

# Managing Environmental Compliance During the COVID-19 Pandemic



April 29, 2020

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# Housekeeping Notes



**Phones are muted during the webinar**



**Use the "Q&A" to ask questions**



**Antitrust Statement**

# Presenters



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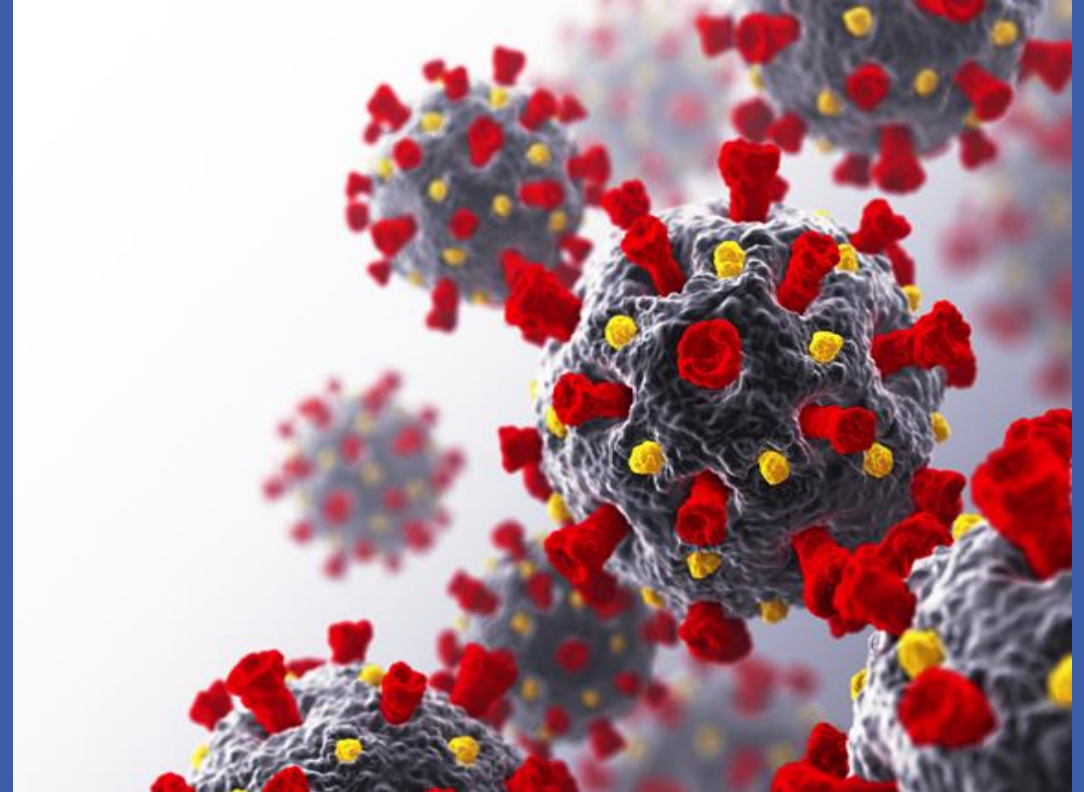
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RETAIL  
COMPLIANCE  
CENTER

# Overview

- EPA Enforcement Discretion Policy
- State Approaches
- RCC Compliance Resources
  - Bottles & Bags
  - Hazardous Waste
  - Medical Waste
  - Other Environmental Programs
- Conversation



# EPA Enforcement Discretion Policy

- Applies retroactively to March 13
- Directly applies to routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification
- No penalties for routine matters where EPA concurs that COVID-19 was the cause of the noncompliance and the entity can produce supporting documentation
- No effect on generator status for very small quantity generators or small quantity generators



# EPA Enforcement Discretion Policy

- More limited application to permit exceedances due to state and local role in enforcement
  - EPA will consult with authorized states or tribes to determine the appropriate response
- Discourages state and local inspections
  - EPA believes states should take into account the safety and health of their inspectors and facility personnel and use discretion when making decisions to conduct routine inspections ... The EPA will take the COVID-19 pandemic into consideration in any review of a state compliance and enforcement program.
- **Does not affect state or local programs or enforcement**



# State Approaches

- Significant state criticism of EPA's policy
  - Attorneys general of California, New York, Illinois, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and Wisconsin
- State agencies have reinforced the need for compliance as "essential" rather than providing blanket enforcement discretion
  - "CalEPA will continue to respond, investigate, and – when necessary – take action on complaints related to environmental non-compliance. CalEPA will also fill any enforcement gaps left by the U.S. EPA's decision to reduce environmental oversight."
  - Certain compliance relief may be granted, but
    - Requires **clearly articulated** circumstances
    - Requires **pre-approval** of extension or noncompliance

[COVID-19 Compliance & Enforcement Status of State Environmental Regulations](#)



# COVID-19 Environmental Compliance Resources on RCC

## Retail Operations

- Updated as new information is learned

The screenshot shows the Retail Compliance Center (RCC) website. The header features the RCC logo (a blue circle with a white 'R') and the text 'RETAIL COMPLIANCE CENTER'. To the right of the logo are social media icons for Facebook, Twitter, LinkedIn, and Instagram. Further right are links for 'RILA', 'Retail Compliance Center' (which is underlined), 'Retail Innovation Center', and 'Retail Litigation Center'. Below these links, the text 'Hi, John' is displayed. On the far right of the header are buttons for 'MY RILA', 'LOGOUT', a search icon, and a menu icon. Below the header, a breadcrumb trail reads 'HOME | RETAIL COMPLIANCE CENTER | RETAIL OPERATIONS'. On the right side of the page, there are social media icons for Facebook, Twitter, Email, and LinkedIn. The main content area has a large heading 'RETAIL OPERATIONS'. Below this heading is a paragraph: 'Retail operations covers a broad range of activities related to the management of retail facilities. In this context, we are covering store level activities that consumers don't usually see such as store maintenance, waste and recycling, storage tanks, equipment, and building maintenance. These areas all have aspects that have environmental impacts and may be covered by federal, state or local regulations. Just about all the RCC resources have some aspect that pertains to retail operations.' Below this paragraph is a section titled 'COVID-19 Resources' with a bulleted list of links: 'COVID-19 Emergency - Enforcement Status of State Bottle Redemption Regulations', 'COVID-19 Emergency – State Changes to Consumer Bag Regulations', 'COVID-19 Environmental Compliance FAQs for Retail Sanitation/Disinfectant Products', 'COVID-19 Environmental Compliance FAQs for Retail Hazardous Waste', 'COVID-19 Compliance & Enforcement Status of State Environmental Regulations', and 'List of EPA-approved disinfectants with UPCs and SDS'.

**RETAIL COMPLIANCE CENTER**

Hi, John

MY RILA LOGOUT

HOME | RETAIL COMPLIANCE CENTER | RETAIL OPERATIONS

## RETAIL OPERATIONS

Retail operations covers a broad range of activities related to the management of retail facilities. In this context, we are covering store level activities that consumers don't usually see such as store maintenance, waste and recycling, storage tanks, equipment, and building maintenance. These areas all have aspects that have environmental impacts and may be covered by federal, state or local regulations. Just about all the RCC resources have some aspect that pertains to retail operations.

### COVID-19 Resources

- [COVID-19 Emergency - Enforcement Status of State Bottle Redemption Regulations](#)
- [COVID-19 Emergency – State Changes to Consumer Bag Regulations](#)
- [COVID-19 Environmental Compliance FAQs for Retail Sanitation/Disinfectant Products](#)
- [COVID-19 Environmental Compliance FAQs for Retail Hazardous Waste](#)
- [COVID-19 Compliance & Enforcement Status of State Environmental Regulations](#)
- [List of EPA-approved disinfectants with UPCs and SDS](#)

# Bottle Redemption Regulations

- State & Local
- Fees, Redemption and Recycling
- Varied Regulatory Responses
  - Suspension of Service
  - Relaxed Enforcement

[COVID-19 State Bottle Redemption Regulations](#)



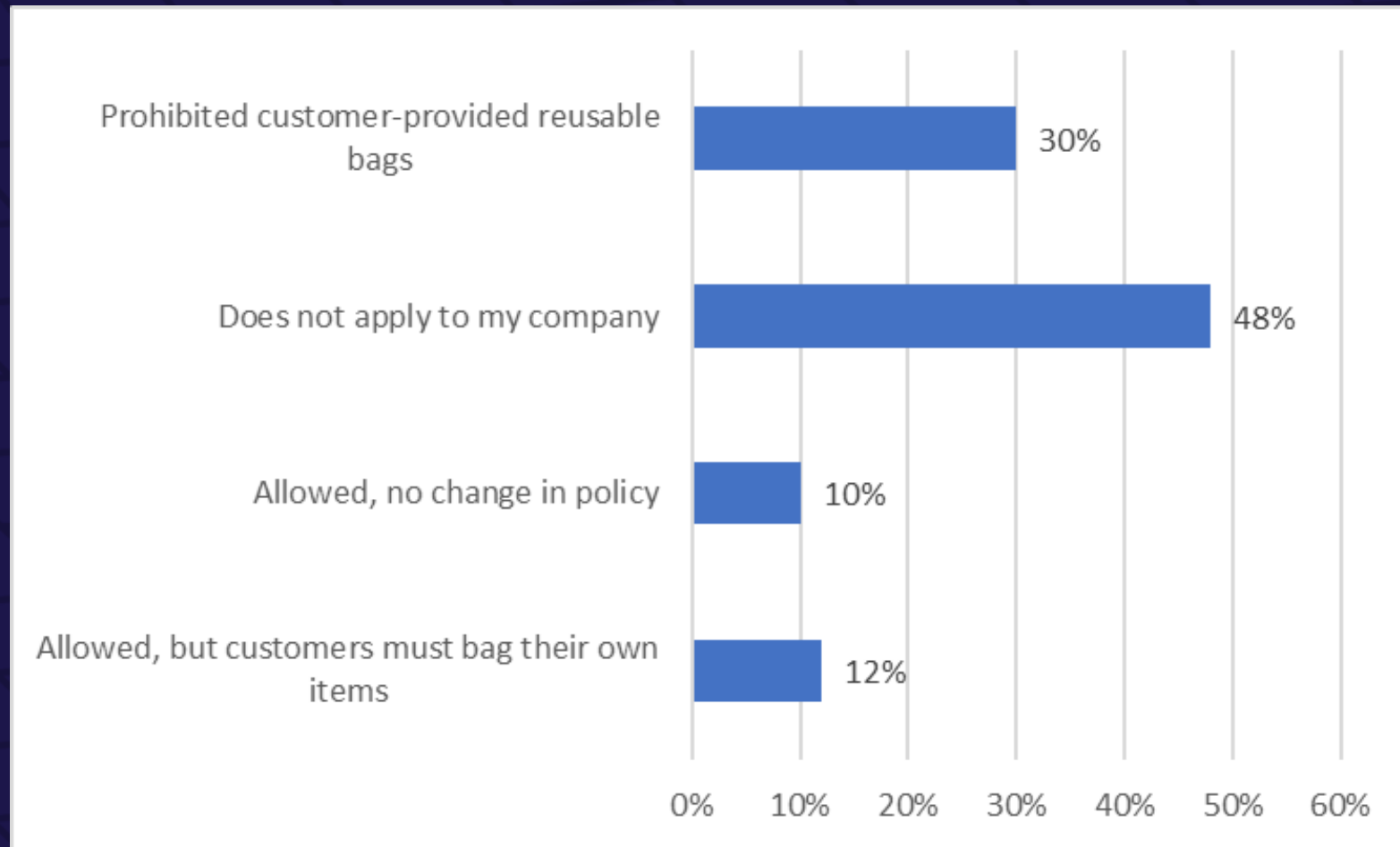
# Consumer Bag Regulations

- State and Local Regulations
- Varied Response:
  - Relaxed Enforcement
  - Delayed Implementation

[COVID-19 State Consumer Bag Regulations](#)



# HOW HAS YOUR COMPANY DEALT WITH REUSABLE BAGS?



# Disinfectant Products

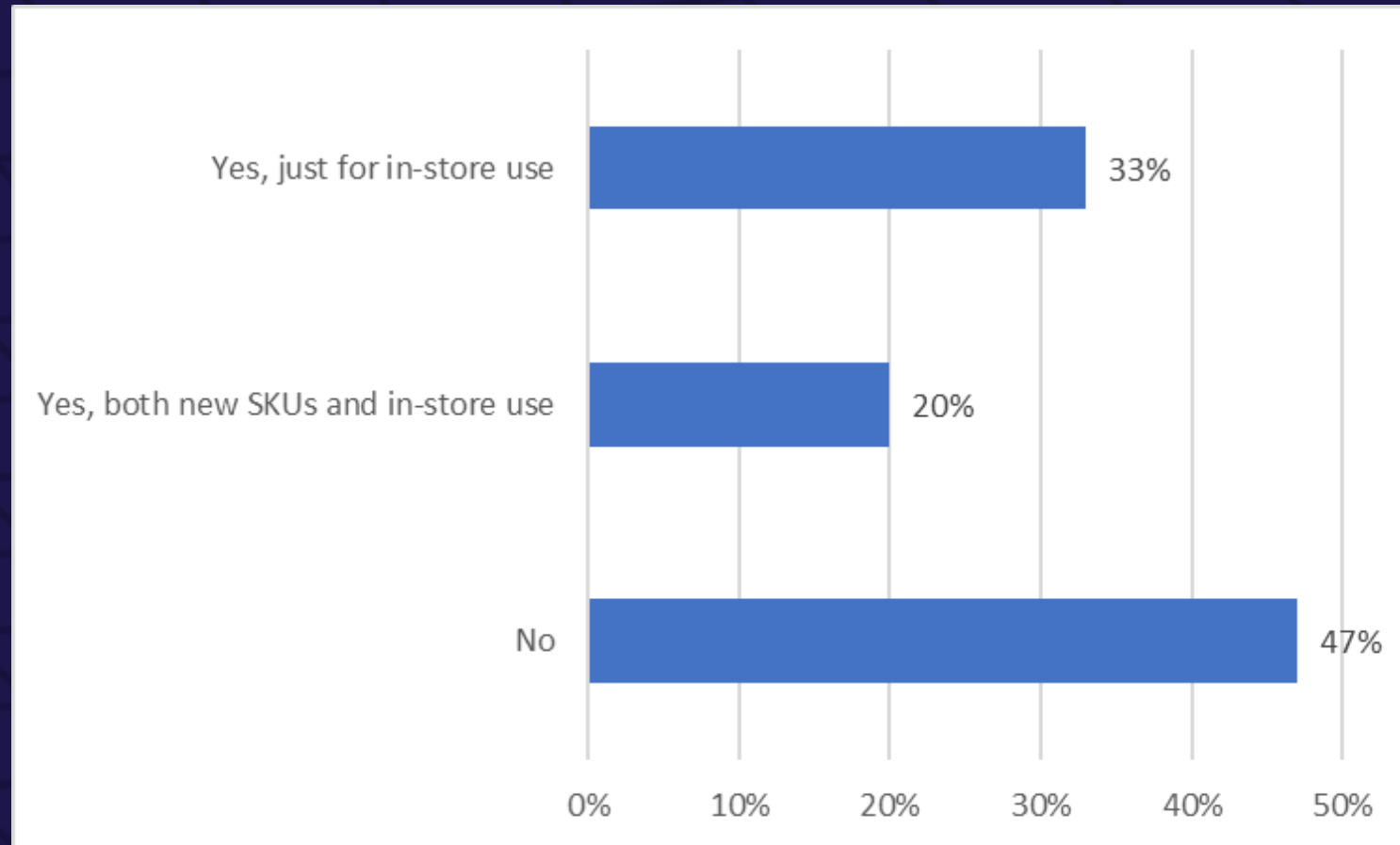
FAQs to help you think through issues and considerations during these changing times.

[COVID-19 FAQ-Retail Sanitation/Disinfectant Products](#)

[COVID-19 EPA-approved Disinfectants with UPCs and SDS](#)



# HAS YOUR COMPANY INTRODUCED NEW CLEANING PRODUCTS BECAUSE OF THE PANDEMIC?



# Disinfectant Products

- New Products:
  - Offered for Sale
  - Used in Store
- Cleaning Service Providers
  - Training, Cleaning Products & Handling





# Hazardous Waste

FAQs to help you think through some issues and considerations during these changing times.

[COVID-19 FAQ on Hazardous Waste](#)



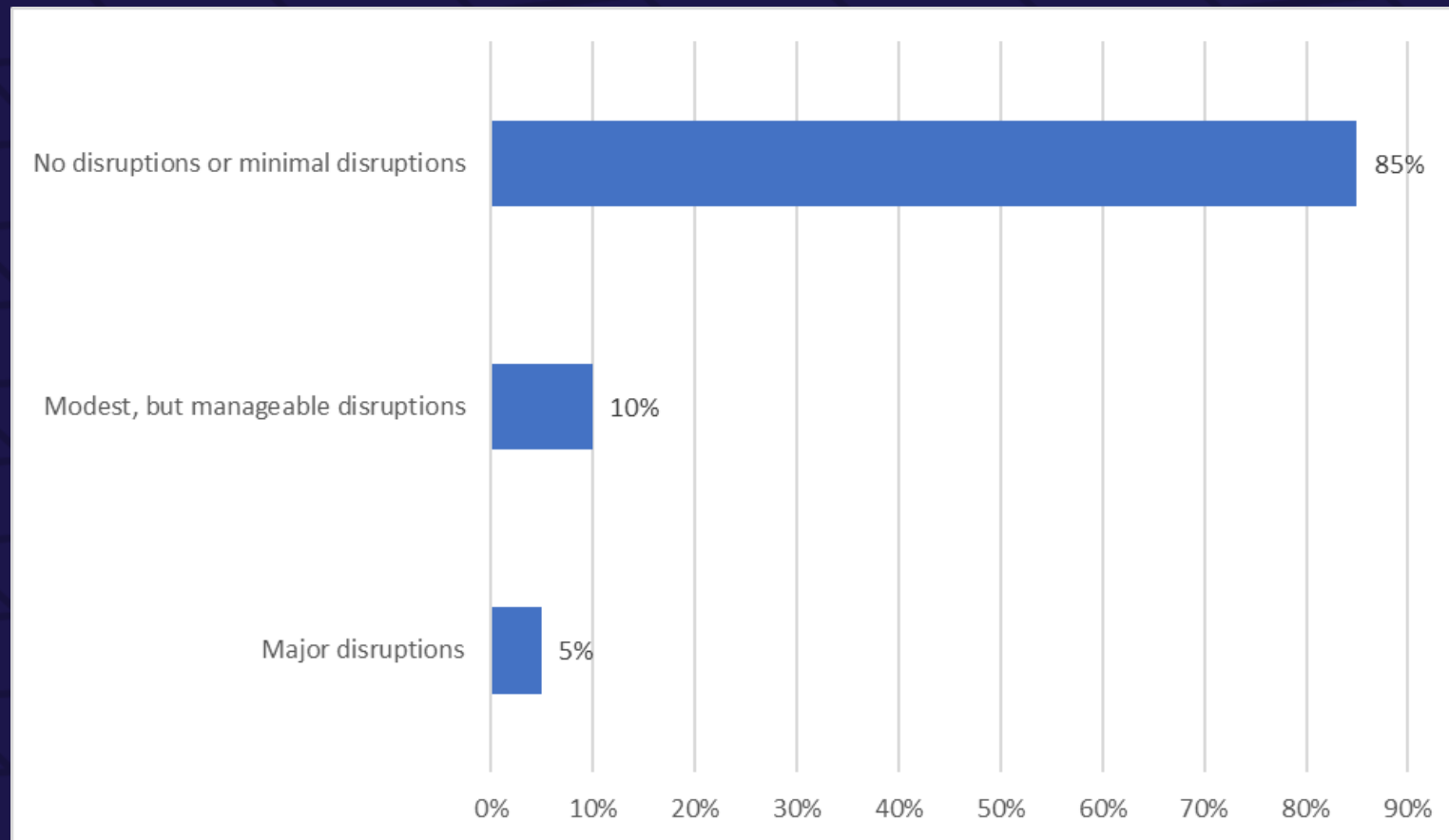
# Hazardous Waste

## Vendor Business Continuity

- Communication and Partnership
- Shifting Priorities
- Alternate Plans
- Managing Data



ONE OF THE CALIFORNIA AGENCIES, A CUPA, RECENTLY SENT OUT GUIDANCE ON COMPLIANCE DURING STAY AT HOME ORDERS, AND IT NOTED THEY SEE HAZARDOUS WASTE HAULERS MAINTAINING SCHEDULES AS USUAL. HOW HAVE YOUR SERVICES BEEN AFFECTED?



# Hazardous Waste

## Temporary Store Closures

- Review Generator Status
- State Requirements
- Develop Checklist for Consistency
- Define Expectations
- Waste Shipment



# Hazardous Waste Service Events

## Canceling or Postponing

- Generator Status and State
- Enforcement Waivers or Guidance Issued
- Triage of Service Events Based on Priority
- Partnership with Vendor



# Medical Waste

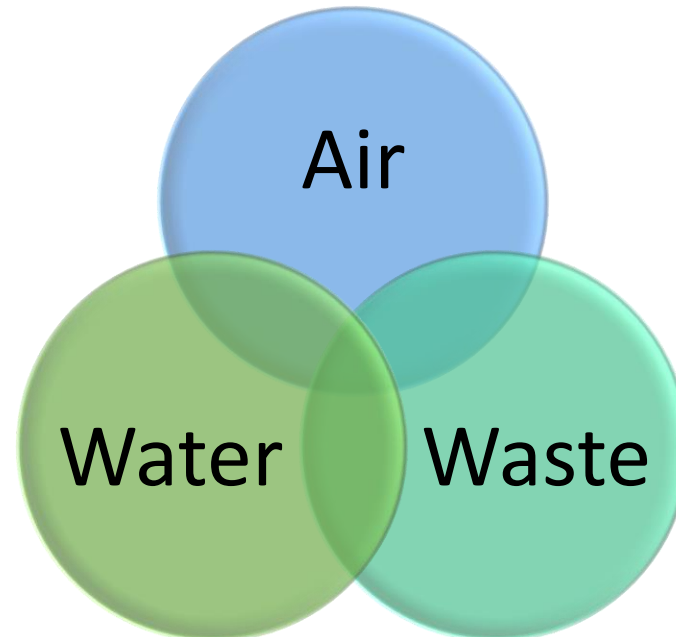
FAQs to help you think through some issues and considerations during these changing times.

## [COVID-19 FAQ on Medical Waste](#)



# Other Environmental Programs

- Stormwater Management
- Spill Prevention Countermeasures & Controls
- Fuel Tank Management
- Wastewater
- Hazardous Materials Management







# Conversation

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THANK YOU