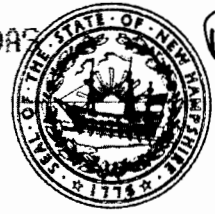




The State of New Hampshire  
**Department of Environmental Services**

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**Thomas S. Burack, Commissioner**

July 1, 2015

The Honorable Neal M. Kurk, Chairman  
Fiscal Committee of the General Court  
State House

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

**REQUESTED ACTIONS**

1. Pursuant to RSA 14:30-a, VI, authorize the Department of Environmental Services (DES) to **retroactively** amend Fiscal Committee item# FIS 13-246 and G&C item# 22 (approved on December 4, 2013) by extending the end date from June 30, 2015 to December 31, 2015 for the purpose of implementing the MtBE Settlement Agreements. No increase in funding is requested at this time. 100% MtBE Settlement Funds.

2. Pursuant to the provisions of RSA 124:15,I, authorize DES to **retroactively** extend the existing, five (5) full-time temporary positions end date from June 30, 2015 to December 31, 2015 effective upon Fiscal Committee approval. The positions were approved by the Division of Personnel on October 23, 2013. The positions were subsequently established by Fiscal Committee item# FIS 13-246, approved on November 22, 2013.

Classification	Administrator IV	Administrator III	Civil Engineer VI	Environmentalist IV (2 positions)
Position #:	9T2655	9T2666	9T2666	9T2667/9T2668
Labor Grade:	33	31	32	27
Salary Range:	\$67,431 – \$92,313	\$61,484 – \$84,669	\$64,409 – \$88,491	\$51,773 – \$70,064

3. Pursuant to RSA 14:30-a, VI, authorize the Department of Environmental Services (DES) to amend Fiscal Committee item# FIS 13-246 and G&C item# 22 (approved on December 4, 2013) MTBE Settlement by reallocating \$1,579,195 for better utilization of funds; effective upon Fiscal Committee and Governor and Council approval through December 31, 2015. 100% MTBE Settlement funds.

Funding is to be rebudgeted as follows:

MTBE Settlement  
03-44-44-444010-88930000  
FY 2016/2017

Class	Budget Category	Current Budget	Requested Action	Revised Budget
<b>Income</b>				
009-407624	MtBE Funds	\$ (18,094,027)	-0-	\$ (18,094,027)
<b>Expenditures</b>				
18-500106	Overtime	6,631	3,369	10,000
20-500200	Current Expense	14,300	11,950	26,250
22-500255	Rents/Leases	4,301	3,147	7,448
24-500227	Contract Repairs	420	-0-	420
27-502799	Transfers to OIT	13,052	49,754	62,806
28-500292	Transfers to General Services	9,474	59,317	68,791
30-500320	Equipment	10,317	17,795	28,112
37-500173	Hardware	17,407	-0-	17,407
38-500175	Software	1,034	8,966	10,000
39-500188	Telecommunications	7,884	1,416	9,300
40-500800	Indirect Costs	132,057	3,203	135,260
42-500620	Additional Fringe Benefits	11,906	31,204	43,110
50-500109	Temporary Personnel	490,269	16,468	506,737
59-500117	Full Time Temporary	225,524	175,052	400,576
60-500601	Benefits	361,265	36,967	398,232
66-500543	Employee Training	1,551	7,449	9,000
70-500705	In-State Travel	127	7,071	7,198
101-500729	Medical Providers	6,622	-0-	6,622
102-500731	Contracts for Program Services	3,408,933	1,146,067	4,555,000
300-500830	Reimbursements	13,370,953	(1,579,195)	11,791,758
	<b>Total</b>	<b>\$ 18,094,027</b>	<b>-0-</b>	<b>\$ 18,094,027</b>

**EXPLANATION**

In 2003, the NH Department of Justice (DOJ) sued gasoline manufacturers and marketers to obtain damages for the statewide problem of MtBE contamination. DOJ has since settled with every defendant other than ExxonMobil. After deductions from the settlement for legal fees, costs, and administrative expenses, \$81,630,000 in settlement money is available for remediation of MtBE contamination in groundwater and drinking water. The MtBE Remediation Bureau is now fully staffed and is operating under the terms of a Memorandum of Understanding (MOU) with DOJ regarding the use of the settlement funds (see attached

MOU). Program related contracts and the reimbursement process are in place making it possible to accelerate the rate of cleanup and infrastructure improvements.

The purpose of this request is to extend the authorization period for the 5 full-time temporary MtBE Remediation Bureau staff, to carry forward the FY 14/15 funding authorization into the current FY 16/17 biennium and to rebudget previously approved funds to allow DES to continue to operate the new MtBE Remediation Fund and Bureau. When the FY14/15 budget for the MtBE Remediation Fund was established, many of the details and needs of the program were not yet established. Additionally, the Department did not expend funds as quickly as anticipated since the program has been fully operational less than a year instead of the anticipated year and a half. Extension of the existing funding authorization will allow DES to continue to operate the program until December 31, 2015. The extension of the personnel authorization is necessary to ensure that sufficient personnel are in place to administer the program. A supplemental funding request will be made when additional spending authorization is needed. The proposed changes have been discussed with the Department of Justice (DOJ) and DOJ approves of the changes to the budget.

DES is requesting to rebudget these funds as shown below:

- Class 018 To cover the cost for overtime for personnel expenses.
- Class 020 To cover costs for public outreach, postage, office supplies, field supplies and vehicle
- Class 022 To cover costs for rent related to office equipment, such as a copier/scanner, and to lease space at the Pease International Tradeport office of DES for seacoast area field work.
- Class 027 To cover costs for Department of Information Technology services.
- Class 028 To cover costs for Hazen Drive building rent.
- Class 030 To cover costs for a field vehicle and scientific instrumentation.
- Class 038 To cover the costs of database and GIS desktop software for the efficient processing, interpretation and presentation of the collected water quality data.
- Class 039 To cover the costs of telecommunications.
- Class 050 Extension of the existing budget deadline will provide funds to cover the costs for 8 full-time permanent positions currently funded in other programs but working on MtBE cleanup projects. These positions have been temporarily reassigned to the MtBE program. It will also cover the costs for 10 other staff who will perform support services and charge those costs to the MtBE program. MtBE funds will be used to supplant funding of the positions which are currently budgeted as follows:

**Vacant Positions to be Temporarily Reassigned to the MtBE Program**

Position #	Title	Budget (03-44-44-)	Funding Mix	Biennium \$ Amount
40492	Hydrogeologist V	444010-25140000	100% Federal	71,497
12030	Hydrogeologist III	444010-53920000	100% Other	62,098
19746	Environmentalist III	443010-91030000	100% Other	45,929
19736	Environmentalist II	442010-38550000	100% Other	40,572
43355	Environmentalist II	442010-36730000	100% Other	38,898
43359	Environmentalist II	442010-36730000	100% Other	44,038
12105	Environmentalist II	442010-12000000	100% Other	38,898
42224	Executive Secretary	443010-90030000	100% Other	29,503
<b>Total:</b>				<b>\$371,433</b>

**Existing Positions That Will Charge Limited Time to the MtBE Program**

Position #	Title	Budget (03-44-44-)	Funding Mix	\$ Amount
12127	Administrator IV	444010-14000000	100% Other	7,100
16792	Civil Engineer VI	444010-14090000	100% Other	10,650
42135	Civil Engineer V	444010-14210000	100% Other	14,200
42141	Hydrogeologist III	444010-14210000	100% Other	14,200
19883	Hydrogeologist III	444010-20750000	100% Federal	10,650
18330	Hydrogeologist IV	444010-14210000	100% Other	14,200
42142	Environmentalist IV	444010-14210000	100% Other	10,650
41644	Administrator IV	441018-47900000	100% Other	10,650
19124	Hydrogeologist V	441018-47900000	100% Other	10,650
42731	Accountant III	440010-59230000	100 % Other	32,354
<b>Total:</b>				<b>\$135,304</b>


Total for Class 50: \$506,737

- Class 059 To cover the costs for the full-time, temporary bureau personnel.
- Class 060 To cover benefits for full-time personnel.
- Class 066 To cover costs for employee training.
- Class 070 To cover travel to various contaminated sites and to perform outreach and education.
- Class 101 To cover the costs for field personnel OSHA required medical monitoring.
- Class 102 To cover contracts for cleanup and drinking water contracts.
- Class 300 A reduction is requested to facilitate the above requested budget revisions without increasing the total program appropriation. The reduction in this class will not adversely affect the ability of the program to complete its work.

The Honorable Neal M. Kurk, Chairman  
Fiscal Committee of the General Court

Her Excellency, Governor Margaret Wood Hassan  
and the Honorable Council  
page 5

We respectfully request your approval.

  
Thomas S. Burack, Commissioner



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

FIS 13 246



Thomas S. Burack, Commissioner

November 22, 2013

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

Her Excellency, Governor Margaret Wood Hassan  
 and the Honorable Council  
 State House  
 Concord, New Hampshire 03301

**REQUESTED ACTIONS**

1. Pursuant to RSA 14:30-a VI, authorize the Department of Environmental Services (DES) to accept and expend \$22,316,661 in "MTBE" settlement funds from the Department of Justice (DOJ) to implement an MTBE corrective action plan, effective upon Fiscal Committee and Governor and Council approval through June 30, 2015.

Funding to be appropriated as follows:

100% MTBE settlement funds.

**MTBE Settlement**  
**03-44-44-444010-88930000**

Class	Title	FY 14 Current Budget	Requested Action	Revised Budget
	<b>Revenue</b>			
009-407624	MtBE Funds	\$0	(\$22,316,661)	(\$22,316,661)
	<b>Expenditures</b>			
18-500106	Overtime	\$0	\$12,000	\$12,000
20-500200	Current Expense	\$0	\$32,773	\$32,773
22-500255	Rents/Leases	\$0	\$4,301	\$4,301
24-500227	Contract Repairs	\$0	\$420	\$420
27-502799	Transfers to OIT	\$0	\$74,146	\$74,146
28-500292	Transfers to General Services	\$0	\$67,906	\$67,906
30-500320	Equipment	\$0	\$52,500	\$52,500
37-500173	PC Desktop Hardware	\$0	\$25,736	\$25,736
38-500175	PC Desktop Software	\$0	\$3,237	\$3,237
39-500188	Telecommunications	\$0	\$9,750	\$9,750
40-500800	Indirect Costs	\$0	\$186,605	\$186,605
42-500620	Additional Fringe Benefits	\$0	\$40,658	\$40,658
50-500109	Temporary Personnel	\$0	\$755,201	\$755,201
59-500117	Full Time Temporary	\$0	\$599,394	\$599,394
60-500601	Benefits	\$0	\$702,001	\$702,001

DES Web Site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095  
 Telephone: (603) 271-3899 Fax: (603) 271-2181 TDD Access: Relay NH 1-800-735-2964

66-500543	Employee Training	\$0	\$3,750	\$3,750
70-500705	In-State Travel	\$0	\$4,533	\$4,533
101-500729	Medical Providers	\$0	\$6,750	\$6,750
102-500731	Contracts for Program Services	\$0	\$4,825,000	\$4,825,000
300-500830	Reimbursements	\$0	\$14,910,000	\$14,910,000
	Total:	\$0	\$22,316,661	\$22,316,661

2. Pursuant to the provisions of RSA 124:15, I, authorize DES to establish five (5) full-time, temporary positions effective upon Fiscal Committee and Governor and Council approval through June 30, 2015. The positions were approved by the Division of Personnel on October 23, 2013. A copy of the approval documentation is attached.

Classification:	Administrator IV	Administrator III	Civil Engineer VI	Environmentalist IV (2 positions)
Position #:	9T2655	9T2666	9T2669	9T2667 / 9T2668
Labor Grade:	33	31	32	27
Salary Range:	\$67,343 - \$92,209	\$61,411 - \$84,561	\$64,325 - \$88,386	\$51,696 - \$69,968

#### EXPLANATION

In 2003, the Department of Justice (DOJ) sued gasoline manufacturers and marketers to obtain damages for the statewide problem of MTBE contamination. DOJ has since settled with every defendant other than ExxonMobil.<sup>1</sup> After deductions from the settlement payments for legal fees, costs, and administrative expenses, \$81,630,000 in settlement money is available for remediation of MTBE contamination in groundwater and drinking water. The purpose of this request is to authorize DES to accept and expend \$22,316,661 in settlement funds from DOJ, to establish and begin implementation of a comprehensive MTBE corrective action plan. This includes the use of state cleanup/remediation contractors, reimbursements to affected parties for approved remedial costs, and DES personnel. Activity will be reported annually to the Fiscal Committee, Governor and Council, and House and Senate leadership.

In consultation with DOJ, DES is developing a detailed plan for use of the settlement funds that will be presented in early 2014, after public input. The estimated time period for implementing the entire plan is 6 years. The plan will include funds allocated for: (1) installation and improvement of public water supply infrastructure in areas having significant MTBE contamination, (2) investigation and remediation of existing contamination sites where private water wells are impacted, (3) testing at-risk private water wells within a location radius of contamination source sites, and (4) implementation of measures to prevent further MTBE contamination. In the near term, work will begin on plan elements that involve the most significant public health risk concerns. This includes private water well testing and work at highly contaminated sites. Due to the significant technical complexity and expertise needed for the development and implementation of the plan, as well as annual reporting, high-level professional personnel are necessary.

The five requested full-time temporary positions will be combined with eight (8) temporarily reassigned existing vacant DES positions to form an MTBE remediation bureau that will implement the workplan. The

<sup>1</sup> The State also obtained a jury verdict of approximately \$236M against ExxonMobil. The verdict is currently under appeal. This request applies only to the settlement funds.

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

Her Excellency, Margaret Wood Hassan  
And the Honorable Council  
Page 3

bureau's efforts will be divided between MTBE site cleanup and drinking water quality assessment. Three staff will work on the investigation and cleanup of priority MTBE-contaminated sites. Three staff will work on establishing and implementing comprehensive plans to sample at-risk private and transient public water supply wells to identify areas impacted by MTBE contamination. An additional five staff will support the field sampling efforts, and will only be hired after comprehensive sampling plans and lab analysis contracts are in place. The bureau will be led by an administrator and supported by an executive secretary. Staff in the bureau will also utilize existing DES staff in related programs on an as-needed basis to provide support to this important work.

Expenditures itemized by Class included in this request are budgeted for a partial year in FY 2014 and a full year in FY 2015, and described as follows:

- Class 018 To cover the cost of overtime for full-time temporary personnel.
- Class 020 To cover costs for public outreach, postage, office supplies, and vehicle expenses.
- Class 022 To cover costs for rented office equipment.
- Class 024 To cover costs for equipment repairs and maintenance.
- Class 027 To cover costs for Information Technology services.
- Class 028 To cover costs for building rent and related services.
- Class 030 To cover start up costs including vehicles, scientific instrumentation, and office equipment.
- Class 037 To cover the costs for desktop computers for the new staff
- Class 038 To cover the costs for desktop software for the new staff
- Class 039 To cover the costs for telecommunications.
- Class 040 To cover the program share of statewide indirect costs.
- Class 042 To cover the program share of additional fringe benefit costs.
- Class 050 To cover the costs for 8 full-time, permanent positions currently funded in other programs. These vacant positions will be filled and temporarily reassigned to the MTBE program. To cover the costs for 9 part-time equivalent personnel that work in related programs and will perform support services and charge those costs to the MTBE program. MTBE funds will be used to supplant funding of the positions, which are currently budgeted as follows:

**Vacant Positions to be Temporarily Reassigned to MTBE Program**

Position #	Title	Budget	Funding Mix	\$ Amount
40492	Hydrogeologist V	03-44-44-444010-25140000	100% Federal	118,191
12030	Hydrogeologist III	03-44-44-444010-53920000	100% Other	93,754
19746	Environmentalist III	03-44-44-443010-91030000	100% Other	93,754
19736	Environmentalist II	03-44-44-442010-38550000	100% Other	58,715
43355	Environmentalist II	03-44-44-442010-36730000	100% Other	58,715
43359	Environmentalist II	03-44-44-442010-36730000	100% Other	58,715
12105	Environmentalist II	03-44-44-442010-12000000	100% Other	66,082
42224	Executive Secretary	03-44-44-443010-90030000	100% Other	47,672
Total:				\$595,598

**Existing Positions That Will Charge Limited Time to the MTBE Program**

Position #	Title	Budget	Funding Mix	\$ Amount
12127	Administrator IV	03-44-44-444010-14000000	100% Other	12,756
16792	Civil Engineer VI	03-44-44-444010-14090000	100% Other	25,892
42135	Civil Engineer V	03-44-44-444010-14210000	100% Other	17,673



42140	Civil Engineer V	03-44-44-444010-14210000	100% Other	23,144
19883	Hydrogeologist III	03-44-44-444010-20750000	100% Federal	21,154
18330	Hydrogeologist IV	03-44-44-444010-14210000	100% Other	19,619
41644	Administrator IV	03-44-44-442010-47900000	100% Other	7,029
19124	Hydrogeologist V	03-44-44-442010-47900000	100% Other	32,336
				Total: \$159,603
				Total for Class 50: \$755,201

Funding that is budgeted in the accounts for the current positions referenced above will either be lapsed or closed-to-control.

- Class 059 To cover the costs for the 5 full-time, newly-established temporary positions for management, administration, and technical support that are listed on page 2.
- Class 060 To cover benefits for full-time and part-time personnel.
- Class 066 To cover costs for employee training.
- Class 070 To cover travel to various contaminated sites, and to perform outreach and education.
- Class 101 To cover costs for personnel medical monitoring.
- Class 102 To cover costs for DES contractors performing work at MTBE contaminated sites, work to prevent further contamination, and work to provide safe drinking water.
- Class 300 To cover costs for reimbursement of approved remedial project costs, including site investigation and remediation, and provision of safe drinking water.

The following is intended to address the seven questions required by the Fiscal Committee with respect to the acceptance of federal and other funds in which new positions are established or extended:

Q-1. List All Personnel by Classification, Labor Grade, and Salary:

See tables above for new temporary full-time personnel and temporary personnel reassignments.

Q-2. Explain the Nature, Need, and Duration of the Program:

The positions subject to this request will be funded until June 30, 2015. Additional FY funding requests are anticipated to fully utilize the MTBE settlement funding. The primary responsibility of the new and reassigned positions is to develop, administer, and manage a statewide MTBE corrective action plan, including work by DES contractors and distribution of financial assistance to affected parties. This requires a level of technical knowledge and skill that is consistent with the position classifications.

Q-3. What is the Relationship to Existing Programs?

The new positions are needed to provide DES with specific and dedicated expertise to implement a complex and comprehensive plan to address statewide MTBE contamination. Although current DES personnel perform MTBE contamination work in existing programs using existing funding, and are expert in that regard, their workload is too great to absorb all the new work planned for the settlement funds.

Q-4. Has a Substantially Similar Program been Requested of the Legislature and Denied?

No. This situation is unique and unprecedented.

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

Her Excellency, Margaret Wood Hassan  
And the Honorable Council  
Page 5

Q-5 Why was this Program and Its Funding Not Included in the Operating Budget?

At the time that the State Operating Budget was being prepared the case was still in litigation, and settlements with settling parties had not been completed.


Q-6 Can any Portion of the Funds Be Utilized if Either, None, or Only Part of the Positions are Authorized?

Yes. However, due to existing workload, significant limitations would be placed on timely implementation of the full settlement funding plan. A much longer timeframe than 6 years would be necessary.

Q-7 What is the Estimate of the Amount of Funding Required to Continue the Positions in Future Years?

The positions created with settlement funds will not be converted to permanent when the settlement funds are expended. At this time, potential future funding needs are too difficult to predict, but in no case would they involve any General Funds.

We respectfully request your approval.

  
Thomas S. Burack, Commissioner

Attachment: Division of Personnel Approval

## SUPPLEMENTAL JOB DESCRIPTION

Classification: Administrator IV

Function Code: 0072-044

Position Title: MTBE Remediation Bureau Administrator

Date Established: 10/23/13

Position Number: 9T2655

Date of Last Amendment:

**SCOPE OF WORK:** Develops and administers programs for the investigation and cleanup of methyl-t-butyl ether (MTBE) contaminated properties/sites, including public and private water supplies and contamination source properties, and provides related technical and financial assistance to affected parties.

### ACCOUNTABILITIES:

- Develops and recommends strategies to the Waste Management Division Director and Assistant Director, Commissioner, and Department of Justice for the management and allocation of special purpose funds to achieve statewide investigation and cleanup goals and objectives related to "MTBE" and other colocated contamination.
- Develops and implements investigation and cleanup projects to accomplish the annual and strategic goals of the MTBE Remediation Bureau.
- Provides technical support to the Department of Justice in all matters related to MTBE special purpose funds, including settlement negotiations and litigation support. Develops and presents testimony and annual reports to the Legislature and Governor & Council on Bureau activities, and acts as liaison to the Legislature and Department of Justice in all matters related to the management, allocation, and distribution of funds.
- Coordinates activities and develops procedures to assist the in development and implementation of budgets, service contracts and various reports to meet goals and objectives and ensure effective financial management of funds. Works in collaboration with the WMD Director and Assistant Director, other Department Bureaus and the Department Accounting Unit .
- Develops and maintains one or more detailed spreadsheets to monitor program expenditures and budgets including expenditures associated with transfer of staff costs from other supporting programs within the Department, reimbursements to eligible parties, encumbrances for approved work being completed by responsible parties, encumbrances for approved work being completed by Department contractors, reimbursements to eligible parties, and assistance grants to monitor bureau/program status relative to the current balance of the MTBE funding provided to the Department.
- Develops, organizes and coordinates outreach and education programs for local officials, property owners, and residents concerning fund allocation strategies. Conducts public meetings as necessary on such strategies and implementation plans.
- Communicates with senior federal, state, and local officials, attorneys, legislators, engineering consultants and other state agencies as necessary.
- Manages bureau staff to implement MTBE contamination investigation and cleanup strategies, goals, and objectives.
- Continuously seeks to improve practices to add quality and value in support of the Department's mission while identifying and eliminating unnecessary or redundant actions.

### MINIMUM QUALIFICATIONS:

**Education:** Master's degree from a recognized college or university with a major concentration in civil, mechanical, environmental, sanitary or chemical engineering, geology, or hydrogeology.

**Experience:** Eight years' experience in the practice of civil, mechanical, environmental, sanitary, or chemical engineering, geology, or hydrogeology post Professional Engineer or Professional Geologist licensure, five years of which must have been in a management level position involving administrative or supervisory duties concerned with program administration, program planning and evaluation, business management or related management experience.

OR

**Education:** A Bachelor's degree from a recognized college or university with a major concentration in civil, mechanical, environmental, sanitary or chemical engineering, geology or hydrogeology.

**Experience:** Nine years' work experience in the practice of civil, mechanical, environmental, sanitary, or chemical engineering, geology or hydrogeology post Professional Engineer or Professional Geologist licensure, five years of which must have been in a management level position involving administrative or supervisory duties concerned with program administration, program planning and evaluation, business management or related management experience.

**License/Certification:** Required to be a Licensed Professional Engineer or Professional Geologist in the State of New Hampshire or in another state and obtain registration in NH within one year of employment.

**SPECIAL REQUIREMENTS:** The ideal candidate will have specific experience in management of petroleum contamination investigation and cleanup projects and related funds in New Hampshire, or similar programs in another state. A working knowledge and experience with EXCEL spreadsheets and graphing functions and POWERPOINT is required. For appointment consideration, applicants must successfully participate in a structured interview measuring possession of knowledge, skills and abilities identified as necessary for satisfactory job performance by this class specification.

**DISCLAIMER STATEMENT:** The supplemental job description lists typical examples of work and is not intended to include every job duty and responsibility specific to a position. An employee required to perform other related duties not listed on the supplemental job description provided that such duties are characteristic of that classification.

**SIGNATURES:**

The above is an accurate reflection of the duties of my position.

\_\_\_\_\_  
Employee's Name and Signature

\_\_\_\_\_  
Date Reviewed

Supervisor's Name and Title: H. Keith DuBois, P.G., Assistant Director, Position # 16785

The above job description accurately measures this employee's job description.

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date Reviewed

*Jennifer J. Elberfeld* MR

10-23-13

\_\_\_\_\_  
Division of Personnel

\_\_\_\_\_  
Date Approved

## SUPPLEMENTAL JOB DESCRIPTION

CLASSIFICATION: Administrator III

FUNCTION CODE: 0071-044

POSITION TITLE: Drinking Water Quality Administrator

DATE ESTABLISHED: 10/23/13

POSITION NUMBER: 9T2666

DATE OF LAST AMENDMENT:

**SCOPE OF WORK:** Administers the drinking water well sampling program related to the contamination of groundwater with methyl-t-butyl ether (MTBE) including program planning and strategy development as well as interpreting data to draw conclusions and identify appropriate responses.

### ACCOUNTABILITIES:

- Develops, authorizes and monitors statewide drinking water well sampling program related to MTBE contamination.
- Provides testimony to elected officials for the purpose of explaining the private well sampling plan and addressing inquiries relative to the agency's objectives and goals for the program.
- Formulates and implements drinking water well sampling program budgets.
- Evaluates drinking water sampling program operations for effectiveness and proper allocation of program resources and implements required fiscal and programmatic changes.
- Plans, develops and evaluates training programs for staff and contractors associated with developing and implementing the drinking water well sampling program.
- Develops scope of work and associated contractor solicitation documents and manages contracts associated with implementing the drinking water well sampling program.
- Oversees the development, design and operation of a database for the drinking water well sampling program with the Water Division – Water Supply Engineering Bureau (WSEB) to: (a) assure database compatibility with existing WSEB databases; (b) data collected is of appropriate quality for future use by WSEB; and (c) assist in facilitating field work WSEB may wish to complete concurrently with the MTBE Remediation Bureau's drinking water well sampling program activities
- Formulates and implements a public communication plan to promote and support the drinking water well sampling program.
- Oversees the development of appropriate spreadsheets and POWERPOINT presentations for tracking the MTBE water supply sampling program and presentation of data at internal and external meetings.
- Continuously seeks to improve practices to add quality and value in support of the Department's mission while identifying and eliminating unnecessary or redundant actions.

### MINIMUM QUALIFICATIONS

Administrator III (Drinking Water Quality Administrator)  
Position: 9T2666  
Page 2

**Education:** Master's degree from a recognized college or university with major study in a science discipline.

**Experience:** Seven years' experience in a science field, four years of which must have been in a management level position involving administrative or supervisory duties concerned with program administration, program planning and evaluation or related management experience.

OR

**Education:** Bachelor's degree from a recognized college or university with major study in a science field.

**Experience:** Eight years' experience in a science field or occupation relevant to program area in which position is assigned, four years of which must have been in a management level position involving administrative or supervisory duties concerned with program administration, program planning and evaluation or related management experience.

**SPECIAL REQUIREMENTS:** Five years experience in an environmental resource conservation position with substantial involvement with the development or implementation of GIS, database, and spreadsheet programs to track and manage data collection, data analysis and reporting and proficiency in the use of GIS, database and spreadsheet programs. Must have excellent oral and written communication skills. Must have working knowledge of POWERPOINT. For appointment consideration, applicants must successfully participate in a structured interview measuring possession of knowledge, skills and abilities identified as necessary for satisfactory job performance by this class specification.

**DISCLAIMER STATEMENT:** The supplemental job description lists typical examples of work and is not intended to include every job duty and responsibility specific to a position. An employee may be required to perform other related duties not listed on the supplemental job description provided that such duties are characteristic of the classification.

**SIGNATURES:**

The above is an accurate reflection of the duties of my position.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date Reviewed

Supervisor's Name and Title: Administrator IV, Position # 9T2655

The above job description accurately measures this employee's job duties.

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date Reviewed

*Jennifer J. Elberfeld*  
MR

10/23/13

\_\_\_\_\_  
Division of Personnel

\_\_\_\_\_  
Date Approved

## SUPPLEMENTAL JOB DESCRIPTION

CLASSIFICATION: Environmentalist IV

FUNCTION CODE: 4098-044

POSTION TITLE: Environmentalist IV

DATE ESTABLISHED: 10-23-13

POSITION NUMBER: 9T2667

DATE OF LAST AMENDMENT:

**SCOPE OF WORK:** To supervise environmental program activities associated with the drinking water well sampling program related to the contamination of groundwater with methyl-t-butyl ether (MTBE).

### **ACCOUNTABILITIES:**

- Supervises the drinking water sampling program for wells related to the contamination of groundwater with MTBE, planning, developing and implementing the program statewide.
- Plans and coordinates the drinking water well sampling program using databases and geographical information systems software to organize, coordinate, monitor and analyze data to conduct sampling and assess environmental conditions.
- Reviews the results of the drinking water testing program, provides well owners with information explaining the results and coordinates with applicable program staff to recommend appropriate remedial action.
- Consults with state officials, local officials, contractors and owners of drinking water wells to ensure coordination and implementation of the drinking water well sampling program.
- Provides technical and logistical support for internal and external meetings.
- Continuously seeks to improve practices to add quality and value in support of the Department's mission while identifying and eliminating unnecessary or redundant actions.

### **MINIMUM QUALIFICATIONS:**

**Education:** Bachelor's degree from a recognized college or university with major study in a related environmental science. Each additional year of approved formal education may be substituted for one year of required work experience.

**Experience:** Six years' experience as an Environmental Engineer, Hydrogeologist, Geologist or Environmentalists in a public or private organization with responsibility for program management, research, planning, soil and water sampling for laboratory analysis, and evaluation and presentation of analytical data, two years of which shall have involved supervisory duties as well as the preparation of various environmental documents, legal briefs or related research.

**License/Certification:** Eligibility for N.H. driver's license.

Environmentalist IV  
Position 9T2667  
Page 2

**SPECIAL REQUIREMENTS:** Experience in GIS, database and spreadsheet programs for the purposes implementing the drinking water well sampling program. Experience in collecting environmental samples and processing data. Must have excellent oral and written communication. For appointment consideration, applicants must successfully participate in a structured interview measuring possession of knowledge, skills and abilities identified as necessary for satisfactory job performance by this class specification. skills.

**DISCLAIMER STATEMENT:** The supplemental job description lists typical examples of work and is not intended to include every job duty and responsibility specific to a position. An employee may be required to perform other related duties not listed on the supplemental job description provided that such duties are characteristic of that classification.

**SIGNATURES:**

The above is an accurate reflection of the duties of my position.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date Reviewed

Supervisor's Name and Title: Administrator III Position # 9T2666

The above job description accurately measures this employee's job duties.

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date Reviewed

 MR

10-23-13

\_\_\_\_\_  
Division of Personnel

\_\_\_\_\_  
Date Approved



## SUPPLEMENTAL JOB DESCRIPTION

Classification: Environmentalist IV

Function Code: 4098 -044

Position Title: Hazardous Waste Site Risk Assessor

Date Established: 10/23/13

Position Number: 9T2668

Date of Last Amendment:

**SCOPE OF WORK:** Supports the Department of Environmental Services, MTBE Remediation Bureau, by assessing potential and existing human health risks associated with exposure to hazardous substances in water supply wells, formulates recommendations and guidance for reduction of those health risks, engages in risk communication with impacted supply well users, and assists in the development and maintenance of a groundwater quality sampling program and related data base.

### **ACCOUNTABILITIES:**

- Reviews and evaluates compiled environmental sampling data and reports to identify actual and potential human health risks associated with chemical contaminants at methyl-t-butyl ether (MTBE) sites and other MTBE-impacted properties and water supplies.
- Reviews, analyzes and evaluates technical data from the sampling of drinking water wells to evaluate the human health risk of exposure to detected contaminants.
- Explains and clarifies technical information regarding well water testing results in response to inquiries from well owners and other interested parties.
- Consults with state officials, local officials, contractors and drinking water well owners/users to convey and explain drinking water analytical results in the context of potential health impacts.
- Prepares highly technical, comprehensive multi-media assessments of the effects of environmental contamination on human populations to develop risk reduction strategies.
- Researches and analyzes scientific literature to develop fact sheets and pamphlets to educate the public regarding the presence of MTBE and other hazardous substances in water supplies, and actions that can be taken to limit exposure and reduce risk.
- Provides technical logistical support for the preparation of reports and presentations for use at internal and external meetings.
- Presents technical information at public meetings to educate the public regarding potential and actual health risks associated with contaminants in drinking water, and actions that can be taken to reduce risk.
- Assists in the development and maintenance of a groundwater quality sampling program and its related data base.
- Continually seeks to improve practices and to add quality and value in support of the Department's mission while identifying and eliminating unnecessary or redundant actions.

### **MINIMUM QUALIFICATIONS:**

**Education:** Bachelor's degree from a recognized college or university with major study in environmental health, public health, toxicology, chemistry, biology, or a closely related biological or chemical sciences field. Each additional year of approved formal education may be substituted for one year of required work experience.

**Experience:** Six year's experience as an Environmentalist in a public or private organization with responsibility for program management, research, planning, soil and water sampling for laboratory analysis, and evaluation and presentation of analytical data, two years of which shall have involved supervisory duties as well as the preparation of various environmental documents, legal briefs or related research.

**LICENSE/CERTIFICATION:** Eligibility for a NH driver's license.

**SPECIAL REQUIREMENTS:** For appointment consideration, applicants must successfully participate in a structured interview measuring possession of knowledge, skills and abilities identified as necessary for satisfactory job performance by this class specification. The structured interview is developed and administered, according to Division of Personnel guidelines, by representatives of the state agency in which the vacancy exists. The incumbent must satisfactorily complete a baseline medical examination and the personal protection training required by the National Institute of Occupational Safety and Health or other federal and state agencies. Must have a working knowledge of EXCEL and POWERPOINT.

**DISCLAIMER STATEMENT:** The supplemental job description lists typical examples of work and is not intended to include every job duty and responsibility specific to a position. An employee may be required to perform other related duties not listed on the supplemental job description provided that such duties are characteristic of that classification.

**SIGNATURES:**

The above is an accurate reflection of the duties of my position.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date Reviewed

Supervisor's Name and Title: \_\_\_\_\_ Administrator III, Position # 9T2666

The above job description accurately measures this employee's job duties.

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date Reviewed

*Jennifer J. Elberfeld* MR

10/23/13

\_\_\_\_\_  
Division of Personnel

\_\_\_\_\_  
Date Approved

## SUPPLEMENTAL JOB DESCRIPTION

CLASSIFICATION: Civil Engineer VI

FUNCTION CODE: 2026 - 044

POSITION TITLE: Civil Engineer VI

DATE ESTABLISHED: 10-23-13

POSITION NUMBER: 9T2669

DATE OF LAST AMENDMENT:

**SCOPE OF WORK:** Manages and oversees engineering-related activity for the investigation and cleanup of methyl-t-butyl ether (MTBE) contaminated properties/sites, including public and private water supplies and contamination source properties, and provides related technical assistance to affected parties.

### ACCOUNTABILITIES:

- Manages and oversees the implementation of engineering activities for achieving annual and strategic statewide goals for the investigation and cleanup of "MTBE" and other gasoline contamination.
- Directs and supervises the MTBE remediation-related work of project managers (hydrogeologists and engineers) within the Site Remediation Programs of the Waste Management Division as planned and budgeted
- Provides engineering technical expertise for design, installation, operation, and maintenance of remediation systems to remedy MTBE and other gasoline contamination, and ensure compliance with technical specifications and regulatory requirements for such systems.
- Provides engineering technical expertise for design and installation of public and private water supply systems to remedy MTBE and other gasoline contamination, and ensure compliance with technical specifications and regulatory requirements for such systems.
- Provides engineering technical expertise for design, installation, operation, and maintenance of point-of-entry treatment or other temporary systems for public and private water supplies to remedy MTBE and other gasoline contamination, and ensure compliance with technical specifications and regulatory requirements for such systems.
- Oversees development of plans, specifications, and bid documents, and performs bid administration and other work as necessary to implement various engineered cleanup projects. Oversees cleanup work performed by state and contaminated site-owner contractors, and supervises major engineering projects in the field to assure cleanup is completed in accordance with plans, specifications, regulations, and approved budgets.
- Communicates with local and state agency representatives, property owners, residents, federal agencies and other Department staff to coordinate various engineered cleanup work. Coordinates all public water supply work with the Drinking Water & Groundwater Bureau.
- Negotiates with industry officials, attorneys, engineers, and consultants to achieve cleanup project goals and objectives, and assure compliance with state and federal technical and regulatory requirements.
- Continuously seeks to improve practices to add quality and value in support of the Department's mission while identifying and eliminating unnecessary or redundant actions.
- Provides technical support for the development of presentation material for internal and external meetings. Participates in meetings as required.

### MINIMUM QUALIFICATIONS:

**Education:** Master's degree from a recognized college or university with a major concentration in civil engineering, or possession of a Bachelor of Science degree from a recognized college or university with a major in civil engineering and possession of a Master of Business Administration degree from a recognized college or university.

**Experience:** Three years' work experience in the practice of civil engineering post Professional Engineer licensure; or seven years' post baccalaureate experience in the practice of civil engineering.

OR

**Education:** Possession of a Bachelor of Science degree from a recognized college or university with a major concentration in civil engineering.

**Experience:** Five years' work experience in the practice of civil engineering post Professional Engineer licensure, or nine years' post baccalaureate experience in the practice of civil engineering.

OR

**Education:** Possession of an Associate degree from a recognized college or university, with a major study in civil technology.

**Experience:** Seven years' work experience in the practice of civil engineering post Professional Engineer registration, or nine years' experience in the practice of civil engineering at a level equivalent to Civil Engineer I (or higher), plus two additional years' experience in a position comparable to an Engineering Technician.

**LICENSE/CERTIFICATION:** Must be, or within one year of employment, registration as a Professional Engineer in the State of New Hampshire. Eligibility for N.H. driver's license required for performing professional field work.

**SPECIAL REQUIREMENTS:** The ideal candidate will have specific experience in petroleum contamination cleanup projects in New Hampshire or other states with similar geologic conditions and experience working with EXCEL spreadsheets and POWERPOINT. For appointment consideration, applicants must successfully participate in a structured interview measuring possession of knowledge, skills and abilities identified as necessary for satisfactory job performance by this class specification.. The incumbent must satisfactorily complete a baseline medical examination and the personal protection training requirements of the Occupational Safety and Health Agency or other federal and state agencies.

**DISCLAIMER STATEMENT:** The supplemental job description lists typical examples of work and is not intended to include every job duty and responsibility specific to a position. An employee may be required to perform other related duties not listed on the supplemental job description provided that such duties are characteristic of that classification.

**SIGNATURES:**

The above is an accurate reflection of the duties of my position.

\_\_\_\_\_  
Employee's Name and Signature

\_\_\_\_\_  
Date Reviewed

Supervisor's Name and Title: Administrator IV, Position #9T2655

The above job description accurately measures this employee's job duties.

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date Reviewed

*Jennifer J. Elberfeld*  
MR

10/23/13

\_\_\_\_\_  
Division of Personnel

\_\_\_\_\_  
Date Approved

MEMORANDUM OF UNDERSTANDING  
STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE  
DEPARTMENT OF ENVIRONMENTAL SERVICES

A. Agreement

This Memorandum of Understanding between the Department of Justice (hereinafter "DOJ") and the New Hampshire Department of Environmental Services (hereinafter "DES") sets forth the terms and conditions whereby DOJ will dispense up to \$81,630,242.00 in settlement funds received in the case of *State v. Hess, et al* (hereinafter "MTBE case") to DES to implement mutually agreed-upon programs to prevent exposure to MTBE by identifying and remediating contamination of groundwater in New Hampshire, and providing safe, clean drinking water to those who have been affected.

B. Development of a Project Plan

DOJ and DES agree that the settlement funds should be used in a manner that will provide benefit to the greatest number of affected citizens, while focusing on those high priority sites that pose the most immediate danger to drinking water sources. DOJ and DES recognize that it is critical to the success of the MTBE remediation projects that the input of legislators and other stakeholders be considered as a detailed project plan is developed. DOJ and DES agree that by March 31, 2014, they will jointly schedule and attend meetings with legislators and various other stakeholders to seek input as to the use of the funds. Thereafter, DES will develop a long-range work proposal for: (1) investigation and remediation of existing contamination sites, (2) testing at-risk private drinking water wells within a location radius of contamination source sites, (3) providing safe, clean drinking water to impacted citizens, (4) installation and improvement of public water supply infrastructure in areas having significant MTBE contamination, and (5) implementation of measures to prevent further MTBE contamination. The plan must be approved by DOJ prior to implementation.

C. Scope of Work

DES will create an MTBE Remediation Bureau within the agency, which will have primary responsibility for implementing the approved work plan. The Bureau's efforts will include coordination of MTBE site cleanup, drinking water quality assessment, public and private drinking water supply improvements, and prevention work. Staff will be responsible for establishing and implementing comprehensive plans to sample at-risk private and transient public water supply wells to identify areas affected by MTBE contamination and for the investigation and cleanup of priority MTBE-contaminated sites. Where drinking water impacts are identified, staff will work to provide appropriate treatment or connection to new or existing private or public water systems. DES may engage the services of outside professionals as needed to implement the plan.

D. Payment

DOJ will reimburse DES on a quarterly basis for expenditures incurred.

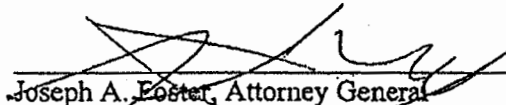
Prior to the ends of FY 2015, and FY 2017, respectively, DOJ and DES shall jointly determine the amount of funds that will be necessary to support the MTBE remediation program for the following biennium. Unless instructed otherwise by the Governor or the Legislature, DOJ will seek the approval of the Fiscal Committee and the Governor and Council to transfer that sum to DES by the beginning of the following fiscal year. Payments in total shall not exceed \$81,630,242.00.

E. Reporting

On a quarterly basis, DES will provide a report to DOJ that will include the name of each project, the total amount spent, what the money was spent on, and a copy of its appropriation summary report. DOJ may audit DES expenditures.

DES shall seek DOJ approval of any single project expenditure in excess of \$1,000,000.00.

10/31/13  
Date

  
\_\_\_\_\_  
Joseph A. Foster, Attorney General  
New Hampshire Department of Justice

10/31/2013  
Date

  
\_\_\_\_\_  
Thomas S. Burack, Commissioner  
Department of Environmental Services