

**State of Alaska
FY2006 Governor's Operating Budget**

**Department of Law
Environmental Law
Component Budget Summary**

Component: Environmental Law

Contribution to Department's Mission

The Environmental Section provides advice and representation to several agencies, including primarily the Department of Environmental Conservation, to assist them in the performance of their duties related to environmental matters. The section's representation includes instances where the state is seeking to enforce cleanup or secure cost recovery as well as those cases where the state is sued with respect to its role in a contaminated site or in carrying out its regulatory function.

Core Services

Contaminated sites: In consultation with DEC, department attorneys pursue appropriate enforcement actions to ensure cleanup at contaminated sites or recommend to DEC that the state initiate a state led cleanup. In either case, the department pursues appropriate reimbursement of any state cleanup expenditures. The department consults with DEC in decisions to release a potentially responsible party from liability when available evidence indicates that the party is not, in fact, liable. Department attorneys work with DEC to negotiate prospective purchaser agreements for contaminated sites when appropriate.

Oil spill prevention and response: Advice is provided to DEC on oil spill contingency plan approvals as well as representation in litigation brought against the state by third parties. Advice is provided with respect to the prevention and amelioration of fuel oil spills from above and under ground storage tanks.

Air and water quality: The Department provides legal advice to DEC regarding air permits and brings enforcement actions against entities who violate clean air laws. The Department also provides advice on water quality issues including permitting for large mines, NPDES primacy, marine vessel wastewater discharges, domestic wastewater, and drinking water. Advice is provided to the Village Safe Water program on a variety of issues related to that program.

Coastal Management Program: The Department provides legal advice to DNR on the re-establishment of the ACMP under recent statutory changes and the performance of its duties under that program.

Public health: The Department provides legal advice to DEC's Division of Environmental Health on public health issues, such as food safety, animal health, and pesticides.

Homeland security: Legal advice is provided to various state officials regarding efforts to improve security of critical facilities, such as the Trans Alaska Pipeline and drinking water supplies.

Legal defense of state actions: The environmental law component defends state agencies and officials when they are sued for the performance of their duties. These include cleanup decisions, approval of contingency plans, consistency determinations and other matters.

FY2006 Resources Allocated to Achieve Results

FY2006 Component Budget: \$1,729,700

Personnel:

Full time	12
Part time	1
Total	13

Key Component Challenges

1. Defend the 2003 public interest litigant law in the Alaska Supreme Court.
2. Establish the legal foundation for state administration of statewide programmatic general permits for wetlands.
3. Hold the federal government accountable for non-compliance with state environmental laws.
4. Obtain federal approval for the regulatory foundation for the new Alaska Coastal Management Program.
5. Resolve the Exxon Valdez oil spill reopener issue.
6. Defend challenges to DEC contingency plan decisions and develop oil spill prevention regulations.
7. Help develop new regulations for water quality, air quality and solid waste.

Significant Changes in Results to be Delivered in FY2006

No changes are anticipated.

Major Component Accomplishments in 2004

- In FY 2004, the component recovered over \$1,370,000 for state costs and penalties related to violations of state environmental laws and obtained cleanup agreements with polluters with an estimated value of over \$11,620,000 for a total benefit to the state of almost \$13,000,000. To accomplish this, the component expended only \$1,044,000.
- In separate activities this component defended several potentially significant lawsuits where the state was alleged to have violated environmental laws with claimed damages in the millions of dollars.
- Defended the right of the state, rather than EPA, to make decisions on the technology that a company must use to control emissions at the Red Dog mine.
- The component also participated in lawsuits, such as those involving the Prince William Sound and North Slope contingency plans, where the interests of the state are under attack based upon alleged violations of environmental laws.
- The component had significant responsibility for important natural resource activities, including the development of regulations for the Alaska Coastal Management Program.
- Worked with state agencies to facilitate various economic development projects including the resumption of the Pogo mine project and the transfer of property at Adak from the federal government.

Statutory and Regulatory Authority

AS 44.23.020

Contact Information
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Environmental Law Component Financial Summary

All dollars shown in thousands

	FY2004 Actuals	FY2005 Management Plan	FY2006 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	869.6	1,167.6	1,216.5
72000 Travel	16.0	38.6	38.6
73000 Services	323.8	1,848.3	438.9
74000 Commodities	15.8	35.0	35.0
75000 Capital Outlay	9.3	0.7	0.7
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,234.5	3,090.2	1,729.7
Funding Sources:			
1004 General Fund Receipts	331.5	808.6	829.4
1007 Inter-Agency Receipts	227.2	364.1	391.7
1018 Exxon Valdez Oil Spill Settlement	117.6	1,382.4	0.0
1055 Inter-agency/Oil & Hazardous Waste	485.2	508.1	508.6
1114 Exxon Valdez Oil Spill Restoration Fund	73.0	27.0	0.0
Funding Totals	1,234.5	3,090.2	1,729.7

Estimated Revenue Collections

Description	Master Revenue Account	FY2004 Actuals	FY2005 Management Plan	FY2006 Governor
Unrestricted Revenues				
None.		0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0
Restricted Revenues				
Interagency Receipts	51015	227.2	364.1	391.7
Exxon Valdez Oil Spill Settlement	51392	117.6	1,382.4	0.0
Interagency Recs./Oil & Hazardous Waste	51395	485.2	508.1	508.6
Exxon Valdez Oil Spill Restoration Fund	51413	73.0	27.0	0.0
Restricted Total		903.0	2,281.6	900.3
Total Estimated Revenues		903.0	2,281.6	900.3

**Summary of Component Budget Changes
From FY2005 Management Plan to FY2006 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2005 Management Plan	808.6	0.0	2,281.6	3,090.2
Adjustments which will continue current level of service:				
-FY 05 Bargaining Unit Contract Terms: GGU	0.7	0.0	0.7	1.4
-EVOS Litigation Support	0.0	0.0	-1,409.4	-1,409.4
-From Collections and Support to Adjust Vacancy	9.4	0.0	0.0	9.4
-FY06 Cost Increases for Bargaining Units and Non-Covered Employees	10.7	0.0	2.4	13.1
Proposed budget increases:				
-To Fully Fund Coastal Zone Management RSA	0.0	0.0	25.0	25.0
FY2006 Governor	829.4	0.0	900.3	1,729.7

**Environmental Law
Personal Services Information**

Authorized Positions		Personal Services Costs		
<u>FY2005</u>				
<u>Management</u>	<u>Plan</u>	<u>FY2006</u>	<u>Governor</u>	
Full-time	12	12	Annual Salaries	909,360
Part-time	1	1	COLA	1,622
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	401,332
			<i>Less 4.00% Vacancy Factor</i>	(52,514)
			Lump Sum Premium Pay	0
Totals	13	13	Total Personal Services	1,259,800

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney II	1	0	0	0	1
Attorney III	1	0	0	0	1
Attorney IV	5	0	1	0	6
Attorney V	0	1	0	0	1
Attorney VI	1	0	0	0	1
Law Office Assistant I	1	0	0	0	1
Law Office Assistant II	1	0	0	0	1
Paralegal II	1	0	0	0	1
Totals	11	1	1	0	13