



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Robert R. Scott, Commissioner

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December 22, 2023

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

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

REQUESTED ACTION

Pursuant to RSA 9:16-a, I, authorize the New Hampshire Department of Environmental Services (NHDES) to transfer MtBE Settlement Funds of \$2,000,000 in between classes to continue to provide municipalities with reimbursement for remediation of MtBE impacted groundwater, effective upon Fiscal Committee and Governor and Council approval through June 30, 2025. 100% MtBE Settlement Funds.

Funding is to be transferred as follows:

MtBE Settlement Funds
 03-44-44-444010-88930000
 FY 2024

Class	Budget Category	Current Budget	Requested Action	Revised Budget
Income				
009-407624	MtBE Settlement Funds	(\$15,922,900)	-0-	(\$15,922,900)
Expenditures				
010-500100	Personal Services-Permanent	\$492,072	-0-	\$492,072
018-500106	Overtime	\$15,600	-0-	\$15,600
020-500200	Current Expenses	\$45,200	-0-	\$45,200
022-500255	Rents-Leases Other than State	\$8,996	-0-	\$8,996
026-500251	Organizational Dues	\$300	-0-	\$300
027-582703	Transfers to OIT	\$113,886	-0-	\$113,886
028-582814	Transfers to General Services	\$54,638	-0-	\$54,638
030-500321	Equipment	\$34,900	-0-	\$34,900
037-500174	Technology-Hardware	\$5,500	-0-	\$5,500
039-500188	Telecommunications	\$11,700	-0-	\$11,700
040-500800	Indirect Costs	\$98,066	-0-	\$98,066

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Class Con't	Budget Category	Current Budget	Requested Action	Revised Budget
042-500620	Additional Fringe Benefits	\$80,432	-0-	\$80,432
049-584920	Transfers to Other Agencies	\$25,244	-0-	\$25,244
050-500109	Personnel Services Temp	\$222,426	-0-	\$222,426
059-500117	Personnel Services Temp Full Time	\$444,039	-0-	\$444,039
060-500601	Benefits	\$578,690	-0-	\$578,690
066-500544	Employee Training	\$3,150	-0-	\$3,150
070-500705	Instate Travel	\$1,000	-0-	\$1,000
080-500710	Out-of-State Travel	\$2,400	-0-	\$2,400
101-500729	Medical Payments to Providers	\$2,665	-0-	\$2,665
102-500731	Contracts for Program Services	\$4,181,995	(2,000,000)	\$2,181,995
300-500830	Reimbursements	\$9,500,000	\$2,000,000	\$11,500,000
	Total	\$15,922,900	-0-	\$15,922,900

EXPLANATION

In 2003, the Department of Justice (DOJ) sued gasoline manufacturers and marketers to obtain damages for the statewide problem of MtBE contamination. DOJ settled with every defendant other than ExxonMobil. After deductions from the settlement for legal fees, costs, and administrative expenses, \$81.6 million in settlement money became available for remediation of MtBE contamination in groundwater and drinking water. The MtBE Remediation Bureau is operating under the terms of a Memorandum of Understanding with DOJ regarding the use of the settlement funds.

The purpose of this request is to transfer \$2,000,000 from Class 102- Contracts to Class 300- Reimbursements. Active remediation projects in Plaistow, Derry, Lee, Rochester, and Epping will be substantially completed in FY24. The current Class 300 appropriation will be insufficient to cover reimbursement requests within FY24. We anticipate additional reimbursement requests totaling nearly \$3,500,000 million for remediation projects, with only approximately \$1,800,000 million remaining in this year's Class 300 appropriation. The demand for state-led MtBE investigation and remediation contract projects has reduced since inception of the program in 2014. Hence, all funds currently appropriated to Class 102 are not required and \$2,000,000 of the appropriation can be moved to Class 300.

NHDES is requesting to rebudget these funds as shown below:

Class 102 – Contracts for Program Services – A reduction to facilitate the requested budget revisions without increasing the total program appropriation.

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Class 300 – Reimbursements – An increase to support remaining /anticipated remediation reimbursement requests.

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

- 1) Does the transfer involve continuing programs or one-time projects? This is an ongoing program.
- 2) Is this transfer required to maintain existing program level or will it increase the program level? This is to maintain program levels.
- 3) Cite any requirements which make this program mandatory. The MtBE Remediation Bureau is operating under the terms of a Memorandum of Understanding with DOJ regarding the use of the settlement funds.
- 4) Identify the source of the funds on all accounts listed on this transfer. Funds are 100% MtBE settlement 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? There are no personnel services involved in this transfer.
If yes, answer the following:
 - a. Number of positions budgeted in each account.
 - b. Number of positions filled in each account.
 - c. Reason for vacant positions.
 - d. Have any positions been transferred previously in these accounts?
 - e. Will any positions be transferred as a result of this request?

We respectfully request your approval.


Robert R. Scott, Commissioner