



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee Members
From: Nathan Lavery, Fiscal Analyst
Date: December 2, 2013
Subject: Grant/Position Request

Enclosed please find one (1) item that the Joint Fiscal Office has received from the administration. Two limited service positions are associated with this item.

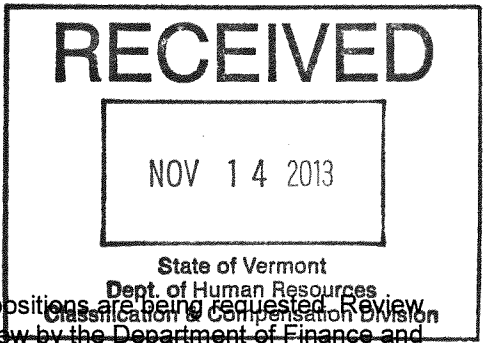
JFO #2655 – Request to establish **two (2) limited service positions** in the Department of Environmental Conservation (DEC). These positions will support DEC's Drinking Water Program, including support for the permitting process and implementation of federal rules associated with the federal Drinking Water State Revolving Loan Fund. Funding for these positions is available through an existing federal grant.

[JFO received 12/02/13]

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 legislative review. Unless we hear from you to the contrary by December 16 we will assume that you agree to consider as final the Governor's acceptance of these requests.

JFO 2655

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: ANR/Dept. of Environmental Conservation Date: 11/8/13

Name and Phone (of the person completing this request): Joanna Pallito, Admin. Services Director, (802) 490-6238

Request is for:

Positions funded and attached to a new grant.

Positions funded and attached to an existing grant approved by JFO #

*FED FUNDS APPROPRIATED IN
Legis. Act 50 Sec. B. 711. A,*

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

U.S. Environmental Protection Agency, Drinking Water State Revolving Fund Program: This is a capitalization grant to the State of VT to fund drinking water infrastructure projects and associated drinking water activities through the Drinking Water State Revolving Loan Fund Program. *DEC has had this grant since at least 1998. -JA*

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:

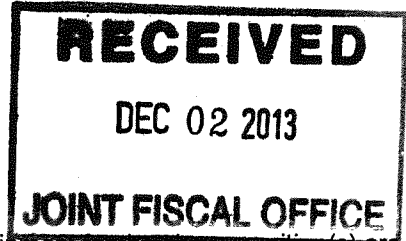
Title* of Position(s) Requested # of Positions Division/Program Grant Funding Period/Anticipated End Date

Two (2) positions: (1) Environmental Engineer and (1) Environmental Analyst -- Drinking Water & Groundwater Protection Division -- both will be funded with federal Drinking Water State Revolving Fund grant award dollars. The DWSRF federal grants are awarded annually and in 7 year budget/project periods. This award ends 7/1/2018.

*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:

Please see attached justification memo.



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

Date

11/12/13

Approved/Denied by Department of Human Resources

Date

11/14/13

Approved/Denied by Finance and Management

Date

11/25/13

Approved/Denied by Secretary of Administration

Date

11/25/13

Comments:

NOV 17 2013

**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: Christine Thompson, Director, Drinking Water & Groundwater Protection Division (DWGW)

Date: November 8, 2013

Subject: Request to establish two Limited Service Positions

This memo requests establishment of two limited service positions within the Drinking Water & Groundwater Protection Division (DWGW) to be dedicated to the efforts required through our federal Drinking Water State Revolving Loan Fund award from the U.S. Environmental Protection Agency (U.S. EPA) received by the VT Department of Environmental Conservation. These positions are necessary to support full implementation of the safe drinking water efforts and the DEC strategic priorities. Provided in the following is background, a statement and substantiation of need, identified funding source, and justification for use of the JFO position process.

Background with Statement & Substantiation of Need:

(1) Environmental Engineer V (Job code: 146701 – Pay Grade 24)

- Drinking Water System Engineering Reviews and Permitting: DEC's Drinking Water Program is responsible for issuing source permits, construction permits and operations permits for the siting, construction and operation of public drinking water systems. In recent years, the Division's two construction engineers have struggled to meet VT's federal and state regulatory and revolving loan fund obligations as a result of an ever increasing workload as well as the increasing complexity of many of the proposed projects that must be reviewed and permitted. These reviews and construction permits are needed in order to have strict conformance with water system design and construction standards which results in the users of VT's public water systems having water that meets their needs in respect to both quality and quantity. Meeting these needs results in a high level of health protection for the citizens of VT. Since Tropical Storm Irene, we have also become more cognizant of the need to construct water treatment facilities and distribution systems which will be resilient to future flooding and, as a result, our two construction engineers must take this into consideration during their plan reviews and permitting of new or improved water systems.

To adequately handle the current workload described above, DEC proposes to add one construction engineer position to assist towns and municipalities to ensure the proper design and construction of drinking water infrastructure in our village centers and downtowns. This position would also provide technical and financial assistance to municipalities to help them in the management of their assets which would result in an increase in the municipalities' economic viability. In addition, this engineer position would review Preliminary Engineering Evaluations submitted by outside consultants. This review is a critical first step in municipalities receiving Drinking Water State Revolving Funds (DWSRF) for these projects.

The position would cost \$91,000 per year, and would be funded using existing federal "un-liquidated obligations" (ULO) from our Drinking Water State Revolving Fund award. Currently, there are unspent balances (known as un-liquidated obligations) within the Technical Assistance and Program Management set-aside portions of our Drinking Water State Revolving Fund federal grant. A portion of these ULOs could be used to fund a limited service position to be a third construction engineer to help with this critical staffing need. We are seeking the position to be limited service for one year from the authorization so that we can evaluate the program project workload progress as well as the funding availability from year to year.

(1) Environmental Analyst III (Job code: 145101 – Pay Grade 22)

- **Drinking Water System Compliance:** In the last ten years, the U.S. Environmental Protection Agency has required states that are delegated to run the federal Drinking Water Program to adopt and implement more than a dozen additional complex federal drinking water rules despite the fact that funding for the Program has not increased. Because DEC now lacks the staffing capacity to adequately implement these additional new rules, DEC is requesting a new position to perform this federally mandated work. This position would (a) assist water systems in meeting the required notification of system users should the system fall out of compliance with either its permit or the VT Water Supply Rules; and (b) manage DEC's response to emergency microbial contamination events. Providing the staff resources needed to ensure that these public notifications are taking place in a timely and appropriate manner will increase the level of public health protection which currently exists. These changes would also result in increased service to public drinking water supplies and to the public.

Reduced reliance on temporary staff: The full-time limited service position we are requesting would replace an existing temporary position that the program has been using in an attempt to cover this critical federally-required work. Revenue to cover the cost of the position in SFY '14 will come from un-liquidated obligations in the Drinking Water State Revolving Fund in that exist in some of the grants set-aside balances (the Program Management set-aside in particular). We would evaluate the continuing need of this new position at the conclusion of SFY 14 and therefore we are seeking the position to be limited service for one year from authorization should our request be approved.

Source of Funds

The estimated cost of these positions outlined above is an Environmental Engineer V (PG 24) would be \$91,000 annually, and an Environmental Analyst III (PG 22) would be \$81,000 based on salary at step one, plus 50% fringe and related operating costs.

Despite expected variability in Federal grant receipts all indications are that this particular funding source within our Drinking Water State Revolving Fund grant award is secure for the foreseeable future well into FFY2015 and beyond. In fact, we have been receiving DWSRF awards consistently for almost two decades now. In consideration that these funds have already been awarded to DEC as part of the FFY 2010, and thus are considered as existing un-liquidated obligation by U.S. EPA to DEC, it seems very reasonable to request these two limited service positions for this program work by use of these funds at this time.

Justification for use of JFO process

There are two significant reasons that these specific position requests were not included in the Department of Environmental Conservation's SFY'14 budget request, and for which it would be limiting to the program to pursue the SFY'15 budget process.


- 1) While the SFY'14 budget did build in anticipation of the DWSRF federal funds, the program-specific efforts outlined above were not yet identified with a concrete plan to how best address the issues.
- 2) In addition, it was not apparent that these un-liquidated award funds would be available to address these efforts outlined above due to the potential federal sequester impacts DEC could've been facing. This coupled with other recent uncertainties at the federal level and U.S. EPA's budget required us to pause and be cautious on proceeding forward with these critical program needs. We are now very confident and have clarity that this DWSRF funding and is not a concern in the short or long term.

We would lose extremely valuable time in meeting the efforts and requirements under our agreement with U.S. EPA if this request were to proceed via the SFY14 budget adjustment or SFY'15 budget process. In the end, it was apparent that the JFO request was the optimal solution to fulfilling this programmatic need.

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, Administrative Services Director, DEC
Steve Chadwick, Administrative Services Director, ANR

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement	ASSISTANCE ID NO.			DATE OF AWARD 07/19/2011
		PRG	DOC ID	AMEND#	
		FS - 99121810 - 0			MAILING DATE 07/26/2011
		TYPE OF ACTION Continuation			
PAYMENT METHOD: ASAP			ACH# 10114		

RECIPIENT TYPE: State	Send Payment Request to: Las Vegas Finance Center, P.O. Box 98515, Las Vegas, NV 89193-8515 Tel: (702) 798-2406; Fax: (702) 798-2423
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RECIPIENT: Vermont D.E.C. 103 S. Main Street, Bldg. 1 So. Waterbury, VT 05671-0401 EIN: 03-8000274	PAYEE: Vermont D.E.C. 103 S. Main Street, Bldg. 1 So. Waterbury, VT 05671-0401
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PROJECT MANAGER Eric S. Blatt 103 S. Main Street, Bldg. 1 So. Waterbury, VT 05671-0401 E-Mail: Eric.Blatt@state.vt.us Phone: 802-241-3425	EPA PROJECT OFFICER Olga Vergara 5 Post Office Square, Suite 100, OEP06-3 Boston, MA 02109-3912 E-Mail: vergara.olga@epa.gov Phone: 617-918-1519	EPA GRANT SPECIALIST Katonya Parker Grants Management Office 5 Post Office Square Boston, MA 02109-3912, OARM16-2 E-Mail: parker.katonya@epa.gov Phone: 617-918-1967
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PROJECT TITLE AND DESCRIPTION
Vermont Drinking Water
This is a capitalization grant to the State of Vermont to fund drinking water infrastructure projects and associated drinking water activities through the Drinking Water State Revolving Fund Program.

BUDGET PERIOD 07/01/2011 - 07/01/2018	PROJECT PERIOD 07/01/2011 - 07/01/2018	TOTAL BUDGET PERIOD COST \$16,287,600.00	TOTAL PROJECT PERIOD COST \$16,287,600.00
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NOTICE OF AWARD

Based on your application dated 03/10/2011, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$13,573,000. EPA agrees to cost-share 93.33% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$13,573,000. 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.

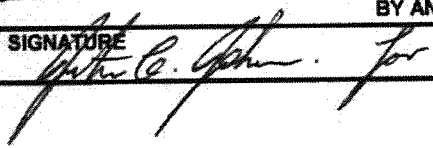
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)	AWARD APPROVAL OFFICE
ORGANIZATION / ADDRESS EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912	ORGANIZATION / ADDRESS U.S. EPA, EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912

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

SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official	TYPED NAME AND TITLE Michael Kenyon, Acting Director Office of Administration & Resource Management	DATE 07/19/2011
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AFFIRMATION OF AWARD

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE 	TYPED NAME AND TITLE David K. Mears, Commissioner	DATE 8/8/2011
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EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 13,573,000	\$ 13,573,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$ 2,714,600	\$ 2,714,600
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 16,287,600	\$ 16,287,600

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.468 - Safe Drinking Water State Revolving Fund	Safe Drinking Water Act: Sec. 130 Amended 1996 (PL 104-182)	40 CFR PTS 31 & 35 SUBPT L

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
PROJECTS	11010HG003	11	E3C	016	201B81E	4109	10DA		9,976,155
ADMIN.	11010HG003	11	E3C	016	201B81E	4109	10DD		542,920
TECH ASST	11010HG003	11	E3C	016	201B81E	4109	10DE		271,460
LOCAL ASST	11010HG003	11	E3C	016	201B81E	4109	10DG		1,425,165
SPM	11010HG003	11	E3C	016	201B81E	4109	10DF		1,357,300
									13,573,000

Request for Classification Action
New or Vacant Positions
EXISTING Job Class/Title ONLY
Position Description Form C/Notice of Action
For Department of Personnel Use Only

Notice of Action # _____	Date Received (Stamp)
Action Taken: _____	
New Job Title _____	
Current Class Code _____	New Class Code _____
Current Pay Grade _____	New Pay Grade _____
Current Mgt Level ____ B/U ____ OT Cat. ____ EEO Cat. ____ FLSA ____	
New Mgt Level ____ B/U ____ OT Cat. ____ EEO Cat. ____ FLSA ____	
Classification Analyst _____	Date _____
Comments:	Effective Date: _____
	Date Processed: _____
Willis Rating/Components: Knowledge & Skills: _____	Mental Demands: _____
Working Conditions: _____	Accountability: _____
	Total: _____

Position Information:

Incumbent: **Vacant or New Position**

Position Number: Current Job/Class Title:

Agency/Department/Unit: GUC:

Pay Group: Work Station: Zip Code:

Position Type: Permanent Limited Service (end date)

Funding Source: Core Sponsored Partnership. For Partnership positions provide the funding breakdown (% General Fund, % Federal, etc.)

Supervisor's Name, Title and Phone Number:

Check the type of request (new or vacant position) and complete the appropriate section.

New Position(s):

a. **REQUIRED:** Allocation requested: Existing Class Code Existing Job/Class Title:

b. Position authorized by:

- Joint Fiscal Office – JFO # Approval Date:
- Legislature – Provide statutory citation (e.g. Act XX, Section XXX(x), XXXX session)
- Other (explain) -- Provide statutory citation if appropriate.

Vacant Position:

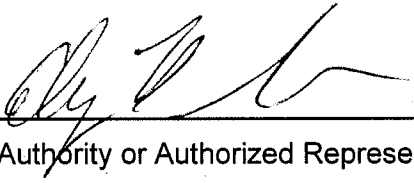
- a. Position Number:
- b. Date position became vacant:
- c. Current Job/Class Code: Current Job/Class Title:
- d. REQUIRED: Requested (existing) Job/Class Code: Requested (existing) Job/Class Title:
- e. Are there any other changes to this position; for example: change of supervisor, GUC, work station? Yes No If Yes, please provide detailed information:

For All Requests:

1. List the anticipated job duties and expectations; include all major job duties: The position reviews, comments on, and ultimately approves (if Water Supply Rule requirements are met) construction permit applications, professional engineer's reports and plans & specifications for the construction of new public water systems, and modifications to existing public water systems, to ensure public health standards are met as well as other state and federal requirements under the Safe Drinking Water Act. Issues from 50-75 Permits to Construct per year for water line extensions and water system improvements. These systems range in size from less than a thousand gallons per day to more than a million gallons per day. This position also assesses the technical and financial aspects of potential state-fundable projects, including: the eligibility of project elements; engineering agreements; the basis of design and project scope; planning advances; project viability; cost effectiveness of alternatives; and capacity determinations.

2. Provide a brief justification/explanation of this request: DEC's Drinking Water Program is responsible for issuing source permits, construction permits and operations permits for the siting, construction and operation of public drinking water systems. In recent years, the Division's two construction engineers have struggled to meet VT's federal and state regulatory and revolving loan fund obligations as a result of an ever increasing workload as well as the increasing complexity of many of the proposed projects that must be reviewed and permitted. These reviews and construction permits are needed in order to have strict conformance with water system design and construction standards which results in the users of VT's public water systems having water that meets their needs in respect to both quality and quantity. Meeting these needs results in a high level of health protection for the citizens of VT. Since Tropical Storm Irene, we have also become more cognizant of the need to construct water treatment facilities and distribution systems which will be resilient to future flooding and, as a result, our two construction engineers must take this into consideration during their plan reviews and permitting of new or improved water systems.

To adequately handle the current workload described above, DEC proposes to add one construction engineer position to assist towns and municipalities to ensure the proper design and construction of drinking water infrastructure in our village centers and downtowns. This position would also provide technical and financial



Appointing Authority or Authorized Representative Signature **(required)***

11/13/13
Date

* Note: Attach additional information or comments if appropriate.

Request for Classification Action
New or Vacant Positions
EXISTING Job Class/Title ONLY
Position Description Form C/Notice of Action
For Department of Personnel Use Only

Notice of Action # _____		Date Received (Stamp)
Action Taken: _____		
New Job Title _____		
Current Class Code _____	New Class Code _____	
Current Pay Grade _____	New Pay Grade _____	
Current Mgt Level _____ B/U _____ OT Cat. _____ EEO Cat. _____ FLSA _____		
New Mgt Level _____ B/U _____ OT Cat. _____ EEO Cat. _____ FLSA _____		
Classification Analyst _____	Date _____	Effective Date: _____
Comments: _____		Date Processed: _____
Willis Rating/Components: _____	Knowledge & Skills: _____	Mental Demands: _____
	Working Conditions: _____	Accountability: _____
	Total: _____	

Position Information:

Incumbent: **Vacant or New Position**

Position Number: Current Job/Class Title:

Agency/Department/Unit: GUC:

Pay Group: Work Station: Zip Code:

Position Type: Permanent Limited Service (end date)

Funding Source: Core Sponsored Partnership. For Partnership positions provide the funding breakdown (% General Fund, % Federal, etc.)

Supervisor's Name, Title and Phone Number:

Check the type of request (new or vacant position) and complete the appropriate section.

New Position(s):

a. **REQUIRED:** Allocation requested: Existing Class Code Existing Job/Class Title:

b. Position authorized by:

- Joint Fiscal Office – JFO # Approval Date:
- Legislature – Provide statutory citation (e.g. Act XX, Section XXX(x), XXXX session)
- Other (explain) -- Provide statutory citation if appropriate.

Vacant Position:

- a. Position Number:
- b. Date position became vacant:
- c. Current Job/Class Code: Current Job/Class Title:
- d. REQUIRED: Requested (existing) Job/Class Code: Requested (existing) Job/Class Title:
- e. Are there any other changes to this position; for example: change of supervisor, GUC, work station? Yes No If Yes, please provide detailed information:

For All Requests:

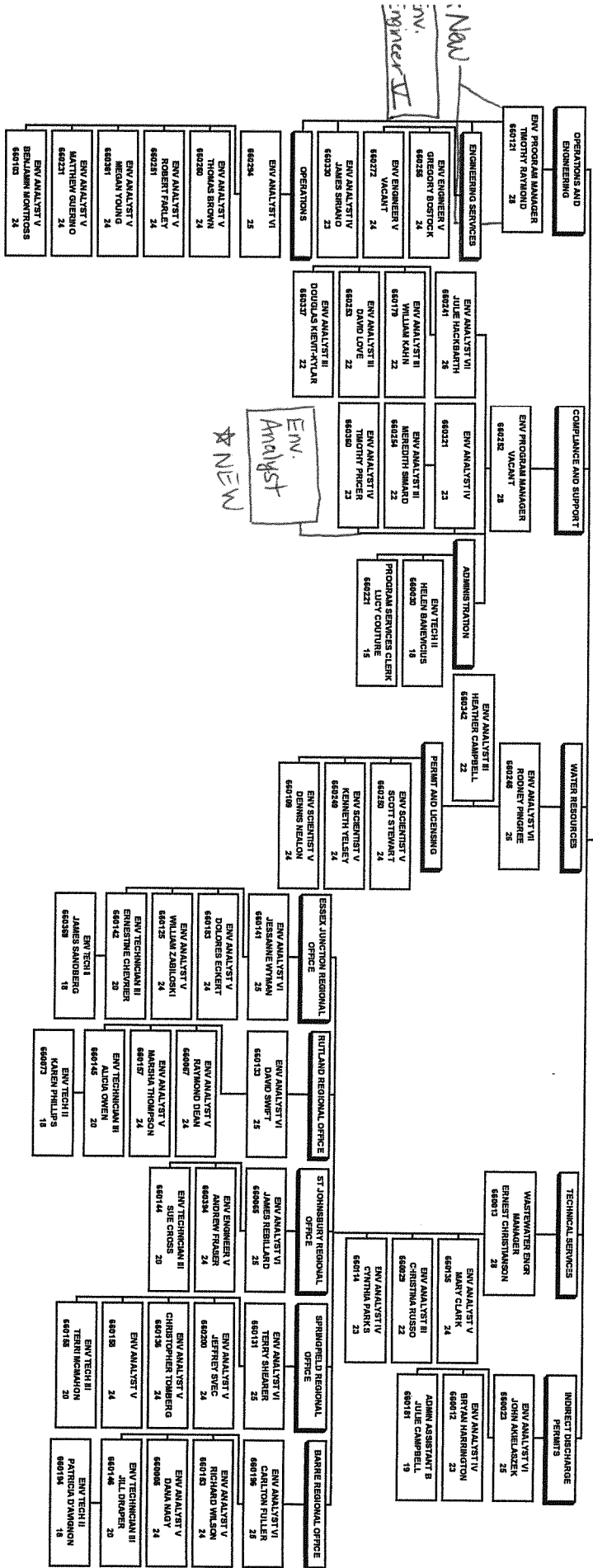
1. List the anticipated job duties and expectations; include all major job duties: This position receives and reviews reports and data submitted by permitted water systems as required by state and federal drinking water rules. In the event these required submittals are not received or permit limits are exceeded, the position will assist the non-compliant water systems in coming back into compliance; provide guidance to the water system in meeting federally-mandated user notification requirements; respond appropriately when an emergency microbial contamination event occurs, issues notices of alleged violation & evaluates the adequacy of the permittee's response to the NOAV and makes recommendations for enforcement referrals when violations are severe or recurring. All of this work is critical to ensuring that water systems are providing safe drinking water to VT citizens.

2. Provide a brief justification/explanation of this request: In the last ten years, the U.S. Environmental Protection Agency has required states that are delegated to run the federal Drinking Water Program to adopt and implement more than a dozen additional complex federal drinking water rules despite the fact that funding for the Program has not increased. Because DEC now lacks the staffing capacity to adequately implement these additional new rules, DEC is requesting a new position to perform this federally mandated work. This position would (a) assist water systems in meeting the required notification of system users should the system fall out of compliance with either its permit or the VT Water Supply Rules; and (b) manage DEC's response to emergency microbial contamination events. Providing the staff resources needed to ensure that these public notifications are taking place in a timely and appropriate manner will increase the level of public health protection which currently exists. These changes would also result in increased service to public drinking water supplies and to the public.

3. If the position will be supervisory, please list the names and titles of all classified employees reporting to this position (this information should be identified on the organizational chart as well). N/A

Personnel Administrator's Section:

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 ORGANIZATION CHART
 DRINKING WATER AND GROUNDWATER
 PROTECTION DIVISION



NEW
 ANALYST

ENV ANALYST