

DOCKETED

JUL 25 1989

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF : DOCKET NO.
CENTRAL TRANSPORT, INC. : A-108155

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SECRETARYS OFFICE
Public Utility Commission

PREPARED TESTIMONY OF
MARTIN C. HYNES, JR., VICE PRESIDENT-MARKETING
MATLACK, INC.

DOCUMENT
FOLDER

I. IDENTITY OF PROTESTANT

This testimony is presented on behalf of Matlack, Inc. ("Matlack" or "Applicant"). Matlack is a Pennsylvania corporation domiciled at One Rollins Plaza, Wilmington, DE 19899.

II. IDENTITY AND QUALIFICATIONS OF TESTIFYING WITNESS

My name is Martin C. Hynes, Jr. I am the Vice President-Marketing of Matlack and actively involved in the daily operation of its business. I have been employed by Matlack for 27 years. I have been Vice President-Marketing for the last eight years. Prior to that I occupied a number of positions including Vice President-Traffic.

Because of my experience with Matlack and as a result of my various duties and responsibilities, I am familiar with the equipment, facilities, operations, finances and administration of Matlack. I frequently become involved in regulatory matters on behalf of Matlack and have testified on Matlack's behalf in proceedings involving such matters before federal regulatory

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agencies and regulatory agencies in a number of states. I am authorized by Matlack to testify on its behalf in this proceeding.

III. BACKGROUND; AFFILIATION WITH OTHER CARRIERS

Matlack is a wholly-owned subsidiary of Matlack Systems, Inc. ("Systems"). Systems also controls, as a wholly-owned subsidiary, Rollins Terminals, a company specializing in the storage of bulk materials. Matlack is also affiliated with Rollins Leasing Corp., one of the country's largest full service tractor, trailer and truck leasing and rental companies. Rollins Leasing services more than 14,500 vehicles nationwide from 154 branches.

Matlack specializes in the transportation of a diversified range of liquid and dry bulk traffic, including chemicals, petroleum products, paints, latex, emulsions, resins, pharmaceuticals and edibles in liquid, gas, powder or pellet form.

IV. GENERAL SCOPE OF PRESENTLY AUTHORIZED OPERATIONS

Matlack holds and operates actively pursuant to extensive authority issued by this Commission at A-67250, folders thereunder and amendments thereto. A complete copy of Matlack's existing Pennsylvania intrastate authority is attached as Appendix 1.

By Initial Decision served June 15, 1989, Administrative Law Judge Wendell Holland approved Matlack's application at A-67250, F.21, Am-G. As relevant to this proceeding, Judge Holland granted Matlack authority to transport dry bulk commodities, in tank or hopper-type vehicles, between points in Pennsylvania.

Matlack also holds operating rights from the Interstate Commerce Commission authorizing the transportation of general

commodities, except classes A and B explosives and household goods, between all points in the United States on a common and contract carrier basis. Matlack's Interstate Commerce Commission Permit and Certificate are attached as Appendix 2. Matlack provides a substantial amount of service to and from Pennsylvania points on an interstate basis.

Matlack also holds and operates pursuant to operating authority from 34 states, authorizing intrastate service in those jurisdictions.

To quantify the level of service Matlack provides for those shippers supporting Central's application, attached as Appendix 3 is a summary of the intrastate and interstate traffic handled for the supporting shippers by Matlack during the period January 1, 1989 through May 31, 1989. The traffic study indicates that during this period Matlack handled a total of 853 shipments for the 8 supporting shippers, generating total revenues of \$872,487 for the five month period. Of these totals, 92 shipments and \$113,105 in revenue resulted from service rendered in Pennsylvania intrastate commerce.

Within the past year, Matlack has solicited the business of each of the shippers that supported Central's application. Solicitations ranged from once in the past year (Para-Chem Southern, Inc.) to six (6) times within the last five (5) months (E.F. Houghton & Co.).

A grant to Central of the authority requested in this proceeding - authority not limited to the supporting shippers -

will allow Central to compete directly with Matlack for traffic moving throughout the state. Attached hereto as Appendix 4 is a summary of the intrastate traffic handled by Matlack from January 1, 1989 through May 31, 1989 that would be subject to diversion to Central if this application is granted in its entirety. Appendix 4 was prepared in such a manner so as to include only those commodities that may be transported by Central pursuant to the authority requested in this proceeding.

V. TERMINAL FACILITIES, COMMUNICATIONS NETWORK AND EMPLOYEES

Terminal Facilities

Matlack maintains a total of ninety-three (93) terminals spread throughout the United States. Six (6) of these are situated in Pennsylvania at Bensalem (Bucks County); Bradford (McKean County); Martin's Creek (Northampton County); Norristown (Montgomery County); Pittsburgh (Allegheny County); and York (York County). Matlack also maintains a terminal in Swedesboro, New Jersey that may be utilized to dispatch equipment to provide Pennsylvania intrastate service, and sub-terminals at Stockertown (Northampton County) and Highspire (Dauphin County) at which its equipment is stationed for service to shippers.

Matlack is in the process of reopening a terminal situated in St. Petersburg, Clarion County. This terminal is being reopened because of a significant increase in the volume of traffic being tendered to Matlack by Witco Corporation. The St. Petersburg facility is situated in close proximity to Witco's Petrolia plant and will enable Matlack to rapidly respond to Witco's

transportation needs.

Matlack's Pennsylvania terminals are located throughout the state in order to allow Matlack to handle service requests promptly, regardless of shipment origin. Matlack's terminal system also helps reduce the amount of empty backhaul mileage incurred by our vehicles.

Of our Pennsylvania terminals, Bensalem, Norristown and Pittsburgh possess tank cleaning capabilities. Matlack has developed its own "Brite Sol" cleaning process which involves a six-step procedure that results in a sanitized tank trailer.

Communications Network

Matlack operates a Central Dispatch system at Wilmington, Delaware which functions 24 hours a day, 7 days a week and is designed to monitor and coordinate service and truck movements throughout Pennsylvania and nationwide. Central Dispatch is designed to optimize service to our customers and to minimize our empty mileage.

Our customers request service by contacting the Matlack terminal most proximate to the customer's facility and informing Matlack personnel of their pickup and delivery requirements. This information is subsequently forwarded to Central Dispatch which thereafter monitors the service being rendered and the positioning of the involved vehicles in order to efficiently and effectively respond to our customers' transportation needs.

Our drivers are instructed to telephone Central Dispatch each morning and, thereafter during the driver's work period,

immediately following delivery of a shipment. We have implemented a "voice mail" system whereby our drivers call a pre-assigned number and receive pickup and delivery instructions via tape recorded messages. Also, our terminals are linked via our computer system in order to facilitate intra-company communications and assist in the monitoring of equipment movements and utilization.

Employees

Matlack employs in excess of 2,000 employees system-wide. Of its total number of employees, 297 are employed at our six Pennsylvania terminals and an additional 79 employees utilized at our Swedesboro, New Jersey facility. Appendix 5 sets forth a description of Matlack's Pennsylvania and Swedesboro personnel, divided into their assigned terminals.

VI. EQUIPMENT

On a systemwide basis, Matlack utilizes 4,482 pieces of equipment, including 1,481 power units and 3,001 trailers. Of this equipment 220 tractors and 354 trailers are stationed at Matlack's Pennsylvania and Swedesboro, New Jersey terminals. A description of Matlack's systemwide fleet of equipment is attached as Appendix 6 while a breakdown, by terminal, of the equipment based in Pennsylvania and Swedesboro, is attached hereto as Appendix 7.

Matlack's Pennsylvania-based vehicles are underutilized and are available to handle additional Pennsylvania intrastate traffic. Appendix 8 is a summary of our trailer utilization for May, 1989, by terminal, of equipment stationed at our Pennsylvania and Swedesboro, NJ terminals. As described in Appendix 8, trailer

utilization for the seven (7) terminals averaged 55.5% (52.6% weighted) for the month with trailer utilization at our Pittsburgh terminal amounting to only 30.2 percent. Matlack submits that the authorization of Central to the extent requested in this proceeding may well divert traffic from Matlack and thereby exacerbate Matlack's equipment utilization difficulties and negatively impact upon the efficiency of Matlack's operation.

VII. SAFETY AND MAINTENANCE

Matlack is committed to maintaining safe operations, in compliance with all applicable state and federal safety regulations. Matlack employs a full-time Director of Safety and Compliance who oversees our safety program and keeps our employees informed of all changes and new developments relative to safe operations.

Matlack maintains a rigorous preventive maintenance program to ensure that its equipment is in peak operating condition. Vehicle condition reports are prepared at the completion of each trip day and any defects noted are repaired immediately. Pre-trip inspection is performed by all drivers and a pre-trip inspection report completed. All tractors are subject to a thorough mechanical inspection and routine preventive maintenance at no greater than 5,000 mile intervals. Trailers are inspected and maintained with varying frequency depending on type and nature of use with a preventative maintenance inspection performed on each trailer every sixty (60) days. Our vehicle fleet is continually updated; the average age of our tractors is just

over two (2) years.

Matlack has a Loss Control Management Program designed to eliminate vehicle accidents and spills. We regularly distribute literature to our employees to emphasize the importance of safe operations. We thoroughly test and evaluate our drivers—including behavioral analysis, drug and alcohol testing and driving experience/proficiency—and then train them so that they will be able to perform their jobs safely and effectively. Each driver is trained and qualified to handle a range of products in order to ensure correct handling of each commodity tendered to us and to eliminate the potential for loss due to contamination.

Matlack has implemented company-wide Hazardous Materials and Emergency Response Procedures that, in the event of an accident, assign specific responsibilities and actions to the driver, the home terminal, the Corporate/Regional Office and the on-site supervisor. The goal of the Emergency Response Procedures is to minimize the adverse effects that an accident will have on the surrounding environment.

Matlack is extremely proud of its safety record. In calendar year 1988, Matlack's vehicles travelled a total of 113,668,577 miles and averaged only .55 accidents per million miles travelled. This enabled Matlack to achieve the third best safety ranking among interstate tank truck operators.

VIII. INSURANCE; REGULATORY FITNESS

Matlack carries public liability and cargo insurance coverage in excess of that required by the Pennsylvania Public

Utility Commission, in the following limits:

Public Liability	-	\$100,000,000.
Cargo	-	\$1,000,000.

Matlack, to the best of its knowledge, is in compliance with the regulations of the Pennsylvania Public Utility Commission, the Interstate Commerce Commission, the United States Department of Transportation and other regulatory bodies to which it is subject.

For a brief period, from October, 1987 to early February, 1988, Matlack provided service for Hercules Cement Company from Stockertown, Pennsylvania without requisite operating authority. Service was initiated in error due to a combination of factors which obscured the fact that we did not hold complete authority to handle all of Hercules' intrastate traffic. Included among the factors that led to Matlack's initiation of intrastate service for Hercules were Matlack's provision of substantial service for Hercules in interstate commerce and a chain of events relating to P.U.C. tariffs which, on their face, indicated that Matlack held appropriate authority. In any event, Matlack believed it held appropriate authority until, in early February, we were advised by a Commission enforcement agent that a portion of the intrastate service for Hercules from Stockertown was unlawful.

Service was immediately terminated. Because of the confusion, we even terminated service which we could lawfully perform and initiated the steps required for the filing of an application for emergency temporary authority to serve Hercules.

Intrastate transportation for Hercules was not reinstated until emergency temporary authority was granted and a tariff filed with the Commission.

The service rendered by Matlack for Hercules from October, 1987 to February, 1988 was considered by ALJ Holland in Matlack's recent application proceeding. The circumstances surrounding the service for Hercules were discussed during the proceeding, in the briefs of the parties and in the Initial Decision. Judge Holland found that Matlack was fit to be granted the requested authority.

IX. ADVERSE CONSEQUENCES TO RESULT FROM APPROVAL OF CENTRAL'S APPLICATION

Matlack has faced and continues to encounter an increasing amount of competition for a finite volume of Pennsylvania intrastate traffic. This competition, and the diversion of traffic that has resulted therefrom, has significantly affected Matlack's operation and the manner in which it services the transportation needs of Pennsylvania-based shippers.

Within the past four (4) years, Matlack has closed terminals in New Castle, St. Petersburg, Beaver and Greensburg due to lack of sufficient traffic to support their continuing operations. This has affected the responsiveness of the service we can supply to shippers situated in these areas by forcing our vehicles to travel greater distances in order to provide service to them.

Matlack faces the very real possibility that the authorization of Central to the extent requested herein will divert additional traffic from Matlack and force the closing of additional terminal facilities. This will negatively impact not only upon Matlack but also upon the shippers that Matlack presently serves - a result, it is submitted, that must be avoided.

The financial pressures faced by Matlack in connection with its Pennsylvania-related operations is reflected on Appendix 9, the profit and loss statement for Matlack's Pennsylvania terminals for the twelve (12) months ending September 30, 1988. Appendix 9 indicates that operations at Matlack's six (6) Pennsylvania terminals resulted in a net operating loss of \$525,435 and a total net loss of \$589,992. The introduction of another competitive carrier - particularly one that can minimize its salary expense by paying its drivers only a percentage of revenue - will only further aggravate Matlack's already critical financial situation relative to its Pennsylvania operation. This is the principal reason Matlack is opposing Central's application.

OPERATING RIGHTS
Certificate No. 67250

Folder 2

To transport as a Class D Carrier, building materials, such as are usually transported in bulk in dump trucks, between points in the counties of Philadelphia, Delaware, Montgomery, Bucks and Berks, provided no haul shall exceed a distance of twenty-five (25) miles from point of origin to point of destination.

To transport, as a Class D Carrier, oil and petroleum products in bulk, in tank trucks, between points in the Village of Ithan, Delaware County, and within an airline distance of one hundred fifty (150) miles of said village.

To transport, as a Class D Carrier, oil and petroleum products in bulk, in tank trucks, for the Texas Company, from the borough of Coraopolis, Allegheny County, to points within an airline distance of one hundred fifty (150) miles of said borough and vice versa.

To transport as a Class D Carrier, naphtha for the Pittsburgh Asphalt Company, from points within an airline distance of one hundred (100) miles to its plant in the Borough of Worthington, Armstrong County.

To transport as a Class D Carrier, asphalt and other road oil from points in Pennsylvania to job sites within an airline distance of one hundred (100) miles of the points of origin.

To transport as a Class D Carrier, petroleum products in tank trucks, for E. M. Griswold and G. J. Rubrecht from the borough of Elizabeth, Allegheny County, to the city of Pittsburgh, Allegheny County, and vice versa.

To transport as a Class D Carrier, molasses residuum, in bulk for the National Molasses Company from Philadelphia to points in Pennsylvania within 200 miles by the usually traveled highways of the limits of said city.

Subject to the condition that the rights, powers and privileges hereby granted pertaining to the transportation of oil and petroleum products shall be limited and restricted to that which is transported in tank trucks.

Folder 2, Am-A

To transport, as a Class D carrier, roofing and building materials, and materials, equipment and supplies used in or incidental to the manufacture, installation, and distribution of roofing and building materials, from the facilities of Georgia-Pacific Corporation in the township of Richland, Bucks County, to points in Pennsylvania and vice-versa;

subject to the following conditions:

That no right, power or privilege is granted to render service in dump vehicles.

Folder 3

To transport as a Class D Carrier, oil and petroleum products in bulk in tank trucks for the American Oil Company from Butler, Butler County to points in Mercer County, from the borough of Corapolis, Allegheny County, to points in Mercer, Beaver and Lawrence Counties; from Floreffe, Allegheny County, to points in Lawrence County; from Hays, Allegheny County to points in the Counties of Allegheny, Beaver, Blair, Butler, Cambria, Centre, Greene, Fayette, Jefferson, Lawrence, Mercer, Washington and West Moreland; from the Borough of Midland, Beaver County, to points in Butler and Mercer Counties; from Neville Island, Allegheny County, to points in Mercer and Washington Counties.

To transport as a Class D Carrier, petroleum products in bulk in tank trucks for the Texas Company from the city of Pittsburgh and points within an airline distance of fifteen (15) miles thereof to points in Pennsylvania west of the eastern boundaries of the Counties of Lycoming, Tioga, Union, Snyder, Juniata, Perry, Cumberland and Adams.

To transport as a Class D Carrier, petroleum products in bulk in tank trucks for the Standard Oil Company of Pennsylvania between points in Pennsylvania west of the eastern boundaries of the Counties of Lycoming, Tioga, Union, Snyder, Juniata, Perry, Cumberland, and Adams.

To transport as a Class D Carrier, petroleum products in bulk in tank trucks for the Standard Oil Company of New Jersey between points in Pennsylvania west of the eastern boundaries of the counties of Lycoming, Tioga, Union, Snyder, Perry, Cumberland and Adams.

To transport as a Class D Carrier, oil and petroleum products in bulk in tank trucks for the Ashland Oil and Refining Company from the Village of Floreffe, Allegheny County, to points in the Counties of Allegheny, Beaver, Butler, and Lawrence, and the Borough of Geneva, Crawford County.

To transport as a Class D Carrier, oil and petroleum products in bulk in tank trucks between points in the Borough of Emsworth, Allegheny County, and within an airline distance of one hundred fifty (150) miles of said borough; excluding transportation as an area of origin, from the northwest portion of the Commonwealth of Pennsylvania, bounded by the south line of Venango County extending westward to the state line and extending eastward to the east line of McKean County extended to the northern boundary of Pennsylvania, thence northward along the northern boundary of Pennsylvania to the Ohio line, thence southward to the point and place of beginning, and as an area of destination, to points within an airline distance of one hundred (100) miles of Warren, Pennsylvania.

Subject to the condition that no right, power or privilege is hereby granted to transport gasoline or other petroleum products in compartment tank trucks, which total load shall not exceed fifteen hundred (1500) gallons per vehicle or combination thereof, for the American Oil Company from its bulk plant in the County of Allegheny to service stations or commercial accounts located within an airline distance of fifty (50) miles of the City-County building in the City of Pittsburgh, Allegheny County.

Folder 4

To transport as a Class C Carrier, liquids (excluding milk) and liquified gases in bulk in tank vehicles, between points in Pennsylvania. ✓

Folder 4Am-A

To transport, property excluding Household Goods in use, as a Class B carrier, between points in the City and County of Philadelphia.

To transport, used and reconditioned electrical refrigerators, as a Class D carrier, between points in the City of Philadelphia and within 25 miles by the usually travelled highways of the limits thereof, provided the point of origin or destination be restricted to the plant of the Associated Refrigerators, Inc., in the City of Philadelphia.

To transport, as a Class D Carrier, property in bulk in tank trucks excluding petroleum products and coal tar products from points in the Counties ✓ of Philadelphia and Bucks to points within an airline distance of 100 miles of the City Hall of Philadelphia and vice versa.

To transport, as a Class D Carrier, liquid chocolate, liquid syrup, liquid sugar and liquid extracts, in bulk in tank trucks from points in the City of Philadelphia, Philadelphia County, to points in Pennsylvania.

Folder 4Am-B

To transport, as a Class D Carrier, dry sugar, in bulk, from points in the City of Philadelphia to points in the City of Altoona, Blair County, and the return of refused or rejected shipments to the point of origin.

Folder 4Am-C

To transport, as a Class D Carrier, corn products, in bulk, from the facilities of A. E. Staley Manufacturing Company located in the borough of Morrisville and the townships of Falls and Lower Makefield, Bucks County, to points in Pennsylvania and the return of refused, damaged, or returned shipments to the point of origin.

Folder 4Am-E

To transport, as a Class D carrier, dry sugar, in bulk, in tank or hopper-type vehicles, from points in the city and county of Philadelphia to points in the borough of Rimersburg, Clarion County.

Folder 4-Am-G

To transport, as a Class D carrier, dry sugar, in bulk in tank vehicles, from the city of Philadelphia, Philadelphia County, to points in Pennsylvania.

Folder 5

To transport, as a Class D Carrier, for the Alpha Portland Cement Company, (1) Dry Bulk Cement, in tank or hopper-type vehicles, and (2) Dry Cement in Bags or Containers, from its plant at Martins Creek, Northampton County, to points in Pennsylvania; and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to Martins Creek, Northampton County, Pennsylvania....

Folder 6

To transport, as a Class D Carrier, for the Dragon Cement Company, (1) Dry Bulk Cement, in tank or hopper-type vehicles, and (2) Dry Cement in bags or containers, from its plant at Northampton, Northampton County, to points in Pennsylvania; and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to Northampton, Northampton County, Pennsylvania.

Folder 7

To transport, as a Class D Carrier, for the Whitehall Cement Manufacturing Company, (1) Dry Bulk Cement, in tank or hopper-type vehicles, and (2) Dry Cement in bags or containers, from its plant site located at Cementon, Lehigh County, to points in Pennsylvania; and empty containers and such other facilities used in the transportation of Cement from points in Pennsylvania to Cementon, Lehigh County, Pennsylvania.

Folder 8

To transport, as a Class D Carrier, for the Keystone Portland Cement Company, (1) dry bulk cement, in tank or hopper-type vehicles, and (2) dry cement in bags or containers, from East Allen and Upper Nazareth Townships, Northampton County, to points in Pennsylvania; and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to East Allen and Upper Nazareth Townships, Northampton County, Pennsylvania.

Folder 9

To transport, as a Class D Carrier, for the National Portland Cement Company, (1) dry bulk cement, in tank or hopper-type vehicles and (2) dry cement in bags or containers, from its plant at Brodhead, Northampton County, to points in Pennsylvania; and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to Brodhead, Northampton County, Pennsylvania.

Folder 10

To transport, as a Class D Carrier, for the Giant Portland Cement Co., (1) dry bulk cement, in tank or hopper-type vehicles, and (2) dry cement in bags or containers, from its plant at Egypt, Lehigh County, to points in Pennsylvania, and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to Egypt, Lehigh County, Pennsylvania.

Folder 11

To transport, as a Class D Carrier, for the Coplay Cement Manufacturing Company, (1) dry bulk cement, in tank or hopper-type vehicles, and (2) dry cement in bags or containers, from its plant site in Coplay and Whitehall Township, Lehigh County to points in Pennsylvania; and empty containers and such other facilities used in the transportation of cement from points in Pennsylvania to Coplay and Whitehall Township, Lehigh County, Pennsylvania.

Folder 11, Am-A

To transport, as a Class D carrier, cement, in bulk, from the plant site of Coplay Cement Company, in the borough of Nazareth, Northampton County, to points in Pennsylvania.

Folder 12

To transport, as a Class D Carrier, sand, clay, gravel, powdered or granular carbonaceous materials, binders, foundry and refractory compounds, all dry, in bulk, in tank or hopper-type vehicles, excluding fly ash, portland and masonry cement, between points in the boroughs of Honeybrook and Spring City, Chester County, and from points in said boroughs to points in Pennsylvania and vice versa, except clay from points in the County of Lancaster and Limestone and Limestone products from points in the Counties of Lycoming, Montour, and Clinton.

To transport, as a Class D Carrier, powdered coke, in bulk, in tank or hopper-type vehicles, for George F. Pettinos, Inc., from the City of Pittsburgh, Allegheny County, to points beyond fifty (50) miles of the limits of the City of Pittsburgh.

Folder 12Am-A

To transport, as a Class D Carrier, Soda Ash, in bulk, in pneumatic tank vehicles, between points in the County of Beaver, and from points in the said county to points in Pennsylvania, excluding points within twenty (20) miles of the limits of the City of Allentown, Lehigh County and points in the territory bounded by and including Kintnersville, Bucks County, Coopersburg and Emmaus, Lehigh County, Kutztown, Berks County, New Tripoli and Slatington, Lehigh County, Jim Thorpe, Carbon County, Stroudsburg and East Stroudsburg, Monroe County, and thence along the Delaware River to the point of beginning, and return of rejected or refused shipments.

Folder 13 and 13 Am-A

To transport, as a Class D Carrier, Edible Flour, in bulk, between points in Pennsylvania.

Folder 14

To transport, as a Class D Carrier, Urea, in bulk, from points in the County of Montgomery to points in the County of Cumberland, and vice versa.

Folder 15

To transport, as a Class D Carrier, dry cement, having a prior movement by rail and/or water, between points in Pennsylvania.

Subject to the following conditions:

FIRST: That no right, power or privilege is granted to transport dry cement in bags between points in the territory comprising the City and County of Philadelphia and within thirty-five (35) miles by the usually travelled highways of the limits of said city and county.

SECOND: That no right, power or privilege is granted to transport dry cement produced at or originating at the plants of Bessemer Cement Company Division, Diamond Alkali Company, at or near Bessemer, Lawrence County, and the plant of Medusa Portland Cement Company at or near Wampum, Lawrence County.

THIRD: That no right, power or privilege is granted to transport dry cement in dump vehicles.

Folder 15 Am-A

To transport, as a Class D Carrier, dry bulk cement in tank or hopper-type vehicles and dry cement in bags or containers from the plant site of the Universal Atlas Cement Division, United States Steel Corporation, in the borough of Northampton, Northampton County, to points in Pennsylvania; and rejected or returned shipments of the foregoing commodity, empty containers and other facilities used in the transportation of cement, from points in Pennsylvania to points in the Borough of Northampton, Northampton County.

Folder 17

To transport, as a Class D Carrier, Coal Tar Pitch, in bulk in pressurized vehicles, from points in the Borough of West Elizabeth, Allegheny County, to points in the City of Bethlehem, Lehigh and Northampton Counties.

Folder 18

To transport, as a Class D Carrier, Dry Phosphates (except when to be used as a feed or feed ingredient), in bulk, from the Borough of Morrisville, Bucks County, to points in the village of Frisco, Franklin Township, Beaver County, and return or refused or rejected shipments to the point of origin.

Folder 19

To transport, as a Class D Carrier, ground iron ore, in bulk, in pneumatic tank vehicles, from points in East Whiteland Township, Chester County, to points in Pennsylvania, and the return or refused or rejected shipments to the point of origin.

Folder 19, Am-A

To transport, as a Class D carrier, iron oxide dust, in bulk, in tank vehicles, from the facilities of Bethlehem Steel Corporation in the city of Bethlehem, Lehigh and Northampton Counties, to points in Pennsylvania.

Folder 20

To transport, as a Class D Carrier, Dry Resin, in bulk, from points in the township of Lower Pottsgrove, Montgomery County, to points in Pennsylvania, and the return or refused or rejected shipments to the point or origin.

Folder 20 Am-A

To transport, as a Class D Carrier, lead oxide, in bulk, except in dump vehicles, from points in the township of West Pottsgrove, Montgomery County to points in Pennsylvania, and the return of refused or rejected shipments to the points of origin.

Folder 20 Am-B

To transport, as a Class D Carrier, dry chemicals, in bulk, in tank or hopper-type vehicles, from points in the borough of Norristown, Montgomery County, and the Township of Nesquehoning, Carbon County, to points in Pennsylvania.

Folder 21

To transport, as a Class D Carrier, plastic pellets, in bulk, except in dump vehicles, from points in the township of Canton, Washington County, to points in Pennsylvania, and the return of refused or rejected shipments to the point of origin.

Folder 21 Am-A

To transport as a Class D Carrier, plastic pellets, in bulk, from points in the township of Caln, Chester County, to points in Pennsylvania.

Folder 21, Am-B

To transport, as a Class D carrier, rock salt, in bags, from the village of Brodhead, Bethlehem Township, Northampton County, to points in Pennsylvania.

▲ Folder 21 Am-C

To transport, as a Class D Carrier, soda ash, in dump vehicles, from the borough of South Heights, Beaver County, to points in Pennsylvania.

Folder 21-Am-D

To transport, as a Class "D" carrier, fly ash, in pneumatic tank vehicles, from the borough of Washingtonville, Montour County, to points in Pennsylvania.

Folder 21, Am-E

To transport, as a Class D carrier, flue dust, in bulk, in tank vehicles from points in Pennsylvania to points in the Borough of Ellwood City, Lawrence and Beaver Counties.

Folder 21, Am-F

To transport, as a Class D carrier, carbon scrap flour, in bulk in tank vehicles, from the borough of Punxsutawney, Jefferson County, to points in the borough of St. Mary's, Elk County.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 17, 1988

Commissioners Present:

Bill Shane, Chairman
William H. Smith, Vice-Chairman
Linda C. Taliaferro
Frank Fischl

Application of Matlack, Inc., for emergency temporary authority, to transport, as a common carrier, by motor vehicle, (1) dry cement, in tank or hopper-type vehicles and in containers from the facilities of Hercules Cement Company, located in the borough of Stockertown, Northampton County, to points in Pennsylvania, and vice versa; and (2) lime and limestone, in tank or in hopper-type vehicles and in containers from the facilities of Corson Lime Company located in the township of Whitemarsh, Montgomery County, to points in Pennsylvania, and vice versa.

A-00067250
F. 600

Rubin, Quinn & Moss by James W. Patterson for the applicant.

BY THE COMMISSION:

This matter comes before the Commission on an application for emergency temporary authority filed February 26, 1988. Applications for temporary and permanent authority, which are broader in scope, have also been filed.

Matlack, Inc. (applicant or Matlack), One Rollins Plaza, P.O. Box 8789, Wilmington, DE 19899, seeks a grant of emergency temporary authority which would authorize Matlack to transport (1) dry cement from the facilities of Hercules Cement Company located in the borough of Stockertown, Northampton County, to points in Pennsylvania, and vice versa; and (2) lime and limestone from the facilities of Corson Lime company, located in the township of Whitemarsh, Montgomery County, to points in Pennsylvania, and vice versa.

All of the proposed transportation to be provided with tank or hopper-type vehicles or in containers on flatbed trailers.

The primary terminal facility of Matlack that will be involved in providing the service proposed herein, will be the facility located at Martins Creek, Northampton County. No additional equipment, personnel or facilities will be required to provide the proposed transportation.

David A. Nepereny, president of Hercules Cement Company (Hercules), Main Street, Stockertown, Northampton County, states that Hercules desires the services of Matlack to transport cement in bulk and in bags, bulk cement dust and bulk building aggregates. Hercules has been awarded state contracts to supply approximately 100,000 tons of cement in 1988, for use in construction of Interstates 78 and 80.

With its peak shipping period beginning in April and running through November, Hercules has an immediate need for the services of the applicant. Although Hercules uses the services of other common carriers, the awarding of construction contracts has resulted in almost a doubling of Hercules output over that of 1987. Failure to meet delivery schedules will result in substantial penalties to Hercules.

William H. Wilson, vice president-sales for Corson Lime Company (Corson), 500 Stenton Avenue, Plymouth Meeting, Montgomery County, states that Corson will be expanding its marketing territory to additional Pennsylvania points in the immediate future. Service is currently provided by common carriers. Corson has found it increasingly difficult to acquire the specialized equipment necessary to transport bulk lime.

The record contains sufficient evidence to demonstrate that an emergency situation exists which warrants a grant of emergency temporary authority. Hercules Cement Company has in hand, contracts which will more than double the volume of its intrastate shipments. In addition, the applicant has purchased additional equipment to insure that Matlack is capable of meeting the transportation requirements of Hercules. The statement submitted on behalf of Corson Lime Company, demonstrates that an emergency situation exists which warrants a grant of emergency temporary authority. The statement of this shipper contains sufficient evidence to demonstrate a need for the applicant's service.

We find that the applicant has demonstrated that an emergency situation exists which would warrant a grant of emergency temporary authority; THEREFORE,

IT IS ORDERED: That the application for emergency temporary authority be and is hereby approved, granting the following rights:

To transport, as a Class D carrier, dry cement, in tank or hopper-type vehicles and in containers from the facilities of Hercules Cement Company, located in the borough of Stockertown, Northampton County, to points in Pennsylvania, and vice versa.

To transport, as a Class D carrier, lime and limestone, in tank or hopper-type vehicles and in containers from the facilities of Corson Lime Company, Whitemarsh Township, Montgomery County, to points in Pennsylvania, and vice versa.

IT IS FURTHER ORDERED: That the applicant shall file a tariff within ten (10) days from the date the order is entered.

IT IS FURTHER ORDERED: That approval of the emergency temporary authority application shall have no bearing on the applications for temporary and permanent authority.

IT IS FURTHER ORDERED: That the emergency temporary authority granted herein shall become effective upon the filing and acceptance of a tariff establishing just and reasonable rates, pending disposition of the temporary authority application.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 17, 1988

ORDER ENTERED: MAR 22 1988

INTERSTATE COMMERCE COMMISSION
PERMIT
MC-107403 Sub 1355

MATLACK, INC.
Lansdowne, PA

SERVICE DATE

AUG 19 1983

This Permit is evidence of the carrier's authority to engage in transportation as a contract carrier by motor vehicle.

This authority will become effective only when the carrier has met the compliance requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043), designation of agents upon whom process may be served (49 CFR 1044), tariffs or schedules (49 CFR 1300 through 1310), and the execution of contracts for contract carriers (49 CFR 1053). The carrier shall also render reasonably continuous and adequate service under this authority. Failure to meet these conditions will constitute sufficient grounds for the suspension, change, or revocation of this authority.

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

The transportation service to be performed is described on the reverse side of this document and will be valid as long as the carrier maintains compliance with the above requirements.

By the Commission.

Agatha L. Mergenovich
Secretary

(SEAL)

Note: If there are discrepancies regarding this Permit, please notify the Commission within 30 days.

MC-107403 Sub 1355

To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities (except classes A and B explosives and household goods), between points in the United States, under continuing contract(s) with manufacturers, distributors, and receivers of chemicals and related products, coal tar and petroleum products, food and related products, paper and paper products, building materials,

INTERSTATE COMMERCE COMMISSION
CERTIFICATE

No. MC-107403 (Sub-No. 1357)

MATLACK, INC.
Lansdowne, PA

SERVICE DATE
AUG 1 1985

This Certificate is evidence of the carrier's authority to engage in transportation as a common carrier by motor vehicle.

This authority will be effective as long as the carrier maintains compliance with the requirements pertaining to insurance coverage for the protection of the public (49 CFR 1043); the designation of agents upon whom process may be served (49 CFR 1044); and tariffs or schedules (49 CFR 1300 through 1310, revised). The carrier shall also render reasonably continuous and adequate service to the public. Failure to meet these conditions will constitute sufficient grounds for the suspension, change, or revocation of this authority.

This authority is subject to any terms, conditions, and limitations as are now, or may later be, attached to this privilege.

For common carriers with irregular route authority: Any irregular route authority authorized in this Certificate may not be tacked or joined with your other irregular route authority unless joinder is specifically authorized.

The transportation service to be performed is described on the reverse side of this document.

By the Commission.

JAMES H. BAYNE
Secretary

(SEAL)

NOTE: If there are any discrepancies regarding this document, please notify the Commission within 30 days.

No. MC-107403 (Sub-No. 1357)

To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities, (except classes A and E explosives and household goods) between points in the United States.

MATLACK, INC.

**Service Rendered for Shippers Supporting
Application of Central Transport, Inc.
January 1, 1989 through May 31, 1989**

<u>SHIPPER</u>	<u>INTRASTATE</u> LOADS/REV.	<u>INTERSTATE</u> LOADS/REV.	<u>TOTAL</u> LOADS/REV.
W i t c o Corporation	50/\$70,691	248/\$267,116	298/\$337,807
Pennzoil Products Company	- --	248/\$ 83,456	248/\$ 83,456
McCloskey Corporation	6/\$ 2,622	- --	6/\$ 2,622
E . F . Houghton & Co.	28/\$22,257	39/\$ 47,451	67/\$ 69,708
Harry Miller Corporation	- --	1/\$ 604	1/\$ 604
Para-Chem Southern, Inc.	- --	2/\$ 2,023	2/\$ 2,023
C a l g o n Corporation	1/\$ 398	18/\$ 33,798	19/\$ 34,196
V a l s p a r Corporation	7/\$17,137	205/\$324,934	212/\$342,071
	-----	-----	-----
TOTALS	92/\$113,105	761/\$759,382	853/\$872,487

MATLACK, INC.

Pennsylvania Intrastate Traffic Study
January 1 - May 31, 1989

<u>COMMODITY</u>	<u>NO. OF TRIPS</u>	<u>REVENUE</u>
magnesite	9	\$ 5,855
soda ash	46	\$30,544
active carbon (dry)	1	\$ 1,321
plastic material	34	\$22,296
resin (dry)	90	\$30,170
clay (processed)	3	\$13,330
polyvinyl chloride	3	\$ 2,576
lead oxides	33	\$24,929
hazardous	54	\$25,452
heptane solvent	6	\$ 3,738
hexane	20	\$13,265
petroleum rubber	12	\$ 9,862
p e t r o l e u m lubricants	40	\$19,230
xylene	3	\$ 2,790
bright stock	1	\$ 797
toluene	35	\$24,451
lube oil additive	1	\$ 940
petrol trans	4	\$ 5,088
hydrogen peroxide	4	\$ 1,806
combustible liquid	9	\$ 7,052
metal cutting compd.	21	\$18,730
water treatment compound	9	\$ 8,060

<u>COMMODITY</u>	<u>NO. OF TRIPS</u>	<u>REVENUE</u>
defoaming compound	4	\$ 3,499
hazardous wastes	96	\$55,799
adhesives NOI	10	\$ 7,361
weedkill compounds	1	\$ 1,372
corrosive liquids	1	\$ 702
sodium hydroxide (liquid)	11	\$ 8,782
refrigerants	7	\$ 3,978
aluminum sulfide solution	2	\$ 2,631
acrylic acid	5	\$ 4,303
phosphoric acid	3	\$ 4,090
styrene monomer	30	\$18,087
111 trichloroethane	1	\$ 418
waste hydrochloric acid	1	\$ 438
waste hydrochloric acid (inhibited)	6	\$ 2,176
caustic soda (liquid)	48	\$38,179
emulsified petroleum	50	\$40,988
petrolatum	1	\$ 776
acetic acid glacial	16	\$11,376
cleaning liquid compound	28	\$16,855
sulphuric acid (spent)	222	\$74,162
resin solution	4	\$ 5,331
resin solution	1	\$ 1,416

<u>COMMODITY</u>	<u>NO. OF TRIPS</u>	<u>REVENUE</u>
petroleum naptha	4	\$ 3,020
petroleum naptha	40	\$24,926
petroleum naptha	2	\$ 2,234
combustible liquid	30	\$51,119
paint related water	3	\$ 2,620
hydraulic system liquid	3	\$ 3,063
paint	36	\$47,324
resin solution	19	\$23,002
aircraft deicer	1	\$ 593
phosphoric acid	15	\$13,183
plastic (liquid) NOI	243	\$121,700
plastic material	1	\$ 865
combustible liquid	2	\$ 3,025
petroleum paraffin	38	\$27,579
combustible liquid	6	\$ 5,327
petroleum wax	18	\$12,404
compounds tree	1	\$ 1,599
acetic acid	10	\$ 8,156
chlorodifluoro- methane (R-22)	1	\$ 702
methyl methacrylate (uninhibited)	5	\$ 3,470
non-hazardous waste	14	\$ 3,972
freeze conditioning	1	\$ 744
dichlorodifluorom	1	\$ 411
methyl methacrylate	30	\$33,345

<u>COMMODITY</u>	<u>NO. OF TRIPS</u>	<u>REVENUE</u>
butyl alcohol	1	\$ 522
petroleum oil	3	\$ 3,046
waste sulphuric acid	13	\$ 5,725
waste corrosive (liquid)	2	\$ 591
phenol	1	\$ 712
wax emulsion	6	\$ 4,575
alkyl aryl polyethedene	15	\$14,849
grinding agents	1	\$ 663
acetone	9	\$ 6,467
hydrogen peroxide	25	\$14,964
hydrochloric acid	6	\$ 53
acid (liquid) NOI	7	\$ 4,241
phosphoric acid (spent)	1	\$ 630
petroleum oil	1	\$ 591
calcium chloride	1	\$ 1,539
phosphoric acid	10	\$10,321
tanning extract	2	\$ 1,817
paint	21	\$16,394
petroleum grease	7	\$4,709
perchlorloethylor	1	\$ 639
soap (liquid)	2	\$ 1,573
TOTALS	<hr/> 1645	<hr/> \$1,064,005

MATLACK, INC

PERSONNEL EXHIBIT

POSITION	BENSALEM	BRADFORD	MARTIN'S CREEK	NORRISTOWN	PITTSBURGH	YORK	SWEDESBORO	TOTAL
DISTRICT MANAGER			1					1
TERMINAL MANAGER	1	1		1	1		1	5
ASST TERMINAL MANAGER			1			1		2
DISPATCHER	5		3	3	2	1	4	18
SECRETARY	2				1	1	1	5
SERVICE MANAGER				1	1	1	1	4
MATLACK DRIVERS	74	7	22	28	23	23	53	230
LEASED OPERATOR DRIVERS		1	22			10		33
MECHANICS	11		3	2	6	3	7	32
WINK CLEANERS	11			1	3	4	9	28
UTILITY/YARD	4		2	5	3	1	3	18
TOTAL	108	9	54	41	40	45	79	376

M A T L A C K , I N C

 E Q U I P M E N T S T A T E M E N T

JUNE 1, 1989

S U M M A R Y

T R A C T O R S

LEASED OPERATORS (3A).....	448
THREE AXLE CONVENTIONAL (3A).....	873
THREE AXLE SLEEPERS (3S).....	131
STRAIGHT TRUCKS.....	29

T O T A L	1,481
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T R A I L E R S

3,001

G R A N D T O T A L	4,482
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T R A I L E R T Y P E S

A L U M I N U M

INSULATED, NON-SPEC (AH).....	107
INSULATED, SPEC (MC 302-305-306-307) (AK).....	10
NON-INSULATED, NON-SPEC (AN).....	6
PRESSURE (MC 304-307) (AP).....	1
NON-INSULATED, SPEC (MC 302-305-306) (AS).....	173

S T E E L

ASPHALT, NON-SPEC (BA).....	16
NON-INSULATED, NON-SPEC (BN).....	1
SPEC (MC 300-303-306) (BS).....	4

S T E E L S T A I N L E S S

INSULATED, NON-SPEC (SH).....	1
INSULATED, PRESSURE, SPEC (TDI) (MC 307) (SI).....	69
INSULATED, SPEC (MC 303-306) (SK).....	8
INSULATED, PRESSURE, SPEC (MC 304-307) (SP).....	1,258
NON-INSULATED, SPEC (MC 303-306) (SS).....	48
NON-INSULATED, PRESSURE, (MC 307) (ST).....	99
INSULATED, PRESSURE, NON-SPEC (SX).....	42

A C I D

STEEL (MC 310-311-312) (CA).....	5
LINED (MC 311-312) (CB)(CC)(CL)(CO).....	71
INSULATED, STAINLESS STEEL (MC 311-312) (CK).....	32
NON-INSULATED, STAINLESS STEEL (MC 311-312) (CS)....	101
STEEL, LIQUID VACUUM (MC 307-312) (CV).....	1

M A T L A C K , I N C

E Q U I P M E N T S T A T E M E N T

JUNE 1, 1989

T R A I L E R T Y P E S (CONTINUED)

C O M P R E S S E D G A S

PROPANE OR AMMONIA 265 PSI (MC 330-331) (PA).....	17
PROPANE 100-250 PSI (MC 330-331) (PP).....	37
PRESSURE (ROCKET FUEL) 550 PSI (MC 330) (PT).....	3

D R Y B U L K

CONTAINER, FLAT (CF).....	81
FREIGHT BOXES (DB).....	23
PRESSURE DIFFERENTIAL (OTHER THAN CEMENT) (DC).....	314
DUMP (DD).....	1
FLAT BEDS & CHASSIS (DF).....	22
HOPPER (DH).....	8
PRESSURE DIFFERENTIAL (CEMENT) (DP).....	152
DRY PRESS/VACUUM (DV).....	49
DRY PRESS/VACUUM, NON-FILTER (DX).....	4

S P E C I A L T A N K S & S T O R A G E

DRY VANS (ND).....	5
NOVEL, STEEL OR VACUUM (NS)(NV).....	9
STORAGE, ROADWORTHY (WR)(YA)(YS).....	143
STORAGE, NOT ROADWORTHY (WS).....	80

T O T A L

3,001
=====

MATLACK, INC

EQUIPMENT EXHIBIT

PENNSYLVANIA SERVICE TERMINALS

TERMINAL	TRACTORS	TRAILERS			DRY
		LIQUID			
		SINGLE	MULTI	TOTAL	
BENSALEM, PA	57	88	11	99	
BRADFORD, PA	4	6		6	
MARTINS CREEK, PA	45				97
NORRISTOWN, PA	24				30
PITTSBURGH, PA	16	14	1	15	2
YORK, PA	31	1		1	54
SWEDESBORO, PA	43	32	18	50	
TOTAL	220	141	30	171	183

MATLACK, INC.

**ASSIGNED TRAILER UTILIZATION
MOST RECENT MONTH - MAY 1989**

	% Utilization
Bensalem, PA	53.3
Pittsburgh, PA	30.2
Norristown, PA	63.0
Swedesboro, NJ	47.1
Martins Creek, PA	55.5
York, PA	48.5
Bradford, PA	91.3

Utilization based on number of work days (Monday thru Friday) compared to number of days in use. May had 23 work days, therefore, for example AH 2511 at Bensalem was used 10 days, has utilization of 43.4%.

MATLACK, INC.

Pennsylvania Profit & Loss Statement
12 months ending 9/30/88

REVENUES

Interstate Operating	16,086,845
Intrastate Operating	7,003,822
Total Operating Revenues	23,090,667

EXPENSES

Salaries - Officers & Supervisory Personnel	1,137,091
Salaries & Wages	7,267,062
Miscellaneous Paid Time Off	870,953
Other Fringes	2,915,889
Operating Supplies & Expenses	3,990,524
General Supplies & Expenses	727,646
Operating Taxes & Licenses	1,019,898
Insurance	511,158
Communications & Utilities	508,701
Depreciation & Amortization	1,607,538
Revenue Equipment Rents & Purchased Transportation	2,607,673
Building & Office Equipment	308,419
Gain or Loss on Disposition of Operating Assets (Net)	[21,522]
Miscellaneous Expenses	165,072
Total Operating Expenses	23,616,102
NET OPERATING REVENUE	[525,435]
<u>OTHER INCOME</u>	[4,873]

<u>OTHER INCOME DEDUCTIONS</u>	470,189
NET INCOME BEFORE INCOME TAXES	[990,751]
<u>TOTAL INCOME TAXES -</u> State & Federal	[400,759]
NET INCOME	[589,992]
OPERATING RATIO BEFORE INCOME TAXES	102.28%

Matlack 14: Since January 1, 1986, has Applicant received any complaints, warnings or Notices of Claim from or been cited by the Pennsylvania Public Utility Commission, the Pennsylvania Department of Environmental Resources, the United States Environmental Protection Agency, the United States Department of Transportation, the Federal Bureau of Investigation, the North Carolina Division of Environmental Management or other federal governmental agencies or governmental agencies in the states of North Carolina and Pennsylvania in connection with alleged violations involving or affecting transportation.* If so, give the following information for each instance:

- a. Date of alleged violation.
- b. Origin(s) and destination(s) of service being rendered or location of violation.
- c. Commodity of commodities being transported, or nature of service being rendered.
- d. Type of vehicle utilized, if any.
- e. Nature of the incident or problem which formed the basis for the complaint, warning, Notice of Claim, etc.

DOCKETED

JUL 25 1989

**DOCUMENT
FOLDER**

RECEIVED

JUL 19 1989

SECRETARYS OFFICE
Public Utility Commission

*Upon stipulation of Matlack, Inc. and Central Transport, Inc. the term "involving or affecting transportation" for the purposes of this interrogatory shall be interpreted to mean: Incidents and occurrences i/during the operation of vehicles on the public highways, ii/at or adjacent to terminals and iii/during the process of repair or cleaning of vehicles.

Matlack 3
A-00108155
6/28/89
JHG/HB9

Re: Instance No. 1

Response: 14(a) June 4, 1986.

- (b) Location of alleged violations: 600 Melynda Road, Charlotte, NC 28208.
- (c) Not applicable.
- (d) Not applicable.
- (e) Citation and Notification of Proposed Penalty issued by the OSHA Division of the North Carolina Department of Labor on September 15, 1986, alleging certain serious and nonserious violations of the Occupational Safety and Health Act of North Carolina.

Re: Instance No. 2

Response: 14(a) July 31, 1986.

- (b) Origin: Forest Park, GA
Destination: Sumter, SC
- (c) Commodity being transported: Resin Solution, Flammable Liquid, UN1866.
- (d) Heil MC-307 tank trailer; White tractor.
- (e) Transporting shipment of hazardous material without properly prepared shipping paper. The "X" was not shown in the hazardous material column. Driver-Vehicle Examination Report issued by the Bureau of Motor Carrier Safety, Federal Highway Administration, U.S. Department of Transportation.

Re: Instance No. 3

- Response: 14(a) December 3 and 19, 1986.
- (b) 5330 Frontage Road, Greenville, SC 29615
 - (c) Not applicable.
 - (d) Not applicable.
 - (e) Citation and Notification of Penalty issued by the Division of Occupational Safety and Health of the South Carolina Department of Labor alleging three serious violations of the Occupational Safety and Health Regulations of the State of South Carolina.

Re: Instance No. 4

- Response: 14(a) April 14, 1987
- (b) TR 10061, Karns City, Fairview Township, Butler County, PA
 - (c) Not applicable.
 - (d) Not applicable.
 - (e) Notice of Violation issued by the Department of Environmental Resources, Commonwealth of Pennsylvania, alleging failure to comply with hazardous waste generator, transporter and treatment facility requirements.

Application of Central Transport, Inc.
Docket No. A.00108155

Matlack
Revised Interrogatories 14 & 15

Re: Instance No. 5

- Response: 14(a) October 15, 1987 - April 13, 1988
- (b) 600 Melynda Road, Charlotte, NC 28208
 - (c) Not applicable.
 - (d) Not applicable.
 - (e) Citation and Notification of Penalty issued by the OSHA Division of the North Carolina Department of Labor on April 14, 1988, alleging certain serious and nonserious violations of the Occupational Safety and Health Act of North Carolina.

Application of Central Transport, Inc.
Docket No. A.00108155

Matlack
Revised Interrogatories 14 & 15

Matlack 15: For each instance identified in response to Interrogatory 14, identify and produce any document(s) which pertain(s) to the incident including any document(s) issued by any of the agencies listed in said Interrogatory No. 15.

Response: Attached are documents pertaining to each of the five instances identified in response to Interrogatory No. 15.

N.C. Department of Labor

Division of Occupational Safety and Health

4 West Edenton Street
Raleigh, NC 27601

Rec 9-16 86

**Citation and Notification of Penalty
(Proposed Final Order)**

**IN RESPONSE PLEASE
REFER TO OPTIONAL
REPORT NUMBER IN
BLOCK 7.**

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date 9/15/86	4. Inspection Number 3026440
5. Reporting ID 453710	6. SO/IH ID R-4708
7. Optional Report No. 51,073	8. Page No. 1 of 1

1. Type of Violation(s) Serious	2. Citation Number One
---	----------------------------------

9. To
**Central Transport, Inc.
600 Melynoa Road
Charlotte, NC 28208**

10. Inspection Date(s): **6/4-8/27/86**
11. Inspection Site:
**600 Melynoa Rd., Charlotte,
NC**

Penalties Are Due Within 15 Working Days of Receipt of This Notification Unless Contested

This Section May Be Detached Before Posting

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and state holidays) whichever is longer. This citation describes violations of the Occupational Safety and Health Act and the penalty(ies) listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and state holidays) from your receipt of this citation and penalty you mail a notice of contest to the N.C. Department of Labor at the address shown above. (See the enclosed letter which outlines your responsibilities and courses of action and should be read in conjunction with this form.)

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1.	North Carolina General Statutes §95-129(1):	Condition(s) of employment and a place of employment free from recognized hazard(s) likely to cause death, serious injury or serious physical harm were not furnished for each employee, in that: the employer failed to provide and enforce an effective and safe confined space entry procedure to protect employees entering and/or working in confined spaces for the purpose of cleaning and inspecting tanker trailers. An acceptable confined space entry program would include adequate training, atmospheric testing, ventilation, standby rescue capability, and written procedures.	9/25/86	\$900.00
2A	29 CFR 1910.134(a)(2):	The employer did not establish and maintain a respiratory protection program which included the requirements outlined in paragraph (b) of this section: for the wash rack and steam rack where respirators may be required for routine use or emergency rescue procedures.	9/25/86	900.00
2B	29 CFR 1910.134(e)(3):	Personnel were not familiar with procedures and the available respirators to be used in dangerous atmospheres that might have been encountered in normal operations or in emergencies: for all workers who may enter a confined space at wash rack and steam rack.	9/25/86	

7. OSHA Director  **James A. Oppold, PhD, PE, CSP, Director**

18. **\$1800.00**

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the N.C. Department of Labor at the address shown above within twenty (20) days from the date the citation is posted within the establishment.

EMPLOYER DISCRIMINATION UNLAWFUL — The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he has been discriminated against may file a complaint no later than 30 days after the discrimination with the N.C. Department of Labor at the address shown above.

Total Penalty for This Citation
Make Check or Money Order Payable to N.C. Department of Labor, OSHA Division
Indicate Inspection Number on Remittance

EMPLOYER RESPONSIBILITIES AND COURSES OF ACTION — The enclosed letter outlines employer responsibilities and courses of action and should be read in conjunction with this notification.

N.C. Department of Labor
Division of Occupational Safety and Health

4 West Edenton Street
Raleigh, NC 27601

Rec 9-16-86

Citation and Notification of Penalty
(Proposed Final Order)

**IN RESPONSE PLEASE
REFER TO OPTIONAL
REPORT NUMBER IN
BLOCK 7.**

3. Issuance Date 9/15/86	4. Inspection Number 3026440
5. Reporting ID 453710	6. SO/HH ID R-4708
7. Optional Report No. 51,073	8. Page No. 1 of 1

Penalties
Are Due
Within 15
Working
Days of
Receipt
of This
Notification
Unless
Contested

1. Type of Violation(s) Non-Serious	2. Citation Number(s) Two
---	-------------------------------------

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below

10. Inspection Date(s): **6/4-8/27/86**

11. Inspection Site:
600 Melynoa Rd., Charlotte, NC

9. To:
**Central Transport, Inc.
600 Melynoa Road
Charlotte, NC 28208**

This Section
May Be
Detached
Before
Posting

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and state holidays) whichever is longer. This citation describes violations of the Occupational Safety and Health Act and the penalty(ies) listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and state holidays) from your receipt of this citation and penalty you mail a notice of contest to the N.C. Department of Labor at the address shown above. (See the enclosed letter which outlines your responsibilities and courses of action and should be read in conjunction with this form.)

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1A	29 CFR 1910.134(e)(5):	Training did not provide the individuals with the opportunity to handle the respirator, have it fitted properly, test its face-piece-to-face seal, wear it in normal air for a long familiarity period, and finally wear it in a test atmosphere: for all workers who may enter a confined space wearing an air line respirator at the wash rack and steam rack.	9/25/86	0
1B	29 CFR 1910.134(f)(2)(i):	A respirator that was not routinely used but was kept ready for emergency use was not inspected after each use and at least monthly to assure that it was in satisfactory working condition: for the Willson air line respirator to be used for confined space entry.	Immediately upon receipt of citation	0
1C	29 CFR 1910.134(f)(2)(iii):	Respirator inspection did not include a check of the tightness of connections and the condition of the face-piece, headbands, valves, connecting tube and canisters: for the Willson air line respirator to be used for confined space entry.	Immediately upon receipt of citation	0

17. OSHA Director *James A. Oppold* **James A. Oppold, PhD, PE, CSP, Director**

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the N.C. Department of Labor at the address shown above within twenty (20) days from the date the citation is posted within the establishment.

EMPLOYER DISCRIMINATION UNLAWFUL — The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he has been discriminated against may file a complaint no later than 30 days after the discrimination with the N.C. Department of Labor at the address shown above.

18. **0**

Total
Penalty
for This
Citation

Make Check or Money
Order Payable to
N.C. Department of
Labor, OSHA Division

Indicate
Inspection
Number on
Remittance

EMPLOYER RESPONSIBILITIES AND COURSES OF ACTION — The enclosed letter outlines employer responsibilities and courses of action and should be read in conjunction with this notification.

3. On or about October 10, 1986, the Safety and Health Review Board of North Carolina served its Notice of Docketing on the parties.

4. On or about October 29, 1986, the Respondent requested formal pleadings, and a Complaint and Answer were timely filed.

5. By orders of the Board, the parties have conducted pre-trial discovery.

6. The above-captioned action is presently set to be heard on May 20-22, 1987, before the Honorable Stephen C. Smith, Hearing Examiner.

7. The parties have reached a settlement agreement which they seek to have approved by the Review Board.

STIPULATIONS

Effective upon approval of this Settlement Agreement, the parties to this action hereby agree and stipulate to the following settlement of the matters at issue herein:

1. As part of this Settlement, Respondent agrees to withdraw its notice of contest to the Citation and promptly pay the proposed penalty of \$1,800.

2. Respondent further agrees to implement and enforce a confined space entry program for all employees who may enter and work in the interior compartments of tanker trailers. Until the adoption of a confined space entry standard by OSHA, it is recommended that Respondent adopt and enforce a program consistent with the NIOSH Criteria Document for Working in Confined Spaces.

In any event, the confined space entry program to be implemented and enforced by Respondent shall provide for:

(a) Training and instructions on the hazards involved, the necessary precautions to be taken, and the appropriate personal protective and emergency rescue equipment required for entry into, work in, and rescue from confined spaces such as the interior compartments of tanker trailers.

(b) Atmospheric testing/monitoring of the interior compartments of tanker trailers prior to entry, and if necessary continuously during work therein, to ensure that the atmosphere is safe.

(c) An entry permit system prohibiting entry until the atmosphere of the interior compartment has been tested and a determination has been made as to what protective measures are necessary and required for safe entry.

(d) Adequate ventilation, prior to entry and during work in the interior compartments of tanker trailers, to ensure that the atmosphere is safe.

(e) The use of appropriate personal protective and emergency rescue equipment where hazardous atmospheres may be encountered during entry, work in, or rescue from interior compartments of tanker trailers.

(f) A trained observer with the capability to safely effect rescue operations stationed at the point of entry in continuous contact with any employee entering the interior compartment of a tanker trailer.

(g) A written confined space entry program addressing each of the above.

3. Respondent further agrees to establish and maintain a respiratory protection program in accordance with the requirements of 29 CFR 1910.134 which shall include:

(a) A written program adequately addressing the proper selection, use, maintenance and inspection of respirators.

(b) Training, instructions and testing on the safe and proper use, selection, care, inspection and maintenance of available respirators for each employee who may be required to use respirators during normal and/or emergency operations.

4. Complainant upon request agrees to provide a monitoring follow-up inspection to evaluate Respondent's progress towards abatement and further agrees to provide technical assistance and/or consultative services upon request.

5. Respondent further agrees that no employee will be treated unfairly or discriminated against by reason of his cooperation or assistance to the OSHA Division in its investigation of this matter.

6. The parties agree that this Stipulation and Notice of Settlement is a full, final settlement of the claims set out in the Complaint and underlying Citation and Notification of Proposed Penalty, is entered into for the purpose of avoiding the expense and inconvenience of further litigation and shall not be construed as an admission by Respondent of the validity of the allegations in the Complaint and Citation.

WHEREFORE, the parties to this action hereby respectfully request approval of this Settlement Agreement.

This the 20th day of May, 1987.

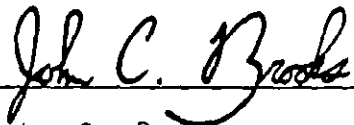


Hearing Examiner

Approved by:

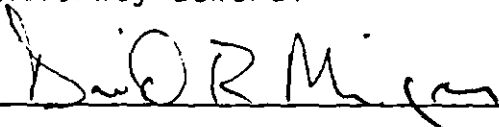
N.C. DEPARTMENT OF LABOR

CENTRAL TRANSPORT, INC.



John C. Brooks
Commissioner of Labor

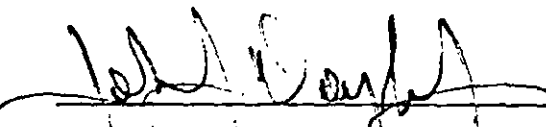
LACY H. THORNBURG
Attorney General



David R. Minges
Assistant Attorney General
N.C. Department of Justice
Post Office Box 629
Raleigh, N.C. 27602

Telephone No. (919) 733-4721

ATTORNEYS FOR COMPLAINANT



John J. Doyle, Jr.
WEINSTEIN & STURGES, P.A.
810 Baxter Street Cul-De-Sac
Charlotte, N.C. 28202-2773

Telephone No. (704) 372-4800

ATTORNEYS FOR RESPONDENT



Before the Safety and Health Review Board
of North Carolina

HEARING EXAMINERS
ATTORNEYS

OLIVER ALPHIN
DURHAM, N. C.
FRED HUTCHINS
WINSTON-SALEM, N. C.
RICHARD KANE
CHARLOTTE, N. C.
HUGH WILSON
LENOIR, N. C.

227 East Edenton Street, Room 231
Raleigh, North Carolina 27601

CHAIRMAN
KENNETH K. KISER
306 SOUTH UNION STREET
CONCORD, N. C. 28025
TELEPHONE: 919/733-3589

MEMBERS:
MICHAEL K. CURTIS
GREENSBORO, N. C.
PHILIP M. VAN HOY
CHARLOTTE, N. C.

JOHN C. BROOKS, COMMISSIONER)
OF LABOR OF NORTH CAROLINA,)
Complainant,)
vs.)
CENTRAL TRANSPORT, INC.,)
Respondent,)

OSHANC NO. 86-1292
CONSENT ORDER

This cause comes on to be heard before the undersigned Administrative Law Judge (the Court) and being heard upon consent of the parties hereto, upon consideration of the Stipulation and Notice of Settlement submitted by the parties (the Agreement), the Court makes the following:

FINDINGS OF FACT

1. That the Agreement is reasonable and supported by the underlying facts.
2. That the Agreement is consistent with the purpose and objectives of the Occupational Safety and Health Act of North Carolina (the Act).
3. That no outstanding issues remain to be resolved by a hearing of this matter.

From the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

That the Agreement is reasonable and ensures future compliance with the Act.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Agreement is approved;

2. That Respondent is hereby required to post a copy of this order, together with a copy of the Agreement, in the manner prescribed under Rules .0107(e) and .0701(c) of the Rules of Procedure of the Safety and Health Review Board of North Carolina;

3. That both parties are hereby required to comply with the terms and conditions stipulated in the Agreement, as follows:

(a) Upon the entry of this order, Respondent shall pay the proposed penalty and withdraw its Notice of Contest as required by the Agreement.

(b) With the exception of the training requirements specified in the Agreement, Respondent shall implement all other provisions therein within 30 days from the entry of this order.

(c) Respondent shall have 30 days from the entry of this order to prepare and submit to Complainant for review, comment and approval the written confined space entry program and written respiratory protection program required by the Agreement.

(d) Within 30 days of receipt of the above programs, Complainant shall provide Respondent with technical assistance or consultative services, if requested by Respondent, and further shall provide written recommendations concerning the deficiencies, if any, in Respondent's proposed programs.

(e) Respondent shall have 15 days from the receipt of the recommendations to complete any required modifications to these programs, to initiate the training required by the Agreement and, in all other respects, to be in compliance with the provisions of the settlement agreement.

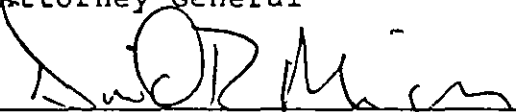
This, the 20th day of May, 1987.



Stephen C. Smith
Administrative Law Judge

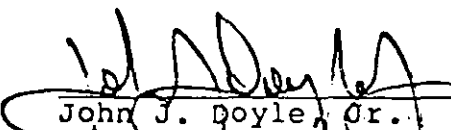
BY CONSENT:

LACY H. THORNBURG
Attorney General



David R. Minges
Assistant Attorney General
N.C. Department of Justice
P.O. Box 629
Raleigh, North Carolina 27602
Telephone No. (919) 733-4721
ATTORNEYS FOR COMPLAINANT

*Mabson
Jepp*



John J. Doyle, Jr.
WEINSTEIN & STURGES, P.A.
810 Baxter Street Cul-De-Sac
Charlotte, North Carolina 28202-2773
Telephone No. (704) 372-4800
ATTORNEYS FOR RESPONDENT

U.S. Department of Transportation
Federal Highway Administration
Bureau of Motor Carrier Safety
DRIVER-VEHICLE EXAMINATION REPORT

1. USE ONLY (15)
2. NAME OF MOTOR CARRIER
CENTRAL TRANSPORT, INC.

3. STREET ADDRESS (151)
P.O. Box 7007

4. ICC DOCKET NO. (181)
118831

5. CITY (187)
HIGH POINT

6. STATE (107)
NC

7. ZIP CODE (100)
27264

8. SPECIAL PERMIT NO. (152)
862

9. TYPE OF FACILITY (144)
SC 004

10. INSPECTION TYPE (148)
EEE

11. INSPECTION DATE (148) (17A) (17K)
07/31/86

12. (RESERVED) (158)

13. (RESERVED) (158)

14. (RESERVED) (158)
YES

15. (RESERVED) (158)
YES

16. TIME STARTED (164) (17A)
11:10 AM

17. DRIVER IDENTIFICATION (189) (184) (199) (200) (206)

A. **SPURY** (LAST NAME) B. **WILLIE** (FIRST NAME) C. **M** (INI) D. **02/02/49** (BIRTH DATE) E. **GA** (STATE)

18. DRIVER IS: (208)
 EMPLOYED
 TERM LEASED
 TRIP LEASED

19. COMMODITY TRANSPORTED (209)
Resin SOLUTION FLAMMABLE LIQUID UN1866

20. ORIGIN (224) (244)
A FOREST PARK GA

21. DESTINATION (246) (266)
Sumter SC

22. FOR HIRE? (268)
 YES NO

23. SHIPPING PAPER NO. (269)
86418

24. WHOSE DOCUMENT? (284)
CARGILL INC.

25. IF CARGO TANK, ENTER (294) MC SPEC OR "NON"
U N X

26. IF H.M. BEING TRANSPORTED UNDER (297) EXEMPTION, ENTER "E" NUMBER.

HAZARDOUS MATERIALS TRANSPORTED

Y = YES N = NO

CODE	RD?	HW?
(301) 27	D	N N
(304) 28	L	N N
(307) 29		

PLACARDS REQUIRED? (310) **30 Y**

A-Explosives A
B-Explosives B
C-Explosives C
D-Flammable Liquid
E-Flammable Solid
F-Flammable Gas
G-Nonflammable Gas
H-Corrosives
I-Oxidizers
J-Poison A
K-Poison B
L-Combustible Liq.
M-Radioactive Mat.
N-Organic Peroxide
O-Irritating Mat.
P-Orn A, B, or C
Q-Orn E
R-Ethologic Agt.
S-Blasting Agt.
T-Cryogenics
Z-Other

VEHICLE IDENTIFICATION

UNIT NUMBER	UNIT TYPE	OWN-LESED	MAKE	CO. NUMBER	LICENSE NO. & STATE
31 (311) 1	TT	A	WHITE	874	HK12966
32 (314) 2	ST	A	HELL	201	R34127
33 (317) 3					
34 (320) 4					
35 (323) 5					
36 (326) 6					

Unit Type: TR = Straight Truck TT = Truck Tractor ST = Semi Trailer PT = Pole Trailer
FT = Full Trailer DC = Dolly Converter BU = Bus OT = Other
OWN-LESED: A = Owned B = Term Leased C = Trip Leased

NO.	VIOLATION IDENTIFICATION	UNIT NO.	OUT OF SVC.	VIOLATIONS DISCOVERED
(329) 37				
				2 1/2 3/4 1 1/2 1/4
				1 1/2 1 3/4 1 1/2 1/2
38	7.7-8.1.7.A	D		SPURY-TRANSPORTING SHIPMENT OF HAZARDOUS MATERIAL WITHOUT PROPERLY PREPARED SHIPPING PAPER. THE "X" IS NOT SHOWN IN THE HAZARDOUS MATERIAL COLUMN FOR THE COMBUSTIBLE LIQUID, N.O.S. NA1993

SEE CONTINUATION SHEET YES NO

VIOLATIONS 38-340 39-351 40-362 41-373 42-384 43-395 44-406 45-417 46-428 47-439 48-450 49-461 50-472 51-483 52-494 53-505

VEHICLE/DRIVER OUT OF SERVICE NOTICE

Pursuant to Authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "X" 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.

Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 395.13, I hereby notify and declare the driver named on this report **Out of Service**. No motor carrier shall permit or require this driver to drive or operate any motor vehicle until:

REPORT PREPARED BY: **RE Owens**

54. CODE (516) **067**

55. TIME COMPLETED (523) **11:55 PM**

COPY RECEIVED BY: **Willie Spury**

NOTE TO DRIVER: This report must be furnished to the motor carrier whose name appears at the top of this report. NOTE TO MOTOR CARRIER: Please sign the below certification and return this report to the address which appears on the other side of this report within fifteen days.

The undersigned certifies that all violations noted on this report have been corrected and action has been taken to assure compliance with the Federal Motor Carrier Safety and Hazardous Material Regulations insofar as they are applicable to motor carriers and drivers.

SIGNATURE OF CARRIER OFFICIAL: **Joe E. Miller**

TITLE: **Director of Safety**

DATE SIGNED: **8-13-86**



U.S. Department of Transportation
 Federal Highway Administration
 Bureau of Motor Carrier Safety

DRIVER-VEHICLE EXAMINATION REPORT
 (CONTINUATION SHEET)

REF NUMBER

DATE OF INSPECTION

135331

07-31-86

NAME OF MOTOR CARRIER

CENTRAL TRANSPORT, INC.

UNIT NO.
DUTY OF SVC

VIOLATIONS DISCOVERED

1	X	TRACTOR - THERE IS 1/2 INCH DIFFERENCE IN BRAKE PUSH-ROD STROKE, (SEE CHART ON PAGE ONE FOR OUT OF ADJUSTMENT BRAKE).
2		TRAILER - THE CERTIFICATION PLATE IS ILLEGIBLE

39 1 7 3 3 3

REPORT PREPARED BY:

RE Owens

COPY RECEIVED BY:

Willie Sperry

P.O. Box 11329
Columbia, S.C. 29211

Citation and Notification of Penalty

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date 01/29/87	4. Inspection Number 003214764
5. Reporting ID 0454510	6. CO/IH ID S8339
7. Optional Report No. 1087-87	8. Page No. 1 of 6

10. Inspection Date(s):
12/3/86 12/19/86

1. Type of Violation(s)	2. Citation Number
Serious	01

11. Inspection Site:
5330 Frontage Road
Greenville, SC 29615

9. To:
Central Transport Inc., Greenville Term.

P. O. Box 7007
High Point, NC 27264

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. This Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and State holidays), which ever is longer.

This Citation describes alleged Occupational Safety and Health violations in accordance with the provisions of Section 41-15-280, South Carolina Code of Laws, 1976, as amended. The penalty(ies) listed are based on these violations. You must correct the violations referred to in this Citation by the dates listed below and pay the penalties proposed, pursuant to the provisions of section 41-15-300, South Carolina Code of Laws, 1976, as amended, unless within 20 calendar days from your receipt of this citation and penalty you mail a notice of PROTEST to the South Carolina Department of Labor at the address shown above, or request an INFORMAL Conference.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
-----------------	---	-----------------	--	-------------

1
SCRR Article I, 71-1.12A: Failed to furnish a place of employment which is free of recognized hazards which may cause death or serious physical harm to his employees and comply with this regulation and other occupational safety and health rules and regulations promulgated under Chapter 15 of Title 41, Code of Laws, State of South Carolina, 1976, as amended, as follows:
A. Employer knew or should have known that five tank washers washing tank trailers were exposed to hazards associated with working in confined spaces. Feasible and useful means of abatement to correct this hazard, among other methods, is to instruct all employees to make appropriate tests of the atmosphere prior to entry, to wear appropriate personal protective equipment including safety belts and respirators where appropriate, to ventilate when necessary, and to work with at least one standby employee and to provide all equipment necessary for safe entry.

03/04/87 640.

17. Signature (Asst. Dir. Compliance)

Robert A. Laney

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18.

Last Pg

Total Penalty for This Citation

Make Check or Order Payable to South Carolina Department of Labor

Indicate Inspection Number on Remittance

Penalties Are Due Within 20 Calendar Days of Receipt of This Notification Unless Contested

This Section May Be Detached Before Posting

P.O. Box 11329
Columbia, S.C. 29211

Citation and Notification of Penalty

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3. Issuance Date 01/29/87	4. Inspection Number 003214764
5. Reporting ID 0454510	6. CO/IH ID S8339
7. Optional Report No. 1087-87	8. Page No. 2 of 6

10. Inspection Date(s):
12/3/86 12/19/86

1. Type of Violation(s)	2. Citation Number
Serious	01

11. Inspection Site:
5330 Frontage Road
Greenville, SC 29615

9. To:
Central Transport Inc., Greenville Term.

P. O. Box 7007
High Point, NC 27264

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This Section May Be Detached Before Posting

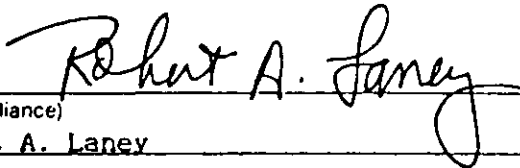
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12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
2a	"THE STANDARDS IN ITEM NO. 2 ARE GROUPED TO FORM ONE VIOLATION"	SCRR Article I, 71-1910.94(d)(9)(v): Failed to require the wearing of either tightfitting chemical goggles or an effective face shield, whenever there is danger of splashing, for example, when additions are made manually to the tanks, or when acids and chemicals are removed from the tanks. See 1910.133, as follows: A. One tank washer is not using a face shield to protect himself from splash with sodium hydroxide in the tank wash building.	02/09/87	560.

17. Signature (Asst. Dir. Compliance)

Robert A. Laney



18. Last Pg

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Total Penalty for This Citation

Make Check or Order Payable "South Carolina Department of Labor"

Indicate Inspector Number on Remittance

P.O. Box 11329
Columbia, S.C. 29211

Citation and Notification of Penalty

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

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5. Reporting ID 0454510	6. CO/IH ID S8339
7. Optional Report No. 1087-87	8. Page No. 3 of 6

1. Type of Violation(s)	2. Citation Number
Serious	01

10. Inspection Date(s):
12/3/86 12/19/86

11. Inspection Site:
5330 Frontage Road
Greenville, SC 29615

9. To:
Central Transport Inc., Greenville Term.

P. O. Box 7007
High Point, NC 27264

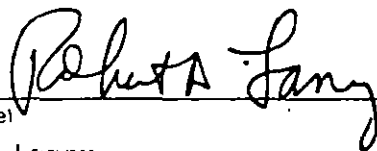
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12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
2b	SCRR Article I, 71-1910.94(d)(9)(vii):	Failed to provide near each tank containing a liquid which may burn, irritate, or otherwise be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe (carrying pressure not exceeding 25 pounds) shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch, so that no time may be lost in washing off liquids from the skin or clothing. Alternatively, deluge showers and eye flushes shall be provided in cases where harmful chemicals may be splashed on parts of the body, as follows: A. There is no supply of clean cold water within twenty-five feet of one tank washer exposed to splash with sodium hydroxide in the tank wash building.	03/04/87	

17. Signature (Asst. Dir. Compliance)

Robert A. Laney



18.

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The PROTEST must be mailed to the South Carolina Department of Labor at the address shown above within 20 calendar days of the receipt by the employer of this citation and penalty.

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Lost - Total Penalties for This Citation
Make Check Order Payable to South Carolina Department of Labor
Indicate Inspection Number on Remittance

Penalties Are Due Within 20 Calendar Days of Receipt of This Notification Unless Contested

This Section May Be Detached Before Posting

Citation and Notification of Penalty

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date 01/29/87	4. Inspection Number 003214764
5. Reporting ID 0454510	6. CO/IH ID S8339
7. Optional Report No. 1087-87	8. Page No. 4 of 6

1. Type of Violation(s) Serious	2. Citation Number 01
------------------------------------	--------------------------

10. Inspection Date(s):
12/3/86 12/19/86

11. Inspection Site:
5330 Frontage Road
Greenville, SC 29615

9. To:
Central Transport Inc., Greenville Term.
P. O. Box 7007
High Point, NC 27264

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12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
2c	SCRR Article I, 71-1910.132(a):	Failed to provide, use and maintain in a sanitary and reliable condition protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact, as follows: A. One tank washer is not using an apron to protect himself from splash with sodium hydroxide in the tank wash building.	02/09/87	

Robert A. Laney

17. Signature (Asst. Dir. Compliance)
Robert A. Laney

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The PROTEST must be mailed to the South Carolina Department of Labor at the address shown above within 20 calendar days of the receipt by the employer of this citation and penalty.

EMPLOYER DISCRIMINATION UNLAWFUL — The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he has been discriminated against may file a complaint no later than 30 days after the discrimination with the South Carolina Department of Labor at the address shown above.

Penalties Are Due Within 20 Calendar Days of Receipt of This Notification Unless Contested.
This Section May Be Detached Before Posting

18. Total Penalty for This Citation
Make Check or Order Payable "South Carol Department of L
Indicate Inspector Number on Remittance

Last Pg

P.O. Box 11329
Columbia, S.C. 29211

Citation and Notification of Penalty

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date 01/29/87	4. Inspection Number 003214764
5. Reporting ID 0454510	6. CO/IH ID S8339
7. Optional Report No. 1087-87	8. Page No. 5 of 6

10. Inspection Date(s):
12/3/86 12/19/86

1. Type of Violation(s)	2. Citation Number
Serious	01

11. Inspection Site:
5330 Frontage Road
Greenville, SC 29615

9. To:
Central Transport Inc., Greenville Term.

P. O. Box 7007
High Point, NC 27264

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. This Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and State holidays), which ever is longer.

This Citation describes alleged Occupational Safety and Health violations in accordance with the provisions of Section 41-15-280, South Carolina Code of Laws, 1976, as amended. The penalty(ies) listed are based on these violations. You must correct the violations referred to in this Citation by the dates listed below and pay the penalties proposed, pursuant to the provisions of section 41-15-300, South Carolina Code of Laws, 1976, as amended, unless within 20 calendar days from your receipt of this citation and penalty you mail a notice of PROTEST to the South Carolina Department of Labor at the address shown above, or request an INFORMAL Conference.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
3a	"THE STANDARDS IN ITEM NO. 3 ARE GROUPED TO FORM ONE VIOLATION"	SCRR Article I, 71-1910.133(a)(1): Failed to require protective eye and face equipment where there is a reasonable probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. No unprotected person shall knowingly be subjected to a hazardous environmental condition. Suitable eye protectors shall be provided where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation or a combination of these hazards, as follows: A. One tank wash supervisor is not using a face shield to protect himself from splash with potassium hydroxide in the tank wash building at the boiler feed tank.	02/09/87	560.

17. Signature (Asst. Dir. Compliance)

Robert A. Laney

18.

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The PROTEST must be mailed to the South Carolina Department of Labor at the address shown above within 20 calendar days of the receipt by the employer of this citation and penalty.

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Last Page
Total Penalty for This Citation
Make Payment or Order Payment
South Carolina Department of Labor
Indicate Inspection Number on Remittance

Penalties Are Due Within 20 Calendar Days of Receipt of This Notification Unless Contested

This Section May Be Detached Before Posting

3. Issuance Date 01/29/87	4. Inspection Number 003214764
5. Reporting ID 0454510	6. CO/IH ID S8339
7. Optional Report No. 1087-87	8. Page No. 6 of 6

Citation and Notification of Penalty

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s):
12/3/86 12/19/86

1. Type of Violation(s)	2. Citation Number
Serious	01

11. Inspection Site:
5330 Frontage Road
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9. To:
Central Transport Inc., Greenville Term.

P. O. Box 7007
High Point, NC 27264

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12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
-----------------	---	-----------------	--	-------------

3b
SCRR Article I, 71-1910.151(c): Failed to provide within the work area for immediate emergency use suitable facilities for the quick drenching or flushing of the eyes and body where the eye or body of any person may be exposed to injurious corrosive materials, as follows:
A. There is no eyewash and shower within twenty-five feet of one tank wash supervisor exposed to splash with potassium hydroxide in the tank wash building at the boiler feed tank.

03/04/87

17. Signature (Asst. Dir. Compliance)

Robert A. Laney

18.

\$ 1760

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Total Penalty for This Citation
Make Check or Money Order Payable to South Carolina Department of Labor
Indicate Inspection Number on Remittance

Penalties Are Due Within 20 Calendar Days of Receipt of This Notification Unless Contested

This Section May Be Detached Before Posting

P.O. Box 11329
Columbia, S.C. 29211

Citation and Notification of Penalty

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Occurrence Date 01/29/87	4. Inspection Number 003214764
5. Reporting ID 0454510	6. CO/IH ID S8339
7. Optional Report No. 1087-87	8. Page No. 1 of 1

1. Type of Violation(s) Other	2. Citation Number 02
----------------------------------	--------------------------

10. Inspection Date(s):
12/3/86 12/19/86

11. Inspection Site:
5330 Frontage Road
Greenville, SC 29615

9. To:
Central Transport Inc., Greenville Term.

P. O. Box 7007
High Point, NC 27264

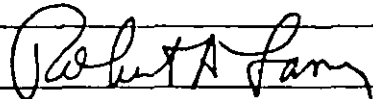
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12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1a	"THE STANDARDS IN ITEM NO. 1 ARE GROUPED TO FORM ONE VIOLATION"		03/04/87	0.
1b	SCRR Article I, 71-1910.134(b)(1): Failed to establish a written standard operating procedure governing the selection and use of respirators, as follows: A. There is no written respirator program for six tank washers working in the tank wash area and having a full-faced air supplied respirator and a full-faced cannister respirator available to them for emergency use.		03/04/87	
	SCRR Article I, 71-1910.134(e)(1): Failed to develop standard procedures for respirator use. These should include all information and guidance necessary for their proper selection, use, and care. Possible emergency and routine uses of respirators should be anticipated and planned for, as follows: A. There are no standard procedures for the use of a full-faced air supplied respirator and a full-faced cannister respirator available to six tank washers for emergency use.			

17. Signature (Asst. Dir. Compliance)
Robert A. Laney



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18. Total Penalty for This Citation
0.
Make Check or Order Payable "South Carolina Department of Labor"
Indicate Inspector Number on Remittance

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE OCCUPATIONAL HEALTH
AND SAFETY REVIEW BOARD

DIVISION OF OCCUPATIONAL SAFETY AND
HEALTH OF THE SOUTH CAROLINA DEPART-
MENT OF LABOR,)

Complainant,

-vs-

CENTRAL TRANSPORT, INC.,

Respondent.)

SETTLEMENT AGREEMENT

PROTEST DOCKET NO. 61-87

WHEREAS, Complainant on January 29, 1987, issued to Respondent one (1) citation alleging three (3) serious violations of the Occupational Safety and Health Regulations of the State of South Carolina; and

WHEREAS, penalties were proposed in the aggregate amount of One thousand seven hundred sixty (\$1,760.00) dollars for the serious items; and

WHEREAS, in the last five years Respondent has had one inspection with no serious violations; and

WHEREAS, Respondent filed a timely Notice of Protest relating to the citation and proposed penalties in this matter; and

WHEREAS, Respondent has demonstrated its good faith by abating all items while under protest as evidenced by the DOSH-C-15 form attached hereto; and

WHEREAS, reduction in penalty is appropriate in that Respondent has agreed to apply a two-third reduction in penalty to further its safety and health program.

NOW THEREFORE, it is mutually agreed and stipulated by Complainant and Respondent as follows:

1. Complainant stipulates and agrees that implementation of the attached confined space entry program for all employees who may enter such spaces will serve as full and complete abatement of citation no. 1, item 1.

nmw
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2. Complainant moves to amend the penalty proposed for citation no. 1 (serious) from One thousand seven hundred sixty (\$1,760.00) dollars to Five hundred eighty-five (\$585.00) dollars.
3. Respondent moves to withdraw its Notice of Protest.
4. Respondent represents that all conditions giving rise to said citation have been corrected and abated as evidenced by the attached DOSH-C-15, and will remain corrected and abated.
5. Respondent represents that it will apply the amount of One thousand one hundred seventy-five (\$1,175.00) dollars to abatement of the cited violations, employee training in safety or health, or for other elements of a safety or health program, such amount to be expended no later than six (6) months from the date of the final Order approving this Agreement.
6. Respondent further represents that it will file with the Occupational Safety and Health Division of the South Carolina Department of Labor, no later than six (6) months from the date of the final Order approving this Agreement, an accounting for the use of One thousand one hundred seventy-five (\$1,175.00) dollars in furtherance of the safety and health of its employees.
7. By entering into this Agreement, Respondent does not admit the truth of any alleged facts, any of the characterizations of Respondent's alleged conduct or any of the conclusions set forth in the citations issued in this matter; further, neither this Agreement nor any order by the Occupational Health and Safety Review Board pursuant to it shall be offered, disclosed, used or admitted into evidence in any proceeding, whether civil, criminal or administrative now pending or hereinafter brought except such proceeding as may be hereinafter brought by the Division of Occupational Safety and Health of the South Carolina Department of Labor in enforcement of the laws of this State.

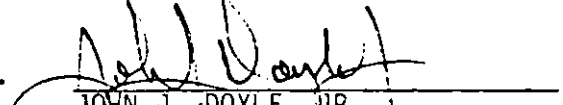
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2083

- 8. Respondent agrees to remit the penalty herein to the Finance Division, South Carolina Department of Labor, no later than thirty (30) days from receipt of the Order of the Occupational Health and Safety Review Board by Respondent.
- 9. Respondent agrees that failure to file an accounting or pay in full the amount due within the time limits set forth above will render subparagraphs 2, 5, and 6 of this agreement void; at which time the original penalty set forth in the citation will be reimposed and payment in full will be due immediately.

27 August, 1987.


SHARON A. DANTZLER
Attorney for Complainant

August 21, 1987.


JOHN J. DOYLE, JR.
Attorney for Respondent

WEINSTEIN & STURGES, P.A.
810 Baxter Street Cul-De-Sac
Charlotte, NC 28202-2773

WFO
3.F.3

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE) BEFORE THE OCCUPATIONAL HEALTH
AND SAFETY REVIEW BOARD

DIVISION OF OCCUPATIONAL SAFETY AND)
HEALTH OF THE SOUTH CAROLINA DEPART-)
MENT OF LABOR,)
Complainant,)
-vs-)
CENTRAL TRANSPORT, INC.,)
Respondent.)

ORDER

PROTEST DOCKET NO. 61-87

THIS MATTER comes before me pursuant to Section 41-15-600, Code of Laws of South Carolina, 1976, as amended, to review a proposed settlement entered into between the parties on the 27th day of August, 1987.

This matter arose as a result of the issuance of one (1) citation by the South Carolina Department of Labor on January 29, 1987, charging the Respondent with three (3) serious violations of various Occupational Safety and Health Standards for which a penalty was proposed in the aggregate amount of One thousand seven hundred sixty (\$1,760.00) dollars. The Respondent filed a timely Notice of Protest contesting the issued citation and proposed penalty in this matter.

Subsequently, on August 27, 1987, the parties executed a Settlement Agreement, a copy of which is attached hereto and incorporated herein, but not merged into this Order.

From the Certificate of Posting submitted with the Settlement Agreement, and signed by the Respondent, it appears that the proposed Settlement Agreement was posted in accordance with the Rules and Regulations of the Occupational Health and Safety Review Board, Sections 127-1.1, et. seq., South Carolina Rules and Regulations on the 1st day of September, 1987. More than fifteen (15) days have elapsed since the posting of the Settlement Agreement and no affected employees have either voiced


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any objection to the proposed Settlement Agreement or attempted to claim party status in this matter.

Having carefully reviewed the citation, the Respondent's Notice of Protest, and the Settlement Agreement incorporated herein, I am persuaded that the proposed settlement is in the best interest of the parties and is consistent with the provisions and objectives of the South Carolina Occupational Safety and Health Act, and

IT IS THEREFORE ORDERED, that the Settlement Agreement be affirmed.

AND IT IS SO ORDERED.


M. THOMAS WEBBER, JR.
Board Member

Dated at Greenville, South Carolina

this 23 day of September, 1987.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

White Memorial Building
P. O. Box 669
Knox, Pennsylvania 16232
Telephone: A. C. 814/797-1191

April 22, 1987

Certified Mail #P 740 137 871

Central Transport, Inc.
R. D. 2, Box 1134
Karns City, PA 16041

ATTN: Wendell Campbell

Notice of Violation
Failure to Comply With
Hazardous Waste Generator Transporter and
Treatment Facility Requirements

Dear Mr. Campbell:

A hazardous waste generator inspection was conducted on April 14, 1987, at your facility pursuant to the Pennsylvania Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. 6018.101 et seq. The requirements of this Act are enforced by the Pennsylvania Department of Environmental Resources.

That inspection revealed that Central had on occasion cleaned tankers which carried chemical products listed in §75.261(h)(4)(v) or (vi). The resultant waste generated from the treatment of these tank washings is identified as a hazardous waste according to §75.261(3)(ii). Furthermore, according to §75.261(2)(ii), upon addition of this hazardous waste to any other waste the entire waste mixture becomes a hazardous waste.

Based upon the preceding, Central is in violation of the following:

1. Failure to notify as a generator, transporter or treater of hazardous waste; contrary to §75.267(4), (5), and (6).
2. Failure to use a licensed hazardous waste transporter; contrary to §75.262(4).
3. Failure to receive authorization for accepting hazardous waste from the receiving TSD facility; contrary to 75.262(d).

4. Failure to use Pennsylvania manifests for hazardous waste shipments; contrary to §75.262(e)(1).
5. Failure to properly accumulate hazardous waste; contrary to §75.262(g)(1).
6. Failure to develop and maintain a PPC Plan according to Department guidelines; contrary to §75.262(m).
7. Failure to obtain a hazardous waste transporter license; contrary to §75.263(c).
8. Failure to require a manifest for hazardous waste shipments; contrary to §75.263(d).
9. Failure to maintain an inspection schedule for hazardous waste treatment units; contrary to §75.265(e)(2).
10. Failure to implement and maintain a PPC Plan as required; contrary to 75.265(i).
11. Failure to maintain a written operating record; contrary to §75.265(k).
12. Failure to develop a closure plan; contrary to §75.265(o).
13. Failure to develop and maintain annual costs estimates; contrary to §75.265(p).

Failure to comply with this Department's rules and regulations is considered unlawful conduct as described in Section 610 of the Act.

The violations described above are subject to both civil and criminal penalties as provided for in Section 605 and 606 of the Act, including second degree felony charges, fines of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.) and terms of imprisonment of up to ten (10) years or both for each violation.

This Department requests that within ten (10) days of receipt of this notice, Central respond to this office, in writing, describing what steps will be taken to ensure that these violations do not recur. Failure to eliminate these violations may result in legal action being taken against you.

Central Transport, Inc.

- 3 -

April 22, 1987

This letter does not waive, either expressly or by implication, the power or authority of the Commonwealth of Pennsylvania to prosecute for any and all violations of law arising prior to, or after the issuance of this letter or the conditions upon which the letter is based. This letter shall not be construed so as to waive or impair any rights of the Department of Environmental Resources, heretofore or hereafter existing.

This letter shall also not be construed as a final action of the Department of Environmental Resources.

If you have any questions concerning these matters, please do not hesitate to contact this office.

Sincerely,



Gary J. Wozniak
Solid Waste Specialist
Bureau of Waste Management

GJW/vs

ORIG.

HAZARDOUS WASTE INSPECTION REPORT
Generators - Part A

Date of inspection 4/14/87 Time start 1:30 Time finish 4:00
Name of inspector GARY J. WOZNIAK
Company, installation name CENTRAL TRANSPORT WC.
Location TR. 10061
County BUTLER Municipality KARNS CITY (FAIRVIEW TWP)
Identification number - NO NOTIFICATION
Name of responsible official JERRY SKIDMORE
Title MGR - FLEET CLEANING OPERATIONS
Mailing address RD2 Box 1134 KARNS CITY PA 16041
Area code and phone no. 412-756-0250
Name of person interviewed JIM STOVER & WENDELL CAMPBELL
Title GEN MGR TERMINAL MGR.
Mailing address (if different from above) AS ABOVE
Area code and phone no. 11

1. Current waste handling method:

- a. On-site treatment, storage, disposal
b. On-site use, reuse, recycle, reclaim
c. Off-site treatment, storage, disposal
d. Off-site use, reuse, recycle, reclaim

2. Amount of hazardous waste produced: SEE COMMENTS

- a. 50,000 gal/mo kg./mo.
b. _____ kg./yr.

3. Types of hazardous waste produced by Hazardous Waste Number:

F001

4. Are hazardous wastes transported off-site by the generator? Yes No

HAZARDOUS WASTE INSPECTION REPORT
 Generators - Art 10

1- NON-COMPLIANCE, 2- COMPLIANCE, 3- NOT APPLICABLE, 4- NOT DETERMINED

VIOLATION STATUS	VIOLATION STATUS			REQUIREMENT	CWA CITY 75.
	1	2	3		
X				Identification number	(c)
X				Hazardous waste shipments offered only to licensed transporters	(c)
X				IN WRITING Authorization received from TSD facility for wastes shipped off-site	(d)
X				PA manifest used for intrastate shipments	(e)
		✓		Disposer state manifest or EPA format manifest used for out-of-state shipments	(e)
X				Manifests filled out properly and completely	(e)
X				Manifests routed properly and within time limits (24 hours)	(e)
		✓		Proper U.S. DOT shipping containers or packages	(f)
		✓		Shipping containers marked and labeled according to U.S. DOT	(f)
		✓		Containers of 100 gal. or less marked with required PA label	(f)
X				Placards offered to transporter	(f)
X				Wastes accumulated on-site for less than 90 days	(g)
X				Wastes stored in proper containers and properly marked and labeled	(g)
		✓		Containers managed in accordance with 75.265(g)	(g)
X				Containers clearly marked with accumulation date and visible for inspection	(g)
X				Records retained at designated location for 20 years.	(h)
X				Quarterly reports submitted to the Department	(i)
		✓		Exception reporting procedures followed	(j)
		✓		Hazardous waste disposal plan, if required	(l)
		✓		Spill reporting procedures followed	(r)
X				Preparedness, Prevention and Contingency Plan approved and implemented	(m)
		✓		Special requirements followed for international shipments	(o)

HAZARDOUS WASTE INSPECTION REPORT
Part C - Comments

of inspection 4/14/87

Identification number HAS NOT NOTIFIED

Company, Installation name CENTRAL TRANSPORT INC

County BUTLER

Municipality KARNS CITY

VIOLATIONS OBSERVED THIS DAY REFLECT GENERATORS LACK OF KNOWLEDGE OF THE PRODUCTS CARRIED AND TANKS CLEANED. (INACCURATE OR INCOMPLETE SHIPPING INFORMATION.)

... COMPANY GENERATED, TREATED, & TRANSPORTED HAZARDOUS WASTE WITHOUT PROPER NOTIFICATION OR LICENSE. COMPANY DELIVERED HAZARDOUS WASTE TO AN UNPERMITTED T.S.D FACILITY BY AN UNAUTHORIZED MEANS.

FAILURE TO RECOGNIZE THE WASTE AS A HAZARDOUS WASTE IS THE BASIS FOR ALL OUTSTANDING VIOLATIONS NOTED.

This inspection report is official notification that a representative of the Department of Environmental Resources, Bureau of Solid Waste Management, inspected the above installation. The findings of this inspection are shown in this report. Any violations which were uncovered during the inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses and review of Department records. Notification will be forthcoming, confirming any violations indicated herein and listing any additional violations.

Person interviewed (signature) Centifur Mail # P 740 137 802 Date _____

Inspector (signature) Dary J. Wozniak Date _____

HAZARDOUS WASTE INSPECTION REPORT
TSD Facilities - Part A

Date of inspection 4/14/87 Time start 130 Time finish 4:00
Name of inspector GARY J. WOZNIAK
Company, installation name CENTRAL TRANSPORT INC.
Location TR 10061
County BUTLER Municipality KARNS CITY
Identification number NO NOTIFICATION
Name of responsible official JERRY SKIDMORE
Title MGR. FLEET OPERATIONS
Mailing address RD 2 BOX 1134 KARNS CITY PA 16041
Area code and phone no. 412-756-0250
Name of person interviewed JIM STOVER & WENDELL CAMPBELL
Title GEN MGR TERMINAL MGR
Mailing address (if different from above) AS ABOVE
Area code and phone no. "

1. Site characterization:

- a. Treatment - surface impoundments, chemical, physical, biological
- b. Storage - containers, tanks, surface impoundments, waste pile
- c. Disposal - land treatment, landfill, incineration, thermal treatment
- d. Use, reuse, recycle, reclaim

2. Does the facility generate hazardous wastes? Yes No SEE COMMENTS

3. Types of hazardous waste produced by Hazardous Waste Number:

Pool

4. Are hazardous wastes transported off-site by the facility? Yes No

1- NON-COMPLIANCE, 2-COMPLIANCE, 3-NOT APPLICABLE, 4-NOT DETERMINED

COMPLIANCE STATUS				REQUIREMENT	CMAA CITI 75.
1	2	3	4		
X				Contingency plan contains an up-to-date list of names, addresses and phone numbers of all persons qualified to act as emergency coordinator.	(i) (
X				Contingency plan contains list of emergency equipment including location, physical description and capabilities of each item	(i) (
X				Contingency plan contains an evacuation plan if there is a possibility that evacuation could be necessary	(i) (
	✓			One employee designated as the primary emergency coordinator either on the premises or on call.	(i) (
		✓		Facility accepting only PA manifests	(j)
		✓		Manifests properly completed and routed within time limits (24 hrs.)	(j) (
		✓		Manifest discrepancies resolved or reported within time limits	(j) (
X				Written operating record maintained on the premises	(k)
	✓			Written operating record contains description and quantity of wastes and method of treatment, storage or disposal	(k) (
		✓		Written operating record contains location and quantity of each hazardous waste	(k) (
		✓		Written operating record contains results of waste analyses and treatability tests	(k) (
		✓		Written operating record contains reports and details of all incidents	(k) (
		✓		Written operating record contains records and results of all inspections	(k) (
		✓		Written operating record contains required monitoring, testing, and analytical data	(k) (
X				Written operating record contains closure and post-closure cost estimates	(k) (2
	✓			All records retained on premises and available for inspection	(l)
X				Quarterly reports submitted to the Department	(m)
		✓		Emissions, discharges, fires, explosions, and groundwater contamination reported as required	(m) (2
		✓		Groundwater monitoring wells located at approved sites	(n) (2
		✓		Adequate protection of groundwater monitoring wells	(n) (7
		✓		Groundwater sampling and analysis plan on the premises	(n) (8
		✓		Groundwater quality assessment and abatement outline on the premises	(n) (1
X				Closure plan on the premises and up-to-date	(o) (2
X		✓		Post-closure plan on the premises and up-to-date	(o) (1
X				Annual closure cost estimate on the premises and up-to-date	(p) (2
		✓		Annual post-closure cost estimate on the premises and up-to-date	(p) (5

HAZARDOUS WAST INSPECTION REPORT
TSD FACILITIES - PART B General p.1

1- NON-COMPLIANCE, 2-COMPLIANCE, 3-NOT APPLICABLE, 4-NOT DETERMINED

COMPLIANCE STATUS				REQUIREMENT	CHAPT. CITAT
1	2	3	4		
X				Part A permit application submitted.	(a) (2)
X				Identification number.	(b)
		✓		Wastes accepted at facility transported by haulers licensed to transport hazardous waste by the Department.	(b) (1)
		✓		Waste streams not covered by permit approved by the Department before acceptance	(
		✓		Chemical and physical analyses repeated as required.	(c) (1)
		✓		All waste shipments inspected and sampled.	(c) (2)
		✓		Waste analysis plan on-site.	(c) (3)
		✓		24 hr. surveillance at active portion.	(d) (2)
	✓			Artificial barrier at active portion.	(d) (2)
	✓			Proper signs posted and legible at a distance of at least 25 ft.	(d) (3)
X				Inspection schedule on-site.	(e) (2)
		✓		Maintenance schedule on-site for equipment or structures which reveal deterioration or malfunction.	(e) (4)
		✓		Immediate remedial action taken where a hazard is imminent or has already occurred.	(e) (4)
		✓	✓	On the job or classroom personnel training program.	(f)
			✓	Records retained for each employee at facility of training, job title, and job description.	(f) (6)
	✓			Ignitable or reactive wastes separated from source of ignition or reaction.	(g) (1)
		✓		No smoking signs displayed where there are hazards from ignitable or reactive wastes.	(g) (1)
		✓		Treatment, storage, disposal of ignitable or reactive wastes or mixing of incompatible wastes or materials conducted according to requirements.	(g) (2)
	✓			Facility equipped with internal alarm system capable of providing immediate emergency instruction to personnel	(h) (2)
	✓			Facility equipped with a device for summoning outside emergency assistance.	(h) (2)
	✓			Facility equipped with fire control, spill control, and decontamination equipment.	(h) (2)
	✓			Facility equipped with water at adequate volume and pressure to supply fire control equipment.	(h) (2)
			✓	Facility communications or alarm systems, fire control, spill control, and decontamination equipment tested and maintained.	(h) (3)
		✓		Adequate aisle space maintained to allow unobstructed movement of personnel and equipment during emergencies.	(h) (6)
X				Contingency plan on-site and implemented.	(i) (1)
X				Contingency plan describes action taken by personnel in the event of an emergency.	(i) (3)
X				Contingency plan describes arrangements agreed to for outside emergency services such as police and fire department, hospitals, contractors, etc.	(i) (5)

1- NON-COMPLIANCE, 2-COMPLIANCE, 3-NOT APPLICABLE, 4-NOT DETERMINED

COMPLIANCE STATUS				REQUIREMENT	CMAA CIT. 75.
1	2	3	4		
X				Contingency plan contains an up-to-date list of names, addresses and phone numbers of all persons qualified to act as emergency coordinator.	(i) (1)
X				Contingency plan contains list of emergency equipment including location, physical description and capabilities of each item	(i) (1)
X				Contingency plan contains an evacuation plan if there is a possibility that evacuation could be necessary	(i) (1)
	✓			One employee designated as the primary emergency coordinator either on the premises or on call.	(i) (1)
		✓		Facility accepting only PA manifests	(j) (1)
		✓		Manifests properly completed and routed within time limits (24 hrs.)	(j) (1)
		✓		Manifest discrepancies resolved or reported within time limits	(j) (1)
X				Written operating record maintained on the premises	(k) (1)
	✓			Written operating record contains description and quantity of wastes and method of treatment, storage or disposal	(k) (1)
		✓		Written operating record contains location and quantity of each hazardous waste	(k) (1)
		✓		Written operating record contains results of waste analyses and treatability tests	(k) (1)
		✓		Written operating record contains reports and details of all incidents	(k) (1)
		✓		Written operating record contains records and results of all inspections	(k) (1)
		✓		Written operating record contains required monitoring, testing, and analytical data	(k) (1)
X				Written operating record contains closure and post-closure cost estimates	(k) (2)
	✓			All records retained on premises and available for inspection	(l) (1)
X				Quarterly reports submitted to the Department	(m) (1)
		✓		Emissions, discharges, fires, explosions, and groundwater contamination reported as required	(m) (2)
		✓		Groundwater monitoring wells located at approved sites	(n) (2)
		✓		Adequate protection of groundwater monitoring wells	(n) (7)
		✓		Groundwater sampling and analysis plan on the premises	(n) (6)
		✓		Groundwater quality assessment and abatement outline on the premises	(n) (1)
X				Closure plan on the premises and up-to-date	(o) (2)
X		✓		Post-closure plan on the premises and up-to-date	(o) (1)
X				Annual closure cost estimate on the premises and up-to-date	(p) (2)
		✓		Annual post-closure cost estimate on the premises and up-to-date	(p) (5)

Date of inspection 4/14/87 Identification number NO NOTIFICATION

Company, Installation name CENTRAL TRANSPORT

County BUTLER Municipality KARNS CITY

ALL VIOLATIONS NOTED ON THIS REPORT REFLECT THE FACT THAT CENTRAL DID NOT RECOGNIZE THEIR WASTE AS A HAZARDOUS WASTE.

This inspection report is official notification that a representative of the Department of Environmental Resources, Bureau of Solid Waste Management, inspected the above installation. The findings of this inspection are shown in this report. Any violations which were uncovered during the inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses and review of Department records. Notification will be forthcoming, confirming any violations indicated herein and listing any additional violations.

Person Interviewed (signature) [Signature] P 740 127 802 Date _____

Inspector (signature) [Signature] Date _____

HAZARDOUS WASTE INSPECTION REPORT
Transporters - Part A

Date of inspection 4/14/87 Time start 1:30 Time finish 4:00

Name of inspector GARY J. WOZNIAK

Company name CENTRAL TRANSPORT INC.

Location TR 10061

County BUTLER Municipality KANSAS CITY

Identification number NOT NOTIFIED

Name of responsible official TERRY SKIDMORE

Title MGR FLEET OPERATIONS

Mailing address RD 2 BOX 1134 KANSAS CITY PA 16041

Area code and phone no. 412-756 0250

Name of person interviewed JIM STOVER & WENDELL CAMPBELL

Title GEN MGR TERMINAL MGR

Mailing address (if different from above) AS ABOVE

Area code and phone no. "

1. a. PA hazardous waste transporter (HWT) license number NONE

b. Expiration date —

2. Hazardous waste handling: N/A

a. Blending, mixing

b. Storage, treatment, disposal

c. Use, reuse, recycle, reclaim

3. Does the transporter generate hazardous wastes? Yes No

4. Types of hazardous waste produced by Hazardous Waste Number:

F001

5. Are hazardous wastes transported into the Commonwealth from abroad? Yes No

HAZARDOUS WASTE INSPECTION REPORT
Part C - Comments

Date of Inspection 4/14/87 Identification Number NOT NOTIFIED

Company, Installation Name CENTRAL TRANSPORT

County BUTLER Municipality KANON CITY

VIOLATIONS ON THIS REPORT REFLECT THE FACT THAT CENTRAL
WAS UNAWARE THAT THE WASTE BEING GENERATED BY THEIR
OPERATIONS WAS HAZARDOUS.

This inspection report is official notification that a representative of the Department of Environmental Resources, Bureau of Solid Waste Management, inspected the above installation. The findings of this inspection are shown in this report. Any violations which were uncovered during the inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses and review of Department records. Notification will be forthcoming, confirming any violations indicated herein and listing any additional violations.

Person Interviewed (signature) Colleen P 740 137 802 Date _____
Inspector (signature) Harry J. Warrick Date _____

Central Transport, Inc.

L I Q U I D A N D D R Y C O M M O D I T I E S I N B U L

TELEPHONE 919-431-9186 P. O. BOX 7007
HIGH POINT, NORTH CAROLINA 27284

April 23, 1987

Mr. Gary Wozniak
Waste Management Specialist
Bureau of Waste Management
White Memorial Blvd.
Knox, PA. 16232

RE: Central Transport, Inc.
Karns City, PA. Terminal

Dear Mr. Wozniak:

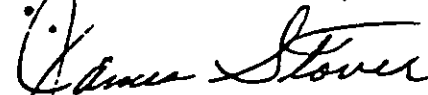
In accordance with your conversations of April 21, 1987 with our consultant, B. S. Saluja, P.E. of Technical Testing Laboratories, Inc., enclosed please find a copy of policy statement dated April 23, 1987.

We are also looking forward to meeting with you on April 29, 1987 at 10:30 A.M. at your office. We understand, as per your conversation with Mr. B. S. Saluja, that wastewater generated by washing empty tank trucks will be considered non hazardous and can be transported to Parker, PA. for treatment and disposal.

Should you have any questions, feel free to call me at [412] 756-0250 or Mr. B. S. Saluja, P.E. at [304] 346-0725.

Very Truly Yours,

CENTRAL TRANSPORT, INC.



James Stover
Midwest Regional Manager

JS:sc

N.C. Department of Labor

Division of Occupational Safety and Health

4 West Edenton Street
Raleigh, NC 27601

Notification of Failure To Abate Alleged Violation

3. Issuance Date 04/14/88	4. Inspection Number 3048915
5. Reporting ID 0453720	6. SO/IH ID J5736
7. Optional Report No. 51,073/55,042	8. Page No. 1 of 1

1. Original Inspection Date(s) 6/4/86-8/27/86	2. Original Inspection Number 3026440
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The violation(s) described in this Notification are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s):
10/15/87 - 04/13/88

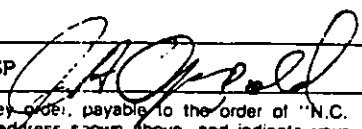
11. Inspection Site:

8. To:

Central Transport, Inc.
and its successors
600 Melynda Rd.
Charlotte, NC 28208

600 Melynda Road
Charlotte, NC 28208

After the original inspection, a citation(s) was issued to you in accordance with the provisions of the Occupational Safety and Health Act, notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon reinspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the OSHA Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 95-138 of the Act. You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the OSHA Director in writing that you intend to contest the Notification or the ADDITIONAL PENALTY within 15 working days (excluding weekends and State holidays) from your receipt of this Notification. If you do not contest within 15 working days after receipt, this Notification and the additional penalties will become a final order of the Commissioner of Labor and may not be reviewed by any court or agency.

12. Citation Number -- Item Number	14. Description	15. Additional Penalty
1-1	<p>North Carolina General Statute 95-129(1) of the Occupational Safety and Health Act of North Carolina: The employer did not furnish to each of his employees conditions of employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to:</p> <p>the employer failed to enforce an effective and safe confined space entry procedure to protect employees entering and/or working in confined spaces for the purpose of cleaning and inspecting tanker trailers. Atmospheric testing of all tankers was not performed prior to entry for cleaning and inspection</p> <p style="text-align: center;">FAILURE TO ABATE</p>	2000.00
16. OSHA Director	James A. Oppold, Phd, PE, CSP 	17. \$ 2000.00

The payment of penalties is to be made by check or money order, payable to the order of "N.C. Department of Labor, OSHA Division." Please remit to the address shown above, and indicate your file number on your check.

Penalties Are Due Within 15 Working Days of Receipt of This Notification Unless Contested

Total Additional Penalty

N.C. Department of Labor

Division of Occupational Safety and Health

4 West Edenton Street
Raleigh, NC 27601

**Citation and Notification of Penalty
(Proposed Final Order)**

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date 04/14/88	4. Inspection Number 003048915
5. Reporting ID 0453720	6. SO/IH ID J5736
7. Optional Report No. 55,042	8. Page No. 1 of 1

10. Inspection Date(s):
10/15/87 - 04/13/88

1. Type of Violation(s)	2. Citation Number
Serious	01

11. Inspection Site:
600 Malynda Road
Charlotte, NC 28208

9. To:
Central Transport, Inc.
and its successors
600 Malynda Rd.
Charlotte, NC 28208

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and state holidays) whichever is longer. This citation describes violations of the Occupational Safety and Health Act and the penalty(ies) listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and state holidays) from your receipt of this citation and penalty you mail a notice of contest to the N.C. Department of Labor at the address shown above. (See the enclosed letter which outlines your responsibilities and courses of action and should be read in conjunction with this form.)

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1	29 CFR 1910.134(f)(2)(ii):	The air cylinder of the emergency use respirator was not fully charged: for the Lifeair Model L 1500 respirator which was maintained in the dispatch office area on 10/15/87	04/20/88	800.00
17. OSHA Director James A. Oppold, Phd, PE, CSP				18. \$ 800.00

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the N.C. Department of Labor at the address shown above within twenty (20) days from the date the citation is posted within the establishment.

EMPLOYER DISCRIMINATION UNLAWFUL — The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he has been discriminated against may file a complaint no later than 30 days after the discrimination with the N.C. Department of Labor at the address shown above.

EMPLOYER RESPONSIBILITIES AND COURSES OF ACTION — The enclosed letter outlines employer responsibilities and courses of action and should be read in conjunction with this notification.

CITATION AND NOTIFICATION OF PENALTY

Penalties Are Due Within 15 Working Days of Receipt of This Notification Unless Contested

This Section May Be Detached Before Posting

Total Penalty for This Citation
Make Check or Order Payable "N.C. Department of Labor, OSHA Div"
Indicate Inspector Number on Remittance

N.C. Department of Labor
Division of Occupational Safety and Health

4 West Edenton Street
Raleigh, NC 27601

Citation and Notification of Penalty
(Proposed Final Order)

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date 04/14/88	4. Inspection Number 003048915
5. Reporting ID 0453720	6. SO/IH ID J5736
7. Optional Report No. 55,042	8. Page No. 1 of 2

Penalties Are Due Within 15 Working Days of Receipt of This Notification Unless Contested

1. Type of Violation(s)	2. Citation Number
Nonserious	02

10. Inspection Date(s):
10/15/87 - 04/13/88

11. Inspection Site:
600 Melynda Road
Charlotte, NC 28208

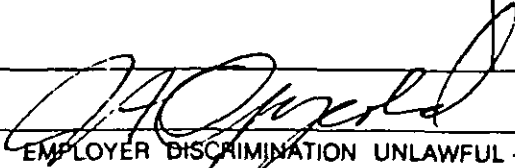
9. To:
Central Transport, Inc.
and its successors
600 Melynda Rd.
Charlotte, NC 28208

This Sector May Be Detached Before Posting

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12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1a	13 NCAC 7C.0101(a)(99)(f)(4):	The employer did not ensure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with the identity of the hazardous chemical(s) contained therein and appropriate hazard warnings: for unlabeled tanker cleaning vats against the interior wall of the wash area and the unlabeled hose wash vat against the exterior wall which contains a caustic solution, and for drums of aluminum brightener with insufficient labels	04/20/88	0.00

17. OSHA Director
James A. Oppold, Phd, PE, CSP



18. Last Pg

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the N.C. Department of Labor at the address shown above within twenty (20) days from the date the citation is posted within the establishment.

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Total Penalty for This Citation
Make Check or Order Payable "N.C. Department of Labor, OSHA Div."
Indicate Inspector Number on Remittance

EMPLOYER RESPONSIBILITIES AND COURSES OF ACTION — The enclosed letter outlines employer responsibilities and courses of action and should be read in conjunction with this notification.

N.C. Department of Labor

Division of Occupational Safety and Health

4 West Edenton Street
Raleigh, NC 27601

**Citation and Notification of Penalty
(Proposed Final Order)**

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date 04/14/88	4. Inspection Number 003048915
5. Reporting ID 0453720	6. SO/IH ID J5736
7. Optional Report No. 55,042	8. Page No. 2 of 2

1. Type of Violation(s)	2. Citation Number
Nonserious	02

10. Inspection Date(s): -
10/15/87 - 04/13/88

11. Inspection Site:
600 Melynda Road
Charlotte, NC 28208

9. To:
Central Transport, Inc.
and its successors
600 Melynda Rd.
Charlotte, NC 28208

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12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1b	13 NCAC 7C.0101(a)(99)(g)(8):	The employer did not maintain copies of the required material safety data sheets for each hazardous chemical in the workplace and ensure that they are readily accessible during each work shift to employees when they are in their work area(s): as a material safety data sheet was not available on October 15, 1987 for the hazardous chemical contained within Tanker #259, which was marked "Flammable"	04/20/88	

17. OSHA Director
James A. Oppold, Phd, PE, CSP



18. \$ 0.0

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the N.C. Department of Labor at the address shown above within twenty (20) days from the date the citation is posted within the establishment.

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EMPLOYER RESPONSIBILITIES AND COURSES OF ACTION — The enclosed letter outlines employer responsibilities and courses of action and should be read in conjunction with this notification.

CITATION AND NOTIFICATION OF PENALTY

NCOSHA-2 (Rev. 1/84)

Penalties
Are Due
Within 15
Working
Days of
Receipt
of This
Notification
Unless
Contested

This Section
May Be
Detached
Before
Posting

Total
Penalty
for This
Citation

Make Check or
Order Payable
to: N.C. Department
of Labor, OSHA Div.

Indicate
Inspection
Number
on
Remittance

Central Transport, Inc.

L I Q U I D A N D D R Y C O M M O D I T I E S I N B U L

TELEPHONE 919-431-9186 P. O. BOX 7007
HIGH POINT, NORTH CAROLINA 27264

FOR IMMEDIATE RELEASE

TO: All Staff Members
FROM: James Stover, Midwest Regional Manager
RE: Karns City, PA.
DATE: April 23, 1987

Effective immediately all tank trucks before washing/cleaning must be inspected for residue material, if any. All residue material, on U.S. E.P.A. P list or U list must be thoroughly drained or removed before washing the tank trucks. Such residue must be placed in drums. The drums must be placed in a specially designated area on the terminal. All drums must be shipped out once every 90 days or earlier. Central Transport, Inc. is allowed to wash only empty tank trucks. A copy of products on U.S. E.P.A. P list and U List is also enclosed.

All questions pertaining to above matters should be referenced to James Stover or Jerry Skidmore.

James Stover

eled or reclaimed; or being accumulated, stored, transported or treated prior to such use, re-use, recycling or reclamation, EPA considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate re-use of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.)

(d) Any residue or contaminated soil, water or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f) of this section, or any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) or (f) of this section.

[Comment: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in . . ." refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in paragraphs (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in paragraphs (e) or (f), such waste will be listed in either §§ 261.31 or 261.32 or will be identified as a hazardous waste by the characteristics set forth in Subpart C of this part.]

(e) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (a) through (d) of this section, are identified as acute hazardous wastes (H) and are subject to be the small quantity exclusion defined in § 261.5(e).

[Comment: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound only is listed for acute toxicity.]

These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous waste No.	Substance
P023	Acetaldehyde, chloro-
P002	Acetamide, N-(aminothioxomethyl)-
P057	Acetamide, 2-fluoro-
P058	Acetic acid, fluoro-, sodium salt
P066	Acetimidic acid, N-((methylcarbamoyloxy)thio-, methyl ester
P001	3-(alpha-Acetoxybenzyl)-4-hydroxycoumarin and salts, when present at concentrations greater than 0.3%
P002	1-Acetyl-2-thiourea
P003	Acrolein
P070	Aldicarb
P004	Aldrin
P005	Allyl alcohol
P006	Aluminum phosphide
P007	5-(Aminomethyl)-3-isoxazolol
P008	4-Aminopyridine
P009	Ammonium picrate (R)
P119	Ammonium vanadate
P010	Arsenic acid
P012	Arsenic (III) oxide
P011	Arsenic (V) oxide
P011	Arsenic pentoxide
P012	Arsenic trioxide
P038	Arsine, diethyl-
P054	Aziridine
P013	Barium cyanide
P024	Benzenamine, 4-chloro-
P077	Benzenamine, 4-nitro-
P028	Benzene, (chloromethyl)-
P042	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-
P014	Benzenethiol
P028	Benzyl chloride
P015	Beryllium dust
P016	Bis(chloromethyl) ether
P017	Bromocetone
P018	Brucine
P021	Calcium cyanide
P123	Camphene, octachloro-
P103	Carbamimidoseleonic acid
P022	Carbon bisulfide
P022	Carbon disulfide
P095	Carbonyl chloride
P033	Chlorine cyanide
P025	Chloroacetaldehyde
P024	p-Chloroaniline
P026	1-(p-Chlorophenyl)thiourea
P027	3-Chloropropionitrile
P029	Copper cyanides
P030	Cyanides (soluble cyanide salts), not elsewhere specified
P031	Cyanogen
P033	Cyanogen chloride
P036	Dichlorophenylarsine
P037	Dieldrin
P038	Diethylarsine

§ 261.33

Title 40—Protection of Environment

Hazardous waste No.	Substance
P039	O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate
P041	Diethyl-p-nitrophenyl phosphate
P040	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	Diisopropyl fluorophosphate
P044	Dimethoate
P045	3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino)carbonyl] oxime
P071	O,O-Dimethyl O-p-nitrophenyl phosphorothioate
P062	Dimethylnitrosamine
P046	alpha, alpha-Dimethylphenethylamine
P047	4,6-Dinitro-o-cresol and salts
P034	4,6-Dinitro-o-cyclohexylphenol
P048	2,4-Dinitrophenol
P020	Dinoseb
P065	Diphosphoramide, octamethyl-
P039	Disulfoton
P049	2,4-Dithioburet
P109	Dithiopyrophosphoric acid, tetraethyl ester
P050	Endosulfan
P068	Endothal
P051	Endrin
P042	Epinephrine
P046	Ethanamine, 1,1-dimethyl-2-phenyl-
P084	Ethanamine, N-methyl-N-nitroso-
P101	Ethyl cyanide
P054	Ethylenimine
P087	Famphur
P056	Fluorine
P057	Fluoroacetamide
P058	Fluoroacetic acid, sodium salt
P065	Fulmic acid, mercury(II) salt (R,T)
P059	Heptachlor
P051	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene
P037	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,exo-1,4:5,8-dimethanonaphthalene
P060	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo, endo-dimethanonaphthalene
P004	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,exo-dimethanonaphthalene
P080	Hexachlorohexahydro-exo,exo-dimethanonaphthalene
P062	Hexaethyl tetraphosphate
P116	Hydrazinecarbothioamide
P068	Hydrazine, methyl-
P063	Hydrocyanic acid
P063	Hydrogen cyanide
P096	Hydrogen phosphide
P064	Isocyanic acid, methyl ester
P007	3(2H)-Isoxazalone, 5-(aminomethyl)-
P092	Mercury, (acetato-O)phenyl-
P065	Mercury fulminate (R,T)
P016	Methane, oxybis(chloro-)
P112	Methane, tetranitro- (R)
P118	Methanethiol, trichloro-
P059	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P066	Methomyl
P067	2-Methylaziridine
P068	Methyl hydrazine
P064	Methyl isocyanate
P069	2-Methylactonitrile
P071	Methyl parathion
P072	alpha-Naphthylthiourea
P073	Nickel carbonyl
P074	Nickel cyanide

Hazardous waste No.	Substance
P074	Nickel(II) cyanide
P073	Nickel tetracarbonyl
P075	Nicotine and salts
P076	Nitric oxide
P077	p-Nitroaniline
P078	Nitrogen dioxide
P076	Nitrogen(II) oxide
P078	Nitrogen(IV) oxide
P081	Nitroglycerine (R)
P082	N-Nitrosodimethylamine
P084	N-Nitrosomethylvinylamine
P050	5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite
P085	Octamethylpyrophosphoramide
P087	Osmium oxide
P087	Osmium tetroxide
P088	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P089	Parathion
P034	Phenol, 2-cyclohexyl-4,6-dinitro-
P048	Phenol, 2,4-dinitro-
P047	Phenol, 2,4-dinitro-6-methyl-
P020	Phenol, 2,4-dinitro-6-(1-methylpropyl)-
P009	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P036	Phenyl dichloroarsine
P092	Phenylmercuric acetate
P093	N-Phenylthiourea
P094	Phorite
P095	Phosgene
P096	Phosphine
P041	Phosphoric acid, diethyl p-nitrophenyl ester
P044	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl]ester
P043	Phosphorofluoric acid, bis(1-methylethyl)-ester
P094	Phosphorothioic acid, O,O-diethyl S-(ethylthio)methyl ester
P089	Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester
P040	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P087	Phosphorothioic acid, O,O-dimethyl O-[p-(dimethylamino)-sulfonylphenyl]ester
P110	Plumbane, tetraethyl-
P098	Potassium cyanide
P099	Potassium silver cyanide
P070	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
P101	Propanenitrile
P027	Propanenitrile, 3-chloro-
P089	Propanenitrile, 2-hydroxy-2-methyl-
P081	1,2,3-Propanetriol, trinitrate- (R)
P017	2-Propanone, 1-bromo-
P102	Propargyl alcohol
P003	2-Propenal
P005	2-Propen-1-ol
P087	1,2-Propylenimine
P102	2-Propyn-1-ol
P008	4-Pyridinamine
P075	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts
P111	Pyrophosphoric acid, tetraethyl ester
P103	Selenourea
P104	Silver cyanide
P105	Sodium azide
P106	Sodium cyanide
P107	Strontium sulfide
P108	Strychnidin-10-one, and salts
P018	Strychnidin-10-one, 2,3-dimethoxy-
P108	Strychnine and salts
P115	Sulfuric acid, thallium(I) salt
P109	Tetraethyldithiopyrophosphate

Hazardous waste No.	Substance
P110	Tetraethyl lead
P111	Tetraethylpyrophosphate
P112	Tetranitromethane (R)
P062	Tetraphosphoric acid, hexaethyl ester
P113	Thallic oxide
P113	Thallium(III) oxide
P114	Thallium(I) selenite
P115	Thallium(I) sulfate
P045	Thioanox
P049	Thioimidodicarbonic diamide
P014	Thiophenol
P116	Thiosemicarbazide
P026	Thiourea, (2-chlorophenyl)-
P072	Thiourea, 1-naphthalenyl-
P093	Thiourea, phenyl-
P123	Toxaphene
P118	Trichloromethaneethiol
P116	Vanadic acid, ammonium salt
P120	Vanadium pentoxide
P120	Vanadium(V) oxide
P001	Warfarin, when present at concentrations greater than 0.3%
P121	Zinc cyanide
P122	Zinc phosphide, when present at concentrations greater than 10%

(f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in paragraphs (a) through (d) of this section, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in § 261.5 (a) and (f).

[Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability) and C (Corrosivity). Absence of a letter indicates that the compound is only listed for toxicity.]

These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous Waste No.	Substance
U001	Acetaldehyde (I)
U034	Acetaldehyde, trichloro-
U187	Acetamide, N-(4-ethoxyphenyl)-
U005	Acetamide, N-9H-fluoren-2-yl-
U112	Acetic acid, ethyl ester (I)
U144	Acetic acid, lead salt
U214	Acetic acid, thallium(I) salt
U002	Acetone (I)
U003	Acetonitrile (I,T)
U248	3-(alpha-Acetoxybenzyl)-4-hydroxycoumarin and salts, when present at concentrations of 0.3% or less
U004	Acetophenone
U005	2-Acetylaminofluorene

Hazardous Waste No.	Substance
U006	Acetyl chloride (C,R,T)
U007	Acrylamide
U006	Acrylic acid (I)
U009	Acrylonitrile
U150	Alanine, 3-[p-bis(2-chloroethylamino)phenyl-, L-
U011	Amitrole
U012	Aniline (I,T)
U014	Auramine
U015	Azaserine
U010	Azino(2',3':3,4')pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-[[[amino-carbonyl]oxymethyl]-1,1a,2,6,8a,8b-hexahydro-8a-methoxy-5-methyl-,
U157	Benz[<i>b</i>]acanthrylene, 1,2-dihydro-3-methyl-
U016	Benz[<i>c</i>]acridine
U016	3,4-Benzacridine
U017	Benzal chloride
U018	Benz[<i>a</i>]anthracene
U018	1,2-Benzanthracene
U094	1,2-Benzanthracene, 7,12-dimethyl-
U012	Benzenamine (I,T)
U014	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-
U049	Benzenamine, 4-chloro-2-methyl-
U093	Benzenamine, N,N-dimethyl-4-phenylazo-
U158	Benzenamine, 4,4'-methylenebis(2-chloro-
U222	Benzenamine, 2-methyl-, hydrochloride
U181	Benzenamine, 2-methyl-5-nitro
U019	Benzene (I,T)
U038	Benzenecetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester
U030	Benzene, 1-bromo-4-phenoxy-
U037	Benzene, chloro-
U190	1,2-Benzenedicarboxylic acid anhydride
U028	1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)] ester
U069	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	1,2-Benzenedicarboxylic acid, diethyl ester
U102	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	1,2-Benzenedicarboxylic acid, di-n-octyl ester
U070	Benzene, 1,2-dichloro-
U071	Benzene, 1,3-dichloro-
U072	Benzene, 1,4-dichloro-
U017	Benzene, (dichloromethyl)-
U223	Benzene, 1,3-dicyanatomethyl- (R,T)
U239	Benzene, dimethyl-(I,T)
U201	1,3-Benzenediol
U127	Benzene, hexachloro-
U056	Benzene, hexahydro- (I)
U188	Benzene, hydroxy-
U220	Benzene, methyl-
U105	Benzene, 1-methyl-1,2,4-dinitro-
U106	Benzene, 1-methyl-2,6-dinitro-
U203	Benzene, 1,2-methylenedioxy-4-allyl-
U141	Benzene, 1,2-methylenedioxy-4-propenyl-
U090	Benzene, 1,2-methylenedioxy-4-propyl-
U055	Benzene, (1-methylethyl)- (I)
U169	Benzene, nitro- (I,T)
U183	Benzene, pentachloro-
U185	Benzene, pentachloro-nitro-
U020	Benzenesulfonic acid chloride (C,R)
U020	Benzenesulfonyl chloride (C,R)
U207	Benzene, 1,2,4,5-tetrachloro-
U023	Benzene, (trichloromethyl)-(C,R,T)
0234	Benzene, 1,3,5-trinitro- (R,T)
U021	Benzo[d]imidazole
U202	1,2-Benzisothiazolin-3-one, 1,1-dioxide
U120	Benzo[<i>k</i>]fluorene
U022	Benzo[<i>a</i>]pyrene
U022	3,4-Benzopyrene
U197	p-Benzoquinone

Hazardous Waste No.	Substance
U023	Benzotrifluoride (C,R,T)
U050	1,2-Benzophenanthrene
U065	2,2'-Bioxane (I,T)
U021	(1,1'-Biphenyl)-4,4'-diamine
U073	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-
U091	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-
U095	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-
U024	Bis(2-chloroethoxy) methane
U027	Bis(2-chloroisopropyl) ether
U244	Bis(dimethylthiocarbonyl) disulfide
U028	Bis(2-ethylhexyl) phthalate
U246	Bromine cyanide
U225	Bromolom
U030	4-Bromophenyl phenyl ether
U126	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172	1-Butanamine, N-butyl-N-nitroso-
U035	Butanoic acid, 4-[bis(2-chloroethyl)amino] benzene-
U031	1-Butanol (I)
U159	2-Butanone (I,T)
U160	2-Butanone peroxide (R,T)
U053	2-Butenal
U074	2-Butene, 1,4-dichloro- (I,T)
U031	n-Butyl alcohol (I)
U136	Cacodylic acid
U032	Calcium chromate
U238	Carbamic acid, ethyl ester
U178	Carbamic acid, methylnitroso-, ethyl ester
U176	Carbamide, N-ethyl-N-nitroso-
U177	Carbamide, N-methyl-N-nitroso-
U219	Carbamide, thio-
U097	Carbamoyl chloride, dimethyl-
U215	Carbonic acid, dithalium(I) salt
U156	Carbonochloridic acid, methyl ester (I,T)
U033	Carbon oxyfluoride (R,T)
U211	Carbon tetrachloride
U033	Carbonyl fluoride (R,T)
U034	Chloral
U035	Chlorambucil
U036	Chlordane, technical
U026	Chloromaphazine
U037	Chlorobenzene
U039	4-Chloro-m-cresol
U041	1-Chloro-2,3-epoxypropane
U042	2-Chloroethyl vinyl ether
U044	Chloroform
U048	Chloromethyl methyl ether
U047	bis-Chloronaphthalene
U048	o-Chlorophenol
U049	4-Chloro-o-toluidine, hydrochloride
U032	Chromic acid, calcium salt
U050	Chrysene
U051	Creosote
U052	Cresols
U052	Cresylic acid
U053	Crotonaldehyde
U055	Cumene (I)
U246	Cyanogen bromide
U197	1,4-Cyclohexanedione
U056	Cyclohexane (I)
U057	Cyclohexanone (I)
U130	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexa- chloro-
U058	Cyclophosphamide
U240	2,44-D, salts and esters
U059	Daunomycin
U060	DDD
U061	DDT
U142	Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one
U062	Diallate
U133	Diamine (R,T)
U221	Daminotoluene

Hazardous Waste No.	Substance
U063	Dibenz[a,h]anthracene
U063	1,2,5,6-Dibenzanthracene
U064	1,2,7,8-Dibenzopyrene
U064	Dibenz[au]pyrene
U066	1,2-Dibromo-3-chloropropane
U069	Dibutyl phthalate
U062	S-(2,3-Dichloroallyl) diisopropylthiocarbamate
U070	o-Dichlorobenzene
U071	m-Dichlorobenzene
U072	p-Dichlorobenzene
U073	3,3'-Dichlorobenzidine
U074	1,4-Dichloro-2-butene (I,T)
U075	Dichlorodifluoromethane
U192	3,5-Dichloro-N-(1,1-dimethyl-2-propenyl) benzamide
U060	Dichloro diphenyl dichloroethane
U061	Dichloro diphenyl trichloroethane
U078	1,1-Dichloroethylene
U079	1,2-Dichloroethylene
U025	Dichloroethyl ether
U081	2,4-Dichlorophenol
U082	2,6-Dichlorophenol
U240	2,4-Dichlorophenoxyacetic acid, salts and esters
U083	1,2-Dichloropropane
U084	1,3-Dichloropropane
U085	1,2,3,4-Diepoxybutane (I,T)
U106	1,4-Diethylene dioxide
U086	N,N-Diethylhydrazine
U087	O,O-Diethyl-S-methyl-dithiophosphate
U088	Diethyl phthalate
U089	Diethylstilbestrol
U148	1,2-Dihydro-3,6-pyridazinedione
U090	Dihydroxalole
U091	3,3'-Dimethoxybenzidine
U092	Dimethylamine (I)
U093	Dimethylaminoazobenzene
U094	7,12-Dimethylbenz[a]anthracene
U095	3,3'-Dimethylbenzidine
U096	alpha,alpha-Dimethylbenzylhydroperoxide (R)
U097	Dimethylcarbamoyl chloride
U098	1,1-Dimethylhydrazine
U099	1,2-Dimethylhydrazine
U101	2,4-Dimethylphenol
U102	Dimethyl phthalate
U103	Dimethyl sulfate
U105	2,4-Dinitrotoluene
U106	2,6-Dinitrotoluene
U107	Di-n-octyl phthalate
U108	1,4-Dioxane
U109	1,2-Diphenylhydrazine
U110	Dipropylamine (I)
U111	Di-N-propylnitrosamine
U001	Ethanal (I)
U174	Ethanamine, N-ethyl-N-nitroso-
U067	Ethane, 1,2-dibromo-
U076	Ethane, 1,1-dichloro-
U077	Ethane, 1,2-dichloro-
U114	1,2-Ethanedithiocarbamodithioic acid
U131	Ethane, 1,1,1,2,2,2-hexachloro-
U024	Ethane, 1,1'-(methylenebis(oxy))bis[2-chloro-
U003	Ethanesulfide (I, T)
U117	Ethane,1,1'-oxybis- (I)
U025	Ethane, 1,1'-oxybis[2-chloro-
U184	Ethane, pentachloro-
U208	Ethane, 1,1,1,2-tetrachloro-
U209	Ethane, 1,1,2,2-tetrachloro-
U218	Ethanesulfamide
U247	Ethane, 1,1,1,-trichloro-2,2-bis(p-methoxy-phenyl),
U227	Ethane, 1,1,2-trichloro-
U043	Ethane, chloro-

Hazardous Waste No.	Substance	Hazardous Waste No.	Substance
U042	Ethene, 2-chloroethoxy-	U058	Methane, dibromo-
U078	Ethene, 1,1-dichloro-	U080	Methane, dichloro-
U079	Ethene, trans-1,2-dichloro-	U075	Methane, dichlorodifluoro-
U210	Ethene, 1,1,2,2-tetrachloro-	U138	Methane, iodo-
U173	Ethanol, 2,2-(nitrosoimino)bis-	U119	Methanesulfonic acid, ethyl ester
U004	Ethanone, 1-phenyl-	U211	Methane, tetrachloro-
U006	Ethanoyl chloride (C,R,T)	U121	Methane, trichlorofluoro-
U112	Ethyl acetate (I)	U153	Methanethiol (I,T)
U113	Ethyl acrylate (I)	U225	Methane, tribromo-
U238	Ethyl carbamate (urethan)	U044	Methane, trichloro-
U038	Ethyl 4,4'-dichlorobenzolate	U121	Methane, trichlorofluoro-
U114	Ethylenedis(dithiocarbamic acid)	U123	Methanoic acid (C,T)
U067	Ethylene dibromide	U038	4,7-Methanonidan, 1,2,4,5,6,7,8,8-octa-chloro-3a,4,7,7a-tetrahydro-
U077	Ethylene dichloride	U154	Methanol (I)
U115	Ethylene oxide (I,T)	U155	Methacrylene
U116	Ethylene thiourea	U247	Methoxychlor
U117	Ethyl ether (I)	U154	Methyl alcohol (I)
U076	Ethyldene dichloride	U029	Methyl bromide
U118	Ethylmethacrylate	U186	1-Methylbutane (I)
U119	Ethyl methanesulfonate	U045	Methyl chloride (I,T)
U139	Femic dextran	U156	Methyl chlorocarbonate (I,T)
U120	Fluoranthene	U226	Methylchloroform
U122	Formaldehyde	U157	3-Methylcholanthrene
U123	Formic acid (C,T)	U158	4,4'-Methylenedis(2-chloroaniline)
U124	Furan (I)	U132	2,2'-Methylenedis(3,4,6-trichlorophenol)
U125	2-Furancarboxaldehyde (I)	U068	Methylene bromide
U147	2,5-Furandione	U080	Methylene chloride
U213	Furan, tetrahydro- (I)	U122	Methylene oxide
U125	Furfural (I)	U159	Methyl ethyl ketone (I,T)
U124	Furfuran (I)	U160	Methyl ethyl ketone peroxide (R,T)
U206	D-Glucopyranose, 2-deoxy-2(3-methyl-3-nitro-soureido)-	U138	Methyl iodide
U126	Glycidylaldehyde	U161	Methyl isobutyl ketone (I)
U163	Guanidine, N-nitroso-N-methyl-N' nitro-	U162	Methyl methacrylate (I,T)
U127	Hexachlorobenzene	U163	N-Methyl-N'-nitro-N-nitrosoguanidine
U128	Hexachlorobutadiene	U161	4-Methyl-2-pentanone (I)
U129	Hexachlorocyclohexane (gamma isomer)	U164	Methylthiourea
U130	Hexachlorocyclopentadiene	U010	Mitomycin C
U131	Hexachloroethane	U059	5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-xyro-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-
U132	Hexachlorophene	U165	Naphthalene
U243	Hexachloropropene	U047	Naphthalene, 2-chloro-
U133	Hydrazine (R,T)	U166	1,4-Naphthalenedione
U086	Hydrazine, 1,2-diethyl-	U236	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-di-methyl-(1,1'-biphenyl)-4,4'-diyl)]-bis-(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt
U098	Hydrazine, 1,1-dimethyl-	U166	1,4-Naphthoquinone
U099	Hydrazine, 1,2-dimethyl-	U167	1-Naphthylamine
U109	Hydrazine, 1,2-diphenyl-	U168	2-Naphthylamine
U134	Hydrofluoric acid (C,T)	U167	alpha-Naphthylamine
U134	Hydrogen fluoride (C,T)	U168	beta-Naphthylamine
U135	Hydrogen sulfide	U026	2-Naphthylamine, N,N'-bis(2-chloromethyl)-
U096	Hydroperoxide, 1-methyl-1-phenylethyl- (R)	U169	Nitrobenzene (I,T)
U136	Hydroxymethylarsine oxide	U170	p-Nitrophenol
U116	2-Imidazolidinethione	U171	2-Nitropropane (I)
U137	Indenol(1,2,3-cd)pyrene	U172	N-Nitrosodi-n-butylamine
U139	Iron dextran	U173	N-Nitrosodethanolamine
U140	Isobutyl alcohol (I,T)	U174	N-Nitrosodethylamine
U141	Isosafrole	U111	N-Nitroso-N-propylamine
U142	Kepon	U176	N-Nitroso-N-ethylurea
U143	Lasiocarpine	U177	N-Nitroso-N-methylurea
U144	Lead acetate	U178	N-Nitroso-N-methylurethane
U145	Lead phosphate	U179	N-Nitrosopendone
U146	Lead subacetate	U180	N-Nitrosopyrrolidine
U129	Lindane	U181	5-Nitro-o-toluidine
U147	Maleic anhydride	U193	1,2-Oxethiolane, 2,2-dioxide
U148	Maleic hydrazide	U058	2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chloro-ethyl)amino]tetrahydro-, oxide 2-
U149	Malononitrile	U115	Oxirane (I,T)
U150	Melphalan		
U151	Mercury		
U152	Methacrylonitrile (I,T)		
U092	Methanamine, N-methyl- (I)		
U029	Methane, bromo-		
U045	Methane, chloro- (I,T)		
U046	Methane, chloromethoxy-		

Hazardous Waste No.	Substance
U041	Oxane, 2-(chloromethyl)-
U182	Paraldehyde
U183	Pentachlorobenzene
U184	Pentachloroethane
U185	Pentachloronitrobenzene
U242	Pentachlorophenol
U186	1,3-Pentadene (I)
U187	Phenacetyl
U188	Phenol
U048	Phenol, 2-chloro-
U039	Phenol, 4-chloro-3-methyl-
U081	Phenol, 2,4-dichloro-
U082	Phenol, 2,6-dichloro-
U101	Phenol, 2,4-dimethyl-
U170	Phenol, 4-nitro-
U242	Phenol, pentachloro-
U212	Phenol, 2,3,4,6-tetrachloro-
U230	Phenol, 2,4,5-trichloro-
U231	Phenol, 2,4,6-trichloro-
U137	1,10-(1,2-phenylene)pyrene
U145	Phosphoric acid, Lead salt
U087	Phosphorothioic acid, 0,0-diethyl-, S-methyl-ester
U189	Phosphorous sulfide (R)
U190	Phthalic anhydride
U191	2-Picoline
U192	Propamide
U194	1-Propanamine (I,T)
U110	1-Propanamine, N-propyl- (I)
U066	Propane, 1,2-dibromo-3-chloro-
U149	Propanedinitrile
U171	Propane, 2-nitro- (I)
U027	Propane, 2,2'-oxybis[2-chloro-
U193	1,3-Propane sulfone
U235	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U126	1-Propanol, 2,3-epoxy-
U140	1-Propanol, 2-methyl- (I,T)
U002	2-Propanone (I)
U007	2-Propanamide
U084	Propene, 1,3-dichloro-
U243	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	2-Propenenitrile
U152	2-Propenenitrile, 2-methyl- (I,T)
U008	2-Propenoic acid (I)
U113	2-Propenoic acid, ethyl ester (I)
U118	2-Propenoic acid, 2-methyl-, ethyl ester
U182	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U233	Propionic acid, 2-(2,4,5-trichlorophenoxy)-
U194	n-Propylamine (I,T)
U083	Propylene dichloride
U196	Pyridine
U155	Pyridine, 2-[(2-(dimethylamino)-2-thenylamino)-
U179	Pyridine, hexahydro-N-nitroso-
U191	Pyridine, 2-methyl-
U164	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thiozo-
U180	Pyrrole, tetrahydro-N-nitroso-
U200	Reserpine
U201	Resorcinol
U202	Saccharin and salts
U203	Serine
U204	Selenious acid
U204	Selenium dioxide
U205	Selenium disulfide (R,T)
U015	L-Serine, diazoacetate (ester)
U233	Silver
U089	4,4'-Stilbene-diol, alpha, alpha'-diethyl-
U206	Streptozotocin
U135	Sulfur hydride
U103	Sulfuric acid, dimethyl ester
U189	Sulfur phosphide (R)

Hazardous Waste No.	Substance
U205	Sulfur selenide (R,T)
U232	2,4,5-T
U207	1,2,4,5-Tetrachlorobenzene
U208	1,1,1,2-Tetrachloroethane
U209	1,1,2,2-Tetrachloroethane
U210	Tetrachloroethylene
U212	2,3,4,6-Tetrachlorophenol
U213	Tetrahydrofuran (I)
U214	Thallium(I) acetate
U215	Thallium(I) carbonate
U216	Thallium(I) chloride
U217	Thallium(I) nitrate
U218	Thioacetamide
U153	Thiomethanol (I,T)
U219	Thiourea
U244	Thiram
U220	Toluene
U221	Toluenediamine
U223	Toluene diisocyanate (R,T)
U222	O-Toluidine hydrochloride
U011	1H-1,2,4-Triazol-3-amine
U226	1,1,1-Trichloroethane
U227	1,1,2-Trichloroethane
U228	Trichloroethene
U228	Trichloroethylene
U121	Trichloromonofluoromethane
U230	2,4,5-Trichlorophenol
U231	2,4,6-Trichlorophenol
U232	2,4,5-Trichlorophenoxyacetic acid
U234	sym-Trinitrobenzene (R,T)
U182	1,3,5-Trioxane, 2,4,5-trimethyl-
U235	Tris(2,3-dibromopropyl) phosphate
U236	Trypan blue
U237	Uracil, 5[bis(2-chloromethyl)amino]-
U237	Uracil mustard
U043	Vinyl chloride
U248	Warfarin, when present at concentrations of 0.3% or less
U239	Xylene (I)
U200	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester
U249	Zinc phosphide, when present at concentrations of 10% or less

[45 FR 78529, 78541, Nov. 25, 1980, as amended at 46 FR 27477, May 20, 1981; 49 FR 19923, May 10, 1984]

EFFECTIVE DATE NOTE: At 49 FR 19923, May 10, 1984, § 261.33 was amended by revising three entries in the table in paragraph (e), and adding three entries to the table in paragraph (f) identified by hazardous waste numbers U248, (3-(alpha-Aceton-ylbenzyl)-4-hydroxycoumarin and salts, when present at concentrations of 0.3% or less, and Warfarin, when present at concentrations of 0.3% or less), and U249, (Zinc phosphide, when present at concentrations of 10% or less), effective November 12, 1984. For the convenience of the user, the superseded entries from the table in paragraph (e) are set out below.

Central Transport, Inc.

L I Q U I D A N D D R Y C O M M O D I T I E S I N B U L

CERTIFIED MAIL

TELEPHONE 919-431-9186 P. O. BOX 7007
HIGH POINT, NORTH CAROLINA 27264

April 30, 1987

Commonwealth of Pennsylvania
Dept. of Environmental Resources
White Memorial Bldg.
P.O. Box 669
Knox, PA 16232
Attn: Mr. Gary J. Wozniak
Solid Waste Specialist
Bureau of Waste Management

Dear Mr. Wozniak:

reference is made to your letter dated April 22, 1987, Notice of Violation, and our meeting dated April 29, 1987, the office of Central Transport, Inc. attended by yourself, James Stover and Wendell Campbell of Central Transport, Inc. and B. S. Saluja, P.E. of Technical Testing Laboratories, Inc. We would like to restate the following:

- A. Central Transport, Inc. is in the business of hauling liquid chemicals and dry bulk products. Central Transport, Inc. however, does not transport hazardous waste. Central Transport also is not a storage facility for hazardous waste.
- B. Some of the liquid products hauled by Central Transport, Inc. are on the list of U.S. EPA, 40 CFR, Section 261-33 "P" and "U" lists. Central Transport drivers have specific instructions to deliver entire product and do not bring back heels or residue without proper permission of the respective terminal manager. Residue material (heel), if any, is removed from the tank truck and placed in drums. Only empty tank trucks are washed at the facility.

Copies of the Central Transport, Inc. policy memorandums are also enclosed for your record.

Central Transport, Inc.

L I Q U I D A N D D R Y C O M M O D I T I E S I N B U L

Page -2-

TELEPHONE 919-431-9186 P. O. BOX 7007
HIGH POINT, NORTH CAROLINA 27264

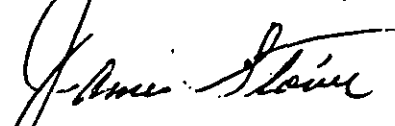
- C. As discussed during our meeting, Central Transport, Inc. will apply for an EPA Hazardous Waste Notification Activity. The request for Notification Activity will be mailed to Pen. DER on or before May 11, 1987. In addition, Central Transport will designate an area on its property to accumulate drums containing hazardous waste. Drums will be sent to an approved hazardous waste disposal facility as per proper manifest for disposal within 90 days.
- D. Central Transport, Inc. will prepare a PPC manual after receiving a copy of the guidelines from your office. Central Transport, Inc. will have its PPC manual completed and sent for your review on or before July 28, 1987.
- E. Since Central Transport, Inc. does not intend to store drums containing hazardous waste for more than 90 days on its premises, we understand, it is not required to prepare a closure plan.
- F. Central Transport, Inc. will immediately start keeping records of drums containing hazardous waste, if any, as required by Pen. DER.

We believe, the above letter restates the full compliance to the Pen. DER Hazardous Waste regulations by the Central Transport, Inc.

Should you have any questions, feel free to call the undersigned at [304] 722-4394 or [304] 755-0125 or B. S. Saluja, P.E. [304] 346-0725.

Very Truly Yours,

CENTRAL TRANSPORT, INC.



James Stover
Midwest Regional Manager

JS:sc

Enclosure

Central Transport, Inc.

L I Q U I D A N D D R Y C O M M O D I T I E S I N B U L

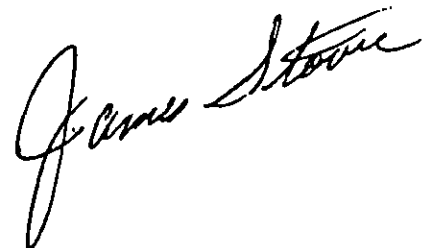
TELEPHONE 919-431-9186 P. O. BOX 7007
HIGH POINT, NORTH CAROLINA 27284

FOR IMMEDIATE RELEASE

TO: All Staff Members
FROM: James Stover, Midwest Regional Manager
RE: Karns City, PA.
DATE: April 23, 1987

Effective immediately all tank trucks before washing/cleaning must be inspected for residue material, if any. All residue material, on U.S. E.P.A. P list or U list must be thoroughly drained or removed before washing the tank trucks. Such residue must be placed in drums. The drums must be placed in a specially designated area on the terminal. All drums must be shipped out once every 90 days or earlier. Central Transport, Inc. is allowed to wash only empty tank trucks. A copy of products on U.S. E.P.A. P list and U List is also enclosed.

All questions pertaining to above matters should be referenced to James Stover or Jerry Skidmore.



Date: 4-17-87

To: All Terminal Managers

For: Posting on Bulletin Boards

From: Ron Perryman

Subject: Heels Left on Trailers

This situation has gotten to a critical stage. We simply cannot tolerate any more trailers going into an outside cleaning facility, or our own, that has any heel left on it.

The cost of disposing of these heels at outside cleaning facilities will often times run \$10.00 per gallon or more. They also cause us major problems at our own cleaning facilities because we simply cannot handle all of this excess heel in our waste treatment systems.

If a customer back-flushes product and/or water onto your tank, it is imperative that you immediately contact your dispatcher before leaving that customer. As I have stated before, if you bring a heel into an outside cleaning facility and have not followed the above policy, you will pay your percentage for the waste disposal, (17.8% per company driver and 60% for a lease operator). Continued violations will result in termination. If you bring a heel into a company-owned cleaning facility, without first calling and notifying your dispatcher, you will be required to take it back to the customer without pay. Here, again, continued violation of this policy will lead to termination.

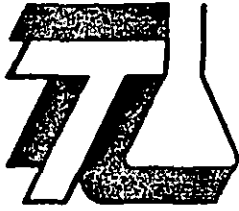
I cannot over-stress the importance of getting the trailer completely empty each and every time.

I expect everyone's cooperation in this matter.

Ron Perryman
Ron Perryman *pms*

RP/PMS ✓

cc: Cliff James
• Bobby Pugh
Jim Stover
Jerry Skidmore



Technical
Testing
Laboratories Inc.



B. S. Saluja, P.E.
President

1256 Greenbrier Street
Charleston, WV 25311
304-346-0725

May 28, 1987

Mr. Clifford James,
V.P. & G. M.
Central Transport, Inc.
P.O. Box 7007
High Point, N.C. 27264

RE: Karns City, Pa.

Dear Mr. James:

Enclosed please find a copy of the Notification of Hazardous Waste Activity form. Please sign page 2 of the form and send it back to me immediately for further processing to receive a U.S. EPA I.D. Number for your Karns City, Pa. terminal.

Should you have any questions, feel free to call me at [304] 346-0725.

Very Truly Yours,

TECHNICAL TESTING LABORATORIES, INC.

B. S. Saluja, P.E.
President

BSS:sc

Enclosure

cc: James Stover

ID — For Official Use Only													
C												T/A	C
W													1

X. Description of Hazardous Wastes (continued from front)

A. Hazardous Wastes from Nonspecific Sources. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from nonspecific sources your installation handles. Use additional sheets if necessary. **N. A.**

1	2	3	4	5	6
7	8	9	10	11	12

B. Hazardous Wastes from Specific Sources. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific sources your installation handles. Use additional sheets if necessary. **N. A.**

13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

C. Commercial Chemical Product Hazardous Wastes. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary. **Refer Enclosed Sheet.**

31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48

D. Listed Infectious Wastes. Enter the four-digit number from 40 CFR Part 261.34 for each hazardous waste from hospitals, veterinary hospitals, or medical and research laboratories your installation handles. Use additional sheets if necessary. **N. A.**


49	50	51	52	53	54
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E. Characteristics of Nonlisted Hazardous Wastes. Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles. (See 40 CFR Parts 261.21 — 261.24)

1. Ignitable (D001)
 2. Corrosive (D002)
 3. Reactive (D003)
 4. Toxic (D000)

XI. Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature 	Name and Official Title (type or print) Clifford James, V.P. & G.M.	Date Signed 6/11/87
---	--	------------------------

Central Transport, Inc.
R.D. 2, P. O. Box 1134
Karns City, PA 16041

<u>Hazardous Waste No.-Substance</u>		<u>Hazardous Waste No.-Substance</u>	
U001	Acetaldehyde	U112	Ethyl Acetate
U002	Acetone	P053	Ethylenediamine
U003	Acetonitrile	U122	Formaldehyde
U009	Acrylonitrile	U133	Hydrazine
P010	Arsenic Acid	U140	Isobutyl Alcohol
U012	Aniline	U154	Methanol
U020	Benzenesulfonyl Chloride	U159	Methyl Ethyl
U028	Bis(2-ethyl hexyl) Phthalate	U161	Keytone
U031	Butyl Alcohol		Methyl Isobutyl
U036	Chlorodane	U162	Ketone
U043	Chlorothene		Methyl
U052	Cresols	U226	Methacrylate
U069	Di-n-butyl Phthalate		Methyl
U080	Methylene Chloride		Chloroform
U084	Dichloropropene	U169	Nitrobenzol
U088	Diethyl Phthalate	U196	Pryidine
U102	Dimethyl Phthalate	U210	Perchloroe-
U227	1.1.2.-Trichloroethane		thylene



Before the Safety and Health Review Board
of North Carolina

HEARING EXAMINERS
ATTORNEYS

OLIVER ALPHIN
DURHAM, N.C.
CHARLES BREWER
ASHEVILLE, N.C.
JOYCE GARRETT
BURLINGTON, N.C.
FRED HUTCHINS
WINSTON-SALEM, N.C.
RICHARD KANE
CHARLOTTE, N.C.
HUGH WILSON
LENOIR, N.C.

501 North Blount Street
Raleigh, North Carolina 27604

CHAIRMAN
KENNETH K. KISER
306 SOUTH UNION STREET
CONCORD, N.C. 28025
TELEPHONE: 919/733-3589

MEMBERS:
MICHAEL K. CURTIS
GREENSBORO, N.C.
PHILIP M. VAN HOY
CHARLOTTE, N.C.

DOCKETED
JUL 25 1989

FILED
JAN 26 1989

O.S.H.A REVIEW BOARD

JOHN C. BROOKS, - COMMISSIONER OF
LABOR OF NORTH CAROLINA,

Complainant,

OSHANC NO. 88-1487

v.

ORDER

CENTRAL TRANSPORT, INC.
600 Melynda Road
Charlotte, North Carolina 28208

Respondent

DOCUMENT
FOLDER

RECEIVED

JUL 19 1989

SECRETARYS OFFICE
Public Utility Commission

This cause came on for hearing and was heard before the
Undersigned on November 29, 1988 in City Hall Annex Building,
Commission Room, 66 Union Street, Concord, North Carolina.

Complainant was represented by Robert J. Blum, Associate
Attorney General, North Carolina Department of Justice. Respondent
was represented by John J. Doyle and Joyce W. Wheeler, attorneys
at law, Charlotte, North Carolina.

Respondent moved to dismiss the action for lack of
jurisdiction. Complainant objected to the motion.

Based upon the oral arguments of counsel and upon the record
the following Findings of Fact and Conclusions of Law are made:

MaHaeck 4
A-00168155
6/28/89
JMG
Hbg

FINDINGS OF FACT

1. Complainant, the North Carolina Department of Labor, by and through its Commissioner, is an agency of the State of North Carolina charged with inspection and with enforcement of the Occupational Safety and Health Act of North Carolina.

2. Respondent is an entity which was transacting business in the State of North Carolina at the time of the inspection conducted on or about October 15, 1987 through April 13, 1987 and is subject to the North Carolina Occupational Safety and Health Act of North Carolina.

3. On or about September 15, 1986 Complainant issued a citation to Respondent the bases of which arose out of an investigation of a double fatality at Respondent's Charlotte terminal on June 4, 1986 (hereinafter referred to as "Citation 1").

4. Respondent properly contested Citation 1 on October 3, 1986.

5. Respondent and Complainant entered into a Stipulation and Notice of Settlement and a Consent Order dated May 20, 1987 (hereinafter referred to collectively as the "Settlement Documents"). The Consent Order was entered by Administrative Law Judge Stephen C. Smith.

6. The Settlement Documents were extensively negotiated by attorneys for each of the parties, but were drafted by Complainant.

7. Under the terms of the Settlement Documents Respondent agreed to withdraw, and did withdraw, its Notice of Contest of Citation 1 and agreed to pay, and did pay, the proposed penalty of \$1,800, and agreed to implement certain specified safety programs. Respondent agreed to these actions in reliance on Complainant's performance of certain activities as set forth in the Settlement Documents.

8. The Stipulation and Notice Of Settlement provided

"Complainant upon request agrees to provide a monitoring follow-up inspection to evaluate Respondent's progress towards abatement and further agrees to provide technical assistance and/or consultative services upon request."

9. The Consent Order provided

"...IT IS ORDERED, ADJUDGED AND DECREED:

....3. That both parties are hereby required to comply with the terms and conditions stipulated in the Agreement, as follows:

(a) Upon the entry of this order, Respondent shall pay the

the proposed penalty and withdraw its Notice of Contest as required by the Agreement.

(b) With the exception of the training requirements specified in the Agreement, Respondent shall implement all other revisions therein within 30 days from the entry of this order.

(c) Respondent shall have 30 days from the entry of this order to prepare and submit to Complainant for review, comment and approval the written confined space entry program and written respiratory protection program required by the Agreement.

(d) Within 30 days of receipt of the above programs, Complainant shall provide Respondent with technical assistance or consultative services, if requested by Respondent, and further shall provide written recommendations concerning the deficiencies, if any, in Respondent's proposed programs.

(e) Respondent shall have 15 days from the receipt of the recommendations to complete any required modifications to these programs, to initiate the training required by the Agreement and, in all other respects, to be in compliance with the provisions of the settlement agreement."

10. The Consent Order was signed by Stephen C. Smith as Administrative Law Judge and consented to by Lacy H. Thornburg, Attorney General by David R. Mingos, Assistant Attorney General and by John J. Doyle, Jr., attorney for Respondent. The Order dated May 20, 1987 was entered on June 10, 1987.

11. The time schedule of events established by the Order is as follows:

before July 10, 1987	Respondent submit written programs
before August 9, 1987	Complainant provide technical assistance or consultative services, if requested; and provide written recommendations
before August 24, 1987	Complainant to complete required modifications to programs, initiate training; to be in compliance

12. By letter dated June 2, 1987 Respondent's Vice President/General Manager submitted written confined entry program and respiratory protection program to Complainant. Respondent requested technical assistance and consultative services.

13. By letter dated July 2, 1987 Complainant through its counsel Melissa Trippe provided Respondent's Vice President/General Manager written recommendations concerning Respondent's programs and requested that Respondent make the required modifications within 15 days. Complainant's letter also stated

You have expressed interest in receiving technical assistance and/or consultative services. Technical assistance and/or consultative services may be requested by telephoning Dr. James A. Oppold, Director of OSHA, (919)733-4880. Upon request, the Department of Labor will provide such assistance as provided for by the Consent Order."

Complainant's letter directed to Respondent's Vice President/General Manager does not show that a copy was sent to Respondent's counsel.

14. Respondent's Vice President/General Manager attempted to contact Dr. Oppold by telephone to make his request but did not make contact with Dr. Oppold.

15. By letter dated July 14, 1987 Respondent's Vice President/General Manager submitted to Complainant a copy of the programs revised in accordance with Complainant's recommendations, and, stating that the programs were being implemented with the expenditure of approximately \$20,000 for equipment, requested a prompt response as to Complainant's approval of the programs as modified. Respondent's letter also stated:

"By copy of this letter, I have requested (to the attention of Dr. James A. Oppold, Director of OSHA) technical assistance and consultative services from his department as provided by the Consent Order. In addition, I have placed a call to his office and am awaiting reply from him."

16. By letter dated August 5, 1987 Complainant through Attorney Melissa Trippe requested additional revisions to Respondent's programs. The letter does not show that a copy was sent to Respondent's counsel.

17. By letter dated August 10, 1987 Respondent's Vice President/General Manager submitted to attorney Melissa Trippe a copy of the final version of the programs revised in accordance with Complainant's August 5 letter. Respondent's letter also stated:

"It is my understanding, that further review of the Manual by the Department is unnecessary and that, both, the Confined Space Entry

Program and Respiratory Protection Program Procedures are approved as submitted in this final version. Therefore, Central Transport, Inc. is implementing these Programs and distributing these emergency rescue respirators (described in this Manual) to our terminal facilities. Training, personnel qualifications and medical examinations are to start, immediately."

18. By letter to Respondent's Vice President/General Manager dated September 24, 1987 Dr. James Oppold stated

"Pursuant to the settlement agreement and order entered dated May 20, 1987 in the above-referenced case, and based on the resulting correspondence from Melissa Trippe of the Attorney General's Office dated August 5, 1987 and your reply of August 10, 1987, it is our conclusion that August 25, 1987 should be established as the final abatement date for the citation issued in this case. Unless otherwise indicated by you within five days of receipt of this letter, we shall consider your letter of August 10, 1987 as confirmation of abatement as required by the citation and order."

The letter shows an open copy being sent to Melissa Trippe and 'blind' copies being sent to Commissioner Brooks, Mike Ragland, Richard Amos and Steve Lenhart. The letter does not show a copy being sent to Respondent's counsel.

19. Respondent did not respond to Dr. Oppold's September 24 letter.

20. On or about October 15, 1987 through April 13, 1988 Complainant conducted a Follow-up Inspection of Respondent's worksite.

21. By letter dated October 22, 1987 Respondent's attorney stated

"Depending upon the resolution of this issue which we discussed earlier today, this past week's inspection and Monday's follow up conference may serve to discharge the Department's obligation to provide a monitoring follow-up inspection to evaluate Central's progress toward abatement of the citations which gave rise to the referenced

proceeding."

22. On April 13, 1988 Respondent's representatives and counsel met with OSHA officials and Ralph F. Haskell (attorney for Complainant) and Compliance Officers Joel Jones and Scott Hammond. Respondent, in its opinion, received useful suggestions for implementing safer work conditions. In a letter dated April 14, 1988 Respondent's attorney stated

"...the information which our client received from the Department during this week's meeting is precisely what Central sought and bargained for when it negotiated and signed the stipulation and notice of settlement as well as the consent order...."

23. On April 14, 1988 as a result of the Follow-up Inspection Complainant issued a Citation (hereinafter referred to as "Citation 2") alleging violations of NCGS 95-129(1), 29 CFR 1910.134(f)(2)(ii), 13 NCAC 7C.0101(a)(99)(f)(4) and 13 NCAC 7C.0101(a)(99)(g)(8).

24. On or about May 2, 1988 Respondent timely filed a Notice of Contest to Citation 2.

25. Respondent stipulated that it received extensive technical assistance from Complainant but that it did not receive on-site consultative services as it believes it bargained for under the Settlement Documents and as it believes it requested.

26. Respondent stipulated that it does not assert that Complainant acted in bad faith.

27. Consultative services may be provided either on-site or off-site.

28. Most of Respondent's Vice President's/General Manager's letters show that the letters were copied to Respondent's attorney.

DISCUSSION

The primary issue is whether Complainant's 'follow-up' inspection of Respondent was proper in light of the settlement agreement which had been made as a result of a prior inspection.

Paragraph 4 of the Stipulation and Notice of Settlement appear to clearly anticipate that Complainant would provide upon request "a monitoring follow-up inspection to evaluate Respondent's progress towards abatement" as well as "provide technical assistance and/or consultative services".

The facts show that after entry of the Consent Order which incorporated the Stipulation and Notice of Settlement the Complainant communicated directly with Respondent's Vice President/General Manager and not with Respondent's counsel. Respondent's counsel knew, or should have known, of the direct communication since his client copied him with many of Respondent's letters to Complainant. The direct communication with Respondent by attorneys for Complainant was not inappropriate."

The underlying controversy in this case appears to be whether Respondent requested on-site consultative services - services he sought to ensure that the written plan which was being approved was being properly implemented on site and that such plan when implemented would bring him into compliance.

Letters from Complainant's attorneys clearly show that Respondent had made requests for services of some nature. Such letters refer to the request as being for "technical assistance and/or consultative" services, and Respondent was told to direct his request to Dr. Oppold, Director of OSHA. Respondent did in fact direct a request to Dr. Oppold. Its written request requested "technical assistance and consultative services from his department as provided for by the Consent Order."

It appears clear that Respondent did not expressly say the magic words "on-site inspection". However, Respondent contends that such on site inspection was being requested and was what it had bargained for in negotiating the settlement with respect to Citation 1. Further, Respondent contends that until Complainant complied with the terms of the Settlement Documents it was not proper to conduct a follow-up inspection because Respondent had relied in good faith on the terms of the Settlement Documents.

Complainant asserts that the Settlement Documents themselves set forth the latest possible abatement date as being August 25, 1987. Although not naming a date certain, the Consent Order set forth a formula by which the parties can determine the date by which Respondent must "be in compliance with the provisions of the settlement agreement." That formula is tied to the date of entry of the Order and provides for 30 days for plan submission by Respondent (paragraph 3c), followed by 30 days for Complainant to provide written recommendations concerning deficiencies in the plans and technical assistance or consultative services if requested by Respondent (paragraph 3d), followed by 15 days in which Respondent must "be in compliance" (paragraph 3e).

However, it was not until September 24, 1987 that Complainant informed Respondent that the abatement date was August 25, 1987. In the letter informing Respondent of the deemed abatement date, Complainant informed Respondent that it would consider Respondent's

letter of August 10 as confirmation of abatement. In its post-hearing brief Complainant asserts that Respondent could have objected to the such abatement date. However, a reading of Complainant's September 24 letter shows that all Respondent could have done was to object to its August 10 letter being a confirmation of abatement. Respondent was not in any manner invited to object to the abatement date itself.

The fact that attorneys for Complainant dealt directly with Respondent rather than Respondent's counsel changes the situation into one in which the Respondent is essentially appearing 'pro se'. This Board's general policy is that an employer appearing pro se should be afforded every benefit of the doubt with regard to legal technicalities and procedures since such employers are not particularly familiar with the operation of the law.

In this situation it is not unreasonable to conclude that Respondent's Vice President/General Manager did not comprehend the significance of the statement in the September 24 letter pertaining to the abatement date and that he awaited the services from Complainant which he believed he had requested both orally and in writing. Clearly Respondent made an error in failing to understand the significance of the abatement date and in failing to follow up with Complainant to determine when the on-site visit which Respondent believed would be forthcoming would be scheduled.

In light of the readily apparent good faith efforts of Respondent, the extensive work required by Respondent to prepare the plans and the expenditure of funds required for compliance, it would be too harsh to penalize Respondent for the miscommunication. Clearly Complainant acted in good faith; clearly Complainant rendered extensive technical services; clearly there was a misunderstanding of the nature of services being requested by Respondent.

The Consent Order provided that Complainant would provide technical and consultative services. However, the Stipulation and Notice of Settlement expressly referenced a monitoring follow-up inspection. The Order was consented to by Respondent in reliance on Complainant fulfilling its obligations under the Stipulation and Notice of Settlement. A basic principle of law is that ambiguities arising from language in a contract should be construed against the party drafting the document.

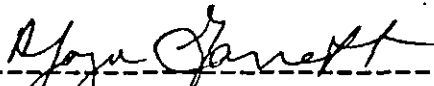
CONCLUSIONS OF LAW

In light of the Settlement Documents, the follow-up inspection which was the basis for Citation 2 was improper.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the

Citation and the Complaint based thereon which is the basis for this matter is DISMISSED, that the follow-up inspection on October 15, 1987 through April 13, 1988 serves to discharge Complainant's obligation under the Settlement Documents to provide a monitoring follow-up inspection and that the date of entry of this Order constitute the Abatement Date for violations cited in Citation 1. Within 10 days from the date of entry of this Order Respondent is to submit to Complainant on the proper form a notice verifying abatement.

This the 23 day of January 1989.



R. Joyce Garrett
Administrative Law Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of the foregoing
Order upon:

WEINSTEIN & STURGES, P.A.
Attorneys at Law
1100 South Tryon Street
Charlotte, NC 28203-4244
Attn: Mr. John J. Doyle, Jr.
Ms. Joyce W. Wheeler

by depositing a copy of the same in the United States Mail, Certified Mail,
Return Receipt Requested postage prepaid at Raleigh, North Carolina, and upon:

Mr. Ralf F. Haskell
Special Deputy Attorney General
Law Building
Raleigh, North Carolina

Mr. Robert J. Blum
Associate Attorney General
Law Building
Raleigh, North Carolina

Mr. James A. Oppold
OSHA Director
214 West Jones Street
Raleigh, North Carolina

by depositing same in an inter-office messenger mail envelope.

This the 26th day of January, 1989.

KENNETH K. KISER, CHAIRMAN



Doris S. Hinton
Administrative Assistant
Safety and Health Review Board
of North Carolina
501 North Blount Street
Raleigh, NC 27604

(919) 733-3589

	4. NAME OF MOTOR CARRIER/SHIPPER <i>Central Transport Inc</i>		CHANGE CORRECTION MERGE																																				
	5. FIRST LOCATOR <i>Centraltransinc</i>		6. SECOND LOCATOR																																				
SAFETY/COMPLIANCE REVIEW CARRIER/SHIPPER IDENTIFICATION 1. DOCUMENT NUMBER <i>14204</i> 2a. CARRIER CENSUS NMBR <i>090763</i> 3a. SHIPPER CENSUS NMBR <i>090763</i>	ADDRESSES MAILING PHYSICAL	7. STREET ADDRESS/P.O. BOX/ROUTE NUMBER <i>Urbarric Rd. (Route 5)</i>																																					
		8. CITY <i>High Point</i>	9. COUNTY <i>081</i>	10. STATE <i>N.C.</i>	11. ZIP CODE <i>27361</i>																																		
		12. STREET ADDRESS/P.O. BOX/ROUTE NUMBER <i>P.O. Box 7007</i>																																					
		13. CITY <i>High Point</i>	14. COUNTY <i>081</i>	15. STATE <i>N.C.</i>	16. ZIP CODE <i>27364</i>																																		
17. REGION <i>04</i>	18. OIC # <i>37</i>	19. TERRITORY <i>E</i>	20. PRINCIPAL PHONE NMBR AREA EXCHANGE NUMBER <i>919 431 9186</i>																																				
22. CLASSIFICATION <input checked="" type="radio"/> AUTHORIZED FOR HIRE <input type="radio"/> EXEMPT FOR HIRE <input type="radio"/> PRIVATE <input type="radio"/> MIGRANT <input type="radio"/> U.S. MAIL <input type="radio"/> OTHER		23. CARRIER OPERATION <input checked="" type="radio"/> INTERSTATE <input type="radio"/> INTRASTATE ONLY <input type="radio"/> FOREIGN		24. SHIPPER OPERATION <input type="radio"/> INTERSTATE <input type="radio"/> INTRASTATE ONLY <input type="radio"/> FOREIGN																																			
25. a. BUSINESS ORGANIZATION <input type="radio"/> INDIVIDUAL <input type="radio"/> PARTNERSHIP <input checked="" type="radio"/> CORPORATION: b. STATE c. YEAR			26. PRINCIPAL CARGO NAME <i>Liquid Bulk</i>																																				
27. CARGO CLASSIFICATIONS A. GENERAL FREIGHT G. BUILDING, MATERIALS N. OILFIELD EQUIPMENT U. CHEMICALS B. HOUSEHOLD GOODS H. MOBILE HOMES O. LIVESTOCK V. COMMODITIES DRY BULK C. METAL: SHEETS, COILS, ROLLS I. MACHINERY, LARGE OBJECTS P. GRAIN, FEED, HAY Q. COAL/COKE W. REFRIGERATED FOOD D. MOTOR VEHICLES J. FRESH PRODUCE R. MEAT X. BEVERAGES E. DRIVEAWAY/TOWAWAY <input checked="" type="radio"/> LIQUIDS/CASES S. NEW FURNITURE/FIXTURES Y. PAPER PRODUCTS F. LOGS, POLES, BEAMS, LUMBER L. INTERMODAL M. PASSENGERS T. U.S. MAIL			28. RESERVED 29. RESERVED 30. RESERVED 31. RESERVED																																				
<input checked="" type="radio"/> HAZARDOUS MATERIALS CARRIED/SHIPPED T—IN CARS AND TANKS P—IN PACKAGES																																							
<table border="0"> <tr> <td>CS A. EXPLOSIVES A</td> <td>TPCS <input checked="" type="radio"/> CORROSIVES</td> <td>TPCS O. IRRITATING MATERIAL</td> <td></td> <td></td> </tr> <tr> <td>CS B. EXPLOSIVES B</td> <td>TPCS I. OXIDIZERS</td> <td>TPCS P. 'ORM' MATERIAL</td> <td></td> <td></td> </tr> <tr> <td>CS C. EXPLOSIVES C</td> <td>TPCS J. POISON A</td> <td>TPCS Q. HAZARDOUS WASTE</td> <td></td> <td></td> </tr> <tr> <td><input checked="" type="radio"/> D. FLAMMABLE LIQUID</td> <td><input checked="" type="radio"/> K. POISON B</td> <td>TPCS R. ETIOLOGIC AGENT</td> <td></td> <td></td> </tr> <tr> <td>CS E. FLAMMABLE SOLID</td> <td>TPCS <input checked="" type="radio"/> COMBUSTIBLE LIQUID</td> <td>TPCS S. BLASTING AGENT</td> <td></td> <td></td> </tr> <tr> <td>CS F. FLAMMABLE GAS</td> <td>TPCS M. RADIOACTIVE MAT</td> <td>TPCS T. HAZARDOUS SUBSTNC</td> <td></td> <td></td> </tr> <tr> <td>CS G. NON-FLAMMABLE GAS</td> <td>TPCS N. ORGANIC PEROX</td> <td>TPCS U. CRYOGENICS</td> <td></td> <td></td> </tr> </table>					CS A. EXPLOSIVES A	TPCS <input checked="" type="radio"/> CORROSIVES	TPCS O. IRRITATING MATERIAL			CS B. EXPLOSIVES B	TPCS I. OXIDIZERS	TPCS P. 'ORM' MATERIAL			CS C. EXPLOSIVES C	TPCS J. POISON A	TPCS Q. HAZARDOUS WASTE			<input checked="" type="radio"/> D. FLAMMABLE LIQUID	<input checked="" type="radio"/> K. POISON B	TPCS R. ETIOLOGIC AGENT			CS E. FLAMMABLE SOLID	TPCS <input checked="" type="radio"/> COMBUSTIBLE LIQUID	TPCS S. BLASTING AGENT			CS F. FLAMMABLE GAS	TPCS M. RADIOACTIVE MAT	TPCS T. HAZARDOUS SUBSTNC			CS G. NON-FLAMMABLE GAS	TPCS N. ORGANIC PEROX	TPCS U. CRYOGENICS		
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33. GROSS REVENUE <i>43,000.00</i>		34. DATES OF REVENUE a. FROM <i>11/1/86</i> b. TO <i>11/1/87</i>		35. DIVIDED RECORD AUTH. a. YES <input type="radio"/> b. NO <input checked="" type="radio"/>																																			
37. EQUIPMENT			36. AVG NMBR OF TRIP LEASED DRIVERS PER MONTH <i>100</i>																																				
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	TRUCKS	TRUCK TRACTORS	TRAILERS	HM CARGO TANK TRAILER	HM CARGO TANK TRUCK	BUSES																																	
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39. PERSONS INTERVIEWED DURING THIS REVIEW																																							
NAME <i>Clifford James</i>		NAME <i>John Wiker</i>		NAME <i>Matthew S</i>																																			
TITLE <i>Vice President</i>		TITLE <i>Safety Director</i>		TITLE <i>6128/89</i>																																			
40. SIGNATURE																																							
a. RECEIVED BY <i>Steven M. Mathel</i>		b. TITLE <i>Vice Pres. Gen. Mgr.</i>																																					
c. REPORTED BY <i>Steven M. Mathel</i>		d. TITLE <i>Special Agent</i>	e. CODE <i>373</i>	f. DATE <i>1/26/87</i>																																			

DOCUMENT FOLDER

DOCKETED
JUL 2 5 1989

Matthew S
A. 08108155
6128/89
2/18/89

Central Transport Inc.

General

	YES	NO	N/A
*1. Can the carrier produce a copy of the Federal Motor Carrier Safety Regulations (FMCSR)?	<input checked="" type="checkbox"/>		
*2. Can the carrier produce a copy of the Hazardous Materials Regulations (HMR)?	<input checked="" type="checkbox"/>		
3. Is at least one responsible carrier official familiar with the FMCSR?	<input checked="" type="checkbox"/>		
C 4. Does the carrier have one individual ultimately charged with the responsibility for ensuring overall compliance with the FMCSR on an equal or higher level than the Director of Operations position?	<input checked="" type="checkbox"/>		
5. Does the individual in charge of safety have sole authority to hire drivers?		<input checked="" type="checkbox"/>	
6. Does the individual in charge of safety have authority to terminate drivers?	<input checked="" type="checkbox"/>		
7. Does the carrier have one individual charged with the responsibility for ensuring overall compliance with the HMR?	<input checked="" type="checkbox"/>		
C 8. Does the carrier have a driver safety training/orientation program?	<input checked="" type="checkbox"/>		
9. Does the carrier have a safety incentive/award program?	<input checked="" type="checkbox"/>		
10. Is the carrier familiar with the fines and penalties that can be imposed for violations of the FMCSR/HMR?	<input checked="" type="checkbox"/>		
C*11. Does carrier management review its safety compliance status on a periodic basis?	<input checked="" type="checkbox"/>		
12. Have any carrier employees attended any outside safety meetings, courses or seminars in the past two years?	<input checked="" type="checkbox"/>		
13. Is the carrier's operation profitable?	<input checked="" type="checkbox"/>		

General - Comments:

4. John Wicker, reports to Vice-President
8. Carrier uses a 3 day school.
11. On a Weekly basis.

Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers

	YES	NO	N/A
C*1. Does the carrier have the required minimum level of financial responsibility in effect as evidenced by a properly executed MCS 90 or MCS 82? (attach copy to the form)	<input checked="" type="checkbox"/>		

Part 387 - Comments:

Part 394 - Notification and Reporting of Accidents

	YES	NO	N/A
1. Can the carrier explain the definition of a reportable accident?	<input checked="" type="checkbox"/>		
2. Can the carrier explain the fatal accident notification requirements?	<input checked="" type="checkbox"/>		
C*3. Is the carrier filing MCS-50 T(B) accident reports when required?	<input checked="" type="checkbox"/>		
4. Does the carrier determine preventability of accidents?	<input checked="" type="checkbox"/>		
C*5. Does the carrier take any action against drivers involved in preventable accidents?	<input checked="" type="checkbox"/>		

Part 394 - Comments:

5. Any driver involved in a preventable accident in one year will result in a written reprimand and loss of his safety award for that year. A driver involved in a preventable accident, who ~~stove~~ violated a major traffic law, would probably be terminated.

Received by:

Clifford A. Jones

Title:

Vice Pres / Gen. Mgt.

Total No. of Pages

4

	YES	NO	N/A
1. Can the carrier produce written hiring policies/procedures that are being followed on all new hires? _____	✓		
2. Are oral interviews conducted with the drivers to verify information submitted on their applications? _____	✓		
C 3. Are hiring policies more stringent than the requirements of Part 391? _____	✓		
C*4. Does the carrier have a system established that will ensure drivers' medical certificates remain current? _____	✓		
5. Does the carrier verify that physicians completing medical certifications are knowledgeable of the instructions for performing and recording physical examinations? _____	✓		
6. Does the carrier review the results of the health history and physical examination (long form)? _____	✓		
7. Does the carrier have a system established that will ensure drivers' operating licenses remain current? _____	✓		
8. Does the carrier have a system established that will ensure drivers' annual reviews and annual record of violations remain current? _____	✓		
9. Can the written test examiner explain the written test certification process? _____	✓		
C*10. Does the carrier comply with the road test provisions of Section 391.31? _____	✓		
11. Can the carrier list the documents required to be in a driver qualification file? _____	✓		
C*12. Can the carrier produce completed driver qualification files on drivers selected at random? _____	✓		
13. Are other sources used to check driver's background other than those required by Part 391? _____	✓		

Part 391 — Comments:

3. Driver applicants must be 25 years of age.
4. One person at each terminal constantly monitors all driver qual files.
13. Each applicant's background is checked for any criminal offenses.

Part 392 — Driving of Motor Vehicles

	YES	NO	N/A
C 1. Does the carrier have established procedures concerning use of alcohol and drugs? _____	✓		
2. Does the carrier have a policy concerning passengers? _____	✓		
3. Are drivers instructed on load securement procedures? _____	✓		
4. Does the carrier have a policy for monitoring speed? _____	✓		
C*5. Can the carrier produce documentation that runs in excess of 500 miles can be completed in compliance with 55 mph and hours of service limitations? _____			✓

Part 392 — Comments:

1. Immediate Termination
2. No passengers permitted.
5. Speed limit is 65 m.p.h.

Part 396 — Inspection, Repair, and Maintenance

	YES	NO	N/A
C*1. Can the carrier produce written procedures explaining a systematic, periodic maintenance program? _____	✓		
2. Can the carrier list the maintenance records required for vehicles controlled for 30 consecutive days or more? _____	✓		
C*3. Does the carrier periodically review maintenance records for leased equipment? _____	✓		
4. Is the carrier complying with the vehicle inspection procedure? _____	✓		
5. Are drivers trained to perform pretrip inspections? _____	✓		
*6. Can the carrier produce the prior three months vehicle inspection reports on a vehicle selected at random? _____	✓		
7. Are all vehicles required to be inspected at a carrier authorized location on a periodic basis? _____	✓		
C*8. Can the carrier produce a complete maintenance file on a vehicle selected at random? _____	✓		

Part 396 - Comments:

1. Carrier's Tractors are maintained on a 10,000, 20,000 and 100,000 maintenance inspection system. Carrier's tank trailers receive inspection and maintenance every 30 days (A inspection) and every 6 months (B inspection).

Part 395 - Hours of Service of Drivers

	YES	NO	N/A
1. Can the carrier explain the hours of service limitations? i.e. 10, 15, 60 in 7, 70 in 8	✓		
C* 2. Does the carrier file records of duty status in a systematic manner?	✓		
* 3. Can the carrier produce the prior 8 months records of duty status for a driver selected at random?	✓		
4. Are drivers required to complete recaps of their records of duty status?	✓		
* 5. Does the carrier have a procedure for monitoring trip lease drivers' hours of service?	✓		
* 6. Are dispatchers aware of drivers' hours of service prior to and during trip?	✓	✓	
7. Are drivers required to telephone the carrier each day?			
C* 8. Are other independent records being compared to drivers' records of duty status for accuracy?	✓		
9. When reaching a home terminal, are previous records of duty status required to be submitted, actually submitted?	✓		
C* 10. Does the carrier have a system for recording hours of duty status on 100 mile radius drivers?			✓
C* 11. Does the carrier have a system to effectively control the drivers' hours of service?	✓		
C* 12. Does the carrier adhere to a disciplinary policy for noncompliance with Part 395?	✓		

Part 395 - Comments:

2. Logs are filed by terminal, by month.
 8. Shipping bills indicate time + date of trip, drivers name, time of arrival and time of departure from pick up point, time + date of delivery, cargo carried.
 11. 9 drivers logs were examined for one month each, they were compared with shipping bills, No hours of service violations were discovered.
 12. In driver qualification files of _____ and _____ letters of reprimand were issued to drivers for violation of the hours of service regulations.
 10. Carrier does not use 100 mile radius drivers

Recommendations Parts 397-439

	YES	NO	N/A
1. Can the carrier explain the attendance requirements for a vehicle containing hazardous material (HM)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Can the carrier explain the parking requirements for a vehicle containing HM?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* 3. Can the carrier produce a copy of the signed receipt for documents received re: Section 397.19 for a driver of Class A or B explosives selected at random? (note 1 year retention period)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Is the private carrier aware of the marking of vehicles requirements in Section 397.21?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Have all drivers been informed of the smoking prohibitions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C*6. Does the carrier have a system to ensure all drivers transporting Class A and B explosives have a written route plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is consideration given to avoidance of heavily populated areas when hauling HM?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part 397 - Comments:

5. Carrier has a training manual which is given to all drivers, manual covers all of section 397 of the F.M.C.S.R.
 3. Carrier does not transport A or B explosives.
 4. Carrier is for hire

Part 177 - Carriage by Public Highway

	YES	NO	N/A
C*1. Does the carrier provide HM training for its employees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C*2. Can the carrier produce a cargo tank certificate or manufacturer's data report for a cargo tank selected at random?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*3. Can the carrier produce a cargo tank inspection report for a cargo tank selected at random?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Has carrier provided written notification of MC330/331 cargo tanks in service or removed from service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C*5. Can the carrier explain their system to ensure shipping papers accompanying HM loads are properly prepared and/or produce a properly prepared shipping paper for a shipment selected at random?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Can the carrier explain the accessibility requirements for shipping papers?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* 7. Can the carrier produce a label for each class of HM transported?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Can the carrier explain what constitutes a placarded load?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Can the carrier explain the incident reporting requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C*10. Is the carrier filing DOT Form F 5800.1 reports when required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*11. Is the carrier maintaining correctly prepared and signed hazardous waste manifests for at least 3 years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Part 177 - Comments:

1. All employees are given a hazardous materials training manual.
 5. Drivers are ordered not to accept a load unless the load is accompanied by a proper (D.O.T.) shipping paper.
 4. Carrier does not use 330/331 cargo tanks
 11. Carrier does not transport hazardous waste.

Recommendations Parts 397, 177

070743

50. REASON FOR REVIEW:

51. PLANNED COURSE OF ACTION:

INTRA-AGENCY MEMORANDUM
SAFETY/COMPLIANCE REVIEW

CARRIER/SHIPPER EVALUATION

52. 49 CFR

PARTS
REVIEWED

53. ACCIDENT INFORMATION (PRIOR 365 DAYS)

TOTAL ACCIDENTS	TOTAL PREVENTABLE	TOTAL REPORTABLE	TOTAL NOT REPORTED	TOTAL PREVENTABLE THAT ARE REPORTABLE
A 261	B 150	C 29	D 0	E 20
TOTAL FATALITIES	TOTAL INJURIES	TOTAL MILES	54. RESERVED	55. RESERVED
F 19	G 26	H 34,000,000		

56. HOURS OF SERVICE - VIOLATION SEVERITY

	10 HOUR RULE	15 HOUR RULE	60 HOURS/7 DAYS	70 HOURS/8 DAYS
LESS OR EQUAL 1	a	b	c	d
GREATER 1 LESS/EQUAL 2	e	f	g	h
GREATER 2 LESS/EQUAL 3	i	j	k	l
GREATER 3 LESS/EQUAL 5	m	n	o	p
GREATER THAN 5	q	r	s	t

PRIOR ACTION DATES

57. SAFETY REVIEWS	58. COMPLIANCE REVIEWS	59. PROSECUTIONS
A	A	A
B	B	B
C	C	C

60. STATEMENTS MADE BY CARRIER/SHIPPER RELATIVE TO IMPROVING SAFETY COMPLIANCE OR OTHER COMMENTS RELATIVE TO THIS REVIEW:

Clifford James (Vice President) stated that The Du Pont company comprises over 75% of the company's business. Du Pont requires excellent safety records for all the carriers that it utilizes. Mr. James was very concerned about the rating his company will receive from this report.

61. ACTIONS REQUESTED OF CARRIER/SHIPPER:

PRINCIPAL INVESTIGATOR: SIGNATURE Steven M. Mathis	62. CODE NUMBER 373	ASSISTANT INVESTIGATOR: SIGNATURE	63. CODE NUMBER
---	------------------------	-----------------------------------	-----------------

The Charlotte Observer
Thursday, May 14, 1987

FBI Searches Firm, Seeking Evidence Of Waste Dumping

By NANCY WEBB
Staff Writer

FBI agents raided a Charlotte chemical company on Wednesday, looking for evidence of hazardous-waste dumping into the Charlotte-Mecklenburg sewer system.

Central Transport Inc. (CTI) has a long history of run-ins with local, state and federal agencies over chemical leaks, odors and deaths at its operation on Melynda Road in west Charlotte.

A man died and another was critically injured in 1973 while cleaning tankers at the company. Two others died last year.

Paul Daly, special agent in charge of the FBI office in Charlotte, said evidence obtained during Wednesday's search would be turned over to the U.S. attorney's office for a decision on charges.

The search warrant shows that FBI agents and state environmental health officials were looking for records that showed the company had shipped hazardous wastewater to Charlotte from Wilmington, Atlanta and other locations to dump into the Charlotte-Mecklenburg sewer system.

Such dumping would violate the federal Clean Water Act.

According to an affidavit used to obtain the search warrant:

A Central Transport employee who didn't want to be identified told FBI agent Tom Burleson that Central Transport was bypassing its water treatment plant and illegally dumping hazardous wastewater into the Charlotte-Mecklen-

burg sewer system.

On April 17, he told the FBI that, during his seven years with the company, he witnessed several acts of illegal dumping.

He provided photographs of tanker trucks alleged to be discharging hazardous wastewater into a pipe that leads directly to the Charlotte-Mecklenburg Utility District's sanitary sewer.

Chemicals are sent to Central Transport by rail, then placed on tanker trucks and delivered throughout the Southeast.

Contaminated wastewater left after tankers are cleaned is supposed to be processed through Central Transport's wastewater treatment plant.

The affidavit alleges that "company officials . . . directed that the wastewater treatment plant be bypassed and material placed directly into the sanitary sewer." Company officials couldn't be reached for comment.

Upon learning of the allegations, the FBI, with help from the N.C. Division of Environmental Management, placed automatic sampling devices on the sewer system immediately upstream and downstream from Central Transport. Samples were collected between April 27 and May 5 and were analyzed.

According to the affidavit, "All samples taken from downstream from CTI contained significant levels of hazardous waste." Samples taken from upstream didn't contain the same levels.

DOCKETED
JUL 25 1989

DOCUMENT
FOLDER

Matlack 6
A-06108753
6/28/89
JMG
M64

Rt. 30 in Exton closed; toxic liquid leaks

It's a headache for drivers, but no one is hurt

By DAVID GRIFFITH
(Of the Local News Staff)

A toxic, combustible chemical leaking from a parked tank trailer in a vacant lot along Rt. 30 in West Whiteland Township closed the busy highway just west of Exton for approximately nine hours yesterday. The road, normally packed with Exton Square mall-bound holiday shoppers, was shut down from Whitford Road to Rt. 100 from about 10 a.m. until 7 p.m. Traffic was re-routed around the western Exton area, causing back-ups and delays.

In addition, the leak caused the evacuation of Frank's Nursery, Town Motors and a nearby house.

Officials said the cause of the leak may be suspicious.

Bud Turner, Exton Fire Co. Assistant fire marshal, said a motorist yesterday morning discovered a toxic and combustible liquid called butyl acrylate leaking from a 8,000-gallon Central Transport trailer. The trailer was parked at the vacant former Dick Thomas' restaurant on the south side of Rt. 30 about a mile west of the Exton crossroads. Turner said the chemical is used in the manufacture of acrylic plastic products such as plexiglass.

TURNER SAID independent trucker John Wayne Smith of King's Road, West Chester, had picked up the trailer at Uni Tank, a chemical storage company in Philadelphia, and parked it illegally overnight in the lot. Turner said chemical was to be transported to Reichold Chemical company in Morris, Ill., early this week. He said chemical was manufactured and shipped by BASF Co. of Germany.

Exton Assistant Fire Chief Bill Miller said the chemical "could cause pneumonia" by a "liquid build-up in the lungs." He said it looked as if someone had possibly tampered with the trailer.

Bob Caron, the chief on-scene coordinator for the U.S. Environmental Protection Agency, said the chemical is lethal in high concentrations.

"A LITTLE bit of butyl acrylate



UPI photo

Leaking tank in Exton

goes a long way," he said. "It's bad stuff."

Caron said the clean-up procedure involved transferring the liquid to another trailer. That trailer, he said, would have to be equipped with a vapor recovery unit to ensure that vapors did not leak into the atmosphere as the chemical was transferred.

Caron said the leak could be due to a faulty gasket in a valve on the trailer. He said the trailer was scheduled for a semi-annual preventive maintenance inspection next week.

Turner said Central Transport had sent a trailer out for the transfer of the liquid, but that BASF was not satisfied with it because the trailer did not have the vapor recovery capability. The transfer would be made into a trailer belonging to the Chemical Leaman Tank Lines, Inc. of Lionville, he said.

ACCORDING TO the 1984 Emergency Response Guidebook issued by the U.S. Department of Transportation, butyl acrylate can be ignited by heat, sparks or flames. Vapors, the book states, can travel to a source of heat and flash back to the container. The chemical is poisonous if inhaled or absorbed through the skin, the book states. The guidebook recommends evacuation for a half-mile radius if the tank car becomes involved

(See Page A4, Column 5)

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HB9

Chemical

(From Page A1)

in a fire.

Caron said that such an evacuation would be necessary only if there were unforeseen problems in the transfer of the liquid.

In the event of such an evacuation, stores and restaurants at the busy intersection of routes 100 and 30 would have to be closed, according to Miller.

Smith, who has leased his services to Central Transport for three and a half years, said he parked the trailer in the lot late Friday afternoon and intended to pick it up about 5 p.m. yesterday.

The 14-year veteran of the big rigs said he intended to begin the 15-hour drive to Illinois last night.



Instead of being on 'Santa' duty, Exton firefighters have to attend a chemical leak yesterday

Staff photo by Andrea Mihallik

Firefighters called off Santa duty; store loses bucks in tree sales

Bill Miller was disappointed that Exton Fire Co.'s scheduled "Santa duty" was interrupted yesterday morning.

Miller, Exton's assistant chief, said his company was busy distributing candy canes to neighborhood children

when a call came in that a chemical spill had been reported on Rt. 30, about one quarter mile west of Rt. 100.

"We drive around and blow the horn and kids come out and we give them candy canes," Miller said. "We

were about half way through our area..."

Miller wasn't the only one disappointed. Frank's Nursery, on Rt. 30 just west of Rt. 100, had to be evacuated.

According to Bruce Buell, manager

of Frank's Nursery in Springfield, Delaware County, the Exton store lost approximately \$7,000 in retail sales of Christmas trees because of the spill. He said it was "the last good weekend" to cash in on the Yuletide tradition.

U. S. ENVIRONMENTAL PROTECTION AGENCY
 OFFICE OF WASTE PROGRAMS ENFORCEMENT
 PREPARED BY DPRA, INC., REQUEST NUMBER B0466
 FREEDOM OF INFORMATION ACT REPORT

16:04 MONDAY, FEBRUARY 6, 1989 6

*Central 33
 A-00108155
 6/28/89
 J.H.G.
 1-15g*

ALL ENFORCEMENT ACTIONS TAKEN AGAINST CLASS I VIOLATIONS

AD046548756 MATLACK INC

LANSDOWNE C0305:

EVA DATE	TYPE OF INSPECTION	RESPON AGENCY	CLASS I VIOLATIONS						TYPE OF ACTION	DATE OF ACTION	DATE OF SCHED	DATE OF ACTUAL	PENALTY ASSESSED	PENALTY COLLECTED	RESPON AGENCY
			GMM	C/PC	FR	PT.B	CS	MAN LB							
871001	REC REVIEW	STATE				X			MA 3008 FINL	871014	871014	871014	\$3,000	\$3,000	STATE
850213	CEI	STATE				X			MA 3008 FINL	850823	850906	860210	\$500	\$500	STATE

DOCKETED
 JUL 25 1989

DOCUMENT
 FOLDER

U. S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF WASTE PROGRAMS ENFORCEMENT
PREPARED BY DPRA, INC., REQUEST NUMBER B0466
FREEDOM OF INFORMATION ACT REPORT

16:04 MONDAY, FEBRUARY 6, 1989 5

ALL ENFORCEMENT ACTIONS TAKEN AGAINST CLASS I VIOLATIONS

-----STATE=MD REGION=03-----
MDD074920968 MATLACK INC

BALTIMORE C0305:

EVAL DATE	TYPE OF INSPECTION	RESPON AGENCY	CLASS I VIOLATIONS					TYPE OF ACTION	DATE OF ACTION	DATE OF SCHED	DATE OF ACTUAL	PENALTY ASSESSED	PENALTY COLLECTED	RESPON AGENCY
860106	FOLLOW-UP	STATE					X OT	CRIMN ACT	851218	860331	-----	\$125,000	.	STATE
850614	CEI	STATE					X OT	3008 NOV	850614	850614	850614	.	.	STATE

FILED

1987 MAR 16 PM 2:15

1987 FEB 15 10 3 00

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America,)
 Plaintiff,)
 -vs-)
 Alvin F. Laskin, et al.,)
 Defendants,)
 and)
 General Motors Corporation,)
 Browning-Ferris Industries of)
 Ohio, Inc., Koppers Company,)
 Inc., Be-Kan, Inc., Rockwell)
 International Corporation,)
 TRW Inc., and Union Carbide)
 Corporation,)
 New Defendants and)
 Third-Party Plaintiffs,)
 American Gage & Machine Co.,)
 New Defendant,)
 -vs-)
 A.A. Automotive Service & Parts)
 ABS Industries, Inc.)
 Attn: W. J. McCarthy)
 President)
 1635 East Sixth Street)
 Ashtabula, OH 44004)
 A&T Garage)
 ATEC Industries, Inc.)
 7055 Herbert)
 Canfield, OH 44406)

JUDGE ALVIN I. KRENZLER

CASE NO. C84-2035Y

SPECIAL MASTER
PATRICIA S. KLERI

AMENDED CAPTION
TO THIRD-PARTY COMPLAINT

DOCKETED

JUL 25 1989

DOCKET
FOLDER

EXHIBIT "B"

Central 34
A-00108155
6/28/89
JHG
Hbg inc

laskincomp

Litton Great Lakes Corp.)
P. O. Box 6241)
Erie, PA 16512)
)
Locke Machine Company)
Attn: David Immonen)
President)
155 Center Street)
P. O. Box 281)
Andover, OH 44003)
)
Logan Way Amoco)
)
Lyden Oil Co.)
739 Andrews Ave.)
Youngstown, OH 44505)
)
Mack Truck Sales of Erie, Inc.)
960 West 12th)
Erie, PA 16501)
)
Madison Gulf, aka Unionville)
Management, Inc)
)
Maloney Sohio)
)
Marcy Chevrolet, Inc.)
507 E. Main Street, Rt. 20 E.)
Geneva, OH 44041)
)
Marenchin's Transmissions)
)
Matlack, Inc.)
5745 N. Ridge Road)
Madison, OH 44057)
)
Matlack, Inc.)
Attn: Gerard Trippitelli, Pres.)
1 Rollins Plaza)
2200 Concord Pike)
Wilmington, DE 19803)
)
Mayfield Gulf Station)
Route 306 & 332)
Chesterland, OH 44026)
)
Meadowcroft Dodge City, Inc.)
)
Mentor Center Shell)
)
Mentor Ford, Inc.)
)

Demand \$1,000.00
 4720 39007
C84-2035Y
 84-2035Y

PLAINTIFFS **DEFENDANTS**

UNITED STATES OF AMERICA (EPA)

1. LASKIN, Alvin F.
2. POPLAR OIL COMPANY
3. WARREN PRODUCTION CREDIT ASSOCIATION
- (4. BROWNING-FERRIS INDUSTRIES OF OHIO
- (5. KOPPERS CO., INC.
- (6. GENERAL MOTORS CO., LORDSTOWN DIVISION
- (7. BE-KAN INC.
- (8. ROCKWELL INTERNATIONAL INC.
- (9. SCHLUMBERGER Ltd., a New York Corp., as
- (successor in interest to
- (STANDARD TRANSFORMER CO.
- (10. TRW, Inc.
- (11. UNION CARBIDE (a New York Corp.)

Per 1st Amended complaint
 12-12-84
 dis. per Stip. & Ord
 6/26/86

CAUSE Defts & 3rd party Pltfs.

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE) vs
 SEE ATTACHED SHEET
 Violation of 42 U.S.C. SS 9604 (a) & (b) & 9607 (a) 33 U.S.C. Sec.1321
 28 U.S.C. Sec. 2201

ATTORNEYS

per 12/10/84
~~Dennis F. Zapka~~ Steven D. Bell
 Asst. U.S. Attorney
 1404 E. 9th St.
 Cleveland, Ohio 44114
 (363-3950) (363-3925)
 *Patricia Gail Littlefield & ~~Joel Gross~~
~~Jerome G. Muys, Jr.~~ ---withdrawn per 10/26/84
 Attorney, Environmental Enforcement
 Section --*Mark-W. Schneider-(202)-633-2802
 Land and Natural Resources Division
 10th & Pennsylvania Ave., N.W.
 Washington, D. C. 20530
 (202) 633-4051

William P. Bobulsky (Atty for Laskin & Poplar Oil Co.)
 1612 E. Prospect Rd. Ashtabula, Ohio 44004 (216) 998-4214
 Susan B. Squires per 6/30/87
 William R. Squires (202) 633-2738
 (202) 633-5268
 Robert M. McNair (for Warren Prod.)
 ROBERT M. MCNAIR CO., L.P.A.
 54 North Chestnut St., Jefferson, Ohio
 (576-3831) 44047

OF COUNSEL: Jonathan McPHEE
 Attorney, U.S. Environmental Protection Agency
 Region V, 230 South Dearborn St.
 Chicago, Illinois 60604 (312) 886-6719
 John A. Amodeo, U.S. DEPT OF JUSTICE
 LAND & NATURAL RES. DIV. - ENV. Defense Section
 P.O. BOX 23986, Washington, D.C. 20026-3986 (202/633-2640)
 Action arose at: Ashtabula County - per appearance of 9/2/86

OF COUNSEL: Michael L. Hardy,
 THOMPSON, HINE & FLORY
 1100 Nat'l City Bank Bldg.
 Cleveland, Ohio 44114 (566-5804)
 Per notice of 10/19/84
 (Schlumberger, Ltd.)
 Thomas P. Meaney, Jr.
 300 National City Bank Bldg.
 629 Euclid Avenue
 Cleveland, OH 771-2700

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	6/30/84
				JS-6	

DATE	NR.	
6/22/84	1	COMPLAINT filed. - Summons issued to Pltf's Atty with copies of complaints, Notices re: Magistrate copy fo complaint & docket entries to Youngstown
6/25/84	2	STANDARD ORDER re: Preparation for Trial filed. Krenzler, J. copies issued. (noted 6/25/84)
7/17/84	3	MOTION of Defts., Alvin F. Laskin & Poplar Oil Co., leave until 8/3/84 to file their answer filed. copy mailed 7/16/84 - copy to Youngs
7/17/84		ENDORSED Order granting motion of defts., LASKIN & POPLAR OIL CO., leave until 8/3/84 to file their answer filed. Krenzler, J. - copy to Youngs,
7/23/84	4	MOTION of deft., Warren Production Credit Assn., for an extension of time until 8/1/84 to move or plead filed. copy mailed 7/23/84 - copy to Youngs
7/25/84	5	ENDORSED Order granting motion of Deft., Warren Production Credit Assn., an extension of time until 8/1/84 to move or plead filed. Krenzler, J. - copies issued. (noted copy to Youngs 7/25/84)
8/3/84	6	ANSWER of Deft., Warren Production Credit Assn. filed. (no service date) copy of docket to Youngs
9/27/84	7	ORDER re: reminder of discovery cut-off date approaching, etc., filed. Krenzler, J. copies issued. (noted 9/25/84)
10/19/84	8	NOTICE of co-counsel for Deft., Warren Production Credit Assn., Michael L. Hardy of Thompson, Hine & Flory filed. copies mailed 10/18/84
10/26/84	9	NOTICE of appearance of counsel, Patricia Gail Littlefield & Mark W. Schneider, for Pltf., U.S.A., & withdrawal of Jerome Muys filed. copies mailed 10/25/84
11/6/84	10	ORDER setting action for a <u>POST DISCOVERY PRETRIAL</u> at 4:30 P.M., 1/22/85 if the case cannot be settled, <u>Attorney's Statement due on 5/7/85</u> <u>FINAL</u> Pretrial scheduled for <u>5/14/85 at 4:30 P.M.</u> , & setting case for <u>TRIAL 5/21/85 at 9:30 A.M.</u> , filed. Krenzler, J. copies issued. (noted 11/6/84)
11/21/84	11	MOTION of Pltf., for leave to file first amended complaint & for extension of cut-off date, with memorandum in support filed. copies mailed 11/21/84
11/27/84	12	MOTION of Deft., Warren Production Credit Assn., for an extension of time for the filing of Dispositive motions, with memorandum in support filed. copies mailed 11/27/84
12/10/84	13	RESPONSE of Pltf., U.S.A., to Deft's motion for extension of time - does not oppose filed. copies mailed 12/10/84 - copy to Youngs
12/10/84	14	NOTICE of substitution of counsel, Steven D. Bell filed. copies mailed 12/10/84 copy to Youngs
12/12/84	15	ORDER granting Pltfs motion to file amended complaint & for extending discovery cut-off date; & granting deft., Warren Production motion for extension of time for (11) filing of dispositive motions; all previous orders of the court are vacated & the following to apply; all discovery to be completed on or before 3/11/85; dispositive motions to be filed on or before 3/25/85; attorney's statement to be filed on or before 5/24/85; FINAL PRETRIAL CONFERENCE to be held at 8:00 5/30/85; TRIAL to be held at 9:30 A.M., 6/11/85 filed. Krenzler, J. - copies issued. (noted 12/12/84)
12/12/84	16	ORDER rescheduling Post Discovery Pretrial, Post Discovery Pretrial to take place upon the completion of discovery at 8:00 A.M., 3/13/85 filed. Krenzler, J. copies issued. (noted 12/12/84)
12/12/84	17	FIRST AMENDED COMPLAINT filed. copies mailed 11/21/84 copy to Youngs
12/17/84	18	STIPULATION & Order granting deft., Warren Production Credit Assn., leave until 12/31/84 to answer, move or answer or respond to Pltfs interrogatories & request for production & Pltf., may have until 12/31/84 to answer deft Warren Interrogatories & request for production filed. Krenzler, J. - copies issued (noted 12/17/84)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>84-2035Y</u>
U.S.A. (EPA)		LASKIN, Alvin, et al	PAGE <u>41</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
11/14/86	654	(741) MOTION of Albert S. Camplese, for permission to withdraw appearance for the 3rd party Deft., DelPrince's Westside Auto filed. c/m 11/12/83 (3 p)
11/14/86	655	ANSWER of 3rd party Deft., ANCHOR MOTOR FREIGHT, INC. to 3rd party complaint filed. c/m 11/14/86 (14p)
11/14/86	656	ANSWER of 3rd party Deft., MATLACK'S to 3rd party complaint filed. c/m 11/14/86 (14 p)
11/14/86	657	ANSWER(Separate) of 3rd party Deft., LIBERTY AMOCO to 3rd party complaint & Jury Demand filed. c/m 11/14/86 (8p)
11/14/86	658	ANSWER(Separate) of 3rd party Deft., EIGHMY CORPORATION to 3rd party complaint & Jury Demand filed. c/m 11/14/86 (9p)
11/14/86	659	BRIEF of certain 3rd party Defts., in support of defts' motion to dismiss Counts 3 & 4 of the 3rd party complaint -See Pleading for list of Defts & Exhibits filed. c/m 11/14/86 (63 p)
11/14/86	660	NOTICE of 3rd party Deft., Toyota of Warren re: service of Answers to Interrogatories & request for production filed. c/m 11/14/86 (3 p)
11/14/86	661	NOTICE of 3rd party Deft., Sainato Motors re:service of answer to interroga tories & request for production filed. c/m 11/14/86 (3 p)
11/14/86	662	NOTICE of 3rd party Deft Ashtabula Rubber Co., re: answers to interrogator & Responses to request for production of documents filed. c/m 11/14/86
11/14/86	663	NOTICE of 3rd party Deft Three D. Services re: answers to interrogatories & Responses to request for production of documents filed. c/m 11/14/86 (3 p)
11/14/86	664	NOTICE of certain 3rd party Defts (SEE list) of Motion & Motion to dismiss filed. c/m ?
11/17/86	665	ANSWER of 3rd party Deft., THE CHAMPION STEEL CO., to 3rd party complaint filed.-----c/m 11/17/86 (6p)
11/17/86	666	ANSWER & Affirmative Defenses of 3rd party Deft., UNION OIL COMPANY OF California filed. c/m 11/13/86 (7 p)
11/17/86	667	CERTIFICATE OF SERVICE of Response of Deft., Union Carbide Corp., to Interrogatories,request for production on 11/17/86 filed. (4 p)
11/17/86	668	ANSWERS & Affirmative Defenses of 3rd party Deft.,BUFFALO MOLDED PLASTICS INC.,filed. c/m 11/17/86 (25 p)
11/17/86	669	ANSWER of 3rd party Deft., SANDY'S TIRE SALES INC., to 3rd party complaint filed. c/m 11/14/86 (4 p)
11/17/86	670	ANSWER of 3rd party Deft., ASHTABULA MOTORS more properly known as ASH Moto to 3rd party complaint & filed. c/m 11/11/86
11/17/86	671	ANSWER & Affirmative defenses of 3rd party Deft., Autoclave Engineers, Inc. to 3rd party complaint filed. c/m 11/12/86 (25 p)
11/17/86	672	STIPULATION & Order granting 3rd party Deft.,BWF Inc.,until 12/1/86 to plead filed. Kleri, Special Master - issued 11/14/86 (6 p)
11/17/86	673	STIPULATION & Order granting 3rd party Deft PLUMPTON BUICK INC., leave until 11/15/86 to move or plead to the 3rd party complaint filed. Kleri, Special Master (noted 11/17/86) (5 p)
11/17/86	674	STIPULATION & Order granting 3rd party Defts., BARICH SERVICE, AKA BURICH Service until 12/2/86 to answer of object to 3rd party Pltfs (1st) set interrogatories filed. Kleri, Special Master = issued (noted 11/17/86)(:
11/17/86	675	STIPULATION & Order granting 3rd party Deft., Harbor Gulf until 12/1/86 to move to the 3rd party complaint & respond to Interrogatoreis & request for production filed. Kleri, Special Master - issued (1 p)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>84-2035Y</u>
U.S.A. (E.P.A.)		LASKIN, Alvin F., et al	PAGE <u>65</u> OF <u>65</u> PAGES
DATE	NR.	PROCEEDINGS	
3/10/87	1048	(1002)	MARGINAL entry Order overruling objection of Pltf., U.S.A., to Special Master's 2/9/87 Statement of services rendered filed. Krenzler, J. issued (noted 3/10/87) EB
3/10/87	1049	(986)	MARGINAL entry Order granting motion of 3rd party Pltfs leave to add parties, remove duplicate names of parties & to correct the caption as to certain parties filed. Kleri, Special Master issued (noted 3/10/87) EB
3/10/87	1050		AMENDED CAPTION to 3rd party complaint - See Lists (EB)
3/10/87	1051		REPORT of Special Master to the Court of 3/1/87 & request for Replenishment of the Special Master's Fund filed. (3p) EB
3/13/87	1052		STATEMENT of Special Master's of costs incurred & of services rendered 2/1/87 through 2/28/87 in the amount of \$1,097.73 filed. c/m 3/13/87 (14p) EB
3/13/87	1053		STIPULATION & Order granting 3rd party Pltfs., leave until 4/7/87 to respond to Interrogatories, requests for admissions & requests for production of documents propounded by John M. Cronquist in behalf of his 23 clients filed. Kleri, Special Master issued (noted 3/13/87) (1 p) EB
3/13/87	1054		STIPULATION & Order granting 3rd party Deft. ABEX CORP., Interrogatories leave until 4/1/87 to answer the 3rd party complaint & remaining/ filed. Kleri, Special Master - issued (noted 3/13/87) (1 p) EB
3/13/87	1055		STIPULATION & Order granting 3rd party Deft., ALCO-AMERICAN STAMPING CO., leave until 4/1/87 to answer the 3rd party complaint & remaining interrogatories filed. Kleri, Special Master (noted 3/13/87) (1p)EB
3/13/87	1056		STIPULATION & Order granting 3rd party Deft., CLYDE COLE CADILLAC leave until 4/1/87 to answer the 3rd party complaint & remaining interrogatories filed. Kleri, Special Master (noted 3/13/87) (1p)EB
3/13/87	1057		STIPULATION & Order granting 3rd party Deft., GENERAL TELEPHONE CO. OF OHIO leave until 4/1/87 to answer the remaining interrogatories filed. Kleri, Special Master (noted 3/13/87) (1p)EB
3/13/87	1058		STIPULATION & Order granting 3rd party Deft., GOODYEAR AUTO SERVICE CENTER leave until 4/1/87 to answer the 3rd party complaint & remaining interrogatories filed. Kleri, Special Master (noted 3/13/87) (1p)EB
3/13/87	1059		STIPULATION & Order granting 3rd party Deft. JUNCTION AUTO SALES INC. leave until 4/1/87 to answer the - remaining interrogatories filed. Kleri, Special Master (noted 3/13/87) (1p)EB
3/13/87	1060		STIPULATION & Order granting 3rd party Deft., MENTOR CENTER SHELL leave until 4/1/87 to answer the remaining interrogatories filed. Kleri, Special Master (noted 3/13/87) (1p)EB
3/13/87	1061		STIPULATION & Order granting 3rd party Deft., INTERNAT'l Minerals & Chemical leave until 4/1/87 to answer the 3rd party complaint & remaining corp interrogatories filed. Kleri, Special Master (noted 3/13/87) (1p)EB
3/13/87	1062		STIPULATION & Order granting 3rd party Deft., O & P OIL & GAS INC., leave until 4/1/87 to answer the remaining interrogatories filed. Kleri, Special Master (noted 3/13/87) (1p)EB
3/13/87	1063		STIPULATION & Order granting 3rd party Deft., PARKER-HANNIFIN CORP., leave until 4/1/87 to answer the 3rd party complaint & remaining interrogatories filed. Kleri, Special Master (noted 3/13/87) (1p)EB
3/13/87	1064		STIPULATION & Order granting 3rd party Deft., PARMCO OHIO leave until 4/1/87 to answer the 3rd party complaint & remaining interrogatories filed. Kleri, Special Master (noted 3/13/87) (1p)EB

- continued on next sheet -

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF U.S.A. (EPA)	DEFENDANT LASKIN, Alvin et al	DOCKET NO. 84-2035Y PAGE 90 OF _____ PAGES
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DATE	NR.	PROCEEDINGS
0/29/87	1461	NOTICE of 3rd party Deft., NATIONAL FORGE CO., of intent to file a summary Judgment motion filed. c/m 10/27/87 (4p)EB
0/29/87	1462	ADOPTION of 3rd party Defts., PETROLEUM EXCEPTION COMPANIES' of Motion to dismiss Counts 2,3, & 4 of the 3rd party Complaint filed. c/m 10/28/87 (6p)EB
0/29/87	1463	NOTICE of 3rd party Defts., KIMMEL PONTIAC INC., & BUD GONSER, dba GONSER GARAGE of intention to file dispositive motions pur. to Pretrial Order filed. (1p)EB
0/29/87	1464	NOTICE of 3rd party Deft., ANCHOR MOTOR FREIGHT-----of intent to file a motion for summary Judgment filed. c/m 10/29/87 (5p) EB
0/29/87	1465	NOTICE of 3rd party Deft., ASHLAND OIL INC'S-----of intent to file a motion for summary Judgment filed. c/m 10/29/87 (5p)EB
0/29/87	1466	NOTICE of 3rd party Deft., CONSOLIDATED RAIL CORPORATION of intent to file a motion for summary Judgment filed. c/m 10/29/87 (5p) EB
0/29/87	1467	NOTICE of 3rd party Deft., MATLACK, INC. of intent to file a motion for summary Judgment filed. c/m 10/29/87 (5p) EB
10/29/87	1468	NOTICE of 3rd party Deft., MOBIL OIL CORPORATION of intent to file a motion for summary Judgment filed. c/m 10/29/87 (5p) EB
10/29/87	1469	NOTICE of 3rd party Deft., PERFECTION CORPORATION----- of intent to file a motion for summary Judgment filed. c/m 10/29/87 (5p) EB
10/29/87	1470	NOTICE of 3rd party Deft., SHELL OIL COMPANY----- of intent to file a motion for summary Judgment filed. c/m 10/29/87 (5p) EB
10/29/87	1471	NOTICE of 3rd party Deft., THE STANDARD OIL COMPANY----- of intent to file a motion for summary Judgment filed. c/m 10/29/87 (5p) EB
10/29/87	1472	NOTICE of 3rd party Deft., WHITE CONSOLIDATED INDUSTRIES of intent to file a motion for summary Judgment filed. c/m 10/29/87 (5p) EB
10/29/87	1473	NOTICE of 3rd party Deft., SUN REFINING & MARKETING CO., of intent to file a motion for summary Judgment filed. c/m 10/29/87 (5p) EB
10/29/87	1474	NOTICE of 3rd party Deft., CLEVELAND ILLUMINATING CO., -- of intent to file a motion for summary Judgment filed. c/m 10/29/87 (5p) EB
10/29/87	1475	NOTICE of 3rd party Deft., BOB'S GARAGE of intent to file a dispositive motion copy mailed 10/29/87 (2p)EB
0/30/87	1476	NOTICE of 3rd party deft Dayton Malleable of intent to file dispositive motions, filed. c/m 10/28/87 (5p) dm.
0/30/87	1477	NOTICE of 3rd party deft Dayton Malleable of intent to file dispositive motions, filed. c/m 10/28/87 (5p) dm.
0/30/87	1478	NOTICE of 3rd party deft Michael Laskin of intent to file summary judgment, filed. c/m 10/30/87 (2p) dm.
0/30/87	1479	NOTICE of 3rd party defts' represented by CRONQUIST, SMITH, MARSHALL & WEAVER, of adoption of motion to dismiss future cost & declaratory judgment claims, filed. c/m 10/30/87 (2p) dm.
0/30/87	1480	NOTICE of 3rd party deft Slesnick Brothers of intent to file motion for summary judgment, filed. c/m 10/30/87 (2p) dm.
0/30/87	1481	NOTICE of 3rd party deft Hirsch's Sohio of intent to file dispositive motion, filed. c/m 10/30/87 (2p) dm.
0/30/87	1482	NOTICE of 3rd party deft Glenn's Gulf of intent to file dispositive motion, filed. c/m 10/30/87 (2p) dm.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF U.S.A. (EPA)	DEFENDANT LASKIN, Alvin, et al	DOCKET NO. <u>84-2035Y</u> PAGE <u>94</u> OF _____ PAGES
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DATE	NR.	PROCEEDINGS
1/30/87	1534	NOTICE of 3rd party Deft., NATIONAL FORGE CO., to take the deposition of Alvin Laskin, pur. to Pretrial Order Nos. 15 & 16 filed. c/m 11/27/87 (6p)EB
1/30/87	1535	(1511) MARGINAL entry Order granting motion of 3rd party Deft., leave to file notice of intent to file a dispositive motion filed. Kleri, Special Master issued (noted 11/30/87) EB
1/30/87	1536	BRIEF of 3rd party Defts., See List - in opposition to 3rd party Pltfs motion to limit discovery filed. c/m 11/30/87 (6p)EB
1/30/87	1537	NOTICE of third-party deft. K Mart Auto Center to take deposition of Pltf. Defts., Third-party Plfs. Third-party Defts. and John Does and Request for production of documents, filed. Kleri, Special Master, c/m 11/30/87 (4 p) ee
1/30/87	1538	ORIGINAL AFFIDAVIT of Third-party Deft. K-MART AUTO CENTER in support of motion for leave to file notice of intent to file a dispositive motion instanter, filed. c/m 11/27/87 (4 p) ee
1/30/87	1539	NOTICE of third-party Defts. VILLAGE GULF, DALE'S SOHIO, MOHN'S SOHIO, DEMER'S AMOCO, COLEMAN YOUNG MOTORES AND KINCAID'S SERVICE to take depositions of Alvin F. Laskin, Michael Laskin and other employees of Laskin/Poplar Oil Co. filed. c/m 11/30/87 (4 p) ee
1/30/87	1540	NOTICE of third-party defts. DIVER STEEL CITY AUTO CRUSHER, INC, SHARON AUTO WRECKING, INC. AND MEYER'S PARKING SYSTEMS to take depositions of Alvin Laskin and Michael Laskin, filed. c/m 11/30/87 (4 p) ee
1/30/87	1541	NOTICE of LOCKE MACHINE CO., third-party deft. to take deposition of Pltf., Defts., Third-party Pltfs, Third-Party defts. and John Does, and Request for production of documents, filed. c/m 11/30/87 (3 p) ee
1/30/87	1542	NOTICE of third-party deft. LOCKE MACHINE CO. to file a motion for summary judgment, filed. c/m 11/30/87 (3 p) ee
1/30/87	1543	(1562) MOTION of third-party Deft., LOCKE MACHINE CO. for leave to file notice of intent to file a dispositive motion instanter, with affidavit, and Brief attached, c/m 11/30/87 (7 p) ee
1/30/87	1544	NOTICE of third-party deft. CENTRAL DISPOSAL CO. to take depositions of Alvin F. Laskin and Poplar Oil Co. thru Alvin F. Laskin and Alvin M. Laskin, filed. c/m 11/30/87 (4 p) ee
1/30/87	1545	NOTICE of third-party defts. PETROLEUM EXCEPTION COMPANIES, jointly, to take depositions of Alvin Laskin, Michael Laskin, Engineering Science Inc., Mr. barletto, Tony DiCenso and American Gage, filed. c/m 11/30/87 (7 p) ee
1/30/87	1546	NOTICE of third-party Defts. represented by Law firm of Cronquist, Smith, Marshal & Weaver that pursuant to verbal instructions of Sp. Master Patricia S. Kleri at pretrial of 11/2/87 and pretrial orders no. 15 & 16, depositions will be taken of all witnesses as listed on Exhibit A attached, filed. c/m 11/30/87 (6 p) ee
1/30/87	1547	NOTICE of third-party defts. COLLINGER FORD, PACE PONTIAC and DON SANTISI TRUCKING CO. to take deponiton of Alvin Laskin, filed. c/m 11/30/87 ee
1/30/87	1548	NOTICE of 300 third-party Pltfs. to take depositions of: Allyn's Sohio, Anchorage Motor Freight, Apostolakis Honda Cars, Ashland Oil, Ashtabula Motors, Ashtabula rubber Co., ATEC Industries, Auto Dealers Assoc., Baglier Ford, Barich Service, Barletto Equipment Co., Bill Hall Chevrolet & Pontiac, Bill Smith Oldsmobile, Blessing Shell, Bob Headman's Gulf Service,

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		<p>Bob's Garage, Bud Miller Ford, c.i.r., Inc., Canfield Equipment Co., Central Disposal Co., Cerni Motors, Champion Steel Co., Chesterland Shell, Chuck's Mobil Service, Cleveland Electric Illum. Co., Coleman Young Motors, Consolidated Rail Corp., Cummins Diesel of Northern Ohio, Dak's Sohio, Dart Trucking, Dayton Malleable, Inc., Deemer's Sohio, Diver Steel City Auto Crusher, Inc., Don Santisi Trucking Co., Ed Chatterton Trucking, Eighmy Corp., Elder, Robert K., Jr., Erie Industrial Truck, Erie Malleable Iron Co., Fairview Evergreen Nurseries, Inc., Fariancci Buick Oldsmobile, Inc., Firestone-Youngstown, Firestone Store, Firestone Store-Warren, Frank & Jim Service Center, Frederick Motors Inc. General Refractories Co., General tire Service, Geneva Ford, Gill Lieber Buick-Oldsmobile, Glenn's Gulf Station, Golden Dawn Foods, Gollinger Ford Harbor Gulf, Hickory Volkswagen, Hinkle Auto Repair, Hirsch's Sohio Service, Holiday Gulf, Homer's Ashland Service, Honda of Niles-Butch Mealy, Hopkins Rd. Gulf, Hornak's Texaco, Hurst Road Texaco, J & J Automotive, Janssen's Auto Service, Jefferson's Sohio, Jim's Sohio, K-Mart Auto Center, Kiefer's Service Station, Kincaid service station, Kingsville Ninety Truck Stop, Kister Construction Co., Laccheo Gulf Serv. Lake County Foreign Car Service, Lake discount transmissions, Lee Sohio, Leiken Oldsmobile, Liber Motor Co., Libert Amoco, Logan Way Amoco Serv., Lyden Oil Co., Marcy Chevrolet, Masenching Transmission, Matlack, Inc., Mercer Forge, Meyer's Parking System, Midway Pontiac, Miller Interstate Diesel Truck Service, Mobil Oil Corp., Mohn Sohio Service, Murray corp., Nassief Ford, Inc., Nassief Pontia-Chevrolet, national Forge Co., O'Connor's Service, Ohio Diggers, Inc., Osborne Bros. Truck service, Osborne, Inc., Pace, Jim, Pontiac, Inc., Patrick's Union '76 Service, Pennzoil Co., Perfection Corp., Perfection Corp., Pike (Ed) Lincoln Mercury, Inc., Price's (Del) Westside auto, Rocco Sohio Service, Roy & Russ' Service Station, Sainato Motors, Sandidge Union 76, Sanzenbacher Motor Co., Sarvas, Jim, Dodge, Inc., Sharon Auto Wrecking, Sheehe Motors, Inc., Shell Oil Co., Shiley's Garage, Skidmore & Chah, Slesnich Brothers, Sohl's freeway Gulf, Spinner's Gulf, Stan Wade Metal Prod., Stapaletton Sohio, Steve Hudak Amoco Service, Steve's Sohio, Stoddard Imported cars, Strouse Tire Center, Surfside Shell, Taylor Olds, Three D Service, Inc., Tom's Bunker Hill Gulf, Toyota of warren, United Excavating Village Gulf, White Consolidated Inc., Wick Motors Corp., Wickliffe Mobil Service, Wireman Amoco, Zigman Sunoco, Sigman's Automotive Prod., Robert Allyn's Sohio, Anthony J. Kosak of Anchorage Motor, Anthony Albanese of Anchorage Motor, K. L. sommer of Anchorage Motor, Lee Silvernial of Anchorage Motor, John O'Mullane of Anchrage Motor, John Apostolakis of Apostolakis Honda Cars, George J. Apostolakis of Apostolakis Hond's Cars, John Martinko, of Ashland Oil, Charles Norton of Ashland Oil R. L. Lichtner of Ashland Oil, Robert Moore, of Ashland Oil, Harry Ash, of Ashland Oil, Harold Ash, of Ashtabula Motors, R. W. Hoag of Ashtabula Rubber, Art Allcoch of Ashtabula Rubber, Eleanor Jammaal of Ashtabula Rubber Co. Harry E. Mitchell of ATEC Industries, James Yash of ATEC Ind.,</p>

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Gary T. Weaver, of ATEC Ind., Gary Osterholt of ATEC Ind., Jerry Thorpe, of Auto Dealers Assoc., John Baglier of Baglier Ford, Martin Burich of Barich Service, Geroge Burich of Barich Service, Charles J. Barletto, of Barletto Equip, Wilbur J. Hall of Bill Hall Chevrolet & Pontiac, Donald E. Smith of Bill Smith Oldsmobile, Charles R. Blessing of Blessing Shell, Robert H. Headman of Bob Headman's Gulf Service, Alan L. Headman of Bob Headman's Gulf, Thomas L. Headman of Bob Headman's Gulf, Robert Fox of Bob's Garage, N. A. Miller of Bud Miller Ford, James Centofanti of Canfield Equipment Co., Frank J. Lauria of Central disposal co., Charles Cerni of Cerni Motors, Elmer W. Glause of Champion Steel co., Robert E. Glause of Champion steel Co., Vincent DelBrocco of Chesterland Shell, Tony DelBrocco of Chesterland Shell, Charles E. Hakli of Chuck's Mobil Service, Edsel Abadie of Cleveland Electric Ill. Co., Lee Cutter of Cleve. Elec. Illum. Co., Bill McLaughlin of Cleve. Elec. Ill. Co., John Heal of Cleve. Elec. Ill. Co., Henry Vyhnalek of Cleve. Elec. Ill. Co., James E. Johnston of Fran & Jim Service Center, Carlton Rush of Cleve. Elec. Ill. Co., James H. Toomey of Cleve. Elec. Ill. Co., Francis E. Johnson of Cleve. Elec. Ill. Co., Albert W. Reece of Cleve. Elec. Ill. Co., William K. McClung of Cleve. Elec. Ill. Co., Craig E. Kasper, of Cleve. Elec. Ill. Co., Ray Lawrence of Cleve. Elec. Ill. Co., Ray Tegowski of Cleve. Elec. Ill. Co., Joe Szabo of Cleve. Elec. Ill. Co., Ken Bena of Cleve. Elec. Ill. Co., Robert Parker of Cleve. Elec. Ill. Co., Thomas Prendergast of Consolidated Rail Corp., H. C. August of Consolidated Rail, W. S. Hoga of Consoldated Rail, John Fair of Consoldated Rail, Wesley LaCourt of Consolidated Rail, Jeremy Whatmough of Consolidated Rail, Theodore J. Fody of Consolidated Rail, Jacob G. Oaks of Consolidated Rail, Frank Manganaro of Consolidated Rail, Jack Stauffer of Consolidated Rail, Craig Wince, Dak's Sohio, David Best of Dart Trucking, Robert W. Thompon of Dayton Malleable Inc., Tom Hartman of Dayton Malleable, inc., Richard Bramel of dayton Malleable, Joe DeRita of Dayton Malleable, David Warner of Dayton Malleable, Ralph Choffel of Dayton Malleable, R. L. Carr of Dayton Malleable, Michael V. Bailey of Dayton Malleable, W. Frederick Deater of Dayton Malleable, Nicholas Chuirazzi of Don Santisi Trucking Co., Jerry Danessa of Ed Chatterton Trucking, Paul Chadderson of Ed Chatterton Trucking, Gerald b. Eighmy of Eighmy Corp., Robert K. Elder of Elder, Robert K Jr., Inc., David Barr of Elder, Robert K, Jr. Inc., Joseph Artello of Erie Industrial Truck, Roger G. Strutevant of Erie Malleable Iron Co., William A. Crede of Erie Malleable Iron Co., M. D. Singleton fo Erie Malleable Iron Co., Walter A. Dart of Erie Maleable Iron Co., Frank Bendure of Fairview Evergreen Nurseries, Inc., James Farinacci of Farinacci Buick Olds, Inc., Charles Davis of Farinacci Buick Olds, Inc., Charles Krzyiak of Firestone-Youngstown, T. Jane Robinson of Firestone-Youngstown, Greg Averil of Firestone-Youngstown, Dave Schnerberger, of Firestone-Youngstown, Ron Dittillo of Firestone-Youngstown, Jeff Gulling of Firestone-Youngstown, Charles Krzyiak of Firestone Store Warren, Vera Davidson of Firestone Store, Warren, T. Jane Robinson of Firestone Store-Warren, Mark Mazzola of Firestone Store-Warren, Frank Aldrich of Frank & Jim Service Center, Robert Frederick of Frederick Motors Inc, T. Tostle, of General Refractories Co., H. Boucheker of General Refractories Co.,

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DATE	NR.	PROCEEDINGS
		<p>R. Russell of General Refractories, E. Bertha, E of General Refractories, R. Lakford of General Refractories, D. Mills of Gen'l. Refractories, R. Mufflev of Gen'l. Refractories, W. Flaughter, of gen'l Refractories, R. Ure of Gen'l. Refractories, J. McVay of Gen'l. Refractories, S. Sen of Gen'l Refractories, L. Frye of Gen'l. Refractories, D. Rashel of Gen'l Refractories, H. Marino of Gen'l Refractories, Q. Walsh of Gen'l. Refractories, F. Oris of Gen'l Refractories, J. Mounts of Gen'l. Refractories, v. McGeehan of Gen'l Refractories, N. Coon of Gen'l. Refractories, S. Sen of Gen'l Refractories, M. Heestand of Gen'l Refractories, F. Oris of Gen'l Refractories, J. Williams of Gen'l. refractories, Gabriel Saluan of General Tire Service, Dave Trevathan of General Tire, Pat Massucci of Geneva Ford, Gil Lieber of Gil Lieber Buick-Olds, Glenn E. Shaffer of Glenn's Gulf Station, Dick Abbott of Golden Dawn Foods, Nels E. Scheel of Golden dawn Foods, Thomas Gollinger Gollinger Ford, Sam Cua of Gollinger Ford, Michael Perry of Harbor Gulf, Michael Perry of Harbor Gulf, Jino DiClaudio of Hickory Volkswagen, John C. Blakeslee of Hinkle Auto Repair, David L. Hirsch of Hirsch's Sohio, Robert Weleker of Hirsch's Sohio, Kenneth R. Meyers, of Holiday Gulf, William Zaugg of Homer's Ashland Service, Homer Zaugg of Homer's Ashland Service, Norris E. Mealy of Honda of Niles, Butch Mealy of Honda of Niles, John T. Ritchey of Hopkins Rd. Gulf, Dawn M. Hornak of Hornak's Texaco, Thomas C. Ernst, of Hurst Road Texaco, James D'Amico of J&J Automotive, Frederick J. Janssen of Janssen's Auto Service, Milton C. Johnson of Jefferson's Sohio, James J. Salopeck of Jim's Sohio, Charles Johnson of K-Mart Auto Center, Daniel J. Helfrich of K-Mart Auto Center, John Lockhardt of K-Mart Auto Center, Charles Johnson of K-Mart Auto Center, Daniel J. Helfrich of K-Mark Auto Center, Raymond Keifer of Keifer's Service Station, William Phriron of Kincaid Service Station, Chester Howes of Kingsville Ninety Truck Stop, Chester Haines of Kingsville Ninety Truck stop, Thomas Stevens of Kingsville Ninety Truck stop, Robert Spencer Sr. of Kingsville Ninety Truck Stop, Ronald R. Kister of Kister Construction, Alton C. Laccheo of Laccheo Gulf Service Sta., Joseph Vidmar of Lake County Foreign Car Service, Robert Strickler of Lake Discount Transmissions, Joseph F. Gabriel of Lake Discount Transmissions, Clifford J. Gabriel of Lake Discount Trans., Lee Russell of Lee Sohio, William Liber of Liber Motor Co., John Maxwell of Libert Amoco, Roy L. Miller of Logan Way Amoco, William G. Lyden of Lyden Oil Co., Kent Marcy of Marcy Chevrolet, Inc., John A. Marenchin of Masenching Transmission, Richard Klose of Matlack, Inc., Charles Dodson of Matlack, Inc., Harlen Floro of Matlack, Inc., Ron Dennison of Matlack, Inc., John Settser of Matlack, Inc., John O'Brien of Matlack, Inc., Lorna Velardi of Matlack, Inc., Phil Mobilia of Matlack, Inc., Bill McGee of Matlack, Inc., Vern Ulery of Matlack, John C. Peet, Jr. of Matlack, Don Stewart of Matlack, Mark Clark of Mercer Forge, Michael Laksin, Arlene L. Scott of Midway Pontiac, Walter Scott of Midway Pontiac, Jack A. Scott of Midway Pontiac, Earl Miller Sr. of Miller Interstate Diesel truck Service, C. F. Gerster of Mobil Oil Corp., J. Hercz of Mobil Oil, J. D. Ogden of Mobil Oil, P. D. Gates of Mobil Oil, J. D. Balsis of Mobil Oil, M. C. Holland of Mobil Oil, Robert J. Beno of Mobil Oil</p>

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Maury K. Molloy of Mobil Oil, Billy H. Green of Mobil Oil, Jerry Franklin of Mobil Oil, Ed Buhl of Mobil Oil, Thomas S. Mohn of Mohn Sohio Service, Arthur Kish of Murray Corp., William Wickert of Murray Corp., Robert Liebendorfer of Murray Corp., Elaine Gryczan of Nassief Ford, Elaine Gryczan of Nassief Pontiac-Chevrolet, Larry J. Pustelak of National Forge, J. Smith of National Forge, James J. Strub of National Forge, K. Witz of National Forge, George F. Kuntz of National Forge, Darlene Donick of National forge, Dana Beyler of National Forge, L. Friend of National Forge, James J. O'Connor of O'Connor's Service, Joseph E. Lipensky of Ohio Diggers, James Gordon Jr. of Ohio Diggers, William L. Mackey of Ohio Diggers, Frank Bendure of Ohio Diggers, Jerome T. Osborne of Osborne Bros. Truck Serv., William L. Malkey of Osborne, James Bennington of Osborne, Robert Trench of Osborne, James E. Pace of Pace, Jim, Pontiac INC., Larry Ramps of Patrick's Union Service, Barry O'Connell of Perfection Corp., Carol Appelgate of Perfection Corp., Frank Volgstadt of Perfection Corp., Norman Bernstein of Perfection, Mal Darnell of Perfection, William A. Springer, of Perfection, Carl Passerell of Perfection, David S. Jacobson of Perfection, Diane Larned of Perfection, Barry O'Connell of Perfection, Carol Appelgate of Perfection, Ed Pike of Pike (Ed) Lincoln, sam Strike of Pike (Ed) Lincoln Mercury, Rocco D. DiLillo of Rocco Sohio, Roy Elliott, of Roy and Ray's Service, Ray Caudill of Roy and Ray's Service, Russell Bigham of Russ' Service Station, Robert J. Sainato of Sainato Motors, Jeff Sandidge of Sandidge Union 76, Harold L. Pierce of Sandidge Union 76, Glenn Sanzenbacher of Sanzenbacher Motor Co., Jim Sarvas of Sarvas, Jim, Dodge Inc., G. Brian Sheehe of Sheehe Motors, L. P. Haxby of Shell Oil, A. G. Smith of Shell Oil, R. R. Kienle of Shell Oil, G.S. Hagy of Shell Oil, D.P. Archambault of Shell Oil, K. E. Smith of Shell Oil, J.A. Eslick of Shell Oil, e.u. d'Innolente of Shell Oil, N. P. Breen of Shell Oil, S. H. Hillman of Shell Oil, T. H. Melejan of Shell Oil, M. D. Knoll of Shell Oil, H. J. Williams of Shell Oil, C. F. Grimmer of Shell Oil, Mark A. Skidmore of Skidmore & Chah, David Chah of Skidmore & Chah, Samuel I. Slesnich of Slesnich Brothers, David H. Sohl of Sohl's Freeway Gulf, Margaret U. Spinner of Spinner's Gulf, Everett D. Dunlop of Spinner's Gulf, Timothy K. Wofter of Stan Wade Metal Prod., Stanley K. Wofter of Stan Wade Metal, Robert F. Stapleton of Stapleton Sohio, Stephen R. Hudak of Steve Hudak Amoco, Stanley J. Giddings of Stapleton Sohio, Steve Grzsis of Steve's Sohio, Charles A. Stoddard of Stoddard Imported Cars, Robert E. Niek1 of Stoddard Iported Cars, Hans Wichter of Stoddard Imported Cars, Merlin B. Williams of Stoddard Imported Cars, David A. Klima of Stoddard Imported Cars, Harry Meredith of strouse Tire Center, T. Jane Robinson of Strouse Tire Center, K. R. Herr of Strouse Tire Center, Richard Continenza of Surfside Shell, Jeff Taylor of Taylor Olds, Donald K. Morrow of Three D Service, Thomas Harvey of Tom's Bunker Hill Gulf, Robert J. Sainato of Toyota of Warren, Carl Allen of Toyota of Warren, Cecil Hathaway of Toyota, Theodore Doroka of United Excavating, James L. Baird of United Excavating, Herbert W. Ackroyd of Village Gulf, Lathel W. First of White Consolidated, Paul W. Peoples of White Consolidated, Raymond T. bast of White Consolidated, Raymond D. Servis of

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PLAINTIFF		DEFENDANT	DOCKET NO. C84-2035Y
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DATE	NR.	PROCEEDINGS	
		White Consolidated, Neil G. Bruce of White Consolidated, Darwin L. Tripp of White Consolidated, Arnold J. Balczon of White Consolidated, Dennis W. Kochan of White, John S. Salchak of White, Frank C. McCollim of White, Charles J. Roney of White, Robert H. Rafferty of White, Fred A. Mase of White, T. J. Ritter of White, R. H. Holdt of White, J. M. Thompson of White, E. J. Sebek of White, K. F. Ode of White, E. L. Rowe of White, D. L. Smith of White, E. Perry of White, E. K. Kenneway of White C. R. genck of White, R. J. Wilson of White, John Van Iderstine of White, J. Morey of White, James Harris of White, H. Mattbie of White, W. blass of White, C. H. Phifer of White, W. C. Ristow of White, R. Blanchard of White, S. Elchesen of White, Gene Weigand of White, James Starkey of White, J. Knill of White, L. Szabrok of White, S. Butler of White, Adam Roland of White, Robert Byrand of White, William Gribble of White, John Gott of White, Robert Schmeisser of White, Don Whitman of White, James L. calhoun, of White, C. N. Marshall of White, Donald Smith of White, Clifford Bowen of White, L. Lagner of White, D. Ledlee of White, Douglas Wick of Wick Motors Corp., Robert E. Wiegand of Wickliffe Mobil, Earl Wireman of Wireman Amoco, Joseph J. Zigman Sr. of Zigman's Automotive, Frank Zigman of Zigman Sunoco and Ted Cross of Zigman Sunoco, and Rule 34 Requests, filed. c/m 11/30/87 (6 p ea.) ee	
12/1/87	1549	NOTICE of third-party deft. Helmerich Drive-It-Yourself, Inc. to take deposition of Alvin M. Laskin, Alvin F. Laskin and officers, directors or managing agents of Poplar Oil Co., filed. c/m 11/30/87 (5 p) ee	
12/1/87	1550	PRETRIAL ORDER NO. 17, Notice of Attorney Conference and Pre-trial Conference, filed. c/m 12/1/87 (2 p) KLERI, P. special master. Appr: Krenzler, J.	
12/1/87	1551	MOTION of third-party defts. John Marenchin and Raymond Keifer for protective order on behalf of third-party defts. filed. c/m 12/1/87 (3 p) ee	
12/1/87	1552 (1824)	MOTION of H. A. DiBlasio & Assoc. to withdraw as counsel for third-party deft. Baglier Ford, Inc., filed. c/m 12/1/87 (4 p) ee	
12/2/87	1553	NOTICE of Deft. Lake County Foreign Car Service, Inc. to take deposition of Alvin F. Laskin, indiv. of Laskin Greenhouse, Inc. and Poplar Oil Co. filed. (2 p) ee	
12/3/87	1554	MARGINAL Entry Order Granting third-party pltfs. motion to dismiss their claims as to certain third-party defts, including Asthtabula Gasoline & Oil Co. Klein, Special Master. Issued 12/3/87. pel	
12/3/87	1555	STIPULATION & ORDER granting third-party deft, Birkett Williams-Painesville, Inc. extension of time until 1/4/88 to plead & to respond to interrogatories filed. Klein, Special Master. nw. 6 p pel	
12/3/87	1556	STIPULATION & Order granting deft. Diver Steel City Auto Crusher leave until 1/2/88 to answer or object to the first set of interrogatories & respond to the request for production of documents, filed. Klein, Special Master. Issued 12/3/87. 1 p pel	
12/3/87	1557	STIPULATION & ORDER granting deft. Meyers Parking Systems leave until 1/2/88 to answer or object to first set of interrogatories & respond to request for prodcution of documents, filed. Klein, Special Master. Issued 12/3/87. 1 p pel	
12/3/87	1558	STIPULATION & ORDER granting deft. Sharon Auto Wrecking, Inc. leave until 12/26/87 to respond to the request for production, filed. Klein, Special Master. Issued 12/3/87. 1 p pel	

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DATE	NR.	PROCEEDINGS	
1/8/88	1658	NOTICE of intent of 3rd pty Defts of Petroleum Exception Co's of intent to attend depo's. c/m 1/8/88 (3p) eB	
1/11/88	1659	MOTION of 3rd pty Pltfs' for a protective order w/brf & Exhs. c/m 1/11/88 (67p) EB	
1/12/88	1660	PRETRIAL ORDER NO. 19 Sched for resp to 3rd pty pltfs mot for protective order & Atty Conf- resp to mot for prot order to be filed by 1/14/88. Attys named in mot for protective Order to meet with the Special Master on 1/15/88 at 7:45 a.m. at Transohio Tower. Kleri, Special Master Approved. Krenzler, J. c/i 1/12/88 (2p) EB	
1/13/88	1661	NOTICE of 3rd pty Defts represented by Cronquist, Smith, Marshall & Weaver See List - of intent to attend depo of Perfection Corp. on 1/19 -22/88 c/m 1/13/88 (5p) EB	
1/13/88	1662	REQUEST of 3rd pty Defts White Consolidated Industries, Conrail Ashland Oil, CEI, Shell Oil, Mobil Oil, Matlack Inc. Perfection Corp. & Anchor Motor (1695) Freight for reconsideration of Special Master's ruling on permissible scope of inquiry in Alvin Laskin's Depo. c/m 1/13/88 (9p) EB	
1/14/88	1663	NOTICE of withdrawal of Charles J. Palmeri as counsel for 3rd pty Deft Central Disposal Co. Inc. c/m 1/13/88 (3p)EB	
1/14/88	1664	(1570) MARGINAL entry Order granting mot of 3rd pty Defts Gus' Service & Richcreek Amoco's lv to file instanter notices of intent to file dispositive mots & to take depo's. Krenzler, J. c/i 1/14/88 EB EOD 1/14/88	
1/14/88	1665	NOTICE of 3rd pty Defts Richcreek Amoco Service & Gus' Service of intent to file dispositive mot's. c/m 12/16/87 (2p)EB	
1/14/88	1666	MOTION of 3rd pty Defts Petroleum Exception Cos' for order compelling disc w/memo in resp to 3rd pty pltfs mot for protective order & in suppt of companies' counter motions to compel & for protective order. c/m 1/14/88 (105p) EB	
1/14/88	1667	MOTION of 3rd pty Defts Petroleum Exception Cos' for protective Order w/memo in resp to 3rd pty Pltfs mot for protective order & in supp of the Cos' countermotions to compel & for protective order. c/m 1/14/88 (102p) EB	
1/19/88	1668	ORDER directing the Clerk to pay to the order of Patricia S. Kleri, Special Master the amt of \$4,335.21 from the Laskin Special Master's Acct on deposit in the Registry of the Clerk of Court for costs incurred & services rendered from 12/1/87 through 12/31/87. Krenzler, J. c/i 1/19/88 (2p) EB V03 1506, dtd 1/20/88 ck, 115,424, \$4,335.21 (1/19/88)	
1/19/88	1669	NOTICE of 3rd pty Deft Perfection Corp. of srv of resp of 3rd pty Pltfs ^{LPR} dacmt req. on 1/19/88. c/m 1/19/88 (4p)EB	
1/20/88	1670	NOTICE of 3rd pty Defts., Liason Counsel Committee, represented by Cronquist, Smith, Marshall & Weaver - See List. of intent to attend depo's of Alvin M. Laskin, aka Michael Laskin on 1/26-29 1988. c/m 1/28/88 (5p)EB	
1/21/88	1671	BRIEF of 3rd pty Pltfs in opp to 3rd pty Defts' req for reconsideration of Special Master's Ruling on permissible scope of inquire & Alvin Laskin's Depo w/exhs. c/m 1/19/88 (30p) EB	
1/21/88	1672	MOTION of 3rd pty Defts "Petroleum Exception Cos" for an ext of time to srv their resp to 3rd pty pltfs' brf in opp to 3rd pty defts' reqs for reconsideration of Special Master's Ruling w/memo. c/m 1/21/88 (4p)EB	
		(1684)	- cont. on next sheet -

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DATE	NR.	PROCEEDINGS
1/21/88	1673	MOTION of 3rd pty Pltfs for lv to file notices of Location of depots' (1685) instanter w/brf & Exhs. c/m 1/21/88 (14p)EB
1/22/88	1674	NOTICE of substitution of counsel for third party deft Jim Salopeck's Sohio; Ronald A. Rispo is new counsel, replacing Glenn D. Waggoner. c/m 1/22/88 (2 p.) prm
1/25/88	1675	REPLY brf of 3rd pty defts White Consolidated Ind., Consolidated Rail Corp., Ashland Oil, CEI, Shell Oil, Mobil Oil, Matlack Inc., Perfection Corp. and Anchor Motor Freight in support of req for reconsideration of Special Master's ruling on permissible scope of inquiry in Laskin Depos'. c/m 1/25/88 (21 p. + exh) prm
1/26/88	1676	NOTICE of location of White Consolidated Ind's depots at the offices of Kelley, McCann & Livingstone - James L. Calhoun 2/2/88, James Harris 2/3/88, Don Whitman 2/4/88, Darwin L. Tripp 2/4/88. c/m 1/26/88 (4 p.) prm
1/26/88	1677	WITHDRAWAL of answer of 3 pty deft Alvin Michael Laskin to the 3 pty complt in this action. c/m 1/25/88 (4 p.) prm
1/26/88	1678	STIPULATION & Order granting 3 pty pltfs leave to ans or object to the interr, req for prodcn & adms of 3 pty deft National Forge Co. by 2/16/88. Kleri, Special Master. issd 1/26/88 (1 p.) (EOD 1/27/88) prm
1/26/88	1679	MEMORANDUM of 3 pty pltfs in opp to 3 pty defts mot for protective order, mot to compel and reply to 3 pty defts' resp to 3 pty pltfs mot for a protective order. c/m 1/25/88 (16 p. + exh) prm
1/28/88	1680	MOTION of 3rd pty Defts White Consolidated Industries, Conrail, Ashland Oil, Shell Oil, Mobil Oil, Perfection Corp., CEI, Leaseway Transportation & Matlack, Inc. for ext of time to srv their reply brf on mots to compel & for protective order, w/brf. c/m 1/28/88 (4p)EB
1/26/88	1681	ORDER of payment to Special Master Patricia Kleri, the clerk of court to pay the amount of \$3,132.91 from the Laskin Special Master's Account on deposit in the Registry of the Clerk of Court. Krenzler, J. issd 1/28/88 VO#1640, dtd 1/28/88 -ck, 115,657, \$3,132.91 LPR (2p) EOD 2/1/88
2/2/88	1682	MOTION of 3rd pty Deft., Nat'l Forge Co. for protective order w/memo. c/m 2/1/88 (17p)EB
*2/1/88	1683	REPLY BRIEF of 3rd pty Defts Petroleum Exception Cos' in supp of mot for protective order & mot to compel. (32p) EB
2/2/88	1684	(1672) MARGINAL entry Order granting mot of 3rd pty Defts Petroleum Exception Cos' until 1/25/88 to srv resp to 3rd pty Pltfs brf in opp to 3rd pty defts' req for reconsideration of Special Master's Ruling on permissible scope of inquiry & Alvin Laskin's Depo. Kleri, Special Master c/i 2/2/88 EB EOD 2/3/88
2/2/88	1685	(1673) MARGINAL entry Order granting mot of 3rd pty Pltfs lv to file Notices of location of depots' instanter. Kleri, Special Master, EB EOD 2/3/88
2/2/88	1686	NOTICE of 3rd pty Pltfs to take the depo of 3rd pty Deft., Carl Passerelli on 1/22/88 & notice of location of depo & Rule 34 reqs. c/m 1/21/88 (8p)EB
2/2/88	1687	NOTICE of 3rd pty Pltfs to take the dep of 3rd pty deft. Wm.A. Springer Purchasing agent of Perfection Corp. on 1/22/88 & notice of location of Depo & Rule 34 requests. c/m 1/21/88 (8p)EB
2/2/88	1688	NOTICE of 3rd pty Pltfs 2nd wk of Depo's & of location re: W.C. Ristow on 2/9/88; Stanley Butler 2/10/88; Charles J. Roney 2/11/88 & Robert Schmeisser on 2/11/88. c/m 2/1/88 (4p)EB

- cont on reverse -

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 84-2035Y
U.S.A. (EPA)		LASKIN, Alvin F., et al	PAGE / 109 OF _____ PAGES
DATE	NR.	PROCEEDINGS	
2/18/88	1720	AFFIDAVIT of Harold August & documentati in supp of mot to quash. c/m 2/18/88 (7p)EB	
2/19/88	1721	DEPOSITION subp t/c retn - srv H.C. August 2/11/88; Diane Larned 1/16/88 Mac Darnell 1/18/88. (9p) EB	
*2/18/88	1722	NOTICE of 3rd pty Defts Liason Counsel Committee (See List) of intent to attend the depo's of Anchor Motor Freight & Matlack on 2/23-2/25/88 c/m 2/18/88 (5p)EB	
2/19/88	1723	NOTICE of 3rd pty Deft. Matlack of srv of suppl resp to 3rd pty Pltfs'(1st set of interr & req for prodctn of docmts. 2/19/88 (3p)EB	
2/19/88	1724	(1740) MOTION of 3rd pty Deft White Consolidated Industries for an ext of time to resp to 3rd pty dpltfs mot to compel inspections. c/m 2/19/88 (5p)EB	
2/22/88	1725	NOTICE of 3rd pty Defts.Ashland Oil Inc.,Anchor Motor Freights Inc. Conrail,White Consolidated Industries,CEI, Mobil Oil Corp.,Shell Oil Co. Matlack Inc. & Pefection Corp. to take the Depo's of Engineering Science on 3/3/88 at the offices of Squire,Sanders & Dempsey. c/m 2/22/88 (7p)EB	
2/22/88	1726	RESPONSEof 60 3rd pty Defts to Special Master's Req to the Court concerning Addl funding for the payment of the Special Master's Fees & Expenses (see List attached) c/m 2/22/88 (8p)EB	
2/22/88	1727	NOTICE of location of Depo's of Engineering Science to be taken on 3/3/88 at offices of Squire Sanders & Dempsey. c/m 2/22/88 (6p)EB	
2/23/88	1728	DEPOSITION subp retn - srv. Engineering Science on 2/22/88 (4p) EB	
2/23/88	1729	SUPPLEMENTAL Notice of 3rd pty Pltfs of location of Anchor Motor Freight Depo's at offices of Leaseway Transportation Corp. on 2/23/88 c/m 2/22/88 (4p)EB	
2/23/88	1730	SUPPLEMENTAL NOTICE of 3rd pty Pltfs of location of Matlack Inc Depo on 2/25/88 at offices of Kelley,McCann & Livingstone. c/m 2/22/88 (3p)EB	
2/24/88	1731(1754)	MOTION of 3rd pty Deft Rodger's Sunoco for lv to file ans instanter, w/mem0 (attached ans) (4p) EB	
2/24/88	1732	MOTION of approximately 100 3rd pty Defts to amd pt Order 20 to add a single limited issue to Para II (1). c/m 2/24/88 (7p)EB	
2/24/88	1733	MEMORANDUM of 3rd pty DEfts Liason Counsel of subm to the court in resp to Special Master's req for replenishment of fund. c/m 2/24/88 (6p)EB	
2/24/88	1734	NOTICE of location of 3rd pty Pltfs depo's of CEI - re: Edsel Abadie on 3/1/88 & Bill McLaughlin on 3/2/88 at offices of Kelley,McCann & Livignstone. c/m 2/23/88 (4p)EB	
2/24/88	1735 (1629)	MARGINAL entry Order granting mot of 3rd pty pltfs for lv to file mot for substitution re: Earl W. Wireman, dba Wireman Amcoco. Kleri,Special Master. EB C/i 2/24/88 EOD 2/25/88	
2/24/88	1736	MOTION of 3rd pty Pltfs to subst Marlene Hazlett, Executrix of the Estate of Earl Wireman for 3rd pty Deft Wireman's Amoco w/exhs. c/m 12/23/87 (12p)EB	
2/24/88	1737 (1641)	MARGINAL entry Order granting mot of 3rd pty pltfs to subst the Heirs, successors,Assigns,Administrators,Executors Legatees & or devisees of C.J. Barletto, dba Barletto Equipment Co. for 3rd pty Deft.,Bartletto Equipment Co.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>C84-203</u>
U.S.A. (E.P.A)		Laskin, Alvin F. et al	PAGE <u>113</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
3/15/88	1795 (1780)	MARGINAL entry order granting motion of Beatty A. R. Diesel for lv to file dispositive mot. Kleri, Special Master, issd: 3/15/88; EOD: 3/15/88 (vd)	
3/15/88	1796	MOTION of third-party defts for identification, preservation and segration of evidence. c/m 3/15/88 (11p) (vd)	
3/15/88	1797	PROPOSED Agenda for 3/18/88 pretrial conference. cm 3/15 (4p) (vd)	
3/16/88	1798	NOTICE of intent by thrid-pty defts K Mart Auto Center to attend depo of Diver Steel City Auto Crusher 3/22/88 and 3/23/88. c/m 3/15/88 (3p) (vd)	
3/16/88	1799	BRIEF of third-pty pltfs' in resp to WCI's mot for protective order. cm 3/14/88 (14p + X1-5) (VD)	
3/17/88	1800 (1766)	MARGINAL entry order granting mot to file opp instanter Kleri, Special Master, c/i 3/17/88; EOD: 3/17/88 vd	
3/17/88	1801	OPPOSITION by third-pty pltfs' to third-pty deft. Baglier Ford's mot to withdraw as counsel. c/m 3/4 (4p) (VD)	
3/17/88	1802	NOTICE of srv by CEI of resp to third-pty pltfs' second set of POD c/m 3/17/88 (3p) (VD)	
3/17/88	1803	NOTICE of srv by Conral of resp to third-pty pltfs' second set of interr and req for POD. c/m 3/17 (3p) (VD)	
3/17/88	1804	NOTICE of srv of Ashland Oil of resp to third-pty pltfs' second set of interr and requests for POD. c/m 3/17/88 c/m 3/17/88 (3p) (VD)	
3/17/88	1805	NOTICE of WCI to third-pty pltfs' second set of interr and requests for POD. (3p) c/m 3/17/88 (VD)	
3/17/88	1806	NOTICE of srv of resp of ANCHOR Motor to third-pty pltfs' interr and req for POD. c/m 3/17/88 (3p) (VD)	
3/17/88	1807	NOTICE of srv of Matlack of resp to third-pty pltfs' second set of interr and request for POD. c/m 3/17 (3p) (VD)	
3/17/88	1808	NOTICE of srv of Perfection of resp to third-pty pltfs' second set of interr and req POD. c/m 3/17(3p) (VD)	
3/17/88	1809	MEMORANDUM in opp of third-pty pltfs by third-pty defts' to mot for protective ord and quashing of subpoena of Engineering Science. c/m 3/17/88 (34p) (VD)	
3/17/88	1810	MOTION of third-pty pltfs' to compel ans to depo questions and POD and mot for sanctions and expenses directed to Anchor Motor Frt., Inc. Brf in supp; cm 3/17 (34p +Affvt and Exhibits) (VD)	
3/18/88	1811	CONSENT order received from USA.	
3/18/88	1812	REPLY brf of WCI to thrid-pty pltfs' resp to WCI's req that the Court enter protective order. c/m 3/17/88 (24p) (VD)	
3/18/88	1813 (1862)	MOTION of defts' to strike third-pty pltfs' proposed phased disc schedule and proposed am to pt order No. 18.	

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DATE	NR.	PROCEEDINGS
3/25/88	1831	DENIAL of Frank & Jim's Srv Ctr of adms. cm 3/23/88 (VD)
3/25/88	1832	NOTICE of srv of resp to third-pty pltfs' document req by Perfection Corp. and Carl Passerell. (3p) c/m 3/25
3/25/88	1833	NOTICE of srv of resp to thrid-pty pltfs' doc req by Perfection Corp and Wm. Springer. c/m 3/25 (3p) vd
3/25/88	1834	NOTICE of srv of resp to third-pty pltfs' doc req. c/m 3/25 by Perfection Corp and Carl Passerll
3/28/88	1835(1846)	MOTION of third-pty pltfs' for lv to file resp brf. Brf in supp; c/m 3/25/88 (4p) (VD)
3/28/88	1836(1847)	MOTION of third-pty pltfs', GMC, Browning-Ferris, Koppers, Be-Ka Rockwell Interna'tl. TRW, and Union Carbide, to dismiss their claims as to certain third-pty defts'. Brf in supp c/m 3/25/88; (5p) (VD)
3/28/88	1837	RESPONSE of third-pty pltfs' to memo in opp to mot for protective order (Engineering Science), c/m 3/28/88 (10p) (VD)
3/30/88	1838	MEMORANDUM of Anchor opp third-pty pltfs' mot to compel and mot for sanctions and Anchor's mot for order limiting further disc. (53p) c/m 3/30/88 (VD)
3/30/88	1839	RESPONSE by third-pty pltfs' to third-pty deft John Marenchin and Robt Keifer, subm of addl authority in supp of their mot to dismiss. c/m 3/30/88; (15) (VD)
3/30/88	1840 (1858)	NOTICE of third-pty defts' Texaco, of intent to file disp mot. c/m 3/30/88 (4p) (VD)
4/1/88	1841	NOTICE of srv of joint interr, req for adms and req for POD of Ashland Oil, Anchor Motor Frt, Consol Rail, White Con CEI, Matlack and Perfection Corp. propounded to pltf. 4/1/88. c/m 4/1/88 (3p) (VD)
4/4/88	1842	ANSWER and third-pty deft North East Srv Plaza to third-pty pltfs' req for adms. c/m 4/1/88 (9p) (VD)
4/4/88	1843	RESPONSE by Chesterland Shell-Vincent Delbrocco to the req for adms srv by Third-pty Pltfs. c/m 4/1/88 (4p) (VD)
4/4/88	1844(1830)	MARGINAL entry order granting lv to file notice. Kleri, Special Master. c/i 4/4/88; EOD: 4/4/88 (VD)
4/4/88	1845	NOTICE by Courtesy Tire of intent to file disp mot for SJ or other dis mot in this action. (VD)
4/4/88	1846(1835)	MARGINAL entry order granting mot of pltf for lv to file brf. Kleri, Special Master. c/i 4/4/88; EOD: 4/5/88 (vd)
4/4/88	1847(1836)	MARGINAL entry order granting mot to dismiss claims by third-pty pltfs. Kleri, Special Master c/i 4/4/88; EOD 4/5/88
4/5/88	1848	STATEMENT of by Special Master of srvs rendered and of costs incurred 3/1/88 through 3/31/88. \$8,166.41 (7p) (VD)
4/5/88	1849	NOTICE of subst of counsel that Timothy X. McGrail of Kitchen, Messner & Derry shall srv as counsel for Hudak's Amoco Service Station in place of Glenn D. Waggoner. c/m 4/5/88 (3p) (VD)
4/6/88	1850	MOTION of Texaco Refining & Mkt for lv to file notice of intent to file a dispositive mot. Brf in supp. c/m 4/5 (5p) (VD)
4/7/88	1851	NOTICE of subst of counsel David W. Herrington of Cronquist, Smith, Marshall & Weaver for Wickliffe Mobil Oil to replace Glenn D. Waggoner. (4p) c/m 4/1/88 (VD)
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PLAINTIFF	DEFENDANT	DOCKET NO. C84-2035
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DATE	NR.	PROCEEDINGS
1/8/88	1852	MOTION of Third-Pty pltf' General Motors, Browning-Ferris, Koppers Co., Be-Kan, Rockwell Internat'l., TRW, and Union Carbide Corp., for ext of time. c/m 4/7/88 (4p)
1/8/88	1853 (1814)	MARGINAL entry order denying motion, as it is not timely, See Pretrial Order 325. Kleri, Special Master. c/i 4/8/88 Issd: 4/8/88 (VD)
1/11/88	1854 (1863)	MOTION of defts' White Consol Ind, conrail, Perfection Corp Ashland Oil, Anchor Motor Frt, Matlack, CEI, Shell Oil Co. and Mobil Oil Corp., for ext of time to maintain the status quo in the briefing schedule (4p) c/m 4/11/88 (VD)
1/11/88	1855	ORDER of payment to Special Master, Patricia S. Kleri, for costs incurred and services rendered from March 1, 1988 through March 31, 1988 in the amount of \$8,166.41 from the Laskin Special Master's Account on deposit for the above-captioned case in the Registry of the Clerk of Court. Krenzler, J. (2p) c/i 4/11/88; vd EOD: 4/11/88 VO #2703-Dtd 4/13/88
4/12/88	1856	MOTION of 3-rd pty pltf to compel designation of a corporate witness, Answers to depo questions, interr and req for prodctn of docmts and Motion for Sanctions and expenses directed to Consolidated Rail w/brf. c/m 4/12/88 (54 p and depo of Thomas Patrick Pendergast on Conrail, marked Exh "C" 400 p) ee
4/12/88	1857	MOTION of 3rd-pty pltf to compel answers to depo questions, interr and req for prodctn of docmts and Motion for Sanctions and expenses directed to Cleveland Electric Illuminating Co. w/brf in support. c/m 4/12/88 (44 p and Exh "A" 50 p. Also depo of William L. McLaughlin 302 p and depo of Edsel Abadie 330 p) ee
4/12/88	1858	(1850) MARGINAL Entry Order granting mot of 3rd-pty defts Texaco and Craig Wince for lve to file a dispositive motion. Kleri, Special Master. Issd 4/12/88, EOD 4/12/88. ee (Filed 3/30/88, pldg #1840)
4/12/88	1859	DESIGNATION by 3rd-pty defts of additional liaison counsel. c/m 4/12/88 (3 p) ee
1/14/88	1860	REPLY of Anchor Motor Frt memo opp third-pty pltf's mot mot to compel and mot for sanctions and brf inopp to Anchor's mot for ord limit fur disc. c/m 4/14 (30p)vd
1/14/88	1861	AMENDED addl liaison counsel designation of third-pty defts c/m 4/14/88 (3p) (VD)
1/18/88	1862	(1813) MARGINAL entry order granting motion to strike, See pre-trial order No. 26. Kleri, Spec. Master, Issd: 4/18/88 EOD: 4/18/88 (VI)
1/18/88	1863	(1854) MARGINAL entry order granting ext of time See pt order No. 26. Kerli, Spec Master. c/i 4/18/88; EOD: 4/18/88 vd
1/18/88	1864	PRETRIAL Order #26, Revision of depo schedule and stay of filing dispositive mot; schedule for filing disc mot between third-pty pltf's and certain third-pty defts' and postponement of pt conf sch for 5/17/88 (7p). Kleri, Special Master, (VD)
reverse		

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PLAINTIFF	DEFENDANT	DOCKET NO. <u>C84-2035</u>
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DATE	NR.	PROCEEDINGS
		Brf in supp of motion to compel (#1879)(39 p + exhibits A-M) (VD)
4/26/88	1880	MOTION of third-pty pltfs' to compel and mot for expenses and sanctions directed to Matlack, Inc. c/m 4/26/88 Exhibits and affvt in supp. (4lp) (VD)
4/26/88	1881	MEMORANDUM of Conrail opp third-pty pltfs' mot to compel and mot for sanctions and conrail's mot for order limiting fur disc and contingent mot for suppl of disc (71 p + exhibits) c/m 4/?/88. (VD)
4/26/88	1882	MEMORANDUM of CEI opp third-pty pltfs' mot to compel and mot mot for sanctions and CEI's mot for order limiting fur disc and contingent mot for suppl of disc. c/m 4/26/88 (77p) (VD)
4/27/88	1883	MATERIALS necessary to full and fair disposition of pend-mots to compel and for sanctions (filed under sep cover) by Ashland Oil, Anchor Motor Frt, Consolidated Rail, White Consolidated, CEI, Matlac, and Perfection Corp. c/m 4/27/88 (4 p + exhibits) VD
4/27/88	1884	NOTICE of srv of Conrails suppl disc resp. (3p) c/m 4/27 vd
4/28/88	1885	COMMENTS on proposed consent decree adn mot to preserve the status quo pending trial, and contingent mot for disc and hearing by third-pty defts', Ashland Oil, Shell Oil, Mobil Oil, Anchor Motor Frt, Matlack Inc., White Consolidated Ind, Consolidated Rail Corp, CEI.
5/2/88	1886 (1897)	STATEMENT of Services by Special Master rendered and of costs incurred April 1,1988 through April 30,1988 Kleri, Spec Master. c/m 5/2/88 (11 p) (VD)
5/2/88	1887	PRETRIAL ORDER Number 29, Revision of Service Requirements Kleri, Special Master. EOD: 5/2/88; c/i 5/2/88 (5 p) (VD)
5/6/88	1888	STIPULATION and Order that third-pty pltfs' shall have until 5/17/88 to resp to interr and req for prodctn of docmts by Helmerich Drive-It-Yourself. Kleri, S/M Issd: 5/6/88; EOD: 5/9/88 (1p) (VD)
5/11/88	1889	NOTICE by Third-pty deft to take depos of Saybrook Twp, Rock Creek Village, Lenox Twp, New Lyme Twp, Dorset Twp, Orwell Two, Bloomfield Twp, David Rice. On 5/16/88. (2p) vd
5/11/88	1890 (1898)	MOTION of third-pty deft for ext of records deposition dead-line. c/m 5/11/88 (4 p) (VD)
5/11/88	1891	NOTICE of srv by White Consolidate Ind. of supple prod of documts to third-pty pltfs 5/10/88. c/m 5/11/88 (2p)vd
5/11/88	1892	NOTICE of srv by Ashland Oil of suppl prodctn of documts to third-pty pltfs 5/10/88. c/m5/11/88 (4p) (VD)
5/12/88	1893	NOTICE third-pty deft to take depos of Rome Twp, Trumbull Twp, Rome Rock Assoc, Bristol Twp, Morgan Twp on 5/17/88. Subp issd: 5/12/88 (fa) (1p c/m 5/12/88 (VD)
		reverse

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PLAINTIFF		DEFENDANT	DOCKET NO. <u>C84-2035</u>
U.S.A.		Laskin, et al	PAGE <u>21</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
6/3/88	1933 (1955)	MOTION of third-pty defts for ext of time to reply to resp from third-pty pltfs' and pltf on mot to maintain status quo on potential preclusion of claims under consent decree (4 p) c/m 6/3/88 (VD)	
6/6/88	1934(1906)	MARGINAL entry order granting to subst Jenet Bowser, for third-pty deft russ' Srv. Kleri, Special Master, Iss: 6/6/88 (VD)	
6/6/88	1935(1926)	MARGINAL entry order granting mot of Perfection for lv to file notice of mot for joinder. Kleri, Special Master c/i 6/6/88; EOD: 6/6/88 (VD)	
6/6/88	1936(1927)	MARGINAL entry order granting obj of pltf to mot to preserve status quo and mot to enlarge. Kleri, Special Master issd: 6/6/88; EOD: 6/6/88 (VD)	
6/3/88*	1937	PROTECTIVE ORDER (first amendment to agreed)of third party pltfs and White Consolidated Ind and Copes-Vulcan, Inc for insupection. Issd: 6/3/88 Kleri, Special Master; approved by Krenzler, J. (3 p) EOD: 6/6/88 (VD)	
6/7/88	1938 (1953)	MOTION of third-pty pltfs' to dism their claims as to certain third-pty defts'. Brf in supp. c/m 6/7/88 (8 p) (VD) (w/o prej on: Meyer's Parking System, Sharon Auto Wrecking, Dart Trucking, Rocco's Sohio, and Precision BMW)	
6/9/88	1939	MOTION of Conrail for lv to file resp to third-pty pltfs' 37 pg reply brf on their mot to compel and for sanctions, c/m 6/9/88 (17 p) (VD)	
6/9/88	1940	MEMORANDUM of Perfection opp third-pty pltfs' mot to compel and for sanctions and Perfection's mot for order limiting fur disc. c/m 6/9/88 (94 p) (VD)	
6/10/88	1941	REPLY of Perfection Corp. to defts' brf of 6/1/88 c/m 6/8/88 (5 p) (VD)	
6/10/88	1942	MOTION of CEI for lv to file resp to third-pty pltfs' 36 page reply brf on their mot to compel and for sanctions. c/m 6/10/88; (4 p) (resp attached) (VD)	
6/9/88*	1943	RESPONSE of Matlack to third-pty pltfs' mot to compel and for sanctions and Matlack's mot for order limiting further disc. c/m 6/9/88 (81 p + X 1-5) (VD)	
6/9/88*	1944	SPECIAL MASTER'S STATEMENT of srv rendered and of costs incurred 5/1/88 - 5/31/88. (8 p) (VD)	
6/13/88	1945	NOTICE of withdrawal of Glenn D. Waggoner of Donahue & Scanlon on behalf of DelPrince's Westside Auto c/m 6/10/88 (4p)vd	
6/13/88	1946	REPLY of third-pty pltfs to Ashland's memo ossp mot to compel and for sanctions and Ashland's mot for order limiting further disc. c/m 6/13/88 (36 p) (VD)	
6/13/88	1947	REPLY of third-pty pltfs' to White Consolidated Ind memo opp mot to compel and for sanctions, and opp to White's mot for order limiting further disc. c/m 6/13/88 (49p)vd	
6/15/88	1948 1995	MOTION of third-pty deft Courtesy Tire Co. for relief from pt number 28. Memo in supp; c/m 6/14/88 (4 p) (VD)	
6/15/88	1949 (1996)	MOTION of third-pty defts' Texaco, for order waiving Special Master Fund Fee. Brf in supp; c/m 6/15/88 (5 p) (VD)	
docket continued			

CIVIL DOCKET CONTINUATION SHEET

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DATE	NR.	PROCEEDINGS
5/15/88	1950 (219)	MOTION of pltf for entry of decree; memorandum of law in supp; c/m 6/15/88 (19 p includ X 1-2) (VD)
6/15/88	1951	MEMORANDUM of third-pty pltfs' in opp to mot for lv to file sur-reply brief. c/m 6/15/88 (6 p) (VD)
6/17/88	1952	ORDER of payment to Special Master for costs incurred and Services rendered from May 1, 1988 through May 31, 1988. \$2,160.06. Krenzler, J. EOD: 6/20/88 (2 p) (VD)
6/17/88	1953 (1938)	MARGINAL entry order granting mot of third-pty pltfs' to dismiss their claims as to certain third-pty defts' (Meyer's Parking System, Sharon Auto Wrecking, Dart Trucking, Rocco's Sohio and Precision BMW. Kleri, Special Master. issd: 6/17/88; EOD: 6/20/88 (VD)
6/17/88	1954 (1932)	MARGINAL entry order granting ext of Petroleum Exceptions mot for ext of time until 7/18/88. Kleri, Special Master. issd: 6/17/88; EOD: 6/20/88 (VD)
6/17/88	1955 (1933)	MARGINAL entry order granting ext of third-pty defts' to reply to resp from third-pty pltfs' on mot to maintain status quo, etc until 6/27/88. Kleri, Special Master issd: 6/17/88; EOD: 6/20/88 (VD)
6/21/88	1956	STIPULATION and order that third-pty pltfs' shall have an addl 30 days or until 7/16/88 to resp to interr and req by thrid-pty defts., Helmerich Drive-It-Yourself Kleri, Special Master, c/i 6/21/88; EOD: 6/21/88 (VD)lp
6/16/88	1957	STIPULATION and Order that deft. American Gage & Machine Co. is hereby dismiss as deft w/o prej. n.w. (lp) Krenzler, J (1 p) (on consent) (VD)
6/21/88	1958	NOTICE of location of third-pty defts' (designation pursuant to pretrial order #26) depositions. (6/28/88, Champion Steel; 6/29 Pennzoil Co.; Jim Strub 7/7/88; Jerry Armstrong 7/12/88; M. Patterson 7/13/88; Perry Shipbuilding 7/14; 7/20-Bond of North East Srv Plaza, 7/21, Niagra Plastics, 7/21/ Peter J. fox, 7/26/88 Murray corp. 7/26/88 General refractories, 7/27, ATEC Ind, 7/28/ Wick Motors; 7/28 Zigman's Automotive). c/m 7/21/88 (5 p) (VD)
6/23/88	1959	REPLY of third-pty pltfs' to Perfections Corp's memo opp mot to compel and for sanctions, and opp to Perfections mot for order limiting further disc. c/m 6/23/88 (30p)(VD)
6/23/88	1960	REPLY of third-pty pltfs' to Matlack's resp to third-pty pltfs' mot to compel and for sanctions and third-pty pltfs' brf in opp to Matlack's mot for order limiting further disc. c/m 6/23/88 (37 p) (VD)
6/27/88	1961	REPLY of Petroleum exceptions companies and pltf's opp to their comments on proposed consent decree and mot to preserve status quo. c/m 6/27/88 (15 p) (VD)
6/27/88	1962	RESPONSE of Perfection Corp to pltf's mot for entry of consent decree. c/m 6/23/88 (7 p) (VD)

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DATE	NR.	PROCEEDINGS
7/29/88	1979	SUBMISSION by White Consolidated of addl affvt in supp of classified info privilege. c/m 7/29/88 (4 p) (VD)
7/29/88	1980	MOTION of White Consolidated for lv to file reply brf in supp of order limiting further disc and resp to selected points in third-pty pltfs' mot to compel. c/m 7/29/88 (14p)(VD)
8/1/88	1981	NOTICE of Matlack of prodctn of addl docmts c/m 7/29/88(3p)(VD)
8/2/88	1982	STIPULATION and Order that third-pty pltfs have 30 days (8/26) to resp to Shell's & Mobils mot pur to Rule 36 to deem as adm certain of third-pty pltfs' resp to Petroleum joint phase one disc and mot for lv to file Rule 56 mot. Kleri, Spec Master issd; 8/2/88 (lp) (EOD: 8/3/88) (VD)
8/3/88	1983	ORDER of payment to Special Master, Patricia S. Kleri, for costs incurred and services rendered from June 1, 1988 through June 30, 1988 in the amount of \$2,543.72 from the Laskin Special Master's Account on deposit for the above-captioned case in the Registry of the Clerk of Court. Krenzler, J. (2p) c/i 8/3/88; vd EOD: 8/3/88
8/8/88	1984	MOTION of Perfection Corp for lv to file reply brf in supp of Order limiting further disc and resp to selected points of third-pty pltfs' reply on their mot to compel and for sanctions. (4 p) (reply attached) c/m 8/8/88 (VD)
8/9/88	1985	BRIEF of Thrid-Pty pltfs' in opp to Matlack's mot for lve to file sur-reply brf and resp to sur-reply. c/m 8/8/88 (15 p) (VD)
8/9/88	1986 (2187)	MOTION of Browning-Ferris to strike submittal of addl info by certain non-settling third-pty defts. c/m 8/9 (5p)(VD)
8/10/88	1987	REPLY of Matlack to third-pty pltfs' brf in opp to mot to file resp brf. c/m 8/10/88 (4p) (VD)
8/11/88	1988	MOTION (second) of third-pty defts' Liber Motor Co., Sanzenbacher Motor Co. Apostolakis Honda Cars, Sainato Motors & Toyota of Warren to compel disc/mot for sanctions. to pltf. c/m 8/11/88 (26 p) (VD)
8/12/88	1989	MOTION of third-pty pltfs' mot to dism their claims as to certain third-pty defts' Jims Sarvas Dodge, Inc. w/Brf in supp. c/m 8/12/88 (4 p) (VD)
3/19/88	1990	STIPULATION on consent that third-pty pltfs have until 9/14/88 to resp to disc req of Helmerich Kleri, Special Master, issd: 8/19/88 (lp) (VD)
3/19/88	1991	STIPULATION and Order that third-pty pltfs have until 8/24/88 to resp to Petroleum's brf in opp to mot for prot ord. Kleri, Special Master issd: 8/19/88 (EOD:8/19/88)(lp)(VD)
8/24/88	1992	RESPONSE of third-pty pltfs' to Petroleum Exception Co.s' brf in opp to third-pt pltfs' mot for protective order and in opp to their crs mot to compel. c/m 8/24/88 (13p)vd

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DATE	NR.	PROCEEDINGS	
8/26/88	1993	BRIEF of third-pty pltfs' in opp to Shell's and Mobil's mot pur to Rule 36 to deem as adm certain of third-pty pltfs' resp to Petroleum Exception Cos' joint phase one disc and mot for lv to file Rule 36 mot. Affvts in supp. c/m 8/26/88 (20p) (VD)	
9/6/88	1994 (1823)	MARGINAL entry that mot to stay paymnt into fund is denied. Mot to reserve right to assert defense of lack of pers jurisdiction is granted. Krenzler, J. issd: 9/6/88 (EOD: 9/7/88) (VD)	
9/6/88	1995 (1948)	MARGINAL entry order that mot of Courtesy Tire for relief is denied but may be refiled with appropriate supporting affvits. Krenzler, J. (EOD: 9/8/88) (VD)	
9/6/88	1996 (1949)	MARGINAL entry order granting mot for order waiving special Master fund fee. Krenzler, J. (EOD: 9/8/88) (VD)	
9/1/88	1997	AMENDED Special Master's Statement of services rendered and of costs incurred June 1, 1988 through June 30, 1988. \$2,743.72 Kleri, Special Master. (5p) issd: 9/2/88 (VD)	
9/8/88	1998	STIPULATION and Order that thrid-pty defts Shell & Mobil Oil shall have until 9/26/88 to file reply brf in supp mot to deem as admitted. Kleri, Special Master, issd:9/8/88 (1p) (EOD:9/9/88) (VD)	
9/14/88	1999	REPORT and Recommendation of Special Master on third-party pltf's mot to compel inspection of Consolidated Rail Corp facility at Youngstown (Brier Hill) Recommended that mot to compel inspection be granted. Kleri, Special Master issd: 9/14/88 (4p) (EOD:9/14/88) (VD)	
9/14/88	2000	ORDER re: pltf's mot to compel inspection of Consolidated Rail Corp. Court adopts the R & R of the Special Master and Orders that third-pty pltfs' mot to compel inspection of the Consolidated Rail Corp facility at Youngstown known as Brier Hill is granted, Third-Pty pltfs are to initiate a tele. conf w/counsel for Consolidated for possible dates and inspection, etc. The Special Master will be mediate if any problem exists on dates and time. parties will attempt to agree upon terms of a Protective Order re: conduct of inspection and sub a written agreed Protective Order to Special Master for review, Special Master shall attend the inspection to mediate any disputes. Krenzler, J. issd: 9/14/88 (3p) (EOD: 9/14/88) (VD)	
9/15/88	2001	STIPULATION and Order that third-pty pltfs' have an addl 30 days to resp to interr and req for prodctn of docmts of Helmerich Drive-It-Yourself Inc. Kleri, Special Master, (1p) issd: 9/15/88 (EOD: 9/16/88) (VD)	
9/16/88	2002	NOTICE of hrg for oral arguments of counsel on consent decree scheduled for <u>October 14, 1988 at 10:00 a.m.</u> , Courtroom 238. (Ashland Oil, Shell Oil, Mobil Oil, Anchor Motor Frt, Matlack, White Consolidated Rail corp, and CEI and by counsel for Perfection Corp. and arguments by counsel for govt. etc . (2p) issd; 9/16 Kleri, Spec. Master (VD)	
(EOD: 9/19/88)			

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DATE	NR.	PROCEEDINGS
9/26/88	2003	REPLY brf of Shell & Mobil in supp of Rule 36 mot to deem as admitted certain of third-pty plfts' resp to the Petroleum Exception Companies joint phase one disc and mot for lv to file Rule 56 mot. c/m 9/26/88 (18p + exh) (VD)
9/27/88	2004	ORDER of payment to Special Master, Patricia S. Kleri, for costs incurred and services rendered from June 1, 1988 through June 30, 1988 in the amount of \$2,743.72 from the Laskin Special Master's Account on deposit for the above-captioned case in the Registry of the Clerk of Court. Krenzler, J. (2p) EOD: 9/29/88 (note: this Order is a revision from #1983) VO#5252, dtd 9/27/88; ck#122,009 \$2,743.72 (L.R.)
10/5/88	2005	MOTION of Zashin, Rich, Sutula & Monastra and John D. Sutula to withdraw as counsel for Third-pty deft, Hal Artz Pontiac. c/m 10/30/88 (3p) (VD)
10/6/88	2006	AMENDED notice of hrg for oral arguments of counsel on consent decree. 10/14/88 at 10:00 a.m. in Courtroom 238, Kleri, Special Master, issd: 10/6/88 (2p)(EOD: 10/6/88)(VD)
10/13/88	2007	REPORT and recommendation of Special Master on third-party plfts' to compel inspection of RP & C Valve Facility and mot of White Consolidated for Protective Order. It is recommended that each party pay its own costs and atty fees incurred in connection with these motions. further recommended that the Court enter the proposed Order subm. It is recommended that third-pty plfts' mot to compel be denied and WCI's mot for protective Order be granted and that the inspection of RP & C Valve not be had unless and until srv of a req for such inspection is properly served either upon any counsel entering an apprce of record for RP&C Valve, or, if none, then upon RP&C Valve directly. Kleri, Special Master (4p) issd: 10/13/88 (EOD: 10/13/88) (VD)
10/13/88	2008	ORDER that this Court adopts the R & R of the Special master and hereby enters the following Order. Third-pty plfts' mot to compel an Inspection of RP&C Valve is denied and WCI's mot for Protective Order is granted and the inspection of RP&C Valve shall not be had unless and until service of a request for such inspection is properly served either upon any counsel who enters an apprce of record for RP&C Valve, further Ordered that each party pay its own costs and attys fees incurred in connection w/ these mot. Krenzler, J. issd: 10/13/88 (EOD: 10/13/88) (2p) (VD)
10/13/88	2009	REPORT and Recommended Order of Special Master Kleri. It is recommended that the third-pty plfts' mot for Protective Order and for an Order quashing subp duces tecum be granted and that the depo of Engineering Science not be had at this time. Each pty to pay costs and atty fees. Kleri, SM
		issd: 10/13/88 (EOD: 10/13/88)VD (4p)

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DATE	NR.	PROCEEDINGS	
10/13/88	2110	<p>ORDER re: third-pty pltfs' mot for protective order and for order quashing subp duces tecum svr on Engineering Science Inc. the Court adopts the R & R of the Special Master and hereby enters the following Order: Third-Pty pltfs' mot for protective order and for an order quashing subp duces tecum of engineering Science, Inc. is hereby granted and that the depo of Engineering Science will not be taken at this time. (2) The Special Master will, upon further order and prior to the cutoff of the first phase of disc, set a deadline for each party to desi and identify each expert witness intended to be used in support of or in opp to mots for SJ and set a schedule for taking of depos of such experts subject to and in acc w/the applicable provisions of the Federal Rules. (3) each party shall pay its own costs and atty fees incurred. Krer J. issd: 10/13/88 (2p) (EOD: 10/13/88) (VD)</p>	
10/17/88	2111	<p>MINUTES OF PROCEEDINGS re: Consent Decree Fairness Hrg. Thomas, r. (1 p) ee Kowalski, respresenting some of 3rd pty defts, argues against entrance of consent decree; Wodzinski argues against consent decree; S. Squires U.S. atty) argues for consent decree; Newborne argues for consent decree for 3rd pty pltfs; Kowalski responds to arguments; McCrystal for 3rd pty defts, argues for consent decree; hrg ends.</p>	
10/17/88	2112	<p>RENEWED MOTION of 3rd pty deft Courtesy Tire Co. for relief from pretrial Order No. 28 w/memo in suppt. c/m 10/14/88 (13 p) ee</p>	
10/24/88	2113	<p>STATUS report to Court on efforts to resolve outstanding govt claims. c/m 10/24/88 (4p) (VD)</p>	
10/24/88	2114	<p>SUPPLEMENTAL memo in supp of pltf's mot for entry of consent decree c/m 10/24/88 (4p) (VD)</p>	
10/24/88	2115	<p>NOTICE of apprce that Arthur I. Harris will replace Steven D. Bell as co-counsel for the United States. c/m 10/24/88</p>	
10/27/88	2116	<p>STATUS report to Court on efforts to resolve outstanding govt claims. c/m 10/26/88 (3p) (VD)</p>	
10/28/88	2117	<p>POST-HEARING MEMORANDUM of 60 settling third-party defts in supp of pltf's motion for entry of the consent decree. c/m 10/28/88 (9 p) ee</p>	
10/31/88	2118	<p>STIPULATION AND ORDER that 3rd pty pltfs are granted until 11/13/88 to resp to interr and req for prodctn propounded by 3rd pty deft Helmerick Drive-It-Yourself. KLERI, Sp Master. Issd 10/31/88 (1 p) ee</p>	
10/31/88	2119	<p>STATEMENT OF SERVICES RENDERED and of cost incurred 7/1/88 thru 9/30/88 by KLERI, Sp Master. Issd 10/31/88 (12 p) ee</p>	
10/31/88	2120	<p>MARGINAL Ent Ord granting mot of Zashin, Rich, Sutula & Monastra and John D. Sutula to w/draw as counsel for Third Pty Deft. Hal artz Pontiac. KLERI, Sp Master, Issd 10/31/88, EOD 10/31/88 ee</p>	
10/31/88	2121	<p>STATUS REPORT to Court on efforts to resolve outstanding claims. Karen M. Wardzinski, atty for 3rd pty deft Perfection Corp. c/m 10/28/88 (6 p) ee</p>	
11/2/88	2122	<p>REPLY of pltf to status report of certain third-pty defts' c/m 11/1/88 (4p) (VD)</p>	
10/28/88	2123(2139)	<p>APPLICATION of John C. Ross to withdrawl as counsel for Armstro Power Tong Srv. (1p) (VD)</p>	
11/7/88	2124	<p>OBJECTIONS of U.S.A. to Special Master's 10/31/88 statement of srv. c/m 11/7/88 (4p) (VD)</p>	
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Judge Krenzler

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DATE	NR.	PROCEEDINGS
1/8/88	2125	NOTICE of third-pty pltfs' to take depo of Buckeye Pipe Line subp issd; 11/8/88. c/m 11/8/8 (8p) (VD)
1/9/88	2126	SUBPOENA on depo retn and srv Buckeye Pipe through C.T. System 11/8/88 (1) (VD)
11/16/88	2127	NEW DEFTS" subm re: Special Master's October 31, 1988 statement of services rendered. cm 11/16/88 (4p) (VD)
11/16/88	2128	ORDER of payment to Special master for costs incurred and services rendered from July 1, 1988 through September 30, 1988. \$3,385.07 (VD) Krenzler, J. issd: 11/16/88 (EOD: 11/16/88) (VD) (2p) VO#738, Dtd 11/17/88; \$3,385.07 Ck 123,799 by (LPR) (VD)
11/18/88	2129 (2136)	MOTION of Pennsylvania Engineering Corp. for lv to file notice of intent to file disp mot out of time. c/m 11/10 (5p) (VD)
11/18/88	2130	ORDER that third-pty pltfs' have until 12/13/88 to resp to interr and req of Helmerich. Kleri, Special Master, issd: 11/8 (EOD: 11/18)(VD)
11/22/88	2131	MOTION of RP&C Valve to disp w/memo in supp. c/m 11/18/88 (17p) (VD)
11/23/88	2132	NOTICE of third-pty pltfs' of cont of depo of Buckeye Pipeline Co. until further notice. c/m 11/23/88 (4p) (VD)
12/5/88	2133	BRIEF of third-pty pltfs' in opp to mot to disp of R-P&C Valve, Inc. c/m 12/5/88 (16p + exh) (VD)
12/19/88	2134 (2137)	MOTION of deft Penna. Corporation RP & C Valve, Inc. for lve to file reply brf in supp of mot to dismiss. (Attached) c/m 12/16/88 (3 p) ee
12/22/88	2135	STIPULATION of 3rd pty pltfs and 3rd pty defts that ext of time until 1/12/89 is granted to 3rd pty pltfs to resp to interr and req for prodctn propounded by Helmerich Drive-It-Yourself. PATRICIAL KLERI, sp master, Issd 12/22/88, EOD 12/22/88 (1 p) ee
12/23/88	2136 (2129)	MARGINAL Ent Ord granting mot of Penna Engineering to file notice of intent to file dispositive motion out of time. KLERI, SP.Master. Issd 12/23/88, EOD 12/23/88 ee
12/23/88	2137	MARGINAL Ent Ord granting mot of Penna Corp. for lve to file reply brief. KLERI, sp. master. Issd 12/23/88, EOD 12/23/88 ee
12/23/88	2138	REPLY BRIEF of New Penna Corp. RP&C Valve Inc's mot to dismiss. (21 p) ee
12/23/88	2139 (2123)	MARGINAL Ent Ord granting mot of John C. Ross to w/draw as counsel for Armstrong Power Tong Service, Inc.
12/27/88	2140 (2124)	MARGINAL Ent Ord overruling pltf's objections to sp master's 10/31/88 statement of services rendered. KRENZLER, J. (See Order of 12/27/88)
12/27/88	2141	ORDER overruling pltf's obj to special master's statement of services rendered and costs incurred from 7/1/88 through 9/30/88. KRENZLER, J. EOD 12/27/88 (2 p) ee
12/22/88	2142	PRETRIAL ORDER NO. 30 revision of service requirements. KRENZLER and KLERI c/m 12/22/88 (4 p) ee
1/3/89	2143	MEMORANDUM OF OPINION and order overruling 3rd pty defts Marechin's and Keifers' motions to dismiss. KRENZLER, J. (13 p) EOD 1/4/89 ee
1/9/89	2144	MOTION of deft RP & C for protective order w/memo att. c/m 1/9/89 (12 p) ee
1/9/89	2145 (2162)	MOTION of deft RP & C for lve to file suppl brf in supp of mot to disp. c/m 1/9/89 (1p) sp (brf attach)

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1/10/89	2146	MOTION of third-pty ptfs to compel disc and for sanctions against 3rd-pty deflt R-P&C Valve, Inc. c/m 1/10/89 (w/affvt) (22 p) ee	
1/10/89	2147	MOTION of third-pty ptfs to show cause. c/m 1/10/89 w/affvt. (14 p) ee	
1/10/89	2148	MOTION of 3rd-pty ptfs for TRO and prelim inj against 3rd pty defts R-P&C and White Consolidated. (14 p + exh) c/m 1/10/89	
1/10/89	2149	AFFIDAVIT OF SERVICE of TRO and certification to counsel for White Motors. of Robert J. Hill. (2 p) ee	
1/10/89	2150	AFFIDAVIT OF SERVICE of telecopier transmission of TRO and certification, to counsel for R-P&C Valve of Brigid O'Donnell. (2 p) ee	
1/10/89	2151	NOTICE of 3rd pty ptfs of location of deposition; of Mr. Richard Perrotta on 1/13/89 (4 p) ee Issd 1/10/89	
1/10/89	2152	MEMORANDUM of White Consolidated opposing primary defts' mot for TRO order. c/m 1/10/89 (5 p) ee	
1/11/89	2153 (1551)	MARGINAL Ent Ord denying mot for PO as moot per order of Court filed 1/3/89 overruling defts' mot to dismiss KLERI, sp master Issd 1/11/89 EOD 1/11/89 ee	
1/11/89	2154	NOTICE of 3rd-party pltf. of deposition & subpoena to produce on Brenda Blanks on 1/18/89 at 10:00. subp issued 1/11/89 c/m 1/11/89 5p ejm	
1/12/89	2155 (2163)	MOTION of 3rd-party pltf. for leave to reply, instanter, to WCI's memo. oppos TRO c/m 1/11/89 3p + 28p ejm	
1/11/89	2156	MINUTES of TRO hrg. Krenzler, J. Manning, r. (hearing held & concluded; matter taken under advisement [w/1:89CV0040]) 1p ejm	
1/11/89	2157	SUBPOENA for Deposition retn. Srv Richard Perrotta on 1/16/89 by Shawn Maestle, docket clerk. No fee. EOD 1/13/89 ee	
1/11/89	2158	TEMPORARY RESTRAINING ORDER of 3rd pty ptfs against R-P & C Valve and White Consolidated Ind; Bond in amt of \$250.00 to be posted as security. KRENZLER, J. Issd 1/12/89, EOD 1/12/89 (3 p) ee	
1/13/89	2159	MOTION of 3rd pty ptfs for TRO and Prel Inj against 3rd pty defts R-P&C Valve, Inc. and White Consolidated Ind. c/m 1/10/89 (5 p) ee	
1/17/89	2160	TRANSCRIPT OF PROCEEDINGS had before Judge Krenzler on 1/11/89 re Conbraco Ind. Manning, r. (42 p) ee	
1/18/89	2161 (2179)	MOTION of 3rd pty deflt Great Lakes Energy Systems for lve to file ans to 3rd pty complt instanter. c/m 1/17/89 (4p) sp (ans attach)	
1/20/89	2162 (2145)	MARGINAL ENT ORD granting mot of deflt Penna Corp. RP & C to file suppl brf in supp of mot to dism. KLERI/sp master. Issd 1/20/89 EOD 1/23/89	
1/20/89	2163 (2155)	MARGINAL Ent Ord granting mot of 3rd pty ptfs for lve to reply instanter to WCI's memo opposing TRO. KLERI/sp master Issd 1/20/89 eod 1/23/89	
1/23/89	2164	SUPPLEMENTAL MEMORANDUM of Penna Corp. in supp of mot to dismiss. c/m 1/19/89 (5 p) ee	
1/23/89	2165	REPLY of third-pty ptfs to WCI's memo opposing TRO. c/m 1/11/89 (10 p) ee	
1/23/89	2166	STIPULATION AND ORDER that third-pty ptfs and 3rd-pty defts be granted ext until 2/11/89 to resp to interr and req for prodctn of docmts. KLERI/sp master. Issd 1/20/89, EOD 1/23/89 ee	
1/20/89	2167	STIPULATION AND ORDER granting ext until 1/30/89 for 3-rd pty ptfs to resp to mot for PR. KLERK/sp master Issd 1/20/89, EOD 1/23/89.	

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DATE	NR.	PROCEEDINGS
1/20/89	2168	STATEMENT of Special Master of costs incurred and services rendered October 1, 1988 through December 31, 1988. (9 p) ee
1/25/89	2168 (2178)	MOTION of 3rd pty def White Consolidated for lve to plead to resp to mot to show cause. c/m 1/25/89 (3 p) ee
1/25/89	2169	ORDER on consent re: inj and agreement of parties. Krenzler, J. issd (4p) (EOD: 1/30/89)(VD)
1/27/89	2170	OBJECTION of USA to special Master's Statement of Costs incurred and srv rendered 10/1/88 through 12/31/88. cm 1/27/89 (4p)(VD)
1/30/89	2171	NOTICE of Pennsylvania Engineer of intent to file disp mot out of time. c/m 1/20/89 (4p)(VD)
2/8/89	2172	RESPONSE of WCI to thrid-pty pltfs' mot to show cause. c/m 2/8 (14p)(VD)
2/8/89	2173	SUBPOENA on depo retn and srv Daniel White 2/3/89 (1P)(VD)
2/8/89	2174	RESPONSE of R-P&C Value & Leemhuis' to 3rd party pltf's motion to show cause & 3rd part pltfs mot to compel & for sancations against R-P&C Valve. c/m 2/8/89 6p ejm
2/10/89	2175	REQUEST to Cer for Standing Order #17. (3p) (req granted per AIK).
*2/8/89	2176	DEPOSITION of Brenda Blanks taken 1/16/89 (146 p) (VD) Exhibits included
2/10/89	2177	ANSWER of 3rd-pty deft Great Lakes Energy Systems to the 3rd pty complt. c/m 1/17/89 (12 p) ee
2/10/89	2178(2168)	MARGINAL Ent Ord granting mot of 3rd pty deft White Consolidated for lve to plead until 2/8/89 to mot to show cause filed by 3rd pty pltfs. KLERI, Sp master. Issd 2/10/89, EOD 2/13/89. ee
2/10/89	2179 (2161)	MARGINAL Ent Ord granting mot of 3rd pty deft Great Lakes Energy for lve to file an answer to 3rd pty complt instanter. KLERI, sp master. Issd 2/10/89, EOD 2/13/89 ee
2/10/89	2180	STIPULATION AND ORDER granting 3rd pty pltfs until 3/1/89 in which to respond to mot for protective order filed by 3rd pty deft R-P&C Valve, Inc. KLERI, sp master. Issd 2/10/89, EOD 2/13/89 ee
2/15/89	2181	STIPULATION AND ORDER granting 3rd pty pltfs until 3/13/89 in which to resp to interr and req for prodctn of docmts. KLERI, sp master EOD 2/16/89 ee
2/21/89	2182	SUPPLEMENTAL CERTIFICATE of service of 3rd pty pltfs Browning-Ferris, GM, Be-Kan, Koppers, TRW, Union Carbide and Rockwell Int'l. (2 p) ee
2/27/89	2183	MEMORANDUM OF OPINION AND ORDER granting Gov't's mot to enter consent decree; motion of the non-settling defts to preserve the status quo pending trial and contingent mot for disc and hearing is denied. KRENZLER, J. Issd 2/27/89 EOD 2/27/89 (16 p) ee
2/27/89	2184	REPORT AND RECOMMENDATION of special master re: 3rd pty pltfs' mot to compel directed to Anchor Motor and cross motion of Anchor Motor for order limiting further discovery. c/m 2/24/89 (16 p + exh) ee KLERI, sp master

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2/27/89	2185	ORDER re: 3rd pty pltfs' mot to compel directed to Anchor Motor and Cross Motion of Anchor Motor for order limiting further disc. KRENZLER, J. Issd 2/27/89, eod 2/27/89 (3 p) ee	
2/15/89	2186	ORDER of payment to special master for costs incurred and services rendered from Oct. 1, 1988 through dec. 31, 1988. KRENZLER, J. (2 p) ee Vol. #2227, Dtd. 2/24/89, Ck #126,438, \$4,008.47 LKR	
3/1/89	2187 (1986)	MARGINAL Ent Ord denying mot of Browning Ferris to strike submittal of add'l info by certain non-settling 3rd pty defts. KLERI, sp. master. UIssd 3/1/89, EOD 3/1/89 ee	
3/1/89	2188	STIPULATION AND ORDER granting 3rd pty pltfs 10 days (until 3/3/89) to reply to WCI's response to 3rd pty pltf's mot to show cause. KLERI, sp master. Issd 3/1/89, EOD 3/1/89 ee	
3/3/89	2189	CONSENT DECREE that within 30 days the Settling Defendants shall pay to the U.S.A. the sum of One Million Four Hundred Seventy Thousand Dollars, (\$1,470,000.00) as Response costs incurred at the Laskin Site. KRENZLER (12 p) ee	
3/8/89	2190	REPLY of 3rd pty pltfs in supp of mot to show cause and suppl brf in supp of motions to compel and for sanctions. c/m 3/8/89 (38 p + exh) ee	
3/9/89	2191	STATEMENT OF COSTS of special master, incurred Jan. 1, 1989 through Feb. 28, 1989. (12 p) ee	
3/9/89	2192	STIPULATION AND ORDER that 3rd pty pltfs shall have add'l 2 days (until Mar. 8, 1989) to reply to WCI's response to mot to show cause. KLERI, special master. EOD 3/9/89 EE	
3-13-89	2193 (2223)	MOTIONS of Pltf. to vacate or reconsider and modify a portion of memo of opinion and ord granting Govt's mot to enter consent decree. c/m 3-13-89 (4 p) pj	
3/15/89	2194	MEMORANDUM of USA in supp of mot to vacate or reconsider or modify a portion of memo of opinion & ord granting govt's mot to enter consent decree. c/m 3/15/89. (18 p) (JAM)	
3/16/89	2195	OBJECTION of Govt to special master's statement of costs incurred and services rendered 1/1/89 through 2/28/89. c/m 3/16/89 (5 p) ee	
3/16/89	2196	STIPULATION AND ORDER granting 3rd pty pltfs 30 days, until 4/12/89 to resp to interr and req for prodctn of docmts of 3rd pty deft Helmerich Drive-It-Yourself, Inc. KLERI, P. sp master. EOD 3/22/89 ee	
3/24/89	2197 (2222)	MOTION of 3rd pty pltfs to susp payment w/brief in support. c/m 3/28/89 (4 p) gw.	
3/28/89	2198 (2216)	MOTION of 3rd pty deft White Consolidate Industries for lv to file suppl brf of WCI in opp to mots to show cause and compel. c/m 3/28/89 (2 p) (supp brf attached)	
3/30/89	2199	OPPOSITION of 3rd pty deft Perfection Corp. to EPA's mot to vacate three pages of an opinion. c/m 3/28/89 (15 p) gw	
3/24/89	2200	ORDER of payment to special master for costs incurred and services rendered from Jan. 1, 1989 through Feb. 28, 1989. KRENZLER, J. Issd 3/24/89 (2 p) gw Vol. #2709, Dtd. 3/30/89, Ck #127,468, \$5,179.96	
3/31/89	2201	MEMORANDUM of deft Petroleum Exception Companies' in opp to USA' mot to vacate or reconsider & modify a portion of the memo of opinion & order. c/m 3/30/89 (11 p & attachment) gw	
3/31/89	2202	ANSWER of 3rd pty deft Keifer's Service Station. (10 p) gw c/m 3/30/ 89	
3/31/89	2203	ANSWER of 3rd pty deft Marenchin Transmission. c/m 3/30/89 (10 p) gw	

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4/3/89	2204	OBJECTION of USA to 3rd pty plfts' mot to susp payment w/ memo in supp. c/m 4/3/89 (7 p) gw
4/7/89	2205	(2224) MOTION of pltf for entry of an order to show cause why settling defts should not be held in contempt w/memo in supp. c/m 4/7/89 (9 p) gw
4/7/89	2206	(2217) MOTION of 3rd pty deft Farinacci Buick for lv to file ans to 3rd pty complt w/memo in supp. c/m 4/3/89(6 p & attachs) gw (ans attached)
4/10/89	2207	NOTICE of 3rd pty deft Anchor of srv of second amen resp to 3rd pty plfts' Rule 34 docmt req srv w/notice of depos. c/d/m 4/7/89 (4 p) gw
4/10/89	2208	NOTICE of 3rd pty deft Automobile Dealers Assoc. of subst of counsel. c/m 4/10/89 (5 p) gw
4/12/89	2209	STATEMENT in opp to USA's mot to vacate or reconsider & modify a portion of the memo of opinion and order granting govt's mot to enter consent decree. c/m 4/10/89(5 p) gw
4/13/89	2210	MEMORANDUM of 3rd pty plfts in opp to pltf's mot for entry of an order to show cause. c/m 4/13/89 (6 p & exh) gw
4/21/89	2211	BRIEF of 3rd pty defts Johnny's Srv Center, ALCO Industries, Lend Lease, United Telephone Co of Ohio, Western Reserve Transit Authority, Dick's SOHIO, Atlantic Richfield Co, Navistar International Transportation, Luther's SOHIO, Clarkson's American Service, Dick's Gulf, Harbhison Walker Refractories, Calhio Chemicals, J.I. Case Co., Duff Truck Lines, Ohio Edison & Pennsylvania Electric Co. in opp to the USA mot for entry of an order to show cause why settling 3rd pty defts should not be held in contempt. c/m 4/21/89 (9 p & exhs) gw
4/21/89	2213	(2225) MOTION of certain 3rd pty defts for leave to resp to pltf's mot for ord to show cause why settling defts should not be held in contempt. c/m 4/21/89, (4p&Attchmt) pd that 3rd
4/26/89	2214	STIPULATION & ord / pty plfts shall have addl 30 day or until May 12, 1989 to resp to interr & reqs for prodctn of docmts propounded by 3rd pty deft Helmerich Drive-It-Yourself. Kleri, P. Sp Master Issd 4/26/89 (EOD 4/27/89) 1 p gw
4/26/89	2215	ANSWER (separate) of 3rd pty deft Farinacci Buick to 3rd pty complt. Jury demand c/m 4/3/89 (13 p) gw
4/26/89	2216	(2198) MARGINAL Ent Ord granting mot of 3rd pty deft White Consolidated Industries for lv to file suppl brf of WCI in opp to mots to show cause and compel. Kleri, P. Sp Master Issd 4/26/89 (EOD 4/27/89) (1 p) gw
4/26/89	2217	(2206) MARGINAL Ord Ent granting mot of 3rd pty deft Farinacci Buick lv to file ans to 3rd pty compl instanter. Kleri, P. Sp Master Issd 4/26/89 (EOD 4/27/89) (1 p) gw
4/26/89	2218	BRIEF (Supplemental) of WCI in opp to mots to show cause and compel. c/m 3/28/89 (8 p & exhs) gw
5/1/89	2219	MEMORANDUM of 60 settling 3rd pty defts in resp to mot of US for entry of an ord to show cause why settling defts should not be held in contempt. c/m 5/1/89 (5 p & exhs) gw
5/2/89	2220	CONSENT Ord re: docmts in poss of Special Master. Special Master authorized to retun docmts & items to 3rd pty deft White Consolidated Industries. Krenzler, J. Issd: 5/2/89 (EOD 5/3/89) (2 p)gw

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5/2/89	2221	STATEMENT of Special Master of costs incurred and services rendered March 1, 1989 through April 30, 1989. (8 p) gw
5/2/89	2222 (2197)	MARGINAL Ent Ord granting 3rd pty pltfs mot to susp payment. Stay granted. Krenzler, J. Issd 5/2/89 (EOD 5/3/89) (1 p) gw
5/2/89	2223 (2193)	MARGINAL Ent Ord overruling pltf USA's mot to vacate or reconsider and modify a portion of memo of opinion. Krenzler, J. Issd 5/2/89 (EOD 5/2/89) (1 p) gw
5/2/89	2224 (2205)	MARGINAL Ent Ord overruling mot of pltf for entry of order to show cause why settling defts should not be held in contempt. Krenzler, J. Issd 5/2/89 (EOD 5/3/89) (1 p) gw
5/2/89	2225 (2213)	MARGINAL Ent Ord granting mot of certain 3rd pty defts for lv to resp to mot of the US for an order to show cause why settling defts should not be held in contempt. Kleri, Sp. Master Issd 5/2/89 (EOD 5/3/89) (1 p) gw
5/4/89	2226	NOTICE of defts Sharon Auto Wrecking, Meyers Parking Systems, & Divers Steel City Auto Crusher, Inc. of subst of counsel. c/m 5/4/89 (4 p) gw
5/9/89	2227 (2230)	OBJECTION of pltf to Sp. Master statement of costs incurred & srvs rendered 3/1/89 through 4/30/89. c/m 5/9/89 (5 p) gw
5/16/89	2228	STIPULATION AND ORDER that 3rd pty pltfs shall have addl 30 days to 6/11/89 to resp to interr & req for prodctn of docmts propounded to 3rd pty deft, Helmerich Drive-It-Yourself. Kleri, Sp. Master Issd 5/16/89 (EOD 5/16/89) (1 p) gw
5/16/89	2229	ORDER of payment to Special Master for costs incurred and services rendered from March 1, 1989 through April 30, 1989. KRENZLER, J. Issd 5/17/89 (2 p) gw
5/24/89	2230 (2227)	MARGINAL Ent Ord overruling obj of pltf to Sp Master's statement of costs incurred & srvs rendered 3/1/89 thru 4/30/89. Objs treated as a mot. KRENZLER, J. Issd 5/24/89 (EOD 5/30/89) (1 p) gw
5/24/89	2231	STIPULATION AND ORDER of dismissal of 3rd pty pltfs' claims for "Covered Matters" and claims for "Liquid Clean Up Costs" w/prej; and w/o prej as to matters other than described against the settling 3rd pty defts. KRENZLER, J. Issd 5/24/89 (EOD 6/1/89) (6 p & exh)
6/14/89	2232	NOTICE of 3rd pty deft Hornak's Sales and Service of subst of counsel. c/m 6/14/89 (2 p) gw

I hereby certify that this
statement is a true and
correct copy of the original
on file in my office.
Attest: James S. Gates, Clerk
U. S. District Court
Northern District of Ohio

Kelly [Signature]
Clerk