

EPA Responses to State COVID-19 Questions
April 24, 2020

Many responses to state questions are contained in information conveyed to the states and posted on EPA's website resource: [**Coronavirus \(COVID-19\) Resources for State, Local and Tribal Agencies and Associations**](#). Some of these resources, such as *EPA Frequent Questions on Grant Issues in Response to the Novel Coronavirus (COVID-19) Public Health Emergency* and the *COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program* provide general guidance. For specific instances requiring EPA action, States should contact the appropriate EPA Region. EPA will continue to develop responses to open and new inquiries.

Question #1: Will there be flexibility in regard to inspection requirements in grants and agreements? (Par ex. 20% of RCRA large quantity generators; 3-year periodic inspection of USTs; many other examples)

Link: [EPA Frequent Questions on Grant Issues in Response to the Novel Coronavirus \(COVID-19\) Public Health Emergency](#)

The grant FAQs provide guidance and direction for states work with EPA grant project officers and specialists on any changes to grant agreements.

Question #2: Will there be flexibility or relief for the regulated community for required sampling and monitoring? (Par ex. stack testing, daily hazardous waste tank inspections, many other examples) Some report lack of appropriate staff or materials to perform sampling.

Link: [COVID-19 Enforcement and Compliance Resources](#)

This resource webpage includes enforcement and compliance FAQs, the March 26 memorandum: "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program", and additional guidance. Authorized states or tribes may take a different approach under their own authorities.

Link: [Interim Guidance on Site Field Work Decisions Due to Impacts of COVID-19](#)

This interim guidance has been issued for response actions related to cleanup and emergency response sites where EPA is the lead agency or has direct oversight of or responsibility for the work being performed.

Question 3: Will there be flexibility with regard to public notice requirements for permits, etc.? (Par ex. Public meetings prohibited; libraries closed)

Link: [Virtual Public Meetings During the Covid-19 National Emergency](#)

Consistent with the Presidential Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak and state and local stay-at-home directives, EPA is supportive of holding public hearings and meetings virtually in order to continue to provide meaningful public participation and engagement during the current circumstances. Where applicable, states will need to review state law requirements to ensure they do not impact the feasibility of holding a virtual public hearing or meeting.

Link: [COVID-19 Enforcement and Compliance Resources](#)

For specific instances, states should contact the appropriate regional official, as individual programs or actions may have their own requirements or processes. Authorized states or tribes may take a different approach under their own authorities.

Question #4: Can states expect any regulatory relief or flexibility if they temporarily suspend certain inspections, monitoring, and reporting requirements such as vehicle emissions testing programs or certain air quality monitoring reports under the Clean Air Act?

Link: [COVID-19 Enforcement and Compliance Resources](#)

States should contact the appropriate EPA regional official as individual programs or actions may have their own requirements or processes. Moreover, the Agency has released the following information concerning air monitoring status and priorities.

Statement on Air Monitoring Status and Priorities

The U.S. Environmental Protection Agency (EPA) is working with its state, tribal and local partners to ensure that important air quality monitoring continues to the extent possible during the COVID-19 response in the U.S. Across the country, states, tribes and local air agencies maintain air monitoring networks that measure common harmful pollutants such as fine particulate matter and ozone, among others. These monitors are used to determine states' progress in meeting air quality standards and to inform the public about current air quality conditions through the AirNow.gov website. Recognizing that the COVID-19 response may strain states' monitoring resources and, in some cases, may limit access to monitoring sites, EPA is coordinating with air monitoring agencies to ensure that monitoring continues to the best of agencies' ability, while safeguarding the health and safety of their employees. EPA has provided air monitoring agencies with suggested priorities for network sites in the event they are forced to limit ambient monitoring in their areas as a result of the COVID-19 response.

Statement on implementation of vehicle emissions inspection and maintenance (I/M) programs during the COVID-19 crisis

EPA understands that states are taking a variety of interim implementation approaches to manage state and local government resources effectively while ensuring the public health and safety of their citizens, including those who are elderly, state and local workers, or others at higher risk of contracting COVID-19. If any temporary changes to, or repurposing of, I/M program elements have an air quality impact that would need to be addressed at a later date, EPA will work with the state to address any such issues. In the meantime, we would ask that states notify their EPA Regional Office if they are taking actions of this nature. EPA will continue to do everything in its power to support states as they balance meeting the immediate public health needs of their citizens with meeting Clean Air Act requirements and their state implementation plan obligations.

Question #5: For federally required licenses and certifications will there be temporary waivers of continuing education or other conditions of certification that would be difficult or impossible to meet due to social distancing?

Link: [COVID-19 Enforcement and Compliance Resources](#)

States should contact the appropriate regional official, as individual programs or actions may have their own requirements or processes.

From 3/26/20 Memo: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Many training classes are offered on-line and such on-line training generally should not be affected by travel and social distancing constraints. If practicable, sectors mandated to function with certified operators should maintain normal certification and training practices. If not practicable due to the COVID-19 pandemic, the EPA believes that it is more important to keep experienced, trained operators on the job, even if a training or certification is missed.

Question #6: How do we avoid losing funds already received for projects that might be delayed?

Link: [EPA Frequent Questions on Grant Issues in Response to the Novel Coronavirus \(COVID-19\) Public Health Emergency](#)

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Question #7: Will there be any flexibility for permit renewal applications and continuation of expiring permits?

Link: [COVID-19 Enforcement and Compliance Resources](#)

For specific questions on permit renewals and expiring permits, please contact the appropriate EPA Regional official.

Question #8: Will guidance be made available for the handling and disposal of increased volumes of medical waste, particularly in the form of used personal protective equipment, including the landfilling of incinerator ash?

Resources from EPA:

Link: [Frequent Questions about Waste and Coronavirus \(COVID-19\)](#)

Within the EPA FAQs above are links to the CDC and OSHA websites with additional information.

Question #9: Will there be any ability to reprogram federal funds based on emergency needs or inability to conduct certain tasks?

Link: [EPA Frequent Questions on Grant Issues in Response to the Novel Coronavirus \(COVID-19\) Public Health Emergency](#)

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Question #10: Might any gap funding be made available to states to cover temporary delays and reductions in state tax collections and expected reductions in fees and other special revenue due to decreased economic activity during the emergency?

We interpret this question to be either (1) whether EPA can authorize a state to increase the time between disbursement of grant funds and use of the funds to accommodate funding shortfalls from other these sources; or (2) whether EPA has the ability to provide additional funding to help bridge the gap between the time tax/fee revenues should've been received and when they are received. Any relief with respect to disbursement is governed by the Treasury regs in 31 CFR Part 205 as provided in 2 CFR 200.305 and would require a regulatory exception from Treasury. Also, our ability to provide additional funding for this purpose would require new authority, e.g., in a stimulus.