

COVID-19 Regulatory Flexibility
Summary by State

NWRA State Summary of Regulatory Flexibility

Last Updated 4/13/20

Compiled by: Abby Blocker



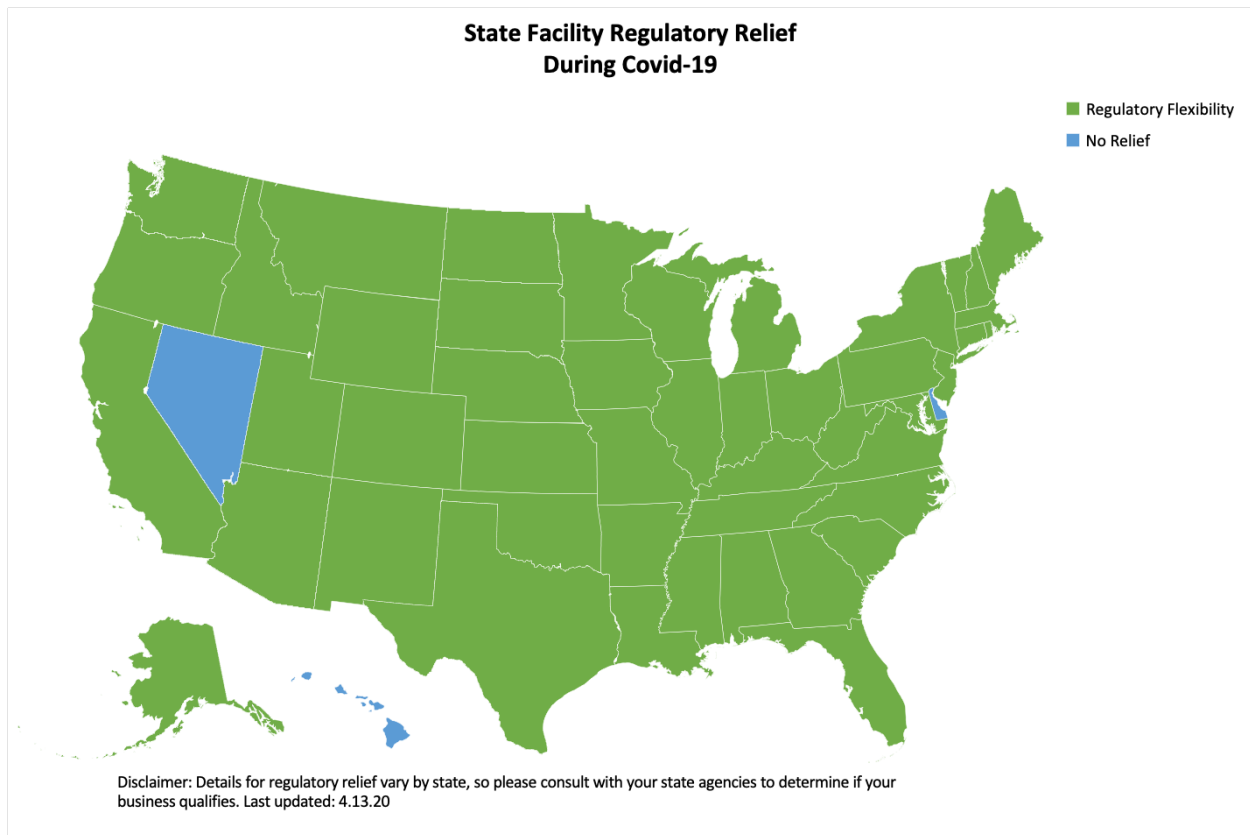
Table of Contents

Synopsis and Map Summary	3
Alabama	5 – 6
Alaska	7 – 9
Arizona	10 – 16
Arkansas	17 – 28
California	29 – 32
Colorado	33 – 36
Connecticut	37 – 43
Florida	44 – 45
Georgia	46 – 47
Idaho	48 – 51
Illinois	52 – 53
Indiana	54 – 59
Iowa	60 – 64
Kansas	65 – 66
Kentucky	67 – 69
Louisiana	70 – 79
Maine	80 – 82
Maryland	83 – 84
Massachusetts	85 – 86
Michigan	87 – 92
Minnesota	93 – 94
Mississippi	95 – 99
Missouri	100 – 102
Montana	103 – 106
Nebraska	107 – 108
New Hampshire	109 – 112
New Jersey	113 – 115

New Mexico	116 – 117
New York	118 – 121
North Carolina	122 – 123
North Dakota	124 – 126
Ohio	127 – 130
Oklahoma	131 – 132
Oregon	133 – 134
Pennsylvania	135 – 140
Rhode Island	141 – 144
South Carolina	145 – 146
South Dakota	147 – 148
Tennessee	149 – 152
Texas	153 – 157
Utah	158 – 172
Vermont	173 – 178
Virginia	179 – 184
Washington	185 – 186
West Virginia	187 – 192
Wisconsin.....	193 – 199
Wyoming.....	200 – 202

Synopsis

This document summarizes state regulatory flexibility related to COVID-19 granted to elements of the waste and recycling industry. Documents or summaries provided by each state agency are referenced. Please note that details on regulatory relief are changing daily throughout the U.S., so please consult with your state agencies to determine if your business qualifies.



Alabama

Letter from Alabama Department of Environmental Management to NWRA
on March 31, 2020



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

March 31, 2020

Darrell K. Smith
President and Chief Executive Officer
National Waste & Recycling Association (NWRA)

RE: COVID-19 State of Emergency

Dear Mr. Smith:

The Alabama Department of Environmental Management (ADEM or the Department) has received your letter, dated March 17, 2020, requesting exemptions for solid waste and recycling requirements within the State during this state of emergency over COVID-19. Specifically, the letter requested relief from the following restrictions: transportation during curfews, hours of service, hours of operations, tonnage limits, storage times, disposal bans, and compliance times.

First, all solid waste and recycling facilities remain obligated to meet all of their applicable permitting and registration requirements.

ADEM understands that the COVID-19 situation may affect individual facility's ability to meet certain requirements in a timely manner. ADEM plans to look at each situation on a case by case basis and provide the level of flexibility appropriate for each situation. Therefore, ADEM requests that each facility keep the Department informed of potential compliance situations as they arise, and to ensure that they provide and maintain appropriate documentation as to why adjustment of specific requirements is necessary due to the COVID-19 situation.

I hope this answers your questions. If you have further questions, please don't hesitate to contact the Department.

Sincerely,

Lance LeFleur
ADEM Director



Alaska

Department of Environmental Conservation, Division of Water Quality
March 26, 2020 Letter



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental
Conservation

DIVISION OF WATER QUALITY
Compliance & Enforcement Program

610 University Avenue
Fairbanks, Alaska, 99709
Main: 907.465.2100
Fax: 907.451-2187
www.dec.alaska.gov

March 26, 2020

Dear Alaskans,

With COVID-19 mitigation measures changing almost daily, I want to reassure the Alaska public that the Alaska Department of Environmental Conservation (ADEC) remains open for business. We are making COVID-19 related adjustments to our operations to protect your health and that of our staff and ask that you take advantage of the many tools available to help you conduct business with ADEC online, over the phone, or through the mail.

The ADEC, Division of Water (Division) recognizes the need to be communicative and flexible as it relates to wastewater treatment facilities, permit conditions, and compliance during this period of uncertainty.

Operators and permittees should continue to treat wastewater to permitted limits and sample according to permit conditions except in cases where doing so would unduly endanger operators or staff or these actions contradict applicable public health mandates by local, state, or federal agencies. Many wastewater discharges represent a clear human health risk and operators in wastewater treatment facilities still have a duty to comply to the extent they do not unduly endanger themselves, coworkers, or the community they serve. The Division is seeking a safe balance to protect human health from untreated discharges or treatment works failures while supporting efforts to limit the spread of COVID-19 in all communities in Alaska.

The ADEC/Division does not have the authority to waive permit requirements which are derived from the Code of Federal Regulations. If the Environmental Protection Agency (EPA) delegates emergency authority to the ADEC/Division, we will notify permittees accordingly. ADEC retains certain discretionary authority with respect to enforcement and when evaluating noncompliance will consider such force majeure events or other National Emergencies in the context of issued guidance for reasonable precautions to prevent the spread of COVID-19 or in protection of at-risk individuals.

Effective today through June 1, 2020, the ADEC/Division issues this as a No Action Assurance Memorandum on enforcement for qualifying events where compliance with permit requirements would violate guidance on COVID-19. Permittees must continue to self-report noncompliance and to be considered a qualifying event the permittee must maintain documentation which clearly demonstrates the event has a causal relationship with COVID-19. If noncompliance with permit conditions occurs, including, but not limited to sampling, monitoring, effluent limits, flow limits, or minimum treatment, permittees shall document these events using a Non-Compliance Notification (NCN) Form. The NCN policy and procedures are included in every permit in the Standard Conditions. The Noncompliance Form and additional guidance for NCN reporting is available at

Clean Water

<https://dec.alaska.gov/water/compliance/permittee/>. Permittees should explain the circumstances of the event, and if it is COVID-19 related, specify so in comments.

The Department is communicating with the EPA to ensure we remain up to date with current guidance or exemption criteria. We intend to be no more stringent than EPA, but we cannot offer exemptions, extensions, or assurances for enforcement discretion where we lack authority to do so. We intend to use what discretion we have for credibly qualifying circumstances and will follow the lead and work closely with EPA.

If guidance on travel restrictions, social distancing, quarantine or isolation make compliance by June 1, 2020 difficult, the ADEC may extend this No Action Assurance Memorandum for documented qualifying events. Any such extension will be written and provided to you in a similar manner to this notification.

If you have questions, please be assured the Division is still responsive to your phone calls and e-mails. Many of our employees are working remotely to comply with suggestions to help prevent the spread of COVID-19 and remain able to assist you in a timely manner. Please contact us:

Katrina Chambon – Anchorage
Katrina.Chambon@alaska.gov
907.269.7550

Alex Shahrokhi – Fairbanks
Alex.Shahrokhi@alaska.gov
907.451.2172

Jon Wendel - Juneau
Jon.Wendel@alaska.gov
907.465.5364

As the COVID-19 situation continues to evolve, the ADEC/Division may issue additional guidance to address further questions or situations that arise related to water quality requirements and permit compliance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tiffany Larson', followed by a long horizontal line.

Tiffany Larson
Water Quality, Compliance & Enforcement Program Manager

Arizona

March 31, 2020 Memorandum from ADEQ regarding Compliance and Enforcement Implementation during COVID-19.

Arizona Department of Environmental Quality website page - *Continuing ADEQ Operations While Slowing the Spread*: <https://azdeq.gov/COVID-19>

Arizona Department of Environmental Quality (ADEQ)
Memorandum of Compliance and Enforcement Implementation during COVID-19
March 31, 2020

- The ADEQ approach to compliance management has historically focused on compliance assistance and informal enforcement, reserving escalated enforcement and penalties for only the most severe non-compliance.
- On March 26, 2020, the Arizona Governor issued Executive Order 2020-17: Continuity of Work
- On March 26, 2020, the United States Environmental Protection Agency (EPA) issued a memorandum: COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program.
- This table explains ADEQ’s use of compliance and enforcement discretion to implement relief measures for the regulated community in light of COVID-19, Executive Order 2020-17, and EPA’s March 26, 2020 memorandum.

Issue	EPA Memorandum	ADEQ Implementation
General Conditions for Non-compliance Caused by COVID-19	-Facilities should make every effort to comply with environmental regulations. -If compliance not reasonably practicable (1) minimize effects and duration; (2) identify the specific nature and dates of noncompliance; (3) identify how COVID-19 was the cause and the actions taken in response, including best efforts to comply and steps taken to return to compliance ASAP; (4) return to compliance ASAP; (5) document the information, action or condition specified in 1-4.	-Consistent with ADEQ’s compliance management approach. ADEQ will add a requirement for documentation regarding COVID-19 to each informal notice.
Routine Compliance Monitoring and Reporting	-Use existing procedures to report noncompliance; or if none or not practicable, maintain information and make available upon request. -No “catch-up” reporting required if underlying requirement has intervals of less than 3 months. -Other monitoring such as bi-annual or annual should resume ASAP, including conducting late monitoring or submitting late reports. -Facilities should use reporting sections or codes on forms to indicate why sampling/monitoring is not conducted	-Consistent with ADEQ’s compliance management approach. ADEQ will add a requirement for documentation regarding COVID-19 to each informal notice. -ADEQ will accept emailed submissions in lieu of original documents if a facility is unable to provide an original. -ADEQ will accept electronic and scanned signatures for submitted documents.

	-Emailed submissions allowed even if original is normally required.	
Enforcement and Penalties for Compliance Monitoring and Reporting	-EPA does not expect to seek penalties for violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations, where EPA agrees COVID-19 was the cause and the entity has supporting documentation.	-Consistent with ADEQ's compliance management approach. ADEQ will add a requirement for documentation regarding COVID-19 to each informal notice. -ADEQ will continue to provide inspection reports and informal notices that detail deficiencies needing correction.
Operator Certifications	-Certified operators should maintain certifications, but if not practicable, keep experienced operators on the job even if a training or certification is missed.	-ADEQ will implement Executive Order 2020-17, which provides 6 months of deferment for required certification renewals, training, exams, and professional development hours (PDHs). -ADEQ understands that the availability of online courses does not necessitate PDHs if staffing is limited. -ADEQ encourages facilities to keep experienced operators on the job, even when normal certification requirements may not be met.
Enforcement and Penalties for Settlement Agreements	-Use force majeure provisions and notice provisions in agreements when compliance is affected by COVID-19. -Treat agreement compliance monitoring, sampling, lab, training, certifications, and reporting similar to routine compliance monitoring and reporting protocol above. -No stipulated or other penalties for non-compliance with routine agreement obligations such as those listed above, when caused by COVID-19.	-Consistent with ADEQ's compliance management approach. -ADEQ will work with facilities to amend agreement schedules when appropriate.
Facility Operations	-Expectation of continued facility operation that is safe and protects the public and the environment. -If operations create an acute risk or imminent threat to human health or the environment, the facility should notify EPA.	-Consistent with ADEQ's expectations of emitting/discharging facilities and ADEQ's compliance management approach.

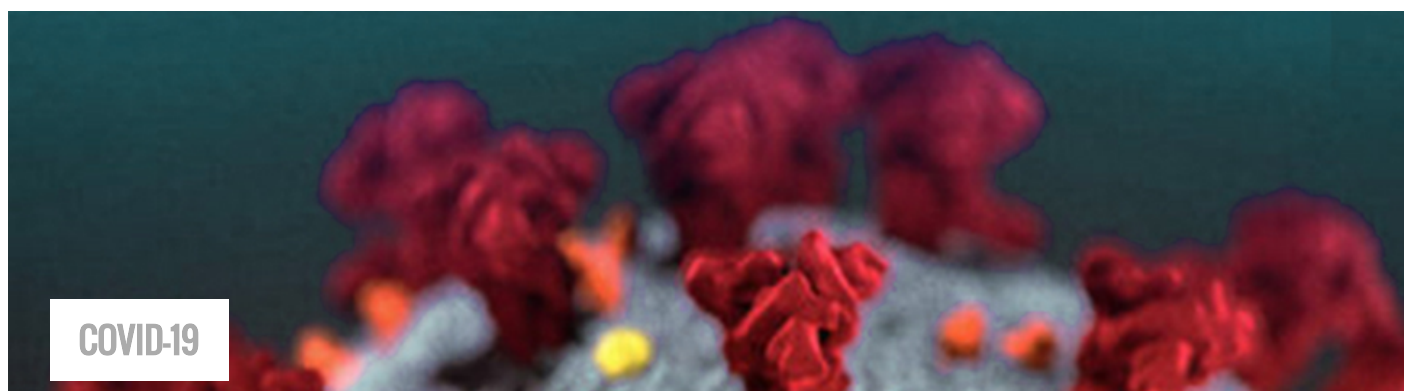
	<ul style="list-style-type: none"> -For exceedances of limitations to air emissions or discharges to water, land disposal or other releases, notify EPA or state/tribe as soon as possible of: pollutant emitted or discharged; comparison between expected emission or discharge and limitation; expected duration and timing of exceedances or releases. 	<ul style="list-style-type: none"> - Permit exceedances that do not pose an acute risk to human health or the environment generally will be addressed through informal enforcement.
Hazardous Waste	<ul style="list-style-type: none"> -If a generator of hazardous waste is unable to transfer waste, store and label, provide notice to EPA, and take steps consistent with general conditions above. -If the above steps are followed, EPA will treat the facility as a generator not a TSD facility, and very small and small generators will retain status. 	<ul style="list-style-type: none"> -ADEQ will align its compliance management approach with EPA. -ADEQ will add a requirement for documentation regarding COVID-19 to each informal notice.
Animal Feeding Operations	<ul style="list-style-type: none"> -If an operation is unable to transfer animals off-site, the operation will not be treated as a Concentrated Animal Feeding Operation (CAFO) or change its existing size status, as long as general conditions above are met. 	<ul style="list-style-type: none"> -Consistent with ADEQs compliance management approach. ADEQ will add a requirement for documentation regarding COVID-19 to each informal notice.
Public Water Systems (PWS) Regulated under the Safe Drinking Water Act (SDWA)	<ul style="list-style-type: none"> -Heightened expectations for public water systems. -Continue normal operations, maintenance and sampling. -If there are worker or lab shortages, the highest priority is monitoring required under the National Primary Drinking Water regulations to protect against microbial pathogens. -Additional priorities are nitrate/nitrite and lead and copper rule monitoring, followed by contaminants for which the system has been non-compliant. -PWS and labs should consult with states immediately if issues arise with delivering safe drinking water and conducting analyses of contaminants. -EPA will consider circumstances when deciding on enforcement response. 	<ul style="list-style-type: none"> -Consistent with ADEQs expectations of public water systems and ADEQ's compliance management approach.
Critical Infrastructure	<ul style="list-style-type: none"> -For essential critical infrastructure, EPA may consider a short-term No Action Assurance on a case-by-case basis, with conditions to protect the public, if it is in the public interest. -Essential critical infrastructure is determined by the Cybersecurity and Infrastructure Security Agency 	<ul style="list-style-type: none"> -ADEQ will address any conditions regarding critical infrastructure on a case-by-case basis.

Inspections	-EPA believes states should use discretion when deciding to conduct routine inspections, to account for safety and health of inspectors and facility personnel.	-Inspections will be prioritized based on citizen complaints, known or imminent threats to human health or the environment, and by risk and compliance history. -Inspectors will adhere to CDC and ADHS recommendations including physical distancing, will minimize interaction with facility personnel, and will accommodate whenever practicable, facility specific concerns.
Accidental Releases	-All entities maintain a responsibility to prevent, respond to, and report releases of oil, hazardous substances, hazardous chemicals, hazardous waste or other pollutants as required by law. -No enforcement discretion will be applied with regard to accidental release responsibility.	-Consistent with ADEQ's expectations of regulated facilities.
Criminal Violations	-Criminal penalties are reserved for violations that are the result of an intentional disregard for the law.	-Consistent with ADEQ's approach.
ADEQ's informal enforcement includes notices of opportunities to correct and notices of violation. During this time of emergency and consistent with ADEQ's compliance management approach, every compliance issue will be documented. In the vast majority of cases documenting will occur in the inspection report, by facility self-reporting, and/or in the notice of opportunity to correct. In cases of compliance issues that create impacts or imminent threats to human health or the environment, notices of violation will be issued with leadership approval. Formal enforcement and penalties will be reserved for the most severe non-compliance. Existing informal and formal enforcement compliance schedules remain in effect.		



SEARCH

GO >

[HOME](#) | [ABOUT](#) | [PERMIT AND COMPLIANCE ASSISTANCE](#) | [PROGRAMS](#) | [ONLINE SERVICES](#) | [MY COMMUNITY](#) | [RECORDS CENTER](#) | [EMAPS](#)[< RETURN TO WELCOME TO ADEQ](#)

Continuing ADEQ Operations While Slowing the Spread

Revised on: April 6, 2020 - 6:14am

ADEQ is continuing to closely monitor the guidance of the Centers for Disease Control and Prevention (CDC) and the Arizona Department of Health Services (ADHS). CDC and ADHS have not recommended the closure of offices, including vehicle emissions testing stations, at this time, but are recommending telework and other alternatives when available.

ADEQ is well-positioned to work outside the office, and our mission to protect public health and the environment remains a priority. ADEQ will continue our vital mission work while also minimizing exposure risk to staff and customers. We remain open for business and ready to serve the people of Arizona.

This page will be updated as needed. Visit the ADHS for updates on COVID-19 in Arizona | [View >](#)

Governor Ducey launched the *Arizona Together* initiative to support Arizonans during the COVID-19 outbreak, connecting individuals and businesses to resources, raising money for community organizations and providing information on volunteer opportunities | [Learn More >](#)

Emissions Testing

Vehicle Emissions Testing Stations remain open. Hours of operation for Testing Stations have changed as of April 1, 2020.

- Vehicle Emissions Testing Stations | [View Locations and Wait Times >](#)
- Vehicle Emissions Control Offices | [View Locations >](#)

During this public health emergency, residents who are 65 and older and have an emissions test due can delay testing for up to one year by acquiring a waiver from ADEQ's Director | [Learn More >](#)

It remains essential that we continue every effort to maintain and improve air quality in the Phoenix and Tucson areas and across the state. Ozone in the air we breathe can be harmful to our health and worsen bronchitis, emphysema, asthma and other respiratory issues — including those symptoms related to COVID -19. On-road vehicles are a primary source of ozone pollution in urban areas where emissions testing is required. While there are a variety of ways that we can protect ourselves from viruses, there is very little we can do to avoid bad air quality.

Vehicle Emissions Inspection testing stations are taking additional precautions to regularly disinfect and sanitize equipment faces, maintain social distances from customers, and reduce the need for inspectors to enter vehicles for testing.

Precautions include:

- Emissions test inspectors are staying at least 3 to 6 feet from customers when possible.
- Customers are instructed to wait in the booth or waiting area during inspections (sitting on the passenger side of the vehicle while the technician is working is no longer permitted).
- Inspectors are washing their hands more frequently.
- Customers are asked to insert and remove credit cards into credit card readers themselves.

Revised testing procedures:

- Customer pulls in and sets the emergency brake.
- Customer steps into the waiting booth or waiting area.
- Inspector performs the On-Board Diagnostic (OBD) test without getting into the vehicle.
- Customer returns to the vehicle to turn the ignition key to the accessory position, so inspector can verify check engine light is functioning.
- Customer then starts the vehicle, allowing the inspector to observe that the check engine light turns off from a safe distance.
- After the OBD test is complete, customer turns off the vehicle and exits to the waiting booth or waiting area.
- When payment is due, customer inserts their credit card and removes after processing.
- Customer returns to their vehicle, and inspector finishes the test process and delivers the vehicle information report.
- During this process, the inspector maintains social distancing protocol of 3 to 6 feet.

Permits and Compliance

ADEQ is aligning with the EPA's memo "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."

- Guidance on ADEQ implementation, Arizona Executive Order 2020-18, and EPA Memo | [Download >](#)
- EPA Press Release | [View >](#)

ADEQ facility inspections and work to issue permits will continue uninterrupted.

Drinking Water

The need to provide healthy drinking water is of utmost importance at all times. ADEQ will continue to be supportive of public water systems and their communities.

EPA Water Utility Resources for the COVID-19 Pandemic | [View >](#)

Arizona's Water Supplies Remain Secure and Resilient, a joint statement from ADEQ, Arizona Department of Water Resources, Arizona Municipal Water Users Association, Central Arizona Project and Salt River Project | [View >](#)

Information related to drinking water and wastewater treatment can be found at:

- EPA's webpage "Coronavirus and Drinking Water and Wastewater" | [View EPA's Page >](#)
- CDC's webpage "Water Transmission and COVID-19" | [View CDC's Page >](#)
- Association of State Drinking Water Administrators webpage "2019 Novel Coronavirus (COVID-19)" | [View ASDWA's Page >](#)

Other ADEQ Services

Report an environmental issue | [Submit Online >](#)

ADEQ's Phoenix office hours of operation remain unchanged. The Southern Regional Office (SRO), located in Tucson, is closed as of April 6, 2020, until further notice.

- Records Management Center | [Make a Records Request >](#)

Events and Meetings

ADEQ events and meetings will be online-only or postponed | [View Events Calendar >](#)

Questions?

[Contact Us >](#)

Arkansas

Arkansas Department of Energy and Environment Enforcement Guidance –
Website: <https://www.adeq.state.ar.us/covid-19/>

March 17, 2020 – Arkansas DEQ Emergency Order of the Director,
DEQ Emergency Order for Licensing programs



ARKANSAS ENERGY & ENVIRONMENT

Arkansas Department of Energy and Environment Enforcement Guidance

Earlier this month, Governor Asa Hutchinson declared a state of emergency for Arkansas, in response to the coronavirus (COVID-19) pandemic facing our state and nation. As a result, a large portion of the workforce has transitioned to telecommuting and other means of remote working, where possible, while others are simply unable to work at this time. The Department of Energy and Environment (E&E) recognizes that businesses all across the state are being impacted by this sudden reduction in the workforce, including many of our regulated entities that require staff to maintain normal operations at their facilities. This difficulty offers a reasonable hardship that must be addressed. To that end, E&E has created an email address for regulated entities that face unavoidable noncompliance situations to request regulatory flexibility and assistance in providing alternative approaches to maintaining compliance, where possible. This may include extending reporting deadlines, consideration of waiving late fees, and exercising enforcement discretion. If an entity has already submitted a request prior to March 30, 2020, there is no need to resubmit as that request is being considered. **It is important to note** that despite the current state of affairs, all regulated entities remain obligated to ensure compliance, to the best of their ability, with all orders, regulations and permit requirements. This is in an effort to continue our mission of protecting the health and safety of all Arkansans and properly administering all energy and environmental programs that we are responsible for maintaining. Regulated entities should email COVID19EE@adeq.state.ar.us with specific information related to enforcement discretion requests. This inbox will be monitored daily and E&E will work diligently to expeditiously review and respond to incoming requests from regulated entities.

The email requests should at a minimum include the following:

- Name of the entity
- Central point of contact for the entity, including an email address and phone number
- Permit number or AFIN number
- Agency by which entity is regulated
- Requested start and stop date for relief
- Specific regulatory or permit requirement that cannot be complied with
- Statement describing the circumstances preventing compliance
- Measures that will be taken to protect public health and the environment during the need for enforcement discretion
- Any additional details or documentation necessary to submit the request

Where alternative compliance options are authorized by E&E, regulated entities must maintain records adequate to document activities related to the noncompliance and details of the regulated entity's best efforts to comply.

Any questions regarding this guidance should be submitted to COVID19EE@adeq.state.ar.us for a response.

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY**

IN THE MATTER OF:

LIS: 20- 137

**Outbreak of Novel Coronavirus
(COVID-19) of 2020**

DATE: March 17, 2020

EMERGENCY ORDER OF THE DIRECTOR

The Director of the Arkansas Department of Energy and Environment, Division of Environmental Quality¹ (DEQ) has determined that emergency conditions exist as a result of the outbreak of novel coronavirus COVID-19 and its impacts on the licensing programs administered by DEQ's regulatory programs: Office of Water Quality, Office of Air Quality, and Office of Land Resources.

Therefore, pursuant to authority provided by Ark. Code Ann. §§ 8-1-202(b)(2)(C) and 8-4-220, the Arkansas Water and Air Pollution Control Act as set forth in Ark. Code Ann. § 8-4-101 *et seq.* and the rules promulgated thereunder; the Director makes the following Findings of Fact and orders the following remedial actions to be taken to remedy the emergency conditions.

FINDINGS OF FACT

1. DEQ administers licensing programs in each of its regulatory programs: Office of Water Quality, Office of Air Quality, and Office of Land Resources. Licensing of environmental professionals is necessary to safeguard the public health and protect the environment.
2. Each DEQ licensing program requires the respective licensees to obtain professional development hours and pay the required licensing fee in order to renew their respective licenses. Many, if not all, training opportunities, including short courses, OSHA HAZWOPER refresher courses, and conferences, have been cancelled due to the outbreak of COVID-19.
3. It is in the interest of public health, safety and welfare, and the protection of the environment that licensees have an extended time to renew their respective licenses in

¹ Pursuant to Act 910 of 2019, the Arkansas Transformation and Efficiencies Act, the former Arkansas Department of Environmental Quality is not the Division of Environmental Quality in the newly created Department of Energy and Environment.

order to ensure that these qualified licensed individuals will be able to continue to provide services to their respective employers in the DEQ-regulated community.

ORDER OF THE DIRECTOR

The Director, on March 20, 2020, orders the following actions be taken:

1. Licensees shall submit their respective license renewal applications and the required license renewal fees within the time required by the respective DEQ-administered license program requirements.
2. For DEQ-administered licensing programs with licenses that expire on or before July 1, 2020, DEQ shall provide an additional six (6) months for Licensees to obtain the necessary professional development hours required to renew their respective licenses. Licensees shall submit documentation of completed professional development hours within ten (10) days of completion.
3. Licenses that fail to submit the proper renewal application, license renewal fee, and documentation of completed professional development hours within the time period set forth in Paragraphs 1 and 2 above, will not be renewed.

Questions or concerns may be directed to DEQ by calling (501) 682-0620.

This Order is effective immediately upon the signature of the Director and shall remain in effect for one (1) year.

DATED THIS 20th DAY of MARCH, 2020


Becky Keogh, DEQ Director



ARKANSAS ENERGY & ENVIRONMENT

April 9, 2020

Darrell Smith
President and Chief Executive Officer
National Waste & Recycling Association
1550 Crystal Drive, Suite 804
Arlington, VA 22202
Via: agermain@wasterecycling.org

Dear Mr. Smith:

I am in receipt of your letter requesting relief from certain regulatory requirements during the COVID-19 public health emergency. I appreciate your input on anticipated disruptions in the management of recycling and solid waste. Your requests for accommodation that fall under the purview of the Arkansas Department of Energy & Environment (E&E) have been reviewed and a response is attached. Also attached is a guidance document to assist with requests for COVID-19 related accommodations, Provisional COVID-19 Enforcement Guidance, and Emergency Order LIS# 20-137, pertaining to DEQ licensing requirements.

Certain accommodations have already been granted pursuant to Governor Hutchinson's Executive Order 20-06 and other emergency powers existing under state and federal law. These can be found online at the DEQ website (<https://www.adeq.state.ar.us/covid-19/>). Out of consideration for statutory and regulatory authority, operational concerns, and adherence to our mandate to protect the environment and public health, most accommodations will be considered on a case-by-case basis, as requested by individual facilities.

Your understanding and cooperation are critical as we work collectively to suppress COVID-19 without losing sight of our vital mission of protecting the environment and prioritizing public health.

Sincerely,

A handwritten signature in cursive script that reads 'Becky W. Keogh'.

Becky W. Keogh
Secretary, Department of Energy & Environment
Director, Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

cc: Abby Blocker, Vice President, State Affairs, NWRA ablocker@wasterecycling.org
Anne Germain, Chief Operating Officer & Senior Vice President, Regulatory Affairs, NWRA

Division of Environmental Quality Response to National Waste & Recycling Association

I. General Information on Regulatory Relief and Enforcement Discretion Pertaining to the COVID-19 Public Health Emergency

The Department of Energy and Environment (E&E) recognizes the importance of flexibility and the limitations that may be experienced by regulated entities during this public health emergency. Out of consideration for statutory authority and federal program authorization, operational concerns, and adherence to our mandate to protect the environment and public health, most accommodations will be considered on a case-by-case basis, as requested by individual facilities.

In many cases, existing procedures can address the needs and concerns of regulated entities. Entities should use existing procedures to submit requests for accommodations and flexibility. Please reach out to your typical contacts in the Office of Air Quality (OAQ), Office of Land Resources (OLR), and Office of Water Quality (OWQ).

If no procedure exists or the appropriate channel is unknown, requests may be sent to the Office of the Secretary at COVID19EE@adeq.state.ar.us. E&E has published a guidance document to assist with these submissions, available here: http://www.adeq.state.ar.us/covid-19/pdfs/Energy_and_Environment_Enforcement_Guidance.pdf.

The Division of Environmental Quality (DEQ) has prepared provisional guidance on enforcement for issues of noncompliance that are verifiably caused by the COVID-19 public health emergency. This document, Provisional COVID-19 Enforcement Guidance, is available at http://www.adeq.state.ar.us/covid-19/pdfs/DEQ_Provisional_COVID-19_Enforcement_Guidance.pdf. It is retroactive to March 17, 2020.

Entities should use existing procedures to report instances of noncompliance. If no such procedure is applicable, the entity should:

- a. Act responsibly under the circumstances in order to minimize the effects and duration of any noncompliance caused by COVID-19;
- b. Identify the specific nature and dates of the noncompliance;
- c. Identify how COVID-19 was the cause of the noncompliance, and describe the decision and actions taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity;
- d. Return to compliance as soon as possible; and
- e. Document the information, action, or condition specified in a. through d. above and submit documentation to DEQ. Documentation should be submitted through your typical contact at DEQ. If you are unsure of where to submit, please contact COVID19EE@adeq.state.ar.us.

Please visit <https://www.adeq.state.ar.us/covid-19/> for continuing updates and guidance.

II. Response to General Compliance Obligations Recommended Accommodations

1. **Hours of service** – Staff shortages and supply limitations may require remaining drivers to work longer hours. Flexibility should be provided to hours of service rules.

Hours of service of waste and recycling pickup is regulated and enforced at the local level, under Arkansas's nineteen Regional Solid Waste Management Districts. Contact information for the RSWMDs can be found here: <https://www.adeq.state.ar.us/sw/programs/rswmd.aspx>.

2. **Hours of operations** – Demand for services could shift if facilities need to close. Open facilities may subsequently be subject to greater demand which could result in the need for expanded hours of operation.

Requests to update the hours of operations of solid waste and recycling facilities will be considered on a case-by-case basis under existing legal mechanisms. Facilities should contact OLR. Please refer to Section I above.

3. **Tonnage limits** – Facilities that are subject to greater demand may receive greater quantities of material. Tonnage limits should be eased.

DEQ is sensitive to changes in markets and staffing that may occur during this public health emergency. Requests to update tonnage limits will be considered on a case-by-case basis under existing legal mechanisms. Facilities should contact OLR. Please refer to Section I above.

4. **Storage times** – Transporting materials out of facilities could be challenged due to availability of staff or supplies. Storage time limits should be eased.

DEQ is sensitive to changes in markets and staffing that may occur during this public health emergency. Requests to update tonnage limits will be considered on a case-by-case basis under existing legal mechanisms. Facilities should contact OLR. Please refer to Section I above.

5. **Disposal bans** – Staff shortages, lack of end markets and in order to meet sorting distance guidance at facilities, recyclables or yard waste may need to be disposed of temporarily. States and/or contractual obligations should provide relief from disposal bans.

DEQ is sensitive to changes in markets and staffing that may occur during this public health emergency. Requests for temporary accommodations related to disposal bans will be considered on a case-by-case basis under existing legal mechanisms. Facilities should contact OLR. Please refer to Section I above.

6. **Compliance timelines** – Regulations or permits often stipulate timelines for completing and/or documenting tasks such as sampling. Staff shortages may result in missed timelines. When delaying these tasks or missing timelines do not hinder remedial measures required to protect the public and the environment, enforcement of these provisions should be suspended. Additionally, when events render it impossible to

complete these tasks without violating other laws or placing people at risk, enforcement of regulatory timelines requirements must be suspended. Simple notification (such as an email) sent by the affected parties to a regulatory agency should be sufficient to document tasks that are delayed.

Although the impact of COVID-19 is nationwide and will continue to grow, Arkansas does not currently have a statewide stay-at-home order and regulated entities continue to operate. It is essential that they do so in a manner that is safe and environmentally responsible, particularly facilities that impact public health.

A blanket extension or reduction is inconsistent with DEQ's statutory and programmatic authority, as well as with our mandate to ensure environmental protection. The DEQ Director has discretion to adjust deadlines, as permitted by law. DEQ may grant requests to extend monitoring, sampling, and testing requirements on a case-by-case basis, under existing legal authority. The applicant should provide the information necessary to grant the extension including the affected source, what testing is required, and when the testing would otherwise be due. The request should be submitted through the applicant's typical process or channel at DEQ. If unsure of who to contact, the applicant follow the E&E request submission guidance document (as located in item 1 above) and submit to COVID19EE@adeq.state.ar.us.

DEQ will consider enforcement discretion for disruptions to operating standards, including requirements such as sampling, which are unavoidable and verifiably caused by the COVID-19 public health emergency. DEQ's Provisional COVID-19 Enforcement Guidance contains steps facilities should take when impacted by this public health emergency, as described in Section I above. A facility should reach out to DEQ as soon as they have reason to believe they may be or may become noncompliant.

No Data Indicator (NODI) Code Z should be used for Discharge Monitoring Reports (DMR) that are noncompliant due to COVID-19. In this circumstance, permittees should submit a report documenting COVID-19 as the cause of noncompliance and follow the instructions provided in the DEQ Provisional COVID-19 Enforcement Guidance.



ARKANSAS

ENERGY & ENVIRONMENT

PROVISIONAL COVID-19 ENFORCEMENT GUIDANCE

DIVISION OF ENVIRONMENTAL QUALITY

This document contains provisional guidance on how the Division of Environmental Quality (DEQ) may respond to instances of noncompliance that are verifiably caused by the COVID-19 public health emergency. We are mindful of the health and safety of the public, our staff, and the staff of regulated entities while maintaining our vital mission to protect the environment. We are also mindful of our collective work to limit the spread of COVID-19 through safe and timely maintenance and operations of facilities that protect public health.

This guidance will apply retroactively, beginning March 17, 2020, the date of Executive Order 20-06. DEQ will assess the continued need for and scope of this temporary guidance and will update it as needed. In order to provide fair and sufficient notice, DEQ will post a notification on <http://www.adeq.state.ar.us/> at least seven days prior to terminating this temporary guidance. DEQ will consider this guidance applicable to actions or omissions that are demonstrably linked to the COVID-19 public health emergency that occur while this guidance is in effect.

The enforcement discretion described in this guidance does not apply to criminal violations or conditions of probation in criminal sentences. Enforcement discretion as provided by this guidance document shall not be afforded to negligent or reckless actors, including those who knowingly or intentionally commit environmental violations and those who violate conditions of probation in criminal sentences, as well as other such 'bad actors.' This guidance also does not apply to activities that are carried out under Superfund and Resource Conservation and Recovery Act (RCRA) Corrective Action enforcement instruments.

I. CIVIL VIOLATIONS

A. General Permit Conditions

1. Entities should make every effort to comply with their environmental compliance obligations.
2. If compliance is not reasonably practicable due to COVID-19, facilities should:
 - a. Act responsibly under the circumstances in order to minimize the effects and duration of any noncompliance caused by COVID-19;
 - b. Identify the specific nature and dates of the noncompliance;

- c. Identify how COVID-19 was the cause of the noncompliance, and the decision and actions taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity;
- d. Return to compliance as soon as possible; and
- e. Document the information, action, or condition specified in a. through d. above and submit documentation to DEQ. Documentation should be submitted through your typical contact at DEQ. If you are unsure of where to submit, please contact COVID19EE@adeq.state.ar.us.

B. Routine Compliance and Monitoring and Reporting

- 1. Entities should use existing procedures to report noncompliance with routine compliance monitoring¹, integrity testing², sampling³, laboratory analysis⁴, and reporting or certification⁵ pursuant to an applicable permit, regulation, or statute. If no such procedure is applicable, regulated entities should report the above-listed noncompliance in accordance with Section I.A.2 above.
 - a. No Data Indicator (NODI) Code Z should be used for Discharge Monitoring Reports (DMR) that are noncompliant due to COVID-19. In this circumstance, permittees should submit a report documenting COVID-19 as the cause of noncompliance and comply with section I.A.2 above.
- 2. DEQ expects facilities to take reasonable measures to resume compliance activities as soon as possible, including conducting late monitoring or submitting late reports.
- 3. DEQ will consider exercising enforcement discretion on a case-by-case basis for violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, and reporting or certification obligations in situations where DEQ agrees that COVID-19 was the cause of the noncompliance and the entity provides supporting documentation to DEQ and notification prior to or as soon as practicable after the non-compliance is anticipated or discovered.

¹ This category may include, for example, CEMS and stack tests, relative accuracy test audits, LDAR monitoring, fence line monitoring, RICE readings and monitoring, tank and piping inspections, assessments, or stormwater inspections.

² This category may include, for example, tank integrity testing for compliance with certain “good air pollution control practices.”

³ This category may include, for example, effluent sampling and testing, influent sampling and testing, and cooling tower sampling.

⁴ This category may include, for example, laboratory holding times and turn-around times.

⁵ This category may include, for example, reports and certifications associated with delayed activities and late reports under permit or other regulatory obligations.

4. If a submission to DEQ requires a “wet” signature of a responsible official or cognizant official, DEQ will accept a digital or other electronic signature. The mere inability to obtain a “wet” signature will not be considered a justification for failure to make a paper submission or certification. For enforcement purposes, DEQ also will accept electronic submissions even if a paper original is required.

C. Consent Administrative Order Reporting and Milestones

1. If a regulated entity anticipates delayed reporting or milestones pursuant to a consent administrative order, the regulated entity should utilize the notice and request for delay procedures set forth in the order.
2. DEQ intends to treat routine compliance monitoring, integrity testing, sampling, laboratory analysis, and associated reporting or certification obligations in the manner described in Section I.B.3 above and will generally not seek stipulated or other penalties for noncompliance caused by COVID-19.

D. Facility Operations

1. DEQ expects all regulated entities to continue to manage and operate their facilities in a manner that is safe and that protects the public and the environment.
2. Facilities should contact DEQ immediately if facility operations impacted by the COVID-19 pandemic may create an acute risk or an imminent threat to human health or the environment.
3. Facilities should take all measures necessary to minimize or prevent the acute or imminent threat to health or the environment from the COVID-19-caused noncompliance. Facilities should report the noncompliance to DEQ in accordance with Section I.A.2 above.
4. If a facility suffers from failure of air emission control or wastewater or waste treatment systems or other facility equipment that may result in exceedances of enforceable limitations on emissions to air, discharges to water, land disposal, or other unauthorized releases, the facility should notify DEQ immediately.

The notification should include the following:

- a. Information on the pollutants emitted, discharged, discarded, or released;
- b. The comparison between the expected emissions or discharges, disposal, or release and any applicable limitation(s); and
- c. The expected duration and timing of the exceedance(s) or releases.

5. If facility operations result in noncompliance not already addressed, regulated entities should take the steps identified in Section I.A.2. DEQ will consider the circumstances, including the COVID-19 pandemic, when determining whether enforcement response is appropriate.
6. If a facility is a generator of hazardous waste and, due to disruptions caused by the COVID-19 pandemic, is unable to transfer the waste off-site within the time periods required under the Resource Conservation and Recovery Act (RCRA) to maintain its generator status, the facility should continue to properly label and store such waste and take the steps identified in Section A.2 above. If these steps are met, as an exercise of enforcement discretion, DEQ will treat such entities to be hazardous waste generators, and not treatment, storage, and disposal facilities. In addition, as an exercise of enforcement discretion, DEQ will treat Very Small Quantity Generators and Small Quantity Generators as retaining that status, even if the amount of hazardous waste stored onsite exceeds a regulatory volume threshold due to the generator's inability to arrange for shipping of hazardous waste off of the generator's site due to the COVID-19 pandemic.

E. Licensing

1. DEQ believes that it is more important to keep experienced, trained operators on the job, even if a training or certification is missed.
2. The Director issued Emergency Order LIS 20-137 in connection with the outbreak of novel coronavirus COVID-19 in Arkansas and its impact on the licensing programs administered by DEQ's regulatory programs.

II. ACCIDENTAL RELEASES

Regulated entities are still responsible for preventing, responding to, and reporting accidental releases of oil, hazardous substances, hazardous chemicals, hazardous waste, and other pollutants.

III. CRIMINAL VIOLATIONS

State environmental statutes generally authorize criminal penalties for knowing conduct that violates the law. DEQ will distinguish violations that facilities know are unavoidable as a result of COVID-19 restrictions from violations that are the result of an intentional disregard for the law.

IV. SELF-DISCLOSURE INCENTIVE PROGRAM

For those violations that are not covered above, regulated entities who voluntarily discover, promptly disclose, expeditiously correct, and take steps to prevent recurrence of potential violations may be eligible for a reduction or elimination of any civil penalties that otherwise might apply. More information on the Self-Disclosure Incentive Policy can be found here: <https://www.adeq.state.ar.us/legal/>.

California

California Water Resources Control Board and the Nine California Regional Water Quality Control Boards published information:

https://www.waterboards.ca.gov/resources/covid-19_updates/index.html

CalRecycle's COVID-19 Resources and Updates:

<https://www.calrecycle.ca.gov/markets/covid-19>

California

From Website: https://www.waterboards.ca.gov/resources/covid-19_updates/

Water Boards COVID-19 Updates

Compliance with Water Board Requirements During the Coronavirus 2019 (COVID-19) Emergency

The State Water Resources Control Board and the nine California Regional Water Quality Control Boards (the Water Boards) are continuing their efforts to protect public health, safety, and the environment consistent with all federal, state, and local public health directives and guidelines related to COVID-19.

Please be aware that timely compliance by the regulated community with all Water Board orders and other requirements (including regulations, permits, contractual obligations, primacy delegations, and funding conditions) is generally considered to be an essential function during the COVID-19 response. As a result, the Water Boards consider compliance with board-established orders and other requirements to be within the essential activities, essential governmental functions, or comparable exceptions to shelter-in-place directives provided by local public health officials.

If there is a specific Water Board order or requirement that cannot be timely met because it would be inconsistent with current governmental directives or guidelines related to COVID-19, the entity responsible for compliance with the Water Board order or requirement must notify the applicable Water Board immediately. The notification shall be via electronic mail to the applicable Water Board using the appropriate email address identified below, and shall include:

- the specific Water Board order, regulation, permit, or other requirement that cannot be timely met,
- the inconsistent COVID-19 directive or guideline,
- an explanation of why the responsible entity cannot timely meet the Water Board order or requirement, and
- any action that the entity will take in lieu of complying with the specific Water Board order or requirement.

Water Board staff will do their best to respond within 24/48 hours.

Please note that more specific directions for certain types of Water Board orders and other requirements may also be provided.

[Home](#) » [Markets](#) » [COVID-19](#)

COVID-19 Resources and Updates

CalRecycle is committed to serving the public during the novel coronavirus (COVID-19) health emergency. CalEPA and CalRecycle are still open for business. We continue to provide our essential services to ensure the safe and proper management of California's nonhazardous solid waste. The health and safety of Californians is our top priority, and we will continue to serve the public by protecting human health and the environment.

For up-to-date state and federal information on the COVID-19 emergency, please check the websites of the [California Department of Public Health](#) and the [Centers for Disease Control and Prevention](#).

Below are resources that CalRecycle has gathered, but makes no endorsement of for accuracy or any specific purpose.

This page will be updated regularly as new information about the impact COVID-19 has on the waste management and recycling industry is made available.

Emergency Waivers for Solid Waste Facilities

Solid waste facilities may need to address changes in operations at facilities that are inconsistent with the permit when there is a declared emergency. California Governor Gavin Newsom in [Executive Order N-25-20](#) proclaimed a State of Emergency on March 12, 2020 as a result of the threat COVID-19. The threat of COVID-19 may have direct and indirect impacts to solid waste facility operations. Please refer to CalRecycle's guidance regarding [Emergency Waiver of Standards](#), as well as [Additional Storage of Recycled Materials at Solid Waste Facilities](#) for assistance in addressing issues that may arise with solid waste facilities during the State of Emergency.

If you have any questions, please contact your [CalRecycle Permitting and Assistance Point of Contact](#).

Guidance for Industry & Local Government

- [Resource Recovery Coalition of California COVID-19 Virus Guidance](#)
- [Solid Waste Industry of North America \(SWANA\) Guidance](#)
- ISRI Member Alert - [Resources for Preventing the Spread of Coronavirus](#)
- Department of Health Services – [Guidance on the Essential Critical Infrastructure Workforce](#) (Public Works Section)
- FMCSA Expanded Emergency Declaration – [FAQs](#) (specific to haulers of household waste) and medical waste

Government Updates

- [Governor Newsom Executive Order N-33-20: State of Emergency](#) (3/19/20)
- Occupational Safety and Health Administration – [COVID-19](#)
- [State of California Coronavirus Website](#)

Medical Waste Handling

- NWRA Healthcare Waste Institute – [FAQs 21019 Novel Coronavirus](#)

- Stericycle - [Regulated Medical Waste and Sharps Packaging Guidance](#)

News

- [Waste Management Service Alerts for California](#) (updated)
- [ISRI Requests National Essential Designation for U.S. Recycling Operations](#) (3/18/20)
- Waste Dive TRACKER- [How coronavirus is disrupting US waste and recycling](#) (updated daily)

Last updated: April 2, 2020

Market Development: <http://www.calrecycle.ca.gov/Markets/>

Contact: Business Assistance bzassist@calrecycle.ca.gov

©1995, 2019 California Department of Resources Recycling and Recovery (CalRecycle)

Colorado

CO Department of Public Health and Environment March 25th Letter:
Requests for Pause on Environmental Regulatory and Policy Work:

https://drive.google.com/file/d/1WPHQ42OAE-9wJRG7_HPaurRkckToG5h8/view

Letter from Department of Public Health and Environment on March 17,
2020



To: Water Quality Control Commission (WQCC)
Air Quality Control Commission (AQCC)
Solid and Hazardous Waste Commission (SHWC)
Water and Wastewater Facility Operators Certification Board (WWFOCB)
Regulated Facilities, Operators, and Partners

From: John Putnam, Director of Environmental Programs, CDPHE

Re: Requests for Pause on Environmental Regulatory and Policy Work

Date: March 25, 2020

The Colorado Department of Public Health and Environment received several letters requesting that the department pause its environmental regulation and policy activities to allow facilities and operators to focus on maintaining critical operations and compliance. The department appreciates all of the work that our regulated facilities, operators, and partners are doing to continue critical operations and protect public health and the environment. The department continues its work of permitting, monitoring, evaluating compliance, and handling requests for special flexibility.

The department has reviewed all of the upcoming regulatory and policy work pending before the environmental boards and commissions to assess how to respond to the requests. The department has evaluated the near-term and long-term public health and environmental impacts of recommending a board or commission delay currently scheduled activities as well as the value of assuring public health, environmental protection and safety at this time of individual and community stress. The department has also considered the ability to effectively participate by sector (energy and utilities, water and wastewater systems, petroleum and natural gas, public works, hazardous materials and local public health), by geographic area (consideration of whether a proceeding has a distinguishable impact to a community with an elevated COVID-19 response effort) and department capacity to successfully perform its duties in these proceedings.

The department has considered where we as a community are today as well as where we as a community may be in the coming months as it relates both to the ability to participate in proceedings, as well as the ability of the regulated community to implement any new requirements that may be adopted by the board or commission. The department has considered the disruption that community members have experienced with schools closing and adjustments to work arrangements and the impact that has on near term deadlines. The department also appreciates the burden of cascading impacts and increased workload to recover from a delay while keeping other activities on schedule.

Due to the complications of delaying all regulatory and policy work for several months, and the importance of assuring public health and environmental protection, at this time the

department intends that the majority of the scheduled regulatory and policy activities continue as planned with the exception of those identified below. The department plans to hold board and commission meetings and hearings remotely via Zoom technology, which allows stakeholders, commissioners, and department staff to continue to make progress on this work while complying with guidance on social distancing and large group gatherings. This technology has been working very well so far to allow for continued, equitable participation in board and commission proceedings. Indeed, we were able to have multiparty prehearing conferences for the Air Quality Control Commission Regulation 22 last week without requests for delay or continuance of the May 2020 hearing.

Based upon our evaluation, the department will recommend the following changes and postponements in response to the need for utilities to focus resources on Covid-19 related response and in recognition of the need to provide additional time for stakeholders that were impacted by school closures and other changes to work accommodations:

- The department will request at the WQCC's April 13 meeting that the WQCC consider a postponement of the Administrative Action Hearing to consider adoption of Policy 20-1, Policy for Interpreting the Narrative Water Quality Standards for Per- and Polyfluoroalkyl Substances (PFAS). The WQCC has waived the March 31, 2020, comment deadline pending the April 13 discussion. The department will recommend that the hearing be rescheduled to July.
- The WQCC extended the deadline for filing an appeal regarding the 401 certification for the Northern Integrated Supply Project from March 31, 2020 to April 15, 2020.
- The department will delay the Request for Hearing for Regulation 7, Natural Gas-fired Reciprocating Internal Combustion Engines from the AQCC's April 16 to June to allow oil and gas operators additional time to work with the Air Pollution Control Division.
- The department will delay the stakeholder process regarding Technologically Enhanced Naturally Occurring Radioactive Material from April 1 to May 4.

The department will continue to assess as the COVID-19 response evolves and will stay in close communication with stakeholders, facilities and operators, and the boards and commissions regarding the appropriate response as the circumstances change. Any additional changes will be posted on our website.

Cc: Garry Kaufman, Director, Air Pollution Control Division
Patrick Pfaltzgraff, Director, Water Quality Control Division
Jennifer Opila, Director, Hazardous Materials and Waste Management Division
Jeff Lawrence, Director, Division of Environmental Health and Sustainability
Trisha Oeth, Director, Environmental Boards and Commissions



COLORADO
Department of Public
Health & Environment

March 17, 2020

Valued industry and performance partners:

Our collective thoughts are with you as we all navigate our interactions and obligations while ensuring the health and safety of our employees and communities during the COVID-19 response. We are providing this communication to update you on what to expect related to our regulatory interactions as this situation develops. Our regulations and daily interactions with you are centered on the prevention of both chronic and acute impacts to the environment and the public that can result from non-compliance. The regulatory requirements remain in place and must be followed. We know that there are already challenges and more to come during the upcoming weeks; contact us immediately if you face compliance challenges due to the COVID-19 response. We will work with you to help maintain compliance, as well as protection of public health, the environment, and your staff.

Though our regulatory obligations continue, the department has made modifications, such as increased remote working and social distancing. Field services and inspection continue; however, we are taking a risk-based approach that considers the near-term and long-term health and safety needs. Where the risk is low, we will continue to perform field services. Where the risk is high, we will be looking at the availability of personal protective equipment and use social distancing practices for the safety of your staff and ours. We appreciate that you may similarly be shifting your operations to support your employees and communities.

The department remains open and is providing our services. Though we have shifted our business practices in response to COVID-19, we are available to you. Please report COVID-19 impacts as you would any other operational or service impact. Please utilize the normal methods of communication. We want to support your continuity of operations. To ensure we all stay informed and adapt to our quickly evolving circumstances, ongoing and continued communication is an imperative.

Our communities have many questions and concerns about COVID-19. Information can be found on the [CDPHE website](#) or the [CDC website](#). Your continued compliance is one more assurance we can provide to help communities hold true as the situation evolves.

Thank you for your commitment to the health and safety of Colorado.

Be well,

John Putnam, Director
Environmental Programs

Jeff Lawrence, Director
Environmental Health and Sustainability Division

Patrick Pfaltzgraff, Director
Water Quality Control Division

Jennifer Opila, Director
Hazardous Materials Waste Management Division

Garry Kaufman, Director
Air Pollution Control Division

Connecticut

Connecticut Department of Energy and Environmental Protection (DEEP)
letter to NWRA stating regulatory flexibility on a case by case basis

Connecticut DEEP April 1st Letter: Extension of Continuous Emissions
Monitoring 1st Quarter Reporting: [https://portal.ct.gov/-
/media/DEEP/COVID-19/CEM--First-Quarter-Reporting-Extension-
final.pdf?la=en](https://portal.ct.gov/-/media/DEEP/COVID-19/CEM--First-Quarter-Reporting-Extension-final.pdf?la=en)

CT Department of Transportation - March 23rd Emergency Declaration

Connecticut

From: Connecticut Department of Energy and Environmental Protection

Sent: Tuesday, March 24, 2020 10:42 AM

Subject: Waste Services

Mr. Changaris:

Thank you for your email submitted on March 19, 2020 on behalf of the members of the CT Chapter of the National Waste and Recycling Association (NWRA) which identifies waiver and suspension actions needed to ensure the provision of waste services during the COVID-19 emergency. We appreciate NWRA and its members identifying actions which it feels are necessary to maintain services and protect the health and welfare of its staff during these extraordinary circumstances.

DEEP has reviewed the recommended actions and we are providing below a response on each action. We are open to providing the industry greater flexibility during this emergency but our authority does not extend to all of the concerns NWRA raises. Where DEEP authority does not exist, we are discussing and coordinating with the Office of the Governor and/ or other governmental agencies to determine the appropriate response or action.

1. Declare the solid waste industry functions an essential service during this emergency:

Subsequent to our conference call on March 18, 2020, DEEP worked with the Office of the Governor to identify solid waste haulers and facilities, including Resources Recovery Facility (RRF) support functions (such as lime, urea and carbon deliveries, ash transport vehicles) as well as contractor and vendor functions which are integral to such operations, as critical services.

On March 20, 2020, Governor Ned Lamont issued [Executive Order No. 7H](#) (EO7H) which restricts nonessential business activity and specifically identifies "essential services including trash and recycling collection, hauling, and processing". EO7H addresses NWRA's primary concern since there is no ambiguity that waste services fall under the Governor's accounting of essential services that are needed to keep critical services running.

2. Priority for personal protection equipment (PPE) for solid waste industry staff:

DEEP has consulted with epidemiology and occupational experts at the CT Department of Public Health and OSHA for guidance. OSHA offers the following guidance: <https://www.osha.gov/SLTC/covid-19/controlprevention.html>. Specifically, the guidance notes:

"Generally, management of waste that is suspected or known to contain or be contaminated with COVID-19 does not require special precautions beyond those already used to protect workers from the hazards they encounter during their routine job tasks in solid waste and wastewater management. Workarisers and employers should manage municipal (e.g., household, business) solid waste with potential or known COVID-19 contamination like any other non-contaminated municipal waste.

Use typical engineering and administrative controls, safe work practices, and PPE, such as puncture-resistant gloves and face and eye protection, to prevent worker exposure to the waste streams (or types of wastes), including any contaminants in the materials, they manage. Such

measures can help protect workers from sharps and other items that can cause injuries or exposures to infectious materials.”

DEEP shares your concerns for protecting the safety of your employees, particularly in light of current PPE shortages. At this time, the Governor’s Unified Command Center (Unified Command), the state’s emergency management network consisting of state agencies and municipal management personnel, are considering and prioritizing the PPE needs of the most essential personnel – the medical service providers who are on the front lines of this crisis such as hospitals, health care providers and first responders.

Given current limitations on PPE supply, it will be helpful to stay in communication about current levels of PPE supply and utilization rates within the solid waste industry; specific types of PPE that may be needed and expected timeframes of need; and the specific types of state assistance that may be requested to ensure continued worker safety in the solid waste industry.

3. Truck weight and hours of service waivers:

While DEEP lacks jurisdiction over this issue, we have shared your request through Unified Command to the CT Department of Transportation for its review. Please note at this time, approval for a waiver for weight limit and times of operation can be sought. Please refer to: <https://portal.ct.gov/DOT/Permits/Highways/New-Overweight-Permits> or contact the Oversize / Overweight (OS/OW) Permit Office at <http://dot.osowpermits@ct.gov/> for additional information.

4. Solid waste facility operation waivers (for various state and local permit and regulatory/statutory requirements):

As you know, solid waste haulers are not regulated by DEEP but rather are required to be registered in the municipalities in which they operate. Solid waste facilities (such as transfer stations, volume reduction facilities, and RRFs) are regulated by DEEP and authorized by permits which specify conditions for operation. DEEP is willing to employ flexibility by relieving certain permit conditions as noted below. With regard to local requirements, DEEP has no jurisdiction over municipal requirements but can advocate for flexibility through the Unified Command network.

a. Facility Days and Hours of Operation:

DEEP’s solid waste facility permits (permits) are site specific and identify specific days and hours for receipt and processing of authorized waste types. DEEP understands that hours and days may need to be extended to ensure operations in the face of such factors as a reduced workforce, changes in collection routes, and an increase in municipal solid waste (MSW) as the state’s workforce has shifted to telecommuting. In lieu of individually-issued permit modifications or through letter exchanges (commonly known as A6 approvals), DEEP is willing to consider authorizing extended hours and days of operation through statewide or sector based temporary and emergency authorizations. However, we will need to better understand the scope and extent of such need to move forward. Please discuss with your members what common needs exist and provide the additional information to DEEP. Requests which are unique to facilities should be submitted to DEEP to Nisha Patel at nisha.patel@ct.gov [with copies to permitting supervisors Frank Gagliardo (frank.g.gagliardo@ct.gov) and Kevin Barrett (kevin.barrett@ct.gov)]. Once received, DEEP will evaluate such need on a case-by-case basis to determine the best approach.

b. Waste receipt and storage limits/conditions:

DEEP is willing to consider modifying as necessary permitted tonnage and volume limits associated with the receipt and storage of waste for waste types impacted by this health crisis (MSW and biomedical waste). DEEP might authorize such changes (using appropriate tools such as approvals, temporary and emergency authorizations) to allow flexibility as appropriate on a state-wide, sector-wide, or individual facility basis. Similar to above, please discuss with your members what common needs exist and provide additional information; requests which are unique to the a facility should submitted to Nisha Patel at nisha.patel@ct.gov [with copies to permitting supervisors Frank Gagaliardo (frank.g.gagliardo@ct.gov) and Kevin Barrett (kevin.barrett@ct.gov)].

c. Relief from filing all DEEP reports, permit compliance audits, renewals and load inspections

In light of the social distancing and non-essential workers staying at home, DEEP is providing flexibility from permit requirements related to compliance audits, audit reports, and load inspections as follows:

- 1) For solid waste facilities that are required by their permits to conduct quarterly compliance audits, DEEP will accept the performance of one semi-annual compliance audit (in lieu of an audit in each of the first two quarters of 2020) on or before June 30, 2020.
- 2) The results of the semi-annual compliance audit noted in subsection 1) above shall be summarized in one Compliance Audit Report in accordance with terms and conditions of the facility permit; and
- 3) The semi-annual compliance audit noted in subsection 1) above shall be submitted by August 30, 2020.

d. Renewal of facility permits

DEEP is assuming the relief sought is related to permit renewal applications which are required to be submitted to DEEP 120 days prior to the permit expiration date. Pursuant to CT General Statute Section 22a-6j, applications submitted later than the 120 day renewal due date are subject to a late fee and can be continued in effect so long as such applications are complete and received prior to the expiration date of the permit. DEEP will work with the Office of the Governor to waive the statutory late fee in the event that permittees and their consultants need additional time to submit a permit renewal application. Please note such applications must be submitted prior to the expiration date of the permit to maintain coverage. The number of solid waste facilities with permits that expire in the coming months is small and we encourage facilities to contact DEEP if there are any questions about their renewal.

e. Load Inspections

During the conference call on March 18, 2020, several NWRA members raised potential exposure concerns regarding subjecting facility staff to on-the-floor load inspections. CT General Statutes Section 22a-220c(b) establishes visual inspection as a minimum standard. The facility permits specify more comprehensive inspection requirements to assure compliance. In light of potential workforce reductions, and as a matter of enforcement discretion, facilities may use equipment operators or other staff to conduct visual inspections for significant cross contamination.

5. Request for DEEP guidance:

We recognize the evolving nature and speed of changes with respect to responses to the COVID-19 emergency and, like you, want to be nimble enough to adjust and respond to those changes. DEEP cannot support or recommend the commingling of MSW and designated recyclable items at the point of generation and/or collection, or the combustion of designated recyclables items. We agree that having clear channels between the waste industry and DEEP to identify and raise issues is key if we want to work quickly and efficiently on solutions. To that end, we encourage you to stay in close contact and continue to bring matters of substantial concern to the attention of Nisha Patel at Nisha.Patel@ct.gov and Gabrielle Frigon at Gabrielle.Frigon@ct.gov.

Thank you for bringing your concerns to our attention and we invite the industry to offer best practices and viable options as it develops and refines its contingency plans so that we can proactively work together during this health crisis.

Yvonne Bolton

Yvonne Bolton
Bureau Chief
Bureau of Materials Management and Compliance Assurance
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
P: 860.424.3629 E: Yvonne.Bolton@ct.gov



**EXTENSION OF CONTINUOUS EMISSIONS MONITORING
1st QUARTER REPORTING
UNDER REGULATIONS OF STATE AGENCIES §§ 22a-174-4(d)(4)-(5),
22a-174-22e(k)(3), and 22a-174-38(l)(2)
DURING THE COVID-19 EMERGENCY**

Pursuant to the authority granted by Governor Ned Lamont's Executive Order 7M, dated March 25, 2020, issued in furtherance of his declaration of a public health emergency and a civil preparedness emergency as a result of the COVID-19 emergency, the Commissioner of the Department of Energy and Environmental Protection (DEEP) is issuing an extension of the current April 30, 2020 deadline to June 1, 2020, in which to comply with the Continuous Emissions Monitoring Reporting.

As stated in the Regulations of Connecticut State Agencies §§ 22a-174-4(d)(4)-(5), 22a-174-22e(k)(3), and 22a-174-38(l)(2) concerning Continuous Emissions Monitoring (CEM), emissions reporting is required for each calendar quarter by regulated businesses. These regulated businesses include fuel burning sources and municipal waste combustors. Specifically, the owner or operator of any CEM equipment shall submit data, including, but not limited to, all pertinent emission data, data that demonstrates compliance with an emission limitation or standards, copy of quality assurance audits, and summaries of all corrective actions taken in response to a failed CEM equipment audit.

While DEEP monitors air quality to fulfill its critical mission to protect public health and the environment, the agency is also cognizant of the impact of the COVID-19 health threat on the public and agency personnel, and the restrictions imposed consistent with the Governor's public health and civil preparedness emergency declaration such as his message to residents to "Stay Safe, Stay Home." Based on this assessment, DEEP considers it necessary to temporarily lessen certain administrative requirements which may be difficult for the regulated community to achieve at this time or disruptive to an effective response to the global pandemic.

DEEP recognizes that the upcoming compliance reporting due date for April 30th may present both a financial and administrative burden to the regulated community during this health threat. In order to provide greater flexibility during this unique event, DEEP is only temporarily extending the submission deadline for the 1st Quarter CEM Report from April 30, 2020, to June 1, 2020.

This action in no way impacts or suspends the requirements of regulated businesses to continue to compile and maintain the emission data, audits, and summaries of corrective action taken as described above. All required monitoring, record keeping, and notification requirements remain in effect during this extension.

Continuous emissions monitoring remains an important tool to assess compliance and/or progress made toward meeting ambient air quality standards. DEEP will continue to follow the situation and notes that additional flexibility may be granted if necessary. This waiver does not supersede any other statute or regulation in effect or under the purview of DEEP related to air emission standards and regulations.

Executed this 1st day of April, 2020.



Katherine S. Dykes, Commissioner of the Connecticut Department of Energy and Environmental Protection



STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546



Office of the
Commissioner

An Equal Opportunity Employer

Emergency Declaration

I, Garrett T. Eucalitto, Deputy Commissioner of Transportation of the State of Connecticut, hereby declare under the authority vested in the Commissioner of Transportation pursuant to Section 13b-26(f) of the Connecticut General Statutes and delegated to me pursuant to a Delegation of Authority executed by Commissioner Joseph Giulietti on February 24, 2020, that an emergency condition exists that demands immediate attention to insure the safe and efficient transport of emergency relief supplies.

As a result of the ongoing COVID-19 pandemic outbreak, President Trump has declared an Emergency under the Stafford Act, and Governor Lamont has declared a civil preparedness emergency and a public health emergency pursuant to Section 28-9 and 19a-131a, respectively, of the Connecticut General Statutes. In order to expedite the transport of emergency relief supplies and equipment, vehicles carrying Divisible Loads will be allowed to receive an Oversize/Overweight permit up to 125% of the current legal limit for a given wheel spacing and axle configuration.

Emergency relief supplies and equipment include, but is not necessarily limited to:

- 1) Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
- 2) Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19;
- 3) Food, paper products and other groceries for emergency restocking of distribution centers or stores;
- 4) Immediate precursor raw materials – such as paper, plastic or alcohol – that are required and to be used for the manufacture of essential items,
- 5) Fuel;
- 6) Equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19.

Dated this 23rd day of March 2020, at Newington, Connecticut.

Garrett T. Eucalitto
Deputy Commissioner
Department of Transportation
State of Connecticut

Florida

Summary of the conference call that occurred on March 18, 2020 between the NWRA FL Chapter and the FL Department of Environmental Protection

Florida

The NWRA FL Chapter sent a letter to Governor DeSantis, Secretary Valenstein and Director Jared Moskowitz (Department of Emergency Management) on March 17th. Karen Moore with DEP contacted the chapter and requested a conference call with the DEP Team to talk about the issues the FL NWRA outlined.

A recap of the FL NWRA call held on March 18th with Kim Walker, Karen Moore, Cory Dilmore & Jim Jarmolowski are as follows:

- Transportation during curfews – DEP believes this is a DOT issue and we agree. When we worked on the issue of curfews a few years ago with the House Hurricane Preparedness Study Committee, NWRA FL Chapter asked if our employees could be considered essential service personnel and be exempted from curfew hours. We proposed that our employees would be dressed in company apparel and have appropriate safety gear with them. We will follow up with DOT and law enforcement on this issue and report back as soon as possible.
- Limitation of hours – DEP regulates hours at permitted facilities but can extend upon request.
- Tonnage limits – according to DEP, there are no tonnage limits for landfills. However, there may be limits at transfer stations and MRFs as well as tipping areas and floors. DEP can grant waiver if requested
- Storage times – as you know recyclable materials may be stored up to one year and yard trash for 18 months. DEP believes they can allow storage in outside areas as long as materials are in enclosed storage and not pucselent (spelling?). Again, DEP can grant waiver.
- Compliance timelines – DEP is in the process of creating an Emergency Final Order from Secretary Valenstein that should address this issue. As soon as it is available, we will send the website link to you.

The Florida DEP waste page can be found here: <https://floridadep.gov/waste-topics>

Georgia

Letter from Georgia Department of Natural Resources, Environmental
Protection Division on March 31, 2020

March 31, 2020

Response to Questions about COVID-19 Implications for EPD's Compliance and Enforcement

On March 26, 2020, USEPA released a memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (Memo) describing USEPA's temporary policy for enforcing environmental legal obligations during the COVID-19 pandemic. The Georgia Environmental Protection Division (EPD) has received several inquiries as to whether EPD will issue an enforcement discretion policy separate from USEPA's Memo. Given the joint enforcement authority that exists for many of EPD's programs and the national scope of the situation, EPD will not issue a separate, detailed, enforcement discretion policy and expects regulated entities to follow the steps specified in the Memo. EPD will apply the framework described in the Memo to State-only programs as well.

EPD continues to provide essential services during the COVID-19 pandemic and expects that regulated entities will meet all federal and state environmental requirements. Likewise, USEPA's Memo does not change compliance obligations for regulated entities. It does, however, provide general conditions upon which enforcement discretion will be considered for violations of certain monitoring, testing, reporting or in-person training requirements. For compliance obligations outside these instances, EPD will continue to evaluate appropriate enforcement action after considering potential harm to human health and the environment, mitigating or equitable circumstances, and the overriding goal of returning a facility to compliance as quickly as possible. Please be aware that the Memo does not alter the terms of consent decrees or court orders and does not relieve any entity from its responsibility to prevent, respond to, or report accidental releases of oil, hazardous substances, hazardous chemicals, hazardous wastes, and other pollutants.

EPD reserves the right to set a different termination date for the policies expressed in the Memo for state enforcement. Notice on the EPD web page will be provided seven days prior to terminating state application of the Memo's guidance.

A copy of the Memo may be found here:

<https://www.epa.gov/sites/production/files/2020-03/documents/oecamemoonccovid19implications.pdf>

Idaho

Idaho Department of Environmental Quality (DEQ) Outline from website:

<https://www.deq.idaho.gov/assistance-resources/covid-19-response/>

Idaho DEQ March 27th Letter Regarding Hazardous Waste:

<https://www.deq.idaho.gov/media/60184055/covid-19-hw-generators.pdf>

Idaho

Idaho Department of Environmental Quality is following the EPA Enforcement Discretion Flexibility Policy Guidelines issued on March 26th, 2020. Facilities may contact their regional/state office in regard to regulatory flexibility on a case by case basis during this time.

Regional and state office contacts can be found here below.

Regional Office: <https://www.deq.idaho.gov/regional-offices-issues/>

State Offices: <https://www.deq.idaho.gov/about-deq/>

Idaho DEQ Website: <https://www.deq.idaho.gov/assistance-resources/covid-19-response/>



March 27, 2020

Dear hazardous waste and used oil handlers,

As we respond to COVID-19, DEQ remains committed to helping you maintain a safe and healthy workplace so you can continue to provide vital services to your customers and communities. You may have questions regarding how to handle various situations, and we will try to address as many of those as we can. The situation is changing rapidly, and we will do our best to keep you as informed as possible. We are also committed to working with regulated entities to provide flexibility where possible.

How should hazardous waste generators, transporters, and treatment, storage, and disposal facilities (TSDFs) respond to COVID-19?

- Use best practices for worker safety, including engineering and administrative controls and personal protective equipment. More information is available at <https://www.osha.gov/SLTC/covid-19/>.
- Plan for possible shortages of personnel or supplies. Identify key personnel and backups.
- Ensure staff is appropriately trained on emergency procedures and applicable contingency plans.
- Contact local emergency management organizations as needed.
- Communicate with customers regarding potential concerns or impacts that may occur.

What is DEQ doing?

- DEQ participates in the state-level emergency response, as directed by the Idaho Office of Emergency Management.
- DEQ compliance officers and permit writers are available via phone or email to provide technical assistance.
- DEQ created a COVID-19 response page and is updating the website regularly (<https://www.deq.idaho.gov/assistance-resources/covid-19-response/>).
- DEQ is evaluating the inspections schedule. If your facility has an inspection this year, DEQ will work with you to ensure it does not impose an undue burden.

What should hazardous waste generators, transporters, and TSDFs do to maintain compliance?

- Continue to follow all applicable hazardous waste regulations and permit requirements to the best of your ability.
- If compliance is not reasonably practicable, handlers should do the following:
 - Act responsibly under the circumstances in order to minimize the effects and duration of any noncompliance caused by COVID-19;
 - Document the specific nature and dates of the noncompliance;
 - Document how COVID-19 was the cause of the noncompliance, and the decisions and actions taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity; and
 - Return to compliance as soon as possible.
- Consult your regional office compliance officer or state office permit officer if you have special circumstances or issues that would affect your ability to maintain compliance.
- Generators should communicate with transporters and disposal facilities to determine if hazardous waste management will be impacted. Notify DEQ as soon as possible if any changes will cause you to be out of compliance.

- Transporters and disposal facilities should communicate operation changes that will impact customers.
- Used oil handlers should also follow the guidelines in this letter.
- Hazardous waste and used oil transportation are considered essential services. Transporters can find up-to-date information on essential services at <https://trucking.org/COVID19>.
- DEQ will work with you to evaluate situations on a case-by-case basis and use enforcement discretion where applicable.

This letter provides a shared understanding of priorities during this emergency but is not authorization to violate statutes, rules, or permits. Contact us if you have questions or concerns about hazardous waste compliance.

The State of Idaho's COVID-19 website provides up-to-date information (<https://coronavirus.idaho.gov>).

For additional information, visit www.deq.idaho.gov, contact your DEQ regional office, or call the Hazardous Waste Bureau at (208) 373-0502.

Boise Regional Office	(208) 373-0550
Coeur d'Alene Regional Office	(208) 769-1422
Idaho Falls Regional Office	(208) 528-2650
Lewiston Regional Office	(208) 799-4370
Pocatello Regional Office	(208) 236-6160
Twin Falls Regional Office	(208) 730-2190

Sincerely,

A handwritten signature in black ink that reads "Natalie Creed". The signature is fluid and cursive, with the first name "Natalie" and last name "Creed" clearly distinguishable.

Natalie Creed
Hazardous Waste Bureau Chief

Illinois

Illinois Environmental Protection Agency summary of communication

Illinois

The Illinois Environmental Protection Agency confirmed on March 30, 2020 that the agency will accept electronic signatures on permit forms during the pendency of the COVID state of emergency declaration, provided hard copy wet signatures are submitted once the emergency declaration is lifted.

Indiana

Indiana Department of Environmental Management (IDEM), April 6th -
Written Correspondence and Electronic Signature Guidance

IDEM notification on enforcement discretion, extension of submission
deadlines, and waiver of specific regulations

IDEM April 2nd Letter in response to Manifest Requirements for Municipal
Solid Waste During COVID-19 Period



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

Written Correspondence and Electronic Signature Guidance

Updated April 6, 2020

In a continuing effort to slow the spread of novel coronavirus (COVID-19), Governor Eric J. Holcomb issued [Executive Order 20-09](#), requiring all government employees whose physical presence in the office is not required, to utilize remote work. In compliance with this order, approximately 95% of IDEM staff are currently working remotely. [Executive Order 20-09](#) also closes access to government buildings to the public, preventing hand deliveries of documents by courier. [Executive Order 20-18](#) extends this order.

To assist IDEM in continuing to provide its customers with prompt attention to all written correspondence, including permit applications and reports associated with compliance, IDEM requests that whenever possible, **all submissions to the agency be made electronically**. Further information on the logistics of submissions appears below.

Where paper copies or wet signatures are required by rule or statute, IDEM will utilize Governor Holcomb's [Executive Order 20-05](#) and [Executive Order 20-18](#) to **extend the deadline for submitting the paper files to May 10, 2020**. Paper submissions will be matched to the electronic copy and deemed received on the date of the electronic submission.

Electronic submissions to the agency should be directed to the email addresses below. Please note, these email addresses are not intended to substitute for pre-existing e-boxes (used for compliance submissions for example) or direct correspondence with IDEM staff. If you have been corresponding directly with an individual IDEM staff member about a particular matter, or have been directed to submit a document to a particular e-box or staff person, please continue to do so:

Office of Air Quality

Permits: AirPermitApps@idem.IN.gov

Compliance Reports: AirCompl@idem.IN.gov

Annual Compliance Certifications AnnualComplCert@idem.IN.gov

Office of Land Quality: OLQ@idem.IN.gov

Office of Water Quality: OWQ@idem.IN.gov

Office of Program Support: ECEnglan@idem.IN.gov

General Correspondence: info@idem.IN.gov

For file transfers above 25MB, please use one of the preferred cloud based sharing sites listed below:

1. [Microsoft OneDrive](#)
2. [Dropbox](#)
3. [Box](#)
4. [Google Drive](#)

Once you have uploaded your large file(s) to one of these sites, you will need to send an email notification to the appropriate IDEM program area mailbox identified above.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

Enforcement Discretion, Extension of Submission Deadlines, and Waiver of Specific Regulations

In response to the novel coronavirus (COVID-19), Governor Eric J. Holcomb's [Executive Order 20-05](#) authorizes state agencies to “waive, suspend, or modify any existing rule of their agency where the enforcement of which would be detrimental to the public welfare during this emergency...” The Indiana Department of Environmental Management (IDEM) is cognizant that some regulated entities may be experiencing difficulties in maintaining normal operations due to reduced workforces at some facilities. IDEM has not identified any regulatory requirements that should be generally waived as a result of workforce impacts due to COVID-19. Rather, all regulated entities are encouraged to take all available actions necessary to ensure continued compliance with environmental regulations and permit requirements to protect the health and safety of Hoosiers and the environment. However, in the instance that noncompliance is unavoidable directly due to impacts from COVID-19, IDEM will exercise enforcement discretion as appropriate.

IDEM encourages the regulated community to communicate with agency staff about anticipated issues meeting compliance obligations. IDEM will work with any source taking reasonable measures to protect human health and the environment. However, IDEM will generally not offer advance approval of noncompliance. Communications about anticipated noncompliance should be sent to appropriate program contacts and include the following:

- Concise statement describing how the COVID-19 outbreak contributes to the anticipated or ongoing noncompliance
- Anticipated duration of the noncompliance
- Citation of rule/permit provision for which enforcement discretion is requested

Regulated entities must maintain records adequate to document activities related to the noncompliance, including details of the regulated entity's best efforts to comply.

[Executive Order 20-05](#) also authorizes IDEM “to extend any non-essential deadline of their agency for a period of no longer than 60 days if deemed necessary to respond to the threat of COVID-19.” Requests for extensions pursuant to this Order should be sent to appropriate program contacts and include the following:

- Concise statement describing how the COVID-19 outbreak contributes to the need for an extension
- Identification of the current deadline and number of additional days requested
- Citation of rule/permit provision for which the extension is sought



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

April 2, 2020

Via Email: wbridges@republicservices.com

Mr. William Bridges, Chapter Chair - Indiana
National Waste and Recycling Association
115 East Ogden Avenue
Naperville, IL 60563

Dear Mr. Bridges:

Re: Manifest Requirements for Municipal
Solid Waste During COVID-19 Period

Thank you for your letter dated March 27, 2020, addressed to Rebecca Eifert Joniskan, Chief, Permits Branch, with recommendations on adjustments to manifest requirements for the management of municipal solid waste during the COVID-19 period. The purpose of the adjustments is to reduce the possibility of exposure of workers to SARS-CoV-2, the virus that causes COVID-19, through the exchange of paper manifests amongst generators, transporters, and receiving facilities.

We have considered your recommendations, and we agree to allow exchange of manifest information by electronic means for wastes generated by facilities subject to the requirements found at 329 IAC 11-15 and 329 IAC 10-20-30 with the following conditions:

- 1) "electronic means" as mentioned above, includes facsimile transmission, e-mail, or transmittal of photos of required manifests or manifest information;
- 2) the information communicated amongst all parties managing the waste must include all information required by 329 IAC 11-15-3, *Manifests required information*;
- 3) those subject to the requirements of 329 IAC 11-15 and 329 IAC 10-20-30 must maintain verifiable documentation of all shipments sent and received; and
- 4) this practice may continue until thirty (30) days after the expiration of State of Indiana Executive Order 20-02, including extensions, at which time those subject to the requirements of 329 IAC 11-15 and 329 IAC 10-20-30 must return to regular compliance with their permits and the applicable rules. Executive Order 20-02 was originally signed by Governor Holcomb on March 6, 2020.

Please note, these adjustments do not relieve you of your duty of comply with other applicable rules and regulations, most notably those that pertain to transportation of wastes.

If you have any questions, please contact Ms. Joniskan at (317) 232-7200 or rjoniska@idem.IN.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Webb". The signature is fluid and cursive, with the first name "Corey" and last name "Webb" clearly distinguishable.

Corey Webb
Deputy Assistant Commissioner
Office of Land Quality

cc: Peggy Macenas (via email peggym@wasterecycling.org)
Patrick Bennett (via email patrick@pkbconsulting.net)

Iowa

Iowa Department of Natural Resources COVID-19 Enforcement and
Compliance Protocol



COVID-19 ENFORCEMENT AND COMPLIANCE PROTOCOL

As of 03/20/2020

The Iowa Department of Natural Resources (Department) is issuing this enforcement and compliance protocol in recognition of the extraordinary circumstances facing the state from COVID-19. Consistent with Governor Reynold's public health proclamation dated March 17, 2020, the Department is attempting to provide some regulatory relief and mitigate the economic effects of business closings and social distancing standards necessary to protect the public's health. To that end, the Department is issuing this protocol in an attempt to balance the need to protect and maintain Iowa's natural resources against the need to protect people from infection. This protocol may be extended if warranted by the on-going pandemic, and it may also be amended at any time.

The Department will be exercising its enforcement discretion in the following manner through April 30, 2020. If persons and regulated entities meet the following criteria and adhere to the applicable directives, the Department will exercise its enforcement discretion by, as appropriate, (1) not seeking administrative penalties for cited violations of law, or by (2) renewing or not seeking to revoke certain licenses, certifications, or permits.

The Department reserves the right to, consistent with law, take any appropriate enforcement action if the terms of this protocol are not followed or if there is noncompliance outside the protocol's scope. Finally, notwithstanding this protocol, the Department reserves the right to take enforcement action for conduct that endangers Iowa's natural resources or the public's health and welfare.

* * *

Solid Waste

567 Iowa Administrative Code chapters 104, 113 - 115; Iowa Code chapter 455B, Division IV, Part I

- I. Continuing Education Unit Requirements for Landfill and Incinerator Certificates
 - A. The Department is extending the upcoming continuing education credits deadline for certification renewal from June 30, 2020 to September 30, 2020. This is warranted due to the cancellation or likely cancellation of conferences and training sessions between now and that credit deadline.
 - B. Questions to Becky Jolly at (515)725-8308, becky.jolly@dnr.iowa.gov
- II. Prohibition on the disposal of Yard Waste at Municipal Solid Waste Landfills
 - A. The prohibition on disposal of yard waste at municipal landfills is suspended. Landfill operators may accept yard waste for disposal if the operator determines doing so is necessary. This is warranted due to likely staff shortages and prioritization of resources to ensure landfills can remain open.
 - B. Questions to Mike Smith at (515)725-8314, mike.smith@dnr.iowa.gov

Animal Feeding Operations

567 Iowa Administrative Code chapter 65; Iowa Code chapter 459

- I. Double stocking of confinement buildings if producers are required to keep animals on-site longer than scheduled
 - A. Producers will be allowed to overstock and not be required to do the following: 1) pay the extra Manure Management Plan (MMP) fees, 2) comply with the construction permitted capacity numbers, or 3) notify the field office of doublestocking.

- B. However, producers will be required to continue to contain all manure and update the MMP if application changes because of the higher levels of manure in the storage structures.
- II. Manure application inconsistent with MMP due to doublestocking
 - A. DNR requests that the MMPs be amended and submitted with the next MMP updates.
- III. Manure applicator certification testing
 - A. Testing at the field offices has been discontinued. Therefore, the certifications for applicators who were previously certified will remain in effect until such time testing is resumed.
 - B. Once testing is resumed, applicators will be given 60 days to become officially certified.
- IV. County signatures needed on MMPs, MMP updates, and Construction Design Statements (CDS)
 - A. With many of the county offices closed, producers may not be able to obtain the required county certification signatures.
 - B. Producers are required to submit the MMP, MMP update or Construction Design Statement on time, but will have 60 days after the county offices reopen to obtain the signatures and submit them to the DNR.
 - C. Producers are encouraged to submit MMP updates through the eMMP program.
- V. Questions to Kelli Book at (515) 725-9572, kelli.book@dnr.iowa.gov

Air Quality

567 Iowa Administrative Code chapters 20 - 35; Iowa Code chapter 455B, Division II, Part I

- I. Construction Permits
 - A. Requirement to conduct stack testing required by an air quality construction permit (not required by federal New Source Performance Standards (NSPSs) or (National Emission Standards for Hazardous Air Pollutants (NESHAPs)) will be extended by 45 days after expiration of this protocol.
 - B. Requirement to start construction within 18 months or complete construction within 36 month of permit issuance otherwise permit will be extended by 45 days after expiration of this protocol.
 - C. Requirements to amend stacks or stack parameters will be extended by 30 days after expiration of this protocol.
 - D. Requirements to add control devices either through judicial orders, compliance plans, construction permits, etc. are not extended, but requests for a variance from a requirement can be made to Brian Hutchins, 515-725-9550, Brian.Hutchins@dnr.iowa.gov
 - E. Other questions can be directed to Sarah Piziali at 515-725-9549, sarah.piziali@dnr.iowa.gov
- II. Compliance
 - A. Method 9 Certifications - Due to lecture class and field certification cancellations, Method 9 certifications that are valid as of March 1, 2020, will be considered valid for up to 6 months after the expiration of this protocol.
 - B. NSPS or NESHAP Stack testing and Reporting deadlines will be extended by 45 days after expiration of this protocol.
 - C. Continuous Emission Monitoring Systems ongoing calibrations will be extended until expiration of this protocol.
 - D. Excess Emission reporting deadlines will be extended until expiration of this protocol.
 - E. Questions to Brian Hutchins at 515-725-9550, brian.hutchins@dnr.iowa.gov
- III. Title V Operating Permits & Emissions Inventories
 - A. Title V Emissions Inventories will be accepted through April 30.
 - B. Title V Semi-Annual Monitoring Reports will be accepted through April 30.
 - C. Title V Annual Compliance Certifications will be accepted through April 30.
 - D. Stack testing required by a Title V operating permit (but not required by federal NSPS or NESHAP) will be extended by 45 days after expiration of this protocol.
 - E. Wet signatures will not be required on any of the following:

1. Title V applications
 2. SLEIS application forms
 3. EASY Air Electronic Subscriber Agreement for EASY Air
- F. Questions may be directed to Lori Hanson at 515-725-9525, lori.hanson@dnr.iowa.gov

Storm Water

567 Iowa Administrative Code chapter 64; Iowa Code chapter 455B, Division III, Part I

- I. General Permit #1
 - A. Permit condition requires monitoring / sampling at an expected frequency. Interruptions in staffing or restricted access to a facility due to the COVID-19 may result in monitoring / sampling not being completed timely. Such facilities are directed to mitigate any environmental impacts during this time, and to resume monitoring / sampling immediately upon staffing availability. Notify the Department upon resumed monitoring / sampling.
- II. General Permit #2
 - A. Permit condition requires permittee to conduct weekly inspections. Interruptions in staffing at sediment control contractors due to the COVID-19 may result in these inspections not being completed timely. Such facilities are directed to mitigate any environmental impacts during this time, and to resume monitoring / sampling immediately upon staffing availability. Notify the Department upon resumed monitoring / sampling.
- III. MS4 Permit
 - A. Permit condition requires permittee to conduct quarterly inspections. Interruptions in staffing at municipalities/universities due to the COVID-19 may result in these inspections not being completed timely. Such facilities are directed to mitigate any environmental impacts during this time, and to resume monitoring / sampling immediately upon staffing availability. Notify the Department upon resumed monitoring / sampling.
- IV. Questions to Ted Petersen at 515-725-0274, ted.peterson@dnr.iowa.gov

Iowa DNR Certified Time of Transfer Program

567 Iowa Administrative Code chapter 69; Iowa Code chapter 455B, Division III, Part I

- I. Certificate renewal
 - A. Certified Time of Transfer Inspectors who do not meet the continuing education credit requirements by March 31 will be allowed to renew their inspector license.
 - B. Any continuing education credits obtained after April 1, 2020 will go towards meeting the continuing education credit requirements for the 2020-2022 certification period.
- II. Questions to Cory Frank at 515-725-8404, cory.frank@dnr.iowa.gov

Wastewater

567 Iowa Administrative Code chapter 64; Iowa Code chapter 455B, Division III, Part I

- I. Monitoring
 - A. Permit conditions require Discharge Monitoring Report / self-monitoring at an expected frequency. Interruptions in staffing or restricted access to a facility due to the COVID-19 may result in these activities not being completed timely. Contact the DNR Field Office (FO) for consultation if flexibility is needed to meet the NPDES permit conditions (i.e. monitoring requirements, reporting requirements, operating conditions, and limited laboratory capacity).
- II. Op Cert Compliance plan
 - A. If a facility's compliance plan includes a set date that is now not achievable due to a postponed test, the plan will be revised with a proposed date of "as soon as testing resumes."
- III. Operator certificates

- A. Exam testing has been postponed indefinitely statewide. Operators may continue to operate facilities with an expired certificate until testing resumes. Once testing is resumed, operators will be given 60 days to become officially certified.

IV. Questions to Ted Petersen at 515-725-0274, ted.petersen@dnr.iowa.gov

Water Supply

567 Iowa Administrative Code chapters 42, 43, and 81; Iowa Code chapter 455B, Division III, Part I

- I. These are the specific areas in Water Supply that may be affected by noncompliance.
 - A. Health-based drinking water standards must be met at all times. Contact the DNR Field Office (FO) for consultation if flexibility is needed to meet the water supply operation permit conditions (i.e., monitoring requirements, operating conditions, corrective action delays, and limited laboratory capacity).
 - B. The public water supply consumer confidence report deadline is being extended from April 1st to July 1st.
 - C. The FO may allow flexibility in operator contingency planning, specifically with the operator-in-charge certification and shift operator certification, for both public water supply and wastewater treatment systems. Contact information in part II below.
 - D. Well Contractors, well drillers, and pump installers who are certified by March 31, 2020, can renew their certification(s) even if they have not earned the minimum number of contact hours.
 - E. On a case by case basis, the Water Supply Operation Section may allow for flexibility with all of the following: the timing of public notice; submission of public notice delivery certification; and with public water supply monthly operation reports submission deadlines. Contact information in part II below.
- II. Contacts in the Water Supply program
 - A. Public water supply operators or their designee shall contact the applicable Field Office or Water Supply Operations staff with any issue. The applicable DNR staff are listed in the cover letters to the sanitary survey and operation permits.
 - B. Well contractors should contact DNR Water Supply Operator Certification or Private Wells staff: Laurie Sharp at 515/725-0284, Laurie.sharp@dnr.iowa.gov or Russell Tell at 515-725-0462, russell.tell@dnr.iowa.gov


Kayla Lyon, Director


V. Joyce Flinn, Director
Iowa Department of Homeland Security and Emergency Management

Kansas

Kansas Department of Health and Environment (KDHE) issued a formal response on March 24th to EPA's COVID-19 policy, stating that it "will continue to implement environmental regulations and permit requirements to the best of their ability. It continued explaining regulatory flexibility on a case by case basis.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

March 24, 2020

To Our Kansas Regulated Community;

In this unprecedented time, please be assured that Kansas Department of Health and Environment (KDHE) is working diligently to prioritize the safety of our communities. A limited number of Division of Environment staff will be working from their residences over the next two weeks to support your facilities.

During this time of reduced staff, KDHE expects the regulated community to continue to implement the environmental regulations and permit requirements to the best of their ability. Environmental laws and requirements do not stop because of this pandemic.

Unforeseen circumstances are difficult. KDHE will provide as much flexibility in these troubling times as possible. If a facility has difficulties implementing any of the environmental requirements that apply to its operations, they should call or notify us by e-mail. We will do everything in our power to work through the issue with them.

We wish you only the best at this critical time. Be safe.

Sincerely,

A handwritten signature in blue ink that reads "Leo G. Henning".

Leo G. Henning
Deputy Secretary and Director of Environment
Kansas Department of Health and Environment

Pc: Dr. Lee Norman, Secretary

Kentucky

Letter from the Secretary of the Energy and Environment Cabinet of the
Department for Environmental Protection on March 26, 2020 to all
Kentucky solid waste management facilities



ANDY BESHEAR
GOVERNOR

REBECCA W. GOODMAN
SECRETARY

**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

TONY HATTON
COMMISSIONER

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601
TELEPHONE: 502-564-2150
TELEFAX: 502-564-4245

EMERGENCY BULLETIN

March 26, 2020

TO: All Kentucky Solid Waste Management Facilities

FROM: Rebecca Goodman, Secretary, Energy and Environment Cabinet

As you are aware, Governor Andy Beshear has declared a State of Emergency in Kentucky related to the COVID-19 pandemic. On March 24, 2020, the National Waste & Recycling Association (NWRA) requested that the Kentucky Department for Environmental Protection (DEP) consider granting relief or flexibility to certain regulations concerning the handling, storage, and disposal of solid waste and recycling materials.

Upon consideration of the request, to maintain services provided by this essential critical infrastructure, having been advised by DEP, I have determined that granting relief and flexibility is necessary and proper to the protection of human health and the environment during this difficult time. Therefore, pursuant to the authority of KRS 39A and the Governor's Executive Orders, during the course of the declaration of a State of Emergency in Kentucky:

- You are hereby authorized to adjust your hours of operation as needed to expedite responsiveness to the emergency. A copy of your facility's modified operating schedule must be emailed to the Division of Waste Management (DWM) at jon.maybriar@ky.gov with a copy to danny.anderson@ky.gov.
- The daily tonnage limit for your facility is hereby waived. Please ensure that all tonnage accepted at your facility is included on applicable tonnage reports and that all applicable fees are collected for the material.
- Storage times for materials delivered to transfer stations and recycling facilities are hereby waived.
- Recyclables and yard waste may be co-mingled for transportation, processing, and disposal.
- Requests for flexibility for compliance timelines for conducting and documenting tasks required by solid waste management facility operating permits will be addressed by DWM as expeditiously as possible. All requests for such flexibility shall be emailed to DWM at jon.maybriar@ky.gov with a copy to danny.anderson@ky.gov.
- All permit and regulatory requirements not expressly addressed in this bulletin remain in effect, including limits on proper operation and total permitted airspace.

Nothing contained in this bulletin shall be construed to excuse a solid waste management facility's obligations with respect to local requirements, including, but not limited to, compliance with local host agreements and local ordinances.

If you have any questions or concerns, please telephone Jon Maybriar at (502)782-6702.

Louisiana

Louisiana Department of Environmental Quality Amended Declaration of
Emergency and Administrative Order

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF
PUBLIC HEALTH EMERGENCY
EVENT NAME: COVID-19**

AGENCY INTEREST NO. 221899

**SECOND AMENDED DECLARATION OF EMERGENCY AND ADMINISTRATIVE
ORDER**

Pursuant to the authority granted to me by Louisiana Revised Statutes 30:2001 *et seq.*, and particularly La. R.S. 30:2033 and 2011(D)(6), I hereby make the following findings, declaration and order, which supersede the previous declarations and orders issued in this matter on March 19, 2020 and March 20, 2020:

FINDINGS AND DECLARATION

1. Beginning on the **11th** day of **March**, a **Public Health Emergency, COVID-19** (hereinafter "**COVID-19**") is expected to adversely impact the citizens of the State of Louisiana, causing a widespread public health emergency within the State of Louisiana.
2. By State of Louisiana Proclamation No. **25 JBE 2020**, Louisiana Governor John Bel Edwards, pursuant to the Louisiana Emergency Powers Act, La. R.S. 29:760, *et seq.*, declared on **March 11, 2020**, that a statewide public health emergency exists in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by **COVID-19**, which has created emergency conditions that threaten the lives and health of the citizens of the State. Moreover, by State of Louisiana Proclamation No. **33 JBE 2020**, Governor Edwards ordered: that all state office buildings are closed to the public, that all gatherings of ten (10) people or more shall be postponed or cancelled, that all individuals within the state of Louisiana are under a general stay-at-home order and are directed to stay home unless performing an essential activity, and further closures of businesses or reduction in operations.
3. This Declaration of Emergency and Administrative Order (hereinafter "Order") shall apply statewide (Emergency Area).
4. I find that **COVID-19** has created or will create conditions that require immediate action to prevent serious threats to life or safety throughout the Emergency Area.

WHEREFORE, I hereby declare that an emergency exists, and that the following measures are necessary to prevent serious threats to life or safety throughout the Emergency Area.

ORDER

Within the Emergency Area:

§1. Public Notice and Public Participation Procedures Regarding Proposed Permit Actions

All scheduled public hearings are postponed until further notice. Accompanying public comment periods will be adjusted accordingly. During this time, public comments will be accepted by LDEQ, preferably via electronic mail or mail.

§ 2. Records Management

Copies of LDEQ documents are usually available online in LDEQ's Electronic Document Management System (EDMS). The EDMS is available at <http://edms.deq.louisiana.gov>.

Additional documents may be available by placing a Public Records Request using the online form at <http://edms.deq.louisiana.gov/prr> or the printable paper form available at <http://deq.louisiana.gov/assets/docs/General/PublicRecordsRequestForm.pdf>. Please contact Records Management with any questions at (225) 219-3171 or publicrecords@la.gov.

§ 3. Late Fees

Due to **COVID-19**, DEQ will not assess any late fees for outstanding invoices beginning March 19, 2020 until the expiration of this Order. The Department's Staff is working from home as much as possible and will continue to process and post customer payments for any outstanding invoices. Resumption of the assessment of late fees will begin when declared by the Secretary.

Any invoices that are typically mailed during March or April will be uploaded to our website <http://deq.louisiana.gov/page/invoices-accounts-receivables> and may be paid online via credit card or e-check at <https://business.deq.louisiana.gov/Payments>, or via

check. If you are paying via check, please print a copy of your invoice and mail the coupon portion along with your payment to our Lockbox at PO Box 733676, Dallas, TX 75373-3676.

Waste Tire Generators, shall continue to submit your monthly waste tire reports by the 20th of the month following the month in which the tires were sold. No late report or payment fees will be assessed for the February 2020 (due 3/20/2020) or March 2020 (due 4/20/2020) reports. Depending on the duration of the public health emergency, additional months may be added to this waiver.

§ 4. General Conditions

a. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

b. This Order only serves as relief for the duration of this Order from the regulatory and proprietary requirements of the Department, and does not provide relief from the requirements of other federal, state, and local agencies. This Order therefore does not negate the need for the property owner or facility operator to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of those agencies.

§ 5. General Limitations

The Department issues this Order solely to address the emergency created by **COVID-19**. This Order shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this Order.

§ 6. Electronic Submittals to the Department for Permitting

The use of LDEQ's physical drop box remains the preferred method for submitting permit applications or other permit application related materials. However, the Department will accept electronic submittals for the duration of this Order. Hard copies shall be submitted to the Department within thirty (30) days of the expiration of this Order. Failure to submit hard copies may result in a suspension or revocation of the permit action. Email submittals are the preferred method of electronic submittals. If the file size exceeds 10 MB, please utilize LDEQ's Dropoff Application process. Appendix A provides guidance as to how electronic submittals should proceed for the duration of this order.

The Department will also accept DocuSign and other e-signatures from responsible officials during this time until the expiration of this Order.

Finally, the Department will accept online payments via the Department's Business Website <https://business.deq.louisiana.gov/Payments> in lieu of checks.

§ 7. Motor Fuel Trust Fund Eligibility and Reimbursement

Motor Fuel Trust Fund Eligibility and Reimbursement applications can be mailed to Trust Fund Section, Financial Services Division, Trust Fund Section, P. O. Box 4303, Baton Rouge, LA 70821-4303. However, the Department will accept electronic submittals of the applications and supporting documentation for the duration of this Order. Hard copies of the applications and signed affidavits shall be submitted to the Department within thirty (30) days of the expiration of this Order. Failure to submit hard copies may result in the Department seeking recovery of any reimbursements made based upon the electronic submittal. Email is the preferred method of electronic submittals to MFTF@la.gov. If the file size exceeds 10 MB, please utilize LDEQ's Dropoff Application process. Appendix B provides guidance as to how electronic submittals should proceed for the duration of this Order.

§ 8. Other Authorizations Required

Nothing in this Order shall eliminate the necessity for obtaining any other federal, state, or local permits or other authorizations that may be required.

§ 9. Extension of Time to Comply with Specified Deadlines

For facilities regulated by the Department in the Emergency Area, this Order extends the time for a period of thirty (30) days to comply with the following specified deadlines that occur between **March 19, 2020**, and the expiration of this Order:

- a. The time deadlines to report periodic monitoring or to submit other reports required by permits, regulations, other authorizations, enforcement actions, or settlement agreements, except for monitoring required by air permits issued under Title IV or V of the Clean Air Act, under the PSD program, or any other federal Clean Air Act requirement, only insofar as a facility does not have appropriate personnel available due to **COVID-19**;
- b. The time deadlines to conduct periodic monitoring required by permits, regulations, other authorizations, enforcement actions, or settlement agreements, except

for monitoring required by air permits issued under Title IV or V of the Clean Air Act, under the PSD program, or any other federal Clean Air Act requirement, only insofar as a facility does not have appropriate personnel available due to **COVID-19**. Documentation must be maintained and made available to the Department upon request;

c. The time deadlines to file an application for renewal of an existing permit, except for air permits issued under Title V of the Clean Air Act. All renewal applications shall be submitted no later than the expiration date of the existing permit.

This order does not suspend emergency reporting requirements under the regulations or permit requirements.

In light of personnel and technical difficulties related to **COVID-19**, Title V Semiannual Monitoring and Deviation reports and Annual Compliance Certifications, which are ordinarily required to be submitted on March 31st of the calendar year, shall be submitted no later than May 1, 2020. To the extent that such reports can be submitted to the Department by the March 31st deadline, the Department maintains the capability to physically receive the reports.

To the extent that any reports are to be submitted to the United States Environmental Protection Agency (USEPA), they should be submitted in accordance with the directions provided in “COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program,” issued by the USEPA on March 26, 2020 or any further USEPA guidance on this point.

§ 10. Completion of Authorized Activities

All activities authorized under this Order must be commenced before the expiration of this Order unless otherwise provided in an authorization or permit. The deadline for commencement under any authorization or permit issued under this Order may be extended on a showing that contractors or supplies are not available to commence the work, or if additional time is needed to obtain any required authorization from the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, or other local, state, or federal agencies.

§ 11. Amendments

This Order may be amended as required to abate the emergency.

§ 12. Expiration Date

This Declaration of Emergency and Administrative Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire at midnight on the thirtieth day after the date of execution set forth below, unless modified or extended by further order.

DONE AND ORDERED on this 27th day of March, 2020, in Baton Rouge, Louisiana.



Dr. Chuck Carr Brown
Secretary

APPENDIX A

GUIDANCE PROTOCOL FOR ELECTRONIC SUBMITTALS TO THE DEPARTMENT AND ONLINE PAYMENTS RELATED TO PERMITTING

The following protocol is intended to assist the regulated community in electronic submittals to the Department related to permitting for the duration of this Order.

To the extent possible and to assist the Department during this time, please submit files as one PDF file (i.e. please try to convert any Word or Excel files to PDF). This will assist the Department with processing any documentation you are submitting and alleviate any potential loss of documentation.

The preferred method of electronic submittals is via electronic mail. Below you will find the appropriate contacts for submitting documentation below 10 MB file size via email.

To submit large file size documents (over 10 MB), please follow these instructions to utilize LDEQ's Dropoff Application. Should you need to submit a large file to the Department, please begin by sending an email to one of the designated contacts below to request that a Dropoff Link be sent to your email or a specified email account. The appropriate contact listed below will generate a link to LDEQ's Dropoff Application for you to upload your documents. This link will be active for three (3) days, so please promptly upload your documents. The assigned contact below will then download the documents, confirm receipt of the documents via email (although an automatic email should be generated by the system), and route them to the appropriate party for processing at the Department.

Due to the increased use of LDEQ's server, large file size documents should preferably be submitted before 8am or after 6pm.

Moreover, LDEQ will be accepting electronic payments for permit fees at this time in lieu of checks. Please consult <https://business.deq.louisiana.gov/Payments> for further instruction. If you have any issues with online payments please contact Elizabeth Dequeant at Elizabeth.Dequeant@LA.GOV.

Contact Information for LDEQ's Permit Application and Administrative Review Group (PAAR):

If you have questions regarding these procedures please contact Kaylee Fontenot, PAAR Group Supervisor, at Kaylee.Fontenot@LA.GOV.

Air Permits – airpermitapp@LA.GOV

Water Permits (including biosolids) – waterpermitapp@LA.GOV

Waste Permits (including waste tire) – wastepermitapp@LA.GOV

Expedited Permit Applications – expeditedpermit@LA.GOV

NOC-1 Forms – noc1@LA.GOV

FAC Update – facupdate@LA.GOV

APPENDIX B

GUIDANCE PROTOCOL FOR ELECTRONIC SUBMITTALS TO THE DEPARTMENT RELATED TO THE MOTOR FUEL TRUST FUND ELIGIBILITY AND REIMBURSEMENT APPLICATIONS

The following protocol is intended to assist the regulated community in electronic submittals to the Department related to the Motor Fuel Trust Fund Eligibility and Reimbursement Applications for the duration of this Order.

To the extent possible and to assist the Department during this time, please submit files as one PDF file (i.e. please try to convert any Word or Excel files to PDF). This will assist the Department with processing any documentation you are submitting and alleviate any potential loss of documentation.

The preferred method of electronic submittals is via electronic mail to MFTF@la.gov.

To submit large file size documents (over 10 MB), please follow these instructions to utilize LDEQ's Dropoff Application. Should you need to submit a large file to the Department, please begin by sending an email to one of the designated contacts below to request that a Dropoff Link be sent to your email or a specified email account. The appropriate contact listed below will generate a link to LDEQ's Dropoff Application for you to upload your documents. This link will be active for three (3) days, so please promptly upload your documents. The assigned contact below will then download the documents, confirm receipt of the documents via email (although an automatic email should be generated by the system), and route them to the appropriate party for processing at the Department.

Due to the increased use of LDEQ's server, large file size documents should preferably be submitted before 8am or after 6pm.

Contact Information for LDEQ's Motor Fuel Trust Fund Eligibility and Reimbursement Group:

If you have questions regarding these procedures please contact Jeffrey Baker at Jeffrey.Baker@LA.GOV. Otherwise, please send all requests for links to the LDEQ Dropoff Application to MFTF@la.gov.

Maine

March 26th Executive Order regarding regulatory flexibility for recycling and solid waste facility operation hours enforced by the Department of Environmental Protection



OFFICE OF
THE GOVERNOR

NO. 24 FY 19/20
DATE March 26, 2020

**AN ORDER REGARDING RECYCLING
AND SOLID WASTE FACILITY OPERATING HOURS
ENFORCED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, I proclaimed a state of emergency on March 15, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the many different effects of COVID-19; and

WHEREAS, the governor's emergency powers expressly include under 37-B M.R.S. §742(1)(C)(1) and §834 the authority to suspend the enforcement of statute and agency rules inconsistent with emergency management; and

WHEREAS, facilities that manage wastes in Maine are essential to protecting public health and the environment and, due to physical distancing recommendations, these facilities may need to operate outside of their licensed operating hours to adequately staff ongoing operation; and

WHEREAS, municipal solid wastes may be a pathway for infectious disease and facilities that utilize employees to physically sort recyclable materials have a higher risk of exposing their employees to COVID-19 on the materials they handle; and

WHEREAS, Maine's solid waste management hierarchy at 38 MRS §1302 and §2101 prioritizes recycling, then waste to energy, and finally land disposal for management of wastes; and

WHEREAS, Maine's licensed waste to energy facilities can process municipal solid waste without employee exposure, produce renewable energy as defined at 35-A MRS §3210, and can reduce the volume of wastes ultimately disposed in landfills by 90%; and

WHEREAS, incineration of municipal solid waste has a demonstrated effect of eliminating pathogens and other infectious agents; and

WHEREAS, this Order is necessary to support safe management of municipal solid waste through continued operation of licensed solid waste facilities and by protecting limited landfill capacity from unnecessary disposal of recyclable materials; and

WHEREAS, this Order will provide flexibility for licensed facilities to establish alternate work schedules for employees to implement physical distancing measures;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to the provision referenced above, do hereby Order as follows:

I. APPLICATION

The provisions in Section II of this Order apply to activities undertaken by:

- A. persons who have an active license to operate a solid waste facility under 38 M.R.S. §1310-N; and
- B. municipalities required under 38 M.R.S. §2133 to demonstrate reasonable progress toward meeting the State's recycling goal.

II. ORDERS

- A. Enforcement of daily time of operation and day of the week restrictions in solid waste facility licenses issued under 38 M.R.S. §1310-N shall be suspended until 30 days following the termination of the state of emergency.
- B. The use of waste paper, waste plastics, waste wood, including wood from demolition debris, used motor vehicle tires or corrugated cardboard as a fuel in Maine waste-to-energy facilities for the generation of electricity shall constitute recycling for the purposes of determining whether the annual recycling goals in 38 M.R.S. §2132 are met and for determining municipal progress as provided in section 38 M.R.S. §2133 until January 1, 2021.

All other pertinent statutes and regulations still apply.

II. EFFECTIVE DATE

The effective date of this Order is March 26, 2020.


Janet T. Mills
Governor

Maryland

Maryland Department of the Environment (MDE) website publication,
stating regulatory flexibility on a case by case basis.

<https://mde.maryland.gov/Pages/MDE-COVID-19-Update.aspx>

Maryland

MDE COVID-19 Update

BALTIMORE, MD—In response to Governor Larry Hogan's [unprecedented actions](#) taken to mitigate the spread of COVID-19, the Maryland Department of the Environment (MDE) is implementing policies to limit in-person transactions and safeguard the health of its employees, stakeholders and the general public.

All non-emergency essential MDE employees will be teleworking until further notice. During this time, MDE staff will continue to be available by phone and email.

Additionally, MDE's central office in Baltimore City will be open only for pre-established appointments. Information and updates on meetings will be posted on the [department's website](#) and social media accounts ([Facebook](#), [Twitter](#)) as they become available.

As part of the state's strong response to COVID-19, Governor Hogan issued an [executive order](#) providing a grace period for any state licenses, permits and/or registrations that may be expiring or up for renewal during the state of emergency. Renewal deadlines will be extended up to 30 days after the state of emergency is lifted. More information will be provided later by your MDE program contacts. All mission-critical emergency response, field inspections and site visits necessary for the protection of public health and the environment will continue.

This is a rapidly evolving situation, and the department will continue working hard to maintain normal operations as much as possible. Any questions regarding specific programs or services provided by MDE should be sent to editor.mde@maryland.gov.

For more information on the statewide response to COVID-19, please visit governor.maryland.gov/coronavirus.

Massachusetts

Massachusetts Department of Environmental Protection email to regulated community, Subject: COVID Waste Industry Call w/DEP Regulators

Massachusetts

FROM: MA DEP TO REGULATED COMMUNITY

Subject: Re: COVID Waste Industry Call w/DEP Regulators

As promised - here are the points of contact for solid waste issues. Steve, if you could distribute more broadly that would be appreciated.

COVID-19 - MassDEP Solid Waste Response

MassDEP wants to remind recycling facilities, transfer stations, landfills and municipal waste combustion operations to report any issues or problems that may impact operations. MassDEP can work collaboratively and provide authorizations to facilities to ensure adequate capacity exists to manage these materials. This would include adjustments in operating hours, daily/annual capacities, storage limits, waste ban waivers and any other operations concerns or issues. Approvals from MassDEP must be received prior to any alterations of activities. Below are the appropriate contacts. All staff are checking voice-mail and email regularly. Obviously, if there are urgent issues I can be reached on my cell at 617-571-6782

Waste Ban Waivers

John Fischer – john.fischer@mass.gov 857-488-0012

Joshua Cook – Joshua.cook@mass.gov 617-292-5619

Sean Sylver – sean.sylver@mass.gov 617-292-5747

Regional Solid Waste Section Chiefs – contacts below

Solid Waste Facility Issues – Contact Regional Solid Waste Section Chief

Northeast – Mark Fairbrother mark.fairbrother@mass.gov 978-694-3298

Southeast – Mark Dakers mark.dakers@mass.gov 508-946-2847

Central - James McQuade james.mcquade@mass.gov 508-767-2759

Western - Dan Hall daniel.hall@mass.gov 413-755-2212

Michigan

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Establishes Process for Handling Enforcement
Discretion Due to COVID-19: <https://www.michigan.gov/egle/0,9429,7-135-523592--,00.html>

EGLE March 26th Notice Regarding Operation During the COVID-19 State
of Emergency for Businesses that Handle Compost, Recyclables, Solid
Waste, Scrap Tires, E-waste, or Organic Materials:
<https://content.govdelivery.com/accounts/MIDEQ/bulletins/2835123>

EGLE Notice to Hazardous Waste handlers regarding operation during
COVID-19 Michigan State of Emergency

EGLE Establishes Process for Handling Enforcement Discretion Due to COVID-19.

EGLE recognizes that Governor Gretchen Whitmer's actions to sustain and protect life by reducing the spread of COVID-19, including her state of emergency declaration and Stay Home, Stay Safe order, may require some regulated entities to deviate from normal business operations.

During the COVID-19 response, regulated entities are expected to maintain compliance with environmental regulations and permit requirements to protect Michigan's environment and public health. EGLE understands that disruptions to standard operations may create challenges for regulated entities to meet some legal obligations.

To address these challenges, EGLE has established an email box (EGLE-EnforcementDiscretion@mi.gov) to accept requests for regulatory flexibility from entities who face unavoidable noncompliance directly due to the COVID-19 emergency. In response to those requests, EGLE may consider extending reporting deadlines, waiving late fees, and otherwise exercising enforcement discretion.

Requests must include:

- The specific regulatory requirement in question, including identification of any permit, order, or agreement that applies to the entity's obligations;
- A concise statement describing the circumstances preventing compliance and how the compliance issue is impacted by the COVID-19 response;
- The steps taken to avoid the compliance issue, including whether you contacted EGLE for assistance and why the compliance issue was not reasonably avoidable;
- The anticipated duration of the compliance issue and whether it may create an acute risk or imminent threat to human health or the environment (but emergency situations should be reported to the PEAS Hotline at 800-292-4706);
- Mitigative measures planned to protect Michigan's environment and public health during the period in which the requirement cannot be met; and
- A central point of contact for the regulated entity, including an email address and phone number.

Requests made to EGLE-EnforcementDiscretion@mi.gov will be monitored continuously during regular business hours. EGLE will work diligently to review and respond to requests in a timely manner.

Where alternative compliance options are authorized by EGLE, regulated entities must maintain records adequate to document activities related to the noncompliance and details of the regulated entity's best efforts to comply.

A request to the enforcement discretion inbox that clearly identifies an applicable permit, order, or other agreement with compliance obligations will meet the notice or reporting requirements for noncompliance in those governing documents provided the request meets any timing and substantive requirements of the relevant governing document.

As has always been the case and regardless of the method of submittal, requests for regulatory flexibility are subject to state Freedom of Information Act provisions. These records can be made available by emailing egle-foia@michigan.gov.

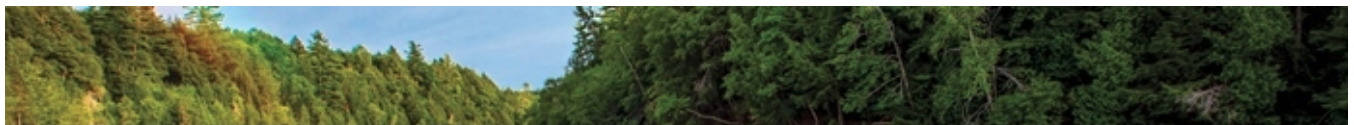


MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



EGLE Notice Regarding Operation During the COVID-19 State of Emergency for Businesses that Handle Compost, Recyclables, Solid Waste, Scrap Tires, E-waste, or Organic Materials

Michigan Department of Environment, Great Lakes, and Energy sent this bulletin at 03/26/2020 12:07 PM EDT



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



**Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Notice to Businesses that Transport, Collect, Store, Handle, Process, Recycle, Compost, or
Dispose, Solid Waste, Scrap Tires, E-waste, or Organic Materials, Regarding Operation**

During the COVID-19 Michigan State of Emergency

You are receiving this notice because our records indicate that your business transports, collects, stores, handles, processes, recycles, composts, or disposes, solid waste, E-waste, organic materials, or scrap tires, from municipalities, residences, businesses, or facilities in Michigan. Waste and materials management activities are deemed essential and necessary activities. These activities return needed raw materials to the supply chain with materials necessary to support the response. Waste materials should routinely be moved from points of generation to secure recycling, treatment, and disposal facilities.

The Materials Management Division (MMD) of EGLE is aware that sites may be experiencing an impact due to a reduced workforce, which may make it difficult to maintain normal operations. We are encouraging waste and materials management businesses to proactively plan for the possibility that normal waste and materials management practices may be interrupted.

All regulated businesses are encouraged to take actions necessary to ensure compliance with environmental regulations and requirements to protect public health, safety, and the environment.

Sites that collect, store, handle, process, recycle, or dispose of solid waste, E-waste, organic materials, or scrap tires need to plan and be prepared for management of these materials during the State of Emergency, to minimize the risks associated with extended storage times, excess volumes, and proper containment of the materials, to prevent contamination risks to employees and the public.

However, in the instance that noncompliance is unavoidable directly due to impact from the COVID-19, please contact the staff listed below to talk with MMD staff about requests for potential regulatory relief. You will be asked to provide an email with specific information related to request(s) including:

- Facility name, address, and contact information.
- A concise statement supporting any request for regulatory relief.
- Anticipated duration of need for regulatory relief.
- A description of the regulatory relief that is being requested (i.e., collection/storage practices, treatment modifications, increased storage time, etc.).
- The business must maintain records adequate to document activities related to the regulatory relief, including details of the business' best efforts to comply with the existing requirements.

Additional information, such as photo documentation may also be requested.

Decisions on specific alternatives will be made as the response evolves, to maintain effective and efficient use of infrastructure to move material and protect public health.

Personal protective equipment and practices to prevent Covid-19 transmission should continue to be employed. Workers should:

- Use personal protective equipment.
- Maintain social distancing.
- Regularly wash hands and disinfect surfaces and equipment.

If you have any questions or need to request regulatory relief, please contact:

Solid Waste: Ms. Rhonda Oyer, Manager, Solid Waste Section (SWS), MMD, at 517-897-1395 or OyerR@Michigan.gov, Ms. Margie Ring, Statewide Solid Waste Engineering Specialist, SWS, MMD, EGLE, at 517-290-6125 or RingM@Michigan.gov; or Mr. Jim Arduin, Statewide Solid Waste Geological Specialist, SWS, MMD, EGLE, at 517- 614-7434 or ArduinJ@michigan.gov.

Recycling: Mr. Matthew Flechter, Recycling Market Development Specialist, Sustainability Section, MMD, EGLE, at 517-614-7353 or FlechterM@Michigan.gov; or Mr. Robert Jackson, Assistant Division Director, MMD, EGLE, at 517-930-6163 or JacksonR20@Michigan.gov.

Organic Materials Composting: Mr. Aaron Hiday, Compost Program Coordinator, Sustainable Materials Management Unit (SMMU), SWS, MMD, EGLE, at 517-282-7546 or HidayA@Michigan.gov; or Mr. Duane Roskoskey, Waste Characterization Specialist, SWS, MMD, EGLE, at 517-582-3445 or RoskoskeyD@Michigan.gov.

Electronic Waste: Mr. Steve Noble, Electronics Program Coordinator, SWS, MMD, EGLE, at 517-449-6153 or NobleS4@michigan.gov; or Mr. Jeff Spencer, Supervisor, SMMU, SWS, MMD, EGLE, at 517-281-4411 or SpencerJ3@Michigan.gov.

Scrap Tires: Ms. Kirsten Clemens, Scrap Tire Program Coordinator, SMMU, SWS, MMD, EGLE, at 517-614-7431 or ClemensK@Michigan.gov; or Mr. Jeff Spencer, Supervisor, SMMU, SWS, MMD, EGLE, at 517- 281-4411 or SpencerJ3@Michigan.gov.

For additional information regarding COVID-19 and the Emergency Order, please see:

- Governor Whitmer's "Stay Home, Stay Safe" [Executive Order 2020-21](#).
- The federal Cybersecurity and Infrastructure Security Agency (CISA) [guidance](#) on identification of critical infrastructure workers,
- The Governor's [Frequently Asked Questions](#) that accompany EO 2020-21, and
- Michigan.gov/coronavirus.



Questions?
[Contact Us](#)
Ph: 800-662-9278



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



Michigan Department of Environment, Great Lakes, and Energy (EGLE) NOTICE to Hazardous Waste handlers regarding operation during COVID-19 Michigan State of Emergency

You are receiving this notice because our records indicate your site handles hazardous waste.

The Materials Management Division (MMD) of EGLE is aware that sites may experience impacts from a reduced workforce necessary to maintain normal operations. We are encouraging sites that manage hazardous and other waste to proactively plan for the possibility that normal waste management practices may be interrupted. If that occurs, facilities should ensure that wastes are managed to eliminate the possibility of release associated with physical damage, weather, failure of secondary containment, vandals, site security, fire, explosion, etc.

In the instance that noncompliance is unavoidable due to impact from the COVID -19 response, please contact the appropriate EGLE representative listed below to request regulatory relief.

Note that during this state of emergency, EGLE staff will not show up to perform an unannounced hazardous waste inspection.

For sites located in Wayne, Oakland, St. Clair and Macomb counties contact: Jeanette Noechel
noechelj@michigan.gov 586-494-5091

For all other counties contact: Trisha Confer confert@michigan.gov 989-225-7968



Questions?
[Contact Us](#)
Ph: 800-662-9278

Minnesota

Minnesota Pollution Control Agency's Regulatory Flexibility Process
Update

Minnesota

Below is an update on the Minnesota Pollution Control Agency's Regulatory Flexibility Process. Please pass on as you see appropriate.

With the onset of the coronavirus (COVID 19) and the Governor's declaration of a state of peacetime emergency in Minnesota, The Minnesota Pollution Control Agency (MPCA) is aware that regulated entities may be impacted from a reduced workforce necessary to maintain normal operations at some facilities. All regulated entities remain obligated to take all available actions necessary to ensure compliance with environmental laws, regulations and permit requirements to protect the health and safety of the citizens of Minnesota and the environment. However, in the instance where regulated entities will have an unavoidable noncompliance situation, directly due to impact from the coronavirus, the MPCA has established an email box to accept requests for the Commissioner of the MPCA to consider providing regulatory flexibility, where possible, to assist entities in alternative approaches to maintaining compliance, such as extending reporting deadlines, extensions of operator certifications and other forms of regulatory flexibility.

Regulated entities should email MPCA.COVID19REGFLEX@state.mn.us with specific information related to a request for regulatory flexibility. This email box will be monitored daily and the MPCA will work diligently to expeditiously review and respond to incoming requests from regulated entities. MPCA approval is required prior to implementing alternative measures. The email should at a minimum include the following:

- Requests should come from an individual party (company/county/individual) and identify the party requesting the relief by name and applicable permit number;*
- Requests should include a phone number(s) of the individual to contact regarding the Request;*
- Request should state what specific statute/rule/permit condition the individual party is looking for relief from;*
- Request should include the reasoning/rationale for the request (1 paragraph summary on why the peacetime emergency makes the relief sought necessary and what actions the requestor took prior to the request to meet the requirement);*
- Request should include bulleted points of what measures will be taken to mitigate/minimize the potential environmental impacts (if any); and*
- Request should specify the specific time period that the request is for including the rationale.*

Where alternative compliance options are authorized by the MPCA, regulated entities must maintain records adequate to document implementation of authorized alternative compliance options, and activities related to the noncompliance.

The MPCA will work as quick as possible with an individual party on a solution in response to the request. Requests can be amended by sending another e-mail if something has been approved for a specific time period and that time period needs to be extended or if a change to approved compliance options is needed. Again, the reason for the extension should be included. If the MPCA receives multiple requests for regulatory flexibility from a specific requirement and the MPCA determines it is appropriate across a specific sector, the MPCA may grant the specific sector flexibility for that requirement.

Any questions regarding this guidance should be submitted to the email box for a response.

Mississippi

Mississippi Department of Environmental Quality Memorandum: Guidance
to the Regulated Community Regarding Compliance with Regulatory
Requirements During the COVID-19 Pandemic



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRISTOPHER G. WELLS
INTERIM EXECUTIVE DIRECTOR

MEMORANDUM

SUBJECT: Guidance to the Regulated Community Regarding Compliance with Regulatory Requirements During the COVID-19 Pandemic

FROM: Chris Wells, Interim Executive Director

TO: All Entities Regulated by MDEQ

DATE: April 2, 2020

INTRODUCTION

On March 14, 2020, Mississippi Governor Tate Reeves issued a Proclamation declaring a state of emergency in the State of Mississippi resulting from the COVID-19 pandemic. In his Proclamation, the Governor directed that, pursuant to Miss. Code Ann. 33-15-11 (c)(1), provisions of state statutes, rules, regulations, or orders may be temporarily suspended or modified if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the COVID-19 outbreak. The Governor subsequently issued a series of Executive Orders directing government entities and essential businesses to take all reasonable measures to ensure compliance with guidelines set forth by the United States Centers for Disease Control and Prevention ("CDC") and the Mississippi State Department of Health ("MSDH") to prevent the spread of COVID-19. Such measures include, but are not limited to, encouraging employees carrying out essential duties to work from home, sending sick employees home, actively encouraging sick employees to stay home, and separating and sending home employees who appear to have respiratory illness symptoms. On April 1, 2020, the Governor issued Executive Order 1466, a state-wide "shelter in place" order, effective April 3, 2020, which requires among other things that all non-essential business operations and travel cease until at least April 20, 2020.

The Mississippi Department of Environmental Quality ("MDEQ") recognizes that, in complying with the Governor's Orders, facilities regulated by MDEQ may have reduced work forces due to illness, travel restrictions, and social distancing restrictions implemented in compliance with the CDC and MSDH guidelines, and that temporary suspension of deadlines to

comply with certain reporting, document submittal, and other regulatory requirements may be necessary. Thus, MDEQ provides this guidance to regulated persons and facilities which may experience temporary noncompliance directly related to the COVID-19 pandemic.

1. Applicability.

This guidance applies retroactively beginning March 14, 2020, the date the governor entered a Proclamation declaring a state of emergency due to the COVID-19 pandemic. MDEQ will assess the continued need for and scope of this temporary guidance and will update it in the future as necessary. This Memorandum is intended only to provide temporary guidance and does not constitute rule making as contemplated by the Mississippi Administrative Procedures Act, and as such it does not, and should not be construed to, create any rights, obligations or causes of action.

2. Compliance with all Permit and Regulatory Requirements.

Regulated persons and facilities are expected to take all reasonably practicable steps to operate in compliance with permit terms and conditions and applicable regulatory and statutory requirements including, but not limited to, all applicable air emission and water discharge limitations. Deviations from such terms and conditions and limitations must continue to be reported to MDEQ per existing requirements. MDEQ will make a case-specific evaluation and exercise appropriate enforcement discretion in addressing non-compliance, including not assessing penalties for such non-compliance, *where the facility provides adequate documentation that*: (1) the deviation is attributable to the COVID-19 pandemic; (2) the person or facility took all reasonable and appropriate actions to minimize both the extent and duration of the non-compliance; and (3) the person or facility took reasonably practicable steps to return to compliance as soon as possible. In any event, no person or facility should operate in a manner that creates an acute risk or imminent threat to human health or the environment.

3. Extension of Deadlines.

- A. Permit Renewal Applications. For persons or facilities where operations are adversely impacted by the COVID-19 pandemic, if an application for a permit renewal is due to be submitted between March 14, 2020, and the date MDEQ withdraws this guidance, such application for permit renewal must be submitted as soon as reasonably possible, but no later than ninety (90) days from the date MDEQ withdraws this guidance. Permittees submitting late permit renewal applications in reliance upon this guidance must provide adequate documentation that the delay in submittal is attributable to the COVID-19 pandemic. Any person or facility whose permit expires during the time that this temporary guidance is in effect, or whose permit expires due to a delayed submittal of a renewal application in accordance with this guidance, will be expected to comply with the terms and conditions of such expired permit, as stated in section 2 above, until such time as a new or renewed permit may be issued.

- B. Compliance Directives, Administrative Orders and Agreed Orders. If a Party or Respondent to any Notice of Violation (NOV), Administrative or Agreed Order, or other Compliance Directive from MDEQ is adversely impacted due to COVID-19, MDEQ will consider extensions and/or modifications to the requirements of such NOV, Order or Directive on a case-by-case basis upon receipt of such requests and accompanying information justifying the need for the extension/modification.
- C. All Other Deadlines. Persons or facilities where operations are adversely impacted by the COVID-19 pandemic may request in writing (email is sufficient to your MDEQ contact), on a case-by-case basis, an extension of any of the deadlines specified in their permits or any other applicable statutory or regulatory deadlines. Persons or facilities seeking such extension must provide adequate documentation, as stated in section 2 above, that the extension requested is attributable to, and made necessary by, the COVID-19 pandemic.

4. Certifications and Continuing Education.

MDEQ is aware that certain continuing education training classes required for certification renewals have been cancelled or temporarily suspended due to COVID-19 (e.g., Visible Emissions Evaluation Training and Certification, UST contractor continuing education, wastewater operator training education classes, solid waste facility operator training, etc.). MDEQ will administratively continue certifications that were in good standing as of March 14, 2020, and which expired solely due to the unavailability of classes required to maintain certification as a result of COVID-19. In such circumstances, MDEQ will also grant an extension to meet continuing education requirements until such classes resume. Applications for renewal of certifications where all regulatory requirements for renewal have been met should be submitted to MDEQ for processing as normal.

5. Electronic Submission of Documents

As a measure to protect MDEQ employees by complying with the CDC and MSDH guidelines while sustaining MDEQ services to the public, MDEQ encourages electronic submittal of official business documents when possible until withdrawal of this guidance.

- A. Permit Applications for the Office of Pollution Control (OPC). MDEQ encourages electronic submission of permit applications and associated supporting documents.
 - a. OPC Air and Water Pollution Control permit applications should be submitted at the following link: <https://www.mdeq.ms.gov/electronic-application/> Notices of Intent (NOIs) for coverage under Air and/or Water General Permits and associated supporting documents should be submitted to the following link: https://www.mdeq.ms.gov/noi_esubmittals/ Further instructions are available on those links.
 - b. Solid Waste, Waste Tire, Beneficial Use Determination, Underground Injection Control and Hazardous Waste permit applications and associated supporting documents should be submitted to the following email address: WasteSubmittals@mdeq.ms.gov.

- c. Applications for Local Solid Waste Assistance Grants, Solid Waste Planning Grants, and Waste Tire Assistance Grants should be submitted to the following email address: tbailey@mdeq.ms.gov.
- B. Permit Applications for the Office of Land and Water Resources (OLWR). OLWR submissions related to applications for water use and dam safety should be submitted by email to olwrpermitsubmissions@mdeq.ms.gov.
- C. Permit Applications for the Office of Geology (OG). All permit applications for OG should be submitted to the following email address: Mining@mdeq.ms.gov.
- D. Other Submittals. Official documents required by compliance directives, statutes, regulations or permit terms and conditions normally submitted in hard copy format, may be emailed directly to the appropriate MDEQ staff. A directory of MDEQ staff may be found at: <https://www.mdeq.ms.gov/about-mdeq/contact-mdeq/staff-directory/>.
- E. Public comments. For the duration of this guidance, MDEQ public notices will contain instructions for electronic submittal of public comments and submission of comments in that manner is highly encouraged. For public notices issued prior to the effective date of this guidance, MDEQ will continue accepting written comments as described in the public notice.

For all documents submitted via email, MDEQ encourages our customers to transmit emails requesting a “return receipt” and that you maintain those receipts for your records. MDEQ will continue receiving mail via the U. S. Postal Service and other carriers. Within thirty (30) days of the expiration of this guidance, facilities which electronically submitted permit applications, NOIs, and related documents which would normally be submitted in hard copy must also submit hard copies of these documents to MDEQ.

6. Public Hearings

It is the intent of MDEQ to conduct, to the extent possible, currently-scheduled public hearings, as well as all other public hearings which may be scheduled while this temporary guidance is in effect, via virtual/remote access means (e.g. webinars, teleconference, etc.).

Missouri

Missouri Department of Natural resources statement released March 24, 2020 allowing regulatory flexibility on a case by case basis.



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 that entities may need to prioritize their compliance activities. The first priority is always protecting human health and the environment, e.g., ensuring that drinking water is safe, air and water emissions meet permit limits, wastes are handled and disposed of safely, etc.

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

While timely reporting is always important, the Department recognizes that timely reporting may be challenging for entities with significantly reduced workforces. We will work with entities to accept alternate reporting schedules, where appropriate.

If you anticipate a compliance issue, contact the appropriate Regional Office or other Department contact immediately for assistance:

Kansas City Regional Office	816-251-0700
Northeast Regional Office (Macon)	660-385-8000
Southeast Regional Office (Poplar Bluff)	573-840-9750
Southwest Regional Office (Springfield)	417-891-4300
St. Louis Regional Office	314-416-2960

In the event noncompliance or delayed compliance during the present crisis is unavoidable, the Department is establishing an email box to accept requests for Department enforcement discretion. Regulated entities should email regulatory.inquiry@dnr.mo.gov with specific information related to the following:

- the nature of the compliance issue, including the affected location(s);
- the anticipated duration of the issue;
- the specific rule citation, permit provision, or the order or decree requirement for which the regulated entity is seeking enforcement discretion;
- the steps taken to avoid the compliance issue (including whether you contacted the Department for assistance) and why the compliance issue was not reasonably avoidable; and
- the connection between the compliance issue and the challenges in responding to COVID-19.

The Department's email box is monitored daily by staff who will ensure the requests are addressed quickly.

The Department encourages regulated entities to identify compliance actions coming due in the April-May timeframe to ensure arrangements are in place to either complete those actions or to seek extensions from the Department. Likewise, if you are not able to timely meet your compliance obligations pursuant to a consent decree, settlement, or other agreement with the Department due to COVID-19 impacts, we encourage you to make an early assessment of the relevant force-majeure provisions and the procedures for invoking those provisions.

Please direct all questions regarding this guidance to regulatory.inquiry@dnr.mo.gov. We will respond in a timely manner.

Montana

DEQ Letters

March 31, 2020 Letter: DEQ compliance and enforcement discretion in response to COVID-19

March 24, 2020 Letter: DEQ Solid Waste Program (SWP) COVID-19 Interim Workplan



March 31, 2020

RE: DEQ compliance and enforcement discretion in response to COVID-19

To whom it may concern:

The Montana Department of Environmental Quality (DEQ) is charged with implementing programs and enforcing environmental laws that ensure we protect a clean and healthful environment. Under extraordinary circumstances, such as during an emergency response, DEQ may need to balance our enforcement and compliance responsibilities with the need to safeguard the public against an immediate threat posed by the emergency situation.

The COVID-19 pandemic presents such a situation.

DEQ recognizes the current COVID-19 public health response may impact the ability of communities and companies to comply with certain regulatory obligations. While we expect everyone will do their best to adhere to all requirements, we understand some limited flexibility may be appropriate during this challenging time. We encourage affected communities and companies to identify areas of concern of the highest priority and communicate those concerns to the appropriate DEQ program in an effort to work productively towards resolution of the issue (see the list below for the relevant program contact person). Please note that compliance history may be a factor that DEQ considers. DEQ is committed to working with all communities, companies, and the public to ensure maximum compliance with environmental regulations even in the face of these challenging times.

As appropriate, DEQ may develop sector-specific guidelines to protect public health and the environment and ensure we are consistent in our application of agency discretion.

If an enforcement action becomes necessary, DEQ will consider the efforts taken by facilities to remain in compliance.

DEQ Regulatory Program Contacts:

Asbestos and Hazardous Waste – Becky Holmes, RHolmes@mt.gov, 406-444-2876
Hazardous Materials Tier II Reporting under EPCRA – Becky Holmes, RHolmes@mt.gov,
Public Water Supply – Amy Steinmetz, ASteinmetz@mt.gov, 406-444-2409
Solid Waste – Rick Thompson, RThompson@mt.gov, 406-444-5345
Underground Storage Tank Systems – Wally Jemmings, WJemmings@mt.gov, 406-444-1415
Underground Storage Tank Releases – Marla Stremcha, MStremcha@mt.gov, 406-444-6419
Storm and Wastewater Compliance, Training & Technical Assistance – Ryan Weiss,
ryan.weiss@mt.gov, 406-444-0917
Air Quality – David Klemp – dklemp@mt.gov, 406-444-0286
Coal Mining – Ed Coleman, ecoleman@mt.gov, 444-4973
Opencut Mining – Ed Coleman, ecoleman@mt.gov, 444-4973
Energy – Whitney Bausch, wbausch2@mt.gov, 444-4960
Hard Rock Mining – Dan Walsh, dwalsh@mt.gov, 444-6791
Enforcement Program Manager – Chad Anderson, chada@mt.gov, 444-2964

Sincerely,



Shaun McGrath
Director



March 24, 2020

RE: DEQ SOLID WASTE PROGRAM (SWP) COVID-19 INTERIM WORKPLAN

In response to the evolving COVID-19 public health situation, DEQ has decided to increase remote working and social distancing. Our offices are closed to the public until further notice. We are taking this action in an effort to protect the health and well-being of our employees and communities.

Though we have made modifications to our business practices, DEQ remains operational and ready to assist you. We are committed to continuing to meet our regulatory obligations, including working with you to help maintain compliance, as well as continuing to protect public health and the environment.

We are working to make resources available on the DEQ website regarding any changes to our programs or services. Information will be updated regularly and is available at deq.mt.gov/updates.

SWP staff will still be available via phone and email. No solid waste inspections will be conducted until further notice. If possible, submit any correspondence electronically to ensure we receive it promptly.

Feel free to contact us with any additional questions. Thank you for your patience as we adjust to this transition.

Sincerely,

DEQ Solid Waste Program

Program Contacts

Rick Thompson – Solid Waste Section Supervisor
Phone: 406-444-5345
Email: rithompson@mt.gov

Andrea Staley – Data Control Technician
Phone: 406-444-3493
Email: astaley@mt.gov

Tim Stepp – Environmental Engineer
Phone: 406-444-4725
Email: tstepp@mt.gov

Mike Eder - Hydrogeologist
Phone: 406-444-1434
Email: mike.eder@mt.gov

Fred Collins – Environmental Science Specialist
Phone: 406-444-9879
Email: fcollins2@mt.gov

Brady Christensen – Materials Management
Phone: 406-444-3048
Email: bchristensen@mt.gov

Dianna Robinson – Recycling Market Specialist
Phone: 406-444-2835
Email: drobinson@mt.gov

Dusti Johnson – Recycling Market Specialist
Phone: 406-444-6499
Email: dujohnson@mt.gov

Andy Ulven – Environmental Science Specialist
Phone: 406-444-1808
Email: andrew.ulven@mt.gov

Nebraska

Nebraska Department of Environment and Energy Letter, Dated March 27, 2020, allowing regulatory flexibility on a case by case basis



Pete Ricketts, Governor

March 27, 2020

To Our Nebraska Community:

As we all navigate through the unprecedented events facing our State and Nation, please be assured that the Nebraska Department of Environment and Energy (NDEE) is working diligently to prioritize the health and safety of Nebraska's communities. While our offices are closed for virtually all public entry, our staff are working both from home and the office to be responsive to the needs of the public and environment and to provide assistance to our regulated community by telephone and email.

The obligation to comply with environmental and drinking water laws and requirements does not stop because of this pandemic either. We realize that certain environmental obligations may become more difficult for our regulated entities as they face workforce and work place issues themselves. While we recognize there will be many challenges for everyone, NDEE expects our regulated community to comply with Nebraska's environmental laws, regulations, and permits to the best of their ability.

NDEE will provide as much flexibility and assistance as lawfully possible in these difficult times. Any Nebraska facility facing difficulties complying with environmental requirements in their operations should call or notify us by email. We will do everything in our power to work through these issues with you.

This is our commitment to you,

Jim Macy
Director

402.471.2186

NDEE.MoreInfo@nebraska.gov

Website DEE.NE.GOV

New Hampshire

New Hampshire Department of Environmental Services March 20th
Message to NH Solid Waste Facility Owners and Operators

<https://www.des.nh.gov/covid19/documents/20200320-solid-wastefacilities-message.pdf>

New Hampshire Department of Environmental Services April 9th Press
Release: Governor Issues Emergency Order on Executive Branch
Deadlines and Requirements, Information on Changes to NHDES
Programs



Message to New Hampshire Solid Waste Facility Owners and Operators – March 20, 2020

NHDES has compiled the below list of resources that discuss handling of solid waste with potential or known COVID-19 contamination. We intend to post additional resources on the NHDES website next week. We will endeavor to notify you when postings occur.

If you have questions about the information provided below, please contact OSHA or NWRA directly, as appropriate. Also, please check these websites frequently as knowledge and best management practices are rapidly evolving.

- COVID-19 [Control and Prevention](#) Fact Sheet provided by OSHA. ***Included in this fact sheet at the end is a section specific to solid waste and wastewater workers.***
- [Guidance](#) on Preparing Workplaces for COVID-19 provided by OSHA.
- Webinar presented by the National Waste & Recycling Association (NWRA) "[Managing COVID-19 Waste](#)"
- [FAQs](#) from the NWRA's Healthcare Waste Institute

If you need to make changes to your facility operations to meet the recommended guidance, including changes:

- to minimize contact with solid waste that has potential or known COVID-19 contamination;
- operating hours; or
- other facility services,

please notify NHDES of the needed changes via email sent to solidwasteinfo@des.nh.gov. We will place the notice in the facility record. No additional action is required on your part to update the department.

If you have questions regarding other waste streams, such as household hazardous waste, hazardous waste, wastewater, or septic systems (subsurface systems), please see NHDES' Contact Us webpage here <https://www.des.nh.gov/contactus/index.htm> or call NHDES main line at (603) 271-3503 to be directed to the program that has the information you seek.

If you have additional questions regarding solid waste, you may contact NHDES' Solid Waste Management Bureau at (603) 271-2925.

FOR IMMEDIATE RELEASE

DATE: April 9, 2020

CONTACT: Jim Martin, (603) 271-3710

des.nh.gov

twitter.com/NHDES

Governor Issues Emergency Order on Executive Branch Deadlines and Requirements

Information on Changes to NHDES Programs

Concord, NH – Today, Governor Chris Sununu issued [Emergency Order #29](#) to establish temporary modifications of certain Executive Branch deadlines and requirements, including New Hampshire Department of Environmental Services requirements, as part of the state's efforts to respond to COVID-19. The Emergency Order affects requirements for both the regulated community and NHDES programs to comply with deadlines associated with in the likelihood of increased adverse public health impacts as a result of encouraging otherwise unnecessary in-person contact, travel, or similar activities.

The Emergency Order allowed the following:

Training

- No NHDES certification, license, or other approval, the renewal of which is dependent on the availability of department training, shall expire prior to the department offering such training.

Air Resource Division

- For any entity or person holding an asbestos license or certification that would otherwise expire during the state of emergency, the expiration date is extended by six months.
 - For any person with a current asbestos certification, that person will be allowed to perform work at asbestos projects without a current training certificate until such time as the required trainings become available.
 - For permitted sources, the deadline to submit an annual emission report, nitrogen oxides statement, volatile organic compound statement, and annual compliance certification are extended to May 15, 2020.
 - The deadline to submit annual emission fees is extended to June 15, 2020.
 - For non-Title V permits that would otherwise expire during the state of emergency, the term of the permit is extended by six months.
- Permit applications that would otherwise need to be submitted 90 days prior to permit expiration will not be due until 30 days prior to permit expiration during the state of emergency.

Waste Management Division

The Emergency Order provides regulatory relief for New Hampshire underground storage tank operators, hazardous waste coordinators, solid waste operators, solid waste facilities, and asbestos disposal site owners as follows:

- Expiration dates for underground storage tank operator certifications coming due during the state of emergency have been extended by 180 days.
- Expiration dates for NHDES-issued hazardous waste coordinator certifications coming due during the state of emergency have been extended by 180 days, and certification renewal should be scheduled within 90 days of completion of the state of emergency.
- NHDES will endeavor to process all applications as expeditiously as possible; however, with the Governor's consent, Commissioner Scott may extend solid waste facility permit and waste-derived product certification processing deadlines, if necessary due to the state of emergency.
- The submittal timeframes for solid waste facility reports due during the state of emergency have been extended by 90 days. This extension does not apply to incident reports for emergencies or action level conditions.
- Expiration dates for solid waste operator certifications coming due during the state of emergency have been extended by 180 days.
- The \$25 late fee for late solid waste operator certification has been suspended for all applications received during, and up to 90 days after, the state of emergency.

- The Solid Waste Rules require that each facility have at least one principal solid waste operator present at the facility during operations. The Governor has authorized NHDES to waive this requirement, at the request of the facility, if conditions related to the state of emergency prevent compliance. For facilities seeking this relief, NHDES is authorized to place conditions on the waivers to ensure safe operations of the facilities.
- NHDES will endeavor to process all inactive asbestos disposal site work plans and waiver requests as expeditiously as possible; however, with the Governor's consent, Commissioner Scott may extend inactive asbestos disposal site work plan and waiver request processing deadlines, if necessary due to the state of emergency.

Water Division

- The wetland application requirements for signature by a town or city clerk, by a municipal conservation commission, by a local river management advisory committee, or by the New Hampshire Rivers Council may be met through electronic means by sending your email with key information including land owner and location address to DES.WetlandsTownConn@des.nh.gov.
- The NHDES is continuing to process all Alteration of Terrain, Shoreland and Wetland applications as expeditiously as possible. However, with the Governor's approval, Commissioner Scott may extend these permit processing timelines if the state of emergency prevents timely processing.
- Deadlines for processing of Shoreland Permit by Notifications received during the declared state of emergency are extended 30 days.
- Because of the state of emergency, all large public water systems are only required to test back flow prevention devices annually for 2020.

For more information, please contact Jim Martin, NHDES Public Information Officer, at james.martin@des.nh.gov or (603) 271-3710.

###

New Jersey

New Jersey Department of Environmental Protection Notification sent
March 26, 2020

From: SRRA <SRRA@dep.state.nj.us>

Date: March 26, 2020 at 9:01:53 PM EDT

To: "srra@listserv.state.nj.us" <srra@listserv.state.nj.us>

Subject: COVID-19 Update

In light of the dangers posed by COVID-19 and to mitigate community spread of the disease, New Jersey Governor Phil Murphy issued Executive Order 107 on March 20, 2020 (EO 107; <https://nj.gov/infobank/eo/056murphy/pdf/EO-107.pdf>), requiring all business and non-profits to accommodate their workforce to work-from-home wherever practicable, and to make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue.

The Department of Environmental Protection (DEP) has received inquiries from regulated entities and stakeholders questioning whether their operations are restricted by EO 107 and whether their organizations should be designated as essential. Every organization operating in New Jersey should review EO 107 and other COVID-19 executive orders (https://nj.gov/infobank/eo/056murphy/approved/eo_archive.html) carefully. EO 107 specifically restricts the physical (brick-and-mortar) operations of non-essential retail, recreation, entertainment and dining businesses. Under EO 107, other businesses and non-profit organizations, whether closed or open to the public, may continue operating at this time consistent with the requirements of EO 107 for ensuring social distancing, reducing on-site staff to the minimum persons necessary, and accommodating as much remote work as practicable.

DEP acknowledges that many regulated entities and environmental service providers perform critical functions that support public health and safety, and that some of their functions cannot be achieved remotely. Sectors that have made inquiry of DEP seeking clarity on the applicability of EO 107 include:

- Public works and infrastructure, including energy-generating facilities
- Drinking water, wastewater, and distribution/conveyance systems
- Managers of solid waste, regulated medical waste, hazardous waste, and recyclables
- Providers of environmental services, including licensed professionals (e.g., LSRPs), subcontractors and staff persons whose primary functions are to conduct, monitor, maintain, or support activities for the protection of public health, safety and the environment, including the provision of supplies necessary for these protective purposes
- Laboratories
- Pesticide applicators
- Recreational and commercial fisherman

Insofar as businesses and non-profits not specifically restricted by EO 107 may continue operations, including regulated entities and environmental service providers who perform critical functions that support public health and safety, no formal designation as essential of any of the sectors or organizations that have contacted DEP is necessary or expected at this time. However, all organizations are directed by EO 107 to practice social distancing by reducing on-site staff and accommodating remote work to the maximum extent practicable. The number of on-site staff necessary to ensure an organization's essential operations is a matter of professional judgment on

the part of every organization. DEP acknowledges that essential on-site staffing determinations will differ by sector and operational circumstances. In adapting operations during this time, every organization must consider arrangements that further the social distancing requirements and objectives of EO 107 to the greatest extent practicable.

For more information and guidance on New Jersey's response to the COVID-19 pandemic, please visit the COVID-19 Information Hub (<https://covid19.nj.gov/>).

SRP Site Remediation Reform Act (SRRA) Web site: www.nj.gov/dep/srp/

You may unsubscribe from this Listserv by visiting: www.nj.gov/dep/srp/srra/unsub.htm

New Mexico

New Mexico Environment Department March 31, 2020 handout:
*Recommendation for solid waste facilities regarding COVID-19 related
waste*



New Mexico Environment Department

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Recommendations for solid waste facilities regarding COVID-19-related waste

March 31, 2020

In light of the public health emergency declared by Gov. Michelle Lujan Grisham and the executive and public health orders in effect, the New Mexico Environment Department issues the following recommendations to solid waste facilities for COVID-19-related waste:

1. Any waste materials generated by a medical facility and **suspected** or **known** to be contaminated with COVID-19 are to be managed as an infectious waste as defined in the NM Solid Waste Rules, [20.9.2.7.I NMAC](#).
2. No solid waste facility shall accept infectious waste without the appropriate permit for disposal, transfer, processing, or transformation. [NM Solid Waste Act and NM Solid Waste Rules, 20.9.8.9 NMAC]
3. See a [list of permitted haulers and solid waste facilities](#).
4. Any solid waste facility permitted by NMED to accept infectious waste shall continue to comply with the terms and conditions of the facility's permit, including the facility's Operations Plan.
5. The generator of infectious waste (classified as "special waste") must assure the waste is:
 - disposed of at a solid waste facility permitted to accept the special waste, or
 - treated at a permitted facility to render it a non-special waste prior to disposal, including assuring that it is no longer infectious post-treatment (at which time it may be disposed of at a municipal solid waste landfill). [NM Solid Waste Rules, 20.9.8.8 NMAC]
6. A solid waste facility may request to alter a facility's normal days or hours of operation in response to the COVID-19 situation or other considerations. Contact George Schuman, Manager, Solid Waste Permit Section, as soon as possible at (505) 827-2328 or george.schuman@state.nm.us.
7. All household-generated waste (including waste known or suspected of contamination with COVID-19) is handled using standard best management practices for municipal solid waste, as such waste is not considered regulated infectious waste unless the waste was generated within the residence by a professional home health care provider.

The SWB will continue to oversee compliance of these facilities and pursue enforcement where necessary under the criteria specified by New Mexico's rules and regulations and in accordance with executive and public health orders.

Contact us:

Solid Waste Bureau (SWB), (505) 827-0197
SWB.inbox@state.nm.us

Additional COVID-19 resources for solid waste facilities:

[National Waste and Recycling Association](#)

[Solid Waste Association of North America](#)

[Association of State and Territorial Solid Waste Management Officials \(ATSWMO\)](#)

New York

New York State Department of Environmental Conservation, March 27th
letter, regarding enforcement discretion on signature procedures for
hazardous waste and low-level manifests and non-hazardous waste
shipping papers during the COVID-19 Emergency

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of the General Counsel

625 Broadway, 14th Floor, Albany, New York 12233-1500

P: (518) 402-9185 | F: (518) 402-9018

www.dec.ny.gov

SUBJECT: Enforcement Discretion on Signature Procedures for Hazardous Waste and Low-level Radioactive Waste Manifests and Non-Hazardous Waste Shipping Papers during the COVID-19 Emergency

DATE: March 27, 2020

To Whom It May Concern:

In order to prevent spread of COVID-19, the New York State Department of Environmental Conservation (DEC) will exercise its enforcement discretion with respect to certain provisions of 6 NYCRR Parts 364, 372, 374-2, and 381, as set forth in this letter. DEC will not pursue enforcement of requirements for signatures on waste shipping documents as specified herein. All other provisions of the Part 360, 370 and 380 Series remain in full force and effect and will be enforced.

This DEC action is taken in light of Governor Cuomo's state of disaster emergency declaration (Executive Order [EO] 202) issued on March 7, 2020¹ which is effective until September 7, 2020 (the state of emergency declaration). EO 202.6² recognizes that waste collection, processing and disposal are essential services. New York's guidance on EO 202.6³ cites the US Center for Disease Control (CDC) website on the corona virus pandemic.⁴ The CDC recommends that the best way to prevent illness is to avoid exposure, including limiting contact with persons who may carry the virus. To reduce the amount of person-to-person contact during the COVID-19 emergency, DEC is agreeing not to pursue enforcement of regulations mandating signatures for waste shipping documents during the period this directive is in force, as long as the alternative procedures outlined herein are followed.

During the period this enforcement discretion document is effective, the procedures delineated herein may be used as alternatives to receiving generator signatures on waste shipping documents, as required by 6 NYCRR 364-5.1; 6 NYCRR

¹ <https://www.governor.ny.gov/news/no-202-declaring-disaster-emergency-state-new-york>

² <https://www.governor.ny.gov/news/no-2026-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

³ <https://esd.ny.gov/guidance-executive-order-2026>

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/>



Department of
Environmental
Conservation



372.2(b)(3)(i); 6 NYCRR 374-2.5(g)(1)(v); 6 NYCRR 381.13(b), (g) and (i); and 6 NYCRR 381.15(a). If a waste shipment is being sent to, or is being received from, a state other than New York, the regulated party should contact the other state's jurisdictional agency to ensure compliance with that state's requirements.

Procedure:

Waste transporters will not face enforcement under signature requirements of 6 NYCRR 364-5.1; 6 NYCRR 372.2(b)(3)(i); 6 NYCRR 374-2.5(g)(1)(v); 6 NYCRR 381.13(b), (g) and (i); and 6 NYCRR 381.15(a), as specified below, and for the time period specified herein, provided that transporters adhere to the following procedure for generator signatures:

A. Non-Hazardous Waste and Used Oil Shipments

This procedure may be used for both paper and electronic-based waste shipping papers.

1. The driver picking up the waste must print the name of the generator in the Generator Name box.
2. The driver must write "on behalf of" in the Generator Signature box and then sign the driver's name in the appropriate space.
3. If there is only a Generator Signature box on the waste shipping document, the driver must write "on behalf of", print the generator's name, and then sign the driver's name in that box.

B. Hazardous Waste Shipments

1. Affected parties shall use hybrid and electronic hazardous waste manifests, whenever those options are available to all parties listed on the manifest.
2. If the options identified in paragraph 1, above, are not available to all parties listed on the manifest and a paper-based hazardous waste manifest must be used, affected parties shall follow the specified procedure from Appendix 30 of 6 NYCRR Part 372 for a transporter signing "on behalf of" a generator for a hazardous waste shipment.

C. Low-Level Radioactive Waste Shipments

3. Affected parties shall follow the specified procedure in 6 NYCRR 381.12 for a transporter signing "on behalf of" a generator for a low-level radioactive waste shipment.

This enforcement discretion directive will be effective for all specified waste shipping papers used to track the shipment of waste within New York State for activities regulated by DEC. These procedures do not affect signature requirements mandated by other New York State agencies, agencies of other states, or the federal government.

This enforcement discretion will terminate on September 7, 2020, unless otherwise extended or revoked.

Sincerely,

A handwritten signature in black ink, appearing to be 'TS Berkman', with a long horizontal flourish extending to the right.

Thomas S. Berkman
Deputy Commissioner & General Counsel

North Carolina

North Carolina Environmental Quality Memo dated March 30, 2020 stating regulatory flexibility on a case by case basis

Website Location: <https://deq.nc.gov/news/press-releases/2020/03/30/memo-state-environmental-enforcement-during-covid-19>



NORTH CAROLINA
Environmental Quality

Search...



NC.GOV AGENCIES JOBS SERVICES 2

[Home](#)

[Permits & Rules](#) ▾

[Outreach & Education](#) ▾

[Energy & Climate](#) ▾

[Conservation](#) ▾

[News](#) ▾

[About](#) ▾



GET THE LATEST INFORMATION · on Coronavirus. [COVID-19 in North Carolina](#)



[Home](#) » [Memo:State Environmental Enforcement during COVID-19](#)

Memo:State Environmental Enforcement during COVID-19

Raleigh

Mar 30, 2020

Memo

To: Interested Parties

From: Sharon Martin, Deputy Secretary for Public Affairs

Date: Monday, March 30, 2020

Re: State Environmental Enforcement during COVID-19

During the current public health crisis, DEQ continues to protect air quality, water quality and human health under all state environmental rules and regulations.

Under our authority, DEQ will work with regulated entities to ensure they remain in compliance and in instances of non-compliance, pursue enforcement actions on a case-by-case basis.

North Dakota

North Dakota Department of Environmental Quality - Temporary
Environmental Compliance Policy released April 2nd.

Temporary Environmental Compliance Policy April 2, 2020

During this time of unprecedented public health concerns, we are being asked to take precautions and prioritize our activities to decrease the spread of COVID-19. In acknowledgement of the concerns about available staffing, travel restrictions and desire to limit the spread of the COVID-19 virus, the U.S. Environmental Protection Agency (EPA) has released a temporary policy regarding enforcement of environmental legal obligations during the COVID-19 pandemic.

Since the release of the EPA temporary policy, the North Dakota Department of Environmental Quality (NDDEQ) has received questions as to how the state, through its primacy agreements, plans to implement the federal policy in North Dakota. To address these inquiries, the temporary state compliance policy is as follows:

1. The policy is not a license to pollute. All permitted facilities will be required to comply with all pollutant limits and, where applicable, established environmental standards. All pollution control equipment shall be maintained, operated and monitored in compliance with applicable permit conditions or state law or rule. Any controlled discharges to the environment under the authority of an approved permit must be monitored and tested in accordance with the permit.
2. In cases where routine compliance testing (e.g., stack test) or reporting cannot be completed due to a staff shortage, travel bans on consultants or preventative measures designed to limit the spread of COVID-19, the NDDEQ may consider postponing the requirement until a future date. Any entity seeking relief in this area should contact the appropriate NDDEQ division (see page 2) to request consideration under the alternative compliance policy.
3. All spills such as pipeline breaks, truck accidents or activities resulting in an unpermitted discharge to the environment must be reported pursuant to state law and rule and remedied as soon as possible. Enforcement action relating to these types of incidents will be considered on a case-by-case basis.

Note that the NDDEQ, in partnership with the regulated community and citizens of the state, will continue to place emphasis on the requirement to protect public and environmental health. If cases arise that environmental compliance with state law or rule is or may be a challenge, it is important that the NDDEQ be contacted to ensure actions allowing alternative compliance actions are documented. Documentation required will be:

1. Activity, report or action being requested to be postponed or rescheduled. Provide specific permit citations where appropriate.

2. Reason for the alternative compliance request. (e.g., documented staff shortage due to COVID-19 or travel restrictions on contractors). Also identify the anticipated impact on public and environmental health if the alternative compliance is approved.
3. Alternative date when report, testing or action will be completed.

This temporary alternative compliance action may apply to many diverse and separate facilities making the development of a comprehensive alternative compliance list difficult. Consequently, it is necessary that each entity document its own plan of alternative compliance and communicate it to the NDDEQ. The NDDEQ will consider each request based on the specific circumstances unique to each entity.

During these unprecedented times we will face anticipated and unanticipated challenges. By working together, we can ensure that priority activities are completed to protect public and environmental health.

NDDEQ Contacts:

L. David Glatt, Director - NDDEQ Office of the Director
(701-328-5152; dglatt@nd.gov)

Air Quality

Jim Semerad, Director (701-328-5178; jsemerad@nd.gov)
Craig Thorstenson, Manager (701-328-5198; cthorstenson@nd.gov)

Municipal Facilities

David Bruschwein, Director (701-328-5259; dbruschw@nd.gov)
Greg Wavra, Manager (701-328-5224; gwavra@od.gov)

Waste Management

Chuck Hyatt, Director (701-328-5248; chyatt@nd.gov)
Diana Trussell, Manager (701-328-5164; dtrussell@nd.gov)

Water Quality

Karl Rockeman, Director (701-328-5225; krockema@nd.gov)
Marty Haroldson, Manager (701-328-5234; mharolds@nd.gov)

Ohio

Ohio EPA Coronavirus (COVID-19) Response, Questions, and Guidance:
<https://www.epa.state.oh.us/covid19>

Regulatory Flexibility Request/Question Form:
<https://www.surveymonkey.com/r/TMBJCCQ>

Internal Communication on April 3rd to NWRA-Midwest, Vice President, and the Ohio Environmental Protection Agency RE: Request for extension of solid waste reporting deadlines due to COVID-19. No hyperlink available

Ohio EPA

Coronavirus (COVID-19) Response, Questions, and Guidance

With the onset of the coronavirus (COVID 19) and the Governor's declaration of a state of emergency in Ohio, Ohio EPA is aware that regulated entities may be impacted from a reduced workforce necessary to maintain normal operations at some facilities.

All regulated entities remain obligated to take all available actions necessary to ensure compliance with environmental regulations and permit requirements to protect the health and safety of Ohioans and the environment. However, in the instance where regulated entities will have an unavoidable noncompliance situation, directly due to impact from the coronavirus, a form has been created by Ohio EPA to accept requests for the Director of Ohio EPA to consider providing regulatory flexibility, where possible, to assist entities in alternative approaches to maintaining compliance, such as extending reporting deadlines, consideration of waiving late fees and exercising enforcement discretion.

Regulated entities should [complete the request form](#) with specific information related to enforcement discretion. Form submittals will be monitored daily and Ohio EPA will work diligently to expeditiously review and respond to incoming requests from regulated entities. The following information is needed to complete the form:

- The specific regulatory or permit requirement which cannot be complied with
- A concise statement describing the circumstances preventing compliance
- The anticipated duration of time that the noncompliance will persist
- The mitigative measures that will be taken to protect public health and the environment during the need for enforcement discretion
- A central point of contact for the regulated entity, including an email address and phone number
- Where alternative compliance options are authorized by Ohio EPA, regulated entities must maintain records adequate to document activities related to the noncompliance and details of the regulated entity's best efforts to comply.

Where alternative compliance options are authorized by Ohio EPA, regulated entities must maintain records adequate to document activities related to the noncompliance and details of the regulated entity's best efforts to comply.



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

April 3, 2020

Kathy Trent
NWRA-Ohio Chapter, Chairperson
Stony Hollow Landfill
2460 Gettysburg Road
Dayton, Ohio 45417

Peggy Macenas
NWRA-Midwest, Vice President
115 East Ogden Avenue
Suite 117-313
Naperville, Illinois 60563

RE: Request for extension of solid waste reporting deadlines due to COVID-19

Ohio EPA received your March 20 letter on behalf of the National Waste & Recycling Association (NWRA) requesting temporary regulatory flexibility in complying with certain reporting requirements due to operational and staffing issues resulting from the coronavirus (COVID-19) state of emergency in Ohio.

With the onset of COVID-19 and the Governor's declaration of a state of emergency in Ohio, Ohio EPA is aware that regulated entities may be impacted from a reduced workforce necessary to maintain normal operations at some facilities. All regulated entities remain obligated to take all available actions necessary to ensure compliance with environmental regulations and permit requirements to protect the health and safety of Ohioans and the environment. However, in the instance where regulated entities will have an unavoidable noncompliance situation, directly due to impact from the coronavirus, Ohio EPA will evaluate providing regulatory flexibility, where possible, to assist entities in alternative approaches to maintaining compliance, such as extending reporting deadlines and exercising enforcement discretion.

In addition to the March 20 letter, Ohio EPA and NWRA have had a number of conversations on the details of the request. The NWRA has specifically requested consideration of extending reporting deadlines and monitoring requirements that, while important to demonstrate long-term environmental compliance, are not critical to the immediate public health and safety needs of Ohio's citizens. Specifically, the NWRA has requested extending the deadline for an additional 90 days for reporting requirements, including:

- Annual facility reports for operating facilities (originally due on April 1)
- Annual updates of facility operating records (originally due on April 1)

- Annual post-closure care reports (originally due on April 1)
- Routine groundwater monitoring and reporting

In addition, the NWRA has requested that, due to lack of administrative support personnel at facilities, temporary relief be granted to obtain an “original signature” or “notary” associated with various documents or reports submitted to Ohio EPA.

The Division of Materials and Waste Management has reviewed this request and has determined that it is appropriate to provide an extension to the reporting requirements as identified above, including temporary relief from original signature and notary requirements.

This authorization does not grant regulatory relief from any monitoring, operational and management functions directly related to maintaining protection of public health and the environment, including explosive gas monitoring and management, leachate management, and other operational practices necessary to protect the public and environment. This letter does not provide authorization for increases in an operating landfill’s Authorized Maximum Daily Waste Receipt (AMDWR) limits, nor does it allow for acceptance of materials at solid waste landfills subject to current disposal bans, such as yard waste or scrap tires. This letter does not provide a waiver from payment of solid waste fees.

This authorization is not applicable to landfill operations that are currently under enforcement orders that have specific reporting and monitoring requirements. These entities must consult with Ohio EPA directly to discuss their specific requests and options to address these requests through Ohio EPA, the Ohio Attorney General’s Office and/or local court.

Ohio EPA appreciates the leadership shown in the solid waste industry to help find ways to address the safe management of solid waste under the very challenging and difficult circumstances related to the COVID-19 state of emergency. As the industry identifies additional needs, Ohio EPA will continue to work with you in supporting your critical operational functions for the health and safety of all Ohioans.

If you have any questions regarding this letter, please contact me at 614-728-0017.

Sincerely,

A handwritten signature in blue ink, appearing to read "Vladimir Cica".

Vladimir Cica, P.E.

Chief, Division of Materials and Waste Management

Oklahoma

Oklahoma Department of Environmental Quality statement released March
30th, 2020



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

March 30, 2020

Re: Enforcement Discretion - Noncompliance Issues related to COVID-19 Pandemic

Dear Regulated Entities:

As provided in Executive Order No. 2020-07 (as amended), the Governor of Oklahoma, J. Kevin Stitt, has "declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety." In response to the current situation, the DEQ has determined that the exercise of enforcement discretion related to compliance with some environmental requirements may be warranted under certain circumstances. Consistent with our mission and statutory responsibilities, the DEQ will continue to ensure compliance with regulatory obligations necessary to protect public health and safety. However, the DEQ understands that the COVID-19 pandemic presents numerous potential challenges to the ability of regulated entities to comply with certain regulatory requirements (for example, the unavailability of critical employees due to illness and/or potential travel restrictions).

In recognition of such challenges, the DEQ will continue to work with our regulated communities during this period on a case-by-case basis to determine the most effective and reasonable approach to ensure compliance with applicable environmental requirements. Although enforcement discretion may not be appropriate in all situations, the DEQ intends to exercise such discretion as appropriate while focusing its enforcement efforts on compliance issues directly impacting human health. Consistent with the general approach being implemented by the DEQ, the U.S. EPA recently released a memorandum dated March 26, 2020, which explains the federal agency's approach to enforcement and compliance discretion during this time.¹ A copy of the memorandum is linked on the DEQ's COVID-19 webpage.

As the State of Oklahoma deals with the impacts of the coronavirus pandemic, regulated entities are encouraged to contact the DEQ with any questions or concerns regarding their ability to comply with applicable regulatory requirements during the COVID-19 pandemic.

Sincerely,

Robert D. Singletary
General Counsel
Department of Environmental Quality

¹ The memorandum outlines the U.S. EPA's temporary guidelines related to, among others, violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations, which are due to the COVID-19 pandemic.



Oregon

Oregon Department of Environmental Quality website regulatory flexibility
on a case by case basis

DEQ response to COVID-19

- About Us
- Air Quality
- Hazards And Cleanup
- Materials Management
- Oregon E-Cycles
- Recycling
- Residential
- Tanks
- Vehicle Inspection
- Water Quality

The Oregon Department of Environmental Quality strives to be a full partner in the effort to stop the spread of the novel coronavirus. We are taking steps to ensure the safety of our staff and the public. Here are some of the changes we are making. Please check this site regularly for updates.

[Appointment-only services](#)

[Vehicle inspection station closures](#)

[Compliance and enforcement](#)

DEQ must balance its vital obligation to enforce the law and protect the environment with a consideration of the dramatic disruptions to public health and the economy caused by the COVID-19 outbreak. DEQ recognizes that the outbreak may impact some regulated entities' ability to comply with DEQ requirements, including statutes, rules, and permit conditions. Some entities may experience staff shortages, service provider interruptions, or other pandemic-related disruptions. All applicable DEQ requirements remain in effect. However, DEQ will continue to exercise reasonable enforcement discretion within its authority when deciding whether to pursue potential violations caused by pandemic-related disruptions.

DEQ offers the following guidance in an effort to foster a shared understanding of priorities during this time of emergency. This guidance does not serve as authorization of any kind to violate any applicable requirement of law, including statute, rule, permit condition, or other obligation.

Documentation: DEQ requests that regulated entities document the pandemic-related disruptions to their operations. In addition, DEQ requests that regulated entities justify how disruptions to operations have caused or may cause non-compliance.

Priorities: DEQ requests that all regulated entities do everything possible to *maintain the safe and environmentally protective operation of their facilities*. Priorities for operation include:

- Fully operate all installed pollution control equipment and treatment measures to reduce pollution;
- Implement best management practices;
- Assure proper facility operation or delivery of service;
- Monitor, test, and report to demonstrate compliance with specific pollutant limits in your permit, license, or certification; including effluent limits, emission limits, and disposal volumes;
- Monitor, test, and report to demonstrate compliance with all other requirements.

If you need assistance from DEQ, please contact your permit writer, or primary DEQ contact for more information.

NOTE: Wastewater Testing Laboratories

Wastewater laboratories are not required to be certified in Oregon. However, many of the certified drinking water laboratories may also provide wastewater testing services. The Oregon Health Authority provides a [searchable index](#) of all certified drinking water laboratories within Oregon. This link is provided for informational purposes only. DEQ is not able at this time to keep an up to date list of all operational laboratories and their services. Wastewater facilities may utilize laboratories not contained on this list.

Pennsylvania

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

<http://files.dep.state.pa.us/AlertsPage/DEP%20Request%20for%20Suspension%20of%20Regulatory%20Requirements.docx>

Communication received on March 31st from Pennsylvania Department of Environmental, Subject: COVID-19 Emergency Request to Temporary Suspend Regulatory Requirements and/or Permit Conditions

From: Shirley, Jessica [<mailto:jessshirley@pa.gov>]

Sent: Tuesday, March 31, 2020 5:40 PM

Subject: COVID-19 Emergency Request to Temporary Suspend Regulatory Requirements and/or Permit Conditions

Good evening,

I wanted to bring your attention to a new addition to our [COVID-19 Alert page](#) on the DEP website.

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.

To request a temporary suspension of regulatory requirements and/or permit conditions, [fill out this form](#) and submit to RA-EPCOVID19SuspReq@pa.gov.

*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.

I want to note that suspension of any regulatory requirement will be determined on a case-by-case basis and must be related to coping with the COVID-19 emergency. DEP does not plan to offer blanket waivers of regulations at this time. If you have any questions, please direct them to the resource account listed above.

Hope everyone is staying healthy, home, (and sane).

Jessica Shirley | Policy Director

Department of Environmental Protection

Rachel Carson State Office Building

400 Market Street | Harrisburg, PA 17101

Phone: 717.783.8727

www.dep.pa.gov

From: Thomas Duncan <tduncan@mankogold.com>

Sent: Wednesday, April 1, 2020 11:23 AM

[REDACTED]

Cc: [REDACTED]

Subject: [EXTERNAL] PADEP COVID-19 Update

[REDACTED]

I hope you're both doing well.

I wanted to make you aware that PADEP has created a COVID-19 webpage:

<https://www.dep.pa.gov/Pages/AlertDetails.aspx>.

Of particular note, PADEP has developed the attached form which can be used to request a temporary suspension of regulatory requirements based on circumstances relating to the pandemic.

In addition, to the extent that you find this relevant, PADEP has provided the following directions to businesses that have **not** been deemed by Gov. Wolf as "life sustaining":

Permittees and operators who are not considered "life sustaining businesses" as set forth in the Governor's Order must, pursuant to the Governor's Order, cease earth disturbance activities. Per 25 Pa. Code § 102.22 and the terms and conditions of their permit, including any approved plans, permittees ceasing earth disturbance activities must immediately implement temporary or permanent stabilization practices in accordance with approved permit plans and conditions and the stabilization standards outlined in the Erosion and Sediment Control Program Manual.

In recognition of the Governor's directive to implement social distancing, permittees may, upon temporary or permanent stabilization, cease performing weekly Routine Inspections as otherwise required by their permit. Permittees must continue to conduct other inspections required by their permit, including Post-Storm Event Inspections and Corrective Action Inspections as set forth in their permit.

Required site inspections of permitted activities by permittees are considered critical operational functions and will not be considered to be out of compliance with the Governor's Order. Permittees and operators are reminded to limit on-site personnel, and in all cases follow social distancing and COVID-19 mitigation guidance provided by the PA Department of Health and CDC.

The cessation of Routine Inspections as set forth herein is not a limitation of, or defense to, liability for injury to private property or invasion of personal rights. Permittees must continue to comply with all other permit terms and conditions, including, but not limited to, the requirement to take immediate action to restore, repair, or replace the BMP or to provide an alternative method of treatment upon reduction, loss, or failure of any BMP.

If you have any questions about these issues, please feel free to reach out to me or Carol. Thanks.

Tom

Thomas M. Duncan, Esq.

MANKO | GOLD | KATCHER | FOX LLP

An environmental, energy, litigation, safety and land use law practice

401 City Avenue, Suite 901 | Bala Cynwyd, PA 19004

(p) 484.430.2358 | (c) 240.477.9149 | (f) 484.430.5711

tduncan@mankogold.com | [Bio](#) | www.mankogold.com

A LEED Gold®-certified office space



**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
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.
B. Describe what permitted or regulated activity you are engaged in.
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.
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).

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.
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-Emergency Request to Temporarily Suspend
Regulatory Requirements and/or Permit Conditions**

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?
D. What alternate compliance options have you explored to address the issues or environmental compliance hurdles with which you are confronted?
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.
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.
G. If applicable, identify how you will account for all reporting obligations for the period of noncompliance.

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?
(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.

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

B. What public health and/or safety benefits will result if the temporary suspension is granted?
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.
D. Would you possess a unique advantage over your competitors, or others in the same industry, if a suspension is granted?
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?

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

Print Name and Title

Submit completed and signed requests to the email resource account:
RA-EPCOVID19SuspReq@pa.gov

Rhode Island

Rhode Island Department of Environmental Management Website:
<http://www.dem.ri.gov/programs/media/covid19.php>

Deputy Director for Environmental Protection Response to NWRA Letter
regarding “essential industry” determination

Rhode Island Department of Environmental Management

Website: <http://www.dem.ri.gov/programs/media/covid19.php>

Deadline Extensions - Air Emissions Inventory Submissions

Due to the current COVID-19 crisis, the filing date for the 2019 Air Emissions Inventory submittal has been extended to June 30, 2020. Please do not hand deliver any submittals.

DEM remains open and fully operational. However, due to guidelines related to COVID-19, we have limited walk-in service at locations with the most frequent lines and crowds. We encourage customers to use online, telephonic, or mail-in services whenever possible.

Submitting Permit Applications

The Permit Application Center (PAC) at DEM Headquarters located at 235 Promenade Street in Providence is still accepting and processing applications and honoring all scheduled in-person appointments, but walk-in service is paused at the PAC until further notice. Applications can be dropped off directly outside the PAC, and the team will respond within one to two business days.

Contact DEM at 401-222-4700 ext. 7265 with questions or to set up an appointment for other services. If you are seeking assistance for wetlands or OWTS/septic systems, please call 401-222-4700 and ask for the person on-call for the specific program

Environmental Protection

The environmental protection programs at DEM are continuing to adjust to the changing conditions from the COVID-19 pandemic and our highest priority remains protection of public health and safety, including the health and safety of our staff, and protection of our environment. Our intention is to recognize the conditions and limitations that currently exist and provide flexibility and relief where needed and appropriate while still maintaining a high level of protection. Some of those conditions may include difficulties securing equipment, maintaining staffing levels and professional support, and conducting some monitoring activities. We also recognize the economic stresses that many individuals and businesses are currently experiencing.

We are not providing any broad relief measures or policies. Businesses and other regulated entities are encouraged to contact DEM with any specific issues that they are encountering that relate to regulatory compliance. Requests for relief will be considered on a case-by-case basis. Those requests should be specific as to how current conditions related to COVID-19 are causing the issue, the environmental effects of noncompliance if applicable, and what efforts have been

made to comply to the highest degree feasible. The requests should also explain the length of time necessary for the relief and what steps will be taken to return to full regulatory compliance at the earliest opportunity.

We will continue to evaluate this approach as conditions change. DEM continues to conduct inspections and field investigations and will address instances of non-compliance as appropriate. Despite the challenges of COVID-19, all regulatory programs within the Environmental Protection Bureau are fully operational.

Rhode Island

Good afternoon Mr. Changaris:

We received your request for an “essential industry” determination. As we discussed this morning, the Executive Orders issued to date in RI have been specific to particular industries and the solid waste industry has not been restricted. I think we both agreed and acknowledged that the industry does not need this determination yet for RI.

In the meantime, individual facilities or companies should contact DEM directly if they have issues related to tonnage limits, operating hours, or staffing requirements that may be specified in their operating plans and licenses. So far, to my knowledge, none have contacted us with these issues.

If things change in the future, we will coordinate closely with companies and industry representatives to ensure that trash collection and solid waste management services continue. Thank you for your inquiry.

Please keep in touch if any issues come up. I can best be reached via e-mail but my office phone is (401) 222-4700 extension 7100.

Thank you.

Terry Gray

*Terrence D. Gray, P.E.
Deputy Director for Environmental Protection
Rhode Island Department of Environmental Management*

(401) 222-4700 extension 7100

www.dem.ri.gov

Steve Changaris

Northeast Region Vice President

482 Southbridge Street, Suite #373

Auburn, MA 01501

schangaris@wasterecycling.org

Ph: 800 679 6263; Cell: 508 868 4523

South Carolina

South Carolina March 26th Memo: Compliance Assistance for Regulatory Relief During the COVID-19 Pandemic Office of Environmental Affairs

Compliance Assistance for Regulatory Relief During the COVID-19 Pandemic
Office of Environmental Affairs
March 26, 2020

The Department is aware that the onset of the COVID-19 pandemic is presenting challenges to our normal ways of living and working. Regulated entities may be experiencing impacts to normal operations such as reductions in workforce and/or inaccessibility to outside, supporting contractors, consultants, deliveries and supplies.

The Department understands these are unprecedented circumstances. Regulated entities should remain diligent in taking safe best efforts to maintain compliance. However, in the event that non-compliance is unavoidable **directly due to impact from COVID-19 and/or related legal restrictions (federal/state/local declarations or orders)**, the Department is prepared to address such issues. The Office of Environmental Affairs (EA) will evaluate each non-compliance situation, or other request for relief, on a timely and consistent basis using:

- Permit flexibility
- Compliance discretion

An electronic mailbox has been set up to receive requests for regulatory relief consideration due to the COVID-19 event:

environmentalcompliance@dhec.sc.gov

This mailbox is monitored throughout the day; messages will be routed to the proper regulatory program area for action. Messages will be responded to no later than one (1) business day. The Department will coordinate with delegating Federal agencies, as needed.

A message to the Department regarding specific requests for regulatory relief must include the following minimum information:

- Facility/entity identifying and descriptive information (*e.g.*, location, permit number, etc.) or identification of representative association and extent of request [*i.e.*, for one (1) entity or one (1) or several sectors]
- Contact information for authorized representative
- Situation or issue for which submittal is made
- Has situation or issue occurred or is anticipated it will occur
- Anticipated needed duration for relief
- Regulatory analysis including rule and/or permit provision citation for which relief is being sought

To ensure a timely response from the Department, the message must be clear, concise and complete.

Regulated entities must maintain records that adequately document activities related to a non-compliance event or issue, including documentation of the entity's best efforts to comply. For example, entities should inform the Department of staffing or compliance plans that depart from regulatory requirements and update the Department should those plans change due to the COVID-19 pandemic.

The mailbox cited above can also be used for general inquiries regarding regulatory relief and potential non-compliance issues during the COVID-19 pandemic. Such inquiries will also be responded to within one (1) business day when at all possible.

South Dakota

South Dakota Department of Environment and Natural Resources, March 24th Letter to NWRA allowing regulatory flexibility on a case by case basis.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 24, 2020

Darrell K. Smith
National Waste & Recycling Association &
Healthcare Waste Institute
1150 Crystal Drive, Suite 800
Arlington, VA 22202

Dear Mr. Smith:

The South Dakota Department of Environment and Natural Resources is in receipt of your recent letters from the National Waste & Recycling Association and the Healthcare Waste Institute requesting regulatory exemptions for the management of solid waste, recyclables, and regulated medical waste. We appreciate your interest in seeking flexibility for your members providing waste management services in South Dakota.

While we recognize that the COVID-19 State of Emergency may dictate the need for regulatory flexibility at a future date, our department is not yet ready to grant the broad exemptions suggested in your letters. At this time, our department plans to consider case-by-case regulatory flexibility if South Dakota waste management providers are truly challenged because of the virus. Our universe of waste management providers is understandably smaller than more populated states. And we believe we have the necessary resources to evaluate flexibility on a case-by-case basis. Similarly, we will evaluate the need to designate essential and non-essential waste management services on a case-by-case basis as the state of emergency develops.

Thank you for your interest and suggestions for managing South Dakota's waste management industry during the COVID-19 crisis.

Sincerely,

Hunter Roberts
Secretary

Tennessee

Tennessee Department of Environment and Conservation Website
Summary

Tennessee

Case by Case Basis

Website: <https://www.tn.gov/environment/covid19.html>

TDEC's Environmental Programs

We understand that COVID-19 has caused disruption in the lives of many Tennesseans, but it is our duty to all communities across our state to ensure we continue our department's work toward protecting human health and the environment. While these circumstances are unprecedented in many ways, the department's Bureau of Environment will seek to continue operations as close to normal as possible. Where we need to make modifications and adjustments in order to be responsive to authorities, directives and good judgment required by these extraordinary times, TDEC's environmental programs will seek to do that.

Our department leadership has developed guidance for BOE Operations during the COVID-19 situation to provide direction for our environmental divisions and their programs as we remain dedicated to carrying out our regular work to the extent possible and responding to emergencies in order to protect human health and the environment.

As Tennessee moves through these challenging days, we are grateful for citizens and stakeholders that are working with TDEC to both limit the spread of COVID-19 while continuing to protect the environment and support essential services for our communities. We will get through this together. As we do, please join us by using these resources as we move forward.

Please see the following guidance and resources for citizens and the regulated community:

Permit, License & Certification Expirations or Renewals

Department staff is working in a manner to receive, process, and credit all permit, license, and certification applications and renewals received online or in our offices during this period. However, we also recognize the pervasive disruption affecting businesses, certification programs, individuals and communities at this time. Environmental programs are evaluating the need for and ability to exercise discretion regarding expiration of any license, permit or certification that would expire prior to April 30, 2020.

Public Comments

Our environmental divisions may extend deadlines for Public Comment periods that are set to expire prior to April 30, 2020. Check the [Public Participation Opportunities](#) section

of the TDEC website to view and learn if any modifications have been arranged for Public Notices and related comment periods. These pages will also reflect any alternative document viewing and repository solutions are available.

Public Hearings and Board Meetings

Our environmental divisions are exercising reasonable discretion regarding Public Hearing and Board Meeting dates through April 30, 2020. The divisions may be conducting Public Hearing or Board Meetings through electronic means such as WebEx. Any actions in this regard will be consistent with [Gov. Lee's Executive Order No. 16](#) to allow for full and transparent public participation. Check the [TDEC Calendar](#) for Public Hearing and Board Meetings for most current schedule.

Inspections, Compliance and Enforcement

During this extraordinary period, the department has taken various measures to protect Tennessee citizens and regulated community we serve. As a large number of our personnel are currently working remotely and travel is restricted, routine fieldwork, on-site compliance inspections, and monitoring visits may be deferred. Non-emergency complaint investigations have been delayed until they can be safely performed. Even with these unique measures in place, our staff is working and arranging for environmental compliance activities to be undertaken remotely so those important activities continue to occur during this period.

Department stakeholders (or customers) should feel free to use your existing TDEC contacts and division representatives if they have questions or need more information regarding inspection, compliance and enforcement activities during the time period affected by COVID-19 response. If you don't have existing contact information and have questions, feel free to use the contact information below for the different environmental divisions:

Division	E-mail address	Phone number
Air Pollution Control	E-mail	615-532-0554
Fleming Training Center	E-mail	615-898-8090
Radiological Health	E-mail	615-532-0364
Remediation	E-mail	615-532-8599
Solid Waste Management	E-mail	615-532-0072
Underground Storage Tanks	E-mail	615-532-0945
Water Resources	E-mail	615-532-0625

If your question does not apply to one particular environmental program or area or if you have a general question relating to TDEC's environmental programs, you may also contact us at ask.tdec@tn.gov.

In light of the current situation, and in accordance with TDEC's movement toward electronic submission of documents, the TDEC Office of General Counsel has set up a new email address to allow permittees, respondents, and third parties to file appeals with TDEC. If you wish to file an appeal, you may do so by emailing the appeal and any attachments to TDEC.Appeals@tn.gov. If you file an appeal electronically, you do not have to send a paper copy. Electronic filing is encouraged, but not required. When appeals are received, the TDEC Office of General Counsel staff will date-stamp the appeal, confirm receipt and forward it to the appropriate Division staff.

Texas

Texas Commission on Environmental Quality (TCEQ) Reporting
Requirements for Regulated Entities

Website: <https://www.tceq.texas.gov/response/covid-19/regulated-entities-reporting-requirements>

Letter from TCEQ to NWRA on March 19th Outlining regulatory flexibility
on a case by case basis

Website: <https://www.tceq.texas.gov/response/covid-19/regulated-entities-reporting-requirements>

TCEQ Reporting Requirements for Regulated Entities

Due to COVID-19 and reduced staff in the TCEQ workplace, TCEQ may exercise administrative relief and enforcement discretion for various reporting requirements by regulated entities. See below and visit this page for updates.

Point Source Emissions Inventory Reporting:

Per 30 TAC Section 101.10(e), point source emissions inventories (EIs) are due March 31 or as directed by the commission.

Due to COVID-19 and reduced staff in the workplace, **TCEQ will exercise enforcement discretion and consider 2019 point source EIs submitted on or before April 30, 2020 as timely received.** The agency will consider additional enforcement discretion regarding this deadline as conditions warrant in response to COVID-19.

Please contact the Emissions Assessment Section helpline at 512-239-1773 or via email psinvent@tceq.texas.gov with any questions.

Mass Emissions Cap and Trade (MECT) and Highly Reactive Volatile Organic Compound Emissions Cap and Trade (HECT) Annual Compliance Reporting:


Per 30 TAC Sections 101.359(a) and 101.400(a), relating to the Mass Emissions Cap and Trade (MECT) Program and Highly Reactive Volatile Organic Compound Emissions Cap and Trade (HECT) Program, respectively, annual compliance reports are due by March 31 after each control period.

Due to COVID-19 and reduced staff in the workplace, TCEQ will consider 2019 annual compliance reports submitted on or before April 30, 2020 as timely received. The agency will consider additional enforcement discretion regarding this deadline as conditions warrant in response to COVID-19.

Please contact the Emissions Banking and Trading Programs at ebt@tceq.texas.gov with any questions.

Air Permitting Public Notice Signage Requirements:

The executive director may approve variations from the requirements of Title 30 Texas Administrative Code Section 39.604 as allowed in 30 TAC Section 39.604(d) if the applicant has demonstrated that it is not practical to comply with the specific requirements of the subsection and alternative sign posting plans proposed by the applicant are at least as effective in providing notice to the public.

To request a variance, please complete the new [sign variance form](#)  and email to APDPNSIGN@TCEQ.Texas.Gov.

Stormwater General Permit Reporting:

Per Texas Pollutant Discharge Elimination System (TPDES) stormwater general permit requirements, the following reports are due March 31 of each year for many permittees based on the requirements of the applicable general permits.

- Small (Phase II) Municipal Separate Storm Sewer System (MS4, TXR04000) Annual Reports
- Industrial Stormwater Multi-Sector General Permit (MSGP, TXR05000) Discharge Monitoring Reports (DMRs)

Due to COVID-19 and reduced staff in the workplace, TCEQ will exercise enforcement discretion and consider the above reports submitted on or before April 30, 2020, as timely received. The agency will consider additional enforcement discretion regarding this deadline as conditions warrant in response to COVID-19. Please contact the Stormwater Team at 512-239-4671 or via email to SWGP@tceq.texas.gov with any questions.

TPDES Individual Permit Reporting:

Per Texas Pollutant Discharge Elimination System (TPDES) individual permit requirements, effluent monitoring data must be submitted to TCEQ at the frequency specified in the permit. Please continue to submit the discharge monitoring reports (DMRs) online using the [NetDMR reporting system](#) on the TCEQ website.

However, permittees who have obtained an electronic reporting waiver need to continue to submit DMRs via paper to the Compliance Monitoring Team of the TCEQ Enforcement Division (MC 224) on an approved DMR form (EPA No. 3320-1).

Due to COVID-19 and reduced staff in the workplace, **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 email to WQAP@tceq.texas.gov with any questions.

Annual Financial Assurance Inflation Updates:

Many facility owners and operators have financial assurance updates due to TCEQ by March 30, especially those using the financial test and corporate guarantees whose fiscal year ends Dec. 31. Due to COVID-19 and reduced staff in the workplace, TCEQ will be exercising enforcement discretion regarding annual financial assurance inflation adjustments as follows:

- Financial assurance inflation updates for any mechanism—including financial test/corporate guarantees—**due on or before April 30 may be submitted by May 15.**

Please note that these delay authorizations do NOT extend to financial assurance mechanisms provided to replace mechanisms for which cancellation notices have been provided by the mechanism providers (usually banks issuing letters of credit or surety companies issuing surety bonds). TCEQ intends to act in a timely manner to protect its financial assurance position in response to cancellation notices absent notice from the mechanism provider rescinding their cancellation notice.

Please email the agency's Financial Assurance Unit at revenue@tceq.texas.gov with any questions.

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 19, 2020

Mr. Darrell K. Smith
President and Chief Executive Officer
National Waste & Recycling Association
1150 Crystal Drive
Arlington, Virginia 22202

RE: COVID - 19 State of Emergency Declaration - Exemptions for Handling Requirements for Municipal Solid Waste, Yard Waste and Recycling

Dear Mr. Smith:

Thank you for your March 16, 2020 letter to the Texas Commission on Environmental Quality (TCEQ) requesting that regulatory flexibility be considered for the waste and recycling industry during the state of emergency resulting from the COVID - 19 (coronavirus). We understand the challenges and concerns created by this situation and we are prepared to assist all regulated entities in addressing unavoidable circumstances resulting from this pandemic.

The Governor of Texas recently issued a Disaster Proclamation encouraging all state agencies to provide regulatory assistance and flexibility to all regulated entities impacted by the coronavirus. In order to address these concerns, the TCEQ is prepared to grant enforcement discretion or issue temporary authorizations to any regulated entity that is unable to meet the regulatory requirements where noncompliance is unavoidable directly due to impacts from the coronavirus.

All requests for enforcement discretion should be emailed to OCE@tceq.gov and Ramiro.Garcia@tceq.texas.gov with specific details related to the reason for the enforcement discretion request, duration of need for enforcement discretion, and the citation of the rule or permit provision for which enforcement discretion is requested. Requests for seeking a temporary authorization can be emailed to mswper@tceq.texas.gov. We will respond to you as soon as possible and our goal is to provide a response within 24 to 48 hours. Items that may be suitable for consideration under a temporary authorization include: suspending daily waste acceptance rates, extending operating hours, and increasing storage times.

We look forward to working with you. If you have any additional questions, please contact Mr. Ramiro Garcia, Deputy Director of the TCEQ Office of Compliance and Enforcement at 512/239-4481 or Mr. Brent Wade, Deputy Director of the Office of Waste at 512/239-6566.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Baker", written over a horizontal line.

Toby Baker, Executive Director
Texas Commission on Environmental Quality

cc: Ramiro Garcia, Deputy Director, TCEQ, Office of Compliance and Enforcement

Utah

Utah DEQ March 26th Press Release: EPA Calls for Enforcement and Compliance Discretion During the COVID-19 Pandemic

Utah Department of Environmental Quality (DEQ), Division of Waste Management and Radiation Control (WMRC) Regulatory Guidance During COVID-19 Pandemic: March 27th Memorandum

Utah DEQ, Division of Air Quality (DAQ) Regulatory Guidance During COVID-19 Pandemic: March 27th Memorandum

Utah DEQ, Division of Environmental Response and Remediation (DERR) Regulatory Guidance During COVID-19 Pandemic



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

Kim Shelley
Deputy Director

NEWS RELEASE
Thursday, March 26, 2020

CONTACT
Jared Mendenhall
Public Information Officer
Cell: 801-707-0817
jmendenhall@utah.gov

***EPA Calls for Enforcement and Compliance Discretion During the
COVID-19 Pandemic***

Utah DEQ's enforcement of regulations that directly affect human health will take priority

SALT LAKE CITY – Today, The United States Environmental Protection Agency (EPA) released a memo defining steps for enforcement and compliance discretion during the COVID-19 pandemic. This memo outlines temporary guidelines for loosening monitoring, reporting and enforcement of some environmental protections during the coronavirus outbreak.

The Utah Department of Environmental Quality (DEQ) will work with regulated communities on a case-by-case basis to determine reasonable exemptions to environmental rules. Enforcement of regulations that directly affect human health will take priority. The department will continue monitoring sources of pollution to protect the safety and health of Utah residents.

“We are living in unprecedented times. As an agency, our mission to safeguard and protect Utah’s air, land and water has not changed,” said Scott Baird, Executive Director of the Utah Department of Environmental Quality. “We are working with the regulated communities on a case-by-case basis to determine the most effective and reasonable approach to ensure compliance with environmental protections during the coronavirus pandemic.”

Some of the difficulties regulated communities are facing at this time include the loss of key employees due to illness and environmental contractors that are restricted from traveling to and around the state. This has hampered these organization’s efforts in complying with certain monitoring and reporting requirements.

The scientists, engineers and staff at Utah DEQ are focused on ensuring safety and compliance. The department will work closely with EPA and the regulated communities to determine a reasonable course of action with respect to environmental compliance that protects the health and welfare of Utah residents.

Regulated entities should contact DEQ with any questions about how EPA’s memo will affect their compliance with environmental protections during the COVID-19 pandemic.

About DEQ

Established in 1991, the Utah Department of Environmental Quality's (DEQ) mission is to safeguard and improve Utah's air, land and water through balanced regulation. DEQ implements state and federal environmental laws and works with individuals, community groups and businesses to protect the quality of Utah's air, land and water. For more information, visit www.deq.utah.gov, follow DEQ on Facebook ([utahdeq](https://www.facebook.com/utahdeq)) and Twitter ([UtahDEQ](https://twitter.com/UtahDEQ)).



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Ty L. Howard
Director

MEMORANDUM

SUBJECT: Utah Division of Waste Management and Radiation Control (WMRC) Regulatory Guidance During COVID-19 Pandemic

SIGNED: Ty L. Howard, Director

ORIGINAL DATE: March 27, 2020

UPDATED: April 1, 2020

I. Guidance Applicable to All Utah Department of Environmental Quality Divisions:

Under the authority of the Executive Director of the Utah Department of Environmental Quality (UDEQ) and each individual UDEQ Director, the following guidance is issued in coordination with the U. S. Environmental Protection Agency's (EPA) Memo dated March 26, 2020, on the subject of [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program](#). This guidance balances the UDEQ's obligation to safeguard Utah's people and its land, air and water resources and enforce environmental laws with the disruption caused by the spread of COVID-19. In this national emergency, the UDEQ wants to clearly communicate its priorities to regulated sources and the public and support the efforts to contain the virus. **All elements of the EPA's March 26, 2020 guidance memo as applicable to Utah's environmental regulatory programs will be implemented on a case-by-case basis¹ in response to a demonstrated need for administrative regulatory relief connected to mitigation efforts in place to curb the spread of COVID-19.**

The UDEQ and its divisions recognize that the pandemic may impact some facilities' ability to comply with environmental laws, permits, and other requirements. Staff shortages, service provider interruptions, and other restrictions may change regular operations. **We want to remind all regulated**

¹ "Case-by-case basis" means a Director with enforcement authority under a given statute will exercise the enforcement discretion explicitly or implicitly granted him by that statute. The Director will make enforcement decisions based, in part, on the documentation and demonstration facility representatives make of their good faith effort to comply.

facilities that all applicable requirements are effective during this time and none are suspended. This guidance document is not an authorization to violate any applicable environmental laws and does not constitute a variance from compliance obligations. This guidance does not create any enforceable legal right. However, Directors intend to act reasonably in exercising the agency's enforcement discretion concerning potential violations during the COVID-19 pandemic where a good faith effort to comply is demonstrated and documented, on a case-by-case basis.

In addition, this guidance does not exempt entities regulated by UDEQ divisions from city and county orders requiring the closing of non-essential businesses.

The UDEQ and its divisions are limiting person-to-person contact. The UDEQ offices are open during regular business hours. However, many UDEQ employees are working from home during this critical time. Public meetings, hearings and public outreach activities are currently suspended or being implemented via remote technology. To conduct business, please contact individual UDEQ agencies:

- Waste Management and Radiation Control: (801) 536-0200
- Air Quality: (801) 536-4000
- Water Quality: (801) 536-4300
- Drinking Water: (801) 536-4200
- Division of Environmental Response and Remediation: (801) 536-4100

II. Guidance Applicable to the Utah Division of Waste Management and Radiation Control

The EPA COVID-19 Compliance Memo outlines the EPA's approach to enforcement discretion for facilities that are permitted directly by the EPA. The WMRC Director maintains authority to enforce the statutes for which the Director is responsible.

In addition, for radioactive active materials, uranium mills and low level radioactive wastes, this guidance is in concert with current actions undertaken by the Nuclear Regulatory Commission to address the national health crisis.

General Requirements:

Inspections: WMRC inspectors will practice social distancing as much as practicable while conducting inspections/field work. If feasible, employees will complete inspection work remotely using available technology tools. WMRC inspectors will be required to complete a UDEQ COVID-19 pre-screening questionnaire prior to conducting any field work.

Requests for administrative relief: A person subject to WMRC regulation who seeks compliance deadline extensions should make a request in writing by email to the assigned WMRC permit writer or staff member as detailed in this memorandum.

Documentation: A person subject to WMRC regulation must document any disruptions or instances of non-compliance caused by the pandemic. The person must document and support the reasons why non-compliance happened due to COVID-19 and all efforts the person has made to comply or return to compliance. This will help WMRC determine where enforcement discretion should be exercised.

Electronic Submission: Required reports, applications and general correspondence will be accepted by email or electronic submissions for programs detailed below.

Wet Signatures Not Required: Digital signatures will be accepted on required submissions as long as the submission can be tied to the individual signing the document through an email or cover letter or through a digital signature authentication service.

Priorities: We request all regulated facilities to do everything possible to continue safe and environmentally responsible operations by:

- Fully operating all pollution control equipment and applying other measures to reduce pollution;
- Implementing best management practices;
- Monitoring, testing, and reporting to show compliance with permit limits and other requirements.

Fee Payments: WMRC encourages the regulated community to pay all applicable fees through an online payment portal at: https://secure.utah.gov/cart/wmrc_cart/products.html

SOLID AND HAZARDOUS WASTE AND USED OIL RECYCLING

WMRC expects all facilities that are operating normally to complete all periodic monitoring, testing and reporting requirements as specified in their permit.

Deadlines to conduct periodic monitoring, testing or reporting or to submit other reports required by permits, regulations or other authorizations are extended to 30 days after the Governor declares an end to the COVID-19 pandemic. This applies only insofar as a facility does not have appropriate personnel available to conduct monitoring and/or submit the reports on time. Documentation must be maintained and made available to WMRC upon request demonstrating reasons why the facility was not able to comply with the applicable requirements. Please contact the Solid Waste or Hazardous Waste / Used Oil Recycling sections at (801) 536-0200 with any questions.

Corrective Action Projects: These projects will continue as necessary in coordination with appropriate division project management staff. If changes become necessary, the facility must coordinate with its assigned project manager and the changes will be addressed on a case-by-case basis.

Permitting Actions: WMRC continues to conduct division business through teleworking arrangements. Review and issuance of permits to commercial and industrial facilities in Utah will be done expeditiously. In an effort to reduce the spread of COVID-19 and to limit person-to-person contact, the division is requesting the regulated community to submit permit applications or other permit-related materials electronically.

For general permitting questions please visit our website at:
<https://deq.utah.gov/division-waste-management-radiation-control>

WMRC will be utilizing electronic media to the greatest extent possible. All correspondence, reviews, and final documents to sources, consultants, and EPA will be sent by email. WMRC will use the email as a receipt and time stamp for submittals and return receipt requirements.

RADIATION SOURCES AND URANIUM MILLS

These facilities are not addressed by the EPA's Memo. They are regulated according to State Rule that follows closely along the Nuclear Regulatory Commission regulations. WMRC will work with radioactive material source licensees on a case-by-case basis as the need arises to help accommodate exigent circumstances.

All facilities that are operating normally should complete all periodic monitoring, testing and reporting requirements as specified in their permit.

Deadlines to conduct periodic monitoring, testing or reporting or to submit other reports required by license, rule or regulations may be extended on a case-by-case basis after consultation and approval by the RAM/UMill section. This applies only insofar as a facility does not have appropriate personnel available to conduct monitoring and/or submit the reports on time. Documentation must be maintained and made available to WMRC upon request demonstrating reasons why the facility was not able to comply with the applicable requirements. Please contact Phil Goble at (801) 536-0200 with any questions.

X-RAY PROGRAM

X-ray facilities are not addressed by the EPA's Memo. They are regulated according to State Rule. WMRC will work with x-ray registrants on a case-by-case basis as the need arises to help accommodate exigent circumstances.

WMRC tracks all registered x-ray facilities and the dates that inspections are due. All inspections that are canceled or not able to be performed due to the COVID-19 pandemic will be tracked and inspections will be re-scheduled and performed at some future date.

WMRC will continue to bill for registrations and inspections. WMRC expects that all registration and inspection fees will be paid as required. If hardships are encountered due to COVID-19 closures, please contact the Division to coordinate possible alternate arrangements. WMRC encourages x-ray registrants to pay all applicable fees through an online payment portal at:

https://secure.utah.gov/cart/wmrc_cart/products.html

All Mammography Quality Standards Act inspections performed by WMRC inspectors have been suspended by the Food and Drug Administration (FDA). Facilities with valid certificates can continue to work even after their certificates expire. At some future date the FDA will renew certificates. It is unknown at this time if facilities that are not inspected this year will be rescheduled or if this year's inspection will simply be skipped. The FDA is currently working on guidance.

Please contact Tom Ball, Lisa Mechem, or Ryan Abbott at (801) 536-0200 with any questions.



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director


DIVISION OF ENVIRONMENTAL
RESPONSE AND REMEDIATION

Brent H. Everett
Director

ERRA-08-20

M E M O R A N D U M

Subject: Utah Division of Environmental Response and Remediation (DERR) Regulatory Guidance During COVID-19 Pandemic

Signed: Brent H. Everett, Director 

Date: March 31, 2020

I. Guidance Applicable to All Utah Department of Environmental Quality Divisions:

Under the authority of the Executive Director of the Utah Department of Environmental Quality (UDEQ) and each individual UDEQ director, the following guidance is issued in coordination with EPA's Memo dated March 26, 2020, on the subject of COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. This guidance balances the UDEQ's obligation to safeguard Utah's land, air and water resources and enforce environmental laws with the disruption caused by the spread of COVID-19. In this national emergency, UDEQ wants to clearly communicate its priorities to regulated sources and the public and support the efforts to contain the virus. All elements of EPA's March 26, 2020 guidance memo as applicable to Utah's environmental regulatory programs will be implemented in response to a demonstrated need for administrative regulatory relief connected to mitigation efforts in place to curb the spread of COVID-19.

UDEQ and its divisions recognize that the pandemic may impact some facilities' ability to comply with environmental laws, permits, and other requirements. Staff shortages, service provider interruptions, and other restrictions may change regular operations. We want to remind all regulated facilities that all applicable requirements are effective during this time and none are suspended. This guidance document is not an authorization to violate any applicable environmental laws and does not constitute a variance from compliance obligations. However, UDEQ agencies will exercise enforcement discretion when it comes to potential violations during the COVID-19 pandemic where a good faith effort to comply is demonstrated and documented.

In addition, this guidance does not exempt entities regulated by UDEQ divisions from city and county orders requiring the closing of non-essential businesses.

UDEQ and its divisions are limiting person-to-person contact. The UDEQ offices are open during regular business hours. However, many UDEQ employees are working from home during this critical time. Public meetings, hearings and public outreach activities are currently suspended or being implemented via remote technology. To conduct business, please contact individual UDEQ agencies:

- Waste Management and Radiation Control: (801) 536-0200
- Air Quality: (801) 536-4000
- Water Quality: (801) 536-4300.
- Drinking Water: (801) 536-4200
- Division of Environmental Response and Remediation: (801) 536-4100

II. Guidance Applicable to the Division of Environmental Response and Remediation:

DERR is limiting person-to-person contact. Our office is open during regular business hours, however, many of our employees are working from home during this critical time. Please contact DERR by telephone at (801) 536-4100 or by email to conduct business.

UNDERGROUND STORAGE TANKS

General Requirements:

Documentation: Sources must document any disruptions or instances of non-compliance caused by the pandemic. Also, please document and support the reasons why non-compliance happened due to COVID-19. This will help DERR determine where enforcement discretion should be exercised.

Electronic Submission: Required reports, applications and general correspondence will be accepted by email or electronic submissions for programs detailed below.

Signatures: Digital signatures will be accepted on required submissions as long as the submission can be tied to the individual signing the document through an email or cover letter or through a digital signature authentication service.

Priorities: We request all regulated facilities to do everything possible to continue safe and environmentally responsible operations by:

- Fully operating all leak detection, spill prevention, and corrosion prevention equipment.
- Maintaining the required records of monitoring, testing, and operator inspections.
- Continuing to implement best management practices.
- Moving forward with release investigation and cleanup.

Inspections: DERR inspectors will practice social distancing as much as practicable while conducting inspections/field work. If feasible, employees will complete inspection work remotely using available technology tools. As part of a process implemented by DEQ, DERR inspectors will be required to complete an internal COVID-19 pre-screening questionnaire prior to conducting any field work. DERR inspectors will schedule continue to schedule inspections as usual, and, if requested, may reschedule dependent upon current COVID-19 guidance and upon priority of the need to conduct an inspection.

UST Facilities: DERR expects all facilities that are operating normally to complete all periodic monitoring, testing and reporting requirements as required under UAC R311. Deadlines to conduct periodic monitoring, testing or reporting or to submit other reports required by UAC R311 may be extended to 30 days after the Governor declares an end to the COVID-19 pandemic. This stay applies only insofar as a facility does not have appropriate personnel or contractors available to conduct testing, monitoring, and/or to submit the reports on time. Documentation must be maintained and made available to DERR upon request demonstrating reasons why the facility was not able to comply with the applicable requirements. Please contact the Underground Storage Tank Branch at (801) 536-4100 with any questions

Installation Permits/ Closure Plans/ Certificates of Compliance:

DERR continues to conduct business as usual through teleworking. Review and issuance of permits and approval of closure plans will be expeditious. In an effort to reduce the spread of COVID-19 and to limit person-to-person contact, the Division is requesting the regulated community to submit installation permits and closure plans electronically via email to the inspector covering the area where the facility is located. For tank installations and removal inspections, please continue to provide adequate notice so that DERR personnel may be present on-site. In general, prior to the COVID-19 pandemic, documentation for issuance of a Certificate of Compliance has been submitted electronically, and email continues to be the preferred method to receive this documentation during this time.

Certification and PST Fund fees should be paid online using the information provided on the invoice or by mailed-in check. DERR also encourages permit applicants to pay the permit fees via mailed-in check or through the DEQ online payment portal at:

<https://deq.utah.gov/certification/derr-payment-portal-shopping-cart>

UST Certification and Operator Training:

Due to the challenges in providing secure remote testing for UST Certification and A/B Operator Training, the DER will address these issues as follows:

A/B Training: For facilities that need to register a new class A/B operator during the COVID-19 restrictions, as long as an approved training course has been completed, the applicant may perform the duties of the A/B operator until in-person testing is available to complete their registration. Class A/B operators that need to renew an existing registration can renew by mail or online. A list of available training, including online training, can be found at:

<https://deq.utah.gov/environmental-response-and-remediation/owner-operator-testing-approved-training-courses-ust>

UST Certifications: Leaking Underground Storage Tank Consultants courses are currently postponed, as are the regularly scheduled bi-monthly UST certification testing events. Certification renewal deadlines will be extended at the Director's discretion until alternative testing options become available or the date the next refresher course is held. Applications for new certifications will be handled on a case by case basis. If your certification has expired or you are seeking a new certification, please contact the DERR at (801) 536-4100 to request an extension and discuss renewal or initial certification options.

LUST Investigations and Cleanup Activities:

DERR continues to conduct business as usual through teleworking. Review and approval of PST Fund Work Plans, PST Payment Request Vouchers, Corrective Action Plans and other submittals will be handled as expeditiously as possible. In an effort to reduce the spread of COVID-19 and to limit person-to-person contact, the Division is requesting the regulated community to submit documents electronically via email to the assigned Project Manager or Section manager.

Deadlines to conduct periodic monitoring, testing, or reporting or to submit other reports required by permits, regulations or other authorizations may be extended to 30 days after the Governor declares an end to the COVID-19 pandemic. This stay applies only insofar as a facility does not have appropriate personnel or contractors available to conduct monitoring and/or submit the reports on time and is not applicable to abatement and remediation of releases in emergency situations. Documentation must be maintained and made available to the DERR upon request demonstrating reasons why the facility was not able to comply with the applicable requirements. Please contact the applicable Leaking Underground Storage Tank Section at (801) 536-4100 with any questions.

METHAMPHETAMINE DECONTAMINATION SPECIALIST CERTIFICATION

This section is separate from and unrelated to EPA's March 26, 2020, COVID-19 memo, but is added for clarification to the regulated community. Due to the challenges in providing secure remote testing for Decontamination Specialists for certification, the DERR will address this as follows:

Decontamination Specialist Certification testing normally takes place at the DERR office. Certification renewal deadlines will be extended at the Director's discretion until alternative testing options become available. If your certification has expired, please contact the DERR at (801) 536-4100 to request an extension and discuss renewal options. For new certifications, please contact the DERR to discuss and schedule the next opportunity for the certification test.



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-030-20

MEMORANDUM

Subject: Utah Division of Air Quality (DAQ) Regulatory Guidance During COVID-19 Pandemic

Signed: Bryce C. Bird, Director

Original Date: March 27, 2020

Updated: March 30, 2020

I. Guidance Applicable to all Utah Department of Environmental Quality Divisions

Under the authority of the Executive Director of the Utah Department of Environmental Quality (UDEQ) and each individual UDEQ director, the following guidance is issued in coordination with EPA's Memo dated March 26, 2020, on the subject of [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program](#). This guidance balances UDEQ's obligation to safeguard Utah's land, air, and water resources and enforce environmental laws with the disruption caused by the spread of COVID-19. In this national emergency, UDEQ wants to clearly communicate its priorities to the regulated sources and the public and support the efforts to contain the virus. **All elements of EPA's March 26, 2020 guidance memo as applicable to Utah's environmental regulatory programs will be implemented in response to a demonstrated need for administrative regulatory relief connected to mitigation efforts in place to curb the spread of COVID-19.**

UDEQ and its divisions recognize that the pandemic may impact some facilities' ability to comply with environmental laws, permits, and other requirements. Staff shortages, service provider interruptions, and other restrictions may change regular operations. **We want to remind the regulated facilities that all applicable requirements are effective during this time and none are suspended. This guidance is not an authorization to violate any applicable environmental laws and does not constitute a variance from compliance obligations.** However, UDEQ agencies will exercise enforcement discretion when it comes to potential

violations during the COVID-19 pandemic where a good faith effort to comply is demonstrated and documented.

In addition, this guidance does not exempt entities regulated by UDEQ divisions from city and county orders requiring the closing of non-essential businesses.

UDEQ and its divisions are limiting person-to-person contact. The UDEQ offices are open during regular business hours, however, many UDEQ employees are working from home during this critical time. Public meetings, hearings and public outreach activities are currently suspended or being implemented via remote technology. To conduct business, please contact individual UDEQ agencies:

To conduct business, please contact individual UDEQ agency representatives by email as indicated on the agencies' website, the regulated entity's permit, or telephone at:

- Waste Management and Radiation Control: (801) 536-0200
- Air Quality: (801) 536-4000
- Water Quality: (801) 536-4300.
- Drinking Water: (801) 536-4200
- Division of Environmental Response and Remediation: (801) 536-4100

II. Guidance Applicable to the Utah Division of Air Quality (DAQ)

General Requirements:

Documentation: Sources must document any disruptions or instances of non-compliance caused by the pandemic. Also, please document and support the reasons why non-compliance happened due to COVID-19. This will help DAQ determine where enforcement discretion should be exercised on a case by case basis.

Electronic Submission: Required reports, applications and general correspondence will be accepted by email or electronic submissions for programs detailed below.

Wet Signatures: Digital signatures will be accepted on required submissions as long as the submission can be tied to the individual signing the document through an email or cover letter or through a digital signature authentication service.

Priorities: We request all regulated sources to do everything possible to continue safe and environmentally responsible operations by:

- Fully operating all air pollution control equipment and applying other measures to reduce air pollution;
- Implementing best management practices;
- Monitoring, testing, and reporting to show compliance with permit emission limits and other requirements.

A. COMPLIANCE

Inspections: DAQ inspectors shall practice social distancing as much as practicable while conducting inspections/field work. If feasible, employees will complete inspection work remotely using available technology tools. DAQ inspectors will be required to complete a COVID-19 pre-screening questionnaire prior to conducting any field work.

Title V Sources: DAQ expects all facilities that are operating normally to complete all periodic monitoring, testing and reporting requirements as specified in the Title V permit. For all deviations, a source must follow the regular Title V process and submit a deviation report. Please contact the Major Source Compliance Section at (801) 536-4000 with any questions.

All Other Sources: Deadlines to conduct periodic monitoring, testing or reporting or to submit other reports required by permits, regulations or other authorizations is extended to 30 days after the Governor declares an end to the COVID-19 pandemic. This applies only insofar as a facility does not have appropriate personnel available to conduct monitoring and/or submit the reports on time. Documentation must be maintained and made available to the DAQ upon request demonstrating reasons why the facility was not able to comply with the applicable requirements. Please contact the Minor Source Compliance Section at (801) 536-4000 with any questions.

Asbestos, Lead Based Paint, and Demolition Projects: These projects must continue to comply with the state rules and federal regulations including requirements to notify of work and revise or cancel project dates.

DAQ will continue to process asbestos, lead based paint, and demolition notifications via the [ALBOP portal](#), email at asbestos@utah.gov, leadbasedpaint@utah.gov, and US mail. Payments can be made through the ALBOP portal, the State of Utah (DEQ) payment portal www.deq.utah.gov - payment portal - air quality - air quality shopping cart. https://secure.utah.gov/cart/daq_cart/products.html or via US mail.

Asbestos and Lead Based Paint Worker Certification courses are currently still being provided through numerous state approved providers. If they no longer become available, DAQ will evaluate each situation on a case-by-case basis and exercise its discretion to potentially allow an extension to take a refresher course and submit for renewal.

If you have any questions, please contact DAQ by email at asbestos@utah.gov, leadbasedpaint@utah.gov, or by phone at (801) 536-4000.

B. PERMITTING

DAQ continues to conduct business as usual through teleworking. Review and issuance of permits to commercial and industrial emission sources in Utah will be done expeditiously. In an effort to reduce the spread of COVID-19 and to limit person-to-person contact, the division is requesting the regulated community to submit permit applications or other permit-related materials electronically. https://utahgov.co1.qualtrics.com/jfe/form/SV_9LHib4Fy1YgwkAl

For general permitting questions please visit our website at: <https://deq.utah.gov/air-quality/air-quality-permitting>

DAQ also encourages the regulated community to pay the application filing and review fees through an online payment portal at:

https://secure.utah.gov/cart/daq_cart/details.html?productId=143

DAQ will be utilizing electronic media to the greatest extent possible. All correspondence, reviews, and final documents to sources, consultants, and EPA will be sent by email. DAQ will use the email as a receipt and time stamp for submittals and return receipt requirements.

C. PLANNING

DAQ will continue to collect emissions inventories as required. For general emissions inventory questions please visit:

<https://deq.utah.gov/air-quality/statewide-emissions-inventory-program>

For questions regarding emissions inventories, including inventory submission extensions, please contact: cyouatt@utah.gov

For emissions inventory submittals due April 15th, 2020, please use the State and Local Emissions Inventory System (SLEIS) at: <https://sleis.deq.utah.gov/>

For SO₂ emissions reports due April 15, 2020, please email: cyouatt@utah.gov

Vermont

Vermont Department of Environmental Conservation (DEC) - Solid Waste & COVID-19 State of Emergency, April 1st Handout

Vermont DEC - Solid Waste & COVID-19 0 Guidance for Solid Waste Managers, April 1st Handout

Solid Waste and Recycling Program Site: <https://dec.vermont.gov/waste-management/solid>

Department of Environmental Conservation statement released March 25th allowing regulatory flexibility on a case by case basis.

April 1, 2020

Solid Waste & COVID-19 State of Emergency

During the COVID-19 state of emergency, the Vermont Department of Environmental Conservation (DEC) asks the public to please take the following precautions when visiting solid waste facilities and drop offs.

- Only visit if you are healthy.
- Call before you head out to check hours of operation and available services. Many facilities have reduced their hours and/or changed their operations.
- Keep it simple, only bring waste that can't wait like trash, food scraps, and [blue bin recyclables](#).
 - Recyclables should be empty of liquids and clean.
 - Trash should be contained in bags or contained so that it does not blow around.
 - Minimize the number of trips you are making by storing this material for as long as you can. Trash can be stored longer if food scraps are managed separately from this stream.
- Practice social distancing by keeping at least 6 feet of space between other customers and staff.
- When possible, stay in your vehicle while waiting at the scales or in line to drop your trash.
- If you need to enter a building, follow the facility's restrictions for number of persons at one time.
- Pay with cards/check rather than cash if possible and follow the facility's payment system such as placing payments in the collection container provided instead of handing cash directly to the staff.

Postpone these visits if possible:

- **Spring cleaning.** The old couch, bed, tires or lawnmower that has been sitting in the garage or shed for a few months can wait a little longer.
- **Yard clean up.** If something was hanging out in your yard already, please let it spend a bit more time there, or start a backyard compost pile. Learn more about backyard composting [here](#).
- **Household Hazardous Waste.** Store toxic products in safe, leak-proof containers somewhere that kids and pets cannot access them. Learn more about safe storage [here](#).

Donation sites or Swap Shops may be closed during this time. Please do not leave donations at a closed site—this is considered illegal dumping. Save items in good condition to donate later.

Questions? Please contact the [VT DEC Solid Waste Program](#) at 802-828-1138.

Help prevent the spread of COVID-19 throughout Vermont. Learn more at [VT Department of Health](#).

April 1, 2020

Solid Waste & COVID-19

Guidance for Solid Waste Managers

In accordance with the Governor's Stay Home/Stay Safe Executive Order 01-20 ([Addendum 6](#) of March 24, 2020), services or functions in Vermont deemed critical to public health and safety, as well as economic and national security include solid waste collection services for trash, food scraps, and [mandated \(blue bin\) recyclables](#).

For the safety of solid waste managers and customers during the COVID-19 state of emergency, Vermont DEC recommends solid waste facilities and haulers take the following precautions:

- Direct staff to stay home if they feel sick.
- Practice social distancing by keeping at least 6 feet of space between people.
- Staff should always wear gloves and avoid touching their face. Staff should be provided with a change of gloves as needed and have access to a hand washing station or, at a minimum, hand sanitizer. Eye protection also makes sense for some duties.
- For staff and customer safety, schedule periodic shutdown breaks to allow staff to wash/sanitize hands and sanitize surfaces.
- Avoid handling trash that is not bagged or wear gloves/wash/sanitize hands after handling.
- Customers should stay in their vehicle while waiting at the scales or in line to drop their trash.
- Discourage loitering/chatting with signage.
- Limit the number of people in an enclosed space at one time.
- When possible, encourage payment with cards, checks or prepaid vouchers rather than cash.
- Provide a collection container to pass cash or checks instead of handing money directly to staff.
- Disinfect the collection container and any areas that are touched frequently, such as compactor buttons, dumpster covers, door handles, railings, etc.
- Designate vehicles/equipment to one staff person – or thoroughly disinfect between operators.
- Where possible, limit staffs' exposure when taking money by installing clear plastic sheeting or a plexiglass barrier at the attendant's booth.
- Consider implementing no-cash procedures such as advance payment or self-pay collection bins.

- Notify customers to postpone bringing in other solid waste materials, such as household hazardous waste, bulky waste, furniture, and tires until a later date.
 - Information about backyard composting can be found [here](#).
 - Customers should postpone bringing in household hazardous waste and store it in safe, leak-proof containers somewhere that kids and pets cannot access them. Learn more about safe storage [here](#).
- Consider temporarily closing Swap Shops and encouraging customers to save items in good condition to donate later.
- For requests to increase or change operating hours or daily tonnage limits, please contact Dennis Fekert at dennis.fekert@vermont.gov.
- Clearly communicate any change in operating hours or operations to the public via various media, such as local newspapers, sandwich board sign, Front Porch Forum, Facebook, website, press releases, radio, or online newsletters.
- For additional information on waste worker safety, please refer to:
 - Institute of Scrap Recycling Industries (ISRI) - <https://www.isri.org/covid-19-guidance-to-help-recyclers-operate-safely>
 - Occupational Health and Safety Administration (OSHA) - <https://www.osha.gov/SLTC/covid-19/controlprevention.html#solidwaste>
 - Center for Disease Control (CDC) - <https://www.cdc.gov/coronavirus/2019-ncov/hcp/faq.html#waste>
 - Solid Waste Association of North America (SWANA) - [https://swana.org/news/guidance-on-coronavirus-\(covid-19\)](https://swana.org/news/guidance-on-coronavirus-(covid-19))

If you have questions, please contact the [VT DEC Solid Waste Program](#) at 802-828-1138 or DEC Solid Waste Program staff at <https://dec.vermont.gov/waste-management/contacts>.

Help prevent the spread of COVID-19 throughout Vermont. Learn more at [VT Department of Health](#).



State of Vermont
Department of Environmental Conservation
Waste Management & Prevention Division
1 National Life Drive – Davis 1
Montpelier, VT 05620-3704

MESSAGE RE: SOLID WASTE MANAGEMENT DURING COVID-19 PANDEMIC

For the reasons set forth below, the following message will be provided to solid waste operators, relating to the Department of Environmental Conservation's exercise of enforcement discretion during the COVID-19 pandemic:

As you know, under the terms and conditions of your facility certification the operating hours are limited to certain days and hours during the day. Because of the COVID-19 pandemic, the Department of Environmental Conservation (DEC) recognizes that solid waste facilities may face staff shortages and/or scheduling difficulties which will make safe operation during these hours difficult. In recognition of this situation, DEC will exercise its discretion and forego enforcement of the certification hours provided:

- The facility operator will keep records of those hours of operation available for inspection;
- In no event shall a facility operate between the hours of 11:00 p.m. to 5:00 a.m. unless already certified to do so.

DEC reserves its right to enforce the certification if the facility fails to adhere to these conditions, causes harm to human health or the environment or causes nuisance conditions. DEC will require strict adherence to the hours of operation in the facilities' certifications once the state of emergency is lifted or earlier as it deems appropriate.

For the facilities that have tipping floors, the maximum storage time on the tipping floor is limited to the operating hours, and MSW is expected to be removed from the tipping floor at the end of each operating day. Because of the COVID-19 pandemic, the Department of Environmental Conservation (DEC) recognizes that Facilities may face staff shortages and/or scheduling and other logistical difficulties which will make safe operation during these hours difficult. In recognition of this situation, DEC will exercise its discretion and forego enforcement of the storage hours provided:

- The maximum storage time on the tipping floor will be as short in duration as possible based on staff and trucking availability but not to exceed 72 hours.
- The facility operator shall keep records of storage times available for inspection.

DEC reserves its right to enforce the condition found in all certifications for facilities with tipping floors, including, but not limited to, the removal of waste from the tipping floor by the end of the operating day, if the facility operator fails to adhere to these conditions or causes harm to human health or the environment or nuisance conditions. DEC will require strict adherence to removing

waste from the tipping floor at the end of the operating day once the state of emergency is lifted or earlier as it deems appropriate.

All certified solid waste management transfer stations and landfills have maximum daily tonnage for limits. Because of the COVID-19 pandemic, the Department of Environmental Conservation (DEC) recognizes that permitted facilities may face staff shortages and/or scheduling and other logistical difficulties which will make efficient operation difficult. In recognition of this situation, DEC will exercise its discretion and forego enforcement of the daily tonnage requirement provided:

- the facility operator will keep records of the tonnage managed on a daily basis available for inspection, and the annual tonnage limit contained in the certification will not be exceeded.
- Daily tonnage shall not exceed 120% of the certified daily tonnage limitation

DEC reserves its right to enforce if the facility operator fails to adhere to these conditions or causes harm to human health or the environment or nuisance conditions. DEC will require strict adherence to daily tonnage limitations listed in facility certifications once the state of emergency is lifted or earlier as it deems appropriate.

Signed at Montpelier, VT this 25th day of March, 2020
Peter Walke, Commissioner

Department of Environmental Conservation



By:
Chuck Schwer, Division Director

Virginia

Virginia Department of Environmental Quality, March 31st Memorandum,
COVID-19 Compliance and Enforcement Guidance

Virginia DEQ, March 31st Memorandum, COVID-19 Implications for DEQ's
Enforcement Program



COVID-19 Compliance and Enforcement Guidance

A large number of facilities that DEQ regulates in Virginia perform critical environmental and societal functions. These include wastewater treatment plants, power plants, fuel distribution centers and landfills.

DEQ recognizes that the COVID-19 outbreak is affecting the ability of some regulated entities to comply with DEQ requirements, statutes, regulations and permit conditions. Staff shortages, service interruptions and other disruptions are all having major impacts.

DEQ balances its obligation to protect the environment with the dramatic effects we're seeing on public health facilities, the delivery of goods and services, the economy and quality of life for all Virginians.

It's important that regulated entities do all they can to ensure compliance with environmental requirements and DEQ expects a good faith effort to comply.

DEQ will exercise reasonable enforcement discretion within its authority when deciding whether to pursue potential violations caused by pandemic-related disruptions.

Communication and Documentation

DEQ requires that regulated entities communicate early and often regarding compliance issues that arise due to COVID-19 disruptions.

Additionally, DEQ requires that regulated entities document and explain pandemic-related events that affect their operations or ability to comply with requirements.

Priority

DEQ requires that all regulated entities do everything possible **to maintain the safe and environmentally protective operation of their facilities**. Priorities for operation include:

- Fully operate all installed pollution control equipment and treatment measures to reduce pollution
- Assure proper facility operation or delivery of service
- Monitor, test and report to demonstrate compliance with specific limits in your permit including effluent limits, withdrawal volume, emission limits, and disposal volumes
- Monitor, test and report to demonstrate compliance with all other requirements
- Implement best management practices

More information

For more specific information about DEQ's enforcement and compliance activities, contact DEQ's Director of Central Operations **Jeff Steers** at Jeffery.Steers@DEQ.Virginia.gov or (804) 698-4079.

This information does not serve as authorization of any kind to violate any applicable requirement of law, including statute, regulation, permit condition, or other obligation.



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

TO: DEQ Compliance, Permitting and Enforcement Staff, Regulated Community

FROM: Jeffery A. Steers, Director of Central Operations

A handwritten signature in blue ink that reads "Jeffery A. Steers".

SUBJECT: COVID-19 Implications for DEQ's Enforcement Program

DATE: March 31, 2020

On March 12, 2020, Governor Northam signed Executive Order 51 declaring a State of Emergency in the Commonwealth of Virginia due to COVID-19. EO 51 provides agencies with regulatory flexibility. DEQ may exercise the enforcement discretion specified below for noncompliance resulting from the COVID-19 pandemic, if regulated parties take the steps applicable to their situations, as set forth in this approach. For noncompliance that occurs during the period of time that this temporary approach is in effect, and that results from the COVID-19 pandemic, this will apply to such noncompliance in lieu of an otherwise applicable DEQ enforcement response.

APPLICABILITY

This approach will apply retroactively beginning on March 13, 2020. DEQ will coordinate with other federal agencies in situations where the jurisdiction is shared over a regulated party's environmental compliance obligations.

DEQ will assess the continued need for and scope of this temporary approach on a regular basis and will update it if modifications are necessary. In order to provide fair and sufficient notice to the public, DEQ will post a notification on our web site at least seven days prior to termination. DEQ will apply this approach to actions or omissions that occur while this approach is in effect even after its termination.

SCOPE

DEQ acknowledges that we are in unprecedented times and balances the need to protect public health with environmental protection. DEQ expects responsible parties to comply with their Consent Order/Consent Decree/LOA requirements. However, if public health recommendations such as social distancing or self-quarantine interfere with a Responsible Party's ability to

comply, DEQ will consider those issues on a case-by-case basis and exercise enforcement discretion as needed. DEQ advises Responsible Parties to keep documentation of any contracts for service as well as cancellation or delay correspondence (emails/phone logs) to support good faith efforts to comply. The consequences of the pandemic may affect facility operations and the availability of key staff and contractors and the ability of laboratories to timely analyze samples and provide results. As a result, there may be constraints on the ability of a facility or laboratory to carry out certain activities required by the commonwealth's environmental permits, regulations, and statutes. These consequences may affect reporting obligations and milestones set forth in settlements and consent decrees.

Finally, DEQ realizes that the general statements contained in this policy may not address every potential civil violation that may arise as a result of COVID-19. As such, DEQ may provide additional enforcement guidance applicable to specific programs on an ongoing basis and DEQ's self-disclosure program remains available.

ENFORCEMENT DISCRETION

I. Civil Violations

A. General conditions

1. Entities should make every effort to comply with their environmental compliance obligations.
2. If compliance is not reasonably practicable, facilities with environmental compliance obligations should:
 - a. Act responsibly under the circumstances in order to minimize the effects and duration of any noncompliance caused by COVID-19;
 - b. Identify the specific nature and dates of the noncompliance;
 - c. Identify how COVID-19 was the cause of the noncompliance, and the decisions and actions taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity;
 - d. Return to compliance as soon as possible;
 - e. Document the information, action, or condition specified in a. through d; and
 - f. Maintain documentation for at least three (3) years on site.

In general, DEQ does not expect to seek penalties for violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations in situations where DEQ agrees that COVID-19 was the cause of the noncompliance and the responsible party provides supporting documentation to DEQ upon request.

After this approach is no longer in effect, DEQ expects full compliance going forward. In general, absent exigent circumstances, DEQ does not plan to require facilities to "catch-up" with missed monitoring or reporting if the underlying requirement applies to intervals of less than three months. For other monitoring or reports, such as those required on a bi-annual or annual basis, when this policy is no longer in effect, DEQ expects facilities to take reasonable measures to resume compliance activities as soon as possible, including conducting late monitoring or submitting late reports. In some programs, there are sections or codes in the reporting form in which a facility may indicate why it has not conducted the required sampling

and monitoring, and DEQ encourages facilities to include such information when submitting any late reports.

Many training classes are offered online and such online training generally should not be affected by travel and social distancing constraints. If practicable, sectors mandated to function with certified operators should maintain normal certification and training practices. If not practicable due to the COVID-19 pandemic, DEQ asserts that it is more important to keep experienced, trained operators on the job, even if a training or certification is missed.

If a submission to DEQ requires a “wet” signature of a responsible official, DEQ will accept a digital or other electronic signature. The mere inability to obtain a wet signature will not be considered a justification for failure to make a paper submission or certification. We strongly encourage the regulated community use DEQ’s approved electronic reporting mechanisms. For enforcement purposes, DEQ also will accept emailed submissions even if a paper original is required.

C. Consent Orders and other administration agreements and consent decree reporting obligations and milestones

1. With respect to **DEQ administrative agreements** reporting obligations and milestones, if, as a result of COVID-19, parties to such settlement agreements anticipate missing enforceable milestones set forth in those documents, parties should utilize the notice procedures set forth in the agreement, including notification of a force majeure, as applicable. DEQ notification should provide the information required by the agreement, which typically will include steps taken to minimize the effects and duration of any noncompliance caused by COVID-19. DEQ staff will review these notifications and may contact a responsible party to seek adjustments to a proposed plan of action, pursuant to the agreement.
2. With respect to **consent decrees entered into with Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ)**, these documents are agreements and court orders. DEQ staff will coordinate with DOJ and EPA to exercise enforcement discretion with regard to stipulated penalties for the routine compliance obligations and will also consult with any co-plaintiffs to seek agreement to this approach. Courts retain jurisdiction over consent decrees and may exercise their own authority. Parties should utilize the notice procedures set forth in the consent decree, including notification of a force majeure, as applicable, with respect to any noncompliance alleged to be caused by COVID-19.
3. Parties should proceed as proposed in their notice to DEQ (and to EPA/DOJ for consent decrees) unless and until contacted by the agency (if a DEQ administrative settlement) or DOJ/EPA (if a judicial consent decree).

D. Facility Operations

DEQ expects all regulated entities to continue to manage and operate their facilities in a manner that is safe and that protects the public and the environment.

1. Facilities should contact DEQ if **facility operations impacted by the COVID-19 pandemic may create an acute risk or an imminent threat to human health or**

the environment. If a facility suffers from **failure of air emission control or wastewater or waste treatment systems or other facility equipment** that may result in exceedances of enforceable limitations on emissions to air or discharges to water, or land disposal, or other unauthorized releases, the facility should notify the implementing authority (EPA regional office or authorized state or tribe) as quickly as possible. The notification also should include information on the pollutants that may be or have been emitted, discharged, discarded, or released; the comparison between the expected emissions or discharges, disposal, or release and any applicable limitation(s); and the expected duration and timing of the exceedance(s) or releases. EPA will consult with authorized states or tribes, as applicable, in accordance with the July 11, 2019 memorandum on [Enhancing Effective Partnerships Between EPA and States in Civil Enforcement and Compliance Assurance Work](#) to determine the appropriate response. Where EPA implements the program directly, EPA will evaluate whether the risk posed by the exceedance, disposal, or release is acute or may create an imminent threat to human health or the environment and will follow the steps set forth under paragraph 1.b. above.

2. If facility operations result in **noncompliance are not already addressed by DEQ above**, regulated entities should take the steps to document as listed above in Part I(2).
3. If a facility is a **generator of hazardous waste** and, due to disruptions caused by the COVID-19 pandemic, is unable to transfer the waste off-site within the time periods required under RCRA to maintain its generator status, the facility should continue to properly label and store such waste and take the steps identified under Part I.A, above. If these steps are met, as an exercise of enforcement discretion, DEQ will follow EPA's direction, and will treat such entities to be hazardous waste generators, and not treatment, storage and disposal facilities. In addition, as an exercise of enforcement discretion, DEQ will treat Very Small Quantity Generators and Small Quantity Generators as retaining that status, even if the amount of hazardous waste stored on site exceeds a regulatory volume threshold due to the generator's inability to arrange for shipping of hazardous waste off of the generator's site due to the COVID-19 pandemic.

II. DEQ Enforcement Actions

During the pendency of the current COVID-19 exigency, DEQ expects to focus its resources largely on situations that may create an acute risk or imminent threat to public health or the environment, to ensure protection against such risks or threats. All ongoing enforcement matters are continuing.

III. Accidental Releases

Nothing in this approach relieves any entity from the responsibility to prevent, respond to, or report accidental releases of oil, hazardous substances, hazardous chemicals, hazardous waste, and other pollutants, as required by state law, or should be read as a willingness to exercise enforcement discretion in the wake of such a release.

Washington

Washington Department of Ecology email received March 27, 2020 stating
regulatory flexibility on a case by case basis

Washington

During the COVID-19 outbreak, the Washington Department of Ecology will continue to respond to spills, provide technical assistance, ensure permit coverage for regulated activities, and enforce the laws that protect the environment throughout the current crisis. However, we recognize the public health crisis and economic disruptions related to the COVID-19 outbreak may temporarily affect some of the regulated entities' ability to comply with all state requirements.

All applicable state requirements remain in effect, but Ecology will exercise reasonable discretion within our authority when deciding whether to pursue potential violations that may be linked to the current COVID-19 pandemic.

For permitting, inspection and compliance questions and concerns, please visit our COVID-19 Regulatory Flexibility page at <http://ecy.wa.gov/covid19response>.

West Virginia

Letter from West Virginia Department of Environmental Protection on
March 22, 2020 to all West Virginia Composite lined Solid Waste Landfills
and Approved Transfer Stations

Public Service commission Order, March 27th – Allowing relief on bulky
goods collection



west virginia department of environmental protection


Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0465
Fax: (304) 926-0456

Austin Caperton, Cabinet Secretary
dep.wv.gov

EMERGENCY BULLETIN

March 22, 2020

TO: All West Virginia Composite Lined Solid Waste Landfills
And Approved Transfer Stations

FROM: Katheryn Emery, P.E., Acting Director 
Division of Water and Waste Management

As you are aware, all fifty states and Washington D.C. have declared a state of emergency due to the situation surrounding COVID-19 to minimize the spread and/or threat of the virus. On March 20, 2020, the National Waste & Recycling Association (NWRA) requested that the West Virginia Department of Environmental Protection (DEP) consider granting relief or flexibility to certain regulations concerning the handling, storage and disposal of solid waste and recycling materials. Specifically, the NWRA requested the following:

- Flexibility in the operational hours of solid waste facilities (expanded hours);
- The relaxing of tonnage limits at state solid waste facilities;
- Extension of storage times at solid waste transfer facilities;
- Reduction of disposal bans for recyclables and yard waste; and
- Flexibility for compliance timelines for documenting tasks required by solid waste facility operating permits.

Upon consideration of said request, the DEP has determined that such concessions are necessary and proper to the protection of human health and the environment during this difficult time. Therefore, during the pendency of the declaration of a state of emergency in West Virginia:

- You are hereby authorized to adjust your hours of operation as needed to expedite responsiveness to the emergency. A copy of your facility's modified operating schedule must be emailed to the Division of Water and Waste Management (DWWM) at Yogesh.P.Patel@wv.gov.

Promoting a healthy environment.

- The tonnage limit for your facility is hereby waived. Please ensure that all tonnage accepted at your facility is included on the monthly tonnage report and that all fees are collected for the material.
- Storage times for materials delivered to transfer stations and recycling facilities are hereby waived.
- Your facility may accept recyclables and yard waste for disposal.

If you have any questions or concerns, please telephone the DWWM at (304) 926-0495.

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 27th day of March 2020.

GENERAL ORDER NO. 262.2

COMMISSION GENERAL ORDER REGARDING WAIVER OF MOTOR CARRIER RULES RELATED TO COLLECTION OF BULKY GOODS AND TO GENERAL COLLECTION OF SOLID WASTE DURING COVID-19 WEST VIRGINIA STATE OF EMERGENCY.

COMMISSION ORDER

In response to the COVID-19 pandemic, the Commission temporarily waives requirements that motor carriers engaged in the collection of solid waste collect bulky goods. The Commission also authorizes solid waste haulers who hand-collect waste to limit collection to waste placed in closed bags.

BACKGROUND

The Commission's Rules Governing Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor Carriers, 150 C.S.R. 9 (Motor Carrier Rules) require all motor carriers engaged in the transportation of solid waste to provide monthly collection of bulky goods. Motor Carrier Rule 6.6. The Motor Carrier Rules also require solid waste haulers to collect all solid waste that is placed in a suitable, waterproof container, including plastic bags and garbage cans. Motor Carrier Rule 6.2.g.

On March 11, 2020, the World Health Organization declared the COVID-19 virus to be a global pandemic. On March 16, 2020, West Virginia Governor Jim Justice declared a COVID-19 state of emergency for all West Virginia counties (WV State of Emergency). Federal and State authorities are recommending social distancing and limiting person-to-person contact to prevent the spread of the COVID-19 virus.

On March 23, 2020, the Governor issued Executive Order No. 9-20 directing all individuals in the state to stay in their homes or place of business unless performing an essential activity.

DISCUSSION

Pursuant to Executive Order No. 9-20, West Virginia citizens will spend more time at home. As a consequence, citizens will generate more household waste than usual. The collection of bulky goods as required by Motor Carrier Rule 6.6 involves additional collection trips and the use of special equipment and could divert hauler resources from general household trash collection. Solid waste haulers may also experience a shortage of workers. The focus at this time must be the regular and timely collection of general household waste. To protect the general health, conserve resources and ensure continuation of regular and timely waste collection, the Commission will temporarily waive Commission rules and applicable utility tariff provisions that require solid waste haulers to collect bulky goods on a monthly basis. This waiver should start immediately and remain in effect until further order of the Commission or the Governor ends the WV State of Emergency.

Motor Carrier Rule 6.2.g requires solid waste haulers to collect loose waste placed inside a garbage can because a garbage can is a suitable, waterproof container. Employees of solid waste haulers that engage in hand-collection must reach inside the can to retrieve loose waste. Loose waste, particularly medical waste, is a potential source of infection transmission. In response to the COVID-19 pandemic, therefore, it is reasonable to suspend the requirement to collect loose waste and instead temporarily require solid waste haulers to limit collection of waste to waste placed in closed bags.

FINDINGS OF FACT

1. Commission rules and/or utility tariffs require motor carriers engaged in the collection of solid waste to collect bulky goods on a monthly basis. Motor Carrier Rule 6.6.
2. Commission rules and/or utility tariffs require motor carriers engaged in the collection of solid waste to collect all waste that is either placed in a bag or in the garbage can. Motor Carrier Rule 6.2.g.

CONCLUSIONS OF LAW

1. In consideration of health risks related to the COVID-19 pandemic, it is reasonable to temporarily waive all rules and utility tariffs that require motor carriers engaged in the collection of solid waste to collect bulky goods on a monthly basis.
2. In consideration of health risks related to the COVID-19 pandemic, it is reasonable to temporarily waive all rules and utility tariffs that require motor carriers engaged in the collection of solid waste to collect all waste placed in a bag or in the garbage can. Solid waste collectors should, instead, limit collection to waste placed in closed bags.

ORDER

IT IS THEREFORE ORDERED that the Commission rules and utility tariffs that require motor carriers engaged in the collection of solid waste to collect bulky goods on a monthly basis, are temporarily waived. This waiver shall remain in effect until further order of the Commission or until the State of Emergency is lifted.

IT IS FURTHER ORDERED that the Commission rules and utility tariffs that require motor carriers engaged in the collection of solid waste to collect all waste placed in a bag or in the garbage can are waived and instead the Commission requires solid waste haulers who perform hand-collection to limit collection to waste placed in closed bags. This waiver shall remain in effect until further order of the Commission or until the State of Emergency is lifted.

IT IS FURTHER ORDERED that on entry of this order this case shall be removed from the Commission docket of open cases.

IT IS FURTHER ORDERED that the Executive Secretary serve this Order upon the Commission and its Staff by hand delivery, upon all waste haulers who have filed an e-service agreement with the Commission by electronic service and upon all other waste haulers by United States Certified Mail, return receipt requested.

A True Copy, Teste,



Connie Graley, Executive Secretary

JRA/rm
GO262.2c

Wisconsin

Wisconsin Department of Natural Resources 4/3/20 Publication: *Wisconsin
DNR Offers Environmental Compliance Roadmap*

Wisconsin

Wisconsin Department of Natural Resources:
<https://dnr.wi.gov/emergency/COVID19Compliance.html>

COVID-19: Environmental Compliance Process

We at the Wisconsin Department of Natural Resources want you to know we are here for you and our great state as we go through the COVID-19 [public health emergency \[exit DNR\]](#) together. We are committed to doing what we can to help those impacted by COVID-19 while still protecting environmental quality, public health, and safety. We are doing everything we can to ensure our core operations continue during this unprecedented time.

Under Gov. Evers' Safer at Home emergency order, the DNR is committed to balancing its obligation to the law and to protect public health and the environment. We recognize that the outbreak may impact some regulated entities' ability to comply with all statutes, rules, and permit or license conditions.

All state statutes and regulations remain in effect unless otherwise suspended by the governor, and all entities should make every effort to comply with their environmental compliance obligations. Where full compliance is not reasonably practicable, Wisconsin DNR is providing a case-by-case request process, described below, to grant regulatory flexibility, where possible.

Under the Safer at Home order, the DNR will prioritize responding to imminent threats or complaints related to public health, safety, and the environment over routine, on-site audits, and inspections.

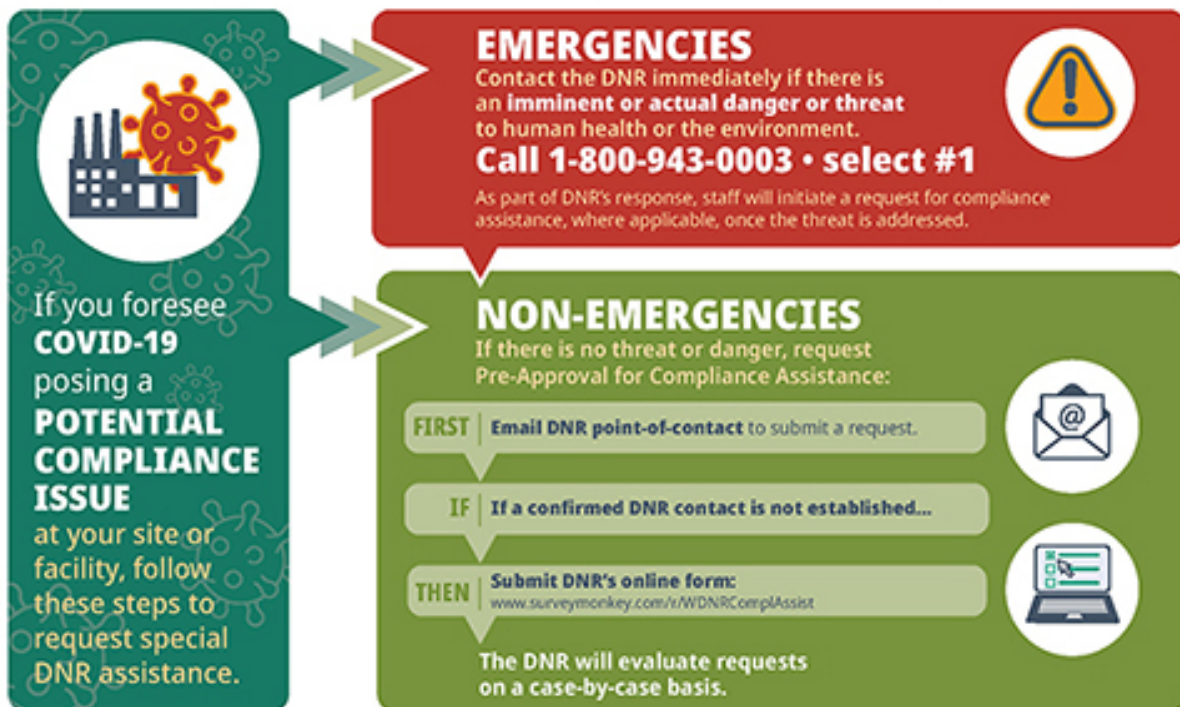
Regulated entities should be aware that the U.S. Environmental Protection Agency issued the [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program \[PDF exit DNR\]](#) temporary policy memo that addresses this topic at a federal level.

In Wisconsin, where regulated entities will have an unavoidable noncompliance situation or are seeking approval in advance for compliance assistance, directly due to impacts from COVID19, the DNR recommends the following steps.



Wisconsin Department of Natural Resources

COVID-19 ENVIRONMENTAL COMPLIANCE PROCESS



The DNR will work as quickly as possible on a solution in response to the compliance assistance request.
Do not implement alternative methods until receiving DNR written approval.

888-121-6

- If you have a spill or compliance problem that poses an imminent or actual threat to health or the environment, report it immediately upon discovery by calling toll free 1-800-943-0003 (select #1 when prompted). This number is monitored 24 hours a day.
- If your regulatory, non-compliance situation **does not** pose an imminent or actual threat to public health or the environment, DNR directs the regulated entity to request compliance assistance in advance from the DNR using one of the following two methods:
 1. Contact your DNR compliance contact or project manager for your site or facility, and provide the DNR with the information listed below via email;

or

6. Specify the specific time period that the request is for including the rationale.

Where alternative compliance options are authorized by the DNR in writing, regulated entities must maintain records adequate to document implementation of authorized alternative compliance options, and activities related to the noncompliance.

The DNR will work as quickly as possible with an individual party on a solution in response to the compliance assistance request. Requests can be amended by sending another email or online form if something has been approved for a specific time period needing an extension or if a change to approved compliance options is required.

The reason for an additional extension should be included. If the DNR receives a significant number of requests for regulatory flexibility from a specific requirement and the DNR determines it is appropriate, the DNR may consider granting the specific sector flexibility for that requirement.

Wisconsin DNR Offers Environmental Compliance Roadmap

All state laws and regulations remain in effect

Contact(s): Darsi Foss, Environmental Management Administrator, darsi.foss@wisconsin.gov or (608) 267-6713; James Zellmer, Environmental Management Deputy Administrator, james.zellmer@wisconsin.gov or (608) 267-7651

April 3, 2020 at 1:39:51 pm

MADISON, Wis. - Under Gov. Evers' [Safer at Home order](#) the Wisconsin Department of Natural Resources will prioritize responding to imminent threats or complaints related to public health, safety and the environment over routine, on-site audits and inspections.

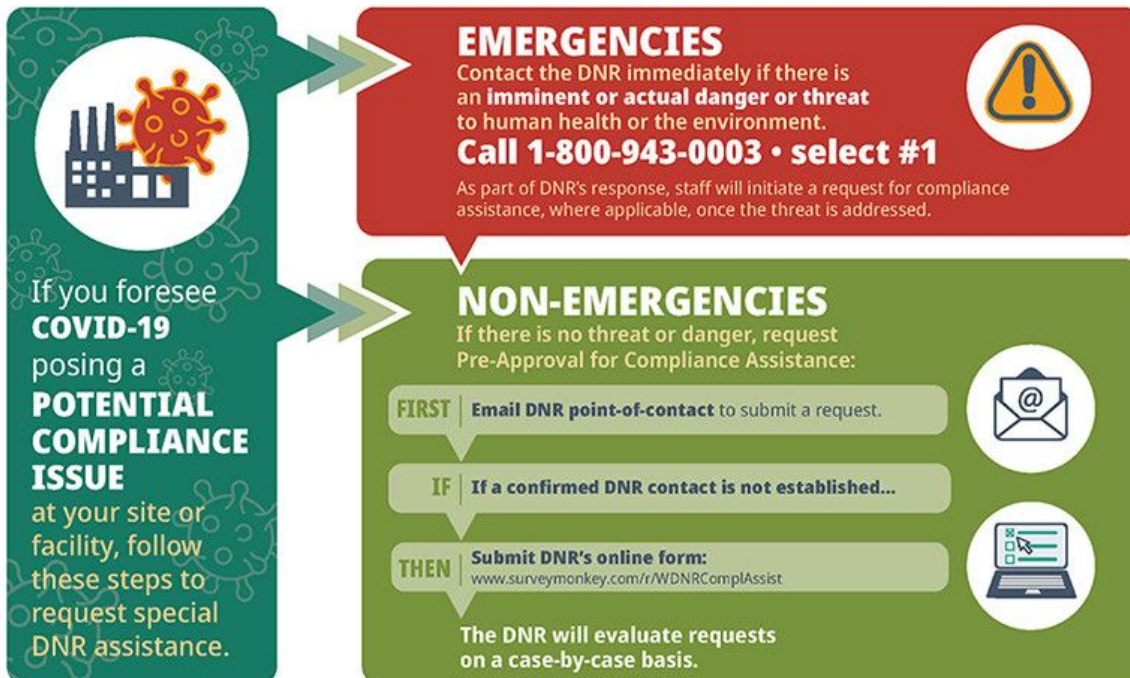
The regulated community can go [here](#) for a one-stop location to request case-by-case assistance due to likely compliance issues associated with COVID-19. All state laws and regulations remain in effect, unless otherwise suspended by the governor.

The DNR is committed to doing what we can to help those impacted by COVID-19 while continuing to protect environmental quality, public health and safety. The DNR is sensitive to the challenges posed to its regulated community, such as wastewater and air permittees and landfill license holders.



Wisconsin Department of Natural Resources

COVID-19 ENVIRONMENTAL COMPLIANCE PROCESS



The DNR will work as quickly as possible on a solution in response to the compliance assistance request.
Do not implement alternative methods until receiving DNR written approval.

NR1216

Environmental compliance process during the COVID-19 public health emergency.

Photo credit: DNR

All entities should make every effort to comply with their environmental compliance obligations. Where full compliance may not be possible due to COVID-19, the DNR created an environmental compliance roadmap for regulated entities.

The DNR advises businesses or local governments having a spill or a compliance problem that poses an imminent or actual threat to health or the environment to report it immediately by calling toll free 1-800-943-0003 and selecting "1." This number is monitored 24 hours a day.

For non-emergency situations, the DNR is providing this online process as a means for the regulated entities to request advance compliance assistance from the DNR. This process should be initiated by directly emailing the main DNR contact for the facility or by using the online web form to request case-by-case compliance assistance.

The DNR will monitor these systems daily during regular business hours. Where safe compliance alternatives are approved in advance by the DNR, regulated entities will be required to maintain records adequate to document implementation of authorized alternative compliance options.

The Wisconsin Department of Natural Resources continues to receive the most up-to-date information and will adjust operations as conditions change. Distance is key during this public health emergency. Under the Safer at Home order, we must do all that we can to prevent the spread of COVID-19. Staying home as much as possible and limiting travel to your community is the best way to lower COVID-19 infection rates.

This is a rapidly evolving situation. For the latest updates, visit the [DNR website](#) or follow @WIDNR on [Facebook](#), @wi_dnr on [Instagram](#), or @WDNR on [Twitter](#).

For specific information regarding the COVID-19 we encourage the public to frequently monitor the [DHS website for updates](#), and to follow @DHSWI on [Facebook](#) and [Twitter](#), or dhs.wi on [Instagram](#). Additional information can be found on the [CDC website](#).

Last Revised: Friday, April 03, 2020

Contact information



Need an expert? Contact the Office of Communications.

The [Office of Communications connects journalists with DNR experts](#) on a wide range of topics. For the fastest response, please email DNRPress@Wisconsin.gov and the first available Communications Specialist will respond to you.

For more information about news and media, contact:

[Sarah Hoyer](#)

Director Of Communications

Office Of The Secretary

Wyoming

April 8th Letter from Wyoming Governor's office to NWRA allowing regulatory flexibility on a case by case basis.



April 8, 2020

Darrell K. Smith
President and Chief Executive Officer
National Waste & Recycling Association
1150 Crystal Drive, Suite 800
Arlington, VA 22202

Dear Mr. Smith,

Thank you for your letter dated March 18, 2020 regarding the National Waste & Recycling Association's (NWRA) requests for additional regulatory flexibility to address issues related to managing waste and during the COVID-19 outbreak. The State of Wyoming understands the importance of proper solid waste management in order to protect the citizens of Wyoming and limit the potential spread and threat of disease and are committed to working with our solid waste operators. My administration has been active in coordinating between State agencies and local entities to ensure we respond to your letter accurately and more importantly that we manage waste properly during this crisis.

In most cases, local governments that hold permits with the State of Wyoming for landfills are afforded flexibility and authority to set hours of operation, tonnage limits, or storage times. If any adjustments outside of existing permit conditions are needed, they may work with the Wyoming Department of Environmental Quality to modify their permits.

With regard to your specific requests:

- Transportation during curfews -- At this time, the State of Wyoming has not imposed any travel curfews. Should that become necessary, we will give due consideration to the essential nature that solid waste operators provide to the community.
- Hours of service -- The State of Wyoming does not regulate the hours of service for our solid waste operators. Any additional flexibility would be accommodated at the local level.

- Hours of operation -- The State of Wyoming requires the hours of operation for a facility to be posted at the point of access but does not regulate the specific hours of operation for a facility. Any additional flexibility would be accommodated at the local level.
- Tonnage Limits -- The State of Wyoming does not regulate the amounts of waste that a facility can accept. Any additional flexibility would be accommodated at the local level.
- Storage Times -- The State of Wyoming does not regulate the amount of time that solid waste can remain at a transfer station. Any additional flexibility would be accommodated at the local level.
- Disposal Ban -- The State of Wyoming allows recyclables and yard waste to be disposed of in municipal solid waste landfills. Any additional flexibility would be accommodated at the local level.
- Compliance Timelines -- The State of Wyoming understands that the COVID-19 virus may cause delays in sampling and report submittal. As such, I have asked State agencies to engage with all members of the public as appropriate and feasible given the circumstances. More specifically, the Wyoming Department of Environmental Quality's Solid and Hazardous Waste Division is committed to working with solid waste operators to provide flexibility on a case-by-case basis. Operators are encouraged to reach out at their earliest convenience to discuss any issues.

Thank you for submitting your comments. Please feel free to contact Todd Parfitt, Director of the Wyoming Department of Environmental Quality if you have additional questions at (307) 777-7937.

Sincerely,



Mark Gordon
Governor

cc: Todd Parfitt, Director, Wyoming Department of Environmental Quality
Luke Esch, Administrator, Solid and Hazardous Waste Division, Wyoming Department of Environmental Quality