



AUG 09 10 12:44 DAS

The State of New Hampshire
Department of Environmental Services



Sam
78

Robert R. Scott, Commissioner

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

August 7, 2019

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

REQUESTED ACTION

Pursuant to the provisions of Chapter 145, subparagraph I, (a), Laws of 2019, the Department of Environmental Services, requests authorization to exceed the 3/12 limitation of said resolution for the accounts listed on the attached analysis, in the total amount of **\$164,850**, to the extent shown as projected deficits for the period of Fiscal Committee and Governor and Council approval through September 30, 2019. **16.1% General Funds, 64.9% Other Funds, 19.0% Federal Funds**

PERSONAL SERVICES OVERTIME - 100% FEDERAL Funding						
Division	Account	Program Title	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
03-44-44-442010	25900000	CERCLA PROGRAMS	18	1,250	1,500	(250)
03-44-44-442010	90000000	SECTION 105 PPG - AIR	18	375	1,175	(800)
		Federal Funding		1,625	2,675	(1,050)
PERSONAL SERVICES OVERTIME - 100% GENERAL Funding						
Division	Account	Program Title	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
03-44-44-440010	10000000	POLLUTION CONTROL PROGRAM	18	188	688	(500)
03-44-44-440010	29540000	DAM OPERATIONS	18	2,500	2,900	(400)
03-44-44-442010	54020000	SOLID WASTE PROGRAM	18	2,500	5,700	(3,200)
		General Funding		5,188	9,288	(4,100)
PERSONAL SERVICES OVERTIME - MIXED OR OTHER Funding						
Division	Account	Program Title	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
03-44-44-441018	13000000	WINNIPESAUKEE RIVER BASIN PROG	18	15,000	24,500	(9,500)
03-44-44-442010	14000000	OIL POLLUTION CONTROL	18	20,000	21,700	(1,700)

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

His Excellency, Governor Christopher T. Sununu
and The Honorable Council

Page 2 of 5

03-44-44-442010	38250000	SQUAM PROJECT	18	100	300	(200)
03-44-44-442010	38260000	NEWFOUND PROJECT	18	200	300	(100)
		Other Funding		35,300	46,800	(11,500)

PERSONAL SERVICES PART TIME - 100% FEDERAL Funding						
Division	Account	Program Title	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
03-44-44-440010	38520000	STATE MAPPING PROGRAM	50	1,882	3,982	(2,100)
03-44-44-442010	20610000	CLEAN VESSEL ACT	50	2,959	5,859	(2,900)
03-44-44-442010	20650000	BEACH II	50	13,051	17,451	(4,400)
03-44-44-442010	76020000	SURFACE WATER QUALITY PPG	50	44,025	59,525	(15,500)
03-44-44-443010	90000000	SECTION 105 PPG - AIR	50	3,190	4,890	(1,700)
03-44-44-444010	76030000	RCRA HW PROGRAM PPG	50	3,001	6,701	(3,700)
		Federal Funding		68,108	98,408	(30,300)

PERSONAL SERVICES PART TIME - 100% GENERAL Funding						
Division	Account	Program Title	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
03-44-44-440010	10130000	COMMISSIONER'S OFFICE	50	7,929	8,629	(700)
03-44-44-440010	38510000	NHGS ADMINISTRATION	50	7,107	8,307	(1,200)
03-44-44-442010	10000000	POLLUTION CONTROL PROGRAM	50	5,280	20,280	(15,000)
03-44-44-442010	15180000	LAKES - RIVERS MGMT	50	13,142	14,592	(1,450)
03-44-44-442010	15230000	SHELLFISH PROT PROG	50	13,485	14,185	(700)
		General Funding		46,943	65,993	(19,050)

PERSONAL SERVICES PART TIME - MIXED or OTHER Funding						
Division	Account	Program Title	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
03-44-44-440010	10020000	ADMINISTRATION - SUPPORT (G)	50	12,190	15,545	(3,355)
03-44-44-440010	10020000	ADMINISTRATION - SUPPORT (O)	50	9,974	12,719	(2,745)
03-44-44-440010	15510000	GEOLOGIC HAZARDS EVALUATION	50	4,813	26,313	(21,500)
03-44-44-441018	47880000	CWSRF LOAN MANAGEMENT	50	10,139	15,939	(5,800)
03-44-44-442010	13000000	WINNIPESAUKEE RIVER BASIN PROG	50	3,808	6,658	(2,850)
03-44-44-442010	14300000	LAKES RESTORATION FUND	50	4,742	11,742	(7,000)

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

His Excellency, Governor Christopher T. Sununu
and The Honorable Council

Page 3 of 5

PERSONAL SERVICES PART TIME – MIXED or OTHER Funding (Continued)						
03-44-44-442010	14360000	TERRAIN ALTERATION PROGRAM	50	3,384	6,084	(2,700)
03-44-44-442010	15220000	SALT APPLICATOR CERTIFICATIONS	50	10,907	12,257	(1,350)
03-44-44-442010	36730000	SHORELAND PROTECTION	50	4,869	7,169	(2,300)
03-44-44-442010	38120000	CONNECTICUT-COOS PROJECT	50	12,080	12,880	(800)
03-44-44-442010	89010000	RECREATION & YOUTH SKILL CAMP	50	4,924	16,424	(11,500)
03-44-44-443010	91010000	PERMIT FEE PROGRAM	50	3,152	6,352	(3,200)
03-44-44-443010	91030000	TITLE V FEE PERMITS	50	3,342	28,142	(24,800)
03-44-44-444010	53920000	HAZARDOUS WASTE CLEANUP FUND	50	7,269	16,219	(8,950)
		Other Funding		83,403	178,898	(95,495)
		General Funding		12,190	15,545	(3,355)
		Federal Funding (F)		69,733	101,083	(31,350)
		General Funding (G)		64,322	90,827	(26,505)
		Other Funding (O)		118,703	225,698	(106,995)
		Total Funding		\$252,758	\$417,608	(\$164,850)

EXPLANATION

The Department of Environmental Services (DES) respectfully requests that above expenditure classes in specific accounting units be increased for the amounts noted, in excess of the 3/12 limitation established pursuant to Chapter 145, subparagraph I, (a), Laws of 2019.

The deficits projected through the end of the continuing resolution, September 30, 2019, are the result of anticipated payroll and benefit obligations, which will exceed the 25% level of funding for FY 2019, as reflected in the DES agency budget request for the FY 2020-2021 biennium.

The primary driver for shortfalls expected in the Overtime (Class 18) lines is again due to the nature of work performed by DES staff. Many of our programs have staff who are "on call" for emergency response actions and must be compensated for their time under Personnel rules and the Collective Bargaining Agreement. In addition, summer is the high season for maintenance and repair construction work of our dams by in-house crews. DES has limited the use of overtime to the essential work only but since some overtime is concentrated in the summer months and since we can not predict when staff will be called out on emergencies, budgetary shortfalls are anticipated in the accounts listed above.

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

His Excellency, Governor Christopher T. Sununu
and The Honorable Council

Page 4 of 5

The primary driver for the shortfalls expected in the Part Time (Class 50) lines, is due to the nature of the key summer work performed by DES part time staff and the extensive mandated overtime costs incurred by DES staff during the field season. DES hires 45 interns each summer to perform much needed field work, including water sampling and testing for cyanobacteria and fecal bacteria at beaches, red tide sampling at clamming sites, drinking water and groundwater sampling for emerging contaminants, culvert mapping, and invasive aquatic weed mitigation work. Because the intern work is concentrated in the summer months, DES spends the majority of its Class 50 funds during the first quarter of the fiscal year, thus creating the budgetary shortfall under this CR.

Listed below are answers to standard questions required of all Fiscal Committee item requests, related to RSA 9:16-a, "Transfers authorized", RSA 14:30-a, VI "Expenditure of funds over \$100,000 from any Non State Source", or RSA 124:15, "Positions Authorized", or both, and all emergency requests pursuant to " Chapter 145, subparagraph I, (a), Laws of 2019, making temporary appropriations for the expenses and encumbrances of the State of New Hampshire":

- 1. Is the action required of this request a result of the Continuing Resolution for FY 2020?** Yes, this request is a result of the Continuing Resolution. This action would not have been requested if the FY 2020-2021 Operating Budget proposal had been approved.
- 2. If this request is retroactive what is the significance and importance of the action being effective from an earlier date?** This request is not retroactive.
- 3. Is this a previously funded and ongoing program established through Fiscal Committee and Governor and Executive Council action? (If so, include as an attachment the original documents as approved and cite the specific dates of authorization and end dates for each action as part of your answer to this question.)** This request is not related to prior Fiscal Committee and/or Governor and Council action.
- 4. Was funding for this program included in the FY 2018-2019 enacted Budget or requested and denied?** Appropriate funding for salaries and benefits was requested and authorized in the FY 2018-2019 enacted budget.
- 5. Is this program in total or in part, included in the vetoed FY 2020-2021 Operating Budget proposal currently pending for your department, or was it requested and denied?** The total funding needs to support the salaries and benefits for DES were requested and included in the FY 2020-20201 Operating Budget proposal currently pending.
- 6. Does this program include, either positions or consultants, and if so are the positions filled, vacant, or have offers pending? (Please provide details for each position and note whether consultant contracts have been awarded.)** This request is the result of the need for additional funding to support filled position costs associated the seven pay periods of the Continuing Resolution and other expected payroll anomalies, which occur annually.

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

His Excellency, Governor Christopher T. Sununu
and The Honorable Council

Page 5 of 5

7. What would be the effect should this program be discontinued or not initiated as a result of this request being denied? The State is obligated to make payment to individuals for the work that they perform on our behalf. The denial of the request would necessitate that DES return to Fiscal Committee with a transfer request compiled from any allowable expenditure class line with identical funding to mitigate the anticipated shortfalls in these salary and benefit lines.

We respectfully request your approval of this item.

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

Robert R. Scott
Commissioner