



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

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Date: OCT 1, 1999

In Reply Refer to: H-99-60

Honorable Carol M. Browner  
Administrator  
Environmental Protection Agency  
401 M. Street, S. W.  
Washington, D.C. 20460-0003

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On August 9, 1998, about 12:53 a.m., a Premium Tank Lines, Inc., (Premium) truckdriver was transferring gasoline from a cargo tank to the underground storage tanks at a Fast Lane gasoline station-convenience store in Biloxi, Mississippi, when an underground storage tank containing gasoline overflowed. An estimated 550 gallons of gasoline flowed from the storage tank, across the station lot into the adjacent highway, and through a nearby intersection. The gasoline ignited, and fire engulfed three vehicles near the intersection, which ultimately resulted in the deaths of five occupants and the serious injury of one. Damages were estimated at \$55,000.<sup>1</sup>

From its investigation, the National Transportation Safety Board determined that the probable cause of the accident resulted, in part, from the failure of the facility owner, R.R. Morrison and Son, Inc., (Morrison) to have adequate safety procedures for accepting product offered for delivery at its Fast Lane stations.

Premium's truckdrivers obtained their assignments by telephoning the company dispatcher and orally receiving a list of delivery locations and the number of gallons to be delivered to each site. In this case, a miscommunication between the dispatcher and the truckdriver resulted in the driver going to the wrong station. When the Premium cargo tank truck arrived at the Fast Lane station, the truckdriver initially could not take measurements in the regular unleaded direct fill port because his access was blocked by a parked vehicle. He then went into the convenience store to ask the station employees for an inventory printout from the computerized monitoring system. A station employee merely generated the printout for the driver. No Fast Lane employee compared the amount of gasoline scheduled for delivery with the amount that the station's monitoring system indicated was in the underground tanks to determine whether the quantity intended

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<sup>1</sup> For more information, read *Overflow of Gasoline and Fire at a Service Station-Convenience Store, Biloxi, Mississippi, August 9, 1998*, Hazardous Materials Accident Report, NTSB/HMZ-99/02 (Washington, D.C.: National Transportation Safety Board, 1999).

for delivery would fit in the underground tanks; such a comparison, in this case, could have prevented the overflow.

The Environmental Protection Agency (EPA) has very clear requirements regarding spill and overflow controls at gasoline stations. Title 40 *Code of Federal Regulations* (CFR) 280.30 (a) stipulates:

Owners and operators must ensure that releases due to spilling or overflowing do not occur. The owner and operator must ensure that the volume available in the [underground storage] tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overflowing and spilling.

To face the challenges of enforcing compliance with Federal regulations, the EPA initiated the process of State Program Approval, by which State or local agencies whose regulations are determined to be “no less stringent” than Federal requirements are accorded the primary responsibility for implementing and, when necessary, enforcing underground storage tank regulations. The Mississippi Department of Environmental Quality (DEQ) is one of 27 State agencies that has been granted enforcement authority under the EPA State Program Approval.

In December 1997, the Mississippi DEQ conducted an inspection at Fast Lane station No. 741 and noted no significant violations at that time. However, the inspectors did not check to determine whether the facility owner had trained or was requiring his employees to monitor transfers to the underground storage tanks. Following the 1998 overflow and fire, DEQ inspectors visually inspected the site to determine whether the top of the tank had loose fittings that may have caused or contributed to the release from the underground storage system. They found that all the fittings appeared to be tight.

Interviews with Mississippi DEQ officials indicated that the State has not enforced requirements that Mississippi facility owners determine available underground storage space or monitor product transfers. Moreover, the State has not cited any facility owners for violating 40 CFR 280.30 (a).

For this investigation, the Safety Board contacted the acting director of the EPA’s Office of Underground Storage Tanks (UST) to determine the scope of enforcement of 40 CFR 280.30 (a) by EPA investigators. The UST official surveyed EPA regional directors, of whom none could cite any specific case of enforcement.

The National Transportation Safety Board therefore recommends that the Environmental Protection Agency:

Take action necessary to improve compliance with and enforcement of 40 *Code of Federal Regulations* 280.30, which requires that owners and operators of underground storage tanks prevent their overflowing. (H-99-60)

Also, the Safety Board issued safety recommendations to the Federal Highway Administration, the Research and Special Programs Administration, Premium Tank Lines, Inc., Morrison and Son, Inc., the American Petroleum Institute, the National Tank Truck Carriers, the National Association of Convenience Stores, the National Association of Truck Stop Operators, the Petroleum Marketers of America, the Service Station Dealers of America, and the Society of Independent Gasoline Marketers of America.

The Safety Board is interested in any action taken as a result of its safety recommendations. Therefore, it would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation H-99-60 in your reply. If you have any questions, you may call (202) 314-6678.

Chairman HALL, Vice Chairman FRANCIS, and Members HAMMERSCHMIDT, GOGLIA, and BLACK concurred in this recommendation.

By: Jim Hall  
Chairman