

State Regulators Address COVID-19 Related Environmental Compliance Challenges; Create Mailbox for Requests for Regulatory Relief

Related Professionals

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In communications with stakeholders on March 26, 2020, the South Carolina Department of Health and Environmental Control (“DHEC”) acknowledged the unprecedented circumstances surrounding the COVID-19 pandemic, and the related compliance difficulties regulated entities may be facing due to shortages in the workforce and supply chain, as well as access to necessary contractors and consultants.

DHEC has decided to extend deadlines for several programmatic reporting requirements, including:

- Air – Due date for Emission Inventories will be extended from March 31, 2020 to April 30, 2020;
- Air – On-Site Implementation Logs (OSIL) due on or before April 30, 2020 will be allowed an additional 30 days;
- Air – Asbestos licenses that expire before April 29, 2020 have been provided an extension;
- Wastewater – All permit required testing and reporting due in the next thirty (30) days are extended to April 30, 2020;
- Wastewater – The deadline to submit DMRs to ePermitting is extended to May 31, 2020.

In addition to extending the deadlines above, DHEC has created an electronic mailbox to “receive requests for regulatory relief consideration due to COVID-19” as a further response to the challenges facing the regulated community. Requests for permit flexibility and compliance discretion can be sent to environmentalcompliance@dhec.sc.gov. DHEC has stated its goal is that each message sent to this box will receive a response from the appropriate regulatory program by the end of the next business day following receipt.

DHEC’s guidance requests the following specific information to be included in any communication to this mailbox:

- Facility/entity identifying and descriptive information (e.g., location, permit number, etc.) or identification of representative association and extent of request [*i.e.*, for one (1) entity or one (1) or several sectors]
- Contact information for authorized representative
- Situation or issue for which submittal is made
- If the situation or issue has occurred or is anticipated it will occur
- Anticipated needed duration for relief
- Regulatory analysis including rule and/or permit provision citation for which relief is being sought

DHEC stressed that the goal of this effort is to address unavoidable non-compliance “*directly due to impact from COVID-19 and/or related legal restrictions.*” DHEC also encourages regulated entities to continue best efforts to maintain compliance.

Should you have any environmental compliance questions or concerns related to COVID-19, or require any assistance requested regulatory relief from DHEC, Nexsen Pruet’s Environmental Attorneys stand ready to provide any guidance you require.

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