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Frank Edelblut  
Commissioner

Christine M. Brennan  
Deputy Commissioner

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF EDUCATION  
101 Pleasant Street  
Concord, NH 03301  
TEL. (603) 271-3495  
FAX (603) 271-1953

October 23, 2019

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

**REQUESTED ACTION**

Pursuant to a Memorandum of Agreement (MOA) with the Department of Environmental Services, approved at Governor & Council on January 23, 2019 (Item #76) and amended on June 5, 2019 (Item 5G), the Department of Education respectfully request approval to authorize expenditures from the Drinking Water and Groundwater Trust Fund with the below list of public schools; effective upon Governor and Council approval. 100% Drinking Water Trust Fund.

Funds are available in account titled, Lead Removal Drinking Water Funds, as follows:

06-56-56-563510-11810000-073-500583, Grants Non-Federal FY 2020  
\$6,691.37

District Name	SAU	School Name	Project Description	Award
Merrimack Valley	46	Merrimack Valley Learning Center; Penacook Elementary; Boscawen Elementary; Merrimack Valley High School	Installation of low-lead faucets and associated plumbing	\$ 799.13
Epsom	53	Epsom Central School	Installation of low-lead faucets and associated plumbing	\$5,892.24

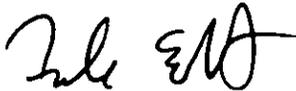
Total for this item: \$6,691.37

**EXPLANATION**

The Drinking Water and Groundwater Trust Fund was created in 2016, using \$276 million of MtBE trial judgement funds, as authorized by RSA 485-F. The purpose of the Trust Fund is to provide sustainable, long-term funding for protection, preservation, and enhancement of the drinking water and groundwater resources of the state. The Drinking Water and Groundwater Advisory Commission was established to administer the Trust Fund and to provide guidance to the State on the use of the Trust Fund. On August 30, 2018, the Advisory Commission voted to authorize the Department of Education's request for \$1,600,000 of grant funding for NH's K-12 schools to remove lead found in their drinking water systems.

On January 23, 2019, the Governor and Executive Council authorized the approval of a grant agreement between the New Hampshire Department of Environmental Services (NHDES) and the New Hampshire Department of Education (NHDOE) in the total amount of \$1,600,000 under the provisions of RSA 485:F for the NH's K-12 Schools Removal of Lead in Drinking Water project. This agreement was subsequently amended and approved on June 5, 2019 (Item #5G), by changing the eligibility date for reimbursement from February 8, 2018 to May 17, 2016 to allow schools that were proactive in their lead remediation efforts. The Districts will use the grant funds to support the lead remediation efforts in NH schools by reimbursing public, public-charter, and non-public schools, K-12, for 50% of the lead remediation costs, where needed and as shown through testing.

Respectfully submitted,



Frank Edelblut  
Commissioner of Education



The State of New Hampshire  
Department of Environmental Services

Robert R. Scott, Commissioner

Johanna McKenna



May 9, 2019

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

APPROVED G & C

DATE 6/5/19

ITEM # 56

REQUESTED ACTION

Authorize the Department of Environmental Services to amend a Memorandum of Agreement with the Department of Education relative to the *Grants to New Hampshire Private and Public K-12 Schools to Reduce and Remove Lead in their Drinking Water* by lengthening the period of cost recovery allowed. No additional funding is involved in this request. The original grant was approved by Governor and Council on January 23, 2019, Item #76. 100% Drinking Water and Groundwater Trust Fund.

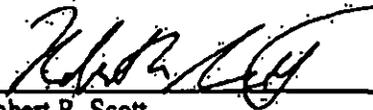
EXPLANATION

We are requesting this amendment in order to allow the Department of Education (DOE) to award grants to schools that were proactive in their lead remediation efforts. The DOE is using the grant funds to support lead remediation efforts in New Hampshire's schools by reimbursing schools, K-12, for 50% of the lead remediation costs, where needed and as shown through testing.

The current Memorandum of Agreement (MOA) with DOE allows grants to cover work completed by schools after February 8, 2018 which is when NH adopted Senate Bill 247 Preventing Childhood Lead Poisoning from Paint and Water. The New Hampshire Department of Environmental Services (NHDES) issued a letter to schools on May 17, 2016 that encouraged schools to test water from regularly used taps for lead. Several schools were proactive and sampled for lead and completed remediation work in 2016 and 2017. This amendment will change the eligible date for reimbursement by the grant from February 8, 2018 to May 17, 2016. To date, none of the \$1,600,000 grant funds have been spent, however, the program is starting to receive grant requests as more schools are completing their lead testing.

In the event that other funds become no longer available, General funds will not be requested to support this program. This amendment was approved by the Office of the Attorney General as to form, execution and content.

We respectfully request your approval,

  
Robert R. Scott  
Commissioner

AMENDMENT No. 1  
MEMORANDUM OF AGREEMENT BETWEEN  
N.H. DEPARTMENT OF ENVIRONMENTAL SERVICES  
AND  
N.H. DEPARTMENT OF EDUCATION

AGREEMENT RELATIVE TO GRANTS TO NEW HAMPSHIRE PRIVATE AND PUBLIC K-12 SCHOOLS TO  
REDUCE AND REMOVE LEAD IN THEIR DRINKING WATER.

This Agreement, hereinafter called the "Amendment," is by and between the Department of Education (NHDOE) and the Department of Environmental Services (NHDES).

WHEREAS, pursuant to a Memorandum of Agreement (MOA) approved by Governor and Council on January 23, 2019, NHDOE and NHDES agreed to perform certain services upon the terms and conditions specified in the MOA as specified therein; and

WHEREAS, the NHDOE and NHDES have agreed to amend the MOA in certain respects;

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the Agreement and set forth herein, the parties hereto do hereby agree as follows:

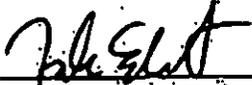
1. Change section 4 a. CRITERIA FOR USE OF FUNDS of the MOA to read:
  - a. Schools shall be eligible for funding for lead remediation projects approved by NHDES since May 17, 2016, which is when NHDES issued a letter requesting schools to sample.

Effective Date of Amendment: This Amendment shall take effect upon approval by the Governor and Executive Council of the State of New Hampshire.

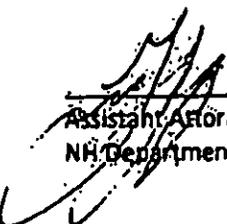
Continuance of Agreement: Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement, and the obligations of the parties thereunder, shall remain in full force and effect in accordance with the terms and conditions set forth therein.

  
\_\_\_\_\_  
Robert R. Scott, Commissioner  
NH Department of Environmental Services

5-15-19  
Date

  
\_\_\_\_\_  
Frank Edelblut, Commissioner  
NH Department of Education

4-26-19  
Date

  
\_\_\_\_\_  
Assistant Attorney General  
NH Department of Justice

5/17/19  
Date



The State of New Hampshire  
Department of Environmental Services

Robert R. Scott, Commissioner



January 3, 2019

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

APPROVED G & C  
DATE 1/23/19  
ITEM # 76

**REQUESTED ACTION**

Authorize the Department of Environmental Services to enter into a Memorandum of Agreement (MOA) with the Department of Education (VC# 177900 B001), Concord, NH in the amount of \$1,600,000 for lead removal in drinking water at NH's schools, effective upon Governor & Council approval, through December 31, 2020. 100% Drinking Water and Groundwater Trust Fund.

Funding is available in the account as follows:

03-44-44-442010-3904-073-500580  
Dept Environmental Services; Drinking Water and Groundwater Trust, Grants Non-Federal **FY 2019**  
\$1,600,000

**EXPLANATION**

The Drinking Water and Ground Water Trust Fund was created in 2016, using \$276 million of MBE trial judgement funds, as authorized by RSA 485-F. The purpose of the Trust Fund is to provide sustainable, long-term funding for the protection, preservation, and enhancement of the drinking water and groundwater resources of the state. The Drinking Water and Groundwater Advisory Commission was established to administer the Trust Fund and to provide guidance to the State on the use of the Trust Fund.

On August 30, 2018, the Advisory Commission voted to authorize grants and loans for nineteen drinking water improvement projects. The Department of Education's NH's K-12 Schools - Removal of Lead in Drinking Water project request for \$1,600,000 was selected for grant funding from the Drinking Water and Groundwater Trust Fund. The District will use the grant funds to support the lead remediation efforts in NH schools by reimbursing public, public-charter, and non-public schools, K-12, for 50% of the lead remediation costs, where needed and as shown through testing.

This agreement has been approved by the Attorney General's Office as to form, substance and execution.

We respectfully request your approval.

  
Robert R. Scott  
Commissioner

**MEMORANDUM OF AGREEMENT  
BETWEEN  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
AND  
DEPARTMENT OF EDUCATION**

This Memorandum of Agreement (MOA) describes activities that have been agreed to between the New Hampshire Department of Environmental Services (NHDES) and the Department of Education (NHDOE) to utilize funding provided through the Drinking Water and Groundwater Trust Fund (DWGTF) funds received from NHDES for the purpose of providing grants to New Hampshire private and public K-12 schools to reduce and remove lead in their drinking water. This MOA will become effective upon approval by Governor and Executive Council. The project completion date is December 31, 2020.

NHDES issued recommendations for voluntary testing of lead in drinking water at all schools and daycares in Spring 2016, following increased awareness of lead toxicity to children from the water crisis in Flint, Michigan. On February 8, 2018, NH adopted Senate Bill 247 Preventing Childhood Lead Poisoning from Paint and Water. This law requires, among other actions, that all K-12 schools and licensed childcare facilities test lead in drinking water at all locations where water is available for consumption by children. The first round of testing is required to be completed by July 1, 2019, and every 5 years thereafter, until at least 3 consecutive rounds are below the standard.

Any locations showing 15 ppb (0.015 mg/L) or higher must be remediated. Remediation plans must be submitted and approved by NHDES and implemented within 30 days of the notification of test results to parents / guardians or as approved by the state. To support the lead remediation efforts in NH schools, a grant program totaling one million six hundred thousand dollars (\$1,600,000) was applied for and awarded from the DWGTF to reimburse public, public-charter, and non-public schools, K-12, for 50% of the lead remediation costs, where needed and as shown through testing.

For the purposes of this MOA, NHDES and NHDOE agree as follows:

1. NHDES and NHDOE shall assign appropriate staff to oversee the implementation of this MOA.
2. NHDES and NHDOE shall individually and collaboratively seek and utilize opportunities to disseminate information about availability of funding under the grant program.
3. NHDES will transfer to NHDOE the total of \$1,600,000 (the funds) to be administered by the DOE School Safety & Facility Management Bureau (SSFMB).

4. **CRITERIA FOR USE OF FUNDS:** The following process and criteria will be used by NHDOE to select projects to receive DWGTF lead remediation grant funding:
- a. Schools shall be eligible for funding for lead remediation projects approved by NHDES since February 8, 2018, which is when the law was signed.
  - b. Eligible projects include permanent lead removal solutions including, but not limited to, the removal/replacement of faucets, fixtures, fountains, solder, piping, and plumbing components as long as there is justification that what is being replaced is contributing to the lead levels.
  - c. Administrative costs shall be absorbed by NHDOE and shall not be charged against any of the transferred funds.
  - d. The school shall submit a remediation plan for any drinking water locations showing the presence of lead for NHDES approval. Any locations with levels of 15 ppb or higher are required to be addressed, but funding assistance will be eligible for remediation of levels of 5 ppb and higher. The remediation plan must include a budget and a request for grant funds.
  - e. Minimum grant amount that can be applied for is \$250 (total remediation cost \$500).
  - f. NHDES will approve the remediation plan and grant amount. NHDES will notify the school and NHDOE of approval. NHDOE will seek approval from Governor and Council for a list of grant projects approved by NHDES. The list will include the SAU number, school name, amount of grant, and a short description of the project.
  - g. After the work is completed the school will submit a signed request for reimbursement to NHDES along with all invoices, an acceptable post-remediation water sample, and an affidavit signed by all school board members attesting that the project is complete and the amount spent was in accordance with the approved remediation plan. If the request is complete NHDES will notify NHDOE to process payment.
  - h. NHDOE will reimburse the school up to 50% of the total eligible costs approved by DES, but not to exceed 50% of the estimated costs identified in the NHDES approved remediation plan.
5. **GRANT ROUNDS:** NHDOE and NHDES will partner to solicit grant applications in order to expend the funds, and will continue to do so until the funds are expended or the expiration of this agreement. Grant applications can be submitted year round and funds will be awarded on a first come first served basis.



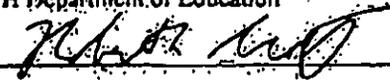
IN WITNESS WHEREOF, the respective parties have hereunto set their hands on the dates indicated.



Frank Edelblut, Commissioner  
NH Department of Education

12/16/15

Date



Robert R. Scott, Commissioner  
NH Department of Environmental Services

1/9/19

Date

OFFICE OF THE ATTORNEY GENERAL

By:   
Assistant Attorney General  
Date: January 9, 2019

I hereby certify that the foregoing agreement was approved by the Governor and Council of the State of New Hampshire at their meeting on \_\_\_\_\_.

OFFICE OF THE SECRETARY OF STATE

By: \_\_\_\_\_

Title: \_\_\_\_\_



Frank Edelblut  
Commissioner

Christine Brennan  
Deputy Commissioner

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF EDUCATION  
101 Pleasant Street  
Concord, N.H. 03301  
TEL (603) 271-3495  
FAX (603) 271-1833  
Citizens Service Line 1-800-339-8900

February 11, 2019

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

*[Signature]*  
~~Approved by Fiscal Committee~~ Date 3/1/19

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

**REQUESTED ACTION**

Pursuant to RSA 14:30-a, VI, authorize the Department of Education, Bureau of School Safety and Facility Management to accept and expend NH Lead Removal Drinking Water funds in the amount of \$1,600,000.00 from the NH Department of Environmental Services effective upon Fiscal Committee and Governor and Council approval through June 30, 2019. The budget for Fiscal Year 2019 is listed below. 100% Transfers from Other Agencies.

Funds to be budgeted as follows:

Lead Removal Drinking Water Funds  
Account: 06-56-56-563510-11810000

Class/Object	Description	FY 2019
001/405885	Inter-Agency Transfers	\$(1,600,000)
073/500583	Grants Non-Federal	\$1,600,000
	Total:	\$1,600,000

**EXPLANATION**

On January 23, 2019, the Governor and Executive Council authorized the approval of a grant agreement between the New Hampshire Department of Environmental Services (NHDES) and the New Hampshire Department of Education (NHDOE) in the total amount of \$1,600,000 under the provisions of RSA 485:F for the NH's K-12 Schools Removal of Lead in Drinking Water project.

This was as a result of an application that NHDOE submitted for a grant from the NH Drinking Water and Groundwater Trust Fund for support to our more than 630 schools with eliminating or reducing exposure to lead from their drinking water if it was found present.

SB247 Preventing Childhood Lead Poisoning from Paint and Water was adopted Feb 8, 2018 requiring all public and private schools and licensed childcare facilities to test for lead at all locations where water is available for

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

His Excellency, Governor Christopher T. Sununu  
and the Honorable Executive Council

February 11, 2019  
Page 2 of 3

consumption by children. This important legislation is intended to protect our children from the very serious, irreversible health effects from lead exposure which can include long-term problems with physical and mental growth and development, slowed body growth, kidney problems, hearing problems, seizures, brain damage, lower IQ level, learning delays, reduced attention span, and behavior problems. Our educational facilities are buildings where children are potentially exposed to lead in their drinking water every school day, from Kindergarten through 12th grade.

Approval of this item will allow NHDOE to reimburse public, public-charter, and non-public schools for 50% of lead abatement costs, where needed and as shown through testing. These abatements may include treatment or removal of the source (e.g., piping replacements and/or fixture replacements).

We have been working closely with NHDES on the issue of the potential occurrence of lead in our school's drinking water and if approved, will continue to do so through the application process for these funds.

#### APPROPRIATION EXPLANATION

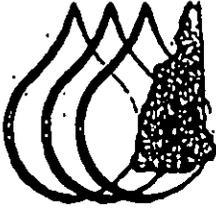
<u>Class</u>	<u>Class Description</u>	<u>Explanation</u>
073	Grants Non-Federal	Appropriation to provide grants to school districts for drinking water remediation

In the event Transfers from Other Agencies/become no longer available, General Funds will not be requested to support this program. Attached is a copy of the Governor and Council Item which includes the agreement between NHDES and NHDOE.

Respectfully submitted,



Frank Edelblut  
Commissioner of Education



**NEW HAMPSHIRE DRINKING WATER  
& GROUNDWATER TRUST FUND**



January 29, 2019

Frank Edelblut, Commissioner  
NH Department of Education  
101 Pleasant Street  
Concord, NH 03301

Subject: NH Department of Education  
Memorandum of Agreement Approved  
NH's K-12 Schools Removal of Lead in Drinking Water Project

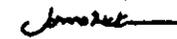
Dear Mr. Edelblut,

The purpose of this letter is to officially notify the Department of Education (DOE) of action taken by the Governor and Executive Council. On January 23, 2019, the Governor and Executive Council authorized the approval of a grant agreement between the Department of Environmental Services (DES) and the DOE in the total amount of \$1,600,000 under the provisions of RSA 485:F for the NH's K-12 Schools Removal of Lead in Drinking Water project.

Please note that this grant is a reimbursement program. DES will reimburse the DOE for any eligible expenses related to the scope of work identified in the MOA. We have attached a Request for Disbursement form which must be submitted by DOE with all supporting documentation.

If you have any questions regarding the grant please feel free to contact me at 271-7017 or [johnna.mckenna@des.nh.gov](mailto:johnna.mckenna@des.nh.gov).

Sincerely,

  
Johnna McKenna  
Drinking Water and Groundwater Bureau.

Enclosures: Grant Agreement and Disbursement Request Form

cc: Amy Clark, NHDOE, Administrator-School Safety & Facility Management  
Erin Holmes, Administrator, NHDES Drinking Water and Groundwater Trust Fund  
Traci Klerklemen, NHDES Accounting

Commission Members
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Senator Tom Sherman, House of Representatives
Rodney Bartlett, Public Member
William W. Boyd, II, Town Council Member
Bruce Bretton, Town Selectman
Clark B. Fraibe, Governor's Designee
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Marco Philippson, NH Water Works Association
Rich Ruesman, State or Regional Land Trust Member
Paul Sanderson, NH Fish and Game Department
Danielle Rousseau, Public Member
Robert B. Scott, NH Department of Environmental Services
Tim Vadney, P.E., NH Water Pollution Control Association
Christopher S. Way, NH Economic Development