



MEMORANDUM

From: Becky W. Keogh, Secretary
Date: July 2, 2020
Subject: Provisional COVID-19 Enforcement Guidance

On June 29, 2020, the United States Environmental Protection Agency (EPA) issued a memo scheduling the termination of the EPA's Enforcement Discretion under COVID-19 for August 31, 2020. The guidance they issued on March 26, 2020 applied to actions taken by the EPA in their federal Enforcement and Compliance Assurance Program. While useful to inform states regarding appropriate considerations related to federal actions and to facilitate a consistent federal approach, neither of these documents directly alter the decisions or guidance issued by the Arkansas Department of Energy and Environment (ADEE).

On April 1, 2020, the Division of Environmental Quality (DEQ) of ADEE issued Provisional COVID-19 Enforcement Guidance. In accord with Executive Orders issued by the Governor, including EO 20-37 signed June 16, 2020, this enforcement guidance remains in effect while we monitor conditions in Arkansas and act according to what is best for Arkansas. Requests for discretion or relief under the Provisional COVID-19 Enforcement Guidance are considered on a case-by-case basis, in accord with the Director's statutory authority. This allows for a structure to monitor and evaluate requests submitted due to COVID-19 and to better understand and evaluate the impact of the COVID-19 public health emergency on our state.

I am proud of the work of our inspectors, geologists, engineers, and program staff over the past three months. I am also grateful to members of industry who have worked to fulfill their regulatory obligations despite adverse conditions. As a result, the guidance has been successful in bringing timely focus to challenges and helping identify strategies that continue protection of the environment as well as follow executive orders and the Arkansas Department of Health directives. As an agency, we will continue to fulfill our mission to protect and restore the environment while prioritizing public health.