

CHAPTER 4
HAZARDOUS MATERIAL INSPECTIONS
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CHAPTER 4

HAZARDOUS MATERIAL INSPECTIONS

1. GENERAL.

- a. Scope. This chapter covers the overall hazardous materials inspection program; hazardous materials transportation licensing; hazardous waste transporter inspections; and cargo tank inspection.
- b. Inspection Objective. Motor Carrier Safety Unit (MCSU) personnel shall perform necessary inspections to ensure that hazardous materials shippers and carriers, hazardous waste transporters, and cargo tank operators are complying with applicable regulations.
- c. Hazardous Materials Definitions. Hazardous materials are any materials capable of posing an unreasonable risk to health, safety, or property during transportation. Specific definitions are contained in Title 49, Code of Federal Regulations (49 CFR), Part 173.
- d. Responsibilities. Division MCSU inspection efforts shall be directed toward obtaining compliance with requirements of Title 13, California Code of Regulations (13 CCR) 1160-1168. These responsibilities include:
 - (1) Inspection of cargo and containers and appraisal of practices at carrier terminals.
 - (2) Investigation and preparation of evidence for necessary prosecution action.
 - (3) Inspection of hazardous materials transportation vehicles that were involved in accidents (pursuant to the guidelines in Chapter 1 of this manual).
 - (4) Appraisal of carrier overall safety compliance in accordance with the priorities established in Chapter 1 of this manual.
- e. Emphasis. Emphasis shall be placed on requiring correction of hazardous materials violations that can only be detected on the premises of a carrier or shipper. This includes selection and use of containers, filling and assembly of shipments, container retesting, classification and commodity identification, and preparation of shipping papers.

f. Guidelines. Hazardous materials inspections shall be conducted in accordance with this chapter and Chapters 4, 5, and 6, HPM 84.2, Hazardous Materials Transportation and Incident Management. Inspection results shall be recorded as required by Chapter 3 of this manual.

g. Occupational Safety.

(1) Protective Safety Equipment. Each Motor Carrier Specialist (MCS) has been issued protective safety equipment, including goggles, respirators, and neoprene, nitrile and disposable latex gloves. The MCSU supervisors shall supervise the fitting and testing of each Specialist's respirator in accordance with the instructions provided and shall conduct spot checks to ensure that all safety equipment is maintained in clean and serviceable condition. Inspection personnel are cautioned that facial hair may render a respirator ineffective due to poor sealing or interference with the valve. Personnel should not eat, smoke, or carry food or smoking materials while inspecting cargo tanks or hazardous waste vehicles or containers. Specialists shall wear protective goggles, respirators and appropriate gloves when inspecting all open tanks and when inspecting dome or manhole covers and vents on top of tanks, unless the tanks have been thoroughly cleaned and are free of vapors.

(2) Precautions. Under no circumstances are Specialists to enter cargo tanks, portable tanks, or waste containers, or to open dome or manhole covers. When it is determined to be safe to do so, Specialists may request the tank owner (or his/her representative) to open covers for inspection, and to operate other controls as necessary. After a tank has been opened, a few minutes must be allowed for accumulated vapors to dissipate. Care must be taken, however, to determine if any accumulated tank vapors or gases that are heavier than air, or would otherwise be physically retained in the inspection location, would be released. If so, the tank shall not be opened. While waiting for vapors to dissipate, the lower portions of the tank and the chassis may be inspected. Packagings of any type containing hazardous materials or wastes (or residue thereof) shall not be opened, nor shall any control be activated that could possibly result in exposure to the lading. Specialists must always be alert for secondary hazards, e.g., many flammable products are also corrosive or poisonous. Particular care must be exercised with pesticides and fumigants, which usually have multiple hazards. If no positive product safety determination can be made, those portions of the inspection that could lead to exposure shall be omitted. The remainder of the inspection shall be conducted, and the omitted items shall be indicated on the inspection document, together with the reason for the partial inspection. In the event of a leaking tank or container, the inspection shall be discontinued and appropriate measures taken.

(3) Infectious Substances. Particular care should be taken when inspecting medical waste transporters. During all facets of the inspection, particular vigilance should be exercised for loose sharps (e.g., needles and scalpels) and other potentially infectious substances. Coveralls and latex gloves should be worn at all times.

(4) Exposure. Any exposure to hazardous materials or wastes shall be reported to the appropriate MCSU supervisor. Exposure means any situation arising from a work operation where personnel ingest, inhale, absorb through the skin or eyes, or otherwise come into contact with, a material representing a health hazard. Exposed personnel may request information from their supervisor regarding potential health hazards. When requested, supervisors shall provide any available health hazard information. Supervisors shall maintain a record of all employee exposures in accordance with departmental occupational safety procedures. Exposures not requiring the preparation of a CHP 121 (Employer's Report of Occupational Injury or Illness) shall be documented by memorandum to Disability and Retirement Unit, Occupational Safety Coordinator, and a copy placed in the affected employee's field personnel file.

2. REGULATIONS.

a. State Regulations. Regulations relating to hazardous materials are contained in 13 CCR, Division 2, Chapter 6.

b. Federal Regulations. The U.S. Department of Transportation regulations applying to hazardous materials transportation are furnished to each Specialist. These regulations, 49 CFR Parts 170-180, apply only as specified in 13 CCR 1160-1168.

3. HAZARDOUS MATERIALS TRANSPORTATION LICENSES.

a. Policy and Procedures. Policy and general procedures for Hazardous Materials Transportation License (HMTL) processing and handling are contained in this chapter, and also in HPM 82.1, Licenses and Permits. Any hazardous materials transportation license holder may transport hazardous materials subject to specialized requirements (e.g., routes, stopping places, en route vehicle inspection), provided they comply with all requirements applicable to the specific type of transportation. Statutory requirements for licensing are contained in California Vehicle Code (CVC), Division 14.1, Chapter 1 (Licensing) commencing with Section 32000. Regulatory requirements are contained in 13 CCR, Chapter 6, Article 3, commencing with Section 1160.3.

The following special routing/stopping place mailing list categories appear on every HMTL for informational purposes only.

(1) - HMX - Explosives subject to Division 14, CVC.

(2) - HMPIH - Poison inhalation hazard material in bulk packages subject to Division 14.3, CVC.

(3) - HRCQ - Highway route controlled quantity radioactive materials subject to Division 14.5, CVC.

b. Control and Disciplinary Action. Control of licensees is through regular enforcement action and the following:

(1) Denial, suspension, or revocation of an HMTL requires a hearing before such action is taken as outlined in HPM 82.1. Recommendations for denial, suspension, or revocation shall be submitted by memorandum to Commercial Vehicle Section (CVS) and shall include complete supporting packages. Supporting packages must include detailed evidence documenting the charge(s) to support prosecution in the courts. Except in unusual circumstances, criminal complaint action should precede negative recommendations.

(2) Disqualification of a license applicant is prescribed by Section 2531 CVC when "it is evident the applicant or licensee or his employees have repeatedly violated any provision of law" Conditions under which disciplinary action may be taken are based on the "records of the Department of Motor Vehicles or the Department of the California Highway Patrol." From a practical standpoint, this means abstracts of court actions obtainable from driver or owner's responsibility files maintained by the DMV's Division of Drivers Licenses.

(3) If, as a result of enforcement or disciplinary action, an HMTL is placed in probationary status, Division MCSUs where the licensee's terminals are located shall establish control methods to ensure follow up inspections are conducted in accordance with the terms of the probation, or more frequently if deemed necessary.

c. Statutory Requirements. Section 32000.5 CVC (License to Transport Hazardous Material), prohibits the Department from issuing a license to a motor carrier unless each terminal from which hazardous materials carrying vehicles are operated is in compliance with the requirements of Section 34501.12 CVC (Biennial Inspection of Terminals [BIT] Program), and is currently rated satisfactory. This is applicable only to the issuance of a new license to any motor carrier. License renewal is addressed in paragraph e. (2) below.

d. Regulatory Requirements. Section 32000.5 CVC requires the Department to adopt rules and regulations that provide for a temporary license for motor carriers, who, within the previous three years, have not been issued an unsatisfactory rating for an inspection conducted pursuant to Sections 34501, 34501.12, or 34520 CVC.

e. Applications.

(1) Initial. Applicants for an initial HMTL shall be referred to CVS, Headquarters, who will furnish the applicant a CHP 361M, Application for Hazardous Materials Transportation License, together with other required forms and instructions. A License application and other related documents are available on the Internet at www.chp.ca.gov (under "Publications").

(2) Renewal. Commercial Vehicle Section will mail renewal application form(s) to each licensee 60 to 90 days prior to expiration of the license. Approval by Division MCSU is not required. Motor carriers with a current HMTL, who submit renewal applications to CVS within the appropriate time period, will have the license renewed without delay. Motor carriers who submit a renewal application more than 30 days after the date of expiration of a current or previous license will be required to apply for a new license. In this instance, any unsatisfactory ratings assigned to terminals from which hazardous materials are transported will preclude the issuance of the new license for 36 months from the issuance of such rating.

f. Initial Inspection. Requests for inspection of terminals from which hazardous materials carrying vehicles are operated, as identified by a motor carrier on an initial application for license to transport hazardous materials, will be transmitted by CVS to the appropriate Division MCSU for verification of compliance with the BIT Program.

(1) Motor Carrier Safety Unit(s) so notified shall complete all required BIT Program inspections and transmit terminal rating information to hmlicensenotice@chp.ca.gov within 45 days of notification. Rating information transmitted shall include, at a minimum, the CA number, File Code Number (FCN), inspection completion date, and rating assigned.

(2) Information regarding the location of a motor carrier's principle place of business will be transmitted to the appropriate Division MCSU, in order that Controlled Substances and Alcohol Testing (CSAT) compliance inspection be conducted. The CSAT inspections shall also be completed within 45 days of notification, and inspection information shall be forwarded to CVS as outlined in paragraph (1) above. However, when transmitting CSAT inspection results, "CSAT" shall be entered in lieu of an FCN to indicate the completion of this category of inspection.

(3) Section 34501.12 (j)(3)(5) CVC, prohibits granting a BIT Program administrative review to any terminal from which hazardous materials carrying vehicles are operated.

4. HAZARDOUS WASTE TRANSPORTER INSPECTIONS.

a. Vehicles and Specification Containers. During inspections conducted at hazardous waste transporter terminals (e.g., BIT inspections), vehicles and specification containers used to transport hazardous waste shall be inspected. Inspections shall be in depth to determine fitness to transport hazardous wastes safely, and shall determine compliance with the following as applicable:

(1) Vehicle Code.

(2) Title 13, CCR.

(3) Department of Transportation (DOT) specification or exemption. Most DOT cargo tank exemptions have expired and have not been renewed [see 49 CFR 180.405(f)]. If the tank is to be used to transport materials for which a specification container is required, the tank must be retrofitted, retested, and remarked in accordance with 49 CFR Part 180, unless it is operating under a current exemption, with required retrofit. Any tank converted to a DOT cargo tank specification after August 31, 1995, must be marked as MC 331, MC 338, or DOT 400 series, as appropriate.

(4) State Fire Marshal's Regulations.

b. Nonspecification Bulk Packagings. Nonspecification bulk packagings shall be inspected for compliance with 22 CCR 66263.16. Nonspecification bulk packagings used to transport DOT/EPA (Environmental Protection Agency) hazardous wastes are also subject to 49 CFR 173.24 and 173.24(b).

c. Department of Toxic Substances Control (DTSC) Disciplinary Action. Division MCSUs may recommend that the DTSC take administrative action against registered hazardous waste transporters based on findings of normal terminal inspections or other evidence. Recommendations for administrative action shall be by memorandum to CVS and shall be fully supported by detailed evidence to substantiate the violation(s).

d. Terminal Observation Reports.

(1) In view of the increased concerns over the relationship between public health and environmental safety and the storage/handling of hazardous waste(s), MCSU inspection personnel should report any of the following

conditions observed at hazardous waste transporter facilities to their immediate supervisor:

- (a) Barrels stored in a haphazard fashion or exhibiting leakage and deterioration.
- (b) Discolored soil, particularly unnatural colors such as blue, green, yellow, or bright red.
- (c) Odors suggestive of solvents, pesticides, or those which create irritation.
- (d) Ponds or standing pools of liquid which do not appear to be the result of rain.
- (e) Storage of large quantities of batteries, transformers, or other items of salvage which normally contain a hazardous material.
- (f) Large open containers or tanks of liquids, sludges, or solid materials.

(2) No entries relating to these items shall be made on inspection reports, CHP 343, Safety Compliance Report/Terminal Record Update, CHP 343-1, Continuation, or CHP 343A, Vehicle/Equipment Inspection Report Motor Carrier Safety Operations, nor should they be discussed with the carrier. If any of these conditions are noted, the information shall be provided to the Division Environmental Crimes Investigations Program (ECIP) coordinator. If the involved field Division does not have an ECIP coordinator, the information shall be forwarded to CVS, ECIP coordinator, for further action and/or necessary coordination with allied agencies.

5. FLAMMABLE/COMBUSTIBLE LIQUID CARGO TANK INSPECTIONS.

a. Inspection of Cargo Tanks. During inspections conducted at cargo tank operator terminals, (e.g., BIT inspections), cargo tanks used to transport flammable/combustible liquids shall be inspected. Inspections shall be in depth to determine compliance with applicable specifications and fitness to transport flammable/combustible liquids safely.

(1) Inspections shall be conducted as provided in Chapter 2, of this manual, and in HPG 84.2. Inspections shall determine compliance with the following as applicable:

- (a) Vehicle Code.

(b) Title 13, CCR.

(c) Title 49, CFR (U.S. DOT Tank Specifications and retest requirements).

(d) The DOT specification or exemption. Most DOT cargo tank exemptions have expired and have not been renewed (see 49 CFR 180.405(f)). If the tank is to be used to transport materials for which a specification container is required, the tank must be retrofitted, retested, and remarked in accordance with 49 CFR Part 180, unless it is operating under a current exemption, with required retrofit. Any tank converted to a DOT cargo tank specification after August 31, 1995, must be marked as MC 331, MC 338, or DOT 400 series, as appropriate.

(e) Title 19, CCR (State Fire Marshal [SFM] Regulations). All SFM specification tanks used in lieu of DOT specification tanks to transport flammable liquids must have been retrofitted and retested to MC 306 specifications (but not so marked) on or before October 1, 1996.

1 State Fire Marshal specification tanks retrofitted and retested prior to August 31, 1995, were authorized to be upgraded to the appropriate DOT 300 series specification. State Fire Marshal specification cargo tanks operating under US DOT exemption No. DOT E 11509 were authorized to be retrofitted, retested, and remarked as MC 306 through August 31, 1996. Tanks upgraded after these dates must be upgraded to the appropriate DOT 400 series specification.

2 State Fire Marshal specification tanks with a capacity of less than 3,500 gallons may continue to be used indefinitely by intrastate carriers pursuant to 49 CFR 173.8(b). State Fire Marshal specification tanks with a capacity of 3,500 gallons or more may only be used until July 1, 2000, pursuant to 49 CFR 173.8(a), provided they are maintained in compliance with 13 CCR.