

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

Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75202

Emergency Waiver Order No. 21  
Docket No. PHMSA-2022-0078

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**EMERGENCY WAIVER ORDER**

In accordance with the provisions of 49 U.S.C. § 5103(c), the Deputy Administrator for the Pipeline and Hazardous Materials Safety Administration (PHMSA) hereby declares that an emergency exists that warrants issuance of an Emergency Waiver Order of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to persons conducting operations under the direction of Environmental Protection Agency (EPA) Region 6 (1201 Elm Street, Suite 500, Dallas, TX 75202) within the major disaster areas of wildfires and straight-line winds in New Mexico. The Emergency Waiver Order is granted to support EPA 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 wildfires and straight-line winds.

On May 4, 2022, the President issued a Major Disaster Declaration for wildfires and straight-line winds for the counties of Colfax, Lincoln, Mora, San Miguel, and Valencia in New Mexico (DR-4652-NM). This Emergency Waiver Order covers all areas identified in the declaration. 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 wildfires and straight-line winds, PHMSA's Deputy 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 executes its recovery and cleanup efforts in New Mexico. Specifically, PHMSA's Deputy Administrator finds that issuing this Emergency Waiver Order will allow the EPA to conduct its Emergency Support Function #10 response activities under the National Response Framework to safely remove, transport, and dispose of hazardous materials. By execution of this Emergency Waiver Order, persons conducting operations under the direction of EPA Region 6—within the major disaster areas—are authorized to offer and transport non-radioactive hazardous materials under alternative safety requirements imposed by EPA Region 6 when compliance with the HMR is not practicable. Under this Emergency 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 Emergency Waiver Order is effective immediately and shall remain in effect for 60 days from the date of issuance.



Dated: June 24, 2022

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William S. Schoonover,  
Associate Administrator  
for Hazardous Materials Safety