

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](mailto:RA-EPCOVID19SuspReq@pa.gov)

All questions must be completed; if not applicable, type “N/A”.

<b>Background</b>
<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>Sonneborn, LLC 100 Sonneborn Lane Petrolia, PA</p> <p>Tom DuPlessis Environmental Manager tom.duplessis@sonneborn.com (724) 756-9310</p>
<p>B. Describe what permitted or regulated activity you are engaged in.</p> <p>Sonneborn manufactures speciality hydrocarbons (i.e., oils, petrolatum, and waxes) for use in personal care, pharmaceuticals, food, agriculture, and microcrystalline wax. Sonneborn also imports sulfonates produced at other facilities, which are sold as product, blended for other products, or used as raw material for the barium sulfonate manufactured onsite.</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>DEP has issued Sonneborn, LLC several permits for the above-described regulated activities, including: (1) Title V/State Operating Permit (No. 10-00037); (2) National Pollutant Discharge Elimination System Permit (No. PA0002666); (3) Residual Waste Permit (No. 300995); (4) Dam Permit (No. D-10-055A); (5) Water Quality Management</p>

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

Permits (Nos. 169205, 1084203, 1087202); and (6) Encroachment Permit (No. E10-382).

- 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).

For one of its boilers, known as Boiler 8 (Source ID No. 035), Sonneborn seeks a roughly two month suspension of the deadline to provide notification to DEP of its intent to reactivate Boiler 8 and to provide a maintenance plan for Boiler 8. Under Pennsylvania's regulations, a temporarily deactivated air emission source can be reactivated in the future if the owner or operator of such a source within one (1) year of its deactivation: (a) submits to DEP and implements a maintenance plan; and (b) provides notice to DEP indicating the intent to reactivate the source and requesting preservation of emissions in the inventory. These requirements are codified at 25 Pa. Code § 127.11a(a)(1) and (3) and § 127.215(a)(1) and (3).

**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.

To cope with the COVID-19 emergency and continue its life-sustaining operations, Sonneborn instituted numerous measures to keep its employees and the public safe. Among other measures, beginning in mid-March 2020, Sonneborn limited personnel present onsite at its facility, both employees and third-party contractors, to prevent community spread of the novel coronavirus. The limited company personnel onsite during the height of the COVID-19 response were directed to focus on ensuring that operations could continue safely and in compliance with federal and state environmental requirements. The directed focus of onsite personnel to maintaining environmental compliance during the COVID-19 pandemic has been successful.

This temporary suspension request relates to a regulatory deadline for providing notice so that Sonneborn can reactivate Boiler 8 in the future. Boiler 8 is one of four boilers Sonneborn uses to make products for the pharmaceutical, food, agriculture, and personal care industries, products that are critical during the COVID-19 pandemic. Boiler 8 serves as a "stand by" or "backup" boiler, meaning it is used to augment the steam produced by the other three boilers. Boiler 8 typically operates when another boiler is down for maintenance, repairs, or other reasons, or when there is additional steam demand during winter months.

Sonneborn last operated Boiler 8 in April 2019. At that time, Boiler 8 was taken out-of-service to perform the annual inspection needed to maintain the Certificate of Boiler or

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

Pressure Vessel Operation that is issued by Pennsylvania's Department of Labor & Industry. The Department of Labor & Industry-related inspection is extensive. It requires that the boiler be taken out-of-service and emptied so a certified, third-party inspector can access the inside of the boiler and evaluate its components.

In May 2020, Sonneborn again completed the annual inspection of Boiler 8 to maintain its Department of Labor & Industry certification. The third-party inspector indicated that this inspection was performed to "determine necessary repairs before returning the boiler to service." The inspector also noted that certain repairs were being performed during this third-party inspection.

Strict compliance with the one-year deadline for providing the notice and maintenance plan to DEP, which occurred in April 2020 during the peak of the response to COVID-19, may prevent or hinder Sonneborn's ability to continue its life-sustaining operations producing feedstocks that are used to make pharmaceutical, food, agriculture, and personal care products that are critical for addressing and coping with COVID-19.

- 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?

COVID-19 has restricted Sonneborn's ability to comply with this notice requirement, because the limited personnel onsite were directed to focus on ensuring that active operations could continue safely and that environmental regulatory and permitting requirements continue to be met. With the limited onsite personnel focusing on ensuring that existing life-sustaining operations continued safely, Sonneborn's preparation and submission of the notice to DEP referenced above for Boiler 8 was delayed.

- 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?

As a life-sustaining business, Sonneborn has not suspended its operations during the COVID-19 emergency. Rather, it has continued to operate with limited personnel onsite.

Sonneborn is not requesting any suspensions or waivers from other government agencies at this time.

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

The one-year deadline for the notice at issue in this request does not appear to have any exceptions, so there are no alternative compliance options. Concurrently with this

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

<p>request, Sonneborn is providing the notice to DEP and plans to follow up with DEP to discuss this request and the notice. If there are alternative compliance options available, Sonneborn is open to discussing such options with DEP.</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.</p> <p>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.</p> <p>Concurrently with the submisison of this temporary suspension request, Sonneborn is submitting the notice for Boiler 8 and request to preserve emissions in inventory required under 25 Pa. Code §§ 127.11a and 127.215 to DEP. Through this request, Sonneborn is requesting temporary suspension of the one-year deadline for providing this notice from April 2020 to present.</p>
<p>G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance.</p> <p>There currently is no noncompliance to report. Sonneborn, through this request, is seeking to preserve its ability under the aforementioned Pennsylvania regulations to reactivate Boiler 8 for its life-sustaining operations at a later date.</p>

<p><b>Evaluate Risk to Public Health and the Environment</b></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?</p> <p>No. The boiler in question has not operated since April 2019. Also, Sonneborn will comply with all relevant Title V permit requirements for Boiler 8 prior to and when it is reactivated.</p>
<p>(i) If yes, please identify what pollutants and the nature of the risk.</p> <p>N/A</p>

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

(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.

Increased pollution is avoided because Boiler 8 currently is not operating and Sonneborn is merely seeking temporary suspension of the one-year deadline for submitting notice and a maintenance plan to DEP to preserve the ability to reactivate Boiler 8 in the future.

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

The inability to reactivate Boiler 8 under its Title V permit will prevent or hinder Sonneborn's ability to continue its life-sustaining operations producing feedstocks that are used to make pharmaceutical, food, agriculture, and personal care products that are critical for addressing and coping with COVID-19.

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.

Although Sonneborn is unaware of others that are facing similar issues with respect to inactive air emissions sources, it is conceivable that responses to the COVID-19 emergency by others in this industry have restricted the ability to comply with the one-year notice requirement that is the subject of this request.

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?

If this temporary suspension is denied, Sonneborn may have insufficient steam-generating capacity for its life-sustaining operations. Please see the information provided above.

**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.

*T. E. DuPlessis, Environmental Mgr.*  
Signature and title of Certifier *6/15/2020*

**T. E. DuPlessis, 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](mailto:RA-EPCOVID19SuspReq@pa.gov)