

COVID-19 Compliance & Enforcement Status of State Environmental Regulations

Several U.S. states have issued statements regarding enforcement discretion or changes such as suspending or reducing inspections related to environmental regulations for entities impacted by COVID-19. Other U.S. states have indicated that compliance and enforcement is expected to continue as normal. The table below is a summary of current U.S. state actions in regulatory areas likely to be relevant to retail operations. Please use the links to visit the official state website for details. In addition to U.S. governments, the Canadian governments of Alberta, British Columbia, Ontario and Quebec have also introduced changes. Visit here for tracking information on these Canadian governments. This is a changing situation and it is possible that not all actions are included here. If you know of changes or additional states suspending enforcement, please send a note to kaela.martins@rila.org.

The U.S. Environmental Protection Agency's (EPA) Enforcement and Compliance Assurance Program has issued a cross-agency enforcement discretion policy that retroactively begins on March 13, 2020. Authorized states may take a different approach under their own authorities. To view this policy in detail, click here.

The EPA recently <u>announced</u> that the enforcement discretion policy put into place in March 2020 in response to the COVID-19 pandemic will end on August 31, 2020.

State	Regulatory Area	Summary	Termination Date	Link
AL	Drinking water and wastewater treatment	The Alabama Department of Environmental Management (ADEM) had indicated that if your facility is unable to collect samples or have samples analyzed due to the KKCOVID-19 pandemic, you may use the No Data Indicator (NODI) code *Z for the missing values. Please also enter COVID-19 in the DMR comment section and attach a non-compliance form to explain in more detail why monitoring results are not available.	Not Available	ADEM
AK	Air Quality Enforcement	Where authority to issue waivers for Non-Compliance with Federally enforceable conditions or stack testing requirements for rules under 40 CFR 60 and 63 remain subject to EPA approval, DEC retains certain discretionary authority with respect to enforcement and will consider such force majeure 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.	July 1, 2020	Alaska DEC Air No Action Assurance

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AK	Water Quality Enforcement	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.	June 1, 2020	Alaska DEC Water No Action Assurance
AZ	Drinking water and wastewater treatment	Facility inspections and work to issue permits will continue uninterrupted. Compliance conditions for facilities will continue to be required, including for public drinking water systems to ensure drinking water meets federal standards.	Not Applicable	Arizona DEQ
AZ	Compliance and Enforcement	Arizona's Department of Environmental Quality (DEQ) is aligning with the EPA's memo and providing potential enforcement leniency where compliance with certain environmental regulations is impractical as a result of COVID-19.	In line with the EPA's termination date of August 31st, 2020.	Arizona DEQ EPA Termination Notification
AR	Permitting and Licensing	For AR Department of Environmental Quality (DEQ) - administered licensing programs with licenses that expire on or before July 1, 2020, DEQ will provide an additional six months for Licensees to renew their licenses. License renewal applications and the required licensee renewal fees shall be submitted with the time required by the DEQ-administered license program requirements. Licenses relevant to retail are under the DEQ's Office of Water and Office of Air Quality.	January 1, 2021	Arkansas DEQ Emergency Order

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AR	Compliance and Enforcement	AR's Department of Energy and Environment (DOEE) has created contact information for regulated entities that face unavoidable noncompliance situations to request flexibility and assistance in providing alternative approaches to maintain compliance. All regulated facilities are still obligated to ensure compliance with regulations and permit requirements; however, an additional 6 months is being provided for licensing programs that expire July 1, 2020.	January 1, 2021	Arkansas Dept. of Energy and Environment Enforcement Guidance
CA	Air Quality Enforcement	Although the California Air Resources Board (CARB) indicates there may be temporary delays, CARB regulations are still in effect and deadlines apply.	Not Applicable	California Air Resources Board (CARB) response to COVID-19
CA	Underground Storage Tanks (UST)	Requirements for operating and monitoring USTs remain in full effect. All UST owners and operators should document any circumstances that lead to delays or other lapses in regulatory compliance.	Not Applicable	Implementation of UST Requirements During the Coronavirus 2019 (COVID-19) Emergency
CA	Drinking water and wastewater treatment	Timely compliance by the regulated community with all Water Board order 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. If there is a specific Water Board order or requirement that cannot be timely because it would be inconsistent with current government 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.	Not Applicable	Compliance with Water Board Requirements During the Coronavirus 2019 (COVID-19) Emergency
CA	RCRA Hazardous Waste	The Department of Toxics Substances Control (DTSC) may grant an extension, of up to 30 days, to a generator who cannot meet the 90-day on site hazardous waste storage limit requirement. The extension is for RCRA waste only.	Not Applicable	DTSC Storage Extension

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CA	Compliance and Enforcement	CalEPA is allowing regulated entities to seek specific time- delimited remedies associated with hardships resulting from COVID-19. Entities unable to meet deadlines or other obligations must contact CalEPA prior to any noncompliance.	Not Applicable	CalEPA Statement on COVID-19 Compliance
СО	Compliance and Enforcement	The Colorado Department of Public Health and the Environment (CDPHE) has not stated a position on EPA's COVID-19 policy and has indicated it intends most scheduled regulatory and policy activities will continue as planned.	Not Applicable	CDPHE COVID-19 Response
СО	Hazardous Waste Guidance	CDPHE has provided temporary guidance for complying with hazardous waste requirements during the COVID-19 pandemic.	Guidance will terminate as soon as the division deems appropriate.	CPDPHE Temporary Hazardous Waste Guidance
СТ	Compliance and Enforcement	Regulated entities are expected to comply with Connecticut's environmental laws during the public health emergency. Should, however, extenuating circumstances associated with the COVID-19 emergency prevent a regulated entity from fully complying with environmental laws, Department of Energy and Environmental Protection (DEEP) recommends that the regulated entity document in detail and communicate in writing with DEEP as soon as practicable concerning the entity's inability to achieve full compliance.	Termination date in line with Governor's Executive Order. No current termination date has been determined.	DEEP Enforcement Discretion Statement During the COVID-10 Emergency
DE	Permitting and Licensing	The DE Department of Natural Resources and Environmental Control (DNREC) offers online options for its permitting and licensing applications. All submittals should be made online or via email. Payments should be made online or by check via mail.	Not Available	<u>Delaware.gov</u>
		Licenses relevant to retail are under the DNREC's Office of Water and Office of Air Quality.		

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D.C.	Underground Storage Tanks (UST)	The Underground Storage Tanks Branch at the District Department of Energy and Environment (DOEE) has issued guidance for implementation of UST requirements during the COVID-19 pandemic. Critical UST leak detection, overfill protection, monitoring, and cathodic protection equipment must remain on and monitored. Documentation most be provided for any circumstances leading to any delay in conducting tests, maintenance, and inspections that prevent facilities from being in regulatory compliance.	Not Available	DOEE UST Requirements During the COVID-19 Pandemic
FL	Compliance and Enforcement	Florida's Department of Environmental Protection (DEP) finds that it is appropriate to extend certain regulatory deadlines by 30 days to accommodate disruptions. This does not provide relief from any other regulatory requirements including those of other federal, state, or local agencies. This likewise does not provide relief from the Department's compliance and enforcement activities.	May 8, 2020	Florida DEP Emergency Order
GA	Compliance and Enforcement	Georgia's Environmental Protection Division (EPD) will follow guidance and procedures set by EPA's COVID-19 policy for both federal permits and state-only permits.	In line with the EPA's termination date of August 31 st , 2020.	EPD COVID-19 Response EPA Termination Notification
HI	Hazardous Waste Generators	The HI Department of Health's (HDOH) Hazardous Waste program will follow EPA guidance regarding enforcement discretion when hazardous waste generator operations are impacted by the COVID-19 pandemic.	In line with the EPA's termination date of August 31 st , 2020.	HI COVID-19 & Hazardous Waste Generators EPA Termination Notification

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ID	Drinking water and wastewater treatment	Operators are expected to conduct sampling and monitoring if it is safe to do so along with associated reporting. The Drinking Water Bureau will evaluate situations and use enforcement discretion as applicable. There is no suspension to IPDES or recycled water permit	Not Applicable	Idaho DEQ COVID-19 response to drinking water operators and managers Idaho DEQ COVID-19
		requirements. However, "the IPDES and Wastewater Engineering Bureaus will evaluate situations and use enforcement discretion."		response to wastewater operators and managers
ID	Underground Storage Tanks (UST)	The Idaho Department of Environmental Quality (DEQ) will not be conducting routine UST compliance inspections at this time. The "Rules Regulating Underground Storage Tank Systems" (IDAPA 58.01.07) must still be adhered to but, if operations are temporarily ceased, DEQ, will, "within reason, be flexible on a majority of compliance due dates and enforcement."	Not Available	Idaho DEQ COVID-19 response to tank owners, operators and service providers
IL	Compliance and Enforcement	The Illinois Environmental Protection Agency (EPA) will exercise enforcement discretion when appropriate. This approach is only applicable to situations brought on by, and directly related to, responses to COVID-19 that will not create or result in harm or risk to human health or the environment.	Once restrictions related to COVID-19 preventative measures are lifted, a return to compliance will be expected as soon as possible. A date has not been announced yet.	Illinois EPA Compliance Expectations

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IN	Compliance and Enforcement	The Indiana Department of Environmental Management (IDEM) has indicated regulated entities should take all actions necessary to ensure continued compliance with environmental regulations and permit requirements. However, in the instance that noncompliance is unavoidable directly due to impacts from COVID-19, IDEM will exercise enforcement discretion. Regulated entities must maintain records adequate to document activities related to the noncompliance, including details of the regulated entity's best efforts to comply. Governor Holcomb's Executive Order also authorizes IDEM to "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 or noncompliance should be sent to appropriate program contacts.	May 23 rd , 2020	IDEM COVD-19 Response Governor Holcomb's Executive Order 20- 26
IA	Compliance and Enforcement	The lowa Department of Natural Resources will be exercising its enforcement through May 31, 2020. If persons and regulated entities meet the 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.	May 31, 2020	COVID-19 Enforcement and Compliance Protocol

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KS	Compliance and Enforcement	Unless necessary to prevent to mitigate an imminent threat or risk to human health, safety and the environment, the Kansas Energy and Environment Cabinet will not conduct regular inspections at some facilities during the Coronavirus health emergency. Currently, only the Division of Air Quality will be doing facility inspections, but on a case-by-case basis. The Division of Compliance Assistance is waiving late fees for drinking water operator certification renewals. Late fees are waived fees for drinking water operator certification renewals that are due on June 30, 2020 through August 31, 2020.	Not Applicable	Kentucky Energy and Environment Cabinet Services
KY	Compliance and Enforcement	Where adequate documentation is provided, DEP will consider using enforcement discretion to allow regulatory flexibility, such as extending reporting or sampling deadlines, waiving late fees, or taking other actions not incompatible with protection of human health, the environment, and public safety.	Not Available	KY Enforcement Discretion Letter Application for Regulatory Flexibility
LA	Fees and Deadlines	The Louisiana Department of Environmental Quality (DEQ) is providing a 30-day extension for the submission of periodic monitoring and reports required by permits, regulations, enforcement actions, etc. The extension also applies to the conduction of periodic monitoring required by permits, regulations, enforcement actions, etc. DEQ will not assess any late fees for outstanding invoices. DEQ is providing a 30-day extension for deadlines between March 20, 2020 and May 3, 2020. This also applies to the late fees of invoices.	Not Applicable	Louisiana DEQ Emergency Order
ME	Compliance and Enforcement	Maine's Department of Environmental Protection (DEP) expects compliance obligations to remain in effect. Compliance assistance during the COVID-19 outbreak is considered on a case-by-case basis. Fees can be paid by credit card via phone or through check via mail.	Not Available	Maine's DEP COVID- 19 response

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MD	Permits and Licenses	Maryland's Department of the Environment is providing a grace period for state licenses, permits and registrations that will expire or are up for renewal during the declared state of emergency. Renewal deadlines will be extended for another 30 days after the state of emergency is lifted.	Not Available	MDE COVID-19 Update
MA	Guidance	The Massachusetts Department of Environmental Protection (DEP) has created a list of FAQs for Wastewater Service Providers to help during the COVID-19 pandemic. DEP has also created guidance for Hazardous Waste Management.	Not Available	MassDEP COVID-19 FAQs Hazardous Waste Management Guidance
MI	Compliance and Enforcement	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. In the instance that noncompliance is unavoidable directly due to impact from COVID-19, please contact the appropriate staff about requests for potential for regulatory relief.	Not Available	Michigan EGLE COVID-19 Notice
MN	Compliance and Enforcement	All regulated entities remain obligated to take all available actions necessary to ensure compliance with environmental laws, regulations and permit requirements. However, in the instance where regulated entities will have an unavoidable noncompliance situation, directly due to impact from the coronavirus, the Minnesota Pollution Control Agency (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.	Not Available	Minnesota COVID-19 and regulatory flexibility

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MS	Compliance and Enforcement	Mississippi's Department of Environmental Quality (DEQ) will make a case specific evaluation and exercise appropriate enforcement discretion in addressing noncompliance, 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 noncompliance; and (3) the person or facility took reasonably practicable steps to return to compliance as soon as possible.	MDEQ will assess the continued need for and scope of this temporary guidance and will update it in the future as necessary.	MDEQ Guidance Regarding Compliance with Regulatory Requirements During the COVID-19 Pandemic
MS	Permits	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.	Not Available	MDEQ Guidance Regarding Compliance with Regulatory Requirements During the COVID-19 Pandemic
МО	Compliance and Enforcement	The Department of Natural Resources 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. If you anticipate a compliance issue, contact the appropriate office for assistance. The Department may work with entities to accept alternating reporting schedules, where appropriate.	Not Available	MO Department of Natural Resources Response to COVID- 19 Requests for Regulatory Relief
MT	Compliance and Enforcement	Montana's Department of Environmental Quality (DEQ) expects regulated facilities to their best to adhere to all requirements but understand some limited flexibility may be appropriate during this challenging time. Any areas of concern should be communicated to the appropriate DEQ program.	Not Available	DEQ compliance and enforcement discretion in response to COVID-19

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NE	Compliance and Enforcement	The Nebraska Department of Environment and Energy (NDEE) expects their 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 with compliance should call or notify the NDEE by email.	Not Available	NDEE Enforcement Discretion
NV	Compliance and Enforcement	The Nevada Department of Conservation & Natural Resources (NDCNR) has not issued a formal policy with any changes to compliance enforcement.	Not Available	NDCNR COVID-19 Updates
NH	Above Ground Storage Tanks (AST) and Underground Storage Tanks (UST)	New Hampshire's Department of Environmental Services (DES) will continue AST/UST inspections but has created modifications to ensure "social-distancing. All necessary documentation should be transferred via email.	Not Available	New Hampshire DES
NJ	Drinking water and wastewater treatment	The New Jersey Department of Environmental Protection (DEP) will exercise enforcement discretion to provide the necessary flexibility to allow the Water and Wastewater Sector to continue to provide essential services.	Not Available	New Jersey DEP COVID-19 Guidance
NM	Drinking Water	Public water systems should continue to monitor water quality, collect routine compliance samples, and provide sample results to the New Mexico Environment Department Drinking Water Bureau (DWB) as normal. In addition, the DWB will continue to collect drinking water chemical compliance samples.	Not Available	New Mexico Environment Department COVID-19 response to drinking water
NC	Compliance and Enforcement	NC Department of Environmental Quality (DEQ) will work with regulated entities to ensure they remain in compliance an in instances of non-compliance, pursue enforcement actions on a case-by-case basis.	Not Available	NC DEQ Enforcement
ND	Drinking Water	Public water systems are expected to continue to monitor water quality and provide sample results to regulators during the COVID-19 epidemics.	Not Available	North Dakota COVID- 19: Sustaining Operations

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ND	Compliance and Enforcement	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 North Dakota Department of Environmental Quality (NDDEQ) may consider postponing the requirement until a future date. Any entity seeking relief in this area should contact the appropriate NDDEQ division to request consideration under the alternative compliance policy.	Not Available	NDDEQ Temporary Environmental Compliance Policy
NY	Hazardous Waste	The New York State Department of Environmental Conservation (NYSDEC) will exercise enforcement discretion on signature procedures for hazardous waste and low-level manifests and non-hazardous waste shipping papers.	September 7 th , 2020	NYSDEC Information Enforcement Discretion Memo
ОН	Compliance and Enforcement	All regulated entities remain obligated to take all available actions necessary to ensure compliance with environmental regulations and permit requirements. In the instance where regulated entities will have an unavoidable noncompliance situation, directly due to impact from COVID-10, an email has been established to accept for requests for regulatory flexibility.	Not Available	Ohio EPA COVID-19 Response
OK	Compliance and Enforcement	Permit conditions and compliance schedules will continue to be met but the Department of Environmental Quality (DEQ) understand that closures and illness may limit this ability. DEQ will be flexible as needed and appropriate. Noncompliance issues should be communication with DEQ staff through email or program specific reporting telephone numbers.	Not Available	Oklahoma DEQ
		In person payments are no longer being accepted but can be made by mail, phone or fax.		

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OR	Compliance and Enforcement	All applicable Department of Environmental Quality (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 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.	Not Available	DEQ response to COVID-19 webpage
PA	Permits	The Pennsylvania Department of Environmental Protection (DEP) has suspended timeframes for providing permit decisions. Permit processing will continue, but decisions are likely to be delayed.	Not Available	Pennsylvania DEP COVID-19 Update
RI	Compliance and Enforcement	Rhode Island's Department of Environmental Management (DEM) has indicated 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.	Not Available	DEM Compliance Statement
SC	Compliance and Enforcement	If noncompliance is unavoidable directly due to impacts from COVID-19, regulatory relief consideration requests are to be directed to the Department of Health and Environmental Control's (DHEC) designated email.	In line with the EPA's termination date of August 31st, 2020.	DHEC's Environmental Regulatory Assistance
SC	Licenses and Permits	Several departments under South Carolina's Department of Health and Environmental Control (DHEC) are providing regulatory relief or extensions dates. Emission inventories are extended till April 30,2020. Wastewater permitting and discharge monitoring reports are extended till May 31, 2020.	Not Applicable	DHEC's Environmental Regulatory Assistance

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TN	Compliance and Enforcement	The Tennessee Department of Environment and Conservation (TDEC) has adjusted its operations and is exercising discretion when possible.	April 30, 2020	TDEC COVID-19 Response and Resources
TX	Compliance and Enforcement	The Texas Commission of Environmental Quality (TCEQ) will consider requests for enforcement direction when a situation directly related to COVID-19 results in an unavoidable issue of non-compliance.	April 30, 2020	TCEQ COVID-19 Reporting Requirements
UT	Compliance and Enforcement	Utah's Department of Environmental Quality (DEQ) will work with regulated communities on a case-by-case basis to determine reasonable exemptions to environmental rules.	Not Available	Utah DEQ Enforcement and Compliance Discretion
VT	Hazardous waste Annual Registration Fee	Request for generators to pay online by credit card.	Not Available	Vermont Hazardous Waste COVID-19 Response
VT	Hazardous waste – storage time limits	Upon written request, small and large quantity generators may be granted up to a thirty (30) day extension of the 180-day/90-day (SQG/LQG) short-term storage time limits at the discretion of the Secretary due to unforeseen temporary and uncontrollable circumstances.	Not Applicable	Vermont Hazardous Waste COVID-19 Response
VI	Compliance and Enforcement	Virginia's Department of Environmental Quality (DEQ) will exercise reasonable enforcement discretion within its authority when deciding whether to pursue potential violations caused by pandemic-related disruptions.	Not Available	Virginia DEQ COVID- 19 Response
VI	Wastewater Treatment	DEQ's temporary suspension of field inspections should not affect compliance at wastewater treatment facilities. As part of their discharge permits, plants are required to have a specified level of licensed operators and staffing on duty to ensure approved discharge limits are met and public safety is maintained. The DEQ should be contacted if a facility's operations change or they expect an interruption in service.	Not Available	Virginia DEQ COVID- 19 Response

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WA	Compliance and Enforcement	All applicable state requirements remain in effect, but the Washington Department of Ecology will exercise reasonable discretion when deciding on whether to pursue potential violations that may be linked to the COVID-19 pandemic. They encourage regulated entities to document the types of disruptions that the COVID-19 pandemic has caused for operations.	Not Available	WA Department of Ecology COVID-19 Regulatory Flexibility
WV	Compliance and Enforcement	The WV Department of Environmental Protection (DEP) expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible. If compliance is not reasonably practicable due to issues related to COVID-19 pandemic, facilities with environmental compliance obligations should contact the WVDEP.	In line with the EPA's termination date of August 31st, 2020.	WVDEP COVID-19 Response
WI	Hazardous Waste - storage time limits	On-line method for requesting an extension to generator accumulation time limits. Request must be made prior to the expiration of the required time limit. Extensions of up to 30 days may be granted at the discretion of the department on a case-by-case basis.	Not Available	WI form for Facility Accumulation Time Extension Request. WI Hazardous Waste Page
WI	Hazardous Waste – Annual Report	The 2019 hazardous waste annual report was due March 1, 2020. While this regulatory requirement does not specifically allow for extensions to this deadline, it is understood that between the delayed launch of the report and current workforce limitations due to COVID-19, facilities may need additional time to complete the report.	Not Available	WI Annual Report webpage
WY	Compliance and Enforcement	Wyoming's Department of Environmental Quality (DEQ) has not announced any adjustments to its enforcement discretion policies.	Not Available	Wyoming DEQ COVID-19 Updates

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