

# CHAPTER 2:

## Administration/Legal/ Management Services

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The Administration, Management Services and Legal Divisions provide administrative, legal and day-to-day support services to the Agency programs essential to the effective operations of the Department.

### **I. Administration**

The Administration of the Department provides oversight and policy direction in all areas of the Department's activities. The Administrative staff includes the Director, Deputy Directors, Legal Counsel, Assistant Director, Associate Directors, Government Relations Program Manager, Division Administrators and the Administrative support staff. The Director and Deputy Directors are responsible for the overall function and coordination of Department activities. Generally, the Director is responsible for policy and the Deputy Directors for day-to-day management and administration. The Deputy Director of Administration serves as the manager of the Management Services Division. The Deputy Director of Programs, Assistant Director, Division Administrators, Associate Directors and the Program Manager are responsible for management, policy implementation, and coordination of activities in the various sections contained within their respective divisions.

Department Administration is responsible for coordination with other local, state and federal agencies. Staff serve on various committees within the state. The administration is also responsible for coordination and negotiations with the U.S. Environmental Protection Agency. A significant amount of the agency's funding is derived through the EPA, and substantial coordination is required. In addition, the agency coordinates certain activities with the U.S. Department of Defense and the Army Corps of Engineers.

The Director coordinates agency activities with the Governor's Office and the Nebraska Legislature. The Director is responsible for ensuring that the Agency effectively responds to state Legislative activities and actions.

The Deputy Director of Administration is largely responsible for day-to-day administrative activities and Agency operations. The Deputy Director is also given responsibility on a case-by-case basis for coordinating special activities which cross the divisional lines of responsibility.

The Deputy Director of Programs coordinates the various agency programmatic activities.

### **II. Legal Division**

The Legal Division provides legal support to the Director and the Agency. Legal responsibilities of attorneys in the Division include:

- Preparing legal opinions interpreting federal and state laws and regulations,
- Advising the Director and Agency staff on duties and program responsibilities,
- Preparing administrative orders and other enforcement actions for the Agency,
- Representing the Agency in administrative proceedings,
- Preparing judicial referrals to the Attorney General,
- Serving as hearing officers for public and administrative contested case hearings,
- Drafting and reviewing proposed legislation, rules and regulations,

- Drafting and reviewing contracts, leases, and other legal documents,
- Reviewing other Agency documents, and
- Representing the Director and Agency as requested by the Director.

During FY13, the Director issued 14 administrative orders requiring compliance with environmental statutes and regulations. The Attorney General settled 24 civil judicial cases and judgments were entered for a total of \$228,290 in civil penalties with deferments possible in many cases for subsequent compliance. In addition, these judgments included \$51,540 for supplemental environmental projects which were: \$15,000 to City of Fullerton, \$6,000 to Fire Department of Cambridge, \$6,000 to Cambridge Public High School, \$2,250 to Norfolk Fire Department, \$7,290 to Lexington Public Schools, \$1,000 to Roseland Volunteer Fire Department, and \$13,000 to Fillmore County Development, Fillmore County Extension, and Fillmore Central High School, and \$1,000 to Sutton Fire Department.

### **III. Management Services**

The Management Services Division provides administrative and technical support to Department programs. The Deputy Director of Administration heads the division. The division's staff is divided into six areas — Fiscal Services, Human Resources, Records Management, Information Technology, Public Information, and Grant and Contract Coordination.

#### **Fiscal Services**

The Fiscal Services Section provides budgeting and finance functions to the Department, and manages Department spending, purchasing, receipting, accounting and auditing responsibilities. The section offers advice and assistance to programs on financial questions and conducts financial reviews of grantees.

This Section is supervised by the agency's Budget Officer. The Budget Officer has direct contact with the State Budget Office in coordinating, compiling and submitting the agency's biennial budget to the Governor. Various reporting mechanisms are monitored throughout each year to keep the agency on track with budgeted expenditures and revenues, and to ensure there is adequate appropriations, grant and cash funding to cover agency expenses in the pursuit of its mission.

The Section provides significant staff assistance and support to the Water Division regarding the State Revolving Fund Loan Program. Assistance includes receipting, collections, payment of loan disbursements, grant activity reconciliation and budgeting. The Fiscal Services Section also coordinates bond activity with NIFA and the Trustee – issuance, retirement and interest payments. The SRF program requires annual Revenue Projection reports and financial statements to be audited. The Fiscal Services Section produces these reports, and coordinates the annual audit requirement.

The Fiscal Services Section serves as the financial liaison regarding grants with the EPA. A significant percentage of staff time is dedicated to meeting complex tracking requirements of the federal government. Given the substantial amount of grant funds the Department distributes, it is essential to dedicate staff time to reviewing financial activities of programs receiving grant funds.

The Fiscal Services Section also assists the Integrated Solid Waste Management and Livestock programs in collecting and reporting all applicable fees. This section is also responsible for tracking receipt of Title V air emission fees, and all other Department fees and permits.

With the advent of American Recovery and Reconstruction Act (ARRA) funding, many fiscal activities were segregated, to provide as much transparency as possible to transactions funded with ARRA money. Heightened federal oversight has caused the Fiscal Services Section increased contact with Federal EPA Region 7, State Auditors and program staff.

### **Human Resources**

The Human Resources team assists supervisors to recruit, hire, develop, retain, and reward a high quality of diverse staff. The team supports agency efforts to provide a working environment that strengthens individual and organizational performance through:

- fiscally responsible compensation and benefits programs;
- progressive human resources policies; and
- targeted career and organizational development initiatives that support the agency's mission of protecting the environment.

Specifically, Human Resources consults with supervisors and employees to: process employee pay and benefits; coordinate hiring; conduct new employee orientation and employee exit interviews; coordinate the agency's medical monitoring program; participate in the Health & Safety Committee; manage the classification and compensation program; and coordinate employee recognition programs. In addition, Human Resources is responsible for monitoring the agency's diversity, monitoring diversity and ensuring equal employment opportunity is an integral part of the daily activities of the agency. Other activities include: providing of technical assistance to supervisors concerning performance management and investigations of conduct complaints; maintaining, communicating and developing agency policies; evaluating reasonable disability accommodations; and coordinating reporting requirements of the conflicts of interest provisions of the Nebraska Political Accountability and Disclosure. The Human Resources Section is responsible for processing the agency's bi-weekly payroll.

### **Records Management/Database Administration**

The Records Management Section is responsible for managing the agency's paper and electronic records. The section also operates the agency's centralized mail handling process and other support functions for the agency. This includes, but is not limited to ordering supplies, staffing the main reception and switchboard area, and providing assistance in special projects or requests as needed.

Incoming mail is scanned and indexed into the Enterprise Content Management (ECM) System utilizing Onbase applications from Hyland Software. Images are routed to agency staff through an electronic workflow process, eliminating the need to route paper documents. Outgoing mail documents are still provided to the Records Section in paper format and then scanned and indexed. Staff can access current facility related documents on their desktop computer through the ECM, the agency Integrated Information System (IIS) Document Tracking System (DTS), or the Agency's webpage. Between July 1, 2012 and June 30, 2013, 65,844 documents were captured and stored in the ECM. Storing document images in the ECM has reduced the number of file folders and file labels purchased, causing a reduction of staff time spent labeling folders and filing documents.

The Records Management Section coordinates responses to requests for information from the public, government agencies, private consultants, and regulated entities that wish to research the history of environmental activities by the agency. These records requests involve a variety of topics such as landfills, leaking underground storage tanks, ethanol plants, wastewater treatment facilities, and hazardous waste sites. The Section responded to approximately 1,300 records requests during FY2013.

All facility-related document images residing in the ECM were made available to the public through the agency's webpage in December 2012. The change in public accessibility to agency documents means staff increasingly fulfill requests for information by providing instructions to access the images from the Internet. Staff spends less time gathering and organizing files for review, disassembling and reassembling files, photocopying documents, and preparing invoices and packages to mail. Overall, the time to respond to public records requests is expected to decline as new documents are scanned into the ECM. Requests for historical images are handled on a case-by-case basis.

In 2012 an application was developed in the Enterprise Content Management (ECM) System to support the records management process of the Supplemental Environmental Impact Statement to the Keystone XL Pipeline project. The final count of public comments and documents captured and stored in the ECM for this project is 2,207. These items are available for public viewing on the agency web site (<https://ecmp.nebraska.gov/deq-seis/>). Utilizing the ECM for the storage and presentation of project documents helped keep the project transparent and provided documents to the public in a timely manner.

Database Administration manages facility data for the agency's Integrated Information System (IIS), resolving discrepancies and providing accurate descriptive and locational information for a database of over 51,000 facilities. A new GIS map application was deployed in late 2012 and is available from the agency web site (<http://deqims2.deq.state.ne.us/deqflex/DEQ.html>). Viewers have the ability to find facilities and to also view facility related documents with this application.

### **Information Technology**

The Information Technology Section provides computer support and information management for all Agency locations. Four professional staff members offer guidance and technical support in the acquisition and maintenance of computer hardware and software. They provide support for about 250 desktop computers, about 20 printers, a midrange AS/400 computer, various network servers, about 30 mobile devices, and software support. They also conduct training and oversee telecommunications for the Agency. Four professional staff design, develop, support, and provide training for computer programs in supporting the Agency's information management needs and the administration of the Agency's computerized databases. One professional staff person is responsible for managing all of the Information Technology staff, maintaining and updating the agency technology plan, and coordinating Information Technology Section activities.

The agency has developed an Integrated Information System (IIS) which is a centralized, shared data base containing descriptive, locational, program specific, and paper file information for all facilities and other items under the agency's jurisdiction. Nationally, NDEQ is among the leaders within state environmental agencies regarding information integration. Over the past decade, the program has implemented EPA grants to improve the network and information systems. These funds have been and continue to be used in efforts to integrate data that is shared among environmental agencies, to provide greater public access to this information, and to build additional information systems. In addition, the agency made available its first web based reporting application at the end of 2003, to replace the more traditional paper based reporting process.

In 2001, the agency successfully completed a pilot project with other states and EPA demonstrating the exchange of federally required information using eXtensible Markup Language (XML). This was the first successful effort to exchange data using this process. The Agency continues to be involved in the EPA/State efforts to build a National Environmental Information Exchange Network (Exchange Network). When completed, the Exchange Network will provide a consistent method for obtaining environmental information from any participating agency or program in the country.

In 2006, the agency, in conjunction with the environmental agencies from Iowa, Kansas, Missouri and EPA Region VII, started work on a Homeland Emergency Response Exchange (HERE) project to share information with each of the respective state Emergency Management Agencies. This project utilizes the technology of the Exchange Network to make information available before a disaster or catastrophic event. The project was operational in November of 2007. Since going operational, the project has expanded to other states in the country and is also being utilized by local planners and emergency response staff. An improved and expanded version of the HERE application was deployed in the original four states in the fall of 2009.

Since late 2010, the agency has been participating in the Enterprise Content Management Shared Services project with Nebraska's Chief Information Officer and other state agencies. The purpose of the project is to create and store electronic images of the agency's documents, to improve management of and access to public records. A Request for Proposals (RFP) was issued, vendors evaluated, a vendor selected, and a contract has been signed. The agency is one of three partners working with the vendor during implementation to demonstrate and accept the requirements of the RFP. As part of the acceptance process, the agency is incorporating the ECM into existing business processes and operations. On April 11, 2011 the agency implemented the first project. This project is covered in more detail in the Records Management portion of the report. As support for the project, about two thirds (160) of the agency PC based computers were replaced between April and September. Additionally, about 170 nineteen inch monitors were installed as a second monitor so agency staff could better utilize the agency ECM application. In early 2013, the agency added the last field office to the state network, which provided staff with better access to the ECM. A project was implemented in the ECM to track public comments and all documents related to the Pipeline Review Project in the first part of 2012.

The application development staff in cooperation with the NPDES water permitting program staff have been designing and developing a permit writing module. When completed, the module will assist permit writers in developing quality permit documents based upon agency rules, standards, and water quality information. This application will also be integrated with the ECM for internal permit reviewing.

### **Public Information Office**

The Public Information Office serves as the Agency's initial source of communication with the public and media. The services of the Public Information Office are used by all divisions of the Agency.

A primary responsibility of this section is to handle questions from the public and media (newspaper, television and radio) regarding the Department's activities. Due to the increasing public awareness of environmental issues, the number of inquiries from both media and the general public has increased significantly in the past several years.

The Public Information Office is responsible for the writing and distribution of news releases on a wide range of environmental topics that are of importance to the public. The Section is also involved in the production of a number of other publications, including this annual report; brochures; Fact Sheets and Guidance Documents. These publications can be obtained by contacting the Public Information Office, or by visiting our web site.

An increasingly important method of communicating with the public is the agency's web site: <http://deq.ne.gov>. The web site has grown considerably in recent years, and an agency-wide effort is on-going to revise the site to make it more accessible and interactive for our customers.

The site provides a wide array of information to the public relating to the agency, including:

Environmental Alerts	NDEQ News	Calendar of Events
Rules and Regulations	Publications	Requests for Proposals
Topics of Interest	Program Information	Public Notices
Enforcement Resolutions	Assistance	Cleanups
Compliance	Financial	Maps and Data
Permits and Authorization	Contact Us/Report a Problem	

An important component of the web site is to promote two-way communication. As part of those efforts, the agency's main e-mail address is provided at numerous locations on our web site. That e-mail address is: [NDEQ.moreinfo@nebraska.gov](mailto:NDEQ.moreinfo@nebraska.gov). The Public Information Office coordinates responses to those e-mails. The site also features "Report a Problem," with a link to the e-mail address to report an environmental issue of concern, at [NDEQ.problem@nebraska.gov](mailto:NDEQ.problem@nebraska.gov). The site also includes phone information and procedures relating to reporting a spill.

The agency is moving toward more standardized forms, including some that can be filled on-line or submitted electronically.

### **Grants/Contract Coordination**

The Grant and Coordination Office assists with federal grant applications and compliance with grant conditions and requirements, particularly reporting requirements. In addition, the office assists with Requests For Proposals, contract development, tracking, management, and ensures contracts are kept current and contractors meet contract conditions. This office also provides assistance to the Fiscal Services Section.

### **Funding of Management Services**

The Management Services Division provides essential administrative and technical support to the Department. Some activities in Management Services are program specific, but many are not. Funding for the Division is provided by two methods: 1) The majority of the staff salaries and activities are funded through an overhead charge to the Department's various programs; 2) Program specific staff time and activities are charged to those programs.