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

**Robert R. Scott, Commissioner**

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September 21, 2022

The Honorable Karen Umberger, Chairman
Fiscal Committee of 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 the provisions of RSA 124:15,I, authorize the Department of Environmental Services (NHDES) to amend Fiscal Request item #22-232 as approved by Fiscal Committee on June 17, 2022 and approved by Governor & Council on June 15, 2022, Item #107, to authorize NHDES to establish two additional full time temporary positions, effective upon Fiscal Committee and Governor & Council approval through June 30, 2023.The positions were approved by the Division of Personnel on June 6 and 7, 2022. A copy of the approval documentation is attached. This is a no cost amendment.

| Classification | Position # | Labor Grade | Salary Range |
|---|---|---|---|
| Environmental Program Manager | 9T3270 | LG27 | $56,882 - $67,509 |
| Environmental Program Manager | 9T3271 | LG27 | $56,882 - $67,509 |

Funding is available through the Emerging Contaminants Fund account: 03-44-44-444010-88730000.

## EXPLANATION

A temporary increase in staffing is necessary to fully implement two NHDES programs that assist communities and individuals impacted by Per-and Polyfluoralkyl Substances (PFAS) contamination – the PFAS Remediation Loan Fund (PFAS RLF) Program and the PFAS Rebate Program.

The PFAS RLF was created in 2020, as authorized by RSA 485-H, providing up to $50 million in low interest loans to certain public water systems and wastewater facilities to address exceedances of PFAS standards. The statute was amended in 2021 to further expand eligibility to municipalities and add a grant element to the program. Eligible applicants may receive grants up to the greater of $1.5 million or 30% of the total

eligible cost of the project. The grants are funded through a special appropriation allocating $25 million in General funds for this purpose.

The PFAS Rebate Program was created on January 11, 2022 when the Drinking Water and Groundwater Trust Fund (DWGTF) Advisory Commission awarded $5,000,000 to NHDES to implement a rebate program for removal of PFAS in water from private wells where there has been no offer of alternate water from a third party. On May 9, 2022, the DWGTF Advisory Commission approved an amendment to the program allowing an increase in the dollar amount of the rebates offered. The Fiscal Committee and Governor & Council approved these additional funds in June of 2022. NHDES provides a one-time rebate of up to $5,000 per residential unit to assist eligible private residential well users in the purchase and installation of a treatment system designed to remove PFAS, or up to $10,000 to assist with connection to an existing public water system.

By directing existing staff to set aside their primary responsibilities, NHDES has been utilizing staff to launch and administer the PFAS RLF and PFAS Rebate programs. To fully implement the PFAS programs in a timely manner and continue addressing the agency's other responsibilities, two additional full-time temporary positions are needed in the Emerging Contaminants Section. Timeliness is essential to the success of the PFAS programs as more components are added and the interest in the programs increase.

The following is intended to address the seven questions required by the Fiscal Committee with respect to the acceptance of federal and other funds in which new positions are established or extended:

1. ***List All Personnel by Classifiaction, Labor Grade, and Salary: two fulltime, temporary positions as listed below:***
    - Environmental Program Manager (LG 27, $56,882 - $67,509) - The PFAS Remediation Loan Fund Manager (Position #9T3270) will be responsible for the establishment and administration of the PFAS RLF as established by RSA 485-H.
    - Environmental Program Manager (LG 27, $56,882 - $67,509) - The PFAS Rebate Program Manager (Position #9T3271) will be responsible for the establishment and administration of the PFAS Removal Rebate Program for Private Wells.

2. ***Explain the Nature, Need, and Duration of the Program:*** Communities across the state have been impacted by PFAS contamination, largely through no fault of their own. The cost of remediating this contamination for many communities would result in dramatically higher water and sewer rates for end users. The existence of these synthetic chemicals, some of which are occurring at unhealthy levels in New Hampshire's drinking water, require a strategy to protect, preserve, and enhance the water that New Hampshire citizens and environment rely upon.

3. ***What is the Relationship to Existing Programs?*** PFAS is an emerging contaminant. As our understanding of the impacts to groundwater and human health continue to grow, the need to

provide services for the investigation, protection and remediation of drinking water will also continue to grow. There was previously no existing program that provided PFAS remediation loans or a PFAS rebate program.

4. ***Has a Substantially Similar Program been Requested of the Legislature and Denied?*** No

5. ***Why was this Program and its Funding Not Included in the Operating Budget?*** Funds were not available to establish the PFAS Rebate program at the time the department created its FY22/23 Operating budget. Demand for PFAS RLF program was initially limited but has progressively increased.

6. ***Can any Portion of the Funds Be Utilized if Either, None, or Only Part of the Positions are Authorized?*** No, current staff resources would preclude timely review and processing of grant, loans and rebates. Current staffing levels is not sufficient to allow timely execution of the work required.

7. ***What is the Estimate of the Amount of Funding Required to Continue the Positions in Future Years?*** The estimated cost of these positions for FY24/25 is $396,000.

We respectfully request your approval of this item.

For Robert R. Scott, Commissioner

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

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**Robert R. Scott, Commissioner**

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June 3, 2022

The Honorable Karen Umberger, Chairman
Fiscal Committee of 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 Department of Environmental Services (NHDES) to accept and expend $5,000,000 in Drinking Water and Groundwater Trust Funds to fund a rebate program for removal of per- and polyfluoroalkyl substances (PFAS) in private wells, effective upon Fiscal Committee and Governor & Executive Council approval through June 30, 2023. Funding is 100% Drinking Water and Groundwater Trust Fund.

Funding is to be appropriated as follows:

EMERGING CONTAMINANTS
03-44-44-444010-88730000
Fiscal Year 2022

| Class | Budget Category | Current Budget | Requested Action | Revised Budget |
|---|---|---|---|---|
| **Income** | | | | |
| 009-401831 | Emerging Contaminants | ($20,364,774) | ($5,000,000) | ($25,364,774) |
| | | | | |
| **Expenditures** | | | | |
| 18-500106 | Overtime | $9,544 | $10,000 | $19,544 |
| 20-500200 | Current Expense | $5,922 | $9,126 | $15,048 |
| 27-582703 | Transfers to OIT | $70,887 | $0 | $70,887 |
| 28-582814 | Transfers to General Services | $22,784 | $0 | $22,784 |
| 30-500321 | Equipment | $8,441 | $0 | $8,441 |
| 38-500175 | Technology Software | $171 | $0 | $171 |
| 39-500188 | Telecommunications | $15,914 | $0 | $15,914 |

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(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964

| Class (Con't) | Budget Category | Current Budget | Requested Action | Revised Budget |
|---|---|---|---|---|
| 40-500800 | Indirect Costs | $58,191 | $16,396 | $74,587 |
| 42-500620 | Additional Fringe Benefits | $76,133 | $26,078 | $102,211 |
| 49-588575 | Transfer to other State Agencies | $15,155 | $0 | $15,155 |
| 50-500109 | Temporary Personnel | $259,963 | $285,000 | $544,963 |
| 59-500117 | Full Time Temporary | $571,598 | $0 | $571,598 |
| 60-500601 | Benefits | $491,091 | $153,400 | $611,491 |
| 66-500544 | Employee Training | $8,950 | $0 | $8,950 |
| 70-500705 | In-State Travel | $5,829 | $0 | $5,829 |
| 80-500710 | Out of State Travel | $13,750 | $0 | $13,750 |
| 101-500729 | Medical Payments to Provider | $500 | $0 | $500 |
| 102-500731 | Contracts for Program Services | $2,978,510 | $0 | $2,978,510 |
| 300-500830 | Reimbursements | $751,441 | $4,500,000 | $5,251,441 |
| 301-504059 | Loans | $15,000,000 | $0 | $15,000,000 |
| | Total | $20,364,774 | $5,000,000 | $25,364,774 |

## EXPLANATION

On January 11, 2022, the Drinking Water and Groundwater Trust Fund (DWGTF) Advisory Commission awarded $5M to NHDES to implement a rebate program for removal of PFAS in private wells in order to protect public health by reducing exposure to PFAS in drinking water statewide where there has been no offer of alternate water from a third party. On May 9, 2022, the DWGTF Advisory Commission approved an amendment to the program allowing an increase in the dollar amount of the rebates offered.

As of the date of this request, NHDES has tested over 9,000 residential (private) water supply wells across the state for PFAS and has identified over 3,500 wells that exceed one or more of the Ambient Groundwater Quality Standards (AGQS). While there are provisions in state rules for parties that are responsible for contamination of groundwater to remedy water supply wells that violate AGQS, not all PFAS contamination found in the state has been attributed, either technically or legally, to a responsible party. In instances where there is no identified responsible party for a contaminated water supply well, the burden of providing safe drinking water resides with the well owner. Third parties have addressed over 1,000 of the 3,500+ wells that exceed AGQS for PFAS by providing alternate water, either temporarily or permanently, in accordance with state rules; however, as many as 2,000 wells remain that are not currently being provided alternate water from a third party.

The NHDES proposes to provide a one-time rebate of up to $5,000 per residential unit to assist eligible private residential well users in the purchase and installation of a treatment system designed to remove PFAS or up to $10,000 to assist with connection to an existing public water system. Eligible treatment systems may also be designed to remove other contaminants in addition to PFAS. Eligible applicants include:

- Owners of single or multiple-unit residential properties serviced by private well(s) having a PFAS exceedance with no offer of an alternate water source from a third party. Eligible PFAS exceedances include exceedance of one or more NHDES AGQS and exceedances of any Maximum Contaminant Levels that may be established by EPA for PFAS;

- Tenants and occupants of residential property serviced by private well(s) with a PFAS exceedance with no offer of an alternate water source from a third party where the owner of the property has not applied for the rebate for the same property; and

- Vendors and subcontractors may apply on behalf of an eligible applicant with an appropriate waiver of claims between the two parties.

It is recognized that the installation of a treatment system requires ongoing operations and maintenance (O&M) for effective contaminant removal. The intent of this program is to provide assistance for the initial installation and does not include rebate funding for the O&M of the treatment system. It is the responsibility of the homeowner to maintain their chosen treatment system once installed.

Initially, NHDES will use existing staff to launch and administer the program. Subsequently, NHDES anticipates the need to fund one temporary full time position to administer the program, and will seek Fiscal Committee approval for same through a future Fiscal request. Up to 10% of the grant will be utilized for personnel costs to develop the program, perform education and outreach to vendors and the public, review applications, administer rebates, and develop and maintain a tracking system for treatment system installations. The reimbursement program will continue until the approved funding is exhausted.

NHDES is requesting to budget these additional funds as shown below:

| | |
|---|---|
| Class 018 | To cover the cost of existing staff overtime. |
| Class 020 | To cover the cost of program current expenses. |
| Class 040 | To cover the program share of statewide indirect costs. |
| Class 042 | To cover the program share of additional fringe benefit costs. |
| Class 050 | These funds are available in support of expanded or new program activities not previously budgeted. Employee support from existing NHDES programs will be used |

Class 050 These funds are available in support of expanded or new program activities not previously budgeted. Employee support from existing NHDES programs will be used to conduct activities under this program. These funds will be used to replace funding for the following full time positions, which are currently budgeted:

| Position # | Title | Account 03-44-44- | Funding Mix | Amount |
|---|---|---|---|---|
| 12030 | Hydrogeologist III | 444010-8893 | 100% Other | $60,000 |
| 40492 | Hydrogeologist V | 444010-8893 | 100% Other | $60,000 |
| 42224 | Executive Secretary | 444010-8893 | 100% Other | $20,000 |
| 9T2669 | Civil Engineer VI | 444010-8893 | 100% Other | $50,000 |
| 9T2666 | Administrator III | 444010-8893 | 100% Other | $60,000 |
| 9T2911 | Program Planner I | 444010-7428 | 100% Other | $35,000 |
| | | | Total | $285,000 |

Funding in the amount of $285,000 which is budgeted for the current positions, will either be lapsed or closed to control resulting in a net zero increase in budgeted funds.

Class 060 To cover benefits for personnel.

Class 300 To reimburse up to $5,000 in costs incurred by eligible private residential well users in the purchase and installation of a treatment system designed to remove PFAS or up to $10,000 in costs incurred to connect to an existing public water system.

We respectfully request your approval of this item.

Robert R. Scott, Commissioner

# SUPPLEMENTAL JOB DESCRIPTION

**CLASSIFICATION:** Environmental Program Manager **FUNCTION CODE:** 4105-044

**POSITION TITLE:** PFAS Rebate Program Manager **DATE ESTABLISHED:** 6/6/22

**POSITION NUMBER:** 9T3271 **DATE OF LAST AMENDMENT:** _____

**SCOPE OF WORK:** Administers loan and grant programs for the treatment and remediation of contaminated public and non-public source water and facilitates drinking water infrastructure improvements through the utilization of the PFAS Removal Rebate Program for Private Wells and the Per and Polyfluoroalkyl Substance Remediation Loan Fund (PFAS RLF) as augmented with grant components from the Drinking Water and Groundwater Trust Fund (DWGTF) and the American Recovery Plan Act of 2021 (ARPA).

**ACCOUNTABILITIES:**

- Reviews, evaluates, and analyzes technical designs and applications of proposed remedial solutions for the removal of PFAS from private and public water sources, determining work scope and project eligibility for the rebate program and other awards under PFAS RLF and ARPA.

- Interprets state statutes, administrative rules, and environmental goals and procedure to facilitate successful project development and communicates and explains to program applicants and their consultants, municipal officials, legislators, other governmental organizations, project managers, and other internal staff.

- Supervises the approved work scope reimbursement process and the preparation of complex loan and grant agreements including the New Hampshire Department of Justice (NHDOJ) for all agreements and the New Hampshire Business Finance Authority for underwriting and legal opinion of loans to non-governmental entities.

- Coordinates and conducts environmental reviews of proposed projects to achieve compliance with all relevant environmental and human health standards, policies, and procedures.

- Provides general project management, coordinating construction site visits to ensure compliance with the loan and grant agreements and administrative rules, and reviewing reimbursement requests to ensure timely and accurate payments

- Assists loan and grant recipients to ensure the proper and timely reporting by the recipients of federal requirements such as Davis Bacon, American Iron and Steel, and Minority and Women's Business Enterprise (MBE/WBE), as applicable to funding source and the loan and grant agreement.

- Develops contracts, contract amendments, and cooperative agreements for environmental and engineering consulting and analytical laboratory services to accomplish program goals, including Governor and Executive Council submittal packages for approval as necessary.

- Manages contractual services and provides timely evaluation of contractor performance.

- Communicates frequently with the public, the regulated community, consultants, professional and educational associations, business representatives, and local, state and federal officials relative to Department administered funding opportunities to include the Drinking Water and Groundwater Trust Fund, PFAS RLF, ARPA, Bipartisan Infrastructure Law (BIL), and the Drinking Water and Clean Water State Revolving Funds.

- Continuously seeks to improve practices to add quality and value in support of the Department's mission while identifying and eliminating unnecessary or redundant actions.

**MINIMUM QUALIFICATIONS:**

**Education:** Master's degree from a recognized college or university with a major study in biology or a related environmental science or in civil, sanitary, environmental, public health engineering or a related engineering field.

**Experience:** Five years' experience performing administrative, engineering, financial or environmentally related duties for a public or private organization, three years of which must have been in a management or supervisory position dealing with program administration, program planning or program engineering. Each additional year of approved work experience may be substituted for one year of required formal education at the graduate level only.

**License/Certification:** Eligibility for New Hampshire driver's license.

**PREFERRED WORK TRAITS:** Knowledge of creditable and realistic lending policies. Knowledge of federal and state accounting and administrative procedures. Ability to plan and oversee multiple complex projects. Ability to apply and interpret environmental policies and procedures as well as local, state and federal laws and regulations. Ability to express ideas clearly and concisely in oral, written and graphic form. Ability to establish and maintain effective working relationships with associates, legal and government groups and the general public. Ability to effectively use Microsoft Word, Excel, and PowerPoint as well as experience in the use of relational databases within the Agency including LGTS and the Site Remediation Database.

**DISCLAIMER STATEMENT:** The supplemental job description lists the essential functions of the position and is not intended to include every job duty and responsibility specific to the position. An employee may be required to perform other related duties not listed on the supplemental job description provided that such duties are characteristic of that classification.

**SIGNATURES:**
I have reviewed the content of this supplemental job description with my supervisor.

| | | |
|---|---|---|
| Employee's Name | Employee's Signature | Date Reviewed |

Supervisor's Name and Title: A. Rousseau, Administrator III, Position # 9T2983

I have discussed the work responsibilities outlined by this supplemental job description with the above employee.

| | |
|---|---|
| Supervisor's Signature | Date Reviewed |
| Agency Human Resources | Date Approved/Revised |
| Appointing Authority's Signature | Date Reviewed/Approved |

**Reserved for DOP and Designees Only**

| | |
|---|---|
| [illegible] | 6/6/22 |
| Division of Personnel | Date Approved |

# SUPPLEMENTAL JOB DESCRIPTION

**CLASSIFICATION:** Environmental Program Manager **FUNCTION CODE:** 41050-044

**POSITION TITLE:** PFAS Remediation Loan Fund Program Manager **DATE ESTABLISHED:** 6/7/22

**POSITION NUMBER:** 9T3270 **DATE OF LAST AMENDMENT:** _____

**SCOPE OF WORK:** Administers loan and grant programs for the treatment and remediation of contaminated public and non-public source water and facilitates drinking water infrastructure improvements through the utilization of the Per and Polyfluoroalkyl Substances (PFAS) Remediation Grant and Loan Fund (PFAS RLF) as augmented with grant components from the Drinking Water and Groundwater Trust Fund (DWGTF) and the American Recovery Plan Act of 2021 (ARPA), and federal programs for emerging contaminants.

**ACCOUNTABILITIES:**

- Reviews, evaluates, and analyzes technical designs and applications of proposed remedial solutions for the removal of PFAS from private and public water sources, determining work scope and project eligibility for the varying funding programs under the PFAS Fund, PFAS RLF and ARPA, and federal emerging contaminant programs.

- Interprets state statutes, administrative rules, and environmental goals and procedure to facilitate successful project development and communicates and explains to program applicants and their consultants, municipal officials, legislators, other governmental organizations, project managers, and other internal staff.

- Supervises the approved work scope reimbursement process and the preparation of complex loan and grant agreements including the New Hampshire Department of Justice (NHDOJ) for all agreements and the New Hampshire Business Finance Authority for underwriting and legal opinion of loans to non-governmental entities.

- Coordinates and conducts environmental reviews of proposed projects to achieve compliance with all relevant environmental and human health standards, policies, and procedures.

- Provides general project management, coordinating construction site visits to ensure compliance with the loan and grant agreements and administrative rules, and reviewing reimbursement requests to ensure timely and accurate payments

- Assists loan and grant recipients to ensure the proper and timely reporting by the recipients of federal requirements such as Davis Bacon, American Iron and Steel, and Minority and Women's Business Enterprise (MBE/WBE), as applicable to funding source and the loan and grant agreement.

- Develops contracts, contract amendments, and cooperative agreements for environmental and engineering consulting and analytical laboratory services to accomplish program goals, including Governor and Executive Council submittal packages for approval as necessary.

- Manages contractual services and provides timely evaluation of contractor performance.

- Communicates frequently with the public, the regulated community, consultants, professional and educational associations, business representatives, and local, state and federal officials relative to Department administered funding opportunities to include the Drinking Water and Groundwater Trust Fund, PFAS RLF, ARPA and the Drinking Water and Clean Water State Revolving Funds.

- Continuously seeks to improve practices to add quality and value in support of the Department's mission while identifying and eliminating unnecessary or redundant actions.

**MINIMUM QUALIFICATIONS:**

**Education:** Master's degree from a recognized college or university with a major study in biology or a related environmental science or in civil, sanitary, environmental, public health engineering or a related engineering field.

**Experience:** Five years' experience performing administrative, engineering, financial or environmentally related duties for a public or private organization, three years of which must have been in a management or supervisory position dealing with program administration, program planning or program engineering. Each additional year of approved work experience may be substituted for one year of required formal education at the graduate level only.

**License/Certification:** Eligibility for New Hampshire driver's license.

**PREFERRED WORK TRAITS:** Knowledge of creditable and realistic lending policies. Knowledge of federal and state accounting and administrative procedures. Ability to plan and oversee multiple complex projects. Ability to apply and interpret environmental policies and procedures as well as local, state and federal laws and regulations. Ability to express ideas clearly and concisely in oral, written and graphic form. Ability to establish and maintain effective working relationships with associates, legal and government groups and the general public. Ability to effectively use Microsoft Word, Excel, and PowerPoint as well as experience in the use of relational databases within the Agency including LGTS and the Site Remediation Database.

**DISCLAIMER STATEMENT:** The supplemental job description lists the essential functions of the position and is not intended to include every job duty and responsibility specific to the position. An employee may be required to perform other related duties not listed on the supplemental job description provided that such duties are characteristic of that classification.

**SIGNATURES:**
I have reviewed the content of this supplemental job description with my supervisor.

| | | |
|---|---|---|
| Employee's Name | Employee's Signature | Date Reviewed |

Supervisor's Name and Title: A. Rousseau, Administrator III, Position # 9T2983

I have discussed the work responsibilities outlined by this supplemental job description with the above employee.

| | |
|---|---|
| Supervisor's Signature | Date Reviewed |
| Agency Human Resources | Date Approved/Revised |
| Appointing Authority's Signature | Date Reviewed/Approved |

**Reserved for DOP and Designees Only**

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|---|---|
| Division of Personnel | 6/7/22<br>Date Approved |