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Sent: Monday, April 6, 2020 3:40 PM

To: NetDMRSupport <NetDMRsupport@deq.state.or.us>

Subject: NPDES Permit Compliance and Reporting during the COVID-19 Pandemic

Dear Oregon NetDMR Users,

DEQ must balance its vital obligation to enforce the law and protect the environment with a consideration of the dramatic disruptions to public health and the economy caused by the COVID-19 outbreak. DEQ strives to be a full partner in the global effort to stop the spread of the virus and recognizes that the outbreak may affect some regulated entities' ability to comply with certain DEQ requirements in rules, permit conditions, and orders. Some entities may experience staff shortages, service provider interruptions, or other pandemic-related disruptions.

All applicable DEQ requirements remain in effect. However, DEQ will continue to exercise reasonable enforcement discretion within its authority in making decisions regarding violations that occurred on or after March 16, 2020, caused by pandemic-related disruptions.

DEQ offers the following guidance in an effort to foster a shared understanding of priorities during this time of emergency. This guidance does not serve as authorization of any kind to violate any applicable requirement of law, including statute, rule, permit condition, order, or other obligation.

Priorities: DEQ expects permit holders, licensees, and certified persons or companies to make every effort to comply with their environmental compliance obligations. DEQ expects all regulated entities do everything possible to *maintain the safe and environmentally protective operation of their facilities and/or operations*. Priorities for operation include:

- Fully operate all installed pollution control equipment and treatment measures to reduce pollution.
- Implement best management practices.
- Assure proper facility operation or delivery of service.
- Monitor, test, and report to demonstrate compliance with specific pollutant limits in the permit, license, or certification; including effluent limits, emission limits, and disposal volumes.
- Monitor, test, and report to demonstrate compliance with all other requirements.

Documentation: DEQ requests that regulated entities document any pandemic-related disruptions to their operations and explain how these disruptions have caused non-compliance. The documentation should:

- Identify the specific nature and dates of the noncompliance.
- Identify the specific DEQ order, regulation, permit, or other requirement that is affected by the COVID-19 disruption.
- Provide specific information about how COVID-19 was the cause of the noncompliance (for example, staffing and service shortages, availability of pollution control equipment, disposal schedules, etc.).
- Describe the decisions and actions taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity.

DEQ may request additional information and documentation.

NOTE: NPDES Non-Reporting

Guided by EPA's *Temporary Advisory for NPDES Reporting in Response to COVID-19 Pandemic*, DEQ is implementing procedures for permittees to document instances of non-reporting due to COVID-19 disruptions. If permit reporting obligations cannot be met, permittees should take all possible steps to return to compliance as soon as possible. Additionally, permittees should document and report any instances of COVID-19-related noncompliance, including the nature and dates of the noncompliance, how COVID-19 was the cause of the noncompliance, and the decisions and actions taken in response.

The following are scenarios that warrant special reporting:

- **Missing Data** – A new no data indicator (NODI) code—*NODI Code Z - COVID-19*—is available in NetDMR to use for missing data when monitoring and sampling were interrupted or sample analysis was not available due to COVID-19 disruptions. When NODI Code Z is used in a DMR, DEQ requests that Permittees add "COVID-19" to the comments field and attach a narrative description of the specific circumstances that caused sampling, monitoring, or reporting to be interrupted.
- **Interruption of Electronic Reporting** – If permittees are unable to report electronically, DEQ requests permittees to contact the DEQ Compliance Officer to discuss options for a temporary waiver from electronic reporting and a timeline for resuming NetDMR submissions.
- **Interruption of Reporting** – If permittees are unable to report, DEQ requests permittees to contact the DEQ Compliance Officer to discuss a timeline for resuming reporting, including late submission of missing reports.

NOTE: Wastewater Testing Laboratories

Wastewater laboratories are not required to be certified in Oregon. However, many of the certified drinking water laboratories may also provide wastewater testing services. The Oregon Health Authority provides a [searchable index](#) of all certified drinking water laboratories within Oregon. This link is provided for informational purposes only. DEQ is not able at this time to keep an up to date list of all operational laboratories and their services. Wastewater facilities may utilize laboratories not contained on this list.

If you need assistance from DEQ, please contact your facility's permit writer or primary DEQ contact for more information.

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