

CHAPTER 1
ADMINISTRATION
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CHAPTER 1

ADMINISTRATION

1. GENERAL.

a. Policy. The content of this manual constitutes policy which governs the overall administration and operation of the Department's hazardous materials programs.

b. Objectives. The Department's primary objectives are to take necessary action to protect lives and prevent property damage arising from emergencies involving hazardous materials, prevent incidents resulting from the transportation of hazardous materials/waste, and mitigate the effects of an incident should one occur. To meet these objectives, emphasis shall be placed on the following areas:

(1) Traffic laws and regulations relating to hazardous materials/waste transportation.

(2) Hazardous materials shipping documents, package labels, vehicle placards, and container markings (including identification numbers).

(3) General loading, load securement, and vehicle safety equipment.

(4) Container integrity and shipment preparation.

(5) Responding to incidents within the Department's jurisdiction and providing necessary resources to effectively mitigate occurrences.

c. Safety. It is the policy of this Department that safety shall be the overriding and paramount consideration when administering and conducting all hazardous materials activities. Further, it shall be the direct responsibility of all personnel to ensure that this policy is adhered to at all times.

d. Definitions. See Annex A.

2. HEADQUARTERS MANAGEMENT.

a. Assistant Commissioner, Field. Under the direction of the Commissioner, Assistant Commissioner, Field (ACF), exercises overall operational control of the Department's hazardous materials programs. All policy changes regarding these programs shall be approved by ACF prior to implementation.

b. Assistant Commissioner, Staff. Under the direction of the Commissioner, and with the assistance of ACF; Enforcement and Planning Division (EPD);

Administrative Services Division; and Assistant Commissioner, Staff (ACS), ensures all departmental hazardous materials programs are properly funded and equipped.

c. Enforcement and Planning Division. Under the direction of Assistant Commissioner, Staff, and with the assistance of Commercial Vehicle Section (CVS), EPD provides recommendations and advice to Executive Management regarding the administration of departmental hazardous materials programs. Enforcement and Planning Division also coordinates with Top Management and assists ACS in management oversight regarding operational issues, personnel assignments, and equipment procurement associated with hazardous materials programs. Further, EPD develops policies and procedures with regard to program responsibilities, and defines program goals and objectives through participation in the Department's Command Management Planning process.

d. Commercial Vehicle Section. Commercial Vehicle Section provides information to EPD on matters and issues concerning departmental hazardous materials programs. Additionally, CVS functions in a coordinating role with the Special Services commanders in each field Division who manage hazardous materials related programs. Commercial Vehicle Section is the Office of Primary Interest for the following programs:

- (1) Administration of Title 13, California Code of Regulations (CCR), regulations relating to hazardous materials
- (2) Analysis and preparation of recommendations relating to new legislation, regulations, or proposed amendments to the California Vehicle Code (CVC) and United States Department of Transportation hazardous materials regulations (HMR).
- (3) Development of guidelines, maintenance of manuals and handbooks, and providing technical assistance to departmental and industry personnel.
- (4) Administration of the Hazardous Materials Transportation License (HMTL) program.
- (5) Analysis of requests for alternate methods of compliance with regulatory mandates pursuant to Title 13, CCR, Section 1160.4(c) with recommendation for approval or denial, as warranted.
- (6) Administration of the Cargo Tank and Hazardous Waste Transport Vehicle/Container Inspection programs.

- (7) Administration of specific routing requirements for explosives, inhalation hazards, and Highway Route Controlled Quantities (HRCQ) shipments of Radioactive Materials (RAM).
- (8) Evaluation of requests for hazardous materials/wastes transportation route closure; conducting risk assessments of those requests meeting established criterion; and maintaining a list of such routes closed by administrative action.
- (9) Oversight of the 72-hour pre-notification system for the transportation of commercially produced, spent radioactive fuel; including notification of each affected field Division.
- (10) Oversight of the 72-hour pre-notification system for the transportation of specified rocket fuels; including notification of each affected field Division.
- (11) Administration, review, and revision of departmental courses relating to the enforcement of hazardous materials requirements.
- (12) Review of reports of spills, inadvertent releases of contents, or injuries that are required to be submitted by carriers pursuant to Title 13, CCR, Section 1166. The reports will be analyzed for possible trends and the need for regulation refinement. Reports will be forwarded directly to the appropriate Division Motor Carrier Safety Unit (MCSU) for information or follow-up.
- (13) Analysis of departmental Hazardous Materials Incident Reports for possible trends indicating a need for new legislation, regulation refinement, or follow-up by the appropriate Division MCSU.
- (14) Administration of First Responder Operations (FRO) and Hazardous Materials Incident Command (HMIC) Training programs.
- (15) Administration of the Radiological Emergency Response and Enforcement program.
- (16) Coordination of staff support and departmental responsibilities for emergency incident management, including the establishment of policy, procedures, and training on HMIC.
- (17) Administration of the Environmental Crimes Investigation Program.

3. FIELD DIVISION MANAGEMENT.

a. Division Chiefs. Field Division chiefs are responsible for directing and coordinating the hazardous materials programs within their Division, and coordinating an exchange of information between the Special Services commanders, Environmental Crimes Investigators, MCSU personnel, and Area commanders regarding issues of mutual concern. Each Division chief, through the Special Services commander, consults and coordinates with EPD in the decision-making process regarding operational issues, personnel assignments, and equipment procurement. Field Division responsibilities include:

(1) Coordinating the required annual four hours of FRO and six hours of HMIC Refresher Training for field Division personnel and forwarding rosters, scores, and critiques to CVS in a timely manner.

(2) Coordinating with Areas within Division to ensure appropriate personnel receive FRO or HMIC training as outlined in Chapter 2, Hazardous Materials Incident Command and Reporting, and Chapter 12, Training, of this manual.

(3) Coordinating a minimum of eight hours (16 hours recommended) Hazardous Materials Enforcement Refresher training for commercial personnel.

(4) Coordinating Division MCSU inspection activities.

(5) Designating a Division RAM coordinator and an alternate to receive notification of commercially produced, spent radioactive fuel shipments and providing EPD with this information by June 30th of each calendar year.

(6) Maintaining letters from fire chiefs and police chiefs (in their respective Areas) requesting and qualifying for advanced notification of commercially produced, spent radioactive fuel shipments. (Refer to CVC, Section 33002.)

b. Special Services Commanders. Special Services commanders, under the direction of the field Division chief, ensure the effective management of the Division Commercial Vehicle Enforcement and MCSU Operations as they relate to hazardous materials programs. Special Services commanders are also responsible for ensuring proper supervision and control of the Environmental Crimes Investigation Unit (ECIU) if such a unit is assigned to the Division. Additionally, the Special Services commanders will maintain communications between the field Division, EPD, and CVS on matters of mutual interest or concern.

c. Inspection Facility Commanders. Inspection facility commanders, under the direction of the Special Services commander, ensure the effective management of

hazardous materials programs within their assigned inspection facility, including the following:

- (1) Enforcement of provisions of the CVC; Title 13, CCR; Title 49 Code of Federal Regulations (CFR); specified California Health and Safety Code (H&SC) requirements applicable to the transportation of hazardous materials/wastes as outlined in this manual; and Highway Patrol Manual 82.6, Commercial Enforcement Manual.

d. Area Commanders. Area commanders are responsible for managing hazardous materials programs within their Areas, including the following:

- (1) Enforcement of traffic laws governing specifically regulated hazardous materials, such as, explosives, inhalation hazards, and HRCQ shipments of RAM.

- (2) Enforcement of regulations relating to hazardous materials as outlined in this manual.

- (3) Furnishing the appropriate Division MCSU with copies of enforcement documents showing hazardous materials violations, hours-of-service violations, or mechanical violations meeting the Commercial Vehicle Safety Alliance, Out-of-Service Criteria, when transportation requires an HMTL (CVC, Section 32000.5). Copies of enforcement documents issued to out-of-state carriers shall be sent to CVS.

- (4) Reviewing explosives routes and stopping places within their command and submitting recommended changes to CVS in accordance with Chapter 7, Explosives Transportation, of this manual.

- (5) Receiving requests from local agencies for closure of hazardous materials/wastes transportation routes by administrative procedures specified in CVC Section 31304 and forwarding the request to CVS.

- (6) Coordinating with Division to ensure appropriate personnel receive initial and refresher FRO or HMIC training as outlined in Chapters 2 and 12 of this manual.

- (7) Providing HMIC personnel to manage/coordinate operations at on-highway hazardous materials incidents/emergencies which occur within the Area's jurisdiction.

- (8) Providing notification to the respective county health department and county board of supervisors of hazardous substance spills, as outlined in Chapter 2 of this manual.

4. DEPARTMENTAL RESPONSIBILITIES.

a. Safeguards Information. Notifications regarding the shipment of commercially produced, spent radioactive fuel are classified by Title 10, CFR, Section 73.21, as “safeguards information” and are only to be released to those authorized to receive advance notification, e.g., law enforcement and qualified fire chiefs pursuant to CVC Section 33002.

b. Road Patrol Enforcement Officers. Officers assigned to road patrol duties are responsible for assuring that drivers of vehicles transporting hazardous materials comply with laws regulating the driving of such vehicles, and may enforce other laws regulating hazardous materials when a violation is observed.

NOTE: Due to legal complexities, specialized evidentiary considerations, and possible hazardous conditions, investigations concerning the illegal transportation and/or disposal of hazardous wastes should be handled by departmental personnel who are trained in environmental crimes investigations.

c. Platform Scale and Mobile Road Enforcement Personnel. Platform scale and Mobile Road Enforcement personnel are responsible for assuring that drivers of vehicles transporting hazardous materials comply with laws regulating the driving of such vehicles, and may enforce other laws regulating hazardous materials transportation when a violation is observed. Particular emphasis should be placed on detecting violations of requirements relating to hazardous materials laden vehicles which, due to their local operation, are not likely to pass through inspection facilities.

d. Commercial Vehicle Inspection Facility Personnel. Personnel assigned to commercial vehicle inspection facilities shall enforce provisions of the CVC, Title 13 CCR, Title 49 CFR, and specified H&SC regulations regarding the transportation of hazardous materials/wastes as outlined in this manual.

e. Motor Carrier Safety Personnel. Personnel assigned to Division MCSUs shall be responsible for detecting and requiring correction of violations of the CVC, Title 13 CCR, Title 49 CFR, and H&SC hazardous materials/waste requirements. These responsibilities shall be discharged by the following means:

(1) Inspecting cargo, containers, and appraising operating practices at carrier and shipper terminals.

(2) Preparing documentation necessary for a criminal action or hazardous materials license revocation.

(3) Providing technical assistance concerning transportation incidents involving hazardous materials as needed.

(4) Appraising carriers' overall safety compliance before issuing a hazardous materials (including explosives) transportation license renewal.

f. Environmental Crimes Investigators. Personnel assigned to an ECIU should investigate any incident brought to their attention which indicates that illegal transportation and/or disposal of hazardous material or hazardous waste is occurring, or has occurred, within the jurisdiction of the California Highway Patrol (CHP). Additionally, Environmental Crimes Investigators may assist allied agencies in conducting joint agency, or Regional Task Force investigations concerning hazardous waste transportation and/or disposal violations.

(1) Environmental Crimes Investigators are responsible for the following:

(a) Conducting and coordinating departmental environmental crimes investigations within their Division.

(b) Maintaining ongoing liaisons with allied agencies having hazardous waste regulatory and/or enforcement authority.

(c) Providing appropriate training and relevant information to CHP commands and/or allied agencies within their Division concerning illegal hazardous waste transportation/disposal activities.

(d) Notifying CVS of any major investigation(s) involving multi-jurisdictions, and any investigation which may be considered "politically sensitive." This notification may be made by telephone and is in addition to the Environmental Crimes Investigator's quarterly reports which are submitted to CVS. (See Chapter 11, Environmental Crimes Investigation Program.)

(e) Developing local resources and procedures relating to the gathering, sampling, analyzing, storage, and preservation of evidence.

5. LIAISON WITH UNITED STATES DEPARTMENT OF TRANSPORTATION.

a. Policy. It is the policy of the Department to cooperate with officials and personnel from the Pipeline and Hazardous Materials Safety Administration (PHMSA) and Federal Motor Carrier Safety Administration (FMCSA) when enforcing HMR.

b. Exceptions. Matters which can be prosecuted under California law or that can otherwise be handled to a successful conclusion shall not be referred to PHMSA or FMCSA for action. However, this shall not preclude the Department from furnishing PHMSA or FMCSA with information regarding matters of mutual interest.

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ANNEX A
DEFINITIONS

1. Activity. Activity is the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the becquerel or curie.
2. Becquerel. A becquerel is the metric system unit of measure used both internationally and nationally to describe the intensity of radioactivity given off by a material. The becquerel is equal to one disintegration per second.
3. Combustible Liquid. A combustible liquid is generally any liquid not otherwise classed as a hazardous material (e.g., flammable gas, poison B, corrosive material, and organic peroxide) and having a flashpoint at or above 141 degrees Fahrenheit (F) (60.5 degrees Celsius [C]) and below 200 degrees F (93.3 degrees C). Included in this class are certain fuel oils (#1, #2, #4, and #5), diesel fuel, kerosene, mineral spirits, turpentine, kerosene cut asphalt, and all liquids identified in shipping papers as “combustible liquid, n.o.s.” (see Title 49 Code of Federal Regulations [CFR], Part 173.115[b] for additional criteria). These products are not subject to regulation when transported in any container having a capacity of 119 gallons or less.
4. Curie. A curie is the basic English unit of measure used in the United States to describe the intensity of radioactivity given off by a material. The curie is equal to 37 billion disintegrations per second (37 giga becquerel).
5. Explosive. An explosive is any chemical compound or mixture, or a device containing any such compound or mixture, that functions by explosion, i.e., with a substantially instantaneous release of gas and heat. There are two general categories of explosives for the purpose of transportation: acceptable and forbidden.
6. Exposure. Exposure is the possible or suspected exposure to a hazardous material by any means, including inhalation, ingestion, skin contact, or absorption.
7. Extremely Hazardous Waste. An extremely hazardous waste is any hazardous waste or mixture of hazardous wastes which, if human exposure should occur, may likely result in death, disabling personal injury or serious illness caused by the hazardous waste or mixture of hazardous wastes because of its quantity, concentration, or chemical characteristics. (Health and Safety Code [H&SC] Section 25115).

ANNEX A

DEFINITIONS (*continued*)

8. Flammable Liquid. A flammable liquid is generally any liquid having a flashpoint below 141 degrees F (60.5 degrees C). Included in this class are gasoline, brandy, xylene, certain paints and lacquers, certain alcohols, banana oil (amyl acetate), and naphtha (see Title 49, CFR, Part 173.120[a] for additional criteria).

9. Hazardous Materials. Hazardous materials includes any material capable of posing an unreasonable risk to health, safety, and property during transportation and so designated in Title 49, CFR, Part 172 and defined by Title 49, CFR, Section 173 (Title 13 California Code of Regulations [CCR] Section 1160.3[f]). Hazardous materials are basic chemicals or chemical compounds (solids, gases, and liquids) and devices containing such chemicals that are dangerous because of toxicity, potential for violent reaction (fire or explosion), or possible container rupture. Although many common products transported over the highway are capable of being set afire or may otherwise be somewhat dangerous, only materials of extreme hazard that are legally defined as such are termed "hazardous."

10. Hazardous Material Incident. A hazardous material incident is an event where a hazardous material or suspected hazardous material, as defined above, threatens or potentially threatens public health or safety, the environment, or property, and a departmental employee would be reasonably expected to initiate action(s) to prevent, reduce, or mitigate the situation.

11. Hazardous Waste. Hazardous waste is a waste, or any combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating illness; or

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Hazardous waste includes any waste material for which no use or reuse is intended, and which is to be discarded, or any recyclable material that meets the definition of a waste which poses a threat to public health or the environment pursuant to Sections 25117 and 25124 H&SC. Hazardous waste is included in the California Vehicle Code [CVC] Section 353 definition of "hazardous materials." Medical wastes are not defined or regulated as hazardous wastes (H&SC Section 25117.5).

ANNEX A

DEFINITIONS (*continued*)

12. Highway Route Controlled Quantity. A package is a highway route controlled quantity shipment if the quantity of radioactive material within a single package exceeds:
- 3,000 times the A_1 value of the radionuclides as specified in Title 49 CFR Part 173.435 for special form radioactive materials;
 - 3,000 times the A_2 value of the radionuclides as specified in Title 49 CFR Part 173.435 for normal form radioactive materials; or
 - 1,000 tera becquerel (27,000 curies), whichever is least.
13. Injury. An injury includes an apparent injury, illness, or manifestation of symptoms associated with an exposure to, or contamination by, a hazardous material.
14. Liquid Petroleum Gas. Liquid petroleum gas (LPG) is butane, propane, or gas mixtures containing them (CVC Section 380), and is classed as a flammable gas. The term LPG does not include liquefied natural gas or other hydrocarbon gases.
15. Medical Waste. Medical waste is biohazardous waste or sharps waste (e.g., scalpels, needles) which is generated or produced as a result of any of the following activities: diagnosis, treatment, or immunization of human beings or animals or research pertaining to these activities; or the production of medicinal preparations (H&SC Section 117690). Medical waste may contain infectious agents. Medical waste is not hazardous waste, radioactive waste, or household waste. Medical waste is included in the CVC Section 353 definition of "hazardous materials." Only those medical wastes which are also "hazardous materials" as defined in Title 13 CCR Section 1160.3 are subject to Title 13 CCR Hazardous Materials Transportation Regulations.
16. Non-Hazardous Material Incident. A non-hazardous material incident is an incident initially handled as a hazardous material incident but is later determined to involve a non-hazardous material (e.g., sugar, flour, or water).
17. Potential Hazard. Potential hazard includes a condition creating a substantial probability of harm. The probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate harm to persons, property, or the environment. An example is a cargo tanker that has overturned, but no release has occurred. Steps will be implemented to ensure safety to emergency response personnel and the potentially threatened population, even though no release has occurred.

ANNEX A

DEFINITIONS (*continued*)

18. Radiation. Radiation is energy in the form of waves or particles that comes from a source and travels through some material through space. Light, heat, and sound are all types of radiation. Certain atoms, because of an excess of energy or mass or both, are unstable. This instability is due to an unbalanced ratio between the neutrons and protons in the nucleus of the atom. Sooner or later, this imbalance leads to an explosive condition. In order to reach stability, these atoms give off or emit excess energy or mass (waves or particles) which we call radiation.
19. Radioactive Material. Radioactive material is any material having a specific activity greater than 70 becquerel per gram (0.002 microcuries per gram [mCi/g]). (See definition of “specific activity.”)
20. Roentgen (radiation) Equivalent in Man. Roentgen Equivalent in Man (REM) is a measure of the accumulation of radiation energy (dose) received over a period of time. Both sieverts and REM measure the biological impact of radiation on living cells. For practical purposes, 100 REM equals 1 sievert.
21. Sievert. The sievert is the metric unit measure of the accumulation of radiation energy (dose) received over a period of time to a human. It relates to the potential biological impact on living cells from radiation exposure. The measure of this biological effect is the radiation dose.
22. Specific Activity. Specific activity is the concentration of radioactivity, or the relationship between the mass of radioactive material and the activity. Specific activity is the number of curies per unit mass or volume.
23. Transport Index. The transport index for a package or overpack is the number expressing the maximum radiation level in millirem (millisieverts times 100) per hour at 1 meter (3.3 feet) from the external surface of the package or overpack. The total transport index is the sum of all the transport indexes listed on the individual packages and overpacks. The total transport index may not exceed 50 in any transport vehicle (except exclusive use shipments) or storage location.
24. Transporter. For the purposes of this manual and to maintain consistency with Department of Toxic Substances Control publications, “transporter” means any person who transports hazardous wastes on a public road.
25. Type A Packaging. A Type A package is used for the transportation of radioactive materials and must meet specific federal design requirements to prevent loss of contents and maintain shielding under normal conditions of transportation.

ANNEX A

DEFINITIONS (*continued*)

26. Type B Packaging. A Type B package is used for the transportation of radioactive materials and must meet all Type A criteria and requirements plus provide adequate protection for serious accident conditions with limited loss of shielding and no loss of containment as demonstrated in test condition.

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