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Response to Questions about COVID-19 Implications for EPD's Compliance and Enforcement

On March 26, 2020, USEPA released a memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (Memo) describing USEPA's temporary policy for enforcing environmental legal obligations during the COVID-19 pandemic. The Georgia Environmental Protection Division (EPD) has received several inquiries as to whether EPD will issue an enforcement discretion policy separate from USEPA's Memo. Given the joint enforcement authority that exists for many of EPD's programs and the national scope of the situation, EPD will not issue a separate, detailed, enforcement discretion policy and expects regulated entities to follow the steps specified in the Memo. EPD will apply the framework described in the Memo to State-only programs as well.

EPD continues to provide essential services during the COVID-19 pandemic and expects that regulated entities will meet all federal and state environmental requirements. Likewise, USEPA's Memo does not change compliance obligations for regulated entities. It does, however, provide general conditions upon which enforcement discretion will be considered for violations of certain monitoring, testing, reporting or in-person training requirements. For compliance obligations outside these instances, EPD will continue to evaluate appropriate enforcement action after considering potential harm to human health and the environment, mitigating or equitable circumstances, and the overriding goal of returning a facility to compliance as quickly as possible. Please be aware that the Memo does not alter the terms of consent decrees or court orders and does not relieve any entity from its responsibility to prevent, respond to, or report accidental releases of oil, hazardous substances, hazardous chemicals, hazardous wastes, and other pollutants.

EPD reserves the right to set a different termination date for the policies expressed in the Memo for state enforcement. Notice on the EPD web page will be provided seven days prior to terminating state application of the Memo's guidance.

A copy of the Memo may be found here:

<https://www.epa.gov/sites/production/files/2020-03/documents/oecamemoonccovid19implications.pdf>