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The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

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DEC 03 2025

October 30, 2025

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the New Hampshire Department of Environmental Services (NHDES) to amend a Memorandum of Agreement (MOA) (PO#1096322/1096418) with the New Hampshire Department of Health and Human Services, Division of Public Health (DPH) Concord, NH (VC# 202586-B001) for lead removal in drinking water at NH child care facilities, by increasing the amount by \$30,000, from \$1,087,404 to \$1,117,404 and extending the completion date to September 30, 2026 from December 31, 2025, effective upon Governor & Council approval. The original MOA was approved by Governor and Council on November 8, 2023, Item #93. 100% federal funds.

Funding is available in the account as follows:

03-44-44-441018-5564-085-588599	<u>FY 2026</u>
Dept Environmental Services, DWSRF BIL Administration	\$30,000
Interagency Transfer Out of Federal Funds	

EXPLANATION

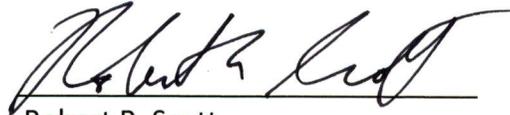
We request approval of this amendment to allow the DPH additional time to fully implement the scope of services outlined for the lead remediation initiative at licensed childcare facilities across the state. The allocated funds are being utilized to support both contractual and personnel expenses associated with administering the lead remediation grant program. This includes the procurement of lead testing equipment and the hiring of a part-time, temporary laboratory scientist to increase the state's capacity to analyze water samples for lead contamination.

While the lead testing equipment has already been acquired, a significant portion of the remediation grant funds remains unspent. Extending the project timeline will enable more licensed childcare facilities to access and benefit from the available remediation funding of which there is \$358,523 available. The remaining funds will also support continued staffing at DPH, ensuring sustained outreach, sampling efforts, and effective program administration. As of now, \$456,814 of the original \$1,087,404 grant has been expended. DPH will no longer use a contractor to administer the grant program and will use existing staff to support the program.

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
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In the event federal funds become no longer available, general funds will not be requested to support this program. This amendment has been approved by the Attorney General's Office as to form, substance and execution.

We respectfully request your approval of this item.

A handwritten signature in black ink, appearing to read "Robert R. Scott", written over a horizontal line.

Robert R. Scott,
Commissioner

**AMENDMENT #1
TO THE
MEMORANDUM OF AGREEMENT BETWEEN THE NEW HAMPSHIRE DEPARTMENT OF
ENVIRONMENTAL SERVICES AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION
OF PUBLIC HEALTH
RELATIVE TO LEAD REMOVAL IN DRINKING WATER AT NH SCHOOLS AND CHILD CARE FACILITES**

WHEREAS the NH Department of Environmental Services (NHDES) has entered into a Memorandum of Understanding (MOU) with the NH Department of Health and Human Services Division of Public Health (NHDPH), in the amount of \$1,087,404, for supporting the lead remediation efforts in NH licensed childcare facilities and NH schools through December 31, 2025, which was approved by Governor and Council on November 8, 2023, as Item #93.

WHEREAS there is a continuing need for funding to support removal of lead in drinking water for schools and child care facilities;

NOW THEREFORE, amend the original MOU between NHDES and NHDPH in the following manner:

1. Increase the total funding amount in Section 1. A. from \$1,087,404 to \$1,117,404 and add \$30,000 from account 03-44-44-44~~1010~~-5564-085-5885~~01~~.
2. Amend the end date of the MOA in Section 5, from December 31, 2025 to September 30, 2026.
3. Delete Exhibit A and B and replace with Exhibit A-Amendment 1 and Exhibit B-Amendment 1. Exhibit A-Amendment 1 and Exhibit B-Amendment 1 are attached hereto and incorporated into this amendment and agreement by reference.

All other conditions outlined in the Agreement shall remain in effect.

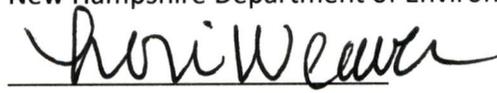
This Amendment shall take effect upon the date of approval of the Governor and Executive Council of the State of New Hampshire.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year written below.

By:


Robert R. Scott, Commissioner
New Hampshire Department of Environmental Services

11/3/25
Date


Lori A. Weaver, Commissioner
New Hampshire Department of Health and Human Services

9/17/25
Date


Assistant Attorney General *Keely Lovato*
Department of Justice
Approved as to form, substance and execution

10/07/25
Date

Interagency Memorandum of Understanding

Exhibit A – Amendment 1

For the purposes of the MOU, the New Hampshire Department of Environmental Services (NHDES) and the New Hampshire Department of Health and Human Services, Division of Public Health (DHHS/DPH) agree to cooperate as follows:

I. Department of Environmental Services:

The Department of Environmental Services agrees to:

1. Provide DHHS/DPH with technical expertise, including Get the Lead Out of Drinking Water program materials and access to NHDES' contractor, as well as testing results and remediation information, which are publicly available on NHDES' website.
2. Assist DHHS/DPH with project planning when appropriate.
3. Provide DHHS/DPH with funding as described in Exhibit B.
4. Approve final remediation plans submitted by child care providers to the Get the Lead Out program.

II. Department of Health and Human Services/Division of Public Health

The Department of Health and Human Services/ Division of Public Health agrees to:

1. Administer and manage a lead remediation grant for licensed child care programs. Grants should cover 100% of approved remediation costs for drinking water outlets that test at or above 5 parts per billion (ppb) for lead. Funding to DHHS/DPH for remediation of lead in drinking water for child care facilities is available via this MOU from the New Hampshire Drinking Water and Groundwater Trust Fund. The total cost of lead in drinking water remediation efforts covered by this MOU shall not exceed \$400,000.
2. Develop and maintain a grant application and review process, including application form(s).
3. Ensure that grant applicants have provided necessary documentation, including the grant application, a description of the work that was completed, and invoices/receipts/quotes detailing remediation costs.
4. Confirm that outlets were retested following remediation and that all outlets testing at/above 5 ppb were addressed.

5. Issue payments to grant awardees for lead remediation efforts. (Remediation costs for any other contaminants are not eligible for funding under this MOU.)
6. Submit disbursement requests to NHDES.
7. Connect facilities with resources to help them evaluate their remediation options, including the Get the Lead Out of Drinking Water Program Remediation Guide and NHDES' contractor.
8. Promote the grant program to child care providers via outreach to various professional organizations and via direct outreach to providers.
9. Participate in NHDES's Get the Lead Out of Drinking Water Advisory Team, and provide guidance on how best to engage with child care programs, promote the grant program, and recommend any changes that might be needed to more actively engage with child care providers to ensure compliance with the required testing.
10. Perform outreach to child care providers who have not completed testing to encourage them to test and connect them with available resources. Also perform outreach to child care providers who have not submitted remediation information to connect them with available resources.
11. Assist NHDES' efforts to provide additional support to child care programs in disadvantaged communities, which may include enrolling them in the lead testing program, assisting with completion of the outlet inventory, and to the extent feasible, providing sampling assistance.
12. Coordinate with the Child Care Licensing Unit to update licensing rules to be consistent with the lead testing requirements in RSA 485-17a.
13. Purchase equipment for analyzing lead and other metals in drinking water. DHHS will purchase a new inductively coupled plasma mass spectrometer (ICPMS) and additional spare parts, as described in the table below, the total cost for which is estimated to be \$200,000. This new instrument will expand the state's capacity for testing water samples, including lead in drinking water samples collected at schools and child care facilities.

Item	Description and Use
Inductively Coupled Plasma Mass Spectrometer (ICPMS)	Machine used to analyze drinking water samples for lead and other metals
Additional Spare Parts	Nebulizer, set of MS cones and tubing

14. Fund existing part-time and full-time positions to complete the lead testing and remediation activities described in items 1 to 12 above. The total cost of the positions and associated administrative costs is anticipated to be \$417,404 from November 8, 2023 to September 30, 2026.
15. Hire a temporary, part-time Laboratory Scientist to provide additional capacity for the Lab to analyze drinking water samples, including lead in drinking water samples collected as part of the RSA 485-17a testing program. The total cost of the position is anticipated to be \$100,000 from November 8, 2023 to September 30, 2026.

III. Mutual agreements of the parties

It is further understood and agreed between NHDES and DHHS/DPH:

1. This MOU may be modified in writing at any time by mutual consent of both parties and approval by the Governor and Council.
2. In the event that changes in either State or Federal laws or regulations occur which render the performance of portions of this MOU illegal, void, impractical or impossible, those responsibilities shall be removed from this MOU but such removal shall not affect the other provisions contained within the remainder of this MOU.

Interagency Memorandum of Understanding
Exhibit B – Amendment 1
Payment Terms

Personnel Time

Funding to DHHS/DPH for personnel time for this project is available via this MOU from federal grant funds awarded to NHDES by the U.S. Environmental Protection Agency (USEPA) as part of the Water Infrastructure Improvements for the Nation (WIIN) program under CFDA #66.444 and the Drinking Water State Revolving Fund Set-Asides under CFDA #66.468.

All applicable requirements, regulations, provisions, terms and conditions of this MOU will be adopted in full force and effect for the purpose of the work performed under this MOU in any subsequent agreement between the parties.

DHHS will submit quarterly invoices to NHDES for personnel time and administrative costs. The total amount of personnel time and administrative costs covered by this MOU shall not exceed \$517,404.

Lead Remediation Grant

Funding to DHHS/DPH for remediation of lead in drinking water for child care facilities is available via this MOU from the New Hampshire Drinking Water and Groundwater Trust Fund. DHHS/DPH will submit requests on an agreed upon schedule for reimbursement to NHDES using the Drinking Water and Groundwater Trust Disbursement form as supplied by the NHDES for payment of eligible lead remediation costs. The disbursement form shall be accompanied by proper supporting documentation based upon direct costs for lead remediation. All work shall be performed to the satisfaction of the NHDES before payment is made. The total cost of lead in drinking water remediation efforts covered by this MOU shall not exceed \$400,000.

Purchase of Lead Testing Equipment and Additional Spare Parts

Funding to DHHS/DPH for lead testing equipment is available via this MOU from federal grant funds awarded to NHDES as part of the WIIN and DWSRF programs. DHHS/DPH shall provide invoices with supporting documentation to NHDES for the cost of purchasing the equipment. The total cost of lead testing equipment covered by this MOU shall not exceed \$200,000.