

AP - 111

**COVID-19
PANDEMIC**

2020

From: [Chavez, Carl J. EMNRD](#)
To: [Moore, John](#); elizabeth.bisbeykuehn@state.nmn.us
Cc: [Cobrain, Dave. NMENV](#); [Vail, Vanessa A](#)
Subject: RE: Gallup Refinery
Date: Thursday, April 16, 2020 11:27:00 AM

John, et al.:

Received and transmitted.

Thank you.

Mr. Carl J. Chavez, CHMM (#13099)
New Mexico Oil Conservation Division (Albuquerque Office)
Energy Minerals and Natural Resources Department
5200 Oakland Avenue, NE
Albuquerque, New Mexico 87113
Ph. (505) 660-7923
E-mail: CarlJ.Chavez@state.nm.us

“Why not prevent pollution, minimize waste to reduce operating costs, reuse or recycle, and move forward with the rest of the Nation?” (To see how, go to: <http://www.emnrd.state.nm.us/OCD> and see “Publications”)

From: Moore, John <JMoore5@Marathonpetroleum.com>
Sent: Thursday, April 16, 2020 11:18 AM
To: elizabeth.bisbeykuehn@state.nmn.us
Cc: Cobrain, Dave, NMENV <dave.cobrain@state.nm.us>; Chavez, Carl J, EMNRD <CarlJ.Chavez@state.nm.us>; Vail, Vanessa A <VAVail@Marathonpetroleum.com>
Subject: [EXT] Gallup Refinery
Importance: High

Ms. Bisbey-Kuehn,

Please see the attached correspondence regarding the operating status of the Gallup Refinery. A hard copy will follow in the mail. If you have any questions, please feel free to contact me.

John Moore, P.E.
Environmental Superintendent
JMoore5@Marathonpetroleum.com

MPC – Gallup Refinery
92 Giant Crossing Road
Gallup, NM 87301
Phone: (505) 722-0205
Mobile: (505) 879-7643
www.Marathonpetroleum.com





John Moore, P.E.
Environmental Supervisor
Gallup Refinery

Western Refining Southwest, Inc.

A subsidiary of Marathon Petroleum Corporation

I-40 Exit 39
Jamestown, NM 87347

April 16, 2020

Ms. Elizabeth Bisbey-Kuehn
Bureau Chief
New Mexico Environment Department
Air Quality Bureau
525 Camino de los Marquez
Santa Fe, NM 87505-1816

Via email to Elizabeth.Kuehn@state.nm.us

**RE: Standby Operations at Gallup Refinery (Western Refining Southwest, Inc. -
Facility IDEA No. 888)**

Dear Ms. Bisbey-Kuehn,

As the New Mexico Environment Department (Department) is aware, the COVID-19 pandemic has created a global crisis causing refiners to take unprecedented measures to reduce fuel supply as a result of gasoline and jet fuel demand declining significantly. Based upon these historically low market conditions, Western Refining Southwest, Inc, a wholly-owned subsidiary of the Marathon Petroleum Corporation (MPC), will transition the Gallup Refinery into cold standby mode.¹ While the timeline to contain the COVID-19 pandemic and restore gasoline and jet fuel demand is largely unknown at this time, MPC anticipates this cold standby mode to be temporary in nature.

To facilitate the expected restart of producing fuels at a future date, MPC is transitioning its Gallup Refinery into cold standby (idle) mode rather than shutting down the facility. While operating the facility in standby mode is costlier on an ongoing basis than a complete shutdown, MPC has chosen to place the facility in standby mode because the continued operation, inspection and maintenance of selected equipment during the standby period should allow resumption of refinery operations and production of fuels at a lower overall cost, although the actual cost will not be known until production is resumed in the future.

¹ Gallup Refinery is owned by Western Refining Southwest, Inc. which owns the refinery processing equipment and Western Terminals, LLC owns the storage and loadout equipment. Each entity is a subsidiary of Marathon Petroleum Corporation.

Ms. Elizabeth Bisbey-Kuehn, NMED
Standby Operations at the Gallup Refinery
April 15, 2020

MPC is aware of the New Source Review (NSR) Reactivation Policy of the United States Environmental Protection Agency (EPA), as expressed in EPA's memoranda.² The policy supports the conclusion that new permits are not required when a facility suspends normal operations for a temporary period during which the facility is maintained, as opposed to a facility that shuts down completely but is later reactivated. It is important to MPC that standby operations at the Gallup Refinery are not construed as a shut-down that would require new permits upon resumed operations, so we have reviewed the Reactivation Policy criteria carefully and now seek your concurrence regarding the significance of the following points.

As part of MPC's plan to maintain the operability and integrity of the facility while production and distribution of fuels are suspended due to market conditions, MPC expects the emission units (EU) authorized by Title V Operating Permit No. P021-R3³ and NSR Permits 633-M17 and 633-M19 to be operated and maintained. Actual operation of some of the units is expected to be minimal and will continue to be maintained and inspected during operating rounds as they have in the past. Although some units will likely be deactivated and remain inactive while the Refinery is not making petroleum products, the equipment will remain at the site and will be regularly inspected and maintained by refinery personnel. The refinery will be undertaking decommissioning activities, such as placing de-inventoried units under an inert blanket, in ways that will protect the equipment from damage or corrosion and minimize the effort required to bring the equipment back into service. Additionally, the refinery plans to remain staffed with operations and maintenance personnel.

The plan above is subject to change but represents our best estimate of how we will operate the EUs at this time. If conditions change significantly in the future, MPC will notify the Department of the changes.

Consistent with MPC's intent to maintain the plant as an active facility under EPA's NSR Reactivation Policy, MPC requests that the Department continue to process our Title V Operating Permit P021-R3 renewal application in a timely manner. As noted above, EUs authorized by the current Gallup Refinery Title V and NSR permits will continue to operate in some capacity during the period the facility is in standby mode. Going forward, MPC specifically requests authorization to continue to operate all the equipment authorized by the current operating permit.

MPC also requests that the Department maintain all Gallup Refinery EUs in the State of New Mexico's Air Emissions Inventory required under 40 CFR 51, Subpart A. As required by 20.2.73.300(B) New Mexico Administrative Code (NMAC), MPC will assist the Department in meeting the reporting requirements of

² The "Reactivation Policy" has been expressed through a series of EPA memoranda, letters and determinations issued since the late 1970s. See EPA Memorandum from E. Reich (Sept. 6, 1978) re: PSD Requirements; EPA Memorandum from J. Seitz (May 27, 1987) re: Reactivation of Noranda Lakeshore Mines' RLA Plant and PSD Review; EPA Letter from D. Howekamp (Nov. 6, 1987) re: Supplemental PSD Applicability Determination Cyprus Case Grande Corporation Copper Mining and Processing Facilities; USEPA Memorandum from J. Rasnic (Nov. 19, 1991) re: Applicability of PSD to Watertown Power Plant, South Dakota, Shutdown 9 Years; See also EPA Letter from William L. Wehrum (April 5, 2018) re: Applicability of NSR to Limetree Bay Terminals, St. Croix, U.S. Virgin Islands, Shutdown 6 years.

³ Title V Operating Permit No. P021-R3 expired March 27, 2020. While the Department processes Western Refining Southwest, Inc.'s (Western Refining) operating permit renewal application, Western Refining is currently operating under the permit application shield afforded by 40 CFR 71.7(b) (20.2.70.302.J NMAC & 20.2.70.400(D) NMAC).

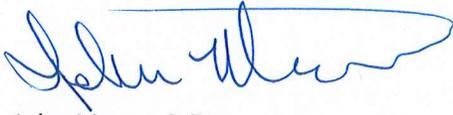
Ms. Elizabeth Bisbey-Kuehn, NMED
Standby Operations at the Gallup Refinery
April 15, 2020

40 CFR 51.15 by continuing to submit to the Department annual estimates of actual emissions from operating EUs at the refinery.

Finally, MPC would appreciate written acknowledgment from the Department that based on the information provided in this letter, that MPC has presented a reasonable plan for permitting and operations, consistent with our intent to maintain the Gallup Refinery as an active facility for purposes of EPA NSR Reactivation Policy.

If you have any questions or require additional information, please do not hesitate to contact Brian Valenzuela at 505-726-9743 or BValenzuelaAlcantar@Marathonpetroleum.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Moore".

John Moore, P.E.
Environmental Superintendent

CC: Dave Cobrain – NMED HWB
Carl Chavez - OCD



Marathon Petroleum Company LP

539 South Main Street
Findlay, OH 45840
Telephone 419/422-2121
FAX 419/425-7040

April 1, 2020

VIA EMAIL TO James.Kenney@state.nm.us

Mr. James Kenney
Secretary, New Mexico Environmental Department (NMED)

Re: Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19)

Pursuant to Governor Michelle Lujan Grisham's March 11, 2020 Executive Order 2020-004 declaring a State of Public Health Emergency as part of the State's efforts to respond to the novel coronavirus (COVID-19), this letter requests temporary relief from certain provisions of statutes, rules, orders, and permits at Gallup Refinery and Bloomfield Terminal, both owned by Western Refining Southwest, Inc., and the Wingate Plant, owned by Western Refining Terminals LLC, each a subsidiary of Marathon Petroleum Corporation (MPC), in an effort to minimize risk of exposure and otherwise respond to COVID-19 without sacrificing the protection of human health and the environment.

MPC is committed to safe and environmentally responsible operation of our facilities and fully embrace the emergency actions necessary to protect public health. To protect both our employees, site contractors, and the general public, MPC is seeking to temporarily limit certain on-site activities by personnel as part of its larger COVID-19 response to reduce social contact and comport with the "social distancing" guidelines issued by the New Mexico Department of Health, the United States Centers for Disease Control and Prevention (CDC), and the Whitehouse Coronavirus Taskforce. These guidelines recommend avoiding close contact with other individuals (within 6 feet), avoidance of gatherings of more than 10 people, avoiding discretionary travel, and working from home whenever possible.

As a member of a critical infrastructure industry, MPC has a special responsibility to continue the safe and environmentally responsible operation of our facilities to ensure fuel supplies are maintained so that other critical infrastructure continues to function during the ongoing pandemic. We have instituted a "work-from-home" policy for all non-essential personnel consistent with CDC guidance. Despite many of the present actions taken by governments and businesses, the virus continues to spread. As a result, we continue to further restrict on-site personnel to only core operating and maintenance personnel. We have also reduced laboratory personnel and thereby analytical capability to ensure social distancing is observed. As continued restrictions persist, we are also preparing for potential consequences in the supply chain, including inability to transport samples to third-party laboratories and inability to receive consumables.

In order to achieve the common goal of inhibiting the spread of COVID-19, some periodic sampling, testing, recordkeeping and reporting activities may need to be deferred during the present phase of the response in order to protect essential personnel necessary for safe operations. The actions that can be safely and responsibly deferred and then resumed as soon as conditions are appropriate, are estimated to be after May 1, 2020, and are enclosed as Attachment A for the Gallup refinery and Attachment B for the Bloomfield terminal. Collectively, these activities are schedule driven, including certain inspections that have due dates in the month of April 2020 and when deferred do not present any increased environmental risk to the public. This list of provisions and activities may be revised as the response develops.

Key to the request is the recognition that many activities drive increased social interactions with third party contractors that enter and leave our facilities, and neighboring facilities on a daily basis. Some of the functions identified require contractors and consultants to engage in significant travel and overnight accommodations, which further increases the chances of spreading the virus. This runs counter to the “social distancing” recommendations from the CDC, the Whitehouse, and the State of New Mexico.

Consistent with U.S. EPA’s March 26, 2020 Memorandum: *COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program*, MPC will maintain records specific to any noncompliance caused by COVID-19.

We believe that by taking these measures, we can do our part to slow the spread of the COVID-19 virus. This request covers only those provisions requiring activities that are inconsistent with implementation of MPC’s COVID-19 response, while maintaining safe and environmentally responsible operation. If you have any questions about this request, please contact me at 419-421-2869 or tjpeterkoski@marathonpetroleum.com.

Sincerely,



Timothy J. Peterkoski
Director, Environmental & Assurance
Marathon Petroleum Company LP

cc: Stephanie.Stringer@state.nm.us Stringer, Stephanie, NMENV;
Sandra.Ely@state.nm.us Ely, Sandra, NMENV;
Elizabeth.Kuehn@state.nm.us Kuehn, Elizabeth, NMENV;
Kevin.Pierard@state.nm.us Pierard, Kevin, NMENV;
Gabriel.Wade@state.nm.us Wade, Gabriel, EMNRD;
Sandoval.Adrienne@state.nm.us Sandoval, Adrienne, EMNRD

Attachments A and B: List of Activities Requesting Enforcement Discretion

ATTACHMENT A

List of Activities Requesting Enforcement Discretion for the Sole Purpose of Minimizing Third Party Contractors/Off-Site Personnel & Social Distancing Measures at the Gallup Refinery and Wingate Plant

1) Leak Detection and Repair (LDAR)

- a) **Citations:** 40 CFR 60 Subparts GGG, GGGa, VV, VVa; 40 CFR 63 Subpart CC, EEEE; NSR 633-M17 Conditions A208A, A209A, A210A, A211A, A212A, and A213B; Title V P117-R3 Condition A209A
- b) **Specific request for enforcement discretion:** The temporary cessation of Method 21 monitoring of fugitive equipment and piping connections in VOC service, including temporary cessation of visual pump inspections conducted monthly if performed by 3rd party contractors.
- c) **Anticipated Duration:** Until at least May 1, 2020 or longer depending upon pandemic status.
- d) **Mitigation Measures, if applicable:** The refinery will establish a perimeter optical gas imaging (OGI) monitoring schedule, i.e. FLIR camera, to check for leaks in each process unit normally monitored via Method 21 once a week, with MPC personnel if available. Operations personnel will attempt to conduct visual pump inspections as time allows.
- e) **COVID-19 Impact:** These measures will reduce the density of personnel onsite reducing potential exposure and spread of the virus to critical operations and/or maintenance personnel via 3rd party contractors. LDAR technicians share equipment, are in close contact with each other while calibrating equipment, require interaction with operations and maintenance personnel for hot work permitting and other necessary tasks that can be temporarily suspended during the pandemic.

2) Scheduled Stack Tests

- a) **Citations:** 40 CFR 63 Subparts UUU; NSR Permit 0633-M17 Condition A210.A, A110.A, A210.A, A204B, A204C, A204E, A204H and A206A
- b) **Specific request for enforcement discretion:** The temporary deferral of all scheduled stack tests on emission sources including, but not limited to, Boiler B104, Boiler B105, Furnace C-H1, G-C1A, G-C1B, G-C1C, and P-C1B
- c) **Anticipated Duration:** Until at least May 1, 2020 or longer depending upon pandemic status.
- d) **Mitigation Measures, if applicable:** Process units will continue to be operated under conditions supported by a compliant stack test.
- e) **COVID-19 Impact:** Stack tests can only be conducted by 3rd party resources who have to travel and stay in overnight accommodations. These measures will reduce potential contact or non-contact exposure to critical operations and/or maintenance personnel via 3rd party contractors.

3) CEMS Relative Accuracy Test Audits (RATA)

- a) **Citations:** 40 CFR 60.13, 40 CFR 60 Appendices B & F; 40 CFR 60 Subparts Db, J, Ja; 40 CFR 63 Subparts CC, UUU; NSR Permit 0633-M17 Condition A210.A, A110.A, A210.A, A204B, A204C, A204E, A204H and A206A
- b) **Specific request for enforcement discretion:** The temporary deferral of all RATA's on emission sources including, but not limited to the Vapor Recovery Unit
- c) **Anticipated Duration:** Until at least May 1, 2020 or longer depending upon pandemic status.
- d) **Mitigation Measures, if applicable:** Where cylinder gas audits (CGA's) are conducted by on-site MPC maintenance personnel, a CGA will be substituted for a RATA and retain the current schedule.
- e) **COVID-19 Impact:** The RATA can only be conducted by 3rd party resources who have to travel and stay in overnight accommodations. These measures will reduce potential contact or non-contact exposure to critical operations and/or maintenance personnel via 3rd party contractors.

4) Tank Seal Inspections

- a) **Citations:** 40 CFR 60 Subparts K, Kb; 40 CFR 63 Subparts CC; 20.2.38 NMAC
- b) **Specific request for enforcement discretion:** The temporary deferral of any external or internal visual tank seal inspections, including but not limited to, TK-574 and TK-569.
- c) **Anticipated Duration:** Until at least May 1, 2020 or longer depending upon pandemic status.
- d) **Mitigation Measures:** MPC operations personnel will detect leaks via olfactory, visual, or audible means during routine rounds performed of tank farm areas. If any leaks are detected, a maintenance work order will be initiated for its repair.
- e) **COVID-19 Impact:** These measures will reduce potential contact or non-contact exposure to critical operations and/or maintenance personnel via 3rd party contractor.

5) Hazardous Waste Removal Requirements

- a) **Citations:** 40 CFR 124, 264 through 268, 270; RCRA Section 3010
- b) **Specific request for enforcement discretion:** Extend the accumulation time limit to remove hazardous waste from the facility within 90 days for a large quantity generator or 180 days for a small quantity generator to avoid change in storage facility status as provided by 40 CFR 262.17(b) and 40 CFR 262.16(d).
- c) **Anticipated Duration:** Until at least May 1, 2020 or longer depending upon pandemic status.
- d) **Mitigation Measures:** Weekly inspections to ensure containers are in good condition.
- e) **COVID-19 Impact:** These measures will reduce potential contact or non-contact exposure to critical operations and/or maintenance personnel via 3rd party contractor.
- f) **Affected RCRA Permits:** Western Refining Southwest, Inc – Gallup Refinery (WRG) EPA ID #: NMD000333211 New Mexico ID #: 2401;

6) Groundwater Monitoring Programs

- a) **Citations:** RCRA Permit No. NM000333211, Attachment D and in accordance with the applicable requirements of 40 CFR Part 264, Subpart F; RCRA Permit No. NM000333211 IV.C.2 Facility-Wide Groundwater Monitoring Plan
- b) **Specific request for enforcement discretion:** The temporary cessation of routine monitoring of groundwater wells, collection of groundwater samples, groundwater extraction system and inspection of remediation systems.
- c) **Anticipated Duration:** Until at least May 1, 2020 or longer depending upon pandemic status.
- d) **Mitigation Measures, if applicable:** Existing data indicates that the groundwater plume is stable, thus, temporary deferral of monitoring and groundwater extraction is not expected to have any long-term impacts to the overall remediation objectives for the site.
- e) **COVID-19 Impact:** An effort to reduce potential contact or non-contact exposure to critical operations and/or maintenance personnel via 3rd party contractor.

ATTACHMENT B

List of Activities Requesting Enforcement Discretion for the Sole Purpose of Minimizing Third Party Contractors/Off-Site Personnel & Social Distancing Measures at the Bloomfield Terminal

1. Monitoring Well Installation

- a. **Citations:** Class I Injection Well Permit UICI-011, Permit Condition 2.A.1. and pursuant to e-mail correspondence from the New Mexico Oil Conservation Division (NMOCD) dated February 19, 2020.
- b. **Specific request for enforcement discretion:** The temporary delay to installing the monitoring well downgradient and proximal to WDW-2.
- c. **Current Compliance Deadline:** April 17, 2020
- d. **Anticipated Duration:** Until at least May 1, 2020 or longer depending upon pandemic status.
- e. **Mitigation Measures, if applicable:** Not applicable
- f. **COVID-19 Impact:** The drilling activities require 3rd Party contractors to travel from out-of-state and stay within the vicinity of the Terminal for several days to complete the necessary field activities. These measures of deferment of field activities will reduce the density of personnel onsite and offsite, thus reducing potential exposure to critical operations personnel via 3rd party contractors.

2. Quarterly Cylinder Gas Audits

- a. **Citations:** 40 CFR Part 60, Appendix B and QA/QC procedures of Appendix F; Title V Permit P024-R2M1
- b. **Facility Affected:** Bloomfield Terminal
- c. **Specific request for enforcement discretion:** The temporary suspension of quarterly cylinder gas audits of the Load Rack Vapor Recovery Unit CEMs unit (Unit TLR-1).
- d. **Current Compliance Deadline:** April 30, 2020
- e. **Anticipated Duration:** Until at least May 1, 2020 or longer depending upon pandemic status.
- f. **Mitigation Measures, if applicable:** Daily calibration checks will continue to be monitored to ensure monitored levels are within compliance tolerance.
- g. **COVID-19 Impact:** The CGA Audit would require a 3rd Party contractor to travel from out-of-state and stay within the vicinity of the Terminal to complete the necessary field activities. These measures of deferment of field activities will reduce the density of personnel onsite, thus reducing potential exposure to critical operations personnel via 3rd party contractors.

3. Hazardous Waste Removal Requirements

- a. **Citations:** 40 CFR 124, 264 through 268, 270; RCRA Section 3010
- b. **Specific request for enforcement discretion:** Extend the accumulation time limit to remove hazardous waste from the facility within 90 days for a large quantity generator or 180 days for a small quantity generator to avoid change in storage facility status as provided by 40 CFR 262.17(b) and 40 CFR 262.16(d).
- c. **Anticipated Duration:** Until at least May 1, 2020 or longer depending upon pandemic status.
- d. **Mitigation Measures:** Weekly inspections to ensure containers are in good condition.
- e. **COVID-19 Impact:** These measures will reduce potential contact or non-contact exposure to critical operations and/or maintenance personnel via 3rd party contractor.
- f. **Affected RCRA Permits:** Western Refining Southwest, Inc. – Bloomfield Terminal (WRB) EPA ID #: NMD089416416 New Mexico ID #: 2441

4. Groundwater Monitoring Programs

- a. **Citations:** Bloomfield Terminal Remediation. Giant Refining Company, Bloomfield Refinery Order No. HWB07-34(CO), EPA ID# NMD089416416.
- b. **Specific request for enforcement discretion:** The temporary cessation of routine monitoring of groundwater wells, collection of groundwater samples, and inspection of remediation systems. MPC would like to also request the elimination of the first sampling event (April) required by the Facility-wide Groundwater Monitoring Plan dated June 27, 2014. MPC will continue to plan for the August sample event.
- c. **Anticipated Duration:** Until at least May 1, 2020 or longer depending upon pandemic status.
- d. **Mitigation Measures, if applicable:** Groundwater collection systems, including recovery wells and conveyance systems necessary to treat recovered groundwater will remain in operation and repaired as needed.
- e. **COVID-19 Impact:** An effort to reduce potential contact or non-contact exposure to critical operations and/or maintenance personnel via 3rd party contractor.

From: [Garvey, Megan](#)
To: [Garvey, Megan](#)
Cc: [Bowles, Jack](#)
Subject: [EXT] FW: EPA Announces Enforcement Discretion Policy for COVID-19 Pandemic
Date: Thursday, March 26, 2020 4:23:11 PM

Greetings, EPA Oil and Natural Gas Co-Regulators:

Below, please see today's announcement and link to EPA's temporary policy regarding Agency enforcement of environmental legal obligations during the COVID-19 pandemic.

You are receiving this email because you are on the distribution list for EPA's Oil and National Gas Co-Regulator Conference Calls. Apologies if this communication is duplicative of others.

I hope you are well.

Thank you, Megan

Megan E. Garvey
Senior Counselor
Office of the Administrator
U.S. Environmental Protection Agency
Work: 303.312.6192 | Cell: 720.376.9870

From: Bowles, Jack <Bowles.Jack@epa.gov>
Sent: Thursday, March 26, 2020 3:54 PM
Subject: EPA Announces Enforcement Discretion Policy for COVID-19 Pandemic

Dear State and Local Colleagues:

Today, EPA is announcing a temporary policy regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA's temporary enforcement discretion policy applies to civil violations during the COVID-19 outbreak. The policy addresses different categories of noncompliance differently. For example, under the policy EPA does not expect to seek penalties for noncompliance with routine monitoring and reporting obligations that are the result of the COVID-19 pandemic but does expect operators of public water systems to continue to ensure the safety of our drinking water supplies. The policy also describes the steps that regulated facilities should take to qualify for enforcement discretion.

"EPA is committed to protecting human health and the environment, but recognizes challenges resulting from efforts to protect workers and the public from COVID-19 may directly impact the ability of regulated facilities to meet all federal regulatory requirements," **said EPA Administrator Andrew Wheeler.** "This temporary policy is designed to provide enforcement discretion under the current, extraordinary conditions, while ensuring facility

operations continue to protect human health and the environment.”

The temporary policy makes it clear that EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible. To be eligible for enforcement discretion, the policy also requires facilities to document decisions made to prevent or mitigate noncompliance and demonstrate how the noncompliance was caused by the COVID-19 pandemic.

This policy does not provide leniency for intentional criminal violations of law.

The policy does not apply to activities that are carried out under Superfund and RCRA Corrective Action enforcement instruments. EPA will address these matters in separate communications.

EPA’s policy will apply retroactively beginning on March 13, 2020. EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary. In order to provide fair and sufficient notice to the public, EPA will post a notification at the website below at least 7 days prior to terminating this temporary policy.

To read the EPA Policy on Enforcement during the COVID-19 outbreak:

<https://www.epa.gov/enforcement/enforcement-policy-guidance-publications>

Please feel free to forward this email to interested state and local officials and do not hesitate to contact us with any questions.

Take Care,

Jack Bowles

Director of State & Local Relations

U.S. Environmental Protection Agency

202-564-3657 (office) | 202-306-5196 (mobile)