

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

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), and a point of contact for this request with email and phone number. Kimberly-Clark Corporation - Chester Mill, DEP Permit No. 23-00014 - Front & Avenue of the States, Chester, PA 19013</p> <p>Points of Contact: (1) Dell Majure - Environmental Program Leader - dell.majure@kcc.com; (770) 356-2812 (2) Eric Wentz - Environmental Coordinator - eric.wentz@kcc.com; (610) 499-6262 (3) Jeff Hutter - Mill Manager - jeff.hutter@kcc.com; (610) 499-6157</p>
<p>B. Describe what permitted or regulated activity you are engaged in. Tissue Manufacturing (SIC Code 2621 - Manufacturing Paper Mills)</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. Title V Air Operating Permit - Permit No. 23-00014 - Southeast PADEP Office - Norristown, PA</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). There are four permit conditions shown below that are a 12-month rolling natural gas capacity limit for Boilers No. 8 and No. 9, along with associated emission limits.</p> <p>(1) Source 033 - #004 - [25 Pa. Code §127.441] Operating permit terms and conditions. Source #033, Boiler No. 8 shall be limited to the following emissions: (a). NOx 91.08 lb/hour and 41.83 tons/year (b). VOC 9.90 lb/hour and 3.19 tons/year Both</p>

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hourly limit in lb/hr and annual limit in tons/year shall be calculated on a 12-month rolling basis.

(2) Source 033 - #006 - [25 Pa. Code §127.441] Operating permit terms and conditions. The amount of natural gas fired in Boiler No. 8 shall be limited to 520 MMSCF per year on any consecutive 12-month rolling sum period.

(3) Source 034 - #004 - [25 Pa. Code §127.441] Operating permit terms and conditions. Source 034, Boiler No. 9 shall be limited to the following emissions: (a). NOx 114.54 lb/hour and 41.83 tons/year (b). VOC 12.45 lb/hour and 3.19 tons/year Both hourly limit in lb/hr and annual limit in tons/year shall be calculated on a 12-month rolling basis.

(4) Source 034 - #006 - [25 Pa. Code §127.441] Operating permit terms and conditions. The amount of natural gas fired in Boiler No. 9 shall be limited to 520 MMSCF per year on any consecutive 12-month rolling sum period.

Reasons for Requested Suspension

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:

- 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. Kimberly-Clark Corporation - Chester Mill produces Bath Tissue which is a life sustaining product. The product is not available in sufficient quantities during this crisis as evidenced by the lack of the product in stores. SIC Code 2621 - Manufacturing Paper Mills is one of the businesses listed as life sustaining in the Governor of the Commonwealth of Pennsylvania regarding the closure of all businesses that are not life sustaining issued on March 19, 2020.

Kimberly-Clark Corporation - Chester Mill was in the process of construction of two new Cogeneration Units to produce electricity and steam that are required to manufacture Bath Tissue. These two new Cogeneration Units are a replacement of Boilers No. 8, No. 9, and No. 10. During construction, Boiler No. 10 had a significant tube failure and has been shutdown. Boilers No. 8 and No. 9 are producing steam and we are purchasing electricity from the grid. Unfortunately, travel restrictions and social distancing for our contractors, necessitated to prevent the further spread of COVID-19, has halted the construction on the new Cogeneration Units and it is currently unclear how long we will be delayed.

If the permit conditions are not temporarily suspended then we project that Boilers No. 8 and No. 9 will be forced to shutdown sometime in June 2020 when they reach 12-month rolling natural gas capacity limits in condition for Source 0033 - #006 and

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<p>Source 0034 - #006. Once the boilers shutdown then the Mill will not have the ability to produce steam and thereby Bath Tissue as well.</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? It has not to date, but it will as explained in A. above.</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? Currently, all other aspects or parts of our operation are functioning as needed.</p>
<p>D. What alternate compliance options have you explored to address the issues or environmental compliance hurdles with which you are confronted? Part of the project for the new Cogeneration Units is to install utility hookups that are required for a temporary rental boiler in the event a Cogeneration Unit had a significant failure. These utility hookups were in the last part of the construction schedule as they are not needed in order to startup the new Cogeneration Units. These utility hookups have not been completed and require contractors to complete. Kimberly-Clark - Chester Mill is working to obtain sufficient contractors to get these utility hookups completed by the 1st or 2nd week of May and it will take four additional weeks to have the rental boiler operational. Again, the timing for successful operation of the rental boiler is uncertain due to COVID-19.</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. Kimberly-Clark Corporation - Chester Mill has not experienced this issue to date.</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. If the permit conditions are not temporarily suspended then we project that Boilers No. 8 and No. 9 will be forced to shutdown sometime in June 2020 when they reach 12-month rolling natural gas capacity limits in condition for Source 0033 - #006 and Source 0034 - #006, or to curtail production which would be detrimental to public at this time when they must have life sustaining products.</p> <p>Our best estimate is that once contractors become available that we have approximately 2 - 3 months to have the new Cogeneration Units operating to point that we no longer need Boilers No. 8 and No. 9. As an example, if we were able to resume construction on May 1, 2020, then we could be operational sometime between July 1 - August 1, 2020; and that timing could be further delayed. Accordingly, the temporary suspension of these permit conditions needs to extend to the timing of the new Cogeneration Units becoming operational.</p>

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<p>G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance. The permit conditions that we are seeking a temporary suspension for are not reporting obligations and we will continue to meet all reporting obligations.</p>
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Evaluate Risk to Public Health and the Environment
<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? The temporary suspension will not result in an increase in additional pollution or result in less monitoring, reporting, and/or supervision of pollution incidents, accidents or equipment failures.</p>
<p>(i) If yes, please identify what pollutants and the nature of the risk. N/A</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. N/A</p>
<p>(iii) If no, explain how increased pollution will be avoided. Kimberly-Clark Corporation - Chester Mill has been operating with Boilers No. 8 and No. 9 which are natural gas fired during the construction of the Cogeneration Units, therefore granting the temporary extension would result in the same emissions as the current situation.</p>
<p>B. What public health and/or safety benefits will result if the temporary suspension is granted? None</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 situation is unique; we are unaware of any other Bath Tissue manufactures with the same or similar permit conditions.</p>
<p>D. Would you possess a unique advantage over your competitors, or others in the same industry, if a suspension is granted? No</p>

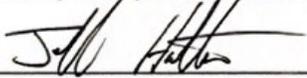
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E. What would be the negative consequences to your operation if the temporary suspension is not granted? What would be the negative consequences to the Commonwealth's response to the COVID-19 emergency if your requested temporary suspension is not granted?
Kimberly-Clark Corporation - Chester Mill would have to shutdown and correspondingly would be unable to produce Bath Tissue which is a life sustaining product.

CERTIFICATION

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.

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



Signature and title of Certifier

Jeff Hutter, Mill Manager

Print Name and Title

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