a presentation during the 2017 Tank Truck Week that was designed to answer what they say is the most-asked question: Can you do an Environmental Protection Agency (EPA) Method 27 Test in lieu of a leakage test?

They faced some pushback from attendees who either didn't understand it or didn't agree with it.

Rach and Ford started by presenting a video to explain the Method 27 Test, which is designed to determine the vapor tightness of cargo tank motor vehicles (CTMVs) designed to haul gasoline and other petroleum-based products.

Three parts make up the test: an internal pressure test; internal vapor valve test; and internal vacuum test.



The pressure and vacuum test are similar in nature. Both require two consecutive runs, with final readings being within one-half inch water pressure of each other. The internal vapor valve test is performed one time.

The most common measurement device is a water manometer, which is a U-shaped tube half-filled with water.

From the video:

“For a tank to pass the Method 27 internal pressure test, it must make two consecutive runs that are within one-half inch water pressure. The average of two tests must meet the criteria for the capacity of the vessel. The average of the two pressure tests performed on a cargo tank with a capacity of 2,500 gallons or more must not exceed one inch water pressure. The internal vapor valve test is performed once and the maximum allowable increase in a tank’s manifold pressure is five inches water pressure.

“The internal vacuum test must meet the same criteria as the internal pressure test. Two consecutive runs must agree within one-half inch water pressure. The average of two consecutive test runs must comply with the allowable pressure and vacuum changes for the capacity of the tank.

“Each test is performed for a duration of five minutes. Pressure and vacuum readings are recorded at the beginning and end of the test time. Existing vapors and the internal temperature of the tank can affect the initial test pressure readings. Be sure to ask if the tank’s volatile vapors have been removed and the tank’s temperature allowed to stabilize to the testing environment. Some shops allow the trailer to sit a full hour inside the facility in order to stabilize.

“The inspector begins the procedure by attaching a static ground connection to the tank. He then verifies the tank compartments are empty by draining any remaining liquid into a metal bucket. Plastic buckets cannot be used for this test because a plastic bucket can carry static to the ground charge. Once the inspector has drained all compartment valves, he opens all internal valves between compartments. This allows the tank to be pressurized as a single unit.

“After connecting the test equipment to the vapor recovery line, the inspector proceeds to the top of the tank to check the assemblies. Typically the inspector will check the assemblies to make sure they have a proper seal. He makes sure the pressure vacuum valves are in working order and, using a cup of dark liquid such as coffee, checks overfill probes. When the probe touches the dark liquid, the probe will register a green light on the system down below. Some facilities may use an externally connected test instrument for this check. Inspectors may begin the Method 27 Test procedure by performing a drag run pressure test. A majority of any potential leaks will be found during this phase. This allows repairs to be made and then the test can be run consecutively with success.

“The inspector should verify that his measurement device is calibrated correctly. Once this is done, he begins adding pressure to the tank slowly. The inspector puts more air pressure into the tank to allow settling to occur. Once the tank is pressurized, the inspector will let the tank settle to ensure that pressure is equalized throughout the vessel. The air pressure inside the tank must be at a minimum of 18 inches water. Once the tank is settled, the beginning test time is noted and the inspector records the initial test pressure. After five minutes, the test pressure is recorded, the tank purged of air, and the test performed a second time. The tank must successfully pass two consecutive runs of the test. If the tank fails a second test, a minimum of two more tests must be performed to meet the test standard. The facility is

allowed to perform several runs of the test to meet the requirements. Some facilities may choose to perform the internal vapor value test next.

“Once the air pressure is released from the manifold, the inspector is looking for a pressure increase of no more than five inches water pressure. If the vessel passes the vapor valve test, the inspector will proceed to the vacuum test.

“To prepare for the vacuum test, the inspector must reopen the internal vapor valves and clean out the air pressure still inside the tank. The vacuum test requires the tank to be evacuated to a minimum of six inches water. The tank must settle for a few minutes in order to equalize internally. Once settled, the inspector notes the time, records the vacuum pressure, and waits for the required five minutes. At the end of the five-minute test, the inspector records the vacuum pressure readings and repeats the test. Like the pressure test, the tank must successfully pass two consecutive runs of the vacuum test with results within one-half inch water pressure. The facility can perform multiple runs of the test to meet the requirements. At the end of the second vacuum test, the inspector records the vacuum pressure. If the measurements fall within the acceptable criteria, the test is complete.”

Ford said that carriers must make sure cargo tank maintenance shops doing the Method 27 Test also check the internal valve, or those rare tanks with external valves.

“Those have to be tested for leak tightness during the leak test,” he said. “The Method 27 Test has nothing to do with the internal valve. And there are different ways of doing that, depending on what kind of tank you have, but you have to make sure the internal valves are being leak-tested as well. The standard leakage test is 80% of the MAWP—the maximum allowable working pressure of the tank.

“It’s important to understand what is being tested for with the EPA Method 27 Test. The inspector is looking at the vapor recovery system. Leaking cargo tanks are not their problem. They’re the Department of Transportation’s (DOT’s) problem. So it’s a completely different test. It was never intended to test the leak tightness of the tank. It’s intended to test the leak tightness of the vapor recovery system. So the static pressure on gasoline is at least 1½. So I’ve had a lot of shops tell me that they put their tanks through the EPA Method 27 Test. The next day, they put gasoline in it and all of sudden got leaks that the Method 27 Test didn’t find. The reason is that it’s only about a half a pound of pressure. They’re testing the vapor recovery system. They’re not worried about the integrity of the cargo tank wall.

“EPA and DOT are very different in their philosophy about regulations. DOT says hazmat regulations apply across the country, intrastate and interstate, and that their regulations are essentially supreme. You can’t have anything that’s substantially different.

“EPA takes a different philosophy. They say, ‘Well, these are our standards, but if you want to change them a bit for your state purposes, that’s fine.’ Many states have an EPA Method 27 test that is different than what’s spelled out in CFR 40. So your tester should be checking the state test during that federal test. For our purposes, for DOT purposes, you have to use the one in Part 40. If a state has a different process for Method 27, you have to do ours and EPA’s to meet the federal standard and you’ve got to do the state’s to meet theirs. That’s a common issue people are not aware of and are not doing. They just do the state test and don’t even look at EPA’s test.”

When can the Method 27 Test be done? He said it has to be for a cargo tank that transports petroleum distillate fuels and must have a vapor recovery system.

“Most people, when you say ‘petroleum distillate,’ think you’re talking about something made from crude oil,” he said. “PHMSA came out with an interpretation a year ago, and it’s important to understand that FMCSA does not write hazmat regulations. The Pipeline and Hazardous Materials Safety Administration (PHMSA) writes them for air, water, rail, and highway. We enforce them as they apply to highway transportation. PHMSA came out with an interpretation.”

For the purposes of the Method 27 Test what is a petroleum distillate fuel and what is meant by “dedicated service”?

“PHMSA said, ‘Well, this is an EPA Method 27 test. We are just adopting EPA’s test,’ ” he said. “What does EPA call a petroleum distillate fuel? EPA considers it completely different than what most people or DOT would consider petroleum distillate fuel.

“The first thing is, dedicated means if you haul one load of something that does not meet the definition of petroleum distillate fuel, you must use the standard leakage test. So EPA defines petroleum distillate fuel based on Reid vapor pressure. You’ve got to have Reid vapor pressure of 4 psi or more. It has nothing to do with whether or not it’s made from crude oil. It’s strictly on Reid vapor pressure.

“So if you Google Reid vapor pressure for various chemicals, you come up with: gasoline, we’re good, 385, we’re good; ethanol, we’re good. The big one there is diesel. Diesel is not considered a petroleum distillate fuel for the purposes of the Method 27 Test because it generally has a very low Reid vapor pressure. So if you haul one load of diesel in a year in that cargo tank, you must do the standard leakage test. You cannot use the Method 27 in lieu of DOT’s leakage test requirement.”

Ford said if you have a spec cargo tank and you haul nothing but water with it and that spec plate is visible, you are still subject to the regulation because you are representing that as a specification cargo tank.

“Whether or not it hauls hazmat is immaterial,” he said. “It still has to be tested in accordance with the regulations. PHMSA is saying petroleum diesel is not a petroleum distillate for the purposes of Method 27. You have to use the regular leakage test.

“I agree: a spec tank is a spec tank. But it has to be tested with accordance of Part 180. The Method 27 Test is an exception to the leakage test requirements. So PHMSA said, ‘Hey, we’re putting all this burden on the industry. We know EPA has this other test. We’re going to accept it for the purposes of the leakage test.’ So they went back to EPA and said, ‘Well, what is a petroleum fuel?’ And EPA said they considered petroleum distillate fuels are authorized to use the Method 27 Test. And PHMSA said you have to be in dedicated service in a petroleum distillate fuel. If it’s not a dedicated service, you must use the standard leakage test.”

When a Tank Truck Week attendee suggested that it would be very helpful if PHMSA would take another look at the definition of “dedicated,” Ford said: “We realize this is a hot issue. Our agency is not enforcing this. This has been out there for a year. We have not taken action. Now I know some states are enforcing it, but we’re not. We’ve been doing this educational thing and trying to tell shops and carriers. This is a 180-degree turn. This is a big change in how we’ve done business.

“I’ve heard rumblings that the industry is going to petition for a rulemaking on this. We’re just the messengers. We’re just telling you, ‘This is what PHMSA says. If this stands, we are going to start enforcing it this way.’ States are already enforcing it.”

Other topics Ford discussed:

- *Bobtail trucks*. “If it doesn’t have a vapor recovery, you can’t do the Method 27 Test. This is a fairly common violation. You see this on DOT407s and MC307s a lot. Some bobtails have vapor recovery and some don’t. If it doesn’t have a vapor recovery, you cannot use the Method 27 Test.”
- *Manometer*. “You can make all the homemade stuff you want. You can get store-bought stuff. Whatever works. As long as it measures correctly and you get good pressure, we’re fine with that.”
- *Leaks*. “If you find leaks, those have to be repaired. I had a shop ask me, ‘It can leak a little bit, right?’ No, it can’t leak a little bit. Can’t leak period.”

Source URL: <http://www.bulktransporter.com/regulations/fmcsa-officials-attempt-explain-clarify-epa-method-27-test>