

DEP Will Enforce Environmental Requirements During Pandemic

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The Pennsylvania Department of Environmental Protection has clarified that it will continue to enforce all environmental laws during the COVID-19 pandemic. In a letter to environmental groups on April 15, DEP Secretary Patrick McDonnell stated that "All permittees and operators are expected to meet all terms and conditions of their environmental permits, including conditions applicable to cessation of operations." For example, National Pollutant Discharge Elimination System (NPDES) permittees will need to continue to comply with all reporting requirements unless they receive a waiver from the DEP. The department has recently [reorganized its COVID-19 Alert page](#).

The DEP will continue to consider waiver requests from businesses and permittees to allow temporary suspension of regulatory requirements and permits conditions. To date, DEP has granted three waiver requests. To request a waiver, [this form](#) must be completed and submitted to DEP at RA-EPCOVID19SuspReq@pa.gov.

Unless a waiver is obtained from the DEP, businesses and permittees should assume that all regulatory and permit requirements remain in effect. Entities subject to DEP orders and agreements should also continue to comply with schedules and obligations set forth in those documents. If you believe you cannot comply with these requirements because of the COVID-19 pandemic, or for any other reason, you should contact DEP immediately to request an extension.

Permittees and operators who are considered life-sustaining businesses under Gov. Tom Wolf's business closure 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, the DEP is prioritizing field inspections to those that are critical to public health and safety.

While physical department offices are closed, employees are working from home. Permit reviews and inspections will continue, albeit at a slower pace.

If you have 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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