

APPENDIX 22 ANG ENVIRONMENTAL PROGRAM MANAGEMENT

Section 2201. General.

- a. This Appendix to the Master Cooperative Agreement (MCA) prescribes the terms, conditions, policies and administrative procedures related to the National Guard Bureau's (NGB's) Federal contribution for the Environmental Division activities of the Air National Guard within the State.
- b. Statements of Fact.
 - (1) The provisions set forth in NGB AQ-A Policy 5-1 or subsequent CNGBI/M are incorporated into this Appendix by reference.
 - (2) This appendix provides Federal support to the State Military Department for environmental program management for authorized facilities and it allows for the procurement of expedited regulatory oversight services through state procurement procedures for buildings and systems under tenant code "54" (Air National Guard) listed in the United States Air Force (USAF) Real Property Inventory Detail List [RCS: HAF-PRE(AR)7115]. These environmental programs may require State matching funds or may be 100% Federally funded depending on the mission of the unit.

Section 2202. Additional Definitions.

- a. Environmental Compliance/Corrective Projects. Maintenance and repair and/or construction projects which are initiated to comply with environmental laws, prevent pollution, conserve and restore the environment, and protect human health.
- b. Environmental Services. Activities which support or enhance environmental compliance, pollution prevention, conservation and restoration including studies, plans, surveys, tests, monitoring, hazardous waste disposal and management of environmental permits.
- c. Program Management. Includes actions, activities and tasks accomplished to maintain an environmental program to include environmental compliance corrective projects, hazardous waste management, inspections, auditing, training, environmental project reviews, environmental planning activities, and natural resources actions.
- d. Environmental Restoration Program (ERP). The Air National Guard's framework for identifying and cleaning up contamination from hazardous substances, pollutants or contaminants, and emerging contaminants at Air National Guard (ANG) facilities to protect human health and the environment. The ERP cleanup process is implemented in accordance with all applicable federal, state, and local laws. The ANG Readiness Center, Logistics and Installations Directorate (A4), Environmental Division (A4V), Restoration Branch, (A4VR) centrally plans and executes the restoration program with logistical support and local input from the installation environmental offices. The Restoration Branch works in partnership with the US EPA and state regulators to ensure that chemical concentrations are protective of human health and the environment and meet statutory requirements.
- e. National Environmental Policy Act (NEPA) establishes the broad national framework for protecting the environment and assures that all branches of government consider environmental impacts prior to undertaking any major federal action that significantly affects the environment
- f. Centralized Personnel Plan (CPP). Should the grantee choose to have a CPP, the CPP must be approved

September 2020

by the Grantor (United States Property and Fiscal Officer) annually, and be included in the App 22 annual budget submission.

Section 2203. Office of Primary Responsibility.

- a. The Office of Primary Responsibility for this Appendix is the Logistics and Installations Directorate (NGB/A4), Asset Management Division (A4A), Installations Support Branch (A4AI), National Guard Bureau, Air National Guard Readiness Center, 3500 Fetchet Avenue, Andrews AFB, MD 20762.5157.
- b. Within A4AI, the day-to-day administration of Appendix 22 is delegated to the OPR-PM. For the purposes of this appendix, the OPR-PM, is the NGB individual authorized for the approval of all environmental program management budgets, issuance of funding memos to initiate transmittal of funding documents to the United States Property and Fiscal Officer (USPFO) for approval and subsequent disbursement of funds to the installations, and maintenance of accounting system records. OPR-PM, in coordination with the Appendix 22 Funds Manager, is authorized to distribute/recall environmental funds to/from the USPFO, and to take any other action on behalf of NGB, as specifically reserved under this Appendix.

Section 2204. Scope of Agreement.

- a. Scope of Services: Environmental Programs Management includes three types of environmental actions: Compliance/Corrective Projects, Environmental Services, and Program Management.
 - (1) Environmental Compliance/Corrective Projects are maintenance and repair and/or construction projects which are initiated to comply with environmental laws, prevent pollution, conserve the environment, and/or restore the environment. An Environmental Compliance/Corrective Project normally shall result in a complete and environmentally sound facility or structure, but may be phased to meet environmental requirements. Structuring projects with the purpose of circumventing funding approval limits is prohibited.
 - (2) Environmental Services are activities that support enforcement and compliance, pollution prevention, conservation, and restoration such as studies, plans, surveys, tests, monitoring, hazardous waste disposal and management, and environmental public affairs requirements. Specifically included is the Natural Resource Management Program which includes inventorying, protecting, and restoring state cultural and geophysical resources on lands, facilities and property owned or managed by the National Guard. Federal reimbursement for costs incurred by the state for ERP are as specified in Section 2205 c.
 - (3) Program Management includes actions, activities, and tasks which are accomplished to maintain an environmental program. Program Management includes, but is not limited to, actions by the Grantee to accomplish environmental activities such as; environmental corrective actions, hazardous waste management, inspections, auditing, training, environmental project reviews, environmental planning activities, and natural resources actions.
- b. Performance Specifications:
 - (1) Serve as the base wide single point of ANG contact for compliance with the Resource Conservation Recovery ACT (RCRA) and applicable portions of the 40 CFR (Code of Federal Regulations) with regards to hazardous waste (HW) management.
 - (2) Prepare base annual State HW generation reports and Source Reduction Plans, as mandated by State Law or regulations.
 - (3) Work NEPA actions for Environmental Baselines Surveys (EBSs), Environmental Assessments (EAs),

- and Environmental Impact Statements (EISs) and AFI 32-7086/Air National Supplement directives.
- (4) Provide training classes in proper management of Hazardous Waste (HW) accumulation points to generators of HW on the facility.
 - (5) Serve as the base wide single point of ANG contact for recycling issues and establishment of a Qualified Recycling Plan, as specified in State and Federal guidance.

Section 2205. Authorized charges/Activities.

a. Personnel:

- (1) Costs validated by NGB/A4AI Appendix 22 OPR-PM for salaries, to include approved overtime and allowable benefits, in accordance with state personnel policy for the payment and benefits of like state government positions within the same geographic area. When there is no like state government position available, salaries and benefits will be equivalent to a comparable grade and series Federal Civil Service position in the geographic area. If a state has a pay raise, pay freeze, pay cap, a hiring freeze or employee furloughs for like positions throughout the state then Appendix employees will have corresponding limitations. Raises for ANG State environmental employees will not exceed those for other state employees.
- (2) Costs for travel expenses at a rate consistent with state regulations for personnel performing duty away from their home stations. 081502
Grantee employees are authorized travel on military aircraft when performing environmental functions (Reference DODI 4515.13R).
- (3) Costs for training fees for training authorized personnel in support of the environmental requirements.

b. Special Machines, Tools, and Equipment.

- (1) Costs for the purchase of environmental machines, tools, or equipment used in providing environmental services. Costs for equipment in excess of \$1,000 are subject to prior approval by ANG/A4AI Appendix 22 OPR-PM
- (2) Costs for reimbursement for repair or maintenance of Grantee owned equipment used solely in support of the environmental program activities.

c. ERP Costs

- (1) State regulator labor and overhead costs for expedited regulatory oversight of the ERP will be reimbursed at a 100% federal share. State regulators will be paid at a rate negotiated by NGB/A4VR and the state regulator. Prior to any work being performed, the agreed upon work list and costs will be documented in a Joint Execution Plan (JEP) and reconciled against the federal Environmental Restoration budget. Upon approval by NGB/A4VR, courtesy copies of the final JEP and any subsequent modifications will be submitted to the base Cooperative Agreement Project Manager (CA PM), the state military department, and the Grants Officer Representative (GOR).
- (2) State regulator labor costs for travel time to attend site visits, meetings, and other activities must be included in the approved JEP.

d. Other.

- (1) Costs for required Physical Examination (OSHA) pre-employment, routine, and post-employment physical examinations based on the recommendations of either the Occupational Health or Bioenvironmental Engineering Sections.
- (2) Costs for required AFOSH/OSHA clothing and the purchase of safety and other protective clothing required for the duties of the position.
- (3) Where applicable, Centralized Personnel Plan (CPP) will be 100% federally reimbursed, not to exceed 3% of overall appendix funding level. Approved and signed CPP must accompany Appendix 22 Financial Plan (FinPlan) submittal.

- e. Any other charges not specified shall be submitted to NGB/A4AI Appendix 22 OPR-PM for approval prior to execution.

Section 2206. Unauthorized charges/Activities.

- a. Costs of computer equipment, copy machines, fax machines, telephones, or other communications equipment.
- b. Costs for uniforms and cleaning charges.
- c. Reimbursement for courses, whether accredited or non-accredited and professional training not specifically required for performance of position duties covered under this agreement.
- d. Reimbursement of costs incurred by, or associated with, the process of collective bargaining between the State and its employees covered by a Bargaining Unit for the purposes of negotiating matters involving employment issues, such as general working or safety conditions on the job, job qualifications and the like, is not authorized.
- e. Reimbursement of costs associated with arbitration services, professional or otherwise, in the negotiation and settlement of a grievance or other formal complaint filed by an employee or a group of employees, is not authorized. These are matters between the State and the employee(s), and such costs shall be borne by the Grantee.

Section 2207. Financial Plan Requirements.

- a. Annual Financial Plan Submission
 - (1) Each fiscal year, the base CA PM will prepare an annual Appendix 22 FinPlan, in accordance with ANG/A4 directives, which shall be submitted to the local ANG Comptroller's office within each Unit, the State Military Department, NGB/A4AI and the USPFO. The FinPlan shall list by line item the Environmental Services to be funded under the Appendix and the amount the Grantee expects reimbursement from NGB. The FinPlan shall only list the NGB share of each line item. Normally, NGB/A4VR will submit total ERP costs to the base CA PM to be included as a line item on the installation's annual FinPlan submission. FinPlan submissions are due to NGB/A4AI within the timeframe indicated in the budget call documents, and local Finance Office timetables for submission of Installation and GSU location.
 - (2) For ERP related financial planning, NGB/A4VR and the state regulatory agency will prepare an annual work list and costs to be documented in a Joint Execution Plan (JEP). Courtesy copies of the approved JEP and any subsequent modifications will be submitted to the base CA PM, the state military department, and the Grants Officer Representative (GOR). Total JEP costs will also normally be submitted to the base CA PM for inclusion in the Appendix 22 FinPlan as described in Section 2207 (1). NGB/A4AI Appendix 22 OPR-PM will forward all ERP related requests to NGB/A4VR for validation.
 - (3) The annual FinPlan shall be validated prior to execution of this Appendix. The total amount of the budget shall be the maximum amount for which NGB/A4 is obligated to reimburse the Grantee for the costs of performance of this Appendix.
 - (4) NGB/A4, at its discretion, may unilaterally increase the FinPlan total, the total for any facility, or the total for any line item. Similarly, NGB/A4 may unilaterally decrease unobligated federal funds.
 - (5) Element of Expense/Investment Codes (EEICs): EEICs in the NGB/A4 approved Financial Plan are the only authorized EEICs for use. As additional EEICs or Emergency and Special Program (ESP) codes are required or when changes are necessary, they will be disseminated by official memorandum by the NGB Program Manager. NGB/A4AIA, at its discretion, may unilaterally withdraw funding if not coded correctly (by PEC, RC/CC & EEIC) and or obligated after 45 days of receipt. All excess and unmatched funding must be returned at the earliest convenience but preferably before August 15th in the year of

execution.

b. Master Cooperative Agreement/Appendix Changes

- (1) Requests for funding modifications are typically initiated by the CA PM and provided to the GOR for action.
- (2) Modifications that obligate or de-obligate funds against a Cooperative Agreement are not valid or effective unless and until signed by the Grantee and Grantor. Modifications for funding do not require the review or approval of NGB AQ-A.
- (3) For emergent restoration funding requirements, NGB/A4VR will submit written funding modification requests to the base CA PM.
- (4) The CA PM must submit a written request to the USPFO to increase or decrease the federal funds in its budget. The CA PM must furnish a copy of the said request to NGB/A4. The request and approval shall not be binding unless a CA modification to this appendix has been executed.
- (5) Fiscal year close out requests shall be forwarded to the USPFO for review and approval. A copy of the request will also be provided to NGB/A4AI. OPR-PM will forward all ERP related requests to NGB/A4VR. Requests will list a summary of all changes and or executed CA modifications processed during the fiscal year that affected this Appendix but did not require NGB/A4AI approval. This list shall contain, at a minimum, the modification number, date of modification, and a synopsis of the processed change. If no modifications were made to this Appendix, other than initial and close out, indicate no other action taken during the fiscal year.

c. ERP Funding

- (1) Federal funding provided for expedited regulatory oversight of the restoration program is subject to the constraints and limitations of the federal budget. Approved ERP costs will be reimbursed at 100% federal share.
- (2) ERP funding will be provided to support only those activities designated in Section 2205.
- (3) ERP funding may be transferred to this Appendix without NGB/A4VI approval; however, transfers are not binding until a modification is executed against this Appendix. ERP funding may not be transferred from this CA without the prior written approval of both NGB/A4AI and NGB/A4VR. Restrictions assigned to environmental funding apply to the transferred funding and may be used to accomplish the activities authorized under the terms and conditions of the appendix.
- (4) ERP funding for this Appendix must be obligated within 45 days of receipt. Funding may be withdrawn if not coded correctly (by PEC, EEIC, ESP) and/or not obligated after 45 days. All excess and unmatched funding must be returned at the earliest convenience but preferably before Aug 15, per NGB/FM Financial Guidance.

- d. Cost Sharing. The federal share of ERP is 100%. The federal share of other activities supported under this Appendix are based upon the primary mission of the wing.

Section 2208. Appendix Administration.

- a. Grantee services to be provided. The Grantee is responsible for providing personnel, supplies, and equipment required to perform those services needed to maintain ANG facilities and installations in good working order. All Grantee employees or contracted personnel will receive technical direction from the Environmental Manager, the Civil Engineer, or the Support Group Commander. Supervision of employees will be in accordance with state policy and procedures. The designated ANG Environmental Program representative providing technical direction will provide input to the Grantee regarding personnel actions (i.e. hiring, performance evaluations, terminations, performance counseling). When employees are required to support ANG Geographically Separated Units (GSU), the supervisor may elect to assign them to work directly at the

GSU.

- b. Grantee services authorized to be procured in support of the ERP. Consistent with federal, state and local laws governing cost-recovery for regulatory oversight, Grantee is authorized to procure services from the state regulatory agency. Grantee is authorized to pay state regulator invoices for expedited ERP services, after said invoices have been approved by NGB/A4VR, for expedited regulatory oversight for the ERP and will be Federally reimbursed 100%. State law may require inter-local agreements between the state military department and state regulatory agency to provide a funding mechanism for fee-for-services payments between the two state entities. NGB will not be a party to said agreement but will support the states in their development as able.
- c. Air National Guard Manpower Standard (ANGMS).
 - (1) ANGMS is the method used by NGB/A4 to determine manpower requirements. It standardizes the number of employees necessary for proper environmental management and support at each ANG installation. The standard ANG installation should have two positions in order to properly manage the environmental activities at a standard ANG Unit.
 - (2) ANGMS sets the requirements but does not provide the funding. NGB/A4VN provides the list of authorized Environmental employees based on the total requirement. This listing includes any positions in addition to the standard and any GSU's requiring the position. NGB provides reimbursement for employees that are performing at least 75% of their job function that matches the position description. Additional positions, which are requested and authorized, may be funded using unit funds or through agreements with tenant organizations for work performed.
 - (3) Supplies and services will be contracted through the Grantee. All supplies and services that are federally procured shall be processed as in-kind assistance in accordance with NGB AQ-A Policy 5-1 or subsequent CNGBI/M.
- d. Changes to the instructions, terms and or conditions of this Appendix will be IAW NGB AQ-A Policy 5-1 or subsequent CNGBI/M. The request shall not be binding unless it is approved by NGB/A4. The written request shall be on an instrument containing the signatures of both the USPFO and TAG, or authorized designees.

Section 2209. Funding Limitation.

- a. Approved Budget/Annual Funding Program (AFP): The total dollar amount that NGB anticipates, subject to the availability of funds, being available for reimbursement to the Grantee for its costs in fulfilling its responsibilities under this Appendix. This amount may be increased or decreased by NGB during the fiscal year.
- b. Total Dollars Obligated: The total amount of funds obligated for NGB's share under this Appendix. Only funds obligated through an executed CA modification to this appendix are available for reimbursement to the Grantee. Funds shall be obligated as received by the CA PM.
- c. Accomplished as In-Kind Assistance: The total dollars expended through Federal acquisition. This dollar amount may reflect anticipated In-Kind Assistance and be updated as IKA is approved, but as a minimum shall reflect the total dollars accomplished through In-Kind Assistance in support of this Appendix for each fiscal year as it occurs.
- d. The following funding limitations are provided for each fiscal year as it occurs:

1. Fiscal Year_____:	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ _____	\$ _____
Federal Share (85%)	\$ _____	\$ _____
Federal Share (80%)	\$ _____	\$ _____

September 2020

Federal Share (75%)	\$ _____	\$ _____
Federal Total	\$ _____	\$ _____

Accomplished as In-Kind Assistance \$ _____

Grantee Share (25%)	\$ _____	\$ _____
Grantee Share (20%)	\$ _____	\$ _____
Grantee Share (15%)	\$ _____	\$ _____
Grantee Total	\$ _____	\$ _____

2. Fiscal Year _____:

	Approved Budget/(AFP)	Total Dollars Obligated
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Federal Share (100%)	\$ _____	\$ _____
Federal Share (85%)	\$ _____	\$ _____
Federal Share (80%)	\$ _____	\$ _____
Federal Share (75%)	\$ _____	\$ _____
Federal Total	\$ _____	\$ _____

Accomplished as In-Kind Assistance \$ _____

Grantee Share (25%)	\$ _____	\$ _____
Grantee Share (20%)	\$ _____	\$ _____
Grantee Share (15%)	\$ _____	\$ _____
Grantee Total	\$ _____	\$ _____

3. Fiscal Year _____:

	Approved Budget/(AFP)	Total Dollars Obligated
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Federal Share (100%)	\$ _____	\$ _____
Federal Share (85%)	\$ _____	\$ _____
Federal Share (80%)	\$ _____	\$ _____
Federal Share (75%)	\$ _____	\$ _____
Federal Total	\$ _____	\$ _____

Accomplished as In-Kind Assistance \$ _____

Grantee Share (25%)	\$ _____	\$ _____
Grantee Share (20%)	\$ _____	\$ _____
Grantee Share (15%)	\$ _____	\$ _____
Grantee Total	\$ _____	\$ _____

4. Fiscal Year _____ :

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ _____	\$ _____
Federal Share (85%)	\$ _____	\$ _____
Federal Share (80%)	\$ _____	\$ _____
Federal Share (75%)	\$ _____	\$ _____
Federal Total	\$ _____	\$ _____
Accomplished as In-Kind Assistance		\$ _____

Grantee Share (25%)	\$ _____	\$ _____
Grantee Share (20%)	\$ _____	\$ _____
Grantee Share (15%)	\$ _____	\$ _____
Grantee Total	\$ _____	\$ _____

5. Fiscal Year _____ :

	Approved Budget/(AFP)	Total Dollars Obligated
Federal Share (100%)	\$ _____	\$ _____
Federal Share (85%)	\$ _____	\$ _____
Federal Share (80%)	\$ _____	\$ _____
Federal Share (75%)	\$ _____	\$ _____
Federal Total	\$ _____	\$ _____
Accomplished as In-Kind Assistance		\$ _____

Grantee Share (25%)	\$ _____	\$ _____
Grantee Share (20%)	\$ _____	\$ _____
Grantee Share (15%)	\$ _____	\$ _____
Grantee Total	\$ _____	\$ _____

Section 2210. Agreement Particulars.

The information below shall be recorded by the Grants Officer's Representative (GOR) for compliance with the reporting requirements of the Federal Assistance Award Data Collection (FAADC) and the Federal Funding Accountability and Transparency Act of 2006.

- a. Grantee/Recipient Category: Government
- b. Grantee/Recipient Type: State Government
- c. Grantee/Recipient DUNS: 070980243
- d. Primary Place of Performance (if different from 'Issued To' on CA Modification Form): Vermont National Guard, 789 National Guard Road, Colchester, Vermont 05446-3099 (To include Zip + 4) _____
- e. Grantee/Recipient County (Primary Place of Performance): Chittenden Country
- f. Grantee/Recipient Congressional District (Primary Place of Performance): At large
- g. Major Agency: DOD
- h. Agency Code: 5700
- i. Funding Agency: Air
- j. Program Source Agency: 57
- k. Transaction Type: Cooperative Agreement
- l. CFDA: 12.401

m. CFDA Program Title:	Operation and Maintenance, Air National Guard
n. Program Source Account-Funding:	3840
o. Treasury Appropriation Code:	3840
p. Award/Obligation/Action Date:	<u>1 October 2020</u>
q. Starting Date:	<u>1 October 2020</u>
r. Ending Date:	<u>30 September 2025</u>
s. Record Type:	Individual Action
t. Fiscal Year/Quarter:	<u>FY2021/First Quarter</u>
u. Unique Federal Award Identification Number (FAIN)	<u>W912LN-21-2-1022</u>
v. Approved Budget Amount:	<u>See Section 2209 as amended</u>
w. R&D Award (Yes or No)	<u>No</u>
x. Indirect Cost Rate or CPP Rate:	<u>N/A/No CPP</u>

EXECUTION

IN WITNESS WHEREOF: The parties, by their signatures, execute this Appendix and agree to its terms and conditions.

<p>STATE/TERRITORY/ OR DISTRICT OF: Vermont</p> <p>BY: _____ GREGORY C. KNIGHT MAJOR GENERAL VERMONT ADJUTANT GENERAL</p> <p>_____ <i>(Date)</i></p>	<p>NATIONAL GUARD BUREAU:</p> <p>BY: _____ Michael D. Chase, Col, USAF USPFO-Vermont</p> <p>_____ <i>(Date)</i></p>
<p>Approved as Legal Form:</p> <p>_____ Jacob Humbert, Assistant Attorney General, Vermont</p> <p>_____ <i>(Date)</i></p>	<p>Approved as to Legal Form:</p> <p>_____ Kurt A. Kafferlin, MAJ, State Judge Advocate</p> <p>_____ <i>(Date)</i></p>