



ARKANSAS ENERGY & ENVIRONMENT

Arkansas Department of Energy and Environment Enforcement Guidance

Earlier this month, Governor Asa Hutchinson declared a state of emergency for Arkansas, in response to the coronavirus (COVID-19) pandemic facing our state and nation. As a result, a large portion of the workforce has transitioned to telecommuting and other means of remote working, where possible, while others are simply unable to work at this time. The Department of Energy and Environment (E&E) recognizes that businesses all across the state are being impacted by this sudden reduction in the workforce, including many of our regulated entities that require staff to maintain normal operations at their facilities. This difficulty offers a reasonable hardship that must be addressed. To that end, E&E has created an email address for regulated entities that face unavoidable noncompliance situations to request regulatory flexibility and assistance in providing alternative approaches to maintaining compliance, where possible. This may include extending reporting deadlines, consideration of waiving late fees, and exercising enforcement discretion. If an entity has already submitted a request prior to March 30, 2020, there is no need to resubmit as that request is being considered. **It is important to note** that despite the current state of affairs, all regulated entities remain obligated to ensure compliance, to the best of their ability, with all orders, regulations and permit requirements. This is in an effort to continue our mission of protecting the health and safety of all Arkansans and properly administering all energy and environmental programs that we are responsible for maintaining. Regulated entities should email COVID19EE@adeq.state.ar.us with specific information related to enforcement discretion requests. This inbox will be monitored daily and E&E will work diligently to expeditiously review and respond to incoming requests from regulated entities.

The email requests should at a minimum include the following:

- Name of the entity
- Central point of contact for the entity, including an email address and phone number
- Permit number or AFIN number
- Agency by which entity is regulated
- Requested start and stop date for relief
- Specific regulatory or permit requirement that cannot be complied with
- Statement describing the circumstances preventing compliance
- Measures that will be taken to protect public health and the environment during the need for enforcement discretion
- Any additional details or documentation necessary to submit the request

Where alternative compliance options are authorized by E&E, regulated entities must maintain records adequate to document activities related to the noncompliance and details of the regulated entity's best efforts to comply.

Any questions regarding this guidance should be submitted to COVID19EE@adeq.state.ar.us for a response.