



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

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Robert R. Scott, Commissioner

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October 23, 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, New Hampshire 03301

Approved by Fiscal Committee Date

**REQUESTED ACTION**

Pursuant to RSA 9:16-c, I, authorize the Department of Environmental Services (NHDES) to transfer funds in and among classes within an accounting unit in the amount of \$89,000 for better use of appropriated federal funds, effective upon Fiscal Committee and Governor & Council approval through March 31, 2019. 100% Federal funds.

Funding is to be budgeted as follows:

**N.H. LUST Trust Program  
03-44-44-444010-2075  
FY 2019**

Class	Budget Category	Current Budget	Requested Action	Revised Budget
<b>Income</b>				
000-404245	Lust Trust Program	(\$681,537)	\$0	(\$681,537)
<b>Expenditures</b>				
010-500100	Personal Service Perm	\$282,085	(\$89,000)	\$193,085
020-500200	Current Expense	\$1,150	\$0	\$1,150
027-500799	Transfers to DOIT	\$40,386	\$0	\$40,386
028-500292	Transfers to General Services	\$14,942	\$0	\$14,942
030-500302	Equipment	\$250	\$0	\$250
039-500188	Telecommunications	\$5,250	\$0	\$5,250
040-500800	Indirect Costs	\$39,589	\$0	\$39,589
041-500801	Audit Fund Set Aside	\$638	\$0	\$638
042-500620	Additional Fringe Benefits	\$30,264	\$0	\$30,264

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Class con't	Budget Category	Current Budget	Requested Action	Revised Budget
049-584995	Transfer to Other State Age	\$113	\$0	\$113
050-500109	Personal Service Temp	\$12	\$0	\$12
059-500117	Temp Full Time	\$25,000	\$89,000	\$114,000
060-500601	Benefits	\$237,700	\$0	\$237,700
066-501709	Employee Training	\$1,558	\$0	\$1,558
070-500705	In-State Travel	\$1,000	\$0	\$1,000
080-500716	Out-of-State Travel	\$600	\$0	\$600
101-500729	Medical Payments to Providers	\$1,000	\$0	\$1,000
<b>TOTAL</b>		<b>\$681,537</b>	<b>\$0</b>	<b>\$681,537</b>

#### EXPLANATION

In 1986, the Leaking Underground Storage Tank (LUST) Trust Fund was created by Congress to address petroleum released from federally regulated underground storage tanks (USTs). DES is delegated by the US Environmental Protection Agency (EPA) to: 1) oversee cleanups of petroleum releases by responsible parties, 2) enforce cleanups by recalcitrant parties, 3) pay for cleanups at sites where the owner or operator is unknown or unable to respond, or which require emergency actions, and 4) conduct inspections and other release prevention activities. Since the 1990s, DES has received a biennial grant of approximately \$1,420,000 and has typically used these monies to pay for personnel expenses addressing delegated responsibilities.

The transferred funds will be used for the personnel salaries listed below working in the petroleum contaminated site management program providing services in support of this program. Staff retirements and associated movement of staff to other positions not funded under this account resulted in underutilization of the Class 10 appropriation during the grant period. Current vacancies in fulltime positions funded under this account have necessitated reassignment of these duties to staff funded under other accounts. The requested transfer of funding from Class 10 to Class 59 will allow DES to fully utilize the current grant prior to its expiration and support cleanup of New Hampshire's LUST sites.

DES is requesting transfer of funding as follows:

Class 059 – Temp Full Time - \$89,000 is budgeted for transfers of existing positions' time from other DES organizational units to administer the LUST program. The funds will not be used for new positions, but are available in support of expending the grant funds by the March 31, 2019 expiration date. These funds will be used to supplant funding of the following positions, which are currently budgeted:

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Position #	Title	Budget	Funding Mix	Amount
16784	Civil Engineer V	03-44-444010-1421-010	100% Other	\$12,465
19508	Environmentalist IV	03-44-444010-1421-010	100% Other	\$13,889
19509	Environmentalist IV	03-44-444010-1421-010	100% Other	\$10,482
19525	Environmentalist IV	03-44-444010-1421-010	100% Other	\$12,511
42134	Program Spec. III	03-44-444010-1421-010	100% Other	\$12,329
42141	Hydrogeologist III	03-44-444010-1421-010	100% Other	\$12,511
42209	Program Spec. II	03-44-444010-1421-010	100% Other	\$14,813
Total				\$89,000

Classes 040 (Indirect Costs), 041 (Audit Fund Set-Aside), 042 (Additional Fringe Benefits), and 060 (Benefits) - There are no requested increases in these classes since there are sufficient funds already budgeted.

In the event that the Federal funds are not available to complete the grant, General Funds will not be requested to support these existing positions.

We respectfully request your approval.

  
Robert R. Scott, Commissioner  
Dept. of Environmental Services