The State of New Hampshire

Department of Environmental Services

Robert R. Scott, Commissioner

January 10, 2023 JAN10'23 PM12:44 RCVD 96

The Honorable Ken Weyler, 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 ACTIONS

1. Pursuant to RSA 14:30-a, VI, authorize the Department of Environmental Services (NHDES) to accept and expend $1,334,717 in federal funds from the United States Environmental Protection Agency (US EPA) to fund investments in wastewater infrastructure through New Hampshire's Clean Water State Revolving Fund (CWSRF) Program, effective upon Fiscal Committee and Governor and Council approvals through June 30, 2023. Funding is 96.93% Federal Funds and 3.07% Match Funds.

   Funding is to be budgeted as follows:

CWSRF BIL Administration
03-44-44-441018-5566
Fiscal Year 2023

Class	Title	Current Budget	Requested Action	Revised Budget
Income				
000-404646	Federal Funds	$0	$1,293,753	$1,293,753
007-403593	Match Funds	$0	$40,964	$40,964
	Total	$0	$1,334,717	$1,334,717
Expenditures				
40-500800	Indirect Costs	$0	$5,912	$5,912
41-500801	Audit Set-Aside	$0	$9,251	$9,251
42-500620	Additional Fringe Benefits	$0	$3,995	$3,995
59-500117	Full Time Temporary	$0	$21,128	$21,128
60-500601	Benefits	$0	$13,637	$13,637
72-500574	Grants – Federal	$0	$1,262,294	$1,262,294
102-500731	Contracts - Program Services	$0	$18,500	$18,500
	Total	$0	$1,334,717	$1,334,717

www.des.nh.gov
29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-2867 TDD Access: Relay NH 1-800-735-2964

2. Pursuant to the provisions of RSA 124:15,I, authorize NHDES to establish one full time temporary position through June 30, 2023, effective upon Fiscal Committee and Governor and Council approvals. The position was approved by the Division of Personnel on September 26, 2022. The approval documentation is attached.

Classification Title	Position #	Labor Grade	Salary Range
Business Admin II	9T3281	24	49,940.00 - 70,590.00

EXPLANATION

President Biden signed the Bipartisan Infrastructure Law (BIL) on November 15, 2021. The BIL (P.L. 117-58), also known as the "Infrastructure Investment and Jobs Act of 2021" (IIJA) includes $50 billion to the Environmental Protection Agency (EPA) to strengthen the nation's drinking water and wastewater systems. A significant portion of water infrastructure dollars is flowing through the Clean Water and Drinking Water State Revolving Funds (SRFs), which represent a partnership between the Agency, states, tribes, territories, and local communities. For decades, the SRFs have been the foundation of water infrastructure investments, providing low-cost financing for local projects across America. EPA, states, tribes, and territories have successfully worked together to steward more than $200 billion in SRF funds since 1988. EPA and NHDES are committed to maximizing the impact of these funds in addressing urgent water challenges facing communities.

This request includes $925,074 in federal grant funds to address Emerging Contaminants. The Emerging Contaminant funds are being budgeted in class 072 grants and class 102 contracts for program services. These funds do not have a state match requirement. The remainder of the funds being budgeted are from the Supplemental Grant, the award amount is $17,786,000, and this request only budgets a portion ($409,643) for fiscal year 2023. These funds have a 10% state match requirement.

NHDES is requesting to budget these funds as shown below:

Class 040	To cover the program share of statewide indirect costs.
Class 041	To cover the cost of Audit Set-Aside charges related to the federal program.
Class 042	To cover the program share of additional fringe benefit costs..
Class 059	To cover the costs for the one full-time position noted above for coordination and execution of NHDES's management of investments in clean water infrastructure projects.
Class 060	To cover benefits for full-time personnel.

Class 072	To cover grants to entities for Clean Water Grants Program for asset management projects (Supplemental) and PFAS projects (Emerging Contaminants) such as for municipalities with municipally owned landfills that discharge leachate to municipally owned wastewater treatment facilities to investigate feasibility of PFAS treatment options for the landfill leachate stream, pilot testing and selection of recommended alternative, and for design and construction of treatment.
Class 102	For contracts with technical service providers to assist with PFAS education and outreach.

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 Classification. Labor Grade, and Salary:*** One fulltime, temporary position as listed below:

   The below position is being established in response to new Financial Assistance Programs associated with the Bipartisan Infrastructure Law (BIL). Beginning in the Fall of 2022 and continuing for the next five years, the Federal government will be providing a 600%-700% increase in funding through two new financial assistance programs for public wastewater systems.

   - **Business Admin II (LG 24, $49,939.50 - $70,590.00)** This position will administer short and long-term objectives for the NHDES Clean Water programs and public water systems statewide. This position is important to manage the grants in a timely and effective manner and maintain compliance with federal regulations.

2. ***Explain the Nature, Need, and Duration of the Program:*** The Bipartisan Infrastructure Law (BIL) that was signed into law on November 15, 2021, to and established and funded new programs from 2022 through 2027 to fund investments in clean water infrastructure through New Hampshire's Clean Water State Revolving Fund (CWSRF) Program.

3. ***What Is the Relationship to Existing Programs?*** The BIL funds will complement the existing CWSRF programs as well as the ARPA Fund in providing grants and loans for water infrastructure improvements.

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?*** The new federal grant funds were not available at the time the department created its FY22/23 operating budget request.

6. Can any Portion of the Funds Be Utilized If Either, None, or Only Part of the Positions are Authorized? No, the contracts loans and grant portions of the requested funding could not be effectively managed without approval of this position. Our current staff resources would not allow for effective and timely management of the funds nor would it allow for timely execution of the work required to remain in compliance with the federal guidelines.

7. What Is the Estimate of the Amount of Funding Required to Continue the Positions In Future Years? It is anticipated that the positions are likely to continue until the BIL funding is awarded and projects are completed. The BIL funding will be awarded to states from 2022-2026. However, NHDES may administer funds awarded in this time period in subsequent years as wastewater systems implement their projects after receiving notice of their funding award. The estimated cost of this position in FY 24/25 is $168,421.

We respectfully request your approval of this item.

Robert R. Scott, Commissioner
NH Department of Environmental Services

NH DEPARTMENT OF ENVIRONMENTAL SERVICES
CLEAN WATER SRF BIL ADMINISTRATION
FISCAL SITUATION FY2023
03-44-44-441018-55660000

Total Federal Awards	$18,721,000
Less Expenditures thru 06/30/22	$0
Remaining Authorization to Budget	$18,721,000
Less Current FY2023 Budget Authorization	$0
Total Available for Budgeting	$18,721,000
REQUESTED ACTION	$1,334,717
Available to Budget at a later date	$17,386,283

Grant Award Number	Award Amount	Expenses to 06/30/22	Balance
4X33000322-0	$935,000	$0	$935,000
4C33000222-0	$17,786,000	$0	$17,786,000
TOTAL	$18,721,000	$0	$18,721,000

U.S. ENVIRONMENTAL PROTECTION AGENCY

Grant Agreement

GRANT NUMBER (FAIN): 33000322 MODIFICATION NUMBER: 0 PROGRAM CODE: 4X	DATE OF AWARD 08/10/2022
TYPE OF ACTION New	MAILING DATE 08/15/2022
PAYMENT METHOD:	ACH# 10108

RECIPIENT TYPE: State	**Send Payment Request to:** Contact EPA RTPFC at: rtpfc-grants@epa.gov
RECIPIENT: New Hampshire D.E.S. 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095 EIN: 02-6000618	**PAYEE:** New Hampshire D.E.S. 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095

PROJECT MANAGER	EPA PROJECT OFFICER	EPA GRANT SPECIALIST
Kathie Bourret 29 Hazen Drive Concord, NH 03302-0095 **Email:** Kathleen.Bourret@des.nh.gov **Phone:** 603-271-2902	Jason Turgeon 5 Post Office Square, Suite 100, 6-1 Boston, MA 02109 **Email:** Turgeon.Jason@epa.gov **Phone:** 617-918-1637	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

PROJECT TITLE AND DESCRIPTION

NH CWSRF EC BIL FY 2022 STATE Emerging Contaminant BIL Clean Water SRF Grant

The purpose of this agreement is for a capitalization grant which provides funds for the recipient's Clean Water State Revolving Fund (CWSRF) program with a primary purpose to address emerging contaminants. The activities are to provide low interest financing to numerous subrecipients for costs eligible under section 603(c) of the Clean Water Act and the primary purpose must be to address emerging contaminants. The benefits of this grant will be to capitalize the recipient's CWSRF with a primary focus on emerging contaminants. The expected outcomes are to establish and manage an effective comprehensive CWSRF program and to maintain a self-sustaining revolving fund to improve and protect water quality and public health for citizens throughout the state. NHDES intends to focus solely on PFAS and intends to utilize these funds to offer loans with principal forgiveness and/or grants for (1) municipal PFAS source identification and elimination/reduction projects and (2) treatment of landfill leachate from municipally owned landfills that discharge to a municipal wastewater treatment plant.

PFAS Source Identification and Elimination/Reduction projects would be ranked based on the number of residential, commercial, and industrial users, as well as overall project goals. Landfill Leachate Treatment projects would be ranked based on their overall environmental impact.

BUDGET PERIOD	PROJECT PERIOD	TOTAL BUDGET PERIOD COST	TOTAL PROJECT PERIOD COST
10/01/2022 - 09/30/2029	10/01/2022 - 09/30/2029	$935,000.00	$935,000.00

NOTICE OF AWARD

Based on your Application dated 07/06/2022 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards $935,000.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of $935,000.00. 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.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)	AWARD APPROVAL OFFICE
ORGANIZATION / ADDRESS	ORGANIZATION / ADDRESS
U.S. EPA, Region 1 , EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912	U.S. EPA, Region 1, EPA New England R1 - Region 1 5 Post Office Square, Suite 100 Boston, MA 02109-3912

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Digital signature applied by EPA Award Official Arthur Johnson - Director, Mission Support Division	DATE 08/10/2022

U.S. ENVIRONMENTAL PROTECTION AGENCY

Grant Agreement

GRANT NUMBER (FAIN): 33000222 MODIFICATION NUMBER: 0 PROGRAM CODE: 4C	DATE OF AWARD 08/22/2022
TYPE OF ACTION New	MAILING DATE 08/25/2022
PAYMENT METHOD: ASAP	ACH# 10108

RECIPIENT TYPE: State	**Send Payment Request to:** Contact EPA RTPFC at: rtpfc-grants@epa.gov
RECIPIENT: New Hampshire D.E.S. 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095 EIN: 02-6000618	**PAYEE:** New Hampshire D.E.S. 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095

PROJECT MANAGER	EPA PROJECT OFFICER	EPA GRANT SPECIALIST
Kathie Bourret 29 Hazen Drive Concord, NH 03302 **Email:** Kathleen.A.Bourret@des.nh.gov **Phone:** 603-271-2902	Jason Turgeon 5 Post Office Road, Suite 100, 6-WO Boston, MA 02109 **Email:** Turgeon.Jason@epa.gov **Phone:** 617-918-1637	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

PROJECT TITLE AND DESCRIPTION

New Hampshire Supplemental Clean Water State Revolving Fund

The purpose of this agreement is for a capitalization grant which provides funds for the recipient's Clean Water State Revolving Fund (CWSRF) program. The activities are to provide low interest financing to numerous subrecipients for costs associated with the planning, design, and construction of eligible water quality improvement and protection projects. The benefits of this grant will be to capitalize the recipient's CWSRF. The expected outcomes are to establish and manage an effective comprehensive CWSRF program and to maintain a self-sustaining revolving fund to improve and protect water quality and public health for citizens throughout the state. These funds can be used for contracts for technical assistance to wastewater systems and to accomplish goals related to program priorities such as asset management, cybersecurity, emergency preparedness, energy efficiency (audits and implementation), resiliency, vulnerability assessments, and planning. These funds may also be used to provide grants to eligible entities for asset management, energy efficiency (audits and implementation) and vulnerability assessments.

BUDGET PERIOD	PROJECT PERIOD	TOTAL BUDGET PERIOD COST	TOTAL PROJECT PERIOD COST
10/01/2022 - 09/30/2029	10/01/2022 - 09/30/2029	$19,546,600.00	$19,546,600.00

NOTICE OF AWARD

Based on your Application dated 07/06/2022 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards $17,786,000.00. EPA agrees to cost-share 90.99% of all approved budget period costs incurred, up to and not exceeding total federal funding of $17,786,000.00. 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.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)	AWARD APPROVAL OFFICE
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U.S. EPA, Region 1 , EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912	U.S. EPA, Region 1, EPA New England R1 - Region 1 5 Post Office Square, Suite 100 Boston, MA 02109-3912

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Digital signature applied by EPA Award Official Arthur Johnson - Director, Mission Support Division	DATE 08/22/2022

State Of New Hampshire
DIVISION OF PERSONNEL
Department of Administrative Services
54 Regional Drive, Suite 5
Concord, New Hampshire 03301

CHARLES M. ARLINGHAUS
Commissioner
(603) 271-3201

LORRIE A. RUDIS
Director of Personnel
(603) 271-3261

September 26, 2022

Ms. Pamela Sopczyk–Director of Human Resources
Department of Environmental Services
29 Hazen Drive
Concord, NH 03301

Regarding: Request to establish a full-time temporary Business Administrator II, LG 24, pay schedule A000 – position # 9T3281

Dear Ms. Sopczyk:

The Division of Personnel approves your request received on 8/12/2022 for the Department of Environmental Services to establish position # 9T3281 as a full-time, temporary Business Administrator II, LG 24, pending funding approval.

This Business Administrator II position is being established as 1 of 3 federally funded positions in the Administrative Services Unit needed to manage new federal funding for infrastructure and to meet the grant requirements of adequate staffing. The Business Administrator II, in the State Revolving Fund (SRF) Section, is responsible for reconciling and auditing monthly revenue and expenses of the program between multiple accounting systems, maintaining and tracking encumbrances for new loans and grants, and maintaining proper controls for the programs. This role will oversee and plan fiscal and budgetary activities, plan and develop financial and administrative functions, review and prepare financial reports and reconciliations, research federal, state, and agency requirements and guidelines, and present solutions to maintain the efficiency and financial stability of the Revolving Funds Programs. The Business Administrator II position is needed immediately to align to the projected timeline for receiving federal funds and will provide temporary assistance as a necessary resource to perform these duties until a decision is made regarding the approval of a permanent Business Administrator II position requested in the FY 24-25 7D budget process.

This position number will be inactive until you receive funding approval from the Fiscal Committee per RSA 124:15.

It will be your responsibility to bring the request for funding before the Fiscal Committee. You may use this letter as confirmation of our decision. Once you have obtained Fiscal Committee approval, please notify the Division of Personnel Operations Section at CentralHRProcessing@nh.gov.

Sincerely,

Marianne Rechy

Marianne Rechy
Classification & Compensation Administrator

Cc: Lorrie Rudis, Director of Personnel