

State of Alaska FY2002 Governor's Operating Budget

Department of Environmental Conservation
Office of the Commissioner
Component

Component: Office of the Commissioner

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Component Mission

Provide support and policy direction to the divisions in the department.

Component Services Provided

- Develop partnerships and work cooperatively with the regulated community and other department stakeholders to protect public health and the environment.
- Lead department employees to accomplish department priorities and performance measures.
- Represent the department's authorities and interests on the Governor's cabinet.
- Work with the legislature on the department's budget and legislative priorities.
- Represent the department's interests on the Exxon Valdez Trustees Council, State Emergency Response Commission, and Alaska Coastal Policy Council.

Component Goals and Strategies

- 1) USE THE BEST AVAILABLE SCIENCE AND STAKEHOLDER INPUT TO ACHIEVE STANDARDS FOR CLEAN AIR, LAND, WATER, AND THE ENVIRONMENT.
 - Increase the number of stakeholder working groups to evaluate and recommend changes to department priorities and policies.
- 2) PROVIDE EASY PUBLIC ACCESS TO DEPARTMENT INFORMATION AND TECHNICAL ASSISTANCE
 - Expand and enhance a web page and a department-wide Internet information assistance system.
 - Establish public assistance centers within department office locations.

Key Component Issues for FY2001 – 2002

With the reduction in general funds and increases in restricted funding sources, the Commissioner's Office must ensure that the public in general, and its stakeholders in particular, understand the limitations on services which the department can provide.

Major Component Accomplishments for FY2000

Alaskans are concerned about how the cruise ship industry is impacting air and water, and what the industry is doing to control and mitigate the wastes it creates. The department is leading detailed discussions with Alaska's cruise ship industry and the state and federal government about waste management and disposal practices of cruise ships while in state waters. In December 1999 Commissioner Michele Brown convened a forum designed to thoroughly review the industry's waste management and disposal practices, and to publicly discuss what is currently being done and what should be done to improve the situation. DEC asked the U.S. Coast Guard, the EPA, and the Southeast Conference (a group representing Southeast Alaska communities) to join cruise ship industry officials in this discussion of ways to improve controls on cruise ship pollution. Four work groups were chartered by the leaders from the above organizations (the "Steering Committee") to undertake fact finding on air emissions, wastewater discharges, waste disposal management, oil spill prevention and response, and environmental leadership. In a series of open meetings between February and May 2000, these work groups endeavored to:

- Identify the waste streams and spill risks from cruise ships that could impact Alaska's air and water resources;

- Develop pollution prevention and waste management solutions, including better technology and management practices, that will eliminate or reduce impacts;
- Assess what process is needed to verify compliance; and
- Keep Alaskans informed.

The Work Groups completed the first part of their activities in May 2000. Although working under an aggressive schedule, industry members, government agencies and citizens' groups produced a number of recommendations, agreements, protocols, reports, and procedures to address the four objectives listed above. Agreement was also reached to conduct random, third party wastewater analysis of all cruise ships throughout the 2000 season. Wastewater samples for priority pollutants, a list of 126 toxic compounds adopted by Congress in 1977, were collected and analyzed from twenty-one large cruise ships that ply Alaska's waters. Initial reviews by DEC, the U.S. Coast Guard, and EPA of the raw wastewater sample results for priority pollutants underscore the need for continued efforts to reduce the impacts of wastewater discharges in Alaska's waters.

In December 1999 the Environmental Protection Agency rejected an air quality permit issued by the department to Cominco for a new diesel generator to support production at the Red Dog Mine near Kotzebue. The state and Cominco later filed a suit in federal court challenging the EPA decision, and most recently the state has filed a final joint brief in the case before the Ninth Circuit Court of Appeals seeking to overturn the EPA over-stepping its authority in mandating the Cominco permit. The department continues to champion strong, meaningful actions to protect the environment while developing the state's natural resources through responsible management and through the autonomy of an approved state permit program.

Statutory and Regulatory Authority

AS 46.03.010; AS 46.08.040; AS 46.08.050

Key Performance Measures for FY2002

Measure: The number of times the Commissioner's Office was involved in adjudicating a state permit decision or in changing a federal standard or decision.

(Revised from Legislature's FY2001 version.)

Current Status:

Spill Prevention and Response - In the last three years, oil discharge and contingency plans for Prince William Sound tankers, Alliance fuels, the Valdez Marine Terminal and the Trans-Alaska Pipeline have been adjudicated.

Air - Challenged unnecessary federal restrictions and over filing on an air permit issued to Cominco under the state delegation for air primacy.

Water - The state certification of the log transfer facility general permit is currently under adjudication. Removal of the state from the National Toxics rule for arsenic.

Benchmark:

Reduction in number of disputes on state permits requiring adjudication. Increased number of federal standards or decisions modified for Alaska's unique conditions.

Background and Strategies:

To accomplish reduced adjudication's, the following strategies will be employed:

Shift focus from permitting and emphasize monitoring to determine results of permit decision

Develop and offer alternatives for informal dispute resolution

Increase staff training in consensus-based decision making and conflict resolution

To accomplish Alaska appropriate federal rules and standards, the following strategies will be employed:

Where it's important for industry to "Alaskanize" a federal rule, we will dedicate all necessary resources to assist;
 Be proactive in identifying federal rules and regulations that do not make sense in the State of Alaska;
 Actively participate in national and interstate forums; and
 Encourage industry, the environmental community, and the public to actively communicate to the department federal issues of concern.

Status of FY2001 Performance Measures

	<i>Achieved</i>	<i>On track</i>	<i>Too soon to tell</i>	<i>Not likely to achieve</i>	<i>Needs modification</i>
<ul style="list-style-type: none"> • The percentage of divisions that meet assigned performance measures. 		X			
<ul style="list-style-type: none"> • The percentage of permittees in compliance with state law or regulation. 					X
<ul style="list-style-type: none"> • The number of critical violations in inspected public or private facilities that significantly affect the health or safety of the public. 					X
<ul style="list-style-type: none"> • The average time taken to adjudicate a decision in permit disputes. 					X

**Office of the Commissioner
Component Financial Summary**

All dollars in thousands

	FY2000 Actuals	FY2001 Authorized	FY2002 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	372.5	338.4	455.8
72000 Travel	48.2	21.5	56.5
73000 Contractual	102.5	38.1	165.5
74000 Supplies	3.3	2.3	12.3
75000 Equipment	0.0	0.0	15.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	526.5	400.3	705.1
Funding Sources:			
1002 Federal Receipts	101.7	104.3	104.9
1004 General Fund Receipts	286.3	293.7	600.2
1007 Inter-Agency Receipts	138.5	0.0	0.0
1053 Investment Loss Trust Fund	0.0	1.7	0.0
1108 Statutory Designated Program Receipts	0.0	0.6	0.0
Funding Totals	526.5	400.3	705.1

Estimated Revenue Collections

Description	Master Revenue Account	FY2000 Actuals	FY2001 Authorized	FY2001 Cash Estimate	FY2002 Governor	FY2003 Forecast
Unrestricted Revenues						
None.		0.0	0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0	0.0
Restricted Revenues						
Federal Receipts	51010	101.7	104.3	104.3	104.9	104.9
Interagency Receipts	51015	138.5	0.0	0.0	0.0	0.0
Statutory Designated Program Receipts	51063	0.0	0.6	0.6	0.0	0.0
Restricted Total		240.2	104.9	104.9	104.9	104.9
Total Estimated Revenues		240.2	104.9	104.9	104.9	104.9

Office of the Commissioner

Proposed Changes in Levels of Service for FY2002

Contaminants, such as persistent organic pollutants and heavy metals, are appearing in the arctic - in air, water, wildlife, and people. Much of the contamination appears to have moved into the arctic from other countries through air and water currents. Once in the arctic, the contaminants persist longer and concentrate in fatty tissues. The Commissioner's office is leading a program to develop an interdisciplinary, collaborative Alaska team that includes federal, state and local governments; native organizations; non-governmental organizations; and concerned citizens to examine and develop factual information on persistent organic pollutants.

Summary of Component Budget Changes

From FY2001 Authorized to FY2002 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2001 Authorized	295.4	104.3	0.6	400.3
Adjustments which will continue current level of service:				
-Convert Special FY2001 Labor Cost Fund Sources to GF	0.6	0.0	-0.6	0.0
-Year 2 Labor Costs - Net Change from FY2001	4.2	0.6	0.0	4.8
Proposed budget increases:				
-Support for Arctic Contaminants Program	300.0	0.0	0.0	300.0
FY2002 Governor	600.2	104.9	0.0	705.1

Office of the Commissioner
Personal Services Information

Authorized Positions			Personal Services Costs	
	FY2001 Authorized	FY2002 Governor		
Full-time	5	6	Annual Salaries	353,455
Part-time	0	0	COLA	7,353
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	108,080
			<i>Less 2.79% Vacancy Factor</i>	(13,088)
			Lump Sum Premium Pay	0
Totals	5	6	Total Personal Services	455,800

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Commissioner	1	0	0	0	1
Dep Commissioner	0	0	1	0	1
Exec Secretary III	1	0	0	0	1
Paralegal Asst II	0	0	1	0	1
Program Coordinator	1	0	0	0	1
Secretary II	0	0	1	0	1
Totals	3	0	3	0	6