



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: James Reardon, Commissioner of Finance & Management
From: Nathan Lavery, Fiscal Analyst
Date: September 30, 2011
Subject: JFO #2521

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

JFO #2521 — Request to establish **one limited service position** in the Department of Environmental Conservation (DEC). This position will be funded through an existing federal grant that was included in DEC's FY12 budget approved by the legislature as part of Act 63. The position is necessary to meet federal data management requirements of the Water Quality Monitoring, Assessment & Planning Program
[JFO received 8/22/11]

The Governor's approval may now be considered final. Please inform the Secretary of Administration and your staff of this action.

cc: David Mears, Commissioner



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee Members
From: Nathan Lavery, Fiscal Analyst
Date: August 23, 2011
Subject: Grant Requests

Enclosed please find five (5) items that the Joint Fiscal Office has received from the administration. One limited service position request is included among these items.

JFO #2517 — \$5,225,186 grant from the U.S. Federal Emergency Management Agency (FEMA) to the Vermont Agency of Transportation. These funds will be used to provide disaster assistance for damages cause by severe storms and flooding during spring 2011 in Addison, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orleans, Washington, Caledonia, Essex, and Orange counties.
[JFO received 8/10/11]

JFO #2518 — \$12,642,000 transfer from the University of Vermont to the Vermont Agency of Human Services. These funds will be used to earn federal matching Medicaid funds for Graduate Medical Education. This funding was appropriated to UVM, but must be transferred back to AHS in order to be eligible for federal match.
[JFO received 8/10/11]

JFO #2519 — \$100,000 grant from the U.S. Department of Labor to the Vermont Department of Public Safety. These funds will be used to provide assistance to local fire and emergency medical service organizations for youth emergency service training programs and to develop adult recruitment and retention strategies.
[JFO received 8/10/11]

JFO #2520 — \$80,000 donation from Rolf Kielman and Stephanie Spencer to the Vermont Department of Fish and Wildlife. This amount represents the difference between the \$120,000 market value of the conservation easements and the selling price of \$40,000.
[JFO received 8/10/11]

JFO #2521 — Request to establish **one limited service position** in the Department of Environmental Conservation (DEC). This position will be funded through an existing federal grant that was included in DEC's FY12 budget approved by the legislature as part of Act 63. The position is necessary to meet federal data management requirements of the Water Quality Monitoring, Assessment & Planning Program
[JFO received 8/22/11]

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 September 6 we will assume that you agree to consider as final the Governor's acceptance of these requests.

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

MEMORANDUM

JFO 2521

Tel: (802) 241-3810

Fax: (802) 244-5141

TO: Jeb Spaulding, Secretary, Agency of Administration

THRU: Jim Reardon, Commissioner, Dept. of Finance & Management

THRU: Jason Aronowitz, Budget Analyst, Dept. of Finance & Management

THRU: Molly Paulger, Director Employment Services, Dept. of Human Resources

FROM: David Mears, Commissioner, Dept. of Environmental Conservation *DM*

DATE: July 18, 2011

SUBJECT: Dept. of Environmental Conservation Limited Service Position Request

I am forwarding for your approval a completed limited service grant funded position request form along with the required supporting documentation. This request is for a limited service position that would be funded with our federal Performance Partnership Grant (PPG) which is an ongoing grant that DEC has received for almost two decades. This grant was included in our Department's SFY'12 budget which was approved by the legislature under Act 63 (H.441).

As noted on the attached request form we have been using these funds over the last several years to hire temporary employees and outside contractual vendors in an attempt to meet our federal data management requirements in our Water Quality Monitoring, Assessment & Planning Program. Based on our continued funding and program support for this work at the U.S. Environmental Protection Agency we feel at this point in time it would be much more beneficial to the Program and data management integrity if this work could be accomplished with a limited service position. Should you have any questions on this request, or require additional information please do not hesitate to contact me.

Thank you.

Attachment

Cc: Joanna Halliwell, DEC Financial Director



Classification & Compensation Division

Dept. of Human Resources

Montpelier, Vermont

JUL 5 1 2011

RECEIVED

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 (DEC) Date: 7/18/11

Name and Phone (of the person completing this request): Joanna Pallito, Financial Director, 241-3810

Request is for:

- Positions funded and attached to a new grant.
 Positions funded and attached to an existing grant approved by JFO # 2010/2011 Legislature

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

U.S. Environmental Protection Agency (US EPA), Performance Partnership Grant (PPG). The VT DEC is awarded this funding to administer environmental programs for air, water and waste with flexibility to direct resources where they are most needed to address environmental and public health priorities.

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 Analyst II -- One (1) position -- Water Quality Division -- Grant is a base federal funded program which runs in 5 year "blocks" & has been in place for almost two decades now. Is renewed each year and assigned new grant award number every 5 years. Current PPG grant period runs 10/1/06- 9/30/11 with amendment in process through 9/30/12 plus new federal fiscal year 2012 to be applied for and awarded covering 10/1/11-9/30/12.

*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:

The funds are approved by US EPA in our workplan for the cultivation of dedicated data management support in the Water Quality Monitoring Program. To date, funds have been budgeted & used to support multiple temporary technicians, equipment & outside contractual costs. Dedicating the funding to a limited service position instead of relying on temporary staff & contracts would be optimal to the quality of the program, data and efficiency of output.

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

Date

7/21/11

Approved/Denied by Department of Human Resources

Date

7/22/11

Approved/Denied by Finance and Management

Date

8/15/11

Approved/Denied by Secretary of Administration

Date

8/12/11

Comments:

REC'D JUL 26 2011 11/7/05

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: ANR/DEC/Water Quality GUC:

Pay Group: Work Station: Waterbury Zip Code: 05671-0408

Position Type: Permanent Limited Service (end date)

Funding Source: Core Sponsored Partnership. For Partnership positions provide the funding breakdown (% General Fund, % Federal, etc.) 100% Federal

Supervisor's Name, Title and Phone Number: Neil Kamman, Environmental Program Manager, 241-3795

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

New Position(s):

a. **REQUIRED:** Allocation requested: Existing Class Code 145002 Existing Job/Class Title: Environmental Analyst II

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:

-On an on-going basis, manage the upload of program-specific information into databases using manual or automated methods.

-Annually transfer surface water monitoring information and data from Department databases to to USEPA's national water quality archive.

-Provide summary and analysis of information and data maintained in databases, including in response to public request or Division/Department staff needs.

-As appropriate, occasionally participate in field sampling efforts with program staff to understand the nature of the information managed within the databases, and improve efficiency of information flow.

-Assist in the maintenance and use of field data collection applications on devices such as GIS-enabled PDA and laptop computers. Develop complementary data collection applications.

-Interact with Agency Information Technology program staff to ensure that databases and applications upon which Division operations are based are compliant with Agency technology specifications and guidelines.

-Perform environmental analyses that extract information from databases and display results geographically.

-Develop web-based interfaces that provide easy and user-friendly access to these geographically-based results for internal and external users.

-Interact with program staff to understand needs, and tailor data delivery content via these web-interfaces.

-In coordination with ANR Information Technology program staff, maintain and extend utility of web-based data portal.

2. Provide a brief justification/explanation of this request:

This request supports establishment of a position within the Water Quality Division dedicated to the management of water quality information and the development of information delivery systems. The need for this position has been identified through a strategic planning process led by the Water Quality Division, for the Department of Environmental Conservation, which resulted in the Vermont Surface Water Management Strategy (www.vtwaterquality.org). There are three specific areas of need.

1-The Division manages databases documenting surface water conditions in fulfillment of federal and state law. This database management is presently fulfilled by a retired Agency IT specialist, in a temporary employee capacity. This individual's forthcoming departure unveils a serious weakness in the Division's ability to manage our data as required. This type of work cannot reliably be performed by temporary employees. Given the technical requirements of the Agency's data management systems, individual program technical staff can no longer meet data management needs on an individual project basis. They are neither technically qualified, nor do they have the capacity. Dedicated support of the Division's data management is needed.

2-In light of prior downsizing and competing interest needs, the Vermont Surface Water Management Strategy contains a comprehensive gap analysis, which underscores a top-priority need for data management support. Data management support is at the core of the Division's revised processes to identify priority surface water protection and restoration approaches that will support the cleanup of Lake Champlain and other surface waters.

3-Part of the strategic planning involves redefining how state capitol funds are allocated in support of surface water restoration under the Ecosystem Restoration Program – the flagship program for the cleanup of Lake Champlain. The Lake Champlain program has many stakeholders that are keenly tuned to the new approach, and the Division must be successful. Dedicated data management support is critical to this success, by providing tools to manage and track implementation, and transparency in the Program's efforts.

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). This is not a supervisory position.

Personnel Administrator's Section:

4. If the requested class title is part of a job series or career ladder, will the position be recruited at different levels? Yes No

5. The name and title of the person who completed this form:

6. Who should be contacted if there are questions about this position (provide name and phone number):

7. How many other positions are allocated to the requested class title in the department:

8. Will this change (new position added/change to vacant position) affect other positions within the organization? (For example, will this have an impact on the supervisor's management level designation; will duties be shifted within the unit requiring review of other positions; or are there other issues relevant to the classification process.)

Attachments:

Organizational charts are **required** and must indicate where the position reports.

- Class specification (optional).
- For new positions, include copies of the language authorizing the position, or any other information that would help us better understand the program, the need for the position, etc.
- Other supporting documentation such as memos regarding department reorganization, or further explanation regarding the need to reallocate a vacancy (if appropriate).

Personnel Administrator's Signature (required)*

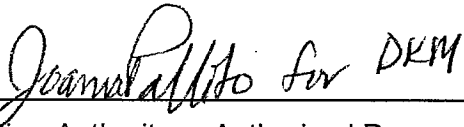
Date



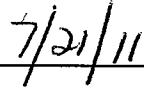


Supervisor's Signature (required)*

Date



Appointing Authority or Authorized Representative Signature (required)*

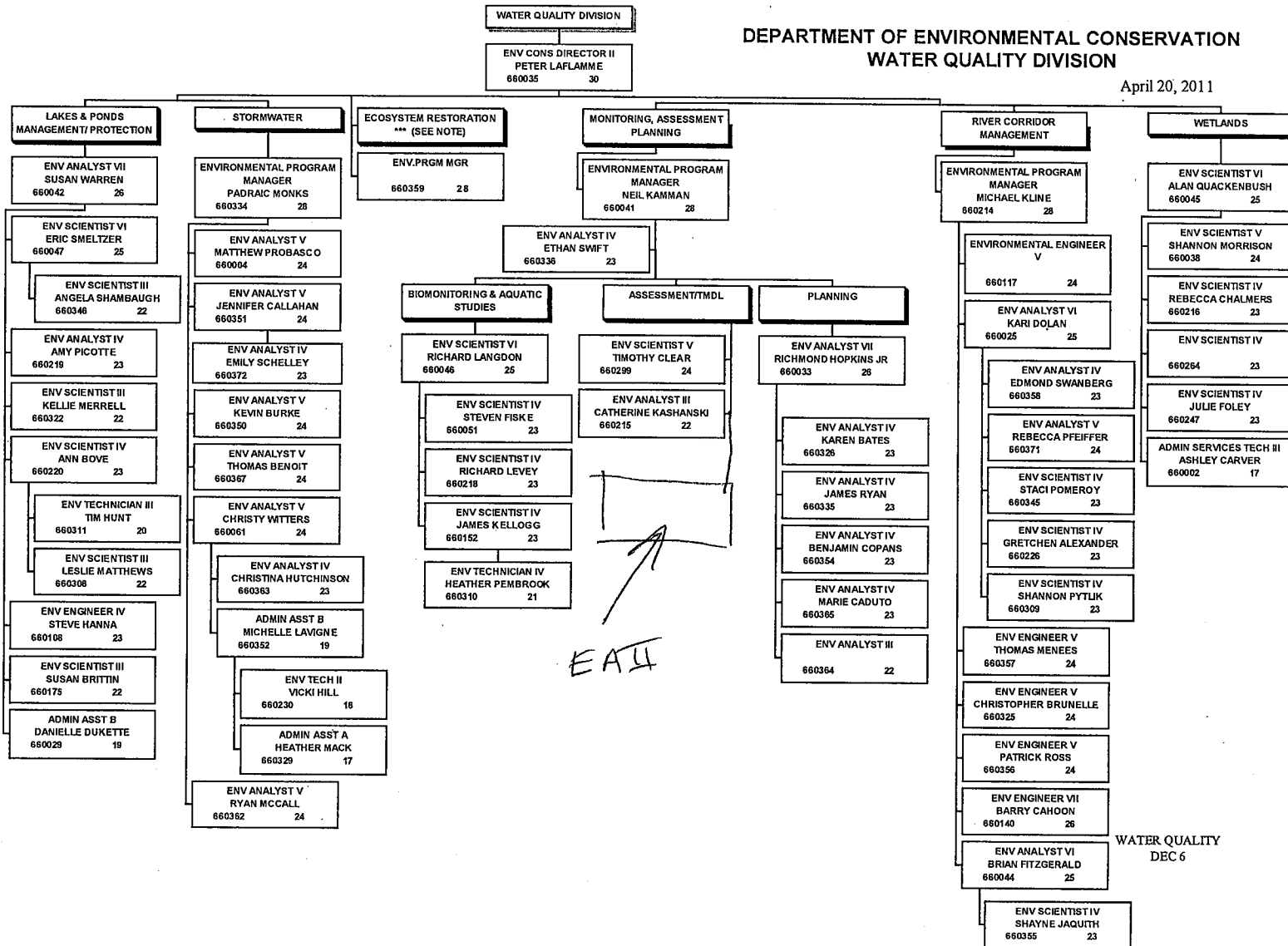


Date

* Note: Attach additional information or comments if appropriate.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATER QUALITY DIVISION

April 20, 2011



EAII

WATER QUALITY
DEC 6



FY2012 Federal Receipt Detail - Agency of Natural Resources

DEPARTMENT - Environmental Conservation

Appropriation Name	\$ Amount	Purpose/Service Provided	Federal Grant Name
Management and Support Services	98,293	Enviro. Info. Exchnng Network - CROMERR	EPA - Enviro. Information Exchange Ntwrk
Management and Support Services	18,902	Earthquake Hazard Study	FEMA - EHRSAF
Management and Support Services	76,351	Statemap Program	USGS - MAP
Management and Support Services	1,437,372	Indirect Costs	Various - Indirects
Total Management & Support	1,630,917		
Air & Waste Management	70,025	Pollution Prevention	EPA - Performance Partnership - PPIS
Air & Waste Management	773,940	Air Pollution Control	EPA - PPG - Air Pollution Control
Air & Waste Management	146,726	Air Toxics Quality Assurance	EPA - National Air Toxics Trends Site
Air & Waste Management	183,057	Air Monitoring	EPA - Particulate Matter 2.5 (PM2.5)
Air & Waste Management	408,790	Diesel Emissions Reduction	EPA - Diesel Emissions Reduction Act
Air & Waste Management	703,777	Brownsfields Response Site Work	EPA - Brownsfield Response Program
Air & Waste Management	185,387	Superfund Sites Work	EPA - Superfund CORE Program
Air & Waste Management	26,965	Dept. of Defense - Environmental site work	DOD - Defense Environmental Restoration
Air & Waste Management	572,045	Leaking Underground Storage Tanks	EPA - LUST Trust Fund (base & 2 tiers)
Air & Waste Management	378,384	ARRA Leaking Underground Storage Tanks	EPA - ARRA LUST Trust Fund
Air & Waste Management	276,627	LUST Prevention Assistance (UST work)	EPA - LUST Trust Fund (prevention)
Air & Waste Management	397,427	RECRA Waste Management & UST	EPA - PPG - Waste Management
Air & Waste Management	18,342	Pre-remedial Site Specific	EPA - Pre-Remedial Multi-Site Agrmnt
Air & Waste Management	15,470	Superfund site specific	EPA - Remedial Mgmt Assistance
Total Air & Waste	4,156,962		
Office of Water Programs	195,738	STAG Administration Grant for CWSRF	EPA - STAG 3% Administration Grant
Office of Water Programs	195,738	Clean Water SRF Management	EPA - Clean Water SRF
Office of Water Programs	74,427	Dam Safety (DSP)	FEMA - Dam Safety Grant Program
Office of Water Programs	208,477	Drinking Water SRF Management	EPA - Drinking Water SRF
Office of Water Programs	80,380	Stream Restoration/DRB & MF8	FWS - Stream Restoration Project
Office of Water Programs	91,595	Water quality Planning	EPA - WQ Mgmt & Planning: 604(b)
Office of Water Programs	33,593	Aquatic Nuisance Species Program	USFWS - Aquatic Nuisance Species
Office of Water Programs	366,000	Aquatic Nuisance Species Program	Army Corps of Engineers
Office of Water Programs	10,000	F&W Partnership Program for Harvesting	USFWS - WQD Partnership Program
Office of Water Programs	128,040	Flood Plain Management	FEMA - Community Assistance Program
Office of Water Programs	889,270	Lake Champlain Basin Program	EPA - Lake Champlain Basin Program
Office of Water Programs	114,658	Acid Rain Monitoring	EPA - Acid Rain Long-Term Monitoring
Office of Water Programs	104,982	Cooperating Tech Partners (old Map Mod)	FEMA - Cooperating Technical Partners
Office of Water Programs	1,832,137	Wetlands, Water Quality, Planning	EPA - PPG - Water Quality
Office of Water Programs	1,427,208	Drinking Water SRF Management	EPA - Drinking Water SRF
Office of Water Programs	90,302	ARRA Drinking Water SRF Management	EPA - ARRA Drinking Water SRF
Office of Water Programs	658,888	Ground Water & Public Water Systems	EPA - PPG - Water Supply
Office of Water Programs	51,772	Water Supply Protection	EPA - Water Protection Coordination
Office of Water Programs	389,360	Wastewater Program	EPA - PPG - Wastewater Management
Office of Water Programs	372,719	Indirect Costs	Various - Indirects
Total Office of Water Programs	7,315,284		
Total DEC	13,103,163		

★ 9th Amendment to Original Award ★
(Current Award in place)

BG - 98160607 - 9 Page 1

 <p>U.S. ENVIRONMENTAL PROTECTION AGENCY</p> <p>Assistance Amendment</p>	ASSISTANCE ID NO.		DATE OF AWARD 04/19/2010	
	PRG	DOC ID		AMEND#
	BG - 98160607		- 9	MAILING DATE 04/26/2010
	TYPE OF ACTION Augmentation: Increase			
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		
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		EPA PROJECT OFFICER		
Jennifer W. Bryan 103 S. Main Street, Bldg. 1 So Waterbury, VT 05671-0401 E-Mail: Jennifer.Bryan@state.vt.us Phone: 802-241-4228		Paul Bryan 5 Post Office Square, Suite 100, CSP Boston, MA 02109-3912 E-Mail: Bryan.Paul@epa.gov Phone: 617-918-1673		
EPA GRANT SPECIALIST				
Cheryll Scott Grants Management Office . OARM16-2 E-Mail: Scott.Cheryll@epa.gov Phone: 617-918-1174				
PROJECT TITLE AND EXPLANATION OF CHANGES				
VT Performance Partnership Grant This amendment approves award of additional Federal dollars in the amount of \$2,243,306.				
BUDGET PERIOD 10/01/2006 - 09/30/2011	PROJECT PERIOD 10/01/2006 - 09/30/2011	TOTAL BUDGET PERIOD COST \$30,398,792.00	TOTAL PROJECT PERIOD COST \$30,398,792.00	
NOTICE OF AWARD				
Based on your application dated 02/09/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$2,243,306. EPA agrees to cost-share 58.60% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$17,814,464. 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		ORGANIZATION / ADDRESS		
EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912		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	TYPED NAME AND TITLE	DATE		
Digital signature applied by EPA Award Official	Linda Murphy, Director, Office of Administration & Resource Management	04/19/2010		
AFFIRMATION OF AWARD				
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION				
SIGNATURE	TYPED NAME AND TITLE	DATE		
	Justin G. Johnson, Commissioner	5/7/2010		

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 15,449,823	\$ 2,243,308	\$ 17,693,129
EPA In-Kind Amount	\$ 121,335	\$	\$ 121,335
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 7,732,824	\$ 2,387,197	\$ 10,120,021
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 23,303,982	\$ 4,630,503	\$ 27,934,485

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.605 - Performance Partnership Grants	Appropriations Act of 1996 (PL 104-134)	40 CFR PTS 31 & 35 SUBPT A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	100118G008	10	E1	01V6	202B06E	4108			422,300
-	100118G008	10	E1	01V6	202B01E	4108			710,946
-	100118G008	10	E1	01V6	201B03E	4108			406,750
-	100118G008	10	E1	01V6	201B08E	4108			27,400
-	100118G008	10	E1	01V6	101A04E	4108			460,910
-	100118G008	10	E1	01V6	301D11E	4108			135,700
-	100118G008	10	E1	01V6	302D11E	4108			79,300
									2,243,306

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$15,307,229
2. Fringe Benefits	\$5,378,967
3. Travel	\$137,951
4. Equipment	\$244,790
5. Supplies	\$228,202
6. Contractual	\$230,858
7. Construction	\$0
8. Other	\$4,186,567
9. Total Direct Charges	\$25,714,564
10. Indirect Costs: % Base	\$4,684,228
11. Total (Share: Recipient <u>41.40</u> % Federal <u>58.60</u> %.)	\$30,398,792
12. Total Approved Assistance Amount	\$17,814,464
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$2,243,306
15. Total EPA Amount Awarded To Date	\$17,814,464

Administrative Conditions


All Administrative Conditions Remain the Same Except as Provided Herein:

Programmatic Conditions

All Programmatic Conditions Remain the Same Except as Provided Herein:

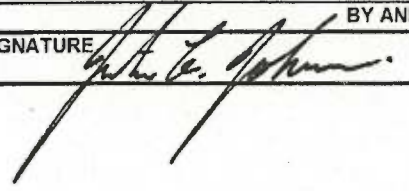
Availability of the balance of federal funds under this application is contingent upon formal submittal by the grantee to EPA of a final executed Performance Partnership Agreement.

★ ORIGINAL AWARD ★

 <p>U.S. ENVIRONMENTAL PROTECTION AGENCY</p> <p>Grant Agreement</p>	ASSISTANCE ID NO.		DATE OF AWARD 01/24/2007	
	PRG	DOC ID		AMEND#
	BG - 98160607		- 0	MAILING DATE 01/31/2007
	TYPE OF ACTION Continuation			
PAYMENT METHOD: ASAP			ACH# 0114	
RECIPIENT TYPE: State		Send Payment Request to: U.S. EPA (LVFC) P.O. Box 98515 Las Vegas, NV 89193-8515		
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		EPA PROJECT OFFICER	EPA GRANT SPECIALIST	
Winslow H. Ladue 103 S. Main Street, Bldg. 1 So. Waterbury, VT 05671-0401 E-Mail: Winslow.Ladue@state.vt.us Phone: 802-241-3404		Dolores Lando 1 Congress Street, Suite 1100, CSP Boston, MA 02114-2023 E-Mail: Lando.Dolores@epamail.epa.gov Phone: 617-918-1679	Janet Bartlett Grants Management Office, MGM E-Mail: Bartlett.Janet@epamail.epa.gov Phone: 617-918-1972	
PROJECT TITLE AND DESCRIPTION Performance Partnership Grant The Vermont Department of Environmental Conservation will administer environmental programs for air, water, and waste with flexibility to direct resources where they are most needed to address environmental and public health priorities.				
BUDGET PERIOD 10/01/2006 - 09/30/2007	PROJECT PERIOD 10/01/2006 - 09/30/2007	TOTAL BUDGET PERIOD COST \$7,398,456.00	TOTAL PROJECT PERIOD COST \$7,398,456.00	

NOTICE OF AWARD

Based on your application dated 09/13/2006, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$1,495,683. EPA agrees to cost-share 20.22% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,495,683. 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		ORGANIZATION / ADDRESS	
EPA New England 1 Congress Street, Suite 1100 Boston, MA 02114-2023		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	TYPED NAME AND TITLE	DATE	
Digital signature applied by EPA Award Official	Linda Murphy, Dir. Office of Admin. & Resource Management	01/24/2007	
AFFIRMATION OF AWARD			
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION			
SIGNATURE	TYPED NAME AND TITLE	DATE	
	Jeffrey Wennberg, Commissioner	2/21/2007	

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 1,495,683	\$ 1,495,683
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$ 2,499,827	\$ 2,499,827
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 3,995,510	\$ 3,995,510

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.605 - Performance Partnership Grants	Appropriations Act of 1996 (PL 104-134)	40 CFR PTS 31 & 35 SUBPT A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	070118G003	07	E1	01V6	101A04E	4108			286,946
-	070118G003	07	E1	01V6	201B03E	4108			266,652
-	070118G003	07	E1	01V6	201B08E	4108			19,135
-	070118G003	07	E1	01V6	202B01E	4108			479,850
-	070118G003	07	E1	01V6	202B06E	4108			292,600
-	070118G003	07	E1	01V6	301D11E	4108			94,990
-	070118G003	07	E1	01V6	302D11E	4108			55,510
									1,495,683

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$3,818,648
2. Fringe Benefits	\$1,409,081
3. Travel	\$39,710
4. Equipment	\$82,969
5. Supplies	\$77,099
6. Contractual	\$496,866
7. Construction	\$0
8. Other	\$398,370
9. Total Direct Charges	\$6,322,743
10. Indirect Costs: % Base	\$1,075,713
11. Total (Share: Recipient 79.78 % Federal 20.22 %.)	\$7,398,456
12. Total Approved Assistance Amount	\$1,495,683
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$1,495,683
15. Total EPA Amount Awarded To Date	\$1,495,683

Administrative Conditions

1. National Term and Condition: Drug-Free Workplace Certification for all EPA recipients

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

2. LOBBYING AND LITIGATION - ALL RECIPIENTS

Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, within 90 days after the end of project period. The form can be accessed at <http://www.epa.gov/ogd/forms/adobe/5700-53.pdf>.

Recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

3. LOBBYING - ALL RECIPIENTS

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

4.

RECYCLING TERM AND CONDITION

ALL RECIPIENTS:

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste*

Prevention, Recycling, and Federal Acquisition, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

STATE AGENCIES AND POLITICAL SUBDIVISIONS:

Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

5. ALL RECIPIENTS

Recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at www.epls.gov. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

6. Unliquidated Obligations Term and Condition: Part 31

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit a final Financial Status Report - also called the SF269 - to EPA's Las Vegas Finance Center (LVFC), within ninety (90) days after the expiration of the budget period end date. Completed SF269s must be faxed to 702-798-2423 or mailed to the following address: USEPA LVFC, P.O. Box 98515, Las Vegas, NV 89193-8515. The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Financial Status Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition

7. SMALL BUSINESS IN RURAL AREAS

If a recipient awards a contract under an assistance agreement, the recipient agrees and is required to utilize the following affirmative steps:

- a. Placing Small Business in Rural Area (SBRAs) on solicitation lists;
- b. Ensuring that SBRAs are solicited whenever they are potential sources;

- c. Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by SBRA's;
- d. Establishing delivery schedules, where the requirements of work will permit, which would encourage participation by SBRA's;
- e. Using the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate; and
- f. Requiring the contractor, if it awards subcontracts to take the affirmative steps in subparagraphs a. through e. of this condition.

8. HOTEL AND MOTEL FIRE SAFETY ACT CONDITION

The recipient agrees to ensure that all requisitions for conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the Hotel and Motel Fire Safety Act of 1990.

9. MBE/WBE FAIR SHARE

A. The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements:

- 1. The recipient accepts the applicable FY 1998 Minority Business Enterprise (MBE)/Womens' Business Enterprise (WBE) "fair share" goals/objectives negotiated with EPA by the State of Vermont/DEC as the current MBE/WBE "fair share" goals/objectives as follows:

	MBE	WBE
Construction	1%	1%
Supplies	1%	1%
Services	1%	1%
Equipment	1%	1%

- 2. (a) The recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women and Historically Black Colleges and Universities.

(b) For assistance agreements related to research under the Clean Air Act Amendments of 1990, the recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, disabled Americans, Historically Black Colleges and Universities, Colleges and Universities having a student body in which 40% or more of the students are Hispanic, minority institutions having a minority student body of 50% or more, and private and voluntary organizations controlled by individuals who are socially and economically disadvantaged.

3. The recipient agrees to include in its bid documents the applicable "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the negotiated "fair share" percentages.
4. The recipient agrees to follow the six affirmative steps or positive efforts stated in 40 CFR §30.44(b), 40 CFR §31.36(e), or 40 CFR §35.6580, as appropriate, and retain records documenting compliance.
5. The recipient agrees to submit an EPA form 5700-52A "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements," beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to:

U.S. Environmental Protection Agency
Office of Administration and Resource Management
Grants Management Office (MGM)
1 Congress Street, Suite 1100
Boston, MA 02114-2023

within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30, and October 30). For assistance awards for continuing environmental programs and assistance awards with institutions of higher education, hospitals and other non-profit organizations, the recipient agrees to submit an EPA form 5700-52A to:

U.S. Environmental Protection Agency
Office of Administration and Resource Management
Grants Management Office (MGM)
1 Congress Street, Suite 1100
Boston, MA 02114-2023

by October 30 of each year.

6. If race and /or gender neutral efforts prove inadequate to achieve a "fair share" objective, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the "fair share" objective.
- B. EPA may take corrective action under 40 CFR Parts 30, 31, and 35, as appropriate, if the recipient fails to comply with these terms and conditions.

10. PARTIAL FUNDING .

EPA is partially funding this budget period and will consider funding the balance of the budget request contingent upon the availability of funds, and EPA priorities. The scope of work may be renegotiated to reflect the amount awarded if additional funds are not available.

11. EPA PAYMENT METHOD

The recipient agrees to the following conditions in accepting the Automated Standard Application for Payment (ASAP)

- a. Cash drawdowns will be made only as actually needed for recipient disbursements;
- b. The recipient will provide timely reporting of cash disbursements and balances, and
- c. The recipient will impose the same standards of timing and reporting on subrecipients, if any.

Failure on the part of the recipient to comply with the above conditions may cause the unobligated portion of the ASAP to be revoked and the method of payment changed to reimbursement.

12. The recipient will include as an attachment to its grant work plan a Grant Performance Measures Template which has been populated with available data by EPA and reviewed by the recipient. A hard copy of the completed Template will be maintained by the recipient in the official grant file.

Programmatic Conditions

1. This performance partnership grant is based upon and supported by the State's Performance Partnership Agreement for Fiscal Years 2007, 2008, and 2009 and any supplemental work plans.
2. The recipient has developed its Quality Management Plan (QMP) and submitted the QMP to EPA for review and approval. The recipient shall provide responses, consistent with a mutually agreeable schedule, to written comments from EPA concerning its QMP. This award of financial assistance and any further assistance during the budget period is contingent upon adequate

progress toward achieving approval of the QMP. The response to comments should be sent to:

- EPA Project Officer (see page 1 of assistance agreement for name and address) and
- Regional Quality Assurance Manager (EQA)
U.S. Environmental Protection Agency
11 Technology Drive
North Chelmsford, MA 01863

The recipient will develop Quality Assurance Project Plans [QAPP] to support all environmental data operations in accordance with "*EPA Requirements for Quality Assurance Project Plans*" (QA/R-5, 3/01) and/or the "*The EPA New England Quality Assurance Project Plan Program Guidance*," 2005. The term "environmental data operations" refers to any measurement or information that describe environmental processes, conditions, or location; ecological or health effects; produced from models or surveys; compiled from other sources such as data bases and literature; or the performance of environmental technology. The Quality Assurance Project Plan must be approved by EPA before any data collection and/or generation activities begin. Unless an alternate schedule was previously agreed upon, no later than 30 days prior to the scheduled commencement of data collection and/or data generation activities, the recipient will submit a Quality Assurance Project Plan to the following:

- EPA Project Officer (see page 1 of assistance agreement for name and address) and
- Regional Quality Assurance Manager (EQA)
U.S. Environmental Protection Agency
11 Technology Drive
North Chelmsford, MA 01863

After the Quality Management Plan has been approved by EPA, the recipient will submit an annual update letter to EPA documenting progress over the year and any changes to the Quality Management Plan. Annual update letters will be sent every year for four years until the expiration of the QMP (fives years from initial EPA approval). Annual QA update letters will be sent to the EPA Project Officer and Regional Quality Assurance Manager on the anniversary of the approval of the QMP by the Regional QA Manager; or on another mutually agreeable schedule.