STATE OF NEW HAMPSHIRE

OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Interim Rulemaking Notice Form and Cover Sheet

Proposed Interim Rule Number: 2026-18 INT

Rule Number: Env-Wq 304

1. **Agency:** Department of Environmental Services
   Water Quality and Quantity Programs
   Agency Address: 29 Hazen Drive
   PO Box 95
   Concord, NH 03302

2. **RSA Authority:** RSA 485-A:6, XI & XI-b; RSA 486:10, III

3. **Federal Authority:** N/A

4. **Action(s):** Readopt w/Amendment

5. **Filing Date:** 2026-07-30

6. **Short Title:** Certification of Wastewater Treatment Operators

7. **Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Aron Johnson	**Title:** Legal Coordinator
Address: 29 Hazen Drive PO Box 95 Concord, NH 03302	**Phone Number:** (603) 271-2464
	FAX Number:
	Email: aron.b.johnson@des.nh.gov

8. **Summary explaining the effect of the rule and, if the rules are being proposed to implement a state statute for the first time, identification of the statute and/or relevant session law being implemented pursuant to RSA 541-A:19, I(a):**

The Department of Environmental Services (department) is proposing interim rules to implement statutory changes enacted by SB 445, Chapter 185, Laws of 2026, which was signed by the Governor on June 19, 2026, and takes effect on August 18, 2026. The existing rules establish the requirements for wastewater treatment plant

operator certification by the department. The rules are not scheduled to expire until September 27, 2033. The legislation abolishes the certification committee and makes changes to the process for certification, revocation, suspension, refusal to renew, and conditional renewal.

Chapter 185:22 amends RSA 485-A:7-a, I, to refer to the department instead of the certification committee.

Chapter 185:23 amends RSA 485-A:7-c to clarify the expiration date of certificates and to refer to the department instead of the certification committee.

Chapter 185:44 amends RSA 21-O:14 to make changes to the definitions of department decision and department permitting decision.

Chapter 185:45 amends RSA 541-A:30 by a new paragraph at RSA 541-A:30, IV, which exempts an agency from the requirements in RSA 541-A to provide for an adjudicative proceeding prior to making a final decision, if such final decision is subject to appeal to a council or board with jurisdiction over such agency, or divisions thereof, that provides for notice and an opportunity to be heard.

Chapter 185:48, IV, repeals RSA 485-A:2, I-b, relative to the definition of certification committee.

9. **Listing of people, enterprises, and government agencies affected by the rule:**

Any individual who applies for certification as a wastewater treatment plant operator, any individual who is certified as a wastewater treatment plant operator, and any owner of a wastewater treatment plant that requires a surface or groundwater discharge permit pursuant to RSA 485-A:13, I.

10. **Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:**

Rule Section(s)	**State Statute(s) Implemented**
Env-Wq 304 (also see specific sections below)	RSA 485-A:5-a; RSA 485-A:7-a; RSA 485-A:7-b; RSA 485-A:7-c; RSA 485-A:7-d; RSA 486:9
Env-Wq 304.06 – Env-Wq 304.08	RSA 486:9
Env-Wq 304.09 – Env-Wq 304.11	RSA 485-A:7-a, I & II
Env-Wq 304.12	RSA 485-A:7-a, III; RSA 485-A:7-b
Env-Wq 304.13	RSA 485-A:7-c, I
Env-Wq 304.14-Env-Wq 304.17	RSA 485-A:7-c, II
Env-Wq 304.18	RSA 485-A:7-c, III
Env-Wq 304.19-Env-Wq 304.21	RSA 485-A:7-d

Env-Wq 304.22	RSA 485-A:7-c, II, RSA 485-A:7-d
Env-Wq 304.23	RSA 485-A:5-a; RSA 486:9
Env-Wq 304.24-Env-Wq 304.29	RSA 486:9
Env-Wq 304.30	RSA 541-A:22, IV

11. **Agency form(s) as required by RSA 541-A:19, IV-a which this rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b.**
X **Yes**

12. **Summary of the effect upon the state if the rule were not adopted:**

If the interim rules are not adopted, Env-Wq 304 will continue to assign duties and decision-making authority to the wastewater treatment operator certification committee even though Chapter 185, Laws of 2026, abolishes that committee and transfers responsibility for wastewater treatment operator certification to the department. The existing rules would therefore conflict with the amended statutes and could direct applicants and certified operators to obsolete procedures concerning certification, renewal, reciprocity, suspension, revocation, refusal to renew, conditional renewal, and appeals. Adopting the interim rules is necessary to align Env-Wq 304 with the statutes effective August 18, 2026, and to provide a clear and continuous certification process.

13. **Proposed date of review by the Joint Legislative Committee on Administrative Rules:**

2026-08-20

FIS #: 26:136**, dated:** 2026-07-24

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the existing rules to the proposed interim rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No Federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

Any costs or savings are attributable to Chapter 185, Laws of 2026 (SB 445), which eliminated the wastewater treatment operator certification committee and revised the certification process, and not the proposed rules.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

**PLEASE SIGN THE FOLLOWING:

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an interim rule is necessary.

Date: 2026-07-30 **Name:** Robert R Scott **Title:** Commissioner

**('Adopting authority' is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)*

The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Robert R. Scott, Commissioner

DATE July 30, 2026

FROM Robert R. Scott
Commissioner

AT (OFFICE) NHDES

SUBJECT Interim Rulemaking Notice

TO Office of Legislative Services, Administrative Rules

In accordance with RSA 541-A:19, enclosed please find the Interim Rulemaking Notice and proposed interim rules for the following rules:

Env-Wq 304 Certification of Wastewater Treatment Operators

I, the adopting authority, hereby certify that the attached is an accurate statement explaining why an interim rule is necessary.

Sincerely,

Robert R. Scott
Commissioner

Enclosures
Interim Rulemaking Notice and Proposed Interim Rules - Env-Wq 304

ec: Aron Johnson, NHDES Legal Unit
Kerry Barnsley, NHDES Legal Unit