



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

May 20, 2020



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The Honorable Mary Jane Wallner, 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

REQUESTED ACTION

Pursuant to RSA 14:30-a:VI, authorize the Department of Environmental Services (NHDES) to accept and expend \$243,368 in federal funds from the US Environmental Protection Agency for purposes of managing corrective action at leaking underground storage tank (LUST) sites, effective upon Governor and Council approval through March 31, 2021. 100% Federal funds.

Funding is to be budgeted as follows:

**N.H. LUST Trust Program
 03-44-44-444010-2075
 FY 2020**

Class	Budget Category	Current Budget	Requested Action	Revised Budget
Income				
000-404245	Lust Trust Program	(\$681,918)	(\$243,368)	(\$925,286)
Expenditures				
010-500100	Personal Service Perm	\$274,710	\$0	\$274,710
020-500200	Current Expense	\$1,250	\$0	\$1,250
027-582703	Transfers to DOIT	\$39,921	\$0	\$39,921
028-582814	Transfers to General Services	\$15,073	\$0	\$15,073
030-500302	Equipment	\$575	\$0	\$575
039-500188	Telecommunications	\$2,330	\$0	\$2,330
040-500800	Indirect Costs	\$41,608	\$4,224	\$45,832
041-500801	Audit Fund Set Aside	\$636	\$289	\$925
042-500620	Additional Fringe Benefits	\$22,666	\$8,855	\$31,521
049-584995	Transfer to Other State Agencies	\$108	\$0	\$108

Class (con't)	Budget Category	Current Budget	Requested Action	Revised Budget
050-500109	Personal Service Temp	\$33,977	\$145,000	\$178,977
059-500117	Temp Full Time	\$27,500	\$0	\$27,500
060-500601	Benefits	\$166,164	\$85,000	\$251,164
066-500543	Employee Training	\$2,200	\$0	\$2,200
070-500705	In-State Travel	\$1,000	\$0	\$1,000
080-500716	Out-of-State Travel	\$400	\$0	\$400
101-500729	Medical Payments to Providers	\$1,800	\$0	\$1,800
102-500731	Contract For Program Services	\$50,000	\$0	\$50,000
TOTAL		\$681,918	\$243,368	\$925,286

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). NHDES 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, unwilling, or unable to respond, or which require emergency actions, and 4) conduct inspections and other release prevention activities. Since the 1990s, NHDES has received a biannual grant of approximately \$1,420,000 and has typically used these monies to pay for personnel expenses addressing delegated responsibilities.

The additional funds will be used for the salaries and associated indirect costs, additional fringe benefits and benefits, of the full-time personnel, listed in the table below, working in the petroleum contaminated site management program, providing work and services in support of this program. Current vacancies in full-time positions funded under this account have necessitated reassignment of these duties to staff funded under other accounts. These additional funds will allow NHDES to efficiently utilize the grant, made available by EPA to support cleanup of New Hampshire's LUST sites, by March 31, 2021.

NHDES is requesting to accept and expend \$243,368 in LUST Trust Funds and to budget these funds as follows:

Classes 040, 041, 042, 060 – (Indirect Cost, Audit Fund Set Aside, Additional Fringe Benefits, and Benefits): Additional funds for each of these classes are based on a percentage of personnel costs.

Class 050 – (Salary Temporary Employees): \$145,000 is budgeted for existing positions from other NHDES organizational units used to administer the LUST program, will supplant funding budgeted for positions listed below and will support efficiently using grant funds by March 31, 2021.

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Position #	Title	Budget 03-44-444010	Funding Mix	Amount
16784	Civil Engineer V	1421-010	100% Other	\$19,003
40791	Hydrogeologist III	1409-000	100% Other	\$15,025
42141	Hydrogeologist III	1421-010	100% Other	\$8,011
42716	Clerk III	1421-010	100% Other	\$13,142
42209	Program Spec. II	1421-010	100% Other	\$18,928
19525	Environmentalist IV	1421-010	100% Other	\$8,838
42142	Environmentalist IV	1421-010	100% Other	\$9,924
18330	Hydrogeologist IV	1421-010	100% Other	\$9,447
42134	Program Spec. III	1421-010	100% Other	\$24,445
12117	Admin. Secretary	1421-010	100% Other	\$18,237
Total				\$145,000

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

**Lust Trust Program
FISCAL SITUATION FY20
03-44-44-444010-20750000**

Total Federal Awards	1,096,252
Less Expenditures thru 6/30/19	<u>60,671</u>
Remaining Authorization to Budget	1,035,581
Less Current FY20 Budget Authorization	<u>681,918</u>
Total Available for Budgeting	353,663
REQUESTED ACTION	<u>243,368</u>
Available to Budget at a later date	110,295

Grant Award Number	<u>Award Amount</u>	<u>Expenses to 6/30/19</u>	<u>Balance</u>
LS97199807	1,096,252	60,671	1,035,581
TOTAL	<u>1,096,252</u>	<u>60,671</u>	<u>1,035,581</u>

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 97199807 MODIFICATION NUMBER: 2 PROGRAM CODE: LS	DATE OF AWARD 05/12/2020
		TYPE OF ACTION Augmentation: Increase	MAILING DATE 05/19/2020
		PAYMENT METHOD: ASAP	ACH# 10108
RECIPIENT TYPE: State		Send Payment Request to: U.S. EPA RTP-Finance Center 4930 Page Road Mail Code AA216-01 Durham, NC 27703 rtpfc-grants@epa.gov	
RECIPIENT: New Hampshire D.E.S. 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095 EIN: 02-6000618		PAYEE: New Hampshire D.E.S. 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095	
PROJECT MANAGER Margaret Bastien 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095 E-Mail: Margaret.Bastien@des.nh.gov Phone: 603-271-7372		EPA PROJECT OFFICER Susan Hanamoto 5 Post Office Square, Suite 100, 07-1 Boston, MA 02109-3912 E-Mail: Hanamoto.Susan@epa.gov Phone: 617-918-1219	EPA GRANT SPECIALIST Trevor Tavano Grants Management Branch, 05-5 E-Mail: Tavano.Trevor@epa.gov Phone: 617-918-1235
PROJECT TITLE AND EXPLANATION OF CHANGES LUST Trust Support for Investigation and Remediation of Leaking Underground Storage Tanks Amendment #2 approves an Incremental Increase in Federal Funds in the amount of \$539,411 and a Supplemental Increase in Federal Funds in the amount of \$5,340. Recipient Contribution has been increased by \$594. Total Budget/Project Period Cost is now \$1,218,058. A Time Extension through 03/31/2021 is also approved. The Administrative Terms and Conditions have been updated. All Programmatic Terms and Conditions have been updated. All other Terms and Conditions remain unchanged, and in full force and effect.			
BUDGET PERIOD 04/01/2019 - 03/31/2021	PROJECT PERIOD 04/01/2019 - 03/31/2021	TOTAL BUDGET PERIOD COST \$1,218,058.00	TOTAL PROJECT PERIOD COST \$1,218,058.00
NOTICE OF AWARD			
Based on your Application dated 02/11/2019 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$544,751. EPA agrees to cost-share 90.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,096,252. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912		ORGANIZATION / ADDRESS U.S. EPA, Region 1 5 Post Office Square, Suite 100 Boston, MA 02109-3912	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Arthur Johnson - Director, Mission Support Division			DATE 05/12/2020