

Oilfield Well Site Exemption – and Frac Sand Haulers



Can a commercial motor vehicle which is transporting sand for the oilfield fracking process be permitted to utilize the oilfield **well site** exemption which is found in **49 CFR 395.1 (d) (2)**.

Recently I reviewed a copy of a memorandum from the Federal Motor Carrier Safety Administration, dated March 22, 2018 addressed to Trucore Energy, Henderson, Texas. In this memorandum, the FMCSA, Paul Bomgardner, Chief of the Hazardous Material Division provided approval to utilize the “**wait time**” exemption for **companies utilizing specialized trailers modified to transport frac sand**. In this memo it states the “sand tank trucks” have been modified where they would be unsuitable for any other use. Mr. Bomgardner responded with the following guidance:

“To understand our actions, we first considered whether frack sand trucks could meet the following 2 criteria in Regulatory Guidance Question 8 to section 395.1:

- (1) specially constructed for use at oil and gas well sites, and*
- (2) for which the operators require extensive training in the operation of the complex equipment, in addition to driving the vehicle.*

Then, we considered the information provided in the TruCore petition that provided a number of examples relating to both, vehicle construction and driver training. Examples are:

The pneumatic trailers used must be modified to transport frack sand as follows:

- a. Removal and replacement of aluminum fittings with steel fittings;*
- b. Installation of hoses for offloading of frack sand;*
- c. Installation of a blower unit, various valves, and pressure gauges for offloading frack sand under pressure at the well sites;*
- d. Installing brackets for the 20-pound extinguisher; and*
- e. Configuring the vehicle with heavier-duty suspension and chassis for off-road operations.*

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While not all of these might be on any one vehicle, the questions should be: Due to the modifications made, can the trailer be used for other purposes? And, if so, what, if anything, needs to be done to return to frack sand service? If the response is “no, it has special pumps and filters for frack sand service,” then, it should be considered specialized. If the response is “yes, but it would be costly to re-certify for frack sand service,” it should be considered specialized. If the answer is “yes, I use it for other things and for frack sand without modifications or re-certifications,” then the trailer should not be considered specialized.

For instance, one company said that the trailer could be used for hauling other materials, but it would cost over \$10,000 to refit the trailer to return it to frack sand service. Pumps and filters would have to be refitted and / or replaced once use in other service. In our opinion, that qualified it for the vehicle part of the exception.

Another said that, in addition to the pumps and filters, they modified their vehicles’ suspensions to compensate for ground clearance needed on oil and gas well sites. Thus, the combination was not suitable for normal over-the-road service.

As for driver qualifications, TruCore also submitted a list of extra training and credentials that its drivers hold. They are:

- 1. Training on connecting special steel fittings and retrofitted steel hoses on the pneumatic trailers, under high pressure, with the fittings and hoses on the sand storage trailers at the well site;*
- 2. Training on how to carefully offload frack sand from the pneumatic trailer utilizing a blower unit and a number of valves that control the pressure inside each tank, under different pressure settings depending on the type of frack sand being offloaded;*
- 3. Training for the safe operation and maintenance, and the efficient operation of the special equipment located on the specially-constructed tractor-trailer rigs, such as, but not limited to use of the whip check cabling should the fittings disconnect while under pressure and use of a 20-pound fire extinguisher in case of fire;*
- 4. Standard safety training that all persons working at oil and gas sites are required to receive;*
- 5. Annual training and certification for H₂S detection and exposure, including use of H₂S detection devices, pursuant to Federal Regulations;*
- 6. Training and certification by Safe Land USA, an accredited safety training organization for persons working in oil and gas fields in the United States, established and recognized by the Onshore E & P Industry;*
- 7. Training for operating off-road or in less-suitable roadway surfaces due to the nature of well site locations, involving training for applying heavy-duty chains that must be used during wet conditions;*
- 8. Training for, and use of, personal protection equipment at oil and gas well sites, such as use of certified flame-resistant clothing, rigid impact gloves, hard hats, safety glasses, steel-toed boots, hearing protection, and the proper fitting and use of a*

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respirator, the use of which is required during frack sand offloading operations (drivers are subject to an annual respiratory fit test); and

9. *Additional training on well operations and safety required by each of the well owners and / or operators, which may vary from no less than 3, to as many as 10 additional certifications maintained on an annual basis.*

Again, this is one company's list of additional / extensive driver training. While not all companies have exactly the same list, inspectors and investigators are urged to inquire about the driver training provided by the driver's company at the time of the stop or at time of investigation.

*These are not hard and fast requirements, and **FMCSA has no intention of providing hard and fast requirements.** Rather, as it is left up to the company to decide whether they fit the criteria for the exception, so too is it left to the inspector / investigator to decide the same."*

It is in my opinion; your company should prepare a written document outlining the specifics how your vehicles have been modified to meet the guidance and also document the additional training provided to your drivers. I would recommend documentation of each drivers training, including dates, location and a copy of the training curriculum provided and have it available in an additional training folder for each and every driver claiming the exemption.

Steven Sullivan

President

Steven Sullivan & Associates, LLC

Integrity safety Consultants

PO Box 332

Driftwood, Texas 78619