

COVID-19 Compliance & Enforcement Status of State Environmental Regulations

Several 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 states have indicated that compliance and enforcement is expected to continue as normal. The table below is a summary of current state actions in regulatory areas likely to be relevant to retail operations. Please use the links to visit the official state website for details. 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](#).

State	Regulatory Area	Summary	Link
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.	Arizona DEQ
AR	Permitting and Licensing	For AR 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.	Arkansas DEQ Emergency Order
AR	Compliance and Enforcement	AR's Department of Energy and Environment has created contact information for regulated entities that face unavoidable noncompliance situations to request flexibility and assistance in providing alternative approaches to maintaining compliance. All regulated facilities are still obligated to ensure compliance with regulations and permit requirements.	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.	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.	Implementation of UST Requirements During the Coronavirus 2019 (COVID-19) Emergency

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CA	Drinking water and wastewater treatment	<p>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.</p> <p>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.</p>	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.	DTSC Storage Extension
CA	Guidance for CUPAs	CalEPA is working to develop guidance for regulated businesses and CUPAs. Once that guidance has been posted this summary will be updated and it can viewed at the following link.	CalEPA Guidance
DE	Permitting and Licensing	<p>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.</p> <p>Licenses relevant to retail are under the DNREC's Office of Water and Office of Air Quality</p>	Delware.gov
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.	HI COVID-19 & Hazardous Waste Generators
ID	Drinking water and wastewater treatment	<p>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.</p> <p>There is no suspension to IPDES or recycled water permit requirements. However, "the IPDES and Wastewater Engineering Bureaus will evaluate situations and use enforcement discretion."</p>	Idaho DEQ COVID-19 response to drinking water operators and managers Idaho DEQ COVID-19 response to wastewater operators and managers
ID	Underground Storage Tanks (UST)	The Idaho 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."	Idaho DEQ COVID-19 response to tank owners, operators and service providers
IN	Compliance and Enforcement	The Indiana Department of Environmental Management (IDEM) has indicated all regulated entities are encouraged	IDEM COVID-19 Response

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		<p>to take all available 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 as appropriate.</p> <p>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.</p>	Governor Holcomb's Executive Order 20-05
IA	Storm Water and Wastewater	Staffing or restricted access to a facility due to COVID-19 may result in monitoring/sampling not being completed in a timely manner. Facilities are directed to mitigate any environmental impacts during this time, and to resume monitoring/sampling immediately upon staffing availability.	COVID-19 Enforcement and Compliance Protocol
KS	Compliance and Enforcement	<p>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.</p> <p>Currently, only the Division of Air Quality will be doing facility inspections, but on a case-by-case basis.</p> <p>The Division of Compliance Assistance is waiving late fees for drinking water operator certification renewals that are due on June 30, 2020 through August 31, 2020.</p>	Kentucky Energy and Environment Cabinet Services
LA	Compliance and Enforcement	The Louisiana Department of Environmental Quality (DEQ) is providing a 30-day extension for deadlines between March 19, 2020 and the expiration of the order 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. Monitoring requirements from air permits under Title IV or V of the Clean Air Act (CAA).	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.	Maine's DEP COVID-19 response
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.	MDE COVID-19 Update

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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.	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.	Minnesota COVID-19 and regulatory flexibility
MO	Compliance and Enforcement	<p>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.</p> <p>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.</p>	MO Department of Natural Resources Response to COVID-19 Requests for Regulatory Relief
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.	New Hampshire DES
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.	New Mexico Environment Department COVID-19 response to drinking water
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.	North Dakota COVID-19: Sustaining Operations
OH	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.	Ohio EPA COVID-19 Response

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OK	Compliance and Enforcement	<p>Permit conditions and compliance schedules will continue to be met but the DEQ understand that closures and illness may limit this ability. DEQ will be flexible as needed and appropriate. Non-compliance issues should be communication with DEQ staff through email or program specific reporting telephone numbers.</p> <p>In person payments are no longer being accepted but can be made by mail, phone or fax.</p>	Oklahoma DEQ
OR	Compliance and Enforcement	<p>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.</p> <p>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.</p>	DEQ response to COVID-19 webpage
PA	Permits	The Pennsylvania Department of Environmental Protection (DEQ) has suspended timeframes for providing permit decisions. Permit processing will continue, but decisions are likely to be delayed.	Pennsylvania DEP COVID-19 Update
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.	TCEQ COVID-19 Reporting Requirements
VT	Hazardous waste -- Annual Registration Fee	Request for generators to pay online by credit card	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.	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.	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.	Virginia DEQ COVID-19 Response
WA	Compliance and Enforcement	All applicable state requirements remain in effect, but Ecology will exercise reasonable discretion within our authority when deciding whether to pursue potential	WA Department of Ecology COVID-19 Regulatory Flexibility

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		<p>violations that may be linked to the current COVID-19 pandemic.</p> <p>We encourage regulated entities to document the types of disruptions that the COVID-19 pandemic has caused for operations, and contact us with specific information related to the circumstance, including staffing and service shortages, disposal schedules, etc.</p>	
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.	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	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.	WI Annual Report webpage

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