



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

FEB 28 2005

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

Mr. Bruce Redmon
Kenan Advantage Group, Inc
4076 Seaport BLVD
West Sacramento, CA 95691

Ref. No. 04-0286

Dear Mr. Redmon:

This is in response to your letter dated December 14, 2004, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask how much gasoline or diesel fuel you may unintentionally release during the hookup and breakdown of loading and unloading hoses before being required to submit a Hazardous Materials Incident Report (§ 171.16).

Pursuant to § 171.16, each person in physical possession of a hazardous material must submit a written or electronic report, using DOT Form F 5800.1, within thirty days of the date of discovery of a reportable incident as defined in § 171.15(b) or when any of the conditions set forth in § 171.16(a)(1)-(4) is met. There are exceptions to release reporting in § 171.16(d) provided the incident is not otherwise subject to immediate telephone notification. For example, the incident reporting requirements do not apply to minimal amounts of hazardous materials (i.e., a pint or less) escaping: (1) from a vent for materials for which venting is authorized; (2) from the routine operation of a seal, pump, compressor, or valve; or (3) from the connection or disconnection of loading or unloading lines, provided the release does not result in property damage (§ 171.16(d)(1)).

I hope this satisfies your request.

Sincerely,

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



040286

171.16

BAH
§171.16
Incident Reports
04-0286



Oilfield Services • Bulk Fuel Transport • Waste Transport • Asset Protection
Offshore Support Services • Shipboard Transfer • Petrochemical Transport

December 14, 2004

Mr. Edward T. Mazzullo

Director, Office of Hazardous Materials Standards

U.S. DOT/RSPA (DWM-10)

400 7th Street S.W.

Washington, D.C.

Re: Hazardous Materials Regulations
49 CFR Section 171.16

Dear Mr. Mazzullo:

The above referenced regulation applies to the Hazardous Materials Incident Report, DOT Form F 5800.1.

Beneto Bulk Transport is a bulk petroleum carrier operating primarily in the western United States. The largest part of our business is serving the transportation and delivery needs of major oil companies with regard to their service station requirements.

On average we deliver over 1350 truck and trailer loads daily, because of this volume, it is not uncommon that during hook up and breakdown of loading and unloading hoses that a small quantity of petroleum products may hit the concrete pad.

This unintentional release is cleaned up immediately with industrial absorbents that are properly disposed of upon the trucks return to our facilities.

Since the EPA does not have a reportable quantity for gasoline and diesel fuel, we are requesting your interpretation of a reportable quantity (i.e. more than a gallon or quart or pint etc.) so that we can comply with the intent of the regulation.

Thank you for your cooperation.

Sincerely,

Bruce Redmon
Assistant Director of Safety

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