



4011  
 66

**Robert R. Scott, Commissioner**

March 26, 2019

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

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

**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 \$105,500 for better use of appropriated federal funds, effective upon Fiscal Committee and Governor & Council approval through June 30, 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	(\$75,000)	\$207,075
020-500200	Current Expense	\$1,150	\$0	\$1,150
027-500799	Transfers to DOIT	\$40,386	\$0	\$40,386
028-500292	Transfers to General Service	\$14,942	\$0	\$14,942
030-500302	Equipment New Replacement	\$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	\$5,500	\$35,764

Class	Budget Category	Current Budget	Requested Action	Revised Budget
049-584995	Transfer to Other State Agencies	\$113	\$0	\$113
050-500109	Personal Service Temp	\$12	\$0	\$12
059-500117	Temp Full Time	\$25,000	\$100,000	\$125,000
060-500601	Benefits	\$237,700	(\$30,500)	\$207,200
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, unwilling, 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 full-time personnel salaries listed below working in the petroleum contaminated site management program providing work and 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 grant and support cleanup of New Hampshire's LUST sites.

DES is requesting transfer of funding as follows:

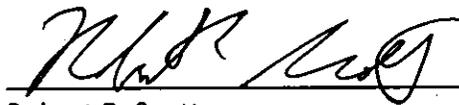
Class 059 – Part Time Personnel: \$100,000 is budgeted for existing positions from other DES organizational units to administer the LUST program. The funds will not be used for new positions, but are available in support of expending the grant funds. These funds will be used to supplant funding of the following positions, which are currently budgeted:

Position #	Title	Budget (03-44-444010)	Funding Mix	Amount
16784	Civil Engineer V	1421-010	100% Other	\$14,036
19508	Environmentalist IV	1421-010	100% Other	\$15,460
19509	Environmentalist IV	1421-010	100% Other	\$12,053
19525	Environmentalist IV	1421-010	100% Other	\$14,085
42134	Program Spec. III	1421-010	100% Other	\$13,900
42141	Hydrogeologist III	1421-010	100% Other	\$14,082
42209	Program Spec. II	1421-010	100% Other	\$16,384
Total				\$100,000

Class 042 (Additional Fringe Benefits) increases in proportion to the increases in Class 59. Classes 040 (Indirect Costs), 041 (Audit Fund Set-Aside), 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.

Respectfully submitted,



Robert R. Scott  
Commissioner