

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. US Department of Defense/Letterkenny Army Depot, Chambersburg, PA 17201 POC: Samuel Pelesky, (717) 267-5591, samuel.j.pelesky.civ@mail.mil</p>
<p>B. Describe what permitted or regulated activity you are engaged in. Closed disposal of rocket motors at the Letterkenny Munitions Center (LEMC) Ammonium Perchlorate Rocket Motor Demilitarization (ARMD) facility</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. Plan Approval Permit No. 28-00502J</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). Requirement of six month re-certification of visual observers for opacity measurements. Request that certifications for visual observers for LEMC trained operators be temporarily extended to June 2020.</p>

Reasons for Requested Suspension
<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.</p>

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<p>Current certification of visual observers will expire in the next two weeks. Recertification cannot be conducted due to the current US Department of Defense travel ban. Under the current rules, ARMD rocket motor demil operations cannot be conducted without trained visual observers (opacity) that have up to date certifications.</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 LEMC ARMD will not be able to continue operations since the operators cannot obtain required re-certification training.</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? N/A</p>
<p>D. What alternate compliance options have you explored to address the issues or environmental compliance hurdles with which you are confronted? LEAD/LEMC has been working with PADEP, South Central field Office for some time on alternative approaches to setting opacity limits for the ARMD operations. Those limits will ultimately be determined through a test program agreed to by both the LEAD/LEMC and the PADEP. Until the new alternate opacity limits can be established, LEAD/LEMC has been instructed to continue visual observation and manual data collection of opacity readings during all ARMD operations.</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. N/A</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. Request suspension or extention of re-certificaiton requirement until June 30, 2020. The current DoD travel ban extends until May 11, 2020. If the travel ban is lifted, the June timeframe will give LEMC time to reschedule training.</p>
<p>G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance. Visual observation and documentation will continue as it is currently required to be performed. If the LEMC operators were to obtain re-certificaiton prior to the June 30 date, PADEP will be notified.</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? No increased risk will result due to delaying/postponement of the recertification/training requirements. Monitoring and reporting will not change.</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. Operations are not begin changed; only requesting delaying/postponement of the requirements for six month recertification of already trained observers.</p>
<p>B. What public health and/or safety benefits will result if the temporary suspension is granted? Trained operators will not be exposed from a health risk to other "class" members during training classes.</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</p>
<p>D. Would you possess a unique advantage over your competitors, or others in the same industry, if a suspension is granted? N/A; Federal Government operation</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? Funded and planned testing of the LEMC ARMD will be negatively impacted. operations will have to cease. The LEMC ARMD is currently planned to transition to Low Rate Initial Production operations during April 2020 and full rate production in late summer of 2020.</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.

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Signature and title of Certifier
CHIEF, ENV. MGT. DIVISION

**Douglas A. Warnock, Ph.D., Chief, Environmental Management Division, Letterkenny
Army Depot**
Print Name and Title

Submit completed and signed requests to the email resource account:
RA-EPCOVID19SuspReq@pa.gov