



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



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**Robert R. Scott, Commissioner**

December 22, 2023

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The Honorable Ken Weyler, Chairman  
 Fiscal Committee of the General Court  
 State House  
 Concord, New Hampshire 03301

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 New Hampshire Department of Environmental Services (NHDES) to accept and expend \$2,557,158 in federal funds from the United States Environmental Protection Agency (USEPA), to support NHDES' Brownfields State Response Program and fund the cleanup of contaminated properties throughout New Hampshire effective upon Fiscal Committee and Governor & Council approval through June 30, 2025. 100% Federal Funds.
2. Pursuant to the provisions of RSA 9:16-a, I, authorize the Department of Environmental Services (NHDES) to transfer funds in the amount of \$200,800, effective upon approval of the Fiscal Committee and the Governor and Executive Council through June 30, 2025, and further authorize the funds to be allocated as shown below. 100% Federal Funds.

**WASTE INFRASTRUCTURE FEDERAL  
 03-44-44-444010-70620000  
 FY 2024**

Class	Budget Category	Current Budget	Acceptance of Funds	Transfer Request	Revised Budget
Income					
000-404646	Federal Funds	(\$1,906,223)	(\$2,557,158)	\$0	(\$4,463,381)
Expenditures					
018-500106	Overtime	\$4,400	\$10,099		\$14,499
020-500200	Current Expense	\$3,742	\$2,234		\$5,976
027-502799	Transfer to DOIT	\$0	\$5,307		\$5,307
030-500321	Equipment	\$10,380	\$1,915	\$250	\$12,545
038-500175	Technology Software	\$250	\$0	(\$250)	\$0
040-500800	Indirect Costs	\$15,059	\$41,218		\$56,277
041-500801	Audit Set-Aside	\$1,410	\$952		\$2,362
042-500620	Additional Fringe Benefits	\$10,020	\$1,289		\$11,309
049-504995	Consultants	\$64	\$0		\$64
050-500109	Temporary Personnel	\$33,755	\$174,960		\$208,715
059-500117	Salary Temporary Employees	\$113,710	\$228,755		\$342,465
060-500601	Benefits	\$83,374	\$126,359		\$209,733
066-500554	Employee Training	\$600	\$0	(\$550)	\$50
070-500705	In-State Travel	\$1,350	\$2,400	\$550	\$4,300
072-500574	Grants-Federal	\$200,000	\$0	(\$200,000)	\$0
080-500710	Out Of State Travel	\$1,300	\$6,544		\$7,844
102-500731	Contracts for Program Services	\$1,426,809	\$1,955,126	\$200,000	\$3,581,935
	<b>TOTAL</b>	<b>\$1,906,223</b>	<b>\$2,557,158</b>	<b>\$0</b>	<b>\$4,463,381</b>

## EXPLANATION

Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, authorizes the United States Environmental Protection Agency's (EPA's) Office of Brownfields and Land Revitalization (OBLR) to manage a noncompetitive grant program to establish or enhance state and Tribal environmental response programs. The NHDES currently receives an annual cooperative agreement under this grant program. The Bipartisan Infrastructure Law (BIL), also known as the Infrastructure Investment and Jobs Act (IIJA), signed into law in November 2021, provides an additional \$60 million per year nationally over five federal fiscal years for states and Tribes to further enhance their response programs.

NHDES intends to enhance its Brownfields State Response Program by funding site-specific cleanup planning, cleanups, and redevelopment visioning with a focus on providing assistance to underserved communities, one of EPA's priorities. In addition, this grant will partially fund several existing positions, allowing flexibility to support the increased workload associated with this grant as well as a separate Brownfields Assessment Grant recently awarded to NHDES, without adding additional positions.

These funds were not included in the FY24 operating budget as the program did not anticipate the availability of this new grant opportunity. In addition, we are requesting an amendment to our contractual amount as the cost for assessment work has increased substantially and we have had many requests for assistance from communities across the state.

NHDES is requesting the following appropriation adjustments:

*Class 018 (Overtime)* - To cover paid overtime.

*Class 020 (Current Expenses)* – To cover miscellaneous office supplies and personal protective equipment.

*Class 027 (Transfers to OIT)* –To cover costs for Department of Information Technology services.

*Class 030 (Equipment)* – To cover the cost of 2 new laptop setups.

*Class 038 (Technology Software)* – Reduced to provide additional Class 030 – Equipment funds.

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

*Class 041 (Audit Set Aside)* – To cover the cost of audit charges related to the federal program.

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

*Class 050 (Part Time Salaries)* To cover salary of existing staff to allow flexibility to support the added workload associated with this grant as well as a separate Brownfields Assessment Grant recently awarded to NHDES.

*Class 059 (Temporary Employee Salaries)* –To cover salary of existing staff to allow flexibility to support the added workload associated with this grant as well as a separate Brownfields Assessment Grant recently awarded to NHDES.

*Class 060 (Benefits)* – To cover benefits for the full-time position.

*Class 066 (Training)* – Reduced to cover additional in-state travel costs.

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

*Class 072 (Grants-Federal)* – Reduced to cover additional Class 102-Contracts for Program Services costs.

*Class 080 (Out of State Travel)* – 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 with cleanup planning, cleanup implementation, and redevelopment visioning for brownfields sites.

The following information is provided in accordance with the Budget Officer's instructional memorandum dated April 17, 1985.

**Justification:**

- 1) Does the transfer involve continuing programs or one-time projects? This is an on-going program.
- 2) Is this transfer required to maintain existing program level or will it increase the program level? This will maintain the existing program level.
- 3) Cite any requirements which make this program mandatory. RSA 147
- 4) Identify the source of the funds on all accounts listed on this transfer. 100% Federal Funds
- 5) Will there be any effect on revenue if this transfer is approved or disapproved? No
- 6) Are funds expected to lapse if this transfer is not approved? No
- 7) Are personnel services involved? If yes, answer the following:
  - a. Number of positions budgeted in each account. N/A
  - b. Number of positions filled in each account. N/A
  - c. Reason for vacant positions. N/A
  - d. Have any positions been transferred previously in these accounts? N/A
  - e. Will any positions be transferred as a result of this request? N/A

We respectfully request your approval of these items.

  
Robert R. Scott, Commissioner

**NH DEPARTMENT OF ENVIRONMENTAL SERVICES  
WASTE INFRASTRUCTURE - FEDERAL  
FISCAL SITUATION FY2024  
03-44-44-444010-70620000**

Total Federal Awards	\$4,232,065
Less Expenditures thru 06/30/2023	\$103,359
Remaining Authorization to Budget	<u>\$4,128,706</u>
Less Current FY24 Budget Authorization	<u>\$1,399,014</u>
Total Available for Budgeting	<u>\$2,729,692</u>
<b>REQUESTED ACTION</b>	<u>\$2,557,158</u>
Available to Budget at a later date	<u>\$172,534</u>

Grant Award Number	<u>Award Amount</u>	<u>Expenses to 06/30/2023</u>	<u>Balance</u>
4B00A00931	\$2,000,000	\$103,359	\$1,896,641
4W00A01031	\$1,660,000	\$0	\$1,660,000
4Z001A01343	\$572,065	\$0	\$572,065
<b>TOTAL</b>	<u>\$4,232,065</u>	<u>\$103,359</u>	<u>\$4,128,706</u>

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

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Cooperative Agreement</b>	<b>GRANT NUMBER (FAIN):</b> 00A01343 <b>MODIFICATION NUMBER:</b> 0 <b>PROGRAM CODE:</b> 4Z	<b>DATE OF AWARD</b> 08/14/2023
		<b>TYPE OF ACTION</b> New	<b>MAILING DATE</b> 08/17/2023
		<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> Leah McKenna 29 Hazen Drive PO Box 95 Concord, NH 03302-0095 Email: Leah.l.Mckenna@des.nh.gov Phone: 603-271-2945	<b>EPA PROJECT OFFICER</b> Christine Beling 5 Post Office Square, Suite 100 Boston, MA 02109 Email: Beling.Christine@epa.gov Phone: 617-918-1792	<b>EPA GRANT SPECIALIST</b> Trevor Tavano Grants Management Branch 5 Post Office Square, Suite 100 Boston, MA 02109 Email: Tavano.Trevor@epa.gov Phone: 617-918-1235	
<b>PROJECT TITLE AND DESCRIPTION</b> Solid Waste Characterization Study  See Attachment 1 for project description.			
<b>BUDGET PERIOD</b> 07/01/2023 - 09/30/2026	<b>PROJECT PERIOD</b> 07/01/2023 - 09/30/2026	<b>TOTAL BUDGET PERIOD COST</b> \$572,065.00	<b>TOTAL PROJECT PERIOD COST</b> \$572,065.00
<b>NOTICE OF AWARD</b>			
<p>Based on your Application dated 05/22/2023 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$572,065.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$572,065.00. 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 OLEM - Office of Land and Emergency Management 5 Post Office Square, Suite 100 Boston, MA 02109-3912	
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>			
<b>Digital signature applied by EPA Award Official</b> Arthur Johnson - Director, Mission Support Division			<b>DATE</b> 08/14/2023



**U.S. ENVIRONMENTAL  
PROTECTION AGENCY**  
**Assistance Amendment**

<b>GRANT NUMBER (FAIN):</b> 00A01031	<b>DATE OF AWARD</b> 05/23/2023
<b>MODIFICATION NUMBER:</b> 1	<b>MAILING DATE</b> 05/26/2023
<b>PROGRAM CODE:</b> 4W	<b>ACH#</b> 10108
<b>TYPE OF ACTION</b> Augmentation: Increase	
<b>PAYMENT METHOD:</b> ASAP	

**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**

Michael McCluskey  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095  
**Email:** Michael.G.McCluskey@des.nh.gov  
**Phone:** 603-271-2183

**EPA PROJECT OFFICER**

Tabitha Busi  
5 Post Office Square, Suite 100  
Boston, MA 02109  
**Email:** Busi.Tabitha@epa.gov  
**Phone:** 617-918-1936

**EPA GRANT SPECIALIST**

Trevor Tavano  
Grants Management Branch  
5 Post Office Square, Suite 100  
Boston, MA 02109  
**Email:** Tavano.Trevor@epa.gov  
**Phone:** 617-918-1235

**PROJECT TITLE AND EXPLANATION OF CHANGES**

New Hampshire Brownfields State Response Program

Amendment #1 approves an Incremental Increase in Federal Funds in the amount of \$870,000. Total EPA Amount Awarded to Date is now \$1,660,000. All Administrative Terms and Conditions have been updated. All other Terms and Conditions remain unchanged, and in full force and effect.

**BUDGET PERIOD**

10/01/2022 - 09/30/2027

**PROJECT PERIOD**

10/01/2022 - 09/30/2027

**TOTAL BUDGET PERIOD COST**

\$4,530,000.00

**TOTAL PROJECT PERIOD COST**

\$4,530,000.00

**NOTICE OF AWARD**

Based on your Application dated 12/20/2022 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$870,000.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,660,000.00. 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)**

U.S. EPA, Region 1, EPA New England  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**AWARD APPROVAL OFFICE**

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

**DATE**

05/23/2023