April 6, 2020

TO: EPA OECA

From: NACAA Enforcement Committee

RE: NACAA Questions for EPA on COVID 19 guidance

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1. Will EPA be coordinating with state and local enforcement authorities in specific cases where a facility requests relief from EPA under its new guidance? (in re: "Jurisdiction shopping")

2. When states have delegated authority to enforce federal requirements – who will make the determination, EPA or the state, as to whether or not we agree that COVID-19 was the cause of the noncompliance as required?

3. Also, the guidance indicates that the supporting documentation are to be sent to EPA upon request – Does a state have the Authority to request the supporting documentation as well?

4. For states that have stay at home orders, what level of enforcement is expected for permits with source testing requirements? Does this expectation change for permits that are Title V, permits that only have Federal/State/Local District requirements?

5. Does EPA expect enforcement discretion to depend on whether a business is essential or non-essential?

6. Does EPA view source testing companies as belonging to one of the 16 essential business vectors as defined by DHS? If so, should they be performing source tests (assuming the business can accommodate it) by the permit holders normal deadline?

7. How will EPA be handling requests for compliance waivers and flexibility?

8. Keeping in mind that some agencies are required to default to EPA guidance for their policies, will EPA offer extensions of deadlines for submittals of fees, reports, and data? Will EPA allow a cessation of monitoring and reporting if facility is "shut down"?

9. What frequency of monitoring and reporting (e.g., LDAR) will be required?

10. Will EPA reduce testing requirements (extension of period between testing until such time that things return to normal).

11. Will EPA issue additional public-focused or regulatory-focused web content highlighting issues associated with COVID-19 enforcement?

12. What criteria will EPA use for revisiting/ending the temporary program?