



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
Governor

**Bruno L. Pigott**  
Commissioner

## **Enforcement Discretion, Extension of Submission Deadlines, and Waiver of Specific Regulations**

Updated July 24, 2020

In response to the novel coronavirus (COVID-19), Governor Eric J. Holcomb's [Executive Order 20-05](#) (and its subsequent extensions) authorizes state agencies to “waive, suspend, or modify any existing rule of their agency where the enforcement of which would be detrimental to the public welfare during this emergency...”. The Indiana Department of Environmental Management (IDEM) is cognizant that some regulated entities may be experiencing difficulties in maintaining normal operations due to reduced workforces at some facilities. IDEM has not identified any regulatory requirements that should be generally waived as a result of workforce impacts due to COVID-19. Rather, all regulated entities are encouraged to take all available actions necessary to ensure continued compliance with environmental regulations and permit requirements to protect the health and safety of Hoosiers and the environment. However, in the instance that noncompliance is unavoidable directly due to impacts from COVID-19, IDEM will exercise enforcement discretion as appropriate.

IDEM encourages the regulated community to communicate with agency staff about anticipated issues meeting compliance obligations. IDEM will work with any source taking reasonable measures to protect human health and the environment. However, IDEM will generally not offer advance approval of noncompliance. Communications about anticipated noncompliance should be sent to appropriate program contacts and include the following:

- Concise statement describing how the COVID-19 outbreak contributes to the anticipated or ongoing noncompliance
- Anticipated duration of the noncompliance
- Citation of rule/permit provision for which enforcement discretion is requested

Regulated entities must maintain records adequate to document activities related to the noncompliance, including details of the regulated entity's best efforts to comply. [Executive Order 20-05](#) (and its subsequent extensions) also authorizes IDEM “to extend any non-essential deadline of their agency for a period of no longer than 60 days if deemed necessary to respond to the threat of COVID-19.” Requests for extensions pursuant to this Order should be sent to appropriate program contacts and include the following:

- Concise statement describing how the COVID-19 outbreak contributes to the need for an extension
- Identification of the current deadline and number of additional days requested
- Citation of rule/permit provision for which the extension is sought

IDEM recognizes that, due to restrictions and closures related to COVID-19, some permit applications may not be able to comply with public notice and meeting requirements that are prerequisites to obtaining certain permits. If an applicant believes it cannot meet notice or meeting requirements, it should include in its permit application materials:

- Concise statement describing how the COVID-19 outbreak makes it infeasible to comply with the requirement(s)
- Actions the applicant is taking to ensure the public has an opportunity to receive information and participate as intended by the requirement(s)
- Citation of the specific rules/requirements it cannot meet
- Concise statement describing why the applicant would be prejudiced by delaying action on the permit until applicable requirements can be met