

**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
ANDREW CONWAY**
SITING, EFFICIENCY, AND RENEWABLE ENERGY DIVISION
RATES AND ANALYSIS 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 Andrew Conway. My business address is 180 E. Broad Street,
3 Columbus, Ohio 43215.

4

5 2. Q. By whom are you employed?

6 A. I am employed by the Public Utilities Commission of Ohio (Commission).

7

8 3. Q. Please describe your job title and duties?

9 A. I am employed as an Engineering Specialist in the Siting, Efficiency, and
10 Renewable Energy Division of the Rates and Analysis Department. In this
11 position, I review technical issues associated with energy efficiency and
12 renewable energy applications, assigned areas in Applications for a
13 Certificate of Environmental Compatibility and Public Need to construct
14 major utility facilities and economically significant wind farms, and other
15 duties.

16

17 4. Q. Would you briefly state your educational background and work history?

18 A. I have a Bachelor of Science degree in Chemical Engineering and minor in
19 Chemistry from the University of Toledo. I am also a registered professional
20 engineer in the State of Ohio. From 2001 to 2009, I was employed by the
21 Ohio Environmental Protection Agency as an environmental specialist.

1 From 2009 to present, I have been employed in my current position at the
2 Commission.

3
4 5. Q. Have you previously testified before the Public Utilities Commission?

5 A. Yes, on numerous occasions.
6

7 6. Q. What is the purpose of your testimony in this case?

8 A. I am testifying in support of the Staff recommendation that the Commission
9 should assess a civil forfeiture against SJA Transport, Inc. in these cases.
10

11 7. Q. What is your analysis of the Driver / Vehicle Examination Reports were
12 issued to SJA Transport, Inc. on December 30, 2016 and February 21, 2017?

13 A. I reviewed the Driver / Vehicle Examination Reports and found that SJA
14 Transport, Inc. improperly marked its cargo tanks with an alternative test that
15 was not applicable to transporting ethanol in those cargo tanks. I reviewed
16 49 CFR 180.407 (h)(2) which allows the use of an alternative cargo tank test
17 “EPA Method 27” if the cargo tank satisfies the following conditions: (1) the
18 cargo tank is used to transport petroleum distillate fuels and (2) the cargo
19 tank is equipped with vapor collection equipment. In both instances, SJA
20 Transport, Inc. was transporting ethanol. Ethanol is not a petroleum distillate
21 fuel.
22

1 8. Q. Did you find a definition of petroleum distillate fuel as mentioned in 49 CFR
2 180.407 (h)(2)?

3 A. No. Petroleum distillate fuels does not seem to be explicitly defined in Titles
4 40 or 49 of the Code of Federal Regulations.

5
6 9. Q. Is ethanol a petroleum distillate fuel?

7 A. No. Ethanol is not a petroleum distillate fuel. Ethanol is derived from plants,
8 normally corn, whereas petroleum distillate fuels are refined crude oil
9 products. Ethanol has a distinct boiling point, whereas petroleum distillates
10 are mixtures of multiple chemicals and have a range of boiling points.
11 Ethanol has a higher density, a lower energy content, and a higher hydrogen-
12 carbon ratio than gasoline, a known petroleum distillate fuel.

13

14 10. Q. Did you review the alternative cargo tank test known as EPA Method 27?

15 A. Yes. I reviewed the protocol for the cargo tank test “EPA Method 27” as
16 outlined in 40 CFR 60 Appendix A. The scope/application section states that
17 this test method is applicable for the determination of vapor tightness of
18 gasoline delivery collection equipment. The definition section defines
19 gasoline as a type of petroleum distillate. The EPA Method 27 also defines
20 gasoline as a petroleum distillate or petroleum distillate/alcohol blend having
21 a Reid vapor pressure of 27.6 kilopascals (4 psi) or greater and which is used
22 as a fuel for internal combustion engines. Commonly used commercially

1 available petroleum distillate/alcohol blends for use in internal combustion
2 engines are E10, E15, and E85.

3
4 11. Q. Can EPA Method 27 be used for petroleum distillate/alcohol blends?

5 A. Yes. If the petroleum distillate/alcohol blend has a Reid vapor pressure of
6 27.6 kilopascals (4 psi) or greater and used as a fuel for internal combustion
7 engines.

8
9 12. Q. In your opinion, did the ethanol that SJA Transport, Inc. was hauling on
10 December 30, 2016 and February 21, 2017 qualify using those definitions?

11 A. No. I don't believe that SJA Transport, Inc. was delivering the ethanol to a
12 gas station for commercial use as a fuel for internal combustion engines. It
13 is my understanding that SJA Transport, Inc. was delivering the ethanol to
14 be blended at the Buckeye Lima South and Citgo Toledo facilities – one step
15 short of commercial fuel use. Secondly, the ethanol hauled by SJA
16 Transport, Inc. was not one of the commonly used commercially available
17 petroleum distillate/alcohol blends for use in internal combustion engines
18 such as E10, E15, and E85. Thirdly, the Reid vapor pressure of ethanol is
19 2.3 psi, which is less than the allowed value. Where Reid vapor pressure is
20 the absolute vapor pressure of a liquid at 100 degrees Fahrenheit; it is the
21 common measure of volatility, or ability to vaporize, of gasoline.

1 13. Q. Are you aware of any interpretations relating to the appropriate use of the
2 EPA Method 27 test??

3 A. Yes. I reviewed the FMCSA safety advisory entitled “Limitations on the use
4 of the EPA Method 27 Test in lieu of the Leakage Test on DOT Specification
5 Cargo Tank Motor Vehicles.” This safety advisory indicated that cargo tanks
6 containing diesel fuel, biodiesel, ethanol and methanol are not eligible for the
7 EPA Method 27 test. This safety advisory mentions that owners and
8 operators need to (1) verify the Reid vapor pressure of the product
9 transported prior to deciding whether the EPA Method 27 is appropriate, (2)
10 that the cargo tank is dedicated to petroleum distillate fuel service, and (3)
11 ensure that the correct leakage test is performed on their cargo tank
12 depending on which hazardous materials are being transported.

13

14 14. Q. Does this conclude your testimony?

15 A. Yes. However, I reserve the right to submit supplemental testimony as new
16 information subsequently becomes available or in response to positions taken
17 by other parties.

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing Prefiled Testimony of Andrew Conway 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 Direct Testimony of Andrew Conway electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO