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.
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 and funding 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
Legis. Act 50 Sec. 8, 711, 2013

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. This grant has been in place since at least the 1998-99 fiscal year.

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:

<table>
<thead>
<tr>
<th>Title* of Position(s) Requested</th>
<th># of Positions</th>
<th>Division/Program</th>
<th>Grant Funding Period/Anticipated End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two (2) positions: (1) Environmental Engineer and (1) Environmental Analyst -- Drinking Water &amp; 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.</td>
<td></td>
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</tr>
</tbody>
</table>

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

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

Please 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

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
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” (ULOs) 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 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. PRG DOC ID AMEND# DATE OF AWARD
FS - 99121810 - 0 07/19/2011

TYPE OF ACTION Mailing Date
Continuation 07/28/2011

PAYMENT METHOD: ACH#
ASAP 10114

Send Payment Request to:
Las Vegas Finance Center, P.O. Box 98515, Las Vegas, NV 89193-8515
Tel: (702) 795-2408; Fax: (702) 795-2423

PAYEE:
Vermont D.E.C.
103 S. Main Street, Bldg. 1 So.
Waterbury, VT 05671-0401

RECIPIENT TYPE:
State

RECIPIENT:
Vermont D.E.C.
103 S. Main Street, Bldg. 1 So.
Waterbury, VT 05671-0401
EIN: 03-6002274

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, OEOP06-3
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

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

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 83.33% 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): EPA New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

AWARD APPROVAL OFFICE: 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: Michael Kenyon, Acting Director Office of Administration & Resource Management
DATE: 07/19/2011

AFFIRMATION OF AWARD
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION
SIGNATURE: David K. Mears, Commissioner
DATE: 08/18/2011
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## Assistance Program (CFDA)

- **66.468 - Safe Drinking Water State Revolving Fund**

## Statutory Authority

- **Safe Drinking Water Act: Sec. 130 Amended 1996 (PL 104-162)**

## Regulatory Authority

- **40 CFR PTS 31 & 35 SUBPT L**

## Fiscal

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**Total:** $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

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## Position Information:

**Incumbent:** **Vacant or New Position**

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**Supervisor's Name, Title and Phone Number:** Tim Raymond, Env. Program Manager 371-7614

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

- **New Position(s):**
  
a. REQUIRED: Allocation requested: Existing Class Code: 146701 Existing Job/Class Title: Environmental Engineer

b. Position authorized by:
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)*

* Note: Attach additional information or comments if appropriate.
Request for Classification Action  
New or Vacant Positions  
EXISTING Job Class/Title ONLY  
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Position Information:

Incumbent: **Vacant or New Position**

Position Number: [ ] Current Job/Class Title: [ ]

Agency/Department/Unit: [ ] GUC: [ ]

Pay Group: [Taskgroup= DECWTRGWDW] Work Station: Montpelier 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: [Vacant Env. Analyst IV #660321 will supervise - can contact Christine Thompson 505-1144 for now.]

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

- [ ] New Position(s):
  a. **REQUIRED**: Allocation requested: Existing Class Code [145101] Existing Job/Class Title: Environmental Analyst III
  b. Position authorized by:
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: