



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



*JEM*  
 38

**Robert R. Scott, Commissioner**

January 30, 2018

The Honorable Neal M. Kurk, Chairman  
 Fiscal Committee of the General Court  
 State House

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

**REQUESTED ACTIONS**

1. Pursuant to RSA 14:30-a, VI, authorize the Department of Environmental Services (NHDES) to **RETROACTIVELY** accept and expend \$625,824 in Drinking Water and Groundwater Trust Funds for the purpose of implementing RSA 485-F, effective as of October 1, 2017 through June 30, 2018, upon Fiscal Committee and Governor and Council approval. 100% Drinking Water and Groundwater Trust Fund.

Funding is to be appropriated as follows:

**Drinking Water and Groundwater Trust**  
**03-44-44-442010-39040000**  
**FY 2018**

| Class               | Budget Category                   | Current Budget | Requested Action | Revised Budget |
|---------------------|-----------------------------------|----------------|------------------|----------------|
| <b>Income</b>       |                                   |                |                  |                |
| 009-401831          | Trust Loan Fund                   | (\$40,204,700) | (\$625,824)      | (\$40,830,524) |
| <b>Expenditures</b> |                                   |                |                  |                |
| 018-500106          | Overtime                          | -0-            | 20,000           | 20,000         |
| 020-500200          | Current Expense                   | -0-            | 31,000           | 31,000         |
| 022-500255          | Building Rent-Other than State    | -0-            | 500              | 500            |
| 024-500225          | Maintenance Other than Bldg/Grnds | -0-            | 200              | 200            |
| 027-582703          | Transfers to OIT                  | -0-            | 7,601            | 7,601          |
| 028-582814          | Transfers to General Services     | -0-            | 7,014            | 7,014          |
| 030-500321          | Equipment                         | -0-            | 16,100           | 16,100         |
| 037-500174          | Technology-Hardware               | -0-            | 9,855            | 9,855          |
| 038-500175          | Technology Software               | -0-            | 4,805            | 4,805          |
| 039-500188          | Telecommunications                | -0-            | 4,045            | 4,045          |
| 040-500800          | Indirect Costs                    | -0-            | 30,957           | 30,957         |
| 042-500620          | Additional Fringe Benefits        | -0-            | 18,037           | 18,037         |

| Class Con't | Budget Category                | Current Budget | Requested Action | Revised Budget |
|-------------|--------------------------------|----------------|------------------|----------------|
| 049-584920  | Transfers to Other Agencies    | -0-            | 10,000           | 10,000         |
| 050-500109  | Temporary Personnel            | -0-            | 176,896          | 176,896        |
| 059-500117  | Full Time Temporary            | -0-            | 121,729          | 121,729        |
| 060-500601  | Benefits                       | -0-            | 155,285          | 155,285        |
| 066-500544  | Employee Training              | -0-            | 3,750            | 3,750          |
| 070-500705  | In-State Travel                | -0-            | 3,350            | 3,350          |
| 073-500580  | Grants – Non federal           | 11,530,000     | -0-              | 11,530,000     |
| 080-500710  | Out of State Travel            | -0-            | 3,500            | 3,500          |
| 101-500729  | Medical Payments to Providers  | -0-            | 1,200            | 1,200          |
| 102-500731  | Contracts for Program Services | 500,000        | -0-              | 500,000        |
| 301-504059  | Loans                          | 28,174,700     | -0-              | 28,174,700     |
|             | Total                          | \$40,204,700   | \$625,824        | \$40,830,524   |

2. Pursuant to the provisions of RSA 124:15,I, authorize NHDES to establish five full time temporary positions effective upon Fiscal Committee and Governor and Council approval through June 30, 2019. The positions were approved by the Division of Personnel on December 27, 2017. A copy of the approval documentation is attached.

| Classification | Administrator III         | Hydrogeologist III        | Sanitary Engineer III     | Environmental Technician III | Program Assistant I       |
|----------------|---------------------------|---------------------------|---------------------------|------------------------------|---------------------------|
| Position #:    | 9T2909                    | 9T2910                    | 9T2913                    | 9T2912                       | 9T2911                    |
| Labor Grade:   | 31                        | 27                        | 31                        | 14                           | 12                        |
| Salary Range:  | \$63,999.00 - \$88,101.00 | \$61,308.00 – \$84,142.50 | \$63,999.00 - \$88,101.00 | \$31,648.50 - \$41,827.50    | \$26,208.00 - \$34,125.00 |

**EXPLANATION**

This request is **RETROACTIVE** to October 1, 2017 because the Commission held its first meeting in September 2017 and gave NHDES its first assignments under the Trust Fund during that meeting. The New Hampshire legislature established the Drinking Water and Groundwater Trust Fund (Trust Fund) under RSA 485-F. The statute provides that NHDES shall provide administrative support to the Drinking Water and Groundwater Advisory Commission (Commission), including the following duties:

- Investigating, managing, and remediating contaminated groundwater;
- Assisting local and regional entities in development of local wellhead protection programs;
- Maintaining a statewide map identifying the classes of groundwater;
- Measuring levels of contamination statewide and generating maps to show areas of greatest contamination;
- Maintaining an inventory of wells serving public water supply systems;

- Administrating a competitive grant program for drinking water protection projects, and
- Administering a revolving loan fund.

This request addresses the administrative and staffing costs for implementing Trust Fund projects and supporting the Commission. Staff resources funded under other accounts have been temporarily accessed to assist in the preparation and oversight of the loan agreement with Textiles Coated International and to expedite planning and process development to facilitate immediate implementation of Trust Fund projects upon Fiscal Committee and Governor and Council approval. This request for administrative and staffing costs has been approved by the DWGW Advisory Commission. NHDES looked at using consultant services verses staff and found the consultant services to be nearly double the cost of an employee, based on five current and existing contracts for equivalent services.

Current staffing resources are not sufficient to deal with these new responsibilities given the magnitude of the expanding widespread perfluorinated compound (PFC) contamination in the state and the additional grants and loans. NHDES has temporarily diverted existing resources to address the expanding PFC contamination, initiate implementation of the Trust Fund and support the Commission. However, continued diversion of existing resources to support the work of the Trust Fund is not sustainable and will likely result in significant delays (1.5 to 2.0 years) in reviewing and responding to technical submittals associated with contaminated properties, potentially significant economic impacts to owners of contaminated industrial and commercial properties depending on NHDES actions to secure funding for property acquisitions or facility expansion, and significant delays in processing grant and loan applications for drinking water infrastructure projects. This request seeks to put into place sufficient resources to implement these new statutory requirement.

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, vehicle use and support of the Commission. |
| 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 building rent and related services.   |
| Class 030 | To cover costs for scientific instrumentation.   |
| Class 037 | To cover the costs for desktop computers for new staff.  |
| Class 038 | To cover the costs for desktop software for new staff.   |
| Class 039 | To cover the costs of telecommunications.  |
| Class 040 | To cover the program share of statewide indirect costs.  |

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- Class 042 To cover the program share of additional fringe benefit costs.
- Class 049 To cover costs associated with NHDOJ assistance with various legal issues, cost recovery and enforcement.
- 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. These funds will be used to supplant funding for the following positions, which are currently budgeted.

| Position # | Title                      | Account 03-44- | Funding Mix  | Amount   |
|------------|----------------------------|----------------|--------------|----------|
| 42142      | Environmentalist IV        | 444010-1421    | 100% Other   | \$5,222  |
| 18331      | Hydrogeologist IV          | 444010-2514    | 100% Federal | \$5,222  |
| 42430      | Civil Engineer V           | 444010-2514    | 100% Federal | \$14,900 |
| 42179      | Hydrogeologist IV          | 444010-2514    | 100% Federal | \$3,303  |
| 42717      | Environmentalist IV        | 444010-2514    | 100% Federal | \$4,523  |
| 42723      | Civil Engineer V           | 444010-2514    | 100% Federal | \$6,710  |
| 19867      | Hydrogeologist III         | 444010-2514    | 100% Federal | \$14,945 |
| 19729      | Administrator IV           | 444010-2590    | 100% Federal | \$5,276  |
| 40508      | Hydrogeologist III         | 444010-7603    | 100% Federal | \$3,116  |
| 40342      | Environmentalist IV        | 443010-7879    | 100% Federal | \$2,756  |
| 19727      | Hydrogeologist III         | 444010-5392    | 100% Other   | \$4,219  |
| 16873      | Hydrogeologist V           | 444010-5392    | 100% Other   | \$7,455  |
| 19128      | Environmentalist IV        | 444010-5392    | 100% Other   | \$6,491  |
| 9T2666     | Administrator III          | 444010-8893    | 100% Other   | \$7,159  |
| 9T2667     | Environmentalist IV        | 444010-8893    | 100% Other   | \$7,740  |
| 19746      | Environmentalist III       | 444010-8893    | 100% Other   | \$7,441  |
| 12105      | Environmentalist II        | 444010-8893    | 100% Other   | \$4,635  |
| 19746      | Environmentalist II        | 444010-8893    | 100% Other   | \$4,772  |
| 18554      | Sanitary Engineer III      | 442010-1425    | 100% Other   | \$9,930  |
| 12109      | Civil Engineer VI          | 441018-4790    | 100% Other   | \$11,222 |
| 19869      | Sanitary Engineer III      | 441018-4718    | 100% Federal | \$7,405  |
| 41225      | Administrator II           | 441018-4718    | 100% Federal | \$4,238  |
| 19121      | Business Administrator III | 441018-2002    | 100% Federal | \$11,562 |
| TMPPT4572  | Civil Engineer V           | 444010-1421    | 100% Other   | \$16,653 |

Funding in the amount of \$176,896 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 five full-time, newly-established temporary positions for coordination and execution of NHDES's response to emerging contaminants and meet the responsibilities specified in RSA 485-F.
- Class 060 To cover benefits for full-time and part-time personnel.
- Class 066 To cover costs for employee training.

- Class 070 To cover travel to contaminated sites and outreach/public meetings.
- Class 080 To cover out-of-state technical training travel costs for staff.
- Class 101 To cover costs for OSHA required field personnel medical monitoring.

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:** Five fulltime, temporary positions as listed below:
  - **Administrator III** (LG 31, \$63,999-\$88,101.00) to directly oversee and coordinate the work of the Trust Fund. This position would directly oversee a technical staff of four. Due to the large quantity and scope of work specified in the statute, it will be necessary for this position to coordinate work with multiple programs across NHDES. The position would be responsible for evaluating, planning, and integrating analysis of environmental data to formulate current and long-range strategies and policies and procurement of consulting and laboratory services. The fast paced nature of the myriad of projects and funding involved necessitates the hiring of an individual who can coordinate the evaluation and execution of work on more than fifty projects simultaneously, provide clear and timely direction to staff, provide timely reporting to the Commission, and serve as NHDES's primary point of contact with the Commission.
  - **Hydrogeologist III** (LG 27, \$53,898 - \$72,910.50) to provide project management capabilities for investigation and remediation of emerging contaminant impacted water supplies and properties and oversight of drinking water source protection projects. Project management duties would include performance of highly technical reviews of complex technical reports including contaminated site investigation reports, remedial action plans and remedy implementation reports. These reports would include complex hydrogeological and contaminant fate and transport modeling. This position would also be responsible for assisting the administrator in the procurement and management of environmental and civil engineering consulting services and analytical laboratory services, oversight of the performance of contracted work and assisting the administrator in the coordination of related work with personnel in other programs within NHDES.
  - **Program Assistant I** (LG 12, \$29,328 - \$38,512.50) to provide administrative support to the Commission and staff of the MtBE Remediation Bureau – Trust Fund Administration Section as well as the extended team of professionals located in programs across NHDES that are directly involved in the work of the Trust Fund. This position would also be responsible for assisting in the collection and management of environmental data and preparation of technical summary reports.

- **Environmental Technician III** (LG 14, \$31,648.50 – \$41,827.50) – to assist in the acquisition and management of drinking water supply well data, drinking water and groundwater quality data, preparation and updating of data maps, and scheduling and collection of drinking water and groundwater samples.
- **Sanitary Engineer III** (LG 31, \$63,999 - \$88,101.00) to review water supply infrastructure engineering plans and oversight of the permitting and construction of water supply infrastructure. This position would also be responsible for reviewing applications for grants and loans and management of awarded grants and loans related to the work of the Trust Fund.

2. ***Explain the Nature, Need, and Duration of the Program:*** The positions subject to this request will be funded until June 30, 2019. The primary responsibilities of the new positions are to coordinate and implement the response to emerging groundwater contamination issues, such as PFCs, and to manage the information and sampling data that is collected statewide on contamination in accordance with the provisions of RSA 485-F.

3. **What is the Relationship to Existing Programs?**

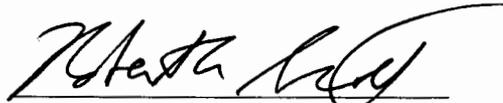
The MtBE Remediation Bureau – Trust Fund Administration Section (Section) that would be funded under this request would oversee work conducted under the Trust Fund. Section staff will be reviewing drinking water infrastructure related grant and loan applications, administering these infrastructure related grants and loans, managing contamination related site investigation and remediation efforts, collection and evaluation of drinking water quality and groundwater quality data, and assisting communities in source water protection efforts. Many of the responsibilities assigned under the Trust Fund parallel activities performed by other programs under the Drinking Water and Groundwater Bureau, Hazardous Waste Remediation Bureau and the Oil Remediation and Compliance Bureau. Therefore, existing staffing resources within each of these related bureaus would also be accessed to the extent possible to maximize efficiency. It is important that the work conducted under the Trust Fund is consistent with related work being performed by the above referenced bureaus. The Section would coordinate all work completed under the Trust Fund with the other involved bureaus to assure consistency in addressing infrastructure projects, contamination investigation and remediation work, data acquisition, database management, and cross-program functionality of data storage processes.

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 statutory changes were not put into place until the end of the legislative session and became effective on July 1, 2017. Additionally, the PFC contamination problem is relatively new and rapidly expanding in scope, costs and staff demands.

6. ***Can any Portion of the Funds Be Utilized if Either, None, or Only Part of the Positions are Authorized?*** Yes, the contracts, loans and grant portions of the requested funding could be used without approval of the positions. However, 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 statute.
  
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 emerging contaminants and methyl-tert-butyl ether (MtBE) threat is fully addressed. Future potential annual funding for positions is dependent on the volume of activity within the fund and is currently estimated in the \$1.2M range given our understanding of costs at this time.

We respectfully request your approval.



Robert R. Scott, Commissioner



*State Of New Hampshire*  
**DIVISION OF PERSONNEL**  
Department of Administrative Services  
State House Annex – 28 School Street  
Concord, New Hampshire 03301

**CHARLES M. ARLINGHAUS**  
Commissioner  
(603) 271-3201

**SARA J. WILLINGHAM**  
Director  
(603) 271-3261

December 27, 2017

Pamela Sopczyk  
Human Resources Administrator  
Dept. of Environmental Services  
6 Hazen Dr.  
Concord, NH 03301

**Regarding:** Request to establish a full-time temporary Administrator III, labor grade 31

Dear Ms. Sopczyk:

The Division of Personnel approves of your request dated December 6, 2017 to establish a full-time temporary Administrator III, labor grade 31 in the Waste Management Division, and have assigned the position number of 9T2909 pending approval of funding.

This position number will be inactive until you receive funding approval from the Fiscal Committee per RSA 124:15.

It will be your responsibility to bring the request for funding before the Fiscal Committee. You may use this letter as confirmation of our decision. Once you have obtained Fiscal Committee approval, please notify the Classification Section with documentation. Thank you.

Very truly yours,

Carol B. Jerry  
Deputy Director

Cc: Sara J. Willingham, Director of Personnel



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**SARA J. WILLINGHAM**  
Director  
(603) 271-3261

December 27, 2017

Pamela Sopczyk  
Human Resources Administrator  
Dept. of Environmental Services  
6 Hazen Dr.  
Concord, NH 03301

**Regarding:** Request to establish a full-time temporary Hydrogeologist III, labor grade 27

Dear Ms. Sopczyk:

The Division of Personnel approves of your request dated December 6, 2017 to establish a full-time temporary Hydrogeologist III, labor grade 27 in the Waste Management Division, and have assigned the position number of 9T2910 pending approval of funding.

This position number will be inactive until you receive funding approval from the Fiscal Committee per RSA 124:15.

It will be your responsibility to bring the request for funding before the Fiscal Committee. You may use this letter as confirmation of our decision. Once you have obtained Fiscal Committee approval, please notify the Classification Section with documentation. Thank you.

Very truly yours,

Carol B. Jerry  
Deputy Director

Cc: Sara J. Willingham, Director of Personnel



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Director  
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December 27, 2017

Pamela Sopczyk  
Human Resources Administrator  
Dept. of Environmental Services  
6 Hazen Dr.  
Concord, NH 03301

**Regarding:** Request to establish a full-time temporary Program Assistant I, labor grade 12

Dear Ms. Sopczyk:

The Division of Personnel approves of your request dated December 6, 2017 to establish a full-time temporary Program Assistant I, labor grade 12 in the Waste Management Division, and have assigned the position number of 9T2911 pending approval of funding.

This position number will be inactive until you receive funding approval from the Fiscal Committee per RSA 124:15.

It will be your responsibility to bring the request for funding before the Fiscal Committee. You may use this letter as confirmation of our decision. Once you have obtained Fiscal Committee approval, please notify the Classification Section with documentation. Thank you.

Very truly yours,

Carol B. Jerry  
Deputy Director

Cc: Sara J. Willingham, Director of Personnel



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Director  
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December 27, 2017

Pamela Sopczyk  
Human Resources Administrator  
Dept. of Environmental Services  
6 Hazen Dr.  
Concord, NH 03301

**Regarding:** Request to establish a full-time temporary Environmental Technician III,  
labor grade 14

Dear Ms. Sopczyk:

The Division of Personnel approves of your request dated December 6, 2017 to establish a full-time temporary Environmental Technician III, labor grade 14 in the Waste Management Division, and have assigned the position number of 9T2912 pending approval of funding.

This position number will be inactive until you receive funding approval from the Fiscal Committee per RSA 124:15.

It will be your responsibility to bring the request for funding before the Fiscal Committee. You may use this letter as confirmation of our decision. Once you have obtained Fiscal Committee approval, please notify the Classification Section with documentation. Thank you.

Very truly yours,

Carol B. Jerry  
Deputy Director

Cc: Sara J. Willingham, Director of Personnel



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Director  
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December 27, 2017

Pamela Sopczyk  
Human Resources Administrator  
Dept. of Environmental Services  
6 Hazen Dr.  
Concord, NH 03301

**Regarding:** Request to establish a full-time temporary Sanitary Engineer III, labor grade 31

Dear Ms. Sopczyk:

The Division of Personnel approves of your request dated December 6, 2017 to establish a full-time temporary Sanitary Engineer III, labor grade 31 in the Water Division, and have assigned the position number of 9T2913 pending approval of funding.

This position number will be inactive until you receive funding approval from the Fiscal Committee per RSA 124:15.

It will be your responsibility to bring the request for funding before the Fiscal Committee. You may use this letter as confirmation of our decision. Once you have obtained Fiscal Committee approval, please notify the Classification Section with documentation. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Carol B. Jerry".

Carol B. Jerry  
Deputy Director

Cc: Sara J. Willingham, Director of Personnel