

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>Keystone Generating Station 313 Keystone Drive Shelocta, PA 15774 Nathan J. Rozic, Environmental Specialist - Keystone Station nrozic@keyconops.com (724) 354-5475 office (724) 554-6208 cellular</p>
<p>B. Describe what permitted or regulated activity you are engaged in.</p> <p>Electrical generation</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>Title V Operating Permit No. 03-00027, regulatory oversight by NWRO</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>Requirement to complete visible emissions re-certification per U.S. EPA Reference Method (RM) 9. Weekly visible emissions observations of sources at the station are required to be performed by a certified visible emissions observer if atmospheric conditions allow.</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. Per the email message submitted to the Department on 03-25-2019, I'm requesting the Department to extend the RM 9 certifications that expire(d) in Spring 2020. Following completion of the initial training class, recertification is required every 6 months, which is typically performed in the Spring and Fall. As you may be aware, Penn State conducts these classes state-wide, but in light of the current events, they have understandably cancelled all of the Spring recertification classes – please see the following link: <https://visible-emissions.outreach.psu.edu/>. Those at Conemaugh and Keystone Stations and others that support the stations (e.g., Shaun Stenlake from QA Support) normally attend the Penn State sessions. I'm aware that there are other firms in the state that conduct training, but I suspect that they have or will cancel those classes too. I'm also aware that many from the Department normally attend the classes.

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?
None currently other than the info presented in A above

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?
Response to 1st question - none currently
Response to 2nd question - no

D. What alternate compliance options have you explored to address the issues or environmental compliance hurdles with which you are confronted?
None - the cancelation notice of the re-certification classes was not received with sufficient lead time to allow for alternate compliance options. We suspect that similar cancelling of re-certification classes occurred in neighboring states too.

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

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.

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Currently unknown - a return to normal business activities will be determined by the Governor
G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance. Not applicable, we expect to meet all reporting obligations

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.
(ii) If yes, please identify the potential extent of increased pollution, including any increases in risk to human health, safety or the environment.
(iii) If no, explain how increased pollution will be avoided. This request is pertinent to a training / re-certification effort only.
B. What public health and/or safety benefits will result if the temporary suspension is granted? None, please see response above
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, please see response at top of page 2
D. Would you possess a unique advantage over your competitors, or others in the same industry, if a suspension is granted? No
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?

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Response to 1st question - we would need to denote non-compliance for the permit condition for reasons that are completely beyond our control.
Response to 2nd question - I'm aware that the Department also has certified visible emissions observers who are in a simialr situation.

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.


Signature and title of Certifier

Gregory J. Mitchell, General Manager - Keystone Station
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:
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