pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

# 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** |
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| 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.<br>Beach Lake Transfer Station, 165 Rosencranse Road, Beach Lake, PA. Solid Waste Permit #101590 |
| B. Describe what permitted or regulated activity you are engaged in.<br>Solid Waste Transfer Station |
| 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.<br>Solid Waste Permit #101590, DEP Northeast Office |
| 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).<br>§ 279.272. Recycled materials collection center.<br>(a) After September 26, 1990, a person or municipality may not operate a transfer facility unless the operator has established at least one drop-off center for the collection and sale of at least three recyclable materials. The three materials shall be chosen from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper and plastics.<br>(b) The center shall be located at the facility or in a place that is easily accessible to persons generating municipal waste that is processed or disposed at the facility.<br>(c) A drop-off center shall contain bins or containers where recyclable materials may be placed and temporarily stored. If the operation of the drop-off center requires attendants, the center shall be open at least 8 hours per week, including 4 hours during evenings or weekends.<br>(d) At least 30 days prior to the initiation of the drop-off center program and at least once every 6 months thereafter, the operator shall provide public notice of the |

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availability of the drop-off center. The operator shall place an advertisement in a newspaper circulating in the municipality or provide notice in another manner approved by the Department in writing.
(e) On or before January 15 of each year, the operator shall inform the host municipality in writing, of the weight and type of materials that were recycled in the previous calendar year, so that the host municipality may comply with the requirements of section 304(f) of the Municipal Waste Planning, Recycling and Waste Reduction Act (35 P. S. § 4000.304(f)).

**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.
The Wayne County Recycling Center has closed and it not accepting any material. This is causing an influx of people coming into the transfer's public drop off center. This is causing a concern for the safety of the public and employees as well as having a hard time keeping up with the volume.

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?
By the closure of other outlets for the community.

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?
None other at this time.

D. What alternate compliance options have you explored to address the issues or environmental compliance hurdles with which you are confronted?
There are no other outlets for people to go with their recycling. We are asking that the public hold their material until the virus bans are lifted.

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

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.

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| Until the other outlets re-open |
| G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance.<br>The only reporting obligation is the annual recycling report, to the host municipality and the annual operations report. The volumes would be reported as zero on both reports, for thies time period, with an explanation of events. The township will also be notified of this temporary suspension ahead of time. |

| **Evaluate Risk to Public Health and the Environment** |
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| 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?<br>no |
| (i) If yes, please identify what pollutants and the nature of the risk.<br>NA |
| (ii) If yes, please identify the potential extent of increased pollution, including any increases in risk to human health, safety or the environment.<br>NA |
| (iii) If no, explain how increased pollution will be avoided.<br>NA |
| B. What public health and/or safety benefits will result if the temporary suspension is granted?<br>By suspending the public drop off center operation, we are encouraging the community to stay at home and not travel from their homes to drop off recycling. Many peopoe use these cans and could transmit the disease by various people touching the containers. |
| 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.<br>yes, if anyone uses the Wayne County recycling facility, or is being inundated due to their closure |
| D. Would you possess a unique advantage over your competitors, or others in the same industry, if a suspension is granted?<br>no |

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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?
The facility would be inundated with people using the faciliy and cans, as well as the site not being able to keep up with the volume.

**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.

J Taylor, EP Manager
Signature and title of Certifier

**Jennifer Taylor, Environmental Protection Manager**
Print Name and Title

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