

# CHAPTER 2:

## Administration/Legal/ Management Services

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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, Associate Program Director and Division Administrators. The Director and Deputy Directors are responsible for the overall function and coordination of NDEE activities.

NDEE Administrators 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 of the Air and Land Division and the Water Divisions 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:

- 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;
- Drafting and reviewing proposed legislation, rules and regulations;
- Supporting agency legislative activities, governmental liaison and outreach;
- Preparing legal opinions interpreting federal and state laws and regulations;
- Coordinating rule and regulation review and development;
- 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 legal documents,
- Reviewing other Agency documents; and
- Representing the Director and Agency as requested by the Director.

The Legal Division works cooperatively with the Attorney General, Secretary of State, Legislature, and Governor’s Policy Research Office 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.

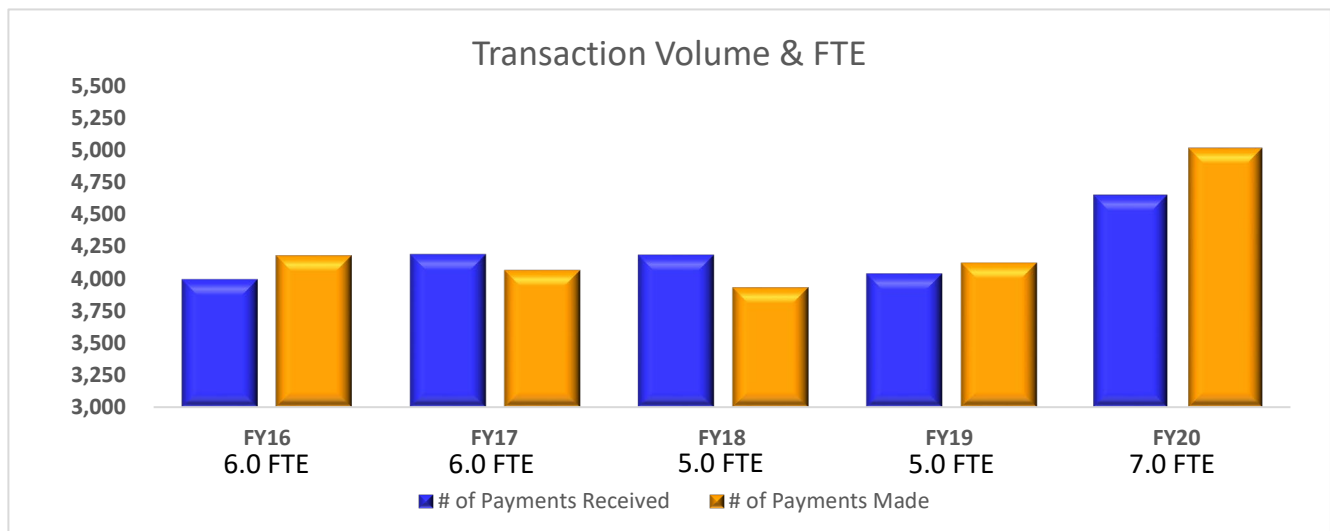
### Fiscal Services

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 regards to financial planning, in addition to the collection, tracking and reporting applicable fees. Because of the vast role the team plays within the agency, emphasis was placed on cross training and streamlining processes in the last year.

Major accomplishments during fiscal year 2020:

- Development and testing of 45 standard operating procedures (SOPs). During this time, the team worked on creating efficiencies within its core processes and identifying/training backups so processes can be executed in times of need.
- Consolidated financial reporting for the agency to include the Energy Programs. With this accomplishment, executive leaders can review the financial performance of the agency within a single set of reports.

Created a system for reporting cost savings to executive leaders for use with reinvestments back into the agency.



**Human Resources**

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

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.

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

The charts below comparatively shows staffing activity for FYs 2019 and 2020. The staffing activity is relatively consistent from year to year. The agency has been working on staff retention challenges. While the number of terminations are down, it is unclear if we are making progress or whether the COVID-19 pandemic has kept staff in place due to uncertainty in the job market. The agency anticipates a larger number of retirements over the next couple of years, as the baby boomer generation has reached retirement age. We have been developing redundancy in positions (succession planning) to avoid a significant loss of agency knowledge and expertise.

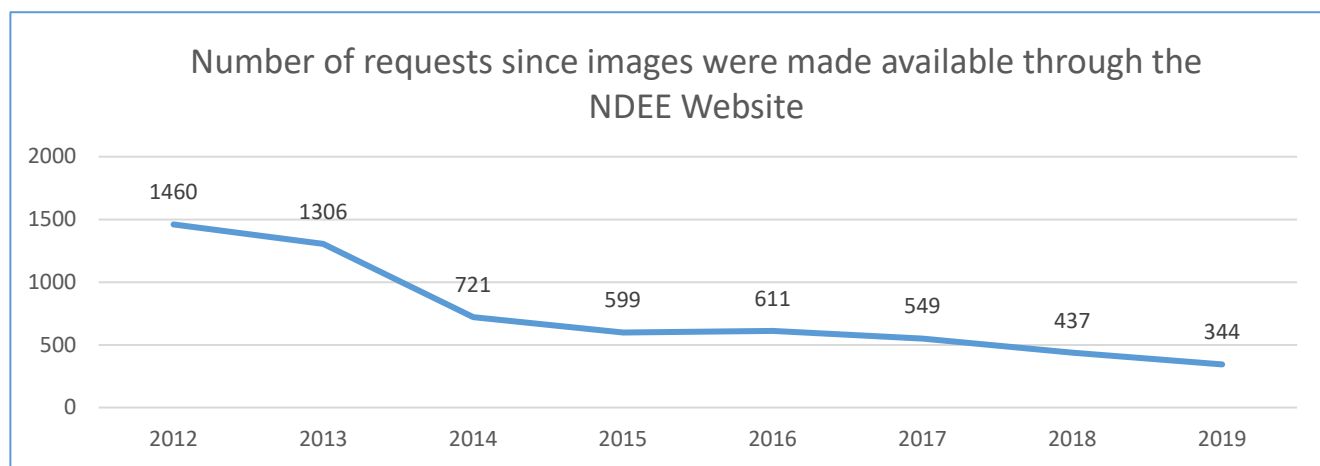
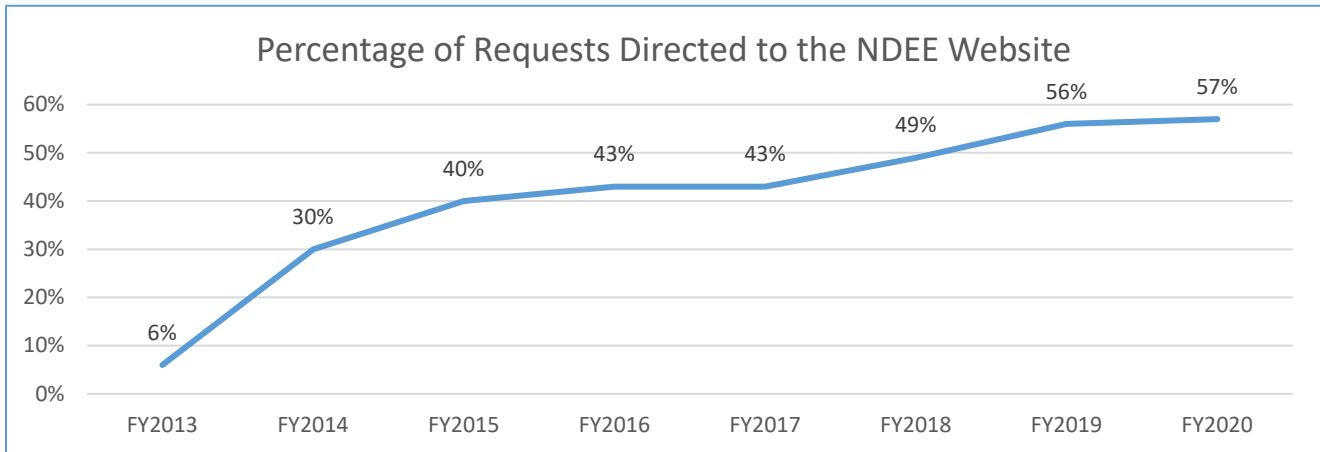
July 1, 2018, to June 30, 2019	
New Hires	28
Retirements	11
Terminations	20
Transfers	4
Promotions	13

July 1, 2019, to June 30, 2020	
New Hires	23
Retirements	4
Terminations	5
Transfers	4
Promotions	10

**Records Management**

The Records Management Section is responsible for managing the agency’s paper and electronic records, centralized mail handling process, requests for public information and other support functions. In FY2020:

- Over 128,500 records were stored in the Enterprise Content Management System (ECM) utilizing OnBase software applications from Hyland Software.
- More than 32,000 incoming mail items were imaged and routed electronically to agency staff through a workflow process in the ECM.
- Staff in the Records Section responded to 676 requests for information. The number of information requests go down annually, as more information is made available online.
- This year 57% of the 676 requests made were fulfilled by directing the requestor to the agency website to view documents
- In response to public requests, the Records Section team imaged over 1000 legacy paper files into the ECM.



In March 2020, agency staff went home to work due to the outbreak of the COVID Virus. The NDEE Records Section Team remained working in the office maintaining the agency’s core paper mail handling processes. The Mail Process continued uninterrupted with program staff at home. Team members opened, scanned and indexed over 12,000 documents. Agency staff continued receiving daily mail through the electronic workflow. A few other staff were in-office one day a week to process outgoing mail items and provide to Records. Besides mail processing, the team was available for questions, records requests and supporting each other. As staff made requests for paper files, the files were pulled, scanned, and made available electronically. In addition to the daily mail, the team imaged over 7,500 files and responded to 200 public records requests. Almost 26,000 documents were scanned and indexed between March 15 and July 10.

**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) computer hardware, web page support, and AS/400 application development.

The application development staff, in cooperation with the Water Quality Division/Surface Water Monitoring Section Unit, have developed a comprehensive Surface Water application where staff will be able to generate forms for data gathering, and input data into the agency Integrated Information System (IIS). They will be able to access data and use it to generate reports and export results to the public web page more quickly and with greater accuracy. The application is in full operation and the

agency is realizing efficiencies in program operation. The collected information will be shared with EPA through the Exchange Network process utilizing the Water Quality Exchange process.

## 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](mailto: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 [NDEQ.problem@nebraska.gov](mailto:NDEQ.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.

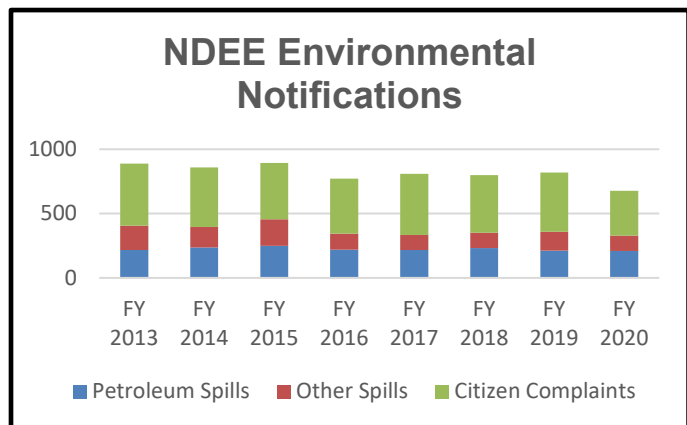
NDEE also maintains social media accounts on Facebook, Twitter, LinkedIn, and YouTube to share agency updates, offer a resource for its audiences, and provide another way to reach the agency.

## 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.

The NDEE recorded 330 reports of spills in FY 2020 (Jul 2019 – Jun 2020). Two hundred nine (209) of the spills involved petroleum. The number of reported spills continues to be relatively constant year over year.



An additional 347 citizen complaints were recorded by NDEE in FY2020. The department's data reflect a 25% decrease in citizens filing unsolicited complaints over the past year.

In April, two members of the NDEE Emergency Response Team recovered one of the last remaining orphan containers left from the flooding that occurred in 2019. A tank was found stranded off the shoreline of the Louisville State Recreation Area. NDEE, working with Cass County Emergency Management and local businesses, extracted the tank from the Platte River and returned it to its owners.

## Quality Assurance Project Plan Activities

The Agency's Quality Assurance process has been established to meet EPA grant requirements and to ensure the data collected by the agency is of high quality, complete, consistent, accurate, valid, and collected and analyzed in a timely manner.

The EPA has requirements for conducting quality management activities for all environmental data collected by the NDEE, to ensure 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 the samples participants collect and analyze, the data they store and manage, and the reports they write are of high quality. Quality Assurance Project Plans (QAPPs) are written documents outlining these procedures. The Quality Assurance (QA) coordinator assigns the review of QAPPs by appropriate personnel throughout the Department.

In FY 2019, the Quality Assurance (QA) coordinator and review team members streamlined the QAPP review process to increase consistency of reviews and reduce the turnaround time for QAPP approvals. An update to NDEE's Quality Assurance Management Plan and the Superfund Site Assessment Generic QAPP began and will be completed in FY 2020.

## 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.