

**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. Serman Masser Potato Farms. 2 Fearnot Road, Sacramento, PA 17968. Michael Pechart, 717-649-4203</p>
<p>B. Describe what permitted or regulated activity you are engaged in. crop and vegetable farming</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. Erosion and Sedimentation Plans, Conservations Plans. Schuylkill County Conservation District, Dauphin County Conservation District</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). On farm Erosion and Sedimentation Control Plans, Conservation Plans, Conservation Plan for Preserved Farm</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. Our Pennsylvania based, family owned company, Serman Masser Inc. and Serman Masser Potato Farms, is one of the largest growers, packers and shippers of potatoes</p>

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

in the United States. We supply over 400 million pounds of potatoes annually to feed millions of households in the U.S. We rely on a year round supply of potatoes to meet consumer's needs. The 2019 United States potato crop was short and of poor quality due to wet conditions, snow and early freeze. On March 1st, 2020 (at the very beginning of the Covid-19 outbreak) we had 35% of our harvest still in storage at the beginning and were well positioned to meet consumer need to get through to North Carolina's new crop potatoes. Due to intense demand for potatoes to keep grocery store shelves stocked throughout the month of March, we have consumed our entire crop in storage and now must bring all our potatoes in from out west where supplies are very short. We have major concerns about potato availability throughout though 2020 and into 2021. In order to meet demand for potatoes throughout the remainder of the year, we must increase our Pennsylvania potato acreage to increase volume and supply. If we do not, there will be a major shortage of potatoes heading into the fall and winter, putting consumers into a very alarming food security situation. Our only option to ease this potential future shortage of potatoes is to revert back, FOR ONE YEAR, to a two year rotation on potatoes. This would allow us to increase our Pennsylvania potato acreage to grow nearly 1000 acres of potatoes and increase Pennsylvania potato supply by several million pounds of potatoes. However, we have a roadblock to this solution. Our E&S plans and conservation plans for preserved farms do not allow 2 year rotation, as presently written.

We do hereby request an emergency waiver from the DEP, PDA, the SCC, and the Dauphin and Schuylkill County Conservation Districts, so that, for this year only (2020), we could go to a 2 year rotation on four of our farms to increase our potato acreage so that we have potatoes for consumers this fall/winter. We are only requesting this waiver for four farms. These four farms are relatively flat and do not experience run-off or other erosion effects. By granting this waiver you will allow our farming operation to meet anticipated food shortage needs in PA. In addition, due to stay at home orders, we are unable to utilize certified planners to update our E&S and Conservation plans, so we have no way to go through the regulatory process and timeline now to change our E&S and Conservation Plans. Again this would only be a one time request (waiver), and for only the 2020 crop year. We would also commit to planting a cover crop on the select acreage in mention..

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?

We are not able to hire a certified planner to rewrite our E&S and Conservation Plans.

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?

We are requesting a waiver from E&S and Conservation Plan requirements from the DEP, PDA, SCC, and the Dauphin and Schuylkill County Conservation Districts.

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

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

<p>We have no other options at this time as, if we are going to increase our acreage, we must do it now in order to get the potato crop in the ground and growing so it can be harvested before the first frost this fall.</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 are requesting the waiver from the E&S and Conservation plan requirements through November of 2020.</p>
<p>G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance. No reporting requirements.</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.</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.</p>
<p>B. What public health and/or safety benefits will result if the temporary suspension is granted? We will be able to grow more potatoes to increase our supply this fall and winter which will enable us to keep grocery store shelves stocked with nutritious potatoes.</p>

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

<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? 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? We will not be able to grow enough potatoes to meet demand, and PA citizens will be at risk this fall and winter by not having access to potatoes to meet their nutritional needs.</p>

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.

 PRESIDENT
Signature and title of Certifier

DAVE MASSER PRESIDENT
Print Name and Title

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