



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 13, 2016

Her Excellency, Governor Margaret Wood Hassan
 And the Honorable Council
 State House
 Concord, NH 03301

REQUESTED ACTION

Authorize the Department of Environmental Services (DES) to amend G&C Item #105, Fifteen Mile Falls Mercury Reduction Fund, approved August 31, 2005, by transferring appropriations in the amount of \$1,663 between classes, for the following accounting unit, effective upon Governor & Council approval. 100% dam re-licensing settlement funds. Funding to be budgeted as follows:

**Fifteen Mile Falls Mercury Reduction Fund
 03-44-44-440010-10180000
 FY 2016**

Class	Title	Current Budget	Requested Change	Revised Budget
Expenditures				
026-500251	Dues	0.00	1,663.00	1,663.00
050-500109	Personnel Services Temporary	1,660.69	(1,660.00)	0.69
060-500611	Benefits	3.45	(3.00)	0.45
068-500561	Remuneration	0.30	0.00	0.30
070-500707	In-State Travel	0.30	0.00	0.30
Total		1,664.74	0.00	1,664.74

EXPLANATION

The purpose of this request is to re-budget mercury reduction funds to allow funds to be used where they are needed to assist in administration of the State's Mercury Reduction Statute. The budget was originally approved by G & C on August 31, 2005 (item# 105) and amended on November 9, 2011 (item # 80) and again on April 22, 2015 (item #5c) . The program is funded 100% with dam re-licensing settlement funds.

The Fifteen Mile Falls (FMF) Mercury Reduction fund was created as a condition of the re-licensing of the Fifteen Mile Falls Dam on the upper Connecticut River, due to high mercury levels found in fish in the dam's reservoir. The fund's purpose is to support activities that reduce the use and release of mercury to New Hampshire's environment.

Her Excellency, Governor Margaret Wood Hassan

And the Honorable Council

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Funds are being transferred from various classes where they are no longer needed, to enable the Department to complete its obligations under the Fifteen Mile Falls work plan, as follows:

The additional amount of \$1,663 in Class 26 – Dues will partially pay membership dues for the Interstate Mercury Education and Reduction Clearinghouse (IMERC). IMERC is a regional, quasi-state organization that provides coordination and assistance to the northeast states in the administration of their mercury-added product laws. Without membership in this organization, the Department would need approximately one FTE to complete the work required under the law. New Hampshire is a founding member of IMERC, which has been in place since 2000. These funds are available in support of the work program authorized by a court settlement.

We respectfully request your approval.



Thomas S. Burack
Commissioner



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 7, 2015

APPROVED G & C

DATE 4/22/15
 ITEM # 5C

Her Excellency, Governor Margaret Wood Hassan
 And the Honorable Council
 State House
 Concord, NH 03301

REQUESTED ACTION

Authorize the Department of Environmental Services (DES) to amend G&C Item #105, Fifteen Mile Falls Mercury Reduction Fund, approved August 31, 2005, by transferring appropriations in the amount of \$ 4,271 between classes, for the following accounting unit, effective upon Governor & Council approval. 100% dam re-licensing settlement funds. Funding to be budgeted as follows:

**Fifteen Mile Falls Mercury Reduction Fund
 03-44-44-440010-10180000
 FY 2015**

Class	Title	Current Budget	Requested Change	Revised Budget
Expenditures				
020-500252	Current Expense	2,963	(2,633)	330
050-500109	Personnel Services Temporary	2,656	2,344	5,000
060-500611	Benefits	592	1,927	2,519
068-500561	Remuneration	21	(21)	0
070-500707	In-State Travel	1,617	(1,617)	0
Total		7,849	0	7,849

The purpose of this request is to re-budget mercury reduction funds to allow funds to be used where they are needed for data analysis and final report completion. The budget was originally approved by G & C in August, 2005 and amended in November, 2011. The program is funded 100% with dam re-licensing settlement funds.

The Fifteen Mile Falls (FMF) Mercury Reduction fund was created as a condition of the re-licensing of the Fifteen Mile Falls Dam on the upper Connecticut River, due to high mercury levels found in fish in the dam's reservoir. The fund's purpose is to support activities that reduce the use and release of mercury to New Hampshire's environment.

Funds are being transferred from various classes where they are no longer needed, to enable the Department to complete its obligations under the Fifteen Mile Falls work plan, as follows:

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The additional amount of \$2,344 in Class 50 – Personnel Services Temporary will provide the needed funding for the part-time temporary position supported by this account to continue until the end of 2015. These funds are available in support of the work program authorized by a court settlement.

Class 060 Benefits are being increased by \$1,927 in order to cover the increase in personnel expenses.

There is no class 042, Additional Fringe Benefits because the position being funded under this account is part-time and this assessment is not charged on part-time employees.

We respectfully request your approval.



Thomas S. Burack

Commissioner



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

October 5, 2011

APPROVED G & C

DATE 11/9/11

ITEM # 80

His Excellency, Governor John H. Lynch
 And the Honorable Council
 State House
 Concord, NH 03301

REQUESTED ACTION

Authorize the Department of Environmental Services (DES) to amend G&C Item #105, Fifteen Mile Falls Mercury Reduction Fund, approved August 31, 2005, by transferring appropriations in the amount of \$15,555 between classes, for the following accounting unit, effective upon Governor & Council approval. 100% dam re-licensing settlement funds. Funding to be budgeted as follows:

**Fifteen Mile Falls Mercury Reduction Fund
 03-44-44-440010-10180000
 FY 2012**

Class	Title	Current Budget	Requested Change	Revised Budget
Expenditures				
020-500252	Current Expense	\$2,328	\$1,109	\$3,437
026-500251	Membership Dues	\$0	\$10,000	\$10,000
040-500800	Indirect Costs	\$81	\$0	\$81
049-500294	Tfr. To Other State Agencies	\$1,109	(\$1,109)	\$0
050-500109	Personnel Services Temporary	\$7,302	\$2,446	\$9,748
060-500611	Benefits	\$1,165	\$0	\$1,165
068-500561	Remuneration	\$10,913	(\$9,225)	\$1,688
070-500707	In-State Travel	\$2	\$2,000	\$2,002
080-500717	Out-of-State Travel	\$800	\$0	\$800
0102-500731	Contracts for Program Services	\$5,221	(\$5,221)	\$0
Total		\$28,921	\$0	\$28,921

The purpose of this request is to re-budget mercury reduction funds to allow funds to be used where they are needed in the final phase of the program. The program is funded 100% with dam re-licensing settlement funds.

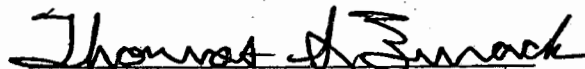
The Fifteen Mile Falls (FMF) Mercury Reduction fund was created as a condition of the re-licensing of the Fifteen Mile Falls Dam on the upper Connecticut River, due to high mercury levels found in fish in the dam's reservoir. The fund's purpose is to support activities that reduce the use and release of mercury to New Hampshire's environment.

Funds are being transferred from various classes where they are no longer needed, to enable the Department to complete its obligations under the Fifteen Mile Falls work plan, as follows:

- Class 020, current expense – add \$1,109 in order to purchase supplies and print outreach materials necessary for advancing mercury product collection programs;
- Class 026, membership dues – add \$10,000 for two years of membership in the Interstate Mercury Education & Reduction Clearinghouse (IMERC), a program of the Northeast Waste Management Officials' Association (NEWMOA). Under the guidance of state waste and mercury reduction officials, IMERC works to coordinate regional mercury reduction efforts, many of which are authorized under the approved FMF work plan. For example, IMERC serves as a single point of contact for businesses that must comply with NH and other state's mercury product laws, making compliance for businesses easier and more efficient. IMERC is even more critical to the Department's mercury reduction efforts since the staff position that managed many of the mercury reduction projects was recently eliminated;
- Class 050 Personnel Services Temporary – add \$2,446 in order to provide enough funding for the part-time temporary position supported by this account to continue until the end of FY 2012;
- Class 070 In-state Travel – add \$2,000 in order to provide funds to travel throughout the state doing outreach to municipalities and businesses on collection and recycling of mercury-added products.

There is no class 042 - Additional Fringe Benefits because the position being funded under this account is part-time and this assessment is not charged on part-time employees. There is no change in Class 060 because sufficient funds already exist in that class to support the position.

We respectfully request your approval.


Thomas S. Burack
Commissioner



The State of New Hampshire
 Department of Environmental Services



Michael P. Nolin
 Commissioner

August 31, 2005

His Excellency, Governor John H. Lynch
 and the Honorable Council
 State House
 Concord, New Hampshire 03301

APPROVED G & C
 DATE 31 August 2005
 ITEM # 105

REQUESTED ACTION

Authorize the Department of Environmental Services to budget and expend \$150,000.00 in prior year carry forward funds from TransCanada, Inc., Concord, NH, for implementation of mercury reduction initiatives effective upon approval by Governor and Council.

The funds will be budgeted as follows:

Fifteen Mile Falls Mercury Reduction Program
010-044-1018
FY 2006

Class	Title	Current Budget	Requested Action	Revised Budget
Expenditures				
009	Mercury Reduction Settlement	\$150,000.00	(\$150,000.00)	\$0.00
020	Current Expense	\$0.00	\$19,617.00	\$19,617.00
030	Equipment	\$0.00	\$10,000.00	\$10,000.00
040	Indirect Costs	\$0.00	\$2,031.00	\$2,031.00
049	Transfer to Other	\$0.00	\$3,407.00	\$3,407.00
050	Personal Services - Temp	\$0.00	\$47,649.00	\$47,649.00
060	Benefits	\$0.00	\$20,496.00	\$20,496.00
070	In-state Travel	\$0.00	\$1,000.00	\$1,000.00
080	Out of State Travel	\$0.00	\$800.00	\$800.00
090	Sample Analysis	\$0.00	\$20,000.00	\$20,000.00
091	Waste Disposal	\$0.00	\$25,000.00	\$25,000.00
Totals		\$150,000.00	\$0.00	\$150,000.00

EXPLANATION

The Department of Environmental Services has received \$150,000 in funds from TransCanada, Inc. to conduct mercury reduction activities in the Connecticut River Watershed area of New Hampshire. Approved activities include: collecting mercury and mercury-containing devices from area schools, dental offices and dairy farms; partnering with the State of Vermont to set up a mercury-containing lamp recycling program; purchase and use of a mercury analyzer for sampling the mercury content of fish and other items; and sampling of # 2 and # 6 fuel oils for mercury content. The funds were received as a result of negotiations between the State of NH, State of Vermont (VT has also received \$150,000), a variety of non-governmental organizations, the Federal Energy Regulatory Commission, other state and federal agencies and USGen (the original dam owner) during the re-licensing of the Fifteen Mile Falls Hydroelectric Dam on the Connecticut River. TransCanada has since purchased USGen and assumed the obligations entered into under the Fifteen Mile Falls (FMF) Settlement Agreement (dated August 6, 1997) and agreement regarding interpretation of the Fifteen Mile Falls Settlement Agreement (dated July 26, 2000). The negotiated settlement gives no limitation on when these funds must be used, therefore, no end date is specified. A copy of the interpretation agreement and the approved workplan are attached.

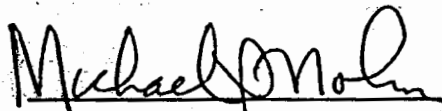
Class 20 funds will provide for supplies, printing, copying, workshops, postage, telephone and other expenses necessary to carrying out the workplan. Class 30 funds will be used toward purchase of a mercury analyzer. As required by state guidelines, funds in Class 40 will be used for indirect costs associated with the settlement funds. No funds were budgeted for class 41, Audit, because these are not federal funds. No funds were budgeted for class 042, Additional Fringe Benefits, because the grant does not support any full time staff. Class 49 funds will be used for rent, EAP and security guard costs. Class 50 funds will be used to pay for time worked on the project by two existing budgeted positions in the Pollution Prevention Program and funding in Class 60 will be used to pay for partial benefits coverage for the two budgeted positions. Class 70 and 80 travel funds will be used for travel associated with site visits and project outreach as well as attendance at workshops and meetings. Class 90 funds will be used for analysis of fuel oil samples and Class 91 funds will be used for disposal of elemental mercury and mercury devices collected from schools, dental offices, dairy farms and other targeted facilities (under the state's existing waste disposal contract).

The additional amount of \$47,649.00 in class 50, Personal Services – Temporary, will not be used for new positions. These funds are available in support of an expanded or new program beyond the original budget scope. Employee support from other Department of Environmental Services organizational units will be utilized to administer this program. These funds will be used to supplant funding of the following positions, which are currently budgeted:

Position #	19524	TEMPWM-6
Title	Supervisor VI	Program Assistant II (PT)
Budget	010-044-5401-010	010-044-4787-050
Funding Mix	100% General Funds	100% Federal Funds
Amount	\$35,145	\$12,504

Funding in the amount of \$47,649.00, which is budgeted for the current positions referenced above, will be either lapsed or closed to control resulting in a net zero increase in budgeted funds.

We respectfully request your approval.



Michael P. Nolin
Commissioner

Department of Environmental Services
Fiscal Situation
Fifteen Mile Falls Mercury Reduction Program
010-044-1018
FY2006

Total Grant Authorization	\$150,000.00
Less Expenditures through 6/30/2005	<u>\$0.00</u>
Remaining Authorization to Budget	\$150,000.00
Less Current FY2005 Budget Authorization	<u>\$0.00</u>
Total Available for Budgeting	\$150,000.00
REQUESTED ACTION	<u>\$150,000.00</u>
Available to budget at a later date	\$0.00

Grant Award	Award Amount	Expenditures to 6/30/2005	Balance
Current Request	\$150,000.00	\$0.00	\$150,000.00
	<u>\$150,000.00</u>	<u>\$0.00</u>	<u>\$150,000.00</u>

15 Mile Falls Mercury Reduction Project Workplan Summary
New Hampshire Department of Environmental Services
July 2005

INTRODUCTION

The most effective way to protect human health and the environment from damages caused by mercury is to prevent mercury from being released. NH, along with the other Northeast States, has spent the last few years working to reduce the most significant air and water emissions sources of mercury, and this has resulted in a 45% reduction in emissions from state sources. A large source of mercury that has not been fully addressed is the collection of elemental mercury and mercury-containing devices. Proper collection, handling and recycling of these items can greatly reduce the potential for environmental contamination, particularly due to the fact that these sources are often mishandled.

NHDES will use funds from the 15 Mile Falls Mercury Reduction fund to enhance mercury reduction by working with several sectors to actively collect and recycle mercury and mercury compounds that may otherwise be released to the environment. DES will also perform outreach activities to educate the targeted sectors about the dangers of mercury, promote proper handling and recycling of mercury containing products to prevent release, and encourage these sectors to purchase non-mercury alternatives, where appropriate. The sectors NHDES will work with are detailed below. In addition, the ongoing collection of data on mercury is critical to understanding whether mercury reduction efforts are having an impact on ecosystem recovery, and part of this proposal includes the funding of monitoring and sampling efforts.

A. MERCURY COLLECTION EFFORTS

1. **CT Valley Middle School and High School Mercury Collection:** Mismanagement and spills of elemental mercury have been documented as problems in middle and high schools throughout the region. Schools in states where collections have taken place have been found to harbor an average of 10 pounds of mercury each. DES has undertaken a limited effort over the past two years and our experience is similar to that of other states. At one high school we collected over 30 pounds of mercury. Most schools do not have programs or budgets to provide for disposal of unwanted, unused or out-of-date chemicals. Similarly, institutions of higher education may also contain significant amounts of mercury. DES will expand its mercury removal and recycling program to the 100 + middle schools and high schools in the Connecticut River Watershed. DES will attempt to leverage additional funds to address proper disposal of other hazardous materials in the schools and will work with schools to institute "chemical purchasing policies" to ensure that new mercury is not purchased or accepted into the school.

2. **Dental Office Mercury:** There are approximately 125 dental offices in the Connecticut River Watershed. Dentists previously used elemental mercury to make "silver" fillings, which are 50% mercury. Currently, most dentists use small capsules of amalgam to make the filling, instead of elemental mercury. Based on the experiences in other states, where collections have netted hundreds of pounds of mercury from this source, DES suspects that many dentists may still have old stores of elemental mercury in their offices or homes. DES will work with the NH Dental Society through an established partnership to organize collection and proper disposal of stored elemental mercury from dentists. *Removal to date – 0 pounds, additional estimated removal: 100 pounds.*

3. **Dairy Manometers:** There are currently about 100 commercial dairies located in the Connecticut Valley. Earlier models of milking machines use manometers that contain ½ pound of mercury each. DES will partner with the NH Department of Agriculture (NHDA) and work with NH dairies to collect and

dispose of mercury-containing manometers, and to encourage the purchase of non-mercury alternatives. In addition, DES would work with NHDA to locate closed dairies, contact them to determine if there are mercury manometers on site, and properly dispose of any identified manometers. *NHDES and VTDEC will coordinate on this sector, as both agencies will be targeting dairy farms. Removal to date: 0 pounds, additional estimated removal: 50 pounds.*

B. MERCURY MONITORING AND SAMPLING INITIATIVE

1. **Mercury Analyzer:** The Department will use \$10,000 in funds from the FMF mercury reduction fund towards the purchase of a mercury analyzer. The analyzer will be used to test freshwater fish tissue and other mercury-containing mediums in order to update the fish advisory as necessary and track progress on the state's mercury reduction efforts.

Contact Persons: Stephanie D'Agostino, Pollution Prevention Coordinator (603) 271-6398 / sdagostino@des.state.nh.us or Paul Lockwood, Pollution Prevention Program (603) 271-2955 / plockwood@des.state.nh.us

**Agreement Regarding Interpretation of
Fifteen Mile Falls Settlement Agreement**

The parties enter into this binding agreement to resolve uncertainties among them about the appropriate interpretation and implementation of the Fifteen Mile Falls Settlement Agreement, dated August 6, 1997 (the "SA"). This agreement is not an amendment of the SA.

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1. USGen New England, Inc. (the "Project Owner") agrees that expenditures for studies, plans and mitigation measures in an amount up to \$3.2 million in 1997 dollars (before any adjustments for inflation) shall not trigger the Project Owner's right to withdraw from the SA as provided in the introductory paragraph of Article VI and Article 7 (C) of the SA. The parties understand and agree that expenditures by the Project Owner for studies, plans and mitigation measures in excess of \$3.2 million in 1997 dollars (before any adjustments for inflation) shall trigger the right of the Project Owner to withdraw from the SA as provided in the introductory paragraph of Article VI and in Article 7(C) of the SA.
2. The calculation of inflation for purposes of Article 6 of the SA shall be based on a principal amount of \$3.2 million, commencing on July 1, 1997, by use of the United States Department of Commerce's Consumer Price Index. The inflation amount shall be calculated and credited as of December 31 of each year, based on the January 1 balance as adjusted by deduction of actual expenses paid during the accounting period. (There shall be an initial accounting for the six month period from July 1-December 31, 1997.)
3. The parties further agree that a total of up to \$500,000.00 (in 1997 dollars as adjusted for inflation) of the Article VI funds for studies, plans and mitigation measures shall be allocated for mercury reduction efforts in the States of Vermont and/or New Hampshire. Such funds shall be paid by the Project Owner one year after receipt of a joint, written request therefor signed by the State of Vermont, State of New Hampshire and an NGO signatory of the SA for specifically identified mercury reduction efforts. Notwithstanding the foregoing, no payment shall be due hereunder before July 1, 2002 or Completion of Licensing, whichever shall come later.

Dated at Lebanon, NH this 26th day of July, 2000.

State of New Hampshire

By: *Robert W. V.*

USGen New England, Inc.

By: *Michael G. Klein*

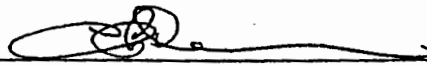
State of Vermont

By: *Justin Hughes*

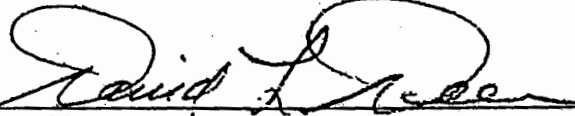
United States EPA

By: *Ralph W. Alule*

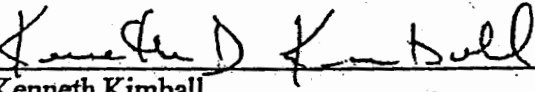
United States Fish and Wildlife Service

By:  _____


On behalf of all non-governmental organizations that are signatories to the SA:



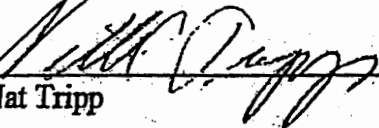
David Deen



Kenneth Kimball



Mark Sinclair



Nat Tripp