

Do I have options for my remediation work during the pandemic?

Most environmental regulators are on the job and working remotely, so it would seem your active remediation field work is “essential” to protect human health and the environment. You may have more latitude than you think. That said, the devil’s in the details. We share below considerations of continuing—or stopping—remediation work.

How can I continue remediation work when there are “shelter-in-place” orders?

COVID-19 regulatory requirements vary by jurisdiction, and you need to know which ones apply to your work sites. Most remediation and mitigation system operations are considered “essential,” and field work continues if it doesn’t impact staff and public safety. Sounds simple, but let’s take a closer look.

The definition of essential tasks varies, and there may be flexibility to stop certain activities. In making this assessment, consider both the immediate impact to human health and the environment, as well as the long-term impact on the project duration and schedule. Once you’ve determined what is indeed “essential,” perform a site-specific assessment to obtain the information to balance short- and long-term public and employee COVID-19 safety risks with your “essential” tasks. There may be some tasks that cannot be conducted with appropriate social distancing, and those will either need to be delayed or conducted by other means. On the other hand, the temporary orders could improve the safety at many work sites. For instance, reduced vehicle traffic would make completing tasks in or adjacent to roadways less complex and safer.

Your next consideration is whether you have sufficient resources to meet your remediation goals. It may be necessary to maintain site security, manage waste, drain systems, and conduct periodic inspections or sampling. Strong project management is more critical than ever to proactively plan, manage schedules, and optimize labor resources.

If I shut down now, will I “pay” later?

Keep the end in mind when shutting off the remediation system or stopping work. At some point you’ll restart—and that presents its own issues. For treatment systems, you’ll likely be looking at costs for start-up sampling and using labor resources for troubleshooting. While you can simply “flip the switch” for some systems, other systems require specific steps to minimize the risk of system damage and the threat of contaminant release.

For remedial construction, you’ll need to know what tasks are required to secure the site to ensure public safety, minimize the potential for environmental releases, and protect completed work. For instance, open excavations could collect water or expose the public to impacted media. These sites would need to be secured or even backfilled. Stormwater Best Management Practices may also be required. Consider equipment left on site which could be subject to vandalism and how to protect it.

If I do suspend operations, what are our permit and compliance considerations?

Review the project permits to understand what is required to temporarily suspend work and if there are ongoing monitoring or compliance requirements. These could include discharge sampling, erosion and sedimentation control inspections, and hazardous waste storage inspections. This is also a good time to further consider start-up requirements driven by permitting requirements.

What are the regulatory considerations if I change my remediation plans?

Through exploring the questions posed here, you should have the support needed to discuss continuing or discontinuing operations with the appropriate regulatory agency. If a non-essential determination is at play, we recommend reviewing emergency relief provisions in regulatory statutes and agreements (e.g., consent orders, force majeure provisions) to determine how to request relief in whole or in part. Document the decisions and agreements made. This is important for regulatory compliance and potential insurance claims arising from the shutdown or COVID-19 itself. One thing this pandemic hasn't changed is the value of having a collaborative relationship with agency representatives!

Clearly there are many aspects of your remediation plans to consider in this current environment. If you're unsure of which direction to take, contact your H&A team or one of the remediation and business continuity experts below.



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