

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

**The Superior Tank & Trailer Co Inc.,
USDOT# 364271**

Respondent

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)
)
) **FMCSA-2020-0140**
)
)
) **(IN-2020-0037-US1539)**

**REGIONAL FIELD ADMINISTRATOR'S
SUBMISSION OF EVIDENCE PURSUANT TO 49
CFR § 386.16(a) AND MEMORANDUM OF LAW IN SUPPORT**

NOW COMES the Regional Field Administrator ("RFA") for the Federal Motor Carrier Safety Administration ("FMCSA"), Midwestern Service Center, by and through undersigned counsel, and hereby submits evidence and moves for entry of a final order finding the facts to be as alleged in the Notice of Claim, and imposing a civil penalty in the amount of \$15,690. In support thereof, the RFA submits evidence and states as follows:

I. BACKGROUND

On February 20, 2020, FMCSA's Indiana Division issued a Notice of Claim ("NOC") to The Superior Tank & Trailer Co Inc. ("Superior Tank"), for one violation of 49 CFR § 180.413(a)(1)(i) - Performing a repair, modification, stretching or rebarrelling of a non-ASME cargo tank without holding a valid ASME U Stamp or National Board R Stamp. The NOC proposed a civil penalty of \$15,690 for the violation. A copy of the NOC and UFA Worksheet are attached as Exhibit A.

On March 20, 2020,¹ Superior served its Reply to the NOC. A copy is attached as Exhibit B. The Reply requested adjudication by submission of written evidence without a hearing pursuant to 49 CFR § 386.16(a). *Id.* The RFA submits evidence pursuant to 49 CFR § 386.16(a)(1), and further requests a final order be issued in favor of the RFA pursuant to 49 CFR § 386.16(a)(5).

II. SUBMISSION OF EVIDENCE PURSUANT TO 49 CFR § 386.16(a)(1)

The burden of proof is on Claimant to show by a preponderance of the evidence that Respondent committed the violations charged and civil penalty asserted in the NOC. *See Cutting Edge Communications*, FMCSA-2010-0408 (Final Agency Order on Submission of Evidence, September 22, 2011). To establish by a preponderance of the evidence means that something is more likely so than not. *See BK Trucking, Inc.*, FMCSA-2007-28840 (Final Order, July 5, 2011).

A. Violation of 49 CFR § 180.413(a)(1)(i).

Superior Tank was charged with one violation of 49 CFR § 180.413(a)(1)(i) – Performing a repair, modification, stretching or rebarrelling of a non-ASME cargo tank without holding a valid ASME U Stamp or National Board R Stamp. The charge in the NOC states, “On or about 08/09/2019, Superior Tank and Trailer Company used Chris Houpey to perform weld repairs to the cargo tank wall on Unit No. 232, a non-ASME DOT 406, DOT specification cargo tank without holding a National Board Certificate of Authorization for the use of the R Stamp or a valid ASME Certificate of Authorization for use of the U Stamp.” Exhibit A.

¹ Due to COVID-19 protocols in place at the Midwestern Service Center, this Reply was not received and a Notice of Default and Final Agency Order (“NDFAO”) was issued. However, after Superior Tank submitted a copy of the original Reply on or about May 11, 2020, FMCSA rescinded the NDFAO and has treated the Reply as timely served on March 20, 2020. Exhibit B.

“Any repair, modification, stretching, rebarrelling, or mounting of a cargo tank must be performed in conformance with the requirements of this section.” Those requirements are set forth in subsection (1):

Except as otherwise provided in this section, each repair, modification, stretching, or rebarrelling of a specification cargo tank must be performed by a repair facility holding a valid National Board Certificate of Authorization for use of the National Board “R” stamp and must be made in accordance with the edition of the National Board Inspection Code in effect at the time the work is performed.

(i) Repairs, modifications, stretchings, and rebarrellings performed on non-ASME stamped specification cargo tanks may be performed by:

(A) A cargo tank manufacturer holding a valid ASME Certificate of Authorization for the use of the ASME “U” stamp using the quality control procedures used to obtain the Certificate of Authorization; or

(B) A repair facility holding a valid National Board Certificate of Authorization for use of the National Board “R” stamp using the quality control procedures used to obtain the Certificate of Authorization.

Superior Tank is registered as a cargo tank facility (CT# 786) with FMCSA using its physical address in Beach City, Ohio. *See* Declaration of Cynthia Gray, attached as Exhibit C, and accompanying cargo tank registration. A cargo tank (CT) number is assigned to facilities and/or individuals that manufacture, assemble, inspect, test, certify or perform welded repairs on cargo tanks or a cargo tank motor vehicles manufactured in accordance with a DOT specification or under the terms of an exemption. *Id.* Superior Tank submitted copies of its ASME “U” stamp and National Board “R” stamp for the relevant period. Both listed Superior Tank at its Beach City, Ohio location as the holder of the certificates. Exhibit C, and accompanying faxed copy of certificates.

During a separate investigation of a motor carrier in January 2020, Transmark Logistics (USDOT# 333211) (“Transmark”) located in Greensburg, Indiana, FMCSA

discovered that Superior Tank had conducted repairs on a DOT 406 cargo tank, a 2007 Tremcar, owned by Transmark. FMCSA spoke to the chief executive officer of Transmark and learned that the repair of the DOT 406 cargo tank on or about August 9, 2019 was performed by Superior Tank in Greensburg, Indiana, not Beach City, Ohio. Exhibit C.

FMCSA was unaware of a Greensburg, Indiana location for Superior Tank which prompted an investigation. Superior Tank did not have a CT number for its Greensburg, Indiana location, and that location was not registered with FMCSA under 49 CFR § 107.503. Exhibit C. FMCSA also confirmed that Superior Tank operated out of a location in Greensburg, Indiana by visiting its website. Exhibit C. FMCSA then conducted a review of Superior Tank at 8005 East State Road 46, Greensburg, Indiana 47240 in February 2020. Exhibit C, and accompanying CR report.

During the investigation, FMCSA learned that Superior Tank's Greensburg, Indiana cargo tank repair facility has been in operation since 2012 and has employed two Registered Inspectors since then. FMCSA also confirmed the repair performed for Transmark. Documents obtained during the investigation showed that Superior Tank Inspector Chris Houpey discovered a crack in the barrel and made repairs on or about August 9, 2019, by welding the crack. Multiple documents, including a work order, #40770, was produced by Superior Tank for the repairs. Exhibit C, and accompanying work order documents. Although the documents list Superior Tank's Beach City, Ohio address, FMCSA confirmed during the investigation that Inspector Chris Houpey had performed the cargo tank repair referenced above at the Indiana location consistent with Transmark's representation. Exhibit C.

FMCSA also confirmed that the Greensburg, Indiana location did not have an ASME “U” stamp or National Board “R” stamp during that time, only the certificates issued to the Beach City, Ohio location. Exhibit C. Because Superior Tank’s Greensburg, Indiana location did not have an ASME “U” stamp or National Board “R” stamp, this repair was in violation of 49 CFR § 180.413(a)(1)(i).

Superior Tank served its reply to the NOC and enclosed two letters from FMCSA dated November 18, 2019 and February 28, 2020. The November 18, 2019 letter acknowledged registration of Superior Tank’s Beach City, Ohio location with CT# 786. The second dated February 28, 2020 acknowledged receipt of a registration statement from Superior Tank registering its Greensburg, Indiana location with a new CT# 14989. Exhibit B. This is consistent with FMCSA’s systems showing an active CT# 786 for the Beach City, Ohio location for multiple years prior to the investigation, and for the Greensburg, Indiana location starting February 27, 2020. Exhibit C. Although this establishes that the Greensburg, Indiana location was not registered with FMCSA until February 27, 2020, this is not the violation cited in the NOC.

Superior Tank also submitted a letter with its reply referencing a “New Point, Indiana” location, which is assumed to be synonymous with the Greensburg, Indiana location where FMCSA conducted the investigation.² Superior Tank does not dispute that the work performed on or about August 9, 2019 was performed at the Greensburg, Indiana facility by Inspector Houpey. Instead, Superior Tank just argues that at one point training occurred at the Greensburg, Indiana facility, but does not give any details or specific arguments regarding the repair that occurred on August 9, 2019. Exhibit B.

² For clarity, the RFA assumes this is the case given that Superior’s new registration documents in Exhibit B show the address in Greensburg, Indiana, not New Point, Indiana. All references will be to Greensburg.

Additionally, Superior Tank submitted its R stamp (undated) for its Beach City, Ohio location, and an application for an R stamp for the Greensburg, Indiana location which was acknowledged as received on March 3, 2020. Exhibit B. There was no evidence of a valid R stamp for the Greensburg, Indiana location as of the date of the repair in August 2019. As a result, Superior Tank appears to be conceding that it's Greensburg, Indiana facility was both not registered as a cargo tank facility and did not have a U or R stamp for the Greensburg, Indiana facility.

The U stamp is specific to the Beach City, Ohio location. Exhibit C. While the R stamp also lists the Beach City, Ohio location and "shop and field locations", the Greensburg, Indiana location does not qualify as either. *Id.* The National Board's Inspection Code governs accreditation, including the R stamp accreditation. *See* Exhibit D, relevant pages of National Board Inspection Code.³ Section 1.4.1 states, "The National Board administers accreditation programs for authorization of organizations performing repairs and alterations to pressure-retaining items in accordance with NB-415, *Accreditation of "R" Repair Organizations*." Exhibit D. The term "field" is defined in the Code as "A temporary location, under the control of the Certificate Holder, that is used for repairs and/or alterations to pressure-retaining items at an address different from that shown on the Certificate Holder's *Certificate of Authorization*." Exhibit D. The term "shop" is also defined as "A permanent location, the address that is shown on the *Certificate of Authorization*, from which a Certificate Holder controls the repair and/or alteration of pressure-retaining items." *Id.* Section 2.2 of NB-415 states

³ The publicly filed version of this document has been redacted as it is proprietary information.

that “when an organization has plants or shops in more than one location, the organization must submit a separate application for each plant or shop.” Exhibit E.⁴

Here, the Greensburg, Indiana location was a shop, not a field, location. The Greensburg, Indiana location was not temporary, it was permanent and had been in existence since 2012. It was not operated under the control of the Beach City, Ohio certificate holder. In fact, Beach City, Ohio only issued the invoices, it did not control the repairs made in Greensburg, Indiana. Exhibit C. Therefore, the R certificate issued for the Beach City, Ohio location was not valid for the Greensburg, Indiana location and the violation in the NOC should be upheld.

B. Civil Penalty.

The penalty of \$15,690 included in the NOC was calculated utilizing FMCSA's Uniform Fine Assessment (“UFA”). Exhibit A, UFA Worksheet. UFA utilizes the nine legislative criteria specified in 49 U.S.C. § 521(b)(2)(D) when calculating the civil penalty amount. These nine criteria are: the nature of the violation, the circumstances of the violation, the extent of the violation, the degree of culpability, the gravity of the violation, ability to pay, effect of ability to continue to do business, history of prior offenses, and matters as justice and public safety may require. UFA is designed to implement a uniform and fair application of penalties by devising a formula for determining the penalties based on consideration of the specific statutory factors. *Global Energy, Inc.*, Docket No. 2007-0076, Final Order (August 5, 2010). A civil penalty calculated using UFA is presumed to comply with the requirements of 49 U.S.C. § 5123(c), and in the absence of any evidence indicating that the penalty calculation was either improper or inappropriate, the penalty assessment will be upheld. *See Alfred Chew*

⁴ See footnote 3.

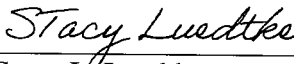
& Martha Chew, dba Alfred & Martha Chew Trucking, FHWA-1996-5323 (Final Order, Feb. 7 1996); *Baker-Lewis Trucking, Inc.*, Docket No. FMCSA-2002-13749 (Final Order, Nov. 15, 2004); *White Farms Trucking*, Docket No. FMCSA-2009-0083, at 8 (Decision of ALJ, Sept. 30, 2010).

In the instant case, the statutory factors were considered in the proposed penalty calculation. See Exhibits A & C. In its Reply, Superior Tank only made the conclusory statement that it believed the fine was excessive and should be reduced to zero. Exhibit B. Superior did not assert that the penalty had been incorrectly calculated under UFA. In the absence of any evidence the penalty calculation was either improper or inappropriate, the penalty assessment will be upheld. *Baker-Lewis Trucking, Inc.*, FMCSA-2002-13749 (Final Order, Nov. 15, 2004).

II. CONCLUSION

WHEREFORE, examining the evidence and arguments, the RFA has established, by a preponderance of the evidence, the violation and the proposed civil penalty set forth in the NOC, and requests entry of a final order finding the facts to be as alleged in the NOC, and imposing a civil penalty in the amount of \$15,690.

Respectfully Submitted,



Stacy L. Luedtke
Trial Attorney
Federal Motor Carrier Safety Administration
Midwestern Service Center
4749 Lincoln Mall Drive, 300A
Matteson, IL 60443
(708) 283-3515

CERTIFICATE OF SERVICE

This is to certify that on this 20th day of May 2020, the undersigned mailed, faxed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

The Superior Tank & Trailer Co Inc.
11415 ERIE AVE SW
BEACH CITY, OH, 44608-0500

One copy
US Mail

U.S. DOT Dockets
U.S. Department of Transportation
Docket Operations, M-30
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue, SE
Washington, D.C. 20590
FAX: (202) 493-2251

One copy
electronic filing

Darin G. Jones
Regional Field Administrator
Federal Motor Carrier Safety Administration
Midwestern Service Center
4749 Lincoln Mall Drive, 300A
Matteson, IL 60443

One Copy
Hand Delivered

Crystal Hunter



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration
Midwestern Service Center

4749 Lincoln Mall Drive
Suite 300A
Matteson, IL 60443

Phone: (708) 283-3555
Fax: (708) 283-3565

NOTICE OF CLAIM

SERVED BY UPS Certified Receipt Number: 1ZA476T80397000809

SERVICE DATE: February 20, 2020

Motor Carrier Official
The Superior Tank & Trailer Co Inc.
11415 Erie Ave SW
Beach City, OH 44608-0500
US DOT Number: 364271

CASE NUMBER: IN-2020-0037-US1539
PROPOSED CIVIL PENALTY: \$15,690

The Federal Motor Carrier Safety Administration (FMCSA) has issued this Notice of Claim under 49 CFR § 386.11(c). This is FMCSA's official charging document against The Superior Tank & Trailer Co Inc., (Respondent or "you"). FMCSA alleges that you committed one or more regulatory violations of the Federal Motor Carrier Safety Regulations (FMCSRs), the Federal Hazardous Materials Regulations (HMRs), and/or the Federal Motor Carrier Commercial Regulations (FMCCRs), and is initiating a civil penalty action against you. The total proposed civil penalty for the violations alleged below is \$15,690.

A complete list and description of the violations alleged against you is included at the end of this

VIOLATIONS AND CIVIL PENALTY CALCULATION

Violation	Number of Counts	Proposed Penalty Per Count	Maximum Penalty Proposed Per MCSIA § 222?¹	Total Proposed Penalty for Violation
180.413(a)(1)(i)	1	\$15,690	NO	\$15,690
Total Proposed Civil Penalty				\$15,690

¹ Motor Carrier Safety Improvement Act of 1999, Public Law 106-159 (Dec. 9, 1999).

Enclosed is the Uniform Fine Assessment report. The report explains how FMCSA calculated the proposed civil penalty.

Violations of either safety or hazardous materials regulations discovered during the course of the compliance review, but not charged in this Notice of Claim, may have increased the civil penalty claimed for the violations charged in this Notice of Claim. FMCSA has documented such violations in Table 1, enclosed with this Notice of Claim. You may contest the violations in Table 1 by responding to them in your reply.

HISTORY OF PRIOR VIOLATIONS

Your history of prior violations of the FMCSR, HMR, and/or FMCCR, was taken into account when calculating the proposed civil penalty. In most cases, adverse enforcement history increases the amount of the proposed civil penalty. Some or all of the violations in the prior case(s) referenced below have been considered as adverse history in the proposed penalty calculation in this case:

COPIES OF EVIDENCE

You can request a copy of the written evidence used by the Agency to document the violations alleged in this Notice of Claim by delivering a request to the Service Center identified below. You must include the Case Number for this Notice of Claim in your request. The Service Center will provide the evidence to you as quickly as possible, but even if you have not received the written evidence you requested, you must still file a written reply within the time period for replying to the Notice of Claim.

Midwestern Service Center
4749 Lincoln Mall Drive
Suite 300A
Matteson, IL 60443

REPLY OPTIONS

You can find the procedural rules applicable to this Notice of Claim in Part 386 of Title 49 of the Code of Federal Regulations. A copy of Part 386 is enclosed with this Notice of Claim. You should review it because you are required to follow those rules when replying to this Notice of Claim.

You must (1) pay the civil penalty in full; or (2) serve a written reply to the Notice of Claim; or (3) finalize a settlement agreement within thirty days from service of the Notice of Claim or a default judgment may be entered against you.

You must select only one of three options in your reply:

OPTION 1 -- PAY ENTIRE PROPOSED CIVIL PENALTY

You may pay the entire proposed civil penalty within 30 days of service of this Notice of Claim. If full payment is made within 30 days of service date of this Notice of Claim, you are not required to file a written reply.

Payment of the civil penalty constitutes an admission of the violation(s) set forth in the Notice of Claim. Once admitted, FMCSA may consider these violations in future cases, which may lead to higher penalties in a future enforcement action². If a pattern of violations of the same or related acute and/or critical regulations are discovered in a future investigation, FMCSA may assess the maximum civil penalty for such violations in a subsequent civil penalty action³.

Payment may be made electronically through FMCSA's SAFER website at <http://www.safer.fmcsa.dot.gov/>. Select "Online Fine Payment" and follow instructions.

Payment may also be made by cashier's check, certified check, or money order made payable to FMCSA. Mail payments to:

United States Department of Transportation
Federal Motor Carrier Safety Administration
Midwestern Service Center
4749 Lincoln Mall Drive
Suite 300A
Matteson, IL 60443

SETTLEMENT NEGOTIATION

You can contact the Service Center to discuss settlement or to enter into a payment plan at any

² See 49 USC § 521(b)(2)(D), 49 USC § 14901(c), and/or 49 USC § 5123(c).

³ See 49 CFR § 385.905; Supplemental Policy on Assessing Maximum Fines Under the Motor Carrier Safety Improvement Act of 1999 (MCSIA) Section 222 74 Fed. Reg. 14185 (March 30, 2009).

Arbitrator or Administrative Law Judge. To begin settlement negotiations, contact an FMCSA Enforcement Program Specialist at 708-283-3555.

Your request to discuss settlement or a payment plan does NOT extend your time for serving a written reply.

OPTION 2 -- REQUEST BINDING ARBITRATION

If you only dispute the amount of or the length of time to pay the civil penalty, you can ask to have this case resolved through binding arbitration.

Binding arbitration is only available if you serve a written reply within 30 days of service the Notice of Claim admitting the violation(s) and specifically requesting binding arbitration.

Legal or regulatory questions may not be addressed in this process. The amount of a claim cannot be arbitrated in cases where a statutory minimum or required statutory maximum has been assessed, but you can ask to arbitrate the length of time to pay the penalty.

The FMCSA Office that issued this Notice has the right to object to the request for binding arbitration. If there is an objection, the FMCSA Assistant Administrator will determine whether to refer the matter for binding arbitration and will issue a written decision responding to the request.

FMCSA's guidance on the use of binding arbitration is available on our website: <http://www.fmcsa.dot.gov>. Copies may also be obtained from the Service Center.

OPTION 3 -- REQUEST ADMINISTRATIVE ADJUDICATION

If you dispute the violation(s) and, or penalty assessment, you must request administrative adjudication by serving a written reply to the Notice of Claim within 30 days of the service date of the Notice of Claim. The written reply must comply with the requirements of 49 CFR § 386.14. At a minimum the reply must:

- A. Be in writing, and clearly state the reason you are disputing each violation set forth in the Notice of Claim. (i.e., why you are not admitting the violations).
- B. Contain any affirmative defenses.
- C. Admit or deny each separately stated and numbered allegation of violation in the Notice of Claim. If you state that you have insufficient information to admit or deny any particular numbered allegation(s), it will be deemed a denial. Any allegations in the Notice of Claim not specifically denied in the reply will be deemed admitted. A general denial of the claim is insufficient and may result in a default being entered by the Assistant Administrator.
- D. Include a statement selecting one of the options for administrative adjudication available under 49 CFR § 386.14(d)(1)(iii).
 - a. Submit written evidence without a hearing; or

- b. Request an informal hearing; or
- c. Request a formal hearing.

Once you select a type of administrative adjudication it is binding unless you change your selection during the time period for serving your reply. If you do not amend your written reply within that time period, you cannot change your selection later in the proceeding.

SERVICE OF REPLY

You must serve the reply in accordance with 49 CFR § 386.6, which addresses the manner and method of service. The reply must be sent to the Service Center identified in this Notice of Claim, and copies of the reply must be sent to any other person or party identified in the Certificate of Service attached to this Notice of Claim. Your reply must contain a Certificate of Service complying with 49 CFR § 386.6(c). To review, you may use the optional reply example that is enclosed.

CONSEQUENCES FOR FAILURE TO REPLY TO THE NOTICE OF CLAIM

FAILURE TO REPLY TO THE NOTICE OF CLAIM IN A TIMELY OR CORRECT MANNER, AS SPECIFIED IN 49 CFR § 386.14, MAY BE TREATED AS IF NO REPLY HAS BEEN FILED. FAILURE TO REPLY MAY CAUSE FMCSA TO ISSUE A NOTICE OF DEFAULT AND FINAL AGENCY ORDER WHICH WILL DECLARE THE NOTICE OF CLAIM, INCLUDING THE CIVIL PENALTY, TO BE THE FINAL AGENCY ORDER IN THESE PROCEEDINGS. THE FINAL AGENCY ORDER WILL BECOME EFFECTIVE 5 DAYS AFTER THE NOTICE OF DEFAULT AND FINAL AGENCY ORDER IS SERVED. THE DEFAULT WILL CONSTITUTE AN ADMISSION OF ALL FACTS ALLEGED IN THE NOTICE OF CLAIM AND A WAIVER OF THE OPPORTUNITY TO CONTEST THE CLAIM.

IF YOU DO NOT PAY THE AMOUNT SPECIFIED BY A FINAL AGENCY ORDER, IN ADDITION TO THE AMOUNT OF THE PENALTY PROPOSED IN THIS NOTICE OF CLAIM, FMCSA MAY COLLECT INTEREST, PENALTIES, AND ADMINISTRATIVE CHARGES. FMCSA MAY ALSO REFER THE DEBT FOR COLLECTION TO COLLECTION AGENCIES AND/OR THE DEPARTMENT OF TREASURY WHO MAY IMPOSE ADDITIONAL INTEREST, PENALTIES, AND ADMINISTRATIVE CHARGES. COLLECTION EFFORTS MAY INCLUDE, BUT ARE NOT LIMITED TO, INTERNAL REVENUE SERVICE OFFSETS AGAINST TAX REFUNDS, AND A CIVIL ACTION IN THE UNITED STATES DISTRICT COURT TO RECOVER ANY AMOUNTS OWED BY YOU.

UNDER 49 CFR §§ 386.83 AND 386.84, IF YOU FAIL TO PAY THE FULL AMOUNT OF A CIVIL PENALTY INCLUDING ANY INTEREST, PENALTIES, OR ADMINISTRATIVE CHARGES WHICH HAVE BEEN IMPOSED, YOU WILL BE

APPLICABLE, YOUR FMCSA OPERATING AUTHORITY REGISTRATION WILL BE SUSPENDED UNTIL THE FULL AMOUNT OF THE CIVIL PENALTY, INCLUDING ANY INTEREST, PENALTIES, AND ADMINISTRATIVE CHARGES, IS PAID.

A GENERAL DENIAL DOES NOT MEET THE REQUIREMENTS OF 49 CFR § 386.14(d) (1), IS NOT A SUFFICIENT REPLY, AND THEREFORE A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU.

IF A DEFAULT IS ENTERED, FMCSA WILL PROHIBIT YOU FROM OPERATING IN INTERSTATE COMMERCE AND/OR MAY SUSPEND YOUR OPERATING AUTHORITY REGISTRATION UNTIL THE CIVIL PENALTY IS PAID IN FULL. FMCSA CAN ALSO RECOVER THE PENALTY ASSESSMENT, WITH INTEREST AND COSTS, IN A CIVIL ACTION BROUGHT IN A UNITED STATES DISTRICT COURT, COLLECTION EFFORTS THROUGH THE INTERNAL REVENUE SERVICE, OR REFERRAL TO COLLECTION AGENCIES.

FMCSA recommends that you review the enclosed copy of 49 CFR Part 386. Questions concerning this Notice of Claim should be directed to FMCSA's Enforcement Program Specialist at 708-283-3555. FMCSA personnel cannot provide legal advice to you regarding these proceedings.

Sincerely,



Christina De Los Santos-Baker
Division Administrator
FMCSA

VIOLATIONS**Violation 1**

49 CFR 180.413(a)(1)(i) - Performing a repair, modification, stretching or rebarrelling of a non-ASME cargo tank without holding a valid ASME U Stamp or National Board R Stamp.

Count 1: On or about 08/09/2019, Superior Tank and Trailer Company used Chris Houpey to perform weld repairs to the cargo tank wall on Unit No. 232, a non-ASME DOT 406, DOT specification cargo tank without holding a National Board Certificate of Authorization for the use of the R Stamp or a valid ASME Certificate of Authorization for use of the U Stamp.

You must obtain a National Board R Stamp or an ASME U Stamp prior to performing a repair,

Applicable Statutes

Violations of the provisions of the hazardous materials transportation statutes (49 U.S.C. 5101 et seq.) and the Hazardous Materials Regulations (HMRs)(49 CFR Parts 171-180), issued pursuant to these statutes are subject to a civil penalty of not more than \$79,976. 49 U.S.C. § 5123. If the violation results in death, serious illness, or severe injury to any person, or in substantial destruction of property, the civil penalty may be increased to not more than \$186,610 for each offense. 49 U.S.C. § 5123. Each day the violation continues shall constitute a separate offense. Statutory minimum and maximum penalties may be increased or decreased by the Federal Civil Penalties Inflation Adjustment Improvement Act of 1990 as amended by Pub. L. 114-74 (Nov.2, 2015), (28 U.S.C. 2461, note), which requires the Agency to adjust its civil penalties on an annual basis. The adjusted civil penalties are published in the Federal Register, which is available at www.federalregister.gov.

Enclosures:

1. Uniform Fine Assessment Report
2. Table of Discovered Violations
3. 49 CFR Part 386
4. Reply Example

Name: The Superior Tank & Trailer Co Inc.

Case Number: IN-2020-0037-US1539

USDOT: 364271

VIOLATIONS DISCOVERED DURING REVIEW/INSPECTION

1	180.413(a)(1)(i)	Unit 232-Chris Houpey	08/09/2019
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Name: The Superior Tank & Trailer Co Inc.
Case Number: IN-2020-0037-US1539
USDOT: 364271

SAMPLE REPLY

As outlined in the Notice of Claim, you have three (3) reply options available to you.

OPTION 1. Pay Entire Proposed Civil Penalty (does not require a written response)

For Options 2 and 3, a written response is required. You are not required to submit your reply in this format. If you do not use this format, your written reply must comply with the requirements of 49 CFR 386.14 and include a Certificate of Service.

OPTION 2. IF YOU ADMIT ALL VIOLATIONS IN THE NOTICE OF CLAIM COMPLETE THIS SECTION TO CONTEST THE AMOUNT OF THE CIVIL PENALTY AND/OR LENGTH OF TIME TO PAY THE CIVIL PENALTY THROUGH BINDING ARBITRATION.

I admit the violations in the Notice of Claim and want to contest the amount of the civil penalty and/or the length of time to pay the civil penalty. I request binding arbitration.

Name (Printed) and Title

Signature

Date

I understand that if a statutory maximum or minimum penalty has been proposed, the only issue to be decided in binding arbitration is the length of time to pay the proposed penalty.

OPTION 3. IF YOU DENY ANY OF THE VIOLATIONS, INCLUDING THE NUMBERED COUNTS, IN THE NOTICE OF CLAIM, COMPLETE THIS SECTION.

1. My defenses to each of the violations/counts in the Notice of Claim are (attach an additional sheet(s) of paper if necessary):

2. I assert the following affirmative defenses (attach an additional sheet(s) of paper if necessary):

Name: The Superior Tank & Trailer Co Inc.
Case Number: IN-2020-0037-US1539
USDOT: 364271

-
-
3. I wish to elect the following form of administrative adjudication (YOU MAY CHECK ONLY ONE):

Formal Hearing _____

Informal Hearing _____

Submission of Written Evidence without a Hearing _____

Name (Printed) and Title

Signature

Date

COMPLETE THE CERTIFICATE OF SERVICE TO INDICATE HOW YOU DELIVERED YOUR REPLY.

CERTIFICATE OF SERVICE

I certify that on this ____ day of _____, 20__, I served a copy of the Reply in the manner identified to the following persons:

Midwestern Service Center
4749 Lincoln Mall Drive
Suite 300A
Matteson, IL 60443

_____ U.S. Mail _____ Fax _____ Email

STATEMENT OF CHARGES

Violation 1 --- 49 CFR 180.413(a)(1)(i) - Performing a repair, modification, stretching or rebarrelling of a non-ASME cargo tank without holding a valid ASME U Stamp or National Board R Stamp.

CHARGE #1:

On or about 08/09/2019, Superior Tank and Trailer Company used Chris Houpey to perform weld repairs to the cargo tank wall on Unit No. 232, a non-ASME DOT 406, DOT specification cargo tank without holding a National Board Certificate of Authorization for the use of the R Stamp or a valid ASME Certificate of Authorization for use of the U Stamp.

CERTIFICATE OF SERVICE

This is to certify that on February 20, 2020, the undersigned sent, by the method indicated, the designated number of copies of the Notice of Claim to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

Motor Carrier Official
The Superior Tank & Trailer Co Inc.
11415 Erie Ave SW
Beach City, OH 44608-0500

Original
UPS

Christina De Los Santos-Baker, Division Administrator
U.S. Department of Transportation
Federal Motor Carrier Safety Administration
575 N Pennsylvania Street
Rm 261
Indianapolis, IN 46204-1520

One Copy
Personal Delivery

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
FMCSA Docket Clerk
Midwestern Service Center
4749 Lincoln Mall Drive
Suite 300A
Matteson, IL 60443

One Copy
U.S. Mail or Electronic Mail

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Stacey Luedke, Trial Attorney
4749 Lincoln Mall Drive
Suite 300A
Matteson, IL 60443

One Copy
U.S. Mail or Electronic Mail

Christina De Los Santos-Baker, Division

UNIFORM FINE ASSESSMENT

Subject Information

Name: THE SUPERIOR TANK & TRAILER CO INC
USDOT #: 364271
CT #: 0000
Case #: IN-2020-0037-US1539
Gross Revenue: \$980,698
Review/Activity: Cargo Tank Facility Review
Review/Inspection Date: 2/13/2020

Total Penalty Proposed: \$15,690

For a detailed explanation of the calculations that appear on this report, visit our web site at www.fmcsa.dot.gov/penaltyassessments.

Violations Charged

Primary #: 180.413(a)(1)(i)

Penalty per Charge: \$15,690

Nature of Violation: Packaging-HM

Number Charged: 1

Total penalty for this violation: \$15,690

Description: Performing a repair, modification, stretching or rebarrelling of a non-ASME cargo tank without holding a valid ASME U Stamp or National Board R Stamp.

Circumstances: None

Gravity: Did not contribute to crash and/or HM incident - Low

Extent: High

SUBJECT CALCULATIONS

* Reference Subject Criteria section for all available selections and points associated.

Subject Criteria		Points
History	No enforcement history	0
Culpability	Should have known of any discovered violation(s)	0
Other Matters	No corrective action	0
Subject Factor =		0%

Gross Revenue Cap = \$15,691

Total Reducible Amount = \$21,993

Total Reduction Amount = \$6,302

Total Penalty Proposed = \$15,690

VIOLATION CALCULATIONS

* Reference Violations Criteria section for all available selections and points associated.

180.413(a)(1)(i)

Violation Criteria		Points
Circumstances	None	0
Gravity	Did not contribute to crash and/or HM incident - Low	10
Extent	High (1 Discovered out of 1 Checked = 100%)	20
Violation Factor =		<u>30%</u>

Range Max	Range Min	Violation Factor	Calculated Fine	Min Fine	Statutory Max	Reduced Fine
79976	5000	30%	21993	0	79976	\$15,690

Calculated Fine

$$\text{Penalty Range} = 79976 - 5000 = 74976$$

$$\text{Violation factor} = 74976 \times 30\% = 22492$$

$$\text{Add range minimum} = 22492 + 5000 = 27492$$

$$\text{Subject factor} = 27492 \times (1 + 0\%) = 27492$$

$$\text{Small business factor} = 27492 \times 80\% = 21993$$

$$\text{Reduced Fine} = 21993 - [(21993 - 0) \times 6302 / 21993] = 15691$$

$$\text{Rounded Fine} = 15690$$

The proposed penalty has been reduced proportionately based on a consideration of your ability to continue to do business and the applicable statutory and/or administrative minimum and statutory maximum civil penalties.

CRITERIA TABLES**SUBJECT CRITERIA AND POINTS****History Points**

0 No enforcement history

20 Penalized for violation(s) in any other part(s)

35 Penalized for violation(s) in the same part(s)

50 Penalized for two or more prior cases OR prior case for violation of an order

Culpability Points

0 Should have known of any discovered violation(s)

10 Knew of any discovered violation(s)

25 Intentional for any discovered violation(s)

Other Matters Points

0 No corrective action

-20 Corrective action before Investigation

-10 Corrective action after Investigation but before NOC

VIOLATION CRITERIA AND POINTS**Gravity Points**

10 Did not contribute to crash and/or HM incident - Low

25 Did not contribute to crash and/or HM incident - Medium

50 Did not contribute to crash and/or HM incident - High

70 Contributed to crash and/or HM incident

Circumstances Points

0 None

-10 Mitigating

10 Aggravating

Extent Points

20 High (# violations discovered / # records checked $\geq$ 10%)

10 Low (# violations discovered / # records checked $<$ 10% OR if Single Incident or Individual case and 1 of 1)

Extremely Urgent

This envelope is for use with the following services:

UPS Next Day Air®
UPS Worldwide Express™
UPS 2nd Day Air®

FROM:
TONIA RYALS
(330) 756-2030
SUPERIOR TANK & TRAILER
11415 ERIE AVE SW
BEACH CITY OH 44608-9589

LTR 1 OF 1



IL 604 1-01



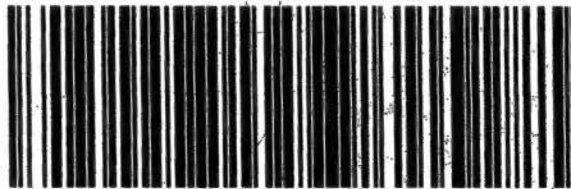
SHIP TO:

DARIN JONES, REGIONAL FIELD ADMIN.
FEDERAL MOTOR CARRIER SAFETY ADMIN.
SUITE 300A
4749 LINCOLN MALL DRIVE
MIDWESTERN SERVICE CENTER
MATTESON IL 60443-3806

UPS NEXT DAY AIR

TRACKING #: 1Z 657 9W5 24 6455 7901

1



BILLING: P/P
SIGNATURE REQUIRED

RECEIVED MAY 13 2020

Apply shipping documents on this side.

not use this envelope for:

S Ground
S Standard
S 3 Day Select®
S Worldwide Expedited®

MAY 13 2020

WS 22.0.15 HP OfficeJet 28.0A 04/2020

Fold here and place in label pouch
Fold here and place in label pouch

EXHIBIT B

Superior Tank, Inc.

P.O. Box 500
Beach City, Ohio 44608-0500
(330) 756-2030

May 11, 2020

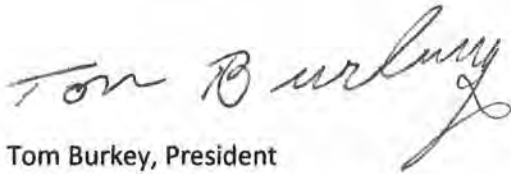
Re: Case Number: IN-2020-0037-US1539
US DOT#: 364271
Notice of Default and Final Agency Order

Dear Sirs,

Either the first response we sent on 03/20/2020 and delivered on 03/24/2020 was ignored or not received. (See the enclosed delivery receipt.) Enclosed in this envelope is the response we previously sent for your consideration.

Also enclosed is a copy of the C.T./DOT number for New Point, IN. The ASME audit is scheduled for Tuesday, May 12, 2020.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Burkey".

Tom Burkey, President
Superior Tank, Inc.



V

U.S. Department of
Transportation

Federal Motor Carrier
Safety Administration

Midwestern Service Center

UPS

1Z A47 6X8 03 9224 9557

May 6, 2020

4749 Lincoln Mall Drive, Suite 300A
Matteson, IL 60443

Phone: (708) 283-3577

Fax: (708) 283-3565

NOTICE OF DEFAULT
AND
FINAL AGENCY ORDER

The Superior Tank & Trailer Co Inc.
11415 ERIE AVE SW
BEACH CITY, OH, 44608-0500

Re: Case Number: IN-2020-0037-US1539
US DOT#: 364271

Dear Sir or Madam:

This letter is a notice of default and final agency order ("Order"), and demand for payment of the outstanding debt owed to the United States Department of Transportation, Federal Motor Carrier Safety Administration, for violation(s) of Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, and/or Federal Motor Carrier Commercial Regulations.

The Superior Tank & Trailer Co Inc. was notified of the proposed penalty assessment in the amount of **\$15,690.00** by a Notice of Claim served on The Superior Tank & Trailer Co Inc. on February 20, 2020.

Pursuant to 49 C.F.R. § 386.14(c), because The Superior Tank & Trailer Co Inc. failed to reply to the Notice of Claim within thirty (30) days of the service of the Notice of Claim, The Superior Tank & Trailer Co Inc. is in default. The default causes the Notice of Claim, including the civil penalty proposed in the Notice of Claim, to automatically become the Final Agency Order in this proceeding. The Final Agency Order is effective five (5) days after the service of this Order. **In this case the Final Agency Order is effective on May 11, 2020.** The default constitutes an admission of all facts and violations alleged in the Notice of Claim and a waiver of The Superior Tank & Trailer Co Inc.'s opportunity to contest the claim. These violations shall constitute a history of prior offenses in any future civil penalty proceeding and may lead to higher penalties in future enforcement actions and adverse future SafeStat rankings.

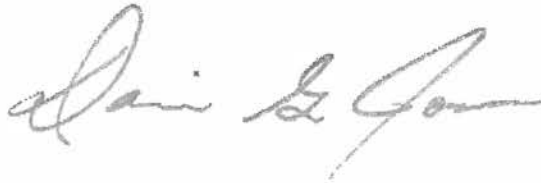
Payment of the outstanding balance in the amount of **\$15,690.00** is due and payable on **May 11, 2020**. You may pay electronically through our SAFER website at <http://safer.fmcsa.dot.gov> by selecting "Online Fine Payment" option under the FMCSA Service section. Alternatively, you can mail your

(d) A Certificate of Service as required by 49 C.F.R. § 386.6(c). ^[2]

Pursuant to 49 C.F.R. § 386.64(b), the only issue that will be considered upon reconsideration by the Assistant Administrator is whether a default has occurred under 49 C.F.R. § 386.14(c). The Final Agency Order may be vacated (set aside) where you can demonstrate excusable neglect, a meritorious defense, or due diligence in seeking relief to the Notice of Claim. If The Superior Tank & Trailer Co Inc. files a petition for reconsideration in accordance with 49 C.F.R. § 386.64, the entire action will be stayed unless the Assistant Administrator orders otherwise.

For questions regarding this Order, you may contact an Enforcement Program Specialist at (708) 283-3577.

Sincerely,



Darin Jones, Regional Field Administrator
Federal Motor Carrier Safety Administration
Midwestern Service Center
4749 Lincoln Mall Drive, Suite 300A
Matteson, IL 60443

[1] All written evidence shall be submitted in the following forms: (a) a written statement of a person having personal knowledge of the facts alleged, or (b) documentary evidence in the form of exhibits attached to a written statement identifying the exhibit and giving its source. See 49 C.F.R. § 386.49.

[2] A Certificate of Service shall accompany all documents served in a Civil Penalty Proceeding under 49 C.F.R. § 386. The certificate of service must show the date and manner of service, be signed by the person making service, and list the persons served. See 49 C.F.R. § 386.6(c).



U.S. Department of
Transportation
**Federal Motor
Carrier Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

February 28, 2020

SUPERIOR TANK AND TRAILER CO INC
PO BOX 500
BEACH CITY, OH 44608-0500

USDOT Number: 3401351
CT Number: 14989
Cargo Tank PIN: 98120F9R
USDOT PIN: 5X82EC9D

Dear Sir:

Your registration statement to engage in the manufacture, assembly, inspection and testing, certification or repair of a cargo tank or a cargo tank motor vehicle manufactured in accordance with a USDOT specification under subchapter C of 49 C.F.R. or under the terms of an exemption issued under 49 C.F.R. 107.502(b) has been accepted. Your USDOT Number, CT (Cargo Tank) Number and Cargo Tank PIN (personal identification Number) can be found in the upper right-hand corner of this letter. Although you will be issued only one USDOT Number, you will be issued a separate CT Number and separate Cargo Tank PIN for each cargo tank facility you have identified.

Based on the information provided in your registration statement the facility located at 8005 E STATE ROAD 46, GREENSBURG, IN 47240-8265 with CT Number 14989 is registered with the Department to perform the following functions on the following cargo tanks:

FUNCTION	EXEMPTION	Cargo Tank Specification
EXTERNAL VISUAL INSPECTION	SF15552	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412
INTERNAL VISUAL INSPECTION	SF15552	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412
LEAKAGE TEST	SF15552	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412
LINING INSPECTION	SF15552	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412
THICKNESS TEST	1,6,18,2,7	
PRESSURE TEST	SF15552	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412
ASSEMBLY	10,1,5,11,	
REPAIR (ASME)	10,1,5,11,	
CERTIFICATION (DESIGN)	10,1,5,11,	
CERTIFIED ENGINEER)		

You are required to update your Cargo Tank registration statement every six years, within thirty days of the re-issuance of an American Society of Mechanical Engineers (ASME) or National Board of Boiler and Pressure Vessel Inspectors (NBEI) Certificate of Authorization, whichever occurs first, or any change in the registration information submitted under 49 C.F.R. 107.503 including the replacement of the person responsible for compliance with the requirements of 49 C.F.R. 107.503(a)(3). Your registration statement must be updated if any of the following events occur: Loss or re-issuance of ASME or NBEI Certificate of Authorization; A change in function such as, from assembly to manufacture; An addition of a function; or a change to the types of inspections, tests or certifications of cargo tanks or cargo tank motor vehicles.

You can update your CT (Cargo Tank) registration statement in one of two ways:

1. Internet online updating process.

Update electronically on the FMCSA Registration Website at: <http://safer.fmcsa.dot.gov>. You will need your CT Number, Cargo Tank PIN and a valid credit card to file online. The processing of your credit card will simply serve to provide the cardholder's digital signature as a proactive measure to ensure greater security in maintaining your company's information. There will be no charge assessed to your credit card. This option is not available for companies domiciled in Mexico.

(Over)



Tracking Details

1Z6579W53562830400

**Updated:** 04/13/2020 1:59 P.M. EST

Delivered

**Delivered On****Tuesday
03/24/2020****Delivery Time****at 9:58 A.M.**[Send Updates](#)[File a Claim](#)**Delivered To**4749 LINCOLN MALL DR
MATTESON, IL, 60443, US**Left At:** Receiver**Ask UPS**

Received By:

CUD 14

Proof of Delivery**Shipment Progress****Overview****Detailed View**

		Date	Location
	Delivered	03/24/2020 9:58 A.M.	MATTESON, IL, US
	Out for Delivery	03/24/2020 7:02 A.M.	Harvey, IL, United States
	Shipped	03/20/2020 7:50 P.M.	New Philadelphia, OH, United States
	Label Created	03/20/2020 4:55 P.M.	United States

Shipment Details**Service**

UPS 2nd Day Air®

https://www.ups.com/content/us/en/shipping/time/service/second_day.html**Weight**

0.00 LBS

Ask UPS

Reference Number(s)

IN-2020-0037-US1539

[Show More](#) + TrackHelp 

Track

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Ask UPS

THE
"SUPERIOR"
TANK & TRAILER CO.

P.O. Box 500
Beach City, Ohio 44608-0500
(330) 756-2030

March 20, 2020

Midwestern Service Center
4749 Lincoln Mall Drive
Suite 300A
Matteson, IL 60443

Re: Case Number: IN-2020-0037-US1539
USDOT: 364271

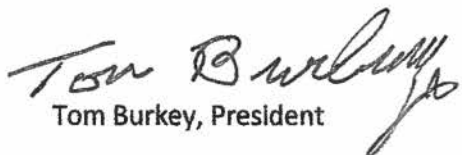
Superior Tank & Trailer began general trailer maintenance and a training program for technicians at New Point, Indiana in 2012. If there was any DOT work to be performed, the tank trailer was moved to Beach City, Ohio or a Beach City tech was sent to New Point under the field provisions of both our ASME and CT Certificates. (See copies that are enclosed.)

Training is a long process. We sent training personnel to New Point and had New Point personnel come to Beach City, including outside training and seminars. Minimum requirement is 3 years' experience and for Superior Tank's diverse customer base this is not adequate.

All New Point employees are employees of Superior Tank in Beach City, Ohio and could be assigned to multiple locations; therefore, we feel we are operating within our guidelines, and ASME and DOT scope of operations.

I feel the fine of \$15,690.00 is excessive and should be reduced to zero.

Because it has been a long-term plan to have both a CT Number and an R Stamp at the New Point location, we are taking the immediate steps to comply with the DOT requests. See the enclosed documents.


Tom Burkey, President

Name: The Superior Tank & Trailer Co Inc.
Case Number: IN-2020-0037-US1539
USDOT: 364271

3. I wish to elect the following form of administrative adjudication (YOU MAY CHECK ONLY ONE):

Formal Hearing _____

Informal Hearing _____

Submission of Written Evidence without a Hearing ✓

Tom Burke Tom Burke 3-19-2020
Name (Printed) and Title Signature Date

COMPLETE THE CERTIFICATE OF SERVICE TO INDICATE HOW YOU DELIVERED YOUR REPLY.

CERTIFICATE OF SERVICE

I certify that on this 17 day of MAR., 2020 I served a copy of the Reply in the manner identified to the following persons:

Midwestern Service Center
4749 Lincoln Mall Drive
Suite 300A
Matteson, IL 60443

_____ U.S. Mail _____

Fax _____

Email _____

UPS RECEIPT

THE NATIONAL BOARD OF BOILER & PRESSURE VESSEL INSPECTORS

Certificate of Authorization



This is to certify that

**Superior Tank & Trailer Co., Inc.
11415 Erie Ave. SW
Beach City, Ohio 44608
United States**

Acceptable Abbreviation: STT

is authorized to use the R Symbol in accordance with the provisions of the National Board Inspection Code and NB-415, Accreditation of "R" Repair Organizations.

All activities within the scope of this Authorization shall be controlled by the above location.

The scope of this Authorization is limited to:

Metallic
Repairs and Alterations
At
Shop and Field Locations

Certification Number: 3022





U.S. Department of
Transportation
**Federal Motor
Carrier Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

November 18, 2019

USDOT Number: 364271
CT Number: 786
Cargo Tank PIN: 3P29TH8M

SUPERIOR TANK & TRAILER COMPANY INC
PO BOX 500
BEACH CITY, OH 44608

Dear Sir:

Your registration statement to engage in the manufacture, assembly, inspection and testing, certification or repair of a cargo tank or a cargo tank motor vehicle manufactured in accordance with a USDOT specification under subchapter C of 49 C.F.R. or under the terms of an exemption issued under 49 C.F.R. 107.502(b) has been accepted. Your USDOT Number, CT (Cargo Tank) Number and Cargo Tank PIN (personal identification Number) can be found in the upper right-hand corner of this letter. Although you will be issued only one USDOT Number, you will be issued a separate CT Number and separate Cargo Tank PIN for each cargo tank facility you have identified.

Based on the information provided in your registration statement the facility located at 11415 ERIE AVE SW, BEACH CITY, OH 44608 with CT Number 786 is registered with the Department to perform the following functions on the following cargo tanks:

Function	Exemption	Cargo Tank Specification
EXTERNAL VISUAL INSPECTION		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
INTERNAL VISUAL INSPECTION		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
LEAKAGE TEST		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
PRESSURE TEST		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
THICKNESS TEST		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
LINING INSPECTION		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
MANUFACTURE		MC331, MC338, DOT406, DOT407, DOT412
ASSEMBLY		MC306, MC307, MC312, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
REPAIR (NON-ASME)		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
REPAIR (ASME)		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
CERTIFICATION (DESIGN CERTIFIED ENGINEER)		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311

You are required to update your Cargo Tank registration statement every six years, within thirty days of the re-issuance of an American Society of Mechanical Engineers (ASME) or

C.F.R. 107.503 including the replacement of the person responsible for compliance with the requirements of 49 C.F.R. 107.503(a)(3). Your registration statement must be updated if any of the following events occur: Loss or re-issuance of ASME or NBBI Certificate of Authorization; A change in function such as, from assembly to manufacture; An addition of a function; or a change to the types of inspections, tests or certifications of cargo tanks or cargo tank motor vehicles.

You can update your CT (Cargo Tank) registration statement in one of two ways:

1. Internet online updating process.

Update electronically on the FMCSA Registration Website at: <http://safer.fmcsa.dot.gov>. You will need your CT Number, Cargo Tank PIN and a valid credit card to file online. The processing of your credit card will simply serve to provide the cardholder's digital signature as a proactive measure to ensure greater security in maintaining your company's information. There will be no charge assessed to your credit card. This option is not available for companies domiciled in Mexico.

Your PIN is your personal identifier and should not be shared with anyone.

2. Paper copy updating process.

Send a registration statement containing the information required by 49 C.F.R. 107.503 of the regulations to USDOT/FMCSA IT Operations Division, MC-RIO, Cargo Tank Group, 1200 New Jersey Ave., S.E., Washington, DC 20590. Due to the high volume of motor carriers filing paper copies, we strongly encourage you to update your CT registration statement online.

Regulatory information can also be obtained from the FMCSA website, <http://www.fmcsa.dot.gov>.

If you need technical assistance, please contact FMCSA support services at 1-800-832-5660 or your local FMCSA office at:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
200 NORTH HIGH STREET, ROOM 609
COLUMBUS, OH 43215
Telephone No.: 614-280-5657

Thank you for your cooperation.

Sincerely,



Joseph P. DeLorenzo
Director, Office of Enforcement and
Compliance



§ 107.502 General registration requirements.

(b) No person may engage in the manufacture, assembly, certification, inspection or repair of a cargo tank or cargo tank motor vehicle manufactured under the terms of a DOT specification under subchapter C of this chapter or a special permit issued under this part unless the person is registered with the Department in accordance with the provisions of this subpart. A person employed as an inspector or design certifying engineer is considered to be registered if the person's employer is registered. The requirements of this paragraph (b) do not apply to a person engaged in the repair of a DOT specification cargo tank used in the transportation of hazardous materials in the United States in accordance with § 180.413(a)(1)(iii) of this chapter.



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration
Midwestern Service Center

4749 Lincoln Mall Drive
Suite 300A
Matteson, IL 60443

Phone: (708) 283-3555
Fax: (708) 283-3565

NOTICE OF CLAIM

SERVED BY UPS Certified Receipt Number: 1ZA476T80397000809

SERVICE DATE: February 20, 2020

Motor Carrier Official

The Superior Tank & Trailer Co Inc.

11415 Erie Ave SW

Beach City, OH 44608-0500

US DOT Number: 364271

CASE NUMBER: IN-2020-0037-US1539

PROPOSED CIVIL PENALTY: \$15,690

The Federal Motor Carrier Safety Administration (FMCSA) has issued this Notice of Claim under 49 CFR § 386.11(c). This is FMCSA's official charging document against The Superior Tank & Trailer Co Inc., (Respondent or "you"). FMCSA alleges that you committed one or more regulatory violations of the Federal Motor Carrier Safety Regulations (FMCSRs), the Federal Hazardous Materials Regulations (HMRs), and/or the Federal Motor Carrier Commercial Regulations (FMCCRs), and is initiating a civil penalty action against you. The total proposed civil penalty for the violations alleged below is \$15,690.

A complete list and description of the violations alleged against you is included at the end of this

VIOLATIONS AND CIVIL PENALTY CALCULATION

Violation	Number of Counts	Proposed Penalty Per Count	Maximum Penalty Proposed Per MCSIA § 222? ¹	Total Proposed Penalty for Violation
180.413(a)(1)(i)	1	\$15,690	NO	\$15,690
Total Proposed Civil Penalty				\$15,690

¹ Motor Carrier Safety Improvement Act of 1999, Public Law 106-159 (Dec. 9, 1999).

Enclosed is the Uniform Fine Assessment report. The report explains how FMCSA calculated the proposed civil penalty.

Violations of either safety or hazardous materials regulations discovered during the course of the compliance review, but not charged in this Notice of Claim, may have increased the civil penalty claimed for the violations charged in this Notice of Claim. FMCSA has documented such violations in Table 1, enclosed with this Notice of Claim. You may contest the violations in Table 1 by responding to them in your reply.

HISTORY OF PRIOR VIOLATIONS

Your history of prior violations of the FMCSR, HMR, and/or FMCCR, was taken into account when calculating the proposed civil penalty. In most cases, adverse enforcement history increases the amount of the proposed civil penalty. Some or all of the violations in the prior case(s) referenced below have been considered as adverse history in the proposed penalty calculation in this case:

COPIES OF EVIDENCE

You can request a copy of the written evidence used by the Agency to document the violations alleged in this Notice of Claim by delivering a request to the Service Center identified below. You must include the Case Number for this Notice of Claim in your request. The Service Center will provide the evidence to you as quickly as possible, but even if you have not received the written evidence you requested, you must still file a written reply within the time period for replying to the Notice of Claim.

Midwestern Service Center
4749 Lincoln Mall Drive
Suite 300A
Matteson, IL 60443

REPLY OPTIONS

You can find the procedural rules applicable to this Notice of Claim in Part 386 of Title 49 of the Code of Federal Regulations. A copy of Part 386 is enclosed with this Notice of Claim. You should review it because you are required to follow those rules when replying to this Notice of Claim.

You must (1) pay the civil penalty in full; or (2) serve a written reply to the Notice of Claim; or (3) finalize a settlement agreement within thirty days from service of the Notice of Claim or a default judgment may be entered against you.

You must select only one of three options in your reply:

OPTION 1 -- PAY ENTIRE PROPOSED CIVIL PENALTY

You may pay the entire proposed civil penalty within 30 days of service of this Notice of Claim. If full payment is made within 30 days of service date of this Notice of Claim, you are not required to file a written reply.

Payment of the civil penalty constitutes an admission of the violation(s) set forth in the Notice of Claim. Once admitted, FMCSA may consider these violations in future cases, which may lead to higher penalties in a future enforcement action². If a pattern of violations of the same or related acute and/or critical regulations are discovered in a future investigation, FMCSA may assess the maximum civil penalty for such violations in a subsequent civil penalty action³.

Payment may be made electronically through FMCSA's SAFER website at <http://www.safer.fmcsa.dot.gov/>. Select "Online Fine Payment" and follow instructions.

Payment may also be made by cashier's check, certified check, or money order made payable to FMCSA. Mail payments to:

United States Department of Transportation
Federal Motor Carrier Safety Administration
Midwestern Service Center
4749 Lincoln Mall Drive
Suite 300A
Matteson, IL 60443

SETTLEMENT NEGOTIATION

You can contact the Service Center to discuss settlement or to enter into a payment plan at any

² See 49 USC § 521(b)(2)(D), 49 USC § 14901(c), and/or 49 USC § 5123(c).

³ See 49 CFR § 385.905; Supplemental Policy on Assessing Maximum Fines Under the Motor Carrier Safety Improvement Act of 1999 (MCSIA) Section 222 74 Fed. Reg. 14185 (March 30, 2009).

Arbitrator or Administrative Law Judge. To begin settlement negotiations, contact an FMCSA Enforcement Program Specialist at 708-283-3555.

Your request to discuss settlement or a payment plan does NOT extend your time for serving a written reply.

OPTION 2 -- REQUEST BINDING ARBITRATION

If you only dispute the amount of or the length of time to pay the civil penalty, you can ask to have this case resolved through binding arbitration.

Binding arbitration is only available if you serve a written reply within 30 days of service the Notice of Claim admitting the violation(s) and specifically requesting binding arbitration.

Legal or regulatory questions may not be addressed in this process. The amount of a claim cannot be arbitrated in cases where a statutory minimum or required statutory maximum has been assessed, but you can ask to arbitrate the length of time to pay the penalty.

The FMCSA Office that issued this Notice has the right to object to the request for binding arbitration. If there is an objection, the FMCSA Assistant Administrator will determine whether to refer the matter for binding arbitration and will issue a written decision responding to the request.

FMCSA's guidance on the use of binding arbitration is available on our website: <http://www.fmcsa.dot.gov>. Copies may also be obtained from the Service Center.

OPTION 3 -- REQUEST ADMINISTRATIVE ADJUDICATION

If you dispute the violation(s) and, or penalty assessment, you must request administrative adjudication by serving a written reply to the Notice of Claim within 30 days of the service date of the Notice of Claim. The written reply must comply with the requirements of 49 CFR § 386.14. At a minimum the reply must:

A. Be in writing, and clearly state the reason you are disputing each violation set forth in the Notice of Claim. (i.e., why you are not admitting the violations).

B. Contain any affirmative defenses.

C. Admit or deny each separately stated and numbered allegation of violation in the Notice of Claim. If you state that you have insufficient information to admit or deny any particular numbered allegation(s), it will be deemed a denial. Any allegations in the Notice of Claim not specifically denied in the reply will be deemed admitted. A general denial of the claim is insufficient and may result in a default being entered by the Assistant Administrator.

D. Include a statement selecting one of the options for administrative adjudication available under 49 CFR § 386.14(d)(1)(iii).

a. Submit written evidence without a hearing; or



Superior Tank <superiortank2@gmail.com>

Review for New Issuance of the National Board R Certificate of Authorization/Code Symbol Stamp (Superior Tank & Trailer Co Inc)

1 message

JFields@nationalboard.org <JFields@nationalboard.org>
To: superiortank2@gmail.com

Tue, Mar 3, 2020 at 4:04 PM

This will acknowledge receipt of your completed R application and \$4,735 payment. Please advise your AIA that your review will be scheduled for sometime in May 2020, and notification of May review dates will be sent from JFields@nationalboard.org (please add to your address book) sometime during mid-March 2020.

(Mrs.) Joyce Fields, Surveys & Reviews Coordinator

(Embedded image moved to file: pic23281.jpg)

The National Board of Boiler & Pressure Vessel Inspectors
1055 Crupper Ave.
Columbus, OH 43229
E-Mail: JFields@nationalboard.org
JFields@nationalboard.org
Ph: 614/431-3235 (direct line)
Fax: 614/847-1828



THE
NATIONAL
BOARD

OF BOILER AND
PRESSURE VESSEL
INSPECTORS

pic23281.jpg
35K

APPLICATION FOR THE NATIONAL BOARD "R" CERTIFICATE OF AUTHORIZATION

Application Type: [1] ☒ NEW [2] ☐ RENEWAL Applying For: [3] ☒ "R" ONLY [4] ☐ "R" WITH ASME

Company name and address listed in this section should be listed exactly as it appears in your QC Manual and exactly as it will appear on your *Certificate of Authorization* with this issuance.

[5a] Company Name: Superior Tank and Trailer Co., Inc.

[5b] Division (if applicable): N/A

[6] Requested Abbreviation for Stamping (if applicable): STT

[7] Physical Address

8005 East State Road 46
Greensburg, IN 47240

[8] Mailing Address (if different from physical address)

PO Box 500
Beach City, Ohio 44608

[9] When shipping via courier (UPS or DHL), which address should be used? ☒ Physical Address ☐ Mailing Address

[10a] Does this application include a location change from your previously issued Certificate? ☒ NO ☐ YES

[10b] If YES - address on current Certificate: _____

[11a] Does this application include a name change from your previously issued Certificate? ☒ NO ☐ YES

[11b] If YES - company name on current Certificate: _____

[11c] Is this name change due to an Ownership Change? ☐ YES* ☒ NO

*By checking the box below, the new owners agree that they will take full responsibility for all work previously performed under this "R" Certificate of Authorization. If the new owners do not want to take responsibility for previous work performed under this "R" Certificate, an NB-12 form will need to be submitted to apply for a new "R" Certificate of Authorization. ☐ Yes, we accept responsibility.

Check All Requested Scopes:

[12] ☐ Repairs
[13] ☐ Alterations
[14] ☒ Both

[15] ☐ Shop
[16] ☐ Field
[17] ☒ Both

[18] ☒ Metallic
[19] ☐ *Non-Metallic

[20] ☐ Design Only

* ☐ Graphite ☐ RP

Authorized Inspection Agency (AIA) or Owner-User Inspection Organization (OUIO):

[21a] Hartford Steam Boiler

(AIA/OUIO Name)

[21b] 1989

(Effective date of AIA contract)

IMPORTANT FOR NEW APPLICANTS AND AIA CHANGES: A copy of your contract cover page with your AIA must also be submitted.

Primary Contact Information:

[22a] Bryon Kovalaske

(First and Last Name)

[22b] Vice President

(Title)

[23] 330.756.2030

(Telephone Number)

[24] superiortank2@gmail.com

(Email Address)

[25] 330.756.2015

(Fax Number)

[26] www.superiortankinc.com

(Company Web Address)

By signing this form, you acknowledge that the information above is correct and that you have read and understand the conditions, the statement of due process and confidentiality and demonstration on page 2 of this application.

[27] X Bryon Kovalaske
Signature of company's authorized representative

2.17.20
Date

[28] Bryon Kovalaske, Vice President
Print name & title of company's authorized representative

Conditions

- The Certificate and "R" Symbol Stamp shall be used only by the named company and in the manner prescribed in the *National Board Inspection Code* (NBIC) and NB-415, *Accreditation of "R" Repair Organizations*. The company must have all parts of the current edition of the NBIC when performing work under the *Certificate of Authorization*.
- The Certificate and stamp will be surrendered should the company discontinue the above activities, at the request of the National Board or at the expiration of the Certificate. The company will pay any and all legal fees and National Board costs associated with the recovery of the Certificate and stamp.
- The National Board member jurisdiction or the National Board may make audits or unannounced visits as deemed necessary to ensure compliance with the rules of the National Board.
- For renewals, if the Certificate is issued after it expires, and no Certificate extension was issued, there will be a lapse in the organization's ability to perform any Repair/Alteration activity between the expiration date and issuance date. If the certificate is issued more than 6 months past expiration, a new "R" number may be assigned.
- Under no circumstances shall the National Board "R" Symbol Stamp be used without the acceptance of a National Board Commissioned Inspector.

Statement of Due Process and Confidentiality

- The Review Team's responsibility is to document any findings and report them to the National Board along with a recommendation concerning issuance of a *Certificate of Authorization*.
- Team members are prohibited from discussing your company's proprietary information as well as the information contained in their report at any time, except with National Board staff or Appeals Committee members. Information obtained by the team member, staff or committee members will be held in strict confidence. A copy of their report will be left with the applicant upon request.
- National Board policy provides for due process by an aggrieved party. Individuals may request information concerning this procedure by contacting the Appeals Committee, 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or fax 614.847.1828.

Demonstration

- A Review Team will conduct an evaluation of the company's Quality System. The company must demonstrate sufficient implementation of the Quality System to provide evidence of the company's knowledge of welding, nondestructive examination, postweld heat treatment and other repair or alteration activities performed as applicable for the requested scope of work.
- The evaluation of the Quality System must include a demonstration of welding, if included within the scope of activities applied for.
- The implementation demonstration must include any ongoing or current repair/alteration work at the time of the review, otherwise, a mock-up, or a combination of a mock-up and non-repair/alteration work may be used.

[29] Recommended Airport: [29a] Name of Airport: Cincinnati, Ohio

[29b] City: Burlington, KY

[29c] Three Letter Airport Code: CVG

[30a] Do you recommend renting a car?

[30b] Alternate mode of transportation:

☒ Yes ☐ No (If No, please complete [30b])

[31] Recommended Hotel/Motel for Review Team:

Hampton Inn

812.663.5000

(Hotel/Motel Name)

(Phone)

2075 US 421

65

(Address)

(Miles from airport to lodging)

Greensburg, IN 47240

56

(Miles from lodging to shop review location)

[32] Unacceptable dates for review:

[33] Please check if any safety items below are required for the Team Leader:

☐ Safety Shoes ☐ Safety Glasses/
Side Shields ☐ Hard Hat ☐ Gloves ☐ Other: _____

[34] Please check the days of the week that your company is open for business:

☐ Sunday ☒ Monday ☒ Tuesday ☒ Wednesday ☒ Thursday ☒ Friday ☐ Saturday

Submit completed form to:

RepairStamp@nationalboard.org or

The National Board

1055 Crupper Avenue

Columbus, Ohio 43229-1183

Please Note: An incomplete/improperly completed application may delay the processing of this request. Please be sure your form is complete before submitting.

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

**The Superior Tank & Trailer Co Inc.,
USDOT# 364271**

Respondent

)
)
)
) **FMCSA-2020-0140**
)
)
) **(IN-2020-0037-US1539)**

DECLARATION OF CYNTHIA GRAY

I, Cynthia Gray, declare as follows:

1. I am a Safety Investigator for the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (“FMCSA”) assigned to the Indiana Division. I was employed in that capacity in September 2014 to the present. Since September 2018, I have had an emphasis in hazardous materials investigations. In this role, one of my duties is to investigate and review the safety practices of interstate motor carriers and drivers, and cargo tank facilities to ensure that they are complying with FMCSA’s regulations. This Declaration is based on my own personal knowledge obtained in my official capacity as a Safety Investigator, and includes knowledge based on my review of records, including, but not limited to, records collected and maintained by FMCSA in the performance of official duties, records required to be maintained by statutes and regulations, records obtained from the carrier, and records obtained from other governmental entities. I have knowledge of the facts herein and if so called, I am competent to testify regarding the facts set forth in this declaration.

2. In January 2020, I conducted a compliance review (“CR”) on Transmark Logistics (USDOT# 333211) (“Transmark”) located in Greensburg, Indiana. As part of that investigation, I reviewed a sampling of Part 180 inspections for Transmark’s cargo tanks. I found documentation during that review that showed The Superior Tank & Trailer Co Inc. (“Superior

Tank”) had conducted repairs on a DOT 406 cargo tank, a 2007 Tremcar, owned by Transmark. The documents showed Superior Tank’s address in Beach City, Ohio.

3. I spoke to Garrett Knollman, chief executive officer of Transmark, and learned that the repair of Transmark’s DOT 406 cargo tank that took place on or about August 9, 2019 was performed by Superior Tank at their facility in Greensburg, Indiana, not Beach City, Ohio. Mr. Knollman provided the address of Superior Tank’s Indiana facility, 8005 East State Road 46, Greensburg, Indiana, and stated it was about a mile away from Transmark.

4. I drove to 8005 East State Road 46, Greensburg, Indiana and found a fixed commercial facility with Superior Tank signage and cargo tanks parked outside. I took photos of the building which are attached as Exhibit C-1.

5. A cargo tank (CT) number is assigned to facilities and/or individuals that manufacture, assemble, inspect, test, certify or perform welded repairs on cargo tanks or a cargo tank motor vehicles manufactured in accordance with a DOT specification or under the terms of an exemption. I searched FMCSA’s system that contains registration information for cargo tank facilities, Motor Carrier Management Information Systems (“MCMIS”) on January 14, 2020 and found only one entry for a cargo tank facility under Superior Tank. Superior Tank was issued CT# 786 for their facility in Beach City, Ohio. A copy of the MCMIS printout is attached as Exhibit C-2. I also performed a Google search and determined that Superior Tank listed facilities in both Beach City, Ohio and Greensburg, Indiana. A copy of the webpages downloaded from the website, <http://www.superiortankinc.com/site/index.php/en/>, are attached as Exhibit C-3. FMCSA had no record of the Greensburg, Indiana location.

5. I also searched FMCSA’s system for any documentation that Superior Tank had submitted copies of its ASME “U” stamp and National Board “R” stamp for the relevant period

(the repairs showed August 9, 2019). I found copies that listed Superior Tank at its Beach City, Ohio location as the holder of the certificates. Copies are attached as Exhibit C-4.

6. Due to this initial information, I scheduled a compliance review of Superior Tank to take place at the 8005 East State Road 46, Greensburg, Indiana location. I conducted the review on February 12 and 13, 2020. A copy of compliance review report (“CR”) is attached as Exhibit C-5. Consistent with the photos I had previously taken, the Greensburg, Indiana facility consists of a four-bay maintenance shop with attached administrative offices and a large fenced gravel parking lot.

7. As part of the investigation, I interviewed vice president Bryon Kovalaske and Inspector Chris Houpey. Mr. Kovalaske informed me that the Greensburg, Indiana location had been in operation since 2012, that the location conducts external visual, internal visual, leakage, thickness and pressure tests on MC 300 Series and DOT 400 Series cargo tanks, conducts non-ASME repairs, and conducts commercial motor vehicle repairs. I confirmed during the investigation with Mr. Kovalaske that the Indiana facility was not registered with FMCSA. Mr. Kovalaske provided documentation that two registered inspectors, Chris Houpey and Jeff Westerfeld had been employed by Superior Tank at the Greensburg Indiana location since 2012. Mr. Kovalaske stated that copies of the inspection reports are forwarded to Superior Tank’s Beach City, OH office so that they can generate invoices to send to customers.

8. I also interviewed Inspector Houpey who confirmed he had been employed by Superior Tank at the Greensburg, Indiana location since 2012 and discussed his qualifications. Mr. Kovalaske provided me with some duplicate documents that I found at Transmark regarding repairs made to a cargo tank. The documents showed that Superior Tank, via Inspector Houpey, discovered a crack in the barrel of one of Transmark’s cargo tanks and made repairs on or about August 9, 2019, by welding the crack. Documents showing the repairs and a work order, #40770,

were produced. Documentation for this repair are attached as Exhibit C-6. I was advised that these documents are filled out and signed by Inspector Houpey then foreman Jeff Westerfeld types up the report (copies attached as Exhibit C-7), and sends it to their Beach City, OH facility so that an invoice can be generated and issued to the customer. There was no evidence or indication that the Beach City, Ohio location had any control or oversight over Inspector Houpey's repairs.

9. Both Mr. Kovalaske and Inspector Houpey admitted that Inspector Houpey had performed repairs for Transmark on or about August 9, 2019 out of the Greensburg, Indiana location. I returned to Transmark during Superior Tank's investigation and also obtained a Certificate of Compliance showing the repairs were made on a DOT 406 specification tanker. A copy is attached as Exhibit C-8.

10. I cited Superior Tank with a violation of 49 CFR § 180.413(a)(1)(i) for the August 9, 2019 repair because it did not have a valid ASME "U" stamp or National Board "R" stamp during that time, only the certificates issued to the Beach City, Ohio location. The certificates issued to the Beach City, Ohio location are insufficient to cover the repairs made in Greensburg, Indiana. Each facility was required to have separate stamps.

11. I recently checked MCMIS for any new CT registration information for Superior Tank's Greensburg, Indiana location and found CT# 14989 with application dates following the end of the compliance review and after FMCSA's Indiana Division had issued the Notice of Claim ("NOC") for this violation. A copy of the MCMIS printout is attached as Exhibit C-9.

12. The penalty of \$15,690 included in the NOC was calculated utilizing FMCSA's Uniform Fine Assessment ("UFA"). The UFA worksheet is attached to the Regional Field Administrator's Submission of Evidence Pursuant to 49 CFR § 386.16(a) and Memorandum of Law in Support in Exhibit A.

13. During the CR, Mr. Kovalaske provided Superior Tank's gross revenue as \$980,698. I used this gross revenue in the UFA penalty calculation.

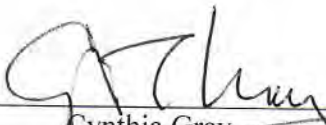
14. Using the UFA software, I considered the nine legislative criteria specified in 49 U.S.C. § 521(b)(2)(D) when calculating the civil penalty amount. These nine criteria are: the nature of the violation, the circumstances of the violation, the extent of the violation, the degree of culpability, the gravity of the violation, ability to pay, effect of ability to continue to do business, history of prior offenses, and matters as justice and public safety may require.

15. Regarding the subject factors, no points were added or reduced for history, culpability, or other matters. All of the criteria for the violation factors were set to the default settings. Extent was considered high because it was a company-wide violation and a HM violation. See

<https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/regulations/enforcement/871/ufacalculationsexplanation-2018.pdf> for more information.

I declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on May 19, 2020


Cynthia Gray
Safety Investigator, FMCSA

Photograph1:

Photograph of Cargo Tank Facility, Superior Tank and Trailer Company, 8005 East SR 46, Greensburg, Indiana 47240



EXHIBIT C-1

Photograph 2:

Photograph of Cargo Tank Facility, Superior Tank and Trailer Company, 8005 East SR 46, Greensburg, Indiana 47240





Choose Subsystem ▼



Exit MCMIS

View Cargo Tank



Cargo Tank

Audit Trail

Correspondence History

Application History

Show All Data

CT Number:	786	USDOT Number:	364271
Status:	ACTIVE	Application Date:	12/11/2019
Facility Name (DBA):*	SUPERIOR TANK & TRAILER COMPANY INC		

Physical Address

Street:	11415 ERIE AVE SW		
City:	BEACH CITY		
State/Country:	OHIO	ZIP/Postal Code:	44608
Colonia (Mexico Only):		Fax:	3307562015
Phone:	3307562030	Alternate Phone:	

Mailing Address (Address of Certifying Official)

Street:	PO BOX 500		
City:	BEACH CITY		
State/Country:	OHIO	ZIP/Postal Code:	44608
Colonia (Mexico Only):			

Functions	Exemptions	Vehicles
☒ EXTERNAL VISUAL INSPECTION		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
☒ INTERNAL VISUAL INSPECTION		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
☒ LEAKAGE TEST		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
☒ PRESSURE TEST		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311

☒ THICKNESS TEST	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
☒ LINING INSPECTION	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311

Mobile Testing Information	
Where do you use testing/inspection equipment?	BOTH

Functions	Exemptions	Vehicles
☒ MANUFACTURE		MC331, MC338, DOT406, DOT407, DOT412
☒ ASSEMBLY		MC306, MC307, MC312, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
☒ REPAIR (NON-ASME)		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
☒ REPAIR (ASME)		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
☒ CERTIFICATION (DESIGN CERTIFIED ENGINEER)		MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412, MC300, MC301, MC302, MC303, MC304, MC305, MC310, MC311
☐ COMPONENT MANUFACTURE		

Processing Agent			
Name:	BRYON KOVALASKE		
Street:	11415 ERIE AVE SW		
City:	BEACH CITY		
State/Country:	OHIO	ZIP/Postal Code:	44608

Responsible Person (Facility Location)			
Title:	MR.	Position:	
First Name:	BRYON	Last Name:	KOVALASKE
Phone:	3307562030	Fax:	3307562015
Email:	SUPERIORTANK2@GMAIL.COM		

Design Certified Engineers/Registered Inspectors			
Name:	CHRIS PEARCH	Type:	REGISTERED INSPECTOR
Name:	CHUCK WENGER	Type:	REGISTERED INSPECTOR
Name:	JAMES CUNNINGHAM	Type:	REGISTERED INSPECTOR
Name:	JEFF WESTERFIELD	Type:	REGISTERED INSPECTOR
Name:	JOE VALDINGER	Type:	REGISTERED INSPECTOR

Name: TIM KOVALASKE **Type:** REGISTERED INSPECTOR

Non-Employee Design Certified Engineers/Registered Inspectors		
CT Number*	Type*	Company Name
16	DCE	ENTRANS INTERNATIONAL LLC DBA HEIL TRAILER INTERNATIONAL DBA POLAR TANK TRAILER
25	DCE	STAINLESS TANK & EQUIPMENT CO LLC
193	REGISTERED INSPECTOR	BRENNER TANK SERVICES LLC DBA BRENNER TANK MAUSTON
193	DCE	BRENNER TANK SERVICES LLC DBA BRENNER TANK MAUSTON

Stamp			
Stamp Type	Certification#	Authorization Date	Expiration Date
U	24514	10/25/2016	12/18/2019
R	3022	11/12/2016	12/18/2019

Certifying Official	
Certifying Name:	BRYON KOVALASKE
Certifying Title:	VICE PRESIDENT
Email:	SUPERIORTANK2@GMAIL.COM

Audit Trail					
Element	Date	User	Before	After	Reason
PROCESSING AGENT ADDRESS	12/11/2019	MCMIS_PUBLIC		11415 ERIE AVE SW, BEACH CITY, OH 44608	COMPANY CHANGE
PROCESSING AGENT NAME	12/11/2019	MCMIS_PUBLIC		BRYON KOVALASKE	COMPANY CHANGE
EMAIL	11/15/2019	PHIPPS, ASHLEY		SUPERIORTANK2@GMAIL.COM	COMPANY CHANGE
RESPONSIBLE PERSON NAME	11/15/2019	PHIPPS, ASHLEY	BRYON M.; KOVALASKE	BRYON; KOVALASKE	COMPANY CHANGE
STATUS CODE	02/05/2019	TAMBO-GONZALES, DORA	ACTIVE	INACTIVE	
STATUS CODE	01/15/2014	RACH, SUZANNA	ACTIVE	INACTIVE	
FAX	04/05/2004	NAI, NONG ROATH		3307562015	
RESPONSIBLE PERSON FAX	04/05/2004	KASEY, MONICA		3307562015	

PHYSICAL ADDRESS	04/05/2004	KASEY, MONICA	PO BOX 500; BEACH CITY; OH; 44608; 151	11415 ERIE AVE SW; BEACH CITY; OH; 44608; 151
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Correspondence History				
Correspondence Type	Date	Officer In Charge	Generate Letter Flag	Error Desc
CARGO TANK ACCEPT LETTER	11/18/2019	39	Y	
CARGO TANK ACCEPT LETTER	12/07/2016	39	Y	
CARGO TANK ACCEPT LETTER	01/27/2014	39	Y	
CARGO TANK ACCEPT LETTER	04/09/2013	39	Y	
CARGO TANK ACCEPT LETTER	12/20/2010	39	Y	
CARGO TANK ACCEPT LETTER	08/27/2009	39	Y	
CARGO TANK PIN REQUEST LETTER	05/31/2007	39	Y	
CARGO TANK ACCEPT LETTER	09/16/2005	39	Y	
CARGO TANK PIN REQUEST LETTER	08/09/2005	39	Y	
CARGO TANK ACCEPT LETTER	04/06/2004	39	Y	
CARGO TANK CONVERSION LETTER	10/30/2003	39	Y	

Application History					
Date Added	Added By	Received Date	Status Code	Status Date	Reason for Change
12/11/2019	MCMIS_PUBLIC	12/11/2019	PENDING	12/11/2019	COMPANY CHANGE
11/15/2019	PHIPPS, ASHLEY	10/31/2019	ACCEPTED	11/15/2019	COMPANY CHANGE
11/14/2016	MCMIS_PUBLIC	11/14/2016	ACCEPTED	12/06/2016	COMPANY CHANGE
01/24/2014	RACH, SUZANNA	01/24/2014	ACCEPTED	01/24/2014	LETTER
04/08/2013	MCMIS_PUBLIC	04/08/2013	ACCEPTED	04/08/2013	COMPANY CHANGE
12/14/2010	MCMIS_PUBLIC	12/14/2010	ACCEPTED	12/17/2010	COMPANY CHANGE
08/14/2009	MCMIS_PUBLIC	08/14/2009	ACCEPTED	08/26/2009	COMPANY CHANGE
09/15/2005	EPPS, LOVELY	09/15/2005	ACCEPTED	09/15/2005	RETURNED MAIL
09/15/2005	EPPS, LOVELY	09/15/2005	ACCEPTED	09/15/2005	CORRECTION
08/17/2005	MCMIS_PUBLIC	08/17/2005	ACCEPTED	09/15/2005	COMPANY CHANGE
04/05/2004	NAI, NONG ROATH	01/24/2002	ACCEPTED	04/05/2004	CORRECTION
04/05/2004	KASEY, MONICA	01/24/2002	ACCEPTED	04/05/2004	LETTER

[Return to CT Search](#)
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Options for this Company ▼



January 14, 2020

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Federal Motor Carrier Safety Administration

1200 New Jersey Avenue SE, Washington, DC 20590 - 1-800-832-5660 - TTY: 1-800-877-8339 - [Field Office Contacts](#)



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Acid

Asphalt

Chemical

Crude Oil

Dry Bulk

DOT-331

Food Grade

Fertilizer

Petroleum

Vacuum

Non-Code

All Available Tank List

Classifieds for Sale

Select Your Language

Select Language

Powered by Google Translate

Select Language

Recently Added Tanks

Non Code 6500gal

Welcome to Superior Tank & Trailer!

We have been in the tank trailer business for over 25 years, selling, leasing, manufacturing, and repairing tank trailers. In addition to our acres of tanks trailers, we also have repair facilities on site, in Ohio and Indiana.

We have numerous new and used units available online with pictures and spec sheets. New tank trailers are added weekly!

For international customers, our site is available in both English and Spanish.

Thank you for visiting our site. Please contact us if you have any questions, comments, or concerns.



Mid-State Tank Inc.

Arthur Custom Tank, LLC a division of Mid-State Tank, Inc.

POLAR
TANK TRAILER, INC.

RAVENS
SALES & SERVICE

STE

& EQUIPMENT





Join Our Mailing List

Name

E-mail



Ohio Facility

Joe Valdinger: 740-491-1346

Tim Kovalaske: 419-837-9800

Dwayne Fleming: 419-837-9800

Bryon Kovalaske: 330-756-2030

Alan Howard: 330-756-2030

Toll Free: 800-826-5377

11415 Erie Ave SW
Beach City, OH 44608

Indiana Facility

8005 East State Road 46

Greensburg, IN 47240

Larry Heger

812-222-2301

Cell 812-593-0616

Superior Tank & Trailer Co., Inc.

PO Box 500, 11415 Erie Ave. SW
Beach City, Ohio 44608
Phone: 330.756.2030 Fax: 330.756.2015



Website: www.superiortankinc.com

FACSIMILE TRANSMITTAL

To: Suzanne Rach	Company: FMCSA
Phone #:	Fax #: 202.366.3477
From: Debra VanFossen	
Pages: 3	Date: December 6, 2016
Re: "U" Stamp & "R" Stamp	
If you do not receive all pages indicated, please call us at 330.756.2030	
Suzanne, Please find the attached certificates. CT#786 DOT#364271 Phone#330.756.2030 Thank you, <i>Debra</i>	

The American Society of Mechanical Engineers



CERTIFICATE OF AUTHORIZATION

The named company is authorized by the American Society of Mechanical Engineers (ASME) for the scope of activity shown below in accordance with the applicable rules of the ASME Boiler and Pressure Vessel Code. The use of the certification mark and the authority granted by this Certificate of Authorization are subject to the provisions of the agreement set forth in the application. Any construction stamped with this certification mark shall have been built strictly in accordance with the provisions of the ASME Boiler and Pressure Vessel Code.

COMPANY:

**Superior Tank & Trailer Co., Inc.
11415 Erie Ave. SW
Beach City, Ohio 44608**

SCOPE:

Manufacture of pressure vessels at the above location only

AUTHORIZED:

October 25, 2016

EXPIRES:

December 18, 2019

CERTIFICATE NUMBER: 24,514


Board Chair, Conformity Assessment


Director, Conformity Assessment



**THE NATIONAL BOARD
OF
BOILER & PRESSURE VESSEL INSPECTORS**

Certificate of Authorization



This is to certify that

**Superior Tank & Trailer Co., Inc.
11415 Erie Ave. SW
Beach City, Ohio 44608
United States**

*is authorized to use the R Symbol in accordance with the
provisions of the National Board Inspection Code and NB-415,
Accreditation of "R" Repair Organizations.*

The scope of this Authorization is limited to:

**Metallic
Repairs and Alterations
At
Shop and Field Locations**

Certification Number: 3022

Issue Date: October 12, 2016

Expiration Date: December 18, 2019

Executive Director



UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 364271	Legal: THE SUPERIOR TANK & TRAILER CO INC Operating (DBA):	
MC/MX #:		Federal Tax ID: [REDACTED] (EIN)	
Review Type: CTR			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.	
Territory:			
Operation Types			
Interstate	Intrastate		
Carrier: Non-HM	N/A	Business: Corporation	
Shipper: N/A	N/A	Gross Revenue: \$980,698.00	
Cargo Tank: CT		for year ending: 9/30/2019	
Company Physical Address:			
11415 ERIE AVE SW BEACH CITY, OH 44608-0500			
Contact Name: Bryon Kovalaske			
Phone numbers: (1) 800- 826-5377		(2) 3307562030	
E-Mail Address: superiortank2@gmail.com		Fax: 3307562015	
Company Mailing Address:			
11415 ERIE AVE SW BEACH CITY, OH 44608-0500			
Facility - Physical Address:		CT #: 0000	Effective Date:
8005 East St Rd 46 Greensburg, IN 47240			
Contact Name: Bryon Kovalaske			
Phone numbers: (1) 812-222-2301		(2)	
E-Mail Address: superiortank2@gmail.com		Fax:	
Facility - Mailing Address:			
8005 East St Rd 46 Greensburg, IN 47240			
Does carrier transport placardable quantities of HM?			
Is an HM Permit required? N/A			
Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at: 575 N Pennsylvania St, Rm 261 Indianapolis, IN 46204-1520 Phone: (317)226-7474 Fax:(317)226-5657			
This report will be used to assess your safety compliance.			
Person(s) Interviewed			
Name: Bryon Kovalaske		Title: Vice President	
Name:		Title:	

EXHIBIT C-5





THE SUPERIOR TANK & TRAILER CO INC
U.S. DOT #: 364271

Review Date:
02/13/2020

Part A - Cargo Tank Information

CT #: 0000

Facility Type

Repair S
Inspection/Test L

Inspection Types

Mfg/Assembly Types

<u>Tank Type</u>	<u>Mfg</u>	<u>Assembly</u>	<u>Repair</u>	<u>Inspection</u>	<u>Tank Type</u>	<u>Mfg</u>	<u>Assembly</u>	<u>Repair</u>	<u>Inspection</u>
MC306			ü	ü	MC307			ü	ü
MC312			ü	ü	MC330				ü
MC331				ü	DOT406			ü	ü
DOT407			ü	ü	DOT412			ü	ü
MC300			ü	ü	MC301			ü	ü
MC302			ü	ü	MC303			ü	ü
MC304			ü	ü	MC305			ü	ü
MC310			ü	ü	MC311			ü	ü
Exemption									

Engineering Analysis Done? No

FHWA Engineer:

Agency:

Phone:

E-mail:

Person Responsible for Cargo Tank Compliance

Brian Kovalaske

Title

Vice President





THE SUPERIOR TANK & TRAILER CO INC
U.S. DOT #: 364271

Review Date:
02/13/2020

Part B Violations

1 FEDERAL	Primary: 107.502(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to properly register before engaging in the manufacture, assembly, certification, inspection or repair of a specification cargo tank or cargo tank motor vehicle. Example Date of inspection: 8/9/2019 Cargo Tank Specification: DOT 406 Cargo Tank Serial Number: [REDACTED] Cargo Tank Unit Number: 232 Facility performed Part 180 tests on DOT specification tank without being registered.				
2 FEDERAL	Primary: 172.704(c)(2)	Discovered 1	Checked 2	Drivers/Vehicles In Violation Checked 1 2
Description Failing to retrain hazardous material employees every three years. Example Employee: Chris Houpey Date of Hire: October 1, 2012 HM Function: Registered Inspector Failure to retrain Hazardous Materials General Awareness				
3 FEDERAL	Primary: 180.413(a)(1)(i)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1 1
Description Performing a repair, modification, stretching or rebarrelling of a non-ASME cargo tank without holding a valid ASME U Stamp or National Board R Stamp. Example Date of Repair: 8/9/2019 Specification Cargo Tank: DOT 406 Type of repair: Welded on cargo tank wall to repair crack in barrel of cargo tank. Repair performed by RI Chris Houpey				
4 FEDERAL	Primary: 180.417(b)	Discovered 30	Checked 30	Drivers/Vehicles In Violation Checked 30 30
Description Failing to include the information required by 180.417(b)(1) or 180.417(b)(2) of this section on the test and inspection reports as required. Example Cargo Tank Spec: DOT 406 Test Date: 8/9/2019 Inspection forms do not contain "continuing qualification statement"				





THE SUPERIOR TANK & TRAILER CO INC
U.S. DOT #: 364271

Review Date:
02/13/2020

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 0
Recordable Accidents 0

OOS Vehicle (CR): 0

Number of Vehicle Inspected (CR): 0

OOS Vehicle (MCMIS): 0

Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

This Review is not Rated.





Part B Requirements and/or Recommendations

1. Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
 - Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
 - NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
 - PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

2. Before conducting cargo tank tests, inspections, repairs, assembly or manufacturing, ensure that the facility is registered as specified in 107.503(c).

Repairs must be performed by a facility that holds a valid National Board Certificate of Authorization (R stamp)
3. This is a CTFR only and no safety rating will be assigned. The HM Regulations are available on-line at www.phmsa.dot.gov. Be sure to renew your CT Registration prior to the expiration date.
4. Ensure that each record of a test or inspection contains all required information prescribed in 180.417(b).
5. Ensure that you maintain a copy of the registration letter submitted to obtain your CT number.
6. Go to <https://hazmatonline.phmsa.gov> for free training DVDs and other HM information.
7. CT Facility is to ensure hazardous materials training of new and existing hazmat employees is kept current including function-specific training, general hazardous materials training and security awareness for individuals involved in qualification of DOT specification cargo tank motor vehicles.

Hazardous Materials training documentation is to include: The hazmat employee's name; the most recent training completion date; a description, copy or the location of the training materials; the name and address of the person providing the training; and employer certification that the hazmat employee has been trained and tested.

8.

TABLE 1 TO PARAGRAPH (g)(1)(iv)
Specification Test pressure





THE SUPERIOR TANK & TRAILER CO INC

U.S. DOT #: 364271

Review Date:

02/13/2020

Part B Requirements and/or Recommendations

The test pressure on the name plate or specification plate, or 1.5 times the MAWP, whichever is greater.

MC 304, 307 The test pressure on the name plate or specification plate, 275.8 kPa (40 psig) or 1.5 times the design pressure, whichever is greater.

MC 310, 311, 312 The test pressure on the name plate or specification plate, 20.7 kPa (3 psig) or 1.5 times the design pressure, whichever is greater.

MC 330, 331 The test pressure on the name plate or specification plate, 1.5 times either the MAWP or the re-rated pressure, whichever is applicable.

MC 338 The test pressure on the name plate or specification plate, 1.25 times either the MAWP or the re-rated pressure, whichever is applicable.

DOT 406 The test pressure on the name plate or specification plate, 34.5 kPa (5 psig) or 1.5 times the MAWP, whichever is greater.

DOT 407 The test pressure on the name plate or specification plate, 275.8 kPa (40 psig) or 1.5 times the MAWP, whichever is greater.

DOT 412 The test pressure on the name plate or specification plate, or 1.5 times the MAWP whichever is greater.

9. PHMSA HM Training Modules are available at: <https://www.phmsa.dot.gov/training/hazmat/training-modules>

10. See PHMSA Interpretation 18-0060 for information regarding improper lap patches. This interpretation provides guidance when an inspection facility or owner or a cargo tank comes across a cargo tank with a lap patch repair.





THE SUPERIOR TANK & TRAILER CO INC
U.S. DOT #: 364271

Review Date:
02/13/2020

TABLE OF VIOLATIONS

Section #	Identifying Information	Violation Date
180.413(a)(1)(i)	Unit 232-Chris Houpey	8/9/2019





THE SUPERIOR TANK & TRAILER CO INC
U.S. DOT #: 364271

Review Date:
02/13/2020

Part C

Reason for Review: Other CT Facility
Planned Action: Prosecution IN-2020-0037-US1539

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
													ü				ü	ü

Prior Reviews

10/28/1998
8/27/1996
10/18/1989

Prior Prosecutions

12/9/1996

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

Not Applicable

Corporate Contact: Bryon Kovalaske
Corporate Contact Title: Vice President

Special Study Information:

Remarks:

INVESTIGATIVE REPORT RECEIVED BY:

Name: Bryon Kovalaske
Title: Vice President
CTFR Name: Superior Tank & Trailer Co., Inc.
Date: 2/13/2020
Telephone Number: 812-222-2301

REASON FOR INVESTIGATION:

A cargo tank facility review was assigned as FMCSA's HM Program Goals and Initiatives. Additionally, during the review of a carrier, it was discovered the cargo tank facility being used by the carrier did not have a Cargo Tank Facility Number and was not registered with FMCSA.

FACILITY OPERATION DESCRIPTION:

Superior Tank & Trailer Company is a fixed cargo tank facility located at 8005 East State Road 46, Greensburg, Indiana 47240. Information regarding the type of inspections and repairs conducted by the company was derived from an interview with the company's Vice President, Bryon Kovalaske. Superior Tank conducts external visual, internal visual, leakage, thickness and pressure tests on MC 300 Series and DOT 400 Series cargo tanks. The company also conducts non-ASME repairs. The company is not registered with FMCSA to conduct Part 180 inspections or repairs. In addition to Part 180 inspections and repairs, the company also performs maintenance and repairs on commercial motor vehicles. Their parent company is located at 11415 Erie Avenue SW, Beach City, Ohio. Their parent company, aka The Superior Tank & Trailer Company Inc., has a CT number 768 and has been in business for over 25 years. The Beach City, Ohio facility currently holds an R stamp, last renewed 12/18/2019, expiring on 12/18/2022. Both fixed facilities are advertised on Superior Tank's website superiortankinc.com.

Superior Tank's Indiana facility has been in operation since 2012. The company is registered on the Indiana Secretary of State business website as a corporation. Thomas Burkey is the President; Bryon Kovalaske is the Vice President. The facility consists of a four-bay maintenance shop with attached administrative offices and a large fenced gravel parking lot. Part 180 inspection records completed are kept at Greensburg, Indiana. Copies of the inspection reports are forwarded to their office in Beach City, OH where invoices are generated and sent to customers. Gross revenue for the company



**Part C**

Superior Tank & Trailer has two Registered Inspectors, Jeff Westerfeld and Chris Houpey. Both were hired in 2012 at the inception of the Indiana location. In addition to the Registered Inspector duties, both are welders. They also employ two general maintenance mechanics.

PRE-INVESTIGATION:

On Friday February 7, 2020, the facility was contacted and an appointment was set up for the review for Wednesday, February 12, 2020. A questionnaire was emailed to the carrier requesting company information, revenue, corporation documents, copies of all Part 180 inspections for the past 365 days, a list of all motor carriers in which they inspect cargo tanks, list of all employees including registered inspectors and qualifications and hazardous materials training for their employees. It was also requested that a DOT specification cargo tank be made available to observe their registered inspector conduct an external visual and pressure retest during the review.

INVESTIGATION:

Present throughout the investigation was the company Vice President, Bryon Kovalaske. He provided all documents requested. The company had available a DOT 407 specification cargo tank for the Registered Inspector (RI) to demonstrate Part 180 inspections. During the opening interview, I confirmed that the Indiana facility was not registered with FMCSA. Mr. Kovalaske stated he was not aware they needed an additional CT number for the Indiana facility and they had been using their CT number from the Beach City, OH facility.

TESTS/INSPECTIONS:

As part of the investigation, I requested a DOT specification cargo tank to be available to observe Part 180 testing. The company provided a DOT 407 cargo tank. Registered Inspector Chris Houpey demonstrated parts of the tank testing/inspection process including bench testing of the tank's pressure relief device. RI Houpey used a checklist while demonstrating the test/inspection. Documents were also displayed in the area the RI used to bench test the PRD for reference. RI Houpey was able to properly demonstrate the testing/inspection process. No violations of the actual tank testing process were discovered.

I reviewed the testing equipment used by the company. A Cygnus thickness tester with appropriate calibration coupons for each metal tested was produced. The company uses digital gauges for bench testing pressure relief devices. The facility had adequate parts for repairs on hand.

RI QUALIFICATIONS/TRAINING:

The company employs two Registered Inspectors. Chris Houpey was hired in October 2012. Jeff Westerfeld was hired May 2012. Mr. Kovalaske provided documentation of qualifications for each RI. Both were qualified by possessing a High School Diploma and at least three (3) years of experience conducting Part 180 inspections. I requested HM training records for RI's Westerfeld and Houpey. Recurring general hazardous materials awareness training and security awareness training was provided for Westerfeld (2018). The company could not provide recurring general awareness/familiarization training for RI Houpey. Function specific training was provided and consisted of NTTCC Part 180 inspection training in May 2019.

REPORT FORMS:

Superior Tank conducted approximately two hundred (200) tank tests/inspections in the previous twelve months. The sample size for reviewing Part 180 inspection reports was thirty (30). I reviewed six (6) pressure tests, six (6) external visual tests, six (6) internal visual tests, six (6) leakage tests and six (6) thickness tests on the following cargo tanks:

1. Unit 1117, 2004 Bulk, VIN#007101 DOT 407
2. Unit 2209, 1993 Beal, VIN#1032, MC307
3. Unit 232, 2007 Tremcar, VIN#0232, DOT 406
4. Unit 5009, 2014 Heil, VIN#50188, DOT 407
5. Unit 9127, 1998 Polar, VIN#9127, MC307

Inspection report forms did not contain a continuing qualification statement. The forms only indicated "returned to service". All other required items were on the forms. A review of the test reports indicated the carrier was properly conducting the





Part C

Part 180 tests.

REPAIRS/MANUFACTURING/ASSEMBLY:

In January 2020, a Compliance Review was conducted on the carrier Transmark, USDOT 333211. During the CR, it was discovered that Superior Tank had conducted repairs on a DOT 406 cargo tank, a 2007 Tremcar, VIN# [REDACTED], owned by Transmark. Superior had repaired a crack in the barrel of the cargo tank by welding. During the facility review of Superior Tank, as part of the sampling, I pulled the Part 180 inspection reports for this particular cargo tank. The reports indicated the inspector, Chris Houpey, discovered a crack in the barrel. The notes on the report state he made repairs by welding the crack. A work order, #40770, was produced for the repairs. I interviewed RI Houpey and confirmed that he made the weld repairs on the cargo tank. I also asked Mr. Houpey about his welding qualifications. He stated he learned how to weld in shop class during high school and has been welding for approximately twelve (12) years.

Mr. Kovalaske stated the Indiana facility did not have a separate R-stamp. He stated they used their R-stamp that was issued to the Beach City, Ohio location and that it covered field locations. I called the National Board of Boiler & Pressure Vessel Inspectors, I spoke with Terrance Hellman on 2/12/2020 regarding the use of the R-stamp at their Indiana location. Mr. Hellman stated that the R-stamp was good only for the Beach City, Ohio location and field locations. He further stated that field locations were defined by NBIC as a temporary location and that to conduct repairs using the Beach City, Ohio facility's R-stamp they would be required to use all approved equipment and personnel from the Beach City, Ohio facility at the field location. The violation for performing a repair on a non-ASME cargo tank without holding a valid ASME U Stamp or National Board R Stamp was noted in Part B.

I requested from Mr. Kovalaske, any welder performance qualification documentation for RI Houpey or RI Jeff Westerfeld. Mr. Kovalaske provided WPQ documentation for their welders in Beach City, Ohio, but did not produce any for the welders at the Indiana location. A welders continuity log was produced for RI Jeff Westerfeld but not RI Houpey. I also requested to see any Quality Control Manuals or weld procedures. Mr. Kovalaske stated they do not have any manuals at the Indiana facility.

FOLLOW-ON ACTION:

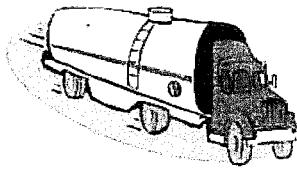
Enforcement action is planned for Part 180. 413 performing repairs on a non-ASME specification cargo tank without an R-stamp. Case No. IN-2020-0037-US1539. A recall letter regarding the undocumented repair conducted on the DOT 406 cargo tank owned by Transmark will also be sent to Transmark from the Indiana Division Administrator..

DOCUMENTS PROVIDED TO FACILITY:

Present during closeout was Bryon Kovalaske. A copy of the compliance review Part A, Part B violations and Recommendations was provided. An electronic copy of the review was also emailed to the company.

Upload Authorized:	Yes	No
Authorized by:		Date:
Uploaded:	Yes	No
Verified by:		Failure Code:
		Date:





SUPERIOR TANK & TRAILER INC.

PO BOX 500

11415 ERIE AVE. SW

BEACH CITY, OH 44608-0500

PHONE: (330)-756-2030

FAX: (330)-756-2015

WORK ORDER DETAILS

Work Order #	W0040770
Date Received	08/06/19
Date Planned	09/11/19
Date Invoiced	
Technician	
Vehicle #	
Customer Name #	
Customer Name	DENNIS

CUSTOMER

TRANSMARK LOGISTICS, LLC

1780 S. CO. RD. 850 E.

GREENSBURG IN 47240

Garrett Knollman

Ph: 812.663.9400

Fax: 812.663.9428

Model No. 2007 TREMCAR

☐ Warranty

Manufacturer -

Meter

0.00

0.00

Type -

Equip#

232

Serial No. ...0232

Version

-

Item #	Description	Qty	Unit	Unit Price	Total
1/4" ALUM SHEET	1/4" ALUM SHEET 3003-H14, 5'X10' (2PCS 5" X 7")	0.48	SF	11.3875	5.46
ALUMRIVET	3/16 ALUM POP RIVET	7.00	EA	0.0375	0.26
LABOR	LABOR	21.80	HR	75.0000	1,635.00
TECHNICIAN NOTES	PO# Dennis		SF		
	2007 Tremcar, 9000 gallon, Unit#232, VIN#...0232, 406, alum				
	1) Check unit with safety meter.				
	2) Perform internal visual inspection.				
	3) Repair cracks on rear baffle bottom plates as needed.				
	4) Perform external visual inspection.				
	5) Remove flashing and airlines.				
	6) Open (1) jacket sheet to access crack.				
	7) Weld crack and close jacket sheet.				
	8) Reinstall flashing and airlines.				
	9) Gauge U-C plate, remove, inspect and reinstall.				
	10) Remove vent, bench test and reinstall for tank leak test.				
	11) Perform pneumatic pressure and leak tests.				
	12) Perform EPA method 27 vapor test.				
	13) Perform 49CFR inspection.				
	14) Install test dates and supply test papers.				

Total Parts	5.73
Labor	1635.00
Misc	0.00
Delivery/Freight	0.00
Tax	TBD

EXHIBIT C-6

10/10/19 02:57:10 PM



DOT/MC 402		CHECKLIST/TEST REPORT DATE		CUSTOMER	
FOR EXTERNAL VISUAL INSPECTION		8/9/19		Trans mark	
UNIT NO.	YEAR OF MFG.	MANUFACTURER			
232	2007	Troncor			
MATERIAL		MAWP/DESIGN PRESSURE	CAPACITY	TOTAL GALLONS	INSULATION
5459	3.3		9,000	1) 9,000 2) 3) 5) 6)	YES NO
OBTAIN ABOVE INFORMATION FROM DATA PLATE ON TANK.					
TRANSPORT SERVICE:		MINIMUM THICKNESS:		LINED	TEST PRESSURE PSI
CORROSIVE TO TANK		SHELL		YES NO	5
DEDICATED		HEAD			

DOT MANDATORY ITEMS INDICATED WITH "M" ON CHECKLIST CHECK ONE OR MORE OF THREE COLUMNS FOR EACH ITEM ON CHECKLIST. ADDITIONAL SHEETS IF NECESSARY.

ITEM NO.	ACTIVITY	COMPLIES	REPAIRS NEEDED	SEE REMARKS
1.	Data plate: Tank attachments - entries legible - no corrosion.	X		
2M.	Shell and heads: Condition of welds - dents - gouges - corrosion or abrasion need for UT testing.	N/A		X
3.	Outer Jacket, Condition of attachment - dents - digs - scrapes - gouges - perforations - loose sheets - cracks and distortion - overall condition.	X		
4M.	Upper Coupler Assembly: condition of plate - corrosion - deformation - lubrication - bolt tightness - kingpin tightness - kingpin wear and deformation (dros & service plate if necessary). (Make notation in remarks on fifth wheel plate).	X		X
5.	Landing Gear: corrosion and rust - condition of welds - bolt tightness - gear operation.	X		
6.	Void areas: Signs of corrosion - fittings and drains unplugged and operable.	N/A		
7.	Placard Holders: Attachment of tank - condition of clips and hinges.	X		
8.	Paint: Up to company standard.	N/A		
9M.	Boiled Attachments: Piping brackets and supports - valve installations - valve operator installation - dust cap retainers - all tank-to-frame and/or undercarriage attachments.	X		
10.	Hose Tubes - troughs - or racks: Condition of tube - end covers and latches - tie-downs	X		
11M.	Piping and all valves and adapters: Attachments - leakage - handles and lever cables or airlines - shear sections - dust caps - all gaskets or O-rings lubrication point.	X		
12M.	Intanal Valve Operation: Three means of closure (normal, remote and thermal) function check-hydraulic leaks - cable adjustment - condition of cable and pulleys - fusibles - lubrication points.	X		
13.	Pumps: Cleanliness - driveshaft alignment - condition of bearings - seals and packing - clean and service by-pass valves - shaft guards - mounting bolts - lubricant points.	N/A		
14.	Product Hose: Condition of covers - reinforcement damage - condition of couplings - fittings - and other hardware and gaskets.	N/A		

DOT/MC 1606 CHECKLIST/INSPECTION REPORT CUSTOMER: <i>Transmark</i>	UNIT # <i>232</i>	
FOR EXTERNAL VISUAL INSPECTION		
15. Ladders: Catwalks and Platforms: Attachments to tank - tightness of bolts - deformation of structure - ground clearance.	X	
16. Static Grounding Connections: Present and tight.	N/A	
17. Gauging Devices: (If applicable) Function check.	N/A	
18M. Manhole Assembly Area (For each compartment) Evidence of leakage - warpage - corrosion and impact damage to dome covers - weld color - gasket seal surfaces - overturn protection structure - clamping ring - and all welds - Condition of dome gaskets - evidence of product conglutination - condition of latches - hinges - all bolted connections - drains and hoses.	X	
19M. Pressure Relief Devices: Verify all vents present - verify venting adequate for tank - markings on vents - check under - dome for product conglutination - visual check fusible plugs and caps: if necessary remove and bench test all reclosing vents. Check all gaskets and O-rings involved in reinstallation.	X	X
20. Caution Labels: Check condition and presence of all labels - Replace as necessary.	X	
21M. Inspect and repair as necessary all parts and accessories for compliance with part 395 or 49CFR.	X	
22M. Tank Marking: Date (month and year) and service symbol (V) after all defects are corrected.	X	

REMARKS (USE ADDITIONAL SHEETS IF NECESSARY)
4M, 19M) SEE ADDITIONAL SHEET.SEE WO# *40770*

*3) removed flashing & air lines & opened one skin so could weld crack on outside of barrel
Reins talled skin, flashing & air lines after pressure tested*

TANK DISPOSITION	PASSED: X	FAILED:
------------------	-----------	---------

INSPECTOR/TESTOR <i>Chris Hoag</i>	Superior Tank & Trailer Co., Inc.	OWNER OR REPRESENTATIVE
DOT REG. NO. #CT-0788	DATE: <i>8/9/19</i>	OWNER DOT REG. NO.
		DATE:

Superior Tank & Trailer Co., Inc.
PO Box 500
Beach City, Ohio 44808-0500

PRESSURE RELIEF VALVE TEST AND INSPECTION

TYPE OF PRESSURE RELIEF DEVICE

10" Tinea 3.63

CARGO TANK MAWP

3.3

FRANGIBLE RELIEF _____

DISPOSITION OF THE PRESSURE RELIEF DEVICE

	REMOVED	INSPECTED	BENCH TESTED & REINSTALLED	REBUILT, TESTED & REINSTALLED	REPLACED
1ST COMPT.	☒	☒	☒		
2ND COMPT.					
3RD COMPT.					
4TH COMPT.					
5TH COMPT.					
6TH COMPT.					

SET TO DISCHARGE
PRESSUREPRESSURE AT WHICH
DEVICE OPENEDPRESSURE AT WHICH DEVICE
RE-SEAT

CFR 49 180.407 (d) (3)
Must open at no less than the
set to discharge pressure
identified on the device & no
more than 110% of the set to
discharge pressure.

CFR 49 180.407 (d) (3)
Must reseat to a leak-tight
condition at not less than 80%
of the set to discharge
pressure.

1ST COMPT. 3.63 PSI
2ND COMPT. _____ PSI
3RD COMPT. _____ PSI
4TH COMPT. _____ PSI
5TH COMPT. _____ PSI
6TH COMPT. _____ PSI

4 PSI
____ PSI
____ PSI
____ PSI
____ PSI
____ PSI

3.6 PSI
____ PSI
____ PSI
____ PSI
____ PSI
____ PSI

UPPER COUPLER ASSEMBLIES INSPECTION (UC)

TYPE OF UPPER COUPLER ASSEMBLIES INSPECTION

- ☐ VISUALLY EXAMINED IN PLACE
☒ REMOVED (SEPARATED FROM THE CARGO TANK FRAME) FOR EXAMINATION
☐ UNIT IS MOUNTED ON A TRUCK CHASSIS WITH NO U-C
☐ UNIT IS TRAILER EQUIPPED WITH PINTLE HOOK EYE

SIGNATURE OF INSPECTOR

Chris Hoyer☒ NO DEFECTS OR DAMAGED DISCOVERED☐ DEFECTS OR DAMAGE DISCOVERED

DOT/MC 406 CHECKLIST/TEST REPORT FOR INTERNAL VISUAL INSPECTION		DATE 8/9/19	CUSTOMER Transmark	
UNIT NO. 232	YEAR OF MFR. 2007	MANUFACTURER Tremcar		
TANK SERIAL NO. [REDACTED]	MATERIAL 5454	MAWP/DESIGN PRESSURE 3.3	CAPACITY 1,000	TOTAL GALLONS 2. 3. 4. 5. 6.
OBTAIN ABOVE INFORMATION DATA PLATE ON TANK			INSULATION YES NO	
TRANSPORT SERVICE: CORROSIVE TO TANK DEDICATED		MINIMUM THICKNESS: SHELL HEAD	LINED YES NO	

TEST PRESSURE PSI

DOT MANDATORY ITEMS INDICATED WITH "M" ON CHECKLIST. CHECK ONE OR MORE OF THREE COLUMNS FOR EACH ITEM ON CHECK
ADDITIONAL SHEETS IF NECESSARY.

ITEM NO.	ACTIVITY	COMPLIES	REPAIRS NEEDED	SEE REMARKS
	ALL COMPANY TANK ENTRY SAFETY PROCEDURES AND OSHA REGULATION MUST BE COMPLIED WITH.			
1. M)	Structure: Inspect for corrosion, abrasion, dents, pitting, or distortion at manhole area, around valve or drain sumps and splash deflectors throughout tank - look also for discoloration and bleeding - check all structures for deformation.	✓		
	(Identify in REMARKS all dents, gouges, or other abnormal surfaces changes, whether or not repairs are required. (Mark any areas that require UT testing and identify in REMARKS).			
2. M)	Welds: Inspect every inch of every weld in tank, making hand contact where possible, special attention to bulkhead and baffle welds - special attention to welds in area in area above fifth wheel upper coupler.	✓		X
3. M)	Piping and valves, check insulation tightness - inspect poppet travel and make visual inspection of valve surfaces - clear and make secure all screens - inspect for foreign matter in valves and sumps.	✓		
4. M)	Remove all equipment brought into tank, then inspect again before leaving tank.	✓		
5. M)	Tank Markings: Date (month and yr.) and service symbol (1) after all defects are corrected.	✓		

REMARKS (USE ADDITIONAL SHEETS IF NECESSARY):

See WOT# 40770

2m) Baffles was cracked at bottom plates on rear baffle, cut baffle sections out of plates found crack in barrel under plate, welded crack inside tank & welded new plates on baffle sections back in

TANK DISPOSITION

PASSED: ✓

FAILED:

Chris Hanger

INSPECTOR/TESTER SUPERIOR TANK & TRAILER CO., INC. OWNER REPRESENTATIVE

DOT REG. NO #CT-0786

DATE: 8/9/19 OWNER DOT REG. NO.

DATE:

Superior Tank & Trailer Co., Inc.
PO Box 500
Beach City, OH 44808-0500

US DOT AUTHORIZES PNEUMATIC TESTING AS AN ALTERNATIVE TO HYDROSTATIC TESTING.
NTTC DOES NOT RECOMMEND USE OF A PNEUMATIC PROCEDURE.

DOT/MC 406 CHECKLIST/TEST REPORT		DATE	CUSTOMER	
FOR PNEUMATIC LEAK 308/408 INSPECTION		8/9/19	Transmark	
UNIT NO.	YEAR OF MFG.	MANUFACTURER		
232	2007	Transmark		
TANK SERIAL NO.	MATERIAL	MAWP/DESIGN PRESSURE	CAPACITY	TOTAL GALLONS
345454	5754	3.3	9,000	9,000
OBTAIN ABOVE INFORMATION FROM DATA PLATE ON TANK.			1) 9,000	2) 3)
			4) 5)	6)
TRANSPORT SERVICE:	MINIMUM THICKNESS:	LINED	INSULATION	TEST PRESSURE PSI
CORROSIVE TO TANK	SHELL	YES	YES	5
DEDICATED	HEAD	NO	NO	

GOT MANDATORY ITEMS INDICATED WITH "M" ON CHECKLIST. CHECK ONE OR MORE OF THREE COLUMNS FOR EACH ITEM ON CHECKLIST. ATTACH ADDITIONAL SHEETS IF NECESSARY.

ITEM NO.	ACTIVITY	COMPLIES	REPAIRS NEEDED	SEE REMARKS
PROCEDURE MUST BE COMPLETED FOR EACH COMPARTMENT. RED FLAG ANY VENTS THAT ARE INSERTED. INSTALL PRESSURE GAUGE AND LINE RELIEF PETCOCK ON VAPOR RECOVERY RETURN LINE ADAPTER.				
1M.	Close manhole, open internal valve (if appropriate), and induce air pressure gradually up to test pressure-close valves-hold for 5 minutes-monitor test system gauge and perform leak detection as necessary. TEST PRESSURE: 264	X		
2M.	Manhole area: check filler cover-fusible plugs-solid plugs-overfill sensor and vent installations (remove and replace hood to check load/unload vent)-clamping ring.	X		
3M.	Piping: inspect valve sumps-all piping connections-manifold inlets and outlets.	X		
4M.	Internal valves: open discharge valves, then close-check pressure buildup in piping.	X		
5M.	Discharge valves: open internal valves-check leakage past discharge valves-close internal valves.	X		
6M.	Vapor recovery system: open and close internal valve, charging system-check all flexible and rigid components-zero pressure in system and monitor gauge for buildup, indicating leakage past load/unload vent.	X		
7M.	Remote valve operators: open internal valve with normal operator, close with remote operator-zero pressure buildup in piping-monitor gauge for pressure buildup if remote operator is not closing internal valve.	X		

US DOT AUTHORIZES PNEUMATIC TESTING AS AN ALTERNATIVE TO HYDROSTATIC TESTING.
NTTC DOES NOT RECOMMEND USE OF A PNEUMATIC PROCEDURE.

8M. Tank surfaces and welds: check external surfaces and welds 100%-special attention to repaired areas and lower structure above fifth wheel upper coupler assembly.

9M. Tank system and all accessories must hold test pressure for 5 minutes.

TEST PRESSURE:

2.64

10M. Restore operation of all vents-remove red flags.

11M. Tank marking: Date (month and year) and service symbol (K) after all defects are corrected.

X		
X		
X		
X		

Remarks (use additional sheets if necessary):

SEE WORK 40770

1M,9M) SEE ADDITIONAL SHEET.

Defects found, location and corrective action:

Tank Disposition:

Passed:

X

Failed:

Superior Tank & Trailer Co., Inc.
P.O. Box 500
Beach City, Ohio 44808-0500


Inspector or Test Conductor8/9/19
Date

Owner or Representative

DOT REG. NO. CT-0786

DOT REG. NO. _____

US DOT AUTHORIZES PNEUMATIC TESTING AS AN ALTERNATIVE TO HYDROSTATIC TESTING.
NTTC DOES NOT RECOMMEND USE OF A PNEUMATIC PROCEDURE.

LEAKAGE TEST REPORT

LEAKAGE TEST PRESSURE MUST BE NOT LESS THAN 80% OF THE TANK DESIGN PRESSURE OR MAWP

	START	STOP
1ST COMPT	<u>11:02 Am</u>	<u>11:08 Am</u>
2ND COMPT	<u> </u>	<u> </u>
3RD COMPT	<u> </u>	<u> </u>
4TH COMPT	<u> </u>	<u> </u>
5TH COMPT	<u> </u>	<u> </u>
6TH COMPT	<u> </u>	<u> </u>

	START	STOP
1ST COMPT	<u>11:19 Am</u>	<u>11:25 Am</u>
2ND COMPT	<u> </u>	<u> </u>
3RD COMPT	<u> </u>	<u> </u>
4TH COMPT	<u> </u>	<u> </u>
5TH COMPT	<u> </u>	<u> </u>
6TH COMPT	<u> </u>	<u> </u>

**US DOT AUTHORIZES PNEUMATIC TESTING AS AN ALTERNATIVE TO HYDROSTATIC TESTING.
NTTC DOES NOT RECOMMEND USE OF A PNEUMATIC PROCEDURE.**

5.2.4 Pressure Retest

An external visual inspection (Section 5.2.1) and an internal visual inspection (Section 5.2.2) in accord with prior instructions and procedures (Section 5.0) must be accomplished concurrent with the pressure retest.

Test pressure for all MC 308-type tanks is 3 psig or design pressure, whichever is greater. For DOT406 tanks, test pressure will be 6 psig or 1.5 x MAWP, whichever is greater. Hold time varies as to whether a hydrostatic or pneumatic procedure is used.

All spring-actuated vents must be removed, inspected and tested as part of the service. For the test, vents with ratings less than test pressure can be inerted and left installed, or removed and openings flanged off. Red flag all inerted vents. Operation of all vents must be restored after test before return of tank to service.

If hydrostatic procedure is used, make sure that support is provided under fifth wheel upper coupler adequate to support weight of tank.

The mandatory DOT requirement for hydrostatic is as follows:

1. Tank, including domes, must be filled with water.
2. Test liquid temperature: not over 100 degrees F.
3. Test pressure is specified (Table 2, Section 5.4 herein).
4. Gauge pressure at top of tank.
5. Hold time: 10 minutes.
6. Inspect for leakage, bulging or other defects.
7. A test report is required.

The mandatory DOT requirement for pneumatic is as follows:

1. Use air or a similar gas.
2. Pressure up to one-half of test pressure, then increase pressure in one-tenth increments until full test pressure is attained.
3. Hold for five minutes.
4. Reduce pressure to MAWP.
5. Maintain MAWP while tank surfaces are inspected.
6. Use approved method for leak detection, e.g., ultrasonic detector, soap-and-water solution, etc.
7. Provide safeguards for employees.
8. A test report is required.

For either procedure, a tank cannot be returned to service if it leaks, fails to retain test pressure, shows distortion, excessive permanent expansion, or other structural defects-until all such defects are repaired or corrected.

Review the safety instructions and procedures in Section 5.4, then use the checklist/test reports (Figures 20 and 21) that follow for a hydrostatic test or a pneumatic test. * Dark and legible pen and pencil entries are acceptable. Review 180.411 before completing the "Tank Disposition" entry on test reports.

*DOT authorizes either hydrostatic or pneumatic test procedures.
PNEUMATIC TEST PROCEDURE NOT RECOMMENDED BY NTTC.

US DOT AUTHORIZES PNEUMATIC TESTING AS AN ALTERNATIVE TO HYDROSTATIC TESTING.
NTTC DOES NOT RECOMMEND USE OF A PNEUMATIC PROCEDURE.

DOT/MC <u>406</u>		CHECKLIST/TEST REPORT		DATE <u>8/9/19</u>	CUSTOMER <u>Transmark</u>	
FOR PNEUMATIC PRESSURE 306 INSPECTION						
UNIT NO. <u>232</u>	YEAR OF MFG. <u>2007</u>	MANUFACTURER <u>Tremcar</u>				
TANK SERIAL NO. <u>[REDACTED]</u>	MATERIAL <u>5454</u>	MAWP/DESIGN PRESSURE <u>3.3</u>		CAPACITY <u>9,000</u>	TOTAL GALLONS	
OBTAIN ABOVE INFORMATION FROM DATA PLATE ON TANK.				COMPT. 1) <u>9,000</u>	2)	3)
				4)	5)	6)
TRANSPORT SERVICE:		MINIMUM THICKNESS:		LINED	INSULATION	TEST PRESSURE PSI
CORROSIVE TO TANK		SHELL		YES	<u>YES</u>	
DEDICATED		HEAD		<u>NO</u>	<u>NO</u>	<u>5</u>

DOT MANDATORY ITEMS INDICATED WITH "M" ON CHECKLIST. CHECK ONE OR MORE OF THREE COLUMNS FOR EACH ITEM ON CHECKLIST. ATTACH ADDITIONAL SHEETS IF NECESSARY.

ITEM NO.	ACTIVITY	COMPLIES	REPAIRS NEEDED	SEE REMARKS
PROCEDURE MUST BE COMPLETED FOR EACH COMPARTMENT. INERT AND RED FLAG ALL VENTS THAT FUNCTION AT LESS THAN TEST PRESSURE.				
1M.	Remove, inspect and test all reclosing vents. Reinstall or replace (as necessary) if vents are to be in place during test. Otherwise, blank off openings.	✓		X
2M.	Conduct simple low-pressure leak test (1 psig, pneumatic) with manhole and all valves closed-detect and correct all leaks.	✓		
3M.	Close all valves and manhole, then pressure tank up to half of test pressure-hold and check for leaks.	✓		
4M.	Pressure up to test pressure in one-tenth (of test pressure) increments-as each tenth increments is reached, hold and check for leaks.	✓		
5M.	Pressure up to test pressure, hold for 5 minutes.			
START TIME: <u>10:30AM</u> STOP TIME: <u>10:41AM</u> TEST PRESSURE: <u>5</u>		✓		
6M.	Relieve test pressure gradually to MAWP-hold pressure at MAWP and inspect entire tank surface for leaks, distortion, permanent expansion, or any other defects.	✓		
7M.	Gradually relieve pressure to 0 psig.	✓		
8M.	Restore operation of all vents-remove red flags.	✓		
9M.	Tank marking: Date (month and year) and service symbol (P) after all defects are corrected.	✓		

US DOT AUTHORIZES PNEUMATIC TESTING AS AN ALTERNATIVE TO HYDROSTATIC TESTING.
NTTC DOES NOT RECOMMEND USE OF A PNEUMATIC PROCEDURE.

Remarks (use additional sheets if necessary):

Pneumatic Leak test 10" Line 3.63 1st Remove vent, bench started & Reinstalled for
set 3.63psi open 4psi reset 3.6psi

Defects found, location and corrective action:

Tank Disposition:

Passed:

Failed:

Superior Tank & Trailer Co., Inc.
P.O. Box 500
Beach City, Ohio 44808-0500

Chris Horgan
Inspector or Test Conductor

8/9/19
Date

Owner or Representative

DOT REG. NO. CT-0786

DOT REG. NO. _____

DOT/MC 406 CHECKLIST/TEST REPORT			DATE	CUSTOMER		
FOR EXTERNAL VISUAL INSPECTION			8/9/19	TRANSMARK LOGISTICS		
UNIT NO.	YEAR OF MFG.	MANUFACTURER	1780 S. CO. RD. 850 E.			
232	2007	TREMCAR	GREENSBURG, IN 47240			
TANK SERIAL NO	MATERIAL	MAWP/DESIGN PRESSURE	CAPACITY	9000	TOTAL GALLONS	INSULATION
VIN#...000232	ALUM	3.3	COMPT. 1) 9000	2) 3)	3)	YES X
OBTAIN ABOVE INFORMATION FROM DATA PLATE ON TANK.			4) 5) 6)	5) 6)	6)	NO
TRANSPORT SERVICE:		MINIMUM THICKNESS:		LINED	TEST PRESSURE PSI	
CORROSIVE TO TANK		SHELL		YES	5	
DEDICATED		HEAD		NO X		

DOT MANDATORY ITEMS INDICATED WITH "M" ON CHECKLIST CHECK ONE OR MORE OF THREE COLUMNS FOR EACH ITEM ON CHECKLIST. ADDITIONAL SHEETS IF NECESSARY.

ITEM NO.	ACTIVITY	COMPLIES	REPAIRS NEEDED	SEE REMARKS
1.	Data plate: Tank attachments - entries legible - no corrosion.	X		
2M.	Shell and heads: Condition of welds - dents - gouges - corrosion or abrasion need for UT testing.	N/A		X
3.	Outer Jacket, Condition of attachment - dents - digs - scrapes - gouges - perforations - loose sheets - cracks and distortion - overall condition.	X		
4M.	Upper Coupler Assembly: condition of plate - corrosion - deformation - lubrication - bolt tightness - kingpin tightness - kingpin wear and deformation (drop & service plate if necessary). (Make notation in remarks on fifth wheel plate).	X		X
5.	Landing Gear: corrosion and rust - condition of welds - bolt tightness - gear operation.	X		
6.	Void areas: Signs of corrosion - fittings and drains unplugged and openable.	N/A		
7.	Placard Holders: Attachment of tank - condition of clips and hinges.	X		
8.	Paint: Up to company standard.	N/A		
9M.	Bolted Attachments: Piping brackets and supports - valve installations - valve operator installation - dust cap retainers - all tank-to-frame and/or undercarriage attachments.	X		
10.	Hose Tubes - troughs - or racks: Condition of tube - end covers and latches - tiedowns	X		
11M.	Piping and all valves and adapters: Attachments - leakage - handles and lever cables or airlines - shear sections - dust caps - all gaskets or O-rings lubrication point.	X		
12M.	Internal Valve Operation: Three means of closure (normal, remote and thermal) function check-hydraulic leaks - cable adjustment - condition of cable and pulleys - fusibles - lubrication points.	X		
13.	Pumps: Cleanliness - driveshaft alignment - condition of bearings - seals and packing - clean and service by-pass valves - shaft guards - mounting bolts - lubricant points.	N/A		
14.	Product Hose: Condition of covers - reinforcement damage - condition of couplings - fittings - and other hardware and gaskets.	N/A		

DOT/MC 406 CHECKLIST/INSPECTION REPORT FOR EXTERNAL VISUAL INSPECTION		CUSTOMER: TRANSMARK LOGISTICS	UNIT # 232
15. Ladders: Catwalks and Platforms: Attachments to tank - tightness of bolts - deformation of structure - ground clearance.	X		
16. Static Grounding Connections: Present and tight.	N/A		
17. Gauging Devices: (If applicable) Function check.	N/A		
18M. Manhole Assembly Area (For each compartment) Evidence of leakage - warpage - corrosion and impact damage to dome covers - weld color - gasket seal surfaces - overturn protection structure - clamping ring - and all welds - Condition of dome gaskets - evidence of product conglutination - condition of latches - hinges - all bolted connections - drains and hoses.	X		
19M. Pressure Relief Devices: Verify all vents present - verify venting adequate for tank - markings on vents - check under - dome for product conglutination - visual check fusible plugs and caps: If necessary remove and bench test all reclosing vents. Check all gaskets and O-rings involved in reinstallation.	X		X
20. Caution Labels: Check condition and presence of all labels - Replace as necessary.	X		
21M. Inspect and repair as necessary all parts and accessories for compliance with part 396 or 49CFR.	X		
22M. Tank Marking: Date (month and year) and service symbol (V) after all defects are corrected.	X		

REMARKS (USE ADDITIONAL SHEETS IF NECESSARY)
 4M, 19M) SEE ADDITIONAL SHEET.
 2M) UNIT IS INSULATED.

SEE WO# 40770

TANK DISPOSITION	PASSED: X	FAILED:
------------------	-----------	---------

 INSPECTOR/TESTER DOT REG. NO. #CT-0786		Superior Tank & Trailer Co., Inc. DATE: 8/9/19		OWNER OR REPRESENTATIVE OWNER DOT REG. NO.		DATE:	
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Superior Tank & Trailer Co., Inc.
 PO Box 500
 Beach City, Ohio 44608-0500

PRESSURE RELIEF VALVE TEST AND INSPECTION

TYPE OF PRESSURE RELIEF DEVICE

BETTS TIONA

CARGO TANK MAWP

3.3

FRANGIBLE RELIEF _____

DISPOSITION OF THE PRESSURE RELIEF DEVICE

	REMOVED	INSPECTED	BENCH TESTED & REINSTALLED	REBUILT, TESTED & REINSTALLED	REPLACED
1ST COMPT.	X	X	X		
2ND COMPT.					
3RD COMPT.					
4TH COMPT.					
5TH COMPT.					
6TH COMPT.					

SEE REFERENCES

178.342-4

178.345-10 [d] [1]

178.346-3 [c]

180.407 [b] [2] [iii]

180.407 [j]

SET TO DISCHARGE PRESSURE

1ST COMPT	<u>3.63</u>	PSI
2ND COMPT	_____	PSI
3RD COMPT	_____	PSI
4TH COMPT	_____	PSI
5TH COMPT	_____	PSI
6TH COMPT	_____	PSI

OPENED

_____	4	PSI
_____	_____	PSI
_____	_____	PSI
_____	_____	PSI
_____	_____	PSI
_____	_____	PSI

RE-SEAT

_____	3.6	PSI
_____	_____	PSI
_____	_____	PSI
_____	_____	PSI
_____	_____	PSI
_____	_____	PSI

UPPER COUPLER ASSEMBLIES INSPECTION (UC)

TYPE OF UPPER COUPLER ASSEMBLIES INSPECTION

_____ VISUALLY EXAMINED IN PLACE

X REMOVED (SEPARATED FROM THE CARGO TANK FRAME) FOR EXAMINATION

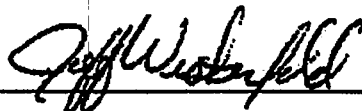
☐ REPLACED

☒ REINSTALLED

_____ UNIT IS MOUNTED ON A TRUCK CHASSIS WITH NO U-C

_____ UNIT IS TRAILER EQUIPPED WITH PINTLE HOOK EYE

SIGNATURE OF INSPECTOR



DOT/MC 406 CHECKLIST/TEST REPORT		DATE	CUSTOMER			
FOR INTERNAL VISUAL INSPECTION		8/9/19	TRANSMARK LOGISTICS			
UNIT NO.	YEAR OF MFG.	MANUFACTURER	1780 S. CO. RD. 850 E.			
232	2007	TREMCAR	GREENSBURG, IN 47240			
TANK SERIAL NO	MATERIAL	MAWP/DESIGN PRESSURE	CAPACITY	9000	TOTAL GALLONS	INSULATION
VIN#...000232	ALUM	3.3	COMPT. 1)	2)	3)	YES X
OBTAIN ABOVE INFORMATION FROM DATA PLATE ON TANK.			4)	5)	6)	NO
TRANSPORT SERVICE:		MINIMUM THICKNESS:		LINED		TEST PRESSURE PSI
CORROSIVE TO TANK		SHELL		YES		5
DEDICATED		HEAD		NO X		

DOT MANDATORY ITEMS INDICATED WITH "M" ON CHECKLIST. CHECK ONE OR MORE OF THREE COLUMNS FOR EACH ITEM ON CHECKLIST. ADDITIONAL SHEETS IF NECESSARY.

ITEM NO.	ACTIVITY	REPAIRS SEE:		
		COMPLIES	NEEDED	REMARKS
ALL COMPANY TANK ENTRY SAFETY PROCEDURES AND OSHA REGULATION MUST BE COMPLIED WITH.				
1. M)	Structure: Inspect for corrosion, abrasion, dents, pitting, or distortion at manhole area, around valve or drain sumps and splash deflectors throughout tank - look also for discoloration and bleeding - check all structures for deformation.	X		
	(Identify in REMARKS all dents, gouges, or other abnormal surface changes, whether or not repairs are required. (Mark any areas that require UT testing and identify in REMARKS).			
2. M)	Welds: Inspect every inch of every weld in tank, making hand contact where possible, special attention to bulkhead and baffle welds - special attention to welds in area in and above fifth wheel upper coupler.	X		X
3. M)	Piping and valves, check insulation tightness - Inspect poppet travel and make visual inspection of valve surfaces - clear and make secure all screens - inspect for foreign matter in valves and sumps.	X		
4. M)	Remove all equipment brought into tank, then inspect again before leaving tank.	X		
5. M)	Tank Markings: Date (month and yr.) and service symbol (1) after all defects are corrected.	X		
REMARKS (USE ADDITIONAL SHEETS IF NECESSARY):		SEE WO# 40770		
2M) REPAIR BOTTOM BAFFLE PLATES.				

TANK DISPOSITION	PASSED: X	FAILED:
------------------	-----------	---------

INSPECTOR/TESTER FOR SUPERIOR TANK & TRAILER CO., INC	OWNER REPRESENTATIVE
DOT REG. NO #CT-0786	DATE: 8/9/19
OWNER DOT REG	DATE:

Superior Tank & Trailer Co., Inc.
PO Box 500
Beach City, OH 44608-0500

**US DOT AUTHORIZES PNEUMATIC TESTING AS AN ALTERNATIVE TO HYDROSTATIC TESTING.
NTTC DOES NOT RECOMMEND USE OF A PNEUMATIC PROCEDURE.**

DOT/MC 406 CHECKLIST/TEST REPORT		DATE	CUSTOMER		
FOR PNEUMATIC LEAK 306/406 INSPECTION		8/9/19	TRANSMARK LOGISTICS		
UNIT NO.	YEAR OF MFG.	MANUFACTURER	1780 S. CO RD 850 E.		
232	2007	TREMCAR	GREENSBURG, IN 47240		
TANK SERIAL NO.	MATERIAL	MAWP/DESIGN PRESSURE	CAPACITY	9000	TOTAL GALLONS
VIN#...000232	ALUM	3.3	COMPT.	1) 9000 2) 3)	
OBTAIN ABOVE INFORMATION FROM DATA PLATE ON TANK.			4) 5) 6)		
TRANSPORT SERVICE:	MINIMUM THICKNESS:		LINED	INSULATION	TEST
CORROSIVE TO TANK	SHELL		YES	YES X	PRESSURE PSI
DEDICATED	HEAD		NO X	NO	5

DOT MANDATORY ITEMS INDICATED WITH "M" ON CHECKLIST. CHECK ONE OR MORE OF THREE COLUMNS FOR EACH ITEM ON CHECKLIST. ATTACH ADDITIONAL SHEETS IF NECESSARY.

ITEM NO.	ACTIVITY	COMPLIES	REPAIRS NEEDED	SEE REMARKS
PROCEDURE MUST BE COMPLETED FOR EACH COMPARTMENT. RED FLAG ANY VENTS THAT ARE INERTED. INSTALL PRESSURE GAUGE AND LINE RELIEF PETCOCK ON VAPOR RECOVERY RETURN LINE ADAPTER.				
1M.	Close manhole, open internal valve (if appropriate), and induce air pressure gradually up to test pressure- close valves-hold for 5 minutes-monitor test system gauge and perform leak detection as necessary.			
	TEST PRESSURE: 2.6	X		X
2M.	Manhole area: check filler cover-fusible plugs-solid plugs-overfill sensor and vent installations (remove and replace hood to check load/unload vent)-clamping ring.	X		
3M.	Piping: inspect valve sumps-all piping connections- manifold inlets and outlets.	X		
4M.	Internal valves: open discharge valves, then close- check pressure buildup in piping.	X		
5M.	Discharge valves: open internal valves-check leakage past discharge valves-close internal valves.	X		
6M.	Vapor recovery system: open and close internal valve, charging system-check all flexible and rigid com- ponents-zero pressure in system and monitor gauge for buildup, indicating leakage past load/unload vent.	X		
7M.	Remote valve operators: open internal valve with normal operator, close with remote operator-zero pressure buildup in piping-monitor gauge for pressure buildup if remote operator is not closing internal valve.	X		

US DOT AUTHORIZES PNEUMATIC TESTING AS AN ALTERNATIVE TO HYDROSTATIC TESTING.
NTTC DOES NOT RECOMMEND USE OF A PNEUMATIC PROCEDURE.

8M. Tank surfaces and welds: check external surfaces and welds 100%-special attention to repaired areas and lower structure above fifth wheel upper coupler assembly.

X		
---	--	--

9M. Tank system and all accessories must hold test pressure for 5 minutes.

TEST PRESSURE: 2.6

X		X
---	--	---

10M. Restore operation of all vents-remove red flags.

X		
---	--	--

11M. Tank marking: Date (month and year) and service symbol (K) after all defects are corrected.

X		
---	--	--

Remarks (use additional sheets if necessary):
1M,9M) SEE ADDITIONAL SHEET.

SEE WO# 40770

Defects found, location and corrective action:

Tank Disposition:

Passed:

X

Failed:

Superior Tank & Traller Co., Inc.
P.O. Box 500
Beach City, Ohio 44608-0500


Inspector or Test Conductor

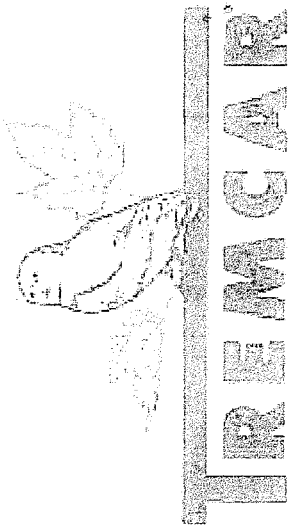
8/9/19
Date

Owner or Representative

DOT REG. NO. CT-0786

DOT REG. NO. _____

CERTIFICATE OF COMPLIANCE



ISSUED TO OWNER

436 12TH STREET NE
STRASBURG OHIO 44680 CT-10556

THIS CERTIFIES THAT THE NEW TREMCAR TANK DESCRIBED BELOW WAS DESIGNED, CONSTRUCTED, TESTED AND COMPLETED IN ACCORDANCE WITH THE APPLICABLE CARGO TANK SPECIFICATION.

VEHICLE TYPE:	SEMI-TRAILER	CAPACITY:	9,000USG	DATE SHIPPED:	09-2007
YEAR FABRICATED:	2007	VIN:	4T0PDL423X0C000032	SERIAL NUMBER:	6175

Shan Watts
RESPONSIBLE OFFICIAL OF TREMCAR USA INC.

Joseph M. Zurek
DESIGN CERTIFICATION ENGINEER

[Signature]
REGISTERED INSPECTOR

CARGO TANK COMPLIES WITH SPECIFICATION

☒ DOT 406 AL 1. _____
 CERTIFICATION DATE: 10/08/07 2. _____
 CARGO TANK COMPLIES WITH SPECIFICATION 3. _____

☐ DOT _____ 4. _____
EXCEPT AS LISTED ABOVE ITEMS INSTALLED: _____
CERTIFICATION DATE: _____ BY: _____
FIRM _____ AUTHORIZED SIGNATURE(S) _____



Choose Subsystem



Exit MCMIS

View Cargo Tank



Cargo Tank	Audit Trail	Correspondence History	Application History	Show All Data
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CT Number:	14989	USDOT Number:	3401351
Status:	ACTIVE	Application Date:	05/13/2020
Facility Name (DBA):*	SUPERIOR TANK AND TRAILER CO INC		

Physical Address			
Street:	8005 E STATE ROAD 46		
City:	GREENSBURG		
State/Country:	INDIANA	ZIP/Postal Code:	47240-8265
Colonia (Mexico Only):		Fax:	8122222303
Phone:	8122222301	Alternate Phone:	

Mailing Address (Address of Certifying Official)			
Street:	PO BOX 500		
City:	BEACH CITY		
State/Country:	OHIO	ZIP/Postal Code:	44608-0500
Colonia (Mexico Only):			

Functions	Exemptions	Vehicles
EXTERNAL VISUAL INSPECTION	E-SP15552	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412
INTERNAL VISUAL INSPECTION	E-SP15552	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412
LEAKAGE TEST	E-SP15552	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412
PRESSURE TEST	E-SP15552	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412
THICKNESS TEST	E-1,6,18,2,7	

LINING INSPECTION	E-SP15552	MC306, MC307, MC312, MC330, MC331, MC338, DOT406, DOT407, DOT412
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Mobile Testing Information	
Where do you use testing/inspection equipment?	BOTH

Functions	Exemptions	Vehicles
MANUFACTURE		
ASSEMBLY	E-10,1,5,11,	
REPAIR (NON-ASME)		
REPAIR (ASME)	E-10,1,5,11,	
CERTIFICATION (DESIGN CERTIFIED ENGINEER)	E-10,1,5,11,	
COMPONENT MANUFACTURE		

Processing Agent			
Name:			
Street:			
City:			
State/Country:		ZIP/Postal Code:	

Responsible Person (Facility Location)			
Title:	SHOP TECHN	Position:	
First Name:	JEFF	Last Name:	WESTERFELD
Phone:	8122222301	Fax:	8122222303
Email:	SUPERIORTANK2@GMAIL.COM		

Design Certified Engineers/Registered Inspectors			
Name:	JEFF WESTERFELD	Type:	DCE

Non-Employee Design Certified Engineers/Registered Inspectors		
CT Number*	Type*	Company Name
 MCMIS could not locate any Non-Employee Design Certified Engineers/Registered Inspectors for this company		

Stamp			

Stamp Type	Certification#	Authorization Date	Expiration Date
R	3022	12/06/2019	12/18/2022

Certifying Official	
Certifying Name:	BRYON KOVALASKE
Certifying Title:	VICE PRESIDENT
Email:	SUPERIORTANK2@GMAIL.COM

Audit Trail
 MCMIS could not locate any Audit Trails for this company

Correspondence History				
Correspondence Type	Date	Officer In Charge	Generate Letter Flag	Error Desc
CARGO TANK ACCEPT LETTER	02/28/2020	18	Y	

Application History					
Date Added	Added By	Received Date	Status Code	Status Date	Reason for Change
05/13/2020	MCMIS_PUBLIC	05/13/2020	PENDING	05/13/2020	COMPANY CHANGE
02/27/2020	MCMIS_PUBLIC	02/27/2020	ACCEPTED	02/27/2020	COMPANY CHANGE

Options for this Company



May 18, 2020

[Cargo Tank Search](#) | [Company Information](#) | [Crash](#) | [Inspection](#) | [Letters](#) | [Monitoring](#) | [Reports](#) | [Review](#) | [Safety Audit](#)



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2019 NBIC

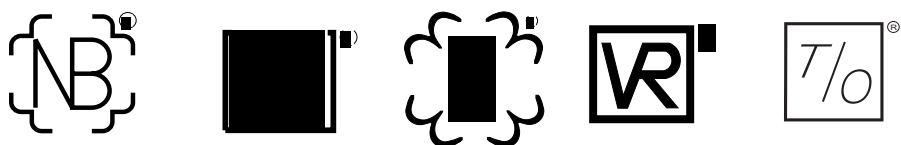
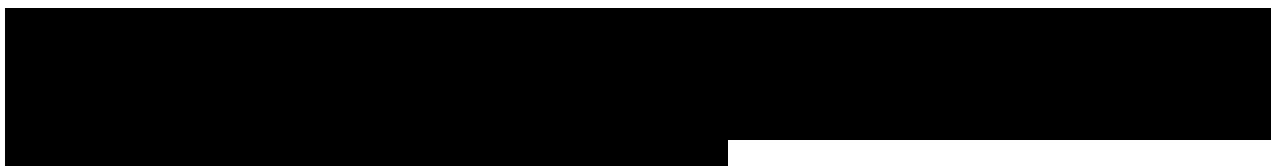
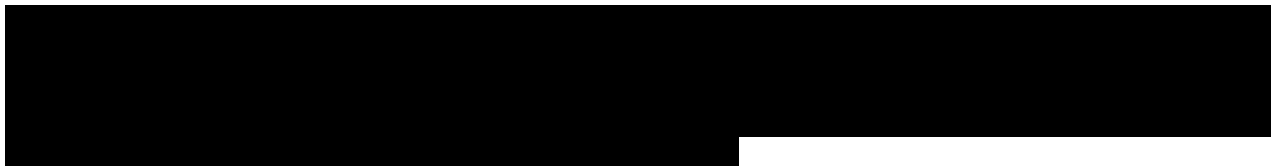
NATIONAL BOARD INSPECTION CODE



PART 3

REPAIRS AND
ALTERATIONS

NATIONAL BOARD INSPECTION CODE
2019 EDITION
DATE OF ISSUE — JULY 1, 2019



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ACCREDITATION OF “R” REPAIR ORGANIZATIONS

The National Board of Boiler and Pressure Vessel Inspectors

1055 Crupper Avenue
Columbus, Ohio 43229
614.888.8320



NB-415, Revision 3
Approved by BOT: 05/06/18
*Denotes Revised Section (s)

