

# Hazmat Resources, Inc.



## **Cargo Tank Safety Advisory Notice**

**Department of Transportation Recall Notice  
for certain cargo tank motor vehicles tested/inspected by  
H & W Tank Testing – CT 8083 located in Ohatchee, AL and  
Christopher Humphries – CT 13131 located in Jacksonville, AL**

**Friday April 22, 2016**

On March 11, 2016, a cargo tank motor vehicle (CTMV) operated by River City Propane, LLC was involved in a single vehicle crash in Alabama on U.S. 431 near Five Points and the intersection of County Road 256. As a result of the crash the cargo tank became separated from the tractor. An apparent failure of the front head resulted in the ignition of the lading. This ignition turned the CTMV into a virtual missile that traveled some 400 feet thru a forested area.

### **Recall Notice by FMCSA**

Attached is a recall notice issued by the Federal Motor Carrier Safety Administration (FMCSA) that requires all tanks tested or inspected since April of 2011 by the companies identified above to be re-tested. This re-testing authority is identified in 49 CFR 180.407(b)(5) which states the following; Conditions requiring test and inspection of cargo tanks. Without regard to any other test or inspection requirements, a specification cargo tank must be tested and inspected in accordance with this section prior to further use if: (b)(5) The Department so requires based on the **existence of probable cause** that the cargo tank is in an **unsafe operating condition**.

The phrase “probable cause” is commonly used in criminal proceedings and the burden of proof is beyond a reasonable doubt. Put another way in its simplest terms one must have probable cause to arrest and charge but can only get a conviction if the evidence is beyond a reasonable doubt. In this particular case it is my understanding that either one or both of the companies identified in the notice had prior visits by FMCSA and discovered similar violations of the cargo tank testing and inspection requirements. It is my professional opinion that if there ever was a case for criminal prosecution by the Office of Inspector General (OIG), this would certainly meet the parameters.

The Safety Advisory Notice issued by FMCSA is directed to the owners and operators of these CTMV's and not the inspection facility. **In most cases the number one criteria in selecting an inspection facility is cost. The most important criteria should always be the quality of the inspection. In this particular case it appears there were issues with the performance of the Wet Fluorescent Magnetic Particle Examination (Wet Mag) which failed to discover cracking in the shell which contributed to the failure of the CTMV. Since the notice requested documentation on the Wet Mag and the qualification of the inspector it is apparent that FMCSA is focusing on the failure of the inspectors to discover serious stress corrosion cracking in the shell of the CTMV.**

**BREAKING NEWS  
IT IS ALWAYS THE OWNER'S RESPONSIBILITY**

## **Safety Advisory**

### **Immediate re-inspection and retesting of certain cargo tank motor vehicles required**

The Federal Motor Carrier Safety Administration (FMCSA) is issuing this safety advisory to provide notice to owners and operators of certain cargo tanks that they have been improperly inspected and tested, and must be re-inspected and retested before being used in Hazardous Materials specification tank service. The tanks in question were tested by H&W Tank Testing, CT#8083, Ohatchee, Alabama, and Christopher Humphries, CT#13131, Jacksonville, Alabama. Cargo tanks that have been inspected and/or tested by either company from April 2011 through March 2016, must be re-inspected and/or retested in accordance with 49 CFR § 180.407 immediately by a cargo tank facility registered with FMCSA.

**It is a violation of the Federal Hazardous Materials Regulations (HMR) to use these cargo tank motor vehicles for transportation of hazardous materials before they have been properly re-inspected and retested by an FMCSA-registered cargo tank facility.**

**The following actions must be taken immediately:**

**You must provide FMCSA with documentation that the required inspections and testing have been performed for all of the affected cargo tank motor vehicles; send to the attention of Paul Bomgardner, Chief, Hazardous Materials Division, by email at: [fmcsa.cargotank@dot.gov](mailto:fmcsa.cargotank@dot.gov), or by Fax at 202-366-3621, prior to operating any cargo tank motor vehicle that was tested and/or inspected by Registered Inspectors under either of the above-listed cargo tank registration numbers.**

The documentation must consist of:

- A pressure test by a cargo tank facility that is currently registered with USDOT/FMCSA and has a qualified and trained Registered Inspector.
- Documentation of the bench test, or if required, replacement of the pressure relief devices;
- An external visual inspection and an internal visual inspection in conjunction with the pressure test.
- For those cargo tank motor vehicles that do not have a manway, the Registered Inspector must document that the pressure relief devices and internal valves were removed and inspected. It is recommended, but not required, that the inspector perform a visual inspection of the tank in the area where the pressure relief devices and internal valves were removed for the accumulation of rust or other materials that could diminish their performance. This documentation must include the findings and recommendations of the Registered Inspector;
- A thickness test of all corroded or abraded areas on the cargo tank motor vehicle or a statement by the Registered Inspector that no corroded or abraded areas were identified;
- For all cargo tanks made of quenched and tempered steel (QT) a wet florescent magnetic particle exam immediately prior to and in conjunction with the pressure test that complies with Section V of the ASME Code and CGA Technical Bulletin TB-2 by a trained, qualified Registered Inspector; and
- The training certificate of the person conducting the wet florescent magnetic particle exam, dated to within 3 years of the date the exam is conducted.

For more information, or questions concerning this Safety Advisory, please contact Paul Bomgardner, Chief, Hazardous Materials Division, at 202-493-0027, or by email at [paul.bomgardner@dot.gov](mailto:paul.bomgardner@dot.gov)