

COVID-19-Emergency Request to Temporarily Suspend
Regulatory Requirements and/or Permit Conditions

In accordance with Governor Wolf's Proclamation of Disaster Emergency of March 6, 2020 and the Governor's powers pursuant to the Emergency Management Code, 35 Pa.C.S. §7301, the Governor has authority to suspend regulatory obligations and other legal obligations within his jurisdiction where strict compliance will prevent, hinder, or delay necessary action in coping with the COVID-19 emergency.

*If you are requesting suspension of a Federal requirement, under only Federal authority, please contact US EPA Region III and refer to the US EPA March 26, 2020 Memorandum (COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program). To the extent the request relates to a federal program delegated to Pennsylvania, Pennsylvania will review requests submitted in this format.

Submit completed and signed requests to the email resource account:

RA-EPCOVID19SuspReq@pa.gov

All questions must be completed; if not applicable, type "N/A".

Background
<p>A. Identify the Regulated Entity or Permittee, including an address for the location of the permitted or regulated activity (if no address, DEP Permit No. can be used), business mailing address, and a point of contact for this request with email and phone number. Nether Providence Township located at 214 Sykes Lane, Wallingford, PA 19086. Contact point: Dave Grady, Assistant Township Manager, Phone: 610-566-4516 x 216 Email: dgrady@netherprovidence.org</p>
<p>B. Describe what permitted or regulated activity you are engaged in. Yard waste collection</p>
<p>C. If you were issued a permit by DEP for the permitted or regulated activity described above, identify the type of permit and permit number. Please list the DEP Office, Conservation District, Oil and Gas District Office, or District Mining Office that issued the permit or authorization. NA</p>
<p>D. Identify what regulatory requirement(s) or permit condition(s) or other requirement(s) you seek a temporary suspension of. Please cite the specific regulatory requirement(s), condition(s) and/or other requirement(s). Yard waste collection under Act 101</p>

Reasons for Requested Suspension
<p>For each regulatory requirement or permit condition or requirement listed above, please state clearly why you are seeking the temporary suspension, addressing at least the following in detail:</p>
<p>A. How will strict compliance with the subject requirement(s) prevent, hinder, or delay necessary action in coping with the COVID-19 emergency? Be as specific as possible.</p>

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<p>The Township's Public Works Department has had several presumptive positive COVID 19 cases. As such, the staffing has been limited. Additionally, yard waste often requires two employees to work in close proximity, and the Township's Board did not want to add to the risk of the employees contracting the virus.</p>
<p>B. How has COVID-19 restricted your ability to comply with the environmental regulatory requirement, permit condition or other requirements for which you are seeking a suspension? Yes, as noted above, the Township's Public Works Department has had several presumptive positive cases for COVID-19, which has led to quarantining of staff.</p>
<p>C. What other aspects or parts of your operation(s) are being shut down or are not functioning due to the COVID-19 restrictions? And, are you requesting any suspensions or waiver(s) from other government agencies? If so, from what agencies and for what requirements? No</p>
<p>D. What alternate compliance options have you explored to address the issues or environmental compliance hurdles with which you are confronted? The Township will resume collecting yard waste once it is safe. We've asked residents to keep their yard waste on their properties, and we will begin collecting again as soon as safely possible.</p>
<p>E. Do you believe cost gouging or supply hoarding is negatively effecting your ability to comply? If so, please explain and provide cost information and/or availability information from your supply chain history. No.</p>
<p>F. How long do you expect to be unable to comply with the regulatory requirement(s), permit condition(s) or other requirement and identify what circumstances must exist for you to return to compliance. Specify the period of time for which you are requesting the suspension. Suspensions will not be issued initially beyond June 30, 2020. June 30, 2020 (we hope to resume before then, though.)</p>
<p>G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance. N/A</p>

<p>Evaluate Risk to Public Health and the Environment</p>
<p>A. Will the temporary suspension, if granted, result in an increase in the risk of additional pollution (e.g. increased emissions, increased concentrations of any pollutant and/or releases of new or more pollutants) and/or will it result in less monitoring, reporting, and/or supervision of pollution incidents, accidents or equipment failures?</p>

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<p>No, we do not expect there will be environmental impacts or pollution. The yard waste collection is being delayed and will resume in the near future.</p>
<p>(i) If yes, please identify what pollutants and the nature of the risk. NA</p>
<p>(ii) If yes, please identify the potential extent of increased pollution, including any increases in risk to human health, safety or the environment. NA</p>
<p>(iii) If no, explain how increased pollution will be avoided. We've asked residents to place their yard waste in a safe spot on their properties. The short time period will not allow significant amounts of yard waste to accumulate.</p>
<p>B. What public health and/or safety benefits will result if the temporary suspension is granted? The Public Works staff will not have to work in close proximity and risk spreading the virus even further within the department.</p>
<p>C. Is the restriction on your ability to comply generally applicable to others engaged in your industrial classification or industry? If no, please explain why your situation is unique. This would apply to other departments that have presumptive positive COVID-19 cases.</p>
<p>D. Would you possess a unique advantage over your competitors, or others in the same industry, if a suspension is granted? No - we do not have industry competition.</p>
<p>E. What would be the negative consequences to your operation if the temporary suspension is not granted? What would be the negative consequences to the Commonwealth's response to the COVID-19 emergency if your requested temporary suspension is not granted? If the suspension were not granted, our limited Public Works staff would need to work in close proximity and would further increase the chances of spreading the virus among the staff, and in effect, to their families. The Township does not think the risk is worth the short-term inconvenience of a delay in yard waste collection.</p>

<p><u>CERTIFICATION</u></p> <p>Pursuant to the prohibition against unsworn falsification to authorities, 18 Pa.C.S.A. §4904, I am an authorized representative of the requestor and have personal knowledge of the facts set forth in this temporary suspension request.</p>

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I hereby certify that the information provided herein is true and accurate.



Signature and title of Certifier

Gary J. Cummings, Township Manager

Print Name and Title

Note: This form will not be accepted without a written signature. Electronic signatures are not accepted.

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