

Coronavirus (COVID-19): Missouri Department of Natural Resources Addresses Regulatory Relief Requests



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The Missouri Department of Natural Resources (“MDNR”) issued a March 24th document titled:

Request for Regulatory Relief Due to COVID-19 Impacts (“Memorandum”)

The Memorandum is stated to be an attempt to:

... facilitate continuity of operations for key Missouri industries impacted by reduced workforce due to COVID-19.

The Memorandum references Missouri Governor Parson’s Executive Order 20-02 which declared a state of emergency in the state.

The Memorandum acknowledges that certain environmental-compliance obligations may become more difficult due to:

- Employees working from home
- Reduction of staff
- Physical distancing measures for personnel remaining in the workplace
- Travel restrictions for consultants
- Supply chain disruptions

MDNR states that it intends to encourage all regulated entities to:

- Continue to develop contingency plans addressing possible reductions in workforce
- Pursuit of all available actions necessary to ensure compliance with environmental regulations/permit requirements

The Memorandum notes that the agency’s “compliance-assistance approach” remains in effect and that it will continue to work with all entities “that demonstrate a sincere commitment to compliance.” Further acknowledged is that some entities may need to prioritize compliance activities. Emphasized as a first priority is protecting human health and the environment. Documentation of such efforts is required “to the greatest extent possible.” However, MDNR recognizes that reduced workforces may mean timely reporting could be a challenge. As a result, it is willing to accept alternate reporting schedules where appropriate.

MDNR requires that entities that anticipate compliance issues contact the appropriate Regional or other agency office. However, if noncompliance or delayed compliance is unavoidable, an email box

(regulatory.inquiry@dnr.mo.gov) has been established to accept requests for enforcement discretion. The information that should be provided includes:

- the nature of the compliance issue, including the affected location(s);
- the anticipated duration of the issue;
- the specific rule citation, permit provision, or the order or decree requirement for which the regulated entity is seeking enforcement discretion
- the steps taken to avoid the compliance issue (including whether you contacted the Department for assistance) and why the compliance issue was not reasonably avoidable; and
- the connection between the compliance issue and the challenges in responding to COVID-19.

A copy of the Memorandum can be found [here](#).