

**State of Alaska  
FY2007 Governor's Operating Budget**

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

## Component: Environmental Law

### Contribution to Department's Mission

The Environmental Section provides advice and representation to several agencies, including primarily the Department of Environmental Conservation, to assist them in the performance of their duties related to environmental matters. The section's representation includes instances where the state is seeking to enforce cleanup or secure cost recovery as well as in those cases where the state is sued with respect to its role in a contaminated site or in carrying out its regulatory function.

### Core Services

*Contaminated sites:* In consultation with DEC, department attorneys pursue appropriate enforcement actions 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 any state cleanup expenditures. The department consults with DEC in 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.

*Oil spill prevention and response:* The department advises and defends DEC regarding oil spill contingency plan approvals. When spills occur, the department provides investigative, enforcement, and litigation services 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 under ground storage tanks.

*Air and water quality:* The Department provides legal advice to DEC regarding air permits and brings enforcement actions against entities who violate clean air laws. The Department also provides advice on water quality issues including permitting for large mines, 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.

*Coastal Management Program:* The Department provides legal advice to DNR on the re-establishment of the ACMP under recent statutory changes and the performance of its duties under that program.

*Public health:* The Department provides legal advice to DEC's Division of Environmental Health on public health issues, such as food safety, animal health, and pesticides.

*Homeland security:* Legal advice is provided to various state officials regarding efforts to improve security of critical facilities, such as the Trans Alaska Pipeline and drinking water supplies.

*Legal defense of state actions:* The environmental law component 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, consistency determinations and other matters.

### FY2007 Resources Allocated to Achieve Results

**FY2007 Component Budget: \$1,909,900**

**Personnel:**

Full time 12

Part time 1

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**Total** 13

## Key Component Challenges

1. Defend the 2003 public interest litigant law in the Alaska Supreme Court.
2. Establish the legal foundation for state primacy in NPDES permitting.
3. Hold the federal government accountable for non-compliance with state environmental laws.
4. Obtain federal approval for the regulatory foundation for the new Alaska Coastal Management Program.
5. Resolve the Exxon Valdez oil spill reopener issue.
6. Defend challenges to DEC contingency plan decisions and develop oil spill prevention regulations.
7. Help develop new regulations for water quality, air quality and solid waste

## Significant Changes in Results to be Delivered in FY2007

No changes are anticipated.

## Major Component Accomplishments in 2005

In FY 2005, the component recovered over \$1,100,000 for state costs and penalties related to violations of state environmental laws and obtained cleanup agreements with polluters with an estimated value of over \$81,235,000 for a total benefit to the state of over \$82,000,000. To accomplish this, the component expended only \$1,344,000.

In separate activities this component defended several potentially significant lawsuits where the state was alleged to have violated environmental laws with claimed damages in the millions of dollars.

The component also participated in lawsuits, such as those involving the Prince William Sound and North Slope contingency plans, where the interests of the state are under attack based upon alleged violations of environmental laws.

The component had significant responsibility for important natural resource activities, including the development of regulations and obtaining federal approval for the Alaska Coastal Management Program.

Worked with state agencies to facilitate various economic development projects including Tongass timber sales and the Kensington mine project.

## Statutory and Regulatory Authority

AS 44.23.020

### Contact Information

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**Environmental Law  
Component Financial Summary**

*All dollars shown in thousands*

	FY2005 Actuals	FY2006 Management Plan	FY2007 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	1,139.0	1,328.3	1,365.2
72000 Travel	10.2	38.6	38.6
73000 Services	671.6	1,463.6	470.4
74000 Commodities	23.5	35.0	35.0
75000 Capital Outlay	15.4	0.7	0.7
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>1,859.7</b>	<b>2,866.2</b>	<b>1,909.9</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	444.8	896.1	953.4
1007 Inter-Agency Receipts	390.8	414.5	424.2
1018 Exxon Valdez Oil Spill Settlement	489.5	892.9	0.0
1055 Inter-agency/Oil & Hazardous Waste	508.1	532.3	532.3
1114 Exxon Valdez Oil Spill Restoration Fund	26.5	130.4	0.0
<b>Funding Totals</b>	<b>1,859.7</b>	<b>2,866.2</b>	<b>1,909.9</b>

**Estimated Revenue Collections**

Description	Master Revenue Account	FY2005 Actuals	FY2006 Management Plan	FY2007 Governor
<b>Unrestricted Revenues</b>				
None.		0.0	0.0	0.0
<b>Unrestricted Total</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>				
Interagency Receipts	51015	390.8	414.5	424.2
Interagency Recs./Oil & Hazardous Waste	51395	508.1	532.3	532.3
Exxon Valdez Oil Spill Restoration Fund	51413	26.5	130.4	0.0
Unrestricted EVOS Fund Funding Source	68530	489.5	892.9	0.0
<b>Restricted Total</b>		<b>1,414.9</b>	<b>1,970.1</b>	<b>956.5</b>
<b>Total Estimated Revenues</b>		<b>1,414.9</b>	<b>1,970.1</b>	<b>956.5</b>

**Summary of Component Budget Changes  
From FY2006 Management Plan to FY2007 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2006 Management Plan</b>	<b>896.1</b>	<b>0.0</b>	<b>1,970.1</b>	<b>2,866.2</b>
<b>Adjustments which will continue current level of service:</b>				
-Remove EVOS Litigation Support Sec 25(c) CH 3 FSSLA 2005 P 110 L 3 (SB 46) Lapses 6/30/06	0.0	0.0	-892.9	-892.9
-Remove EVOS Litigation Support Sec 25(d) CH 3 FSSLA 2005 P 110 L 8 (SB 46) Lapses 6/30/06	0.0	0.0	-55.4	-55.4
-Remove EVOS Criminal Restitution Sec 25(b) CH 3 FSSLA 2005 P 109 L 28 (SB 46) Lapses 6/30/06	0.0	0.0	-75.0	-75.0
-To Deputy Attorney General's Office to Adjust Vacancy	-10.0	0.0	0.0	-10.0
-FY 07 Wage Increases for Bargaining Units and Non-Covered Employees	21.5	0.0	3.1	24.6
-FY 07 Health Insurance Cost Increases for Bargaining Units and Non-Covered Employees	2.0	0.0	0.3	2.3
-FY 07 Retirement Systems Cost Increase	41.6	0.0	6.0	47.6
<b>Proposed budget increases:</b>				
-Risk Management Self-Insurance Funding Increase	2.2	0.0	0.3	2.5
<b>FY2007 Governor</b>	<b>953.4</b>	<b>0.0</b>	<b>956.5</b>	<b>1,909.9</b>

**Environmental Law  
Personal Services Information**

Authorized Positions		Personal Services Costs		
	<u>FY2006</u> <u>Management</u> <u>Plan</u>	<u>FY2007</u> <u>Governor</u>		
Full-time	13	12	Annual Salaries	921,600
Part-time	1	1	COLA	24,380
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	439,083
			<i>Less 1.43% Vacancy Factor</i>	(19,863)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>14</b>	<b>13</b>	<b>Total Personal Services</b>	<b>1,365,200</b>

**Position Classification Summary**

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney II	1	0	0	0	1
Attorney III	1	0	0	0	1
Attorney IV	3	0	1	0	4
Attorney V	1	1	0	0	2
Attorney VI	1	0	0	0	1
Law Office Assistant I	2	0	0	0	2
Law Office Assistant II	1	0	0	0	1
Paralegal II	1	0	0	0	1
<b>Totals</b>	<b>11</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>13</b>