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UCSO-35

A. 93117

PENNSYLVANIA SECRETARY'S OFFICE  
PUBLIC UTILITY COMMISSION Public Utility Commission

IN THE MATTER OF THE APPLICATION OF

REFINERS TRANSPORT & TERMINAL CORPORATION,  
a corporation of the State of Delaware

CERTIFICATE  
OF  
PUBLIC CONVENIENCE

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

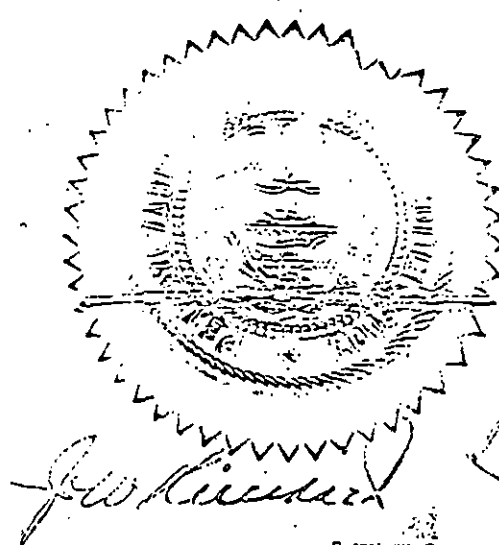
In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 31st, day of August 1966.

Attest:

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

*Theodore L. Bloomer*

Chairman



*J. W. Kimmick*  
Secretary

DOCKETED  
MAR 02 1989

PA PUBLIC UTILITY COMMISSION

DOCKET NO. 700108155 FOLDER NO. \_\_\_\_\_

*Protestant Refiners* EXHIBIT NO. 2

HEARING AT 79k DATE 2-15-89

*J. D. Benning*

DOCUMENT  
FOLDER

R.2

*Refiners PUC Extension  
2583-1  
3122*

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

Application Docket No.93117

Application of REFINERS TRANSPORT & TERMINAL COR-  
PORATION, a corporation of the State of Delaware

REPORT AND ORDER  
APPROVING TRUCKING SERVICE

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of REFINERS TRANSPORT & TERMINAL CORPORATION, a corporation of the State of Delaware, filed March 16, 1966, to operate motor vehicles as a common carrier, and having been duly presented in accordance with the rules of the Commission, and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by PENNLAND TANKERS, INC., a corporation of the Commonwealth of Pennsylvania, under report and order issued at A. 63604, Folder 2 on November 13, 1944 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled, as of the date of this order upon compliance with the tariff and insurance requirements of the Commission by REFINERS TRANSPORT & TERMINAL CORPORATION, a corporation of the State of Delaware, the Commission finds and determines that approval of the application, limited to the following rights:

To transport, as a Class D carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds, in bulk in tank trucks, for the Pennzoil Company, Quaker State Oil Refining Company and the Freedom Oil Company, between points in Pennsylvania.

To transport, as a Class D carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds, in bulk in tank trucks, between points west of an imaginary line beginning at the Pennsylvania-New York state line thence south to Lawrenceville, Tioga County, thence to Williamsport, Lycoming County, thence south to Lewistown, Mifflin County, thence to Chambersburg, Franklin County, thence to the Pennsylvania-Maryland state line.

To transport, as a Class C. carrier, crude petroleum, liquid inorganic compounds and liquid organic compounds, in bulk in tank trucks, from points west of an imaginary line beginning at the Pennsylvania-New York state line, thence south to Lawrenceville, Tioga County, thence to Williamsport, Lycoming County, thence south to Lewistown, Mifflin County, thence to Chambersburg, Franklin County, thence to the Pennsylvania-Maryland state line, to points in Pennsylvania.

To transport, as a Class D carrier, liquid inorganic compounds and liquid organic compounds requiring pressure control, in bulk in tank trucks, between points within thirty-five (35) miles by the usually traveled highways of the limits of the Philadelphia City Hall, City and County of Philadelphia;

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the certificate holder is limited and restricted to the operation of the motor vehicles as named and described in the Equipment Certificate to be subsequently issued.

SECOND: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

THIRD: That the applicant charge to Account 1550 - Other Intangible Property, \$92, 994, being the amount of the consideration payable by it for the rights and going concern value attributable thereto.

FOURTH: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof;

FIFTH: That the certificate holder shall comply with all the provisions of the Public Utility Law, as now existing or as may hereafter be amended, and revised General Order No. 29, effective July 1, 1939, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.

NOW, to wit, August 1, 1966, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ATTEST:

*George L. Bloom*

Chairman

*J. W. Kieffer*

Secretary



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held December 7, 1984

Commissioners Present:

Linda C. Taliaferro, Chairman  
Michael Johnson  
James H. Cawley  
Frank Fischl  
Bill Shane

Application of Refiners Transport  
& Terminal Corporation, a corporation  
of the State of Delaware, for the  
right to transport property, in bulk,  
in tank vehicles, between points in  
Pennsylvania

A-00093117,  
Folder 1,  
Am-A

O R D E R

BY THE COMMISSION:

We adopt as our action the Initial Decision of Administrative Law  
Judge Michael A. Nemecek dated October 15, 1984; THEREFORE,

IT IS ORDERED:

1. The application of Refiners Transport & Terminal Corporation  
be and is hereby approved, as amended, and that the certificate issued to  
Applicant at docket A-00093117, F. 1, be amended to include the following  
right:

To transport, as a Class D carrier, property, in bulk,  
in tank vehicles, between points in Pennsylvania;  
subject to the following conditions:

That no right, power or privilege is  
granted to transport dry commodities  
in bulk.


That no right, power or privilege is  
granted to transport industrial wastes  
to Department of Environmental Resources  
approved disposal sites.

2. The Applicant should not operate or engage in any transportation under the above right until the Applicant has complied with the requirements of the Public Utility Code relevant to the filing and acceptance of a tariff establishing just and reasonable rates.

3. The authority granted here, to the extent it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

4. In the event that Applicant has not, on or before 60 days from the date this Order becomes final complied with the requirements set forth, the application shall be dismissed without further proceeding.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: December 7, 1984

ORDER ENTERED: DEC 13 1984

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PENNSYLVANIA TERMINALS AND FACILITIES

OF

REFINERS TRANSPORT & TERMINAL CORPORATION

SECRETARY'S OFFICE  
 Public Utility Commission

<u>Terminal No. and Location</u>	<u>Approx. Acreage</u>	<u>Facility Desc.</u>	<u>Personnel</u>	<u>Cleaning Equipment</u>
0930 Oil City, PA	4	Office - 10 Bay Maint.	1 Manager 2 Dispatchers 1 Clerk 44 Drivers 9 Mechanics/TC	2 Bay - Int. Wash 1 Bay - Ext. Wash
0931 East Butler, PA	3	Office 4 Bay Maint.	1 Manager 1 Dispatcher 1 Clerk 30 Drivers 4 Mechanics/TC	1 Bay - Int. & Ext. Wash
0932 Sewickley, PA	3	Office 3 Bay Maint.	1 Manager 2 Dispatcher 2 Clerks 48 Drivers 4 Mechanics	Ext. Wash Only
0933 Duncansville, PA	2	Office	1 Clerk 10 Drivers	None
0939 Devault, PA	0	Office	1 Manager 1 Dispatcher 2 Clerks 30 Owner/Oper. Prod. Delv.	None

DOCUMENT  
 FOLDER

PA. PUBLIC UTILITY COMMISSION

DOCKET NO. 20010815 FOLDER NO. \_\_\_\_\_

Protestant League EXHIBIT NO. 3

HEARING AT Pgh DATE 2-15-89

*L. Berkeley*

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HEADCOUNT REPORT OCT 31, 1988	DRIVERS	MECHANICS	TANK CLEANERS	YARDMAN UTILITY	TERMINAL MANAGER	DISPATCHER	CLERK	OWNER OPERATORS	TOTAL WORK FORCE
ALTOONA, PA	10	0	0	0	0	0	1	0	11
BUTLER, PA	30	4	0	0	1	1	1	0	37
CHELSEA, MA	5	0	0	0	1	1	0	1	8
CINCINNATI, OH	52	4	0	0	1	4	1	0	62
CLERMONT, IN	21	2	0	0	1	2	0	0	26
CLEVELAND-#08, OH	15	0	0	0	1	0	1	0	17
CLEVELAND-#19, OH	26	11	0	1	1	0	1	0	40
COLUMBUS, OH	57	5	0	1	1	5	1	0	70
DEVAULT, PA	0	0	0	0	1	1	2	30	34
EVANSVILLE, IN	16	4	1	0	1	1	1	0	24
GARFIELD HEIGHTS, OH	26	0	0	0	1	1	1	0	29
HAMMONTON, NJ	2	2	0	0	1	2	3	19	29
HEATH, OH	17	2	0	0	0	1	0	0	20
JACKSON, MI	4	0	0	0	0	0	0	2	6
MANCHESTER, CT	0	0	0	0	1	0	0	6	7
MATAWAN, NJ	7	0	0	0	1	0	2	8	18
LIMA, OH	20	3	0	0	1	1	0	0	25
MELVINDALE, MI	43	5	0	0	1	3	2	0	54
NILES, MI	22	2	0	0	0	1	2	0	27
OIL CITY, PA	44	5	2	2	1	2	1	0	57
PITTSBURGH, PA	48	4	0	0	1	2	2	0	57
RIVERDALE, IL	33	6	0	0	1	4	3	44	91
TOLEDO - ACID, OH	20	1	0	0	0	1	0	1	23
TOLEDO - PETRO, OH	40	3	1	0	1	3	1	2	51
WILMINGTON, DE	0	0	0	0	1	2	1	25	29
<b>TOTAL RTTC</b>	<b>558</b>	<b>63</b>	<b>4</b>	<b>4</b>	<b>20</b>	<b>38</b>	<b>27</b>	<b>138</b>	<b>852</b>

DOCUMENT FOLDER

PA. PUBLIC UTILITY COMMISSION

DOCKET NO AC00108155 FOLDER NO. \_\_\_\_\_

*Protestant Refiners* EXHIBIT NO. 4

HEARING AT Pgh DATE 2-15-89

*L. Berkley*

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SECRETARY'S OFFICE  
Public Utility Commission

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Refiners Transport & Terminal Corporation  
Exhibit No. 4  
Witness:

Refiners Transport & Terminal Corporation  
Exhibit No. 5  
Witness:

1st. digit (year)

1976 A *older*  
 1977 B  
 1978 C  
 1979 D  
 1980 E  
 1981 F  
 1982 G  
 1983 H  
 1984 J  
 1985 K  
 1986 L  
 1987 M  
 1988 N  
 1989 O  
 1990 P

2nd, digit (make)

Freightliner(frgt) 1  
 International(inter) 2  
 Kenworth (KW) 3  
 Mack 4  
 White 5  
 Champion 6  
 Capacity 7  
 Heavy Equip 8  
 Ford 9  
 Misc. others 0

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 \*\*\*\*\*

Budd J  
 Butler B  
 Dorsey D  
 East E  
 Entyre A  
 Fruehauf F  
 Great Dane G  
 Heil H  
 Kari-kool K  
 Lufkin L  
 McCoy Taylor M  
 Polar-American P  
 Raven R  
 Stoughton S  
 Trailmobile T  
 Trinity N  
 Tramco O  
 Utility U  
 Fontane C  
 Progress Q  
 Pennco V  
 Penski Z  
 Rodgers W  
 J & L X  
 Custom Y  
 Misc. others I

3rd digit (type)

Conventional 1  
 Conv. Sleeper 2  
 Cab over day cab 3  
 Cab over sleeper 4  
 Conv,water truck 5  
 Trk. Dump 6  
 Yard Tractors 7

\*\*\*\*\*  
 \*\*\*\*\*

Non-spec Carbon Steel 10  
 Non-spec Stainless Steel 11  
 Non-spec Asphalt aluminum 12  
 Non-spec Asphalt carbon steel 13  
 Mc303 Aluminum 14  
 Mc303 Stainless Steel 16  
 Mc303 Carbon Steel 15  
 Mc306 Aluminum 18  
 Mc306 Carbon Steel 19  
 Mc306 Stainless Steel 20  
 Mc307 Aluminum 21  
 Mc307 Carbon Steel 22  
 Mc307 Stainless Steel 23  
 Mc311 Stainless Steel 24  
 Mc312 Stainless Steel 25  
 Mc330 26  
 Mc331 27  
 Calif-doubles rock 28  
 Calif-doubles flat 29  
 Calif-doubles cement 30  
 Calif-doubles Bottom Dump 31  
 Bulker under 1100 32  
 Bulker over 1100 33

4th digit (engine)

Cummins F290 A  
 Cummins F300 C  
 Cummins F350 D  
 Cummins 220 B  
 Mack 300 X  
 Mack E6 300 M  
 Cummins 903 V8 V  
 Cummins L10 L  
 Detroit R  
 Cummins F250 F  
 Mack 285H S  
 Mack J250 J  
 GMC 238 G  
 Mack 350 K  
 Shop Trks. N  
 Yard Jockeys P

*Free 60*

*Cat - 310 = E*

\*\*\*\*\*  
 \*\*\*\*\*

5th digit (axles)

Single Axle 1  
 Tandem axle fixed 2  
 Tandem Axle sliding 3  
 Spread-Axle 4  
 Tri-Axle 5  
 Multi-Axle 6

\*\*\*\*\*  
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Mc306/307 SS(Nm ds.) -85  
 End Dump 34  
 Van 40-42' 35  
 Van 45' 36  
 Flat 40' 40  
 Flat 42' 42  
 Flat 45' 45  
 Flat Extendable 65  
 Flat Low Boy 37  
 Taughtliner 39  
 Storage tank 4000 cu. cement 38  
 Mc304 17  
 Mc312 Carbon steel 70  
 Rubber lined

Mc312 Carbon steel 71  
 Mc316 Stainless steel 59  
 Mc305 73  
 Multi- purpose aluminum 74  
 Non-spec alum non-insulated 72  
 Lowboy 43  
 Nitrogen 75  
 Oxygen 76  
 Hydrogen 77  
 Argon 78  
 Convertor 80  
 Van 48' 77

DOCUMENTS  
FOLDER

DATE *Feb 15 1989*

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Public Utility Commission

PA PUBLIC UTILITIES COMMISSION  
DOCKET NO. *108153* EXHIBIT NO. *5*  
HEARING AT *Porter*

DOCKETED  
MAR 02 1989

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRACTORS

<u>UNIT</u>	<u>YEAR</u>	<u>UNIT #</u>	<u>CLASS</u>	<u>MODEL</u>
** TERMINAL: 0906				
84		81175	J41M2	MACK
** TERMINAL: 0907				
84		81131	J41M2	MACK
79		8148	DX1A2	INTRL
82		0166	F41X2	MACK
84		1118	J41M2	MACK
84		1121	J41M2	MACK
84		1136	J41M2	MACK
84		1150	J41M2	MACK
84		1174	J41M2	MACK
85		1253	K41M2	MACK
85		1264	K41M2	MACK
85		1285	K41M2	MACK
85		1288	K41M2	MACK

## TERMINAL: 0908

85	81270	K41M2	MACK
85	81273	K41M2	MACK
79	82829	D21A2	INTER
80	8354	E11A2	FRTLIN
82	0187	F41X2	MACK
84	1172	J41M2	MACK
85	1210	K41M2	MACK
85	1211	K41M2	MACK
85	12720	K41M2	MACK
80	2319	E11A2	FRTLIN
80	2325	E11A2	FRTLIN
80	2325	E11A2	FRTLIN
78	2607	C24A2	INTER
88	7184	M21A2	INTRL

## TERMINAL: 0910

85	81194	K41M2	MACK
79	8128	D21A2	INTER
85	81285	K41M2	MACK
79	8133	D21A2	INTER
79	8135	D21A2	INTRL
73	81628	A07M2	MACK
80	82375	E11A2	FRTLIN
84	8814	J24C2	INTRL
80	8855	E11A2	FRTLIN
85	885226	K24C2	INTRL
85	09100MY	B51A2	MISC.
84	1118	J41M2	MACK
84	1120	J41M2	MACK
84	1156	J41M2	MACK
84	1159	J41M2	MACK
84	1163	J41M2	MACK
85	1190	K41M2	MACK
85	1192	K41M2	MACK
85	1193	K41M2	MACK
85	1231	K41M2	MACK
85	1282	K41M2	MACK
85	1283	K41M2	MACK
85	1285	K41M2	MACK
79	2152	D21A2	INTER
82	2413	G11C2	FRTLIN
82	2414	G11C2	FRTLIN
82	2415	G11C2	FRTLIN
85	495126	K14C2	FRTLIN
85	495153	K14C2	FRTLIN
85	495156	K14C2	FRTLIN
82	6138	G22A2	INTRL
82	6139	G22A2	INTRL
87	7159	M21A2	INTRL
88	795	H24C2	INTRL
84	851	J24A2	INTRL
84	933	J24C2	INTRL

## TERMINAL: 0911

85	81274	K41M2	MACK
85	812750	K41M2	MACK

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRACTORS

UNIT	YEAR	UNIT #	CLASS	MODEL
79		82771	D21A2	INTRL
79		82803	D21A2	INTRL
79		82828	D21A2	INTRL
80		8382	E11A2	FRTLN
79		84904	D21A2	INTER
83		8803	H24C2	INTER
84		1112	J41M2	MACK
84		1114	J41M2	MACK
84		1119	J41M2	MACK

84	1125	J41M2	MACK
84	1138	J41M2	MACK
84	1154	J41M2	MACK
85	1213	K41M2	MACK
85	1214	K41M2	MACK
85	1215	K41M2	MACK
85	1216	K41M2	MACK
75	163	A51A2	WHITE
85	465261	K14C2	FRTLIN
79	4902	D21A2	INTRL
79	4913	D21A2	INTRL
79	4918	D21A2	INTRL
85	5239	K41M2	MACK
85	5243	K41M2	MACK
88	7180	M21A2	INTRL
84	850	J24A2	INTRL
84	887	J24A2	INTRL

## TERMINAL: 0912

79	82739	D21A2	INTRL
85	0912DRY	A51A2	MISC.
84	1102	J41M2	MACK
84	1158	J41M2	MACK
85	1199	K41M2	MACK
85	1201	K41M2	MACK
85	1264	K41M2	MACK
85	1291	K41M2	MACK
79	2757	D21A2	INTRL
82	5136	G22A2	INTRL
88	7174	M21A2	INTRL
84	898	J24A2	INTRL

## TERMINAL: 0914

85	81222	K41M2	MACK
85	81230	K41M2	MACK
79	8132	D21A2	INTER
79	82145	D21A2	INTRL
79	8342	D21A2	INTRL
84	1116	J41M2	MACK
84	1117	J41M2	MACK
85	1191	K41M2	MACK
80	2334	E11A2	FRTLIN
82	2417	G11C2	FRTLIN
79	2769	D21A2	INTRL
85	485120	K14C2	FRTLIN
85	485128	K14C2	FRTLIN

## TERMINAL: 0915

85	81262	K41M2	MACK
78	82531	D21A2	INTRL
82	82845	G24C2	INTRL
80	8349	E11C2	FRTLIN
85	L382	K11A2	FRTLIN
87	P810	A07N2	GMC
79	01130	D21A2	INTRL
80	0360	E11A2	FRTLIN
84	1152	J41M2	MACK
79	1161	D21A2	INTRL

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRACTORS

<u>UNIT</u>	<u>YEAR</u>	<u>UNIT #</u>	<u>CLASS</u>	<u>MODEL</u>
85		1185	K41M2	MACK
85		1187	K41M2	MACK



85	1189	K41M2	MACK
85	1195	K41M2	MACK
85	1196	K41M2	MACK
85	1197	K41M2	MACK
85	1198	K41M2	MACK
85	1202	K41M2	MACK
85	1203	K41M2	MACK
85	1253	K41M2	MACK
80	2308	E11A2	FRTLN
80	2324	E11A2	FRTLN
80	2387	E11A2	FRTLN
84	2860	J24C2	INTRL
83	48788	H24C2	INTER
84	48902	J23C2	INTER
84	48913	J23C2	INTRL
85	495144	K14C2	FRTLN
85	495154	K14C2	FRTLN
84	50850	J24C2	INTER
88	7173	M21A2	INTRL

OK TERMINAL: 0919

85	81285	K41M2	MACK
85	81287	K41M2	MACK
78	82544	C21A2	INTRL
78	82645	C21A2	INTRL
85	09190MY	B51A2	MISC
84	1137	J41M2	MACK
84	1141	J41M2	MACK
85	1208	K41M2	MACK
85	1209	K41M2	MACK
85	1285	K41M2	MACK
85	1289	K41M2	MACK
78	2503	C24A2	INTER
78	2542	C21A2	INTRL
85	8100	L41M2	MACK

OK TERMINAL: 0921

85	81279	K21M2	MACK
75	82785	C21A2	INTRL
84	1189	J41M2	MACK
85	1204	K41M2	MACK
85	1205	K41M2	MACK
85	1205	K41M2	MACK
85	1280	K41M2	MACK
80	2300	E31A2	KENWH
88	7182	M21A2	INTRL

OK TERMINAL: 0930

84	81109	J41M2	MACK
85	81227	K41M2	MACK
85	81228	K41M2	MACK
85	81229	K41M2	MACK
85	81230	K41M2	MACK
85	81231	K41M2	MACK
85	81243	K41M2	MACK
85	81244	K41M2	MACK
85	81249	K41M2	MACK
85	81250	K41M2	MACK

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRACTORS

UNIT	YEAR	UNIT #	CLASS	MODEL
78		82667	C21A2	INTRL
79		82752	D21A2	INTRL
79		82753	D21A2	INTRL
84		82855	J24C2	INTRL
81		82859	F24C2	INTRL
80		83640	E11A2	FRGT
85		09300MY	A51A2	MISC.
85		1242	K41M2	MACK
84		1275	J24C2	INTRL
85		133135	K14D2	FRTLN
80		2341	E11A2	FRTLN
80		2343	E11A2	FRTLN
80		2344	E11A2	FRTLN
78		2552	C21A2	INTRL
78		2572	C21A2	INTRL
79		2746	D21A2	INTRL
79		2750	D21A2	INTRL
79		2751	D21A2	INTRL
79		2754	D21A2	INTER
82		2846	G24C2	INTRL
85		455282	K14C2	FRTLN
84		45875	J23C2	INTER
85		485125	K14C2	FRTLN
85		485134	K14C2	FRTLN
79		4903	D21A2	INTRL

RR TERMINAL: 0931

84		81129	J41M2	MACK
84		81130	J41M2	MACK
85		81225	K41M2	MACK
85		81225	K41M2	MACK
85		81245	K41M2	MACK
85		81246	K41M2	MACK
85		81247	K41M2	MACK
85		81248	K41M2	MACK
80		82315	E11A2	FRTLN
84		1105	J41M2	MACK
84		1124	J41M2	MACK
84		1128	J41M2	MACK
85		2391	K14D2	FRTLN
78		2557	C21A2	INTRL
79		2755	D21A2	INTRL
79		2755	D21A2	INTRL
82		2849	G24C2	INTRL
84		2854	J24C2	INTRL
85		485123	K14C2	FRTLN
85		485132	K14C2	FRTLN
84		840	J24C2	INTRL

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRACTORS

<u>UNIT</u>	<u>YEAR</u>	<u>UNIT #</u>	<u>CLASS</u>	<u>MODEL</u>
80		4031	E11V2	FRTLN
80		4033	E11V2	FRTLN
85		485130	K14C2	FRTLN
85		495279	K14C2	FRTLN
85		495282	K14C2	FRTLN
88		7175	M21A2	INTRL
88		7176	M21A2	INTRL

#\* TERMINAL: 0991

84		81275	J24C2	INTRL
80		82309	E11A2	FRTLN
80		82373	E11A2	FRTLN
79		82790	O21A2	INTRL
83		8808	H24C2	INTRL
84		1133	J41M2	MACK
84		1134	J41M2	MACK
84		1142	J41M2	MACK
84		1170	J41M2	MACK
80		2364	E11A2	FRTLN
79		2854	O21A2	INTER
88		7181	M21A2	INTRL

82	82851	G24C2	INTRL
84	82851	J24C2	INTRL
84	1122	J41M2	MACK
84	1135	J41M2	MACK
84	1171	J41M2	MACK
85	1409	K41D2	MACK
78	2714	C21D2	INTRL
78	2715	C21D2	INTRL
78	2722	C21D2	INTRL
79	2770	D21A2	INTRL
79	2772	D21A2	INTRL
79	2773	D21A2	INTRL
79	2774	D21A2	INTRL
79	2775	D21A2	INTRL
79	2777	D21A2	INTRL
79	2783	D21A2	INTRL
79	2785	D21A2	INTRL
82	2847	G24C2	INTRL
84	2853	J24C2	INTRL
85	498141	K14C2	FRTLIN
84	8153	J14C2	FRTLIN
85	7227	K14D2	FRTLIN
85	7228	K14D2	FRTLIN
85	7232	K14D2	FRTLIN

\*\* TERMINAL: 0966

80	81345	E11C2	FRTLIN
80	82380	E11A2	FRTLIN
80	82381	E11A2	FRTLIN
79	0149	K08N1	INTRL
85	096EDMY	A51A2	MISC
85	1177	K41M2	MACK
85	1240	K41M2	MACK
85	1410	K41K2	MACK
85	1411	K41K2	MACK
85	1413	K41K2	MACK
80	2321	E11A2	FRTLIN
80	2323	E11A2	FRTLIN
80	2357	E11A2	FRTLIN
80	2382	E11A2	FRTLIN
78	2717	C21A2	INTRL
78	2856	C21A2	INTRL

\*\* TERMINAL: 0974

84	81146	J41M2	MACK
79	8131	D21A2	INTRL
79	82782	D21A2	INTRL
79	82828	D21A2	INTRL
84	1132	J41M2	MACK
84	1150	J41M2	MACK
84	1173	J41M2	MACK
85	1287	K41M2	MACK
85	1288	K41M2	MACK
79	149	D21A2	INTRL
81	2888	F24D2	INTRL
80	389	E11V2	FRTLIN
80	4021	E11A2	FRTLIN
80	4024	E11A2	FRTLIN

80	2358	E11A2	FRTLN
80	2382	E11A2	FRTLN
80	2388	E11A2	FRTLN
85	2388	K14D2	FRTLN
85	2389	K14D2	FRTLN
85	488124	K14C2	FRTLN
88	7177	H21A2	INTRL
88	7178	H21A2	INTRL
88	794	H24C2	INTRL

\*\* TERMINAL: 0950

83	LS1S9	H41D5	MACK
87	P308	A01A1	CHEVY
77	S2	A07N2	FORD
87	S3	A07N2	GMC
85	465345	K14C2	FRTLN
85	495160	K14C2	FRTLN
82	6101	G91A2	FORD
79	6118	D01A2	KENNH

\*\* TERMINAL: 0957

84	6162	J14D5	FRTLN
88	7171	H21A2	INTRL

\*\* TERMINAL: 0962

84	81100	J41M2	MACK
85	81237	K41M2	MACK
85	81238	K41M2	MACK
85	812390	K41M2	MACK

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRACTORS

UNIT YEAR UNIT # CLASS MODEL  
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# TERMINAL: 0932

84	81161	J41M2	MACK
85	81232	K41M2	MACK
85	81233	K41M2	MACK
85	81235	K41M2	MACK
85	81251	K41M2	MACK
84	1162	J41M2	MACK
84	1165	J41M2	MACK

80	2348	E11A2	FRTLN
80	2349	E11A2	FRTLN
80	2350	E11A2	FRTLN
80	2351	E11A2	FRTLN
80	2352	E11A2	FRTLN
80	2354	E11A2	FRTLN
79	2732	D21A2	INTRL
79	2758	D21A2	INTRL
79	2759	D21A2	INTRL
79	2778	D21A2	INTRL
84	46826	J23C2	INTRL
85	6102	K01A2	GMC

#\* TERMINAL: 0933

85	1234	K41M2	MACK
85	1252	K41M2	MACK
80	2345	E11A2	FRTLN
80	2346	E11A2	FRTLN
80	2355	E11A2	FRTLN
80	2356	E11A2	FRTLN

#\* TERMINAL: 0942

81	6120	F24A2	INTRL
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#\* TERMINAL: 0943

85	455345	K14C2	FRTLN
85	495149	K14C2	FRTLN
85	8547	K14C2	FRTLN
85	8549	K14C2	FRGT
85	8552	K14C2	FRTLN

#\* TERMINAL: 0944

84	81272	J24C2	INTRL
80	82339	E11A2	FRTLN
80	82365	E11A2	FRTLN
84	8837	J24C2	INTRL
85	09440MY	851A2	MISC
81	1145	J41M2	MACK
85	1175	K41M2	MACK
85	1178	K41M2	MACK
85	1179	K41M2	MACK
85	1180	K41M2	MACK
85	1182	K41M2	MACK

RECEIVED

UNIT NUMBER 6 DIGIT TRAILER SYSTEM

FEB 27 1989

ALL TANKERS:

Code for the tank type would be as follows:

SECRETARY'S OFFICE  
Public Utility Commission

- 1 - Aluminum (Mc306)
- 2 - Aluminum Insulated (MS/suffix/Port/direction/suffix - asphalt & heavy oil)
- 3 - Stainless Steel "Insulated"
- 4 - Carbon Steel
- 5 - Carbon Steel - Insulated
- 6 - Etable (food grade all - regardless of type)
- 7 - Acid (Carbon steel and Herosite Lined units)
- 8 - Acid (Stainless Steel)
- 9 - Acid (rubber Lined)
- 0 - Mc306/307 - Stainless steel "Non-Insulated"

DOCKETED  
MAR 02 1989

First digit is the type  
 second digit is the total gallons capacity  
 third digit is the number of compartments  
 fourth  
 fifth  
 sixth digits are the sequence numbers

PA. PUBLIC UTILITY COMMISSION

DOCKET NO. 00108155 FOLDER NO. \_\_\_\_\_

*Protestant Refiners* EXHIBIT NO. 6

HEARING AT Tgh DATE 2-15-89

*L. Berkeley*

EXAMPLE:

(type)	(Capacity)	(# of compartments)	(Sequence number)	
Aluminum	9300 gallon	4 compartment	866	= 194866
1	9	4		

DRY BULK:

Dry bulk tankers are the same except you use the cubic capacity as the first two digits and the sequence numbers to create a 5 digit number.

This pertains to all cement and dry bulkers.

EXAMPLE:

(cubic capacity)	(sequence number)	
1500 cu	005	
15	005	= 15005

DOCUMENT  
FOLDER

Appendix "2"



REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRAILERS

UNIT YEAR	UNIT #	CLASS	MODEL
** TERMINAL: 0900			
77	194823	BH182	HEIL
** TERMINAL: 0904			
73	501177	AA102	ETNYR
70	502178	AM102	MCCOY
69	502179	AM102	MCCOY
72	522032	AA105	ETNYR
74	522059	AA135	ETNYR
74	522070	AA105	ETNYR
79	522105	DA135	ETNYR
73	522107	CA135	ETNYR
71	592017	AM134	MISC
71	592018	AM135	MCCOY
** TERMINAL: 0905			
72	194119	AF184	FRUHF
75	271035	AB722	BUTLR
** TERMINAL: 0906			
67	134009	AF185	FRUHF
75	454080	AA185	BUTLR
** TERMINAL: 0907			
77	194344	BB182	BUTLR
77	194345	BB182	BUTLR
77	194357	BB182	BUTLR
77	194351	BB182	BUTLR
77	194353	BB182	BUTLR
77	194374	BB182	BUTLR
77	194358	BB182	BUTLR
79	194410	DF182	FRUHF
79	194415	DF182	FRUHF
79	194416	DF182	FRUHF
79	194421	DB135	BUTLR
66	900907	99999	MISC
** TERMINAL: 0908			
77	7831003	BF252	FRUHF
77	194156	BF182	FRUHF
74	194162	AB184	BUTLR
74	252017	AT182	TRAIL
65	351031	AF174	FRUHF
65	351032	AF174	FRUHF
78	351051	CP232	POLAR
79	351051	DB232	BUTLR
81	351102	FP232	POLAR
77	731003	BF702	FRUHF

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRAILERS

UNIT	YEAR	UNIT #	CLASS	MODEL
77		731010	BF702	FRUHF
80		731013	ET702	TRAIL
80		731014	ET712	TRAIL
80		731015	EF712	FRUHF
86		731020	KP252	MISC
86		731021	KP252	MISC
85		731022	KP252	FRUHF
77		831004	BF252	FRUHF
88		831033	NP252	POLAR
78		841011	CB252	BUTLR
86		900908	99999	MISC
BY TERMINAL: 0910				
75		8194302	AB182	BUTLR
75		0194303	AB182	BUTLR
87		081419	MF852	FRUHF
73		194134	AH184	HEIL
73		194154	AT184	TRAIL
74		194181	AB184	BUTLR
74		194218	AH184	HEIL
75		194313	AB184	BUTLR
77		194354	BB182	BUTLR
79		194427	DB182	BUTLR
79		194428	DB182	BUTLR
79		194429	DB182	BUTLR
79		194430	DB182	BUTLR
79		194431	DB182	BUTLR
79		194432	DB182	BUTLR
79		194433	DB182	BUTLR
79		194434	DB182	BUTLR
79		194435	DB182	BUTLR
79		194437	DB182	BUTLR
79		194438	DB182	BUTLR
80		194439	DB182	BUTLR
80		194440	EB182	BUTLR
80		194441	EB182	BUTLR
80		194443	EB182	BUTLR
80		194444	EB182	BUTLR
80		194445	EB182	BUTLR
77		194503	BT182	TRAIL
80		194506	DF182	FRUHF
80		194507	DF182	FRUHF
77		194830	BH182	HEIL

74	271023	AF122	FRUHF
75	271028	AM122	PENCO
80	271071	FB122	TEC
82	271087	GG122	PENSK
82	271092	GG122	PENSK
82	271094	GG232	PENSK
74	272024	AF212	FRUHF
65	353030	AF172	FRUHF
71	571080	AM104	MCCOY
80	571118	EA132	ETNYR
80	571119	EA102	ETNYR
88	571211	NA702	ETNYR
85	900910	99999	MISC

OK TERMINAL: 0911

70	T271007	AF182	FRUEH
83	15002	HZ332	PENSK
84	15011	JF332	FRUEH
82	1817	GE345	EAST
77	181852	BF182	FRUHF
72	194105	AT184	TRAIL
72	194106	AT184	TRAIL
72	194109	AT184	TRAIL
73	194152	AT184	TRAIL
74	194163	AB184	BUTLR
74	194188	AF184	FRUHF
74	194224	AH184	HEIL
74	194225	AH184	HEIL
74	194268	AT182	TRMOB
75	194297	AB184	BUTLR
77	194402	BB182	BUTLR
79	194405	DF182	FRUHF
79	194406	DF182	FRUHF
79	194407	DF182	FRUHF
79	194408	DF182	FRUHF
79	194409	DF182	FRUHF
85	194479	KF182	FRUHF
85	194485	KF182	FRUHF
85	194486	KF182	FRUHF
77	194497	BT182	TRAIL
77	194824	BH182	HEIL
77	194826	BH182	HEIL
68	271002	AF102	FRUHF
81	271074	FB122	TEC
81	271077	FA122	ETNYR
81	271078	FA122	ETNYR
81	271081	FA122	ETNYR
82	271093	GG122	PENSK
89	561008	AA102	ETNYR
78	571101	CA102	ETNYR
80	571118	EA102	ETNYR
80	571127	EA104	ETNYR
83	571132	HA102	ETNYR
85	900911	99999	MISC

OK TERMINAL: 0912

74	191258	AV182	PENCO
83	191854	WH182	HEIL

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRAILERS

<u>UNIT</u>	<u>YEAR</u>	<u>UNIT #</u>	<u>CLASS</u>	<u>MODEL</u>
83		191857	HH182	HEIL
73		192142	AV182	PENNO
72		194118	AT184	TRAIL
72		194120	AF184	FRUMF
73		194126	AH184	HEIL
73		194131	AH184	HEIL
74		194158	AB184	BUTLR
74		194167	AB184	BUTLR
74		194170	AB184	BUTLR
74		194219	AH184	HEIL

77	194367	BB184	BUTLR
77	194404	BB182	BUTLR
30	194447	BB182	BUTLR
74	261021	AF124	FRUHF
72	271022	AF192	FRUHF
78	361066	CB234	BUTLR
74	411005	AI274	MISC
69	561007	AF102	FRUHF
69	561009	AA102	ETNYR
73	571050	AM104	MOODY
66	900912	99999	MISC

## TERMINAL: 0914

79	04009	DF402	FRUHF
79	04010	DF402	FRUHF
75	194296	AB185	BUTLR
77	194354	BB182	BUTLR
77	194386	BB182	BUTLR
75	271037	AB122	BUTLR
80	271070	FB122	TEC
80	271072	FB122	TEC
86	4853447	KG453	GRDEN
86	495323T	KG453	GRDEN
86	495333T	KG453	GRDEN
73	571043	AM104	MISC

78	571097	CA132	ETNYR
78	571098	CA132	ETNYR
78	571099	CA132	ETNYR
80	571111	EA102	ETNYR
80	571112	EA132	ETNYR
80	571113	EA102	ETNYR
80	571117	EA132	ETNYR
80	571120	EA102	ETNYR
80	571128	EA104	ETNYR
83	571185	HA102	ETNYR
83	571186	EA102	ETNYR
83	571188	EA102	ETNYR
83	571189	HA102	ETNYR
87	571191	MA132	ETNYR
87	571192	MA132	ETNYR
78	841013	CB252	BUTLR
86	900914	99999	MISC

OK TERMINAL: 0915

87	081412	MF852	FRUHF
87	081414	MF852	FRUEH
75	171317	AM722	MCCOY
77	181843	SP182	POLAR
83	191855	HH182	HEIL
74	194168	AB184	BUTLR
74	194169	AB184	BUTLR
74	194171	AB184	BUTLR
74	194186	AF184	FRUHF
74	194193	AF184	FRUHF
74	194213	AH184	HEIL
74	194220	AH184	HEIL
74	194253	AV185	PENCO
75	194290	AB184	BUTLR
75	194292	AB184	BUTLR
75	194308	AB184	BUTLR
80	194443	EB182	BUTLR
80	194449	EB182	BUTLR
80	194450	EB182	BUTLR
85	194481	KF182	FRUHF
85	194482	KF182	FRUHF
85	194483	KF182	FRUHF
85	194484	KF182	FRUHF
85	194490	KF182	FRUHF
75	194860	AB182	BUTLR
75	271014	AM122	MCCOY
75	271033	AB124	BUTLR
75	271042	AK122	MISC
75	271047	AV122	PENCO
81	271075	FB122	TEC
81	271080	FA122	ETNYR
74	351048	AB234	BUTLR
81	351093	FB232	TEC
81	351098	FB232	TEC

81	361103	PF232	POLAR
85	361128	KF232	FRUHF
85	361129	KF232	FRUHF
84	361241	JF232	FRUHF
78	361387	CF232	FRUHF
68	371041	AB234	BUTLR
87	371450	MP232	POLAR
87	371451	MP232	POLAR
77	401008	BD272	MISC
77	401009	BD272	MISC
75	571087	AA102	ETNYR
75	571090	AA102	ETNYR
78	571100	CA102	ETNYR
78	571102	CA102	ETNYR
80	571124	EA102	ETNYR
80	571130	EF102	FRUHF
85	900915	99999	MISC
72	951011	AF714	FRUHF
74	951018	AF704	FRUHF
88	951057	NF702	FRUHF

\*\* TERMINAL: 0919

74	194189	AF184	FRUHF
74	194251	AH182	PENCO
77	194335	BB182	BUTLR
77	194382	BB182	BUTLR
77	194365	BB182	BUTLR
77	194359	BB182	BUTLR
77	194370	BB182	BUTLR
77	194372	BB182	BUTLR
77	194403	BB182	BUTLR
79	194418	BB185	BUTLR
79	194422	BB185	BUTLR
85	194495	KF182	FRUHF
85	900919	99999	MISC

\*\* TERMINAL: 0921

70	0271006	AF122	FRUHF
87	181007	AT122	TRAIL
81	194150	FG182	HEIL
74	194209	AH182	HEIL
77	194383	BB182	BUTLR
77	194384	BB182	BUTLR
77	194387	BB182	BUTLR
77	194392	BB182	BUTLR
77	194393	BB182	BUTLR
77	194394	BB182	BUTLR
77	194397	BB182	BUTLR
80	194887	EF202	FRUHF
72	271010	AF182	FRUHF
68	2757	AB322	BUTLR
65	361025	AF174	FRUHF
88	900921	99999	MISC

\*\* TERMINAL: 0930

77	8194321	BH182	HEIL
71	171051	AB182	BUTLR
71	171053	AB182	BUTLR

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRAILERS

UNIT	YEAR	UNIT #	CLASS	MODEL
-----	-----	-----	-----	-----
72		171094	AV722	PENCO
72		171098	AV722	PENCO
74		171236	AM722	MCCOY
74		171237	AM722	MCCOY
74		171239	AM722	MCCOY
74		171241	AM722	MCCOY
65		181822	AV182	PENCO
70		194039	AH182	HEIL
72		194063	A8182	BUTLR
72		194064	A8182	BUTLR
72		194065	A8182	BUTLR
72		194070	A8182	BUTLR
72		194073	A8182	BUTLR
72		194085	AH182	HEIL
73		194136	AV182	PENCO
74		194246	AV182	PENCO
74		194250	AV182	PENCO
77		194321	BH182	HEIL
77		194325	BH182	HEIL
77		194326	BH182	HEIL
77		194328	BH182	HEIL
77		194355	BB182	BUTLR
77		194375	BB182	BUTLR
80		194455	EQ182	PRGRS
80		194456	EQ182	PRGRS
80		194459	EQ182	PRGRS
80		194868	CF182	FRUHF
88		194915	NP182	POLAR
88		194916	NP182	POLAR
88		194917	NP182	POLAR
89		194919	NP182	POLAR
74		271029	AF212	FRUHF
74		271031	AF212	FRUHF
77		361055	BB232	BUTLR
77		361058	BB232	BUTLR
78		361059	CP232	POLAR
78		361060	CP232	POLAR
79		361077	DB232	BUTLR
79		361080	DB232	BUTLR
79		361084	DP232	POLAR
79		361085	DB232	POLAR
81		361094	FB232	TEC
81		361095	FB232	TEC
81		361096	FB232	TEC
81		361097	FB232	TEC
86		361120	KF232	FRUHF
86		361121	KF232	FRUHF
86		361122	KF232	FRUHF



REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRAILERS

UNIT YEAR	UNIT #	CLASS	MODEL
87	351371	LP592	POLAR
79	352086	DB232	BUTLR
79	352089	DB232	BUTLR
76	551093	AH102	HEIL
86	900930	99999	MISC

\*\* TERMINAL: 0931

74	7251019	AF102	FRUHF
71	073111	AF172	FRUEH
71	171044	AB182	BUTLR
72	181057	AB182	BUTLR
72	181059	AB182	BUTLR
84	181819	JF182	FRUHF
84	181820	JF182	FRUHF
79	181839	DB182	BUTLR
79	181840	DB182	BUTLR
72	184055	AB182	BUTLR
70	194040	AH182	HEIL
73	194137	AV182	PENCO
73	194138	AV182	PENCO
74	251016	AT182	TRAIL
74	251022	AF102	FRUHF
75	271041	AB182	BUTLR
75	271045	AV102	PENCO
77	271051	AV102	PENCO
77	271052	AV102	PENCO
77	272026T	AF212	PENCO
78	341010	CB232	BUTLR
74	351049	AB232	BUTLR
77	351057	DB232	BUTLR
79	351068	DB232	BUTLR
79	351075	DB232	BUTLR
79	351075	DB232	BUTLR
82	351108	GP232	POLAR
82	351109	GP232	POLAR
85	351121	KF232	FRUHF
85	351125	KF232	FRUHF
85	351125	KF232	FRUHF
87	351370	LP592	POLAR
88	352040	AB232	BUTLR
74	352052	AB232	BUTLR
86	371347	LP232	POLAR
87	371447	MP232	POLAR
87	371448	MP232	POLAR
85	373130	LF232	FRUHF
77	731011	BF702	FRUHF
78	841012	CB252	BUTLR
85	900931	99999	MISC

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REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRAILERS

UNIT	YEAR	UNIT #	CLASS	MODEL
## TERMINAL: 0932				
72		194054	AB182	BUTLR
72		194071	AB182	BUTLR
75		194157	AF182	FRUHF
74		194172	AB184	BUTLR
74		194249	AV182	PENCO
77		194327	BH182	HEIL
77		194330	BH182	HEIL
77		194340	BB182	BUTLR
77		194341	BB182	BUTLR
77		194347	BB182	BUTLR
77		194349	BB182	BUTLR
77		194350	BB182	BUTLR
77		194351	BB182	BUTLR
77		194352	BB182	BUTLR
77		194359	BB182	BUTLR
77		194360	BB182	BUTLR
77		194368	BB182	BUTLR
77		194378	BB182	BUTLR
77		194379	BB182	BUTLR
77		194398	BB182	BUTLR
77		194401	BB182	BUTLR
80		194451	EQ182	PRGAS
80		194450	EQ182	PRGAS
35		194495	KF182	FRUHF
77		194502	BT182	TRAIL
78		194832	CT182	TRAIL
78		194833	CT182	TRAIL
81		194838	FT182	TRAIL
86		900932	99999	MISC

## TERMINAL: 0933  
76 7194920 AV182 FENCO  
77 194949 88182 BUTLR  
77 194952 88182 BUTLR  
77 194971 88182 BUTLR  
77 194995 88182 BUTLR  
77 194999 88182 BUTLR  
86 900933 99999 MISC

## TERMINAL: 0935  
86 900935 99999 MISC

## TERMINAL: 0936  
86 900936 99999 MISC

## TERMINAL: 0937  
86 900937 99999 MISC

## TERMINAL: 0938

86	900938	99999	MISC
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## TERMINAL: 0942

74	7272027	AF182	FRUEH
87	081420	MF852	FRUHF
87	081421	MF852	FRUHF
77	181482	BF182	FRUHF
77	194484	BF182	FRUHF
74	271028	AF212	FRUHF
72	351043	AB232	BUTLR
77	351053	BB232	BUTLR
77	351055	BB232	BUTLR
79	351059	DB232	BUTLR
79	351071	DB232	BUTLR
82	351105	GP232	POLAR
85	351117	KF232	FRUHF
85	351123	KF232	FRUHF
85	351127	KF232	FRUHF
87	351372	LP592	POLAR
87	351373	LP592	POLAR
74	352051	AB232	BUTLR
64	353016	AT174	TRAIL
86	373132	LF232	FRUHF
86	900942	99999	MISC
88	951059	NF702	FRUHF

## TERMINAL: 0943

87	081422	MF852	FRUHF
87	083438	MF852	FRUHF
73	184123	AF182	FRUEH
74	185231	AH182	HEIL

74	351046	BT232	TRAIL
79	351070	08232	BUTLR
31	351155	FI232	TEC
84	351204	JF232	FRUHF
84	351225	JF232	FRUHF
84	351240	JF232	FRUHF
84	351255	JF232	FRUHF
85	351255	KF232	FRUHF
85	351278	KF232	FRUHF
85	351282	KF232	FRUHF
35	351288	KF232	FRUHF
79	352087	08232	BUTLR
54	353021	A8172	BUTLR
81	353135	FI232	TEC
58	371042	A8232	BUTLR
57	373034	AT232	TRAIL
86	373131	LF232	FRUHF
72	4572T	AF352	FRUHF
85	900943	99999	MISC

## TERMINAL: 0944

77	019432E	BH182	HEIL
87	081413	MF852	FRUHF
87	081415	MF852	FRUHF
75	171316	Am724	MCCOY
72	194057	AH182	HEIL
74	194180	AF184	FRUHF
74	194185	AF182	FRUHF
74	194187	AF182	FRUHF
74	194188	AF182	FRUHF
74	194211	AH184	HEIL
75	194295	A8184	BUTLR
77	194322	BH182	HEIL
77	194329	BH182	HEIL
77	194333	BH182	HEIL
77	194334	BH182	HEIL
77	194337	BB182	BUTLR
77	194338	BB182	BUTLR
77	194345	BB182	BUTLR
77	194353	BB182	BUTLR
77	194380	BB182	BUTLR
77	194382	BB182	BUTLR
77	194391	BB182	BUTLR
77	194395	BB182	BUTLR
77	194400	BB182	BUTLR
80	194442	BB182	BUTLR
77	194453	BF182	FRUHF
77	194458	BF182	FRUHF
85	194477	KF182	FRUHF
85	194478	KF182	FRUHF
85	194480	KF182	FRUHF
85	194483	KF182	FRUHF
77	194504	BT182	TRAIL
77	194509	BT182	TRAIL
74	251020	AF102	FRUHF
74	351047	A8232	BUTLR
79	351075	08232	BUTLR
31	351100	FF232	POLAR

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRAILERS

UNIT	YEAR	UNIT #	CLASS	MODEL
84		381115	JF702	FRUHF
84		381189	JF232	FRUEH
87		371482	MP232	POLAR
87		373036	AT172	TRAIL
79		851018	OP252	POLAR
77		851019	OP252	POLAR
79		851023	OP252	POLAR
85		851077	KF252	FRUHF
86		900944	99999	MISC
80		941024	EP252	FRUEH
73		951016	AF254	FRUHF
74		951017	AF254	FRUEH
73		951021	DT252	TRAIL

OK TERMINAL: 0950

78		104513	CH182	HEIL
78		104514	CH182	HEIL
72		171845	AV182	PENCO
76		181511	AY182	CSTM
78		181515	CH182	HEIL
79		181516	DT182	TRAIL
79		181517	CH182	HEIL
79		181518	CH182	HEIL

76	181849	AV182	TRAIL
79	181851	AF182	FRUHF
76	184812	AH182	HEIL
71	184836	AH182	HEIL
71	191050	A8722	SUTLR
74	194217	AV182	PENCO
80	194521	EH182	HEIL
83	194522	HZ182	PENSK
83	194523	HZ182	PENSK
83	194524	HZ182	PENSK
85	194525	KI182	AMERI
85	194526	KI182	AMERI
85	194527	KI182	AMERI
85	194528	KY182	GSTM
83	194529	HH182	HEIL
77	194823	SH182	HEIL
77	194827	SH182	HEIL
77	194828	SH182	HEIL
78	194831	CH182	HEIL
78	194835	CH182	HEIL
77	194844	BF182	FRUHF
81	194886	PH202	HEIL

87	873033	AT174	TRAIL
87	873037	AT172	TRAIL
87	871181	MA132	ETNYR
87	871182	MA132	ETNYR
87	871183	MA132	ETNYR
87	871184	MA132	ETNYR
87	871185	MA132	ETNYR
87	871186	MA132	ETNYR
87	871187	MA132	ETNYR
87	871188	MA132	ETNYR
88	900350	99999	MISC

## TERMINAL: 0956

79	194882	DH182	HEIL
88	194914	NP182	POLAR
88	900356	99999	MISC

## TERMINAL: 0957

80	181519	EH182	HEIL
89	181834	AH182	HEIL
77	194508	BT182	TRAIL
76	194872	AF182	FRUHF
76	194873	AF182	FRUHF
80	195874	EP182	POLAR
80	195875	EP182	POLAR
80	195876	EP182	POLAR
80	195877	EP182	POLAR

## TERMINAL: 0962

72	124060	AB184	BUTLR
66	134004	AT734	TRAIL
66	134005	AT734	TRAIL
66	134006	AT734	TRMOB
67	134012	AF184	FRUHF
68	134015	AT734	TRAIL
70	134029	AF184	FRUHF
70	134031	AF184	FRUHF
70	134033	AF184	FRUHF
72	134080	AF184	FRUHF
74	194154	AB184	BUTLR
74	194215	AH184	HEIL
74	194350	AT182	TRAIL
74	194276	AT182	TRAIL
74	194282	AT185	TRAIL
74	194284	AT182	TRAIL
77	194501	BT182	TRAIL
60	332003	AF172	FRUHF
64	361020	AB172	BUTLR
72	361044	AB232	BUTLR
77	361054	BB232	BUTLR
78	361062	CB232	BUTLR
78	361063	CB232	BUTLR
79	361066	DB232	BUTLR
79	361067	DB232	BUTLR
79	361073	DB232	BUTLR
79	361079	DB232	BUTLR
79	361082	DP232	POLAR
79	361083	DP232	POLAR



REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRAILERS

UNIT	YEAR	UNIT #	CLASS	MODEL
-----	-----	-----	-----	-----
81		361090	FB232	TEC
81		361091	FB232	TEC
81		361092	FB232	TEC
81		361099	FB232	TEC
82		361104	GP232	POLAR
82		361106	GP232	POLAR
82		361107	GP232	POLAR
82		361110	GP232	POLAR
85		361116	KF232	FRUHF
85		361118	KF232	FRUHF
85		361119	KF232	FRUHF
79		362088	DB232	BUTLR
86		371344	LP232	POLAR
86		371345	LP232	POLAR
86		371346	LP232	POLAR
74		454075	AA195	ETNYR
74		454079	AA195	ETNYR
74		454083	AA102	ETNYR
80		522110	EA135	ETNYR
78		841014	CB252	BUTLR
78		851005	CP252	POLAR
86		900952	99999	MISC
71		951005	AF254	FRUHF
72		951012	AF254	FRUHF
80		951022	EF252	FRUHF
86		951035	KF702	AMC
84		961001	AF254	FRUHF
72		961008	AF254	FRUHF
82		971025	GF705	FRUHF
82		981025	GF255	FRUHF
73		991014	AF255	FRUHF
74		992019	AF255	FRUHF

\*\* TERMINAL: 0966

70		134032	AF184	FRUHF
70		134035	AF184	FRUHF
70		134038	AF185	FRUHF
72		134081	AF184	FRUHF
73		194153	AT184	TRAIL
74		194184	AF184	FRUHF
74		194208	AH184	HEIL
74		194222	AH185	HEIL
74		194275	AT185	TRAIL
74		194281	AT185	TRAIL
75		194294	AB184	BUTLR
74		194295	AB184	ETNYR
77		194377	BB182	BUTLR
77		194381	BB182	BUTLR

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRAILERS

UNIT	YEAR	UNIT #	CLASS	MODEL
72		454065	AA186	ETNYR
72		454068	AA186	TRAIL
71		571015	AM104	MCCOY
88		900966	99999	MISC
.AK TERMINAL: 0974				
70		8271005	AF122	FRUE
88		08278T	A8322	BUTLR
71		10049	A8322	BUTLR
89		10100	A8322	BUTLR
89		10101	A8322	BUTLR
78		10136	C8322	BUTLR
75		10138	A8322	BUTLR
79		10149	D8322	BUTLR
79		10177	DF322	FRUHF
75		10229	A8322	BUTLR
71		10231	A8322	BUTLR
79		132T	D8322	BUTLR
79		136T	D8322	BUTLR
79		137T	D8322	BUTLR
79		149T	D8322	BUTLR
79		150T	D8322	BUTLR
79		151T	D8322	BUTLR
79		152T	D8322	BUTLR
79		153T	D8322	BUTLR
79		155T	D8322	BUTLR
79		158T	D8322	BUTLR
79		161T	D8322	BUTLR
79		162T	D8322	BUTLR
79		164T	D8322	BUTLR
79		166T	D8322	BUTLR
79		167T	D8322	BUTLR
79		168T	D8322	BUTLR
72		194091	AH182	HEIL
77		194331	BH182	HEIL
77		194335	BH182	HEIL
77		194339	BB182	BUTLR
77		194385	BB182	BUTLR
77		194389	BB182	BUTLR
77		194390	BB182	BUTLR
83		401006	AN262	TRNTY
77		411007	81272	MISC
72		571045	AM104	MCCOY
75		571058	AA104	ETNYR
78		571095	CA132	ETNYR
80		571121	EA102	ETNYR
80		571122	EA102	ETNYR
88		571141	EA102	ETNYR

REFINERS TRANSPORT & TERMINAL  
FLEET PROFILE BY TERMINAL  
TRAILERS

UNIT	YEAR	UNIT #	CLASS	MODEL
84		571144	JP192	POLAR
78		571180	CA702	ETNYR
87		571193	MA132	ETNYR
87		571194	MA132	ETNYR
87		571195	MA132	ETNYR
88		571212	NA702	ETNYR
78		851007	CP252	POLAR
86		90097a	99999	MISC

#: TERMINAL: 0991

72		291009	A9724	BUTLR
83		291100	HA722	ETNYR
83		291101	HA722	ETNYR
74		261018	A8122	BUTLR
77		731008	BF712	FRUHF
80		731012	ET712	TRAIL
80		731017	EF712	FRUHF
80		731018	EF712	FRUHF
80		731019	EF712	FRUHF
77		831002	BF252	FRUHF
88		831091	NP252	POLAR
88		831092	NP252	POLAR
78		841009	CB252	BUTLR
78		841015	CB252	BUTLR
78		841016	CB252	BUTLR
79		841017	CB252	BUTLR
86		900991	99999	MISC
84		951027	JF722	FRUHF
84		951028	JF722	FRUHF
84		951029	JF722	FRUHF
84		951030	JF722	FRUHF
84		951031	JF722	FRUHF
84		951032	JF722	FRUHF
86		951033	KP702	AMC
86		951034	KP702	AMC
87		961003	AF706	FRUHF
72		961009	AF715	FRUHF
72		961010	AF255	FRUHF

TERMINAL  
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0904 RTTC - S&B GR RPDS  
0905 BRYAN  
0906 JACKSON  
0907 GARFIELD HTS  
0908 CLEVELAND-#08  
0910 COLUMBUS  
0911 TOLEDO - PET  
0912 LIMA  
0914 HEATH  
0915 CINCINNATI  
0919 CLEVELAND-#19  
0921 CLERMONT  
0930 OIL CITY  
0931 BUTLER  
0932 PITTSBURGH  
0933 ALTOONA  
0935 DEVAULT 0935-ROLLED  
0936 DEVAULT 0936  
0937 DEVAULT 0937  
0938 DEVAULT 0938  
0939 DEVAULT 0939  
0942 WILMINGTON  
0943 MATAWAN  
0944 RIVERDALE GAS  
0947 RIVERDALE CHEM  
0950 HAMMONTON  
0955 MANCHESTER  
0956 CHELSEA  
0957 MILFORD  
0962 MELVINDALE  
0966 NILES  
0974 EVANSVILLE  
0991 TOLEDO - ACID

RECEIVED

FEB 27 1989

SECRETARY'S OFFICE  
Public Utility Commission

DOCKETED  
MAR 2 1989

PA. PUBLIC UTILITY COMMISSION

DOCKET NO. A00108155 FOLDER NO. \_\_\_\_\_

Protestant Refiners EXHIBIT NO. 7

HEARING AT PK DATE 2-15-89

*L. Berkeley*

DOCUMENT  
FOLDED

R-8

CORPORATE SAFETY PROCEDURES **RECEIVED**  
LEASEWAY TRANSPORTATION CORP. FEB 27 1989

SELECTION & HIRING SECRETARY'S OFFICE  
Public Utility Commission

I. GENERAL

- A. The selection and hiring of the best qualified employees available is important to an effective safety program. In many cases, we hire our own problems.

These procedures provide the basis of selecting the best applicants available and to meet those applicable regulatory requirements in the hiring process. If the process of hiring qualified personnel, communicating with them, training them and providing the necessary motivation is put into practice, one of the goals of an effective safety program can be achieved.

- B. EEOC - Leaseway Transportation Corp.'s policy with regard to employment and advancement is:

"There shall be Equal Opportunity afforded to all qualified personnel in all aspects of employment, training, recruitment and advancement without regard to race, color, religion, sex, national origin or age."

Inasmuch as Leaseway Transportation Corp.'s operations are Equal Opportunity Employers, all advertisements for help, either in salary or hourly, will contain the following wording at the bottom of each ad:

"Equal Opportunity Employer"

- C. Safety personnel should be involved in the start-up of new operations to insure compliance with regulatory requirements and safety policy implementation.

DOCUMENT  
FOLDER

PA. PUBLIC UTILITY COMMISSION

DOCKET NO. 100108155 FOLDER NO. \_\_\_\_\_

Protestant Refineries EXHIBIT NO. 8

HEARING AT Pgh DATE 2-15-89

*L. Berkeley*

DOCKETED  
MAR 02 1989

D. Selection Procedure

This is a step-by-step procedure to follow in evaluating driver applicants. Adequate time should be allowed to conduct this procedure in a positive and constructive manner.

1. Application for Employment (LTC-1201)

- a. Check for completion of all applicable items.
- b. Must be signed by applicant and person performing interview.

2. Personal Interview

(Before the Interview)

- a. Review information on application thoroughly.
- b. Check to be sure all required information has been properly completed, such as addresses, dates, etc.
- c. Check for previous employment with any other Leaseway Transportation Corp. operating location.

(1) If verified, inform the applicant that he/she will not be eligible for employment until his previous status has been investigated.

(During the Interview)

- d. Check for valid operator's (chauffeur's) license.

(1) Verify applicant's age (must be at least 21 years old).

(2) If license nor age meet qualifications, the selection process will be terminated at this time.

- e. Employee Request Forms:

(1) Applicant signs previous employer request forms (LTC-209).

d. Use outside investigating agency to conduct background check on applicant.

e. This information must be obtained prior to the date employment begins.

(1) Information must be documented in written format.

7. Driving Record

a. Driver applicant must complete form LTC-1478, Driver Certification and Annual Review of Driving Record.

b. Request Motor Vehicle Record from state of license(s) and attached to form LTC-1478.

c. After comparison and review of both documents, Form LTC 1478 must be signed by person reviewing.

E. After selection, the following items are to be completed and included in the Driver Qualification File.

1. Hours of service - Log Instructions.

a. Every driver shall read and initial all statements and sign completed form.

b. Completed form will become part of driver personnel or qualification file.

2. Hazardous Material Instruction, Form LTC-273B (if applicable).

a. Every driver shall read and initial each statement and sign completed form.

b. Completed form becomes part of the driver's personnel or qualification file.

3. Receipt for Federal Motor Carrier Safety Regulations.

a. Every driver shall be provided a copy of the Regulations booklet.

b. Every driver shall sign a receipt for copy of booklet.

c. Completed receipt shall become a part of the driver's personnel or qualifications file.

(2) Medical Examination Certification.

(a) Casual or occasional employees must provide valid medical certificate or legible copy of certification.

(3) Driver's Road Test Certification.

(a) Casual or occasional employees must provide the original signed road test form or certificate, or a copy of a license or certificate equivalent to driver's road test certification.

(4) Certificate of Written Examination

(a) A copy of the written exam and answers given by the casual or occasional driver or a copy of a certificate which is accepted as equivalent to a written examination.

(5) Name, social security number, operating license and issuing state.

WARNING: Any driver used or employed by any Leaseway Motor Carrier for seven days must have a complete driver qualification file as listed in Section IV below.

IV. DRIVER QUALIFICATION FILES

A. Federal Motor Carrier Safety Regulations.

1. Part 391.51 - "Each motor carrier shall maintain a driver qualification file for each driver it employs."

B. Content of Files.

1. Employment Application.

2. Medical Examination.

a. Must be current every two (2) years.

3. Certificate of Medical Examination.

a. Must also be in driver's possession.

4. Request for Previous Employment Information.

a. Previous ten (10) years.



V. CHECKLIST OF FORMS USED

- A. LTC-203 - Dally Log Instructions
- B. LTC-204 - Written Examination
- C. LTC-205 - Driver's Road Test
- D. LTC-206 - Physical Examination
- E. LTC-207 - Medical Examiners Certificate
- F. LTC-208 - Telephone Report - Previous Employment
- G. LTC-209 - Request for Employment Information
- H. LTC-210 - Receipt for Bureau of Motor Carrier Safety Regulations.
- I. LTC-215 - Employment Record Packet
- J. LTC-273 - Hazardous Materials Instructions
- K. LTC-1201 - Drivers Employment Application
- L. LTC-1478 - Annual Review and Driver's Certification
- M. Other - Outside agencies' reports used to conduct background investigations

SELECTION PROCEDURE SUMMARY

	DRIVERS		MECHANICS		DOCK WORKERS	WAREHOUSE EMPLOYEES	HOME DELIVERY HELPERS
	NON REGULATED	REGULATED	DRIVING	NON			
	LOCAL	INTERSTATE & DOT		DRIVING			
Application for Employ	LTC	DOT	LTC	LTC	LTC	LTC	LTC
Previous Emp. Information	LTC	DOT	LTC	LTC	LTC	LTC	LTC
Road Test and Certification	LTC	DOT	LTC				LTC*
Written Test & Cert.	LTC	DOT	LTC				LTC*
Drivers Cert. of Violations (Every 12 Mos.)	LTC	DOT	LTC				LTC*
Annual Review of Record (Every 12 Mos.)	LTC	DOT	LTC				LTC*
Medical Exam & Certification (Every 24 Mos.)	LTC	DOT	LTC	LTC	LTC Pre-Hire Only	LTC Pre-Hire Only	LTC Pre-Hire Only
MVR from State of License	LTC	DOT	LTC				

\* Applicable if helper drives at any time.

DOT = DOT Requirements; LTC - LTC Requirements

# DRIVER DATA SHEET

**For Casuals, New Hires & Temporary Employees**

Name (Print) \_\_\_\_\_

Social Security Number \_\_\_\_\_

Motor Vehicle Operator's License Number \_\_\_\_\_

Type of License \_\_\_\_\_ Issuing State \_\_\_\_\_

Instructions: At the time of initial employment as a driver, or when being employed occasionally, the regulations of the Department of Transportation (Rule 395.8 (r) require you to furnish a statement of the amount of time worked during the last period of seven (7) consecutive days. In the spaces below, show the number of hours worked (on duty) in each of the last 7 days.

DAY	1	2	3	4	5	6	7	TOTAL
DATE								
HOURS WORKED								

I hereby certify that the information given above is correct to the best of my knowledge and belief, and that I was last relieved from work at \_\_\_\_\_ on \_\_\_\_\_  
Time (Day) (Month) (Year)

(Signature) \_\_\_\_\_

Witness: \_\_\_\_\_ DATE \_\_\_\_\_  
Company Representative

## EMPLOYMENT CHECK LIST FOR CASUALS

In addition to the above information supplied by the driver, subparagraph 391.51 (d) of the Motor Carrier Safety Regulations requires that the driver qualification file for an intermittent, casual or occasional driver employed under the rules in subparagraph 391.63 must include the following: (ATA forms which may be used to complete the casual file are suggested in parenthesis below)

1. **Medical Examiner's Certificate**—The medical examiner's certificate of his physical qualification to drive a motor vehicle, or a legible photographic copy of the certificate.  
 (ATA Form C0750, and/or ATA Form C0730)
  
2. **Certificate of Driver's Road Test**—The original of the signed road test form and the certificate of driver's road test issued to the driver pursuant to subparagraph 391.31 (e), or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to subparagraph 391.31.  
 (ATA Form C0790 and/or ATA Form C0700)
  
3. **Certificate of Written Examination, Questions and Answers**—The questions asked and the answers the driver gave, and the certificate of written examination issued to him pursuant to subparagraph 391.35, or a copy of a certificate which the motor carrier accepted as equivalent to a written examination, pursuant to subparagraph 391.37.

Initial if  
obtained and  
on file

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## EMPLOYMENT

### I. Equal Opportunity and Employment Policy

Leaseway's Liquid Carrier Division's policy with regard to employment and advancement is as follows:

There shall be Equal Opportunity afforded to all qualified personnel in all aspects of employment, training, recruitment and advancement without regard to race, color, religion, sex, national origin or age.

Also, inasmuch as Refiners Transport & Terminal Corporation is an Equal Opportunity Employer, all advertisements for help, either in salary or hourly, will contain the following wording at the bottom of each ad:

"EQUAL OPPORTUNITY EMPLOYER"

Please notify all local unions in writing and be sure that all personnel in positions of hiring, promoting, recruiting, or training are familiar with all aspects of this policy.

#### A. Recruitment

Check specific areas for creative recruitment of minority groups. (Refer to Leaseway's "Operating Procedures Manual" Equal Opportunity Policy and Practices.)

1. Federal employment services.
  - a. Minority referral groups.

Note: Copies of all correspondence relating to minority recruitment (letters to Contract Compliance Examiners, minority referral sources, etc.) shall be forwarded to the Safety Department at the Home Office.

#### B. Advise Employees

1. Equal Opportunity posters on bulletin board.  
Suggestion: Cover posters with clear plastic.
2. Information of company policy on Equal Opportunity to all. (President's letter on bulletin board.)

EMPLOYMENT (Cont'd)

3. Inform unions by certified letter of company policy toward Equal Opportunity Employment.

C. Re-examine Job Requirements

Make sure standards are not discriminatory.  
(They do not have to be lowered.)

D. Review Hiring Practices

Check personnel during hiring to be sure no discrimination is permitted.

E. Maintain Adequate Records

1. Records of newspaper recruitment advertisements containing wording "EQUAL OPPORTUNITY EMPLOYER."
2. Notices to referral sources advising of definite job openings.
3. Be prepared to show records of new hires, promotions, and terminations for at least six (6) months. Also, applications for the same period. Know why an applicant did not receive the job and record the reason on the back page of application, sign and retain the application.

F. Examine Working Conditions

All employees are treated equally.

Specific area:

1. Lockers
2. Cafeteria service or eating area
3. Placement of working equipment

G. Review Promotion Procedures

After a person is hired, make sure policy of non-discrimination is continued.

EMPLOYMENT (Cont'd)

II. Employment Forms

A. Application - LTC-201

Refer: F.H.A., M.C.S.R. Section 391.21

After the application for employment has been completed by the applicant, it should be reviewed to determine that all sections pertaining to the specific position for which the applicant is applying has been completed and that the application has been signed and dated by the applicant.

Refer: "Equal Opportunity" Section.

B. Driver's Road Test - LTC-205

Refer: F.H.A., M.C.S.R. Section 391.31

The road test is to be given by an individual who is competent to evaluate and determine whether the person who takes the test is capable of operating the vehicle(s). The road test should be given over a predetermined course and of sufficient duration to adequately determine that the person tested has sufficient skills to safely operate the vehicle(s).

Grading:        0 - 34    = A  
                  35 - 73    = B  
                  74 - 112   = C  
                  113 - 170   = D  
                  171 & above = E

Applicants whose scores fall into categories D and E should be considered poor risks.

The certificate of road test should be given only to applicants who successfully complete the test.

C. Motor Carrier Safety Regulations Written Examination-LTC-205

Refer: F.H.A., M.C.S.R. Section 391.35

THIS EXAMINATION IS TO BE USED AS AN INSTRUCTIONAL TOOL ONLY!!

There is no time limit on this examination and the Motor Carrier Safety Regulations may be consulted by the applicant during period of examination. After grading, the applicant shall be advised of questions missed and instructed as to the correct answers.

EMPLOYMENT (Cont'd)

- D. Telephone Report - LTC-208
- E. Request for Employment Information - LTC-209
- F. Equifax (Form provided by Equifax)  
Refer: F.H.A., M.C.S.R. Section 391.23

These three (3) forms are to be used to conduct the investigations and inquiries into the applicants previous employment record and driving record.

The telephone report is used as an immediate inquiry into an applicant's previous employment history, but should be followed up with the Request for Employment Information.

The Equifax personnel selection inquiry is then completed and sent to the local Equifax office. The applicant's operators or chauffeurs license number(s) and state(s) should be listed on this form so that an abstract of driving record can be obtained from the appropriate state(s).

- G. Physical Examination - LTC-206
- H. Medical Examiner's Certificate - LTC-207  
Refer: F.H.A., M.C.S.R. Section 391.41

Applicant should be examined by a competent doctor who has previously been selected and furnished with the "Guide for the Physical Examination and Evaluation of Commercial Driver."

There must be good communication between the doctor and a company representative to assure that all physical examinations are performed in accordance with the Motor Carrier Safety Regulations. No Medical Examiner's Certificate will be issued to a person unless that person has been found to be physically qualified. The physical form and Medical Examiner's Certificate are to be thoroughly reviewed by a company representative upon return of the examinee.

Distribution of the physical copies as follows:  
Terminal Physical File  
Doctor  
Hub Terminal (if applicable)  
Safety Department (identify by terminal)

EMPLOYMENT (Cont'd)

I. Motor Carrier Safety Regulations and Motor Carrier Safety Regulations Receipt - LTC-210

Refer: F.H.A., M.C.S.R. Section 391.5, Section 392.1, Section 393.1, Section 395.1, and Section 396.1

A copy of the Motor Carrier Safety Regulations and Amendments is to be issued to every newly hired driver and mechanic. Every employee will be issued the amendments to the Motor Carrier Safety Regulations as they are amended. Each employee will acknowledge receipt of the Motor Carrier Safety Regulations and/or amendments by signing the Motor Carrier Safety Regulations Receipt LTC-210.

J. Log Instruction - LTC-203

Refer: F.H.A., M.C.S.R. Section 391.5, Section 392.1, Section 393.1, Section 395.1, and Section 396.1

Each of the statements listed on the log instruction sheet is a true statement taken directly from the Motor Carrier Safety Regulations. Each statement shall be initialed by the applicant to show that each statement has been read and is understood. The sheet is then signed by the applicant and the person instructing.

K. Off-Duty Logging - Interpretation RT-401

Refer: F.H.A., M.C.S.R. Appendix A - Interpretations

This form authorized meal stops to be logged off duty. All four (4) conditions outlined must be met and this signed form must be retained on file.

L. State Driving Record (Abstract of Driving Record)

This record can be obtained through Equifax or by requesting directly from the State Agency. A record must be obtained from each state in which an employee or prospective employee has held a license in the preceding three (3) years. The driving record must be obtained and reviewed on all prospective employees and at least once every twelve (12) months on all employees qualified to drive.



EMPLOYMENT (Cont'd)

M. Motor Vehicle Driver's Certification and Annual Review of Driving Record - LTC-1478

The Driver's Certification section is to be completed and signed by all prospective employees and at least once every twelve (12) months by all employees qualified to drive. After the certification section is complete and the driving record is reviewed by a representative of the Motor Carrier.

The Annual Review Section is to be completed by a representative of the Motor Carrier after reviewing the driving record, accident record, and after giving consideration to any evidence that the driver being reviewed has violated laws governing the operation of a motor vehicle or provisions of the Motor Carrier Safety Regulations.

N. Hazardous Material Instruction Form - LTC-273

This form acknowledges instruction in the transportation of Hazardous Materials. A signed copy by the driver and instructor will become a part of the Employment Jacket allowing each employee a copy for reference.

O. Addendum to Hazardous Material Instruction Form

The Addendum to Hazardous Material Instruction Form was developed in accordance to the regulation amendments which occurred in April, 1982.

P. Personal Record Card - LTC-212

Once an applicant has been accepted for employment, the Personal Record Card should be prepared with all pertinent information and placed in the Personal Record Card file. This card should be kept current.

Q. Employment Record Folder - LTC-215

After an applicant has been hired and the above described forms have been completed, the employment record folder will be completed and all of the employment, driver qualification and withholding forms, except for the physical examination and Personal Record Card, are to be placed in this folder and put on file or forwarded to the Hub terminal. Where Employment Records are kept at a Hub terminal, copies of the employment records should be retained

EMPLOYMENT (Cont'd)

Q. Employment Record Folder - LTC-215 (Cont'd)

at the individual terminal. The original physical examination is kept on file at the individual terminal with a copy forwarded to the Hub terminal.

NOTE: Blank employment folders should be prepared ahead containing all the necessary forms.

ADDITIONAL EMPLOYMENT INFORMATION FOR MICHIGAN

Every driver domiciled in Michigan must have a signed certification in his/her employment Jacket indicating the hours of training in hazardous materials and have in his possession a certificate indicating same.

Both certifications are in compliance with Michigan Motor Carrier Safety Rules 460.16205a.

Both certificates are available through the Safety Department.

EMPLOYMENT (Cont'd)

III. Check List

A. A complete employment record folder, LTC-215, shall contain the following:

- |   |          |
|---|----------|
| 1. Application for Employment                                     | LTC-201  |
| 2. Driver's Road Test   | LTC-205  |
| 3. Motor Carrier Safety Regulations<br>Written Examination        | LTC-204  |
| *4. Certification of Hazardous Materials<br>Training              |          |
| 5. Telephone Report   | LTC-208  |
| 6. Request for Employment Information                             | LTC-209  |
| 7. Equifax Report   |          |
| 8. Log Instructions   | LTC-203  |
| 9. Motor Carrier Safety Regulations<br>Receipt                    | LTC-210  |
| 10. Off-Duty Logging Instructions                                 | RT-401   |
| 11. State Driving Record  |          |
| 12. Driver's Certification and<br>Annual Review of Driving Record | LTC-1478 |
| 13. Physical Examination  | LTC-206  |
| 14. W-4 (Federal)   |          |
| 15. W-4 (State) (if applicable)                                   |          |
| 16. Hazardous Material Instruction Form                           | LTC-273  |
| 17. Addendum to the Hazardous Material<br>Instruction Form        |          |
| 18. Personal Record Card  | LTC-212  |

Note: Personal Record Card and Physical Examination are to be filed separately.

\* Applies to employees domiciled in Michigan

REFINERS TRANSPORT AND TERMINAL CORPORATION

ALL COMMODITIES

REVENUE REPORT SUMMARY FROM  
JANUARY 1, 1987 THROUGH DECEMBER 31, 1987

	<u>LOADS</u>	<u>TOTAL REVENUE</u>
BOTH ORIGIN AND DESTINATION - PA	48,203	\$ 9,821,890.67
ONLY ORIGIN - PA	16,092	8,419,284.67
ONLY DESTINATION - PA	15,438	5,157,532.49
TOTAL	79,733	23,398,707.83

REVENUE REPORT SUMMARY FROM  
JANUARY 1, 1988 THROUGH JUNE 30, 1988

	<u>LOADS</u>	<u>TOTAL REVENUE</u>
BOTH ORIGIN AND DESTINATION - PA	26,495	\$ 5,264,824.12
ONLY ORIGIN - PA	7,410	4,215,334.69
ONLY DESTINATION - PA	8,462	2,619,614.04
TOTAL	42,367	12,099,772.85

COMMODITIES INCLUDED IN APPLICATION

REVENUE REPORT SUMMARY FROM  
JANUARY 1, 1987 THROUGH DECEMBER 31, 1987

	<u>LOADS</u>	<u>TOTAL REVENUE</u>
BOTH ORIGIN AND DESTINATION - PA	11,058	\$ 3,624,959.48
ONLY ORIGIN - PA	8,883	6,332,829.13
ONLY DESTINATION - PA	6,069	2,825,155.44
TOTAL	26,010	12,782,944.05

REVENUE REPORT SUMMARY FROM  
JANUARY 1, 1988 THROUGH JUNE 30, 1988

	<u>LOADS</u>	<u>TOTAL REVENUE</u>
BOTH ORIGIN AND DESTINATION - PA	5,162	\$ 1,717,871.12
ONLY ORIGIN - PA	4,560	3,419,499.22
ONLY DESTINATION - PA	4,213	1,606,969.71
TOTAL	13,935	6,744,340.05

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FEB 27 1989

SECRETARY'S OFFICE  
Public Utility Commission

PA. PUBLIC UTILITY COMMISSION  
DOCKET NO. *1000181* EXHIBIT NO. *9*  
FOLDER NO. \_\_\_\_\_

DOCUMENT

*5-19-89*  
*by*

DATE *2-27-89*  
HEARING AT *PA*

DOCKETED  
MAR 02 1989

Pennsylvania Intrastate Revenues of Refiners Transport  
and Terminal Corporation from Supporting Shippers on  
Commodities Included in Application of Central Transport, Inc.

Period January 1, 1987 through December 31, 1987

<u>Shipper</u>	<u>Number of Loads</u>	<u>Revenue</u>
1. Witco Corporation	4,054	722,023.89
2. Pennzoil Company (including Penreco)	4,583	1,269,431.03
3. McCloskey Corp.		
4. E. F. Houghton & Co.		
5. Harry Miller Corp.		
6. Para-Chem Southern, Inc.		
7. Calgon Corp.	35	31,488.67
8. Valspar Corp.		

Period <sup>January</sup> ~~June~~ 1, 1988 through June 30, 1988

<u>Shipper</u>	<u>Number of Loads</u>	<u>Revenue</u>
1. Witco Corporation	1,985	360,076.80
2. Pennzoil Company (including Penreco)	1,682	454,176.00
3. McCloskey Corp.		
4. E. F. Houghton & Co.		
5. Harry Miller Corp.		
6. Para-Chem Southern, Inc.		
7. Calgon Corp.		
8. Valspar Corp.		

REFINERS TRANSPORT & TERMINAL, INC.  
 (A Subsidiary of Leaseway Transportation Corp.)

SUMMARY BALANCE SHEET

December 31, 1988  
 (Unaudited)

-----  
 ASSETS  
 ~~~~~

CURRENT ASSETS:

|                                     |             |            |          |
|-------------------------------------|-------------|------------|----------|
| Cash.....                           |             |            | \$24,839 |
| Accounts Receivable:                |             |            |          |
| Trade - less allowance for doubtful |             |            |          |
| accounts of \$486,099.....          | \$7,668,266 |            |          |
| Affiliates.....                     | 1,857,081   | 9,525,347  |          |
| Other Current Assets.....           |             | 1,801,011  |          |
|                                     |             | -----      |          |
| Total Current Assets.....           |             | 11,351,197 |          |

INVESTMENTS IN SUBSIDIARIES.....

~~2,439,321~~  
 CTED

REVENUE EQUIPMENT, PROPERTY AND OTHER  
 EQUIPMENT - Net.....

11,351,197  
 2,439,321  
 -----  
 8,911,876  
 10,802,981

OTHER ASSETS.....

874,766

TOTAL.....

-----  
 874,766  
 10,802,981  
 -----  
 \$25,468,265  
 =====

LIABILITIES AND SHAREHOLDER'S EQUITY  
 ~~~~~

CURRENT LIABILITIES:

Accounts Payable:			
Trade.....		\$1,183,198	
Accrued expenses.....		4,540,654	
Current Portion of Long-Term Debt, Due Affiliates.....		562,325	
		-----	
Total Current Liabilities.....		6,286,177	

EQUIPMENT FINANCE OBLIGATIONS,

    Due Affiliates..... 1,983,070

TERM LOAN.....

6,144,015

REVOLVING CREDIT FACILITY.....

6,302,709

DEFERRED INCOME TAXES (NOTE 2).....

1,578,000

SHAREHOLDER'S EQUITY

Common Stock.....	1,386,710	
Additional paid-in capital.....	58,904	
Retained earnings.....	1,730,680	
	-----	

    Total Shareholder's Equity.....

6,144,015  
 6,302,709  
 1,578,000  
 -----  
 3,176,294

TOTAL.....

-----  
 3,176,294  
 -----  
 25,468,265  
 =====

See the accompanying notes to summary financial statements

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FEB 27 1989

SECRETARY'S OFFICE  
Public Utility Commission

COMMISSION

DOCKET NO. 00101815 FOLDER NO. 10

DATE: 2-15-89  
*J. Buckley*

PA PUBLIC UTILITY  
COMMISSION

HEARING AT *10th*

DOCKET NO. 00101815  
FOLDER NO. 10  
FOLDER

DOCKET  
MAR 02 1989



REFINERS TRANSPORT & TERMINAL, INC.  
(A Subsidiary of Leaseway Transportation Corp.)

SUMMARY STATEMENT OF EARNINGS AND RETAINED EARNINGS

For the Year Ended December 31, 1988  
(Unaudited)

REVENUE.....	\$89,039,167
COSTS AND EXPENSES:	
Direct operating costs.....	61,352,672
Depreciation.....	3,124,664
Loss (gain) on sale of equipment.....	(36,540)
Administrative and selling expenses.....	6,815,402
Total Costs and Expenses.....	<u>71,258,198</u>
PROFIT (LOSS) FROM OPERATIONS.....	(2,217,031)
OTHER EXPENSE (INCOME):	
Interest Expense.....	<u>1,773,503</u>
PROFIT (LOSS) BEFORE INCOME TAX.....	(3,990,534)
INCOME TAX ASSESSMENT (NOTE 1).....	0
NET INCOME (LOSS).....	<u>(3,990,534)</u>
RETAINED EARNINGS AT 1/1/88.....	<u>5,721,214</u>
RETAINED EARNINGS AT 12/31/88.....	<u>1,730,680</u>

See the accompanying notes to summary financial statements.

REFINERS TRANSPORT & TERMINAL, INC.  
(A Subsidiary of Leaseway Transportation Corp.)

NOTES TO SUMMARY FINANCIAL STATEMENTS

December 31, 1988  
(Unaudited)

---

1. INCOME TAXES

The Company participates in the filing of consolidated income tax returns with its parent and Leaseway Transportation's other subsidiaries. Leaseway Transportation's policy provides that net tax liabilities are allocated only to subsidiaries producing taxable income for the year.

2. DEFERRED INCOME TAXES

Leaseway Transportation Corp. provides deferred income taxes for taxes payable in the future, which result from differences in the timing of recognition of certain revenues and expenses for tax and financial reporting purposes. The principal timing difference is the use of accelerated methods of depreciation for tax purposes while the straight-line method is used for financial reporting.

Bulk Group  
445 Earlwood Avenue  
P.O. Box 7537  
Oregon, Ohio 43616  
419-698-1671

October 15, 1986

Refiners Transport & Terminal Corporation  
Exhibit No. //  
Witness:

E. F. Houghton and Company  
Attn: Mr. William F. Dahms, Sr.  
Manager, Traffic and Distribution  
P. O. Box 930  
Valley Forge, PA 19482

**RECEIVED**

**FEB 27 1989**

Dear Bill,

I appreciated your time and interest in Leaseway during my visit.  
Enclosed, please find rates from your facility in Fogelsville, PA.

SECRETARY'S OFFICE  
Public Utility Commission

Our facility located in Malvern, PA would serve your plant.

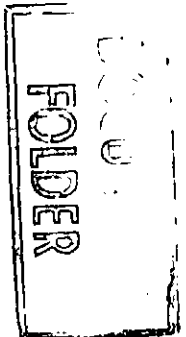
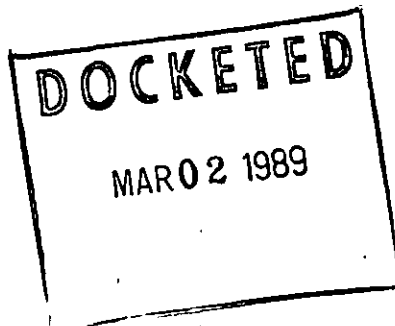
Leaseway Transportation is looking forward to providing the excellent service you require.

If you have further questions, please contact me.

Sincerely,

LEASEWAY TRANSPORTATION

*Rich Frieze*  
Richard L. Frieze  
Sales Manager  
1-800-468-8688  
Malvern - 215-6440-2574



RLF/mlr

encl.

cc: B. Fromm  
H. Phelps  
D. Nash  
D. Radcliffe  
Devault Terminal

**PA. PUBLIC UTILITY COMMISSION**

DOCKET NO. 100108155 FOLDER NO. \_\_\_\_\_

*Protestant Refiners* EXHIBIT NO. 11

HEARING AT Pg 2 DATE 2-15-89

*L. Bentley*



DESTINATION	MILES	RATE*
Bridgeport, CT	159	9.10
Waterbury, CT	189	10.57
Bedford, IN	659	31.56
E. Chicago, IN	684	32.34
Fitchburg, MA	300	15.97
Hempstead, MD	116	7.10
Sparrows Pt., MD	130	7.56
Elwood Park, NJ	98	6.02
Linden, NJ	93	5.86
Mountainside, NJ	85	5.32
Perth Amboy, NJ	90	5.64
Newark, NJ	96	6.02
Glen Falls, NY	255	13.82
Massena, NY	365	19.30
Rome, NY	226	12.58
Heath, OH	410	21.45
Corry, PA	294	13.86
Danbury, PA	158	9.10
Downington, PA	49	2.85
Erie, PA	323	15.18
Frazer, PA	49	2.85
Hanover, PA	104	4.94
Harrisburg, PA	71	3.77
Jenkintown, PA	51	3.06
Lancaster, PA	62	3.49
Marietta, PA	75	3.77
Mehoopany, PA	100	4.69
Red Lion, PA	88	4.26
Ransom, PA	78	3.92
Steelton, PA	76	3.92
York, PA	84	4.05
Westpoint, VA	289	15.51
Winchester, VA	181	10.27

\* 6,000 gal. min.

Statesboro, GA' 742 3.83 40,000lb. min.

Bulk Group  
445 Earlwood Avenue  
P.O. Box 7537  
Oregon, Ohio 43616  
419-698-1671

March 4, 1987

Refiners Transport & Terminal Corporation  
Exhibit No. 12  
Witness:

Valspar Corporation  
Attn: Mrs. Marianne Noga  
2000 Westhall Street  
Pittsburgh, PA 15233

**RECEIVED**

**FEB 27 1989**

SECRETARY'S OFFICE  
Public Utility Commission

Dear Marianne:

I would like to thank you for your time and interest in Leaseway during our visit.

As discussed, Leaseway is looking forward to hearing from you in the near future.

I have reviewed your requirements with our Butler Terminal and feel we can provide the clean and on time pick-up service needed.

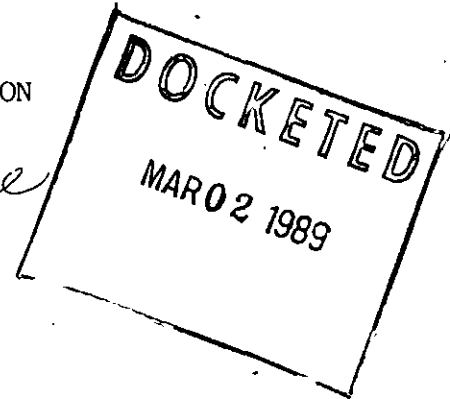
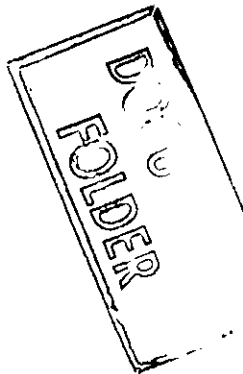
A copy of our insurance will be forwarded to you. Should you have any further questions, please contact me.

Sincerely,

LEASEWAY TRANSPORTATION

*Rich Frieze*

Richard L. Frieze  
Sales Manager  
1-800-468-8688



Butler Terminal  
Rich Hobaugh-T/M  
412-285-4440

RLF/mlr-

cc: B. Fromm  
D. Nash  
B. Myers  
K. Wilson  
R. Hobaugh  
B. Dunmyre

**PA. PUBLIC UTILITY COMMISSION**

DOCKET NO. 100108155 FOLDER NO. \_\_\_\_\_

Protestant Refiners EXHIBIT NO. 12

HEARING AT Pgh DATE 2-15-89

*S. Berkeley*

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

RESPONSES OF REFINERS TRANSPORT AND TERMINAL  
CORPORATION TO THE INTERROGATORIES OF APPLICANT  
CENTRAL TRANSPORT, INC.

17. Since January 1, 1986, has Protestant received any complaints, warnings, Notices of Claim or citations from 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, or any other governmental agencies of the Commonwealth of Pennsylvania or of the state (other than Pennsylvania), in or through which Protestant's vehicles operated the most miles during 1986 and 1987, 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 or 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.

ANSWER:

Refiners has received only routine citations relating to equipment checks from the Pennsylvania Commission and other state Commissions. Refiners is a party to a Consent Order and Agreement relating to its industrial wastewater treatment plant at its Oil City terminal, as evidenced by Appendix 10 attached.

18. For each instance identified in response to Interrogatory 14, identify and produce all document(s) which pertain(s) to the incident including all document(s) issued by any of the agencies listed in said Interrogatory.

ANSWER:

See the answer to Interrogatory 17.

167-50

DOCKET  
FEB 27 1989

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FEB 27 1989

SECRETARY'S OFFICE  
Public Utility Commission

PA PUBLIC UTILITY COMMISSION  
DOCKET NO. 00108155  
EXHIBIT NO. 30  
FOLDER NO. 30

DATE 2-15-89  
*J. Buckley*

HEARING AT York  
*On the 1st day of March 1989*

DOCKETED

MAR 02 1989

11

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

In the Matter of:

Refiners Transport &	:	Industrial Wastes
Terminal Corporation	:	
Cornplanter Township	:	
Venango County	:	

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1988, by and between the Commonwealth of Pennsylvania, Department of Environmental Resources (hereinafter "Department"), and Refiners Transport and Terminal Corporation (hereinafter "Refiners").

The Department has determined the following findings which Refiners agrees are true and correct:

A. The Department is the agency with the duty and authority to administer and enforce the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §691.1 et seq. ("Clean Streams Law"); Section 1917-A of the Administrative Code of 1929, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §510.17 ("Administrative Code") and the Rules and Regulations promulgated thereunder.

B. Refiners is a Delaware corporation, authorized to do business in Pennsylvania with its ~~principle~~ office and terminal located on Route 8, two miles north of Oil City in Cornplanter Township, Venango County, Pennsylvania, having a mailing address at Box 273, Oil City, Pennsylvania 16301, and



registered in Pennsylvania at C. T. Corp. Systems, Oliver Building, Mellon Square, Pittsburgh, Pennsylvania 15222.

C. Refiners is engaged in the transportation of various petroleum products in tank trucks.

D. Following delivery of their products the tank trucks return to the terminal where they are thoroughly cleaned of all product.

E. The cleaning process generates wastewater, an industrial waste, containing oil, solvents, detergents, and other pollutants which are collected in a sump and intermittently pumped to an industrial waste treatment facility.

F. Said treatment facility was constructed and is operated under authorization by Industrial Waste Permit No. 6169201 issued to Refiners by the Department on June 8, 1970 (the "I.W. Permit"), pursuant to Section 307 of the Clean Streams Law, supra, 35 P.S. §691.307.

G. On March 25, 1985, the Department issued National Pollutant Discharge Elimination System ("NPDES") Permit No. 0035807 to Refiners pursuant to Section 307 of the Clean Streams Law, supra, 35 P.S. §691.307, authorizing a discharge of treated industrial wastewater to Oil Creek, a water of the Commonwealth.

H. The Department has determined by periodic inspections of Refiners and information obtained by examination of the Discharge Monitoring Reports ("DMR's") submitted by Refiners for the reporting periods between January 1987 and January 1988, that Refiners has violated the effluent limitations in its NPDES permit.

I. The Department has determined that the treatment facility, as constructed under I.W. Permit No. 6169201 is not capable of consistently meeting the effluent limits of the NPDES Permit.

J. The discharge of industrial wastewater contrary to the terms and conditions of NPDES Permit No. PA0035807 constitutes a violation of the permit, a violation of Sections 301, 307, and 611 of the Clean Streams Law, 35 P.S. §§691.301, 691.307, and 691.611, which constitutes unlawful conduct and a nuisance.

K. The discharge of inadequately treated industrial wastewater into Oil Creek constitutes pollution of the waters of the Commonwealth and is against public policy pursuant to Sections 401 and 3 of the Clean Streams Law, 35 P.S. §§691.3 and 691.401.

L. Refiners is required by Standard Condition 7 of I.W. Permit No. 6169201 to maintain its existing facilities in proper condition so the system can perform the functions for which it was designed. Section 308 of the Clean Streams Law, supra, requires a Part II Permit from the Department prior to the installation of any additional facilities which are necessary to achieve continuous compliance with the effluent limits of the NPDES permit.

M. Refiners intends to submit to the Department discharge monitoring information on BOD concentrations contained in the effluent. The Department intends to reissue Refiners NPDES permit to contain, inter alia, BOD effluent limitations.

N. Refiners is required, pursuant to 25 Pa. Code §92.7, to make application for the reissuance of Permit No. PA0035007 if information submitted indicates the need for additional parameters in the NPDES permit.

O. The parties desire to resolve this matter expeditiously without resort to litigation concerning the aforesaid discharges and conditions which constitute violations of the Clean Streams Law.

ORDER

After full and complete negotiation of all matters set forth in the Consent Order and Agreement and upon mutual exchange of covenants contained herein, the parties intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by Refiners as follows:

1. This Consent Order and Agreement is an Order and Agreement of the Department authorized and issued pursuant to Sections 5, 316, 402, and 610 of the Clean Streams Law, 35 P.S. §§691.5, 691.316, 691.402 and 691.610, and by Section 1917-A of the Administrative Code, supra. The failure of the operator to comply with any term or condition of this Consent Order and Agreement shall subject the operator to all penalties and remedies providing by those statutes for failing to comply with an order of the Department.

2. Within five (5) days from date of execution of this Consent Order and Agreement, Refiners shall commence a sampling and analysis program of both the influent as well as the effluent at the existing treatment facility. Sampling shall provide representative data of both influent and effluent for the parameters listed in the NPDES permit plus Biochemical Oxygen Demand (BOD). Sampling frequency shall be at least as frequent as the periods specified within the NPDES Permit.

3. Within sixty (60) days from the execution of this Consent Order and Agreement, Refiners shall submit to the Department a report characterizing the influent wastewater and the treated effluent.

4. Within seventy-five (75) days from the execution of this Consent Order and Agreement, Refiners shall submit to the Department an amended NPDES permit application.

5. Within forty-five (45) days from the issuance of the Part I permit, Refiners shall submit a Part II permit application.

6. Within ninety (90) days from the issuance of the Part II permit, Refiners shall have completed the installation of and have in operation the permitted facilities.

7. Within one hundred twenty (120) days from issuance of the Part II permit, all discharges shall be in compliance with the NPDES and Part II permits.

8. As a civil penalty settlement for the violations of the Clean Streams Law which are described in Paragraph H of the findings of fact above, which occurred on or prior to execution of this Consent Order and Agreement, Refiners will pay a civil penalty in the amount of Five Thousand Six Hundred Dollars (\$5,600.00), for which a check will be submitted payable to the Commonwealth of Pennsylvania. This payment will be submitted to the Water Quality Compliance Specialist at the Bureau of Water Quality Management (BWQM) Office, 1012 Water Street, Meadville, Pennsylvania 16335 within thirty (30) days of the date of execution of this document.

9. Commencing with execution of this Consent Order and Agreement and continuing until completion of construction of the treatment facilities in accordance with Paragraph 6 and compliance with Paragraph 7 of this Consent Order and Agreement, Refiners shall comply with all requirements of the 1985 NPDES permit for outfall 001. Refiners shall pay a civil penalty of Three Hundred Dollars (\$300.00) for each DMR that contains any violations of the NPDES permit. Civil penalties stipulated under this paragraph shall not be construed as settlement for any exceedances resulting from spills or other anomalous discharge events.

10. If Refiners fails to comply with any of the obligations in Paragraphs 3, 4, 5, 6, or 7 above, Refiners shall pay civil penalties according to the following schedule:

a. Refiners shall pay Fifty Dollars (\$50.00) for each day it fails to comply with the requirements of Paragraphs 3, 4, 5, and 6.

b. Refiners shall pay Fifty Dollars (\$50.00) for each day it fails to comply with the requirements of Paragraph 7 for a period that does not exceed ninety (90) days.

c. Any penalties associated with this or the preceding paragraph shall be due by the 20th of the month for the preceding month for which it becomes due. Payment of penalties shall be by check made payable to the "Commonwealth of Pennsylvania" and delivered to the Water Quality Compliance Specialist at the BWQM Office, 1012 Water Street, Meadville, Pennsylvania 16335.

11. All treatment facilities to be installed and all maintenance and repair work to be done by Refiners or by others for Refiners at this site shall be designed, built and operated in such a way as not to cause any air, water or solid waste problems which are in violation of the Rules and Regulations of the Department.

12. Commencing two (2) months after execution of this Consent Order and Agreement, Refiners shall furnish the Department's Bureau of Water Quality Management at 1012 Water Street, Meadville, Pennsylvania 16335, detailed and specific monthly written reports of the progress it is making to comply with Paragraphs 2, 3, 4, 5, 6 and 7.

13. Nothing herein contained shall be construed to preclude Refiners from discontinuing the operation of any source of water pollution which is subject of this Consent Order and Agreement. Any such discontinuance shall, for the duration thereof, have the same effect as compliance herewith. However, if Refiners

does discontinue said source's operations, it shall promptly so notify the Department in writing and not resume operation of said source, unless and until approved water pollution control equipment has been installed and made operational pursuant to a Clean Streams Law permit, and the source is capable of meeting the water pollution control standards set forth in the permit and promulgated in the Rules and Regulations of the Environmental Quality Board.

14. Until this Agreement is no longer in force pursuant to Paragraph 19, should Refiners intend to transfer any legal or equitable interest in its plant or in any part thereof, Refiners shall, thirty (30) days prior to said contemplated transfer, serve a copy of the Consent Order and this Agreement upon the prospective successor or assignee in interest. The terms and provisions of the Consent Order and this Agreement shall remain in full force and effect as between the Department and any assignee or successor in interest of Refiners. Nothing set forth in this paragraph is intended to constitute a transfer of any permits, or approvals, to the successor or assignee in interest.

15. All applications for permits filed pursuant to the Consent Order and Agreement shall be filed on forms provided by the Department, shall conform to all requirements of the Clean Streams Law and the Federal Clean Water Act, and all regulations adopted pursuant to those laws, and shall, as originally filed, be fully completed and acceptable to the Department. In the event the Department requires any modification or addition to any application, then Refiners shall provide the required modification or addition within the time specified in the Department notice.

16. In the event that Refiners is obstructed or prevented from achieving compliance with any date in any schedule set forth in Paragraphs 2 through 7

hereof by any act or delay due to riot, civil disorder, acts of God, weather so severe as to impede construction (the parties do not contemplate this to include the normal weather inimical to the western Pennsylvania area), work slowdown or stoppage, strike, unavailability of materials or labor, any delay or defaults of third parties under contract with Refiners with respect to the obligations undertaken hereunder, or because of any other cause beyond the control of Refiners, and which, despite due diligence, Refiners is unable to prevent, then Refiners shall notify the Department in writing within seven (7) days of the date Refiners becomes aware, or should have become aware, that such occurrence would delay or cause obstruction. Said notification shall be made to the Department's Regional Water Quality Manager at the BWQM Office and must include all relevant documentation, such as copies of third party correspondence and a notarized affidavit from a responsible official of Refiners, specifying each of the causes of delay and Refiners' efforts to perform its obligations on time. Upon receipt of any such notification from Refiners, the Department shall promptly review Refiners' notification and if the Department concurs with Refiners' request to extend the date for compliance, Refiners shall be notified in writing of the Department's concurrence and shall be provided an extension of the dates (as applicable) for the amount of time necessary to compensate for each such unavoidable delay. Defaults and delays of third parties under contract with Refiners shall not be grounds for any extension of time to comply with said schedules unless such contracts include a provision reciting that "time is of the essence." The failure of Refiners to comply with requirements of this paragraph specifically and in a timely fashion shall render this paragraph null and void and of no effect as to the event which forms the basis

for the request for the extension. The total of all extensions shall not extend the date for compliance with Paragraphs 6 and 7 more than sixty (60) days.

Refiners shall have the burden of demonstrating compliance with this paragraph.

17. Except as provided in Paragraph 8, nothing in this Consent Order and this Agreement shall be construed to imply that the Department waives its right to institute enforcement action for any violations of the statutes or rules and regulations of the Environmental Quality Board that may result from Refiners' operations.

18. Failure by Refiners to comply with any obligations imposed by the Consent Order and this Agreement in a timely manner shall be deemed a material violation of this Order and shall entitle the Department to pursue any and all available remedies and penalties, administrative, criminal, civil, in law or in equity for violations of law and/or violations of an Order of the Department, including all violations occurring on or prior to the entry of this Agreement.

19. This Agreement shall remain in force and effect until July 31, 1989, or until Refiners fulfill all responsibilities imposed by the Consent Order and this Agreement, whichever comes first, or until changed by negotiation of an agreement in the form of written amendments to the Consent Order and this Agreement. However, the Order shall remain in effect as an Order of the Department.

20. It is the intent of the parties hereto that the clauses hereof are severable, and should any part of the Consent Order and this Agreement be declared by a court of law to be invalid and unenforceable, the other clauses shall remain in full force and effect as between the parties, their successors and assigns.



21. The parties agree that prior drafts of this Consent Order and Agreement shall not be used in any litigation involving the interpretation of this Consent Order and Agreement.

Consent Order entered and Agreement executed by the Commonwealth of Pennsylvania, Department of Environmental Resources, this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

FOR THE COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

---

Peter A. Yeager, P.E.  
Regional Water Quality Manager  
Bureau of Water Quality Management

---

Zelda Curtiss  
Assistant Counsel

Refiners Transport & Terminal Corporation hereby consents to the entry of Paragraphs 2 through 12 which constitutes an Order of the Department and hereby knowingly waives its right of appeal from this Order, which rights are available under the Act of April 9, 1929, P.L. 17, amended by the Act of December 3, 1970, Act 275, P.L. 834, 71 P.S. §510-1 et seq., and the Administrative Agency Law, 2 Pa. C.S. §103(a) and Chapters 5A and 7A. The undersigned hereby covenants and agrees that he is authorized to consent to the Order and execute the Agreement on behalf of Refiners Transport & Terminal Corporation.

FOR REFINERS TRANSPORT & TERMINAL CORPORATION

*Jack A. Gollen* PRES. SGT.  
Sept 2, 1988

CORPORATE SEAL

/rlw

A F F I D A V I T

STATE OF OHIO        )  
                          )  
COUNTY OF CUYAHOGA    )

Keith B. Wilson, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Answers to Interrogatories are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

Keith B. Wilson  
Keith B. Wilson

Sworn to and subscribed before  
me this 12 day of January, 1989.

MY COMMISSION EXPIRES:

Pamela K. Kirsch  
Notary Public

PAMELA K. KIRSCH, Notary Public  
STATE OF OHIO  
My commission expires August 13, 1991

DOCUMENT  
FOLDER

COMMONWEALTH OF PENNSYLVANIA

ENVIRONMENTAL HEARING BOARD

221 NORTH SECOND STREET  
THIRD FLOOR  
HARRISBURG, PENNSYLVANIA 17101  
(717) 787-3483

RECEIVED

FEB 27 1989

REFINER'S TRANSPORT AND TERMINAL  
CORPORATION

SECRETARY'S OFFICE  
Public Utility Commission

Docket No. 84-132-G

Issued: May 14, 1986

PA PUBLIC UTILITY COMMISSION

DOCKET NO. A.108155 FOLDER NO.

Appellant Central Transport, Inc. 31

HEARING AT Pgh DATE 2-15-89 J. Berkey

v.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

ADJUDICATION

By Edward Gerjuoy, Member

Syllabus

DOCKETED  
MAR 2 1989

This consolidated appeal of a hazardous waste transporter license denial and civil penalty assessment is sustained in part and dismissed in part. DER's decision to deny appellant's license renewal application represents an abuse of DER's discretion. DER's decision to assess a civil penalty was appropriate; however, the Board revises the amount of the penalty to reflect the severity of the violations.

The burden of proof in an appeal of a civil penalty assessment rests with DER; the burden in an appeal of a license denial rests with the appellant. Appellant is precluded from challenging in this proceeding the content or validity of an earlier, unappealed DER action, i.e., the issuance of its original transporter's license. Appellant, however, may raise issues going to the propriety of the two DER actions at issue here: the license denial and the civil penalty

Cent 31

assessment.

DER is not estopped from taking the two actions at issue by virtue of the alleged fact that DER employees had knowledge of appellant's violations several months prior to taking those actions. No showing has been made that Commonwealth officials made affirmative representations upon which appellant detrimentally relied, or that in taking the actions at issue DER was not acting in an "official" capacity.

DER regulations concerning the management of toxic hazardous waste are not impermissibly vague in contravention of the due process clause of the Fourteenth Amendment to the U.S. Constitution. The Board possesses the authority to rule upon the constitutionality of regulations promulgated by the Environmental Quality Board where the constitutional challenge is raised in the context of an appeal from a DER action applying the regulation to a given party.

DER is not preempted by the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq., or the Hazardous Materials Transportation Act, 49 U.S.C. §1801 et seq. from requiring that a hazardous waste transporter ascertain that the hazardous waste manifest accompanying a shipment of hazardous waste contain an entry for the hazard code before the transporter accepts the waste for shipment.

DER has the authority under section 605 of the Solid Waste Management Act, 35 P.S. §6018.605 to assess a civil penalty for violations of the conditions of a hazardous waste transporter license. DER's reliance upon an internal policy in determining the amount of penalty to be assessed was not improper; the policy is not a regulation which must be published pursuant to the Commonwealth Documents Law, 45 P.S. §1102 et seq., before DER may rely upon it in assessing the penalty.

Appellant repeatedly violated the conditions of its license limiting it to transport of certain categories of hazardous waste and also violated DER

requirements concerning the acceptance of hazardous waste for transport without a completed manifest. Therefore, assessment of a civil penalty was a proper exercise of DER's discretion. The amount of the civil penalty, however, was improper. Contrary to the findings of DER, the violations at issue here are of a low degree of severity. Therefore, the Board adjusts the amount of the penalty to reflect the actual degree of severity.

DER did not waive its authority to deny appellant's hazardous waste transporter application despite the fact that DER had previously amended appellant's license. Even where an administrative agency mistakenly has issued a license contrary to the requirements of the law, it is not precluded from correcting its error once the error is revealed.

Under section 503(c) of the Solid Waste Management Act, 35 P.S. §6018.503(c), DER has discretion to deny a permit or license under any of three circumstances: 1) where the applicant in the past has failed to comply with the applicable law, regardless of whether the violations have been corrected; 2) where the applicant has presently existing violations; or 3) where DER finds, based upon past or existing violations, that the applicant lacks the ability or intention to comply with the law.

Section 503(d) of the Solid Waste Management Act, 35 P.S. §6018.503(d), places the burden upon the applicant with a history of violations to establish — during the license application review process — that the violations have been corrected. DER is not required to prove that the violations continue to exist. Where the license or permit application fails to make the required showing, DER must deny it.

Although the appellant has a violation history, none of the violations were of a continuing nature. In addition, the violations at issue did not result in any environmental harm. Rather, they were of a technical nature. Therefore, DER's decision to deny the license was an abuse of its discretion.

#### INTRODUCTION

This appeal concerns two related actions of the Department of Environmental Resources ("DER"): the denial of appellant's renewed Hazardous Waste Transporter License Application and the assessment of a civil penalty, pursuant to the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq. ("SWMA"). Both DER actions resulted from DER's finding that appellant had transported types of hazardous waste for which it did not possess a proper license and, in addition, that some of the manifests accompanying the shipments of hazardous waste were incomplete. The appeal of the license denial was docketed at EHB Docket No. 84-132-G; the appeal from the assessment of the civil penalty was docketed at EHB Docket No. 84-289-G. By order of September 17, 1984 the two appeals were consolidated for hearing.

#### FINDINGS OF FACT

1. The appellant is Refiners Transport and Terminal Corporation, a Delaware corporation with a business address of 445 Earlwood Avenue, Oregon, Ohio 43616. Appellant's EPA I.D. number is CHD000720102.
2. The appellee is the Pennsylvania Department of Environmental Resources (DER), the agency of the Commonwealth vested with the authority to administer and enforce the provisions of the Solid Waste Management Act, 35 P.S. §6018.101

et seq. and the regulations promulgated thereunder.

3. By letter dated June 16, 1981, appellant submitted to DER an application for a hazardous waste transporter license. This application indicated appellant intended to transport corrosive and EP toxic wastes in a liquid state. (The designation EP toxic is related to extraction procedures).

4. On August 4, 1981, appellant submitted to DER a notification of hazardous waste activity showing hazard codes for reactive and toxic waste.

5. On March 8, 1982, DER issued to appellant hazardous waste transporter license PA-AH0022, authorizing transportation of corrosive and EP toxic waste. Appellant did not appeal the conditions of this license.

6. DER has amended appellant's license on two occasions; on February 9, 1984 DER amended the license to allow transportation of ignitable waste and on February 28, 1984, DER amended the license to permit transport of toxic waste.

7. The amended licenses issued on February 9, 1984 and February 28, 1984 contain the following statement:

THIS TRANSPORTER IS LICENSED TO HAUL ONLY THOSE TYPES  
OF WASTES IDENTIFIED BY THE CONDITIONS OF THIS LICENSE.

8. The original license, issued on March 8, 1982, did not contain a statement such as that set forth in finding of fact 7, supra.

9. Appellant's license, issued March 8, 1982, expired on March 15, 1984.

10. The cover letter dated March 8, 1982 accompanying the issuance of the original license contains the following statement:

Compliance with the conditions set forth on your license is mandatory. You are only authorized to transport the types of hazardous waste identified in the conditions on your license. A license amendment application must be filed with the Department and approved prior to transporting any other types of hazardous waste.



11. Prior to issuance of the original license, DER sent a letter to appellant, dated September 16, 1981. This letter, which discussed certain requirements which appellant would have to satisfy before a license could be issued, contained the following statement:

Please be advised that you will be licensed to transport only the types of hazardous waste(s) you designated on your hazardous waste transporter license application, and that the required bond amount is dependent on the types (hazard classes), physical state, and quantities of wastes transported.

12. The license as amended on February 9, 1984 contains the letters "I", "C", "E" in the block labeled "Conditions"; these hazard codes indicate appellant was authorized to transport ignitable, corrosive and EP toxic waste.

13. The license as amended on February 28, 1984 contains the letters "I", "C", "E", and "T" in the block labeled "Conditions". The hazard code "T" indicates that appellant was authorized to transport toxic waste, as of that date.

14. By letter dated January 17, 1984, appellant submitted a renewal application for a hazardous waste transporter license. The renewal application requested authorization to transport ignitable, corrosive and toxic wastes.

15. By letter dated February 10, 1984, appellant amended its renewal application to request authorization to transport all types of liquid hazardous waste, i.e., ignitable, corrosive, reactive, EP toxic, acute hazardous and toxic.

16. In addition to requesting amendment of its renewal application, appellant requested, by letter dated February 7, 1984, that its existing license be amended to include transport of ignitable waste.

17. By letter dated February 24, 1984, appellant requested that its existing license be amended to include toxic waste.

18. Also on February 24, 1984, a representative of appellant telephoned DER and requested immediate approval of an amendment to the existing license to authorize transport of toxic waste.

19. In response to the request for immediate amendment, DER informed appellant that verbal approval was not possible and that a written request for amendment must be submitted.

20. On March 14, 1984, DER denied appellant's renewal application by telegram.

21. On March 15, 1984, DER denied appellant's renewal application with a formal notice sent certified mail.

22. On March 23, 1984, DER amended the denial of the renewal application.

23. Between January 21, 1983 and February 24, 1984, appellant did not possess a license authorizing transport of toxic waste.

24. Between January 21, 1983 and February 24, 1984 appellant transported the following shipments of toxic waste for which it did not possess

a proper license:

- a) Between April 7, 1983 and February 22, 1984: 94 shipments of spent sulfuric acid from Wheatland Tube Company in Pennsylvania to Enviroite Corporation in Ohio.
- b) Between January 21, 1983 and February 17, 1984: 7 shipments of flammable liquid N.O.S. from Jamestown Paint and Varnish in Pennsylvania to Hukill Chemical Corporation in Ohio.
- c) On October 17, 1983 and December 20, 1983, 2 shipments of hazardous waste N.O.S. from Gibson Electric Company in Pennsylvania to Enviroite in Ohio.
- d) Between May 23, 1983 and February 21, 1984: 18 shipments of spent sulfuric acid from Sharon Tube Corporation in Pennsylvania to Enviroite in Ohio.
- e) On January 19, 1984 a shipment of spent cyanide plating bath solution from Keystone Stamping Company in Pennsylvania to Enviroite in Ohio.
- f) Between February 10, 1984 and February 24, 1984: 4 shipments of toxic wastewater treatment plant sludge from Keystone Stamping Company in Pennsylvania to Enviroite in Ohio.
- g) Between September 23, 1982 and February 24, 1984: 6 shipments of waste chromic acid solution and hazardous waste N.O.S. from Proctor-Silex in Pennsylvania to Enviroite in Ohio.
- h) Between May 17, 1983 and January 5, 1984: 4 shipments of waste caustic alkali liquids from GTI Corporation in Pennsylvania to Enviroite in Ohio.

Each of the types of toxic waste shipped by appellant between January 21, 1983 and February 24, 1984 are listed as toxic, by waste number, in DER and EPA regulations.

25. Between January 21, 1983 and February 17, 1984 appellant did not possess a license to transport ignitable waste.

26. Between January 21, 1983 and February 17, 1984, appellant transported 7 shipments of ignitable waste from Jamestown Paint and Varnish Co. in Pennsylvania to Hukill Chemical in Bedford, Ohio.

27. On January 19, 1984 appellant did not possess a license for transport of reactive waste.

28. On January 19, 1984, appellant transported a shipment of reactive waste from Keystone Stamping in Pennsylvania to Envirite in Canton, Ohio.

29. On November 28, 1984, appellant accepted for transport seven shipments of material from Sun Oil Company's facility in Vanport, Pennsylvania to American Refining Company in Indianola, Pennsylvania.

30. The manifests for the material shipped from Sun Oil on November 28, 1984 indicated that the material was hazardous waste, bearing hazardous waste numbers U220 and U239. U220 is a toxic waste; U239 is both toxic and ignitable.

31. On November 28, 1984 appellant possessed no license for transport of any variety of hazardous waste within Pennsylvania.

32. Appellant presented no evidence to indicate that the material shipped from Sun Oil to American Refining on November 28, 1984 was not in fact hazardous waste, as indicated on the manifests accompanying the shipments.

33. The manifest accompanying the shipment of reactive and toxic waste from Keystone Stamping to Envirite on January 19, 1984 was incomplete. No entry had been made for the EPA hazard code.

34. The manifests accompanying the four shipments of toxic waste from

Keystone Stamping to Envirite between February 10, 1984 and February 24, 1984 were incomplete. No entry had been made for the EPA hazard code.

35. The manifests accompanying the seven shipments of toxic and ignitable waste from Sun Oil to American Refining on November 28, 1984 were incomplete. No entry had been made for the either EPA hazard code or for the transporter's EPA I.D. Number.

36. All the shipments of hazardous waste transported by appellant with the exception of the shipments from Sun Oil on November 28, 1984 were interstate in nature.

37. DER first informed appellant, via a Notice of Violation dated February 2, 1984 that DER considered appellant to have violated the Solid Waste Management Act by transporting a shipment of reactive and toxic waste on January 19, 1984 from Keystone Stamping to Envirite without a license authorizing shipment of those types of waste. Appellant received this Notice of Violation on February 8, 1984. This notice does not make reference to appellant's acceptance of waste without complete manifests.

38. DER sent appellant a second Notice of Violation on March 2, 1984 informing appellant that DER considered it to have violated the Solid Waste Management Act by transporting four shipments of toxic waste between February 10 and 24, 1984, from Keystone Stamping to Envirite without a license authorizing shipment of that type of waste. Appellant received this second Notice of Violation on March 8, 1984.

39. The following shipments of hazardous waste were transported by appellant after it received the first of the two DER Notices of Violation:

- Five shipments from Wheatland Tube between February 10, 1984 and February 22, 1984.
- One shipment from Jamestown Paint and Varnish on February 17, 1984.
- Four shipments from Sharon Tube between February 10, 1984

and February 21, 1984.

- Four shipments from Keystone Stamping between February 10, 1984 and February 24, 1984.
- Three shipments from Proctor Sillex between February 22, 1984 and February 24, 1984.
- Seven shipments from Sun Oil on November 28, 1984. At the date of the seven Sun Oil shipments appellant possessed no Pennsylvania hazardous waste transporter license and had been informed of this fact several months earlier.

All of the aforesaid shipments were of toxic waste.

40. On February 24, 1984 appellant transported a shipment of toxic waste from Keystone Stamping to Envirite. This shipment occurred prior to the conversation between appellant's employee and DER described in finding of fact 18, supra.

41. The denial of appellant's hazardous waste transporter license renewal application was based solely upon DER's determination that appellant had hauled waste types for which it did not have a properly conditioned license and that appellant had accepted hazardous waste for transport without properly completed manifests.

42. On July 17, 1984 DER assessed a civil penalty against appellant in the amount of \$82,000. The dollar amounts of the civil penalty were determined solely as follows:

For each shipment of hazardous waste of a type which appellant's license did not authorize which occurred prior to appellant's receipt of the Notice of Violation of February 2, 1984, DER assessed \$500.

For each failure to ascertain that the hazardous waste manifest had been properly completed before accepting the waste for shipment, prior to receipt of the February 2, 1984 Notice of Violation, DER assessed a penalty of \$500.

For each shipment of ~~hazardous~~ waste of a type which appellant's license did not authorize and which occurred after appellant's receipt of the February 2, 1984 Notice of Violation, DER assessed a penalty of \$1000, with the exception of a single shipment on February 24, 1984, for which \$2000 was assessed.

For each failure to ascertain that the hazardous waste manifest had been properly completed before accepting the waste for shipment after receipt of the February 2, 1984 Notice of Violation, DER assessed a penalty of \$1000.

43. Higher amounts were assessed for each violation occurring after appellant's receipt of the Notice of Violation to reflect a higher degree of willfulness.

44. The actual dollar amounts were calculated as follows:

\$59,000 for 118 shipments prior to February 8, 1984 of waste types for which appellant did not possess a proper license.

\$1000 for one shipment prior to February 8, 1984 which was of a waste type for which appellant did not possess a proper license and which was accompanied by an incomplete manifest.

\$9000 dollars for four shipments after February 8, 1984 which were of waste types for which appellant did not possess a proper license and which were accompanied by incomplete manifests.

\$13,000 for thirteen shipments after February 8, 1984 which were of types of waste for which appellant did not possess a proper license.

45. The shipments from Sun Oil on November 28, 1984 were not considered by DER in assessing the civil penalty against appellant.

46. In general, appellant has not operated at a profit in transporting hazardous waste; however precise figures were not presented for all of the shipments at issue in this appeal.

47. Appellant had no hazardous waste spills and did not damage the air, water, land or other natural resources of the Commonwealth during the period appellant transported hazardous waste within the Commonwealth.

48. Neither DER nor appellant has incurred or will incur any costs of restoration or abatement due to appellant's hazardous waste transporting within

the Commonwealth.

49. Other than savings resulting from posting a lower bond with DER, appellant obtained no savings with respect to its transporting operations as a result of transporting types of hazardous waste which its license did not authorize it to transport.

50. A higher bond amount is required by DER to transport reactive hazardous waste than the types of waste which appellant's license authorized it to transport.

51. In addition to considering the factors set forth in section 605 of the Solid Waste Management Act, 35 P.S. §6018.605, i.e. degree of "willfulness", damage to the Commonwealth's natural resources or their uses, costs of restoration or abatement, and savings to the violator, DER considered the following additional factors in assessing the civil penalty pursuant to internal DER policy: consistency with similar violations within the same program, deterrence, and the severity of the violations.

52. At the time of the two DER actions at issue, no other hazardous waste transporter in Pennsylvania had as many violations as appellant had.

53. DER does not regulate the types of equipment which hazardous waste transporters may use for shipment of hazardous waste.

54. Use of the hazard codes (EP, R,I,C,E and T) is not connected with any of the requirements imposed upon hazardous waste transporters by the United States Department of Transportation, e.g., labeling, packaging, marking and equipment safety requirements.



ORDER

WHEREFORE, in light of the foregoing, it is ordered that this consolidated appeal is sustained in part and dismissed in part.

1. DER's decision to deny appellant's hazardous waste transporter license is reversed.

2. DER's decision to assess a civil penalty is affirmed; however, the amount of the civil penalty is modified to a total of \$35,400.

ENVIRONMENTAL HEARING BOARD

*Maxine Woelfling*

MAXINE WOELFLING  
Chairman

*Edward Gerjuoy*

EDWARD GERJUOY  
Member

DATED: May 14, 1986

cc: Bureau of Litigation  
Harrisburg, PA

For the Commonwealth, DER:  
Patti J. Saunders, Esq.  
Western Region

For Appellant:  
Philip L. Hinerman, Esq.  
Cleveland, OH  
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and Marc E. Gold, Esq.  
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