



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-2009010254
2. This is to report: A

PART II - GENERAL INCIDENT INFORMATION

3. Date of Incident:
11/22/2008
4. Time of Incident (use 24-hour time):
18:30
5. Enter National Response Center Report Number (if applicable):
890752
6. If you submitted a report to another Federal DOT agency, enter the agency and report number:
7. Location of Incident:
- City: NEW BADEN
County: ROBERTSON
State: TX
Zip Code: (if known): 77870
Street Address/Mile Marker/Yard Name/Airport/Body of Water/River Mile:
8. Mode of Transportation: Highway
9. Transportation Phase: In Transit
10. Carrier/Reporter:
- Name: SIMONS PETROLEUM, INC.
Street: 210 PARK AVENUE, SUITE 1800
City: OKLAHOMA CITY
State: OK
Zip Code: 73102
Federal DOT Id Number: 335576
Hazmat Registration Number: 05170600100302
11. Shipper/Officer:
- Name: SIMONS PETROLEUM, INC.
Street: 210 PARK AVENUE, SUITE 1800
City: OKLAHOMA CITY
State: OK
Zip Code: 73102
Waybill/Shipping Paper:
Hazmat Registration Number:
12. Origin (if different from shipper address)
- Street: CITGO REFINING & CHEMICAL, 1802 NUERS BAY
City: CORPUS CHRISTI
State: TX
Zip Code: 78407
13. Destination:
- Street: ENCANA/ENCGRY 79 MEADORS 6
City: NEW BADEN
State: TX
Zip Code: 77870
14. Proper Shipping Name of Hazardous Material: DIESEL FUEL
15. Technical/Trade Name: DYED DIESEL FUEL
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) 2000 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:

Cargo Tank Motor Vehicle (CTMV)

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: DOT 406

(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):
Packaging Type: Material of Construction: Head Type (Drums only):	Packaging Type: Material of Construction:
27. Describe the package capacity and the quantity:	
Single Package or Outer Packaging:	Single Package or Inner Packaging (if any):
Package Capacity: 0 Amount in Package: 0 Number in Shipment: 0 Number Failed: 0	Package Capacity: Amount in Package: Number in Shipment: Number Failed:
28. Provide packaging construction and test information, as appropriate: Manufacturer: POLAR Serial Number: 1PMA243287500584 Material of Construction: ALUMINUM (if Tank Car, CTMV, Portable Tank, or Cylinder) Design Pressure: (if Tank Car, CTMV, Portable Tank) Shell Thickness: 0.1 INCH (if Tank Car, CTMV, Portable Tank) Head Thickness: 0.2 INCH (if Tank Car, CTMV) Service Pressure: (if Cylinder) If valve or device failed: Type: Model: Manufacturer:	
29. If the packaging is for Radioactive Materials, complete the following: Packaging Category: Packaging Certification: Certification Number: Nuclide(s) Present: Transport Index: Activity: Critical Safety Index:	

PART IV – CONSEQUENCES

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

- | | | | |
|---------------------------|-------|--|-------|
| - Spillage: | True | - Fire: | True |
| - 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 #: True
Police Report #: True
In-house cleanup: False
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: \$ 11,746.00
Carrier Damage: \$ 132,000.00
Property Damage: \$ 0.00
Response Cost: \$ 0.00
Remediation/Cleanup Cost: \$ 0.00
(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?

True

If yes, provide the following information:

Total number of general public evacuated: 2
Total number of employees evacuated: 0
Total evacuated: 2
Duration of the evacuation: 5

36. Was a major transportation artery or facility closed?

True

If yes, how many? 5

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

True

If yes, provide the following information:

Estimated speed (mph): 45
Weather conditions: CLEAR
Vehicle overturned? True
Vehicle left roadway/track? True

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:

An Accident Investigation was completed on November 24, 2008 and results are as follows: The driver was traveling East on CR1940 at approx 6:30 P.M. which is almost completely dark at this time. He just left a sharp northward curve and proceeded back eastward in a straight path slightly going uphill. The roadway in this area was very narrow and measured about 8' from center line to shoulder drop off. The shoulder drop off was estimated at a (1.5' paved) and 3-4' from roadway to ground surface, at a steep downward angle. The tractor/trailer traveled uphill and appeared to just fall off the edge of roadway and as fuel weight shifted it pulled the vehicle into the shoulder starting from trailer to tractor, and landing on its top side. It appeared this was caused by the depth of the shoulder itself and the width of the actual travel surface of the roadway. Driver was pulled to safety by unknown passer-by. With tractor/trailer on its top, fuel and heat ignited the cab (unknown source), and proceeded to burn the tractor/trailer, and fuel contents (approx. 5,000 Gallons) +2,000 gallons released into soil).

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:

PART VIII – CONTACT INFORMATION

Contact's Name:	MOHAMED ABDULHAFID
Contact's Title:	DIRECTOR-EHS
Business Name and Address:	SIMONS PETROLEUM, INC. 210 PARK AVENUE, SUITE 1800 OKLAHOMA CITY OK 73102
E-mail Address:	mohamed@simonspetroleum.com
Telephone Number:	4058483500
Fax Number:	
Hazmat Registration Number:	
Date:	12/17/2008
Preparer is:	Carrier

09/01/2006