

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of **SJA Transport, Inc.**, :
Notice of Apparent Violation and Intent to : Case No. **17-0779-TR-CVF**
Assess Forfeiture. :
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In the Matter of **SJA Transport, Inc.**, :
Notice of Apparent Violation and Intent to : Case No. **17-1199-TR-CVF**
Assess Forfeiture. :
: :
:

**PREFILED TESTIMONY
OF
RONALD B. SWEGHEIMER
TRANSPORTATION DEPARTMENT
PUBLIC UTILITIES COMMISSION OF OHIO**

STAFF EX. ____

April 20, 2018

1 1. Q. Please state your name and business address.

2 A. My name is Ronald B. Swegheimer. My business address is 180 East Broad
3 Street, Columbus, Ohio, 43215.
4

5 2. Q. By whom and in what capacity are you employed?

6 A. I am employed by the Public Utilities Commission of Ohio (PUCO) as a
7 Systems Administrator 3, Chief of Transportation Enforcement.
8

9 3. Q. How long have you been in your present position?

10 A. I have been in my present position for four years and ten months. Prior to
11 my promotion to Chief of Transportation Enforcement, I was a Hazardous
12 Materials Specialist for 23 years and six months.
13

14 4. Q. What are your responsibilities in your current position?

15 A. In my current position, I am responsible for administering the
16 Transportation Department's motor carrier enforcement activities including
17 Compliance Reviews, New Entrant Safety Audits and Driver-Vehicle
18 Inspections, and other department activities.
19

20 5. Q. Will you describe briefly your educational and business background?

21 A. I received a Bachelor of Arts degree in Political Science from Muskingum
22 College in 1982. Prior to joining the Commission Staff, I worked in

1 various roles for the Overnite Transportation Company, including
2 supervisory and managerial responsibilities.
3

4 6. Q. What training have you received, and what certifications do you hold, with
5 respect to the enforcement of Motor Carrier Safety and Hazardous
6 Materials regulations?

7 A. I am certified by the U.S. Department of Transportation (USDOT), Federal
8 Motor Carrier Safety Administration (FMCSA) to do all Levels of Driver-
9 Vehicle inspections and Hazardous Materials Inspections. I am an
10 instructor for the FMCSA National Training Center for Hazardous Material
11 Cargo Tank and Hazardous Material Other Bulk Packaging courses.
12

13 I am also certified to conduct International Maritime Dangerous Goods and
14 Transport Canada compliant commercial motor vehicle shipments. I am a
15 certified Level VI (Transuranic and Highway Route Controlled Quantities
16 of Radioactive Materials) inspector.
17

18 I previously held certifications for conducting Compliance Reviews and
19 New Entrant Safety Audits (FMCSA), as well as certification from the
20 Federal Railroad Administration for Hazardous Material Rail Inspections
21 and high level radioactive material inspections from US Department of
22 Energy.

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7. Q. Do you have any experience inspecting cargo tank trucks?

A. Yes. I have over 28 years of experience as a certified Hazardous Materials Cargo Tank inspector, and 15 years as a Hazardous Materials Cargo Tank Inspection instructor.

8. Q. Have you previously provided testimony before the Public Utilities Commission of Ohio?

A. Yes, I have provided testimony on numerous occasions.

9. Q. What is the purpose of your testimony in this proceeding?

A. The purpose of my testimony is to discuss regulations pertaining to cargo tank testing and how they apply to these cases

10. Q. Have you reviewed the Commission’s files pertaining to the two cases that are at issue in this hearing?

A. I have.

11. Q. Were the violations discovered in the two inspections the same?

A. No. The inspection that occurred on December 30, 2016 found only one violation, of 49 C.F.R. 180.415(b). The February 21, 2017 inspection also

1 found a violation of that section, but found other violations, as well. I am
2 only addressing the Section 180.415(b) violations.

3
4 12. Q. What does Section 180.415(b) require?

5 A. Section 180.415(b) requires that “each cargo tank must be durably and
6 legibly marked, in English, with the date (month and year) and the type of
7 test or inspection performed,” subject to certain provisions.

8
9 13. Q. Are any of those provisions applicable in these cases?

10 A. Yes. Section 180.415(b)(3) specifies how certain tests may be abbreviated.
11 Subparagraph (vi) of that section permits the marking “K” for leakage tests
12 on a cargo tank tested under Section 180.407, and “K-EPA27” for a cargo
13 tank tested under Section 180.407(h)(2) after October 1, 2004. K-EPA27 is
14 sometimes referred to as the EPA Method 27 Test.

15
16 14. Q. Have cargo tanks used to transport petroleum distillate fuels and equipped
17 with vapor recovery equipment always been permitted to use the K-EPA27
18 test instead of the annual leakage test required by the Hazardous Materials
19 Regulations?

20 A. No. Section 180.415 was amended in 2003 to permit cargo tanks equipped
21 with vapor recovery equipment and used to transport petroleum distillate
22 fuels to use the K-EPA27 test.

1 15. Q. How were the cargo tanks in these cases marked?

2 A. In both cases the cargo tanks were marked as “K-EPA27.”

3

4 16. Q. Was the K-EPA27 test the appropriate test to have been performed for the
5 cargo tanks in these cases?

6 A. No. Section 180.407(h)(2) permits the use of the EPA Method 27 Test as a
7 substitute for the leakage test for cargo tanks used to transport petroleum
8 distillate fuels and equipped with vapor recovery equipment. According to
9 the U.S. Department of Transportation (USDOT), Pipeline and Hazardous
10 Materials Safety Administration (PHMSA), a cargo tank must be “in
11 dedicated service for the transportation of petroleum distillate fuel” in order
12 to be eligible for the EPA Method 27 Test in lieu of a K leakage test.
13 According to Staff witness Andrew Conway, neither of the tanks in this
14 case were transporting petroleum distillate fuel.

15

16 17. Q. Did you find a definition of “petroleum distillate fuel” as that phrase is used
17 in 49 CFR 180.407 (h)(2)?

18 A. No. Staff witness Andrew Conway discusses the definition of petroleum
19 distillate fuel, and explains why the material contained in the cargo tanks in
20 this case were not petroleum distillate fuels.

21

22 18. Q. Does this conclude your testimony?

1 A. Yes.

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing Prefiled Testimony of Ronald Swegheimer was served via e-mail, upon the following parties of record, this 20th day of April, 2018.

/s/Werner L. Margard III

Werner L. Margard III

Assistant Attorney General

Parties of Record:

Timothy J. Cole
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, OH 43215
tjcole@vorys.com

Attorney for SJA Transport, Inc.

Attorney Examiner:

James M. Lynn

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Summary: Testimony of Ronald B. Swegheimer electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO