

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

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

Emergency Waiver Order No. 26

Docket No. PHMSA-2023-0055

United States Coast Guard, District 14
300 Ala Moana Blvd., Room 9-204
Honolulu, HI, 96850-4982

EMERGENCY WAIVER ORDER

In accordance with the provisions of 49 U.S.C. § 5103(c), the Associate Administrator for the Office of Hazardous Materials Safety within 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 St. San Francisco, CA, 94105) and United States Coast Guard (USCG), District 14 (300 Ala Moana Blvd., Room 9-204, Honolulu, HI, 96850-4982) within the emergency areas of the Hawaii Wildfires in the State of Hawaii. The Waiver is granted to support EPA Region 9 and USCG District 14 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 Hawaii Wildfires.

On August 10, 2023, the President issued a Major Disaster Declaration for the Hawaii Wildfires for the State of Hawaii (DR-4724-HI).

This Waiver Order covers all areas identified in the declaration, 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 Hawaii Wildfires, PHMSA's Associate 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 the State of Hawaii. Specifically, PHMSA's Associate 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 Region 9 and

USCG District 14 within the emergency areas of the Hawaii Wildfires are authorized to offer and transport nonradioactive hazardous materials under alternative safety requirements imposed by EPA Region 9 and USCG District 14 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 60 days from the date of issuance.



Dated: August 14, 2023

William S. Schoonover
Associate Administrator for Hazardous Materials Safety
Office of Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration