

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

Puerto Rico Public Service Commission
Carr. 8838 Km. 8.3
Sector El Cinco
San Juan, PR 00926

Emergency Waiver Order No. 5

Docket # PHMSA-2017-0130

EMERGENCY WAIVER ORDER

In accordance with the provisions of 49 U.S.C. § 5103(c), the Acting 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 C.F.R. Parts 171-180) to persons conducting operations under the direction of the Puerto Rico Public Service Commission within the Hurricane Maria emergency and disaster areas of Puerto Rico. The Waiver is granted to support the government of Puerto Rico in facilitating the transport of essential fuel.

On September 18, 2017, the President issued an Emergency Declaration for Hurricane Maria for the Commonwealth of Puerto Rico (EM-3391). On September 20, 2017, the President issued a Major Disaster Declaration for the Commonwealth of Puerto Rico (DR-4340).

This Waiver Order covers all areas identified in the Declarations. 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 Maria, PHMSA's Acting 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 Puerto Rican government executes its recovery and cleanup efforts. Specifically, PHMSA's Acting Administrator finds that issuing this Waiver Order will allow for the safe transportation of fuel. By execution of this Waiver Order, the hazardous materials training, testing, and certification requirements in 49 C.F.R Part 172 Subpart H and Part 177 are waived except as specified below for persons conducting

operations under the direction of the Puerto Rico Public Service Commission within the Hurricane Maria emergency and disaster areas of Puerto Rico. Such persons are authorized to offer and transport fuel provided that the following conditions are met:

- (1) the transport of the fuel must be accompanied by a law enforcement or military escort;
- (2) the escort vehicle must have a copy of the Emergency Response Guidebook, Response Guide 128 (as attached);
- (3) drivers must have three years of professional driving experience and otherwise be licensed to operate the vehicle based on its size and weight; and
- (4) unloading procedures must be overseen by a qualified person as defined in 49 C.F.R. § 177.834(i)(4) or a driver who has received training (testing and certification is not required) that includes, at a minimum, these items:
 - (a) Bonding the cargo tank;
 - (b) Preventing overfilling of tanks at point of delivery;
 - (c) Controlling the flow of product;
 - (d) Using emergency cut-off equipment; and
 - (e) Securing unloading equipment for transport.

Additionally, during driver unloading, the unloading area must be cleared of all non-essential personnel for a distance of 100 feet. Compliance with all other requirements of the HMR is required.

This Waiver Order is effective immediately and shall remain in effect for 7 days from the date of issuance.

Dated: 28 September 2017



Drue Pearce,
Acting Administrator
Pipeline and Hazardous
Materials Safety Administration

POTENTIAL HAZARDS

FIRE OR EXPLOSION

- **HIGHLY FLAMMABLE:** Will be easily ignited by heat, sparks or flames.
- Vapors may form explosive mixtures with air.
- Vapors may travel to source of ignition and flash back.
- Most vapors are heavier than air. They will spread along ground and collect in low or confined areas (sewers, basements, tanks).
- Vapor explosion hazard indoors, outdoors or in sewers.
- Those substances designated with a (P) may polymerize explosively when heated or involved in a fire.
- Runoff to sewer may create fire or explosion hazard.
- Containers may explode when heated.
- Many liquids are lighter than water.
- Substance may be transported hot.
- For hybrid vehicles, GUIDE 147 (lithium ion batteries) or GUIDE 138 (sodium batteries) should also be consulted.
- **If molten aluminum is involved, refer to GUIDE 169.**

HEALTH

- Inhalation or contact with material may irritate or burn skin and eyes.
- Fire may produce irritating, corrosive and/or toxic gases.
- Vapors may cause dizziness or suffocation.
- Runoff from fire control or dilution water may cause pollution.

PUBLIC SAFETY

- **CALL EMERGENCY RESPONSE Telephone Number on Shipping Paper first. If Shipping Paper not available or no answer, refer to appropriate telephone number listed on the inside back cover.**
- As an immediate precautionary measure, isolate spill or leak area for at least 50 meters (150 feet) in all directions.
- Keep unauthorized personnel away.
- Stay upwind, uphill and/or upstream.
- Ventilate closed spaces before entering.

PROTECTIVE CLOTHING

- Wear positive pressure self-contained breathing apparatus (SCBA).
- Structural firefighters' protective clothing will only provide limited protection.

EVACUATION

Large Spill

- Consider initial downwind evacuation for at least 300 meters (1000 feet).

Fire

- If tank, rail car or tank truck is involved in a fire, ISOLATE for 800 meters (1/2 mile) in all directions; also, consider initial evacuation for 800 meters (1/2 mile) in all directions.



In Canada, an Emergency Response Assistance Plan (ERAP) may be required for this product. Please consult the shipping document and/or the ERAP Program Section (page 391).

EMERGENCY RESPONSE

FIRE

CAUTION: All these products have a very low flash point: Use of water spray when fighting fire may be inefficient.

CAUTION: For mixtures containing alcohol or polar solvent, alcohol-resistant foam may be more effective.

Small Fire

- Dry chemical, CO₂, water spray or regular foam.

Large Fire

- Water spray, fog or regular foam.
- **Do not use straight streams.**
- Move containers from fire area if you can do it without risk.

Fire involving Tanks or Car/Trailer Loads

- Fight fire from maximum distance or use unmanned hose holders or monitor nozzles.
- Cool containers with flooding quantities of water until well after fire is out.
- Withdraw immediately in case of rising sound from venting safety devices or discoloration of tank.
- ALWAYS stay away from tanks engulfed in fire.
- For massive fire, use unmanned hose holders or monitor nozzles; if this is impossible, withdraw from area and let fire burn.

SPILL OR LEAK

- ELIMINATE all ignition sources (no smoking, flares, sparks or flames in immediate area).
- All equipment used when handling the product must be grounded.
- Do not touch or walk through spilled material.
- Stop leak if you can do it without risk.
- Prevent entry into waterways, sewers, basements or confined areas.
- A vapor-suppressing foam may be used to reduce vapors.
- Absorb or cover with dry earth, sand or other non-combustible material and transfer to containers.
- Use clean, non-sparking tools to collect absorbed material.

Large Spill

- Dike far ahead of liquid spill for later disposal.
- Water spray may reduce vapor, but may not prevent ignition in closed spaces.

FIRST AID

- Ensure that medical personnel are aware of the material(s) involved and take precautions to protect themselves.
- Move victim to fresh air.
- Call 911 or emergency medical service.
- Give artificial respiration if victim is not breathing.
- Administer oxygen if breathing is difficult.
- Remove and isolate contaminated clothing and shoes.
- In case of contact with substance, immediately flush skin or eyes with running water for at least 20 minutes.
- Wash skin with soap and water.
- In case of burns, immediately cool affected skin for as long as possible with cold water. Do not remove clothing if adhering to skin.
- Keep victim calm and warm.

PELIGROS POTENCIALES

INCENDIO O EXPLOSION

- **ALTAMENTE INFLAMABLE:** Se puede incendiar fácilmente por calor, chispas o llamas.
- Los vapores pueden formar mezclas explosivas con el aire.
- Los vapores pueden viajar a una fuente de encendido y regresar en llamas.
- La mayoría de los vapores son más pesados que el aire, éstos se dispersarán a lo largo del suelo y se juntarán en las áreas bajas o confinadas (alcantarillas, sótanos, tanques).
- Peligro de explosión de vapor en interiores, exteriores o en alcantarillas.
- Aquellas sustancias designadas con una (P) pueden polimerizar explosivamente cuando se calientan o están involucradas en un incendio.
- Las fugas resultantes cayendo a las alcantarillas pueden crear incendio o peligro de explosión.
- Los contenedores pueden explotar cuando se calientan.
- Muchos de los líquidos son más ligeros que el agua.
- La sustancia puede ser transportada caliente.
- Para vehículos híbridos, la GUÍA 147 (Baterías de iones de litio) o la GUÍA 138 (Baterías de sodio) también deben ser consultadas.
- Si está involucrado el aluminio fundido, use la GUÍA 169.

A LA SALUD

- La inhalación o el contacto con el material puede irritar o quemar la piel y los ojos.
- El fuego puede producir gases irritantes, corrosivos y/o tóxicos.
- Los vapores pueden causar mareos o sofocación.
- Las fugas resultantes del control del incendio o la dilución con agua, pueden causar contaminación.

SEGURIDAD PUBLICA

- **LLAMAR primero al número de teléfono de respuesta en caso de emergencia en el documento de embarque. Si el documento de embarque no está disponible o no hay respuesta, diríjase a los números telefónicos enlistados en el forro de la contraportada.**
- Cómo acción inmediata de precaución, aisle el área del derrame o escape como mínimo 50 metros (150 pies) en todas las direcciones.
- Mantener alejado al personal no autorizado.
- Manténgase con viento a favor, en zonas altas y/o corriente arriba.
- Ventile los espacios cerrados antes de entrar.

ROPA PROTECTORA

- Use el equipo de aire autónomo de presión positiva (SCBA).
- El traje para bomberos profesionales proporcionara solamente protección limitada.

EVACUACIÓN

Derrame Grande

- Considere la evacuación inicial a favor del viento de por lo menos 300 metros (1000 pies).

Incendio

- Si un tanque, carro de ferrocarril o autotanque está involucrado en un incendio, AISLE 800 metros (1/2 milla) a la redonda; también, considere la evacuación inicial a la redonda a 800 metros (1/2 milla).



En Canadá, puede requerirse para este producto un Plan de Asistencia en Respuesta a Emergencias (ERAP). Por favor consulte los documentos de embarque y/o la sección Programa ERAP (página 392).

RESPUESTA DE EMERGENCIA

FUEGO

PRECAUCION: Todos estos productos tienen un punto de encendido muy bajo: el uso de rocío de agua cuando se combate el fuego, puede ser ineficaz.

CUIDADO: Para mezclas conteniendo alcohol o un solvente polar, la espuma resistente al alcohol puede ser más efectiva.

Incendio Pequeño

- Polvos químicos secos, CO₂, rocío de agua o espuma regular.

Incendio Grande

- Use rocío de agua, niebla o espuma regular.
- **No usar chorros directos.**
- Mueva los contenedores del área de fuego si lo puede hacer sin ningún riesgo.

Incendio que involucra Tanques o Vagones o Remolques y sus Cargas

- Combata el incendio desde una distancia máxima o utilice soportes fijos para mangueras o chiflones reguladores.
- Enfríe los contenedores con chorros de agua hasta mucho después de que el fuego se haya extinguido.
- Retírese inmediatamente si sale un sonido creciente de los mecanismos de seguridad de las ventilas, o si el tanque se empieza a decolorar.
- SIEMPRE manténgase alejado de tanques envueltos en fuego.
- Para incendio masivo, utilizar los soportes fijos para mangueras o los chiflones reguladores; si esto es imposible, retirarse del área y dejar que arda.

DERRAME O FUGA

- **ELIMINAR** todas las fuentes de ignición (no fumar, no usar bengalas, chispas o llamas en el área de peligro).
- Todo el equipo que se use durante el manejo del producto, deberá estar conectado eléctricamente a tierra.
- No tocar ni caminar sobre el material derramado.
- Detenga la fuga, en caso de poder hacerlo sin riesgo.
- Prevenga la entrada hacia vías navegables, alcantarillas, sótanos o áreas confinadas.
- Se puede usar una espuma supresora de vapor para reducir vapores.
- Absorber con tierra seca, arena u otro material absorbente no combustible y transferirlo a contenedores.
- Use herramientas limpias a prueba de chispas para recoger el material absorbido.

Derrame Grande

- Construir un dique más adelante del derrame líquido para su desecho posterior.
- El rocío de agua puede reducir el vapor; pero puede no prevenir la ignición en espacios cerrados.

PRIMEROS AUXILIOS

- Asegúrese que el personal médico tenga conocimiento de los materiales involucrados, y tomar las precauciones para protegerse a sí mismos.
- Mueva a la víctima a donde se respire aire fresco.
- Llamar a los servicios médicos de emergencia.
- Aplicar respiración artificial si la víctima no respira.
- Suministrar oxígeno si respira con dificultad.
- Quitar y aislar la ropa y el calzado contaminados.
- En caso de contacto con la sustancia, enjuagar inmediatamente la piel o los ojos con agua corriente por lo menos durante 20 minutos.
- Lave la piel con agua y jabón.
- En caso de quemaduras, inmediatamente enfríe la piel afectada todo el tiempo que pueda con agua fría. No remueva la ropa que está adherida a la piel.
- Mantenga a la víctima calmada y abrigada.