

# Florida Department of Environmental Protection Issues Environmental Order for COVID-19-Related Time Extensions

ENVIRONMENTAL REGULATION & LITIGATION | ENVIRONMENTAL, LAND USE & DEVELOPMENT  
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Citing the various executive orders issued by the governor related to the COVID-19 emergency, the Florida Department of Environmental Protection issued an emergency final order of its own on April 1, 2020, for certain activities conducted by entities regulated by the department. The order grants a 30-day extension for facilities and their activities that are specified in the order.

The order finds that disruption in supply chains can impact the ability of many regulated entities to meet their regulatory deadlines. If you believe any of these extensions could apply to your facility, please refer to the order for the specific details and relevant citations. Unless extended later, the order expires on May 8, 2020. Deadlines occurring before the order's expiration are extended 30 days in the following circumstances:

- Timelines for conducting or reporting specified monitoring requirements.
- Deadlines for responding to and completing the cleanup of mineral oil dielectric fluid from electric power facilities.
- Deadlines for applying for extensions to existing permits or renewals and other authorizations. Title V air permits are excepted from this extension.
- Deadlines for filing for operation permits under several specified programs except for Title V air permits.
- Expirations for existing permit durations and other listed authorizations except for Title V air permits.
- Deadlines for obtaining a permit and commencing construction of an initial phase of a facility for which a conceptual permit was issued under the ERP program.
- Deadlines for paying annual Title V permit fees and submitting annual operating reports is extended to May 1, 2020.
- The May 22, 2020, sunset date is extended for 30 days (until June 21, 2020) for eliminating excess air emissions due to startup, shutdown, or malfunction (62-210.700 (6), F.A.C.).

The order does not apply to the department's compliance and enforcement activities, and the department will continue to conduct all inspections, testing, and data and file reviews. The provisions of the order do apply to the water management districts and local governments that carry out delegated programs or contracts on behalf of the department. It does not apply, however, to those same entities acting under their independent authority.

Richard Tschantz is the former deputy general counsel at the Southwest Florida Water Management District and former general counsel at the Environmental Protection Commission of Hillsborough County, now practicing environmental law in the Government Law and Consulting Practice in Carlton Fields' Tampa office. If you have any questions concerning this emergency final order, please contact him.

