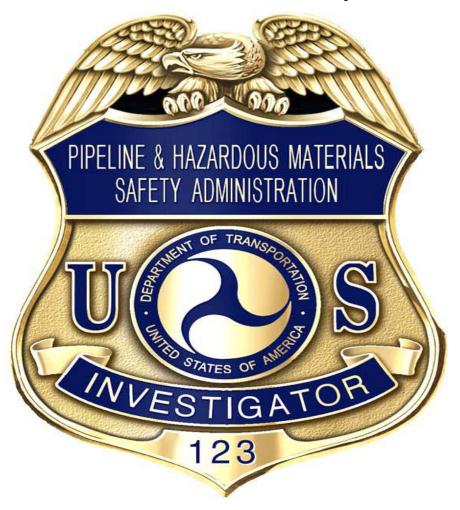
Pipeline and Hazardous Materials Safety Administration



OFFICE OF HAZARDOUS MATERIALS SAFETY FIELD OPERATIONS ENFORCEMENT OPERATIONS MANUAL

The activities of	described in this ma performance of a	anual are procedu nn OHMS Field In	res for activities as vestigator's duties	sociated with the

UNITED STATES DEPARTMENT OF TRANSPORTATION PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION OFFICE OF HAZARDOUS MATERIALS ENFORCEMENT 1200 NEW JERSEY AVENUE, SE BUILDING, 2ND FLOOR WASHINGTON, DC 20590

NATIONAL OPERATIONS MANUAL

TABLE OF CONTENTS

CHAPTER 1	- <u>ABOUT THIS MANUAL</u>	Page
1.1	Introduction	1-1
1.2	Purpose of the Manual	1-2
1.3	Intended Audience of the Manual	1-2
1.4	Comments from Interested Persons	1-3
1.5	Updating the Manual	1-3
CHAPTER 2	- <u>HM PROGRAM OVERVIEW</u>	
2.1	Authority	2-1
2.2	The Hazardous Materials Safety Program	2-2
2.3	Coordination with DOT Modal Administration	2-4
2.4	Coordination with Other Federal, State, and Local	
	Government Agencies	2-5
CHAPTER 3	OHMS FIELD OPERATIONS ENFORCEMENT DIVISION	
3.1	PHMSA Mission	3-1
3.2	Enforcement Division Mission	3-1
3.3	Enforcement Division Vision	3-2
3.4	Enforcement Values	3-2
CHAPTER 4	- <u>ENFORCEMENT PERSONNEL</u>	
4.1	Organization	4-1
4.2	Field Operations Headquarters	4-2
4.3	Special Investigations	4-3
4.4	Regional offices	4-4
4.5	Systems Integrity Safety Program	4-5
4.6	National Inspection Teams	4-5
4.7	Assignment of Staff and Office Codes	4-6

<u>CHAPTER 5</u> - <u>GENERAL INSPECTION PROCEDURES</u>

5.1	Definitions	5-1
5.2	Investigator's Duty	5-1
5.3	Advance Notice of Inspection	5-2
5.4	Entry on the Property	5-2
5.5	Refusal to Permit Inspection	5-2
5.6	Interference with an Inspection	5-3
5.7	Waiver of Responsibility	5-3
5.8	Strike or Labor Dispute	5-4
5.9	Unusual Problem or Occurrence	5-4
5.10	Imminent Hazard/Potential Violations	5-4
CHAPTER 6	– PLANNING AND PRIORITIZING ACTIVITIES	
6.1	Purpose	6-1
6.2	Policy	6-1
6.3	Inspection Planning	6-3
6.4	Order of Precedence	6-3
6.5	Preparing the Inspection/Investigation	6-5
CHAPTER 7	- CONDUCTING THE INSPECTION	
7.1	Opening Interview	7-1
7.2	The Inspection	7-1
7.3	Interviews	7-2
7.4	Written Statements	7-3
7.5	Photographs	7-4
7.6	Exit Briefing	7-5
7.7	Follow-up Inspections	7-6
CHAPTER 8	- RECORDING THE INSPECTION	
8.1	Reporting Requirements	8-1
8.2	Inspection/Enforcement Report (General)	8-2
8.3	Inspection/Enforcement Report (Specific)	8-4
8.4	Shipment Observation Report	8-11
8.5	Box Observation Report	8 11
8.6	Drum Observation Report	8-11
8.7	IM Portable Tank Observation Report	8-11
8.8	Cylinder Observation Report	8-12
8.9	Cylinder Requalifier Inspection Report	8-12
8.10	Cylinder Repairer Rebuilder Facility Inspection Report	8-12
8.11	DOT 39 Cylinder Manufacturer Inspection Report	8-12

12-2

<u>CHAPTER 9</u> - <u>ENFORCEMENT PROCEDURES</u> 9-1 9.1 Purpose 9.2 General 9-1 No Further Action Report 9-2 9.3 9-2 9.4 **Advisory Letter** 9-2 9.5 Warning Letter 9.6 Ticket for Noncompliance 9-2 9.7 Civil Penalty Case 9.3 <u>CHAPTER 10</u> - <u>ENFORCEMENT ACTION PROCEDURES</u> **General Information** 10-1 10.1 Compliance Orders and Civil Penalties 10-1 10.2 10.2.1 Notice of Probable Violation 10-1 10.2.2 Conference 10-2 10.2.3 Administrative Law Judge Hearings 10-2 10.2.4 Order 10-2 10.2.5 Appeal 10-3 10.3 Criminal Penalties 10-3 10.4 Injunctive Action 10-3 10.5 Penalty Guidelines 10-4 CHAPTER 11 - PURCHASING HAZARDOUS MATERIAL FOR TESTING 11.1 Purpose 11-1 11.2 Scope 11-1 11.3 Procedures 11-1 11.3.1 Safety 11-2 11.3.2 Quantity 11-2 11.3.3 Reimbursement 11-3 11.3.4 Chain of Custody 11-3 11-3 11.3.5 Notification 11.4 Policy Regarding Animal Testing for Corrosivity 11-3 11-3 11.5 Reminder CHAPTER 12 - PACKAGING COMPLIANCE TESTING PROGRAM 12-1 12.1 Purpose 12.2 Scope 12-1 12.3 Procedures 12-1 12.3.1 Sources 12-1

12.3.2 Quantities

12.3.3	Evidence Collection	12-3
12.3.4	Documentation	12-3
12.3.5	Reimbursement	12-4
12.3.6	Packaging and Shipping	12-4
	LOGSA Notification	12-5
12.3.8	Hazardous Materials Information System (HMIS) Entry	12-5
	Testing Documentation	12-5
	0 Cite	12-6
12.4	Corrective Action Testing	12-6
CHAPTER 1	3 – <u>INVESTIGATOR TRAINING</u>	
13.1	Introduction	13-1
13.2	· · ·	13-1
13.3	Roles and Responsibilities	13-1
13.4	Investigator Certification	13-2
13.5	Program Validation	13-3
CHAPTER 1	4 - <u>TICKETING PROGRAM</u>	
14.1	Purpose	14-1
14.2	Scope	14-1
14.3	Procedures	14-2
14.3.1	Investigator Actions	14-2
	Supervisor Actions	14-2
14.3.3	Notification	14-2
	Tracking	14-3
14.3.5	Non-response	14-3
CHAPTER 1	5 - <u>REINSPECTION PROGRAM</u>	
15.1	Purpose	15-1
15.2	Scope	15-1
15.3	Procedures	15-2
CHAPTER 1	6 – ENFORCEMENT RECOMMENDATIONS	
16.1	Purpose	16-1
16.2	Procedures	16-1

$\underline{CHAPTER~17} - \underline{INVESTIGATOR~SAFETY}$

17.1	Introduction	17-1
17.2	Basic Safety Practices	17-1
17.3	Mandatory Safety Equipment	17-3
17.4	Additional Safety Equipment	17-4
17.5	Accident/Injury Reporting	17-4
17.6	Personal Safety	17-4
17.7	Vehicle Safety	17-5
CHAPTER 18	3 – <u>RESERVED</u>	
CHAPTER 19	<u> – FITNESS - REVIEWS, INSPECTIONS, RECOMMENDAT</u>	<u>IONS</u>
19.1	Purpose	19-1
19.2	Definitions	19-1
19.3	Background	19-2
19.4	Fitness Investigation Procedures	19-4
19.5	Fitness Inspection Report & Enforcement Recommendation	19-5
<u>CHAPTER 20</u> – <u>ACCIDENT AND EMERGENCY RESPONSE INVESTIGATIONS</u>		
20.1	Purpose	20-1
20.2	Definitions	20-1
20.3	Agency Response Consideration	20-2
20.4	PHMSA Enforcement Primary Jurisdiction	20-3
20.5	OHMS Field Operations Response	20-3
20.6	National Transportation Failures and Disaster Response	20-5
20.7	OHMS Field Operations Guiding Response Goals	20-5