



The State of New Hampshire  
**Department of Environmental Services**

SEP22'22 PM 1:17 RCUD



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**Robert R. Scott, Commissioner**

September 21, 2022

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The Honorable Karen Umberger, Chairman  
 Fiscal Committee and the General Court  
 State House  
 Concord, NH

His Excellency, Governor Christopher T. Sununu  
 and the Honorable Council  
 State House  
 Concord, New Hampshire 03301

**REQUESTED ACTION**

Pursuant to RSA 14:30-a, VI, authorize the New Hampshire Department of Environmental Services (NHDES) to accept and expend \$663,331 in federal funds from the United States Environmental Protection Agency (USEPA), for the purposes of conducting brownfields assessments throughout New Hampshire effective upon Fiscal Committee and Governor & Council approval through June 30, 2023. 100% Federal Funds.

Funds to be budgeted as follows:

Brownfields Assessment Program  
 03-44-44-444010-70620000  
 FY 2023

Class	Budget Category	Current Budget	Requested Action	Revised Budget
<b>Income</b>				
000-404646		\$0	(\$663,331)	(\$663,331)
<b>Expenditures</b>				
020-500200	Current Expense	\$0	\$2,000	\$2,000
040-500800	Indirect Costs	\$0	\$1,760	\$1,760
042-500620	Additional Fringe Benefits	\$0	\$1,071	\$1,071
059-500117	Salary Temporary Employees	\$0	\$30,000	\$30,000
060-500601	Benefits	\$0	\$15,000	\$15,000
066-500554	Employee Training	\$0	\$1,000	\$1,000
070-500705	In-State Travel	\$0	\$500	\$500
080-500716	Out Of State Travel	\$0	\$2,000	\$2,000
102-500731	Contracts for Program Services	\$0	\$610,000	\$610,000
	<b>TOTAL</b>	\$0	\$663,331	\$663,331

### EXPLANATION

The Small Business Liability Relief and Brownfields Revitalization Act (SBLRBRA) was signed into law on January 11, 2002. The Act amended the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, by adding Section 104(k). Section 104(k) authorizes the U.S. Environmental Protection Agency (EPA) to provide funding to eligible entities to inventory, characterize, assess, and conduct planning related to eligible brownfield sites. The Brownfields Utilization, Investment, and Local Development (BUILD) Act of March 2018 reauthorized and amended the Brownfields provisions of CERCLA. Finally, the Infrastructure Investment and Jobs Act (IIJA) of November 2021 provided additional funding and opportunities for communities to address the economic, social, and environmental challenges caused by brownfields sites.

Pursuant to these provisions, EPA conducts annual Brownfields grant competitions. Recipients are selected from proposals prepared in accordance with the "Proposal Guidelines for Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Grants," and submitted in a national competition. The New Hampshire Department of Environmental Services was selected for a 5-year, \$2 million Assessment Grant in the FFY 2022 competition. This grant is being funding pursuant to the IIJA of 2021. NHDES' primary objective in implementing this grant is to conduct site assessments in underserved communities to position sites for cleanup (and cleanup funding) with the ultimate goal of getting sites redeveloped and put back into productive use while being protective of human health and the environment.

The FFY 2022 grant competition was the first time that EPA had created a separate category specifically for states and tribes. In addition, they increased the maximum grant amount from \$200,000 to \$2,000,000. These funds were not included in the FY23 operating budget as the program did not anticipate the availability of this new grant opportunity. The remaining funds will be incorporated into FY 24 - 25 Operating Budget.

Current staffing resources are sufficient to administer this program. The majority of the assessment work will be conducted by contractors administered and reviewed by existing program staff.

NHDES is requesting to budget these funds as shown below:

*Class 020 (Supplies)*—To cover postage, office and field supplies

*Class 040 (Indirect costs)* – To cover the program share of statewide indirect costs.

*Class 042 (Post Retirement Benefits)* – To cover the program share of additional fringe benefit costs.

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*Class 059 (Salary Temporary Employees)* - These funds are available in support the new program activities not previously budgeted. Employee support from existing NHDES programs will be used to conduct activities under this program and will be used to supplant funding for the following positions, which are currently budgeted.

Position #	Title	Budget (03-44-44-)	Funding Mix	\$ Amount
42723	Civil Engineer V	444010-25140000	100% Federal	\$10,000
42179	Hydrogeologist IV	444010-25140000	100% Federal	\$20,000

*Class 060 (Benefits)* – To cover benefits based on the percentage of personnel costs.

*Class 066 (Registration Fees)* – To cover costs for employee training.

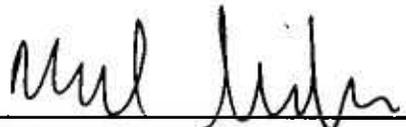
*Class 070 (Travel In-State)* – To cover costs of instate travel to project sites and meetings.

*Class 080 (Travel Out-of-State)* – To cover out-of-state technical training and conference travel costs for staff.

*Class 102 (Contract for Program Services)* – To cover costs of contracting with environmental consultants to assist NHDES in the investigation, monitoring, and redevelopment planning of brownfields sites.

*Class 41 (Audit Set-Aside)* is not included as it is not an allowed cost per the federal Brownfields Statute.

We respectfully request your approval of this item.

  
For \_\_\_\_\_  
Robert R. Scott, Commissioner

**NH DEPARTMENT OF ENVIRONMENTAL SERVICES  
ACCOUNTING UNIT TITLE  
FISCAL SITUATION FY23  
03-44-44-444010-70620000**

Total Federal Awards	\$2,000,000
Less Expenditures thru 06/30/2022	\$0
Remaining Authorization to Budget	\$2,000,000
Less Current FY23 Budget Authorization	\$0
Total Available for Budgeting	\$2,000,000
<b>REQUESTED ACTION</b>	<b>\$663,331</b>
Available to Budget at a later date	\$1,336,669

Grant Award Number	<u>Award Amount</u>	<u>Expenses to 06/30/2022</u>	<u>Balance</u>
4B00A00931	\$2,000,000	\$0	\$2,000,000
<b>TOTAL</b>	<b>\$2,000,000</b>	<b>\$0</b>	<b>\$2,000,000</b>

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Cooperative Agreement</b>	<b>GRANT NUMBER (FAIN):</b> 00A00931 <b>MODIFICATION NUMBER:</b> 0 <b>PROGRAM CODE:</b> 4B	<b>DATE OF AWARD</b> 09/12/2022
		<b>TYPE OF ACTION</b> New	<b>MAILING DATE</b> 09/15/2022
		<b>PAYMENT METHOD:</b> ASAP	<b>ACH#</b> 10108
<b>RECIPIENT TYPE:</b> State		<b>Send Payment Request to:</b> Contact EPA RTPFC at: rtpfc-grants@epa.gov	
<b>RECIPIENT:</b> New Hampshire D.E.S. 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095 EIN: 02-6000618		<b>PAYEE:</b> New Hampshire D.E.S. 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095	
<b>PROJECT MANAGER</b> Melinda Bubier 29 Hazen Drive, PO Box 95 Concord, NH 03002-0095 Email: Melinda.S.Bubier@des.nh.gov Phone: 603-271-1169		<b>EPA PROJECT OFFICER</b> Chris Lombard 5 Post Office Square, Suite 100, 7-WI Boston, MA 02109 Email: Lombard.Chris@epa.gov Phone: 617-918-1305	<b>EPA GRANT SPECIALIST</b> Trevor Tavano Grants Management Branch, 05-5 5 Post Office Square, Suite 100 Boston, MA 02109 Email: Tavano.Trevor@epa.gov Phone: 617-918-1235
<b>PROJECT TITLE AND DESCRIPTION</b> New Hampshire Department of Environmental Services Brownfields Assessment Program See Attachment 1 for project description.			
<b>BUDGET PERIOD</b> 10/01/2022 - 09/30/2027	<b>PROJECT PERIOD</b> 10/01/2022 - 09/30/2027	<b>TOTAL BUDGET PERIOD COST</b> \$2,000,000.00	<b>TOTAL PROJECT PERIOD COST</b> \$2,000,000.00
<b>NOTICE OF AWARD</b>			
<p>Based on your Application dated 11/30/2021 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$2,000,000.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$2,000,000.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.</p>			
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>		<b>AWARD APPROVAL OFFICE</b>	
<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 1, EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912		<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 1, EPA New England R1 - Region 1 5 Post Office Square, Suite 100 Boston, MA 02109-3912	
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>			
Digital signature applied by EPA Award Official Arthur Johnson - Director, Mission Support Division			<b>DATE</b> 09/12/2022