



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](mailto:RA-EPCOVID19SuspReq@pa.gov)

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

<b>Background</b>	
A.	<p>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.</p> <p>Penns Park Hot-Mix Asphalt Plant Hanson Aggregates BMC, Inc. State Only Operating Permit No. 09-00050</p> <p>Location Address: 852 Swamp Road Newtown, PA 18943</p> <p>Contact: Andrew J. Gutshall, P.G. Phone: (484) 955-2407 E-mail: andrew.gutshall@lehighhanson.com</p> <p>Mailing Address: 7660 Imperial Way Allentown, PA 18195</p>
B.	<p>Describe what permitted or regulated activity you are engaged in. Manufacturing - Asphalt Paving Mixture and Asphalt Pavement Production</p>
C.	<p>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. State Only Operating Permit No. 09-00050 PADEP Southeast Regional Office - Air Quality</p>

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- 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).

SOOP No. 09-00050

Section D - Source 450 - GENCOR 400 Ultradrum Asphalt Plant - Condition #006

This permit condition requires a stack test using the Department-approved procedures once during each five (5) year term of the permit. Such testing shall be conducted at least 180 days prior to the expiration of the permit.

The stack testing protocol was conditionally approved by the Department via letter dated February 5, 2020.

Hanson is filing this Emergency Request for relief of the SOOP Permit Condition listed above.

**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. Pennsylvania Governor Tom Wolf has listed Construction as a non-essential business. Therefore, Hanson has no customers purchasing asphalt. Therefore, the hot-mix asphalt plant is not operating and will not until construction in Pennsylvania resumes.

- 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 current orders from the Pennsylvania Governor have erased the need for asphalt product, which has caused the asphalt plant to not operate. Stack testing must be conducted during a time when the asphalt plant is operating at full capacity.

- 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, the Penns Park Hot-Mix Asphalt Plant is not operating due to zero demand for the product. The Governor of Pennsylvania has not identified construction as a life-sustaining business.

Hanson reserves the right to request additional suspensions or waivers for other operations or permits, but no other suspensions or waivers have been requested to the best of my knowledge.

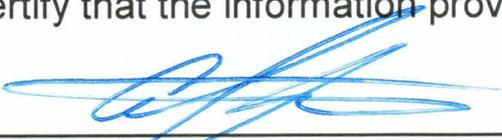
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<p>D. What alternate compliance options have you explored to address the issues or environmental compliance hurdles with which you are confronted? No option exists other than to postpone the stack testing.</p>
<p>E. Do you believe cost gouging or supply 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. Hanson anticipates being able to conduct the stack test prior to July 30, 2020. However, that date may change depending on the reopening of businesses, which is out of the control of Hanson.</p>
<p>G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance. No other permit obligations will be affected.</p>

<p><b>Evaluate Risk to Public Health and the Environment</b></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? No increase or risk of additional pollution is anticipated. Since the asphalt plant is not operating (i.e. burning natural gas fuel), there are zero emissions at the facility.</p>
<p>(i) If yes, please identify what pollutants and the nature of the risk.</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>(iii) If no, explain how increased pollution will be avoided. The asphalt plant is not operating, so there are zero emissions.</p>
<p>B. What public health and/or safety benefits will result if the temporary suspension is granted? None</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. If another asphalt plant is required to perform stack testing while the Governor has halted all construction activity, I would expect that plant would not be operating and could not conduct stack testing.</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? Pennsylvania Department of Environmental Protection could issue a Notice of Violation and issue a Civil Penalty.</p>

<p><b><u>CERTIFICATION</u></b></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> <p>I hereby certify that the information provided herein is true and accurate.</p> <p></p> <hr/> <p>Signature and title of Certifier</p> <p><b>Andrew J. Gutshall, P.G. - Area Environmental Manager</b></p> <hr/> <p>Print Name and Title</p>
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Note: This form will not be accepted without a written signature. Electronic signatures are not accepted.

Submit completed and signed requests to the email resource account:  
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