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.

I. Administrators

The Administrators of NDEQ provide oversight and policy direction in all areas of NDEQ'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 NDEQ activities.

NDEQ 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 NDEQ 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.

II. 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;
- Representing the Agency in administrative proceedings;
- Preparing judicial referrals to the Attorney General;
- Serving as hearing officers for public and administrative contested case hearings;
- Drafting and reviewing proposed legislation, rules and regulations;
- Coordinating 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;
- Drafting and reviewing contracts, leases, and other legal documents,

- Reviewing other Agency documents, and
- Representing the Director and Agency as requested by the Director.

During FY18, the Director issued 20 administrative orders requiring compliance with environmental statutes and regulations. The Attorney General settled two civil judicial cases and judgments were entered for a total of $13,000 in civil penalties with deferrals possible in many cases for subsequent compliance.

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.

III. Management Services

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

Fiscal Services

The Fiscal Services Section is responsible for agency finance and accounting functions, which includes managing NDEQ spending, purchasing, receipting, budgeting, forecasting, and auditing responsibilities. The section has five staff who offer financial advice and assistance to programs and also conduct financial reviews of grantees.

This Section is supervised by the agency's Budget Officer, who works directly with the State Budget Office in coordinating, compiling and submitting the agency's biennial budget to the Governor. Various reporting mechanisms are monitored throughout the fiscal year to ensure the agency is on track with budgeted expenditures and revenues and to ensure there is adequate appropriations, grant and cash funding to cover agency expenses in the pursuit of its mission.

The Section provides significant staff assistance and support to key programs. The first is the State Revolving Fund (SRF) Loan Program in the Water Permits and Drinking Water Divisions. Assistance includes receipting, collections, payment of loan disbursements, grant activity reconciliation and budgeting. The Section also coordinates bond activity with Nebraska Investment Finance Authority (NIFA) and the Trustee – bond issuance, retirement and interest payments. The SRF program requires annual revenue projection reports and financial statements to be audited. The Section produces these reports and coordinates the annual audit. Additional programs are supported through grants with the EPA. A significant percentage of staff time is also dedicated to meeting complex federal government tracking requirements. Given the substantial amount of grant funds NDEQ distributes, it is essential to dedicate staff time to reviewing financial activities of entities receiving grant funds.

The Section also serves as advisors in regards to financial planning of federal grants, the collection, tracking and reporting applicable fees for the Integrated Solid Waste Management, Livestock and Title V air emission programs.

Major accomplishments during fiscal year 2018:

- Enhancement of the Loan and Grants Tracking System, which provides real time access to State Revolving Fund loan program financial and programmatic information by project. Enhancements included off cycle payments and proper interest calculations.
- Assisted in implementation of an electronic grant application and payment system working with the Electronic Content Management (ECM) platform for the Administration team, Litter and Waste Grant, and Air program. This system became fully functional in fiscal year 2018 for all programs within NDEQ, with the ability to route, approve, and code invoices within the same ECM system.
- Successfully completed a fiscal year 2017 SRF audit during 2018, which resulted in a clean financial audit report, with no fiscal findings.
- Assisted in the implementation of online credit card payments for program permits and applications.
- Revamped the agency's time keeping system to place an emphasis on work activities. This emphasis will allow the agency to implement driver based budgeting the in future and focus on the cost of agency services.

Human Resources

The Human Resources Section administers the day-to day operations of the Human Resource office. The Human Resources Section consists of three staff members. The Human Resource team supports agency efforts to provide a working environment that strengthens individual and organizational performance. The Section:

- Manages and provides consultation and assistance to managers during the recruitment process for both permanent and temporary employees using approved recruiting and hiring practices and showing good faith efforts to broaden diversity.
- Administers performance review process to ensure effectiveness, compliance and equity within the department.
- Plans and conducts new employee orientation/onboarding to help our newest team members feel they are part of the department team.
- Provides day-to-day benefits administration services.
- Coordinates and monitors the department Medical Monitoring Program.
- Assists with the development and administration of programs, policies, procedures and guidelines to help align the workforce with the strategic goals of the agency.
- Participates/conducts investigations when employee complaints or concerns are brought forward.
- Advises managers about the steps in the progressive discipline process.
- Administers training and development.
- Maintains employee training records.
- Administers the department recognition program.
- Administers payroll processing.
- Processes all terminations, retirements and conducts exit interviews.
- Complies with all existing governmental and labor legal and government reporting requirements including any related to the Fair Labor Standards Act (FLSA), Equal Employment Opportunity (EEO), the Americans With Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), and so forth. Maintains minimal department exposure to lawsuits.
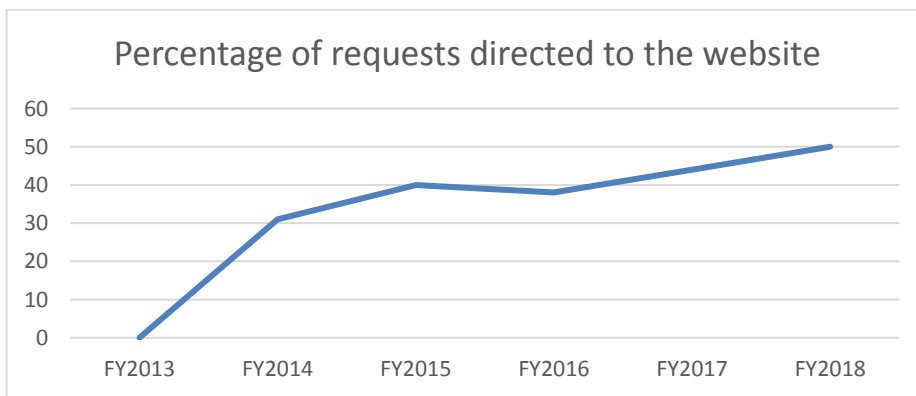
Records Management

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 FY2018:

- Over 114,000 records were stored in the Enterprise Content Management System (ECM) utilizing OnBase software applications from Hyland Software.
- Almost 30,000 incoming mail items were imaged and routed electronically to agency staff through a workflow process in the ECM.
- The agency spent 50% less on file folders and file labels than in FY2017.
- Staff in the Records Section responded to 873 requests for information. The number of information requests go down annually, as more information is made available online.

Number of requests since images were made available through the NDEQ Website
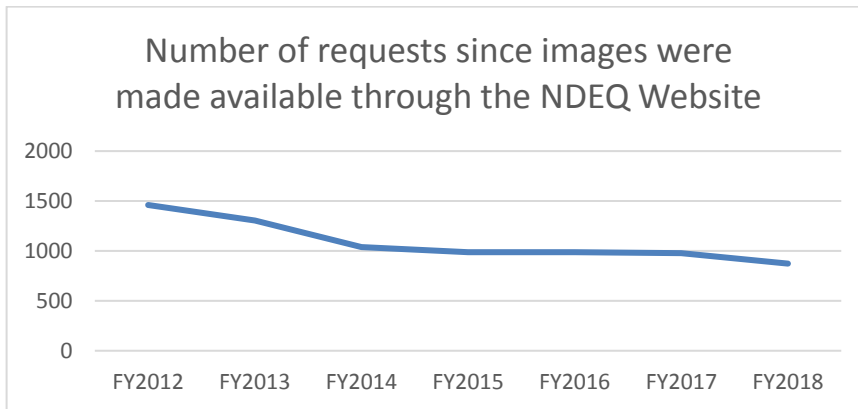
- 49% of the requests were fulfilled by directing the requestor to the agency website to view documents.
- 37% of the requests were fulfilled by the Records Section team imaging legacy paper files into the ECM and directing requestors to the website

Percentage of requests directed to the website

The Records Management Section also coordinates building and implementation of solutions in the ECM. In FY2018:

- A new group was created to store Quality Assurance (QA) Project Plans and Documents. Over 200 documents are now available to staff from their desktop.

- An Air Compendium application was created to document decisions regarding air permits, regulatory determinations and internal procedures.
- Three new Air General Permit applications were made available to online applicants, resulting in quicker turnaround for industry to obtain a Permit to Construct and/or Operate.
- An electronic application was established to process and respond to public comments related to Nebraska's handling of the Volkswagen State Trust Agreement. Public comments, applications, agreements and related documents are accessible through the webpage.
- The Fiscal team processed approximately 45% of invoices through an electronic process that routes the invoice to supervisors for coding and back again to the Fiscal team for payment.

Information Technology

The Information Technology Section oversees computer support and provides information management for all agency locations. The agency has about 250 desktop computers, about 20 printers, a midrange System I AS400 computer, various network servers, about 30 mobile devices and software which are all supported through the OCIO service group.   Four professional staff design, develop, support and provide training for computer programs in supporting the Agency's information management needs and the administration of the Agency's computerized databases. One professional staff person is responsible for managing all of the Information Technology staff, maintaining and updating the agency technology plan and coordinating Information Technology Section activities.

The agency has developed an Integrated Information System (IIS) which is a centralized, shared database containing descriptive, locational, program specific and paper file information for all facilities and other items under the agency's jurisdiction. Nationally, NDEQ is among the leaders within state environmental agencies regarding information integration. Over the past 17 years, the program has implemented EPA grants to improve the network and information systems. These funds have been and continue to be used in efforts to integrate data that is shared among environmental agencies, to provide greater public access to this information and to build additional information systems.   In addition, the agency made available its first web-based reporting application at the end of 2003, to replace the more traditional paper-based reporting process.

In 2001, the agency successfully completed a pilot project with other states and EPA demonstrating the exchange of federally required information using eXtensible Markup Language (XML). This was the first successful effort to exchange data using this process.   The Agency continues to be involved in the EPA/State efforts to build a National Environmental Information Exchange Network (Exchange Network).   When completed, the Exchange Network will provide a consistent method for obtaining environmental information from any participating agency or program in the country.

Since late 2010, the agency has been participating in the Enterprise Content Management Shared Services project with the OCIO and other state agencies. The purpose of the project is to create and store electronic images of the agency's documents, to improve management of and access to public records.   A Request for Proposals (RFP) was issued, vendors evaluated, a vendor selected and a contract has been signed. The agency was one of three partners working with the vendor during implementation to demonstrate and accept the requirements of the RFP.   As part of the acceptance process, the agency incorporated the ECM into existing business processes and operations. On April 11, 2011, the agency implemented the first project. As support for the project, about two thirds (160) of the agency's PC-based computers were replaced between April and September.   Additionally,

about 170 nineteen-inch monitors were installed as a second monitor so agency staff could better utilize the agency ECM application.   In early 2013, the agency added the last field office to the state network, which provided staff with better access to the ECM.

The application development staff, in cooperation with the Water Quality Division/Surface Water Monitoring Section staff, have been designing and developing a comprehensive Surface water program where staff will be able to generate forms for data gathering, input that data directly into the IIS system. They will be able to access that data and use it to generate reports and export some results directly to the public web page more quickly and in some cases, more accurate. The application is in full operation and the agency is realizing efficiencies in the program operation. The collected information will be shared with EPA through the Exchange Network process utilizing the Water Quality Exchange process.

As an ongoing process, the agency web page is updated to make use of new software capabilities. As part of the process, static Excel files of information are replaced with applications to query the existing data in real time, providing users with better information and eliminating the need for agency staff to create the Excel files on a regular basis.

Public Information Office

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

A primary responsibility of this office is to handle questions from the public and media (newspaper, television, radio and web) regarding NDEQ'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 NDEQ's website, http://deq.ne.gov. The website has grown considerably in recent years and provides a wide array of information to the public relating to the agency, including:

Environmental Alerts	Press Releases	Contact Us/Report a Problem
Rules and Regulations	Publications	Requests for Proposals
Topics of Interest	Program Information	Public Notices
Enforcement Resolutions	Assistance	Cleanups
Compliance	Financial	Maps and Data
Permits and Authorization		

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: NDEQ.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, The site also 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.

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 NDEQ programs meet reporting deadlines, consolidates reports and verifies 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 NDEQ 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.