

**United States Department of Transportation
Pipeline and Hazardous Materials Safety Administration**

Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Emergency Waiver Order No. 16

Docket No. PHMSA-2020-0107

Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

United States Coast Guard Eleventh District
Coast Guard Island, Building 42
Alameda, CA 94501

United States Coast Guard Thirteenth District
915 2nd Avenue
Seattle, WA 98174

EMERGENCY WAIVER ORDER

In accordance with the provisions of 49 U.S.C. § 5103(c), the Administrator for the Pipeline and Hazardous Materials Safety Administration (PHMSA), hereby declares that an emergency exists that warrants issuance of a Waiver of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to persons conducting operations under the direction of Environmental Protection Agency (EPA) Region 9 (75 Hawthorne Street, San Francisco, CA 94105), EPA Region 10 (1200 Sixth Avenue, Suite 155, Seattle, WA 98101), United States Coast Guard (USCG) Eleventh District (Coast Guard Island, Building 42, Alameda, CA 94501), or USCG Thirteenth District (915 2nd Avenue, Seattle, WA 98174) within the California and Oregon Wildfire disaster and emergency areas. The Waiver is granted to support EPA and USCG in taking appropriate actions to prepare for, respond to, and recover from a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents resulting from the California and Oregon Wildfires.

On August 22, 2020, the President issued a Major Disaster Declaration for the California Wildfires for the counties of Lake, Napa, San Mateo, Santa Cruz, Solano, Sonoma, and Yolo (DR-4558). Through a series of amendments on August 24, 2020, September 3, 2020, September 10, 2020, and September 13, 2020, the counties of Butte, Monterey, Plumas, and Yuba were also included. The President issued an Emergency Disaster Declaration for the Oregon Wildfires on September 10, 2020, for the counties of Clackamas, Douglas, Jackson, Jefferson, Klamath, Lane, Lincoln, Linn, Marion, Tillamook, and Washington (EM-3542), and a Major Disaster Declaration on September 15, 2020, that extended to the counties of Benton, Columbia, Coos, Deschutes, Josephine, Lake, Multnomah, Wasco, and Yamhill (DR-4562).

This Waiver Order covers all areas identified in the declarations, as amended. Pursuant to 49 U.S.C. § 5103(c), PHMSA has authority delegated by the Secretary (49 CFR 1.97(b)(3)) to waive compliance with any part of the HMR provided that the grant of the waiver is: (1) in the public interest; (2) not inconsistent with the safety of transporting hazardous materials; and (3) necessary to facilitate the safe movement of hazardous materials into, from, and within an area of a major disaster or emergency that has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 et seq.).

Given the continuing impacts caused by the California and Oregon Wildfires, PHMSA's Administrator has determined that regulatory relief is in the public interest and necessary to ensure the safe transportation in commerce of hazardous materials while the EPA and USCG execute their recovery and cleanup efforts in California and Oregon. Specifically, PHMSA's Administrator finds that issuing this Waiver Order will allow the EPA and USCG to conduct their Emergency Support Function #10 response activities under the National Response Framework to safely remove, transport, and dispose of hazardous materials. By execution of this Waiver Order, persons conducting operations under the direction of EPA Regions 9 or 10 and USCG Eleventh and Thirteenth Districts within the California and Oregon Wildfire disaster and emergency areas are authorized to offer and transport non-radioactive hazardous materials under alternative safety requirements imposed by EPA Regions 9 or 10 and USCG Eleventh and Thirteenth Districts when compliance with the HMR is not practicable. Under this Waiver Order, non-radioactive hazardous materials may be transported to staging areas within 50 miles of the point of origin. Further transportation of the hazardous materials from staging areas must be in full compliance with the HMR.

This Waiver Order is effective immediately and shall remain in effect for 30 days from the date of issuance.

Dated: Sept. 21, 2020



Howard R. Elliott,
Administrator
Pipeline and Hazardous
Materials Safety Administration