



SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT  
Governor

March 30, 2020

Re: Enforcement Discretion - Noncompliance Issues related to COVID-19 Pandemic

Dear Regulated Entities:

As provided in Executive Order No. 2020-07 (as amended), the Governor of Oklahoma, J. Kevin Stitt, has "declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety." In response to the current situation, the DEQ has determined that the exercise of enforcement discretion related to compliance with some environmental requirements may be warranted under certain circumstances. Consistent with our mission and statutory responsibilities, the DEQ will continue to ensure compliance with regulatory obligations necessary to protect public health and safety. However, the DEQ understands that the COVID-19 pandemic presents numerous potential challenges to the ability of regulated entities to comply with certain regulatory requirements (for example, the unavailability of critical employees due to illness and/or potential travel restrictions).

In recognition of such challenges, the DEQ will continue to work with our regulated communities during this period on a case-by-case basis to determine the most effective and reasonable approach to ensure compliance with applicable environmental requirements. Although enforcement discretion may not be appropriate in all situations, the DEQ intends to exercise such discretion as appropriate while focusing its enforcement efforts on compliance issues directly impacting human health. Consistent with the general approach being implemented by the DEQ, the U.S. EPA recently released a memorandum dated March 26, 2020, which explains the federal agency's approach to enforcement and compliance discretion during this time.<sup>1</sup> A copy of the memorandum is linked on the DEQ's COVID-19 webpage.

As the State of Oklahoma deals with the impacts of the coronavirus pandemic, regulated entities are encouraged to contact the DEQ with any questions or concerns regarding their ability to comply with applicable regulatory requirements during the COVID-19 pandemic.

Sincerely,

A handwritten signature in black ink that reads "Robert Singletary". The signature is written in a cursive style.

Robert D. Singletary  
General Counsel  
Department of Environmental Quality

<sup>1</sup> The memorandum outlines the U.S. EPA's temporary guidelines related to, among others, violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations, which are due to the COVID-19 pandemic.

