



U.S. Department of Transportation
Research and Special Programs Administration

Hazardous Materials Incident Report

Form Approval OMB No. 3137-0039

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 2137-0039. The filling out of this information is mandatory and will take 96 minutes to complete.

INSTRUCTIONS

Submit this report to the Information Systems Manager, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Hazardous Materials Safety, DHM-63, Washington, D.C. 20590-0001. If space provided for any item is inadequate, use a separate sheet of paper, identifying the entry number being completed. Copies of this form and instructions can be obtained from the Office of Hazardous Materials Website at <http://hazmat.dot.gov>. If you have any questions, you can contact the Hazardous Materials Information Center at 1-800-HMR-4922 (1-800-467-4922) or online at <http://hazmat.dot.gov>.

PART I - REPORT TYPE

1. Incident Id: I-2009030558
2. This is to report: A

PART II - GENERAL INCIDENT INFORMATION

3. Date of Incident:
02/24/2009
4. Time of Incident (use 24-hour time):
11:45
5. Enter National Response Center Report Number (if applicable):
6. If you submitted a report to another Federal DOT agency, enter the agency and report number:
7. Location of Incident:
- City: IGNACIO
County: LA PLATA
State: CA
Zip Code: (if known):
Street Address/Mile Marker/Yard Name/Airport/Body of Water/River Mile:
4140 C.R. 318
8. Mode of Transportation: Highway
9. Transportation Phase: Unloading
10. Carrier/Reporter:
- Name: DUSTIN NEIMAN
Street: 238 OAK DRIVE
City: DURANGO
State: CO
Zip Code: 81301
Federal DOT Id Number: 00245981
Hazmat Registration Number:
11. Shipper/Officer:
- Name: BRENNON OIL
Street: P.O. BOC 1068
City: DURANGO
State: CO
Zip Code: 81302
Waybill/Shipping Paper:
Hazmat Registration Number:
12. Origin (if different from shipper address)
- Street: 26273 HIGHWAY 160
City: DURANGO
State: CO
Zip Code: 81301
13. Destination:
- Street: 4140 C. R. 318
City: IGNACIO
State: CO
Zip Code: 81137
14. Proper Shipping Name of Hazardous Material: DIESEL FUEL
15. Technical/Trade Name: COMBUSTIBLE LIQUID
16. Hazardous Class/Division: Flammable - Combustible Liquid
17. Identification Number: (E.g. UN2764, NA 2020) NA1993

18. Packing Group: (if applicable) III

19. Quantity Released: (Include Measurement Units) 300 Liquid - Gallon

20. Was the material shipped as a hazardous waste? False
If yes, provide the EPA Manifest Number:

21. Is this a Toxic by Inhalation (TIH) material? False
If yes, provide the Hazard Zone:

22. Was the material shipped under an Exemption, Approval, or Competent Authority Certificate? False
If yes, provide the Exemption, Approval, or CA number:

23. Was this an undeclared hazardous materials shipment? False

PART III - PACKAGING INFORMATION

24. Check Packaging Type (check only one - if more than one, list type of packaging, copy Part III, and complete for each type:
Other, OVERHEAD TANK

25. See instructions and enter the appropriate failure codes found at the end of the instructions. Be sure to enter the codes from the list that corresponds to the particular packaging type checked above. Enter the number of codes as appropriate to describe the incident.
Enter the most important failure point in line 1. If there are more than two failure points, provide in this format in part VI.

What Failed: -
How Failed: -
Causes of Failure: -

26a. Provide the packaging identification markings, if available.

Identification Markings:

(Examples: 1A1/Y1.4/150/92/USA/RB/93/RL, UN31H1/Y0493/USA/M9339/10800/1200, DOT - 105A - 100W (RAIL), DOT 406 (HIGHWAY), DOT 51, DOT 3-A)

26b. For Non-bulk, IBC, or non-specification packaging, if identification markings are incomplete or unavailable, see instructions and complete the following:

Single Package or Outer Packaging:	Single Package or Inner Packaging (if any):
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Packaging Type: Material of Construction: Head Type (Drums only):	Packaging Type: Material of Construction:
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27. Describe the package capacity and the quantity:

Single Package or Outer Packaging:	Single Package or Inner Packaging (if any):
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Package Capacity: Amount in Package: Number in Shipment: Number Failed:	Package Capacity: Amount in Package: Number in Shipment: Number Failed:
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28. Provide packaging construction and test information, as appropriate:

Manufacturer: Serial Number: Material of Construction: (if Tank Car, CTMV, Portable Tank, or Cylinder) Design Pressure: (if Tank Car, CTMV, Portable Tank) Shell Thickness: (if Tank Car, CTMV, Portable Tank) Head Thickness: (if Tank Car, CTMV) Service Pressure: (if Cylinder) If valve or device failed: Type: Model: Manufacturer:	Manufacture Date: Last Test Date:
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29. If the packaging is for Radioactive Materials, complete the following:

Packaging Category: Packaging Certification: Certification Number: Nuclide(s) Present: Activity: Critical Safety Index:	Transport Index:
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PART IV – CONSEQUENCES

30. Result of Incident (check all that apply):

- | | | | |
|---------------------------|-------|--|-------|
| - Spillage: | True | - Fire: | False |
| - Explosion: | False | - Material Entered Waterway/Storm Sewer: | False |
| - Vapor (Gas) Dispersion: | False | - Environmental Damage: | False |
| - No Release: | False | | |

31. Emergency Response: The following entities responded to the incident: (Check all that apply)

- Fire/EMS Report #: False
Police Report #: False
In-house cleanup: True
Other Cleanup: True

32. Damages Was the total damage cost more than \$500?

True

If yes, enter the following information: (If no, go to question 33.)

Material Loss: \$ 548.00
Carrier Damage: \$ 0.00
Property Damage: \$ 0.00
Response Cost: \$ 0.00
Remediation/Cleanup Cost: \$ 250.00
(See damage definitions in the instructions)

33a. Did the hazardous material cause or contribute to a human fatality?

False

If yes, enter the number of fatalities resulting from the hazardous material:

Employees: 0
Responders: 0
General Public: 0

33b. Were there human fatalities that did not result from the hazardous material?

False

If yes, how many? 0

34. Did the hazardous material cause or contribute to personal injury?

False

If yes, enter the number of injuries resulting from the hazardous material:

Hospitalized (Admitted Only):

Employees: 0
Responders: 0
General Public: 0

Non-Hospitalized:

(e.g.: On site first aid or Emergency Room observation and release)

Employees: 0
Responders: 0
General Public: 0

35. Did the hazardous material cause or contribute to an evacuation?

False

If yes, provide the following information:

Total number of general public evacuated:
Total number of employees evacuated:
Total evacuated:
Duration of the evacuation:

36. Was a major transportation artery or facility closed?

False

If yes, how many?

37. Was the material involved in a crash or derailment?

False

If yes, provide the following information:

Estimated speed (mph):
Weather conditions:
Vehicle overturned?
Vehicle left roadway/track?

PART V - AIR INCIDENT INFORMATION (please refer to S 175.31 to report a discrepancy for air shipments)

38. Was the shipment on a passenger aircraft?

If yes, was it tendered as cargo, or as passenger baggage?

39. Where did the incident occur (if unknown, check the appropriate box for the location where the incident was discovered)?

40. What phase(s) had the shipment already undergone prior to the incident? (Check all that apply)

- | | |
|--|--|
| - Shipment had not been transported | - Transported by air (first flight) |
| - Transport by air (subsequent flights) | - Initial transport by highway to cargo facility |
| - Transfer at sort center/cargo facility | |

PART VI - DESCRIPTION OF EVENTS & PACKAGE FAILURE

- Describe the sequence of events that led to the incident and the actions taken at the time it was discovered. Describe the package failure, including the size and location of holes, cracks, etc. Photographs and diagrams should be submitted if needed for clarification. Estimate the duration of the release, if possible. Describe what was done to mitigate the effects of the release. Continue on additional sheets if necessary.

Describe:

ON FEB. 24TH, I WAS DELIVERING RED DYED DIESEL TO A NEW ACCOUNT. (MARK WEBBER) THERE WERE TWO OVERHEAD 500 GALLON TANKS THAT NEEDED TO BE FILLED. ONE WAS IN A CONTAINMENT AND THE OTHER WAS FREE STANDING. I FILLED THE FREE STANDING TANK FIRST AND THEN STARTED TO FILL THE TANK THAT WAS IN THE CONTAINMENT. THE STAND ON THE FREE THEN SUNK INTO THE MUD AND THE TANK FELL OFF THE STAND UPSIDE DOWN AND BEGAN TO SPILL. WITH A SHOVEL I WAS ABLE TO DIVERT THE FUEL ACROSS THE DRIVEWAY AND AWAY FROM DRAINAGE CULVERTS UNDER COUNTY ROAD 318. I ESTIMATED ABOUT 300 GALLONS SPILLED FROM THE TANK. THE FUEL SETTLED IN A LOW SPOT IN A FIELD. I THEN CALLED THE PERS HOTLINE. A COWORKER CALLED CUMMINS BURNER FUEL TO COME AND SUCK UP THE FUEL THAT HAD SETTLED IN THE FIELD. WE USED SPILL PADS TO SOAK UP ALL OTHER SMALL POOLS THAT HAD FORMED.

PART VII - RECOMMENDATIONS/ACTIONS TAKEN TO PREVENT RECURRENCE

- Where you are able to do so, suggest or describe changes (such as additional training, use of better packaging, or improved operating procedures) to help prevent recurrence. Provide recommendations for improvement to hazardous materials transportation beyond the control of your individual company. Continue on additional sheets if necessary.

Describe:

ALL OF THE TANKS THAT BRENNAN OIL OWNS AND THAT WE SET UP FOR ACCOUNTS ARE PUT EITHER INTO CONTAINMENTS OR BURMS THAT ARE STABILIZED MR. WEBBER OWNS HIS OWN TANKS SO WE DID NOT SET THESE TANKS UP. FOR FUTURE REFERENCE, I WILL NO LONGER FILL TANKS THAT ARE NOT PROPERLY STABLIZED. I WILL INFORM FUTURE AND CURRENT CUSTOMERS ON HOW TO PROPERLY STABILIZE AND CONTAIN THEIR OVERHEAD TANKS.

PART VIII – CONTACT INFORMATION

Contact's Name:	DUSTY NEIMAN
Contact's Title:	SALESMAN
Business Name and Address:	BRENNAN OIL
	P.O. BOX 1068 DURANGO CO 81302
E-mail Address:	BRENNANO@BRESNAN.NET
Telephone Number:	970-247-3054
Fax Number:	970-247-9145
Hazmat Registration Number:	
Date:	03/01/2009
Preparer is:	Carrier