
Date: July 9, 2020
To: Environmental Quality Commission
From: Leah K. Feldon, Deputy Director
Subject: Item B: Update on DEQ's 2019-21 Operations and Budget (Informational)
July 16-17, 2020, EQC meeting

Purpose DEQ will update the commission on the status of the agency's operations and budget in light of the COVID-19 pandemic and resulting changes in revenues.

Background Since mid-March, 2020, with the onset of the COVID-19 pandemic, DEQ's operations have shifted in response to safety and budget considerations. Since that time, DEQ has employed an Incident Command Structure to manage daily decision-making and planning for agency protocols, operations and spending during the pandemic.

Operational shifts Operational shifts have been necessary throughout the pandemic in order to perform DEQ work in a manner that is safe for our employees and the regulated community, provide reasonable compliance pathways, and leverage new tools for conducting our business.

Fieldwork restrictions

As the nature of the pandemic and need for precaution became clear in March of this year, DEQ leadership provided directives to staff regarding fieldwork. DEQ suspended fieldwork at some facilities due to the increased risk of that type of facility, such as wastewater treatment plants, hospitals and some on-site systems, or work that requires overnight travel or travel with others in close proximity. DEQ also suspended fieldwork and inspections that could not be feasibly completed without social distancing. Additionally, staff and managers were to consider needs of the facility during this period and whether the inspection could safely be delayed. An example of this is correctional facilities or communal living facilities, which are trying to limit the number of guests on their premises.

In proceeding with any inspection or site visit, staff were asked to consider several factors including: (1) Can the inspection be conducted virtually? (2)

Is the site visit necessary to prevent imminent harm to human health or the environment? (3) Can the inspection be conducted safely with personal protective equipment and maintaining six feet of distance between others at the site? (4) Is the facility comfortable with having guests on the premises at this time? (5) Can the site visit be completed fully outside? These factors have helped staff navigate decisions about whether to conduct site visits.

In employing these criteria, the result is that many inspections have been delayed. During this period, staff have increased work in areas such as permitting, water quality planning, compliance report reviews, work plans and reports for cleanup sites and work on the coming environmental data management system.

Enforcement

DEQ must balance its vital obligation to enforce the law and protect the environment with a consideration of the dramatic disruptions to public health and the economy caused by the COVID-19 outbreak. Some entities may experience staff shortages, service provider interruptions, or other pandemic-related disruptions. While all applicable requirements remain in effect, DEQ is exercising reasonable enforcement discretion in making decisions regarding violations that occurred on or after March 16, 2020, caused by pandemic-related disruptions. DEQ expects all regulated entities to do everything possible to maintain the safe and environmentally protective operation of their facilities and/or operations. To assist entities experiencing hardship, regulated entities may document any pandemic-related disruptions to their operations and explain how these disruptions have caused non-compliance. DEQ will use this documentation in making enforcement-related decisions when violations occur.

New fieldwork protocols

In the spring, many facilities were very focused on figuring out new ways of working in a safe manner during the pandemic. Similarly, DEQ has spent time developing protocols for conducting fieldwork in a manner that is safe for our staff and for the facilities and sites we visit. Our lab has restarted fieldwork for certain critical monitoring sites, including beach monitoring and servicing air quality monitors as we approach wildfire season. Our inspection staff are currently working through analyses to determine which site inspections should restart based on criticality of the inspection for human health and the environment. They are also working on determinations for which types of inspections can be done virtually going forward.

**Vehicle
Inspection
Program**

The Vehicle Inspection Program suspended operations in mid-March. Staff unable to work due to the closures had access to some administrative leave, other personal leaves they had accrued and leave without pay to use during the closure. Staff were also able to apply for unemployment depending on their personal situations.

DEQ has now reopened the VIP stations, in consultation with or under guidance from the Oregon Health Authority, CDC, OSHA and input from managers and staff at VIP. The plan included signage, new barriers installed, disinfection protocols, social distancing and face covering requirements. All staff went through training for the reopening plan prior to the stations opening. The week of June 15, five of the seven stations reopened and the remaining two opened in Multnomah county June 30. Since reopening, the stations have experienced very high volumes, and DEQ has placed signage and flaggers to help control traffic around the stations. The program has also hired extra temporary staff to assist with the volume.

The station closures caused a substantial reduction in incoming cash flow that required the program to use a significant portion of its ending balance in order to maintain staffing and general operations. Typically, programs are required to maintain a certain amount of their total budget at the end of each biennium for budgeting and program continuity purposes. It is key to note that this is only a cash flow issue, as all cars that needed to be tested during this time did not get a waiver of the requirement but only a delay in the timing it is needed. In order to alleviate budget shortfalls and to provide customers with an option for service, DEQ promoted both DEQ Too and the ability for people to obtain a certificate on-line during the closure period.

2019-21 budget DEQ continues to monitor impacts the COVID-19 pandemic has on the state's economy and fund sources related to the agency's budget. The most significant impact to the budget has been in lottery funds received in the water quality budget. The current projected revenue loss for the 2019-21 biennium is \$900,000 to \$1.4 million. The agency has already implemented the low-end estimate by holding positions vacant and reduction in supplies and services, and additional reductions may be necessary after the next quarterly estimates of lottery funds. DEQ is not projecting the need for layoffs at this time due to a loss of lottery funds.

At the direction of the state Department of Administrative Services, DEQ developed an 8.5 percent General Fund reduction list, which totaled

approximately \$4.4 million. This list included reduction options across all areas of the agency supported by state General Fund dollars, and consisted of holding positions vacant, reduction in supplies and services, deferred capital equipment and four filled positions that would be laid off. DEQ has not received final notification of which of the reductions options will be taken but has received notification of approximately \$1.9 million in reductions identified on the list being considered for final reduction, which is not expected to cause any layoffs for the agency.

Lastly, DEQ has implemented administrative restrictions for the remainder of the biennium. These restrictions put in place additional requirements or justifications for certain types of discretionary spending, and are a tool that DEQ has used previously when facing budget shortages or revenue downturns.

Attachments

- A. DEQ COVID-19 Fieldwork/Inspection Protocol
- B. Administrative Restrictions

Report prepared by Leah K. Feldon
Deputy Director
and
Brian Boling
Central Services Division Administrator



DEQ COVID-19 Fieldwork/Inspection Protocol

Revision 6.25.2020

Purpose: The purpose of this document is to provide DEQ staff with protocols and best management practices for conducting fieldwork and inspections during COVID-19.

All overnight travel must be approved by your manager/supervisor

Pre-Trip Planning:

- Staff member(s) should be asymptomatic for at least two weeks prior to fieldwork and will not participate should they feel ill or have reasonable cause to believe they have been exposed to COVID-19.
- Utilize the Functional Priority and Risk Assessment Tool to prioritize field work, inspections, and laboratory sampling.
- Prepare clear work goals and plans for the fieldwork/inspection and review with your manager/supervisor.
- Review safe work practices that may be required at the location(s) of the fieldwork/inspection, including regional or facility safety protocols.
- Check local conditions for on-site-specific issues, such as recent localized outbreaks. Follow [local](#) and [State public health requirements](#).
- Discuss with your manager how to mitigate any conditions that you feel are unsafe and consider postponing fieldwork/inspection if necessary.
- Have dedicated PPE, provisions, and supplies, if feasible, to minimize sharing.
- Maintain reliable communication to receive updates or get assistance; maintain a frequent check-in schedule.
- Make arrangements to minimize contact with the public during the pandemic.
- Maintain flexibility to alter plans at any time, self-isolate, or return home.

Site Planning:

- Discuss work goals and plans with fieldwork/inspection participants to keep the visit as short and focused as possible.
- Review DEQ and site specific safety requirements:
 - Social distancing and special PPE requirements,
 - Check-in/arrival procedures,
 - Equipment handling & Disinfection procedures,
 - Signs/symptoms of COVID-19
- If more than one person will participate in the fieldwork/inspection, cross-train multiple individuals on critical tasks and documentation protocols.
- Prior to the planned inspection, have a phone conversation or Microsoft Teams video meeting with the appropriate individual(s) at the fieldwork/inspection location to confirm:
 - Access to the site, safety precautions/concerns, required PPE, and restricted areas
 - Who will be on site during the inspection, including point person and others with whom you may interact either directly (e.g., individuals you will interview) or indirectly (e.g., other workers at the site).
 - How the inspection will be conducted while maintaining a safe distance.
 - Contact information for the site point-person and an alternate.
 - Communication plan for activities during the inspection, such as use of cell phones or other protocols necessary to maintain a safe distance, particularly in smaller, confined spaces.
 - Request digital copies of reports, logs, or other information prior to arrival or be made available during the site visit as necessary. For example: Cellphone screenshot.

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Transportation to site:

- Avoid public transportation when possible.
- Meet at the worksite (each team member should consider using their own fleet vehicle).
- Utilize 1 vehicle per person to maintain social distancing. No more than 2 employees per vehicle if additional safety considerations outweigh social distancing (such as long distance travel). Face coverings are required when 2 people are riding in a car together. No more than 2 persons per car. Use ventilation with outside air rather than recirculation. Consider opening windows.
- Follow the [DEQ vehicle cleaning protocol](#) when utilizing fleet vehicles.

Provisions:

- Each staff member shall be responsible for their own field provisions for the day.
- Water, food, snacks, etc., are recommended to be prepared and brought from home, if possible.
- Each team member is encouraged to have drinking water available per workday.
- If coolers are used, each team member are to have their own designated cooler.
- Stops to make purchases in the field should be kept to a minimum in order to lessen contact with the public. When stops are necessary, have appropriate PPE and disinfectants readily available for use.
- For overnight trips, ensure appropriate lodging is available to maintain social distancing, i.e. single rooms, single tents and personal bedding/sleeping bags if desired.

Fueling Vehicles/Service Stops:

- Maintain social distancing from anybody at the fuel location, store, etc.
- Be cognizant of what you touch at any service stations, stores, bathrooms (close toilet lids per-flush), etc.
- Use disinfecting wipes on handles or buttons before you touch them; or single-use towels as a barrier.
- Use hand sanitizer prior to re-entering your vehicle.
- Wipe down the fueling card with disinfectant after use, especially if passed to a station attendant.

Hotel and Lodging Stops:

Questions to consider asking when booking a hotel or lodging:

- Have hotel staff received COVID-19 awareness training and implemented enhanced cleaning procedures for all guest rooms and high-touch public areas?
- Does the hotel have a procedure to identify staff that are sick or at high risk for COVID-19? If so, is this procedure followed (e.g. stay home, self-quarantine)?
- Does the hotel require that guests complete a COVID-19 questionnaire before receiving a room assignment?
- Follow local and State guidelines for use of public spaces.
- If the hotel has a restaurant or café, consider ordering food for take-out rather than eating in a public space.
- If there is no food available at the hotel, consider ordering groceries, take-out or delivery from other locations
- Wash hands with soap and warm water for a minimum of 20 seconds or disinfect using hand sanitizer prior to eating.

Additional Safety Considerations While On-Site:

- Avoid touching shared surfaces (e.g., log books, records, door handles, pens, computers, etc.) during the inspection. If you were unable to review documents while on-site, verbally request that the documents be scanned and transmitted to you electronically.
- Avoid touching your face (specifically eyes, mouth and nose); follow CDC guidance to [Prevent Getting Sick](#).
- Wear a face covering (required).
- Wash hands with soap and water frequently for at least 20 seconds. Use hand sanitizer when soap and water are not available.
- Cover your mouth and nose with a tissue when you [cough or sneeze](#), or use the inside of your elbow. Throw used tissues in the trash and immediately wash your hands.

PPE Supplies, Cleaning, & Disinfection:

Shared surfaces, equipment and gear, should be cleaned, disinfected and dried before use. Have a sufficient supply of the following PPE:

- Hand soap
- Hand sanitizer (> 60% alcohol)
- Single-use paper towels
- Disposable nitrile gloves
- Disinfectant: Alcohol/Peroxide Wipes
- Personal Hard Hat
- Tissues
- Face coverings required
- Carry a thermometer in your first aid kit
- Personal water bottles
- Personal Safety Glasses
- Plastic bag to hold used clothes and work boots

Post Trip Actions:

- Clean & disinfect all shared equipment, touched surfaces.
- Bag up used supplies; return to office for disposable, as needed.
- Debrief with all participants by phone or video conference.
- Promptly follow up in writing with any requests for additional information, preferably in digital formats.

Reference: Signs and Symptoms of COVID-19 ([per CDC May 13, 2020](#))

Symptoms may appear 2-14 days after exposure to the virus. People with these symptoms or combinations of symptoms may have COVID-19 and should stay home, monitor symptoms, and call their healthcare provider:

- Cough
- Shortness of breath or difficult breathing
- Fever
- Chills
- Muscle pain
- Sore throat
- New loss of taste or smell

Seek emergency medical care immediately:

- Trouble breathing
- Persistent pain or pressure in the chest
- New confusion
- Inability to wake or stay awake
- Bluish lips or face

DEQ Resources

Emergency Medical Response: 911

DEQ Office of Human Resources (Health and Safety): 503-229-5382

[DEQ COVID-19 QNet Updates](#)

19 - 21 DEQ Administrative Restrictions
Beginning July 1st, 2020 through June 30th, 2021

Travel

- **Out-of-state overnight travel** – No out-of-state travel allowed unless the division administrator and the central services administrator agree, in writing that the travel is essential to the agency, and that the person must attend in person. The out-of-state travel authorization must include reason that travel is deemed essential.
- **In-state overnight travel** – In-state overnight travel is not allowed unless the employee's supervisor agrees, in writing, that the travel is essential to the agency, and that the employee must attend in person rather than remotely. For reoccurring essential travel like a monitoring run, a single email authorizing travel between two dates is acceptable.

Recruiting and Hiring

- All recruitments must be reviewed and approved, in writing by the applicable media division administrator and CSD administrator. Positions that were identified as being held open on the budget allotment reduction plan submitted to the Governor on May 22nd will not be filled until July 31st at the earliest, and may be held vacant in Level 2 (see below).
- The hiring manager must evaluate the potential for any recruitment to be filled via internal recruitment, and discuss that option with the applicable media or regional administrator. Administrators should have a strong preference for internal recruitments.
- Positions that become vacant during the remainder of the biennium that are not included as vacancies in the budget reduction plan, will be held vacant for a minimum of 90 days unless an exception is approved, in writing, by the administrator and the CSD administrator. The 90-day period is from the time the position is vacated to the date the position is filled. Recruiting efforts and offer can take place during this time. A memo explaining the circumstances should be attached to the recruitment requisition when routed for approvals.

Anticipated Start Date July 31st, 2020 or once any 19-21 reductions are finalized by DAS and Legislature.

- Any position identified in DEQ's 2019-21 budget reductions made by legislature or by allotment reduction plan as being held vacant for some or all of the remaining portion of the current biennium reduction will not be filled during the applicable period unless an exception is approved, in writing, by the administrator and the director.
- Any positions not identified in the finalized 19-21 reductions would be available to hire pending approvals following 19 - 21 DEQ administrative restrictions.

19 - 21 DEQ Administrative Restrictions Beginning July 1st, 2020 through June 30th, 2021

Procurement and Contracting

- Efforts will be made to reduce non-essential purchases. Non-essential purchases are defined as those that can be deferred or suspended and will not substantially impact work of the agency.
- All new and renewal expenditure contracts for over 10k will be reviewed and signed off by media DA on justification prior to procurement starting on contract.
- All new and renewal expenditure contracts over 100k will must be approved by the CSD Administrator and the Director or Deputy Director, in writing.

Legal Services

- Requests for written DOJ General Counsel legal services (letter, memo or email) must be made by email from DEQ to DOJ, with a copy to the applicable Division Administrator, and must include a request that DOJ provide an estimate of the hours of work estimated as needed to complete the advice. If the estimate is greater than 5 hours, then the administrator must approve the request.

Capital equipment

- Capital purchases will be restricted. Any purchases for capital equipment must be approved by applicable regional or media administrator and provide information on how it meets one or more of the following:
 - Needed for safety
 - Mission critical
 - Lease/Buy analysis
 - Contracted services not available
 - Explicit trade-off for staff time

Program/Division/Manager in-person meetings

- All meetings involving staff or managers from different offices must include the option for virtual attendance via phone, Microsoft Teams, or Zoom.
 - *Exception to this must be approved by DA.*

EQC meetings

- The EQC will hold all of its meetings for the rest of 2020 with the option for virtual attendance.