

CHAPTER 2:

Administration/Legal/ Management Services

The Administrators, Legal and Management Services provide administrative, legal and day-to-day support services to the effective operations of the Department.

Administrators

The Administrators of NDEE provide oversight and policy direction in all areas of NDEE's activities. The Administrators include the Director, Deputy Directors, Legal Counsel, and Environmental Managers. The Director and Deputy Directors are responsible for the overall function and coordination of NDEE activities.

NDEE Environmental Managers are responsible for coordination with other local, state and federal agencies. Staff serve on various committees within the state. The Administrators are also responsible for coordination and negotiations with the U.S. Environmental Protection Agency. A significant amount of the agency's funding derives from the EPA, and substantial coordination is required. In addition, the agency coordinates certain activities with the U.S. Department of Defense and the U.S. 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 NDEE effectively responds to state legislative activities and actions.

The Deputy Director of Administration serves as the manager of the Management Services Division and 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 Directors coordinate the various agency programmatic activities.

Legal Division

The Legal Division provides legal and other assistance to the Director, Agency, and Environmental Quality Council. Legal Division responsibilities include:

- Supporting enforcement case development and return to compliance;
- Preparing administrative orders and other enforcement actions for the Agency;
- Coordinating Agency response to variance requests;
- Representing the Agency in administrative proceedings;
- Preparing judicial referrals to the Attorney General;
- Assisting the Attorney General as requested;
- Serving as hearing officers for public and administrative contested case hearings;
- Assisting review and development of proposed legislation, rules and regulations;
- Advising the Director and Agency staff on duties and program responsibilities;
- Advising the Environmental Quality Council as requested;
- Drafting and reviewing contracts, leases, environmental covenants, and other documents.
- Reviewing other Agency documents as requested; and
- Representing the Director and Agency as requested by the Director.

The Legal Division works cooperatively with the Attorney General, Secretary of State, Legislature, Governor's Policy Research Office, and other state and federal agencies on a variety of interagency functions, including adoption of rules and regulations, litigation involving the Agency, and legislative activities.

Management Services

The Management Services Division provides administrative and technical support to NDEE 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, Emergency Response and Grants/Contract Coordination.

Fiscal Services

The Fiscal Services Section is responsible for agency finance and accounting functions, which includes managing NDEE purchasing, spending, receipting, budgeting, forecasting, and auditing responsibilities. The section has seven staff who offer financial advice and assistance to programs and also conduct financial reviews of grantees. The Section also provides significant staff assistance to support key programs and to serve as advisors in regard to financial planning, in addition to the collection, tracking and reporting applicable fees. The Fiscal Team was challenged to create ways to streamline, condense or simplify processes used in the past.

Major accomplishments during fiscal year 2023:

- Development of a new federal expenditure drawdown process. Federal awards are reconciled (draws to expenditures) during this process which occurs every other week throughout the year. This process ensures our accounting records match our federal partners' records.
- Revised State Revolving Fund Financial Statement preparation files to allow for more precise, transparent, and thorough documentation of the financial status of the State Revolving Fund's Drinking Water and Clean Water Programs.
- Reviewed and revised aspects of the agency's indirect cost rate setting and recouping approach. This revision will result in a more standardized process, trackable through electronic biweekly files, and should assist in reducing the agency's negotiated indirect cost rate, making the agency's cost to manage federal awards less costly from a federal perspective.

Human Resources

The Human Resources Section consists of three staff members, who together plan, direct, coordinate, and administer the day-to day human resource operations. The Human Resource team supports the agency efforts to provide a working environment that strengthens individual and organizational performance.

Human Resources has a Training Coordinator which is responsible for analyzing training needs, developing curriculum and consults with the managers and supervisors of the agency to assess training needs and develop programs to match these needs. The coordinator continually evaluates procedures to monitor and analyze course effectiveness and updates the curriculum as needed.

Staff retention continues to be an important goal for NDEE. Staff turnover impacts continuity in NDEE's programs and activities, and results in additional costs for recruitment and training of

replacement staff members. NDEE strives to foster and maintain an employee-friendly workplace by offering transfer and promotional opportunities for qualified internal applicants. The agency continues to look for ways to retain and attract new talent. The State of Nebraska implemented a 5% plus a 2% performance increase for on July 1, 2023, with the engineering series receiving 15% and the accounting series receiving 20% plus 2% performance increase. We are hopeful these increases will help retain our most valuable assets.

NDEE monitors diversity to encourage the receipt of applications from qualified members of protected groups by seeking to recruit members of protected groups.

The summary at right shows staffing activity for FYs 2021, 2022 and 2023. With historically low unemployment, the agency has been very fortunate to have the opportunity to hire and promote 88 of the best and brightest new employees during this fiscal year timeframe. The agency continues to anticipate a large number of retirements over the next few of years, as the baby boomer generation has reached retirement age. We have been actively developing redundancy in positions (succession planning) to avoid a significant loss of agency knowledge and expertise.

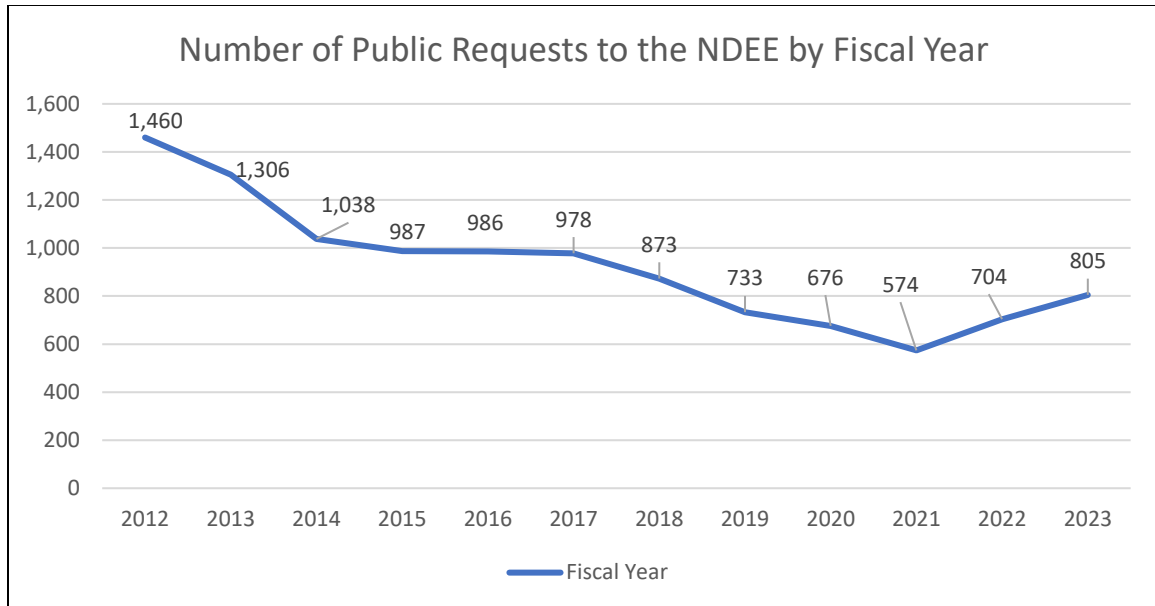
Staffing	FY21	FY22	FY23
New Hires	25	32	35
Retirements	17	9	9
Terminations	11	18	12
Transfers	4	8	6
Promotions	24	29	47

Records Management

The Records Management Section is responsible for managing the agency's paper and electronic records, centralized mail handling process, and requests for public information. Section employees also furnish support functions to agency programs.

In FY2023:

- NDEE's Records Management team hit a milestone in FY2023. More than 1 million records have been made available through the agency's public records portal.
- Over 144,800 records were stored in the Enterprise Content Management System (ECM) utilizing OnBase software applications from Hyland Software.
- Of these, more than 75,000 were paper documents that were imaged and routed electronically to agency staff through a workflow process in the ECM.
- Staff in the Records Section responded to 805 requests for information. The number of information requests rose in the last fiscal years due to the statutory transfer of the Department of Health and Human Services Environmental Health Programs in July 2021. Complete records for those programs are being made available through the NDEE website on a per request basis.
- In response to public requests, the Records Team imaged over 2,000 legacy paper files into the ECM system.



Information Technology

The Information Technology (IT) Section responsibilities are to assist NDEE users with any problems or concerns that are not PC hardware or software related, maintain the midrange IBM Power I (AS/400) server, web page support, and IIS application development.

The IT Section added two staff members to fill the vacancy for an IT Business Systems Analyst position and the vacancy for an Applications Developer position.

NDEE web developers have been maintaining and making updates to the agency web page. The agency is working towards having a new web page developed for use in 2024.

The application development staff has developing multiple interfaces to provide overall process improvement for the public and for the Agency staff.

The Office of the Chief Information Officer (OCIO) has assigned one OCIO support staff to the Fallbrook Blvd building for PC hardware and software support. This will help the IT staff focus and be more efficient in accomplishing other work that is not PC support. The OCIO support staff has also spent a large portion of the year installing replacement desktops and laptops throughout the Agency as a part of the Hardware Leasing program.

Public Information Office

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

A primary responsibility of this office is to handle questions from the public and media (newspaper, television, radio and web) regarding NDEE's activities.

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 office 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 NDEE's website, <http://dee.ne.gov>.

An important component of the website 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 website. That e-mail address is: NDEE.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 NDEE.problem@nebraska.gov. The site includes phone information and procedures relating to reporting a spill or complaint. The agency is moving toward more standardized forms, including some that can be filled online or submitted electronically.

NDEE also maintains social media accounts on Facebook, Twitter, LinkedIn, and YouTube to share agency updates, offer a resource for its audiences, and provide another way to reach the agency.

Additionally, the PIO team provides support for the agency's legislative activities, and with staffing the small business and environment assistance program. You can review the Department's legislative summary in Chapter 1 and find discussion of the Department's assistance activities in Chapter 4.

Emergency Response Program

Through the Emergency Response Program, NDEE staff provide technical and regulatory assistance to those responsible for spills, leaks, and accidents that pose a hazard to the environment or public health. Assistance is also provided to those at the local level who are the first on the scene at these releases; typically, this is the local fire department.

The Emergency Response Program Coordinator is responsible for training, equipping, and coordinating staff who, in addition to their responsibilities to other programs, provide initial documentation, assistance and response to spills. These individuals have the responsibility to maintain an emergency response system that is on call 24 hours a day.

The Emergency Response Program assists in arranging for the disposal of harmful and potentially hazardous materials. The Program represents the environmental interests of the state at the scene of a petroleum/chemical spill or other environmental emergency. All personnel are members of the Nebraska Hazardous Incident Team and coordinate closely with the local, state, and federal agencies involved in emergency response incidents.



PHOTO 1 - NDEE Operations (July 2023)

Air monitoring equipment, used for assessment and safety, have been upgraded and replaced. The program is in the process of replacing aging respiratory protection equipment (SCBAs and respirators).

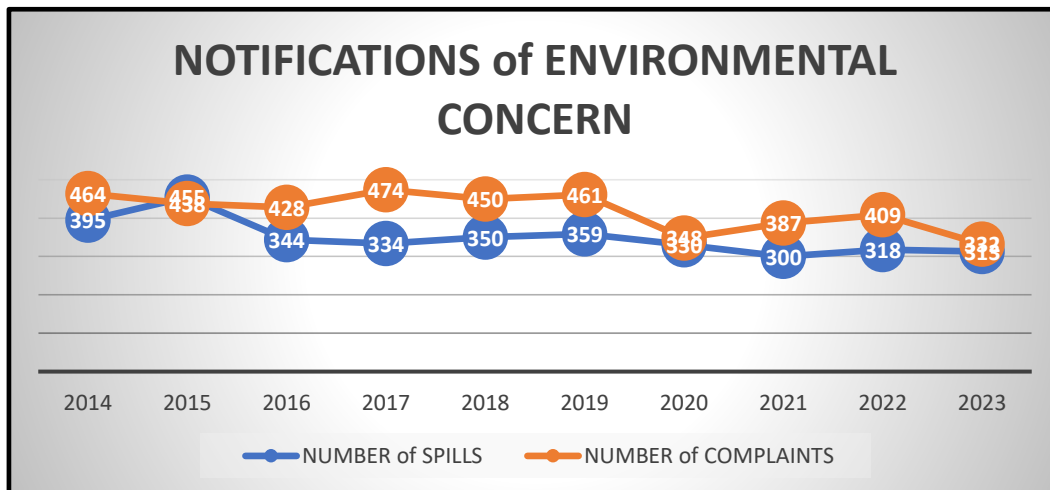
NDEE participated and presented at two intrastate state/intraregional spill response meetings and exercises. One was in Torrington, Wyoming (October 2022) and dealt with a potential spill to the North Platte River. A second meeting/exercise was conducted in Yankton, South Dakota (April 2023) where the response to a spill on the Upper Missouri River was exercised.

NDEE personnel, in partnership with the Nebraska State Patrol (NSP) and State Fire Marshal (SFM), completed annual training related to responding to an illegal clandestine drug manufacturer. In June (2023) NDEE trained partner agencies (NSP, SFM, etc.) in tactics used in response to spills on inland waterways and identification of unknown chemicals.



PHOTO 2 - NDEE Training (June 2023)

The NDEE recorded 313 reports of spills in FY 2023 (July 2022 – June 2023). Of the spills, 220 involved petroleum. An additional 332 citizen complaints were recorded by NDEE in FY 2023. The number of recorded spills and complaints recorded in the past eleven years are depicted in the graph below



Continuity of Operation

The Department has the responsibility to continue operations in the aftermath of any disaster that adversely affects its facilities and resources. The agency’s *Continuity of Operations Plan* describes how we will react, respond, and recover from an incident or disaster that causes a disruption of the agency’s essential functions. A new plan was completed in January 2023. NDEE staff were trained. An exercise of the plan was completed in April and May.

Quality Assurance

The EPA has requirements for conducting quality management activities for all environmental data to ensure that the Department's decisions are supported by data of known and documented quality. In turn, the Department is responsible for reviewing the procedures a project will use to ensure that the samples participants collect and analyze, the data they store and manage, and the reports they write are of high quality. The *Quality Management Plan* is the framework for Quality Assurance Project Plans (QAPPs) which are written to outline these procedures. Management Assistance Division staff help coordinate the review of QAPPs by appropriate personnel throughout the Department.

This past year, the agency's *Quality Management Plan*, was revised to reflect recent statutory changes in the NDEE organization and additional duties and responsibilities. The new plan was reviewed by both the agency and the USEPA Region 7 and approved in October, 2022.

Grants/Contract Coordination

The Grant Coordinator is responsible for:

- Completing federal grant applications.
- Ensuring compliance with grant conditions and requirements, particularly reporting requirements.
- Maintaining and coordinating all official record of correspondence with the Environmental Protection Agency (EPA), Region 7 grants office.
- Tracking of grant applications through the award process, and follow-up of reporting and conditions.
- Ensuring NDEE programs meet reporting deadlines, consolidating reports and verifying they are sent to and received by EPA.
- Ensuring all required sub-awards are reported to the Federal Funding Accountability and Transparency Act Sub-award Reporting System.
- Corresponding with EPA Headquarters to ensure NDEE stays in compliance with Federal grant guidance and new requirements.
- Providing assistance with Requests for Proposals, contract development.
- Working with the Fiscal Services Section to ensure communication regarding grants, contracts and programs.
- Working with Records Management Section to verify all agreements and contracts are in the Enterprise Content Management system (documents imaged).

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 and the grants associated with them.