



The State of New Hampshire
NHDES Department of Environmental Services



Robert R. Scott, Commissioner

October 10, 2023

109

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

REQUESTED ACTION

Authorize the Department of Environmental Services to amend a Clean Water State Revolving Fund (CWSRF) loan agreement (PO # 9005892) with the Town of Durham (VC #177383 B001) to increase funding by \$424,250, from \$575,750 to \$1,000,000, under the provisions of RSA 486:14 and N.H. Code of Admin. Rules Env-Wq 500 et seq., effective upon Governor & Council approval. The original loan agreement was approved by Governor & Council on January 18, 2023, as Item No. 86. Funding is 100% CWSRF Repayment Funds.

Funding is available in the account as follows:

	<u>FY 2024</u>
03-44-44-441018-2001-301-500832	\$424,250
Dept. Environmental Services, CWSRF Loan Repayments, Loans	

EXPLANATION

The purpose of this Amendment is to increase the Town of Durham's existing CWSRF Loan by \$424,250 for the Littlehale Creek at Edgewood Road Culvert project to fund an increase in construction costs since the original loan application in June 2022. Construction material costs have risen between the time of the loan application and the receipt of construction bids in August 2023, and the original costs cited in the loan application are no longer adequate to complete the project. To date, no funds have been disbursed on this loan.

The final loan amount will be based on the total CWSRF funds disbursed and may be less than \$1,000,000. Under federal capitalization grant requirements this loan includes principal forgiveness in the amount of up to \$100,000. The loan interest rate may be adjusted downward if the CWSRF loan rate in effect upon project completion is less than 2.5360%. Currently, there is \$11,873,597 available to loan after this request.

We respectfully request your approval.


Robert R. Scott, Commissioner

AMENDMENT No. 1

TO
STATE OF NEW HAMPSHIRE
WATER POLLUTION CONTROL REVOLVING FUND PROGRAM
TOWN OF DURHAM, NEW HAMPSHIRE

ORIGINAL LOAN AGREEMENT
For Project CS-334161-14

To increase the Town of Durham's loan amount for the Littlehale Creek at Edgewood Road Culvert Project, CWSRF Loan Number CS-334161-14, by \$424,250, from \$575,750 to \$1,000,000.

Now therefore, amend the ORIGINAL LOAN AGREEMENT, as approved by Governor and Council on January 18, 2023, as Item No. 86 in the following manner:

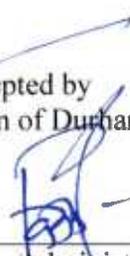
Change only Page 1 lines 16 through 17 of the ORIGINAL LOAN AGREEMENT to read as follows:

"...State, in accordance with the terms of this Agreement, the principal sum of **One Million and 00/100 Dollars (\$1,000,000)** (Principal Sum)...";

And, change only Page 1, lines 21 through 22 of the ORIGINAL LOAN AGREEMENT to read as follows:

"...the loan upon the initial repayment as follows: A portion of the principal sum, not to exceed **One Hundred Thousand and 00/100 Dollars (\$100,000) or 10%** of the total ...";

Accepted by
Town of Durham, New Hampshire



Town Administrator

9/27/23

Date

Accepted by
State of New Hampshire



Robert R. Scott, Commissioner
Department of Environmental Services

10/10/23

Date



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

December 21, 2022

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

APPROVED G & C

DATE 18 January 2023
ITEM # 86

REQUESTED ACTIONS

1. Authorize the Department of Environmental Services to award a grant to the Town of Durham (VC# 177383 B001) in the amount not to exceed \$246,750 for the Littlehale Creek at Edgewood Road Culvert project, effective upon Governor & Council approval through November 30, 2024. 100% Federal Funds.

Funding is available in the following account:

03-44-44-440010-2476-072-500574
Dept Environmental Services, ARPA DES Loans, Grants Federal
Activity code: 00FRF602WB4401I

FY 2023
\$246,750

2. Authorize the Department of Environmental Services to approve a loan agreement with the Town of Durham (VC# 177383 B001) in an amount not to exceed \$575,750 to finance the Littlehale Creek at Edgewood Road Culvert project under the provisions of RSA 486:14 and N.H. Code of Admin. Rules Env-Wq 500 et seq., effective upon Governor & Council approval. Funding is 100% CWSRF Repayment Funds.

Funding is available in the following account:

03-44-44-441018-2001-301-500832
Dept. Environmental Services, CWSRF Loan Repayments, Loans

FY 2023
\$575,750

EXPLANATION

NHDES selected awardees for the Clean Water Infrastructure projects from pre-applicants who submitted proposed projects to the Clean Water State Revolving Fund (CWSRF) loan program in 2021. Pre-applicants were offered funding for their project utilizing CWSRF ranking criteria, the 2021 CWSRF Project Priority List, and information obtained from a project update solicitation in November 2021.

The Town of Durham requested a total of \$822,500 in funding from NHDES for needed improvements to the stormwater system. NHDES, through the American Rescue Plan Act funds (ARPA) and the Clean Water State Revolving Loan Fund (CWSRF) has offered the Town \$822,500 in a combination of grant and loan funds.

The town will use the grant and loan funding to make improvements to the culvert at Littlehale Creek at Edgewood Road. The project includes replacement the culvert with a more durable and low maintenance structure.

ARPA of 2021 is a \$1.9 trillion economic stimulus bill passed by the 117th United States Congress and signed into law by President Biden on March 11, 2021, to speed up the United States' recovery from the economic and health effects of the COVID-19 pandemic and the resultant recession. The Act defines eligible uses of the state and local funding, including responding to public health emergencies, responding to workers performing essential work during the COVID-19 emergency, providing revenue relief to states and making investments in water, sewer, and broadband infrastructure. This is an allowable use of ARP FRF funds under Section 602 (c)(1)(D) to make necessary investments in water, sewer, or broadband infrastructure.

In accordance with the final rule from the US Treasury Department for water and wastewater infrastructure investments, project eligibility is aligned with the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF). This project is an eligible CWSRF infrastructure project.

The Supplemental (final) loan amount will be based upon the total CWSRF funds disbursed and may be less than \$575,750. Under federal capitalization grant requirements, this loan includes principal forgiveness of up to \$57,575. Currently, there is \$66,282,099 available to loan after this request.

In the event that funds become no longer available, general funds will not be requested to support this program. This grant agreement has been approved by the Attorney General's Office as to form, substance and execution.

We respectfully request your approval of this item.



Robert R. Scott,
Commissioner