

Environmental Obligations During COVID-19

In response to the COVID-19 outbreak, there has been a major restructuring of business processes as companies incorporate remote work initiatives, temporary furloughs, ramped production schedules, reduced onsite staff, and other process changes. With environmental agencies adjusting themselves to these changes in the work environment, there have been many questions regarding the ability and need for businesses to complete regulatory filings, including reports, certifications, inspections, trainings, and renewals.



Are regulatory deadlines in effect?

Yes. There has been consistent communication that all regulatory deadlines and requirements remain in place for both essential and non-essential businesses (see the following pages for examples of communications). Unless you have received specific communication from a local regulatory authority on individual permits, presume all deadlines are in place. A few counties and state departments have provided very limited response offering waivers or extensions with upfront notice and approval on specific items.

Is enforcement in full effect?

Most agencies are in a reduced enforcement capacity and exercising enforcement discretion, meaning less onsite enforcement, but resources are available for critical issues. Regulators are using enforcement discretion and generally not looking to initiate enforcement initiatives. A slightly late but timely submittal should not see regulatory enforcement. The Federal EPA provided guidance on 3/26/20 outlining the process for enforcement discretion.

How should operations proceed?

Maintain all compliance obligations as normal. If a work restriction postpones an onsite activity (literally no one onsite to support), then make a note on the inspection, report or training as to why it has not been completed and plan to catch it up at the first available moment. For online filings, continue to submit and file work by the stated deadlines. We are actively working with clients to obtain required information upfront and develop offsite solutions so that the information can be filed timely and remotely.

Why J. J. Keller and U.S. Compliance Corporation?

J. J. Keller and U.S. Compliance Corporation have formed a strategic partnership that provides you with unmatched expertise in safety and environmental compliance and related best practices. You will benefit from a combined 85+ years of working with companies in all industries to develop best-in-class safety programs to reduce risk.

Environmental Obligations During COVID-19 (cont.)

News Releases from Headquarters > Enforcement and Compliance Assurance (OECA)

EPA Announces Enforcement Discretion Policy for COVID-19 Pandemic

03/26/2020

Contact Information:

Press Office (press@epa.gov)

WASHINGTON (March 26, 2020) - The U.S. Environmental Protection Agency (EPA) is mindful of the health and safety of the public, as well as our staff, and those of Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations during the COVID-19 pandemic. The agency is taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, EPA is announcing a temporary policy regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA's temporary enforcement discretion policy applies to civil violations during the COVID-19 outbreak. The policy addresses different categories of noncompliance differently. For example, under the policy EPA does not expect to seek penalties for noncompliance with routine monitoring and reporting obligations that are the result of the COVID-19 pandemic but does expect operators of public water systems to continue to ensure the safety of our drinking water supplies. The policy also describes the steps that regulated facilities should take to qualify for enforcement discretion.

"EPA is committed to protecting human health and the environment, but recognizes challenges resulting from efforts to protect workers and the public from COVID-19 may directly impact the ability of regulated facilities to meet all federal regulatory requirements," said **EPA Administrator Andrew Wheeler**. "This temporary policy is designed to provide enforcement discretion under the current, extraordinary conditions, while ensuring facility operations continue to protect human health and the environment."

The temporary policy makes it clear that EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible. To be eligible for enforcement discretion, the policy also requires facilities to document decisions made to prevent or mitigate noncompliance and demonstrate how the noncompliance was caused by the COVID-19 pandemic.

This policy does not provide leniency for intentional criminal violations of law.

The policy does not apply to activities that are carried out under Superfund and RCRA Corrective Action enforcement instruments. EPA will address these matters in separate communications.

EPA's policy will apply retroactively beginning on March 13, 2020. EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

In order to provide fair and sufficient notice to the public, EPA will post a notification [here](#) at least 7 days prior to terminating this temporary policy.

To read the EPA Policy on Enforcement during the COVID-19 outbreak: <https://www.epa.gov/enforcement/enforcement-policy-guidance-publications>

Environmental Obligations During COVID-19 (cont.)

Message from Chair Mary D. Nichols and Executive Officer Richard W. Corey on CARB's response to COVID-19

In response to the evolving COVID-19 situation, the California Air Resources Board (CARB) is re-tooling our workplace to be able to fulfill our mission while protecting public health and the health of our employees. We would like to acknowledge our team for their professionalism, humanity, and flexibility. Each of us at CARB is committed to do everything we can to ensure the continuity of operations throughout this difficult time.

We are following the guidance and recommended actions provided by the California Department of Public Health to keep ourselves and our communities safe. Through March, we have postponed large public gatherings, including Board hearings and symposia, and we will be modifying all other meetings by continuing to provide remote participation options and using best practices, including social distancing, if an in-person meeting is necessary. Workshop and workgroup notices will contain information specific to that meeting.

Internally, we are quickly implementing processes to minimize disruptions to CARB's workflow, although some delays are inevitable. Our focus is to ensure business continuity at CARB, including proposing new and implementing existing regulations, enforcement, grant administration and invoice processing. In addition, many of our staff will be teleworking through the end of April. We will continue to evaluate the situation as it evolves.

CARB's regulations continue to be in effect and deadlines apply. If you have questions or concerns regarding CARB's regulations or programs, please reach out to the assigned program contact but keep in mind that staff may be teleworking, so email will be the most expeditious way to make contact. If you need help identifying the appropriate contact, please visit CARB's website.

Board members and staff at CARB are committed to advancing our clean air mission and our core values of service, accountability and excellence in everything that we do.

Finally, we want to thank you for your patience. As new information about Board hearing and meetings becomes available, we will share that through normal channels.

Sincerely,

Mary D. Nichols, Chair
Richard W. Corey, Executive Officer

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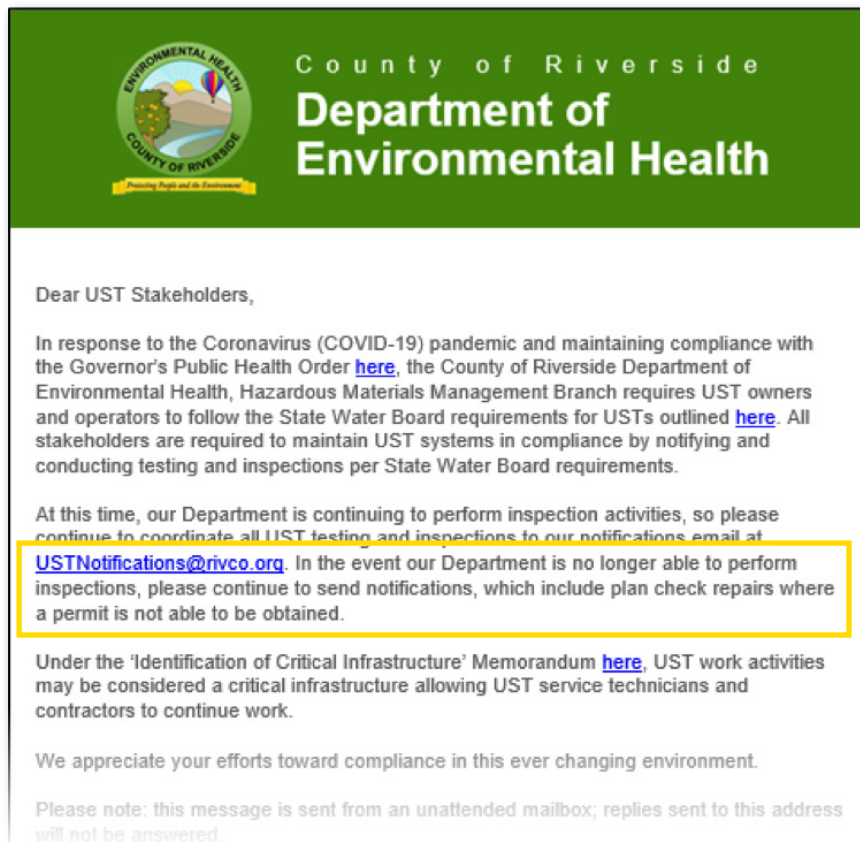
COVID-19 Updates

California Governor
Gavin Newsom

Secretary for Environmental
Protection

Chair, California Air
Resources Board

Environmental Obligations During COVID-19 (cont.)



From: OutReach <OutReach@tceq.texas.gov>
Sent: Tuesday, March 24, 2020 8:36 AM
Subject: Covid-19: Update on DMR Requirements

Good morning,


Per Texas Pollutant Discharge Elimination System (TPDES) individual permit requirements, effluent monitoring data shall be submitted to the TCEQ at the frequency specified in the permit. Please continue to submit the discharge monitoring reports (DMRs) online using the NetDMR reporting system available through the TCEQ website at <https://www.tceq.texas.gov/permitting/netdmr>. Permittees who have obtained an electronic reporting waiver need to continue to submit the DMRs via paper to the Compliance Monitoring Team of the Enforcement Division (MC 224) on an approved DMR form (EPA No. 3320-1).

Due to COVID-19 and reduced staff in the workplace, the TCEQ will exercise enforcement discretion and consider effluent monitoring reports for the months of February and March 2020 as received timely, if submitted on or before April 30, 2020. The agency will consider additional enforcement discretion regarding this deadline as conditions warrant in response to COVID-19.

Please contact the Wastewater Permitting Section Manager via e-mail at WQAP@tceq.texas.gov with any questions. We thank you for your continued partnership in ensuring safe water quality for the state of Texas.

Sincerely,
David W. Galindo
Water Quality Division Director
Texas Commission on Environmental Quality

Environmental Obligations During COVID-19 (cont.)

 Business Licenses & Regulations Recreation Env. Protection Contact

Notification of hazardous waste activities

Certain types of activities related to hazardous waste require prior notification to the Wisconsin Department of Natural Resources.

In response to COVID-19, the DNR has developed an online method for requesting an extension to generator storage accumulation time limits. Select the "HW accumulation time extension" tab below for further instructions.

EPA ID numbers **HHW and VSQG collection** **HW accumulation time extension**

Hazardous waste accumulation time extension

Wisconsin's hazardous waste regulations allow both large and small quantity generators to request an accumulation time extension in the event of unforeseen, temporary or uncontrollable circumstances that prevent shipment of hazardous waste within the 90-day timeframe for LQGs or the 180-day timeframe for SQGs. An extension of up to 30 days may be granted at the discretion of the DNR on a case-by-case basis pursuant to s. NR 662.034(3) and NR 662.192(3), Wis. Adm. Code.

- [Ch. NR 662, Wis. Adm. Code](#) [exit DNR]

A request for an extension must be made **prior to the expiration of the required time limit**. Potential reasons for requesting an extension must be identified to submit a request (i.e., transporter unable to meet schedule shipping date, or scheduled facility unable to accept wastes due to facility backlog or closure). To request an extension, follow the link below to submit your information to the DNR electronically. You can also contact a [regional hazardous waste specialist](#), or Hazardous Waste Program Coordinator [Mike Ellenbecker](#), to submit a request directly to program staff.

- [2020 Hazardous Waste Storage Facility Accumulation Time Extension Request](#) [exit DNR]

If a 30-day extension request is granted but the hazardous waste shipment the extension was requested for cannot occur within the extended period, contact Hazardous Waste Program Coordinator [Mike Ellenbecker](#) to discuss the regulatory requirements.

Environmental Obligations During COVID-19 (cont.)



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Requests for Regulatory Relief Due to COVID-19 Impacts

March 24, 2020

In light of the COVID-19 national emergency, and in recognition of Governor Parson's Executive Order 20-02, declaring a state of emergency, the Missouri Department of Natural Resources ("Department") is releasing this statement in an attempt to facilitate continuity of operations for key Missouri industries impacted by a reduced workforce due to COVID-19. The Department recognizes that certain environmental-compliance obligations may become difficult as more employees work from home, staffing is reduced, physical distancing measures are implemented for essential personnel remaining in the workplace, consultants working on behalf of regulated entities may experience travel restrictions, and supply chains face potential disruption.

The Department encourages all regulated entities to develop or continue to develop contingency plans aimed at addressing possible reductions in workforce due to COVID-19, and to **pursue all available actions necessary to ensure compliance with environmental regulations and permit requirements.**

The Department's compliance-assistance approach remains in effect, and we will continue to work with all entities that demonstrate a sincere commitment to compliance. In the face of limited resources, we acknowledge to prioritize their compliance activities. The first priority is human health and the environment, e.g., ensuring that drinking water and water emissions meet permit limits, wastes are handled etc.

To the greatest extent possible, you should continue to document compliance including but not limited to, conducting sampling and analysis, monitoring results, keeping accurate and up-to-date records that document ongoing compliance.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.

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(800) 451-6027 • (317) 232-8603 • www.idem.in.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

March 23, 2020

Re: Email Submission of a Scanned Copy of a Permit Application

Indiana Air Permittee:

You are receiving this letter, because your company is listed in our records as having an Indiana air pollution permit.

In a continuing effort to slow the spread of novel coronavirus (COVID-19), Governor Eric J. Holcomb announced that state government employees will maximize the use of remote work and meet virtually whenever possible while maintaining operations. A significant number of IDEM Office of Air Quality (OAQ) Permits Branch staff are currently working remotely. Additional staff will likely begin to work remotely during the coming days to further slow the spread of COVID-19, with the future possibility that all IDEM OAQ Permits Branch staff will be working remotely.

As a result of these circumstances, IDEM OAQ requests that companies that are submitting a hard copy air permit application also submit a scanned copy of the complete signed permit application to the following email address: airpermitapps@idem.in.gov.

Submittal of an electronic copy of a permit application does not relieve a source from the obligation to submit a hard copy of the permit application (with the original signature of the Authorized Individual or Responsible Official on the signed Cover Sheet Form) to IDEM OAQ by courier mail. Therefore, please also submit one (1) signed hard copy of the original application packet and one additional (1) hard copy of the application packet directly to the Office of Air Quality Air Permits Administration at the following mailing address:

Indiana Department of Environmental Management
Office of Air Quality, Air Permits Administration
ATTN: Incoming Application
100 North Senate Avenue IGCN 1003
Indianapolis, IN 46204-2251

Prior to creating a scanned copy, please print the date and the source contact name and phone number in the upper right of the application cover page. This will assist the Air Permits Administration section in confirming the arrival of the hard copy and matching it to the scanned copy.