



Mailing Address:
1 Baldwin Street
Drawer 33
Montpelier, Vermont 05633-5701

Tel.: (802) 828-2295
Fax: (802) 828-2483

STATE OF VERMONT
JOINT FISCAL COMMITTEE
1 Baldwin Street
Montpelier, Vermont 05633-5701

MEMORANDUM

To: James Reardon, Commissioner of Finance & Management

From: Rebecca Buck, Staff Associate *RB*

Date: September 7 2006

Subject: Status of Position Request

No Joint Fiscal Committee member has requested that the following item be held for review:

JFO #2266 – Request from the Department of Environmental Conservation to establish one (1) new limited service position: Environmental Analyst III. This sponsored position is 90% federally funded and associated with a continuing U.S. Environmental Protection Agency grant aimed at clean up of older, backlogged leaking underground storage tank sites.
[JFO received 08/08/06]

In accordance with 32 V.S.A. §5, the requisite 30 days having elapsed since this item was submitted to the Joint Fiscal Committee, the Governor's approval may now be considered final. We ask that you inform the Secretary of Administration and your staff of this action.

cc: Linda Morse
Canute Dalmasse
Jeffrey Wennberg
Molly Paulger
Jenny Audet

From: "Elovirta, William" <William.Elovirta@state.vt.us>
To: "Michael Obuchowski" <OBIE.LCPO2.VTLC@leg.state.vt.us>
Date: 8/15/2006 2:46:06 PM
Subject: DMV response to questions from Rep. Michael Obuchowski regarding JFO #2265

The answers to the questions have been incorporated below in the body of text from the original e-mail. I will be on patrol tomorrow and in Massachusetts Thursday and Friday. I can be reached through my cell phone at 793-9119. Any questions please feel to call me otherwise I will be back in the office next Monday morning. I will be checking e-mail through the end of the week.

Thanks,

Jake

Original Message-----

From: Rebecca Buck [mailto:rbuck@leg.state.vt.us
<mailto:rbuck@leg.state.vt.us>]

Sent: Monday, August 14, 2006 10:02 AM

To: Elovirta, William

Cc: Michael Obuchowski; Steve Klein

Subject: Questions from Rep. Michael Obuchowski regarding JFO #2265

Good morning Jake: Representative Michael Obuchowski has the following questions and requests the following further information with regard to JFO #2265 (4 CVE Ltd Service positions--3 inspectors and 1 team leader--for Border Enforcement Grant Program):

1) How much is each position being paid?

DMV

The CVE Team Leader (Sgt) is a pay grade 22 and the CVE Inspector is a pay grade 21. It is anticipated that we will have several senior Inspectors requesting to transfer into these positions and budgeted based on the highest step positions of any current team leader (\$24.43) and inspector (\$23.75). The salaries are based on 2,080 hours plus 15% overtime for a total of 2,392 hours per inspector. The four Border Enforcement Team positions total 9,568 hours.

There is overtime for non-border team inspectors to work special enforcement details at the border as well. The 2,880 hours is based upon 4 hours of overtime to 16 inspectors over a 45-week period.



2) Please provide an explanation of the budget information provided (it seems costly to have this team on the road).

DMV

Personnel & Fringe - The DMV budget includes the cost of four new Border Inspectors for a year's activity plus a 15% overtime cap. The budget further includes overtime for additional fixed site and mobile patrols in conjunction with the border team and base salary also includes the fringe benefits associated with each inspector. (Note above salary info)

Equipment - is a major capitol expense that is budgeted for in the first year and is based on the cost of setting up a cruiser through AOT's Central garage. The equipping of the cruiser includes a Chevrolet Crew cab 4x4 pickup, emergency LED lighting, sirens, equipment console, computer stand, printer stand, inverter power, UHF/VHF/CB radios, antennas, cargo bed slide out tray, tonneau cover, push bumper, graphics and AOT mechanics installation time (1 week).

These inspector cruisers are their offices. Anything they need to do their job is maintained in their cruisers. Officers may on occasion take a prisoner to a local police department, sheriffs department or state police barracks but normal daily activity is handled in the field. Inspectors have laptops so they can conduct MCSAP safety inspections, write and print out reports/affidavits and track their daily activity. On misdemeanor offenses they have finger print kits and digital cameras so a defendant can be processed and cited in the field.

Vehicle Repair and Preventative Maintenance covers fuel, oil, tires and costs for future fleet replacement of the vehicle after the initial purchase.

Supplies - Uniforms & Accessories cover the daily uniforms worn by CVE Inspectors to include:

5 Short Sleeve Shirts, 5 Long Sleeve Shirts, 5 trousers, 1 pair Winter Boots, 1 pair Summer Boots, 1 Summer Coat, 1 Winter Coat, 1 Winter Sweater, 1 Rain Coat, 3 Ball Caps, 1 Winter Hat, 1 pair Winter Gloves, Nylon Duty Belt with all equipment except pistol. Inspectors are issued Alco Sensor IV breath testing device, digital camera, clipboards and data phone line access.

Publications include training materials and paperwork used in the field by the inspector.

Miscellaneous Public Information & Education Materials are those materials that are given to the drivers, carriers and general public related to commercial vehicle safety related topics.

Other - (Communications/Electronics) DMV has been using satellite data communications since last July 1st to run driver, vehicle and carrier information. At roadside Inspectors are very data driven when conducting MCSAP Safety Inspections. It is a burdensome to request a DPS dispatcher to read and print driver, vehicle and carrier information. With the DPS consolidation to four Public Safety Answering



Points (PSAP's) dispatch voice traffic is at a premium or often times depending where an inspector maybe operating communications is impossible. Satellite addresses DMV's need plus allows inspectors to communicate via an internal e-mail system, text messaging or conference messaging. DMV also has Automatic Vehicle Locator (AVL) feature attached to the satellite program, which allows DMV to receive a call from municipal police agency, county sheriffs or state police dispatch and send the closest DMV inspector to a serious CMV crash. This response protocol was mandated by the legislature during 1999-2000 legislative session. The feature has also allowed us to respond to phone complaints about erratic driving by a CMV and get the nearest inspector to that vehicle. AVL has also exonerate a complaint about an inspector because the program can back track the inspectors travel route over a particular date and time.

DMV uses Nextel phones to communicate with inspectors, call carriers, safety departments and other law enforcement agencies when they have questions in the field. UHF portable radios are used to supplement cruiser radios when an inspector may be away from his/her cruiser talking to a CMV driver, public or conducting a vehicle inspection. FMCSA has funded the use of ruggedized laptop computers since the mid 1990's for use in conducting MCSAP safety inspections (ASPEN). The laptops are also used for reports and as mobile terminal for the satellite queries. Printers used to provide inspection report to driver, inspector reports and in the near future to print out traffic tickets as well.

After the first year start up then cost drop because DMV will only be paying salaries, vehicle repair & preventative maintenance and monthly communication charges only.

VSP

The Vermont State Police maintain a full time 3 person Commercial Vehicle Enforcement Team (CVET) unit composed of a Sergeant and two Corporals. They also have at any one time between 9-20 road troopers who have received MCSAP inspection training. Normal inspection activity occurs on an overtime basis on a day off, prior to or after completing a normal scheduled shift. VSP continues to participate in truck enforcement activities based on the 1999-2000 Joint Fiscal Office recommendation of Chris Cole. At that time it was felt that it was a deterrent effect for industry because CMV drivers when they passed a trooper in a u-turn would not be able to differentiate a MCSAP trained trooper from an untrained trooper. Continued funding from the Border grant program is used to maintain VSP's CMV enforcement efforts. This is the only money they receive to maintain operations. As noted on their grant application the bulk of their funds are used towards personnel services and fringe benefits. The remainder is for equipment, supplies and communications. VSP's three Tahoe cruisers are pro-rated because their duties are not just specifically CMV enforcement they also handle normal patrol activities on a regular basis as well. Supplies are as needed since they are using existing troopers who have received their full compliment of uniforms and leather gear when they were hired as road troopers. Communications includes cellular phones and dispatch services for special details.



3) Is it proper to have a "dedicated" team doing this? It would seem they might be compromised if the team has the same people at the border providing commercial motor vehicle enforcement. If/as the drivers of the commercial vehicles become accustomed to/familiar with the same inspectors, could this lead to potential problems?

DMV currently divides the State of Vermont up into nine districts that are very similar to AOT's maintenance districts. Within each district there are 2 CVE inspectors assigned for a total of 18 personnel (there is a Capt and 2 Lt's who manage the unit). Similar in concept to community policing, inspectors are expected to be familiar with the carriers and businesses operating within their districts. Inspectors do meet regularly with law enforcement agencies that provide police services to the communities within their respective districts. Inspectors are available to provide technical assistance during CMV crashes, and when agencies have motor vehicle related questions. Officer knowledge of their districts has helped to reduce the number of gross overweight violations that we have seen in the past that damage highways. The number of CMV drivers processed for operating a CMV while either under the influence of alcohol or having a detectable amount has also increased. Inspectors do often become familiar with drivers operating on certain truck corridors. It has been a benefit from an enforcement standpoint because you become familiar with those carriers that run safe operations and those that like to cut corners by the information provided. We often will be asked by drivers to inspect a truck because the driver knows it is in bad shape and the company won't fix the problem. The majority of inspectors working in the CMV enforcement unit come from municipal policing backgrounds, which translate, into excellent driver interview skills and driver cooperation. DMV has an excellent reputation for being fair but firm. It is quite common for an inspector to take the extra time at roadside to help educate a driver who may not fully understand a state or federal regulation. DMV will set up safety training for one or more carriers at any time. Currently Casella Waste Management is scheduling Highway Watch training for all their drivers in Vermont and so far to date DMV has gone to different five sites, which average 20-30 drivers per site. Currently approximately 50-60% of CVE Inspector time is spent working state programs efforts like oversize/overweight enforcement, vehicle permit/registration verification and dyed fuel enforcement (will be adding Heavy Duty Diesel emissions 07/01/07). The other 40-50% is spent on federal MCSAP inspection activity. The focus of the Border Enforcement team is dedicated to conducting MCSAP safety inspections. State program enforcement efforts would be incidental to the inspection effort. The Border Inspector would also be expected to coordinate enforcement activity with US Customs and Border Protection, US Border Patrol, NY State Police and New Hampshire Highway Patrol.

Please cc me on your response to Representative Obuchowski. Thank you.

--Becky

Capt. William "Jake" Elovirta
Vermont Department of Motor Vehicles
Enforcement & Safety Division
120 State Street, RM 301E
Montpelier, VT 05603-0001



(802) 828-2078
(802) 828-2092 fax
(802) 793-9119 cell
178*94*9330 Nextel DC
(802) 250-2934 pager

william.elovirta@state.vt.us

CC: "Rebecca Buck" <r buck@leg.state.vt.us>, "Steve Klein"
<SKLEIN.LCPO1.VTLC@leg.state.vt.us>



From: Rebecca Buck
To: Elovirta, William
Date: 8/14/2006 10:01:36 AM
Subject: Questions from Rep. Michael Obuchowski regarding JFO #2265

Good morning Jake: Representative Michael Obuchowski has the following questions and requests the following further information with regard to JFO #2265 (4 CVE Ltd Service positions--3 inspectors and 1 team leader--for Border Enforcement Grant Program):

- 1) How much is each position being paid?
- 2) Please provide an explanation of the budget information provided (it seems costly to have this team on the road).
- 3) Is it proper to have a "dedicated" team doing this? It would seem they might be compromised if the team has the same people at the border providing commercial motor vehicle enforcement. If/as the drivers of the commercial vehicles become accustomed to/familiar with the same inspectors, could this lead to potential problems?

Please cc me on your response to Representative Obuchowski. Thank you. --Becky

CC: Klein, Steve; Obuchowski, Michael





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**STATE OF VERMONT
JOINT FISCAL COMMITTEE**
1 Baldwin Street
Montpelier, Vermont 05633-5701

MEMORANDUM

To: Joint Fiscal Committee Members

From: Rebecca Buck, Staff Associate *RB*

Date: August 9, 2006

Subject: Position Requests

Enclosed please find two (2) requests which the Joint Fiscal Office recently received from the Administration:

JFO #2265 – Request from the Department of Motor Vehicles to establish four (4) new limited service positions: three (3) Commercial Vehicle Enforcement Inspectors and one (1) Commercial Vehicle Enforcement Team Leader. These sponsored positions are 100% federally funded and associated with a continuing Federal Motor Carrier Safety Administration Border Enforcement Grant Program directed at inspection and enforcement of international commercial motor vehicle cross border traffic.
[JFO received 08/04/06]

JFO #2266 – Request from the Department of Environmental Conservation to establish one (1) new limited service position: Environmental Analyst III. This sponsored position is 90% federally funded and associated with a continuing U.S. Environmental Protection Agency grant aimed at clean up of older, backlogged leaking underground storage tank sites.
[JFO received 08/08/06]

The Joint Fiscal Office has reviewed these submissions and determined that all appropriate forms bearing the necessary approvals are in order.

In accordance with the procedures for processing such requests, we ask you to review the enclosed and notify the Joint Fiscal Office (Rebecca Buck at 802/828-5969; rbuck@leg.state.vt.us or Stephen Klein at 802/828-5769; sklein@leg.state.vt.us) if you would like any item(s) held for Committee review. Unless we hear from you to the contrary by August 23 we will assume that you agree to consider as final the Governor's acceptance of these requests.

cc: Michael Smith, Secretary
James Reardon, Commissioner
Linda Morse, Administrative Assistant
Neale Lunderville, Secretary
Bonnie Rutledge, Commissioner
Canute Dalmasse, Acting Secretary
Jeffrey Wennberg, Commissioner
Molly Paulger, Classification Manager
Jenny Audet, Classification Program Technician

STATE OF VERMONT
POSITION ACCEPTANCE FORM

JFO#
2266

GRANT SUMMARY: To assist Vermont identify sites and oversee remediation of petroleum releases from underground tanks.

DATE: 7/26/06

DEPARTMENT: ANR DEC

GRANT AMOUNT: \$1,666,667.00 and \$1,555,556.00

GRANT PERIOD: 04/01/03 – 03/31/07, 04/01/05-03/31/07

GRANT/DONOR: VT LUST (Leaking Underground Storage Tank) Trust Fund
Program Cooperative Agreement Time Extension / US EPA, EPA
New England

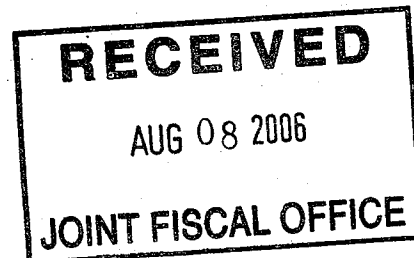
POSITIONS REQUESTED (LIMITED SERVICE): 1 Position;
Environmental Analyst III

LONG-TERM COSTS TO STATE: No new costs.

COMMENTS: This request is to replace a temporary position with a limited service position.
Funds, including 10% state match are already in the budget.

DEPT. OF FINANCE & MANAGEMENT: (INITIAL)
SECRETARY OF ADMINISTRATION: (INITIAL)
SENT TO JOINT FISCAL OFFICE: (DATE)

M 7/27/06
MB 8-2-06
8/2/06



STATE OF VERMONT Position Request Form

This form is to be used by agencies and departments when additional positions are being requested. The *Request for Temporary Position Form* should be used for temporary positions. Review and approval by the Department of Personnel must be obtained prior to review by the Department of Finance and Management. An updated organizational chart showing to whom the new position(s) would report must be attached to this form, as must a justification for this request as an essential program need. Please attach additional pages as necessary to provide enough detail.

Agency/Department ANR-DEC-WM Program/Appropriation No.: 6140030200

1. Check the type of Position being requested and enter the anticipated end date for limited service positions.

- Permanent Classified
 Limited Service Classified 7/1/08 (end date)
- Permanent Exempt
 Limited Service Exempt _____ (end date)

2. List below the number(s) and titles of each position being requested. Specify the source and percent of funds for the position(s), giving as much detail as possible (e.g. 85% general funds; 15% special fund). This will enable the Department of Personnel to place the position into the correct category: core, partnership, or sponsored.

<u>Number of Positions</u>	<u>Title of Position Requested</u>	<u>Funding Source and Percent</u>
1	Environmental Analyst III	LUST Trust Grant – Federal 100% 90% - J.

NOTE: Final determination of title and pay grade to be made by the Department of Personnel Classification Division upon submission and review of a PER-10 Request for Classification Action form.

3. Funds for this position request are available as follows:

- State Funds in FY ____ budget allocation.
- Federal Funds. List the source of federal funds and if a grant, submit a copy of the grant.
- Grant funds (non-federal). List the source of grant funds and submit a copy of the grant.

4. List below the source of grant funds and attach a copy of the grant proposal to this form:

Leaking Underground Storage Tank Grant

5. If this request is for conversion of a temporary position or a personal services contract that is performing the on-going and continued work of State Government, please indicate below.

- Temporary Position -- Position No.: 660XXX Job Title: Site Mgt & Elec Doc Mgt
- Personal Services Contract – Contract No.: _____ On Payroll at Present

I certify that this information is correct and that necessary space and equipment for the above position(s) are available (required by 32 VSA Sec. 5(b)).

[Signature] 13 July 06
 Signature of Agency or Department Head Date

[Signature] 7/24/06
 Approved/Denied by Department of Personnel Date

[Signature] 7/27/06
 Approved/Denied by Finance and Management Date

[Signature] 8-2-06
 Approved/Denied by Secretary of Administration Date

REC'D JUL 17 2006

Comments:

This position is necessary to achieve important grant commitments. EPA has made all states receiving grant money to commit to a specific number of cleanups to be completed each year at leaking underground storage tank sites. To achieve the number of cleanups required under the grant, EPA has provided additional funds. This position would be funded out of this additional grant money. The primary duty would be to work on older, backlogged sites in an attempt to bring them to closure. Vermont currently has over 700 backlogged sites which require attention. This position will work on this project as long as there are additional funds to support the work. There is currently funding available for the next two years. Failure to meet these commitments could jeopardize future funding.

From: "Raycraft, Joanna" <Joanna.Raycraft@state.vt.us>
To: "Rebecca Buck" <rbuck@leg.state.vt.us>
Date: 8/7/2006 4:11:07 PM
Subject: RE: Job Spec - as you requested

Hello Becky,

It was a pleasure speaking with you this afternoon. As requested please accept this email as documentation that the LUST Trust Grant (CFDA #66-805) is an ongoing grant and funding source that DEC has had for decades. It does not have a JFO # that I'm aware of as I believe it pre-dated the implementation of that practice. This grant has been continuously granted to us over the years and there is no reason at all to believe this will not remain the same for the many years to come.

Should you require any additional information to log our request with JFO to convert a temporary position to a limited service Environmental Analyst III under this grant please do not hesitate to contact me.

Thank you,
Joanna Raycraft
Business Manager
Dept. of Environmental Conservation
802-241-3810
joanna.raycraft@state.vt.us

-----Original Message-----

From: Rebecca Buck [mailto:rbuck@leg.state.vt.us]
Sent: Monday, August 07, 2006 9:32 AM
To: Abbiati, Gloria
Cc: Raycraft, Joanna
Subject: Re: Job Spec - as you requested

Thanks for the job spec for the Environmental Analyst III for DEC. Now I will give it the once over again and make sure everything checks out and then I can log/date stamp it in and start the clock ticking. I'll be sure and e-mail you and Joanna a copy of the request memo that goes out to JFC which I anticipate will go out on either Tuesday or Wednesday of this week (along with at least one other item from another dept.). If either you or Joanna have any questions on how this process works let me know. I'd be happy to explain via e-mail or the telephone (828-5969). --Becky

CC: "Abbiati, Gloria" <Gloria.Abbiati@state.vt.us>

<<http://www.vermontpersonnel.org/htm/sitemap.php>>

Job Specifications

Printer Friendly ENVIRONMENTAL ANALYST III

Job Code: 145101

Pay Plan: CLS Salary Administration Plan

Pay Grade: 22

Occupational Category: Life, Physical & Social Science

Effective Date: 08/10/1999

Class Definition:

Planning, analytical, and administrative work at a journey professional level for the Department of Environmental Conservation. Duties involve the technical review and analysis of environmental policies, programs, activities, and data in a variety of department regulatory, non-regulatory, scientific, and engineering programs. Work at this level differs from lower level analysts in the complexity of projects; degree of independence, responsibility, and accountability; level of expertise and breadth of knowledge required. May act as a lead worker, overseeing the work of temporary, contractual, or classified employees at a lower level. Work is performed under the direction of a higher-level technical or administrative superior.

Examples of Work:

Independently, following general policies and guidance, plans, develops, and implements environmental plans and programs; reviews and analyses proposed projects and plans for consistency with policies, statutes, regulations, rules, and environmental impact; researches, collects, analyses, and enters information into, and maintains, data bases and draft reports; prepares environmental impact statements and recommendations for corrective actions/alternatives; reviews and processes grant/loan applications; and prepares, develops, presents, and distributes informational and educational materials. Researches technical and administrative issues. Conducts field work, including project reviews, site inspections, investigations and makes regulatory compliance recommendations, including enforcement in regulatory programs. Participates in the training of staff, and represents the state in public meetings and in legal proceedings. Recommends technical and administrative program changes. Performs related duties as required.

Environmental Factors:

Duties are largely performed in an office setting; however, some field travel may be necessary for which private means of transportation must be available. Field work may involve exposure to chemicals, gases, hazardous liquid and solid waste, construction sites during all weather conditions and may involve traversing rough terrain and bodies of water. Some work outside of regular working hours, including attendance at public meetings, may be required. Strong differences of opinion may be encountered on a regular basis.

Minimum Qualifications:

Knowledge, Skills and Abilities

Considerable knowledge of the scientific method of observation and analysis.

Considerable knowledge of planning principles and procedures.

Considerable knowledge of data gathering techniques and various systems for organizing and interpreting such data.

Considerable knowledge of the laws, regulations, rules, policies, and programs of the Vermont Department of Environmental Conservation applicable to area of assignment.

Knowledge of state and federal environmental laws and regulations and Department programs.

Working knowledge of computer uses and potential in data management and program planning.

Working knowledge of word processing and spread sheet computer programs.

Working knowledge of statistical concepts and procedures.

Working knowledge of the basic principles of environmental management and protection.

Working knowledge of the basic principals of ecology.

Ability to communicate effectively both orally and in writing.

Ability to read and understand technical writing.

Ability to understand and interpret complex and technical information.

Ability to plan, organize, implement, and administer data gathering systems

Ability to present research findings in clear, objective, written report form.

Ability to establish and maintain effective working relationships.

Education and Experience

Education: Bachelor's degree in a biological-life or physical science, engineering, or an environmental or natural resources field.

Experience: Three years at a professional level in an environmental or natural resources field.

NOTE: Graduate degree in an environmental or natural resources related field may be substituted for up to two years of the experience on a semester for six months basis.

OR

Experience: Two years as an Environmental Analyst II.

Special Requirements

n/a

Back <javascript:;>

Post-It® Fax Note 7671 Date 7/20/06 # of pages 1

To Jason From Tre

Co./Dept. Fin / Maint Co.

Phone # 828-6451 Phor

Fax # 828-2428 Fax #

**National Air Toxics Assessment
Budget Detail for State Supplied Match**

Position Number	Position Title	Annual Salary 2007	% to Grant	Budget Period	
				From: 04/01/06	To: 09/30/07
				Salary Expense	Fringe Benefits
660293	Air Toxics Coordinator	42,265.60	25%	10,566.40	3,645.62
660019	Environmental Analyst VI, AC: Air Quality	65,228.80	20%	13,045.76	4,501.05
660099	Environmental Analyst V, AC: Air Quality	58,534.40	15%	8,480.16	2,925.82
660038	Environmental Scientist IV, AC: Chemistry	59,592.00	20%	11,918.40	4,112.09
660349	Environmental Technician II, AC: General	32,156.80	15%	4,823.52	1,664.21
660999	Management / Administrative Support	30,385.00	18.26%	5,549.06	1,914.54
Total FTEs →			1.13		
Personnel (listed above)				subtotal	\$ 54,383
Fringe Benefits (based on division average) (incl. FICA, retirement, workers' comp & personal insurance)				Rate	34.502%
				subtotal	\$ 18,763
Travel (does not include BGS fleet lease payments; see "Other")					
- In-State Travel					130
- Out-of-State Travel					1,035
				subtotal	\$ 1,165
Equipment (Items with a unit cost under \$5,000 are included due to limitations of accounting system.)					
- IT Equipment & Software Replacement / Upgrades (divisional allocation)					3,225
					0
				subtotal	\$ 3,225
Supplies					
- Miscellaneous Material & Supplies					65
- Office Supplies					1,995
				subtotal	\$ 2,060
Contractual (Sub-Awards)					
					0
					0
				subtotal	\$ -
Other					
- BGS Fleet Lease Payments					7,700
- Dues & Registrations					2,990
- Electronic Data Processing					990
- Fee-for-Space					9,555
- Insurance					1,145
- Postage, Freight & Express					995
- Printing & Duplicating					400
- Rentals - Miscellaneous					3,530
- Telephone & Internet Services					4,150
- Other Services					180
				subtotal	\$ 31,635
Indirect Charges (based on % of personnel costs)				Rate	25.31%
				subtotal	\$ 13,764
GRAND TOTAL				Total	\$ 124,995
Federal Share				0%	\$ -
Non-Federal Share				100%	\$ 124,995

STATE of VERMONT
AGENCY of NATURAL RESOURCES
DEPARTMENT of ENVIRONMENTAL CONSERVATION
~ Commissioners Office ~

MEMORANDUM

Tel: (802) 241-3512

Fax: (802) 244-5141

To: Jason Aronowitz, Financial Analyst
Department of Finance and Management

From: Jeffrey Wennberg, Commissioner
Department of Environmental Conservation


Date: July 13, 2006

Subject: Limited service sponsored position request.

Attached is request for position form and accompanying supporting information, which includes conversion of a temporary position into a sponsored limited service position. Please send to JFO for review and approval.

Thank you for your consideration in this matter. I am available for any additional questions

cc. Tracy LaFrance, Gloria Abbiati

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	ASSISTANCE ID NO.			DATE OF AWARD
		PRG	DOC ID	AMEND#	
		LS - 00161102 - 4			MAILING DATE
		TYPE OF ACTION			
No Cost Amendment			ACH#		
PAYMENT METHOD:			ASAP 0114		
ASAP					

RECIPIENT TYPE: State	Send Payment Request to: Region 1 Finance Office
RECIPIENT:	PAYEE:
Vermont D.E.C. 103 S. Main Street, Bldg. 1 So. Waterbury, VT 05671-0401 EIN: 03-6000274	Vermont D.E.C. 103 S. Main Street, Bldg. 1 So. Waterbury, VT 05671-0401

PROJECT MANAGER	EPA PROJECT OFFICER	EPA GRANT SPECIALIST
Chuck Schwer 103 S. Main Street, Bldg. 1 So. Waterbury, VT 05671-0401 E-Mail: Phone: 802-241-3876	Joan Coyle 1 Congress Street, Suite 1100, HBO Boston, MA 02114-2023 E-Mail: Coyle.Joan@epamail.epa.gov Phone: 617-918-1303	Janet Bartlett Grants Management Office, MGM E-Mail: Bartlett.Janet@epamail.epa.gov Phone: 617-918-1972

PROJECT TITLE AND EXPLANATION OF CHANGES
 VT LUST Trust Fund Program Cooperative Agreement
 Time Extension (Amendment); Extension through 3/31/2007

BUDGET PERIOD 04/01/2003 - 03/31/2007	PROJECT PERIOD 04/01/2003 - 03/31/2007	TOTAL BUDGET PERIOD COST \$1,666,667.00	TOTAL PROJECT PERIOD COST \$1,666,667.00
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NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.

OFFER AND ACCEPTANCE

The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the Vermont D.E.C. for 90.00 % of all approved costs incurred up to and not exceeding \$1,500,000 for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed 01/11/2006 included herein by reference.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)	AWARD APPROVAL OFFICE
ORGANIZATION / ADDRESS EPA New England 1 Congress Street, Suite 1100 Boston, MA 02114-2023	ORGANIZATION / ADDRESS U.S. EPA, EPA New England 1 Congress Street, Suite 1100 Boston, MA 02114-2023

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL <i>Janet Bartlett</i>	TYPED NAME AND TITLE Janet Bartlett, Senior Grants Specialist	DATE 1-26-06
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This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION		
SIGNATURE <i>Jeffrey Wennberg</i>	TYPED NAME AND TITLE Jeffrey Wennberg, Commissioner	DATE 1-26-06

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$922,688
2. Fringe Benefits	\$285,267
3. Travel	\$7,750
4. Equipment	\$39,180
5. Supplies	\$6,942
6. Contractual	\$24,370
7. Construction	\$0
8. Other	\$146,032
9. Total Direct Charges	\$1,432,229
10. Indirect Costs: % Base	\$234,438
11. Total (Share: Recipient <u>10.00</u> % Federal <u>90.00</u> %.)	\$1,666,667
12. Total Approved Assistance Amount	\$1,500,000
13. Program Income	\$0

Administrative Conditions


All Administrative Conditions Remain the Same

Programmatic Conditions

All Programmatic Conditions Remain the Same

**LUST Trust Fund Program
Budget Detail for Tier I**

		Budget Period			From:	To:
					04/01/03	03/31/07
Position Number	Position Title	SFY Hourly Rate 2003	2007	Grant FTE's	Salary Expense	Fringe Benefits
660003	Environmental Analyst VI	26.94	28.72	0.08	4,630.91	1,474.03
660327	Environmental Analyst III, AC: Waste Mgmt	18.66	19.90	0.23	9,063.94	2,885.08
665999	Environmental Analyst II, AC: General	18.39	19.61	1.30	51,376.00	3,930.26
660999	Management / Administrative Support	19.48	20.31	0.17	6,812.92	2,168.57
Total FTE's:				1.77		
<u>Personnel</u> <i>(listed above)</i>				subtotal	\$ 71,884	
<u>Fringe Benefits</u> <i>(based on division average)</i> @ 31.83% <i>(includes FICA, retirement, workers' comp and health, dental & life insurance)</i>				subtotal	\$ 10,458	
<u>Travel</u>						
~ In-State Travel				610		
~ Out-of-State Travel				0		
				subtotal	\$ 610	
<u>Equipment</u>						
~ IT Equipment & Software Replacement / Upgrades				790		
				0		
				subtotal	\$ 790	
<u>Supplies</u>						
~ Miscellaneous Supplies				132		
~ Office Supplies				160		
				subtotal	\$ 292	
<u>Contractual</u>						
				0		
				0		
				subtotal	\$ -	
<u>Other</u>						
~ ANR Mgmt & Admin Services				2,260		
~ Information Technology				3,800		
~ Printing & Duplicating				610		
~ Telephone & Internet Services				1,350		
~ Other Services				540		
				subtotal	\$ 8,560	
<u>Indirect Charges</u> <i>(based on % of personnel costs)</i> @ 25.76%				subtotal	\$ 18,517	
<u>GRAND TOTAL</u>				Total	\$ 111,111	
				Federal Share	\$ 100,000	
				Non-Federal Share	\$ 11,111	

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	ASSISTANCE ID NO.			DATE OF AWARD <i>6/12/06</i>
		PRG	DOC ID	AMEND#	
		LS - 00161103 - 3			MAILING DATE <i>6/27/06</i>
		TYPE OF ACTION Augmentation: Increase			
PAYMENT METHOD: ASAP				ACH# ASAP 0114	

RECIPIENT TYPE: State	Send Payment Request to: Region 1 Finance Office
RECIPIENT: Vermont D.E.C. 103 S. Main Street, Bldg. 1 So. Waterbury, VT 05671-0401 EIN: 03-6000274	PAYEE: Vermont D.E.C. 103 S. Main Street, Bldg. 1 So. Waterbury, VT 05671-0401

PROJECT MANAGER Charles Schwer 103 S. Main Street, Bldg. 1 So. Waterbury, VT 05671-0401 E-Mail: Phone: 802-241-3876	EPA PROJECT OFFICER Joan Coyle 1 Congress Street, Suite 1100, HBO Boston, MA 02114-2023 E-Mail: Coyle.Joan@epamail.epa.gov Phone: 617-918-1303	EPA GRANT SPECIALIST Janet Bartlett Grants Management Office, MGM E-Mail: Bartlett.Janet@epamail.epa.gov Phone: 617-918-1972
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PROJECT TITLE AND EXPLANATION OF CHANGES
 LUST Trust Fund Program Cooperative Agreement-FY06.
 Increase of Funds (Supplemental); This project supports the Leaking Underground Storage Tank (LUST) Program in Vermont for fiscal years 2005 and 2006. The purpose of the project is to assist the state in identifying sites contaminated by petroleum releases from underground storage tanks and in overseeing the remediation of soils and groundwater at these sites. This amendment will fund Tier 2 Level of Effort special project, which will support the state's efforts to accelerate the rate of site closures.

BUDGET PERIOD 04/01/2005 - 03/31/2007	PROJECT PERIOD 04/01/2005 - 03/31/2007	TOTAL BUDGET PERIOD COST \$1,555,556.00	TOTAL PROJECT PERIOD COST \$1,555,556.00
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NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.

OFFER AND ACCEPTANCE

The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the Vermont D.E.C. for 90.00 % of all approved costs incurred up to and not exceeding \$1,400,000 for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed 02/25/2005 included herein by reference.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)	AWARD APPROVAL OFFICE
ORGANIZATION / ADDRESS EPA New England 1 Congress Street, Suite 1100 Boston, MA 02114-2023	ORGANIZATION / ADDRESS U.S. EPA, EPA New England 1 Congress Street, Suite 1100 Boston, MA 02114-2023

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL <i>[Signature]</i>	TYPED NAME AND TITLE Susan Studlien, Dir. Office of Site Remediation & Restoration	DATE <i>6-12-06</i>
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This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE <i>[Signature]</i>	TYPED NAME AND TITLE Jeffrey Wennberg, Commissioner	DATE <i>6/27/06</i>
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EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 1,300,000	\$ 100,000	\$ 1,400,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 155,556	\$	\$ 155,556
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 1,455,556	\$ 100,000	\$ 1,555,556

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.805 - Leaking Underground Storage Tank Trust Fund Program	Solid Waste Disposal Act: Secs. 8001(a) & (c) & 9003(h)(7): (PL 105-276)	40 CFR PART 31

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
LUST	1DG006	06	F	01V6	302D87E	41.88	0100G		100,000
									100,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$917,607
2. Fringe Benefits	\$311,986
3. Travel	\$5,115
4. Equipment	\$11,995
5. Supplies	\$7,225
6. Contractual	\$23,135
7. Construction	\$0
8. Other	\$78,863
9. Total Direct Charges	\$1,355,926
10. Indirect Costs: % Base	\$199,630
11. Total (Share: Recipient <u>10.00</u> % Federal <u>90.00</u> %.)	\$1,555,556
12. Total Approved Assistance Amount	\$1,400,000
13. Program Income	\$0

Administrative Conditions

All Administrative Conditions Remain the Same

Programmatic Conditions

1. LUST STATE COOPERATIVE AGREEMENTS

1. State agrees to maintain a financial cost accounting system which meets the requirements of 40 CFR 30.510 or 40 CFR 31.20. For this and other requirements on grantees, Part 31 applies to all cooperative agreements with budget or project periods beginning on or after October 1, 1988. Part 31 also applies to all amendments of existing agreements in which all of the activities in the amendment's scope of work will be performed after October 1, 1988. Parts 30 and 33 (for procurement) apply to other cooperative agreements and amendments.
2. State agrees to organize and maintain site-specific information consistent with accounting thresholds and policies described in the Supplemental Guidelines for FY 89 LUST Trust Fund² Cooperative Agreements (OSWER Directive 9650.7) where Trust Fund monies are used. Prior to making expenditures of Trust Fund monies for corrective and enforcement actions, a system must be in place to record these types of costs on a site-specific basis. When site-specific accounting is required, all costs that can be identified to a particular site should be charged accordingly and State contractors must bill costs on a site-specific basis for corrective action and enforcement work performed at those sites.
3. The State acknowledges that expenditures from the LUST Trust Fund constitute a liability of the owner/operator to the United States. The State agrees to retain recoveries of any LUST Trust Fund expenditures as program income, as described in OMB Directive A-102 and 40 CFR Parts 30.525(a) or 31.25(g)(2), to be used for additional eligible Trust Fund activities.

The State therefore agrees that:

- a. It will make reasonable efforts to recover these costs, including interest, from liable owners/operators. States must send a copy of their complaint to EPA's Office of Regional Counsel within one week of filing judicial recovery actions for Trust Fund expenditures.
- b. It will report on any amounts received from the owner/operator as recovered costs, or agreed or adjudged to be owed by the owner/operator as settlements for site clean-up, in accordance with applicable guidance on Trust Fund Financial and Quarterly reporting; and
- c. To the extent the State is successful in recovering these costs, it will dedicate and use these funds for additional Trust-Fund-eligible activities and maintain

appropriate accounting of recovered funds in order to document the reuse of recovered funds in accordance with the requirements of 40 CFR 30.525 or 31.25, as appropriate, and in accordance with applicable requirements of this Cooperative Agreement.

- d. If the State has not yet done so, the State will submit certification of its authorities to EPA within 120 days after the award of this Cooperative Agreement. The certification will be signed by: (1) the State's Attorney General, (2) someone designated by the Attorney General to sign such documents, or (3) the State's or Governor's General Counsel or other such official who is responsible for advising all executive branch agencies on the scope of their authority.
 - e. It will notify EPA promptly of any reduction in its authority to recover response expenditures (e.g., successful challenge to its State statutory authority).
4. State agrees to maintain supporting documentation and appropriate records in support of any future cost recovery efforts. The State shall adhere to the principles of documentation and records retention specified in the OSWER Directive 9610.10 Cost Recovery Policy for the LUST Trust Fund (October, 1988). On topics not addressed by these guidelines, the State agrees to adhere to the principles of documentation and record retention specified in **The State Superfund Financial Management and Recordkeeping Guidance** until such time as the State and EPA agree to implement the requirements of **The Leaking Underground Storage Tanks Trust Fund State Financial Management Handbook**. The State agrees to make these records available to the federal government, as needed, on a case-by-case basis.
 5. State agrees to provide reports as outlined in the **Supplemental Guidelines for FY89 LUST Trust Fund Cooperative Agreements**: (April 7, 1988). These reports consist of Quarterly Progress Reports, Financial Status Reports (SF 269), Federal Cash Transactions Report (SF 272), and Exception Reports.
 6. State agrees to identify Letter of Credit drawdowns under EPA's three major activity codes. The three codes are: 7 - General Support and Management, E - Site Cleanup Actions, and 4 - Enforcement.

LUST Trust Fund
Budget Detail for Tier I (Evaluate Sites Backlog)

		Budget Period		From:	To:	
				04/01/06	03/31/07	
Position Number	Position Title	SFY Hourly Rate 2006	2007	Grant FTE's	Salary Expense	Fringe Benefits
660003	Environmental Analyst VII, AC: Waste Mgmt	31.97	33.33	0.05	3,430.86	1,166.49
660257	Environmental Analyst IV, AC: Waste Mgmt	23.62	24.62	0.10	5,069.56	1,723.65
660327	Environmental Analyst III, AC: Waste Mgmt	21.62	22.54	0.15	6,960.45	2,366.55
665999	Environmental Analyst II, AC: General	21.52	22.43	1.00	46,188.38	15,704.05
660999	Management / Administrative Support	22.80	23.77	0.14	6,454.68	2,194.59
Total FTE's:				1.44		
<u>Personnel</u> <i>(listed above)</i>				subtotal	\$ 68,104	
<u>Fringe Benefits</u> <i>(based on department average)</i> @ 34% <i>(includes FICA, retirement, workers' comp and health, dental & life insurance)</i>				subtotal	\$ 23,155	
<u>Travel</u>						
~ In-State Travel				750		
~ Out-of-State Travel				<u>0</u>		
				subtotal	\$ 750	
<u>Equipment</u> <i>(Items with a unit cost of less than \$5,000 are listed due to limitations of accounting system.)</i>						
~ IT Equipment & Software Replacement / Upgrades				0		
				<u>0</u>		
				subtotal	\$ -	
<u>Supplies</u>						
~ Miscellaneous Supplies				55		
~ Office Supplies				<u>120</u>		
				subtotal	\$ 175	
<u>Contractual</u>						
				0		
				<u>0</u>		
				subtotal	\$ -	
<u>Other</u>						
~ Fee-for-Space				3,035		
~ Telephone & Internet Services				995		
~ Other Services				<u>180</u>		
				subtotal	\$ 4,210	
<u>Indirect Charges</u> <i>(based on % of personnel costs)</i>				@ 21.61%		
				subtotal	\$ 14,717	
<u>GRAND TOTAL</u>				Total	\$ 111,111	
				Federal Share	\$ 100,000	
				Non-Federal Share	\$ 11,111	

