

Frank Edelblut Commissioner Christine M. Brennan Deputy Commissioner

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

May 29, 2020

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

<u>FY 2020</u> \$4,219.12

District	SAU	School Name	Award	Project Description
Name				
Newport	43	Richards, Towle & Newport Middle and High Schools	\$4,219.12	Installation of low-lead faucets and associated plumbing
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Total for this item:

\$4,219.12

## **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

TDD Access: Relay NH 711 EQUAL OPPORTUNITY EMPLOYER- EQUAL EDUCATIONAL OPPORTUNITIES His Excellency, Governor Christopher T. Sununu and the Honorable Executive Council Page 2 of 2

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

Johnna Micken



# The State of New Hampshire Department of Environmental Services

Robert R. Scott, Commissioner

May 9, 2019

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

APPROVED G & C lots FTEM (

# 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 aligible 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

Robert R. Scott Commissioner

DES Website: www.des.nb.gov P.O. Bos 95, 19 Hazen Drive, Conterd, New Hampshire 03302-0095 Telephone: (603) 271-2513 - Fax: (603) 271-5171 - TDD Access: Relay NH 1-800-735-2964

### AMENOMENT 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-22 SCHOOLS TO REQUCE 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 NHDDE and NHDES have agreed to amend the MDA in certain respects;

NQW 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:

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.

<u>Continuance of Aergement</u>: 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

**Horney General** 

NH Decisionent of Justice

Page 1 of 2 Department of Education DW6T-20

5-25-15 Date

5/17/

4-56-1

Frank Edelblut, Commissioner Date NH Department of Education

MOA - Amendment No.1



The State of New Hampshire Department of Environmental Services



Robert R. Scott, Commissioner

January 3, 2019

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

APPHONIDG3C DATE ITE:

#### 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 removel 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

EY 2019 \$1,600,000

## EXPLANATION

The Drinking Water and Ground Water 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 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.

Commissioner

DES Websitz: www.des.nh.gov P.O. Bos 95, 29 Hazza Drive, Concord, New Hampsbirs 03302-0095 Telephone: (603) 271-2513 · Fai: (603) 271-5171 · TDD Access: Relay NH 1-800-735-2964

## 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 Proventing Childhood Lead Poisoning from Paint and Water. This law requires, among other actions, that all X-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 reimburso public, public-chaster, 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:

- NHDES and NHDOE shall assign appropriate staff to oversee the implementation of this MOA.
- 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).

MOA-NHIDES & NHOOE Page 1 of 4

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tattels: 7811 Date /6/A

- 4. CREFERIA 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 fauoets, fixtures, fountains, solder, piping, and plumbing components as long as there is justification that what is being replaced is contributing to the lead levels.
  - 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 essistance will be eligible for remediation of levels of 5 ppb and higher. The remediation plan must include a budget and a required for grant funds.
  - c. Minimum grant amount that can be applied for is \$250 (total remediation cost \$500).
  - I. 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.
- <u>ORANT ROUNDS</u>; 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.

MOA-HHDES & NHDOE Piece 2 of 4 Removal of Lead In Drinking Water for HH's Schools Inhiais: 2 Date to 14-5

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- 6. <u>FUND TRANSFERS</u>: Upon execution of this MOA, NHDES will make the funds designated for this program available to NHDOE as a reimbursement.
  - a. NHDOE will seek Governor and Council approval to expend the funds for each grant word.
  - b. NHDES will approve payment of the grant amount to the grantee after the remediation work has been completed and the post-sample result is satisfactory. Payment request must include a signed request for payment from suthorizing agent, an aftidavit signed by all school board members attesting that the project is complete and the amount spont was in accordance with the approved remediation plan. NHDOE will pay the amount approved by NHDES.

NHDOE will submit invoices on a monthly basis to NHDES. This shall include:

- 1. A cover letter requesting the payment of the funds with a covent total being requested.
- ii. An invoice consisting of a balance speet with a line item for each award and payment processed.
- d. NHDES will pay the NHDOE invoice from the obligated DWOTF funds.
- 7. <u>AMENDMENT OR TERMINATION:</u> This agreement may be smended by mutual consent of the Commissioners of NHDES and NHDOE, in writing, at any time. Either party may terminate this MOA upon providing written notice to the other, thirty (30) days prior to termination. Upon termination, NHDOE will be paid for any grants issued prior to termination.
- DURATION: The project duration extends from the date of approval by Governor and Council through December 31, 2020 for program activities, invoicing and program year closecost, unless terminated by either party, or extended in writing by subsequent agreement of the parties and acceptance by Governor and Council.

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

Frank Edelblist, Commissioner NH Themistican of Education

K.L. A. K.

Robert R. Scott, Commissioner NH Department of Environmental Services

12/6-15

Date

19h Date

OFFICE OF THE ATTORNEY GENERAL

By: may General

) 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

MOA-NHOES & NHOOE-Page 4 of 4 Removal of Lead in Drinking Water for Abl's Schools, Initials; 2 Data 12-14-19 Initials: 202 Data 10/14