



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



FIS 21 313

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,I, 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.

Classification Title	Position #	Labor Grade	Salary Range
Environmentalist IV	9T3096	27	\$56,218 - \$80,106

Funding is to be appropriated as follows:

ARPA DES LOANS¹
03-44-44-440010-2476
Fiscal Years 2022-2023

Class	Budget Category	Current Budget	Requested Action	Revised Budget
Income				
000-400338	Federal Funds	(\$50,000,000)	(\$100,000,000)	(\$150,000,000)
Expenditures				
18-500106	Overtime	\$40,000	0	\$40,000
20-500200	Current Expense	\$24,937	0	\$24,937
22-500255	Building Rent-Other than State	\$3,700	0	\$3,700
24-500225	Maint Other than Bldg/Grnds	\$3,000	0	\$3,000
27-582703	Transfers to OIT	\$88,740	0	\$88,740
28-582814	Transfers to General Services	\$63,396	0	\$63,396
30-500321	Equipment	\$28,171	0	\$28,171
37-500174	Technology-Hardware	\$19,380	0	\$19,380
38-500175	Technology Software	\$12,360	0	\$12,360
39-500188	Telecommunications	\$17,549	0	\$17,549
40-500800	Indirect Costs	\$149,349	\$6,521	\$155,870
41-500801	Audit Set-Aside	\$50,000	\$100,000	\$150,000
42-500620	Additional Fringe Benefits	\$75,555	\$8,960	\$84,515
46-500463	Consultants	\$300,000	0	\$300,000
49-588575	Transfer to Other State Agencies	0	\$1,000,000	\$1,000,000
50-500109	Part Time Personnel	\$591,004	0	\$591,004
59-500117	Full Time Temporary	\$814,694	\$101,359	\$916,053
60-500601	Benefits	\$776,426	\$52,706	\$829,132
66-500544	Employee Training	\$6,800	0	\$6,800
70-500705	In-State Travel	\$9,500	0	\$9,500
72-500574	Grants – Federal	\$36,260,000	\$98,230,454	\$134,490,454
80-500710	Out of State Travel	\$3,500	0	\$3,500
85-5885xx	Inter Agcy Xfr Out of Federal Funds	\$161,939	0	\$161,939
102-500731	Contracts for Program Services	\$500,000	\$500,000	\$1,000,000
301-504059	Loans	\$10,000,000	0	\$10,000,000
	Total	\$50,000,000	\$100,000,000	\$150,000,000

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 \$98Million increase, \$25Million 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 GOFERR.
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.

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a stylized flourish extending from the end.

Robert R. Scott, Commissioner
NH Department of Environmental Services

SUPPLEMENTAL JOB DESCRIPTION

Classification: Environmentalist IV

Function Code: 4098-442

Position Title: Environmentalist IV

Date Established: 4/27/21

Position Number: 9T3096

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 loanes 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

Janice Day

4/27/21

Division of Personnel

Date Approved