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Frank Edelblut
Commissioner

Christine Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
101 Pleasant Street
Concord, N.H. 03301
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FAX (603)-271-1953
Citizens Services Line 1-800-339-9900

February 11, 2019

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court
State House
Concord, NH 03301

[Signature]
Approved by Fiscal Committee 3/8/19
Date

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

REQUESTED ACTION

Pursuant to RSA 14:30-a, VI, authorize the Department of Education, Bureau of School Safety and Facility Management to accept and expend NH Lead Removal Drinking Water funds in the amount of \$1,600,000.00 from the NH Department of Environmental Services effective upon Fiscal Committee and Governor and Council approval through June 30, 2019. The budget for Fiscal Year 2019 is listed below. 100% Transfers from Other Agencies.

Funds to be budgeted as follows:

Lead Removal Drinking Water Funds

Account: 06-56-56-563510-11810000

Class/Object	Description	FY 2019
001/405885	Inter-Agency Transfers	\$(1,600,000)
073/500583	Grants Non-Federal	\$1,600,000
	Total:	\$1,600,000

EXPLANATION

On January 23, 2019, the Governor and Executive Council authorized the approval of a grant agreement between the New Hampshire Department of Environmental Services (NHDES) and the New Hampshire Department of Education (NHDOE) in the total amount of \$1,600,000 under the provisions of RSA 485:F for the NH's K-12 Schools Removal of Lead in Drinking Water project.

This was as a result of an application that NHDOE submitted for a grant from the NH Drinking Water and Groundwater Trust Fund for support to our more than 630 schools with eliminating or reducing exposure to lead from their drinking water if it was found present.

SB247 Preventing Childhood Lead Poisoning from Paint and Water was adopted Feb 8, 2018 requiring all public and private schools and licensed childcare facilities to test for lead at all locations where water is available for

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
and the Honorable Executive Council

February 11, 2019
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consumption by children. This important legislation is intended to protect our children from the very serious, irreversible health effects from lead exposure which can include long-term problems with physical and mental growth and development, slowed body growth, kidney problems, hearing problems, seizures, brain damage, lower IQ level, learning delays, reduced attention span, and behavior problems. Our educational facilities are buildings where children are potentially exposed to lead in their drinking water every school day, from Kindergarten through 12th grade.

Approval of this item will allow NHDOE to reimburse public, public-charter, and non-public schools for 50% of lead abatement costs, where needed and as shown through testing. These abatements may include treatment or removal of the source (e.g., piping replacements and/or fixture replacements).

We have been working closely with NHDES on the issue of the potential occurrence of lead in our school's drinking water and if approved, will continue to do so through the application process for these funds.

APPROPRIATION EXPLANATION

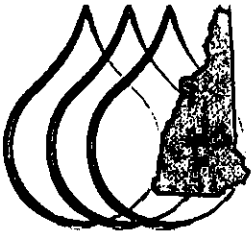
<u>Class</u>	<u>Class Description</u>	<u>Explanation</u>
073	Grants Non-Federal	Appropriation to provide grants to school districts for drinking water remediation

In the event Transfers from Other Agencies become no longer available, General Funds will not be requested to support this program. Attached is a copy of the Governor and Council Item which includes the agreement between NHDES and NHDOE.

Respectfully submitted,



Frank Edelblut
Commissioner of Education



NEW HAMPSHIRE DRINKING WATER & GROUNDWATER TRUST FUND



January 29, 2019

Commission Members

Senator Chuck Morse, *Chair*

Vacant, *Vice Chair*

Vacant, *Clerk*

Senator Tom Sherman,
House of Representatives

Rodney Bartlett, Public
Member

William W. Boyd, III, Town
Council Member

Bruce Bretton, Town
Selectman

Clark B. Freise, Governor's
Designee

Andrea Kenter, P.G., Public
Member

Dorothy Kurtz, Public
Member

Rachel Miller, NH State
Treasury

Lisa Morris, Division of Public
Health

Marco Philippon, NH Water
Works Association

Rick Russman, State or
Regional Land Trust Member

Paul Sanderson, NH Fish and
Game Department

Bernie Rousseau, Public
Member

Robert R. Scott, NH
Department of Environmental
Services

Tim Vadney, P.E., NH Water
Pollution Control Association

Christopher S. Way, NH
Economic Development

Frank Edelblut, Commissioner
NH Department of Education
101 Pleasant Street
Concord, NH 03301

Subject: NH Department of Education
Memorandum of Agreement Approved
NH's K-12 Schools Removal of Lead in Drinking Water Project

Dear Mr. Edelblut,

The purpose of this letter is to officially notify the Department of Education (DOE) of action taken by the Governor and Executive Council. On January 23, 2019, the Governor and Executive Council authorized the approval of a grant agreement between the Department of Environmental Services (DES) and the DOE in the total amount of \$1,600,000 under the provisions of RSA 485:F for the NH's K-12 Schools Removal of Lead in Drinking Water project.

Please note that this grant is a reimbursement program. DES will reimburse the DOE for any eligible expenses related to the scope of work identified in the MOA. We have attached a Request for Disbursement form which must be submitted by DOE with all supporting documentation.

If you have any questions regarding the grant please feel free to contact me at 271-7017 or johnna.mckenna@des.nh.gov.

Sincerely,

Johnna McKenna
Drinking Water and Groundwater Bureau

Enclosures: Grant Agreement and Disbursement Request Form

cc: Amy Clark, NHDOE, Administrator-School Safety & Facility Management
Erin Holmes, Administrator, NHDES Drinking Water and Groundwater Trust Fund
Traci Knieriemen, NHDES Accounting



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



January 3, 2019

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

APPROVED G & C.
DATE 1/23/19
ITEM # 76

REQUESTED ACTION

Authorize the Department of Environmental Services to enter into a Memorandum of Agreement (MOA) with the Department of Education (VC#.177900 B001), Concord, NH in the amount of \$1,600,000 for lead removal in drinking water at NH's schools, effective upon Governor & Council approval, through December 31, 2020. 100% Drinking Water and Groundwater Trust Fund.

Funding is available in the account as follows:

03-44-44-442010-3904-073-500580	<u>FY 2019</u>
Dept Environmental Services, Drinking Water and Groundwater Trust, Grants Non-Federal	\$1,600,000


EXPLANATION

The Drinking Water and Ground Water Trust Fund was created in 2016, using \$276 million of MtBE trial judgement funds, as authorized by RSA 485-F. The purpose of the Trust Fund is to provide sustainable, long-term funding for the protection, preservation, and enhancement of the drinking water and groundwater resources of the state. The Drinking Water and Groundwater Advisory Commission was established to administer the Trust Fund and to provide guidance to the State on the use of the Trust Fund.

On August 30, 2018, the Advisory Commission voted to authorize grants and loans for nineteen drinking water improvement projects. The Department of Education's NH's K-12 Schools - Removal of Lead in Drinking Water project request for \$1,600,000 was selected for grant funding from the Drinking Water and Groundwater Trust Fund. The District will use the grant funds to support the lead remediation efforts in NH schools by reimbursing public, public-charter, and non-public schools, K-12, for 50% of the lead remediation costs, where needed and as shown through testing.

This agreement has been approved by the Attorney General's Office as to form, substance and execution.

We respectfully request your approval.


Robert R. Scott
Commissioner

**MEMORANDUM OF AGREEMENT
BETWEEN
DEPARTMENT OF ENVIRONMENTAL SERVICES
AND
DEPARTMENT OF EDUCATION**

This Memorandum of Agreement (MOA) describes activities that have been agreed to between the New Hampshire Department of Environmental Services (NHDES) and the Department of Education (NHDOE) to utilize funding provided through the Drinking Water and Groundwater Trust Fund (DWGTF) funds received from NHDES for the purpose of providing grants to New Hampshire private and public K-12 schools to reduce and remove lead in their drinking water. This MOA will become effective upon approval by Governor and Executive Council. The project completion date is December 31, 2020.

NHDES issued recommendations for voluntary testing of lead in drinking water at all schools and daycares in Spring 2016, following increased awareness of lead toxicity to children from the water crisis in Flint, Michigan. On February 8, 2018, NH adopted Senate Bill 247 Preventing Childhood Lead Poisoning from Paint and Water. This law requires, among other actions, that all K-12 schools and licensed childcare facilities test lead in drinking water at all locations where water is available for consumption by children. The first round of testing is required to be completed by July 1, 2019, and every 5 years thereafter, until at least 3 consecutive rounds are below the standard.

Any locations showing 15 ppb (0.015 mg/L) or higher must be remediated. Remediation plans must be submitted and approved by NHDES and implemented within 30 days of the notification of test results to parents / guardians or as approved by the state. To support the lead remediation efforts in NH schools, a grant program totaling one million six hundred thousand dollars (\$1,600,000) was applied for and awarded from the DWGTF to reimburse public, public-charter, and non-public schools, K-12, for 50% of the lead remediation costs, where needed and as shown through testing.


For the purposes of this MOA, NHDES and NHDOE agree as follows:

1. NHDES and NHDOE shall assign appropriate staff to oversee the implementation of this MOA.
2. NHDES and NHDOE shall individually and collaboratively seek and utilize opportunities to disseminate information about availability of funding under the grant program.
3. NHDES will transfer to NHDOE the total of \$1,600,000 (the funds) to be administered by the DOE School Safety & Facility Management Bureau (SSFMB).

4. CRITERIA FOR USE OF FUNDS: The following process and criteria will be used by NHDOE to select projects to receive DWGTF lead remediation grant funding:
- a. Schools shall be eligible for funding for lead remediation projects approved by NHDES since February 8, 2018, which is when the law was signed.
 - b. Eligible projects include permanent lead removal solutions including, but not limited to, the removal/replacement of faucets, fixtures, fountains, solder, piping, and plumbing components as long as there is justification that what is being replaced is contributing to the lead levels.
 - c. Administrative costs shall be absorbed by NHDOE and shall not be charged against any of the transferred funds.
 - d. The school shall submit a remediation plan for any drinking water locations showing the presence of lead for NHDES approval. Any locations with levels of 15 ppb or higher are required to be addressed, but funding assistance will be eligible for remediation of levels of 5 ppb and higher. The remediation plan must include a budget and a request for grant funds.
 - e. Minimum grant amount that can be applied for is \$250 (total remediation cost \$500).
 - f. NHDES will approve the remediation plan and grant amount. NHDES will notify the school and NHDOE of approval. NHDOE will seek approval from Governor and Council for a list of grant projects approved by NHDES. The list will include the SAU number, school name, amount of grant, and a short description of the project.
 - g. After the work is completed the school will submit a signed request for reimbursement to NHDES along with all invoices, an acceptable post-remediation water sample, and an affidavit signed by all school board members attesting that the project is complete and the amount spent was in accordance with the approved remediation plan. If the request is complete NHDES will notify NHDOE to process payment.
 - h. NHDOE will reimburse the school up to 50% of the total eligible costs approved by DES, but not to exceed 50% of the estimated costs identified in the NHDES approved remediation plan.
5. GRANT ROUNDS: NHDOE and NHDES will partner to solicit grant applications in order to expend the funds, and will continue to do so until the funds are expended or the expiration of this agreement. Grant applications can be submitted year round and funds will be awarded on a first come first served basis.

6. FUND TRANSFERS: Upon execution of this MOA, NHDES will make the funds designated for this program available to NHDOE as a reimbursement.
- a. NHDOE will seek Governor and Council approval to expend the funds for each grant award.
 - b. NHDES will approve payment of the grant amount to the grantee after the remediation work has been completed and the post-sample result is satisfactory. Payment request must include a signed request for payment from authorizing agent, an affidavit signed by all school board members attesting that the project is complete and the amount spent was in accordance with the approved remediation plan. NHDOE will pay the amount approved by NHDES.
 - c. NHDOE will submit invoices on a monthly basis to NHDES. This shall include:
 - i. A cover letter requesting the payment of the funds with a current total being requested.
 - ii. An invoice consisting of a balance sheet with a line item for each award and payment processed.
 - d. NHDES will pay the NHDOE invoice from the obligated DWGTF funds.
7. AMENDMENT OR TERMINATION: This agreement may be amended by mutual consent of the Commissioners of NHDES and NHDOE, in writing, at any time. Either party may terminate this MOA upon providing written notice to the other, thirty (30) days prior to termination. Upon termination, NHDOE will be paid for any grants issued prior to termination.
8. DURATION: The project duration extends from the date of approval by Governor and Council through December 31, 2020 for program activities, invoicing and program year closeout, unless terminated by either party, or extended in writing by subsequent agreement of the parties and acceptance by Governor and Council.

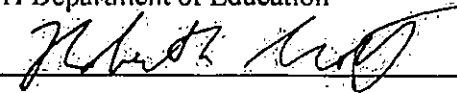
IN WITNESS WHEREOF, the respective parties have hereunto set their hands on the dates indicated.



Frank Edelblut, Commissioner
NH Department of Education

12/16/18

Date

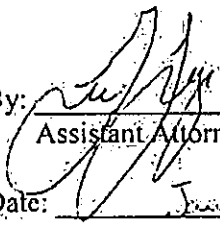


Robert R. Scott, Commissioner
NH Department of Environmental Services

1/9/19

Date

OFFICE OF THE ATTORNEY GENERAL

By: 
Assistant Attorney General
Date: January 9, 2019

I hereby certify that the foregoing agreement was approved by the Governor and Council of the State of New Hampshire at their meeting on _____, _____.

OFFICE OF THE SECRETARY OF STATE

By: _____

Title: _____