



## South Carolina Offers Environmental Regulatory Relief During the COVID-19 Pandemic

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On March 26, 2020, the South Carolina Department of Health (DHEC) Office of Environmental Affairs promised regulatory relief to those struggling to comply with environmental permits and other regulatory obligations due to the COVID-19 pandemic. While it is not clear how DHEC will decide which permit and regulatory obligations deserve relief, this is a positive sign for those impacted by reduced workforce, shortages in supplies, slowdowns in production and revenue and other negative effects from the virus.

The DHEC "[\*Compliance Assistance for Regulatory Relief During the COVID-19 Pandemic\*](#)" notice ("Regulatory Relief Notice") promises consistent "permit flexibility" and "compliance discretion" for those who request regulatory relief consideration due to the virus. In order to give some conformity and structure to requests, DHEC offers the following guidelines:

- All requests, no matter what program applies (i.e. air, land or water), are to be submitted to one email address: [environmentalcompliance@dhec.sc.gov](mailto:environmentalcompliance@dhec.sc.gov).
- The emails will be checked regularly and routed to the appropriate division within DHEC, and a response will be generated within one (1) business day.
- DHEC will contact any delegating agency associated with the compliance issues (i.e. EPA).
- All requests must contain, at a minimum, the following:
  - Facility/entity information (e.g., location, permit number, etc.);
  - Contact information for authorized representative;
  - Situation or issue requiring relief;
  - Timing of non-compliance (can be in past, present or future);
  - Requested duration of relief requested; and
  - Rule and/or permit provision citation for which relief is being sought.
- DHEC will accept requests for relief from trade associations that request relief for multiple entities or sectors affected by COVID-19.
- Entities requesting relief must maintain records and documentation showing "best efforts" to comply.
- Entities should inform DHEC of staffing or compliance plans in violation of regulatory requirements and update the agency when those plans change.

- Entities who may not need relief at this time but have general questions related to COVID-19 and compliance can use the email address above as well and can expect to receive a response within one (1) business day.

In a March 27th email from Myra Reece, Director of Environmental Affairs, the Department set forth the following automatic extensions for air and water compliance deadlines:

- Air:
  - Due date for Emissions Inventories is extended from March 31, 2020, to April 30, 2020;
  - On-Site Implementation Logs (OSIL) currently due on or before April 30, 2020 are extended for 30 days; and
  - Extensions are provided for asbestos personnel licenses that expire before April 29, 2020.
- Wastewater:
  - Permit due dates for testing and reporting that fall within the next 30 days extended to April 30, 2020; and
  - Deadline to submit DMRs to ePermitting is extended from April 2020, to May 31, 2020, and permittees may submit by paper or by using the ePermitting option.

Other than the five air and wastewater automatic extensions, DHEC makes no promises as to how broadly it will apply the temporary regulatory relief policy. However, the agency's proactive communication and one-stop submittal process provides those affected with a clear place to start.

*Please note: This alert contains general, condensed summaries of actual legal matters, statutes and opinions for information purposes. It is not meant to be and should not be construed as legal advice. Readers with particular needs on specific issues should retain the services of competent counsel.*

[Please click here for additional legal updates from Williams Mullen regarding COVID-19.](#)

## Related People

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## Related Services

- Environment & Natural Resources