

**State of Alaska  
FY2020 Governor's Operating Budget**

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

**Component: Environmental Law**

## **Contribution to Department's Mission**

The Environmental Law section provides advice and representation to several agencies, primarily the Department of Environmental Conservation (DEC), to assist them with implementation and enforcement of state environmental programs and laws. The section's representation includes enforcement and recovery of costs and damages as well as defense of the state with respect to its role in a contaminated site or in carrying out its regulatory function.

## **Core Services**

- In consultation with DEC, section attorneys pursue appropriate enforcement actions against responsible parties 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 state cleanup expenditures.
- The section consults with DEC on 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.
- The section advises and defends DEC regarding administrative appeals of oil spill contingency plan approvals. When spills occur, investigative, enforcement, and litigation services are provided to ensure that the response is prompt and complete, that state costs and damages are reimbursed, and that violations of law are assigned fair consequences. Advice is provided with respect to the prevention and amelioration of fuel oil spills from above and underground storage tanks.
- The section advises DEC regarding air permits and brings enforcement actions against entities violating clean air laws. The section provides advice on water quality issues including permitting for large mines, National Pollutant Discharge Elimination System (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.
- The section provides legal advice to DEC's Division of Environmental Health on public health issues, such as food safety, animal health, pesticides, solid waste, and drinking water.
- The section defends state agencies and officials when they are sued for the performance of their duties. These include cleanup decisions, issuance of permits, approval of contingency plans, and other matters.

## **Major Component Accomplishments in 2018**

In FY2018, the section recovered \$1,996,494 for state costs and penalties related to violations of state environmental laws. Costs associated with operating the section totaled less than \$1,140,000 for all fund sources, providing the state with significant value for the work performed.

## **Key Component Challenges**

- Position reductions and positions held vacant have reduced the cost recovery of DEC oversight and cleanup costs of spill response and contaminated sites, and diminished the ability to pursue cleanup of "lingering contaminated sites" where there is no responsible party undertaking a cleanup.
- Holding the federal government accountable for non-compliance with state and federal environmental laws.
- Defending challenges to DEC contingency plan decisions before the Office of Administrative Hearings.
- Engage federal agencies on matters and decisions that affect the state's interests. Increasingly, attorneys are asked to give legal advice on federal regulatory or administrative actions and rulemakings and to represent state agency interests, either to support or challenge federal rules.
- Litigation of *Alaska v. Williams Alaska Petroleum, Inc.* environmental claims arising from North Pole Refinery groundwater contamination pending in Fairbanks Superior Court.

### Significant Changes in Results to be Delivered in FY2020

No significant changes are anticipated in the next fiscal year.

### Statutory and Regulatory Authority

AS 44.23.020

AS 46.08.070

Contact Information
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Environmental Law Personal Services Information				
Authorized Positions			Personal Services Costs	
	<u>FY2019</u> <u>Management</u> <u>Plan</u>	<u>FY2020</u> <u>Governor</u>		
Full-time	10	10	Annual Salaries	920,375
Part-time	0	0	COLA	6,348
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	499,147
			<i>Less 0.17% Vacancy Factor</i>	(2,470)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>10</b>	<b>10</b>	<b>Total Personal Services</b>	<b>1,423,400</b>

Position Classification Summary					
Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney II	1	0	0	0	1
Attorney II	1	0	0	0	1
Attorney III	1	0	0	0	1
Attorney IV	2	0	0	0	2
Attorney V	1	0	0	0	1
Attorney VI	1	0	0	0	1
Law Office Assistant I	2	0	0	0	2
Paralegal II	1	0	0	0	1
<b>Totals</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>

**Component Detail All Funds**  
**Department of Law**

**Component:** Environmental Law (2092)  
**RDU:** Civil Division (35)

Non-Formula Component

	FY2018 Actuals	FY2019 Conference Committee	FY2019 Authorized	FY2019 Management Plan	FY2020 Governor	FY2019 Management Plan vs FY2020 Governor	
71000 Personal Services	876.6	1,518.4	1,518.4	1,368.4	1,423.4	55.0	4.0%
72000 Travel	7.4	17.1	17.1	17.1	17.1	0.0	0.0%
73000 Services	241.1	144.7	144.7	294.7	294.7	0.0	0.0%
74000 Commodities	12.8	9.0	9.0	9.0	9.0	0.0	0.0%
75000 Capital Outlay	1.0	0.0	0.0	0.0	0.0	0.0	0.0%
77000 Grants, Benefits	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
78000 Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
<b>Totals</b>	<b>1,138.9</b>	<b>1,689.2</b>	<b>1,689.2</b>	<b>1,689.2</b>	<b>1,744.2</b>	<b>55.0</b>	<b>3.3%</b>
<b>Fund Sources:</b>							
1004 Gen Fund (UGF)	95.7	529.0	529.0	529.0	571.3	42.3	8.0%
1007 I/A Rcpts (Other)	350.2	702.9	702.9	702.9	715.6	12.7	1.8%
1055 IA/OIL HAZ (Other)	474.0	457.3	457.3	457.3	457.3	0.0	0.0%
1061 CIP Rcpts (Other)	219.0	0.0	0.0	0.0	0.0	0.0	0.0%
<b>Unrestricted General (UGF)</b>	<b>95.7</b>	<b>529.0</b>	<b>529.0</b>	<b>529.0</b>	<b>571.3</b>	<b>42.3</b>	<b>8.0%</b>
<b>Designated General (DGF)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0%</b>
<b>Other Funds</b>	<b>1,043.2</b>	<b>1,160.2</b>	<b>1,160.2</b>	<b>1,160.2</b>	<b>1,172.9</b>	<b>12.7</b>	<b>1.1%</b>
<b>Federal Funds</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0%</b>
<b>Positions:</b>							
Permanent Full Time	10	10	10	10	10	0	0.0%
Permanent Part Time	0	0	0	0	0	0	0.0%
Non Permanent	0	0	0	0	0	0	0.0%

**Change Record Detail - Multiple Scenarios with Descriptions**  
**Department of Law**

**Component:** Environmental Law (2092)  
**RDU:** Civil Division (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
***** Changes From FY2019 Conference Committee To FY2019 Authorized *****												
<b>FY2019 Conference Committee</b>												
ConfCom		1,689.2	1,518.4	17.1	144.7	9.0	0.0	0.0	0.0	10	0	0
1004 Gen Fund		529.0										
1007 I/A Rcpts		702.9										
1055 IA/OIL HAZ		457.3										
<b>Subtotal</b>		<b>1,689.2</b>	<b>1,518.4</b>	<b>17.1</b>	<b>144.7</b>	<b>9.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>10</b>	<b>0</b>	<b>0</b>
***** Changes From FY2019 Authorized To FY2019 Management Plan *****												
<b>Transfer Law Office Assistant I (03-0330) from Commercial and Fair Business to Address Workload Demands</b>												
Trin		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1	0	0
Transfer Law Office Assistant I (03-0330) from Commercial and Fair Business to accommodate the workload and office demands.												
<b>Transfer Attorney V (03-0420) to Natural Resources for Required Legal Expertise</b>												
Trout		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
Transfer Attorney V (03-0420) to the Natural Resources component to keep pace with the required level of legal expertise needed within the section. The position is located in Anchorage.												
Department of Law attorney positions are partially exempt and flexibly-ranged positions. Attorneys I-VI are transferred in accordance with attorney salary placement, allowing positions to be sub-filled at lower levels. Positions are also transferred to accommodate promotions. Because of constant movement of positions to keep up with demand, funding is not always transferred with the position. Budget authority is evaluated and aligned between components as needed.												
<b>Align Authority to Comply with Vacancy Factor Guidelines</b>												
LIT		0.0	-150.0	0.0	150.0	0.0	0.0	0.0	0.0	0	0	0
The purpose of this line item transfer is to align authority within the Environmental Law component in order to comply with vacancy factor guidelines.												
<b>Subtotal</b>		<b>1,689.2</b>	<b>1,368.4</b>	<b>17.1</b>	<b>294.7</b>	<b>9.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>10</b>	<b>0</b>	<b>0</b>
***** Changes From FY2019 Management Plan To FY2020 Governor *****												
<b>Transfer from Commercial and Fair Business to Comply with Vacancy Factor Guidelines</b>												
Trin		45.0	45.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		35.0										
1007 I/A Rcpts		10.0										
Transfer budget authority from the Commercial and Fair Business component to align authority with anticipated expenditure levels for personal services. There are no impacts on services associated with this transfer.												

**Change Record Detail - Multiple Scenarios with Descriptions**  
**Department of Law**

**Component:** Environmental Law (2092)  
**RDU:** Civil Division (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
<b>FY2020 Salary Adjustments - GGU, CEA, TEAME</b>												
	SalAdj	9.7	9.7	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		7.0										
1007 I/A Rcpts		2.7										
FY2020 Salary Adjustments - GGU, CEA, TEAME: \$9.7												
FY2020 GGU HI from \$1432 to \$1530: \$3.5												
FY2020 GGU 3% COLA: \$6.2												
<b>Reverse Alaska State Employees Association (GGU) 15 Hour Furlough</b>												
	SalAdj	0.3	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		0.3										
The Alaska State Employees Association (representing the general government unit) contractually required 15 hours of furlough for each permanent full-time employee in each year from July 1, 2016, to June 30, 2019. The furlough requirement was removed from the contract in FY2020.												
<b>Totals</b>		<b>1,744.2</b>	<b>1,423.4</b>	<b>17.1</b>	<b>294.7</b>	<b>9.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>10</b>	<b>0</b>	<b>0</b>

**Personal Services Expenditure Detail**  
**Department of Law**

**Scenario:** FY2020 Governor (15610)  
**Component:** Environmental Law (2092)  
**RDU:** Civil Division (35)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range / Step	Comp Months	Split / Count	Annual Salaries	COLA	Premium Pay	Annual Benefits	Total Costs	UGF Amount
03-0006	Attorney IV	FT	A	XE	Anchorage	N00	24F / J	12.0		107,748	0	0	55,493	163,241	32,648
03-0045	Attorney IV	FT	A	XE	Anchorage	N00	24F	12.0		106,452	0	0	55,050	161,502	32,300
03-0059	Attorney V	FT	A	XE	Anchorage	99	25P	12.0		146,630	0	0	67,933	214,563	42,913
03-0113	Attorney III	FT	A	XE	Anchorage	N00	22J	12.0		95,988	0	0	51,476	147,464	66,359
03-0235	Assoc Attorney II	FT	A	XE	Anchorage	99	19M	12.0		86,580	0	0	48,262	134,842	26,968
03-0242	Attorney VI	FT	A	XE	Anchorage	99	26N / O	12.0		144,095	0	0	67,223	211,318	52,830
03-0246	Paralegal II	FT	A	GP	Anchorage	99	16P / Q	12.0		80,673	3,247	0	46,048	129,968	129,968
03-0301	Law Office Assistant I	FT	A	GP	Anchorage	200	11C / D	12.0		38,997	1,570	0	31,812	72,379	72,379
03-0317	Attorney II	FT	A	XE	Anchorage	N00	20C / D	12.0		75,180	0	0	44,368	119,548	59,774
03-0330	Law Office Assistant I	FT	A	GP	Anchorage	200	11B / C	12.0		38,032	1,531	0	31,482	71,045	0

	Total Positions	New	Deleted
Full Time Positions:	10	0	0
Part Time Positions:	0	0	0
Non Permanent Positions:	0	0	0
Positions in Component:	10	0	0

Total Component Months: 120.0

<b>Total Salary Costs:</b>	920,375
<b>Total COLA:</b>	6,348
<b>Total Premium Pay::</b>	0
<b>Total Benefits:</b>	499,147
<b>Total Pre-Vacancy:</b>	1,425,870
<b>Minus Vacancy Adjustment of 0.17%:</b>	(2,470)
<b>Total Post-Vacancy:</b>	1,423,400
<b>Plus Lump Sum Premium Pay:</b>	0
<b>Personal Services Line 100:</b>	1,423,400

PCN Funding Sources:	Pre-Vacancy	Post-Vacancy	Percent
1004 General Fund Receipts	516,139	515,245	36.20%
1007 Interagency Receipts	632,431	631,336	44.35%
1055 Interagency/Oil & Hazardous Waste	277,300	276,819	19.45%
<b>Total PCN Funding:</b>	<b>1,425,870</b>	<b>1,423,400</b>	<b>100.00%</b>

Note: If a position is split, an asterisk (\*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (\*\*) will appear in this column. [No valid job title] appearing in the Job Class Title indicates that the PCN has an invalid class code or invalid range for the class code effective date of this scenario.

**Line Item Detail (1676)**  
**Department of Law**  
**Travel**

**Component:** Environmental Law (2092)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2018 Actuals</b>	<b>FY2019 Management Plan</b>
2000	Travel		7.4	17.1
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2018 Actuals</b>	<b>FY2019 Management Plan</b>
<b>2000 Travel Detail Totals</b>			<b>7.4</b>	<b>17.1</b>
2000	In-State Employee Travel	Travel for attorneys to interview witnesses and attend court proceedings, as well as for necessary training for both attorneys and paraprofessionals. Includes travel for management purposes.	4.3	10.2
2002	Out of State Employee Travel	Travel costs and expenses for out-of-state travel for conferences, training, etc.	1.3	4.8
2006	Other Travel Costs	Travel cost transfers.	1.8	2.1

**Line Item Detail (1676)**  
**Department of Law**  
**Services**

**Component:** Environmental Law (2092)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2018 Actuals</b>	<b>FY2019 Management Plan</b>
3000	Services		241.1	294.7
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2018 Actuals</b>	<b>FY2019 Management Plan</b>
<b>3000 Services Detail Totals</b>			<b>241.1</b>	<b>294.7</b>
3006	Delivery Services	Freight, courier, postage, and transportation of trial exhibit materials.	0.4	0.0
3007	Advertising and Promotions	Publication of legal notices.	0.2	0.0
3009	Structure/Infrastructure/Land	Rentals/leases - records and evidence storage.	16.0	20.0
3011	Other Services	Cost transfers and miscellaneous items within the services line (commissions, etc.).	224.5	274.7

**Line Item Detail (1676)**  
**Department of Law**  
**Commodities**

**Component:** Environmental Law (2092)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2018 Actuals</b>	<b>FY2019 Management Plan</b>
4000	Commodities		12.8	9.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2018 Actuals</b>	<b>FY2019 Management Plan</b>
<b>4000 Commodities Detail Totals</b>			<b>12.8</b>	<b>9.0</b>
4022	Commodity Transfer	Commodity cost transfers.	12.8	9.0

**Line Item Detail (1676)**  
**Department of Law**  
**Capital Outlay**

**Component:** Environmental Law (2092)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2018 Actuals</b>	<b>FY2019 Management Plan</b>
5000	Capital Outlay		1.0	0.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2018 Actuals</b>	<b>FY2019 Management Plan</b>
<b>5000 Capital Outlay Detail Totals</b>			<b>1.0</b>	<b>0.0</b>
5009	Capital Outlay Transfer	Capital cost transfers.	1.0	0.0

**Revenue Detail (1681)**  
**Department of Law**

**Component:** Environmental Law (2092)

Revenue Type (OMB Fund Code) Revenue Source	Component	Comment	FY2018 Actuals	FY2019 Management Plan
<b>5007 I/A Rcpts (1007 I/A Rcpts)</b>			<b>350.2</b>	<b>702.9</b>
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Water Quality - legal services. Program code: CV03204502.	140.7	225.0
5301 Inter-Agency Receipts	FishGm - Department-wide	RSA Fish and Game, Exxon Valdez Oil Spill Trustee Council - legal services for habitat support. Program code: CV03204508.	12.3	50.0
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Water Quality - legal services provided for implementation of Commercial Passenger Vessel Environmental Compliance (CVPEC) law, air opacity and wastewater enforcement actions, and on-going services of a consultant expert to advise the state in pursuit of commercial passenger vessel air opacity violations. Program code: CV03204504.	8.9	100.0
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Air Quality - legal services. Program code: CV03204505.	78.9	100.0
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Environmental Health - legal services provided to the Food Safety & Sanitation section. Program code: CV03204506.	59.3	100.0
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Spill Prevention and Response - legal services supporting Department of Defense cleanup work. Program code: CV03204507.	49.8	100.0
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Spill Prevention and Response - legal services related to the Flint	0.3	27.9

**Revenue Detail (1681)**  
**Department of Law**

**Component:** Environmental Law (2092)

Revenue Type (OMB Fund Code) Revenue Source	Component	Comment	FY2018 Actuals	FY2019 Management Plan
		Hills MAPCO North Pole Refinery. Program code: CV03204694.		
<b>5055 IA/OIL HAZ (1055 IA/OIL HAZ)</b>			<b>474.0</b>	<b>457.3</b>
5391 Oil and Hazardous Waste Inter-Agency	EnvCon - Department-wide	RSA Environmental Conservation, Spill Prevention and Response - legal services. Program code: CV03204501.	474.0	457.3
<b>5061 CIP Rcpts (1061 CIP Rcpts)</b>			<b>219.0</b>	<b>0.0</b>
5351 Capital Improvement Project Inter-Agency			219.0	0.0
<b>6004 Gen Fund (1004 Gen Fund)</b>			<b>7.3</b>	<b>0.0</b>
6004 General Fund Public Protection - Judgement Settlemnt			7.3	0.0