

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>American Refining Group, Inc. 77 North Kendall Avenue Bradford, PA 16701</p> <p>Title V Permit No. 42-00004</p>
<p>B. Describe what permitted or regulated activity you are engaged in.</p> <p>Petroleum Refining</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 Permit No. 42-00004 Northwest Regional Office -Meadville, PA Note: ARG holds other DEP-issued permits that are not relevant to this specific request.</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>American Refining Group requests an extension of the EPA Method 9 six month re-certification requirement for plume opacity assessments from Stationary Sources. The requirement to have a person qualified to measure plume opacity assess visible emission events (other than a flare) within 4 hours of detection is located in Section C, Condition #007 of ARG's Title V Permit 42-00004. ARG typically complies with this requirement by maintaining EPA Method 9 certifications for members of its</p>

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Environmental staff. However, the current Method 9 certifications that are employees hold are due to expire on 4/22/2020.

ARG believes this request is consistent with USEPA's March 26th, 2020 COVID-19 Implications for EPA Enforcement Memo, specifically Section B, Footnote #2 (routine compliance monitoring) and #6 (training).

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. ARG utilizes a off-site, third-party training for Method 9 re-certification. This requires traveling to one of the Pennsylvania State University schools which have been closed in response to the COVID-19 pandemic. Independent of the training facility's closure, ARG has implemented a temporary policy discouraging employees from unnecessary travel in an effort to mitigate risks of exposure.

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?
Method 9 training programs have been postponed and/or cancelled to limit the amount of human-to-human interaction. Consequently, there is no current means to receive the Method 9 Visible Emission Evaluation Recertification.

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?

Currently, no aspects of ARG's business are shut down or not functioning due to COVID-19 restrictions. We are however, currently experiencing reductions in incoming crude receipts (due to the steep drop in raw crude pricing) particularly from our local suppliers and lower demand for certain products on the downstream side.

To date, ARG has requested and received a delay of Chapter 245 Out-Of-Service Integrity Inspections for a limited number of storage tanks from PADEP's Tank Division (Meadville). In addition to the out-of-service Integrity Inspections, ARG requested to postpone the internal floating roof inspection for 610 Tank, as required by 40 CFR Subpart Kb 60.113b(a)(4). ARG has also request delay the NESHAP Subpart DDDDD Boiler MACT performance test for its Crude Heater (Source 041).

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

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<p>ARG will utilize the existing Method 9 Certifications for two employees to assess plume opacity, if a visible emission event occurs, in the interim period until recertification testing becomes available.</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. NA</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. ARG's ability to comply with the Method 9 certification requirement is dependant on reopening facilities that offer the EPA Method 9 recertification testing. It is currently unkown when these services will be offered again. For this reason, ARG is requesting a suspension for the maximum time period currently available (June 30, 2020). ARG will request additional time, if needed, in a separate submittal to the Department.</p>
<p>G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance. If a visible emission event requiring assessment by personnel qualified to measure plume opacity (e.g. Method 9 certified) occurs and ARG has no employees with current Method 9 certifications, ARG will report this non-compliance in accordance with our Title V Permit reporting obligations (i.e. 2020 Title V Compliance Certification). We will note that it was done in accordance with the Agency's March 26, 2020 Policy and, if applicable, PADEP regulatory relief.</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? ARG does not anticipate any impacts and will continue to follow the regulatory requirements for visible emissions assessments by ARG Staff members trained, but perhaps not currently certified, in EPA Method 9.</p>
<p>(i) If yes, please identify what pollutants and the nature of the risk. N/A</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. N/A</p>

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<p>(iii) If no, explain how increased pollution will be avoided. See response to Section A.</p>
<p>B. What public health and/or safety benefits will result if the temporary suspension is granted? The suspension of activities by certified testing facilities generally reduces the risk of COVID-19 transmission among potential trainees. Specific to the refinery, this delay enables continued refinery operation and reduces the risk of a widespread refinery COVID-19 infection which could necessitate an unplanned refinery shutdown, potentially creating safety risks and excess emissions.</p>
<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? Please see item B above.</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.



Signature and title of Certifier

David Breitigam - Vice President of HES&S

Print Name and Title



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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