



Strategic Plan 2011-13

State of Nevada

Department of Conservation and Natural Resources
Division of Environmental Protection

Introduction and Background

Mission and Purpose

The mission of the Division of Environmental Protection is to preserve and enhance the environment of the state to protect public health, sustain healthy ecosystems and contribute to a vibrant economy.

A diverse a range of environmental regulatory, monitoring, and compliance assistance programs are implemented by the Division to accomplish its mission.

Organizational Structure

The Division of Environmental Protection was created as a division within the Department of Conservation and Natural Resources in 1977. Headquarters offices are located in Carson City and a field office is located in Las Vegas. The Division is composed of ten Bureaus (Figure 1):

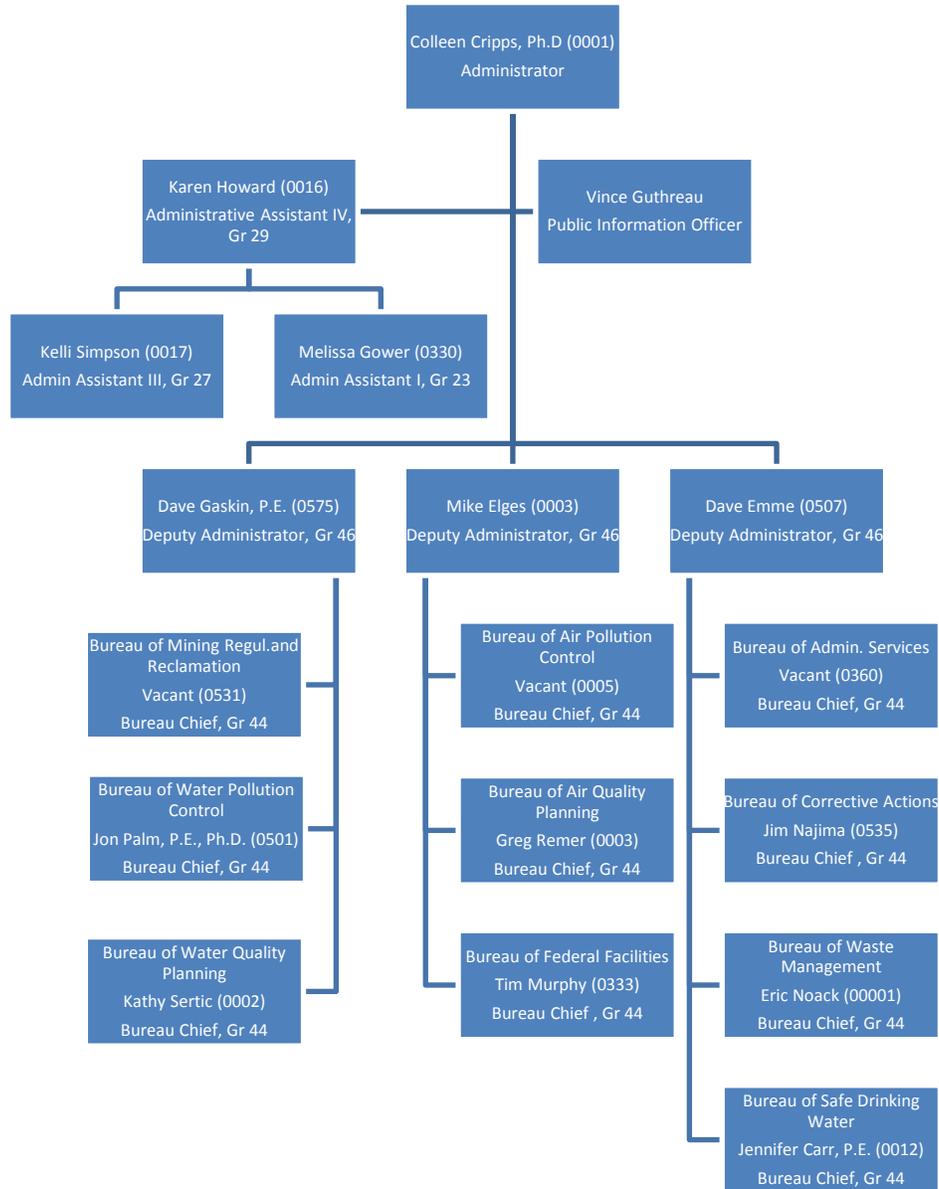
- Administrative Services
- Air Quality Planning
- Air Pollution Control
- Water Pollution Control
- Water Quality Planning
- Safe Drinking Water
- Mining Regulation and Reclamation
- Corrective Actions
- Waste Management
- Federal Facilities

Division staff also provides support to three boards and commissions. The State Environmental Commission is an eleven member body that hears petitions to adopt regulations, ratifies certain air pollution control penalties and hears appeals from parties aggrieved by actions of the Division. The Board to Finance Water Projects is a five member board that governs applications for grant funds from the State water infrastructure grants program and applications for loans from the Drinking Water State Revolving loan fund. The Board to Review Petroleum Claims governs claims against the State Petroleum Fund for reimbursement of expenses associated with remediation of petroleum releases from registered underground storage tanks.

Statutory Authority: NRS 232.136, 444, 444A, 445A, 445B, 445C, 459, 486A, 519A, 590, and 704

Number of Employees: 252 Authorized FTE / September 2010

Fig. 1. Organization chart for the Division of Environmental Protection



Summary of Agency Goals

The following goals represent the core functions of the Division of Environmental Protection.

GOAL 1. Clean Air Achieve and maintain levels of air quality that will protect human health, prevent injury to plant and animal life, prevent damage to property, and preserve the scenic, historical, and aesthetic treasures of the state. Minimize the risk of chemical accidents.

GOAL 2. Clean Water. Protect the waters of the state from the discharge of pollutants and contaminants to protect groundwater preserve beneficial uses of surface water and maintain healthy aquatic habitat.

GOAL 3. Safe Drinking Water. Protect the health of the citizens and visitors of Nevada by assuring that public water systems provide safe and reliable drinking water.

GOAL 4. Safe and Effective Waste Management. Ensure safe management of solid and hazardous waste; promote waste reduction, reuse, and recycling.

GOAL 5. Environmentally Responsible Mining. Ensure Nevada's mining industry complies with State regulatory programs for the protection of surface and groundwater resources, general pollution control, and reclamation of disturbed lands.

GOAL 6. Effective Oversight of Federal Facilities. Provide regulatory oversight of environmental remediation activities, hazardous waste management activities, low level and mixed low level radioactive waste disposal, and other programs conducted by the U.S. Department of Energy (DOE) at its Nevada facilities.

GOAL 7. Prevention of Petroleum Releases and Restoration of Contaminated Sites. Regulate underground fuel storage tanks to prevent releases of petroleum products to the environment. Assess and, if necessary, clean up contaminated properties to levels appropriate for their intended land use and zoning.

GOAL 8. Low Cost Financing of Needed Environmental Infrastructure. Provide low cost financing of improvements to drinking water and wastewater infrastructure that is needed to achieve compliance with applicable environmental standards.

GOAL 9. Efficient and Effective Administration. Ensure effective implementation of the Division's environmental programs and manage Division operations as efficiently as possible, continuously looking for opportunities to streamline and automate processes.

GOAL 10. Public Information. Inform the public about environmental issues of concern and involve citizens in decision-making processes.

GOAL 1. Clean Air.

Achieve and maintain levels of air quality that will protect human health, prevent injury to plant and animal life, prevent damage to property, and preserve the scenic, historical, and aesthetic treasures of the state. Minimize the risk of chemical accidents.

Responsibility, Authority and Resources:

Air program functions are organized into regulatory and planning bureaus. The Bureau of Air Pollution Control issues air pollution control permits, conducts inspections and, when necessary, pursues enforcement action to compel compliance. The Bureau also implements the Chemical Accident Prevention program, which is a chemical process safety program.

The Bureau of Air Quality Planning develops regulations, standards and State Implementation Plans necessary to maintain federal authorization to implement the provisions of the Clean Air Act in lieu of US EPA. The Bureau also monitors ambient air quality in the State, conducts annual inventories of air emissions, conducts air modeling and increment tracking to support permit functions, implements a smoke management program to minimize the impacts from controlled burns, and implements alternative fuels and mobile sources programs in coordination with Motor Pool, DMV and other agencies. Statutory Authority: 445B.100 - 445B.845, 486A.010 - 486.180 and 459.380 - 459.3874.

The Division currently has 54 staff positions that are dedicated to the goal of clean air. Staffing levels have been increased, from a staff of 42 in 2007 to current levels, adding staff to the Chemical Accident Prevention program and creating two new units, the Mercury Control program and Emissions Auditing program.

Objectives:

Objective 1.1:

Minimize the risk of catastrophic release of highly hazardous chemicals by conducting technical reviews of facility risk assessments, conducting annual facility inspections to monitor compliance with hazard abatement plans and reporting requirements, and, when needed taking enforcement action.

Objective 1.2:

Continue to control air pollution throughout the State with effective planning, permitting and industry partnerships.

Objective 1.3:

Implement methods to rapidly and accurately assess air quality resources so that appropriate economic growth can proceed while protecting the air resource and human health and environmental quality.

Objective 1.4:

Control mercury emissions in the State, particularly those derived from mining operations.

Objective 1.5:

Operate an ambient air quality monitoring network to identify areas that approach or exceed the established State and Federal ambient air quality standards.

Objective 1.6:

Assist local and regional planning by identifying sources of air pollutants and maintaining an accurate inventory of air pollutant emissions from both stationary and area sources Statewide.

Objective 1.7:

Work with local government and sources of air pollution to develop strategic partnerships to effectively control the emissions of air pollutants in areas that are not in attainment with State or Federal standards.

Performance Measures:

Performance measures representing the air programs provide an indication of effectiveness by reporting on the percentage of pollution prevented through air pollution control measures, the timeliness of permit actions and complaint response and the rate of compliance found at inspected facilities. These statistics demonstrate an exceptionally responsive regulatory program with a high rate of compliance.

	Title/Description	Proj. FY10	Actual FY10	Proj. FY11	Proj. FY12	Proj. FY13
1	Percent of air pollutants reduced through regulatory measures	97%	97%	97%	97%	97%
2	Percent of air quality permit final actions taken in established time frames	90%	95%	90%	90%	90%
3	Percent of air basins exceeding National Ambient Air Quality Standards	1%	1%	1%	1%	1%
4	Percent of air pollutant sources in compliance following an inspection, investigation or audit	90%	90%	90%	90%	90%
5	Percent of air pollution complaints responded to in a timely manner	95%	99%	95%	95%	95%
6	Percent of inspections of registered chemical accident prevention facilities that find substantial compliance	98%	90%	98%	98%	98%

Challenges and Strategies:

National policy shifts in areas such as climate change, energy, mercury emissions and ozone have led to numerous new rulemaking efforts by US EPA. Division staff must evaluate proposed new rules and develop equivalent State standards and implementation plans. This requires an extraordinary amount of staff, management and legal resources. Keeping pace with these rulemaking efforts will be a challenge, especially in the event of court challenges that create uncertainty and in some cases reversals of national rules.

The Division's strategies for addressing these challenges and achieving its objectives include:

1. Engaging in national policy development by participating in national and regional associations and engaging US EPA directly.
2. Engaging stakeholders in the process of developing new State standards and control measures.
3. Supporting independent research within the State that can be used to tailor standards to conditions within the State.
4. Securing additional legal resources through the Attorney General's office to support the needs of the air programs.
5. Planning for staffing needs to ensure adequate resources are available to implement new standards and control measures.
6. Implementing technology improvements to increase efficiency and make the best use of staff resources.

GOAL 2. Clean Water.

Protect the waters of the state from the discharge of pollutants and contaminants to protect groundwater, preserve beneficial uses of surface water and maintain healthy aquatic habitat.

Responsibility, Authority and Resources:

Water program functions are organized into regulatory and planning bureaus. The Bureau of Water Pollution Control serves a regulatory function by issuing permits to discharge to surface and/or ground water and ensuring compliance with water pollution control laws. Facilities are inspected to ensure compliance and enforcement actions are taken if necessary. Staff review the design of waste water treatment plants and infrastructure. Subdivisions are reviewed to ensure that adequate systems are in place to treat waste water. In addition, the Bureau implements the Underground Injection Control program and the Source Water Protection program, both of which are ground water protection programs. The Bureau implements provisions of the federal Clean Water Act in lieu of US EPA. Statutory authority: NRS 445A.300 to 445A.730.

The Bureau of Water Quality Planning protects Nevada's limited surface water through the establishment of water quality standards, monitoring, public education and funding of water quality improvement projects. The Bureau develops local, regional, and statewide plans to ensure water quality standards are maintained and impaired surface waters are restored where possible. The Bureau also administers a laboratory certification program to ensure laboratories performing water analysis for the purposes of meeting the Safe Drinking Water, RCRA and/or Clean Water Act are adhering to prescribed methods and procedures. This budget account receives a small general fund appropriation as match to federal grants. Staff Members are responsible for carrying out various provisions of the federal Clean Water Act. Statutory authority: NRS 445A.420 to 445A.450.

The Division currently has 52 staff positions that are dedicated to the goal of clean water. Staffing levels have declined slightly in recent years, due to budget reductions, from a staff of 54 in 2007 to current levels.

Objectives:

Objective 2.1:

Implement an effective and proactive water pollution control permitting, inspection and compliance program.

Objective 2.2:

Streamline the permitting process and the compliance evaluation process.

Objective 2.3:

Evaluate the chemical, physical and biological health of watersheds throughout Nevada.

Objective 2.4:

Develop and review surface water quality standards including beneficial uses, numeric criteria to protect the uses and requirements to maintain higher water quality.

Objective 2.5:

Develop total maximum daily loads (TMDLs) to improve surface water quality and control pollutant discharges.

Objective 2.6:

Develop local, regional, and statewide plans to ensure water quality standards are maintained and impaired surface waters are restored where possible.

Objective 2.7:

Encourage the reduction of nonpoint sources of pollution through demonstration projects, education and outreach.

Objective 2.8:

Administer the State Laboratory Certification Program to ensure laboratories performing analyses to meet Federal requirements prescribe to established methods and procedures.

Performance Measures:

Performance measures representing the water programs indicate the status of permitting efforts, rate of compliance, extent of ambient water quality monitoring, and workload associated with updating standards, awarding nonpoint source grants and regulating laboratories. These measures demonstrate a consistent regulatory program with a high rate of compliance. The effects of budget cuts and the loss of a water quality staff position are reflected in a reduced monitoring program and delays in updating standards.

	Title/Description	Proj. FY10	Actual FY10	Proj. FY11	Proj. FY12	Proj. FY13
1	Percent of NPDES permits in current status	76%	80%	80%	80%	80%
2	Percent of facilities in compliance with NPDES permits	97%	97%	96%	96%	96%
3	Percent of federally required inspections performed of facilities holding NPDES permits	100%	100%	100%	100%	100%
4	Percent of State perennial river/stream miles monitored for water quality	8.5%	4.8%	8.5%	6%	6%
5	Number of water quality standards reviewed and, if deemed appropriate, revised	13	8	0	14	0

6	Percent of 319 Nonpoint Source grant funds awarded through contracts	97%	96%	97%	97%	97%
7	Number of laboratories certified to perform analyses to meet requirements of the Safe Drinking Water, Clean Water and Resource, Conservation and Recovery Acts	98	98	98	100	100

Challenges and Strategies:

The national recession has had an impact on the water programs. The Bureau of Water Quality Planning has received a small general fund appropriation that was used to support staff positions in the monitoring program. The current FY11 appropriation has been cut 47% from the FY07 appropriation level. In addition, a staff position in the water quality monitoring program was eliminated in the 2009 Special Session of the Legislature. As a result of these cuts, the Water Quality programs have focused on core activities and have reduced monitoring efforts and delayed updates to standards. Consideration is being given to transferring the lab certification program to the Bureau of Safe Drinking Water where it may be a better programmatic fit.

The Bureau of Water Pollution Control has been impacted by lower fee revenue, particularly related to Subdivision reviews. The Bureau has had to hold staff permitting positions vacant due to the revenue shortfalls which has placed a workload burden on remaining permitting staff. This workload pressure is exacerbated by US EPA’s national initiatives to enhance compliance and enforcement efforts, expand the permitting universe to a wider group of facilities and require significantly higher levels of reporting by States.

The Division’s strategies for addressing these challenges and achieving its objectives include:

1. Seeking alternative revenue sources to replace general fund revenue entirely.
2. Reallocating CWA 106 grant funds between water program Bureaus.
3. Evaluate the benefits of transferring the lab certification program to the Bureau of Safe Drinking Water.
4. Streamlining permitting and compliance programs by implementing an e-permitting system and a NetDMR system to automate processing of permit applications and review of DMR reports.
5. Engaging in national policy discussions regarding reporting requirements.
6. Implementing a new and refocused water quality monitoring strategy that is more cost effective.

GOAL 3. Safe Drinking Water.

Protect the health of the citizens and visitors of Nevada by assuring that public water systems provide safe and reliable drinking water.

Responsibility, Authority and Resources:

The Bureau of Safe Drinking Water implements the Public Water System Supervision Program (PWSSP) authorized under the federal Safe Drinking Water Act (SDWA) and maintains primacy for the State of Nevada. State implementation of the PWSSP ensures Nevada's public water systems comply with state and federal drinking water standards by enforcing the sampling and monitoring requirements for water quality, enforcing requirements for surface water treatment and corrosion control. The program assesses water sources (including identification of potential contaminant sources), conducts annual sanitary surveys, certifies the qualifications of public water system operators, and requires public notification when systems are of compliance. The Bureau also reviews engineering plans for public water systems and the subdivision of land. Additionally, PWSSP staff provides training, information transfer, and regulatory update presentations at meetings of water industry associations. Statutory authority: NRS 445A.800 through 445A.955.

The Division currently has 19 staff positions that are dedicated to the goal of safe drinking water. Contracts with health districts in Clark and Washoe counties provide additional regulatory support in those jurisdictions. Staffing levels have increased slightly in recent years, from a staff of 17.5 in 2007 to current levels, though budget reductions have required the Division to hold a staff position vacant for an extended period.

Objectives:

Objective 3.1:

Conduct sanitary surveys annually of all public water systems that have a surface water intake and complete sanitary surveys at least once every three years for systems that use only ground water.

Objective 3.2:

Review water system improvement plans and subdivision plans to assure consistency with regulatory requirements.

Objective 3.3:

Review drinking water monitoring data to assure public water systems meet all applicable drinking water standards.

Performance Measures:

Performance measures for the Safe Drinking Water program are focused on compliance with standards and frequency of inspections. Although the program has maintained a high overall rate of compliance, budget reductions, resulting in a position held vacant for an extended period of time, have impacted the frequency of sanitary surveys of some lower priority systems.

	Title/Description	Proj. FY10	Actual FY10	Proj. FY11	Proj. FY12	Proj. FY13
1	Percent of community water systems in compliance with maximum contaminant levels for primary drinking water standards.	97%	98%	97%	97%	97%
2	Percent of targeted sanitary surveys of public water systems completed each year.	100%	76%	100%	75%	75%
3	Percent of public water systems in compliance with certified operator requirements.	97%	95%	97%	97%	97%

Challenges and Strategies:

The drinking water program faces both fiscal and programmatic challenges. The Bureau of Safe Drinking Water has historically received a small general fund appropriation that was used to support staff compliance positions. The current FY11 appropriation has been cut 50% from the FY07 appropriation level. Additional set-aside funds from the 2009 Drinking Water SRF American Recovery and Reinvestment Act (ARRA) grant have helped offset the loss of general fund revenue to some extent, though the ARRA grant has also brought additional workload with project plan reviews.

Programmatic challenges include implementation of new standards, most notably the Arsenic standard in recent years, and managing compliance issues associated with small water systems. Nevada has been profoundly impacted by the lower Arsenic standard. Many public water systems require improvements to infrastructure to comply with the standard. Bureau staff have seen a significant increase in workload associated with tracking compliance and reviewing plans. Small water systems, many of which have difficulty supporting routine operation and maintenance, face particular challenges meeting the lower standard. State Infrastructure Grant (AB198 Program) funds have

supported many small system improvements, though due to State revenue shortfalls, State grant funds will not be available in the foreseeable future.

The Division's strategies for addressing these challenges and achieving its objectives include:

1. Seeking alternative revenue sources to replace general fund revenue entirely.
2. Matching the federal PWSS grant with State Water Pollution Control permit fees instead of general fund revenue.
3. Evaluating staffing needs and the adequacy of existing fee revenue to support staff needs.
4. Encouraging consolidation of small water systems with regional systems where practical. Evaluating potential incentives and financing schemes to support regionalization.
5. Evaluating the possible benefits of transferring in the lab certification program from the Bureau of Water Quality Planning, including possible cross-utilization of staffing.

GOAL 4. Safe Waste Management.

Ensure safe management of solid and hazardous waste; promote waste reduction, reuse, and recycling.

Responsibility, Authority and Resources:

The Bureau of Waste Management is responsible for ensuring safe management of hazardous waste by regulating its handling, transportation, treatment, storage and disposal; ensuring safe collection and disposal of solid waste; and encouraging businesses, institutions and individuals to reduce the amount of waste generated, participate in recycling programs and conserve natural resources. The Bureau implements provisions of the federal RCRA law related to hazardous and solid waste management in lieu of US EPA. Statutory authority: NRS 444.440 - 444.645; 444A. 010 - 444A.110; 459.400 -459.600.

The Division currently has 24 staff positions that are dedicated to the goal of safe waste management. Staffing levels in the waste management programs have been flat for several years. Health districts in Clark and Washoe counties have jurisdiction over solid waste management and are under contract to provide inspections of hazardous waste generators within those counties.

Objectives:

Objective 4.1:

Reduce generation of solid and hazardous waste in Nevada by encouraging waste reduction, recycling, and product substitution.

Objective 4.2:

Prevent uncontrolled releases of hazardous wastes to the environment through effective permitting controls, compliance monitoring, and enforcement.

Objective 4.3:

Prevent release of pollutants or contaminants from solid waste disposal facilities through effective permitting controls, compliance monitoring, and enforcement.

Performance Measures:

Performance measures for the Waste Management programs reflect compliance rates and the State's recycling rate. The compliance measures demonstrate a very high rate of compliance among handlers of hazardous waste and solid waste disposal facilities. Nevada's recycling rate is still below the Statewide goal of 25%.

	Title/Description	Proj. FY10	Actual FY10	Proj. FY11	Proj. FY12	Proj. FY13
1	Percent of inspections of businesses that generate, treat, store, dispose of, or recycle hazardous waste that find substantial compliance	95%	98%	95%	95%	95%
2	Percent of Nevada solid waste that is recycled	25%	20%	25%	25%	25%
3	Percentage of inspections of permitted solid waste landfills that find substantial compliance	85%	90%	85%	85%	85%

Challenges and Strategies:

The waste management programs face a number of programmatic challenges. In the hazardous waste program, US EPA has been keenly focused on waste streams generated by the mining industry. Increased scrutiny of the industry at the federal level in turn requires the State to devote resources to respond to federal inquiries and inspections. US EPA is also considering new rules that would regulate coal ash as a hazardous waste. This would potentially require permitting of coal ash disposal sites as RCRA TSD's which would represent a significant workload, among other consequences.

Key issues in the solid waste program include regulation of large scale importation of out of state waste, management and recycling of electronic waste and encouraging expansion of recycling programs to increase the State's recycling rate.

The Division's strategies for addressing these challenges and achieving its objectives include:

1. Continuing to work closely with US EPA and mining industry representatives to ensure that the RCRA regulations are applied correctly and consistently.
2. Remaining engaged in national policy discussions related to regulation of coal ash and other federal regulatory issues.
3. Closely monitor efforts to permit and develop landfills for imported waste. Carefully review permit applications to ensure facilities are held to a high standard and are safe.
4. Submittal of a report to the 2011 Legislature on management of electronic waste and continuing to encourage responsible recycling.
5. Continuing to provide information and assistance to encourage recycling Statewide.

GOAL 5. Environmentally Responsible Mining.

Ensure Nevada's mining industry complies with State regulatory programs for the protection of surface and groundwater resources, general pollution control, and reclamation of disturbed lands.

Responsibility, Authority and Resources:

The Bureau of Mining Regulation and Reclamation is responsible for regulating fluid management, closure and reclamation at mining operations. It is the mission of the Bureau to ensure that Nevada's waters are not degraded by mining operations and that the lands disturbed by mining operations are reclaimed to safe and stable conditions to ensure a productive post-mining land use. Statutory authority: NRS 445A.300 through 445A.730 and NRS 519A.010 through 519A.280.

The Division currently has 20 staff positions in the Bureau of Mining Regulation and Reclamation. Staffing levels in the mining programs has been relatively flat for several years, though one new position was added to the mining reclamation program in FY10.

Objectives:

Objective 5.1:

Provide a well-established regulatory framework whereby environmentally responsible mining is encouraged.

Objective 5.2:

Work closely with the regulated community, governmental agencies, and stakeholder groups to improve mine closure techniques and overall mine closure direction.

Objective 5.3:

Establish and sustain a system of surety that is durable and fiscally secure.

Performance Measures:

Performance measures for the Mining programs reflect the frequency of inspections, compliance with financial assurance requirements, adherence to inspection schedules and the degree to which impacts to waters of the state due to mining activity are being addressed. These measures reflect a well-managed program that is able to meet or exceed its performance targets.

	Title/Description	Proj. FY10	Actual FY10	Proj. FY11	Proj. FY12	Proj. FY13
1	Percent of regulated mining operations inspected for reclamation	50%	65%	50%	50%	50%
2	Percent of mining reclamation operations requiring financial assurance that have such assurance	98%	100%	98%	98%	98%
3	Percent of scheduled mining regulation compliance inspections completed	95%	97%	95%	95%	95%
4	Percent of regulated mine sites with water degradation issues that are being addressed	85%	88%	85%	88%	88%

Challenges and Strategies:

Relatively high metal prices have sustained a high level of mining activity which in turn heightens the need for regulatory services. While most mining operations are managed by responsible operators, high metal prices also attract less responsible operators who tend to place an added demand on regulatory resources. In addition, both the industry and the Division are interested in improving the mine closure process to ensure safe and cost-effective closures and in continuing to coordinate reclamation permitting and bonding with BLM where federal lands are involved.

The Division's strategies for addressing these challenges and achieving its objectives include:

1. Continuing to engage actively with the mining industry and stakeholders regarding mining issues and concerns.
2. Maintaining a field presence that provides a reasonable frequency of inspection of mining operations.
3. Maintaining a BLM liaison position to help coordinate sureties and reclamation work where federal lands are involved.
4. Coordinating studies of alternative caps and mine closure methods with industry and researchers.

GOAL 6. Effective Oversight of Federal Facilities.

Provide regulatory oversight of environmental remediation activities, hazardous waste management activities, low level and mixed low level radioactive waste disposal, and other programs conducted by the U.S. Department of Energy (DOE) at its Nevada facilities.

Responsibility, Authority and Resources:

The Bureau of Federal Facilities monitors U.S. DOE compliance with air, water, waste and drinking water regulations at the Nevada National Security Site (N2S2), formerly the Nevada Test Site. Staff review shipments of low level radioactive waste and mixed waste destined for disposal at the N2S2 and regulate management of hazardous waste at DOE facilities. Staff also oversee groundwater investigations associated with former underground nuclear test areas.

The Division currently has 11 staff positions in the Bureau of Federal Facilities, located in the Las Vegas office. Staffing levels in this program have been flat for several years.

Objectives:

Objective 6.1:

Work with Federal agencies to develop acceptable planning schedules for the remediation of contaminated sites in Nevada and assure environmental compliance in all other activities.

Objective 6.2:

Work with Federal agencies doing business at N2S2 and the Tonopah Test Range (TTR) to expedite cleanup of contaminated sites to allow potential re-use of sites and facilities for both defense and non-defense purposes.

Objective 6.3:

Conduct inspections to determine if Federal facilities are in compliance with applicable State environmental laws and regulations.

Performance Measures:

The performance measure for the Federal Facilities program reflects compliance with milestones in the key governing agreement between the State and the Department of Energy. This measure indicates compliance is being maintained.

	Title/Description	Proj. FY10	Actual FY10	Proj. FY11	Proj. FY12	Proj. FY13
1	Percent of milestones completed by US DOE under the Federal Facilities Agreement and Consent Order.	100%	100%	100%	100%	100%

Challenges and Strategies:

Continued progress with contaminant investigation and monitoring at N2S2 is dependent on the adequacy of Congressional appropriations to the Department of Energy and allocation of resources within the Department to Nevada operations. It is an ongoing challenge to press the Department to devote adequate resources to address site issues in Nevada. In addition, US DOE site cleanups in other States are generating significant quantities of mixed and low level radioactive waste, much of which is destined for N2S2 for disposal.

The Division’s strategies for addressing these challenges and achieving its objectives include:

1. Remaining engaged, through ECOS and other organizations, in national discussion of DOE complex cleanups and funding of environmental management activities at DOE facilities.
2. Ensuring that proposed waste streams meet acceptance criteria and that disposal facilities are operated in compliance with permit conditions.
3. Continuing to oversee groundwater studies and monitoring efforts related to the underground test areas to ensure protection of off-site groundwater resources.

GOAL 7. Restoration of Contaminated Sites.

Regulate underground fuel storage tanks to prevent releases of petroleum products to the environment. Assess and, if necessary, clean up contaminated properties to levels appropriate for their intended land use and zoning.

Responsibility, Authority and Resources:

The Bureau of Corrective Actions is responsible for the analysis and remediation of contaminated sites, certification of environmental consultants, regulation of underground storage tanks (UST), remediation of leaking underground storage tanks and administration of the Petroleum Claims Fund. The Bureau implements provisions of the federal Resource Conservation and Recovery Act (RCRA) Subtitle I in lieu of US EPA. The Bureau also provides staff support to the Board to Review Petroleum Claims. Statutory authority: 445A.060 - 445A.730; 459.500 – 459.535; 459.610 – 459.658; 459.800 - 459.856; and 590.700 - 590.920.

The Division currently has 32 staff positions in the Bureau of Corrective Actions. Staffing levels in this program have been flat in the past few years, though two new positions were added in the FY06-07 biennium. In addition, the Bureau has made extensive use of contractor support to help keep pace with oversight of large, complex remediation projects.

Objectives:

Objective 7.1:

Manage investigation and cleanup of sites contaminated by pollutants to ensure protection of public health and the environment.

Objective 7.2:

Continue to efficiently manage the Petroleum Cleanup Fund and implement the Underground Storage Tank Program to prevent future releases.

Objective 7.3:

Continue certification of environmental consultants by improving testing and establishing reciprocity with other States.

Objective 7.4:

Develop and implement a program to receive, respond to, assess, and mitigate environmental emergencies.

Objective 7.5:

Implement an effective Brownfields program to enable restoration and beneficial reuse of contaminated properties.

Performance Measures:

Performance measures for the Corrective Actions programs reflect the rate of compliance among owners of UST’s, activity in the Brownfields and Petroleum Fund programs and a comparison of the number of new site investigations vs the number of cases closed. These measures indicate a relatively high rate of compliance at UST’s, continued reliance on the Petroleum Fund and a steady state condition where new sites are discovered at roughly the same rate existing sites are closed, though the magnitude and complexity of sites vary widely. Given availability of Brownfields funding directly from US EPA, there has been minimal demand for Brownfields funding from the revolving loan program administered by the State.

	Title/Description	Proj. FY10	Actual FY10	Proj. FY11	Proj. FY12	Proj. FY13
1	Percent of underground storage tank facilities found to be in significant operational compliance with the 1998 federal regulations	88%	89%	88%	88%	88%
2	Dollar value of Brownfields grants and loans issued vs grant and loan funds available	\$611K / \$611K	\$102K /1,055,272	\$845K / \$845K	\$400K /\$550K	\$445K /\$600K
3	Dollar amount of Petroleum Fund claims (approved for reimbursement) and the number of claims processed	\$7.7M / 405	\$9.1M/369	\$7.8M / 410	\$8.1M/395	\$8.2M/390
4	Number of new cases initiated for investigation and/or cleanup in the Leaking UST and Remediation programs vs total number of cases closed	147/188	106/107	147/188	100/110	90/100

Challenges and Strategies:

The key challenges facing the Bureau of Corrective Actions relate to management of large, complex cases where multiple responsible parties and jurisdictions are involved. These cases demand significant managerial, technical and legal resources, particularly in the event of bankruptcy. An example is the Tronox, formerly Kerr McGee, case where a corporate bankruptcy has required the State to engage with numerous entities including the Justice Department to ensure that environmental liabilities at the site are fully

covered and provided for by bankruptcy proceedings and settlement negotiations. Existing Bureau and AG staff has been stretched thin by a number of these more demanding cases. Ensuring cost recovery from responsible parties in these cases is vitally important to provide equitable support of agency expenses without drawing down agency revenue funds. Lastly, the Bureau faces constant challenges in its working relationships with US EPA regarding various corrective action sites where there are both State and federal interests. The State's pragmatic, action-oriented approach is often at odds with a more deliberate, process-oriented, federal approach that can be, at times, painstakingly slow.

The Division's strategies for addressing these challenges and achieving its objectives include:

1. Continuing to prioritize and allocate resources toward the sites posing the highest risk.
2. Evaluating the balance of staff and contract support needed to effectively oversee contaminant investigations and remediation projects.
3. Securing, in coordination with the Attorney General's office, additional legal staff to provide dedicated service to the Bureau.
4. Continuing to seek cost recovery from viable responsible parties.
5. Continuing to implement the State's oversight role at corrective action sites by focusing on the desired environmental outcome at each site and defining a path to success. Where there are federal interests, the State vs federal roles and responsibilities must be clearly defined.

GOAL 8. Financing of Needed Environmental Infrastructure.

Provide low cost financing of improvements to drinking water and wastewater infrastructure that is needed to achieve compliance with applicable environmental standards.

Responsibility, Authority and Resources:

The Bureau of Administrative Services, Office of Financial Assistance provides low cost financing of drinking water and wastewater treatment infrastructure through the Safe Drinking Water and Clean Water State Revolving loan fund programs. The Office also implements the State Capital Improvements Grants (AB198) program. Statutory authority: 445A.060 - 445A.160; 445A.200 – 445A.295; 349.980 – 349.987.

The Division currently has 7 staff positions in the Office of Financial Assistance. Staffing levels in this program have increased slightly with reorganization of some staff positions within the Division in recent years.

Objectives:

Objective 8.1:

Assist communities by issuing low cost loans for the construction of needed improvements to drinking water and wastewater facilities.

Objective 8.2

Implement the Capital Infrastructure Grants program in a manner that provides assistance to those most in need while helping to develop capacity among small system operations so that systems are sustainable.

Performance Measures:

Performance measures for the Office of Financial Assistance reflect the amount of loan funds committed to new projects and provide a measure of the extent of the loan fund portfolio by reporting on the amount of loan repayments due. The large amount of new loans in FY10 was due to federal stimulus grants of \$19 million received in both the drinking water and clean water SRF programs. In addition, the amount of federal capitalization grants was increased in FY10 and 11. Since the amount of capitalization grants is dependent on Congressional appropriations, it is unknown how much funding the SRF programs will receive in FY12 and 13, though it is anticipated that appropriations will decline due to deficit reduction efforts.

	Title/Description	Proj. FY10	Actual FY10	Proj. FY11	Proj. FY12	Proj. FY13
1	Amount of new drinking water State Revolving Fund (SRF) loans committed (millions)	\$10	\$39	\$10	\$10	\$10
2	Amount of new clean water SRF loans committed (millions)	\$10	\$27.60	\$10	\$20	\$20
3	Total amount of loan repayments due to the drinking water SRF, net of bond debt service (millions).	\$76	\$75	\$70	\$75	\$75
4	Total amount of loan repayments due to the clean water SRF, net of debt service (millions).	\$100	\$110	\$80	\$110	\$110
5	Dollar amount of grant applications approved (millions).	4.8	0.9	0	0	0
6	Number of grants awarded	3	1	0	0	0
7	Number of active grant projects	21	11	11	10	0

Challenges and Strategies:

The key challenges facing the Office of Financial Assistance relate to uncertainties over the amount of annual SRF capitalization grants, the continued federalization of the SRF program through new mandates and set-asides, uncertainties over future demand for infrastructure financing given severe economic strains on local government budgets, and the lack of State infrastructure grant funds due to limited State debt capacity.

The Division's strategies for addressing these challenges and achieving its objectives include:

1. Continuing to engage in national organizations like the Council on Infrastructure Financing to track national trends in the SRF programs and participate in policy developments.
2. Providing for an orderly suspension of the State Infrastructure grants program until the State economy and debt capacity recovers.
3. Continuing to fully integrate the SRF programs to optimize utilization of staff resources across program lines.

GOAL 9. Efficient and Effective Administration.

Ensure effective implementation of the Division's environmental programs and manage Division operations as efficiently as possible, continuously looking for opportunities to streamline and automate processes.

Responsibility, Authority and Resources:

Division administration consists of the Administrator, Deputies, Administrative Assistants and the Offices of Financial and Personnel Management (OFPM) and Information Management (OIM) within the Bureau of Administrative Services. These positions provide centralized management, accounting and IT services for the Division.

Despite increasing demand for services, the staffing levels in OFPM and OIM have remained flat for the past several years. Automation of many accounting and payroll processes has improved productivity, enabling just 12 FTE's (4.8% of the total Division FTE's) to handle the agency's accounting workload. IT staffing, at 8 FTE's and 3.2% of total Division FTE's, has not kept pace with demand for services, particularly programming and application development services. This is evidenced by the fact that at least two Bureaus have hired their own programmers to provide services and OIM has had to hire an hourly contract programmer to meet existing project needs.

Objectives:

Objective 9.1:

Provide effective management of the Division's environmental programs through planning, collaboration, sound decision-making and clear communication.

Objective 9.2:

Prudently manage the Division's fiscal resources and minimize administrative overhead costs so that staffing can be maintained at a level sufficient to implement regulatory programs with confidence and competence.

Objective 9.3:

Ensure that effective internal controls are consistently implemented to avoid, loss, waste and abuse.

Objective 9.4:

Achieve an optimal level of efficiency by continuously looking for ways to streamline and improve business processes.

Objective 9.5:

Provide reliable and competent IT support to Division staff and operations.

Challenges and Strategies:

The primary challenge facing the Division's management team is keeping pace with the demands for environmental regulatory services in the face of limited fiscal resources and a lagging State economy. While the Division has historically received less than 1% of its revenue from the State general fund and as such has avoided significant cuts to services or layoffs, it has been subject to staff furloughs, restrictions on travel and training, prohibitions against raising fees and, with few exceptions, flat federal grant funding. At the same time, the Division faces a substantial and growing workload and a significant pending regulatory agenda at the federal level that, if adopted, States will be expected to implement.

The Division's strategies for addressing these challenges and achieving its objectives include:

1. Maintaining a focus on the core mission of the agency to protect public health and the environment.
2. Continuing to engage with stakeholders regarding regulatory issues while maintaining a productive working relationship with regulated industries.
3. Evaluating opportunities for business process improvements in the areas of permitting, fee invoicing and payment, debt tracking, contract administration and vehicle fleet management.
4. Ensuring that annual assessments are conducted of the adequacy and degree of compliance with Division and Bureau internal controls.
5. Making greater use of MSA contractors for IT programming work and using in-house IT staff for project management and maintenance.

GOAL 10. Public Information.

Inform the public about environmental issues of concern and involve citizens in decision-making processes.

Responsibility, Authority and Resources:

The Division has one Public Information Officer position to respond to media inquiries, prepare press releases, assist with public meetings, participate in emergency preparedness exercises and coordinate with other agencies regarding communication of information related to environmental issues.

Objectives:

Objective 10.1:

Provide a timely and accurate response to news media inquiries and public requests for information.

Objective 10.2:

Maintain open and routine channels of communication with local governments to hear local issues and communicate the Division's perspective.

Objective 10.3:

Maintain a robust public website that enables easy access to information related to the Division's environmental programs and provides online services to regulated entities.

Objective 10.4:

Prepare to fulfill an environmental public information role during emergencies by participating in emergency preparedness exercises and training.

Challenges and Strategies:

The role of the Public Information Officer has evolved as the news media has shifted from primarily print media to internet websites and new media. While it is still crucial to maintain a rapport with the few remaining print media reporters, making effective use of new media is equally important. Another challenge relates to coordination and communication with local governments. The Division has frequent interaction with local governments through nearly all of its regulatory programs. At times there have been real or perceived issues arising from local land use decisions and Division permitting actions. Maintaining clear and consistent communication is important to minimizing conflict and enhancing understanding of local issues.

The Division's strategies for addressing these challenges and achieving its objectives include:

1. Continuing to use multiple means of communicating with the news media and the public to convey the Division's information regarding issues of concern.
2. Maintaining a local government liaison position to provide a point of contact to hear issues from local government leaders and convey the Division's perspective.