

Practice Update

DEP Extends Deadline to Comply with Various Activities Due to COVID-19

April 2, 2020

By [Silvia M. Alderman](#) and [Robyn D. Neely](#)

The Florida Department of Environmental Protection (DEP) has just issued an [emergency order](#) that extends the time to comply for certain activities. The order expires May 8 (unless modified or extended) so it will have a short time duration. The order extends by 30 days any deadlines coming due between the time of issuance of the order and its termination in the following situations:

- The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, or 403, Florida Statutes, and rules adopted thereunder, except for public notices of pollution under Section 403.077, Florida Statutes, and monitoring and reporting required under federally-mandated air permit conditions pursuant to 40 C.F.R. Parts 60, 61, 63, and 75.
- The time deadlines to respond to and complete the cleanup of mineral oil dielectric fluid (MODEF) discharges from electric power generation, transmission, and distribution facilities within the Emergency Area.
- The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use,

Related People

Silvia M. Alderman
Robyn D. Neely

Related Work

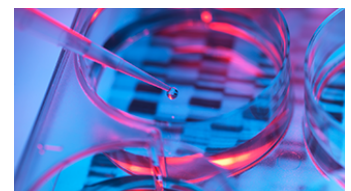
Environment and
Natural Resources
Real Estate

Related Offices

Orlando
Tallahassee

Coronavirus Resource Center

[Visit the Resource
Center](#)



letter of consent, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act.

- The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376, 377, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act.
- The expiration date for an existing permit, lease, consent of use, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act.
- The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, Florida Statutes and rules adopted thereunder.
- The time deadline for major sources of air pollution to pay their Title V fees pursuant to Section 403.0872, Florida Statutes, is extended by 30 days and must be paid to the Department by midnight on May 1, 2020 and the time deadline for air-permitted sources required to submit an Annual Operating Report pursuant to paragraph 62-210.370(3)(c), Florida Administrative Code, is extended by 30 days and must be submitted to the Department by midnight on May 1, 2020.
- The May 22, 2020 sunset date specified in subsection 62-210.700(6), Florida Administrative Code, is extended by 30 days to June 21, 2020.

Note that in regard to water management districts, these extensions apply only to cases where they are acting on a delegation from the DEP. Thus, something like a WUP permit would not be covered under this order.

If you have any questions please let us know, since there will be many nuances that arise that are not readily answered by the text of the order. We do suggest you read the order in full.

This information is intended to inform Akerman clients and friends about legal developments. Nothing in this Practice Update should be construed as legal advice or a legal opinion from Akerman, and readers should not act upon the information contained in this Practice Update without seeking the advice of legal counsel. Prior results do not guarantee a similar outcome.