

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

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

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), business mailing address, and a point of contact for this request with email and phone number.</p> <p>VORTEQ COIL FINISHERS LLC 125 McFann Road Valencia, PA 16059-1917 Mr. Edward McKissick, General Manager</p>
<p>B. Describe what permitted or regulated activity you are engaged in.</p> <p>The site consists of a manufacturing facility; primary operations include coil coating of aluminum and steel products.</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>Air Permit: State only Permit No: 10-00107 (Synthetic Minor) PADEP - Northwest 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>Emission stack testing to be conducted by June 3, 2020 according to Section D, Condition #006 of facility Air Permit, which states permittee shall conduct emission testing in accordance PADEP Chapter 139 to demonstrate compliance with VOC emission limits, VOC control device efficiency, and capture efficiency.</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.

Because of the closure of the PADEP offices during the COVID-19 restrictions, the "Stay-at-home" policy is safeguarding the PADEP employees.

- 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?

As required by the site air permit, Section D, Condition #006 (a) the facility completed its requirement on January 22, 2020 to submit at least 90 day days prior to commencing testing, a test protocol to the PADEP's Division of Source Testing and appropriate PADEP regional office for review and approval; and, (b) it also notified the appropriate regional office at least 15 days prior to commencing testing. As identified in these submissions/notifications, the facility identified April 23, 2020 as the scheduled testing date.

Because of Covid-19 restrictions that resulted in the closure of the PADEP offices, it has been determined, through contact with PADEP personnel, that the Division of Source Testing has not yet started the review of the submitted protocol for approval. It has further been determined by the PADEP that the department will not be able to complete the review, and subsequent testing protocol approval, prior to the scheduled testing date of April 23, 2020; and possibly the required testing date of June 3, 2020. Upon PADEP protocol approval, the facility and its testing company will immediately reschedule the stack testing, and submit all required notifications.

- 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

- D. What alternate compliance options have you explored to address the issues or environmental compliance hurdles with which you are confronted?

The facility will immediately reschedule the required source testing upon PADEP approval of the submitted testing protocol. Upon PADEP protocol approval, the rescheduling process may take some time for alignment of testing personel and testing resources prior to testing.

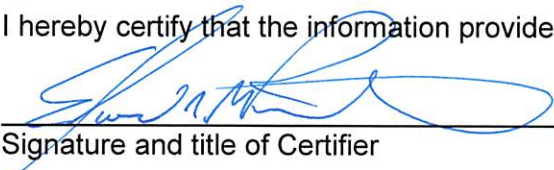
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<p>E. Do you believe cost gouging or supply hoarding is negatively effecting your ability to comply? If so, please explain and provide cost information and/or availability information from your supply chain history. NA</p>
<p>F. How long do you expect 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. It is unknown how long it will take the PADEP to review and approve the previously submitted protocol. Once the PADEP has completed its approval of the testing protocol, the facility anticipates moving quickly to reschedule the required testing. All attempts will be made to align testing personel and testing resources in a timely manner once the protocol has received PADEP approval. In addition to alignment of resources, the permit requires a notification of the regional PADEP office within 15 days of the newly scheduled testing date.</p>
<p>G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance. Once the protocol has received PADEP approval, all proper notification/reporting obligations will be completed.</p>

<p>Evaluate Risk to Public Health and the Environment</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.</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. The system, and its control device, will continue to operate in accordance with all other requirements of the site Air Permit.</p>
<p>B. What public health and/or safety benefits will result if the temporary suspension is granted? Continued positive mitigation efforts to prevent the spreads of COVID-19.</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. A facility cannot conduct stack testing without prior PADEP testing Protocol approval. While the facility has submitted and completed all steps required prior to source testing, it is unknown how many other protocol submissions are not being processed due to the closing of the PADEP offices.</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>Non-compliance with permit requirements may result in a Notice of Violation and possible fine.</p>

<p><u>CERTIFICATION</u></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>Edward N. McKissick, General Manager</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.

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