

# 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, and Environmental Managers. The Director and Deputy Directors are responsible for the overall function and coordination of NDEE activities.

NDEE Environmental Managers (Division 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 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 2024:

- Continued to refine the Federal draw process and refine payroll/non-payroll expenditure Federal reimbursement process. On a bi-weekly basis, Federal awards are reconciled to the ASAP (Automated Standard Application for Payments) website, where Federal award dollars are drawn, reimbursing the agency for Federal expenditures.
- Updated Annual Comprehensive Financial Reporting (ACFR) process to include detailed annual data for transparent reporting. Amounts reported on the annual ACFR are supported with Enterprise One Accounting System data, allowing for clear, intentional information sharing and direct roll-up reporting functionality.
- With support and assistance of the Environmental Protection Agency (EPA), NDEE simplified aspects of the negotiated indirect cost rate calculation. This will allow for a more efficient, accurate and predictable rate that reflects agency administrative financial needs.

### **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, updates the curriculum as needed and identifies opportunities for staff personal and professional growth.

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 2% plus a 3% performance increase for on July 1, 2024

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, 2023 and 2024. With historically low unemployment, the agency has been very fortunate to have the opportunity to hire and promote 61 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 years, as the baby boomer generation is reaching retirement age. We have been actively developing redundancy in positions (succession planning) to avoid a significant loss of agency knowledge and expertise.

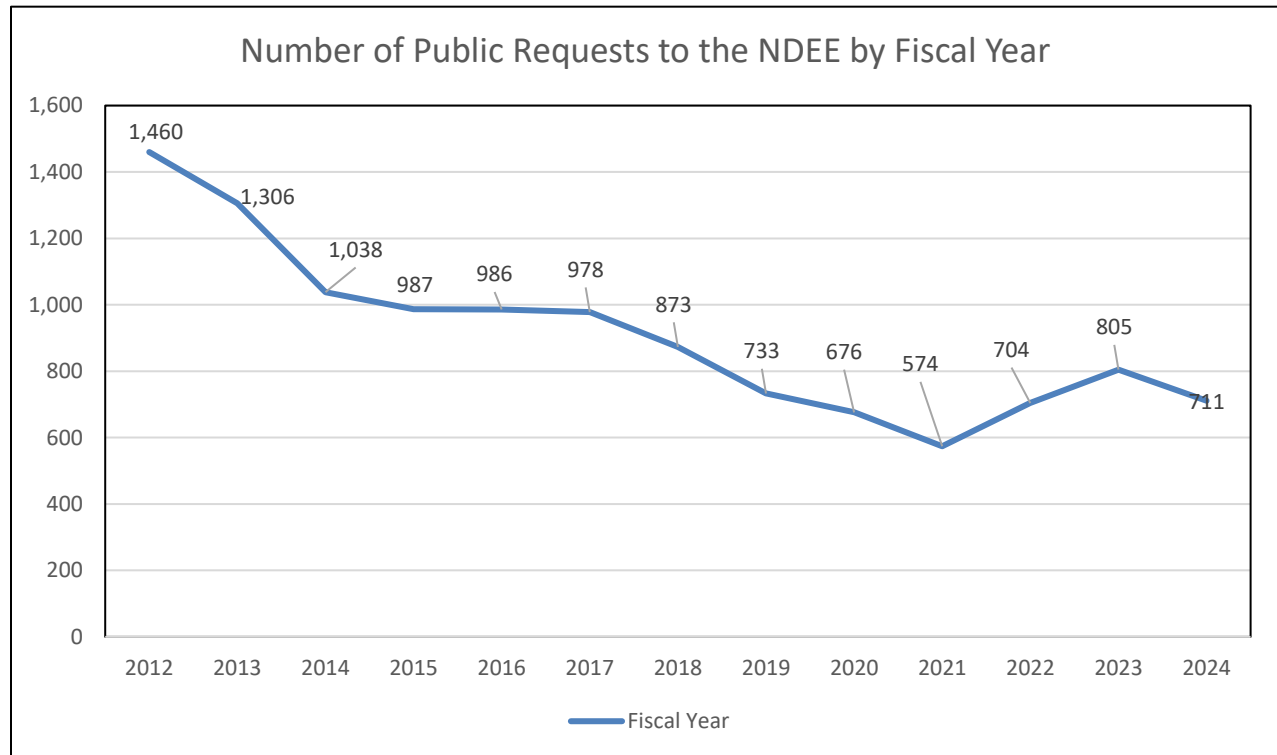
Staffing	FY21	FY22	FY23	FY24
New Hires	25	32	35	39
Retirements	17	9	9	7
Terminations	11	18	12	27
Transfers	4	8	6	18
Promotions	24	29	47	22

**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 FY2024:

- NDEE has more than 1 million records that have been made available through the agency’s public records portal.
- Over 189,900 records were stored in the Enterprise Content Management System (ECM) utilizing OnBase software applications from Hyland Software.
- Of these, nearly 77,000 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 711 requests for information. In January 2024, the agency began accepting records requests online via a public request portal through JustFOIA. Since the implementation of the new portal January 2,2024, the average response time for fulfillment of public requests is 1.54 days.
- Since 2009 the Records Section has imaged over 63,000 legacy paper files into the ECM system. All documents associated with these files are available to view on the agency’s public portal.



**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 10 server, web page support, GIS support and development, and application development. The vacant GIS position and a vacant Applications Developer position were filled in mid-November, which makes the IT section fully staffed.

In early 2024, IT staff began working diligently with subcontractors, Deputy Directors and Division Administrators on a new public website. The new website is scheduled to be available to the public by the end of 2024.

The application development staff is developing a new agency private intranet and a new notifications interface to provide process improvement 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.

**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 [NDEE.problem@nebraska.gov](mailto:NDEE.problem@nebraska.gov). The site includes phone information and procedures relating to reporting a spill or complaint. The agency has moved toward providing more standardized forms on its website, including those 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 small business and environment assistance program. You can review the discussion of the Department's environmental 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 – Eppley Airport (April 2024)*

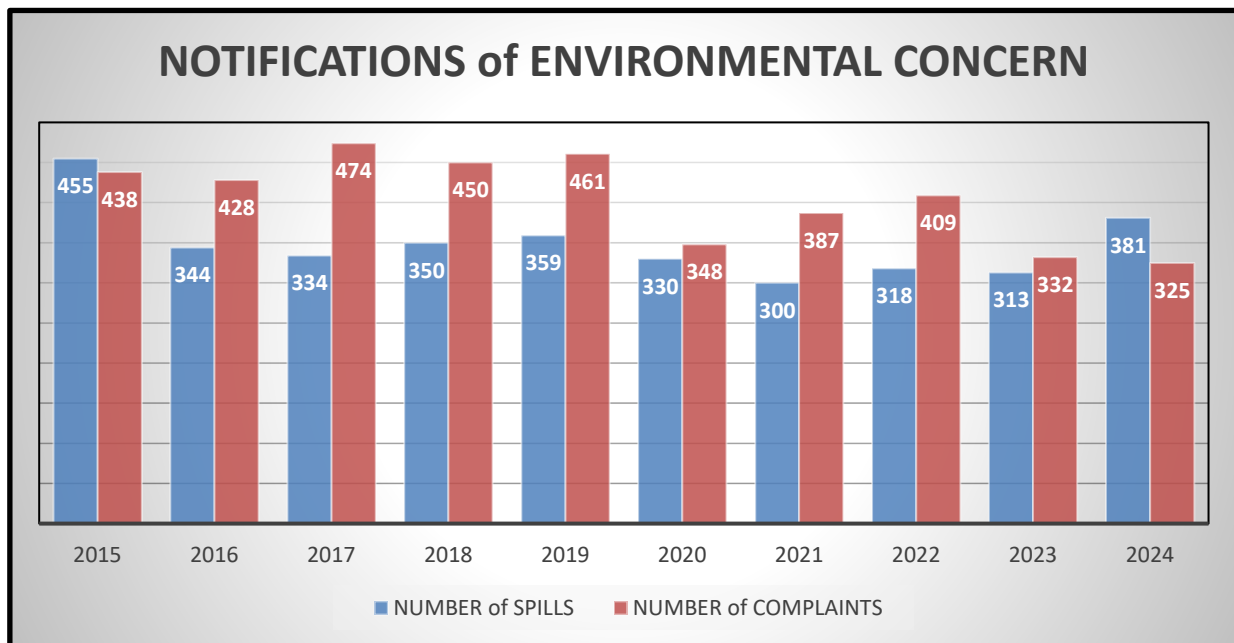
Air monitoring equipment, used for hazard assessment and safety, have been upgraded and replaced. The program has nearly completed the process of replacing aging respiratory protection equipment (SCBAs and respirators).

NDEE participated and presented at the Nebraska Traffic Incident Management Exercise (TIMEX) in November. In January, members of the NDEE Emergency Response Team travelled to St. Louis to train with USEPA On Scene Coordinators from around the U.S. 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 manufacturing (March). In June, USEPA trained NDEE, partner agencies (DHHS, NSP, SFM), local health and fire officials in performing air monitoring at environmental incidents, radiation response and responding to spills of elemental mercury.



PHOTO 2 - NDEE Training (June 2024)

The NDEE recorded 381 reports of spills in FY 2024 (July 2023 – June 2024). An additional 325 citizen complaints were recorded by NDEE in FY 2024. The number of recorded spills and complaints recorded in the past ten years are depicted in the graph below.



**Continuity of Operations**

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 functional exercise of the plan was completed in May.

### **Quality Assurance**

The EPA has requirements for conducting quality management activities for all environmental information 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 collect and analyze samples, store, and manage data, and ensure 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.

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. Staff training is required and ongoing.

### **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.