

west virginia



department of environmental protection

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FOR IMMEDIATE RELEASE

## **WVDEP still enforcing all applicable rules and regulations amid COVID-19 pandemic**

*The agency worked with US EPA to develop temporary enforcement and compliance policy*

CHARLESTON, W.Va. (March 27, 2020) – In light of the COVID-19 pandemic, Gov. Jim Justice has asked West Virginia Department of Environmental Protection (WVDEP) Cabinet Secretary Austin Caperton and his staff to remain in constant communication with the U.S. Environmental Protection Agency (EPA) regarding potential compliance and enforcement issues that may arise. As of today, all rules, regulations and permitting requirements under the jurisdiction of the WVDEP remain in full effect.

The WVDEP worked with the EPA in the development of a new temporary enforcement policy – “COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program” – outlined in a memorandum released March 26, 2020. This policy makes it clear that EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible. The policy also requires facilities to document decisions made to prevent or mitigate noncompliance and demonstrate how the noncompliance was caused by the COVID-19 pandemic.

The WVDEP has an obligation to protect the environment by enforcing applicable rules, regulations, and permits, as well as ensuring adherence to operating, monitoring, and record-keeping requirements. The WVDEP also recognizes and acknowledges the potential compliance challenges the regulated community may face due to COVID-19 restrictions. These potential challenges include newly implemented remote-work requirements and reduced onsite staffing due to social distancing guidelines, supply disruptions, reduced or unavailability of consulting and/or testing firms, and other pandemic-related disruptions.

*-More-*



The WVDEP is committed to working cooperatively with the regulated community to ensure environmental compliance and public safety standards are properly addressed during this pandemic.

It is important to note that the WVDEP expects facilities to continue to be operated in a manner that fully protects human health and the environment. This includes, but is not limited to, continued operation and monitoring pollution control devices, record-keeping, maintenance, testing, and reporting requirements. If compliance is not reasonably practicable due to issues related to COVID-19 pandemic, facilities with environmental compliance obligations should contact the WVDEP and follow the requirements outlined in the EPA memorandum listed here: <https://www.epa.gov/enforcement/enforcement-policy-guidance-publications>.

For more information about COVID-19 prevention and more, call the State's toll-free hotline at 1-800-887-4304 or visit [www.Coronavirus.wv.gov](http://www.Coronavirus.wv.gov).

For more WVDEP news and information, go to [www.dep.wv.gov](http://www.dep.wv.gov). Also, connect with the agency on all social media platforms. Follow [@DEPWV](https://twitter.com/DEPWV) on Twitter, Like us on Facebook at <https://www.facebook.com/depwv/>, and find us on YouTube by searching "[Environment Matters.](#)"

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