

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

United States Coast Guard Fifth District
431 Crawford Street
Portsmouth, VA 23704

Emergency Waiver Order No. 28

United States Coast Guard Seventh District
Brickell Plaza Federal Building
909 SE 1st Avenue
Miami, FL 33131

Docket No. PHMSA-2024-0013

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

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

Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399

North Carolina Department of Public Safety
1636 Gold Star Drive
Raleigh, NC 27607

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 4, Florida Department of Environmental Protection (FDEP), North Carolina Department of Public Safety (NC DPS) and United States Coast Guard (USCG) Fifth, Seventh, and Eighth Districts within the Hurricane Helene emergency areas in the States of Florida, Georgia, North Carolina, Alabama, South Carolina, Tennessee, and Virginia. The Waiver is granted to support EPA, FDEP, NC DPS, 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 Helene.

On September 26, 2024, the President issued an Emergency Declaration for Hurricane Helene for several counties in the State of Alabama (EM-3618-AL). On September 28, 2024, the

President issued a Major Disaster Declaration for Hurricane Helene for several counties in the State of Florida (DR-4828-FL) On September 28, 2024, the President issued a Major Disaster Declaration for Tropical Storm Helene for several counties in the State of North Carolina (DR-4827-NC). On September 29, 2024, the President issued a Major Disaster Declaration for Hurricane Helene for several counties in the State of South Carolina (DR-4829-SC). On September 30, 2024, the President issued a Major Disaster Declaration for Hurricane Helene for several counties in the State of Georgia (DR-4830-GA). October 1, 2024, the President issued a Major Disaster Declaration for Tropical Storm Helene for several counties in the State of Virginia (DR-4831-VA). On October 2, 2024, the President issued a Major Disaster Declaration for Tropical Storm Helene for several counties in the State of Tennessee (DR-4832-TN).

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 Helene and Tropical Storm Helene, 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, FDEP, NC DPS, and USCG execute their recovery and cleanup efforts in the States of Florida, Georgia, North Carolina, Alabama, South Carolina, Tennessee, and Virginia. Specifically, PHMSA's Associate Administrator finds that issuing this Waiver Order will allow the EPA, FDEP, NC DPS, 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 4, FDEP, NC DPS, and USCG Fifth, Seventh, and Eighth Districts within the Hurricane Helene and Tropical Storm Helene emergency areas in the States of Florida, Georgia, North Carolina, Alabama, South Carolina, Tennessee, and Virginia are authorized to offer and transport non-radioactive hazardous materials under alternative safety requirements imposed by EPA Region 4, FDEP, NC DPS and USCG Fifth, Seventh, and 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 60 days from the date of issuance.



Dated: October 10, 2024

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