

WV Division of Air Quality
Compliance & Enforcement Bulletin: COVID-19
March 27, 2020

Purpose: To provide statewide guidance to the regulated community on procedures to address compliance issues related to the COVID-19 pandemic.

The West Virginia Division of Air Quality (DAQ) 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 DAQ 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.

All DAQ related rules, regulations, and permitting requirements remain in full effect, but the DAQ 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 DAQ expects facilities to continue to be operated in a manner that will minimize air emissions and protect the environment. This includes, but is not limited to, continued operation and monitoring of air pollution control devices, record-keeping, maintenance, testing, and reporting requirements.

The regulated community should also review the U.S. Environmental Protection Agency's March 26, 2020, memorandum, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program", which can be found at <https://www.epa.gov/enforcement/enforcement-policy-guidance-publications>.

To request a delay or variance from the DAQ, the following steps should be taken:

- 1) The request should be formally addressed to the Director of the Division of Air Quality, Laura Crowder, and sent electronically to DEPAirQualityReports@wv.gov. The request should also be copied to Jesse Adkins at jesse.d.adkins@wv.gov, Brian Tephacock at brian.s.tephacock@wv.gov, and James Robertson at james.robertson@wv.gov.
- 2) The following information should be included in the request:
 - i. An explanation and reasons for the request;
 - ii. An explanation of how the request is related to the COVID-19 pandemic;
 - iii. The expected duration of the delay or variance;
 - iv. Steps taken to minimize the delay or prevent the need for the variance;
 - v. Steps taken or will be taken to minimize or prevent excess emissions; and
 - vi. Any documentation supporting the request.
- 3) Facilities having a Title V Operating Permit should list all deviations, including those approved by the DAQ under this guidance, in their respective Title V Semi-Annual and Annual monitoring reports.

Should you have questions or need additional information, please feel free to contact your DAQ permit writer or inspector. You may also contact the following for additional guidance:

Enforcement:

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