March [XX], 2020

Address of Agency Contact

Re: COVID-19 Notice of Emergency and Force Majeure Impacts on Compliance Requirements

Dear [Agency Contact]:

[Company] operates a manufacturing facility in [insert location] subject to numerous permits and regulations, including but not limited to the following:

* Air Permit #
* Water Permit #
* Stormwater Permit #
* Solid Waste #
* Waste Handling Identification #
* Tier II Reporting
* Form R Reporting
* Greenhouse Gas Reporting

On [insert date], 2020 the Governor of [State] declared a State of Emergency in response to the sudden and unforeseeable conditions caused as a result of COVID-19. The health and safety of our employees and community is paramount. At all locations, we are complying with state and federal regulations and guidance designed to slow the spread of the virus, including restricting or eliminating access of contractors, vendors, and suppliers to our mills, and instructing employees that exhibit symptoms of illness to remain home.

Immediate and preventative measures to respond to COVID-19 are absolutely necessary and, in some cases, legally required by State order. Despite our best efforts to fulfill existing environmental regulatory obligations, we are experiencing challenges to fulfill certain requirements timely. The COVID-19 emergency was unforeseeable and could not be anticipated; therefore, these circumstances create a force majeure (“Act of God”) event.

The duration of both the emergency declaration and the force majeure event are indefinite and unpredictable. The facility is operating properly and implementing all reasonable steps to minimize impacts to the environment, as well as fulfill applicable compliance obligations. However, despite our best efforts, this situation may result in unwanted and unavoidable non-compliance with certain environmental requirements. See Attachment A for a list of unavoidable compliance gaps that we anticipate during the next thirty days.

During this period, the facility will perform the following activities to minimize any delay in compliance and any adverse impacts to the environment:

* Monitor the duration of the COVID-19 emergency and force majeure event;
* Follow direction provided by regulatory agencies and posted on the agency’s website;
* Track the permit conditions for which compliance is currently unachievable and take corrective action whenever possible;
* Document reasons for any non-compliance conditions;
* Update Attachment A as necessary;
* Implement reasonable measures to minimize adverse impacts to the environment;
* Schedule prompt action to fulfill the compliance obligations as soon as possible or once the emergency and force majeure events conclude.
* Keep regulatory agencies apprised of compliance status and updates.

We request the agency’s enforcement discretion during this unprecedented time. Please contact [insert contact] if you have any questions.

Sincerely,

[Responsible Official]

cc: EPA, Regional Office

**Attachment A**

**List of Unavoidable Compliance Gaps Anticipated During Next Thirty Days**