



COMMONWEALTH OF  
PENNSYLVANIA OFFICE  
OF THE GOVERNOR

May 19, 2020

Deanna Schmoyer  
Tobyhanna Site, LLC.  
619 Iron Street  
Lehighton, PA 18235  
deannaschmoyer@yahoo.com

Transmitted via email

RE: Application of Tobyhanna Site, LLC. to Continue Business Operations at its Physical Locations (Request # TSR-124)

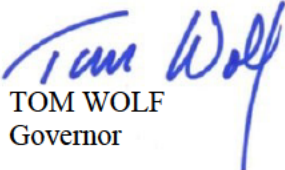
Dear Deanna Schmoyer:


By Executive Order dated March 19, 2020, and pursuant to powers granted to us by law, we ordered that no person or entity shall operate a place of business that is not a life-sustaining business, regardless of whether the business is open to members of the public. These orders (the "COVID-19 Orders") are necessary to stop the spread of the novel coronavirus COVID-19. Those businesses that have been determined life-sustaining or have received an exemption from the COVID-19 Orders are authorized to operate in compliance with the applicable state law and regulatory requirements.

You submitted the attached request for a temporary suspension of certain environmental compliance requirements. 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. Based upon the information in your request, pursuant to the powers granted to the Governor and to prevent and control the spread of disease, it has been determined that certain compliance requirements if strictly followed, could prevent, hinder, or delay necessary action in coping with the COVID-19 emergency. Based on that determination, the requested temporary suspension of 25 Pa. Code 102.5(a) requiring an NPDES permit for earth disturbance greater than 1 acre is granted from April 24, 2020 to May 28, 2020 at the physical location identified in your application. Further, if public comments are received prior to May 26, 2020 for the associated NPDES permit application, PAD450108, which preclude permit issuance, the permittee must cease work on site and institute site stabilization activities until such time that a permit can be issued.

This temporary suspension is subject to continuance of and compliance with the social distancing and other mitigation measures to protect employees and the public, including virtual and telework operations (e.g. work from home) as the primary option when available, which were submitted with your request and which have been established by the Department of Health and the Centers for Disease Control and Prevention to- date and going forward. In-person work at a business site is only to be performed on the most limited basis possible but in compliance with applicable laws and regulations to deliver the services or goods of life-sustaining businesses.

Sincerely,

  
TOM WOLF  
Governor

  
RACHEL L. LEVINE, M.D.  
Secretary of Health