

**State of Alaska  
FY2022 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 contaminated sites 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, and 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-ground 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 2020**

In FY2020, the section assisted DEC in recovering \$1,112,310 for state costs expended on contaminated sites, including \$56,102 for penalties related to violations of state environmental laws. Costs associated with operating the section totaled less than \$787,900 for all fund sources.

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. Post-trial motion practice extended through June 2020. The case is now on appeal to the Alaska Supreme Court.

**Key Component Challenges**

- Recovering costs of DEC oversight and cleanup costs of spill response and contaminated sites, and diminished 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 and large mine permitting 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.

### **Significant Changes in Results to be Delivered in FY2022**

No significant changes are anticipated in the next fiscal year.

### **Statutory and Regulatory Authority**

AS 44.23.020

AS 46.08.070

<b>Contact Information</b>
<p><b>Contact:</b> Steve Mulder, Chief Assistant Attorney General <b>Phone:</b> (907) 269-5100 <b>E-mail:</b> <a href="mailto:steve.mulder@alaska.gov">steve.mulder@alaska.gov</a></p>

Environmental Law Personal Services Information				
Authorized Positions			Personal Services Costs	
	<u>FY2021</u> <u>Management</u> <u>Plan</u>	<u>FY2022</u> <u>Governor</u>		
Full-time	11	11	Annual Salaries	989,094
Part-time	0	0	COLA	1,734
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	542,819
			<i>Less 2.28% Vacancy Factor</i>	(34,947)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>11</b>	<b>11</b>	<b>Total Personal Services</b>	<b>1,498,700</b>

Position Classification Summary					
Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Associate Attorney II	1	0	0	0	1
Attorney II	1	0	0	0	1
Attorney III	2	0	0	0	2
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 I	1	0	0	0	1
<b>Totals</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11</b>

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

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

Non-Formula Component

	<b>FY2020 Actuals</b>	<b>FY2021 Conference Committee</b>	<b>FY2021 Authorized</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>	<b>FY2021 Management Plan vs FY2022 Governor</b>	
71000 Personal Services	663.0	1,587.0	1,587.0	1,537.0	1,498.7	-38.3	-2.5%
72000 Travel	3.2	20.0	20.0	20.0	20.0	0.0	0.0%
73000 Services	111.3	310.5	310.5	360.5	400.5	40.0	11.1%
74000 Commodities	7.7	9.0	9.0	9.0	9.0	0.0	0.0%
75000 Capital Outlay	2.7	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>787.9</b>	<b>1,926.5</b>	<b>1,926.5</b>	<b>1,926.5</b>	<b>1,928.2</b>	<b>1.7</b>	<b>0.1%</b>
<b>Fund Sources:</b>							
1001 CBR Fund (UGF)	0.0	175.2	175.2	175.2	0.0	-175.2	-100.0%
1004 Gen Fund (UGF)	45.4	525.7	525.7	525.7	702.0	176.3	33.5%
1007 I/A Rcpts (Other)	442.0	769.2	769.2	769.2	769.8	0.6	0.1%
1055 IA/OIL HAZ (Other)	300.5	456.4	456.4	456.4	456.4	0.0	0.0%
<b>Unrestricted General (UGF)</b>	<b>45.4</b>	<b>700.9</b>	<b>700.9</b>	<b>700.9</b>	<b>702.0</b>	<b>1.1</b>	<b>0.2%</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>742.5</b>	<b>1,225.6</b>	<b>1,225.6</b>	<b>1,225.6</b>	<b>1,226.2</b>	<b>0.6</b>	<b>0.0%</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	11	11	11	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 FY2021 Conference Committee To FY2021 Authorized *****												
<b>Conference Committee</b>												
	ConfCom	1,926.5	1,587.0	20.0	310.5	9.0	0.0	0.0	0.0	11	0	0
1001 CBR Fund		175.2										
1004 Gen Fund		525.7										
1007 I/A Rcpts		769.2										
1055 IA/OIL HAZ		456.4										
<b>Subtotal</b>		<b>1,926.5</b>	<b>1,587.0</b>	<b>20.0</b>	<b>310.5</b>	<b>9.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>11</b>	<b>0</b>	<b>0</b>
***** Changes From FY2021 Authorized To FY2021 Management Plan *****												
<b>Transfer Attorney V (03-0006) to Human Services 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 a full-time Attorney V (03-0006), range 25, located in Anchorage, to the Human Services component from the Environmental Law component to keep pace with the required level of legal expertise needed within the office. The remaining staff in Environmental Law are sufficient to accommodate anticipated workload.												
Department of Law attorney positions are transferred as needed to align expertise with workload.												
<b>Transfer Attorney V (03-0195) from Commercial and Fair Business for Required Legal Expertise</b>												
	Trin	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1	0	0
Transfer a full-time Attorney V (03-0195), range 25, located in Anchorage, from the Commercial and Fair Business component to the Environmental Law component to keep pace with the required level of legal expertise needed within the office. The remaining staff in Commercial and Fair Business are sufficient to accommodate anticipated workload.												
Department of Law attorney positions are transferred as needed to align expertise with workload.												
<b>Transfer Attorney III (03-0386) from Human Services for Required Legal Expertise</b>												
	Trin	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1	0	0
Transfer a full-time Attorney III (03-0386), range 22, located in Anchorage, from the Human Services component to the Environmental Law component to keep pace with the required level of legal expertise needed within the office. The remaining staff in Human Services are sufficient to accommodate anticipated workload.												
Department of Law attorney positions are transferred as needed to align expertise with workload.												
<b>Transfer Attorney V (03-0420) to Commercial and Fair Business 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 a full-time Attorney V (03-0420), range 25, located in Anchorage, to the Commercial and Fair Business component from the Environmental Law												

**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	
component to keep pace with the required level of legal expertise needed within the office. The remaining staff in Environmental Law are sufficient to accommodate anticipated workload.												
Department of Law attorney positions are transferred as needed to align expertise with workload.												
<b>Align Authority with Anticipated Expenditures</b>												
	LIT	0.0	-50.0	0.0	50.0	0.0	0.0	0.0	0.0	0	0	0
Transfer authority from personal services to cover anticipated services costs. The remaining personal services authority is sufficient to cover anticipated expenditures.												
<b>Subtotal</b>		<b>1,926.5</b>	<b>1,537.0</b>	<b>20.0</b>	<b>360.5</b>	<b>9.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>11</b>	<b>0</b>	<b>0</b>
***** Changes From FY2021 Management Plan To FY2022 Governor *****												
<b>FY2022 Salary Adjustments</b>												
	SalAdj	1.7	1.7	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		1.1										
1007 I/A Rcpts		0.6										
FY2022 1% COLA for ASEA/General Government (GG/GP/GY/GZ): \$1.7												
<b>Fund Source Adjustment of CBRF to UGF</b>												
	FndChg	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1001 CBR Fund		-175.2										
1004 Gen Fund		175.2										
<b>Transfer Authority from Personal Services to Services for Anticipated Services Costs</b>												
	LIT	0.0	-40.0	0.0	40.0	0.0	0.0	0.0	0.0	0	0	0
Transfer authority from the personal services line to the services line for anticipated personal services costs. The remaining services authority is anticipated to be sufficient to cover operating expenditures.												
<b>Totals</b>		<b>1,928.2</b>	<b>1,498.7</b>	<b>20.0</b>	<b>400.5</b>	<b>9.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>11</b>	<b>0</b>	<b>0</b>

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

**Component:** Environmental Law (2092)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
2000	Travel		3.2	20.0	20.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
<b>2000 Travel Detail Totals</b>			<b>3.2</b>	<b>20.0</b>	<b>20.0</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.	0.5	10.2	10.2
2002	Out of State Employee Travel	Travel costs and expenses for out-of-state travel for conferences, training, etc.	1.2	4.8	4.8
2006	Other Travel Costs	Travel cost transfers.	1.5	5.0	5.0



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

**Component:** Environmental Law (2092)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
3000	Services		111.3	360.5	400.5
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
<b>3000 Services Detail Totals</b>			<b>111.3</b>	<b>360.5</b>	<b>400.5</b>
3000	Education Services	Conferences, training and memberships.	2.8	15.0	10.0
3002	Legal and Judicial Services	Depositions, research costs, expert witness and consultant fees.	1.2	15.0	10.0
3006	Delivery Services	Freight, courier, postage, and transportation of trial exhibit materials.	0.0	5.0	3.0
3009	Structure/Infrastructure/Land	Rentals/leases - records and evidence storage.	0.0	15.0	15.0
3011	Other Services	Cost transfers and miscellaneous items within the services line (commissions, etc.).	107.3	310.5	362.5

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

**Component:** Environmental Law (2092)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
4000	Commodities		7.7	9.0	9.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
<b>4000 Commodities Detail Totals</b>			<b>7.7</b>	<b>9.0</b>	<b>9.0</b>
4022	Commodity Transfer	Commodity cost transfers.	7.7	9.0	9.0

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

**Component:** Environmental Law (2092)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
5000	Capital Outlay		2.7	0.0	0.0
<b>Object Class</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2020 Actuals</b>	<b>FY2021 Management Plan</b>	<b>FY2022 Governor</b>
<b>5000 Capital Outlay Detail Totals</b>			<b>2.7</b>	<b>0.0</b>	<b>0.0</b>
5009	Capital Outlay Transfer	Capital cost transfers.	2.7	0.0	0.0

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

**Component:** Environmental Law (2092)

Revenue Type (OMB Fund Code) Revenue Source	Component	Comment	FY2020 Actuals	FY2021 Management Plan	FY2022 Governor
<b>5007 I/A Rcpts (1007 I/A Rcpts)</b>			<b>441.0</b>	<b>769.2</b>	<b>769.8</b>
5301 Inter-Agency Receipts			441.8	0.0	0.0
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Water Quality - legal services. Program code: CV03204502.	-0.8	239.2	239.8
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.	0.0	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.	0.0	100.0	100.0
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Air Quality - legal services. Program code: CV03204505.	0.0	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.	0.0	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.	0.0	100.0	100.0
5301 Inter-Agency Receipts	EnvCon - Department-wide	RSA Environmental Conservation, Spill Prevention and Response -	0.0	15.0	15.0

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

**Component:** Environmental Law (2092)

Revenue Type (OMB Fund Code) Revenue Source	Component	Comment	FY2020 Actuals	FY2021 Management Plan	FY2022 Governor
5301 Inter-Agency Receipts	EnvCon - Department-wide	legal services related to the Flint Hills MAPCO North Pole Refinery. Program code: CV03204694. RSA Environmental Conservation, Commissioner's Office - legal services. Program code: CVEN18001.	0.0	15.0	15.0
<b>5055 IA/OIL HAZ (1055 IA/OIL HAZ)</b>			<b>293.7</b>	<b>456.4</b>	<b>456.4</b>
5391 Oil and Hazardous Waste Inter-Agency			294.3	0.0	0.0
5391 Oil and Hazardous Waste Inter-Agency	EnvCon - Department-wide	RSA Environmental Conservation, Spill Prevention and Response - legal services. Program code: CV03204501.	-0.6	456.4	456.4
<b>6004 Gen Fund (1004 Gen Fund)</b>			<b>9.1</b>	<b>0.0</b>	<b>0.0</b>
6013 General Fund Gnrl Gov - Charges for Services Legal Services			9.1	0.0	0.0

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

**Scenario:** FY2022 Governor (17280)  
**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
03-0045	Attorney IV	FT	A	XE	Anchorage	N00	24C / D	12.0		98,763	0	0	52,424	151,187	30,237
03-0059	Attorney V	FT	A	XE	Anchorage	99	25Q	12.0		151,395	0	0	69,876	221,271	44,254
03-0113	Attorney II	FT	A	XE	Anchorage	N00	20D / E	12.0		78,488	0	0	45,498	123,986	55,794
03-0195	Attorney IV	FT	A	XE	Anchorage	N00	24K	12.0		113,490	0	0	57,454	170,944	42,736
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	69,245	218,390	54,598
03-0246	Paralegal I	FT	A	GP	Anchorage	200	14B / C	12.0		47,145	633	0	34,895	82,673	82,673
03-0301	Law Office Assistant I	FT	A	GP	Anchorage	200	11C / D	12.0		40,167	539	0	32,511	73,217	73,217
03-0317	Attorney III	FT	A	XE	Anchorage	N00	22E / F	12.0		91,884	0	0	50,074	141,958	70,979
03-0330	Law Office Assistant I	FT	A	GP	Anchorage	200	11D / E	12.0		41,896	562	0	33,102	75,560	0
03-0386	Attorney III	FT	A	XE	Anchorage	N00	22D / E	12.0		88,873	0	0	49,045	137,918	0

	Total Positions	New	Deleted	Total Salary Costs:	Total COLA:	Total Premium Pay:	Total Benefits:
				989,094	1,734	0	542,819
<b>Full Time Positions:</b>	11	0	0				
<b>Part Time Positions:</b>	0	0	0				
<b>Non Permanent Positions:</b>	0	0	0				
<b>Positions in Component:</b>	11	0	0				
				<b>Total Pre-Vacancy:</b>	1,533,647		
				<b>Minus Vacancy Adjustment of 2.28%:</b>	(34,947)		
				<b>Total Post-Vacancy:</b>	1,498,700		
				<b>Plus Lump Sum Premium Pay:</b>	0		
				<b>Personal Services Line 100:</b>	1,498,700		

PCN Funding Sources:	Pre-Vacancy	Post-Vacancy	Percent
1004 General Fund Receipts	481,796	470,818	31.42%
1007 Interagency Receipts	754,014	736,832	49.16%
1055 Interagency/Oil & Hazardous Waste	297,837	291,050	19.42%
<b>Total PCN Funding:</b>	<b>1,533,647</b>	<b>1,498,700</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.

# CIVIL DIVISION

## Environmental Law

