

The Vermont Agency of Natural Resources (ANR) recently issued guidance on the use of enforcement discretion during the COVID-19 State of Emergency which can be found at [https://anr.vermont.gov/about\\_us/emergency-information](https://anr.vermont.gov/about_us/emergency-information). The following enforcement discretion is exercised in accordance with this ANR guidance.

Wastewater Direct Discharge Permits, Monitoring Reporting Requirements Related to COVID-19:

Permittees are required to continue to comply with their permits for the duration of the COVID-19 State of Emergency, including monitoring and reporting requirements. However, if a permittee cannot comply with the monitoring and reporting requirements of a wastewater direct discharge permit during the COVID-19 State of Emergency:

1. Notify the Agency of any noncompliance at [anr.wsmdwastewater@vermont.gov](mailto:anr.wsmdwastewater@vermont.gov) or at 802-828-1115 as soon as possible;
2. Report the data you do have for the monitoring period (even if the monitoring data is incomplete in whole or part);
3. Data that is missing because of the COVID-19 pandemic should be reported on the Discharge Monitoring Report (DMR) using the No Discharge Indicator (NODI) code of 'COVID-19' (either on the electronic DMR or paper forms);
  - a. The 'COVID-19' NODI code is available starting the 3/01/2020 monitoring period and will be available through the current State of Emergency.
  - b. The use of the 'COVID-19' NODI code requires the permittee to provide documentation at [anr.wsmdwastewater@vermont.gov](mailto:anr.wsmdwastewater@vermont.gov) that the noncompliance is attributable to the COVID-19 pandemic (including personnel shortages during the pandemic due to illness, contractors or laboratories not operating due to not being designated as critical under the Order, etc.).
4. In accordance with ANR guidance (see link above) this exercise of enforcement discretion is only available to a permittee if:
  - a. The noncompliance does not present a significant threat to human health or the environment;
  - b. The permittee takes all reasonable steps to prevent and/or mitigate the noncompliance;
  - c. The permittee notifies the Agency of the noncompliance as soon as possible; and
  - d. The permittee comes into compliance as soon as possible or enters into a schedule to return to compliance with the Agency.

This Guidance will expire at the end of the Governor's declaration of a state of emergency related to the outbreak of COVID-19.