



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 13, 2009

The Honorable Marjorie Smith, Chairman
 Fiscal Committee of the General Court
 State House
 Concord, NH 03301

His Excellency, Governor John H. Lynch
 and The Honorable Council
 State House
 Concord, NH 03301

REQUESTED ACTION

1. Pursuant to RSA 14:30-a, VI, authorize the Department of Environmental Services (DES) to accept and expend \$352,412 in funds from the Department of Transportation (DOT) to implement chloride reduction relative to the I-93 expansion, effective upon Governor and Council approval through June 30, 2009. (100% Interagency Transfer Funds – Highway Fund.)

Funding is to be budgeted as follows:

**I-93 Chloride TMDLs
 010-044-1522
 FY09**

Class	Description	Current Budget	Requested Action	Adjusted Budget
Income				
001	Transfer from DOT	\$192,396	(\$352,412)	(\$544,808)
Expenditures				
018	Overtime	\$2,654		\$2,654
020	Current Expense	\$4,933	\$1,328	\$6,261
030	Equipment New	\$30,050		\$30,050
040	Indirect Costs	\$1,313		\$1,313
042	Additional Fringe	\$2,826	\$1,358	\$4,184
049	Transfers to Others	\$4,361	\$221	\$4,582
050	Part Time Temp	\$0	\$39,747	\$39,747
059	Full Time Temp	\$33,842		\$33,842
060	Benefits	\$16,978	\$9,758	\$26,736
070	In-State Travel	\$746		\$746
102	Contracts	\$43,340	\$300,000	\$343,340
216	I-93 Chloride	\$51,353		\$51,353
Total		\$192,396	\$352,412	\$544,808

2. Authorize the DES and DOT to amend a Memorandum of Agreement by increasing the contract amount by \$705,000 from \$560,000 to \$1,265,000 to implement chloride reduction strategies in the I-93

corridor from Massachusetts to Manchester, NH, effective upon Governor and Council approval through June 30, 2016. (80% Federal funds, 20% Highway funds.)

Funding is available in account Consolidated Federal as follows:

015-096-3054-046-0464	Consolidated Federal Aid	<u>FY2009</u> \$705,000
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EXPLANATION

Under an existing memorandum of agreement, DES and DOT determined the Total Maximum Daily Load for chloride in four impaired watersheds in the I-93 corridor towns of Chester, Derry, Londonderry, Salem, and Windham. Based on intensive water quality monitoring and scientific studies, it was determined that chloride reductions from road parking lot salt applications will need to be reduced in the range for 20 to 45 percent in order for the impaired streams to meet water quality standards for chloride.

DES and DOT have been working with a Salt Reduction Work Group, comprised of representatives from the municipalities, UNH, regional planning commissions, and private parking lot maintainers, to develop implementation plans to achieve the desired chloride reductions. In order to reduce chloride loads, the following are needed: a salt accounting system to track salt application over time, training programs for winter road and parking lot maintainers, and social marketing programs to address behavior change relative to reduced salt use. Continued long-term water quality monitoring is required to measure progress toward the specified water quality goals as specified in Total Maximum Daily Load studies, which were required in conditions for permits issued by DES to expand I-93 from Salem to Manchester.

The Amendment to the Memorandum of Agreement between DES and DOT has been approved by the Office of the Attorney General as to form, execution, and content.

The total cost associated with Amendment to the MOA is \$705,000. The source of funding for the MOA is the Federal Highway Administration funds from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for User (SAFETEA-LU). SAFETEA-LU authorizes the Federal surface transportation program for highways, highway safety, and transit for the 5-year period 2005-2009. The allocation of SAFETEA-LU funds for this project is part of a specifically designated fund for I-93 Water Quality Studies. No funds are being budgeted for class 040, Indirect, or class 041, Audit, because DOT pays the indirect and audit costs associated with this project. In the event that Federal funds become no longer available, General Funds will not be requested to support this program.

Specifically, the funds will be used as follows:

- Class 020 To cover the costs of supplies and maintenance for water quality monitoring equipment.
- Class 049 To cover the costs of laboratory analyses for water quality monitoring.
- Class 050 To cover the costs of a part-time temporary position to coordinate chloride reduction efforts among the state, local, and private sectors. In addition, Employee support from

Department of Environmental Services and
Department of Transportation MOA extension

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Page 3 of 3

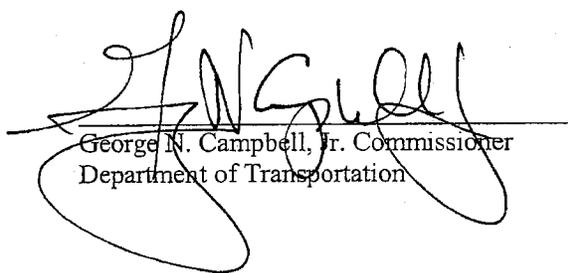
other Department of Environmental Services organizational units will be utilized to administer this program. These funds will be used to supplant funding of the following positions, which are currently budgeted:

Position #	Title	Budget	Funding Mix	Amount
18556	Administrator IV	100% Federal	010-7602-010	\$919
16797	Sanitary Engineer III	100% Federal	010-7602-010	\$919
19723	Environmentalist IV	100% Federal	010-7602-010	\$92
42162	Environmentalist III	100% Federal	010-7602-010	\$460
16798	Assistant Administrator	100% Federal	010-7602-010	\$7,068
16799	Principal Planner	100% Federal	010-7602-010	\$7,068

- Class 060 To cover the costs of benefits for the position listed above.
- Class 042 To cover the costs of additional fringe benefits for the position listed above.
- Class 102 To cover the costs of contractual expenses for salt reduction accounting systems, salt application training, and social marketing addressing behavior change associated with reduced salt application.

We respectfully request your approval.


Thomas S. Burack, Commissioner
Department of Environmental Services


George N. Campbell, Jr. Commissioner
Department of Transportation

State of New Hampshire Departments of Transportation / Environmental Services Fiscal Situation Worksheet	
010-044-4420(Actv)-1522 I-93 Chloride TMDLS	
Description	Amount
Original MOA Expenditures	560,000.00
FY 07	251,840.23
FY 08	150,672.99
Total	402,513.22
Budget FY 09	137,703.00
Original Grant over Amount Expended or Budgeted	19,783.78
MOA Amendment	705,000.00
Amount of Funds Over Budget	724,783.78
Reserve for Future Periods	372,371.78
Amount Requested to Budget	352,412.00

MEMORANDUM OF AGREEMENT

between

New Hampshire Department of Transportation

and

New Hampshire Department of Environmental Services

relative to

**The Development and Implementation of Total Maximum Daily Loads for Chloride and
Other Activities for Water Quality Protection on Waterbodies in the Vicinity of the I-93
Corridor from Massachusetts to Manchester**

AMENDMENT No. 1

This Agreement, hereinafter called the "Amendment," dated this 5th day of *March*, 2009 is by and between the Department of Transportation (DOT) and the Department of Environmental Services (DES).

WHEREAS, pursuant to a Memorandum of Agreement (MOA) approved by Governor and Council on June 21, 2006, DOT and DES agreed to perform certain services upon the terms and conditions specified in the MOA and in consideration of payment by DOT of certain sums as specified therein; and

WHEREAS, the DOT and DES have agreed to amend the MOA in certain respects;

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the MOA and set forth herein, the parties hereto do hereby agree as follows:

1. Amendment and Modification of MOA: The MOA is hereby amended as follows:

(A) Add new paragraphs to read:

VI. MATTERS RELATED TO SALT USE ACCOUNTING AND TRAINING

DOT will provide \$390,000 for the purpose of developing software for a salt accounting system designed for salt applicators, which will provide storm event salt application data in an easy to use format. In addition, a training program for State, Municipal and private salt applicators will be designed and implemented. DOT and DES will agree on the scope of services prior to DES entering into agreements with contractors to perform this work, if needed.

VII. MATTERS RELATED TO PUBLIC EDUCATION AND OUTREACH

DOT will provide \$270,000 for the purpose of implementing a public education and outreach program to work with selected audiences to identify barriers to behavior change

relative to salt reduction, develop programs to overcome barriers, and measure the effectiveness of behavior change. DOT and DES will agree on the scope of services prior to DES entering into agreements with contractors to perform this work, if needed.

VIII. MATTERS RELATED TO WATER QUALITY MONITORING

DOT will provide \$5,000 for the purpose of continuing TMDL Implementation Monitoring in the I-93 watersheds in SFY2010 through SFY2016 (July 1, 2009 to June 30, 2016). This is 11% of the cost of the monitoring program, which is equivalent to DOT's share of the chloride load in the impaired watersheds. DOT will also provide \$40,000 for the purpose of data reporting and quality assurance through 2016. In the Quality Assurance Project Plan for the I-93 chloride TMDLs, DES, DOT, and EPA agreed that TMDL Implementation Monitoring would occur between July 1, 2007 and June 30, 2016 (see QAPP, Table 3). DES personnel have completed the monitoring in SFY2008 and will complete monitoring in SFY2009 using funds from the original \$560,000 allocation. Monitoring in SFY2010-SFY2016 will also be completed by DES personnel using the additional funding. DES will also prepare a revised Quality Assurance Project Plan for the TMDL Implementation Monitoring in SFY2010-SFY2016 by June 30, 2009. DOT and DES will agree on the scope of services prior to DES entering into agreements with contractors to perform this work, if needed.

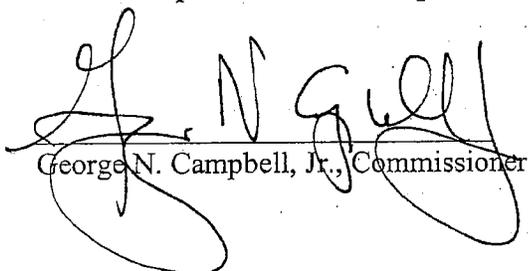
2. Effective Date of Amendment: This Amendment shall take effect upon the date of approval of this Amendment by the Governor and Executive Council of the State of New Hampshire.
3. Continuance of Agreement: Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement, and the obligations of the parties there under, shall remain in full force and effect in accordance with the terms and conditions set forth therein.

For the Department of Environmental Services:


Thomas S. Burack, Commissioner

3/2/2009
date

For the Department of Transportation:


George N. Campbell, Jr., Commissioner

3/5/09
date

Reviewed and approved as to form, substance, and execution

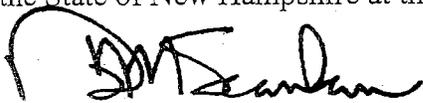


Attorney General

3-11-09

date

I hereby certify that the foregoing contract was approved by the Governor and Executive Council
of the State of New Hampshire at the meeting on MAY 03 2009



Secretary of State

DEPUTY SECRETARY OF STATE

MAY 03 2009

date