

**State of Alaska
FY2021 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, but primarily the Department of Environmental Conservation (DEC), to assist the department 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 in its role in handling 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 in administrative appeals of oil spill contingency plan approvals. When spills occur, section attorneys provide investigative, enforcement, and litigation services to ensure that the response is prompt and complete, that the state is reimbursed for costs and damages. Section attorneys also provide advice on the prevention and amelioration of fuel oil spills from above and underground storage tanks.
- The section advises DEC about air permits and brings enforcement actions against entities violating clean air laws. The section provides advice on water quality issues including permits for large mines, National Pollutant Discharge Elimination System primacy, marine vessel wastewater discharges, domestic wastewater, and drinking water. Section attorneys provide advice 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, which include cleanup decisions, issuance of permits, approval of contingency plans, and other matters.

Major Component Accomplishments in 2019

In FY2019, the section recovered \$2,482,697 for state costs and penalties related to violations of state environmental laws. Costs associated with operating the section totaled less than \$867,000 for all fund sources, providing the state with significant value for the work performed.

In October 2019 the section completed a three-week trial in *Alaska v. Williams Alaska Petroleum, Inc.* in Fairbanks concerning contamination of groundwater wells and groundwater with the industrial solvent sulfolane.

Key Component Challenges

- Recovering costs of DEC oversight and cleanup costs of spill response and contaminated sites, and diminished the ability to pursue cleanup of "lingering contaminated sites" where no responsible party is 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.
- Engaging 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 to challenge federal rules.

- Managing 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 FY2021

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>FY2020</u> <u>Management</u> <u>Plan</u>	<u>FY2021</u> <u>Governor</u>		
Full-time	11	11	Annual Salaries	1,039,412
Part-time	0	0	COLA	2,179
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	559,563
			<i>Less 0.92% Vacancy Factor</i>	<i>(14,654)</i>
			Lump Sum Premium Pay	0
Totals	11	11	Total Personal Services	1,586,500

Position Classification Summary					
Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Associate Attorney II	1	0	0	0	1
Attorney III	3	0	0	0	3
Attorney IV	1	0	0	0	1
Attorney V	2	0	0	0	2
Attorney VI	1	0	0	0	1
Law Office Assistant I	2	0	0	0	2
Paralegal II	1	0	0	0	1
Totals	11	0	0	0	11

Component Detail All Funds
Department of Law

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

Non-Formula Component

	FY2019 Actuals	FY2020 Conference Committee	FY2020 Authorized	FY2020 Management Plan	FY2021 Governor	FY2020 Management Plan vs FY2021 Governor	
71000 Personal Services	730.8	1,423.4	1,423.4	1,583.4	1,586.5	3.1	0.2%
72000 Travel	5.1	13.3	13.3	20.0	20.0	0.0	0.0%
73000 Services	120.3	294.7	294.7	310.5	310.5	0.0	0.0%
74000 Commodities	8.6	9.0	9.0	9.0	9.0	0.0	0.0%
75000 Capital Outlay	1.6	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%
Totals	866.4	1,740.4	1,740.4	1,922.9	1,926.0	3.1	0.2%
Fund Sources:							
1004 Gen Fund (UGF)	29.9	571.2	571.2	698.5	700.8	2.3	0.3%
1007 I/A Rcpts (Other)	406.6	712.9	712.9	768.1	768.9	0.8	0.1%
1055 IA/OIL HAZ (Other)	415.3	456.3	456.3	456.3	456.3	0.0	0.0%
1061 CIP Rcpts (Other)	14.6	0.0	0.0	0.0	0.0	0.0	0.0%
Unrestricted General (UGF)	29.9	571.2	571.2	698.5	700.8	2.3	0.3%
Designated General (DGF)	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Other Funds	836.5	1,169.2	1,169.2	1,224.4	1,225.2	0.8	0.1%
Federal Funds	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Positions:							
Permanent Full Time	10	10	10	11	11	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 FY2020 Conference Committee To FY2020 Authorized *****												
FY2020 Conference Committee												
	ConfCom	1,740.4	1,423.4	13.3	294.7	9.0	0.0	0.0	0.0	10	0	0
1004 Gen Fund		571.2										
1007 I/A Rcpts		712.9										
1055 IA/OIL HAZ		456.3										
Subtotal		1,740.4	1,423.4	13.3	294.7	9.0	0.0	0.0	0.0	10	0	0
***** Changes From FY2020 Authorized To FY2020 Management Plan *****												
Transfer Attorney V (03-0420) from Natural Resources for Required Legal Expertise												
	Trin	182.5	160.0	6.7	15.8	0.0	0.0	0.0	0.0	1	0	0
1004 Gen Fund		127.3										
1007 I/A Rcpts		55.2										
Subtotal		1,922.9	1,583.4	20.0	310.5	9.0	0.0	0.0	0.0	11	0	0
***** Changes From FY2020 Management Plan To FY2021 Governor *****												
FY2021 Salary and Health Insurance Increases												
	SalAdj	3.1	3.1	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		2.3										
1007 I/A Rcpts		0.8										
Totals		1,926.0	1,586.5	20.0	310.5	9.0	0.0	0.0	0.0	11	0	0

Transfer a full-time Attorney V (03-0420), range 25, located in Anchorage, from the Natural Resources office to the Environmental Law section to keep pace with the required level of legal expertise needed within the section. The remaining staff within the Natural Resources office are sufficient to accommodate anticipated workload.

Department of Law attorney positions are transferred as needed to align expertise with workload.

FY2021 GGU Salary Increases: \$2.2

FY2021 increase to GGU Health Insurance from \$1530 to \$1555 per member per month: \$0.9

Line Item Detail (1676)
Department of Law
Travel

Component: Environmental Law (2092)

Line Number	Line Name		FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
2000	Travel		5.1	20.0	20.0
Object Class	Servicing Agency	Explanation	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
2000 Travel Detail Totals			5.1	20.0	20.0
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.	2.7	10.2	10.2
2002	Out of State Employee Travel	Travel costs and expenses for out-of-state travel for conferences, training, etc.	1.6	4.8	4.8
2006	Other Travel Costs	Travel cost transfers.	0.8	5.0	5.0

Line Item Detail (1676)
Department of Law
Services

Component: Environmental Law (2092)

Line Number	Line Name		FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
3000	Services		120.3	310.5	310.5
Object Class	Servicing Agency	Explanation	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
3000 Services Detail Totals			120.3	310.5	310.5
3000	Education Services	Conferences, training and memberships.	2.8	5.0	5.0
3002	Legal and Judicial Services	Depositions, research costs, expert witness and consultant fees.	0.1	1.0	1.0
3006	Delivery Services	Freight, courier, postage, and transportation of trial exhibit materials.	0.1	1.0	1.0
3009	Structure/Infrastructure/Land	Rentals/leases - records and evidence storage.	0.0	1.0	1.0
3011	Other Services	Cost transfers and miscellaneous items within the services line (commissions, etc.).	117.3	302.5	302.5

Line Item Detail (1676)
Department of Law
Commodities

Component: Environmental Law (2092)

Line Number	Line Name		FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
4000	Commodities		8.6	9.0	9.0
Object Class	Servicing Agency	Explanation	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
		4000 Commodities Detail Totals	8.6	9.0	9.0
4022	Commodity Transfer	Commodity cost transfers.	8.6	9.0	9.0

Line Item Detail (1676)
Department of Law
Capital Outlay

Component: Environmental Law (2092)

Line Number	Line Name		FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
5000	Capital Outlay		1.6	0.0	0.0
Object Class	Servicing Agency	Explanation	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
5000 Capital Outlay Detail Totals			1.6	0.0	0.0
5009	Capital Outlay Transfer	Capital cost transfers.	1.6	0.0	0.0

Revenue Detail (1681)
Department of Law

Component: Environmental Law (2092)

Revenue Type (OMB Fund Code) Revenue Source	Component	Comment	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
5007 I/A Rcpts (1007 I/A Rcpts)			406.6	768.1	768.9
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Water Quality - legal services. Program code: CV03204502.	158.5	225.0	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.	1.5	50.0	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.	36.4	100.0	100.0
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Air Quality - legal services. Program code: CV03204505.	99.9	150.0	150.0
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Environmental Health - legal services provided to the Food Safety & Sanitation section. Program code: CV03204506.	61.8	100.0	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.	45.8	100.0	100.0
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Spill Prevention and Response - legal services related to the Flint	2.7	43.1	43.9

Revenue Detail (1681)
Department of Law

Component: Environmental Law (2092)

Revenue Type (OMB Fund Code) Revenue Source	Component	Comment	FY2019 Actuals	FY2020 Management Plan	FY2021 Governor
Hills MAPCO North Pole Refinery. Program code: CV03204694.					
5055 IA/OIL HAZ (1055 IA/OIL HAZ)			415.3	456.3	456.3
5391 Oil and Hazardous Waste Inter-Agency	EnvCon - Department-wide	RSA Environmental Conservation, Spill Prevention and Response - legal services. Program code: CV03204501.	415.3	456.3	456.3
5061 CIP Rcpts (1061 CIP Rcpts)			14.6	0.0	0.0
5351 Capital Improvement Project Inter-Agency		Exxon Valdez Oil Spill record review, assessment, and disposition project.	14.6	0.0	0.0
6004 Gen Fund (1004 Gen Fund)			1.8	0.0	0.0
6013 General Fund Gnrl Gov - Charges for Services Legal Services			0.2	0.0	0.0
6046 General Fund - Prior Year Reimbursement Recovery			1.6	0.0	0.0

Personal Services Expenditure Detail
Department of Law

Scenario: FY2021 Governor (16414)
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 III	FT	A	XE	Anchorage	N00	22A / B	12.0		80,782	0	0	46,281	127,063	25,413
03-0045	Attorney IV	FT	A	XE	Anchorage	N00	24E / F	12.0		105,147	0	0	54,604	159,751	31,950
03-0059	Attorney V	FT	A	XE	Anchorage	99	25P	12.0		146,630	0	0	68,173	214,803	42,961
03-0113	Attorney III	FT	A	XE	Anchorage	N00	22J / K	12.0		97,028	0	0	51,831	148,859	66,987
03-0235	Associate Attorney II	FT	A	XE	Anchorage	99	19M	12.0		87,848	0	0	48,695	136,543	27,309
03-0242	Attorney VI	FT	A	XE	Anchorage	99	26O / P	12.0		149,145	0	0	68,877	218,022	54,506
03-0246	Paralegal II	FT	A	GP	Anchorage	99	16Q / R	12.0		80,673	1,082	0	46,348	128,103	128,103
03-0301	Law Office Assistant I	FT	A	GP	Anchorage	200	11D / E	12.0		41,490	557	0	32,963	75,010	75,010
03-0317	Attorney III	FT	A	XE	Anchorage	N00	22C / D	12.0		85,785	0	0	47,990	133,775	66,888
03-0330	Law Office Assistant I	FT	A	GP	Anchorage	200	11C / D	12.0		40,264	540	0	32,545	73,349	0
03-0420	Attorney V	FT	A	XE	Anchorage	N00	25K / L	12.0		124,620	0	0	61,256	185,876	59,480

				Total Salary Costs:	1,039,412
				Total COLA:	2,179
				Total Premium Pay:	0
				Total Benefits:	559,563
				Total Pre-Vacancy:	1,601,154
				Minus Vacancy Adjustment of 0.92%:	(14,654)
				Total Post-Vacancy:	1,586,500
				Plus Lump Sum Premium Pay:	0
				Personal Services Line 100:	1,586,500

PCN Funding Sources:	Pre-Vacancy	Post-Vacancy	Percent
1004 General Fund Receipts	578,605	573,309	36.14%
1007 Interagency Receipts	754,374	747,469	47.11%
1055 Interagency/Oil & Hazardous Waste	268,176	265,721	16.75%
Total PCN Funding:	1,601,154	1,586,500	100.00%

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.

CIVIL DIVISION

Environmental Law

