

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 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 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 legal 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. Because of the vast role the team plays within the agency, emphasis was placed on professional development and streamlining processes in the last year.

Major accomplishments during fiscal year 2022:

- Development and testing of 19 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 and Environmental Safety 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 and obligated funds to executive leaders for use with reinvestments back into the agency for strategic planning.

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.

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 recently implemented a revised remote work policy to help retain and attract new talent.

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

The following charts comparatively show staffing activity for FYs 2021 and 2022. With historically low unemployment, the agency has been very fortunate to have the opportunity to hire and promote 69 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.

July 1, 2020, through June 30, 2021	
New Hires	25
Retirements	17
Terminations	11
Transfers	4
Promotions	24

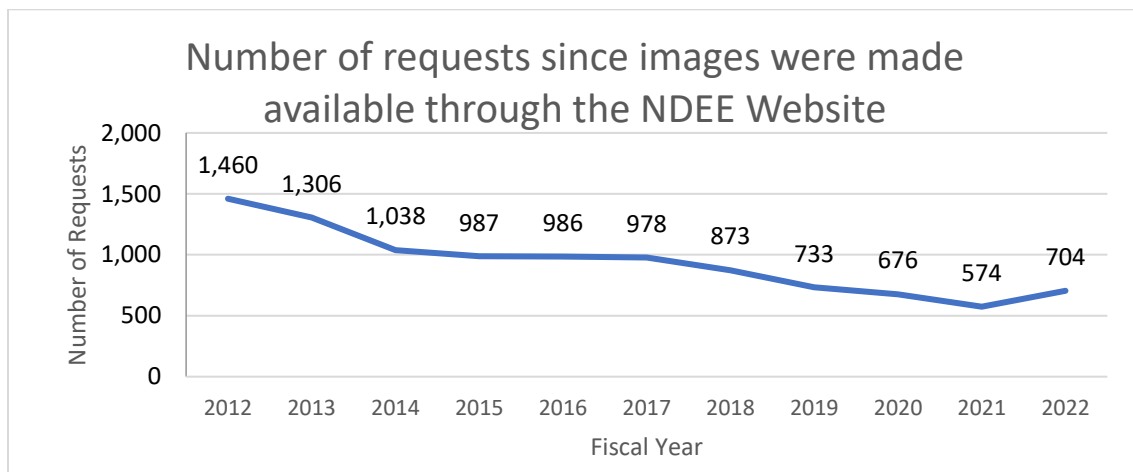
July 1, 2021, through June 30, 2022	
New Hires	32
Retirements	9
Terminations	18
Transfers	8
Promotions	29

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 FY2022:

- Over 144,000 records were stored in the Enterprise Content Management System (ECM) utilizing OnBase software applications from Hyland Software.
- More than 36,000 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 704 requests for information. The number of information requests rose in the last fiscal year 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 not yet available through the NDEE website.



- In response to public requests, the Records Team imaged over 330 legacy paper files into the ECM.

The Records Management Section also coordinates building and implementation of solutions in the ECM.

- An online credentialing solution was released in May 2022. Water and wastewater operators, water well professionals and swimming pool operators apply for and manage their credentials and credential requirements through the agency website. User can view existing credentials and continuing education (CE) credits (if applicable), add new CEs and update personal information.

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 us 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.

As part of the FY2021 reorganization, the PIO team provided support for the agency's legislative activities, in addition to 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.

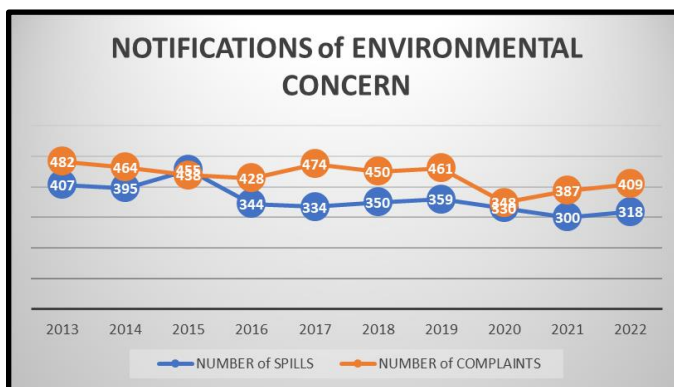
The Emergency Response Program Coordinator is responsible for training, equipping, and coordinating staff who, in addition to their responsibilities to other programs, provide initial documentation, assistance and response to spills. These individuals have the responsibility to maintain an emergency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

The program successfully added two new members in FY 2021 to supplement the team. Air monitoring equipment, used for assessment and safety, have been upgraded and replaced. The program has begun the replacement of aging respiratory protection equipment (SCBAs and respirators).

In June (2022) NDEE trained partner agencies (State Fire Marshal and State Patrol) in the use of software (CAMEO, MARPLOT, ALOHA) available to assist first responders. Additional training included the NDEE method for orphan (55-gallon) drum assessment and recovery, mercury vapor assessment and identification of unknown chemicals.

The NDEE recorded 318 reports of spills in FY 2022 (July 2021 – June 2022). Of the spills, 251 involved petroleum. An additional 409 citizen complaints were recorded by NDEE in FY2022. The number of recorded spills and complaints recorded in the past ten years are depicted in the graph to the right,



Continuity of Operations

The Department has the responsibility to continue operations in the aftermath of any disaster that adversely affects its facilities and resources. A revised *Continuity of Operations Plan* describes how Department of Environment and Energy (NDEE) will react, respond, and recover from an incident or disaster that causes a disruption of the agency’s essential functions. It is anticipated to be completed by December 2022. All NDEE staff will be trained on the expectations and the Department will exercise the plan in 2023.

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 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 will be reviewed by both the agency and the USEPA Region 7. It is anticipated to be completed in the Fall of 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.