



The State of New Hampshire
Department of Environmental Services

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Robert R. Scott, Commissioner

February 5, 2026

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 an American Rescue Plan Act Memorandum of Agreement (MOA) (PO#1088159) with the Winnepesaukee River Basin Program (WRBP) Franklin, NH (VC# 201164 B001), by modifying the purpose of agreement effective upon Governor & Council approval through September 1, 2026. This is a no-cost amendment. The original grant agreement was approved by the Governor and Council on July 27, 2022, Item #79 and amended on July 30, 2025, Item #5C. 100% federal funds.

EXPLANATION

We are requesting approval of this amendment in order to provide the Winnepesaukee River Basin Program (WRBP) a modification to the original agreed upon purpose of agreement. The project originally entailed only utilizing grant funding toward replacement of ten original emergency back-up generators at WRBP pump stations. Although the intention for the project still aligns with the original scope of work, WRBP has found that more design/planning base work is necessary before the back-up generators can be replaced. WRBP will use ARPA grant funds to upgrade the Wastewater Treatment Facility and pump stations, including engineering consulting and design services, equipment procurement, and installation. Funding will also support master planning, asset management assessments, planning, and design work for collection system improvements at any WRBP locations. Additional upgrades to emergency generators and automatic transfer switches will be completed to enhance system reliability, if time and funding allows. This is an allowable use of ARP FRF funds under Section 602 (c)(1)(D) to make necessary investments in water, sewer, or broadband infrastructure. To date, \$23,458.42 of the original \$459,000 grant has been spent.

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

We respectfully request your approval of this item.

Robert R. Scott
Commissioner

**Memorandum of Agreement between the
NH Department of Environmental Services and the
NH Department of Environmental Services Winnepesaukee River Basin Program
ARPA Grant CS-334203-13
Amendment No. 2**

This Agreement (hereinafter called the Amendment) dated this 23rd day of January, 2026, is by and between the State of New Hampshire, acting by and through its Department of Environmental Services (hereinafter referred to as the State) and the State of New Hampshire Department of Environmental Services Winnepesaukee River Basin Program acting by and through its Environmental Program Administrator, Sharon McMillin (hereinafter referred to as the Grantee).

WHEREAS, pursuant to a Memorandum of Agreement (hereinafter called the Agreement) approved by the Governor and Council on July 27, 2022 and amended on July 30, 2025, the Grantee agreed to perform certain services upon the terms and conditions specified in the Agreement and in consideration of payment by the State of certain sums as specified therein; and

WHEREAS, The Grantee and the State have agreed to amend the Agreement in certain respects.

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the Agreement and set forth herein, the parties hereto do hereby agree as follows:

1. Amendment and Modification of Agreement: The Agreement is hereby amended as follows:
 - (A) Delete I. Purpose of the Agreement and replace with I. Purpose of Agreement – Amendment 1. I. Purpose of the Agreement – Amendment 1 is attached hereto and incorporated into this amendment and agreement by referenced.
2. Effective Date of Amendment; This Amendment shall take effect upon the date of approval of this Amendment by the Governor and Executive Council of the State of New Hampshire.
3. Continuance of Agreement: Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement, and the obligations of the parties thereunder, shall remain in full force and effect in accordance with the terms and conditions set forth therein.

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

Sharon McMillin
Sharon McMillin, Environmental Program Administrator
NH Department of Environmental Services
Winnepesaukee River Basin Program

1/23/2026
Date

Robert R. Scott
Robert R. Scott, Commissioner
NH Department of Environmental Services

2/10/26
Date

Reviewed and approved as to form, substance, and execution:

Melissa Fzles
Assistant Attorney General
NH Department of Justice

2/11/26
Date

I. Purpose of the Agreement – Amendment 1

This Memorandum of Agreement (MOA) describes the award of federal grant funds to the New Hampshire Department of Environmental Services (NHDES) Winnepesaukee River Basin Program (WRBP) using American Rescue Plan Act of 2021 (ARPA) federal grant funds for WWTF and collection system improvements to ensure permit compliance and upgrades to generators and automatic transfer switches (ATS) at pump stations throughout the collection system.

WRBP will utilize ARPA grant funds to make improvements to the WWTF, which includes associated engineering consulting and design services, equipment procurement and installation, and improvements to pump station emergency generators and ATS. Engineering and consulting services will pertain to WRBP's master planning and design efforts, asset management assessments and inspections, and adaptation planning required under NPDES permit NH0100960 at any WRBP locations. Upgrades recommended from these plans and inspections may occur at the WWTF, pump stations, maintenance shop, or collection system. Additionally, design work for collection system pipeline rehabilitation or replacement will be included, prioritizing pending projects for the Gilford and Belmont forcemains. If time and funding allow, the grant will be used to improve generators and/or automatic transfer switches (ATS) at WRBP pump stations. Some pump stations require both generator and ATS replacements, some only require replacing the ATS, and others only require generator replacement. Load analysis, to determine appropriate generator sizing, will also be considered. Grant funds may cover engineering and consulting services, equipment procurement and installation, including electrical, instrumentation, programming, and engineering costs related to these upgrades. These activities are allowable under ARPA SRF Section 602(c)(1)(D) as necessary investments in water, sewer, or broadband infrastructure.

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 health effects of the COVID-19 pandemic and the resultant recession. The Act defines eligible uses of the state and local funding, including responding to public health emergencies, responding to workers performing essential work during the COVID-19 emergency, providing revenue relief to states and making investments in water, sewer, and broadband infrastructure.

The WRBP has been offered up to \$459,000 of ARPA grant funds and up to \$1,071,000 of Clean Water State Revolving Fund (CWSRF) loan funds to be applied to this project.

Grantee Initials SM

Date 1/23/2026