

United States Department of Transportation
Pipeline and Hazardous Materials Safety Administration

Environmental Protection Agency, Region 4
61 Forsyth Street NW
Atlanta, GA 30303

Emergency Waiver Order No. 15

Docket No. PHMSA-2020-0107

Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, TX 75202

United States Coast Guard Seventh District
909 SE 1st Avenue
Miami, FL 33131

United States Coast Guard Eighth District
500 Poydras Street
New Orleans, LA 70130

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 4 (61 Forsyth Street NW, Atlanta, GA 30303), EPA Region 6 (1445 Ross Avenue, Dallas, TX 75202), United States Coast Guard (USCG) Seventh District (909 SE 1st Avenue, Miami, FL 33131), or USCG Eighth District (500 Poydras Street, New Orleans, LA 70130) within the disaster and emergency areas of Hurricane Sally in Louisiana, Mississippi, Alabama, and Florida. 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 Hurricane Sally.

On September 14, 2020, the President issued an Emergency Declaration for Hurricane Sally for the parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn in Louisiana

(EM-3543); the counties of Adams, Amite, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Jackson, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Pearl River, Perry, Pike, Stone, Walthall, Wayne, and Wilkinson in Mississippi (EM-3544); and the counties of Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, DeKalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Greene, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, Shelby, St. Clair, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston, and the Poarch Band of Creek Indians in Alabama (EM-3545). On September 15, 2020, the President issued an Emergency Declaration for Hurricane Sally for the counties of Bay, Escambia, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, and Washington in Florida (EM-3546).

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 Hurricane Sally, 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 Louisiana, Mississippi, Alabama, and Florida. 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 4 or 6 and USCG Seventh or Eighth Districts within the disaster and emergency areas of Hurricane Sally are authorized to offer and transport non-radioactive hazardous materials under alternative safety requirements imposed by EPA Regions 4 or 6 and USCG Seventh or Eighth 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: 09/17/2020

Howard R. Elliott

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