

GOV.

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ENERGY

CONSERV.



Alaska State Legislature  
House of Representatives  
*Office of the Chief Clerk*

State Capitol, Rm 214  
Juneau, AK 99801-1182  
(907) 465-3725

*Official Business*

**MEMORANDUM**

Date: March 25, 1996

TO: Representative James, Chair  
State Affairs Committee

FROM: Suzi Lowell *sl*  
Chief Clerk

SUBJECT: Governor's Appointment

Speaker Phillips referred the following Governor's appointment to the State Affairs Committee:

**Commissioner of the Department of Environmental Conservation**  
Michele Brown - Juneau  
Appointed: 01/24/96

Attached is her resume and a committee report for your use.

Attachments as noted.



# Alaska State Legislature House of Representatives

*Official Business*

Date: \_\_\_\_\_

The Honorable Gail Phillips  
Speaker of the House  
State Capitol  
Juneau, AK 99801

Dear Madam Speaker:

In accordance with AS 39.05.080, the State Affairs Committee has reviewed the qualifications of the following and recommends that the appointment be forwarded to a joint session for consideration:

## **Commissioner of the Department of Environmental Conservation**

Michele Brown

This does not reflect an intent by any of the members to vote for or against this individual during any further sessions for the purposes of confirmation.

\_\_\_\_\_  
Representative James, Chair

\_\_\_\_\_  
Representative Ogan

\_\_\_\_\_  
Representative Green

\_\_\_\_\_  
Representative Ivan

\_\_\_\_\_  
Representative Porter

\_\_\_\_\_  
Representative Robinson

\_\_\_\_\_  
Representative Willis

## MICHELE D. BROWN

410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801-1795

### Relevant Experience

- **Commissioner, Alaska Department of Environmental Conservation**  
Juneau, Alaska, Appointed January 24, 1996
- **Deputy Commissioner, Alaska Department of Environmental Conservation**  
Juneau, Alaska, January 30, 1995 to January 23, 1996
- **Senior Environmental Advisor, United States Agency for International Development,**  
Moscow, Russia, June 1993 to January 1995
- **Executive Director, Alaska State Legislature's Citizens' Oversight Council on Oil and Other Hazardous Substances**  
Anchorage, Alaska, February 1991 to August 1992
- **Regional Administrator, Southcentral Region, Alaska Department of Environmental Conservation**  
Anchorage, Alaska, March 1990 to February 1991
- **Assistant Attorney General, Alaska Department of Law**  
Anchorage, Alaska, October 1978 to February 1990

### Credentials

Published law journal articles on the *Exxon Valdez* oil spill and addressed many conferences on various topics, including environmental development programs in Russia, oil spill response, oil pipeline regulation, and public participation in environmental decision-making.

Law Clerk to Justice Roger G. Connor, Alaska Supreme Court, and to Chief Justice Donald R. Wright, California Supreme Court

J.D. Degree, University of California, Davis, 1977  
Phi Kappa Phi Honor Society; American Jurisprudence Award

A.B. Degree, University of California, Berkeley, 1973  
Honor Society



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## Office of the Commissioner

This is the chief executive office of the  
Department of Environmental Conservation.  
It consists of the commissioner, the deputy commissioner,  
a paralegal assistant, and secretaries.

**Michele Brown, Commissioner**  
Department of Environmental Conservation  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801-1795  
Telephone: (907) 465-5065  
Fax Number: (907) 465-5070  
Email Address: [MBrown@envircon.state.ak.us](mailto:MBrown@envircon.state.ak.us)

**Deputy Commissioner**  
(position currently vacant)

**Billie Wilson, Paralegal Assistant**  
Department of Environmental Conservation  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801-1795  
Telephone: (907) 465-5061  
Fax Number: (907) 465-5070  
Email Address: [BWilson@envircon.state.ak.us](mailto:BWilson@envircon.state.ak.us)



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## **Michele Brown, Commissioner**

Michele Brown was appointed commissioner of the Department of Environmental Conservation on January 20, 1996, by Governor Tony Knowles. Ms. Brown, who previously served as deputy commissioner, replaced Gene Burden, who stepped down earlier in January for family reasons.

Ms. Brown is a former regional administrator of DEC's southcentral region which was headquartered in Anchorage, and a former assistant attorney general in the Alaska Department of Law where she represented and advised the Departments of Environmental Conservation, Natural Resources, Fish and Game, and Community and Regional Affairs. In that position, she worked extensively on the Exxon Valdez spill response to deal with many of its legal, regulatory, and enforcement problems. She was subsequently appointed to a DEC regional administrator position, and later to the position of executive director of the Citizens Oversight

Council for Oil and Hazardous Substances.

In 1993, Ms. Brown was appointed as senior environmental specialist for the USAID Mission in Moscow, where she administered the agency's environmental technical assistance projects to Russia, including sustainable natural resources management, industrial environmental management, and multiple source pollution management in the widespread regions of the country.

Ms. Brown attended college at the University of California, Berkeley, and received her law degree from the University of California, Davis.

Alaska has been Ms. Brown's home since 1977. She is married to Jeff Berliner, and has two children: Larisa, 11, and Brenn, 15.

Ms. Brown has published law journal articles on the Exxon Valdez oil spill and has been an invited speaker at many conferences on issues ranging from environmental development programs in Russia to oil spill response, oil pipeline regulation, and public participation in environmental decision making.



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## **MAJOR ACCOMPLISHMENTS of 1995 MAJOR OBJECTIVES for 1996**

### **Air & Water Quality Division 1995 Accomplishments**

- Resolved a long-standing dispute and previous impasse over Alaska Water Quality Standards. Governor Tony Knowles announced on August 23 resolution of the Sierra Club Legal Defense Fund (SCLDF) petition on Water Quality Standard regulations.
- Completed regulations that give the state primary enforcement of the Title V air quality operating permit program in Alaska: a result of the 1990 Amendments to the Clean Air Act and the Alaska Legislature's enactment of Alaska Statutes 46.14.
- Municipality of Anchorage, State DOT & DEC, and EPA entered an innovative memorandum of understanding (MOU) to avoid a "non-attainment" designation for Anchorage. MOU commits to the development of an effective particulate reduction and control strategy which has begun with a modification to winter sanding practices. EPA has lauded the proactive approach.

### **Statewide Public Service Division 1995 Accomplishments**

- In partnership with ARCO, BP Exploration, and the Alaska Support Industry Alliance, created the new Arctic Chapter of the Green Star program. This program assists North Slope oil field service companies reduce wastes and conserve energy.
- As a partner with the Anchorage Chamber of Commerce, operated the Alaska Materials Exchange (AME). This statewide program helps businesses recycle and reuse materials, and has saved more than \$400,000 in disposal and equipment replacement costs.
- Helped improve the Fairbanks North Star Borough's opportunity to reduce carbon monoxide pollution from vehicles, through a regulatory enforcement initiative that was fully coordinated with local and state agencies. The resulting enforcement actions for violations of vehicle maintenance and inspection (I/M) rules were supported by the community, and helped reinforce the message that all must follow the same rules, in order to help improve local air quality.
- In Southcentral Alaskan communities, local offices helped local and state organizations provide flood-related assistance and advice to fix problems with drinking water, sewage, solid waste, fuels, and other environmental issues.

### **Facilities Construction and Operations Division 1995 Accomplishments**

The day-to-day effort to administer grant funds and provide operational assistance to municipal and village governments is viewed as our major objective for 1996 as well as our most significant accomplishment in 1995.

The following lists detail work that falls outside of routine activities.

- The formation of and action by the Governor's Council on Rural Sanitation. This council is charged with developing and implementing an action plan designed to solve the dire sanitation conditions found in rural Alaska by 2005.

- Established a working agreement with The Alaska Department of Transportation and Public Facilities for federal transportation funding of roads built in conjunction with VSW projects. Many rural Alaska communities lack the road systems needed to consider a water/wastewater haul system. A transportation infrastructure broadens the sanitation delivery systems available to these communities.
- Developed a coordinated capital improvements priority list process that includes the Alaska Department of Transportation and Public Facilities, the Alaska Department of Education, the U.S. Public Health Service, the U. S. Environmental Protection Agency and RCEDA funding, improving the consistency of project requests.

### Environmental Health Division 1995 Accomplishments

- The Palmer Lab analysis of paralytic shellfish poisoning tests it performed on crab viscera allowed DEC to eliminate testing requirements in Southeast Alaska during the winter months. The opilio crab fishery in the Bering Sea is currently undergoing a similar review.
- The PSP testing requirements for all species of shellfish in Kachemak Bay were seasonally adjusted, thus eliminating the requirement for holding the product pending PSP testing. This helps growers get their product to market faster and fresher without compromising public health.
- Two expanded shellfish growing areas have been created by combining several small growing areas - one in Kachemak Bay and one in Southeast. This has greatly reduced the water quality sampling requirements, which reduces both the department's and the growers costs.
- The division has renewed and reinvigorated the working relationship with the seafood processing industry. DEC's Seafood Task Force has been opened to participation by all interested members of the industry and public, renamed the Alaska Seafood Processing Advisory Council, complete with mission statement.
- Recognizing that food-borne illness can be prevented with proper sanitation and handling, we've developed a Management Certification Program for food service facilities, and worked with the University of Alaska Anchorage and the Alaska Cooperative Extension in presenting the course statewide. It's been a big hit.
- To help support the tourism industry and recognizing the need for tourism facilities, we worked with DOT to obtain federal transportation funds to build a centrally located dump station at the Bureau of Land Management site along the Dalton Highway. This will greatly benefit the environment and public health by giving RV-er's travelling the highway a place to dump their holding tanks.
- We jointly investigated a number of epidemiological outbreaks with the Division of Public Health, the most notable of which was traced to Burwash Landing in Canada. Successful resolution of this water system's problem required international cooperation.
- To further ensure the safety of meat and poultry products processed within Alaska, the Animal Industries program developed and implemented a state microbiological monitoring program. Two separate positive lots of product containing listeria monocytogenes were found as a result of the program, and we were able to keep the product from reaching the consuming public.
- For the second year in a row, there have been no reportable disease outbreaks from any public water supply in the state.
- Approximately 715 statewide waivers have been issued to Class A water systems for testing for 7 contaminants. Many of these same systems also received waivers for asbestos, dioxin, and ethylene dibromide (EDB). It's estimated that the latter set of waivers has saved Class A systems \$2.5 million in unnecessary monitoring.
- Work continues to expand the number of contaminants for which we can waive testing requirements for public drinking water systems when the tests are unnecessary. An EPA approved waiver program for all eligible contaminants will facilitate the issuance of waivers, reduce unnecessary monitoring, reduce some monitoring frequency, and thus reduce the costs of operation for both the Public Water

System and the Drinking Water programs.

- Staff also worked with consultants on how to conduct optimum corrosion control studies for the Lead and Copper Rule, showing them how they can use less expensive secondary information to do the required studies. This is estimated to save medium-sized Class A public water suppliers between \$25,000 and \$50,000 PER STUDY.
- Solid waste has worked with the Statewide Public Service division to purchase and supply fiber bags for remote village "solid waste" collection. The bags negate the need for daily cover, keep garbage in its place, and reduces the attractive nuisance for wild animals.

### **Spill Prevention and Response Division 1995 Accomplishments**

- Spill prevention and response contingency plans for tanker operations in Prince William Sound were approved with conditions for improved tanker escort and spill prevention systems.
- DEC reached an agreement with the Alaska Pulp Corporation to cleanup contamination at the Sitka mill site with direct oversight by the Department instead of the more cumbersome and lengthy "Superfund" oversight by EPA.
- Three fixed VHF radio repeaters were installed to provide enhanced communications for emergency response to oil and hazardous substance releases in the Cook Inlet region and expanded coverage in Fairbanks and the surrounding area.
- 148 contaminated site cleanup plans were approved, and 74 contaminated sites were approved for no further cleanup action.
- An agreement was reached with National Oceanic and Atmospheric Administration to identify, assess and remedy contamination on the Pribilof Islands due to previous federal activities.
- The Underground Storage Tank program regulations were revised to include new technology and streamlined procedures for spill prevention, cleanup and financial assistance.
- The Response Action Contractor Registration regulations were revised to streamline the registration process and reduce the number of applications that must be submitted.
- A comprehensive statewide "Master Plan" strategy was developed for resolving Alaska's fuel storage tank problems.
- A major training drill exercise of the Federal/State Plan for Response to Oil and Hazardous Substance spills in Alaska was conducted in May 1995. Local, federal, industry and state agencies responded to a simulated train derailment with diesel fuel and formaldehyde releases in Fairbanks.
- The Certified Tank Worker Exam program was computerized to make exams available on a more frequent basis and in more locations. There are 410 certified tank workers statewide.

### **Division of Administrative Services 1995 Accomplishments**

- Eliminated "split funded" positions by implementing a cost allocation plan for collection of indirect costs, reducing staff time (program and administrative) accounting for multiple funding sources based on arbitrary allocation of costs.
- All department administrative services were centralized, resulting in more efficient use of existing personnel and assumption of new initiatives such as classification and examining.
- Development and publication of a regular department newsletter and a "Home Page" for DEC. Both enhance our communications with the public and provide the start for easier public access to regulations, meeting schedules, and information regarding all department programs.
- Development of department reporting and management systems which are expected to provide

consistent, relevant, timely and accurate information on program status, assisting managers with short and long term financial decisions.

- Centralized department receivables section, with work underway to ensure clear, consistent and timely billings to users. Provide regular, accurate and timely reports on status of billing and collections to department managers.



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## Major Objectives for 1996

### Air and Water Division 1996 Objectives

- Initiate and complete rule-making process for revisions to the mixing zone regulations in the Alaska Water Quality Standards and complete the technical reports by the established due dates. Actions will include development of guidance on how to approve a mixing zone; guidance will assist DEC permittees, industry, and public interest groups concerned with protection of water quality in Alaska.
- Issue/certify permits for major industrial operations
  - ... mining (Greens Creek, Kensington, Red Dog, Aj (Gold Creek))
  - ... KPC (NPDES and Air)
  - ... Valdez Marine Terminal Ballast Water Treatment Facility
  - ... Seafood Processors (Pribilofs general permit, Akutan, and Dutch Harbor)
  - ... Title V Air permits (KPC elemental chlorine free project),
  - ... Vapor Control project at Alyeska's Valdez Marine Terminal,
  - ... Badami oil field exploration activities, and
  - ... increased electrical production in the City of Dutch Harbor.
- Watershed Management: Implement the watershed management strategy in one urban and one rural watershed area and evaluate the effectiveness of this format for water quality protection programs.
- Compliance/outreach: Provide technical assistance and outreach to operators to help meet compliance with permits, and issue an "honor roll" for facilities with exemplary compliance records (publish in newspapers of general circulation).

### Statewide Public Service Division 1996 Objectives

- Carry out the timely engineering reviews of planned subdivisions so that proposed residential septic systems will perform safely and assure that the costs of the program services are appropriately allocated to the beneficiaries of these services.
- Increase the state's current recycling rate of 7.5% to 10% by creating and expanding markets for waste wood, paper, glass, and organic materials and by improving re-use of waste materials.
- Redesign the statewide program to certify safe performance of on-site septic systems so that any system deficiencies are found and corrected when existing residences are sold.

### Facilities Construction Division 1996 Objectives

- Achieve passage of state legislation that will allow leveraging of the Alaska Clean Water Fund, extending available low interest loans to more municipalities for the construction of wastewater, non-point source pollution control and solid waste management projects.
- Continue efforts to obtain language in the Clean Water Act, Safe Drinking Water Act and the Farm Bill that will authorize federal appropriations to match the state's effort to eliminate Alaska's rural sanitation problems.
- Complete and adopt a 10-year action plan by the Governor's Council for improving rural sanitation; continue to define the role of federal agencies in assisting with this strategy.
- Continue innovative technology demonstration projects which test alternative methods of water/wastewater service delivery; and identify and secure alternative funding to support the Remote Maintenance Worker program, thereby reducing dependence on state general funds.

### Environmental Health Division 1996 Objectives

- Establish a recognition program for food service facilities and public accommodations which meet the requirements for food safety, sanitation and water/waste water. Issue a Seal of Inspection for food service and public accommodation with their participation in the program.
- Enter into an MOU with the Kachemak Bay Shellfish Growers Association on water testing in growing areas. This will reduce both their and our operating costs. It will be a pilot project, and if successful, we'll look to other areas of the state where we can do the same thing.
- Develop a lodge upgrade program to help remote lodges meet the water and wastewater system requirements.
- Develop a "feedback" form as a follow up to inspections so we can see how we did, how we can improve, or what we're doing right that needs to be shared.

### Spill Prevention and Response 1996 Objectives

- Establish a statewide network of local response equipment caches for emergency response actions in remote Alaska communities authorized under agreements with local governments.
- Draft legislation to authorize registration and financial assistance for above ground fuel storage tanks and obtain necessary legislative approvals for program.
- Public notice regulations for investigation and remediation of contaminated sites.
- Complete the review of the oil spill prevention and spill response contingency plan submitted by Alyeska for the Valdez marine terminal.
- Install emergency response communications equipment to link the Cook Inlet two-way radio communications capability with existing networks on the Kenai Peninsula and Prince William Sound.

### Administrative Services Division 1996 Objectives

- Reduce total department allocated costs by 300,000 using efficiencies from centralized management, review and analysis,
- Develop (in cooperation with other Divisions in and out of the Department), distribute and update user friendly administrative policy and procedures in both electronic and hard copy formats by July 1, 1996.
- Prepare "Financial Training Program" by July 1, 1996, with first class offered by August 1, 1996 that will be initially aimed at managers to update their understanding of state financial planning and formats

for budgeting. Also hoped that program will generate improvements and efficiencies in our annual spending plans.

- Develop and provide regular departmental financial reports beginning on a monthly basis on February 1, 1996. These will include reports on each of the funds administered by DEC, such as the Oil and Hazardous Substance Prevention and Response Fund, the Clean Air Protection Fund, the Clean Water Fund, and the Storage Tank Assistance Fund.
- Paperwork reduction. Reduce or eliminate at least ten unnecessary administrative procedures or paperwork requirements that do not merit the staff time required. Examples include elimination of project budget forms, restructuring of the State/EPA agreement to eliminate duplication of the grant award and amendment process, streamline and control services received and cost incurred between DEC and the Department of Law.

**For more information contact:**

**Marti Early, 907-465-5009, [MartiE@envircon.state.ak.us](mailto:MartiE@envircon.state.ak.us)**

December 21, 1995



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