

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>Wheelabrator Falls, Inc. 1201 New Ford Mill Road Morrisville, PA 19067</p> <p>Jeff Morris, Sr. Manager Env. Compliance 609-273-0780</p>
<p>B. Describe what permitted or regulated activity you are engaged in.</p> <p>Waste disposal and power generation</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>Solid Waste Permit # 400633 Southeast Regional Office 2 East Main Street Norristown, PA 19401-4915</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>Solid Waste Permit #400633, condition # 26 (page 13 of 13) 26 - The maximum volume and weight of nonferrous and ferrous materials stored at the facility shall not exceed 10,000 cubic feet (or 2,000 tons by weight) for the ferrous material and 810 cubic feet (or 24 tons by weight) for the nonferrous material.</p>

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<p>Reasons for Requested Suspension</p> <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. NA</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? The facility recovers ~24 tons of nonferrous metal every 10 to 14 days when the facility is running at full capacity. All metal is shipped promptly to comply with the 24 ton limit. Currently our recycler has shutdown their processing facility and is not accepting any additional shipments.</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? NA</p>
<p>D. What alternate compliance options have you explored to address the issues or environmental compliance hurdles with which you are confronted? The facility is currently looking for other outlets for the recovered material</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. NA</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. Shipments will resume as soon as the recycling facility returns to operation. We currently think this will be some time in May 2020</p>
<p>G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance. NA</p>

<p>Evaluate Risk to Public Health and the Environment</p>
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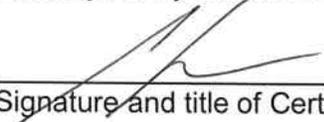
<p>A. Will the temporary suspension, if granted, result in an increase in the risk of additional pollution (e.g. increased emissions, increased concentrations of any pollutant and/or releases of new or more pollutants) and/or will it result in less monitoring, reporting, and/or supervision of pollution incidents, accidents or equipment failures? This material is recovered during the normal operation of our business and will not result in increased pollution. The material will be stored in a bunker on the facility tipping floor. The tipping floor is enclosed and not exposed to the weather and is monitored by both the tipping floor operators and crane operators.</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. This is recovered nonferrous metal that is shipped for recycling. The metal is recovered from the facility ash stream and has already passed through all control devices.</p>
<p>B. What public health and/or safety benefits will result if the temporary suspension is granted? NA</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. Yes - recycling facilities closing will impact anyone that is recovering and recycling metals</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>
<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? The nonferrous metal is a revenue stream for the facility and a temporary waiver to store more than the permitted 24 tons would not have any negative impact on the environment. There would not be any negative consequences to the Commonwealth's response to COVID-19</p>

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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.

 *Plant Manager*

Signature and title of Certifier

Clifford Chew, Plant Manager

Print Name and Title

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