

**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-EPCCOVID19SuspReq@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. Boral Resources - Montour Harvesting, Plan Approval 47-00015A, 134 Strawberry Ridge Road, Danville, PA 17821, Mark Cummings, mark.cummings@boral.com, 470-599-3836</p>
<p>B. Describe what permitted or regulated activity you are engaged in. Fly ash harvesting, processing and marketing</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 47-00015A, PA Dept of Env Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448</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). Plan Approval 47-00015A, #009</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>

COVID-19-Emergency Request to Temporarily Suspend
Regulatory Requirements and/or Permit Conditions

<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. Burner tuning required a trained technician with expertise in the specific burner. He was scheduled to travel from Wisconsin to Washingtonville to perform the test on May 14th. On May 13th, he said all PA airports showed unacceptable levels of COVID-19 and cancelled his trip.</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 annual burner tuning is required by June 15, 2020. Without a trained burner technician, the test cannot be completed.</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? No other aspects of the operation have been shut down due to COVID-19 and we are not requesting any suspensions or waivers from other government agencies.</p>
<p>D. What alternate compliance options have you explored to address the issues or environmental compliance hurdles with which you are confronted? We evaluated the option of performing the burner tuning ourselves but were advised by the manufacturer that it required specialized expertise or we risked blowing up the plant.</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. We would like to re-evaluate the PA COVID-19 situation in July and attempt to reschedule.</p>
<p>G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance. We will account for all other plan approval reporting obligations.</p>

Evaluate Risk to Public Health and the Environment

COVID-19-Emergency Request to Temporarily Suspend
Regulatory Requirements and/or Permit Conditions


<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. The risk of additional emissions that would put us over the limits in our plan approval (CO, NOx) from the temporary suspension is very minimal.</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. As long as the burner continues to function properly, we do not expect any increased pollution.</p>
<p>B. What public health and/or safety benefits will result if the temporary suspension is granted? We do not anticipate a reduction in health and/or public safety benefits if the temporary suspension is granted.</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. We view our situation as unique, given the type of burner and the level of expertise necessary to perform the tuning.</p>
<p>D. Would you possess a unique advantage over your competitors, or others in the same industry, if a suspension is granted? The suspension would not give us a unique advantage over a competitor. We believe we are the only fly ash harvester in the state of Pennsylvania.</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? If the temporary suspension is not granted, we would need to shut down the operation because we will not operate under a known plan approval non-compliance.</p>

CERTIFICATION

**COVID-19-Emergency Request to Temporarily Suspend
Regulatory Requirements and/or Permit Conditions**

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.

 ENVIRONMENTAL MANAGER

Signature and title of Certifier

Mark Cummings, Environmental Manager

Print Name and Title

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:
RA-EPCOVID19SuspReq@pa.gov