

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.</p> <p>Mars Wrigley Confectionery US, LLC – Elizabethtown Plant 295 Brown Street Elizabethtown, PA 17022</p>
<p>B. Describe what permitted or regulated activity you are engaged in.</p> <p>Title V Permit Stack Emissions Testing</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.</p> <p>Title V Air Permit No. 36-05142 Southcentral Regional Office</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).</p> <p>Emissions stack testing required by Section E, Source Group 001, Condition #001(f) of our Title V air permit, which states that emission stack testing must be performed no later than March 31, 2020.</p>

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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.

Governor Wolf's orders in response to the COVID-19 pandemic has had an impact on MARS operations due to the "stay at home" order as well as wanting to protect employees from potential exposure to the COVID-19 virus; bringing in outside equipment and personnel would increase the risk of potential exposure.

PADEP has directed staff to work from home, which has delayed the timely receipt, review and approval of the protocol.

On 4/20/20, MARS received approval from Governor Wolf temporarily suspending stack testing requirement from 3/16/20 to 6/30/20.

- 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?

MARS response to COVID-19 has established policy to limit contractor work on-site. Also PADEP directives have hindered acceptance, review and approval of the stack test protocol. Based on initial review comments and resolution with PADEP, a revised protocol was submitted on 3/18/20 and then resubmitted on 6/18/20 due to delivery error, but wasn't received and logged for review until 6/26/20.

- 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?

Roaster operations have been reduced due to reduced demand resulting from COVID-19 restrictions.

- D. What alternate compliance options have you explored to address the issues or environmental compliance hurdles with which you are confronted?
No alternate compliance option is available.

- 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.
N/A

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<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.</p> <p>MARS has every intention to promptly perform the emissions stack testing once internal policy due to COVID-19 allows and when the test protocol is approved by PADEP.</p>
<p>G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance.</p> <p>N/A</p>

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?</p> <p>No</p>
<p>(i) If yes, please identify what pollutants and the nature of the risk.</p> <p>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.</p> <p>N/A</p>
<p>(iii) If no, explain how increased pollution will be avoided.</p> <p>Roaster systems will continue to operate in compliance with the Title V air permit, including operation of permitted control devices, monitoring and recordkeeping.</p>
<p>B. What public health and/or safety benefits will result if the temporary suspension is granted?</p> <p>MARS and sampling personnel will not be subject to possible COVID-19 exposure.</p>

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<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.</p> <p>Yes</p>
<p>D. Would you possess a unique advantage over your competitors, or others in the same industry, if a suspension is granted?</p> <p>No</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?</p> <p>Noncompliance with permit requirements may result in a Notice of Violation and possible fine.</p>

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.

Carl Freeman, Plant Director
Signature and title of Certifier

Carl Freeman, Plant Director
Print Name and Title

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