



State of Utah

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Department of  
Environmental Quality

L. Scott Baird  
Executive Director

DIVISION OF AIR QUALITY  
Bryce C. Bird  
Director

DAQ-030-20

MEMORANDUM

**Subject:** Utah Division of Air Quality (DAQ) Regulatory Guidance During COVID-19 Pandemic

**Signed:** Bryce C. Bird, Director

**Original Date:** March 27, 2020

**Updated:** March 30, 2020

**I. Guidance Applicable to all Utah Department of Environmental Quality Divisions**

Under the authority of the Executive Director of the Utah Department of Environmental Quality (UDEQ) and each individual UDEQ director, the following guidance is issued in coordination with EPA's Memo dated March 26, 2020, on the subject of [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program](#). This guidance balances UDEQ's obligation to safeguard Utah's land, air, and water resources and enforce environmental laws with the disruption caused by the spread of COVID-19. In this national emergency, UDEQ wants to clearly communicate its priorities to the regulated sources and the public and support the efforts to contain the virus. **All elements of EPA's March 26, 2020 guidance memo as applicable to Utah's environmental regulatory programs will be implemented in response to a demonstrated need for administrative regulatory relief connected to mitigation efforts in place to curb the spread of COVID-19.**

UDEQ and its divisions recognize that the pandemic may impact some facilities' ability to comply with environmental laws, permits, and other requirements. Staff shortages, service provider interruptions, and other restrictions may change regular operations. **We want to remind the regulated facilities that all applicable requirements are effective during this time and none are suspended. This guidance is not an authorization to violate any applicable environmental laws and does not constitute a variance from compliance obligations.** However, UDEQ agencies will exercise enforcement discretion when it comes to potential

violations during the COVID-19 pandemic where a good faith effort to comply is demonstrated and documented.

In addition, this guidance does not exempt entities regulated by UDEQ divisions from city and county orders requiring the closing of non-essential businesses.

UDEQ and its divisions are limiting person-to-person contact. The UDEQ offices are open during regular business hours, however, many UDEQ employees are working from home during this critical time. Public meetings, hearings and public outreach activities are currently suspended or being implemented via remote technology. To conduct business, please contact individual UDEQ agencies:

To conduct business, please contact individual UDEQ agency representatives by email as indicated on the agencies' website, the regulated entity's permit, or telephone at:

- Waste Management and Radiation Control: (801) 536-0200
- Air Quality: (801) 536-4000
- Water Quality: (801) 536-4300.
- Drinking Water: (801) 536-4200
- Division of Environmental Response and Remediation: (801) 536-4100

## **II. Guidance Applicable to the Utah Division of Air Quality (DAQ)**

### **General Requirements:**

**Documentation:** Sources must document any disruptions or instances of non-compliance caused by the pandemic. Also, please document and support the reasons why non-compliance happened due to COVID-19. This will help DAQ determine where enforcement discretion should be exercised on a case by case basis.

**Electronic Submission:** Required reports, applications and general correspondence will be accepted by email or electronic submissions for programs detailed below.

**Wet Signatures:** Digital signatures will be accepted on required submissions as long as the submission can be tied to the individual signing the document through an email or cover letter or through a digital signature authentication service.

**Priorities:** We request all regulated sources to do everything possible to continue safe and environmentally responsible operations by:

- Fully operating all air pollution control equipment and applying other measures to reduce air pollution;
- Implementing best management practices;
- Monitoring, testing, and reporting to show compliance with permit emission limits and other requirements.

## A. COMPLIANCE

**Inspections:** DAQ inspectors shall practice social distancing as much as practicable while conducting inspections/field work. If feasible, employees will complete inspection work remotely using available technology tools. DAQ inspectors will be required to complete a COVID-19 pre-screening questionnaire prior to conducting any field work.

**Title V Sources:** DAQ expects all facilities that are operating normally to complete all periodic monitoring, testing and reporting requirements as specified in the Title V permit. For all deviations, a source must follow the regular Title V process and submit a deviation report. Please contact the Major Source Compliance Section at (801) 536-4000 with any questions.

**All Other Sources:** Deadlines to conduct periodic monitoring, testing or reporting or to submit other reports required by permits, regulations or other authorizations is extended to 30 days after the Governor declares an end to the COVID-19 pandemic. This applies only insofar as a facility does not have appropriate personnel available to conduct monitoring and/or submit the reports on time. Documentation must be maintained and made available to the DAQ upon request demonstrating reasons why the facility was not able to comply with the applicable requirements. Please contact the Minor Source Compliance Section at (801) 536-4000 with any questions.

**Asbestos, Lead Based Paint, and Demolition Projects:** These projects must continue to comply with the state rules and federal regulations including requirements to notify of work and revise or cancel project dates.

DAQ will continue to process asbestos, lead based paint, and demolition notifications via the [ALBOP portal](#), email at [asbestos@utah.gov](mailto:asbestos@utah.gov), [leadbasedpaint@utah.gov](mailto:leadbasedpaint@utah.gov), and US mail. Payments can be made through the ALBOP portal, the State of Utah (DEQ) payment portal [www.deq.utah.gov](http://www.deq.utah.gov) - payment portal - air quality - air quality shopping cart. [https://secure.utah.gov/cart/daq\\_cart/products.html](https://secure.utah.gov/cart/daq_cart/products.html) or via US mail.

Asbestos and Lead Based Paint Worker Certification courses are currently still being provided through numerous state approved providers. If they no longer become available, DAQ will evaluate each situation on a case-by-case basis and exercise its discretion to potentially allow an extension to take a refresher course and submit for renewal.

If you have any questions, please contact DAQ by email at [asbestos@utah.gov](mailto:asbestos@utah.gov), [leadbasedpaint@utah.gov](mailto:leadbasedpaint@utah.gov), or by phone at (801) 536-4000.

## B. PERMITTING

DAQ continues to conduct business as usual through teleworking. Review and issuance of permits to commercial and industrial emission sources in Utah will be done expeditiously. In an effort to reduce the spread of COVID-19 and to limit person-to-person contact, the division is requesting the regulated community to submit permit applications or other permit-related materials electronically. [https://utahgov.co1.qualtrics.com/jfe/form/SV\\_9LHib4Fy1YgvkAl](https://utahgov.co1.qualtrics.com/jfe/form/SV_9LHib4Fy1YgvkAl)

For general permitting questions please visit our website at: <https://deq.utah.gov/air-quality/air-quality-permitting>

DAQ also encourages the regulated community to pay the application filing and review fees through an online payment portal at:

[https://secure.utah.gov/cart/daq\\_cart/details.html?productId=143](https://secure.utah.gov/cart/daq_cart/details.html?productId=143)

DAQ will be utilizing electronic media to the greatest extent possible. All correspondence, reviews, and final documents to sources, consultants, and EPA will be sent by email. DAQ will use the email as a receipt and time stamp for submittals and return receipt requirements.

### **C. PLANNING**

DAQ will continue to collect emissions inventories as required. For general emissions inventory questions please visit:

<https://deq.utah.gov/air-quality/statewide-emissions-inventory-program>

For questions regarding emissions inventories, including inventory submission extensions, please contact: [cyouatt@utah.gov](mailto:cyouatt@utah.gov)

For emissions inventory submittals due April 15th, 2020, please use the State and Local Emissions Inventory System (SLEIS) at: <https://sleis.deq.utah.gov/>

For SO<sub>2</sub> emissions reports due April 15, 2020, please email: [cyouatt@utah.gov](mailto:cyouatt@utah.gov)