

DEP to Relax Environmental Compliance During Pandemic

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In response to the COVID-19 pandemic, the Pennsylvania Department of Environmental Protection is relaxing environmental compliance requirements for businesses and permittees.

Businesses and permittees can request a temporary suspension of state regulatory requirements and/or permit conditions by submitting a request to DEP. Entities that have ceased or suspended operations or construction as a result of the Gov. Tom Wolf's closure orders should refer to their permits for pertinent closure requirements.

Permittees and operators who are considered life-sustaining businesses pursuant to the governor's order may continue to conduct permitted earth disturbance activities. Permittees who are not life-sustaining businesses must cease earth disturbance activities. These operators still must implement temporary or permanent stabilization practices as required by their permits. In addition, DEP is prioritizing field inspections to those that are critical to public health and safety. [Click here for more information on seeking waivers of regulatory and permit requirements.](#)

The U.S. Environmental Protection Agency already has announced it [will not enforce violations](#) if they result from the COVID-19 pandemic.

DEP will be issuing more detailed guidance on how businesses and permittees can request specific waivers from regulatory and permit requirements, but hasn't specified when that guidance will be available. The department has indicated that it will likely consider requests for waivers on a case-by-case basis. Companies likely will need to make the case that a waiver of environmental requirements is necessary as a result of or to respond to the COVID-19 crisis. DEP is not considering a blanket waiver of such requirements.

Until the guidance is finalized, businesses and permittees should make every effort to continue to comply with all environmental requirements. The department does not like surprises. If a business believes it may not be able to comply with the department's environmental requirements, it should alert DEP immediately. This is especially true if compliance schedules in agreements or orders may be missed. A business should also document their efforts to stay in compliance as well as conditions that could result in any noncompliance. While physical DEP offices are closed, employees are working from home. Permit reviews and inspections will continue, albeit at a slower pace.

If anyone has any questions on working with the DEP during the COVID-19 pandemic, please [contact me](#) or anyone in the [Barley Snyder Environment & Energy Practice Group](#).

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