

**GEORGIA DEPARTMENT OF PUBLIC SAFETY
TRANSPORTATION RULEBOOK
CHAPTER 3 – HAZARDOUS MATERIALS PERMITS**

3-1.1 Applicability.

The rules in this chapter apply to the transportation of certain hazardous materials within or through the State of Georgia, and to all persons who transport, ship, or offer such materials for transportation. These rules and regulations are in addition to, and do not waive, the Federal Hazardous Materials Regulations in Title 49 CFR Parts 100 – 185, or compatible State Regulations adopted under Chapter 2 of these Transportation Rules.

3-1.3 Penalties.

(a) *Criminal penalty.* In addition to any other penalty imposed by law, violations of any provision of this chapter shall constitute a misdemeanor, pursuant to O.C.G.A. § §§40-1-8(h) and 40-1-23(v).

(b) *Civil penalty.* In addition to any other penalty imposed by law, violations of this chapter shall be subject to the provisions of O.C.G.A. §§§40-1-8(d) and 40-1-23(n)(3) .

3-1.5 Definitions.

In this chapter, the term—

Act means the Transportation of Hazardous Materials Act, Act 119, Georgia Laws of 2011, as codified at O.C.G.A. Title 40, Chapter 1, Article 2 .

Carrier means any person engaged in the transportation of liquefied natural gas (LNG), polychlorinated biphenyl (PCB), and radioactive materials.

Code of Federal Regulations means the United States Code of Federal Regulations, and as they may be amended from time to time in the Federal Register.

Department means the Georgia Department of Public safety.

Department of Natural Resources means the Georgia Department of Natural Resources.

Exclusive Use Vehicle means a vehicle designed or used exclusively for transporting hazardous materials, or any vehicle, which due to requirements based on the nature of a particular commodity being transported, is restricted to transporting only that commodity in the shipment.

Hazardous Materials means radioactive materials, liquefied natural gas (LNG), and polychlorinated biphenyl (PCB).

Liquefied natural gas or LNG means natural gases with high methane content shipped and packaged as a cryogenic (refrigerated) liquid, listed as “methane, refrigerated liquid” or “natural gas, refrigerated liquid” in Title 49 CFR §172.101.

Nuclear Regulatory Commission means the United States Nuclear Regulatory Commission.

Person means any individual, corporation, partnership, association, state, municipality, political subdivision of a state, any agency or instrumentality of the United States government or any other entity, and includes any officer, agent, or employee of any of the above.

Polychlorinated biphenyl or PCB means the same material listed and described in Title 49 CFR §172.101 and its appendices.

Radioactive (Class 7) material means the same as the term used in Title 49 CFR §173.403.

Shipment means the material carried on any single transport vehicle or single combination (articulated) vehicle.

Shipper means any person who arranges for, provides for, solicits a carrier for, consigns to a carrier for, or contracts with a carrier for shipment or transport of goods or property. The terms "shipper" and "offeror" are synonymous.

Title 10 CFR or *10 CFR* means Title 10 of the United States Code of Federal Regulations and as it may be amended from time to time in the *Federal Register*.

Title 49 CFR or *49 CFR* means Title 49 of the United States Code of Federal Regulations and as it may be amended from time to time in the *Federal Register*.

3-2.1 Permit Exceptions, Requirements and Restrictions.

(a) *Exceptions.* Permits shall not be required for the following:

(1) Empty packaging's that meet the requirements and limitations of Title 49 CFR §173.428;

(2) Limited quantities of radioactive materials that meet the requirements and limitations of Title 49 CFR §§173.421, 173.422, 173.423, 173.424, 173.425, and 173.426, as applicable;

(3) Weaponry or other classified commodities when being moved on government owned vehicles by the U.S. Department of Energy or U.S. Department of Defense, when under direction and escorted by personnel of or under the authority of those agencies; or,

(4) Non-bulk packaging's of liquefied natural gas.

(b) *Permit requirements.* Permits are required for:

(1) Each bulk shipment of liquefied natural gas (LNG);

(2) Each shipment of polychlorinated biphenyl (PCB); and/or

(3) Each shipment of radioactive materials which:

(i) is required to be transported on an exclusive use vehicle;

(ii) are spent (used) fuels;

(iii) have a Transportation Index (TI) in excess of 50;

(iv) is a Highway Route Controlled Quantity, as defined in 49 CFR §173.403;

(v) are more than 5,000 curies of any "Special Form" material; or,

(vi) any material for which notification to a Governor or designee is required

pursuant to Title 10 CFR.

(c) *Permit restrictions.* (1) No trip permit shall be issued authorizing in excess of five (5) travel days (in Georgia) for the movement specified.

3-2.2 General Conditions.

(a) *General.* In addition to any specific requirements set forth in the Act or these Rules, all hazardous materials shall be packaged, marked, labeled, handled, loaded, unloaded, stored, detained, transported, placarded, and monitored in compliance with Title 49 CFR.

(b) *Federal and state laws and regulations.* Compliance shall be maintained with applicable laws and regulations of the United States and the State of Georgia including, but not limited to, those of the U.S. Department of Transportation, Georgia Department of Public Safety, Georgia Department of Natural Resources, Georgia Department of Revenue, Georgia Department of Transportation, and their successor agencies, and Title 40 O.C.G.A.

(c) *Route of travel.* Routing shall comply with 49 CFR Part 397 Subparts C and D, as applicable.

(d) *Atlanta restrictions.* No permit shall be valid for travel into or through the area bounded by Interstate 285 (the bypass around the City of Atlanta) unless the vehicle is making a pickup or delivery

within this area. The driver in instances of this kind must be able to show proof of such pickup or delivery.

(e) *Non-transfer of Trip Permit.* No person may use a trip permit for any vehicle which is not owned or leased by such person. In addition, the trip permit shall be carried in the vehicle to which it refers.

(f) *Original annual permit to be carried.* Where annual permit is obtained, original of the annual permit must be carried in vehicle.

(g) *Liability insurance and other security.* Public Liability and Property Damage insurance shall be maintained during the existence of a permit in at least the minimum amounts required by the Federal Department of Transportation for motor carriers transporting hazardous materials. The carrier requesting a permit shall furnish along with its application a certificate of insurance showing the name of the insurance carrier, the policy number, the amounts of coverage, and the effective dates of the coverage. Carrier will take whatever action necessary to ensure that its insurance carrier furnishes the Department notice of any changes in its insurance coverage at least thirty (30) days prior to the effective date. Where changes in insurance coverage are made and the carrier fails to notify the Department of such changes or fails to furnish the Department evidence of new insurance coverage prior to date of cancellation, carrier's permit is canceled on date of insurance cancellation and any movement subsequent to such cancellation date will be considered in violation of the laws of Georgia and the rules and regulations of the Department.

(h) *Damages.* Nothing contained herein shall be construed so as to make the Department responsible or liable for any damage caused by vehicle permitted to transport hazardous materials. The person receiving the permit certifies to hold the Department harmless from all claims and to recompense the Department, the Georgia Department of Transportation, and/or the State of Georgia or any political subdivision of the State of Georgia for any expenditures made to repair damages caused by the permitted vehicle or the commodity being transported.

(i) *Cost Recovery.* In the event of any incident involving hazardous materials, covered by these rules, regardless of type, quantity, or form, in transport or in storage in this State which causes, or threatens to cause a hazardous materials discharge, or undue radiation, or any other type exposure to any individual, the State may recover from any shipper, carrier, or any other responsible person, the costs incurred by the State for activities related to the prevention, abatement, and mitigation of the consequences of such an incident.

(j) *Oversize and overweight conditions.* The provisions of these rules in no way exempt the movements of hazardous materials covered by these rules from the requirements for securing oversize and overweight permits when applicable from the Georgia Department of Transportation.

(k) *Records.* Any shipper or carrier of hazardous materials shall make its records and any supporting documentation concerning such shipments available to the Department for inspection immediately upon request.

(l) *Limitations.* For just cause, including, but not limited to, repeated and consistent past violations, the Department may refuse to issue, or may cancel, suspend, or revoke the permit of an applicant or permittee.

(m) *Escort Requirements.* The commissioner of the Department has determined that due to the elevated risk associated with Highway Route Controlled Quantities of radioactive materials, the Department will escort HRCQ shipments during transit through the state. This requirement is in addition to the physical security requirements contained in 10 CFR Part 73. Additional requests for escorts shall be requested as outlined in this chapter.

- (1) Exception – the escort requirements of paragraph (m) of this section do not apply to
- (i) shipments being conducted as part of the Department of Energy Waste Isolation Pilot Plant which may meet the definition of HRCQ; or
 - (ii) shipments for which the carrier is providing shipment security which is at a minimum equal to that of DOE WIPP shipments.

3-2.3 Notification.

(a) *Prior Notification.* For shipments of radioactive material for which pre-notification of a Governor or designee is required by Title 10 CFR, such notification shall be made to Lt Brent Moore, Georgia Department of Public Safety, 3386 Martha Berry Hwy, Rome, GA 30165, or by fax to 770-357-8867. No prior notification shall be required for any other type of hazardous materials. Lt. Moore's alternate is Lt. Kris Bowen, Motor Carrier Compliance Division, Georgia Department of Public Safety, 2000 William Few Parkway, Grovetown GA 30813, fax 770-357-8867. No prior notification shall be required for any other type of hazardous materials.

(b) *Radioactive materials.* For shipments of radioactive materials which the carrier desires escort pursuant to the physical security requirements of Title 10 CFR, the carrier must contact the Motor Carrier Compliance Division at 404-624-7211 during normal business hours at least seven days in advance of such shipment. The Department is under no obligation to provide escort or other physical protection, and assumes no liability and makes no guarantee of a particular degree of protection or safety.

(c) *Incident notification.* If at anytime an incident or accident occurs, the driver or carrier shall immediately contact the Department, and give all facts available concerning the nature of the occurrence, including time and location. Notification may be made directly to the Department, or to the State Emergency Spill Number at 1-800-241-4113 and asking that the Department be notified of the incident.

3-2.4 Applications and Permit Fees.

(a) *Permits.*

(1) Applications for permits and permit fees shall be addressed to the Georgia Department of Public Safety, Motor Carrier Compliance Division, P.O. Box 1456, Atlanta, Georgia 30371.

(2) *Permit Fees.* The fees for hazardous materials permits shall be \$100.00 for annual permits, and \$25.00 for a single trip permit. Such fee shall accompany the permit application, and may be made by money order, certified check or cashier's check. Checks and money orders shall be made payable to the Georgia Department of Public Safety.

(b) *Permit Procedures.*

(1) *Single trip permit.* An application for a single trip permit may be made by telephone, by letter, or in person, giving the applicable information required, including the name of the person(s) in the organization who is the primary contact for information or action with regard to any movement or emergency situation. The permit fee shall be transmitted to the Department prior to the issuance of the permit. The Department, as requested in the application, may use any of the following methods to transmit a single trip permit to the applicant:

- (i) Facsimile transmission;
- (ii) Mail; or,
- (iii) Presentation in person.

(2) *Annual Permit.* An application for an annual permit shall be made in writing on the application form prescribed by the Department. The executed application shall be signed and notarized. Upon approval of the application and payment of the prescribed fee, the Department shall transmit the permit by mail or present it to the applicant in person, if requested by the applicant. Any person submitting an application for a Hazardous Materials permit shall include as an attachment to the application, an Emergency Action Plan which shall include as a minimum, the phone number and make of the person and alternate in their organization who is the primary contact for information or action with regard to any movement or emergency situation; an estimate of the number of trips and types and quantities of hazardous materials to be transported per trip; general information as to the origins, destinations, and a history of actual movements for the preceding three month period.

3-2.5 Emergencies.

(a) In case of a bona fide emergency (such as an accident or spill), where the transportation of any hazardous material required by this chapter to have a permit must take place to immediately protect life, health or property, such transportation may take place without the required permit subject to the provisions of this section. Economic hardship or failure to obtain a permit in a timely manner prior to routine transportation shall not be considered bona fide emergencies.

(b) In emergency situations, shippers and carriers shall comply with all other applicable safety practices and regulations.

(c) As soon as possible after the emergency movement, but within one business day, the carrier shall obtain a permit as required by this chapter.

(d) The applicant for a post-emergency movement permit shall submit supporting documents as follows:

(1) Copy of the shipping papers and/or hazardous waste manifest used for the movement;

(2) Any incident reports that are available, including police, fire and insurance company reports;

(3) Incident number issued by the National Response Center, if applicable;

(4) Name and complete addresses of any agency, contractor, or other person who performed any clean-up or remediation; and

(5) A notarized letter explaining the need for the emergency movement, declaring that the movement was necessary to protect life, health or property, and the following declaration: "I hereby certify, under penalty of perjury, that the statements herein are to the best of my knowledge, true and correct."