

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.</p> <p>Facility Name: Bank of America Natl. Assn./ PADC (09-00142) Facility Address: 35 Runway Drive, Levittown, PA 19057 Point of contact: Rupa Renganathan Email address: rupa.renganathan@sevaehs.com Phone number: (301)-979-1639</p>
<p>B. Describe what permitted or regulated activity you are engaged in.</p> <p>Operation and maintenance of generators and associated fuel tanks, catalysts and urea storage tanks</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>Operating Permit #: 09-00142 Plan Approval #: 09-0142E The Southeast Regional Office issued the permits.</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>Operating Permit #: 09-00142 Affected Source: 101 Section D condition # 9 When must I conduct subsequent performance tests Section D condition # 25 (a)(2) What notifications must I submit and when Section D condition # 25 (b) What notifications must I submit and when</p> <p>Affected Source: 102</p>

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Section D condition # 9 When must I conduct subsequent performance tests
Section D condition # 25 (a)(2) What notifications must I submit and when
Section D condition # 25 (b) What notifications must I submit and when

Plan Approval #: 09-0142E

Affected Source: 101

Section D condition # 9 When must I conduct subsequent performance tests
Section D condition # 25 (a)(2) What notifications must I submit and when
Section D condition # 25 (b) What notifications must I submit and when

Affected Source: 102

Section D condition # 9 When must I conduct subsequent performance tests
Section D condition # 25 (a)(2) What notifications must I submit and when
Section D condition # 25 (b) What notifications must I submit and when

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. Section D Condition # 9 under Source ID 101 and Source 102 requires conducting stack emission tests on Source ID 101 and 102 generators (5 in total) at the facility every 3 years. Since the last tests were conducted from May 9-11, 2017 the next tests would be due by May 11, 2020. The facility does not have in-house stack testing expertise and so will need to engage third-party vendors.

However, performance of this activity under current circumstances will result in an increased risk of COVID-19 spread within the facility since it cannot be performed remotely and will require the physical presence of additional persons onsite. The stack testing vendors will be arriving from out of state which increases the risk of cross-state transmission. Furthermore, Bank of America ("the Bank") together with its facilities management vendor CBRE, has implemented workforce management strategies such as platooning and work-from-home to minimize exposure of employees to and transmission of the coronavirus. Given that there will only be a few personnel available onsite, it will be difficult to cater to other high priority activities related to facilities management (classified as "life-sustaining" by the State), whilst also supporting the stack testing activity which is expected to last for 5 days (note: the 5-day duration is the best case scenario assuming that there are no complications associated with the stack testing). It is possible that employees who would otherwise have worked from home will need to be called to the facility, further exposing them and their families to the risk of COVID-19 contraction.

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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 facility is currently being run with a limited number of personnel physically present onsite. Facility engineers are working remotely or on rotating schedules while some others are under quarantine. Under these circumstances, it will be difficult to manage critical facility operations while also overseeing and providing appropriate support to the stack testing vendors. If employees who would otherwise have worked from home are called to the facility, they together with their families will be at increased risk of exposure to COVID-19.

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?

The facility engineers onsite provide facility support services to the Bank's data center operations both of which are considered "life-sustaining" by the State. However, facility operations have been reduced to critical activities with engineers operating on shifts and non-critical personnel asked to work from home, with many others also currently under self-quarantine. At this time, suspensions and waivers have not been obtained from any other government agency.

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

Bank of America will operate its generators only to the minimum extent required, well within the air permit operational limits and continue to maintain the generators and catalysts in accordance with best practices to minimize the risk of any air emission exceedances. The continuous parameter monitoring system that monitors proxy indicators of catalyst functionality will continue to collect data and this data will be reviewed periodically to identify any instances of potential catalyst malfunction.

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.

There is no relevance of any cost gouging or supply hoarding to this particular suspension request.

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.

The inability to comply with the specified permit conditions is expected to last until the risk of COVID-19 transmission is deemed sufficiently low to allow normal facility operations to resume. At the moment, the risk is not expected to be lowered to acceptable levels prior to June 30, 2020. Therefore, a suspension till June 30, 2020 of the specified regulatory requirements is requested.

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G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance.

Per Section D Condition # 25, a notification of compliance status ("stack test report") that details the outcome of the stack tests is due within 60 days of testing. However, the facility is seeking suspension of the testing requirement and consequently, the reporting requirement in Condition # 25 as well.

There are no other reporting obligations due through June 30, 2020.

Evaluate Risk to Public Health and the Environment

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

(i) If yes, please identify what pollutants and the nature of the risk.
n/a

(ii) If yes, please identify the potential extent of increased pollution, including any increases in risk to human health, safety or the environment.
n/a

(iii) If no, explain how increased pollution will be avoided.
The suspension of the stack test will delay the availability of post-diesel oxidation catalyst carbon monoxide emissions data. However, since the facility will continue to operate and maintain the generators and emission control equipment in accordance with best practices, there is no anticipation of an increased risk of additional pollution. Data will continue to be collected from all automatic monitoring systems such as the hour-meter reader, catalyst pressure drop sensor and catalyst inlet temperature sensor and reviewed for malfunctions and deviations. All such incidences will be addressed as far as possible and reported to PA DEP in the semiannual compliance report that is next due by July 31, 2020.

B. What public health and/or safety benefits will result if the temporary suspension is granted?

The suspension will lower the risk of COVID-19 spread and will allow the limited number of onsite personnel to be deployed for mission-critical activities.

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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. 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?</p> <ol style="list-style-type: none">1) Facility personnel and their families will be at increased risk of exposure to COVID-19 from having to be physically available to support the stack testing activity2) Any further reduction to the facility's healthy workforce will be highly detrimental to business operations which already being sustained with strained resources3) The Commonwealth's response to the COVID-19 emergency will be undermined by the additional exposure of personnel to situations requiring human interaction at a time when social distancing has been advocated as a key mitigation measure.4) In addition to the above, there is also a risk of undermining the federal response to the COVID-19 emergency as the stack testing vendors must travel across state lines to and from their point of origin.

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.

 (Senior HSE Director)

Signature and title of Certifier

Margaret Sexton, Senior HSE Director, CBRE/Bank of America Account

Print Name and Title

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