



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

Illinois Environmental Protection Agency Compliance Expectations Statement

As part of its efforts to respond to the COVID-19 situation, the Illinois Environmental Protection Agency (“Agency”) is continuing to ensure compliance of all applicable laws and regulations within its jurisdiction. However, given the circumstances brought on by the current health crisis and how those circumstances may impact compliance with environmental requirements, the Agency is providing the following guidance.

Underlying the Agency’s ongoing mission is a dedication to protect the health and welfare of citizens and the environment of Illinois. All regulated entities are expected to take every possible step to ensure ongoing compliance with environmental requirements, including all terms and conditions contained in permits, so that all regulated facilities or activities are operated and maintained in a manner safe for human health and the environment.

Governor Pritzker issued disaster proclamations and Executive Order 2020-10 that impose necessary guidelines and restrictions on citizens and businesses in Illinois as part of the state’s measures to address COVID-19. Should those current health and safety restrictions also result in an inability to comply with environmental requirements, the Agency will exercise enforcement discretion when appropriate. This approach is only applicable to situations brought on by, and directly related to, responses to COVID-19 that will not create or result in harm or risk to human health or the environment. One example of such a situation is difficulty in submitting routine reporting or monitoring information. These instances are best considered on a case-by-case basis, with interaction between the regulated entity and the Agency prior to the potential noncompliance to allow full discussion of the circumstances. Once restrictions related to COVID-19 preventative measures are lifted, a return to compliance will be expected as soon as possible.

This approach does not extend to critical infrastructure such as drinking water or wastewater facilities, nor will it allow for any practice, action, or event that could create or result in harm or risk to human health or the environment.

A recent memorandum from the United States Environmental Protection Agency (“U.S. EPA”) set forth its temporary policy for COVID-19 implications on enforcement and compliance. Notably, that document provides that states may take their own approach under their own authorities related to the exercise of enforcement discretion. As allowed for, the Agency is implementing its own approach as described above.

For further information or to raise questions, please contact Acting Chief Legal Counsel Charles (Chuck) Gunnarson at Charles.Gunnarson@illinois.gov.

4302 N. Main Street, Rockford, IL 61103 (815) 987-7760
595 S. State Street, Elgin, IL 60123 (847) 608-3131
2125 S. First Street, Champaign, IL 61820 (217) 278-5800
2009 Mall Street Collinsville, IL 62234 (618) 346-5120

9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph Street, Suite 4-500, Chicago, IL 60601