

**Stricken language will be deleted and underlined language will be added.
Act 213 of the Fiscal Session**

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010
4

As Engrossed: H2/16/10
A Bill

HOUSE BILL 1052

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE
12 FISCAL YEAR ENDING JUNE 30, 2011; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE ARKANSAS DEPARTMENT OF
17 ENVIRONMENTAL QUALITY APPROPRIATION FOR
18 THE 2010-2011 FISCAL YEAR.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas
25 Department of Environmental Quality for the 2010-2011 fiscal year, the
26 following maximum number of regular employees whose salaries shall be
27 governed by the provisions of the Uniform Classification and Compensation Act
28 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
29 thereto. Provided, however, that any position to which a specific maximum
30 annual salary is set out herein in dollars, shall be exempt from the
31 provisions of said Uniform Classification and Compensation Act. All persons
32 occupying positions authorized herein are hereby governed by the provisions
33 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
34 101), or its successor.
35

36 Maximum Annual

1			Maximum	Salary Rate	
2	Item	Class	No. of	Fiscal Year	
3	No.	Code	Title	Empl oyees	2010-2011
4	(1)	U015U	ADEQ DI RECTOR	1	\$121,237
5	(2)	U075U	ADEQ CHI EF DEPUTY DI RECTOR	1	\$99,968
6	(3)	N067N	ADEQ DEPUTY DIR - LAND RESOURCES	1	GRADE N908
7	(4)	X004C	ADEQ AI R DI VI SI ON MANAGER	1	GRADE C129
8	(5)	G005C	ADEQ WATER DI VI SI ON MANAGER	1	GRADE C129
9	(6)	G004C	MANAGING ATTORNEY	1	GRADE C129
10	(7)	D007C	I NFORMATI ON SYSTEMS MANAGER	1	GRADE C128
11	(8)	G035C	ADEQ ADMI NI STRATI ON DI V MANAGER	1	GRADE C127
12	(9)	G034C	ADEQ ASST AI R/WATER DI V MANAGER	2	GRADE C127
13	(10)	B012C	ADEQ ENGI NEER P. E. BRANCH MANAGER	2	GRADE C127
14	(11)	G033C	ADEQ HAZARDOUS WASTE DI V MANAGER	1	GRADE C127
15	(12)	G032C	ADEQ MI NI NG DI VI SI ON MANAGER	1	GRADE C127
16	(13)	G031C	ADEQ PUBLI C OUTREACH DI V MANAGER	1	GRADE C127
17	(14)	G030C	ADEQ REGULATED STORAGE TANK DI V MGR	1	GRADE C127
18	(15)	G029C	ADEQ SOLI D WASTE DI VI SI ON MANAGER	1	GRADE C127
19	(16)	G028C	ADEQ TECHNI CAL SERVI CES DI V MANAGER	1	GRADE C127
20	(17)	A014C	FI SCAL DI VI SI ON MANAGER	1	GRADE C127
21	(18)	G019C	GENERAL COUNSEL	1	GRADE C127
22	(19)	G047C	ATTORNEY SPECI ALI ST	8	GRADE C126
23	(20)	B015C	ENGI NEER SUPERVI SOR	12	GRADE C126
24	(21)	G063C	ADEQ BRANCH MANAGER	16	GRADE C125
25	(22)	B023C	ENGI NEER, P. E.	21	GRADE C124
26	(23)	D030C	I NFORMATI ON SYSTEMS COORDI NATOR	3	GRADE C124
27	(24)	D039C	NETWORK SUPPORT SPECI ALI ST	1	GRADE C123
28	(25)	X036C	ADEQ I NSPECTOR SUPERVI SOR	11	GRADE C122
29	(26)	B037C	CHEMI ST SUPERVI SOR	3	GRADE C122
30	(27)	L028C	EPI DEMI OLOGI ST	6	GRADE C122
31	(28)	B035C	GEOLOGY SUPERVI SOR	5	GRADE C122
32	(29)	A052C	ACCOUNTI NG COORDI NATOR	1	GRADE C121
33	(30)	B042C	ENGI NEER	28	GRADE C121
34	(31)	R014C	PERSONNEL MANAGER	1	GRADE C121
35	(32)	B043C	PROFESSI ONAL GEOLOGI ST	18	GRADE C121
36	(33)	D052C	SOFTWARE SUPPORT ANALYST	7	GRADE C121

1	(34)	X059C	ADEQ ENFORCEMENT COORDINATOR	8	GRADE C120
2	(35)	G139C	ADEQ FACILITY SUPPORT SVCS MANAGER	1	GRADE C120
3	(36)	B055C	ECOLOGIST COORDINATOR	2	GRADE C120
4	(37)	X054C	ENVIRONMENTAL PROGRAM COORDINATOR	31	GRADE C120
5	(38)	P013C	PUBLIC INFORMATION COORDINATOR	1	GRADE C120
6	(39)	X075C	ADEQ ENFORCEMENT ANALYST	12	GRADE C119
7	(40)	D063C	COMPUTER SUPPORT SPECIALIST	1	GRADE C119
8	(41)	B065C	ECOLOGIST	13	GRADE C119
9	(42)	X186C	ADEQ AIR COMPLIANCE MONITOR	2	GRADE C118
10	(43)	X093C	ADEQ INSPECTOR	80	GRADE C118
11	(44)	D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
12	(45)	D064C	WEBSITE DEVELOPER	1	GRADE C118
13	(46)	B081C	CHEMIST	10	GRADE C117
14	(47)	G180C	GRANTS ANALYST	3	GRADE C117
15	(48)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
16	(49)	D068C	INFORMATION SYSTEMS ANALYST	1	GRADE C117
17	(50)	G179C	LEGAL SERVICES SPECIALIST	6	GRADE C117
18	(51)	S017C	MAINTENANCE COORDINATOR	1	GRADE C117
19	(52)	A089C	ACCOUNTANT I	2	GRADE C116
20	(53)	P027C	PUBLIC INFORMATION SPECIALIST	4	GRADE C116
21	(54)	C037C	ADMINISTRATIVE ANALYST	23	GRADE C115
22	(55)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
23	(56)	R036C	HUMAN RESOURCES SPECIALIST	1	GRADE C113
24	(57)	C056C	ADMINISTRATIVE SPECIALIST III	38	GRADE C112
25	(58)	C073C	ADMINISTRATIVE SPECIALIST II	<u>22</u>	GRADE C109
26			MAX. NO. OF EMPLOYEES	427	

27

28 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas
 29 Department of Environmental Quality for the 2010-2011 fiscal year, the
 30 following maximum number of part-time or temporary employees, to be known as
 31 "Extra Help", payable from funds appropriated herein for such purposes:
 32 sixty-six (66) temporary or part-time employees, when needed, at rates of pay
 33 not to exceed those provided in the Uniform Classification and Compensation
 34 Act, or its successor, or this act for the appropriate classification.

35

36 - SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,

1 to the Arkansas Department of Environmental Quality, to be payable from the
 2 Arkansas Department of Environmental Quality Fund Account, for personal
 3 services and operating expenses of the Arkansas Department of Environmental
 4 Quality - State Operations for the fiscal year ending June 30, 2011, the
 5 following:

7	ITEM	FISCAL YEAR
8	<u>NO.</u>	<u>2010-2011</u>
9	(01) REGULAR SALARIES	\$ 3,231,711
10	(02) EXTRA HELP	25,674
11	(03) PERSONAL SERVICES MATCHING	949,946
12	(04) MAINT. & GEN. OPERATION	
13	(A) OPER. EXPENSE	353,183
14	(B) CONF. & TRAVEL	32,115
15	(C) PROF. FEES	4,100
16	(D) CAP. OUTLAY	110,000
17	(E) DATA PROC.	<u>0</u>
18	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,706,729</u>

19
 20 SECTION 4. APPROPRIATION - FEDERAL OPERATIONS. There is hereby
 21 appropriated, to the Arkansas Department of Environmental Quality, to be
 22 payable from the federal funds as designated by the Chief Fiscal Officer of
 23 the State, for personal services and operating expenses of the Arkansas
 24 Department of Environmental Quality - Federal Operations for the fiscal year
 25 ending June 30, 2011, the following:

27	ITEM	FISCAL YEAR
28	<u>NO.</u>	<u>2010-2011</u>
29	(01) REGULAR SALARIES	\$ 5,315,451
30	(02) EXTRA HELP	148,585
31	(03) PERSONAL SERVICES MATCHING	1,608,534
32	(04) MAINT. & GEN. OPERATION	
33	(A) OPER. EXPENSE	4,309,060
34	(B) CONF. & TRAVEL	271,126
35	(C) PROF. FEES	2,045,401
36	(D) CAP. OUTLAY	632,300

1	(E) DATA PROC.	0
2	(05) CONTRACTUAL SERVICES	<u>2,565,000</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 16,895,457</u>

4
 5 SECTION 5. APPROPRIATION - WASTE WATER LICENSING. There is hereby
 6 appropriated, to the Arkansas Department of Environmental Quality, to be
 7 payable from the Wastewater Licensing Fund, for personal services and
 8 operating expenses of the Arkansas Department of Environmental Quality -
 9 Waste Water Licensing for the fiscal year ending June 30, 2011, the
 10 following:

11		
12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2010-2011</u>
14	(01) REGULAR SALARIES	\$ 92,308
15	(02) PERSONAL SERVICES MATCHING	27,513
16	(03) MAINT. & GEN. OPERATION	
17	(A) OPER. EXPENSE	26,632
18	(B) CONF. & TRAVEL	5,089
19	(C) PROF. FEES	0
20	(D) CAP. OUTLAY	0
21	(E) DATA PROC.	<u>0</u>
22	TOTAL AMOUNT APPROPRIATED	<u>\$ 151,542</u>

23
 24 SECTION 6. APPROPRIATION - LAND RECLAMATION. There is hereby appropriated,
 25 to the Arkansas Department of Environmental Quality, to be payable from the
 26 Land Reclamation Fund, for land reclamation contracts of the Arkansas
 27 Department of Environmental Quality - Land Reclamation for the fiscal year
 28 ending June 30, 2011, the following:

29		
30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2010-2011</u>
32	(01) RECLAMATION CONTRACTS	<u>\$ 950,000</u>

33
 34 SECTION 7. APPROPRIATION - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby
 35 appropriated, to the Arkansas Department of Environmental Quality, to be
 36 payable from the Hazardous Waste Permit Fund, for personal services and

1 operating expenses of the Arkansas Department of Environmental Quality -
 2 Hazardous Waste Permit Program for the fiscal year ending June 30, 2011, the
 3 following:

4	5 ITEM	6 FISCAL YEAR
7	8 <u>NO.</u>	9 <u>2010-2011</u>
10	(01) REGULAR SALARIES	\$ 856,634
11	(02) EXTRA HELP	15,795
12	(03) PERSONAL SERVICES MATCHING	261,947
13	(04) OVERTIME	1,250
14	(05) MAINT. & GEN. OPERATION	
15	(A) OPER. EXPENSE	197,304
16	(B) CONF. & TRAVEL	47,700
17	(C) PROF. FEES	53,000
18	(D) CAP. OUTLAY	30,000
19	(E) DATA PROC.	<u>0</u>
20	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,463,630</u>

21 SECTION 8. APPROPRIATION - RECLAMATION OF ABANDONED MINES. There is hereby
 22 appropriated, to the Arkansas Department of Environmental Quality, to be
 23 payable from the Abandoned Mine Reclamation Fund, for contractual services of
 24 the Arkansas Department of Environmental Quality - Reclamation of Abandoned
 25 Mines for the fiscal year ending June 30, 2011, the following:

26	27 ITEM	28 FISCAL YEAR
29	30 <u>NO.</u>	31 <u>2010-2011</u>
32	(01) ABANDONED MINE RECLAMATION	
33	CONTRACTUAL SERVICES	<u>\$ 5,700,000</u>

34 SECTION 9. APPROPRIATION - SURFACE COAL MINING. There is hereby
 35 appropriated, to the Arkansas Department of Environmental Quality, to be
 36 payable from the Surface Coal Mining Operation Fund, for operating expenses
 of the Arkansas Department of Environmental Quality - Surface Coal Mining for
 the fiscal year ending June 30, 2011, the following:

37	38 ITEM	39 FISCAL YEAR
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1	<u>NO.</u>	<u>2010-2011</u>
2	(01) MAINT. & GEN. OPERATION	
3	(A) OPER. EXPENSE	\$ 15,000
4	(B) CONF. & TRAVEL	0
5	(C) PROF. FEES	0
6	(D) CAP. OUTLAY	0
7	(E) DATA PROC.	<u>0</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 15,000</u>

9

10 SECTION 10. APPROPRIATION - MINING RECLAMATION. There is hereby
 11 appropriated, to the Arkansas Department of Environmental Quality, to be
 12 payable from the Mine Reclamation Trust Fund, for contractual services of the
 13 Arkansas Department of Environmental Quality - Mining Reclamation for the
 14 fiscal year ending June 30, 2011, the following:

15

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2010-2011</u>
18	(01) MINING RECLAMATION CONTRACTUAL	
19	SERVICES	<u>\$ 1,520,000</u>

20

21 SECTION 11. APPROPRIATION - FEE ADMINISTRATION. There is hereby
 22 appropriated, to the Arkansas Department of Environmental Quality, to be
 23 payable from the Arkansas Department of Environmental Quality Fee Trust Fund,
 24 for personal services and operating expenses of the Arkansas Department of
 25 Environmental Quality - Fee Administration for the fiscal year ending June
 26 30, 2011, the following:

27

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2010-2011</u>
30	(01) REGULAR SALARIES	\$ 7,220,319
31	(02) EXTRA HELP	45,000
32	(03) PERSONAL SERVICES MATCHING	2,223,055
33	(04) MAINT. & GEN. OPERATION	
34	(A) OPER. EXPENSE	1,383,468
35	(B) CONF. & TRAVEL	152,389
36	(C) PROF. FEES	2,056,221

1	(D) CAP. OUTLAY	1,104,300
2	(E) DATA PROC.	<u>0</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 14,184,752</u>

4
 5 SECTION 12. APPROPRIATION - SOLID WASTE PERFORMANCE BONDS PROGRAM. There
 6 is hereby appropriated, to the Arkansas Department of Environmental Quality,
 7 to be payable from the Solid Waste Performance Bond Fund, for contractual
 8 services of the Arkansas Department of Environmental Quality - Solid Waste
 9 Performance Bonds Program for the fiscal year ending June 30, 2011, the
 10 following:

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2010-2011</u>
14	(01) SOLID WASTE PERFORMANCE BONDS	
15	CONTRACTUAL SERVICES	<u>\$ 500,000</u>

16
 17 SECTION 13. APPROPRIATION - HAZARDOUS WASTE CLEANUP. There is hereby
 18 appropriated, to the Arkansas Department of Environmental Quality, to be
 19 payable from the Hazardous Substance Remedial Action Trust Fund, for personal
 20 services and operating expenses of the Arkansas Department of Environmental
 21 Quality - Hazardous Waste Cleanup for the fiscal year ending June 30, 2011,
 22 the following:

24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2010-2011</u>
26	(01) REGULAR SALARIES	\$ 117,535
27	(02) PERSONAL SERVICES MATCHING	37,737
28	(03) MAINT. & GEN. OPERATION	
29	(A) OPER. EXPENSE	401,358
30	(B) CONF. & TRAVEL	33,960
31	(C) PROF. FEES	250,000
32	(D) CAP. OUTLAY	262,040
33	(E) DATA PROC.	0
34	(04) CONTRACTUAL SERVICES	6,194,000
35	(05) DATA PROCESSING PURCHASES	<u>453,937</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 7,750,567</u>

1

2 SECTION 14. APPROPRIATION - EMERGENCY RESPONSE PROGRAM. There is hereby
 3 appropriated, to the Arkansas Department of Environmental Quality, to be
 4 payable from the Hazardous Substance Remedial Action Trust Fund, for personal
 5 services and operating expenses of the Arkansas Department of Environmental
 6 Quality - Emergency Response Program for the fiscal year ending June 30,
 7 2011, the following:

8

9	ITEM	FISCAL YEAR
10	<u>NO.</u>	<u>2010-2011</u>
11	(01) REGULAR SALARIES	\$ 84,949
12	(02) PERSONAL SERVICES MATCHING	26,417
13	(03) MAINT. & GEN. OPERATION	
14	(A) OPER. EXPENSE	3,833
15	(B) CONF. & TRAVEL	2,000
16	(C) PROF. FEES	0
17	(D) CAP. OUTLAY	0
18	(E) DATA PROC.	0
19	(04) CONTRACTUAL SERVICES	<u>372,655</u>
20	TOTAL AMOUNT APPROPRIATED	<u>\$ 489,854</u>

21

22 SECTION 15. APPROPRIATION - ASBESTOS CONTROL PROGRAM. There is hereby
 23 appropriated, to the Arkansas Department of Environmental Quality, to be
 24 payable from the Asbestos Control Fund, for personal services and operating
 25 expenses of the Arkansas Department of Environmental Quality - Asbestos
 26 Control Program for the fiscal year ending June 30, 2011, the following:

27

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2010-2011</u>
30	(01) REGULAR SALARIES	\$ 158,896
31	(02) PERSONAL SERVICES MATCHING	50,734
32	(03) MAINT. & GEN. OPERATION	
33	(A) OPER. EXPENSE	29,452
34	(B) CONF. & TRAVEL	4,090
35	(C) PROF. FEES	2,100
36	(D) CAP. OUTLAY	3,200

1	(E) DATA PROC.	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 248,472</u>

3

4 SECTION 16. APPROPRIATION - SOLID WASTE MANAGEMENT AND RECYCLING PROGRAM.

5 There is hereby appropriated, to the Arkansas Department of Environmental

6 Quality, to be payable from the Solid Waste Management Recycling Fund, for

7 personal services and operating expenses of the Arkansas Department of

8 Environmental Quality - Solid Waste Management and Recycling Program for the

9 fiscal year ending June 30, 2011, the following:

10	ITEM	FISCAL YEAR
11		
12	<u>NO.</u>	<u>2010-2011</u>
13	(01) REGULAR SALARIES	\$ 821,859
14	(02) PERSONAL SERVICES MATCHING	258,891
15	(03) MAINT. & GEN. OPERATION	
16	(A) OPER. EXPENSE	126,529
17	(B) CONF. & TRAVEL	15,668
18	(C) PROF. FEES	0
19	(D) CAP. OUTLAY	20,000
20	(E) DATA PROC.	0
21	(04) RECYCLING GRANTS	4,650,000
22	(05) ELECTRONIC WASTE RECYCLING	
23	INFRASTRUCTURE	<u>2,500,000</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$ 8,392,947</u>

25

26 SECTION 17. APPROPRIATION - REGULATED SUBSTANCE STORAGE TANK PROGRAM.

27 There is hereby appropriated, to the Arkansas Department of Environmental

28 Quality, to be payable from the Regulated Substance Storage Tank Program

29 Fund, for personal services and operating expenses of the Arkansas Department

30 of Environmental Quality - Regulated Substance Storage Tank Program for the

31 fiscal year ending June 30, 2011, the following:

32	ITEM	FISCAL YEAR
33		
34	<u>NO.</u>	<u>2010-2011</u>
35	(01) REGULAR SALARIES	\$ 705,503
36	(02) PERSONAL SERVICES MATCHING	231,580

1	(03) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	71,128
3	(B) CONF. & TRAVEL	5,005
4	(C) PROF. FEES	0
5	(D) CAP. OUTLAY	0
6	(E) DATA PROC.	<u>0</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,013,216</u>

8
 9 SECTION 18. APPROPRIATION - PETROLEUM STORAGE TANK TRUST FUND. There is
 10 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 11 be payable from the Petroleum Storage Tank Trust Fund, for personal services
 12 and operating expenses of the Arkansas Department of Environmental Quality -
 13 Petroleum Storage Tank Trust Fund for the fiscal year ending June 30, 2011,
 14 the following:

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2010-2011</u>
18	(01) REGULAR SALARIES	\$ 237,216
19	(02) PERSONAL SERVICES MATCHING	65,433
20	(03) MAINT. & GEN. OPERATION	
21	(A) OPER. EXPENSE	18,999,800
22	(B) CONF. & TRAVEL	3,005
23	(C) PROF. FEES	2,500,156
24	(D) CAP. OUTLAY	0
25	(E) DATA PROC.	<u>0</u>
26	TOTAL AMOUNT APPROPRIATED	<u>\$ 21,805,610</u>

27
 28 SECTION 19. APPROPRIATION - REGULATED STORAGE TANK PROGRAM - FEDERAL.
 29 There is hereby appropriated, to the Arkansas Department of Environmental
 30 Quality, to be payable from the federal funds as designated by the Chief
 31 Fiscal Officer of the State, for contractual services of the Arkansas
 32 Department of Environmental Quality - Regulated Storage Tank Program -
 33 Federal for the fiscal year ending June 30, 2011, the following:

35	ITEM	FISCAL YEAR
36	<u>NO.</u>	<u>2010-2011</u>

1 (01) REGULATED STORAGE TANK & CONTRACTUAL
 2 SERVICES \$ 3,925,000
 3

4 SECTION 20. APPROPRIATION - LANDFILL POST-CLOSURE PROGRAM. There is hereby
 5 appropriated, to the Arkansas Department of Environmental Quality, to be
 6 payable from the Landfill Post-Closure Trust Fund, for personal services and
 7 operating expenses of the Arkansas Department of Environmental Quality -
 8 Landfill Post-Closure Program for the fiscal year ending June 30, 2011, the
 9 following:

11 ITEM	FISCAL YEAR
12 <u>NO.</u>	<u>2010-2011</u>
13 (01) REGULAR SALARIES	\$ 295,810
14 (02) PERSONAL SERVICES MATCHING	87,070
15 (03) MAINT. & GEN. OPERATION	
16 (A) OPER. EXPENSE	30,923
17 (B) CONF. & TRAVEL	6,000
18 (C) PROF. FEES	0
19 (D) CAP. OUTLAY	0
20 (E) DATA PROC.	0
21 (04) CONTRACTUAL SERVICES	<u>7,433,373</u>
22 TOTAL AMOUNT APPROPRIATED	<u>\$ 7,853,176</u>

23
 24 SECTION 21. APPROPRIATION - WASTE TIRE RECYCLING PROGRAM. There is hereby
 25 appropriated, to the Arkansas Department of Environmental Quality, to be
 26 payable from the Waste Tire Grant Fund, for waste tire recycling grants of
 27 the Arkansas Department of Environmental Quality - Waste Tire Recycling
 28 Program for the fiscal year ending June 30, 2011, the following:

30 ITEM	FISCAL YEAR
31 <u>NO.</u>	<u>2010-2011</u>
32 (01) WASTE TIRE RECYCLING GRANTS	<u>\$ 6,425,000</u>

33
 34 SECTION 22. APPROPRIATION - STATE MARKETING BOARD FOR RECYCLABLES PROGRAM.
 35 There is hereby appropriated, to the Arkansas Department of Environmental
 36 Quality, to be payable from the Marketing Board Fund, for personal services

1 and operating expenses of the Arkansas Department of Environmental Quality -
 2 State Marketing Board for Recyclables Program for the fiscal year ending June
 3 30, 2011, the following:

4	5 ITEM	6	7 FISCAL YEAR
6	NO.	2010-2011	
7	(01) REGULAR SALARIES	\$	1,500
8	(02) PERSONAL SERVICES MATCHING		115
9	(03) MAINT. & GEN. OPERATION		
10	(A) OPER. EXPENSE		13,846
11	(B) CONF. & TRAVEL		6,415
12	(C) PROF. FEES		7,000
13	(D) CAP. OUTLAY		3,500
14	(E) DATA PROC.		<u>0</u>
15	TOTAL AMOUNT APPROPRIATED	\$	<u>32,376</u>

16
 17 SECTION 23. APPROPRIATION - ENVIRONMENTAL EDUCATION PROGRAM. There is
 18 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 19 be payable from the Environmental Education Fund, for personal services and
 20 operating expenses of the Arkansas Department of Environmental Quality -
 21 Environmental Education Program for the fiscal year ending June 30, 2011, the
 22 following:

24	ITEM	25	26 FISCAL YEAR
25	NO.	2010-2011	
26	(01) REGULAR SALARIES	\$	46,067
27	(02) PERSONAL SERVICES MATCHING		13,894
28	(03) MAINT. & GEN. OPERATION		
29	(A) OPER. EXPENSE		151,961
30	(B) CONF. & TRAVEL		8,000
31	(C) PROF. FEES		94,000
32	(D) CAP. OUTLAY		8,000
33	(E) DATA PROC.		<u>0</u>
34	TOTAL AMOUNT APPROPRIATED	\$	<u>321,922</u>

35
 36 SECTION 24. APPROPRIATION - LEAD-BASED PAINT HAZARD PROGRAM. There is

1 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 2 be payable from the Lead-Based Paint Hazard Fund, for operating expenses of
 3 the Lead-Based Paint Program of the Arkansas Department of Environmental
 4 Quality for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$ 16,825
(B) CONF. & TRAVEL	1,425
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 18,250</u>

16 SECTION 25. APPROPRIATION - SMALL BUSINESS LOANS. There is hereby
 17 appropriated, to the Arkansas Department of Environmental Quality, to be
 18 payable from the Small Business Revolving Loan Fund, for providing loans to
 19 small businesses for projects to meet regulatory mandates in pollution
 20 control and prevention technologies of the Arkansas Department of
 21 Environmental Quality for the fiscal year ending June 30, 2011, the
 22 following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) SMALL BUSINESS LOANS	<u>\$ 550,000</u>

28 SECTION 26. APPROPRIATION - SMALL BUSINESS REVOLVING LOAN PROGRAM. There
 29 is hereby appropriated, to the Arkansas Department of Environmental Quality,
 30 to be payable from the Small Business Revolving Loan Fund, for personal
 31 services and operating expenses of the Arkansas Department of Environmental
 32 Quality - Small Business Revolving Loan Program for the fiscal year ending
 33 June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>

1	(01) REGULAR SALARIES	\$	28,140
2	(02) PERSONAL SERVICES MATCHING		10,472
3	(03) MAINT. & GEN. OPERATION		
4	(A) OPER. EXPENSE		11,010
5	(B) CONF. & TRAVEL		3,650
6	(C) PROF. FEES		5,000
7	(D) CAP. OUTLAY		0
8	(E) DATA PROC.		<u>0</u>
9	TOTAL AMOUNT APPROPRIATED	\$	<u>58,272</u>

10

11 SECTION 27. APPROPRIATION - PERFORMANCE PARTNERSHIP SYSTEM EXPENSES. There
 12 is hereby appropriated, to the Arkansas Department of Environmental Quality,
 13 to be payable from the Performance Partnership Trust Fund, for expenses of
 14 designing and establishing a management organization of the Arkansas
 15 Department of Environmental Quality for the fiscal year ending June 30, 2011,
 16 the following:

17

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2010-2011</u>
20	(01) PERFORMANCE INTEGRATED INFORMATION	
21	SYSTEM EXPENSES	\$ <u>600,000</u>

22

23 SECTION 28. APPROPRIATION - ENVIRONMENTAL SETTLEMENT TRUST. There is
 24 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 25 be payable from the ADEQ Environmental Settlement Trust Fund, for expenses as
 26 authorized through various settlement agreements benefiting the State of
 27 Arkansas as administered through of the Arkansas Department of Environmental
 28 Quality for the fiscal year ending June 30, 2011, the following:

29

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2010-2011</u>
32	(01) ENVIRONMENTAL SETTLEMENT TRUST EXPENSES	\$ <u>750,000</u>

33

34 SECTION 29. APPROPRIATION - COMPUTER AND ELECTRONIC RECYCLING. There is
 35 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 36 be payable from the Computer and Electronic Recycling Fund, for grants and

1 expenses of the Arkansas Department of Environmental Quality - Computer and
 2 Electronic Recycling for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
(01) COMPUTER AND ELECTRONICS RECYCLING	
MANAGEMENT EXPENSES OR GRANTS	<u>\$ 250,000</u>

9 SECTION 30. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION -
 10 ADMINISTRATIVE HEARING OFFICER. There is hereby established for the Arkansas
 11 Department of Environmental Quality for the 2010-2011 fiscal year, the
 12 following maximum number of regular employees whose salaries shall be
 13 governed by the provisions of the Uniform Classification and Compensation Act
 14 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
 15 thereto. Provided, however, that any position to which a specific maximum
 16 annual salary is set out herein in dollars, shall be exempt from the
 17 provisions of said Uniform Classification and Compensation Act. All persons
 18 occupying positions authorized herein are hereby governed by the provisions
 19 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
 20 101), or its successor.

Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2010-2011
(1)	G024C	DEPARTMENT ADMINISTRATIVE LAW JUDGE	1	GRADE C127
(2)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE C117
(3)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
	MAX. NO. OF EMPLOYEES		3	

31 SECTION 31. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -
 32 ADMINISTRATIVE HEARING OFFICER. There is hereby appropriated, to the Arkansas
 33 Department of Environmental Quality, to be payable from the Arkansas
 34 Department of Environmental Quality Fee Trust Fund, for personal services and
 35 operating expenses of the Arkansas Department of Environmental Quality -
 36 Pollution Control and Ecology Commission - Administrative Hearing Officer for

1 the fiscal year ending June 30, 2011, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2010-2011</u>
5 (01) REGULAR SALARIES	\$ 159,869
6 (02) PERSONAL SERVICES MATCHING	44,749
7 (03) MAINT. & GEN. OPERATION	
8 (A) OPER. EXPENSE	87,217
9 (B) CONF. & TRAVEL	6,922
10 (C) PROF. FEES	0
11 (D) CAP. OUTLAY	0
12 (E) DATA PROC.	<u>0</u>
13 TOTAL AMOUNT APPROPRIATED	<u>\$ 298,757</u>

14

15 SECTION 32. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -
 16 EXPENSES. There is hereby appropriated, to the Arkansas Department of
 17 Environmental Quality, to be payable from the Miscellaneous Agencies Fund
 18 Account, for expenses of the Pollution Control and Ecology Commission of the
 19 Arkansas Department of Environmental Quality for the fiscal year ending June
 20 30, 2011, the following:

21

22 ITEM	FISCAL YEAR
23 <u>NO.</u>	<u>2010-2011</u>
24 (01) PC&E COMMISSION	<u>\$ 3,977</u>

25

26 SECTION 33. APPROPRIATION - NON HAZARDOUS SITE CLEAN UP. There is hereby
 27 appropriated, to the Arkansas Department of Environmental Quality, to be
 28 payable from the Arkansas Department of Environmental Quality Fee Trust Fund,
 29 for the clean up of non hazardous sites which pose a threat to the
 30 environment for the fiscal year ending June 30, 2011, the following:

31

32 ITEM	FISCAL YEAR
33 <u>NO.</u>	<u>2010-2011</u>
34 (01) CONTRACTUAL SERVICES	<u>\$ 750,000</u>

35

36 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
2 HELP - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the
3 Arkansas Department of Environmental Quality - Hazardous Waste Permit Program
4 for the ~~2009-2010~~ 2010-2011 fiscal year, the following maximum number of
5 part-time or temporary employees, to be known as "Extra Help", payable from
6 funds appropriated herein for such purposes: Four (4) temporary or part-time
7 employees, when needed, at rates of pay not to exceed those provided in the
8 Uniform Classification and Compensation Act, or its successor, for the
9 appropriate classification. These four positions are utilized for a specific
10 project and are specifically exempt from the limitations, either by act or
11 regulation, of hours worked.

12 The provisions of this section shall be in effect only from July 1,
13 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

14

15 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EQUIPMENT
17 PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial
18 Action Trust Fund for the purchase of departmental laboratory equipment,
19 including maintenance contracts, and data processing equipment and mission-
20 critical software, including maintenance contracts, as appropriated in
21 Section 13, in Items (03)(D) and (05) shall be funded only through interest
22 earnings from the Hazardous Substance Remedial Action Trust Fund. Further,
23 the Department shall report biennially to the Legislative Council all
24 expenditures from interest earnings for these purchases.

25 The provisions of this section shall be in effect only from July 1,
26 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

27

28 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
30 APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement
31 Trust Fund for information technology needs may be made without prior
32 approval of the Chief Fiscal Officer of the State, after seeking review of
33 the Arkansas Legislative Council. Further, utilization of this appropriation
34 for information technology needs of the Arkansas Department of Environmental
35 Quality must also be approved by the Executive Chief Information Officer
36 after the project is evaluated on the methodology recommended by the Chief

1 Information Officer and the CIO Council, including an analysis of the return
2 on investment and linkage to the Department's business objectives. Any
3 approved projects and expenditures for information technology from the
4 Environmental Settlement Trust Fund shall be reported annually to the Joint
5 Committee on Advanced Communications and Information Technology.

6

7 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ
9 ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5)
10 shall be used by the department to fund operational expenses and to provide
11 and train personnel to administer an asbestos program, as funding is
12 available, including:

13 (a) Personnel dedicated to issue certificates and licenses to qualified
14 persons/companies, to perform audit of trainers, and to regularly update the
15 ADEQ web page providing a listing of asbestos licensed parties;

16 (b) Personnel who are trained as asbestos supervisors as defined by Arkansas
17 Code 20-27-1003 and Arkansas Pollution Control and Ecology Commission
18 Regulation No. 21 to approve asbestos Notices of Intent, perform and
19 coordinate asbestos inspections, conduct enforcement actions, and provide
20 regulatory compliance information to assist the regulated community. Asbestos
21 inspectors shall have personal protective equipment when needed to enter a
22 regulated area; and

23 (c) Other personnel as necessary to administer the asbestos program.

24

25 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING
27 REQUIREMENTS. The Department shall present the following data to Legislative
28 Council quarterly, due by the 15th day of the month following the quarter,
29 beginning July 15, ~~2009~~ 2010:

30 a) Number and type of environmental permits currently authorized by the
31 Department and the Pollution Control and Ecology Commission in each
32 environmental permit category;

33 b) Total funds collected from permit fees for each permit category and the
34 percent increase or decrease in permit fees annually;

35 c) Description of each environmental permit application pending in each
36 environmental permit category, the number of days each permit has been

- 1 pending, and the reasons for delays in issuing permits for each permit that
2 has been pending for more than 45 days;
- 3 d) Number and type of enforcement actions initiated by the Department, the
4 geographic location of each violation and the total fines and collections
5 from Supplemental Environmental Projects, the percent increase or decrease in
6 fines levied annually and
- 7 e) Description of all pending rulemaking activities and justifications
8 thereof, including economic impact and environmental benefit analysis.

9 The provisions of this section shall be in effect only from July 1, ~~2007~~
10 2010 through June 30, ~~2009~~ 2011.

11

12 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
14 TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State,
15 the Arkansas Department of Environmental Quality may transfer from various
16 department funds to the Arkansas Department of Environmental Quality Fund
17 Account, the sum of \$1,500,000 in fiscal year ~~2009-2010~~ 2010-2011, for the
18 exclusive purpose of supplementing funding for the appropriation provided in
19 Section 3. Appropriation - State Operations. The funds shall be used for
20 personal services and operating expenses of the Arkansas Department of
21 Environmental Quality - State Operations. Funds which remain in the Arkansas
22 Department of Environmental Quality Fund Account at the close of the fiscal
23 year shall be carried forward and made available for the same purpose for the
24 following fiscal year. These funds shall be used for the purpose stated
25 above.

26

27 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING
29 REQUIREMENTS. For the purposes of the fund transfers provided for in Section
30 39 - Fund Transfer Provision, the amounts transferred shall not be considered
31 as part of any statutory limitation on the use of funds for administration of
32 programs of the Department.

33

34 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
36 FORWARD. Any unexpended balances of funds authorized in Section 29 for

1 Computer and Electronic Recycling Management Expenses or Grants, which
2 remains at the close of fiscal year ending June 30, ~~2008~~ 2010 shall be
3 carried forward and made available for the same purpose for the fiscal year
4 ending June 30, 2011.

5 Any carry forward of unexpended balance of funding as authorized herein, may
6 be carried forward under the following conditions:

7 (1) Prior to June 30, 2010 the Agency shall by written statement set forth
8 its reason(s) for the need to carry forward said funding to the Department of
9 Finance and Administration Office of Budget;

10 (2) The Department of Finance and Administration Office of Budget shall
11 report to the Arkansas Legislative Council all amounts carried forward by the
12 September Arkansas Legislative Council or Joint Budget Committee meeting
13 which report shall include the name of the Agency, Board, Commission or
14 Institution and the amount of the funding carried forward, the program name
15 or line item, the funding source of that appropriation and a copy of the
16 written request set forth in (1) above;

17 (3) Each Agency, Board, Commission or Institution shall provide a written
18 report to the Arkansas Legislative Council or Joint Budget Committee
19 containing all information set forth in item (2) above, along with a written
20 statement as to the current status of the project, contract, purpose etc. for
21 which the carry forward was originally requested no later than thirty (30)
22 days prior to the time the Agency, Board, Commission or Institution presents
23 its budget request to the Arkansas Legislative Council/ Joint Budget
24 Committee; and

25 (4) Thereupon, the Department of Finance and Administration shall include
26 all information obtained in item (3) above in the budget manuals and/or a
27 statement of non-compliance by the Agency, Board, Commission or Institution.
28

29 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LANDFILL
31 POST-CLOSURE CLEAN UP RESTRICTIONS. Any expenditures in excess of \$50,000
32 per site from the Landfill Post-Closure Trust Fund, as appropriated in
33 Section 20, Item (04) for corrective action to remedy environmental impacts
34 of closed disposal sites previously operated as a landfill pursuant to state
35 law will be prioritized and authorized by the Commission after addressing
36 corrective actions needed to address environmental impacts from permitted

1 Landfills closed properly. The total of the said expenditures shall not
2 exceed five percent (5%) of the fund balance as of July 1, ~~2007~~ 2009.

3
4 SECTION 43. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NON
6 HAZARDOUS SITE CLEAN UP RESTRICTIONS. Expenditures from the Arkansas
7 Department of Environmental Quality Fee Trust Fund for the clean up of non
8 hazardous sites which pose a threat to the environment, as appropriated in
9 Section 33, shall be funded only through interest earnings from the Arkansas
10 Department of Environmental Quality Fee Trust Fund. The Arkansas Department
11 of Environmental Quality shall seek cost recovery from parties responsible
12 for damages to the environment that dictate the use of appropriation
13 authorized in Section 33 of this act, as well as, any other funds spent by a
14 governmental entity to remediate such non hazardous sites.

15
16 SECTION 44. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPERATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LANDFILL
18 DISPOSAL FEES. (a)(1) The collection of all landfill disposal fees that are
19 or were to be collected under § 8-6-612 shall be suspended until July 1,
20 2011, and collection of the following landfill disposal fees shall be
21 substituted until that date:

22 (A) Each landfill permittee shall pay fifteen cents (15¢) per
23 uncompacted cubic yard of solid waste; and

24 (B) Each landfill permittee shall pay thirty cents (30¢) per
25 compacted cubic yard of solid waste received at the landfill.

26 (2) If a landfill permittee is required or chooses to operate on a
27 weight basis, the landfill disposal fee shall be one dollar (\$1.00) per ton
28 of solid waste received at the landfill.

29 (b) The following shall be exempt from payment of fees under subsection
30 (a) of this section:

31 (1) A solid waste transporter under § 8-6-603(10); and

32 (2) A landfill permittee where a private industry bears the expense of
33 operating and maintaining the landfill solely for the disposal of wastes
34 generated by the industry.

35 (c) The fees under subdivisions (a) of this section shall be:

36 (1) Collected in the same manner as stated in § 8-6-607(1) and (2);

1 and

2 (2) Deemed to be special revenues to be deposited into the State
3 Treasury to the credit of the Solid Waste Management and Recycling Fund for
4 support of the computer and electronic recycling program.

5 (d) Solid waste collected during the annual Keep Arkansas Beautiful and
6 Keep America Beautiful campaigns that are sponsored by the Keep Arkansas
7 Beautiful Commission is exempt from the fees under subsection (a) of this
8 section.

9

10 SECTION 45. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
11 by this act shall be limited to the appropriation for such agency and funds
12 made available by law for the support of such appropriations; and the
13 restrictions of the State Procurement Law, the General Accounting and
14 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
15 Procedures and Restrictions Act, or their successors, and other fiscal
16 control laws of this State, where applicable, and regulations promulgated by
17 the Department of Finance and Administration, as authorized by law, shall be
18 strictly complied with in disbursement of said funds.

19

20 SECTION 46. LEGISLATIVE INTENT. It is the intent of the General Assembly
21 that any funds disbursed under the authority of the appropriations contained
22 in this act shall be in compliance with the stated reasons for which this act
23 was adopted, as evidenced by the Agency Requests, Executive Recommendations
24 and Legislative Recommendations contained in the budget manuals prepared by
25 the Department of Finance and Administration, letters, or summarized oral
26 testimony in the official minutes of the Arkansas Legislative Council or
27 Joint Budget Committee which relate to its passage and adoption.

28

29 SECTION 47. EMERGENCY CLAUSE. It is found and determined by the General
30 Assembly, that the Constitution of the State of Arkansas prohibits the
31 appropriation of funds for more than a one (1) year period; that the
32 effectiveness of this Act on July 1, 2010 is essential to the operation of
33 the agency for which the appropriations in this Act are provided, and that in
34 the event of an extension of the legislative session, the delay in the
35 effective date of this Act beyond July 1, 2010 could work irreparable harm
36 upon the proper administration and provision of essential governmental

1 programs. Therefore, an emergency is hereby declared to exist and this Act
2 being necessary for the immediate preservation of the public peace, health
3 and safety shall be in full force and effect from and after July 1, 2010.

4
5 */s/ Joint Budget Committee*

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7 *APPROVED: 2/24/2010*
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