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

**Robert R. Scott, Commissioner**

118

August 21, 2024

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 ACTION**

Pursuant to the provisions of RSA 14:30-a, VI, authorize the Department of Environmental Services (NHDES) to amend Fiscal Item FIS 21-138, approved by the Fiscal Committee on June 8, 2021 and approved by Governor and Council on June 16, 2021, Item #101 as amended by FIS 22-111, approved by Fiscal Committee on March 18, 2022 and approved by Governor and Council on March 23, 2022, Item #83 as amended by FIS 23-166, approved by Fiscal Committee on May 19, 2023 and approved by Governor and Council on May 31, 2023, Item #160 as amended by FIS 23-287, approved by Fiscal Committee on October 19, 2023 and approved by Governor and Council on October 18, 2023, Item #83 and as amended by FIS 24-185 and approved by Governor and Council on May 15, 2024, Item #104 and as extended by Fiscal Committee Item FIS 24-182 approved on May 17, 2024 and Governor and Council Item #154 approved on May 15, 2024 by transferring funds in the amount of $170,701 between class lines effective upon Fiscal Committee and Governor & Council approval through June 30, 2025. 100% Federal Funds.

NHDES is requesting the changes in funding as follows:

ARPA DES LOANS[1]
03-44-44-440010-2476
Fiscal Year 2025

| Class | Budget Category | Current Budget | Transfers of Funds | Revised Budget |
|---|---|---|---|---|
| **Income** | | | | |
| 000-400338 | Federal Funds | ($97,555,365) | $0 | ($97,555,365) |
| | | | | |
| **Expenditures** | | | | |
| 18-500106 | Overtime | $30,515 | $0 | $30,515 |
| 20-500200 | Current Expense | $23,255 | $0 | $23,255 |

[1] All direct program costs will be accounted for using activities from 00FRF602WB4401A to 00FRF602WB4401S. Accounting classifications may be subject to technical changes at the discretion of the Department of Administrative Services' Division of Accounting Services.

| Class con't | Budget Category | Current Budget | Transfers of Funds | Revised Budget |
|---|---|---|---|---|
| 22-500255 | Building Rent-Other than State | $3,640 | $0 | $3,640 |
| 24-500225 | Maint Other than Bldg/Grnds | $3,000 | $0 | $3,000 |
| 27-582703 | Transfers to OIT | $155,815 | $0 | $155,815 |
| 28-582814 | Transfers to General Services | $124,812 | $0 | $124,812 |
| 30-500321 | Equipment | $15,272 | $0 | $15,272 |
| 37-500174 | Technology-Hardware | $1,417 | $0 | $1,417 |
| 38-500175 | Technology Software | $12,013 | $0 | $12,013 |
| 39-500188 | Telecommunications | $14,696 | $0 | $14,696 |
| 40-500800 | Indirect Costs | $295,044 | $0 | $295,044 |
| 41-500801 | Audit Set-Aside | $98,997 | $0 | $98,997 |
| 42-500620 | Additional Fringe Benefits | $136,158 | $0 | $136,158 |
| 50-500109 | Temporary Personnel | $644,287 | $0 | $644,287 |
| 59-500117 | Full Time Temporary | $1,599,769 | $0 | $1,599,769 |
| 60-500601 | Benefits | $1,013,393 | $0 | $1,013,393 |
| 66-500544 | Employee Training | $1,674 | $0 | $1,674 |
| 70-500705 | In-State Travel | $9,118 | $0 | $9,118 |
| 72-500574 | Grants - Federal | $88,106,587 | $163,316 | $88,269,903 |
| 80-500710 | Out of State Travel | $3,500 | $0 | $3,500 |
| 85-588599 | Inter Agcy Xfr Out of Fed Funds | $1,125,502 | $7,385 | $1,132,887 |
| 102-500731 | Contracts for Program Services | $4,136,301 | ($170,701) | $3,965,600 |
| | Total | **$97,555,365** | $0 | **$97,555,365** |

**EXPLANATION**

The American Rescue Plan Act (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 emergency, 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.

NHDES has been soliciting applications for the programs supported by ARPA funding since the fall of 2021 and has granted approximately $145 million in ARPA funding for drinking water, wastewater, and stormwater infrastructure-related projects. Unfortunately, the costs associated with some projects are higher than anticipated at the time the applicants requested funding. Additional funding will help towns and water suppliers to bring underfunded projects to fruition to benefit their communities.

In June 2021, NHDES entered into a Memorandum of Agreement with NH Department of Fish and Game to provide funding for one position to assist in timely protected wildlife reviews related to NHDES infrastructure permits through December 31, 2024. NHDES is extending this MOA through September 30, 2025 and is allocating more funds to continue the position to provide support to ensure timely processing of statutorily required protected threatened and endangered species consultations for associated land resource management permits.

NHDES is requesting the transfer of funds from Class 102-Contracts to cover additional Fish and Game expenses and additional grants for existing water infrastructure projects in order to best use the available appropriation.

NHDES is requesting to transfer funds as shown below:

| | |
|---|---|
| Class 072 | Grants-Federal: To add funds for grants needed for existing infrastructure projects. |
| Class 085 | Inter Agcy Xfr Out of Federal Funds: To cover costs associated with F&G assistance being provided to the department with permitting of projects. |
| Class 102 | Contracts for Program Services: To reduce funds for work to be performed by NH Fish and Game and increased infrastructure grants |

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 transfer is for continuing ARPA programs.

2) Is this transfer required to maintain existing program level or will it increase the program level?
   This transfer is to maintain existing ARPA program level.

3) Cite any requirements which make this program mandatory. n/a

4) Identify the source of the funds on all accounts listed on this transfer.
   American Rescue Plan Act of 2021 (ARPA)

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:
   n/a
   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 this item.

Robert R. Scott, Commissioner
NH Department of Environmental Services

The State of New Hampshire
# Department of Environmental Services

**Robert R. Scott, Commissioner**

APPROVED
FISCAL COMMITTEE
DATE 5/17/2024
ITEM # FS24-185

APPROVED G & C
DATE 5/15/24
ITEM # 104

May 1, 2024

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 ACTION**

Pursuant to RSA 14:30-a, VI authorize the Department of Environmental Services (NHDES) to accept additional ARPA funds of $3,000,000 to cover cost overruns for Drinking Water and Wastewater projects, effective upon Fiscal Committee and Governor & Council approval through June 30, 2025. This is an allowable use of ARPA SFRF funds under Section 602 (c)(1)(D) to make necessary investments in water, sewer, or broadband infrastructure. 100% Federal Funds.

NHDES is requesting the changes in funding as follows:

**ARPA DES LOANS[1]**
**03-44-44-440010-2476**
**Fiscal Year 2024**

| Class | Budget Category | Current Budget | Requested Amount | Revised Budget |
|---|---|---|---|---|
| **Income** | | | | |
| 000-400338 | Federal Funds | ($128,054,992) | ($3,000,000) | ($131,054,992) |
| **Expenditures** | | | | |
| 18-500106 | Overtime | $50,000 | | $50,000 |
| 20-500200 | Current Expenses | 23,517 | | 23,517 |
| 22-500255 | Rents-Leases Other than State | 3,640 | | 3,640 |
| 24-500225 | Maint. Other than B&G | 3,000 | | 3,000 |
| 27-582703 | Transfers to DOIT | 206,217 | | 206,217 |
| 28-582814 | Transfers to General Services | 160,061 | | 160,061 |
| 30-500321 | Equipment | 15,747 | | 15,747 |
| 37-500174 | Technology-Hardware | 1,417 | | 1,417 |

[1] All direct program costs will be accounted for using activity 00FRF602WB4401E and 00FRF602WB4401Q, activity 00FRF602WB4401Z for administrative and indirect costs. Accounting classifications may be subject to technical changes at the discretion of the Department of Administrative Services' Division of Accounting Services

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| Class Con't | Budget Category | Current Budget | Requested Amount | Revised Budget |
|---|---|---|---|---|
| 38-500175 | Technology-Software | 12,013 | | 12,013 |
| 39-500188 | Telecommunications | 17,230 | | 17,230 |
| 40-500800 | Indirect Costs | 338,983 | | 338,983 |
| 41-500801 | Audit Set-Aside | 129,488 | 3,000 | 132,488 |
| 42-500620 | Additional Fringe Benefits | 176,292 | | 176,292 |
| 50-500109 | Personal Services PT | 827,720 | | 827,720 |
| 59-500117 | Temp Personnel | 2,127,135 | | 2,127,135 |
| 60-500601 | Benefits | 1,343,417 | | 1,343,417 |
| 66-500544 | Employee Training | 2,598 | | 2,598 |
| 70-500705 | Instate Travel | 9,454 | | 9,454 |
| 72-500574 | Grants Federal | 115,142,166 | 2,997,000 | 118,139,166 |
| 80-500710 | Out-of-State Travel | 3,500 | | 3,500 |
| 85-588575 | Interagency Trf of Funds | 1,401,162 | | 1,401,162 |
| 102-500731 | Contracts for Program Services | 6,060,235 | | 6,060,235 |
| | TOTAL | $128,054,992 | $3,000,000 | $131,054,992 |

**EXPLANATION**

The American Rescue Plan Act (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 expedite 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 emergency, 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.

NHDES has been soliciting applications for the programs supported by ARPA funding since the fall of 2021 and has granted approximately $145 million in ARPA funding for drinking water, wastewater, and stormwater infrastructure-related projects. Unfortunately, the costs associated with some projects are higher than anticipated at the time the applicants requested funding. Some engineer estimates, even on relatively complete plans, are as much as 50% under final bid costs. Neither NHDES nor the applicants can predict which projects will be so high. Often ARPA funds are used for final design and bid package development during which problems can be identified in the final design work which then drive higher costs. Unfortunately, this is a common challenge on water infrastructure projects. This funding will help towns and water suppliers to bring underfunded project to fruition to benefit their communities.

NHDES is requesting to budget funds as shown below:

| | |
|---|---|
| Class 041 | To cover Audit-Set-Aside charges related to the federal program. |
| Class 072 | To cover grants to entities for infrastructure projects. |

We respectfully request approval of this item.

Robert R. Scott, Commissioner, NHDES

Replacement

FIS 24 182

# State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES
25 Capitol Street – Room 120
Concord, New Hampshire 03301
(603) 271-3201 | Office@das.nh.gov

APPROVED
FISCAL COMMITTEE
DATE 5/17/2024
ITEM # FIS 24-182

Charles M. Arlinghaus
Commissioner

Catherine A. Keane
Deputy Commissioner

Sheri L. Rockburn
Assistant Commissioner

May 16, 2024

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court and

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

APPROVED G & C
DATE 5/15/2024
ITEM # 154

## REQUESTED ACTION

Pursuant to RSA 14:30-a, VI and RSA 124:15, the Department of Administrative Services (DAS) is seeking approval on behalf of State Agencies to amend the accept and expend of American Rescue Plan Act (ARPA) State Fiscal Recovery Funds (SFRF) requests by extending the end date for funding, new positions, and/or new Class 046-Consultants, created in relation to the acceptance of ARPA SFRF funds, from June 30, 2024 to June 30, 2025, effective upon approval of the Fiscal Committee and the Governor and Executive Council. 100% Federal Funds.

## EXPLANATION

The Department of Administrative Services is seeking approval, on behalf of the State Agencies listed in Attachment A, to extend the effective through date from June 30, 2024 to June 30, 2025. All items included in the attachment have been previously submitted by the respective state agency responsible for the program and approved by both the Fiscal Committee and Governor and Executive Council. In addition, the Governor's Office of Emergency Relief and Recovery (GOFERR) has reviewed the attachment and concurs with the extensions requested.

While all ARPA SFRF must be obligated by December 31, 2024, and expended by December 31, 2026, approval of this request will reauthorize funding for projects or programs using ARPA SFRF and authorize agencies' program balances that are unspent as of June 30, 2024, as well as positions and consultants created pursuant to RSA 124:15, to carry forward into Fiscal Year 2025. This request will also grant agencies in coordination with GOFERR time to continue to evaluate projects and programs as the ARPA SFRF obligation deadline approaches in order to ensure any funds that may need to be

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court

His Excellency Governor Christopher T. Sununu
and the Honorable Council

reallocated to other uses have sufficient time to do so. Any request to reallocate an existing budget or repurpose funds for new or existing projects will require future Fiscal Committee and Governor and Council approvals and are not contemplated in this item.

If this item is not timely approved, the State would need to issue layoff notices to employees hired into these federally funded positions, created under the original ARPA request; agencies would halt work on time-sensitive projects or payments on existing contracts; and ongoing programs would be unable to issue or follow through on awards. Further, each agency would then need to submit a request for approval to reauthorize the positions and funding; however, the requests potentially would not eliminate the need to issue layoff notices in June 2024 due to layoff notice provisions.

Typically, agencies budget for known federal grants in the biennial budget process; however, the budget guidance issued in August 2022 instructed Agencies to exclude all COVID-related funding from their FY24-FY25 budget submissions in order to maintain the authorization methodology, compliance protocols, and audit trail that had become standard for use and oversight of ARPA SFRF. Moreover, although the funding is authorized by the federal government beyond June 30, 2024, including this one-time funding would have erroneously inflated the FY24-FY25 State budget.

In the event that Federal Funds are no longer available. General Funds will not be requested to support these programs. The Department of Administrative Services seeks approval of this request.

Respectfully submitted,

Charles M. Arlinghaus
Commissioner

The State of New Hampshire
# Department of Environmental Services

**Robert R. Scott, Commissioner**

September 26, 2023

APPROVED
FISCAL COMMITTEE
DATE 10/19/2023
ITEM # 23-287

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

APPROVED G & C
DATE 10/18/2023
ITEM # 83

**REQUESTED ACTION**

Pursuant to the provisions of RSA 14:30-a, VI, authorize the Department of Environmental Services (NHDES) to amend Fiscal Item FIS 21-138, approved by the Fiscal Committee on June 8, 2021 and approved by Governor and Council on June 16, 2021, Item #101 as amended by FIS 22-111, approved by Fiscal Committee on March 18, 2022 and approved by Governor and Council on March 23, 2022, Item #83 as amended by FIS 23-166, approved by Fiscal Committee on May 19, 2023 and approved by Governor and Council on May 31, 2023, Item #160 by reallocating funds in the amount of $5,045,000 between class lines effective upon Fiscal Committee and Governor & Council approval through June 30, 2025. 100% Federal Funds.

NHDES is requesting the changes in funding as follows:

ARPA DES LOANS[1]
03-44-44-440010-2476
Fiscal Year 2024

| Class | Budget Category | Current Budget | Transfers of Funds | Revised Budget |
|---|---|---|---|---|
| Income | | | | |
| 000-400338 | Federal Funds | ($127,554,993) | 0 | ($127,554,993) |
| | | | | |
| Expenditures | | | | |
| 18-500106 | Overtime | $15,352 | 34,648 | $50,000 |
| 20-500200 | Current Expense | $23,517 | 0 | $23,517 |

[1] Administrative and indirect costs will be accounted for using activity 00FRF602WB4401Z. Accounting classifications may be subject to technical changes at the discretion of the Department of Administrative Services' Division of Accounting Services.

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| Class con't | Budget Category | Current Budget | Transfers of Funds | Revised Budget |
|---|---|---|---|---|
| 22-500255 | Building Rent-Other than State | $3,640 | 0 | $3,640 |
| 24-500225 | Maint Other than Bldg/Grnds | $3,000 | 0 | $3,000 |
| 27-582703 | Transfers to OIT | $11,804 | 194,413 | $206,217 |
| 28-582814 | Transfers to General Services | $0 | 160,061 | $160,061 |
| 30-500321 | Equipment | $15,747 | 0 | $15,747 |
| 37-500174 | Technology-Hardware | $1,417 | 0 | $1,417 |
| 38-500175 | Technology Software | $12,013 | 0 | $12,013 |
| 39-500188 | Telecommunications | $13,811 | 3,419 | $17,230 |
| 40-500800 | Indirect Costs | $74,235 | 264,748 | $338,983 |
| 41-500801 | Audit Set-Aside | $128,494 | 494 | $128,988 |
| 42-500620 | Additional Fringe Benefits | $48,550 | 127,742 | $176,292 |
| 46-500463 | Consultants | $300,000 | (300,000) | $0 |
| 50-500109 | Part Time Personnel | $344,247 | 483,473 | $827,720 |
| 59-500117 | Full Time Temporary | $236,509 | 1,890,626 | $2,127,135 |
| 60-500601 | Benefits | $416,643 | 926,774 | $1,343,417 |
| 66-500544 | Employee Training | $515 | 2,083 | $2,598 |
| 70-500705 | In-State Travel | $9,454 | 0 | $9,454 |
| 72-500574 | Grants – Federal | $119,387,666 | (4,745,000) | $114,642,666 |
| 80-500710 | Out of State Travel | $3,500 | 0 | $3,500 |
| 85-588575 | Inter Agcy Xfr Out of Fedl Funds | $1,201,420 | 199,742 | $1,401,162 |
| 102-500731 | Contracts for Program Services | $5,303,459 | 756,777 | $6,060,236 |
| | Total | $127,554,993 | 0 | $127,554,993 |

**EXPLANATION**

The American Rescue Plan Act (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 emergency, 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.

NHDES has been soliciting applications for the programs supported by ARPA funding since the fall of 2021 and has offered approximately $145 million in ARPA funding for drinking water, wastewater and

stormwater infrastructure-related projects. Through implementation of the ARPA funding programs, NHDES has determined that additional funding should be allocated to contracts for program services to provide laboratory analytical services for NHDES programs. NHDES original personnel costs were budgeted through the end of FY24. Given additional guidance from the US Treasury Department, personnel has been budgeted through the end of the ARPA program. NHDES is requesting the transfer of funds from Class 72 Grants and Class 46 Consultants to cover additional personnel, contracts and interagency grants in order to best use the available appropriation.

NHDES is requesting to budget and/or transfer funds as shown below:

Class 018 To cover the cost for overtime for personnel.

Class 027 To cover costs for Department of Information Technology services.

Class 028 To cover costs for state office building rent and related services.

Class 039 To cover the costs of telecommunications.

Class 040 To cover the program share of statewide indirect costs.

Class 041 To cover audit set aside cost allocation.

Class 042 To cover the program share of additional fringe benefit costs.

Class 046 To reduce funds for outside consulting firms needed for other activities.

Class 050 The additional amount of $483,473 will not be used for new positions. Employee support from exising DES organizational units will be utilized to administer this program. These funds will be used to supplant funding of the following full time positions. FAQ 48 from US Treasury states that payroll and benefits of employees managing new grant programs established with FRF is an allowable use.

| Position # | Classification Title | Account 03-44-44- | Funding Mix | Amount |
|---|---|---|---|---|
| 43237 | Environmentalist IV | 442010-3855 | 100% Other | $140,000 |
| 42193 | Environmentalist III | 442010-3855 | 100% Other | $119,410 |
| 12114 | Environmentalist IV | 442010-7602 | 100% Federal | $11,211 |
| 10026 | Administrator III | 442010-3642 | 100% Federal | $12,852 |
| 9T2987 | Environmentalist II | 444010-8873 | 100% Other | $100,000 |
| 9T2988 | Environmentalist II | 444010-8873 | 100% Other | $100,000 |
| | | | Total | $483,473 |

Funding in the amount of $483,473 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 059 To cover the costs associated with the nine full time temporary positions previously approved by Fiscal Committee and Governor & Council.

| Classification Title | Position # | Labor Grade | Salary Range |
|---|---|---|---|
| Business Aministrator II | 9T3089 | 24 | $54,951 - $77,649 |
| Accountant IV | 9T3090 | 23 | $52,667- $74,276 |
| Accountant II | 9T3091 | 18 | $43,017 - $59,514 |
| Civil Engineer III | 9T3092 | 24 | $54,951 - $77,649 |
| Env Program Manager | 9T3093 | 27 | $62,576 - $89,154 |
| Environmentalist III | 9T3094 | 23 | $52,667- $74,276 |
| Environmentalist III | 9T3095 | 23 | $52,667- $74,276 |
| Environmentalist IV | 9T3096 | 27 | $62,576 - $89,154 |
| Sanitary Engineer III | 9T3097 | 31 | $74,276 - $106,821 |

Class 060 To cover benefits for personnel costs.

Class 066 To cover costs for employee training.

Class 072 To reduce funds for grants needed for other activities.

Class 085 To cover pass through grants to the Fish & Game Department and the Department of Health & Human Services.

Class 102 To cover costs for outside engineering firms.

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 transfer is for continuing ARPA programs.

2) Is this transfer required to maintain existing program level or will it increase the program level?
This transfer is to maintain existing ARPA program level.

3) Cite any requirements which make this program mandatory. n/a

4) Identify the source of the funds on all accounts listed on this transfer.
American Rescue Plan Act of 2021 (ARPA)

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:
Yes.
   a. Number of positions budgeted in each account. 9
   b. Number of positions filled in each account. 9
   c. Reason for vacant positions. There are currently no vacancies
   d. Have any positions been transferred previously in these accounts? No
   e. Will any positions be transferred as a result of this request? No

We respectfully request your approval of these items.

Robert R. Scott, Commissioner
NH Department of Environmental Services

# State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES
25 Capitol Street – Room 120
Concord, New Hampshire 03301
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FIS 23 166

APPROVED
FISCAL COMMITTEE
DATE 5/19/2023
ITEM # FIS 23-166

Charles M. Arlinghaus
Commissioner

Catherine A. Keane
Deputy Commissioner

Sheri L. Rockburn
Assistant Commissioner

April 27, 2023

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court and

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

APPROVED G & C
DATE 5/31/2023
ITEM # 160

## REQUESTED ACTION

Pursuant to RSA 14:30-a, VI and RSA 124:15, the Department of Administrative Services (DAS) is seeking approval on behalf of State Agencies to amend the accept and expend of American Rescue Plan Act (ARPA) State Fiscal Recovery Funds (SFRF) requests by extending the end date for funding, new positions, and/or new Class 046-Consultants, created in relation to the acceptance of ARPA SFRF funds, from June 30, 2023 to June 30, 2024, effective upon approval of the Fiscal Committee and the Governor and Executive Council. 100% Federal Funds.

## EXPLANATION

The Department of Administrative Services is seeking approval, on behalf of the State Agencies listed in Attachment A, to extend the effective date of the attached items from June 30, 2023 to June 30, 2024. This extension is allowable under the "procedural rules amendment" approved at the previous Fiscal Committee meeting on April 21, 2023. All items included in the attachment have been previously submitted by the respective state agency responsible for the program and approved by both the Fiscal Committee and Governor and Executive Council. In addition, the Governor's Office of Emergency Relief and Recovery (GOFERR) has reviewed the attachment and concurs with the extensions requested.

While all ARPA SFRF must be obligated by December 31, 2024, and expended by December 31, 2026, this request only serves to authorize agencies' program balances that are unspent as of June 30, 2023, as well as positions and consultants created pursuant to RSA 124:15, to carry forward into FY24 and reauthorize projects or programs that were already intended to continue utilizing authorized ARPA SFRF into the next biennium. This will also grant agencies in coordination with GOFERR time to further evaluate projects and programs as the ARPA SFRF obligation deadline approaches in order to

ensure any funds that may need to be reallocated to other uses have sufficient time to do so. Any request to reallocate an existing budget or repurpose funds for new or existing projects will require future Fiscal Committee and Governor and Council approvals and are not contemplated in this item.

If this item is not timely approved, the State would need to issue layoff notices to employees hired into these federally funded positions, created under the original ARPA request, agencies would halt work on time-sensitive projects or payments on existing contracts, and ongoing programs would be unable to issue or follow through on awards. Further, each agency would then need to submit a retroactive request to July 1, 2023 for approval to reauthorize the positions and funding; however, the retroactive requests would not eliminate the need to issue layoff notices in June 2023.

Typically, agencies budget for known federal grants in the upcoming biennial budget; however, the budget guidance issued in August 2022 instructed Agencies to exclude all COVID-related funding from their FY24-FY25 budget submissions in order to maintain the authorization methodology, compliance protocols, and audit trail that had become standard for use and oversight of ARPA SFRF. Moreover, although the funding is authorized by the federal government beyond June 30, 2023, including this one-time funding would have erroneously inflated the FY24-FY25 State budget.

In the event that Federal Funds are no longer available, General Funds will not be requested to support these programs. The Department of Administrative Services seeks approval of this request.

Respectfully submitted,

Charles M. Arlinghaus
Commissioner

The State of New Hampshire

# Department of Environmental Services

Robert R. Scott, Commissioner

February 24, 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 14:30-a,VI authorize the Department of Environmental Services (NHDES) to amend Fiscal Item FIS 21-138, approved by the Fiscal Committee on June 8, 2021 and Item #101 approved by Governor and Council on June 16, 2021 by transferring funds in the amount of $10,000,000 between class lines, effective upon Fiscal Committee and Governor & Council approval through June 30, 2023. Funding is 100% Federal Funds.

**ARPA DES LOANS[1]**
**03-44-44-440010-2476**
**Fiscal Year 2022**

| Class | Budget Category | Current Budget | Requested Action | Revised Budget |
|---|---|---|---|---|
| Income | | | | |
| 000-400338 | Federal Funds | ($150,002,478) | $0 | ($150,002,478) |
| Expenditures | | | | |
| 18-500106 | Overtime | $40,000 | $0 | $40,000 |
| 20-500200 | Current Expense | $24,937 | $0 | $24,937 |
| 22-500255 | Building Rent-Other than State | $3,700 | $0 | $3,700 |
| 24-500225 | Maint Other than Bldg/Grnds | $3,000 | $0 | $3,000 |
| 27-582703 | Transfers to OIT | $88,740 | $0 | $88,740 |
| 28-582814 | Transfers to General Services | $63,396 | $0 | $63,396 |
| 30-500321 | Equipment | $28,171 | $0 | $28,171 |
| 37-500174 | Technology-Hardware | $19,380 | $0 | $19,380 |
| 38-500175 | Technology Software | $12,360 | $0 | $12,360 |
| 39-500188 | Telecommunications | $17,549 | $0 | $17,549 |
| 40-500800 | Indirect Costs | $155,870 | $0 | $155,870 |
| 41-500801 | Audit Set-Aside | $150,000 | $0 | $150,000 |

[1] All direct program costs will be accounted for using activity 00FRF602WB4401A, 00FRF602WB44018 and 00FRF602WB4401C and activity 00FRF602WB4401Z for administrative and indirect costs. Accounting classifications may be subject to technical changes at the discretion of the Department of Administrative Services' Division of Accounting Services.

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The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court and
His Excellency, Governor Christopher T. Sununu
and The Honorable Council



| Class | Budget Category | Current Budget | Requested Action | Revised Budget |
|---|---|---|---|---|
| 42-500620 | Additional Fringe Benefits | $84,515 | $0 | $84,515 |
| 46-500463 | Consultants | $300,000 | $0 | $300,000 |
| 50-500109 | Part Time Personnel | $591,004 | $0 | $591,004 |
| 59-500117 | Full Time Temporary | $918,531 | $0 | $918,531 |
| 60-500601 | Benefits | $829,132 | $0 | $829,132 |
| 66-500544 | Employee Training | $6,800 | $0 | $6,800 |
| 70-500705 | In-State Travel | $9,500 | $0 | $9,500 |
| 72-500574 | Grants – Federal | $134,490,454 | $8,250,300 | $142,740,754 |
| 80-500710 | Out of State Travel | $3,500 | $0 | $3,500 |
| 85-588591 | Inter Agcy Xfr Out of Fed Funds | $1,161,939 | $1,049,700 | $2,211,639 |
| 102-500731 | Contracts for Program Services | $1,000,000 | $700,000 | $1,700,000 |
| 301-504059 | Loans | $10,000,000 | ($10,000,000) | $0 |
| | Total | $150,002,478 | 0 | $150,002,478 |

**EXPLANATION**

The American Rescue Plan Act (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 expedite the United States' recovery from the economic and health effects of the COVID-19 pandemic.

The Act defines eligible uses of state and local funding, including responding to public health emergency, 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.

ARPA funds to NHDES were approved by the Fiscal Committee and Governor and Council in June of 2021 and October of 2021. NHDES has been soliciting applications for the programs supported by the ARPA funding. At the time of the initial appropriation, NHDES believed that a portion of the funds would be directed to loans to eligible entities to support eligible infrastructure projects. Subsequently, after considering evolving federal guidance and the deadlines established for obligating and expending the funds, it became clear that any funds awarded should be done so as grants. In addition, NHDES has determined that additional funding should be allocated to contracts for program services that will support eligible public water and wastewater systems in making the most full and effective use of the awarded funds. The transfer to class 85 is to fund grants to eligible state agencies. NHDES is requesting the transfer of $10,000,000 from class 301 Loans to Class 72 Grants, Class 85 Inter Agency Transfer out of Federal Funds and Class 102 Contracts for Program Services in order to best use the available appropriation.

We respectfully request your approval of this item.

Robert R. Scott, Commissioner

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

**Robert R. Scott, Commissioner**

October 14, 2021

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 ACTIONS**

1. Pursuant to RSA 14:30-a, VI, authorize the Department of Environmental Services (NHDES) to accept and expend $100,000,000 in federal funds from the American Rescue Plan Act of 2021 (ARPA) to fund investments in drinking water and wastewater infrastructure, effective upon Fiscal Committee and Governor & Council approval through June 30, 2023. This is an allowable use of ARPA FRF funds under Section 602 (c)(1)(D) for water and sewer infrastructure as well as Section 602 (c)(1)(C) for provision of government services to the extent of the reduction in revenue. Funding is 100% Federal Funds.

2. Pursuant to the provisions of RSA 124:15,I, authorize NHDES to establish one full time temporary position effective upon Fiscal Committee and Governor & Council approval through June 30, 2023. The position was approved by the Division of Personnel on April 29, 2021. A copy of the approval documentation is attached.

| Classification Title | Position # | Labor Grade | Salary Range |
|---|---|---|---|
| Environmentalist IV | 9T3096 | 27 | $56,218 - $80,106 |

Funding is to be appropriated as follows:

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ARPA DES LOANS[1]
03-44-44-440010-2476
Fiscal Years 2022-2023

| Class | Budget Category | Current Budget | Requested Action | Revised Budget |
|---|---|---|---|---|
| Income | | | | |
| 000-400338 | Federal Funds | ($50,000,000) | ($100,000,000) | ($150,000,000) |
| Expenditures | | | | |
| 18-500106 | Overtime | $40,000 | 0 | $40,000 |
| 20-500200 | Current Expense | $24,937 | 0 | $24,937 |
| 22-500255 | Building Rent-Other than State | $3,700 | 0 | $3,700 |
| 24-500225 | Maint Other than Bldg/Grnds | $3,000 | 0 | $3,000 |
| 27-582703 | Transfers to OIT | $88,740 | 0 | $88,740 |
| 28-582814 | Transfers to General Services | $63,396 | 0 | $63,396 |
| 30-500321 | Equipment | $28,171 | 0 | $28,171 |
| 37-500174 | Technology-Hardware | $19,380 | 0 | $19,380 |
| 38-500175 | Technology Software | $12,360 | 0 | $12,360 |
| 39-500188 | Telecommunications | $17,549 | 0 | $17,549 |
| 40-500800 | Indirect Costs | $149,349 | $6,521 | $155,870 |
| 41-500801 | Audit Set-Aside | $50,000 | $100,000 | $150,000 |
| 42-500620 | Additional Fringe Benefits | $75,555 | $8,960 | $84,515 |
| 46-500463 | Consultants | $300,000 | 0 | $300,000 |
| 49-588575 | Transfer to Other State Agencies | 0 | $1,000,000 | $1,000,000 |
| 50-500109 | Part Time Personnel | $591,004 | 0 | $591,004 |
| 59-500117 | Full Time Temporary | $814,694 | $101,359 | $916,053 |
| 60-500601 | Benefits | $776,426 | $52,706 | $829,132 |
| 66-500544 | Employee Training | $6,800 | 0 | $6,800 |
| 70-500705 | In-State Travel | $9,500 | 0 | $9,500 |
| 72-500574 | Grants – Federal | $36,260,000 | $98,230,454 | $134,490,454 |
| 80-500710 | Out of State Travel | $3,500 | 0 | $3,500 |
| 85-588Sxx | Inter Agcy Xfr Out of Federal Funds | $161,939 | 0 | $161,939 |
| 102-500731 | Contracts for Program Services | $500,000 | $500,000 | $1,000,000 |
| 301-504059 | Loans | $10,000,000 | 0 | $10,000,000 |
| | Total | $50,000,000 | $100,000,000 | $150,000,000 |

[1] All direct program costs will be accounted for using activity 00FRF602WB4401B and 00FRF602WB4401C for PFAS and activity 00FRF602WB4401Z for administrative and indirect costs. Accounting classifications may be subject to technical changes at the discretion of the Department of Administrative Services' Division of Accounting Services.

## EXPLANATION

The American Rescue Plan Act (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 ongoing recession.

The Act defines eligible uses of the state and local funding, including responding to public health emergency, 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.

Based on planning between the Department, legislative leadership, and the Governor's Office, a portion of the ARPA funds was initially allocated to NHDES to invest in the drinking water and wastewater infrastructure of New Hampshire. The initial $50 million appropriation was approved by the Fiscal Committee on June 8, 2021, Item #21-138 and by Governor & Council on June 16, 2021, Item #101, allowing NHDES to stand up the program by having the necessary initial staff in place to begin managing the infrastructure program and begin to award grant funding to entities. It was anticipated at the time that as additional ARPA funds were allocated to NHDES additional full time temporary positions would be established to meet the new, increased responsibilities. Given the magnitude of the funds being awarded for major drinking water and wastewater infrastructure projects, these responsibilities are significant, and include administering these funds as grants, with extensive financial and compliance monitoring being placed on NHDES to comply with federal transparency requirements.

Based on further planning between the Department, legislative leadership, and the Governor's Office NHDES is continuing to develop a detailed use plan for the additional ARPA funds based on interim guidance from the US Treasury Department.

NHDES is requesting to budget these additional 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 049 | To cover transfers to other State Agencies. |
| Class 059 | To cover the costs for the one full-time temporary position for coordination and execution of NHDES's management of investments in drinking and clean water infrastructure projects. |
| Class 060 | To cover benefits for full and part-time personnel. |

Class 072 To cover grants to entities for infrastructure projects and PFAS projects as authorized by HB 271 in the 2021 legislative session. Of the total $98Million increase, $25Million is earmarked for PFAS projects.

Class 102 To cover costs to outside engineering firms to assist with projects.

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:

   - **Environmentalist IV** (LG 27, $56,218 - $80,106) to supervise environmental program activities associated with public water system sustainability to promote maintenance, improvement and resilience of public water system infrastructure as associated with ARPA projects. Responsibilities include ensuring availability of broad funding options, processing funding actions, supervising review of applications, managing drinking water projects, review of reimbursement requests for payments, and assisting with federal reporting requirements such as Davis Bacon, American Iron and Steel and Minority and Women's Business Enterprise in order to ensure the proper and timely reporting of ARPA funding recipients.

2. ***Explain the Nature, Need, and Duration of the Program:*** The American Rescue Plan Act of 2021 is providing funds to states through the Coronavirus State Fiscal Recovery Fund to assist states with the economic impacts of the pandemic. To this end, this portion of those funds is earmarked for water and sewer infrastructure improvement investments. The program runs through December 31, 2024 for obligating the funds and through December 31, 2026 for expending the funds.

3. **What is the Relationship to Existing Programs?**
   The ARPA funds will complement the existing Clean Water and Drinking Water State Revolving Fund programs as well as the Drinking Water/Ground Water Trust Fund in providing grants/loans for water and sewer 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 federal grant funds were not available at the time the department created its FY22/23 Operating budget request. Management of the overall ARPA funds is being coordinated through GOFERR.

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 awarded without approval of the position. Current staff resources would preclude timely review and processing of work scope authorizations, reports, engineering plans and loan/grant applications. Current staffing is not sufficient to allow timely execution of the work required under the federal requirements.

7. ***What is the Estimate of the Amount of Funding Required to Continue the Positions in Future Years?*** It is anticipated that the position is likely to continue until the ARPA funding expires on December 31, 2026. The estimated cost of this position in FY 24/25 is $177,740 and FY 26/27 is $137,304.

We respectfully request your approval of these items.

Robert R. Scott, Commissioner
NH Department of Environmental Services

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

**Robert R. Scott, Commissioner**

May 27, 2021

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 $50,000,000 in federal funds from the American Rescue Plan Act of 2021 (ARPA) to fund investments in drinking water, and wastewater infrastructure, effective as of July 1, 2021 through June 30, 2023, upon Fiscal Committee and Governor & Council approval. Funding is 100% Federal Funds. The Budget Table is shown on page 2 of this request.

2. Pursuant to the provisions of RSA 124:15,I, authorize NHDES to establish seven full time temporary positions effective as of July 1, 2021 through June 30, 2023, upon Fiscal Committee and Governor & Council approval. The positions were approved by the Division of Personnel on April 29, 2021. A copy of the approval documentation is attached.

| Classification Title | Position #. | Labor Grade. | Salary Range |
|---|---|---|---|
| Business Aministrator II | 9T3089 | 24 | $48,769 - $68,952 |
| Accountant II | 9T3091 | 18 | $38,200 - $52,845 |
| Civil Engineer III | 9T3092 | 24 | $48,769 - $68,952 |
| Env Program Manager | 9T3093 | 27 | $55,555 - $79,170 |
| Environmentalist III | 9T3094 | 23 | $46,761 - $65,949 |
| Environmentalist III | 9T3095 | 23 | $46,761 - $65,949 |
| Sanitary Engineer III | 9T3097 | 31 | $65,949 - $94,867 |

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ARPA Program
03-44-44-440010-24xx[1]
Fiscal Years 2022-2023

| Class | Budget Category | Current Budget | Requested Action | Revised Budget |
|---|---|---|---|---|
| Income | | | | |
| 000-40bxxx | Federal Funds | $0 | ($50,000,000) | ($50,000,000) |
| Expenditures | | | | |
| 18-500106 | Overtime | 0 | 40,000 | 40,000 |
| 20-500200 | Current Expense | 0 | 24,937 | 24,937 |
| 22-500255 | Bldg Rent-Other than State | 0 | 3,700 | 3,700 |
| 24-500225 | Maint. Other than Bldg/Grnds | 0 | 3,000 | 3,000 |
| 27-582703 | Transfers to DOIT | 0 | 88,740 | 88,740 |
| 28-582814 | Transfers to General Services | 0 | 63,396 | 63,396 |
| 30-500321 | Equipment | 0 | 28,171 | 28,171 |
| 37-500174 | Technology-Hardware | 0 | 19,380 | 19,380 |
| 38-500175 | Technology Software | 0 | 12,360 | 12,360 |
| 39-500188 | Telecommunications | 0 | 17,549 | 17,549 |
| 40-500800 | Indirect Costs | 0 | 149,349 | 149,349 |
| 41-500801 | Audit Set-Aside | 0 | 50,000 | 50,000 |
| 42-500620 | Additional Fringe Benefits | 0 | 75,555 | 75,555 |
| 46-500463 | Consultants | 0 | 300,000 | 300,000 |
| 50-500109 | Temporary Personnel | 0 | 591,004 | 591,004 |
| 59-500117 | Full Time Temporary | 0 | 814,694 | 814,694 |
| 60-500601 | Benefits | 0 | 776,426 | 776,426 |
| 66-500544 | Employee Training | 0 | 6,800 | 6,800 |
| 70-500705 | In-State Travel | 0 | 9,500 | 9,500 |
| 72-500574 | Grants – Federal | 0 | 36,260,000 | 36,260,000 |
| 80-500710 | Out of State Travel | 0 | 3,500 | 3,500 |
| 85-588581 | Interagency Grants | 0 | 161,939 | 161,939 |
| 102-500731 | Contracts - Program Services | 0 | 500,000 | 500,000 |
| 301-5040xx | Loans | 0 | 10,000,000 | 10,000,000 |
| | Total | $0 | $50,000,000 | 50,000,000 |

*[1]All direct program costs will be accounted for using activity 00FRF602WB4401A and all administrative and indirect costs will be accounted for using activity 00FRF602WB44012.*

3. Subject to approval of Item #1, authorize the Department of Environmental Services to enter into a Memorandum of Agreement with the NH Department Fish and Game (VC# 311244-B001) in an amount of not to exceed $293,665 to provide funding for one position to assist with timely protected wildlife reviews related to NHDES infrastructure permits, effective as of July 1, 2021 through December 31, 2024, upon Governor & Council approval, predicated on the future extension of funding by the Fiscal Committee and Governor & Council beyond June 30, 2023. 100% Federal Funds.

Funding is available in the account as follows with the authority to adjust encumbrances in each of the State Fiscal Years through the Budget Office, if needed and justified. Funding for FY22-25 is contingent upon continuing appropriation and availability of funds.

| | FY 22 | FY23 | FY24 | FY25 |
|---|---|---|---|---|
| 03-44-440010-24xx-085-588575 | $78,506 | $83,433 | $87,109 | $44,617 |

Dept of Environmental Services, ARPA Program, Interagency Federal Fund Grants

## EXPLANATION

The American Rescue Plan Act (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 ongoing recession.

The Act defines eligible uses of the state and local funding, including responding to public health emergency, 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.

Based on planning between the Department, legislative leadership, and the Governor's Office, a portion of the ARPA funds have been initially allocated to NHDES to invest in the drinking water and wastewater infrastructure of New Hampshire. This initial appropriation will allow NHDES to stand up the program by having the necessary staff in place to manage the infrastructure program and begin to award grant funding to entities. NHDES is developing a detailed use plan for the ARPA funds based on interim guidance from the US Treasury Department.

Some of these funds will be allocated to the Fish & Game Department to enable these agencies to work collaboratively with NHDES to achieve the primary goal of facilitating necessary water and sewer infrastructure improvements by providing support to help ensure timely processing of statutorily required protected threatened and endangered species consultations for associated land resource management permits.

Current staffing resources are not sufficient to deal with these new responsibilities given the magnitude of the funds being awarded for major drinking water and wastewater infrastructure projects, as grants, loans, and contracts and extensive financial and compliance monitoring being placed on NHDES to comply with federal transparency requirements.

NHDES is requesting to budget these funds as shown below:

| | |
|---|---|
| Class 018 | To cover the cost for overtime for personnel. |
| Class 020 | To cover costs for public outreach, postage, office supplies, field supplies, and vehicle use. |
| Class 022 | To cover costs for rented office equipment. |
| Class 024 | To cover repairs of field equipment and other instrumentation. |
| Class 027 | To cover costs for Department of Information Technology services. |
| Class 028 | To cover costs for state office building rent and related services. |
| Class 030 | To cover costs for office and field equipment. |
| Class 037 | To cover the costs for computers for new staff. |
| Class 038 | To cover the costs for software for new staff. |
| Class 039 | To cover the costs of telecommunications. |
| 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 046 | To cover the cost of outside engineering firms to assist with major projects |
| 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. FAQ 48 from US Treasury states that payroll and benefits of employees managing new grant programs established with FRF is an allowable use, therefore, these funds will be used to supplant funding for the following positions, which are currently budgeted. |

| Position # | Title | Account 03-44-44- | Funding Mix | Amount |
|---|---|---|---|---|
| 9T2909 | Administrator III | 444010-7428 | 100% Other | $ 31,346 |
| 9T2912 | Env Technician III | 444010-7428 | 100% Other | 26,155 |
| 9T2913 | Sanitary Engineer III | 444010-7428 | 100% Other | 42,570 |

| | | | | |
|---|---|---|---|---|
| 9T2983 | Administrator III | 444010-8873 | 100% Other | 25,448 |
| 9T2985 | Environmentalist IV | 444010-8873 | 100% Other | 65,016 |
| 40492 | Hydrogeologist IV | 444010-8893 | 100% Other | 32,018 |
| 9T2655 | Administrator IV | 444010-8893 | 100% Other | 35,588 |
| 9T2669 | Civil Engineer VI | 444010-8893 | 100% Other | 34,174 |
| 41225 | Administrator III | 441018-4718 | 100% Federal | 40,341 |
| 19124 | Administrator IV | 441018-4790 | 100% Other | 43,108 |
| 19868 | Env. Program Manager | 441018-4790 | 100% Other | 32,437 |
| 18324 | Administrator III | 441018-2002 | 100% Federal | 50,954 |
| 12051 | Civil Engineer VI | 441018-4788 | 100% Other | 34,180 |
| 12130 | Sanitary Engineer III | 441018-4788 | 100% Other | 32,766 |
| 12114 | Environmentalist IV | 442010-7602 | 100% Federal | 45,014 |
| 30001 | Env Program Manager | 442010-3642 | 100% Federal | 19,889 |
| | | | TOTAL | $ 591,004 |

Funding in the amount of $591,004 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 059 | To cover the costs for the seven full-time temporary positions for coordination and execution of NHDES's management of investments in drinking and clean water infrastructure projects. |
| Class 060 | To cover benefits for full-time and part-time personnel. |
| Class 066 | To cover costs for employee training. |
| Class 070 | To cover instate travel to project sites and outreach/public meetings. |
| Class 072 | To cover grants to entities for infrastructure projects. |
| Class 080 | To cover out-of-state technical training travel costs for staff. |
| Class 085 | To cover costs associated with F&G assistance being provided to the department with permitting of projects. |
| Class 102 | To cover costs for cybersecurity assessments and analysis. |
| Class 301 | To cover the cost of loans for drinking & clean water infrastructure projects. |

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:*** Seven fulltime, temporary positions as listed below:

   - **Business Administrator II** (LG 24, $48,769 - $68,952) to oversee all accounting and reporting activities of the American Rescue Plan Act (ARPA) program. This position will also research and ensure

compliance with all federal ARPA requirements, set up budgets, complete cash flows, fiscal and/or G&C requests as well as oversee the staff processing and reviewing transactions. This position will also review amortization schedules and final loan/grant documents to ensure correctness.

- **Accountant II** (LG 18, $38,200 - $52,845) to process transactions related to the ARPA program and prepare supporting financial reports, calculate income drawdowns, and maintain detailed financial records for this program. This includes but is not limited to reconciliation of subsystems to NHFIRST, calculate and prepare draws for expenditure reimbursement; analyze, audit and ensure accurate grant records and proper authorizations; prepares, processes and maintains all contract payments, disbursement requests, deposits and transfers of expenditures as necessary.

- **Civil Engineer III** (LG 24, $48,769 - $68,952) to review wastewater infrastructure engineering plans and perform oversight of the permitting and construction of wastewater infrastructure. This position would also be responsible for ensuring wastewater infrastructure projects are designed and constructed in accordance with applicable state statutes and rules. This position will provide support to the senior staff in the Design Review and Construction Management sections of the Wastewater Engineering Bureau.

- **Environmental Program Manager** (LG 27, $55,555 - $79,150) to provide project management and administration of the funds provided to communities for the planning, design and construction of wastewater infrastructure projects, in conjunction with loans funded under the Clean Water State Revolving Fund (CWSRF) program. Responsibilities to include, but not limited to, soliciting and processing project applications, funding agreements, and disbursements. This position will work closely with CWSRF staff of the Wastewater Engineering Bureau.

- **Environmentalist III** (LG 23, $46,761 - $65,949) to provide reviews of grant and loan programs associated with ARPA to ensure compliance with state and federal laws, rules and policies, relative to stormwater and hazard resilience projects. Responsibilities include performing review of funding applications and analyzing their scope of work, budget and project content to determine completeness and eligibility, and recommending appropriate action. This position would also be responsible for providing technical assistance to federal and state agencies, funding recipients, municipalities, community groups and individuals.

- **Environmentalist III** (LG 23, $46,761 - $65,949) to provide reviews of grant and loan programs associated with ARPA to ensure compliance with state and federal laws, rules and policies. Responsibilities include performing review of funding applications and analyzing their scope of work, budget and project content to determine completeness and eligibility, and recommending appropriate action. This position would also be responsible for providing technical assistance to federal and state agencies, funding recipients, public water systems and municipal groups and individuals.

- Sanitary Engineer III (LG 31, $63,999-$88,101) to review water supply infrastructure engineering plans and oversight of the permitting and construction of water supply infrastructure funded by ARPA. This position would also be responsible for reviewing applications for grants and loans and management of awarded grants and loans related to the work funded by ARPA.

2. ***Explain the Nature, Need, and Duration of the Program:*** The American Rescue Plan Act of 2021 is providing funds to states through the Coronavirus State Fiscal Recovery Fund to assist states with the economic impacts of the pandemic. To this end, this portion of those funds is earmarked for water and sewer infrastructure improvement investments. The program runs through December 31, 2024.

3. **What is the Relationship to Existing Programs?**
The ARPA funds will complement the existing Clean Water and Drinking Water State Revolving Fund programs as well as the Drinking Water/Ground Water Trust Fund in providing grants/loans for water and sewer 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 federal grant funds were not available at the time the department created its FY22/23 Operating budget request. Mangement of the overall ARPA funds is being coordinated through GOEFFR.

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 awarded without approval of the positions. Current staff resources would preclude timely review and processing of work scope authorizations, reports, engineering plans and loan/grant applications. Current staffing is not sufficient to allow timely execution of the work required under the federal requirments.

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 ARPA funding expires on December 31, 2024. The estimated cost of these positions in FY 24/25 is $910,541.

We respectfully request your approval of these items.

Robert R. Scott, Commissioner
NH Department of Environmental Services