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Sent: Thursday, April 9, 2020 4:27 PM

Subject: Release: Governor Issues Emergency Order on Executive Branch Deadlines and Requirements - Information on Changes to NHDES Programs

News from the New Hampshire Department of Environmental Services

FOR IMMEDIATE RELEASE

DATE: April 9, 2020

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Governor Issues Emergency Order on Executive Branch Deadlines and Requirements *Information on Changes to NHDES Programs*

Concord, NH – Today, Governor Chris Sununu issued [Emergency Order #29](#) to establish temporary modifications of certain Executive Branch deadlines and requirements, including New Hampshire Department of Environmental Services requirements, as part of the state's efforts to respond to COVID-19. The Emergency Order affects requirements for both the regulated community and NHDES programs to comply with deadlines associated with in the likelihood of increased adverse public health impacts as a result of encouraging otherwise unnecessary in-person contact, travel, or similar activities.

The Emergency Order allowed the following:

Training

- No NHDES certification, license, or other approval, the renewal of which is dependent on the availability of department training, shall expire prior to the department offering such training.

Air Resource Division

- For any entity or person holding an asbestos license or certification that would otherwise expire during the state of emergency, the expiration date is extended by six months.
- For any person with a current asbestos certification, that person will be allowed to perform work at asbestos projects without a current training certificate until such time as the required trainings become available.
- For permitted sources, the deadline to submit an annual emission report, nitrogen oxides statement, volatile organic compound statement, and annual compliance certification are extended to May 15, 2020.
- The deadline to submit annual emission fees is extended to June 15, 2020.
- For non-Title V permits that would otherwise expire during the state of emergency, the term of the permit is extended by six months.
- Permit applications that would otherwise need to be submitted 90 days prior to permit expiration will not be due until 30 days prior to permit expiration during the state of emergency.

Waste Management Division

The Emergency Order provides regulatory relief for New Hampshire underground storage tank operators, hazardous waste coordinators, solid waste operators, solid waste facilities, and asbestos disposal site owners as follows:

- Expiration dates for underground storage tank operator certifications coming due during the state of emergency have been extended by 180 days.
- Expiration dates for NHDES-issued hazardous waste coordinator certifications coming due during the state of emergency have been extended by 180 days, and certification renewal should be scheduled within 90 days of completion of the state of emergency.
- NHDES will endeavor to process all applications as expeditiously as possible; however, with the Governor's consent, Commissioner Scott may extend solid waste facility permit and waste-derived product certification processing deadlines, if necessary due to the state of emergency.
- The submittal timeframes for solid waste facility reports due during the state of emergency have been extended by 90 days. This extension does not apply to incident reports for emergencies or action level conditions.
- Expiration dates for solid waste operator certifications coming due during the state of emergency have been extended by 180 days.
- The \$25 late fee for late solid waste operator certification has been suspended for all applications received during, and up to 90 days after, the state of emergency.
- The Solid Waste Rules require that each facility have at least one principal solid waste operator present at the facility during operations. The Governor has authorized NHDES to waive this requirement, at the request of the facility, if conditions related to the state of emergency prevent compliance. For facilities seeking this relief, NHDES is authorized to place conditions on the waivers to ensure safe operations of the facilities.
- NHDES will endeavor to process all inactive asbestos disposal site work plans and waiver requests as expeditiously as possible; however, with the Governor's consent, Commissioner Scott may extend inactive asbestos disposal site work plan and waiver request processing deadlines, if necessary due to the state of emergency.

Water Division

- The wetland application requirements for signature by a town or city clerk, by a municipal conservation commission, by a local river management advisory committee, or by the New Hampshire Rivers Council may be met through electronic means by sending your email with key information including land owner and location address to DES.WetlandsTownConn@des.nh.gov.

- The NHDES is continuing to process all Alteration of Terrain, Shoreland and Wetland applications as expeditiously as possible. However, with the Governor's approval, Commissioner Scott may extend these permit processing timelines if the state of emergency prevents timely processing.
- Deadlines for processing of Shoreland Permit by Notifications received during the declared state of emergency are extended 30 days.
- Because of the state of emergency, all large public water systems are only required to test back flow prevention devices annually for 2020.

For more information, please contact Jim Martin, NHDES Public Information Officer, at james.martin@des.nh.gov or (603) 271-3710.

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