

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1387 of the Regular Session

As Engrossed: H2/27/09 H4/6/09

A Bill

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

HOUSE BILL 1322

4
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, 2010; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE ARKANSAS DEPARTMENT OF
17 ENVIRONMENTAL QUALITY APPROPRIATION FOR
18 THE 2009-2010 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 2009-2010 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



1				Maximum Annual	
2				Salary Rate	
3	Item	Class	No. of	Fiscal Year	
4	No.	Code	Title	Employees	2009-2010
5	(1)	U015U	ADEQ DIRECTOR	1	\$118,512
6	(2)	U075U	ADEQ CHIEF DEPUTY DIRECTOR	1	\$97,721
7	(3)	N067N	ADEQ DEPUTY DIR - LAND RESOURCES	1	GRADE N908
8	(4)	X004C	ADEQ AIR DIVISION MANAGER	1	GRADE C129
9	(5)	G005C	ADEQ WATER DIVISION MANAGER	1	GRADE C129
10	(6)	G004C	MANAGING ATTORNEY	1	GRADE C129
11	(7)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
12	(8)	G035C	ADEQ ADMINISTRATION DIV MANAGER	1	GRADE C127
13	(9)	G034C	ADEQ ASST AIR/WATER DIV MANAGER	2	GRADE C127
14	(10)	B012C	ADEQ ENGINEER P.E. BRANCH MANAGER	2	GRADE C127
15	(11)	G033C	ADEQ HAZARDOUS WASTE DIV MANAGER	1	GRADE C127
16	(12)	G032C	ADEQ MINING DIVISION MANAGER	1	GRADE C127
17	(13)	G031C	ADEQ PUBLIC OUTREACH DIV MANAGER	1	GRADE C127
18	(14)	G030C	ADEQ REGULATED STORAGE TANK DIV MGR	1	GRADE C127
19	(15)	G029C	ADEQ SOLID WASTE DIVISION MANAGER	1	GRADE C127
20	(16)	G028C	ADEQ TECHNICAL SERVICES DIV MANAGER	1	GRADE C127
21	(17)	A014C	FISCAL DIVISION MANAGER	1	GRADE C127
22	(18)	G019C	GENERAL COUNSEL	1	GRADE C127
23	(19)	G047C	ATTORNEY SPECIALIST	8	GRADE C126
24	(20)	B015C	ENGINEER SUPERVISOR	12	GRADE C126
25	(21)	G063C	ADEQ BRANCH MANAGER	16	GRADE C125
26	(22)	B023C	ENGINEER, P.E.	21	GRADE C124
27	(23)	D030C	INFORMATION SYSTEMS COORDINATOR	3	GRADE C124
28	(24)	D039C	NETWORK SUPPORT SPECIALIST	1	GRADE C123
29	(25)	X036C	ADEQ INSPECTOR SUPERVISOR	11	GRADE C122
30	(26)	B037C	CHEMIST SUPERVISOR	3	GRADE C122
31	(27)	L028C	EPIDEMIOLOGIST	6	GRADE C122
32	(28)	B035C	GEOLOGY SUPERVISOR	5	GRADE C122
33	(29)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
34	(30)	B042C	ENGINEER	28	GRADE C121
35	(31)	R014C	PERSONNEL MANAGER	1	GRADE C121
36	(32)	B043C	PROFESSIONAL GEOLOGIST	18	GRADE C121

1	(33)	D052C	SOFTWARE SUPPORT ANALYST	7	GRADE C121
2	(34)	X059C	ADEQ ENFORCEMENT COORDINATOR	8	GRADE C120
3	(35)	G139C	ADEQ FACILITY SUPPORT SVCS MANAGER	1	GRADE C120
4	(36)	B055C	ECOLOGIST COORDINATOR	2	GRADE C120
5	(37)	X054C	ENVIRONMENTAL PROGRAM COORDINATOR	31	GRADE C120
6	(38)	P013C	PUBLIC INFORMATION COORDINATOR	1	GRADE C120
7	(39)	X075C	ADEQ ENFORCEMENT ANALYST	12	GRADE C119
8	(40)	D063C	COMPUTER SUPPORT SPECIALIST	1	GRADE C119
9	(41)	B065C	ECOLOGIST	13	GRADE C119
10	(42)	X186C	ADEQ AIR COMPLIANCE MONITOR	2	GRADE C118
11	(43)	X093C	ADEQ INSPECTOR	80	GRADE C118
12	(44)	D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
13	(45)	D064C	WEBSITE DEVELOPER	1	GRADE C118
14	(46)	B081C	CHEMIST	10	GRADE C117
15	(47)	G180C	GRANTS ANALYST	3	GRADE C117
16	(48)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
17	(49)	D068C	INFORMATION SYSTEMS ANALYST	1	GRADE C117
18	(50)	G179C	LEGAL SERVICES SPECIALIST	6	GRADE C117
19	(51)	S017C	MAINTENANCE COORDINATOR	1	GRADE C117
20	(52)	A089C	ACCOUNTANT I	2	GRADE C116
21	(53)	P027C	PUBLIC INFORMATION SPECIALIST	4	GRADE C116
22	(54)	C037C	ADMINISTRATIVE ANALYST	23	GRADE C115
23	(55)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
24	(56)	R036C	HUMAN RESOURCES SPECIALIST	1	GRADE C113
25	(57)	C056C	ADMINISTRATIVE SPECIALIST III	38	GRADE C112
26	(58)	C073C	ADMINISTRATIVE SPECIALIST II	<u>22</u>	GRADE C109
27			MAX. NO. OF EMPLOYEES	427	

28

29 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas
30 Department of Environmental Quality for the 2009-2010 fiscal year, the
31 following maximum number of part-time or temporary employees, to be known as
32 "Extra Help", payable from funds appropriated herein for such purposes:
33 sixty-six (66) temporary or part-time employees, when needed, at rates of pay
34 not to exceed those provided in the Uniform Classification and Compensation
35 Act, or its successor, or this act for the appropriate classification.

36

1 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 2 to the Arkansas Department of Environmental Quality, to be payable from the
 3 Arkansas Department of Environmental Quality Fund Account, for personal
 4 services and operating expenses of the Arkansas Department of Environmental
 5 Quality - State Operations for the fiscal year ending June 30, 2010, the
 6 following:

8 ITEM	FISCAL YEAR
9 <u>NO.</u>	<u>2009-2010</u>
10 (01) REGULAR SALARIES	\$ 3,169,681
11 (02) EXTRA HELP	25,674
12 (03) PERSONAL SERVICES MATCHING	937,191
13 (04) MAINT. & GEN. OPERATION	
14 (A) OPER. EXPENSE	375,683
15 (B) CONF. & TRAVEL	32,115
16 (C) PROF. FEES	4,100
17 (D) CAP. OUTLAY	181,000
18 (E) DATA PROC.	<u>0</u>
19 TOTAL AMOUNT APPROPRIATED	<u>\$ 4,725,444</u>

20
 21 SECTION 4. APPROPRIATION - FEDERAL OPERATIONS. There is hereby
 22 appropriated, to the Arkansas Department of Environmental Quality, to be
 23 payable from the federal funds as designated by the Chief Fiscal Officer of
 24 the State, for personal services and operating expenses of the Arkansas
 25 Department of Environmental Quality - Federal Operations for the fiscal year
 26 ending June 30, 2010, the following:

28 ITEM	FISCAL YEAR
29 <u>NO.</u>	<u>2009-2010</u>
30 (01) REGULAR SALARIES	\$ 5,209,403
31 (02) EXTRA HELP	148,585
32 (03) PERSONAL SERVICES MATCHING	1,588,510
33 (04) MAINT. & GEN. OPERATION	
34 (A) OPER. EXPENSE	4,309,060
35 (B) CONF. & TRAVEL	271,126
36 (C) PROF. FEES	2,045,401

1	(D) CAP. OUTLAY	728,100
2	(E) DATA PROC.	0
3	(05) CONTRACTUAL SERVICES	<u>2,565,000</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 16,865,185</u>

5
 6 SECTION 5. APPROPRIATION - WASTE WATER LICENSING. There is hereby
 7 appropriated, to the Arkansas Department of Environmental Quality, to be
 8 payable from the Wastewater Licensing Fund, for personal services and
 9 operating expenses of the Arkansas Department of Environmental Quality -
 10 Waste Water Licensing for the fiscal year ending June 30, 2010, the
 11 following:

13	ITEM	FISCAL YEAR
14	<u>NO.</u>	<u>2009-2010</u>
15	(01) REGULAR SALARIES	\$ 90,235
16	(02) PERSONAL SERVICES MATCHING	27,117
17	(03) MAINT. & GEN. OPERATION	
18	(A) OPER. EXPENSE	26,632
19	(B) CONF. & TRAVEL	5,089
20	(C) PROF. FEES	0
21	(D) CAP. OUTLAY	0
22	(E) DATA PROC.	<u>0</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 149,073</u>

24
 25 SECTION 6. APPROPRIATION - LAND RECLAMATION. There is hereby appropriated,
 26 to the Arkansas Department of Environmental Quality, to be payable from the
 27 Land Reclamation Fund, for land reclamation contracts of the Arkansas
 28 Department of Environmental Quality - Land Reclamation for the fiscal year
 29 ending June 30, 2010, the following:

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2009-2010</u>
33	(01) RECLAMATION CONTRACTS	<u>\$ 950,000</u>

34
 35 SECTION 7. APPROPRIATION - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby
 36 appropriated, to the Arkansas Department of Environmental Quality, to be

1 payable from the Hazardous Waste Permit Fund, for personal services and
2 operating expenses of the Arkansas Department of Environmental Quality -
3 Hazardous Waste Permit Program for the fiscal year ending June 30, 2010, the
4 following:

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2009-2010</u>
8 (01) REGULAR SALARIES	\$ 836,835
9 (02) EXTRA HELP	15,795
10 (03) PERSONAL SERVICES MATCHING	258,169
11 (04) OVERTIME	1,250
12 (05) MAINT. & GEN. OPERATION	
13 (A) OPER. EXPENSE	197,304
14 (B) CONF. & TRAVEL	47,700
15 (C) PROF. FEES	53,000
16 (D) CAP. OUTLAY	30,000
17 (E) DATA PROC.	<u>0</u>
18 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,440,053</u>

19
20 SECTION 8. APPROPRIATION - RECLAMATION OF ABANDONED MINES. There is hereby
21 appropriated, to the Arkansas Department of Environmental Quality, to be
22 payable from the Abandoned Mine Reclamation Fund, for contractual services of
23 the Arkansas Department of Environmental Quality - Reclamation of Abandoned
24 Mines for the fiscal year ending June 30, 2010, the following:

26 ITEM	FISCAL YEAR
27 <u>NO.</u>	<u>2009-2010</u>
28 (01) ABANDONED MINE RECLAMATION	
29 CONTRACTUAL SERVICES	<u>\$ 5,700,000</u>

30
31 SECTION 9. APPROPRIATION - SURFACE COAL MINING. There is hereby
32 appropriated, to the Arkansas Department of Environmental Quality, to be
33 payable from the Surface Coal Mining Operation Fund, for operating expenses
34 of the Arkansas Department of Environmental Quality - Surface Coal Mining for
35 the fiscal year ending June 30, 2010, the following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2009-2010</u>
3	(01) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	\$ 15,000
5	(B) CONF. & TRAVEL	0
6	(C) PROF. FEES	0
7	(D) CAP. OUTLAY	0
8	(E) DATA PROC.	<u>0</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 15,000</u>

10

11 SECTION 10. APPROPRIATION - MINING RECLAMATION. There is hereby
 12 appropriated, to the Arkansas Department of Environmental Quality, to be
 13 payable from the Mine Reclamation Trust Fund, for contractual services of the
 14 Arkansas Department of Environmental Quality - Mining Reclamation for the
 15 fiscal year ending June 30, 2010, the following:

16

17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2009-2010</u>
19	(01) MINING RECLAMATION CONTRACTUAL	
20	SERVICES	<u>\$ 1,520,000</u>

21

22 SECTION 11. APPROPRIATION - FEE ADMINISTRATION. There is hereby
 23 appropriated, to the Arkansas Department of Environmental Quality, to be
 24 payable from the Arkansas Department of Environmental Quality Fee Trust Fund,
 25 for personal services and operating expenses of the Arkansas Department of
 26 Environmental Quality - Fee Administration for the fiscal year ending June
 27 30, 2010, the following:

28

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2009-2010</u>
31	(01) REGULAR SALARIES	\$ 7,075,844
32	(02) EXTRA HELP	45,000
33	(03) PERSONAL SERVICES MATCHING	2,195,479
34	(04) MAINT. & GEN. OPERATION	
35	(A) OPER. EXPENSE	1,383,468
36	(B) CONF. & TRAVEL	152,389

1	(C) PROF. FEES	2,056,221
2	(D) CAP. OUTLAY	1,124,500
3	(E) DATA PROC.	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 14,032,901</u>

5

6 SECTION 12. APPROPRIATION - SOLID WASTE PERFORMANCE BONDS PROGRAM. There

7 is hereby appropriated, to the Arkansas Department of Environmental Quality,

8 to be payable from the Solid Waste Performance Bond Fund, for contractual

9 services of the Arkansas Department of Environmental Quality - Solid Waste

10 Performance Bonds Program for the fiscal year ending June 30, 2010, the

11 following:

12	ITEM	FISCAL YEAR
13	NO.	2009-2010
14	(01) SOLID WASTE PERFORMANCE BONDS	
15	CONTRACTUAL SERVICES	<u>\$ 500,000</u>

16

17

18 SECTION 13. APPROPRIATION - HAZARDOUS WASTE CLEANUP. There is hereby

19 appropriated, to the Arkansas Department of Environmental Quality, to be

20 payable from the Hazardous Substance Remedial Action Trust Fund, for personal

21 services and operating expenses of the Arkansas Department of Environmental

22 Quality - Hazardous Waste Cleanup for the fiscal year ending June 30, 2010,

23 the following:

24	ITEM	FISCAL YEAR
25	NO.	2009-2010
26	(01) REGULAR SALARIES	\$ 114,915
27	(02) PERSONAL SERVICES MATCHING	37,237
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	263,198
33	(E) DATA PROC.	0
34	(04) CONTRACTUAL SERVICES	6,194,000
35	(05) DATA PROCESSING PURCHASES	<u>453,937</u>

1 TOTAL AMOUNT APPROPRIATED \$ 7,748,605

2

3 SECTION 14. APPROPRIATION - EMERGENCY RESPONSE PROGRAM. There is hereby
4 appropriated, to the Arkansas Department of Environmental Quality, to be
5 payable from the Hazardous Substance Remedial Action Trust Fund, for personal
6 services and operating expenses of the Arkansas Department of Environmental
7 Quality - Emergency Response Program for the fiscal year ending June 30,
8 2010, the following:

9

10 ITEM	FISCAL YEAR
11 NO.	2009-2010
12 (01) REGULAR SALARIES	\$ 83,060
13 (02) PERSONAL SERVICES MATCHING	26,056
14 (03) MAINT. & GEN. OPERATION	
15 (A) OPER. EXPENSE	3,833
16 (B) CONF. & TRAVEL	2,000
17 (C) PROF. FEES	0
18 (D) CAP. OUTLAY	30,000
19 (E) DATA PROC.	0
20 (04) CONTRACTUAL SERVICES	<u>372,655</u>
21 TOTAL AMOUNT APPROPRIATED	<u>\$ 517,604</u>

22

23 SECTION 15. APPROPRIATION - ASBESTOS CONTROL PROGRAM. There is hereby
24 appropriated, to the Arkansas Department of Environmental Quality, to be
25 payable from the Asbestos Control Fund, for personal services and operating
26 expenses of the Arkansas Department of Environmental Quality - Asbestos
27 Control Program for the fiscal year ending June 30, 2010, the following:

28

29 ITEM	FISCAL YEAR
30 NO.	2009-2010
31 (01) REGULAR SALARIES	\$ 156,841
32 (02) PERSONAL SERVICES MATCHING	50,340
33 (03) MAINT. & GEN. OPERATION	
34 (A) OPER. EXPENSE	29,452
35 (B) CONF. & TRAVEL	4,090
36 (C) PROF. FEES	2,100

1	(D) CAP. OUTLAY	0
2	(E) DATA PROC.	<u>0</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 242,823</u>

4

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

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

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

8 personal services and operating expenses of the Arkansas Department of

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

10 fiscal year ending June 30, 2010, the following:

11	ITEM	FISCAL YEAR
12		
13	<u>NO.</u>	<u>2009-2010</u>
14	(01) REGULAR SALARIES	\$ 806,496
15	(02) PERSONAL SERVICES MATCHING	255,960
16	(03) MAINT. & GEN. OPERATION	
17	(A) OPER. EXPENSE	126,529
18	(B) CONF. & TRAVEL	15,668
19	(C) PROF. FEES	0
20	(D) CAP. OUTLAY	20,000
21	(E) DATA PROC.	0
22	(04) RECYCLING GRANTS	4,650,000
23	(05) ELECTRONIC WASTE RECYCLING	
24	INFRASTRUCTURE	<u>2,500,000</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$ 8,374,653</u>

26

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

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

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

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

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

32 fiscal year ending June 30, 2010, the following:

33	ITEM	FISCAL YEAR
34		
35	<u>NO.</u>	<u>2009-2010</u>
36	(01) REGULAR SALARIES	\$ 693,262

1	(02) PERSONAL SERVICES MATCHING	229,244
2	(03) MAINT. & GEN. OPERATION	
3	(A) OPER. EXPENSE	71,128
4	(B) CONF. & TRAVEL	5,005
5	(C) PROF. FEES	0
6	(D) CAP. OUTLAY	0
7	(E) DATA PROC.	<u>0</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 998,639</u>

9

10 SECTION 18. APPROPRIATION - PETROLEUM STORAGE TANK TRUST FUND. There is
 11 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 12 be payable from the Petroleum Storage Tank Trust Fund, for personal services
 13 and operating expenses of the Arkansas Department of Environmental Quality -
 14 Petroleum Storage Tank Trust Fund for the fiscal year ending June 30, 2010,
 15 the following:

16

17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2009-2010</u>
19	(01) REGULAR SALARIES	\$ 234,739
20	(02) PERSONAL SERVICES MATCHING	64,960
21	(03) MAINT. & GEN. OPERATION	
22	(A) OPER. EXPENSE	18,999,800
23	(B) CONF. & TRAVEL	3,005
24	(C) PROF. FEES	2,500,156
25	(D) CAP. OUTLAY	0
26	(E) DATA PROC.	<u>0</u>
27	TOTAL AMOUNT APPROPRIATED	<u>\$ 21,802,660</u>

28

29 SECTION 19. APPROPRIATION - REGULATED STORAGE TANK PROGRAM - FEDERAL.
 30 There is hereby appropriated, to the Arkansas Department of Environmental
 31 Quality, to be payable from the federal funds as designated by the Chief
 32 Fiscal Officer of the State, for contractual services of the Arkansas
 33 Department of Environmental Quality - Regulated Storage Tank Program -
 34 Federal for the fiscal year ending June 30, 2010, the following:

35

36	ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2009-2010</u>
2	(01) REGULATED STORAGE TANK & CONTRACTUAL	
3	SERVICES	<u>\$ 3,925,000</u>
4		

5 SECTION 20. APPROPRIATION - LANDFILL POST-CLOSURE PROGRAM. There is hereby
 6 appropriated, to the Arkansas Department of Environmental Quality, to be
 7 payable from the Landfill Post-Closure Trust Fund, for personal services and
 8 operating expenses of the Arkansas Department of Environmental Quality -
 9 Landfill Post-Closure Program for the fiscal year ending June 30, 2010, the
 10 following:

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2009-2010</u>
14	(01) REGULAR SALARIES	\$ 290,031
15	(02) PERSONAL SERVICES MATCHING	85,966
16	(03) MAINT. & GEN. OPERATION	
17	(A) OPER. EXPENSE	30,923
18	(B) CONF. & TRAVEL	6,000
19	(C) PROF. FEES	0
20	(D) CAP. OUTLAY	0
21	(E) DATA PROC.	0
22	(04) CONTRACTUAL SERVICES	<u>7,433,373</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 7,846,293</u>
24		

25 SECTION 21. APPROPRIATION - WASTE TIRE RECYCLING PROGRAM. There is hereby
 26 appropriated, to the Arkansas Department of Environmental Quality, to be
 27 payable from the Waste Tire Grant Fund, for waste tire recycling grants of
 28 the Arkansas Department of Environmental Quality - Waste Tire Recycling
 29 Program for the fiscal year ending June 30, 2010, the following:

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2009-2010</u>
33	(01) WASTE TIRE RECYCLING GRANTS	<u>\$ 6,425,000</u>
34		

35 SECTION 22. APPROPRIATION - STATE MARKETING BOARD FOR RECYCLABLES PROGRAM.
 36 There is hereby appropriated, to the Arkansas Department of Environmental

1 Quality, to be payable from the Marketing Board Fund, for personal services
 2 and operating expenses of the Arkansas Department of Environmental Quality -
 3 State Marketing Board for Recyclables Program for the fiscal year ending June
 4 30, 2010, the following:

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2009-2010</u>
8 (01) REGULAR SALARIES	\$ 1,500
9 (02) PERSONAL SERVICES MATCHING	115
10 (03) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	13,846
12 (B) CONF. & TRAVEL	6,415
13 (C) PROF. FEES	7,000
14 (D) CAP. OUTLAY	3,500
15 (E) DATA PROC.	<u>0</u>
16 TOTAL AMOUNT APPROPRIATED	<u>\$ 32,376</u>

17
 18 SECTION 23. APPROPRIATION - ENVIRONMENTAL EDUCATION PROGRAM. There is
 19 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 20 be payable from the Environmental Education Fund, for personal services and
 21 operating expenses of the Arkansas Department of Environmental Quality -
 22 Environmental Education Program for the fiscal year ending June 30, 2010, the
 23 following:

25 ITEM	FISCAL YEAR
26 <u>NO.</u>	<u>2009-2010</u>
27 (01) REGULAR SALARIES	\$ 45,050
28 (02) PERSONAL SERVICES MATCHING	13,700
29 (03) MAINT. & GEN. OPERATION	
30 (A) OPER. EXPENSE	151,961
31 (B) CONF. & TRAVEL	8,000
32 (C) PROF. FEES	94,000
33 (D) CAP. OUTLAY	8,000
34 (E) DATA PROC.	<u>0</u>
35 TOTAL AMOUNT APPROPRIATED	<u>\$ 320,711</u>

36

SECTION 24. APPROPRIATION - LEAD-BASED PAINT HAZARD PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Lead-Based Paint Hazard Fund, for operating expenses of the Lead-Based Paint Program of the Arkansas Department of Environmental Quality for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</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>

SECTION 25. APPROPRIATION - SMALL BUSINESS LOANS. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Small Business Revolving Loan Fund, for providing loans to small businesses for projects to meet regulatory mandates in pollution control and prevention technologies of the Arkansas Department of Environmental Quality for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) SMALL BUSINESS LOANS	<u>\$ 550,000</u>

SECTION 26. APPROPRIATION - SMALL BUSINESS REVOLVING LOAN PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Small Business Revolving Loan Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Small Business Revolving Loan Program for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2009-2010</u>
2	(01) REGULAR SALARIES	\$ 27,424
3	(02) PERSONAL SERVICES MATCHING	10,335
4	(03) MAINT. & GEN. OPERATION	
5	(A) OPER. EXPENSE	11,010
6	(B) CONF. & TRAVEL	3,650
7	(C) PROF. FEES	5,000
8	(D) CAP. OUTLAY	0
9	(E) DATA PROC.	<u>0</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 57,419</u>

11

12 SECTION 27. APPROPRIATION - PERFORMANCE PARTNERSHIP SYSTEM EXPENSES. There
 13 is hereby appropriated, to the Arkansas Department of Environmental Quality,
 14 to be payable from the Performance Partnership Trust Fund, for expenses of
 15 designing and establishing a management organization of the Arkansas
 16 Department of Environmental Quality for the fiscal year ending June 30, 2010,
 17 the following:

18

19	ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2009-2010</u>
21	(01) PERFORMANCE INTEGRATED INFORMATION	
22	SYSTEM EXPENSES	<u>\$ 600,000</u>

23

24 SECTION 28. APPROPRIATION - ENVIRONMENTAL SETTLEMENT TRUST. There is
 25 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 26 be payable from the ADEQ Environmental Settlement Trust Fund, for expenses as
 27 authorized through various settlement agreements benefiting the State of
 28 Arkansas as administered through of the Arkansas Department of Environmental
 29 Quality for the fiscal year ending June 30, 2010, the following:

30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2009-2010</u>
33	(01) ENVIRONMENTAL SETTLEMENT TRUST EXPENSES	<u>\$ 750,000</u>

34

35 SECTION 29. APPROPRIATION - COMPUTER AND ELECTRONIC RECYCLING. There is
 36 hereby appropriated, to the Arkansas Department of Environmental Quality, to

1 be payable from the Computer and Electronic Recycling Fund, for grants and
 2 expenses of the Arkansas Department of Environmental Quality - Computer and
 3 Electronic Recycling for the fiscal year ending June 30, 2010, the following:

5	ITEM	FISCAL YEAR
6	<u>NO.</u>	<u>2009-2010</u>
7	(01) COMPUTER AND ELECTRONICS RECYCLING	
8	MANAGEMENT EXPENSES OR GRANTS	\$ <u>250,000</u>

9
 10 SECTION 30. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION -
 11 ADMINISTRATIVE HEARING OFFICER. There is hereby established for the Arkansas
 12 Department of Environmental Quality for the 2009-2010 fiscal year, the
 13 following maximum number of regular employees whose salaries shall be
 14 governed by the provisions of the Uniform Classification and Compensation Act
 15 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
 16 thereto. Provided, however, that any position to which a specific maximum
 17 annual salary is set out herein in dollars, shall be exempt from the
 18 provisions of said Uniform Classification and Compensation Act. All persons
 19 occupying positions authorized herein are hereby governed by the provisions
 20 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
 21 101), or its successor.

				Maximum Annual
24			Maximum	Salary Rate
25	Item	Class	No. of	Fiscal Year
26	<u>No.</u>	<u>Code Title</u>	<u>Employees</u>	<u>2009-2010</u>
27	(1)	G024C DEPARTMENT ADMINISTRATIVE LAW JUDGE	1	GRADE C127
28	(2)	G179C LEGAL SERVICES SPECIALIST	1	GRADE C117
29	(3)	C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
30		MAX. NO. OF EMPLOYEES	3	

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

1 Pollution Control and Ecology Commission - Administrative Hearing Officer for
2 the fiscal year ending June 30, 2010, the following:

3		
4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2009-2010</u>
6	(01) REGULAR SALARIES	\$ 159,082
7	(02) PERSONAL SERVICES MATCHING	44,599
8	(03) MAINT. & GEN. OPERATION	
9	(A) OPER. EXPENSE	87,217
10	(B) CONF. & TRAVEL	6,922
11	(C) PROF. FEES	0
12	(D) CAP. OUTLAY	0
13	(E) DATA PROC.	<u>0</u>
14	TOTAL AMOUNT APPROPRIATED	<u>\$ 297,820</u>

15

16 SECTION 32. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -
17 EXPENSES. There is hereby appropriated, to the Arkansas Department of
18 Environmental Quality, to be payable from the Miscellaneous Agencies Fund
19 Account, for expenses of the Pollution Control and Ecology Commission of the
20 Arkansas Department of Environmental Quality for the fiscal year ending June
21 30, 2010, the following:

22

23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2009-2010</u>
25	(01) PC&E COMMISSION	<u>\$ 3,977</u>

26

27 SECTION 33. APPROPRIATION - NON HAZARDOUS SITE CLEAN UP. There is hereby
28 appropriated, to the Arkansas Department of Environmental Quality, to be
29 payable from the Arkansas Department of Environmental Quality Fee Trust Fund,
30 for the clean up of non hazardous sites which pose a threat to the
31 environment for the fiscal year ending June 30, 2010, the following:

32

33	ITEM	FISCAL YEAR
34	<u>NO.</u>	<u>2009-2010</u>
35	(01) CONTRACTUAL SERVICES	<u>\$ 750,000</u>

36

1 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
3 HELP - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the
4 Arkansas Department of Environmental Quality - Hazardous Waste Permit Program
5 for the ~~2007-2009 biennium~~ 2009-2010 fiscal year, the following maximum
6 number of part-time or temporary employees, to be known as "Extra Help",
7 payable from funds appropriated herein for such purposes: Four (4) temporary
8 or part-time employees, when needed, at rates of pay not to exceed those
9 provided in the Uniform Classification and Compensation Act, or its
10 successor, for the appropriate classification. These four positions are
11 utilized for a specific project and are specifically exempt from the
12 limitations, either by act or regulation, of hours worked.

13 The provisions of this section shall be in effect only from July 1,
14 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

26 The provisions of this section shall be in effect only from July 1,
27 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

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

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

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

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

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

25
26 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING
28 REQUIREMENTS. The Department shall present the following data to Legislative
29 Council quarterly, due by the 15th day of the month following the quarter,
30 beginning July 15, ~~2007~~ 2009:

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

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

36 c) Description of each environmental permit application pending in each

1 environmental permit category, the number of days each permit has been
2 pending, and the reasons for delays in issuing permits for each permit that
3 has been pending for more than 45 days;

4 d) Number and type of enforcement actions initiated by the Department, the
5 geographic location of each violation and the total fines and collections
6 from Supplemental Environmental Projects, the percent increase or decrease in
7 fines levied annually and

8 e) Description of all pending rulemaking activities and justifications
9 thereof, including economic impact and environmental benefit analysis.

10 The provisions of this section shall be in effect only from July 1, ~~2007~~
11 2009 through June 30, ~~2009~~ 2010.

12
13 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
15 TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State,
16 the Arkansas Department of Environmental Quality may transfer from various
17 department funds to the Arkansas Department of Environmental Quality Fund
18 Account, the sum of \$1,500,000 in fiscal year ~~2007-2008~~ 2009-2010, for the
19 exclusive purpose of supplementing funding for the appropriation provided in
20 Section 3. Appropriation - State Operations. The funds shall be used for
21 personal services and operating expenses of the Arkansas Department of
22 Environmental Quality - State Operations. Funds which remain in the Arkansas
23 Department of Environmental Quality Fund Account at the close of ~~each the~~
24 fiscal year of the 2007-2009-2009-2011 biennium shall be carried forward and
25 made available for the same purpose for the following fiscal year. These
26 funds shall be used for the purpose stated above.

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

34
35 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY

1 FORWARD. Any unexpended balances of ~~appropriation and~~ funds authorized in
2 Section 29 for Computer and Electronic Recycling Management Expenses or
3 Grants, which remains at the close of fiscal year ending June 30, ~~2008~~ 2010
4 shall be carried forward and made available for the same purpose for the
5 fiscal year ending June 30, ~~2009~~ 2011.

6 Any carry forward of unexpended balance of ~~appropriation and/or~~ funding as
7 authorized herein, may be carried forward under the following conditions:

8 (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set
9 forth its reason(s) for the need to carry forward said ~~appropriation and/or~~
10 funding to the Department of Finance and Administration Office of Budget;

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

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

29 (4) Thereupon, the Department of Finance and Administration shall include
30 all information obtained in item (3) above in the ~~biennial~~ budget manuals
31 and/or a statement of non-compliance by the Agency, Board, Commission or
32 Institution.

33
34 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LANDFILL
36 POST-CLOSURE CLEAN UP RESTRICTIONS. Any expenditures in excess of \$50,000

1 per site from the Landfill Post-Closure Trust Fund, as appropriated in
2 Section 20, Item (04) for corrective action to remedy environmental impacts
3 of closed disposal sites previously operated as a landfill pursuant to state
4 law will be prioritized and authorized by the Commission after addressing
5 corrective actions needed to address environmental impacts from permitted
6 landfills closed properly. The total of the said expenditures ~~for the~~
7 ~~biennium~~ shall not exceed five percent (5%) of the fund balance as of July 1,
8 ~~2007~~ 2009.

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

21
22 SECTION 44. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
23 by this act shall be limited to the appropriation for such agency and funds
24 made available by law for the support of such appropriations; and the
25 restrictions of the State Procurement Law, the General Accounting and
26 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
27 Procedures and Restrictions Act, or their successors, and other fiscal
28 control laws of this State, where applicable, and regulations promulgated by
29 the Department of Finance and Administration, as authorized by law, shall be
30 strictly complied with in disbursement of said funds.

31
32 SECTION 45. LEGISLATIVE INTENT. It is the intent of the General Assembly
33 that any funds disbursed under the authority of the appropriations contained
34 in this act shall be in compliance with the stated reasons for which this act
35 was adopted, as evidenced by the Agency Requests, Executive Recommendations
36 and Legislative Recommendations contained in the budget manuals prepared by

1 the Department of Finance and Administration, letters, or summarized oral
2 testimony in the official minutes of the Arkansas Legislative Council or
3 Joint Budget Committee which relate to its passage and adoption.

4
5 SECTION 46. EMERGENCY CLAUSE. It is found and determined by the General
6 Assembly, that the Constitution of the State of Arkansas prohibits the
7 appropriation of funds for more than a one (1) year period; that the
8 effectiveness of this Act on July 1, 2009 is essential to the operation of
9 the agency for which the appropriations in this Act are provided, and that in
10 the event of an extension of the Regular Session, the delay in the effective
11 date of this Act beyond July 1, 2009 could work irreparable harm upon the
12 proper administration and provision of essential governmental programs.
13 Therefore, an emergency is hereby declared to exist and this Act being
14 necessary for the immediate preservation of the public peace, health and
15 safety shall be in full force and effect from and after July 1, 2009.

16
17 */s/ Joint Budget Committee*

18
19 **APPROVED: 4/9/2009**