

2022 Legislature - Operating Budget Transaction Compare - Governor Structure Between Adj Base and 23Gov

Numbers and Language
Differences
Agencies: DEC

Agency: Department of Environmental Conservation

	Column	Trans Type	Total Expenditure	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants	Misc	PFT	PPT	TMP
Administration													
EVOS Trustee Council													
Transfer Exxon Valdez Oil Spill Trustee Council to Department of Environmental Conservation	23Gov	Struct	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
<p>The Exxon Valdez Oil Spill Trustee Council (EVOSTC) was formed to oversee the use of the funds from the 1991 civil settlement and consists of representatives from the State of Alaska and the Federal Government. State representatives on the EVOSTC include the Commissioners of Environmental Conservation (DEC) and Fish & Game (DFG), and the Attorney General. The budget for EVOSTC has long resided in DFG, though there is no statutory requirement for that arrangement, and the budget and staff for EVOSTC are ultimately overseen by the Trustees.</p> <p>DEC and DFG are requesting to transfer the EVOSTC budget component from DFG to DEC. This is a technical change that will have no impact on operations. The Commissioner of DEC is the current chair of the Trustee Council and has been working closely with the new executive director. At this time, EVOSTC has agreed and approved the best location for the EVOSTC budget within the State budget system is within DEC.</p>													
* Allocation Difference *			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
** Appropriation Difference **			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Environmental Health													
Environmental Health													
Assume Primacy of Hazardous Waste Management Under Resource Conservation and Recovery Act, Subtitle C	23Gov	Inc	830.0	830.0	0.0	0.0	0.0	0.0	0.0	0.0	6	0	0
<p>The Alaska Department of Environmental Conservation (DEC) will assume primacy to operate a Resource Conservation and Recovery Act (RCRA) Subtitle C program within its Environmental Health division as a section of the Solid Waste Management program, which already manages RCRA Subtitle D. The RCRA is a federal law that covers the management of solid waste. RCRA Subtitle C covers the management of hazardous waste, while RCRA Subtitle D covers non-hazardous solid waste management. In the United States, 48 states and 2 territories have primacy for management of Subtitle C in their state or territory. Alaska and Iowa are the only states who do not have state hazardous waste programs. Currently, the Environmental Protection Agency (EPA) Region 10 oversees hazardous waste management in Alaska.</p> <p>RCRA Subtitle C includes requirements related to hazardous waste management covering hazardous waste generators, transporters, treatment facilities, storage facilities, disposal facilities, and used oil handlers. Stakeholders in hazardous waste management and Alaskans in general, will benefit from state management of the RCRA Subtitle C program. The majority of EPA's RCRA staff are in Seattle and inherently do not have the local knowledge and understanding of challenges in Alaska. The activities of the DEC program will include permitting of treatment, storage, and disposal facilities, inspections of hazardous waste generators, data collection and reporting, tracking hazardous waste generation in Alaska, compliance assistance, corrective action management and EPA cooperative agreement management for EPA funding.</p> <p>Program implementation is proposed to be a two-year process, with year one involving discussions with the EPA on requirements for program primacy, development of regulations to implement Subtitle C in Alaska, and hiring and training staff. Year two involves continued staff training, making the application for state program authorization to the EPA, and full operation of Subtitle C. Once primacy is granted, federal funds of \$400.0 are available</p>													

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Environmental Health (continued)													
Environmental Health (continued)													
Assume Primacy of Hazardous Waste Management Under Resource Conservation and Recovery Act, Subtitle C (continued)													
annually beginning in FY2025 to offset general funds.													
The following positions are added for Subtitle C implementation:													
- Full-time Environmental Program Manager 1 (18-#044), range 21, located in Anchorage													
- Full-time Environmental Program Specialist 3 (18-#045), range 18, located in Anchorage													
- Full-time Environmental Program Specialist 3 (18-#046), range 18, located in Anchorage													
- Full-time Environmental Program Specialist 3 (18-#047), range 18, located in Anchorage													
- Full-time Environmental Program Specialist 3 (18-#048), range 18, located in Anchorage													
- Full-time Environmental Program Technician (18-#049), range 13, located in Anchorage													
1004 Gen Fund (UGF)			830.0										
Replace Ocean Ranger Fees for Fish Tissue Testing	23Gov	FndChg	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
The Department of Environmental Conservation received an opinion from the Department of Law which stated that the use of ocean ranger fees to fund the Fish Tissue Monitoring program violates the Tonnage Clause of the U.S. Constitution which requires funds paid by cruise ships to be used in service to the vessel.													
The Fish Tissue Monitoring program was established in conjunction with the Departments of Health and Social Services and Fish and Game, to show that Alaska's fish are safe for subsistence, recreational, and commercial consumers. The program began in 2002 as a result of the Environmental Protection Agency (EPA) instituting a national advisory to restrict fish consumption based on their monitoring data. In response, Alaska instituted its own program to conduct on-going fish tissue testing which provides data that enables the state to override federal fish consumption guidelines. The program was originally funded by general funds but the fund source was changed to ocean ranger fees in the FY2016 budget as part of general fund reductions.													
1004 Gen Fund (UGF)			324.6										
1205 Ocn Ranger (Other)			-324.6										
* Allocation Difference *			830.0	830.0	0.0	0.0	0.0	0.0	0.0	0.0	6	0	0
** Appropriation Difference **			830.0	830.0	0.0	0.0	0.0	0.0	0.0	0.0	6	0	0

Air Quality

Air Quality

Align Air Permitting Authority with Updated Federal Guidance	23Gov	FndChg	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
The Environmental Protection Agency (EPA) issued updated guidance in 2018 clarifying categories and types of work that are considered Title V operating permit costs under the Clean Air Act. The updated guidance requires existing activity previously classified as Title I to be accounted for as Title V and for associated expense and revenue activity must be accounted for within the Clean Air Protection Fund. This change in classification does not change the requirements associated with Title I or Title V permitting.													

This change will align the division with EPA guidance.

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Air Quality (continued)													
Air Quality (continued)													
Align Air Permitting Authority with Updated Federal Guidance (continued)													
1002 Fed Rcpts (Fed)			-350.0										
1005 GF/Prgm (DGF)			-1,800.0										
1093 Clean Air (Other)			2,150.0										
* Allocation Difference *			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
** Appropriation Difference **			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0

Spill Prevention and Response

Spill Prevention and Response													
Replace Authority Unavailable due to Alaska Constitution Article IX Section 17(d)	23Gov	FndChg	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
The enactment of Article IX, Section 17(d) of the Alaska Constitution transferred available balances of funds used by this appropriation to the Constitutional Budget Reserve Fund (CBR); a process commonly referred to as the "CBR sweep". Budget authority that cannot be satisfied with projected fiscal year 2023 revenue collections are replaced with unrestricted general funds to ensure continuity of service.													
1004 Gen Fund (UGF)			1,275.2										
1052 Oil/Haz Fd (DGF)			-1,275.2										
* Allocation Difference *			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
** Appropriation Difference **			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0

Water

Water Quality, Infrastructure Support & Financing													
Assumption of Primacy over Section 404 Permitting of the Discharge of Dredged or Fill Material into Waters and Wetlands	23Gov	Inc	4,904.0	3,511.3	104.0	1,109.7	179.0	0.0	0.0	0.0	28	0	0
The Alaska Department of Environmental Conservation (DEC) will assume primacy of Section 404 of the Clean Water Act (CWA), enacted in 1972, which is the primary federal law governing pollution control and water quality of the Nation's waterways. The Act's objective is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.													
Section 404 of the CWA regulates the discharge of dredged or fill material into the waters and wetlands of the United States (WOTUS) and requires the U.S. Army Corps of Engineers (USACE) to issue a Section 404 permit before dredged and fill material may be discharged in WOTUS. Activities typically requiring a Section 404 permit include:													
- Site improvements for residential, commercial, or recreational development													
- Construction of revetments, groins, breakwaters, levees, dams, dikes, and weirs													
- Placement of riprap and fill material for roads, airports, or buildings													
Whenever a federal permit is required, namely a Section 404 permit, an applicant must obtain a Section 401 water quality certification from DEC. When reviewing an application, DEC reviews the project, analyzes its potential water quality impacts, solicits public and agency comments, and coordinates with other State and Federal agencies and local governments. DEC can either approve, approve with conditions, waive, or deny the Section													

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Water (continued)

Water Quality, Infrastructure Support & Financing (continued)

Assumption of Primacy over Section 404

Permitting of the Discharge of Dredged or Fill

Material into Waters and Wetlands (continued)

401 water quality certification based on compliance with the CWA, State water quality standards, and other applicable State laws. Any conditions imposed by the State through its Section 401 water quality certification automatically become conditions of the USACE's Section 404 permit.

Section 404(g)(1) of the CWA gives states the ability to assume partial authority over the Section 404 program. It states the, "Governor of any State desiring to administer its own individual and general permit program for the discharge of dredged or fill material into navigable waters ... within its jurisdiction may submit to the Administrator a full and complete description of the program it proposes to establish and administer under State law...". This provision requires the USACE to retain permitting authority over certain categories of waters and allows the State to assume permitting authority over all other WOTUS (commonly known as "assumable waters").

DEC assumption of the Section 404 program would provide a streamlined permitting procedure, greater certainty to the regulated community, conservation of resources of both the applicant and regulator, and greater control over the development of its natural resources while complying with federal law.

The department will apply for Environmental Protection Agency (EPA) approval in FY2022 and FY2023 with the expectation that state primacy will be assumed and fully implemented by FY2024.

The following positions are added for Section 404 primacy:

- Full-time Environmental Program Manager 3 (18-#050), range 23, located in Anchorage
- Full-time Environmental Program Manager 2 (18-#051), range 22, located in Anchorage
- Full-time Environmental Program Manager 2 (18-#022), range 22, located in Anchorage
- Full-time Environmental Program Manager 2 (18-#023), range 22, located in Anchorage
- Full-time Environmental Program Manager 2 (18-#024), range 22, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#052), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#053), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#025), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#026), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#027), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#028), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#029), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#030), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#031), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#032), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#033), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#034), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#035), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#036), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#037), range 20, located in Anchorage
- Full-time Environmental Program Specialist 4 (18-#038), range 20, located in Anchorage

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Water (continued)													
Water Quality, Infrastructure Support & Financing (continued)													
Assumption of Primacy over Section 404													
Permitting of the Discharge of Dredged or Fill													
Material into Waters and Wetlands (continued)													
- Full-time Environmental Program Specialist 2 (18-#039), range 16, located in Anchorage													
- Full-time Environmental Program Specialist 2 (18-#040), range 16, located in Anchorage													
- Full-time Environmental Program Specialist 2 (18-#041), range 16, located in Anchorage													
- Full-time Administrative Officer 1 (18-#054), range 17, located in Anchorage													
- Full-time Administrative Assistant 2 (18-#055), range 14, located in Anchorage													
- Full-time Administrative Assistant 2 (18-#042), range 14, located in Anchorage													
- Full-time Administrative Assistant 2 (18-#043), range 14, located in Anchorage													
An additional four positions will be needed in FY2024 to fully implement the program.													
1004 Gen Fund (UGF)			4,904.0	3,511.3	104.0	1,109.7	179.0	0.0	0.0	0.0	28	0	0
* Allocation Difference *			4,904.0	3,511.3	104.0	1,109.7	179.0	0.0	0.0	0.0	28	0	0
** Appropriation Difference **			4,904.0	3,511.3	104.0	1,109.7	179.0	0.0	0.0	0.0	28	0	0

Agency Unallocated

Unallocated Rates Adjustment

FY2023 Administrative Systems Upgrade	23Gov	RateAdj	39.3	0.0	0.0	39.3	0.0	0.0	0.0	0.0	0	0	0
Ongoing Cost Increases													
This change will be allocated across the department's programs in accordance with the department's approved cost allocation processes.													
1002 Fed Rcpts (Fed)			18.9										
1004 Gen Fund (UGF)			8.7										
1005 GF/Prgm (DGF)			2.2										
1007 I/A Rcpts (Other)			1.0										
1052 Oil/Haz Fd (DGF)			3.7										
1055 IA/OIL HAZ (Other)			0.1										
1061 CIP Rcpts (Other)			1.3										
1093 Clean Air (Other)			1.7										
1166 Vessel Com (Other)			0.5										
1205 Ocn Ranger (Other)			0.8										
1230 CleanAdmin (Other)			0.3										
1231 DrinkAdmin (Other)			0.1										
FY2023 Human Resources Rate AspireAlaska	23Gov	RateAdj	15.4	0.0	0.0	15.4	0.0	0.0	0.0	0.0	0	0	0
This change will be allocated across the department's programs in accordance with the department's approved cost allocation processes.													
1002 Fed Rcpts (Fed)			4.3										
1004 Gen Fund (UGF)			3.2										
1005 GF/Prgm (DGF)			1.9										
1007 I/A Rcpts (Other)			0.2										
1052 Oil/Haz Fd (DGF)			3.3										
1055 IA/OIL HAZ (Other)			0.1										

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Agency Unallocated (continued)													
Unallocated Rates Adjustment (continued)													
FY2023 Human Resources Rate AspireAlaska (continued)													
1061 CIP Rcpts (Other)			0.7										
1093 Clean Air (Other)			1.0										
1166 Vessel Com (Other)			0.3										
1205 Ocn Ranger (Other)			0.1										
1230 CleanAdmin (Other)			0.2										
1231 DrinkAdmin (Other)			0.1										
FY2023 Office of Information Technology Core Services Rate Infrastructure Upkeep Increase	23Gov	RateAdj	49.0	0.0	0.0	49.0	0.0	0.0	0.0	0.0	0	0	0
This change will be allocated across the department's programs in accordance with the department's approved cost allocation processes.													
1002 Fed Rcpts (Fed)			13.7										
1004 Gen Fund (UGF)			10.2										
1005 GF/Prgm (DGF)			6.0										
1007 I/A Rcpts (Other)			0.8										
1052 Oil/Haz Fd (DGF)			10.6										
1055 IA/OIL HAZ (Other)			0.3										
1061 CIP Rcpts (Other)			2.3										
1093 Clean Air (Other)			3.1										
1166 Vessel Com (Other)			0.9										
1205 Ocn Ranger (Other)			0.2										
1230 CleanAdmin (Other)			0.6										
1231 DrinkAdmin (Other)			0.3										
FY2023 Office of Information Technology Core Services Rate Software Increases	23Gov	RateAdj	108.6	0.0	0.0	108.6	0.0	0.0	0.0	0.0	0	0	0
This change will be allocated across the department's programs in accordance with the department's approved cost allocation processes.													
1002 Fed Rcpts (Fed)			30.4										
1004 Gen Fund (UGF)			22.6										
1005 GF/Prgm (DGF)			13.4										
1007 I/A Rcpts (Other)			1.7										
1052 Oil/Haz Fd (DGF)			23.4										
1055 IA/OIL HAZ (Other)			0.7										
1061 CIP Rcpts (Other)			5.0										
1093 Clean Air (Other)			6.8										
1166 Vessel Com (Other)			2.1										
1205 Ocn Ranger (Other)			0.5										
1230 CleanAdmin (Other)			1.4										
1231 DrinkAdmin (Other)			0.6										
* Allocation Difference *			212.3	0.0	0.0	212.3	0.0	0.0	0.0	0.0	0	0	0
** Appropriation Difference **			212.3	0.0	0.0	212.3	0.0	0.0	0.0	0.0	0	0	0
*** Agency Difference ***			5,946.3	4,341.3	104.0	1,322.0	179.0	0.0	0.0	0.0	34	0	0

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			5,946.3	4,341.3	104.0	1,322.0	179.0	0.0	0.0	0.0	34	0	0

Column Definitions

Adj Base (FY23 Adjusted Base) - FY22 Management Plan less one-time items, plus FY23 adjustments for position counts, funding transfers, line item transfers, temporary increments (IncT) from prior years, and additions for statewide items (e.g. salary and benefit increases). The Adjusted Base is the "first cut" of the FY23 budget; it is the base to which the Governor's and the legislature's increments, decrements, and fund changes are added.

23Gov (23 Governor's Request 12/15) - Includes FY23 Adjusted Base plus the Governor's operating budget requests for increments, decrements, fund source changes, and language transactions submitted on December 15, 2021. Because the Alaska Marine Highway System's budget is now based on a calendar year and has a different effective date than other agencies, it is separated into its own column; therefore the 23Gov column is an aggregate of two columns.[23GOVAMHS+23GovNoAMHS]

Transaction Type Definitions

FndChg	Funding Change
Gov	Governor
GovAmd	Governor Amended
GovAmd+	Governor Amended Plus
HseAdd	Added by House
HseAmnd	Amended by House
LegAdd	Added by Legislature
LegAmnd	Amended by Legislature
Reapprop	Reappropriation
RPL	RPL
Scope	Scope Change
SenAdd	Added by Senate
SenAmnd	Amended by Senate
Suppl	Supplemental
Veto	Veto