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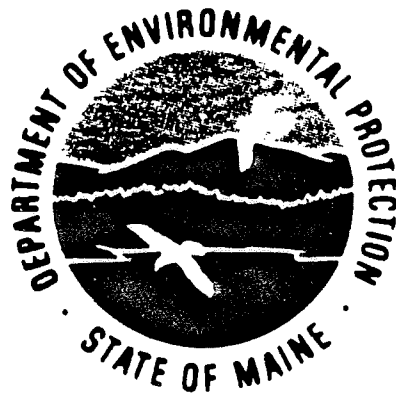
KPMG Peat Marwick

Certified Public Accountants

MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

MANAGEMENT STUDY



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PEAT MARWICK MAIN & CO.

FEBRUARY, 1988

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MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
MANAGEMENT STUDY

FINAL REPORT

PEAT MARWICK MAIN & CO.

FEBRUARY 1988

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EXECUTIVE SUMMARY

This study of the Department of Environmental Protection has identified a number of issues which impede the Department's ability to effectively carry out its statutory responsibilities. The most critical of these issues relate to the absence of established written procedures and automated systems to support important management functions, such as:

- project scheduling and tracking
- financial reporting
- defining work standards and monitoring performance
- establishing clear policies to govern employee actions
- setting priorities to allocate limited resources

These shortcomings, moreover, have been compounded in DEP by the agency's rapid growth in program responsibilities and by the complexity of its funding sources, which limit its flexibility in managing personnel and other resources.

While the Department's organization structure is not considered to be a major obstacle to achieving its program goals, we have recommended some changes which we feel will provide a more effective framework for departmental operations. Most notable of these are the assignment of formal management and planning duties to the Deputy Commissioner, the creation of a new solid waste bureau, and the creation of a staff office to the Commissioner. Also, to provide a stronger regional focus to some of the Department's licensing activities, and to help strengthen enforcement capabilities, we have recommended the transfer of some Bureau staff personnel to the Department's regional offices. In conjunction with these transfers, we suggest that stronger administrative supervision will be needed in the regional offices to assure the most effective use of resources.

The lack of adequate working space for Department personnel, suitably designed and equipped, is a major factor in limiting employee productivity and in achieving operational improvements. This issue, as much as any other, must be a priority in management planning for the future.

Finally, we have recommended the addition of 55 positions to the Department over currently authorized staffing levels. Given the request for 9 new positions as part of the Governor's Supplemental Budget for FY 89, we recommend a total of 46 additional positions. These recommendations are based upon our analysis of administrative and program needs as reflected in the Department's regulatory responsibilities and available workload data. Also, they include several new positions needed to provide stronger management direction and oversight in a number of critical areas.

To implement these recommendations, the Department will require substantial increases in funding over recent years' spending levels. New sources of funding for the MEPF, as well as increased general fund appropriations will be needed in order to achieve the management and productivity improvements identified in this study. These investments will be returned however in a

more effective state agency with the tools and skills needed to carry out its environmental responsibilities.

To implement the recommendations in this study, a detailed plan must be developed which incorporates all of the changes which are proposed, and not simply the addition of new personnel. Without enhanced systems, procedures, management skills and working environments, new staff alone will not measurably improve Department performance. As with any organization, the effective utilization of available resources should be the primary objective of future management planning and decision-making.

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Department of Environmental Protection
Industry, Environmental Groups, and Trade Associations



I. INTRODUCTION

STUDY PURPOSE AND OBJECTIVES

The purpose of this study is to analyze the Department of Environmental Protection's (DEP) organization, management systems, internal functions and activities to determine its effectiveness and to formulate alternatives to improve the delivery of services to the people of the State of Maine. Specific objectives of the study are to:

- review the present functions, responsibilities, structure and operating resources of the Department of Environmental Protection
- develop alternatives for improving present operating procedures
- develop alternative organizational structures and present strengths and limitations of such alternatives
- review the automation potential of existing and proposed systems
- review the adequacy of program and administrative staffing
- assess the adequacy of office space and office conditions
- provide a reasonable timetable for implementation of recommendations

SCOPE

This review covers the administrative and operational functions of the five Bureaus and the Office of the Commissioner within the DEP. It also includes the interaction by DEP with the public, interest groups, local government, state government, federal government and intra-agency units. The scope of the study did not encompass a review of the role and responsibilities of the Board of Environmental Protection, although we did discuss with Board members the administrative and support requirements of the Board and suggest that further review be conducted in this area.

METHODOLOGY

The Peat Marwick project team began this study by reviewing organization charts, descriptions of Departmental, Bureau and regional office responsibilities, staffing levels and classifications of staff by unit, manuals describing management information, reporting, control systems, copies of earlier management studies, planning documents, needs assessments, and other applicable reports. We also reviewed operating and capital budgets and other work program documents, manuals describing administrative and operating policies and procedures, and applicable federal and state laws and regulations.

During October 1987, Peat Marwick personnel conducted a series of interviews with top management staff of DEP, division and regional managers, as well as industry, environmental and trade representatives.

The purpose of the interviews was to ascertain the views of Department staff regarding departmental organization, management, staff responsibilities, administrative procedures, and relations with regional offices. Also, we sought to determine how the Department's activities and performance were viewed by the regulated community and environmental organizations.

In order to understand each employee's major work tasks, responsibilities, reporting relationships and skills, Job Analysis Questionnaires (JAQs) were distributed. 247 staff responded to the JAQs. The JAQs were confidential and provided each respondent the opportunity to express their opinions concerning the organization's strengths, weaknesses, and recommended areas of improvement.

During December 1987, Peat Marwick personnel conducted additional in-depth interviews with staff members of each Bureau and the regional offices. These interviews sought to identify common factors affecting delivery of service among all bureaus and unique operating problems within each Bureau. Interviews with personnel focused on the Bureau's organization, management, staff responsibilities, communication channels, and reporting relationships.

In late January 1988, our preliminary findings on management, staffing and organizational issues were presented to the DEP project team, along with a number of alternative organizational structures for the Department. These preliminary findings were subsequently reviewed with senior DEP managers over the next several weeks. The final findings and recommendations of the Peat Marwick project team are included in this report.

II. ORGANIZATION STRUCTURE

ORGANIZATIONAL BACKGROUND

The current organization of the Department of Environmental Protection (DEP) evolved from the Sanitary Water Board, created in 1941, to study, investigate and recommend means of eliminating pollutants and to prevent pollution of waters used for recreational purposes in the State. The Sanitary Water Board was renamed in 1951 as the Water Improvement Commission. The Commission's name again changed in 1967 to become the Environmental Improvement Commission (EIC), which reflected additional new responsibilities for air pollution studies and control.

In 1972, State Government Reorganization legislation redesignated the Environmental Improvement Commission as the Board of Environmental Protection (BEP) and created a new Department of Environmental Protection (DEP) consisting of the statutory Bureaus of Air Quality Control, Land Quality Control and Water Quality Control in addition to the existing Offices of Administrative Services and Technical Services. The position of Director of the Commission was elevated to Commissioner of the Department. The new DEP's responsibilities included administration of the Site Location of Development Act, Oil Discharge Prevention and Pollution Control Act, Protection and Improvement of Air Act, Great Ponds Program, Solid Waste Management Act, Wetlands Control Act, the mining rehabilitation duties of the disbanded Maine Mining Commission, plus its original statute, the Protection and Improvement of Water. In 1975, functions of the Office of Technical Services were absorbed by the three Bureaus, and the office was eliminated.

In 1977, the first Regular Session of the 108th Legislature passed legislation initiated by the Department to standardize the DEP's administrative procedures. Criteria which had appeared under 13 separate statutes administered by the agency were removed from those laws and combined under Title 38 MRSA, Chapter 2. The consolidation included the Department's regulations, methods of processing applications, hearing procedures, judicial appeals, the handling of suspected violations, judicial enforcement procedures and the standardization of penalties for violations of all environmental laws.

In the second regular session, the 108th Legislature adopted a DEP-proposed law which allows the Department's organizational structure to respond to changing environmental conditions and needs. The law no longer required the specific organizational units of the Bureaus of Air, Land and Water Quality Control, and authorizes the Commissioner, with BEP approval, to modify the structure as needed.

In 1979, Maine's solid waste management law was amended by the 109th Legislature to include hazardous waste and septage, and the Department was directed to conduct a statewide survey of hazardous waste production. The legislature also gave the BEP authority to specify substances which are hazardous and to establish rules for the handling of those substances. In 1980, the Bureau of Oil and Hazardous Materials Control was created. The 110th Legislature established a hazardous waste response fund and passed legislation to facilitate the development of hazardous waste facilities.

In 1971, just prior to reorganization, the Environmental Improvement Commission consisted of 33 staff and processed 263 applications with yearly expenditures of \$660,000. In 1987, DEP staff numbered approximately 300, processed roughly 2,400 applications and had total yearly expenditures of nearly 16 million dollars. During this same sixteen year period, the complexity and technical nature of environmental regulations have increased tremendously. In the wake of this growth in scope and detail of environmental regulation, the Department is striving to more efficiently and effectively utilize current resources and to develop a structure that will, in the same manner, take the Department into the 1990's.

CURRENT ORGANIZATION AND MANAGEMENT

Organizationally, DEP delivers its programs through its main office in Augusta and three regional offices located in South Portland, Bangor, and Presque Isle. Programs are carried out through activities such as licensing, enforcement, monitoring, supervision of pollution clean-up and the provision of technical assistance. All of the programs are based on state laws and most have a direct relationship with federal law.

DEP's programmatic initiatives and staff are supported by the Bureau of Administration in various functional areas including financial recordkeeping, personnel administration, payroll, purchasing, budget administration, planning and intra-agency relationships.

The senior management team at DEP includes the Deputy Commissioner and five Bureau Directors who report directly to the Commissioner.

The Deputy Commissioner is responsible for special projects and acts for, or on behalf of, the Commissioner in his absence. Special projects that the Deputy Commissioner is currently involved in include strengthening and coordinating the Department's enforcement capabilities and overseeing the EPA's computer pilot project, coordinating multi-Bureau permitting, legislative work, and decision making on a variety of delegated projects.

The Bureau of Air Quality Control oversees the state-wide program to control present and future sources of emission of air contaminants. The program consists of:

- statewide ambient monitoring network
- licensing air contamination sources to minimize emissions
- enforcing State and Federal rules and taking appropriate action against violators

The Bureau of Water Quality Control has the responsibility to establish state-wide goals for the abatement and prevention of water pollution. The goals are carried out by:

- licensing discharges into the State's waters
- enforcing State laws in cases of non-compliance
- inspecting and monitoring licensed waste water treatment facilities

- monitoring and researching water quality data from all types of water resources

The Bureau of Land Quality Control administers statutes related to land use and development to protect the environment by regulating specific kinds of activities. The statutes are carried out through the following activities:

- issue permits for land use alterations affecting waterways, coastal wetlands, great ponds, and for solid waste disposal areas, dams, and hydropower projects
- enforcing State and Federal land use regulations and taking appropriate action against violators
- inspecting approved projects including solid waste facilities and other licensed activities

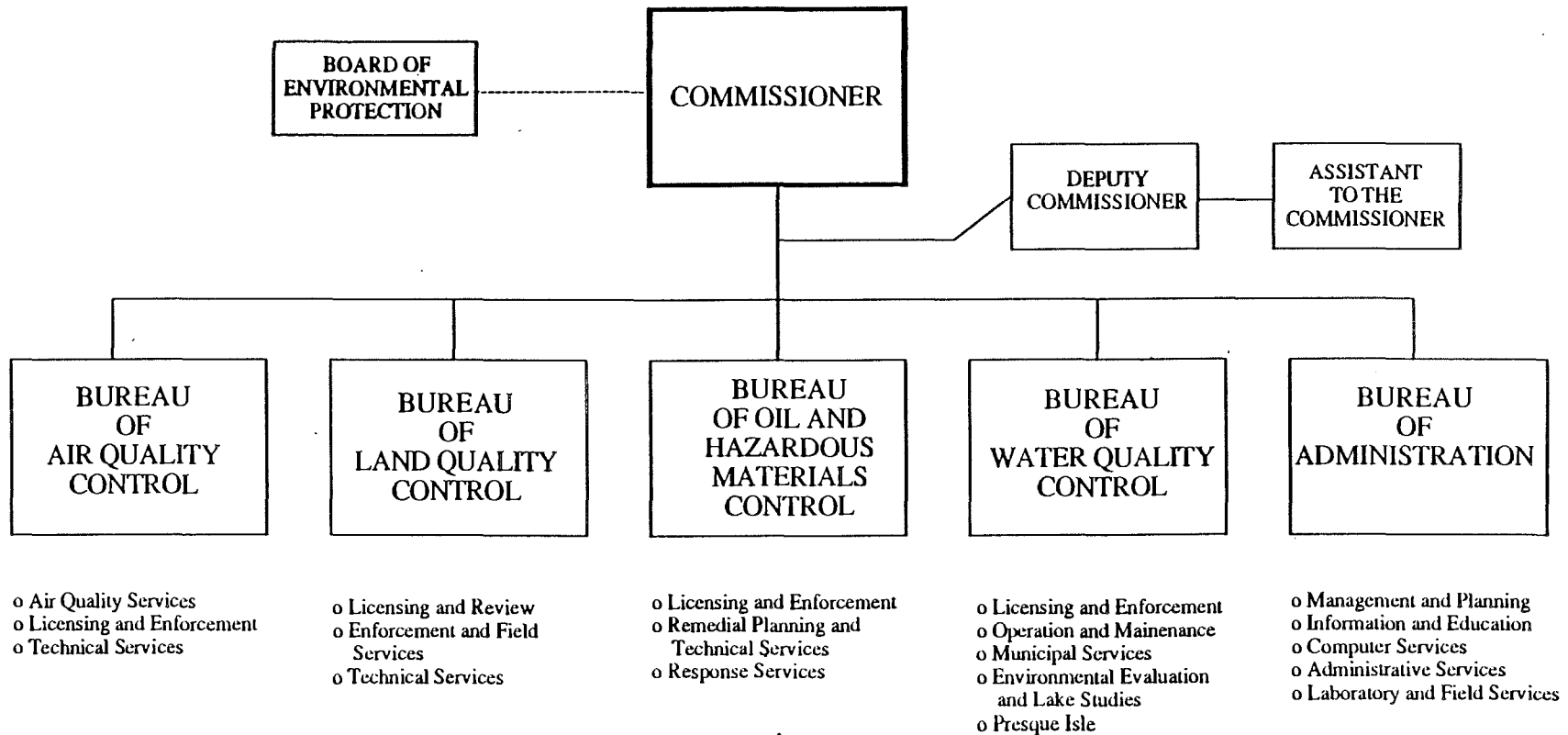
The Bureau of Oil and Hazardous Materials Control is responsible for State and Federal laws that provide guidelines for the proper handling of hazardous waste, including responding to discharges or spills of oil products or hazardous materials, and in the clean-up associated with uncontrolled hazardous materials. The statutes are carried out through the following activities:

- licensing persons who operate oil terminals or hazardous waste facilities
- cleaning up and providing remedial corrective action at Maine's designated uncontrolled hazardous waste sites
- inspecting licensed oil terminals, hazardous waste facilities, major hazardous waste generators
- enforcing State and Federal laws in cases of non-compliance

The Department's current organization structure is presented in the chart on the following page.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

CURRENT ORGANIZATION STRUCTURE



ANALYSIS OF CURRENT ORGANIZATION

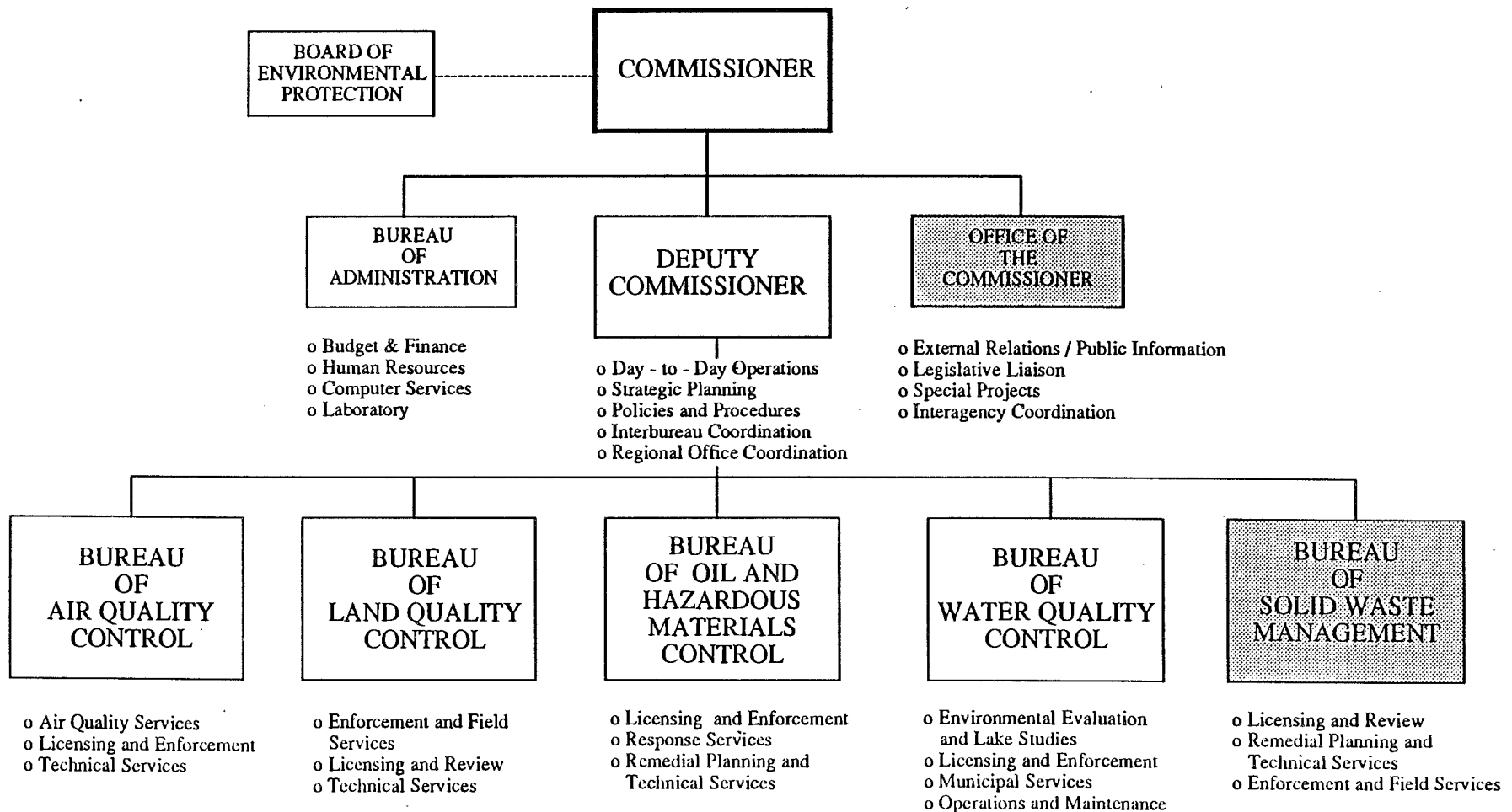
Our analysis of the Department's current organization has focused upon a number of important issues including management accountability, program coordination, clarity of roles and responsibilities and clear lines of communication and authority. In addressing these issues we have attempted to identify current weaknesses which impede the Department's ability to effectively manage its programs and to fulfill its statutory duties. While we feel that the overall structure of the Department is sound and would not be enhanced by major transfers of responsibilities, we have nonetheless highlighted several important areas where we feel organizational changes should be made. These are briefly summarized in the following section and are discussed more fully in the body of this report.

- The Department lacks a clearly defined role for the Deputy Commissioner position. This position should be considered as a senior level management position within the Department with significant authority for program administration and coordination.
- Coordination and communication between program bureaus is weak and has resulted in inconsistent review and enforcement practices and lack of common policies and procedures governing employee actions.
- There is no executive staff to assist the Commissioner in the day-to-day administration of the Department. This requires the Commissioner to allocate large percentages of his time to issues which should be delegated to lower level staff. As a result, the Commissioner is unable to attend to the major management and program issues of the Department to the extent necessary.
- The Department does not have a strong centralized budget and finance office responsible for overall budgetary development, management, and financial reporting. As a result, the Department's financial planning and budget control are fragmented and do not provide adequate information in a timely manner.
- The Department does not have an ongoing strategic planning process, nor has the responsibility for this function been clearly defined.
- The Department's personnel management functions are weak and do not provide comprehensive personnel services to meet the Department's growing needs in this area. This is especially critical in a Department such as DEP which must utilize a large number and variety of funding sources to staff its various programs.
- The Department's waste management functions are fragmented between bureaus and do not provide appropriate coordination between common program elements. Also, the Department's organization structure does not reflect the critical priority of comprehensive waste management activities in the state's environmental programs.
- The Department has not assigned formal responsibility for the development of policies and procedures to guide employee actions in a large number of program areas.

- There is no single position responsible for departmental representation in the regional offices, with the exception of Presque Isle. This has resulted in lack of coordination of program staff and available resources at two of the regional offices. In Bangor and South Portland there is a senior person responsible for basically day-to-day office management.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROPOSED ORGANIZATION STRUCTURE



Shaded areas represent proposed new organizational units.

RECOMMENDED ORGANIZATION STRUCTURE

In order to address the organizational weaknesses previously identified and to clarify responsibility for program management and coordination within the Department, several alternative organizational structures were examined in this study. Of the alternatives reviewed, a functional alignment of organizational responsibilities was examined carefully with Department staff. While a number of distinct advantages were identified with this approach, we have concluded that a major restructuring of the organization would not address the critical management issues which the Department faces at the present time. We would however, suggest that a functional organization be considered in the future after the Department implements the management recommendations which are included in our report.

The organizational structure which we recommend for the Department at the present time is shown on the opposite page. The major actions recommended to implement this structure may be summarized as follows:

- Assign to the Deputy Commissioner formal responsibility for coordination of day-to-day operations of the Department's program bureaus. Also, assign the Department's strategic planning responsibilities to this position.
- Create separate units within each Bureau with formal responsibility for the development of detailed policies and procedures in all areas of bureau operations. Assign responsibility for coordination of overall Departmental policies and procedures to the Deputy Commissioner.
- Create an Office of the Commissioner to serve as an executive staff to the Commissioner. Assign public information, external relations, legislative affairs, and interagency coordination to this unit.
- Reorganize the Bureau of Administration to provide more centralized management of the Department's critical support functions. Establish new units within this Bureau to oversee the Department's financial management and human resource functions.
- Establish a new Bureau of Solid Waste Management which consolidates the solid waste programs within one bureau. Transfer the existing sludge, septage, and asbestos abatement programs to the new Bureau.
- Assign some licensing staff and licensing functions from the Air, Land and Water Bureaus to the regional offices.
- Assign additional management responsibility for the Department's regional offices to single positions within each office. These positions should be designated as Division Directors responsible for the overall administration and coordination of regional staff activities and resources, and should report to the Deputy Commissioner. Also, these positions should be responsible for coordination with Bureau Directors regarding all program activities. (We do not recommend that these positions be created at the present time; rather, they should be established once the decentralization of certain licensing functions has occurred.)

III. MANAGEMENT ISSUES

DEPARTMENTAL MANAGEMENT ISSUES

The review of departmental operations and management procedures conducted in this study has focused on several different levels of issues. At the lowest level, we have identified situations or procedures within each of the existing bureaus which impede the efficient performance of duties and the consequent attainment of each unit's discrete program goals. These issues are highlighted with specific organizational recommendations in Section IV of this report.

At a higher level of analysis, we have grouped together a number of more broad-based issues which are not unique to any single bureau or organizational unit. These issues, in our opinion, constitute the most critical management and operational shortcomings of the Department at the present time. Also we feel that the management issues presented in this section should be addressed concurrent with the transfer of responsibilities and the addition of staff which are recommended in subsequent sections of this report.

Employee productivity, efficiency and communications with the public, industry, and environmental groups can be greatly improved by addressing the departmental issues discussed in this section. These issues are not presented in order of priority but should be considered as integral parts of a comprehensive management assessment, to be addressed concurrently by the Department in its future management planning.

Improved operations within the Department can be accomplished by allocating resources to developing integrated management information systems, providing adequate and efficient workspace, developing employee and manager training programs, documenting policies and procedures, and investing in tools, such as personal computers, to enhance employee productivity. The Department should also continue to examine areas where the environmental risk posed by certain activities is minimal and where the issuance of permits by rule would be a more appropriate and effective use of Department staff time.

Each of these issues are discussed below along with specific recommendations to address the shortcomings noted. They are not necessarily in order of priority.

AUTOMATED INFORMATION SYSTEMS

The Department of Environmental Protection, as a complex regulatory agency of state government, cannot carry out its statutory duties in an efficient manner without major new investments in automated financial and management information systems and data processing capabilities. The Department's current reliance on a limited batch processing system for application tracking is inadequate to meet even the most basic information needs of Department managers and severely constrains the flow of essential information, both horizontally and vertically within the organization.

The absence of available computerized word processing and information systems for use by the Department's professional staff greatly limits the productivity of current staff members in drafting and modifying proposed permit and license conditions, orders, agreements, etc.

Finally, the Department's inability to successfully develop or adapt specialized data management programs for specific analytical and processing purposes limits the Department's ability to perform its enforcement and compliance duties as stipulated in state and federal statutes and regulations. Without such systems, and the staff to manage them, the Department cannot expect, or be expected, to properly exercise all of its regulatory responsibilities.

Recommendation - 1

Develop a comprehensive automation plan for the Department. This plan should have, as its primary objective, an on-line, integrated, department-wide management information system to track licensing, enforcement, and compliance activities and an integrated financial management system. Further, this plan should address additional word processing systems and equipment to enhance the professional staff's ability to efficiently process paperwork, reports and licenses, and new systems to accommodate major data processing requirements of individual bureaus. These computer system enhancements are discussed in detail in Section VII of this report.

SPACE

The need for adequate office space for Department staff is evident; the consequences of inadequate working space and a poor working environment have negatively impacted employee productivity and morale. The daily work of all employees is subject to constant interruption and disturbances due to the lack of privacy and close physical proximity. This results in lack of concentration and quality work time. The impact of these conditions on employee performance cannot be measured with precision, but it is clearly a major factor in causing low morale and low employee productivity.

The Space Planning Study conducted by the Portland Design Team (August 1985) concluded that the Ray Building could house 174 staff members with existing space or 197 employees if the entire building was dedicated to the Department. Currently, there are 297 full-time authorized positions for the Augusta office, of which 234 are filled. An additional ten positions are authorized for seasonal part-time workers. New legislation for the solid waste program will bring in approximately thirty additional people in the next two years. Thus, the current space available to the Department is overcrowded by approximately 60 staff, with more to come.

The Space Planning report indicates that each main floor contains approximately 6,500 square feet of working space. Including the basement, total square footage for the entire building equals approximately 26,000 square feet. Maine State standards provide, at a minimum, 100 square feet for most employees. Using this standard, at least 29,700 square feet would be required for all current Augusta employees.

The Ray Building does not contain sufficient meeting space for applicant meetings, meetings with citizens, or technical staff discussions. Supervisors do not have space to discuss confidential personnel-related matters. The lack of meeting space forces staff to hold meetings at their workstations which causes interruptions for other employees. There is a lack of adequate space for storage of equipment, files, and bookcases which results in misplaced records and reliance on personal filing systems which impacts the timely

processing and retrieval of information. Distractions are also caused by operating photocopy and other machines in close proximity to work stations.

Recommendation - 2

Redesign the existing office space in the Ray Building to provide a more productive working atmosphere. This could be accomplished by installing standard-size workstations with built-in storage space, higher partition walls and adequate direct lighting. In addition, installing acoustical wall coverings over the existing brick surfaces would greatly reduce background noise. The office space should include additional conference rooms, enclosed offices for all division directors, additional file cabinets, bookcases, and equipment storage. We believe these improvements to the office space would increase employee productivity and improve morale.

Notwithstanding these improvements however, additional space for the Department must be found. Even with the extra space in the basement that may become available after the Maine Geological Survey moves to new quarters, the Department has exceeded the minimum space requirements. The creation of a Central Maine regional office (performing similar functions to the other regional offices) with office space separate from the Ray Building could help to alleviate the space problem for the near term. This course of action should be investigated as one option in this area. Approximately 40 people could be allocated to a Central Maine regional office.

MANAGEMENT TRAINING

As a state agency that "grows" many of its mid-level and senior-level staff from within, the Department has not invested adequate resources in the general area of management training and, specifically, in helping to prepare its new supervisors and managers to recognize and exercise their new duties.

Universally throughout the Department, managers generally spend insufficient time exercising true managerial responsibilities (developing standards, setting priorities, scheduling, monitoring, tracking workload, reviewing subordinates' work, providing constructive feedback, counseling, teaching, etc.) Rather, managers often continue to perform "technical" or project-specific tasks, frequently bypassing their own chains of command in order to assure such direct involvement.

While at times the direct involvement of managers may expedite specific projects, the constant use of this style of management causes organizational resources to be misused and impedes the development of basic management skills at each level of supervision. Such skills are critical in a complex, technical agency such as the Department of Environmental Protection and must be made a priority area in employee training programs.

Recommendation - 3

Implement a complete management and supervisory training program for all management positions. Subject matter should include such topics as:

- written and oral communications
- delegation of authority
- how to conduct staff meetings
- performance evaluation and feedback

- time management
- budget and the budget process
- personnel procedures
- conflict resolution
- automated systems

The training programs would be administered by the proposed Division of Human Resources as recommended subsequently in this report. A more general Department training program for all employees would include:

- introduction to the DEP (mission, goals, statutes and regulations)
- interpersonal relationships
- legal training for enforcement staff
- safety programs
- media relations
- computer skills
- hazardous materials handling

The Department is also encouraged to make full utilization of the Maine Executive Institute program recently instituted by the Governor. Three Division Directors attended the Institute during 1987.

POLICIES AND PROCEDURES

While some progress has been made recently, most notably in the Land Bureau, the Department has not made the development of written policies, standard forms, checklists, review guidelines, and other "standard operating procedures" a priority activity within each Bureau. The lack of comprehensive written policies allows latitude for individual discretion in performing review and compliance activities. This problem appears most often in the area of licensing review.

Recommendation - 4

Create Policy and Procedure units within each Bureau, to develop formal policies governing department actions. As a regulatory agency, the infrastructure of the Department should be comprised of written documentation, which provides clear guidance and information to staff and applicants on all aspects of permit and license review, compliance responsibilities, and enforcement actions.

To this end, formal policies should be developed or updated in the following areas:

- application review procedures
- enforcement guidelines
- citizen contacts
- internal review guidelines
- administrative procedures
- record-keeping

The Deputy Commissioner should assure consistency with Department policy. Review standards should be established for each type of license or permit application, renewal application, compliance inspection, complaint investigation, and enforcement activity. These standards would provide staff with guidelines about environmental risk and/or impact of each category of

activity. In addition, each unit should develop written catalogs of policy issues and resolutions to assure consistent application of licensing and enforcement regulations within each Bureau.

All of the information written by the Policy and Procedures units should be distributed and discussed with current staff and should be provided to new staff as part of orientation into the Department.

PERMIT BY RULE

The detailed review of most permit and license applications, especially those subject to the Site Location of Development, Coastal Wetlands, and Great Ponds laws, continue to impose major workload requirements on Department staff. In many instances brought to our attention, the potential for environmental degradation in a large number of such projects is minimal and does not warrant the commitment of Departmental resources that they presently receive. There is also some potential for reduced procedures in the Air and Water Bureaus.

Recommendation - 5

Given current staffing limitations in the Department and the likelihood of continued limits on state-funded positions in these program areas, it is imperative that the Department allocate its resources more judiciously among its review and enforcement areas. To this end, the current review of potential extensions to the permit by rule categories among all bureaus should be accelerated and made a priority rulemaking activity within the Department. Responsibility and deadlines for these reviews should be established by the Commissioner. Some permits and licenses that we have identified for possible inclusion in this category are:

- renewals for rock crushers, concrete batching plants, asphalt batching plants, and small boilers
- wood ash permits
- landspreading of food processing sludges and residuals
- storm water management
- small distillation units
- hazardous waste transfer facilities

In addition, the length of time that certain licenses are in force may be extended in some areas without significant additional environmental risks. Some examples are:

- oil terminals (presently 2 years; could be extended)
- hazardous waste transporters (presently annual; could be extended)

These and other potential changes to licensing procedures should be reviewed in order to achieve more effective use of staff time.

ENHANCING EMPLOYEE PRODUCTIVITY

Notwithstanding the need to address larger management and staffing issues which are discussed elsewhere in this study, the Department can do more to enhance the productivity of current employees through greater utilization of computer and office equipment to facilitate communications, document preparation, and information flows.

Recommendation - 6

Provide additional word processing equipment (and training) for use by the professional staff, especially in the licensing areas. This additional equipment would increase the processing and timeliness of draft orders, agreements, conditions, and the like. Portable dictaphones can be utilized by staff to dictate correspondence, simple orders, internal memoranda, and draft reports. Other systems, such as electronic mail, facsimile equipment, and digital voice exchanges, can also facilitate communications with regional offices and facilitate the transmission of internal documents. Successfully implementing Recommendation 2 will also help to enhance productivity through an enhanced working environment.

ENFORCEMENT

✓ The Department's ability to enforce the state's environmental laws and regulations is severely constrained by inadequate field staff to monitor compliance and by the administrative and judicial enforcement mechanisms currently available. As with environmental regulatory agencies in many other states, Maine has long relied on voluntary compliance with its environmental laws to carry out its legislative objectives. Historically, and with fewer laws to enforce, this has generally been a successful strategy of enforcement policy. More recently however, as the number and variety of regulations have increased and the "economics of non-compliance" have become more compelling to large industries and development companies, voluntary compliance has become a less effective strategy. At the same time, the Department's administrative enforcement tools have not been strengthened appreciably to offset this decline in voluntary enforcement, nor have staff resources been added to the extent needed. As a result, the agency has grown increasingly dependent upon the Attorney General's office to prosecute violators through lengthy and costly judicial procedures. In addition, as work loads increase, the setting of priorities for enforcement has shifted to the Attorney General's office. With more and more cases referred for legal action, the staff of the Attorney General decides what cases to act on and which ones do not receive attention.

While some new positions are considered essential to strengthen the Department's compliance investigation activities, other actions can be taken to assist in enforcing the state's environmental laws as well. Recently, the Commissioner and his staff have drafted and submitted legislation which would greatly increase the Department's enforcement mechanisms, and would reduce the current reliance on the Attorney General and the State's Court system for the timely prosecution of violators. These proposed changes include:

- extending original and concurrent jurisdiction to the Administrative Court as well as the District Court for civil cases brought under environmental statutes
- allowing laws administered by DEP to be enforced with actions initiated by the summons process in Administrative Court as well as District Court
- emphasizing that game wardens have the Authority to enforce environmental laws, including serving civil process on violators
- authorizing DEP employees (designated by the Commissioner) to represent the DEP in court and to have powers similar to game wardens, but limited to enforcing environmental laws

- limiting appeals from Administrative or District Court decisions in environmental cases to Superior Court on questions of law only
- apportioning one-third of all funds collected as a result of penalties assessed to violators of environmental laws to the Maine Environmental Protection Fund (used to finance the Department's licensing and enforcement activities)
- authorizing the Commissioner of DEP to suspend the processing of a license (among other actions) if enforcement action is pending against the applicant
- authorizing the Commissioner of DEP (and not just the Board) to refer matters to the Attorney General

Recommendation - 7

In addition to the authorization of more enforcement personnel, we endorse the types of changes included in the Commissioner's draft legislation to strengthen and expedite the enforcement actions available to the Department. We strongly recommend that such additional funding resources for the Maine Environmental Protection Fund as proposed in the draft legislation be given full consideration, in view of the staffing, training and other requirements which we have identified as necessary to carry out the Department's licensing and enforcement responsibilities in a timely and professional manner.

Another area that needs attention is educating the public with respect to environmental laws and regulations. More emphasis needs to be focused on the provision of information and technical assistance so people can do the right thing. Additional workshops and other outreach programs should be conducted.

IV. DETAILED RECOMMENDATIONS BY ORGANIZATIONAL UNIT

Overview

This section outlines our review of each of the Department's five bureaus. We have identified situations or procedures within each of the existing bureaus which impede the efficient performance of duties and the consequent attainment of each unit's discrete program goals. We have presented the following information for each existing bureau:

- Current Organizational Structure
- Summary of Major Issues
- Proposed Organizational Structure
- Detailed Recommendations

In addition, this section includes descriptions of the proposed Office of the Commissioner and the Bureau of Solid Waste Management.

PROPOSED OFFICE OF THE COMMISSIONER

Recommendation - 8

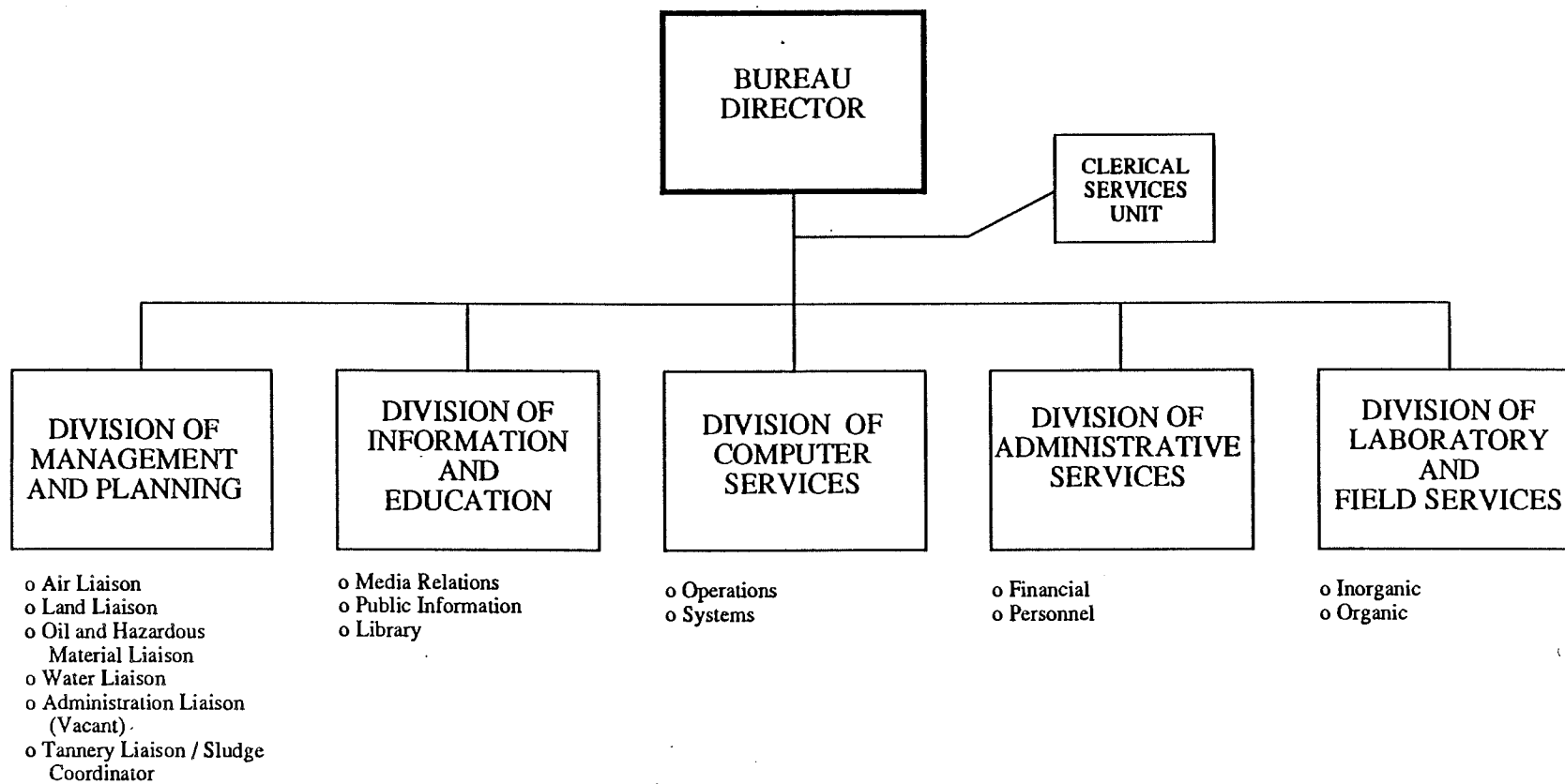
Establish an Office of the Commissioner to provide high level assistance to the Commissioner in carrying out his executive responsibilities. The absence of an executive staff precludes the delegation of many administrative duties to lower level personnel. A staff office will reduce the Commissioner's day-to-day involvement in many administrative issues, thus freeing up his time to oversee the critical management issues of the Department. Also, the assignment of the current Information and Education functions to the Office of the Commissioner will allow for more direct oversight of the Department's public information activities by the Commissioner.

The Office of the Commissioner would be composed of at least the current staff from the Division of Information and Education, three staff from the current Division of Management and Planning, and one new position to oversee the legislative affairs of the Department. The responsibilities of the staff transferred from the Division of Information and Education would remain essentially the same. The responsibilities of the staff transferred from the Division of Management and Planning would include coordination of interagency issues and assisting the Commissioner with special projects as required. The new Legislative Affairs position would serve as the Department's representative to the legislature and would coordinate all activities related to drafting legislation, testimony by Department officials, and staff coordination throughout the legislative session.

In conjunction with this recommendation, it should be noted that members of the Board of Environmental Protection have expressed an interest in having their own staff assistant. While the scope of this study did not include an analysis of the Board's role and responsibilities, we did gain a general understanding of the Board's duties and the increasing burden of detailed project information which Board members are expected to review. The increasing volume and complexity of such data and the number of applications to be heard could eventually require some level of staff support to be provided directly to the Board. This issue, we feel, should be addressed in the near future to assure that the Board is able to continue to effectively exercise its statutory responsibilities.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF ADMINISTRATION CURRENT ORGANIZATION STRUCTURE



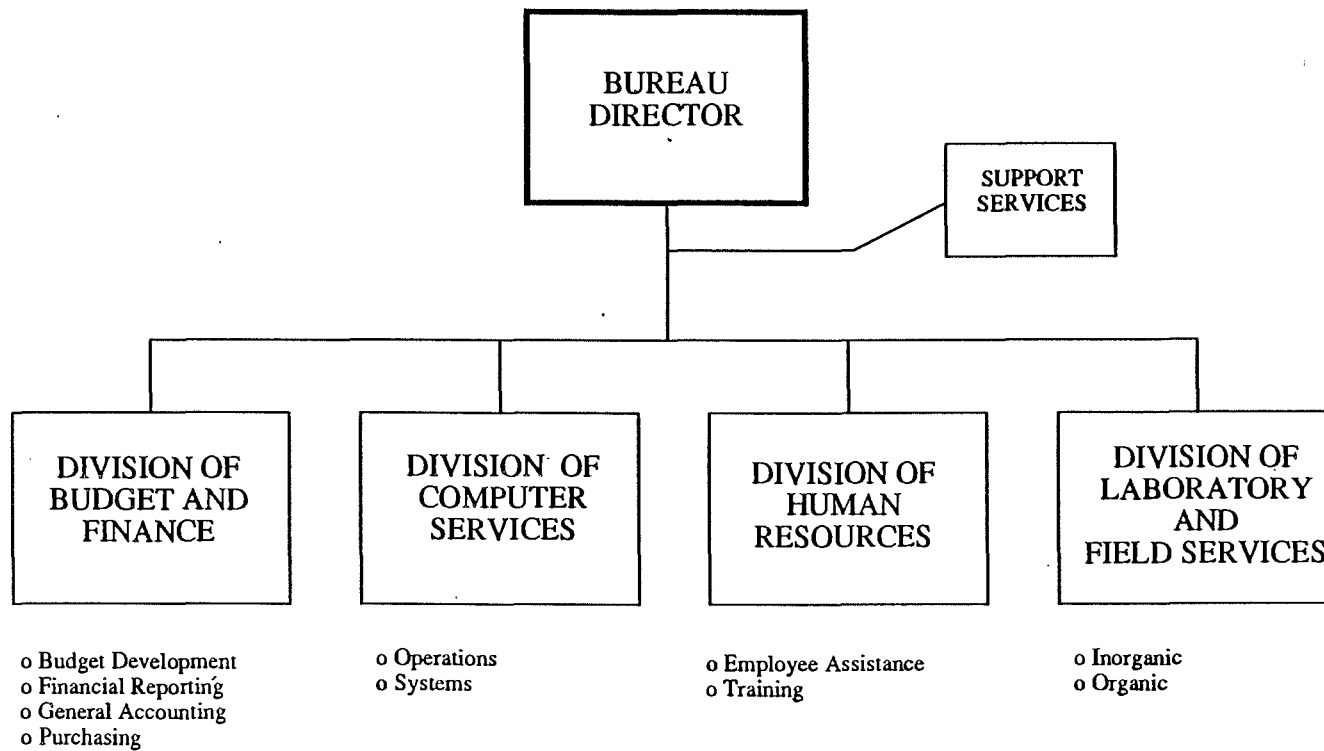
BUREAU OF ADMINISTRATION

SUMMARY OF MAJOR ISSUES:

- NO FORMAL PLANNING FUNCTION IS CARRIED OUT BY THE DIVISION OF MANAGEMENT AND PLANNING.
- CURRENT "LIAISON" ORGANIZATION WITHIN MANAGEMENT AND PLANNING RESULTS IN INCONSISTENT LEVELS OF ASSISTANCE TO EACH BUREAU.
- PERCEPTION OF MANAGEMENT AND PLANNING FUNCTIONS IS NOT CLEAR TO DEPARTMENT STAFF; ALSO, THIS DIVISION LACKS ADEQUATE AUTHORITY TO IMPLEMENT MAJOR MANAGEMENT CHANGES.
- PUBLIC INFORMATION AND MEDIA RELATIONS FUNCTIONS ARE NOT EFFECTIVELY BEING CARRIED OUT DUE TO ITS LOCATION WITHIN THE BUREAU OF ADMINISTRATION.
- PERCEPTION OF INFORMATION AND EDUCATION DIVISION FUNCTIONS IS NOT CLEAR TO DEPARTMENT STAFF.
- LACK OF AN ADEQUATE COMPREHENSIVE AUTOMATION PLAN FOR THE ENTIRE DEPARTMENT.
- THE CURRENT AUTOMATED FINANCIAL SYSTEM DOES NOT PROVIDE ADEQUATE INFORMATION FOR BUDGETING AND EFFECTIVE USE OF FINANCIAL RESOURCES.
- NO WRITTEN STANDARD METHODOLOGY IS EMPLOYED TO DEVELOP INDIRECT COST PLANS.
- NO CLEARLY ESTABLISHED RESPONSIBILITY FOR BUILDING SPACE, EQUIPMENT AND OTHER SUPPORT ISSUES IN THE DEPARTMENTAL HEADQUARTERS BUILDING.
- DEPARTMENT DOES NOT CURRENTLY HAVE AN OVERALL EMPLOYEE TRAINING FOCUS TO PROVIDE ADEQUATE TRAINING TO BOTH MANAGEMENT AND STAFF.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

**BUREAU OF ADMINISTRATION
PROPOSED ORGANIZATION STRUCTURE**



BUREAU OF ADMINISTRATION

Recommendation - 9

Establish a Division of Budget and Finance to centralize the financial management of the Department. A centralized financial department directed by a Chief Financial Officer will allow the Department to effectively:

- provide comprehensive financial reports to each program bureau
- perform routine financial analysis
- develop the Departmental budget
- coordinate grant development and tracking.

Further, centralizing financial management would enhance implementation of an integrated financial accounting system.

The Division of Budget and Finance would be composed of a new Chief Financial Officer, ten staff from the accounting and purchasing sections of the current Division of Administrative Services, three staff from the current Division of Management and Planning, and one new accountant position to assist with the maintenance of the Superfund grant program. The staff transferred from the Division of Administrative Services would perform largely the same tasks as they currently perform, while the staff transferred from the Division of Management and Planning would serve in Budget/Financial Analyst capacities.

Note: Implementation of an integrated financial accounting system as recommended in this report should result in processing efficiencies which may allow realignment of duties within the Division.

Recommendation - 10

Add three additional positions to the Division of Computer Services to assist in the design and implementation of new information systems serving the Department's financial and management needs. The Division of Computer Services will play a crucial role in the design, implementation, and management of the integrated information systems and expanded word processing capabilities as discussed in this report. To this end, these positions would provide necessary additional resources to the existing staff to properly implement a complex license and enforcement tracking system. Further, the positions would provide the Division with additional technical resources to effectively administer a Department wide automation plan.

Recommendation - 11

Establish a Support Services unit to oversee the general office functions of the Department headquarters building. This unit would be responsible for space planning and management, procurement of office equipment, telecommunication systems, maintenance of Department vehicles, and the like. In addition, this unit would provide assistance to the Bureau Director for various administrative projects as required.

The Support Services unit would be composed of the current Division Director of Administrative Services and the current clerical unit. This transfer may require a change of title for the current Division Director.

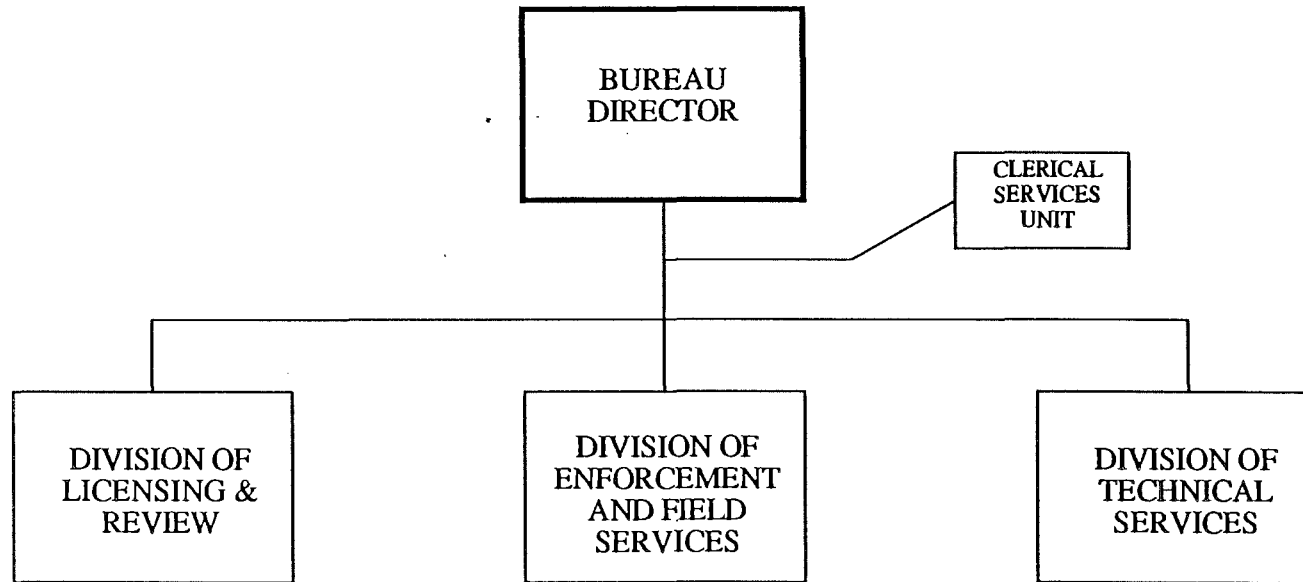
Recommendation - 12

Establish a Division of Human Resources to provide overall management of the Department's personnel program, including payroll functions, personnel data maintenance, administration of an employee performance evaluation program, employee information, position classification reviews, recruitment activities, and a comprehensive employee training program as discussed previously in this report.

The Division of Human Resources would be composed of a new Division Director, four staff from the Personnel section of the current Division of Administrative Services, and one new position to administer the employee training program.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

**BUREAU OF LAND QUALITY CONTROL
CURRENT ORGANIZATION STRUCTURE**



- o Licensing:
 - Site Unit
 - Wetlands Unit
- o Dams
- o Hydro Power Projects

- o Field Offices
- o Shoreland Zoning
- o Special Projects

- o Geological Services
- o Engineering Services

BUREAU OF LAND QUALITY CONTROL

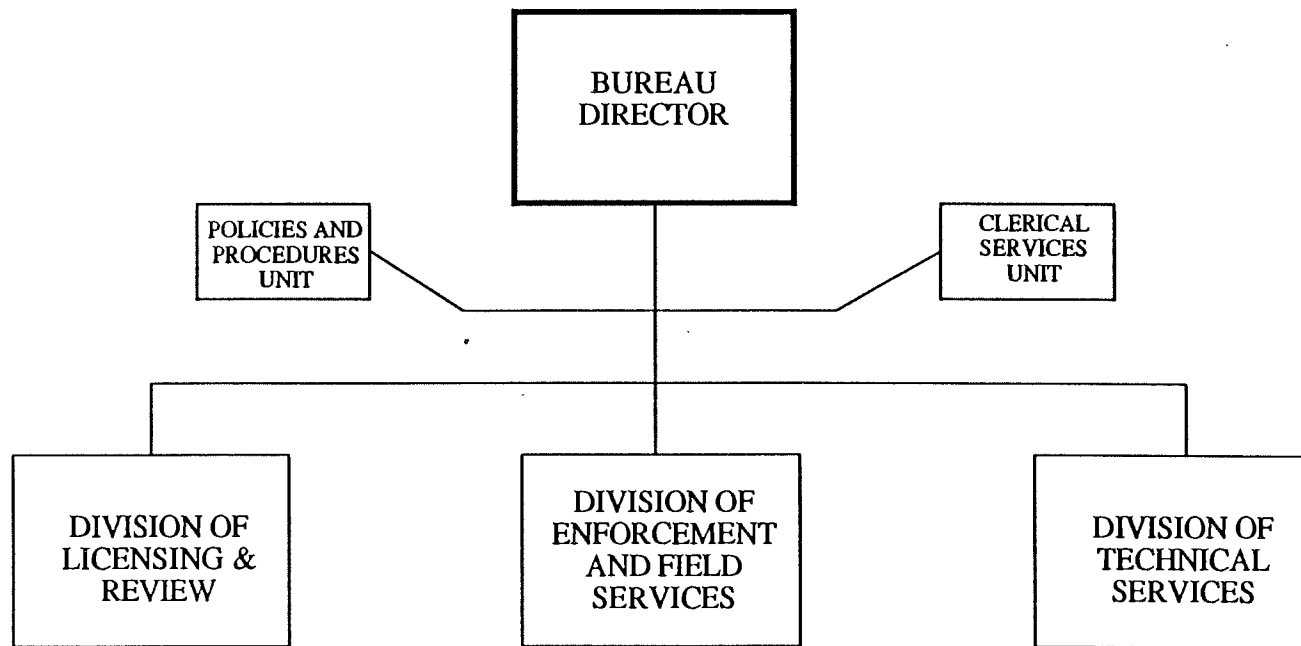
SUMMARY OF MAJOR ISSUES:

- ORGANIZATION/STAFFING/RESPONSIBILITY TO ADMINISTER NEW SOLID WASTE LEGISLATION IS UNCLEAR; MAJOR NEW PROGRAM RESPONSIBILITIES MUST BE ASSIGNED IN THIS AREA.
- CENTRALIZED LICENSING STAFF AND "DECENTRALIZED" ENFORCEMENT STAFF REDUCES OPPORTUNITIES FOR GREATER EFFICIENCY IN FIELD COMPLIANCE INVESTIGATIONS; ALSO, DOES NOT FACILITATE THE DEVELOPMENT OF STRONGER REGIONAL NETWORKS OF STATE, REGIONAL AND MUNICIPAL OFFICIALS.
- DESPITE LOANED STAFF FROM OTHER BUREAUS, THERE IS STILL A SIGNIFICANT BACKLOG OF PENDING LICENSE APPLICATIONS IN THE LAND BUREAU.
- COMPLAINT RESPONSE ACTIVITIES IN THE ENFORCEMENT DIVISION EFFECTIVELY PRECLUDE ANY SIGNIFICANT COMPLIANCE INVESTIGATIONS. (100% COMPLAINT RESPONSE GOAL MAY BE UNREALISTIC, IN VIEW OF OTHER DIVISION RESPONSIBILITIES).
- LAND BUREAU TASK FORCE HAS DONE AN EXCELLENT JOB OF "DEFINING THE DOCKET" THROUGH BETTER UTILIZATION OF THE APPLICATION INFORMATION SYSTEM (AIS); ALSO, HAS CLARIFIED AND FOCUSED RESPONSIBILITY FOR EACH STEP OF THE APPLICATION PROCESS.
- THERE IS NO INSTITUTIONAL RESPONSIBILITY IN THE BUREAU FOR RULEMAKING OR THE DEVELOPMENT OF BUREAU POLICIES/REGULATIONS/ENFORCEMENT STANDARDS.
- EXPANDED USE OF PERMIT BY RULE FOR CERTAIN WETLANDS PROJECTS COULD SIGNIFICANTLY REDUCE REVIEW TIME NOW REQUIRED FOR RELATIVELY MINOR PROJECTS.
- GREATER DELEGATIONS OF AUTHORITY TO MUNICIPALITIES (AS PERMITTED UNDER THE SITE LOCATION AND WETLANDS STATUTES) COULD ALSO RELIEVE LICENSING AND ENFORCEMENT WORKLOADS IN THIS BUREAU; THIS WOULD, HOWEVER, REQUIRE INCREASED MUNICIPAL TRAINING AND ASSISTANCE.
- TECHNICAL SERVICES RESOURCES ARE LARGELY ALLOCATED TO SOLID WASTE FACILITY LICENSE REVIEWS; LIMITED TIME AVAILABLE FOR ENFORCEMENT-RELATED ACTIVITIES.
- THERE IS NO SYSTEMATIZED COMPLAINT-TRACKING IN ENFORCEMENT DIVISION.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF LAND QUALITY CONTROL

PROPOSED ORGANIZATION STRUCTURE



- o Licensing:
 - Site Unit
 - Wetlands Unit
- o Dams
- o Hydro Power Projects

- o Field Offices
- o Shoreland Zoning
- o Special Projects

- o Geological Services
- o Engineering Services

BUREAU OF LAND QUALITY CONTROL

The Land Bureau is not adequately staffed to properly exercise its licensing and enforcement responsibility in an effective and timely manner, nor does the location of all licensing staff in the Augusta office provide the most efficient use of Bureau resources. Also, the growing number of solid waste licensing and enforcement issues which are assigned to this Bureau require an increasing share of resources for technical review and coordination with the hazardous waste programs administered by the Bureau of Oil and Hazardous Materials Control. The new solid waste legislation adopted by the first session of the 113th Legislature will substantially increase the Department's program responsibilities in this area, and impose new administrative duties as well, in the areas of municipal closure and remediation grants, environmental evaluations, establishing new fees and transport regulations, providing technical assistance to municipalities and applying new criteria to facility siting evaluations.

These responsibilities, in our opinion, in conjunction with the ongoing solid waste licensing and enforcement duties of the Land Bureau, constitute one of the Department's most important and complex program areas in its overall mission of environmental protection. Furthermore, as the recent legislation and the experience of other states indicates, it will continue to grow in cost and complexity as traditional waste disposal methods (municipal and private landfills) are exhausted, and new facilities become increasingly costly and difficult to site.

In view of these factors, and the concurrent growth in the Land Bureau's other licensing and enforcement responsibilities in the general areas of land development and land use control, we recommend that the Department consolidate all solid waste management activities into a single bureau, to assure maximum coordination of resources, as well as assuring an equal departmental priority to the timely and effective licensing and enforcement of the state's many land use and site development laws. This organizational structure, we feel, will better reflect the Department's current and future program priorities within its overall environmental mission, and will facilitate the planning and management of Departmental resources.

The proposed consolidation of all solid waste management programs and staff within a single bureau will entail the transfer of a number of programs and positions from their existing units. While we have tried to detail these transfers in the recommendations for each Bureau, the exact number of positions and the specific personnel involved can only be determined after more detailed review, due to shared responsibilities and allocations of staff time at the present. Where possible, we have identified the approximate number of staff positions presently assigned to each function. A tentative organizational structure for the proposed Bureau of Solid Waste Management is included in this section of the report as well. The specific recommendations to effect this and other proposed changes to the Land Bureau are outlined in the following section.

Recommendation - 13

Transfer responsibility for all solid waste-related activities to a new Bureau of Solid Waste Management, to include licensing and compliance inspections of facilities, technical assistance, remediation and closure planning, and the

"new" responsibilities imposed on the Department by the solid waste legislation of 1987. Due to current staffing shortages in the Land Bureau, we do not recommend the transfer of specific positions to the Bureau of Solid Waste Management in conjunction with this transfer of duties. Rather, we have recommended the addition of new positions to that Bureau in a subsequent section.

Recommendation - 14

Add eleven additional positions to the Land Bureau (5 - licensing, 6 - enforcement) to strengthen the enforcement capabilities of this Bureau and to provide more timely and expeditious review of license applications. Even with the elimination of solid waste application reviews, licensing staff in this Bureau must be increased in order to cope with current workload levels. Since 1983, applications for various permits or licenses under the Land Bureau's jurisdiction (excluding solid waste) have grown from 608 to an estimated 1,356 in 1987, an increase of 123%. While other processing and management improvements (discussed elsewhere in this report) can and should be made to expedite application review, a minimum of 5 positions is required to bring current review times to acceptable levels.

The recommended addition of 6 enforcement staff primarily to the Bureau's regional offices is also considered essential in order to provide a minimum level of enforcement capability with respect to the state's site development, coastal wetlands and great ponds statutes. Presently, only limited staff time is available for compliance inspections, due to the volume of complaints received which must be investigated. Also, as described elsewhere in this report, the economics of non-compliance are especially important in the area of land development, which reduces the incentives for voluntary compliance considerably. To provide some meaningful increment to the Bureau's enforcement capabilities, a minimum of 6 new positions should be added.

Recommendation - 15

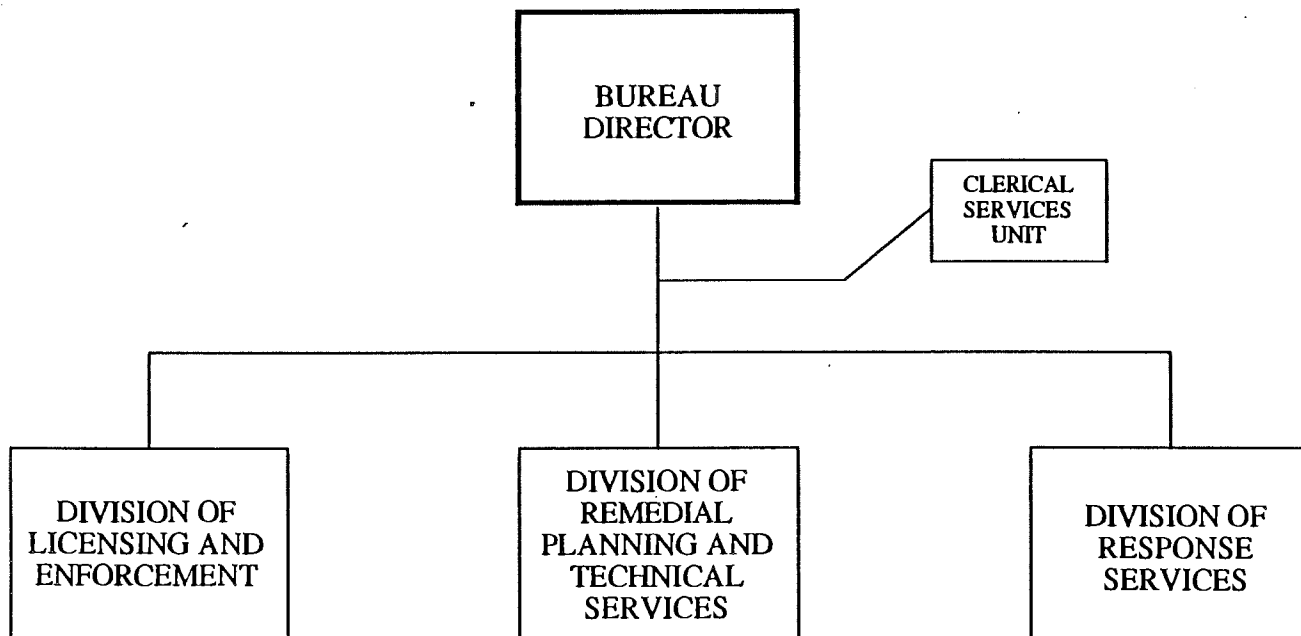
In conjunction with the above staffing increments, it is also recommended that the Bureau assign some of its current licensing positions to the Department's 3 regional offices, and establish procedures to facilitate the review of some categories of license applications exclusively within the regional offices. (These would not include large, complex site or wetlands applications, which should continue to be reviewed at headquarters, at least for the present.) The decentralization of licensing staff in the Land Bureau would, we feel, strengthen the linkages between licensing and enforcement personnel in the regions, and help to build stronger regional "networks" of state, municipal and regional officials to improve overall coordination of enforcement efforts. Also, the presence of licensing personnel in each region can be used to further increase the Department's enforcement presence, with greater opportunities for site visits by those staff most familiar with the conditions and issues pertaining to individual permits.

We especially recommend that the Land Bureau take full advantage of the opportunities which regionalization offers. More than other bureaus in the Department, the Land Bureau must be able to assess the cumulative impacts of proposed projects within a specific area, and to respond to regional and local issues most directly. This would be greatly facilitated by the transfer of many licensing functions to the regional offices.

Recommendation - 16

Establish a Policies and Procedures unit reporting to the Bureau Director and authorize a full-time position to staff this office. This office, as described previously in this report, would be responsible for developing administrative and operating procedures, assisting in rulemaking and policy drafts, and for assisting the Director in establishing effective tracking and monitoring systems for Bureau activities. In the Land Bureau, a good beginning has been made in developing written procedures by the Task Force which was created for this purpose in Fall of 1987. The work of the Task Force should be continued through this office.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF OIL AND HAZARDOUS MATERIALS CONTROL
CURRENT ORGANIZATION STRUCTURE



- o Licensing Unit
- o Uncontrolled Site Unit
- o Damage Claims Unit
- o Enforcement Unit
- o Small Quantity Generators

- o Engineering
- o Geology
- o Chemistry
- o Radioactive Waste Coordinator

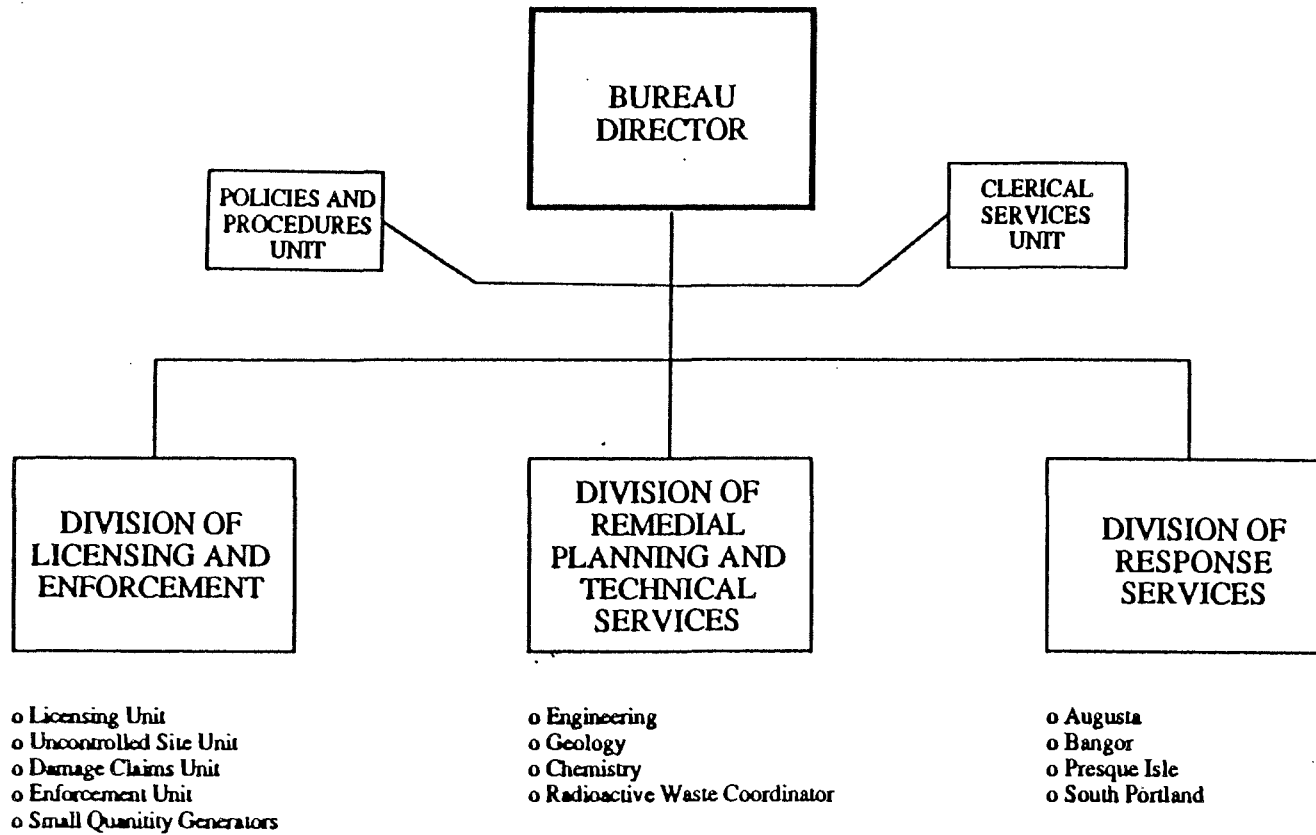
- o Augusta
- o Bangor
- o Presque Isle
- o South Portland

BUREAU OF OIL AND HAZARDOUS MATERIALS CONTROL

SUMMARY OF MAJOR ISSUES:

- UNCONTROLLED HAZARDOUS WASTE SITES UNIT DOES NOT HAVE ADEQUATE PROFESSIONAL OR TECHNICAL RESOURCES (GEOLOGISTS) TO SUSTAIN ACCEPTABLE LEVELS OF INVESTIGATION AND REMEDIAL PLANNING FOR SITE CLEANUPS.
- BUREAU IS RESPONSIBLE FOR A NUMBER OF LARGE DATA COLLECTION AND MONITORING PROGRAMS (STATISTICAL INVENTORY ANALYSIS, HAZARDOUS WASTE SHIPPING MANIFESTS, HAZARDOUS WASTE GENERATORS); DUE TO INADEQUATE COMPUTER SYSTEMS, THIS DATA IS PROCESSED LARGELY BY HAND AND DOES NOT PROVIDE TIMELY OR RELIABLE ENFORCEMENT INFORMATION.
- TECHNICAL SERVICES STAFF IN THIS BUREAU IS NOT ABLE TO MEET REVIEW AND REMEDIAL PLANNING NEEDS AT ACCEPTABLE LEVELS WITH CURRENT STAFF.
- OPPORTUNITIES TO EXPAND LICENSE BY RULE (OR MERELY REGISTRATION AND/OR INSPECTION REQUIREMENTS) SHOULD BE ACTIVELY EXPLORED IN THIS PROGRAM BUREAU AS A MORE EFFECTIVE USE OF STAFF TIME.
- THE USE OF PRIVATE CONTRACTORS FOR CERTAIN "STANDARD" SITE INVESTIGATIONS AND CLEANUPS REQUIRES A LOT OF TIME DUE TO STATE CONTRACTING PROCEDURES; ALTERNATIVE FAST TRACK METHODS (PREQUALIFICATION, ROTATIONAL SELECTION, ETC.) SHOULD BE EXAMINED TO MINIMIZE THESE TIME DELAYS.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF OIL AND HAZARDOUS MATERIALS CONTROL
PROPOSED ORGANIZATION STRUCTURE



BUREAU OF OIL AND HAZARDOUS MATERIALS CONTROL

The Bureau of Oil and Hazardous Materials Control (BOHMC) administers a large number of regulatory programs which are funded from a variety of sources. In general terms, the Bureau manages all of the state programs related to the generation, transport, storage, treatment or disposal of hazardous waste, and is responsible for controlling and responding to discharges or spills of oil products or hazardous matter, and assisting in the clean-up or mitigation of adverse effects associated with uncontrolled hazardous substance sites. In addition, this Bureau manages the state's programs related to oil storage facilities, leaking underground oil tanks, waste oil transport, and other regulatory programs related to oil storage and conveyance. Finally, the Bureau provides staff to the state's Advisory Commission on Radioactive Waste and assists in developing strategies for the management of low-level radioactive waste.

Program growth in this Bureau has been significant over the past five years, and staffing levels have not kept up with responsibilities. Two examples of this growth are in the uncontrolled sites and underground storage tanks programs. In 1983, when the Maine State Legislature established the uncontrolled sites program, 7 sites had been identified in Maine. Since that time, the DEP has located and is addressing an additional 109 sites, and has recently learned of an additional 100 potential sites through a public involvement pilot program. State general fund positions in the uncontrolled sites program are presently authorized at 4, which severely limits the Department's ability to investigate potential sites and to aggressively undertake abatement and clean up actions at confirmed sites.

With respect to the underground oil storage program, the Bureau's ability to carry out its responsibilities for registration, tank removal monitoring and inventory analysis has also been constrained due to both staffing limitations and inadequate computer system support. Bureau estimates of tank removals monitored (based on registration data) declined from 64% in 1986 to 27% (estimated) in 1987. Projected tank removals for future years, based upon mandatory removal schedules, will increase substantially. Also, based on past failure rates, at least one tank in four will require remediation and clean-up due to leaking, thereby imposing additional technical review as well as monitoring responsibilities on this unit.

To address these program needs, and to provide a stronger management focus on program priorities in this Bureau, the following recommendations are made.

Recommendation - 17

To augment current staff in the Bureau, a total of 9 positions are recommended to be added in order to strengthen capabilities in the following program areas:

6 positions - to the uncontrolled sites program (including one geologist) to provide additional investigation, remediation planning and clean-up capabilities

3 positions - to increase inspection and enforcement of hazardous waste generators and transporters

Recommendation - 18

Create a Policies and Procedures unit reporting to the Bureau Director to document existing and new procedures in all licensing areas and to assist in identifying potential permit by rule activities. Also, this unit can assist the Bureau Director and program staff in managing the Bureau's recordkeeping programs and in helping to address some of the unit's critical information processing needs, such as the manifest program for hazardous waste transporters.

To staff this unit, we recommend that one additional position be authorized for the Bureau.

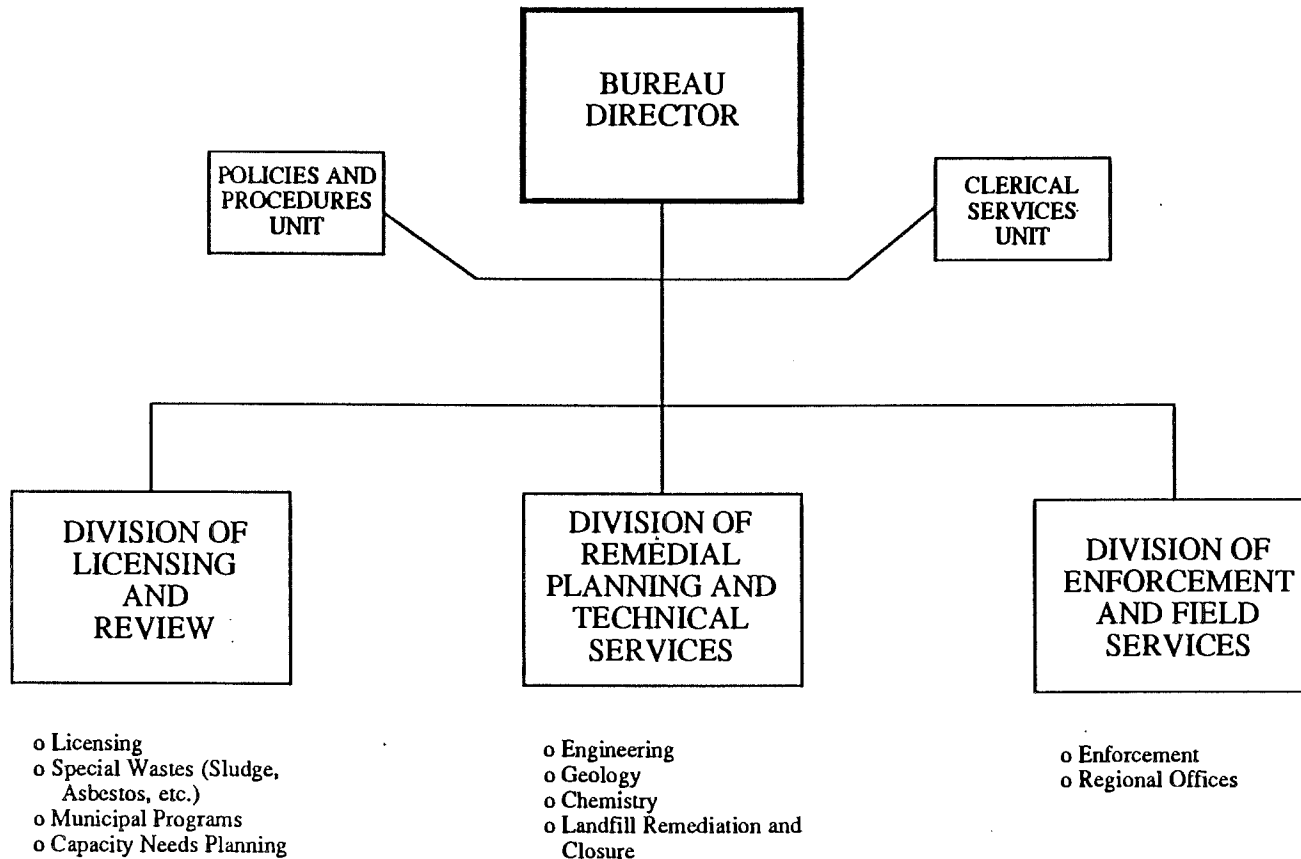
Recommendation - 19

The Department should formally request a modification to state purchasing regulations which would allow the Bureau to enter into contracts for site investigations and clean-ups without following conventional (and timely) public bidding procedures. While we recognize the importance of fair and open selection procedures for public contracts, the DEP should be granted some latitude (within formal guidelines) to engage qualified contractors for immediate investigation or remediation work where potential threats to public health and safety exist. Appropriate prequalifications and dollar ceilings could be established to assure that such fast-track contracts do not violate the intent of the state's public purchasing regulations.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF SOLID WASTE MANAGEMENT

PROPOSED ORGANIZATION / PROGRAM STRUCTURE



PROPOSED BUREAU OF SOLID WASTE MANAGEMENT

As discussed previously in this report, the comprehensive solid waste legislation adopted by the 113th Legislature greatly increases the Department's responsibilities and jurisdiction with respect to the planning and management of solid waste disposal in all communities throughout the State. Presently, solid waste issues are spread among three Bureaus within the Department. Sludge and ash disposal programs are located in the Water Bureau, asbestos abatement in the Air Bureau, and landfill permitting and closure in the Land Bureau. In order to assure proper coordination of programs, and to foster the implementation of the new solid waste law, we believe all these functions should be consolidated into a single new bureau. This step will reflect the importance placed on this subject by the Legislature and the public.

To implement this reorganization, and to provide staff support to this new unit, the following recommendations are made.

Recommendation - 20

Assign all of the new positions authorized under the solid waste legislation (approximately 30 over two years) to the proposed Bureau of Solid Waste Management. Also, transfer the sludge program presently located in the Water Bureau (approximately 5 positions) into this Bureau, as well as the asbestos program currently located in the Air Bureau (5 authorized positions) for the licensing, certification and inspection of asbestos contractors. These programs are intended to regulate the disposal of waste products and share a number of common elements with solid waste disposal activities.

A proposed organizational structure for the Bureau of Solid Waste Management is shown on the opposite page.

Recommendation - 21

Create a new Bureau Director position to head this unit, with responsibility for the management of all solid waste programs within the Department.

Recommendation - 22

Add six positions to the Bureau of Solid Waste Management, to review, license and inspect solid waste facilities, now performed by Land Bureau staff. The proposed 6 positions include 2 technical staff positions, to support the license review functions presently performed within the Land Bureau.

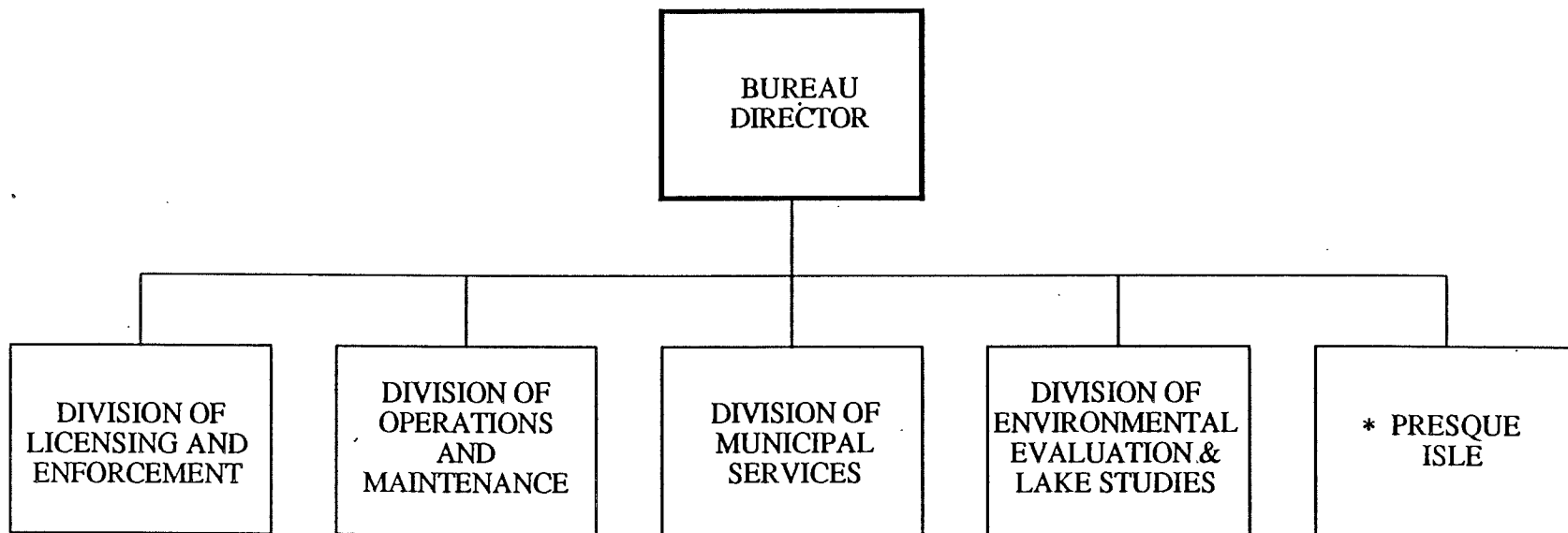
Recommendation - 23

Create a Policy and Procedures unit reporting to the Bureau Director and authorize one additional position to staff this unit. This office can assist in drafting proposed solid waste rules and regulations, as well as providing planning assistance to the Bureau Director in establishing the new municipal grant and technical assistance programs called for in the legislation.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF WATER QUALITY CONTROL

CURRENT ORGANIZATION STRUCTURE



- o Licensing:
 - Industrial & Municipal
 - Residential
- o Enforcement

- o Field Services:
 - Augusta
 - Bangor
 - South Portland
- o Technical Services
- o Administration

- o Construction Grants
- o Sludge

- o Groundwater
- o Lakes
- o Environmental Assessment & Research
- o Toxics / Effluent Testing
- o Planning

- o Air Bureau - Air Monitoring
- o Land Bureau Enforcement and Field Services
- o Oil Bureau - Response Services
- o Water Bureau - Operations and Maintenance

** All day - to - day functions come under the jurisdiction of the Presque Isle Division Director.*

BUREAU OF WATER QUALITY CONTROL

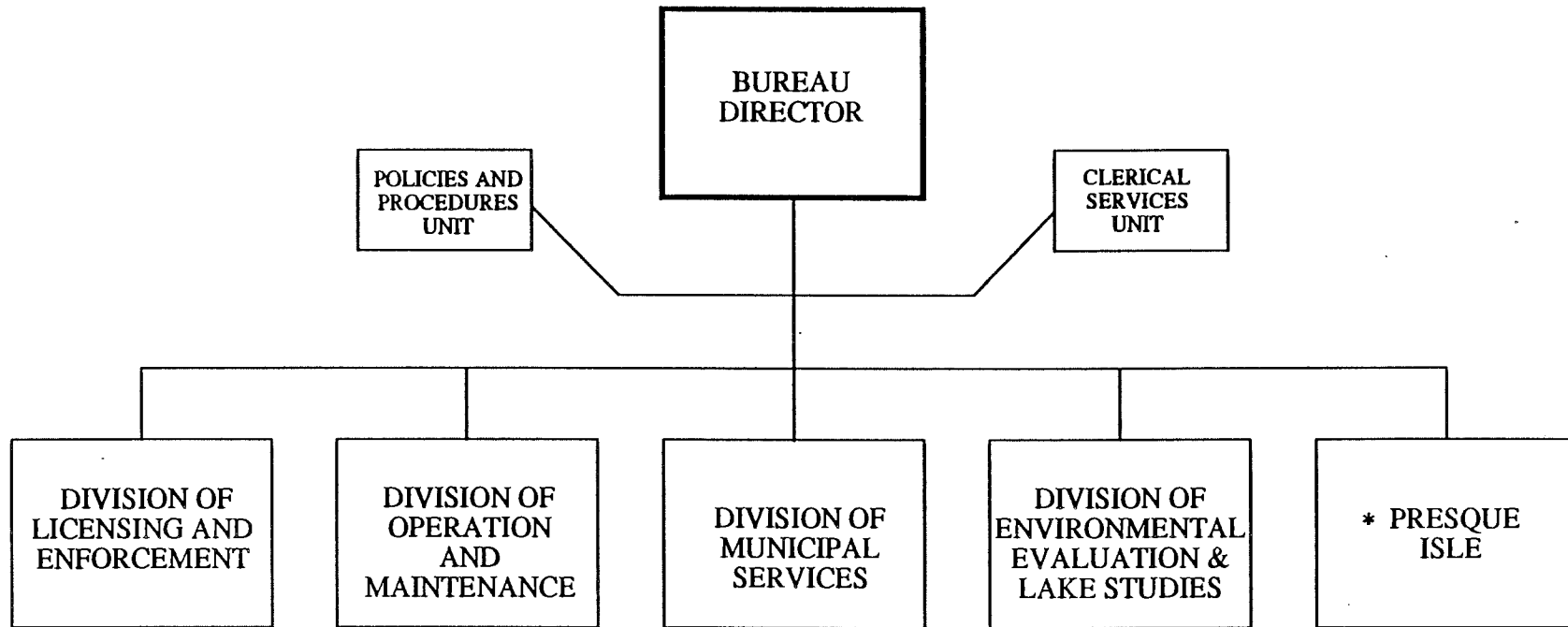
SUMMARY OF MAJOR ISSUES:

- PLANNING IS NOT INTEGRATED INTO OVERALL MANAGEMENT OF BUREAU WITH ITS CURRENT REPORTING RELATIONSHIP.
- ATTRACTING AND RETAINING ASSISTANT ENGINEER POSITIONS HAS BEEN DIFFICULT DUE TO SALARY LEVELS AND LACK OF CAREER ADVANCEMENT (LICENSING).
- SLUDGE/LANDSPREADING PROGRAMS DO NOT RECEIVE ADEQUATE TECHNICAL ASSISTANCE WITH ITS CURRENT PLACEMENT WITHIN THE WATER BUREAU. PAPER MILL WASTE HAS RAISED MANY NEW ISSUES WHERE ENVIRONMENTAL IMPACT IS STILL BEING DEVELOPED.
- ENGINEERS ARE PROCESSING CONSTRUCTION PAYMENTS AND APPLICATIONS; INAPPROPRIATE USE OF PROFESSIONALS TIME.
- TASK FORCE CURRENTLY ADDRESSING APPLICATION PROCESS; HAVE IDENTIFIED SOLUTIONS TO SEVERAL PROBLEM AREAS INCLUDING PREAPPLICATION AND APPLICATION ACCEPTABILITY, CHANGING SOME RENEWALS TO COMPLIANCE CERTIFICATION, AND USE OF PERMITS BY RULE WHERE ENVIRONMENTAL IMPACT IS LIMITED.
- NEW LAWS WERE ADOPTED (6/87) FOR RESIDENTIAL/COMMERCIAL WASTEWATER LICENSES; REGULATIONS AND PROCEDURES ARE STILL BEING WRITTEN; NO RENEWAL APPLICATIONS UNDER NEW LAWS HAVE BEEN PROCESSED TO DATE (ESTIMATED 250 APPLICANTS AWAITING REGULATIONS AS OF THIS DATE).
- LACK OF EXPERIENCED PERSONNEL IN RESIDENTIAL LICENSING; HIGH TURNOVER IN SECTION AND UNABLE TO FILL CURRENT VACANCIES.
- BUREAU AND DIVISION POLICIES NEED TO BE COORDINATED INTO A SINGLE MANUAL FOR BETTER REFERENCE.
- OVER 60% OF POSITIONS FUNDED BY FEDERAL MONEY WHICH IS FLUCTUATING AND UNCERTAIN.
- REGIONAL AND FIELD STAFF NEED BASIC TRAINING IN LICENSING FUNCTION; NEED TO KNOW WHERE TO DIRECT FIELD QUESTIONS.
- ENFORCEMENT NEEDS LIMITED LEGAL TRAINING.
- CLERICAL PERSONNEL ARE NOT POOLED TO DISTRIBUTE WORKLOAD EVENLY.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF WATER QUALITY CONTROL

PROPOSED ORGANIZATION STRUCTURE



- o Licensing:
 - Industrial & Municipal
 - Residential
- o Enforcement

- o Field Services:
 - Augusta
 - Bangor
 - South Portland
- o Technical Services
- o Administration

- o Construction Grants

- o Groundwater
- o Lakes
- o Environmental Assessment & Research
- o Toxics / Effluent Testing

- o Air Bureau - Air Monitoring
- o Land Bureau Enforcement and Field Services
- o Oil Bureau - Response Services
- o Water Bureau - Operations and Maintenance

** All day - to - day functions come under the jurisdiction of the Presque Isle Division Director.*

BUREAU OF WATER QUALITY CONTROL

Recommendation - 24

Transfer responsibility and staff (approximately 5 positions) for the sludge and residuals program to the proposed Bureau of Solid Waste Management.

Recommendation - 25

Add seven positions to the Water Bureau (2 - licensing and enforcement, 3 - operations and maintenance, 2 - lake restoration and protection program).

The additional positions in licensing and enforcement would provide more timely and complete review of residential/commercial licenses, increase residential/commercial inspections for renewals and enforcement follow-up.

Additional operation and maintenance staff would provide support for inspections of major waste water facilities, complaint investigation and resolution, and provide data entry and clerical support. The additional clerical/data entry support would free up professionals from present clerical duties and assure that resources are available to maintain critical data bases. These data bases provide background information for licenses and renewals and reports to EPA. Also, these positions are necessary to keep the Application Information System (AIS) and the Permit Compliance System (PCS) up to date.

The recommended positions in the lake restoration program would allow additional work to be conducted in this critical program area. The complexity and length of time for each lake project makes additional staff necessary in this unit.

Recommendation - 26

Establish a Policies and Procedures unit reporting to the Director and authorize a full-time position to staff this unit. In addition, transfer the responsibility and staff of the planning group from the Environmental Evaluation and Lake Studies Division (EELS) to this unit. This unit, as described previously in this report, would be responsible for developing administrative and operating procedures, assisting in rulemaking and policy drafts, assisting the Director in establishing effective tracking and monitoring systems for Bureau activities, and developing Bureau training manuals.

Recommendation - 27

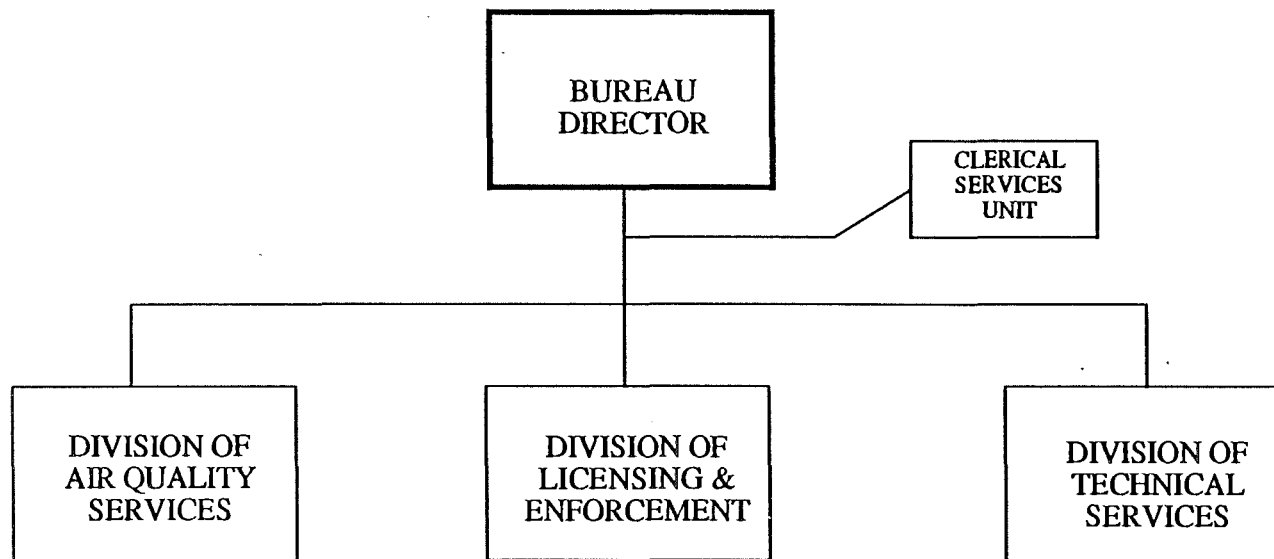
Transfer current responsibility and staff positions for residential/commercial licensing and enforcement to the regional offices (2 persons to South Portland, 2 to Central Maine, 1 to Bangor) to provide easier and more frequent access to sites. The additional benefit of water licensing knowledge in the regional offices will benefit applicants needing simple questions answered or to provide basic licensing and permit information.

Recommendation - 28

Consolidate clerical and data entry staff into a single unit for better utilization of staff and a more even distribution of work.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

**BUREAU OF AIR QUALITY CONTROL
CURRENT ORGANIZATION STRUCTURE**



- o Bangor
- o Central Maine
- o Presque Isle
- o Southern Maine
- o Asbestos Abatement

- o New Source Review
- o Renewal & Enforcement
- o Pulp and Paper Source Sampling
- o Meteorology & Modeling Support

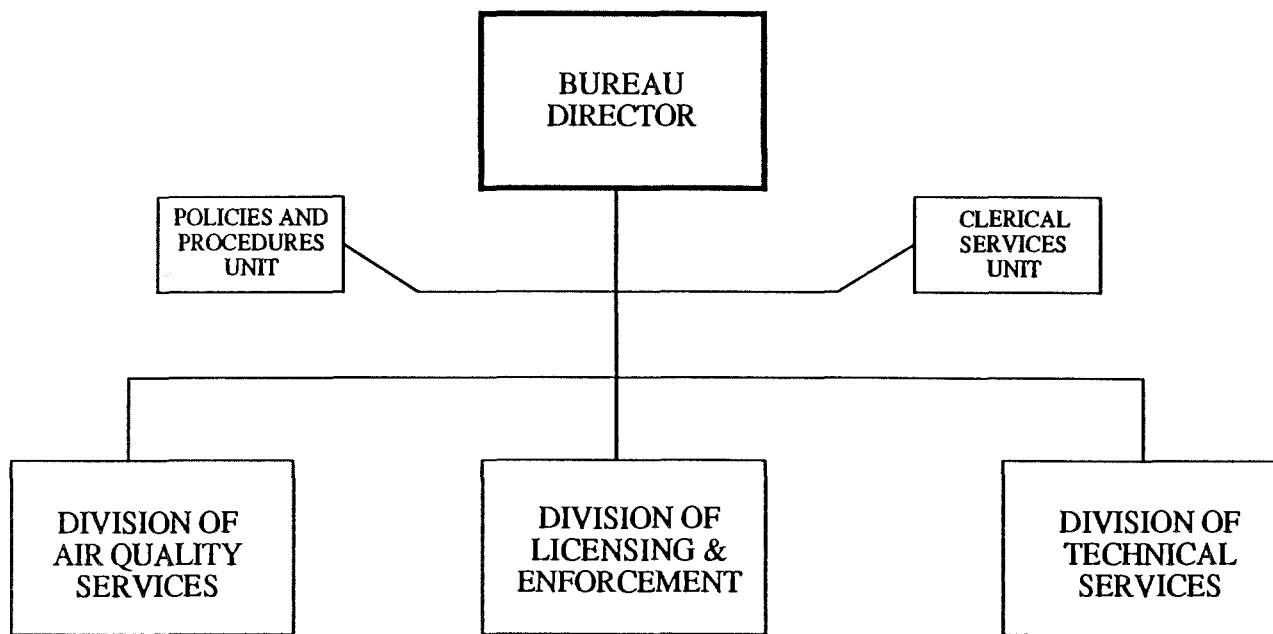
- o Meteorology & Modeling Support
- o Lab & Quality Assurance Support
- o Planning Section:
 - Public Health
 - Data Management

BUREAU OF AIR QUALITY CONTROL

SUMMARY OF MAJOR ISSUES:

- DUE TO LIMITED RESOURCES, REGULATORY DEADLINES FOR PROCESSING LICENSE APPLICATIONS ARE NOT BEING MET, AND THE MAJORITY OF PULP AND PAPER MILLS DO NOT HAVE CURRENT LICENSES.
- LACK OF EXPERIENCED PERSONNEL IN THE NEW SOURCE REVIEW SECTION HAS IMPEDED LICENSING PROCESS.
- DUE TO LIMITED RESOURCES, ENFORCEMENT WITH RELATION TO SMALL VIOLATORS IS WEAK.
- PLANNING GROUP ACTIVITIES HAVE BEEN HAMPERED IN RECENT MONTHS DUE TO VACANCIES IN ES IV AND ES III POSITIONS.
- METEOROLOGY FUNCTION IS CURRENTLY FRAGMENTED BETWEEN DIVISIONS.
- FIELD STAFF NEED TRAINING IN COMPLIANCE/ENFORCEMENT ACTIVITIES; NEED FOR DELEGATION OF SMALL ENFORCEMENT ISSUES TO FIELD STAFF.
- ATTRACTING AND RETAINING ASSISTANT ENGINEER POSITIONS HAS BEEN DIFFICULT DUE TO SALARY LEVELS AND WORKLOADS. BACKLOGS IN LICENSING HAVE RESULTED.
- ATTRACTING AND RETAINING METEOROLOGIST POSITIONS HAS BEEN DIFFICULT DUE TO SALARY LEVELS, LACK OF DEGREE PROGRAM IN MAINE, AND LACK OF CAREER ADVANCEMENT. BACKLOGS IN BUREAU PROJECTS AND LICENSES HAVE RESULTED.
- HIGH TURNOVER IN AUGUSTA'S DIVISION OF AIR QUALITY SERVICES HAS RESULTED IN BACKLOGS OF BACKGROUND INFORMATION FOR LICENSES AND AIR MONITORING WORK.
- BUREAU HAS NOT DEVELOPED DOCUMENTED APPLICATION PROCEDURES FOR APPLICANTS OR STAFF INCLUDING A CHECKLIST THAT AIDS APPLICATION ACCEPTANCE FOR PROCESSING OR CRITERIA USED FOR REVIEW.
- OLD EQUIPMENT REQUIRES CONSIDERABLE MAINTENANCE AND STAFF TIME TO REMAIN OPERATIONAL; SEVERELY RESTRICTS STAFF PRODUCTIVITY. REPAIR COSTS EXCEED BUDGET COSTS EACH YEAR.
- BUREAU'S PUBLIC HEALTH FUNCTION NEEDS TO BE BETTER DIRECTED, WITH CLEAR GOALS AND OBJECTIVES; TURNOVER IN THIS POSITION HAS AFFECTED THE QUALITY AND QUANTITY OF PUBLIC HEALTH ACTIVITIES.
- CLERICAL AND NEW EMPLOYEES NEED A DICTIONARY OF AIR BUREAU TERMINOLOGY.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY CONTROL
PROPOSED ORGANIZATION STRUCTURE



- o Bangor
- o Central Maine
- o Presque Isle
- o Southern Maine

- o New Source Review
- o Renewal & Enforcement
- o Pulp and Paper Source Sampling

- o Meteorology & Modeling Support
- o Lab & Quality Assurance Support
- o Planning Section:
 - Public Health
 - Data Management

31-A

BUREAU OF AIR QUALITY CONTROL

Recommendation - 29

Transfer responsibility and staff (approximately 5 authorized positions) for the asbestos program to the proposed Bureau of Solid Waste Management. (Clerical position should remain, however, with the Air Bureau.)

Recommendation - 30

Add eight additional positions to the Air Bureau (1 - air quality, 4 - licensing and enforcement, 3 - technical services).

The staff requested in licensing and enforcement will allow applications to be processed according to statutory limits, increase compliance and enforcement investigations and follow up, and increase stack testing. Without additional staff, new source application backlogs could require up to two years to process. New applications for licenses from the pulp and paper mills have been given priority over renewals of expired licenses.

Additional technical service staff would permit the Bureau to implement an organic toxic program mandated by EPA and provide data entry and clerical support. Additional clerical/data entry support would free up professionals from present clerical duties and assure that resources are available to update the Application Information System (AIS) and important EPA data bases that provide background information for licenses and modeling.

Recommendation - 31

Establish an Office of Policies and Procedures reporting to the Director and authorize one full-time position to staff this unit. This unit would be responsible for developing documented administrative and operating procedures, including establishing review standards by type of activity, and policy issues and resolution, assisting in rulemaking and policy drafts, assisting the Director in establishing effective tracking and monitoring systems for Bureau activities, and develop Bureau training manuals.

Recommendation - 32

Consolidate the meteorologists into one unit within technical services.

Recommendation - 33

Accelerate the replacement of capital equipment in this Bureau (estimated \$130,000 per year for the next three years) to allow for proper utilization of staff to perform inspections and increase their air monitoring capabilities.

Recommendation - 34

Clarify the role of the Public Health Specialist and establish specific goals and objectives for the program. Additional responsibilities for other Department needs should be assigned as necessary.

V. STAFFING ANALYSIS

Our analysis of staffing issues in the Department has focused upon productivity factors, workload statistics, and program priorities and objectives. Workload factors, where available, were reviewed in light of potential productivity gains which we feel can be achieved through improved management systems and computer support. Also, the impact of proposed changes in organizational responsibilities was included in our analysis.

A critical factor in any analysis of staff levels is the productivity of staff personnel as measured by established output standards and quantifiable tasks and activities, or "inputs". Productivity levels of staff in the Department are currently low due to a variety of factors previously mentioned. It should be emphasized that productivity factors are crucial to the Department's overall operations. Many of the recommendations discussed in this report address the issue of productivity and, we believe, should take priority over large staff increases. The Department will be in better position to assess staffing levels once it has achieved stronger supervision, improved management systems, an improved working environment, additional training, more clearly defined policies and procedures, more permits by rule, and once it has enhanced its computer systems.

The staffing recommendations included in this report represent what we believe to be the Department's most critical position needs in view of current and projected workloads and the priorities of each program area. These areas are outlined below and presented in detail in the following exhibits. Also, current staffing levels, funding sources, and vacancies as of January 1988 are shown.

<u>Unit</u>	<u>Staffing Priorities</u>
Office of the Commissioner:	<ul style="list-style-type: none">• External relations/public information• Legislative liaison• Special projects• Interagency coordination
Administration Bureau:	<ul style="list-style-type: none">• Human resources• Budget and finance• Computer services
Air Bureau:	<ul style="list-style-type: none">• Compliance inspections• Licensing and relicensing activities• Toxics organic program
Land Bureau:	<ul style="list-style-type: none">• Compliance and enforcement• Licensing
Oil and Hazardous Materials Bureau:	<ul style="list-style-type: none">• Uncontrolled sites• Hazardous waste enforcement
Solid Waste Bureau:	<ul style="list-style-type: none">• Solid waste licensing and inspections• Sludge and residuals management

Water Bureau:

- Licensing
- Compliance and enforcement
- Lake restoration and protection programs

Our staffing recommendations assume that the Department will implement management improvements during the next three years; delays in implementation, or major new program responsibilities, would further increase staffing needs, given current productivity levels. Staffing levels are a dynamic aspect of the organization and require constant review and analysis to meet fiscal and program requirements.

As a result of our analysis we have found that many positions are currently vacant. These vacancies are due to a number of reasons, some of which are outside the control of the Department. Inadequate funding, for example, for positions authorized through federal grants or designated for MEPF funding, can cause the Department to refrain from filling "authorized" positions. Also, filling vacancies from within the Department, while beneficial in providing advancement opportunities to employees, has the effect of shifting vacancies from program to program, without decreasing the overall number of vacancies within the Department. Notwithstanding these situations however, the Department can do more in the recruitment and retention of qualified employees.

Recommendation - 35

The Department should accelerate the filling of authorized vacant positions at all levels of the organization, where funding limitations do not preclude this. We believe that the department can do more in this area, through a closer working relationship with the State Personnel Department and by assigning a higher priority to personnel matters in all Bureaus. Also, the Department should expand such programs as work-study, summer internships and conservation-aides to help train and interest college students in future careers with the DEP.

Recommendation - 36

The Department should request more frequent reviews of the classification and salary levels of positions which have demonstrated high turnover and have otherwise been difficult to recruit for. Economic development in the state has greatly increased the demand for certain skills, thereby placing all state agencies at a disadvantage in competing with the private sector for certain types of positions. Engineering salaries, in particular, have not kept pace with the marketplace in the southern and central regions of the state. Also, the lack of career paths for some positions (e.g., meteorologists) should also be reviewed with State Personnel officials, to determine whether these classes could be expanded or consolidated with other classes to provide more opportunities for advancement.

Exhibit I

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
FY1988 AUTHORIZED STAFFING LEVELS

CURRENT ORGANIZATION STRUCTURE			VACANT PENDING DEPT PERSONNEL ACTION	VACANT DUE TO FUNDING LIMITATIONS*
BUREAU/DIVISION	TOTAL	FILLED		
COMMISSIONER & STAFF	7	6	1	0
ADMINISTRATION				
Administration	0	0	0	0
Management & Planning	8	6	2	0
Information & Education	7.5	5	0.5	2
Administrative Services	19	17	2	0
Computer Services	6	6	0	0
Laboratory and Field Services	13	9	1	3
BUREAU TOTAL	53.5	43	5.5	5
LAND				
Administration	11	7	4	0
Technical Services	12	11	1	0
Enforcement & Field Service				
Augusta	8	6	2	0
Bangor	3	3	0	0
Portland	5	5	0	0
Presque Isle	1	1	0	0
Licensing and Review	25	18	3	4
BUREAU TOTAL	65	51	10	4
OIL & HAZARDOUS				
Administration	15.5	8.5	4	3
Technical Services	18	12	4	2
Response Services				
Augusta	8	8	0	0
Bangor	8	8	0	0
Portland	9	6	3	0
Presque Isle	2	2	0	0
Licensing and Enforcement	25.5	22.5	2	1
BUREAU TOTAL	86	67	13	6
WATER				
Administration	2	2	0	0
Municipal Services	20	15	4	1
Operation & Maintenance				
Augusta	14	12	0	2
Bangor	3	3	0	0
Portland	2	2	0	0
EELS	21	16	2	3
Presque Isle	6	5	1	0
Conservation Aides (seasonal)	5	3	0	2
Licensing and Enforcement	17	13	1	3
BUREAU TOTAL	90	71	8	11
AIR				
Administration	2	2	0	0
Licensing & Enforcement	17	14	1	2
Air Quality Services				
Augusta	10	7	0	3
Bangor	3	3	0	0
Portland	4.5	4	0	0.5
Presque Isle	1	1	0	0
Technical Services	10	8	1	1
BUREAU TOTAL	47.5	39	2	6.5
TOTAL DEPARTMENT	349	277	39.5	32.5

*These positions are funded from federal or dedicated revenues and cannot be filled at the present time due to inadequate funding from these sources.

Exhibit II

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
FY1988 AUTHORIZED STAFFING LEVELS

SOURCE OF FUNDING

CURRENT ORGANIZATION STRUCTURE

BUREAU/DIVISION	TOTAL	FED	STATE	DEDICATED
COMMISSIONER & STAFF	7	0	5	2
ADMINISTRATION				
Administration	0	0	0	0
Management & Planning	8	2	3	3
Information & Education	7.5	4.5	2	1
Administrative Services	19	8	5	6
Computer Services	6	2	4	0
Laboratory and Field Services	13	5	6	2
BUREAU TOTAL	53.5	21.5	20	12
LAND				
Administration	11	1	9	1
Technical Services	12	2	7	3
Enforcement & Field Service				
Augusta	8	3	5	0
Bangor	3	0	3	0
Portland	5	1	4	0
Presque Isle	1	0	1	0
Licensing and Review	25	5	9	11
BUREAU TOTAL	65	12	38	15
OIL & HAZARDOUS				
Administration	15.5	5	0.5	10
Technical Services	18	8	4	6
Response Services				
Augusta	8	0	1	7
Bangor	8	0	0	8
Portland	9	1	0	8
Presque Isle	2	0	0	2
Licensing and Enforcement	25.5	11.5	8	6
BUREAU TOTAL	86	25.5	13.5	47
WATER				
Administration	2	0	2	0
Licensing & Enforcement	17	7	5	5
Municipal Services	20	19	1	0
Operation & Maintenance				
Augusta	14	10	4	0
Bangor	3	1	2	0
Portland	2	0	2	0
EELS	21	12	9	0
Presque Isle	6	4	2	0
Conservation Aides (seasonal part-time)	5	4.5	0	0.5
BUREAU TOTAL	90	57.5	27	5.5
AIR				
Administration	2	1	1	0
Licensing & Enforcement	17	4	6	7
Air Quality Services				
Augusta	10	3	2	5
Bangor	3	3	0	0
Portland	4.5	2.5	2	0
Presque Isle	1	0	0	1
Technical Services	10	5	5	0
BUREAU TOTAL	47.5	18.5	16	13
TOTAL DEPARTMENT	349	135	119.5	94.5

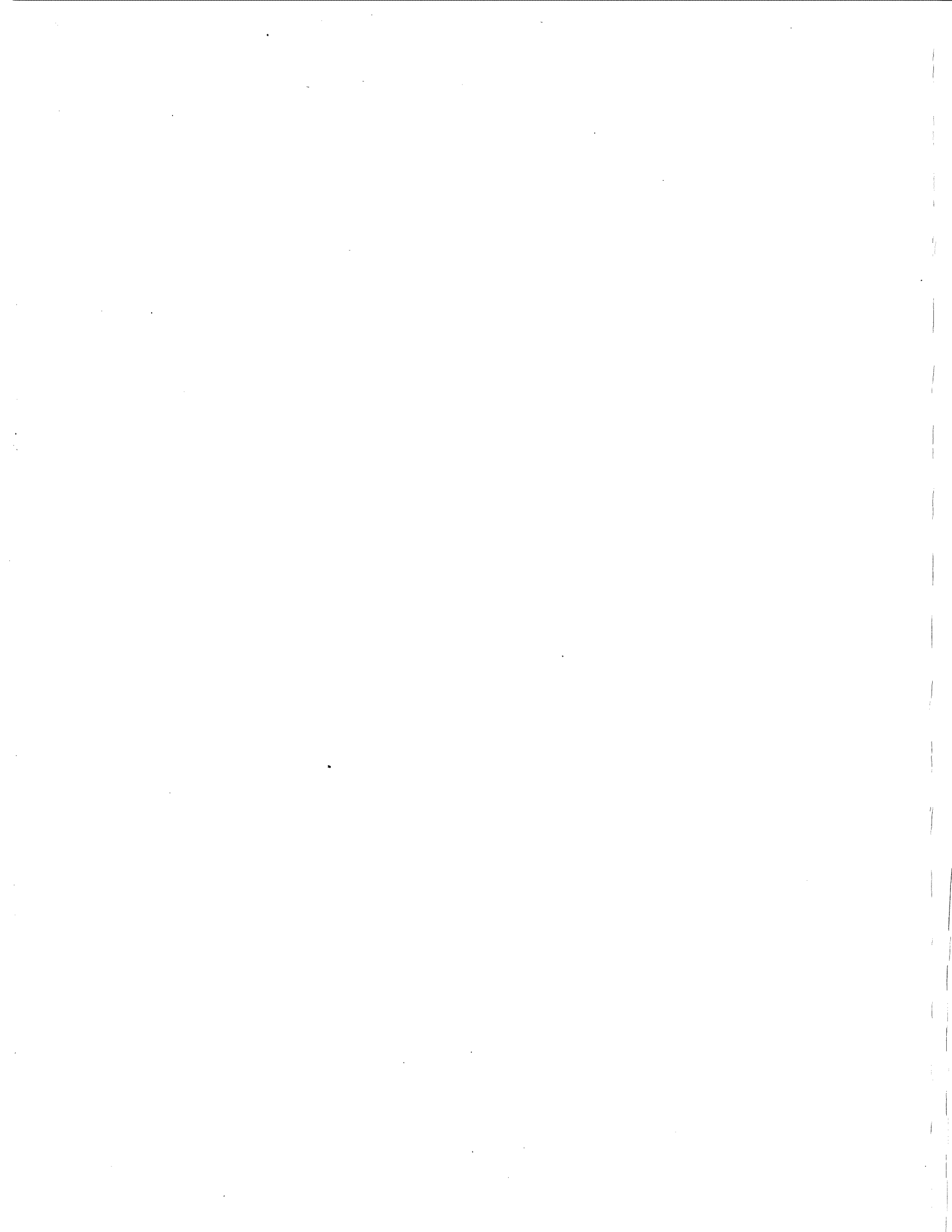


Exhibit III

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUMMARY OF
RECOMMENDED STAFFING LEVELS

PROPOSED ORGANIZATION STRUCTURE

	(A)	(B)	(C)	(D)	(E)
	AUTHORIZED POSITIONS	FUNDED POSITIONS	PMM RECOMMENDATIONS	SUPPLEMENTAL BUDGET	NET ADDITIONAL RECOMMENDED POSITIONS (C) - (D)
COMMISSIONERS OFFICE	16.5	14.5	1	-1	1
ADMINISTRATION	44	41	7	-1	7
LAND	65	61	12	8	4
OIL AND HAZARDOUS MATERIALS	86	80	10	-0.5	10
SOLID WASTE MANAGEMENT	10	8	8	—	8
WATER	85	74	8	1	7
AIR	42.5	38	9	-1	9
TOTAL DEPARTMENT	349	316.5	55	5.5	46

**Does not include approximately thirty new positions authorized for solid waste. These would be added to the new Solid Waste Bureau.*

- A. Current authorized positions have been allocated to the proposed organization structure pursuant to the recommendations made in this report.
- B. These positions are those which may be filled in the current year from available funding sources.
- C. Total of new staff recommended by PMM.
- D. These positions have been submitted in the supplemental budget to the Legislature for funding in FY89.
- E. Net increase of positions over the supplemental budget recommended by PMM (not including reductions in the supplemental budget).

34 - C

Exhibit IV

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
 FY1988 RECOMMENDED ADDITIONAL POSITIONS

PROPOSED ORGANIZATION STRUCTURE

BUREAU/DIVISION	PMM RECOMMENDED ADDITIONAL POSITIONS	COMMENT
COMMISSIONER & STAFF		
Commissioner's Staff	1	Legislative Affairs Coordinator
COMMISSIONER'S TOTAL	1	
ADMINISTRATION		
Administration		
Support Services Unit		
Budget and Finance	2	Chief Financial Officer and Accountant
Human Resources	2	Division Director of Human Resources and Training Supervisor
Computer Services	3	Increase technical support for the implementation of additional information systems
Laboratory and Field Studies		
BUREAU TOTAL	7	
LAND		
Administration		
Policy and Procedures Unit	1	Staff new unit
Technical Services		
Enforcement & Field Service	6	Increase enforcement and compliance inspections
Licensing and Review	5	Increase license review capabilities to address current workloads
BUREAU TOTAL	12	
OIL AND HAZARDOUS MATERIALS CONTROL		
Administration		
Policy and Procedures Unit	1	Staff new unit
Technical Services		
Response Services		
Hazardous Waste Programs	9	Increase investigation and remediation of uncontrolled sites; increase enforcement
BUREAU TOTAL	10	

Exhibit IV

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

FY1988 RECOMMENDED ADDITIONAL POSITIONS

PROPOSED ORGANIZATION STRUCTURE

BUREAU/DIVISION	PMM RECOMMENDED ADDITIONAL POSITIONS	COMMENT
WATER		
Administration		
Policy and Procedures Unit	1	Staff new unit
Licensing & Enforcement	2	Increase support for licensing and enforcing residential/commercial treatment facilities
Municipal Services		
Operation & Maintenance	3	Increase inspections at major waste water treatment facilities; increase data entry support
EELS	2	Increase support for lake restoration and protection programs
Oil		
Presque Isle		
Conservation Aides (seasonal)		
BUREAU TOTAL	8	
AIR		
Administration		
Policy and Procedures Unit	1	Staff new unit
Licensing & Enforcement	4	Increase support for licensing; compliance and enforcement inspections
Air Quality Services	1	Additional support for air monitoring and compliance inspections
Technical Services	3	Develop EPA toxic program; increase data entry support
BUREAU TOTAL	9	
SOLID WASTE MANAGEMENT		
Administration	1	New Bureau Director
Policies and Procedures	1	Staff new unit
Licensing	4	Solid waste licensing
Technical Services	2	Solid waste technical services
BUREAU TOTAL	8	
TOTAL DEPARTMENT	55	

Exhibit V

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

REGIONAL OFFICE SUMMARY OF STAFF

as of January 1988

CURRENT ORGANIZATION STRUCTURE

REGIONAL OFFICE	FY1988 AUTHORIZED POSITIONS
AUGUSTA	
Air	10
Land	8
Oil	8
Water	14
REGIONAL TOTAL	40
BANGOR	
Air	3
Land	3
Oil	8
Water	3
REGIONAL TOTAL	17
SOUTH PORTLAND	
Air	4.5
Land	5
Oil	9
Water	2
REGIONAL TOTAL	20.5
PRESQUE ISLE	
Air	1
Land	1
Oil	2
Water	6
REGIONAL TOTAL	10
TOTAL REGIONAL OFFICES	87.5

VI. FUNDING ANALYSIS AND FINANCIAL MANAGEMENT RECOMMENDATIONS

This section presents our analysis of overall Departmental funding, selected funding concerns identified and related financial management issues.

OVERVIEW OF DEP FUNDING

DEP has four major fund categories: State general fund, federal funds, dedicated funds and bond funds. An evaluation of the three operating fund categories is conducted here from historical and projected perspectives. Bond funding requirements for local wastewater construction projects are discussed later in this section.

During the past five years, while the Department's overall operating expenditures have increased by more than 75%, the sources of funding to finance these expenditures have shifted in relative size and importance. As shown in the following table, and graphically on the following page, growth in the general and dedicated fund accounts was significantly greater than growth in the federal grant accounts over the last five years. In FY 1988, based upon expenditures through the first five months, these trends are projected to continue.

	EXPENDITURES BY SOURCE					
	Actual					Estimated
	1983	1984	1985	1986	1987	1988
General fund	37%	38%	39%	39%	38%	40%
Federal funds	45%	39%	36%	35%	33%	29%
Dedicated funds	18%	23%	25%	26%	30%	31%

As can be seen, the federal share of Department expenditures has decreased continually since 1983, from 45% to an estimated 29% in the current year. As a result, State general and dedicated funds have had to assume an increasing share of Department costs, and now exceed 70% of Department operating revenues. These funding sources may be expected to continue to increase in importance, in view of federal funding cutbacks. The USEPA has recently enacted a 1.8% across-the-board cut in state grant appropriations for FY 1988. EPA has budgeted a modest 1% increase for FY 1989 state grants and expects following years to have similar or no growth.

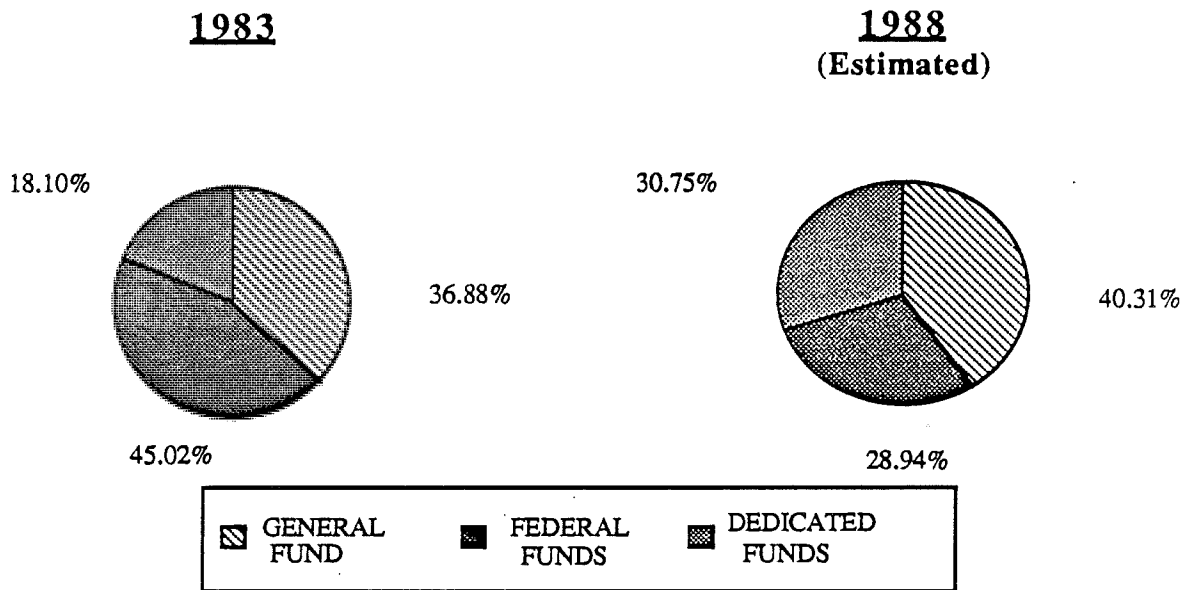
In program terms, departmental growth has also shifted in the last five years. The following table shows the average annual increase in spending, by Bureau, for the periods 1983-1987 and 1985-1987:

<u>Program</u>	Average Change	
	<u>1983-1987</u>	<u>1985-1987</u>
Administration	20%	18%
Air	9%	10%
Land	13%	18%
Oil & Hazardous Materials	20%	7%
Water	2.8%	2.6%
All Programs	12%	10.4%

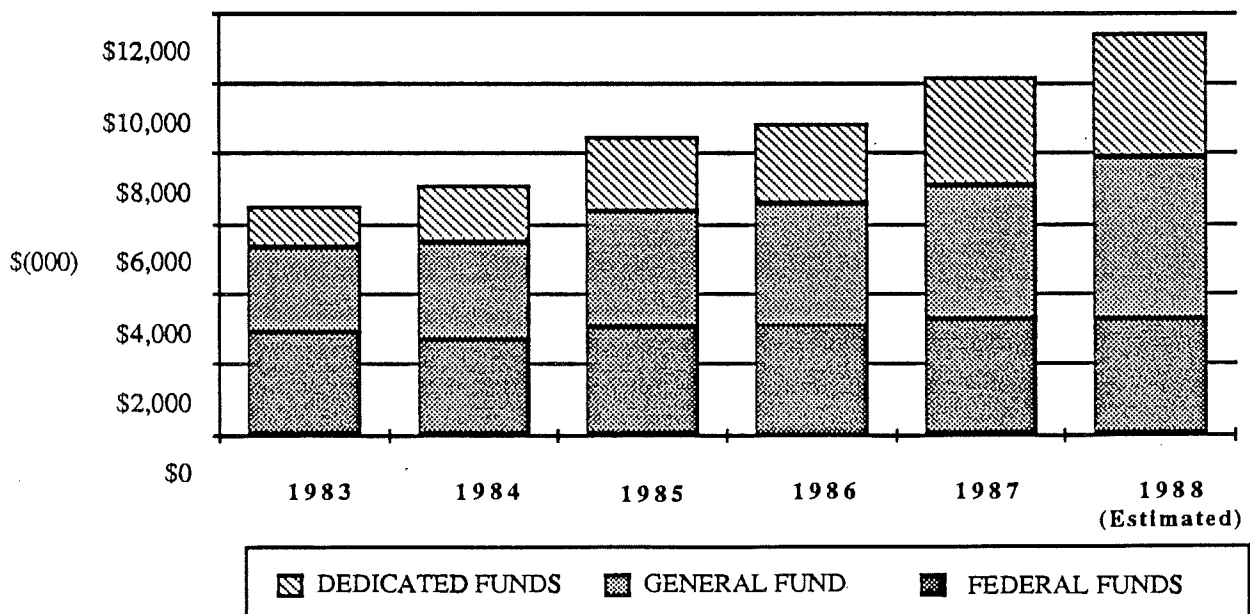
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FUNDING SOURCES: FY 1983 - 1988

RELATIVE FUNDING SOURCES: 1983 AND 1988



EXPENDITURES BY SOURCE



This data shows that overall departmental growth has slowed slightly during the past 3 years when compared to the last 5 years. Funding requirements in the Land Bureau have increased over the last 5 years at 13% and over the last 3 years at 18%. A slowdown in growth in the Oil & Hazardous Materials Bureau is evidenced by a 20% annual 5 year growth and only a 7% annual growth over the last 3 years.

The relative and absolute decline of EPA funds to DEP has several important implications for future fiscal and management planning:

- new program and staffing needs will have to rely almost exclusively on State funding sources;
- existing programs and staff funded with federal dollars will have to be increasingly supported by State funds to continue at current levels.

Based upon projected federal funding levels through FY 1991 (assuming no growth in current grants), and the annual cost increases typically required for salary and benefit expenses, it can be estimated that between 15 and 20 positions which are presently supported by federal funds will have to be transferred to State funding sources over the same period.

While the principal source of non-federal funds for DEP continues to be the State general fund, there has been significant growth in the dedicated fund accounts since FY 1983. The sources of this growth have been in the groundwater cleanup fund and the Maine Environmental Protection Fund (MEPF). These two funds accounted for \$1.5 million of \$3 million total dedicated funds in 1987; in 1984, the two funds did not exist and total dedicated funding was about \$1.6 million. Little change was experienced in the other dedicated account revenues over the past 3 to 4 years. Growth experienced over the past two years in the groundwater fund is expected to level off. The groundwater and surface water cleanup funds have respective balances of \$3.4 million and \$1.1 million which could allow increased spending as required for these activities. Over the past year, both of these funds have met their obligations out of operating revenue without drawing down the balance. However, in FY 1988 and beyond, the groundwater fund will lose the \$250,000 annual transfer from the surface fund (this was authorized to help establish the new groundwater fund). This and any other additional expenditures in the fund will reduce the fund balance. Both the groundwater and surface water cleanup funds must maintain fairly large balances relative to their operating expenditures to cover large, unexpected cleanup activities.

In view of these limitations on the groundwater cleanup fund, the MEPF has taken on increased importance as a source of general operating funds for Department program costs. This fund is discussed more fully in the following section.

MAINE ENVIRONMENTAL PROTECTION FUND

Status of the Fund

The MEPF is a dedicated fund account for depositing licensing and other fees collected through the Water, Air and Land Bureaus. Recent assessment of the fund condition has raised concern within DEP that a deficit could occur by year end. The fund started the fiscal year with a balance of over \$800,000. The total budgeted expenditures for the fund this fiscal year is \$1.5 million

which includes \$600,000 that was budgeted primarily to cover the new asbestos and solid waste programs. Since the fund has generated only about \$500,000 a year in fee revenue, the total resources estimated for this year are about \$1.3 million.

Based on actual expenditures for the first half of FY 1988, personnel costs are running this year at an annual rate of \$560,000 per year. Adding to this, \$112,000 for the additional personnel planned for the rest of the year and \$100,000 for indirect costs, this equals \$772,000 and leaves \$560,000 for capital and other costs to break even at year end. Approximately \$600,000 was allotted for capital and other expenditures, however by November only \$70,000 in this category had been spent. If the DEP could control or delay these costs to below the \$500,000 level (which appears likely based on the actual expenses), a positive balance in the fund is possible by year end.

Fee Levels

The increased spending of the fund was planned for this year with the expectation that additional fees would be established for the solid waste, overboard discharge and asbestos programs. The Legislature approved last session a small increase in fees for a number of other licensing activities that should increase revenue by a modest amount. It appears that additional fees for the solid waste program will not be implemented until next fiscal year since the program is just being undertaken. If DEP plans to continue spending from MEPPF as allotted for this fiscal year, up to \$900,000 in additional fees from solid waste and other activities could be required next fiscal year.

One source of fee revenue is the use of surcharges on solid waste disposal in the State. The Land Bureau is planning to conduct a study later this year under the solid waste program to examine such a fee on waste disposal as well as transportation. The state of Pennsylvania recently enacted a \$1 per ton state surcharge on all solid waste disposed in landfills. This type of fee in Maine could be a significant source of revenue for the MEPPF.

The Bureau of Administration has suggested that a more accurate cost accounting system is needed to better track licensing activities and to set specific fee levels based on cost. This approach may appear more equitable from a cost perspective, however it may present administrative difficulties in identifying and recording a large number of separate activities and may not produce the results intended. A "market" based approach to fee setting may be more appropriate for consideration. Under this approach, fees charged for processing and licensing may be generally related to the costs with the respective bureau for these activities, however individual fees could be set based on what the market will bear.

A wide range of DEP research and regulatory activities support the various licensing processes, and the costs of processing licenses and conducting inspections can vary significantly depending on the type of license. In many cases, a regulatory agency such as DEP may discourage reporting by charging high fees for services that may seem burdensome to the user. In other cases, users may be willing to pay high fees where environmental impact potential may be present or where a more tangible or valued service is being provided by DEP through the licensing process. For example, a \$25 license fee is currently charged for log storage whereas \$25 is also charged for special discharges of dredge spoils as well as for commercial/ industrial park site location. It

seems logical to assume that fees much higher than \$25 could be charged for the latter two applications.

Recommendation - 37

In view of the increased reliance on State funding sources for departmental programs, and the economic value of many of the licenses and permits issued by DEP, the Department should undertake a comprehensive review of its major license fee levels. In this review, consideration should be given to significant increases in the fees charged for certain types of regulated activities.

Management of MEPF

Spending within MEPF is currently overseen on a routine basis by the Bureau of Administration. Management of the fund by the Bureau of Administration is made difficult by the number of various programs utilizing the fund and by these programs' control of the licensing and inspection processes. Two options are suggested for improving accountability and control of the fund:

- Within the annual budget process, money within MEPF could be allocated to each bureau based on their proportion of fees contributed. Each bureau could then be responsible for managing their overall licensing and inspection expenditures based on revenue from the MEPF allocation and other sources that they may have available. Each bureau could also examine and recommend fee levels to cover the costs of their various services. The Bureau of Administration could reserve 10% to 20% of the fund balance each year for unexpected expenses and fluctuations in fee revenue.
- MEPF could be divided into three independent funds for the Land, Air and Water Bureaus, each managing their own expenditures and revenue under the fund. This is the same approach used by the Oil & Hazardous Material Control Bureau for its surface and ground water funds. (Even with this approach however, we would still recommend consolidated financial reporting responsibilities with the proposed Division of Budget and Finance.)

WASTEWATER CONSTRUCTION PROGRAM

The wastewater construction program provides grants to local governments to match federal grant funds and to provide assistance to those communities exhibiting financial hardship from building new facilities. The construction grants program will be converted to a revolving loan program beginning partially in 1989. The revolving loan program will be fully operational in 1991 when EPA grants are phased out. The program also includes a grant program for small communities funded at \$1 million a year. Over the past two years, the legislature has approved \$24 million bond funding for these programs. For FY 1989 and 1990, \$8.3 million per year has been requested to fund the State match and the small community program. As the EPA loan program is phased out between 1991 and 1994, the required State match declines from \$3.6 million in 1991 to \$0.9 million in 1994. The loan program will continue by using the loan repayments to relend to other local projects, however the size of the program becomes relatively small after 1994 when federal capitalization grants are planned to stop. The State may want to increase the size of the program by issuing bonds to leverage the fund for future projects.

There are some concerns over the funding of the administration of the program. A 4% administrative allowance is provided by EPA which amounts to about \$740,000 for FY 1988. The program spent approximately \$1 million last year including \$280,000 of prior year balances. A shortfall may occur this year if spending in the fund cannot be kept within the \$740,000 range. There is also a concern with funding administration of the new revolving loan program which will be jointly managed by DEP and the Maine Bond Bank. It is not clear if or how the 4% allowance will be shared.

FINANCIAL MANAGEMENT ISSUES

Management of financial information is currently reliant on the mainframe system that produces the program budget reports and the monthly analysis reports. These reports are generally difficult to use in determining spending levels relative to funds available and in summarizing conditions by bureau. Manual recordkeeping and analysis typically are used to monitor conditions of each fund account. The labor intensity required to track each fund accurately has affected the depth at which analyses are conducted as well as consistency in the frequency of reporting conditions. Routine tracking and status reporting are currently conducted by analysts in Management Planning and accountants in Administrative Services. Status memoranda are currently prepared at various frequencies and using different formats.

Recommendation - 38

The Department should develop uniform fund account reporting formats that are useful to administration as well as the program offices. There is a need to assess each fund account on a regular basis and to compile the results in various forms. A monthly report could be prepared reflecting overall financial performance; on a quarterly basis, a more descriptive report of conditions and issues could be prepared. Such reports could include monthly historical costs/revenue by account, budget remaining, estimate of year-end expenditures/revenue, and annual trend projections. This ongoing analysis of financial conditions and needs should also be beneficial during the budgeting process each year.

In addition to more formal reporting procedures, the recommended creation of a new Budget and Finance Division within the Bureau of Administration (described previously in this report) will provide a more unified management focus to Department finances. A single point of accountability for overall financial management and reporting activities will greatly assist in monitoring the Department's operating funds and annual appropriations. Also, more extensive use of personal computers and spreadsheet software (as recommended in the next section of this report) would greatly enhance the capabilities of the analysts and accountants to interpret and utilize the information provided in the mainframe reports.

VII. COMPUTER ANALYSIS AND RECOMMENDATIONS

As discussed previously in this report, the current status of automated information systems severely limits the Department's ability to provide:

- statistics on workload volumes, such as volume of applications received, length of processing time for applications, and compliance and renewal inspections that may be overdue or need to be scheduled
- information on staff productivity and availability
- information to applicants on the status of their applications
- efficient and timely financial information
- flexible reporting capabilities
- easy-to-retrieve ad hoc reports on specific activities, such as a particular type of license that may be backlogged

The Department needs to undertake a comprehensive assessment of its automated systems needs. A master plan was written by the Computer Services Division several years ago addressing short- and long-range plans and identifying the status of hardware equipment and software programming. The plan needs to be updated to reflect changes that have taken place and to address the problems identified above.

Current financial systems do not provide adequate information to facilitate financial management and planning on a department-wide basis. Also, the Department does not have an adequate number of terminals and personal computers, either in the regional offices or headquarters, for clerical and/or professional staff to take advantage of word processing and information system capabilities. Standard forms and letters are often typed over and over again because of limited access to word processing equipment. Staff lose valuable time waiting for access to a terminal. There are a number of large documents (Findings of Fact, Draft Licenses, etc.) that could be formatted on a word processing file and reused.

There are a number of automated software systems used by DEP staff to support specific programs, including Air Quality Data Handling (AQDHS), Emission Inventory System (EIS), and the Permit Compliance System (PCS). These systems were developed by EPA to allow for consistent state reporting on such activities as testing, compliance, and monitoring of data. Better utilization of the EPA "STORET" system by the Water Bureau could reduce staff writing time and provide important data for planning purposes. There is inadequate training and user documentation for staff on these systems.

Several additional in-house systems have been developed by DEP to facilitate bureau data processing needs, such as dam registrations, hazardous materials/oil spills, lakes inventory and lakes vulnerability, to name just a few. Bureaus still have additional needs to automate manual processes and build data bases for new programs. Examples of such needs are:

- asbestos registration/certification licensing
- asbestos abatement notifications
- renewals for residential/commercial discharge licenses
- small quantity generator mailing lists
- sludge and residual applications
- overboard water discharge permits
- chemical/hazardous material inventories
- enforcement actions

The Computer Priorities Committee, composed of members of each of the program Bureaus and the Computer Services Division, has been created to establish priorities of services, new systems or enhancements, and to coordinate purchases of hardware and software.

DEP utilizes a Honeywell minicomputer DPS 6/95-1 system to process in-house and EPA system programs. System applications are both on-line and batch processed. On-line systems include the Application Information System (AIS), manifest tracking for oil and hazardous materials, oil transfers from licensed terminals, word processing, laboratory data management, dam registration for the Land Bureau, and lake classification for the Water Bureau. Batch jobs include mail label printing, operator certificates and ambient water quality data for the Water Bureau, and meteorological data for the Air Bureau.

The primary administrative system utilized by the Department is the Application Information System (AIS). This system was developed in-house by DEP staff to account for costs incurred by DEP to process applications (filing, processing, compliance costs, etc.) as well as track the fees charged to applicants.

AIS was not originally intended to track applications through the license process but it contains information that allows it to be used as a rudimentary application-tracking system. The system has been modified to include more of the information necessary for tracking (status, data application accepted/rejected) but much work is needed to make it a real management tool for application-tracking.

Each Bureau is responsible for maintaining AIS information files. Generally speaking, these files are not kept current, although much has been done recently to update and validate this information.

Management reports can be written from the AIS files using a report writer language called "MISH". MISH is in limited use by Bureau staff because of the technical knowledge required to write a report request and the lack of up-to-date information. A number of standard reports have been written by the Computer Division and placed on a menu for easier access but management staff in general do not utilize the information available. Currently the Bureau of Oil and Hazardous Materials Control does not enter any data into the system. Training and user documentation are needed to take better advantage of the AIS system.

There are number of personal computers (mostly IBMs) which are used by various staff members to support specific jobs which affect their day-to-day work. Although the Computer Task Force has published recommended procedures, little coordination has taken place in the acquisition of PC systems. Also, PC applications are limited at the present time. Acquisition of additional PC hardware and software could enhance the following tasks:

- air monitoring strip chart resolutions
- modeling for acid rain
- air monitoring data acquisition equipment
- enforcement case lists
- Response Services spill reports

Recommendation - 39

Undertake a comprehensive Department-wide study of computer system needs and requirements. Emphasis should be placed on administrative and accounting systems that will serve the Department into the 1990s. The study should culminate in a comprehensive, detailed strategy that will provide DEP with systems that will improve communications, enhance productivity, provide needed management/financial reports, and establish unified data bases for use by all program bureaus.

It should be noted that several of the recommendations in this report are based on the Department having an on-line integrated system that provides information on licensing, enforcement, and compliance activities not only to Augusta staff but to regional staff as well. Without such access to current information, the Department cannot effectively delegate more licensing and compliance responsibilities to the regions.

Recommendation - 40

Upgrade the Department's financial management systems through greater use of automation. This should be done in two steps.

First, undertake a detailed study to review systems requirements for an integrated financial management system. This system should include the ability to address grant management issues, adequate financial reporting capabilities, and interface with the State's accounting system as required for payables and budgeting.

Second, increase the use of personal computers and spread sheet software to automate certain financial applications as indicated in the previous section. It is our understanding that the Division of Management and Planning is developing a personal computer spreadsheet program to track certain grant funds. Other applications that should be addressed include:

- developing an application whereby expenditures and funds could be more easily tracked by account on a monthly and cumulative basis, and summarized by program

- developing the ability to offload mainframe reports, such as the monthly analysis reports, to personal computer files to eliminate manual data input.

Recommendation - 41

Utilize AIS abilities to track licensing and enforcement activities in the short-run, until a more comprehensive tracking system is developed. Additional fields need to be added include a date for next inspection, date license expires, date and comments from last inspection, as well as date fields for critical events in the license or enforcement process.

The Bureau of Oil and Hazardous Materials' license and enforcement activities should also be included in the AIS system. All staff need to be encouraged to utilize and keep information up-to-date. Training on the system is needed for all staff so that basic applicant phone calls on status can be answered quickly.

Recommendation - 42

Develop or purchase a time-keeping system that will provide managers and supervisors with a summary of work completed during a two-week period and provide estimates of work to be done during the next four weeks. This system would allow management to better plan staff time and help identify slack resources that could be used to help clear up backlogs or heavy volume areas.

Recommendation - 43

Develop or purchase a project management system that would aid project leaders with tracking large projects, including outside reviews and responses.

Recommendation - 44

Formalize training programs for staff on the use of the computer, including an introduction to using a computer, using standard word processing packages, and using the specific data bases and programs within each bureau. Training on the use of MISH also needs to be continued, as well as developing standard reports that can be easily used by management.

Recommendation - 45

Enforce and maintain the Department's personal computer policies through the Computer Priorities Committee (CPC). Acquisitions and use of software should be standard so that information is not fragmented and standard training can take place. Also, expand the CPC to include representatives from each Bureau.

Recommendation - 46

Provide data processing staff with training in project management and system development procedures and controls. The implementation of an on-line integrated system will require additional staff training and resources to support this effort.

VIII. PROPOSED IMPLEMENTATION PLAN

The recommendations included in this report may be viewed as falling into several different categories, as follows:

- operating procedures and policies
- staffing and training needs
- automated information systems
- equipment and space

Each of these areas separately, while important in itself, cannot be expected to make a measurable improvement in Department performance and employee productivity. Only if these enhancements are seen as integral and related parts of an overall management strategy can real change be accomplished in such a large and complex agency as DEP.

To achieve the overall improvements in performance and efficiency which are desired, the recommended actions should be implemented in a coordinated and rational manner, over a period of years, recognizing the detailed planning, budgeting and other activities which must precede such changes. Also, from a practical standpoint, the additional resources required for new staff, equipment, and a detailed computer systems review cannot reasonably be expected to be available in a single year. Accordingly, and for preliminary planning purposes only, a three-year implementation period has been assumed.

The costs of implementing this study can only be estimated in orders of magnitude at this time, pending a more detailed review of our recommendations and a number of variables which must be considered, such as salary levels, specific equipment needs, financing methods, etc. Also, the costs to implement a number of recommendations cannot be estimated without more detailed analysis, such as office renovations, computer system upgrades, new hardware/software configurations, etc. Given these limitations, and in order to provide a financial framework for implementation planning, the following general estimates may be used:

	<u>Annual or Estimated One-time Costs</u>
46 new positions (at \$30,000 each)	\$ 1,380,000
Computer systems requirements study	150,000
Microcomputers and related software	300,000
Operating equipment	<u>400,000</u>
Total	\$ 2,230,000

PROPOSED IMPLEMENTATION PLAN

(\$000)

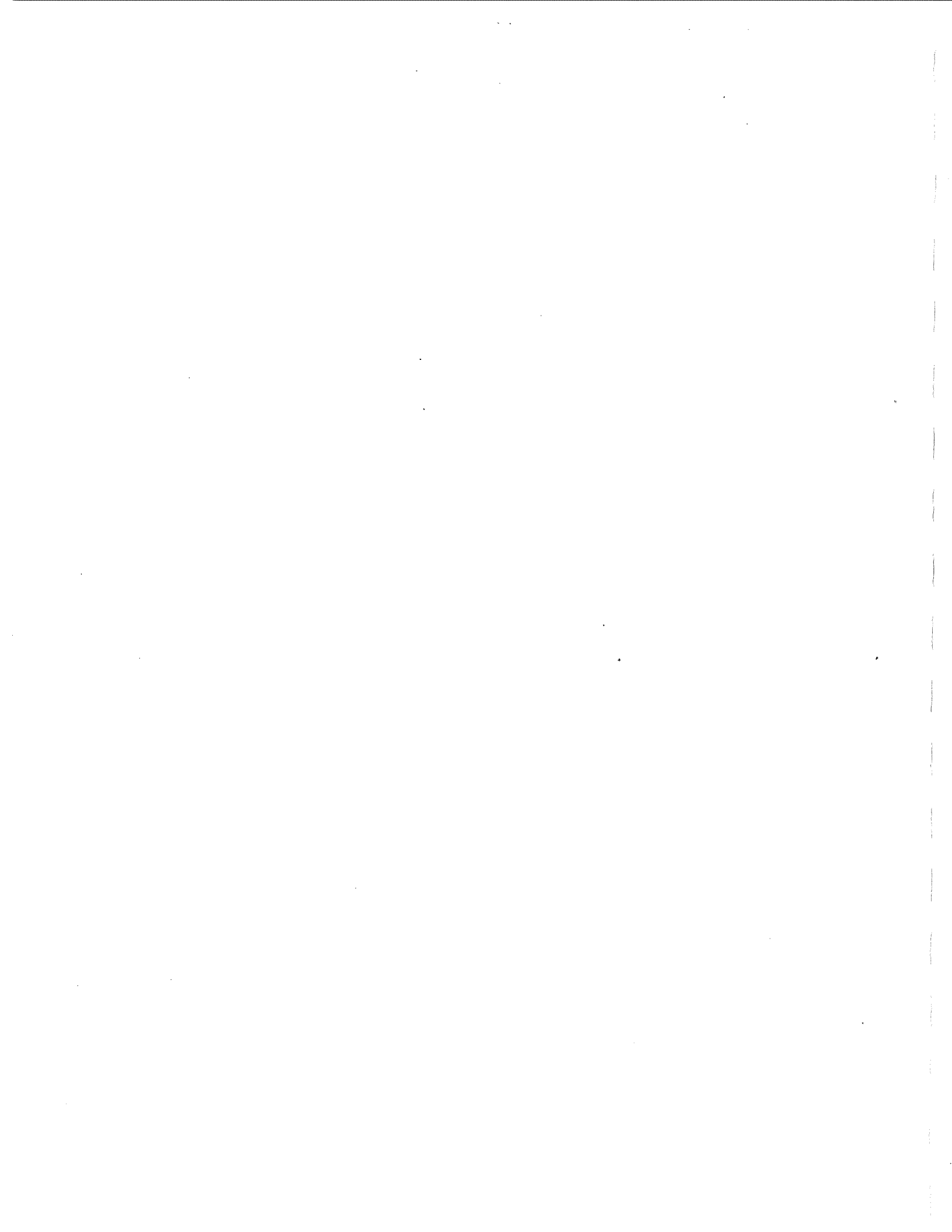
RECOMMENDATIONS AND POTENTIAL SOURCES	FY 1989	FY 1990	FY 1991
MAJOR RECOMMENDATIONS:			
o 46 New Positions (\$30,000 per position)	\$450 *(15)	\$900 *(30)	\$1,380 *(46)
o Computer Requirements Study	150	-	-
o Micro-Computer Hardware/Software	100	100	100
o Capital Equipment	130	130	130
TOTAL	\$830	\$1,130	\$1,610
POTENTIAL FUNDING SOURCES:			
o Increased Fees to Maine Environmental Protection Fund	500	500	500
o 1/3 of penalties from enforcement actions	100	100	100
o General Fund	230	530	1,010
TOTAL	\$830	\$1,130	\$1,610

*Number of positions

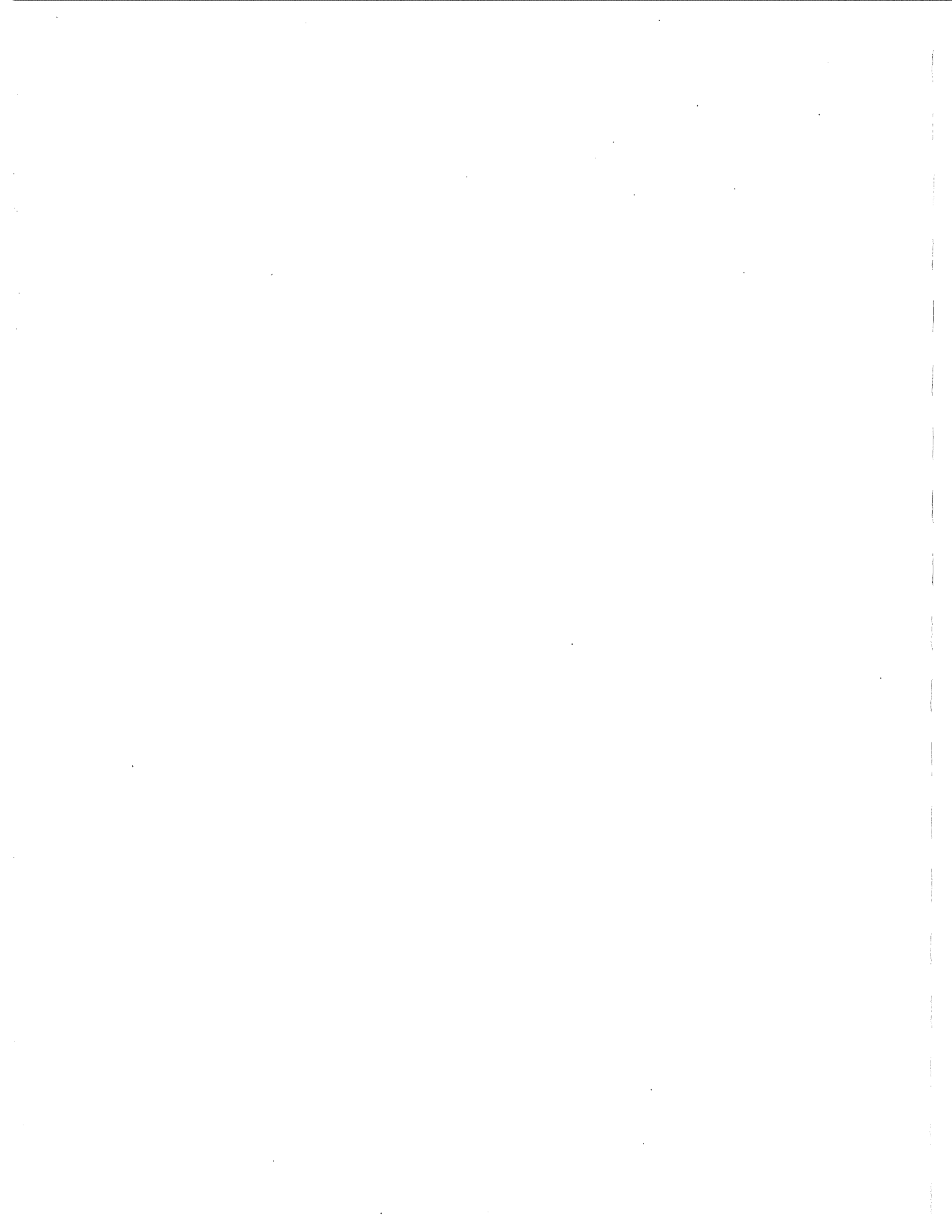
To finance these costs, several sources of funding should be considered, especially in view of the need for additional general fund support to offset declining federal grants over the next several years. The most likely source of such additional funding would appear to be significant increases in dedicated funds, either through large increases in current fees or the allocation of a portion of violation penalties to the MEPPF, discussed previously in this study.

While the incremental revenues that might be collected through these sources cannot be estimated with precision, one scenario is shown in the funding plan on the opposite page. In this plan, annual "new" revenues of \$600,000 are assumed from these sources, and implementation of the study recommendations is phased in over a three-year period, with the additional 46 positions being authorized in three different fiscal years. Given these assumptions, general fund costs would increase from \$230,000 in the first year to approximately \$1,000,000 in the third year to implement the major study recommendations. Once other costs are defined (building renovations, additional office space, new or enhanced computer systems, etc.), these could also be partially offset by dedicated funds, and might be further "spread out" through long-term financing.

In addition to securing the financial resources needed to enhance Department operations however, DEP must also make the necessary changes in procedures, management training and accountability, program responsibilities and staff utilization which are identified in this study. Changes in the use of resources, both existing and proposed, are no less important than the level of resources available. These enhancements must also be implemented in a well-planned and rational manner. Responsibility for specific actions must be assigned to individuals, and time tables for progress must be established and monitored. To oversee these tasks, and to coordinate plan implementation with Department budget and management planning activities, a task force should be formed and charged with these responsibilities.

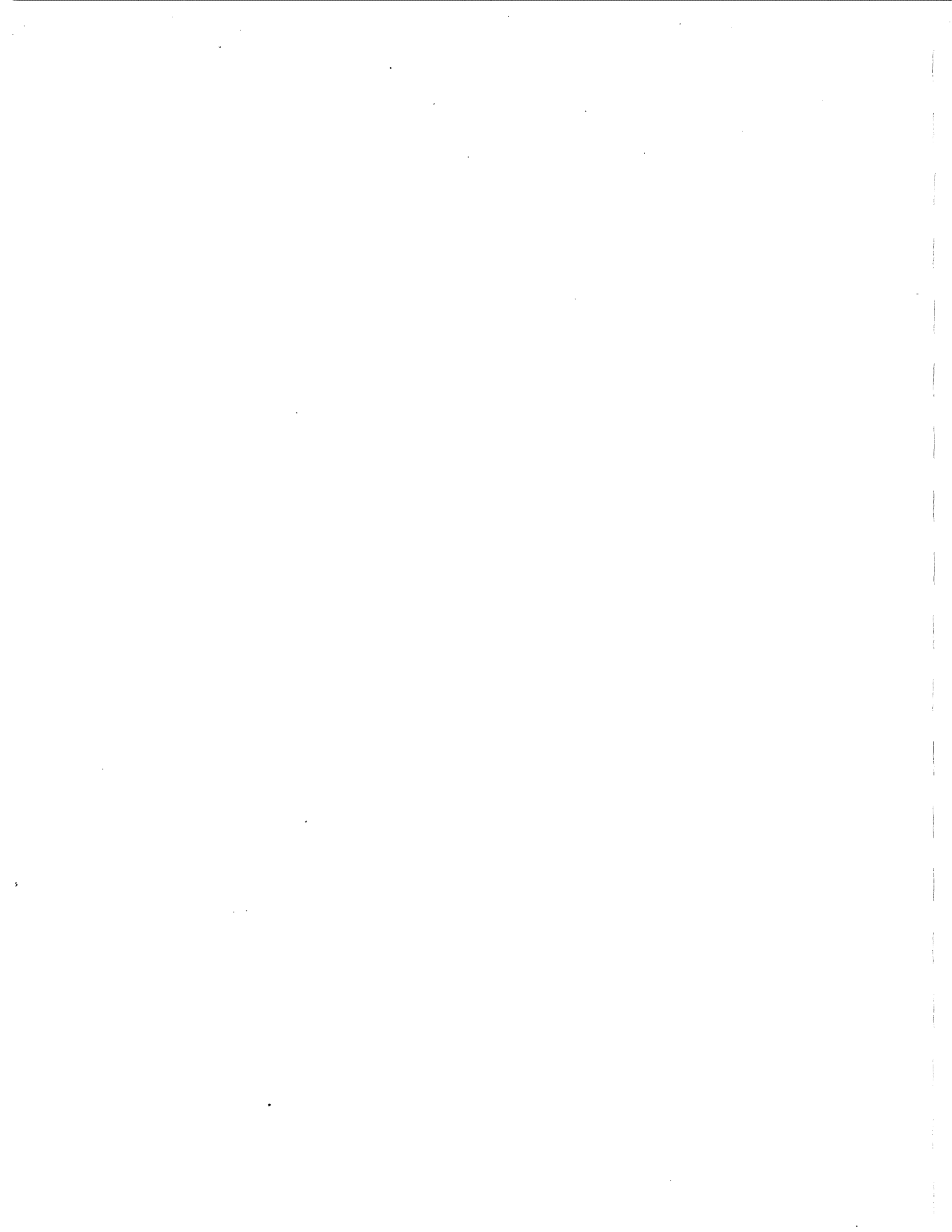


APPENDICES



APPENDIX

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I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
MISSION STATEMENT

FEBRUARY 1986

The Department of Environmental Protection is charged by statute with the protection and improvement of the quality of our natural environment and the resources which constitute it and with the enhancement of the public's opportunity to enjoy the environment by directing growth and development which will preserve for all time an ecologically sound and aesthetically pleasing environment. The Department will advocate programs and regulatory decisions that contribute to the achievement of this mission.

In pursuing this mission, it is the policy of the Department to treat its employees and the public with courtesy, respect and consideration and to be fair and honest in its dealings, and to be mindful of the special qualities that make Maine a unique place to live and work.

II. LIST OF INTERVIEWEES

Department of Environmental Protection

A. COMMISSIONER AND STAFF

D. Marriott
L. Armstrong

B. BUREAU OF OIL & HAZARDOUS MATERIALS CONTROL

1. Administration

A. Prysunka
R. Demkowicz

2. Technical Services

G. Seel
J. Hynson
F. Lavallee
C. LePage

3. Field Services

D. Sait
F. Brann
P. Cogburn

4. Licensing & Enforcement

D. Boulter
S. Ladner
M. Barden

Hazardous Waste Grant

S. Whittier

Multi-Site Grant

H. Aho

C. BUREAU OF LAND QUALITY CONTROL

1. General Administration

P. Clark
L. Casoria

2. Enforcement & Field Services

J. Jones
M. Mullen

3. Shoreland Zoning Unit

R. Baker

4. Special Projects Unit

C. Eliason

5. Technical Services

M. Hyland
F. Hoar

6. Licensing & Review

D. Dominic
C. Kellogg
W. LaFlamme
D. Witherill

Dams & Hydros

D. Anderson
D. Murch

D. BUREAU OF WATER QUALITY CONTROL

1. Administration

S. Groves

2. Licensing & Enforcement

G. Lord
L. Lettre
N. Marcotte
D. Maxwell
D. Merrill

3. Operation & Maintenance

D. Keschel
K. Castonguay
D. Coffin
J. Moulton
J. Tibbits

4. Municipal Services

C. King
S. Farrar
D. McLaughlin
D. Purington
B. Sproul

5. Environmental Evaluation & Lake Studies

M. Scott
D. Courtemanch
J. Dennis
P. Garrett
T. McGovern
B. Mower
J. Sowles

E. BUREAU OF AIR QUALITY CONTROL

1. Administration

J. Bastey

2. Licensing & Enforcement

D. Dixon
R. Ballew
C. Chesley
D. Dumas

3. Technical Services

G. Bernier
J. Cohen
N. Gordon
R. Mayo
R. Severance

4. Air Quality Services

L. Carter
D. Avalone-King

F. BUREAU OF ADMINISTRATION

1. Administration

S. Tate

2. Management & Planning

G. Kaplan
K. Wilkins
F. Fiore

3. Information & Education

R. Neily
W. Pray

4. General Administration

J. Leigh
J. Anastasio
C. Bean
J. Campbell
R. Fitzmaurice
J. Leigh
R. Limouze
P. Shofner

5. Computer Services

R. Dolan

6. Laboratory and Field Services

G. Hunt

G. REGIONAL OFFICES

NAME	BUREAU
1. <u>Presque Isle</u>	
C. Allen	OHMC
N. Archer	Water
G. Duncan	Water
J. Duncan	Land
J. Gammon	Water
W. Pearsall	Water
G. Vetter	Air
F. Weaner	OHMC

2. South Portland

C. Clayton Richardson	Air
S. Eufemia	OHMC
A. Johnson	Air
J. Jones	Water
D. Kale	Land
D. Webster-Pierce	Land

3. Bangor

C. Darling	Land
J. Emery	Air
M. Hoffman	Admin
R. Randall	OHMC
J. Sohns	Water
B. Taylor	OHMC

II. LIST OF INTERVIEWEES
Industry, Environmental Groups, and Trade Associations

<u>Agency</u>	<u>Name</u>	<u>Position</u>
Maine Real Estate Development Association	F. Gordon Hamlin	President
Natural Resources Council of Maine	Ron Kreisman	Advocate
Roger Mallar Associates	Roger Mallar	
Maine Audubon Society	Michael Cline Karen Tilberg	Acting Executive Director Advocate
Standish Citizens Opposed to Sludge (SCOTS)	Dolores J. Lymburner Fran Labon Carol Arsenault	
Maine Peoples's Alliance	Janet Fernald George Christe Cathy Hinds	
COPE	Marla Bottesch Gloria Frederick	
Citizens Opposed to Waste Sludge (COWS)	Donald Eskelund	
Paper Industry Information Office	David Sargent	Manager of Communication
Great Northern Paper	Dale Phenicie	
Maine Chamber of Commerce & Industry	Patricia Aho	Staff Attorney
International Paper Company	Jim Grippe	Superintendent, Environmental Compliance
Pierce, Atwood	Daniel Boxer	Attorney