



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee Members
From: Nathan Lavery, Fiscal Analyst
Date: December 10, 2012
Subject: Position Request

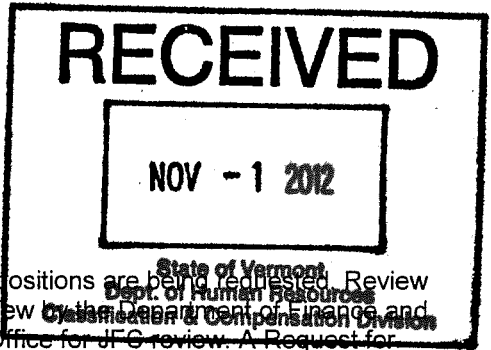
Enclosed please find one (1) item that the Joint Fiscal Office has received from the administration.

JFO #2602 – Request to establish **two (2) limited service positions** in the Department Environmental Conservation. These positions will work to implement the Vermont Surface Water Management Strategy and ensure Vermont meets the requirements of the U.S. Environmental Protection Agency's State and Tribal Assistance Grants. The Environmental Scientist III position will conduct water quality surveys required under EPA terms. The Environmental Scientist II position will support the Lakes & Ponds program by conducting field samples, maintaining sophisticated testing equipment, and processing test data. Both positions are 100% federally funded.

[JFO received 12/10/12]

Please review the enclosed materials and notify the Joint Fiscal Office (Nathan Lavery at (802) 828-1488; nlavery@leg.state.vt.us) if you have questions or would like an item held for Joint Fiscal Committee review. Unless we hear from you to the contrary by December 31 we will assume that you agree to consider as final the Governor's acceptance of these requests.

**STATE OF VERMONT
Joint Fiscal Committee Review
Limited Service - Grant Funded
Position Request Form**



This form is to be used by agencies and departments when additional grant funded positions are being requested. Review and approval by the Department of Human Resources must be obtained prior to review by the Department of Finance and Management. The Department of Finance will forward requests to the Joint Fiscal Office for JFC review. A Request for Classification Review Form (RFR) and an updated organizational chart showing to whom the new position(s) would report must be attached to this form. Please attach additional pages as necessary to provide enough detail.

Agency/Department: Natural Resources/Dept. of Environmental Conservation Date: 10/24/12

Name and Phone (of the person completing this request): Joanna Pallito, Financial Director I / 490-6238

Request is for:

- Positions funded and attached to a new grant.
- Positions funded and attached to an existing grant approved by JFO # Legis. Act 63

JFO 2602

1. Name of Granting Agency, Title of Grant, Grant Funding Detail (attach grant documents):

U.S. Environmental Protection Agency, Performance Partnership Grant (PPG). The VT DEC is awarded this funding to administer a number of environmental programs for air, water & waste. Included under the "waters" is funding for 106 Monitoring efforts which has received supplemental funding for specific project deliverables for several years.

2. List below titles, number of positions in each title, program area, and limited service end date (information should be based on grant award and should match information provided on the RFR) position(s) will be established only after JFC final approval:

Title* of Position(s) Requested	# of Positions	Division/Program	Grant Funding Period/Anticipated End Date
Environmental Scientist III	-- (2 total) --	Watershed Management Div. / Monitoring, Assessment & Planning Program (1) and Lakes & Ponds Program (1)	-- both to be funded with PPG federal grant which includes the 106 Supplemental Monitoring funding runs in 5 year blocks and the current 106 Supplemental funding initiative runs through 9/30/14.

*Final determination of title and pay grade to be made by the Department of Human Resources Classification Division upon submission and review of Request for Classification Review.

3. Justification for this request as an essential grant program need:

See attached justification memo.

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

Signature of Agency or Department Head

10/25/12

Date

Approved/Denied by Department of Human Resources

10/11/12

Date

Approved/Denied by Finance and Management

12/7/12

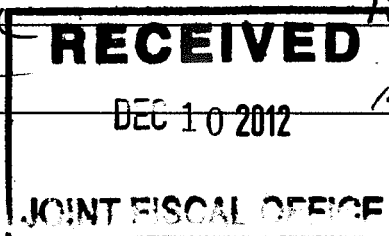
Date

Approved/Denied by Secretary of Administration

12/10/12

Date

Comments:



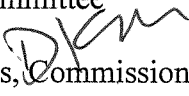
NOV 05 2012

**Agency of Natural Resources
Department of Environmental Conservation**

**Commissioner's Office
1 National Life Drive, Main 2
Montpelier, VT 05620-3520
802-828-0546**

MEMORANDUM

To: Joint Fiscal Committee

Thru: David K. Mears,  Commissioner, Department of Environmental Conservation

From: Pete LaFlamme, Director, Watershed Management Division (WSMD)
Susan Warren, Lakes and Ponds Section Chief, WSMD
Neil Kamman, Manager, Monitoring, Assessment and Planning, WSMD

Date: October 22, 2012

Subject: Request to establish two Limited Service Environmental Scientists for the Watershed Management Division

This memo requests establishment of two positions within the Watershed Management Division (WSMD) to be dedicated to the implementation of state and national probability surveys in Vermont, as required by EPA State and Tribal Assistance Grants (STAG) received to VT Department of Environmental Conservation under our Performance Partnership Grant (PPG). These positions are necessary to support full implementation of the Vermont Surface Water Management Strategy. Provided in the following is background, a statement and substantiation of need, suggested position titles and organizational placement, identified funding source, and justification for use of the JFO position process.

Background

The role of the Monitoring, Assessment and Planning Program (MAPP) within the Watershed Management Division is to coordinate surface water monitoring/assessment activities and watershed planning processes with media-specific program activities. Recognizing this as problem area the Division engaged a strategic planning process aimed at developing Division-wide goals and objectives, a strategic approach to policy and regulatory planning, and a tactical approach to watershed management planning. The Vermont Surface Water Management Strategy, released in December of 2010, documents the results of the planning process, provides stressor-specific management approaches, establishes program gaps and priorities, redefines the watershed planning process, and redirects Vermont's surface water monitoring program. The gaps and priorities provide the roadmap to address policy and regulatory activities for the coming years.

The Lakes and Ponds Section within the Watershed Management Division has a diverse range of responsibilities that includes lake monitoring. In addition to the Long-Term Lake Champlain Monitoring Program and the Lay Monitoring Program (volunteer sampling on over 70 lakes annually), the Lakes and Ponds Section supports the Lake Assessment Program to provide data used to assess the condition of Vermont lakes and use the information to prioritize restoration or protection activities as well as develop the impaired waters list as required by US EPA. The program and section coordinate closely with the Monitoring, Assessment and Planning Program (MAPP) on sampling methodology, assessment criteria and development of the Surface Water Management Strategy. In 2012, Vermont cooperated through supplemental funding under our PPG grant with US EPA on the National Lakes Assessment and sampled 52 selected lakes in the state for a wide variety of chemical, biological and habitat parameters.

***Substantiation of Need for Monitoring, Assessment & Planning Program – (1)
Environmental Scientist III***

The following specific needs are met by fulfillment of this request.

- 1) ***The function of the requested position is a Federal funding requirement of the Watershed Management Division:*** USEPA STAG grants (in this case our Performance Partnership Grant) contain set-aside funds dedicated to surface water monitoring and assessment. The full availability of these funds is annually contingent upon the States agreeing to support “probability surveys” for specific water body types. These surveys are akin to randomized medical trials, and answer the question “what is the condition of Vermont’s surface waters.” These surveys are carried out annually, in fulfillment of Clean Water Act objectives that States “assess all waters” for chemical and biological pollution. For years, the Watershed Management Division has relied on cadres of temporary technicians to support implementation of the surveys. This request proposes to replace the use of temporary technicians with one permanent limited service Environmental Scientist III. The primary position function would be to serve as coordinator for all US EPA probability surveys. The benefit would be that MAPP would develop long term in-house expertise in the execution of such surveys, and increase our ability to carry out the complex statistical analyses necessitated by the survey work in the coming years.

- 2) ***Position will support succession planning in the biological monitoring section of MAPP:*** The central placement of MAPP within the business processes of WSMD places a high value on the regular uninterrupted availability of new information and data documenting the condition of surface waters. Indeed, Vermont’s surface water management program (and the fulfillment of Clean Water Act obligations) is predicated on the availability of such information. The bio-monitoring section is run by highly qualified scientists with specific training. For many years, the senior scientists in the Section have trained technicians, to then see those temporary staff move on to positions in other jurisdictions/organizations; thus resetting the training clock back to zero. The training cycle takes two years to bring a properly educated young scientist to full functionality. The two most senior staff in the Section are now at retirement age, are fully vested in the retirement system, and have indicated the intent to leave service within the next two years. Thus, there is a compelling programmatic need to train at least one

scientist who will step up to provide the senior-level scientific and technical services the program must provide to WSMD and Vermont's surface water management program. Establishment of this position, and assignment of probability survey coordination, will be a perfect training ground.

- 3) ***Reduced reliance on temporary staff:*** The replacement of two temporary positions with a limited service staff in the MAP Program will greatly reduce our reliance on unstable technical staff resulting in increased stability of operations, increased "bench strength," and reduced training time, without impacting budget. Our federal Performance Partnership Grant that provides for the 106 Monitoring Probability Survey initiative project grant will fully fund the position as outlined below.

Substantiation of Need for Lakes & Ponds Program – (1) Environmental Scientist III

The following specific needs are identified in support of the request for a "Lakes" Environmental Scientist within the Lakes & Ponds Program.

- 1) ***Restoration of long-term program capacity:*** The Lakes Program for the last couple of years has used temporaries to fill gaps left behind due to economic conditions and staff reductions. The need for high level scientific skills and expertise has become very evident to us given the Water Quality Monitoring Strategy detailed above. To continue with these efforts and meet the expected outcomes we can no longer rely on the use of temporary employees to do work that requires the level of decision making and level of technical expertise needed.
- 2) ***Complexity of field operations:*** Field sampling and data processing has gotten more complex in recent years. The old monitoring model of using temporary employees worked when sampling was conducted simply with a hose, a bucket, a Secchi disk and a temperature probe. Now we use computerized in-situ monitoring probes that need to be carefully maintained, calibrated and downloaded. We take samples at discrete depths and decide what depths we will sample at based on the profile we measure on-site with the Hydrolab. We take a variety of water quality parameters, each of which need to be handled differently and with different holding times. We take sediment cores for assessing pre-colonial water quality conditions to guide lake restoration efforts. We take macro invertebrate samples that require taxonomic expertise and complex analyses to convert into indices of biological integrity. Rotating temporaries through these positions and training them on the specifics of all of gear, protocols, and data processing is not only inefficient, but also at times ineffective as well.
- 3) ***Reduced reliance on temporary staff:*** The replacement of two temporary technicians currently used within the program support (currently two staff) with one limited service staff in the Lakes Program will reduce WSMD's reliance on unstable technical staff resulting in increased stability of operations, increased "bench strength," and reduced training time, without impacting budget. The Federal Performance Partnership Grant (under the 106 Monitoring component) which contains the monitoring "supplemental" set-aside funds will fully fund the position as outlined below.

- 4) **Increasing workload:** In 2012 Vermont participated in the EPA-led National Lakes Assessment (as part of federal PPG award), which involved intensive data collection on 52 lakes using national protocols. While the effort will substantially add to our knowledge of lake health and the relationship between shoreland condition and lake health, the post-field season data analyses tasks are extensive, and the continuation of temporary assistance is no longer realistic and doesn't allow for continuing efforts on the "Strategy" through the fall and winter which is seemingly essential.

Recommended Classification and Organizational Placement

The most appropriate classification for these two positions is Environmental Scientist III (Job Code 145806, PG22). One position would be located in the Bio-monitoring Section of the MAP Program, and the other would be located in the Lakes & Ponds Program.

Source of Funds

The estimated cost of an Environmental Scientist III (PG 22) position would be \$60,000 to \$64,000 annually, based on salary at step one, plus 50% fringe and indirect costs, across the first two years of position operation.

Section 106 of the Clean Water Act mandates that EPA provide STAG funds (our Performance Partnership Grant) to support water quality monitoring and assessment, including the set-aside (106 supplemental) monitoring and "probability survey" funding. Efforts supported using these set-aside funds must be identified in a stand-alone "Water Quality Monitoring Strategy" that is developed by States and approved by USEPA. Coincident with the development of the Surface Water Management Strategy, the Division comprehensively rewrote the monitoring strategy, which has been reviewed and accepted by USEPA. The allocation of the annual 106 Supplemental funds is also contingent upon EPA approval of a biennial workplan. The workplan that USEPA approved in June of 2012 indicates full support (financially and programmatically) for the use §106 supplemental funds and probability survey funds to establish the probability survey coordinator and a lakes scientist for WSMD. Despite expected variability in Federal grant receipts across the varying components of STAGs, all indications are that this particular funding source within our Performance Partnership Grant is secure for the foreseeable future into FFY2014. In consideration that these funds have now been set-aside by USEPA since 2005, have weathered the FFY2011 and FFY2012 budget cycles, and are proposed for a slight increase in the President's FFY2013 budget, it seems a very reasonable risk to request two limited service positions for this project work and these funds at this time.

Justification for use of JFO process



There are three reasons that these specific position requests were not included in the Department of Environmental Conservation's SFY2013 budget request, and for which it would be limiting to the program to await the outcome of the SFY2014 budget process.

- 1) While the SFY13 budget did build in anticipation of the Clean Water Act 106 funds including so-called “monitoring supplemental” and “probability survey initiative” set-federal grant funds under the PPG, the program-specific EPA budget guidance was not issued until March of 2012, and therefore a workplan could not be prepared or submitted in time for the approval to precede issuance of our 2013 budget submission.
- 2) The forthcoming EPA survey iteration is a two-season initiative to define the condition of Vermont’s rivers, and frame them in light of the condition of the nation and region. It will commence in May of 2013. As such, there is insufficient time to await the outcome of the SFY2014 budget, go thru the position classification process, and put staff in place to commence work on the survey. We would lose extremely valuable time in meeting the deliverables of this workplan if this request were to proceed via the SFY13 budget adjustment or SFY2014 budget process. In the end, it was apparent that the JFO request was the optimal solution to fulfilling this programmatic need. The period of funding will provide an appropriate training and succession period to ensure long-term “bio-monitoring” and lakes program functionality.
- 3) In addition, at the time of our SFY2013 budget request, new requirements established for the Lakes & Ponds Program as a result of Act 138 of 2012 were not known. This Act establishes the requirement to prepare a report on the scope and structure of a comprehensive lakeshore protection program, complete with recommendations for further legislative action, and stakeholder outreach. The current principal lakes assessment specialist is largely re-assigned towards this effort. As a result, the requested scientific staffing is needed to support the ongoing operational work that will be back logged as a result of this new legislative charge.

Should you have any questions or require any additional information, please do not hesitate to contact us. Thank you for your support in this regard.

Attachments

Cc: Joanna Pallito, Financial Director, DEC
Steve Chadwick, Financial Services Director, ANR

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 98160608 MODIFICATION NUMBER: 1 PROGRAM CODE: BG	DATE OF AWARD 09/25/2012
		TYPE OF ACTION Augmentation: Increase	MAILING DATE 09/26/2012
		PAYMENT METHOD: ASAP	ACH# 10114
		RECIPIENT TYPE: State	
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 Tracy LaFrance 103 S. Main Street, Bldg. 1 So. Waterbury, VT 05671-0401 E-Mail: tracy.lafrance@state.vt.us Phone: 802-583-7113	EPA PROJECT OFFICER Paul Bryan 5 Post Office Square, Suite 100, OEP06-3 Boston, MA 02109-3912 E-Mail: Bryan.Paul@epamail.epa.gov Phone: 617-918-1673	EPA GRANT SPECIALIST Katonya Parker Grants Management Office, OARM16-2 E-Mail: Parker.Katonya@epa.gov Phone: 617-918-1967	
PROJECT TITLE AND EXPLANATION OF CHANGES VT Performance Partnership Grant Amendment #1 Approves Increase of Funds and extends budget and project period end dates thru 09/30/2014. This action updates Administrative terms and conditions.			
BUDGET PERIOD 10/01/2011 - 09/30/2014	PROJECT PERIOD 10/01/2011 - 09/30/2014	TOTAL BUDGET PERIOD COST \$7,194,254.00	TOTAL PROJECT PERIOD COST \$7,194,254.00
NOTICE OF AWARD			
Based on your application dated 08/28/2012, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$3,115,847. EPA agrees to cost-share 43.31% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$4,942,982. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912		ORGANIZATION / ADDRESS U.S. EPA, Region 1 Office of Ecosystem Protection 5 Post Office Square, Suite 100 Boston, MA 02109-3912	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official for Michael Kenyon - Director Office of Administration & Resource Management Fred Weeks - Award Official delegate			DATE 09/25/2012
AFFIRMATION OF AWARD			
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION			
SIGNATURE 	TYPED NAME AND TITLE David K. Mears, Commissioner		DATE 9/26/2012

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$3,716,352
2. Fringe Benefits	\$1,338,656
3. Travel	\$32,459
4. Equipment	\$56,949
5. Supplies	\$42,669
6. Contractual	\$125,829
7. Construction	\$0
8. Other	\$600,685
9. Total Direct Charges	\$5,913,599
10. Indirect Costs: % Base	\$1,280,655
11. Total (Share: Recipient <u>56.69</u> % Federal <u>43.31</u> %.)	\$7,194,254
12. Total Approved Assistance Amount	\$4,942,982
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$3,222,994
15. Total EPA Amount Awarded To Date	\$4,942,982