October 14, 2021

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court
State House
Concord, NH

His Excellency, Governor Christopher T. Sununu
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 (NHDES) to accept and expend $100,000,000 in federal funds from the American Rescue Plan Act of 2021 (ARPA) to fund investments in drinking water and wastewater infrastructure, effective upon Fiscal Committee and Governor & Council approval through June 30, 2023. This is an allowable use of ARPA FRF funds under Section 602 (c)(1)(D) for water and sewer infrastructure as well as Section 602 (c)(1)(C) for provision of government services to the extent of the reduction in revenue. Funding is 100% Federal Funds.

2. Pursuant to the provisions of RSA 124:15,1, authorize NHDES to establish one full time temporary position effective upon Fiscal Committee and Governor & Council approval through June 30, 2023. The position was approved by the Division of Personnel on April 29, 2021. A copy of the approval documentation is attached.

<table>
<thead>
<tr>
<th>Classification Title</th>
<th>Position #</th>
<th>Labor Grade</th>
<th>Salary Range</th>
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<tbody>
<tr>
<td>Environmentalist IV</td>
<td>9T3096</td>
<td>27</td>
<td>$56,218 - $80,106</td>
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</table>

Funding is to be appropriated as follows:
The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court and
His Excellency, Governor Christopher T. Sununu
and The Honorable Council

ARPA DES LOANS
03-44-44-440010-2476
Fiscal Years 2022-2023

<table>
<thead>
<tr>
<th>Class</th>
<th>Budget Category</th>
<th>Current Budget</th>
<th>Requested Action</th>
<th>Revised Budget</th>
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<tbody>
<tr>
<td>Income</td>
<td>Federal Funds</td>
<td>($50,000,000)</td>
<td>($100,000,000)</td>
<td>($150,000,000)</td>
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<tr>
<td>Expenditures</td>
<td>Overtime</td>
<td>$40,000</td>
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<td>$40,000</td>
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<td></td>
<td>Current Expense</td>
<td>$24,937</td>
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<tr>
<td></td>
<td>Building Rent-Other than State</td>
<td>$3,700</td>
<td>0</td>
<td>$3,700</td>
</tr>
<tr>
<td></td>
<td>Maint Other than Bldg/Grnds</td>
<td>$3,000</td>
<td>0</td>
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<tr>
<td></td>
<td>Transfers to OIT</td>
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<td>Transfers to General Services</td>
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<td></td>
<td>Equipment</td>
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<td>Technology-Hardware</td>
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<td>Technology Software</td>
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<td>Telecommunications</td>
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<td>Indirect Costs</td>
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<td>Audit Set-Aside</td>
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<td>Additional Fringe Benefits</td>
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<td>Consultants</td>
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<td>Transfer to Other State Agencies</td>
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<td>Part Time Personnel</td>
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<td>Full Time Temporary</td>
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<td>Employee Training</td>
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<td>In-State Travel</td>
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<td>$9,500</td>
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<td>Grants – Federal</td>
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<td>Out of State Travel</td>
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<td>$3,500</td>
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<td>Inter Agcy Xfr Out of Federal Funds</td>
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<td>Contracts for Program Services</td>
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<td></td>
<td>Loans</td>
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<tr>
<td></td>
<td>Total</td>
<td>$50,000,000</td>
<td>$100,000,000</td>
<td>$150,000,000</td>
</tr>
</tbody>
</table>

1 All direct program costs will be accounted for using activity 00FRF602WB4401B and 00FRF602WB4401C for PFAS and activity 00FRF602WB4401Z for administrative and indirect costs. Accounting classifications may be subject to technical changes at the discretion of the Department of Administrative Services’ Division of Accounting Services.
EXPLANATION

The American Rescue Plan Act (ARPA) of 2021, is a $1.9 trillion economic stimulus bill passed by the 117th United States Congress and signed into law by President Biden on March 11, 2021, to speed up the United States' recovery from the economic and health effects of the COVID-19 pandemic and the ongoing recession.

The Act defines eligible uses of the state and local funding, including responding to public health emergency, responding to workers performing essential work during the COVID-19 emergency, providing revenue relief to states and making investments in water, sewer and broadband infrastructure.

Based on planning between the Department, legislative leadership, and the Governor’s Office, a portion of the ARPA funds was initially allocated to NHDES to invest in the drinking water and wastewater infrastructure of New Hampshire. The initial $50 million appropriation was approved by the Fiscal Committee on June 8, 2021, Item #21-138 and by Governor & Council on June 16, 2021, Item #101, allowing NHDES to stand up the program by having the necessary initial staff in place to begin managing the infrastructure program and begin to award grant funding to entities. It was anticipated at the time that as additional ARPA funds were allocated to NHDES additional full time temporary positions would be established to meet the new, increased responsibilities. Given the magnitude of the funds being awarded for major drinking water and wastewater infrastructure projects, these responsibilities are significant, and include administering these funds as grants, with extensive financial and compliance monitoring being placed on NHDES to comply with federal transparency requirements.

Based on further planning between the Department, legislative leadership, and the Governor’s Office NHDES is continuing to develop a detailed use plan for the additional ARPA funds based on interim guidance from the US Treasury Department.

NHDES is requesting to budget these additional funds as shown below:

- **Class 040**: To cover the program share of statewide indirect costs.
- **Class 041**: To cover the cost of Audit Set-Aside charges related to the federal program.
- **Class 042**: To cover the program share of additional fringe benefit costs.
- **Class 049**: To cover transfers to other State Agencies.
- **Class 059**: To cover the costs for the one full-time temporary position for coordination and execution of NHDES’s management of investments in drinking and clean water infrastructure projects.
- **Class 060**: To cover benefits for full and part-time personnel.
Class 072 To cover grants to entities for infrastructure projects and PFAS projects as authorized by HB 271 in the 2021 legislative session. Of the total $98 Million increase, $25 Million is earmarked for PFAS projects.

Class 102 To cover costs to outside engineering firms to assist with projects.

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:

1. **List All Personnel by Classification, Labor Grade, and Salary:** One fulltime, temporary position as listed below:

   • **Environmentalist IV (LG 27, $56,218 - $80,106)** to supervise environmental program activities associated with public water system sustainability to promote maintenance, improvement and resilience of public water system infrastructure as associated with ARPA projects. Responsibilities include ensuring availability of broad funding options, processing funding actions, supervising review of applications, managing drinking water projects, review of reimbursement requests for payments, and assisting with federal reporting requirements such as Davis Bacon, American Iron and Steel and Minority and Women’s Business Enterprise in order to ensure the proper and timely reporting of ARPA funding recipients.

2. **Explain the Nature, Need, and Duration of the Program:** The American Rescue Plan Act of 2021 is providing funds to states through the Coronavirus State Fiscal Recovery Fund to assist states with the economic impacts of the pandemic. To this end, this portion of those funds is earmarked for water and sewer infrastructure improvement investments. The program runs through December 31, 2024 for obligating the funds and through December 31, 2026 for expending the funds.

3. **What is the Relationship to Existing Programs?** The ARPA funds will complement the existing Clean Water and Drinking Water State Revolving Fund programs as well as the Drinking Water/Ground Water Trust Fund in providing grants/loans for water and sewer infrastructure improvements.

4. **Has a Substantially Similar Program been Requested of the Legislature and Denied?** No.

5. **Why was this Program and Its Funding Not Included in the Operating Budget?** The federal grant funds were not available at the time the department created its FY22/23 Operating budget request. Management of the overall ARPA funds is being coordinated through GOEERR.

6. **Can any Portion of the Funds Be Utilized if Either, None, or Only Part of the Positions are**
Authorized? No, the contracts, loans and grant portions of the requested funding could not be effectively awarded without approval of the position. Current staff resources would preclude timely review and processing of work scope authorizations, reports, engineering plans and loan/grant applications. Current staffing is not sufficient to allow timely execution of the work required under the federal requirements.

7. What is the Estimate of the Amount of Funding Required to Continue the Positions in Future Years?
It is anticipated that the position is likely to continue until the ARPA funding expires on December 31, 2026. The estimated cost of this position in FY 24/25 is $177,740 and FY 26/27 is $137,304.

We respectfully request your approval of these items.

Robert R. Scott, Commissioner
NH Department of Environmental Services
SUPPLEMENTAL JOB DESCRIPTION

Classification: Environmentalist IV

Position Title: Environmentalist IV

Position Number: 9T3096

Function Code: 4098-442

Date Established: 4/27/21

Date of Last Amendment:

SCOPE OF WORK: Supervises environmental program activities in the Public Water System Sustainability Section to promote maintenance, improvement and resilience of infrastructure at public water systems through utilization of the Drinking Water State Revolving Fund (DWSRF) and other regulatory and incentive-based mechanisms.

ACCOUNTABILITIES:

- Designs and implements diverse program initiatives to ensure that a broad range of funding options is available to public water systems for infrastructure needs. Provides assistance to DWSRF Program as needed including processing loan actions, ranking applications, reviewing environmental data, and authorizing award letters.

- Reviews data compiled from inspections, engineering surveys and special projects; develops, implements and evaluates environmental policy.

- Coordinates specialized studies of the environment, using computer programs to monitor and analyze data to project environmental conditions.

- Manages the review of reimbursement requests submitted by funding assistance recipients in order to provide timely and accurate payments to loanees and grantees.

- Assists with the federal reporting requirements related to the DWSRF such as Davis Bacon, American Iron and Steel and Minority and Women's Business Enterprise (MBE/WBE) in order to ensure the proper and timely reporting by loan and grant recipients.

- Supervises the review of federal and state grant and loan applications submitted by applicants by checking for completeness and coordinates follow up as necessary.

- Interprets and explains technical, regulatory and administrative requirements to public water systems, municipal officials, consultants, legislators, other governmental organizations, project managers and other internal staff.

- Analyzes statistics, regulations and procedures pertaining to the drinking water funding programs and makes recommendations to improve effectiveness and/or efficiency.

- Participates in, and coordinates activities related to financial and performance audits, recommending appropriate remedial actions.

- Continually 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 hydrogeology, water resources management, environmental engineering, or 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 or Environmentalist in hydrology, water resources management, a related environmental science field, or source water protection, 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: Must possess a valid driver’s license for performing professional field work.

DISCLAIMER STATEMENT: The supplemental job description lists the essential functions of the position and is not intended to include every job duty and responsibility specific to the 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:
I have reviewed the content of this supplemental job description with my supervisor.

Employee’s Name ___________________________ Employee’s Signature ___________________________ Date Reviewed ______________

Supervisor’s Name and Title: J. McKenna, Administrator III

I have discussed the work responsibilities outlined by this supplemental job description with the above employee.

Supervisor’s Signature ___________________________ Date Reviewed ______________

Agency Human Resources ___________________________ Date Approved/Revised ______________

Appointing Authority’s Signature ___________________________ Date Reviewed/Approved ______________

Reserved for DOP and Designees Only

Division of Personnel ___________________________ Date Approved ______________