

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

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

Emergency Waiver Order No. 31
Docket No. PHMSA-2025-0001

EMERGENCY WAIVER ORDER

On February 16, 2025, the President issued an Emergency Declaration for the Kentucky Severe Storms, Straight-line Winds, Flooding, and Landslides (EM-3624-KY) in the Commonwealth of Kentucky. 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, and that the issuance of a Waiver of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) is warranted to persons conducting operations under the direction of Environmental Protection Agency (EPA), Region 4, within the Kentucky Severe Storms, Straight-line Winds, Flooding, and Landslides emergency areas in the Commonwealth of Kentucky. The Waiver is granted to support EPA in taking appropriate actions to prepare for, to respond to, and to recover from a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents resulting from the Kentucky Severe Storms, Straight-line Winds, Flooding, and Landslides.

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 Kentucky Severe Storms, Straight-line Winds, Flooding, and Landslides, 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 EPA executes its recovery and cleanup efforts in the Commonwealth of Kentucky. Specifically, PHMSA's Associate Administrator finds that issuing this Waiver Order will allow EPA to conduct its Emergency Support Function #10 response activities under the National Response Framework to remove, to transport, and to dispose of hazardous materials safely. By execution of this Waiver Order, persons conducting operations under the direction of EPA Region 4 within the emergency areas of the Kentucky Severe Storms, Straight-line Winds, Flooding, and Landslides in the Commonwealth of Kentucky are authorized to offer and to transport non-radioactive hazardous materials under alternative safety requirements imposed by EPA Region 4 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: February 21, 2025



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