

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: H3/18/11  
**A Bill**

HOUSE BILL 1309

5 By: Joint Budget Committee  
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS  
10 DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE  
11 FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER  
12 PURPOSES.  
13

14  
15 **Subtitle**

16 AN ACT FOR THE ARKANSAS DEPARTMENT OF  
17 ENVIRONMENTAL QUALITY APPROPRIATION FOR THE  
18 2011-2012 FISCAL YEAR.  
19

20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. REGULAR SALARIES. There is hereby established for the  
24 Arkansas Department of Environmental Quality for the 2011-2012 fiscal year,  
25 the following maximum number of regular employees.  
26

| Item | Class |  | Maximum   | Maximum Annual |
|------|-------|--|-----------|----------------|
| No.  | Code  | Title                                  | No. of    | Salary Rate    |
|      |       |  | Employees | Fiscal Year    |
|      |       |  |           | 2011-2012      |
| 31   | (1)   | U015U ADEQ DIRECTOR                    | 1         | \$123,492      |
| 32   | (2)   | U075U ADEQ CHIEF DEPUTY DIRECTOR       | 1         | \$101,827      |
| 33   | (3)   | N067N ADEQ DEPUTY DIR - LAND RESOURCES | 1         | GRADE N908     |
| 34   | (4)   | X004C ADEQ AIR DIVISION MANAGER        | 1         | GRADE C129     |
| 35   | (5)   | G005C ADEQ WATER DIVISION MANAGER      | 1         | GRADE C129     |
| 36   | (6)   | G004C MANAGING ATTORNEY                | 1         | GRADE C129     |



|    |      |       |                                    |    |            |
|----|------|-------|------------------------------------|----|------------|
| 1  | (7)  | D007C | INFORMATION SYSTEMS MANAGER        | 1  | GRADE C128 |
| 2  | (8)  | G035C | ADEQ ADMINISTRATION DIVISION MGR   | 1  | GRADE C127 |
| 3  | (9)  | G034C | ADEQ ASST AIR/WATER DIVISION MGR   | 2  | GRADE C127 |
| 4  | (10) | B012C | ADEQ ENGINEER P.E. BRANCH MANAGER  | 2  | GRADE C127 |
| 5  | (11) | G033C | ADEQ HAZARDOUS WASTE DIVISION MGR  | 1  | GRADE C127 |
| 6  | (12) | G032C | ADEQ MINING DIVISION MANAGER       | 1  | GRADE C127 |
| 7  | (13) | G031C | ADEQ PUBLIC OUTREACH DIVISION MGR  | 1  | GRADE C127 |
| 8  | (14) | G030C | ADEQ REG STORAGE TANKS DIV MGR     | 1  | GRADE C127 |
| 9  | (15) | G029C | ADEQ SOLID WASTE DIVISION MANAGER  | 1  | GRADE C127 |
| 10 | (16) | G028C | ADEQ TECHNICAL SVS DIVISION MGR    | 1  | GRADE C127 |
| 11 | (17) | A014C | FISCAL DIVISION MANAGER            | 1  | GRADE C127 |
| 12 | (18) | G019C | GENERAL COUNSEL                    | 1  | GRADE C127 |
| 13 | (19) | G047C | ATTORNEY SPECIALIST                | 8  | GRADE C126 |
| 14 | (20) | B015C | ENGINEER SUPERVISOR                | 11 | GRADE C126 |
| 15 | (21) | G063C | ADEQ BRANCH MANAGER                | 15 | GRADE C125 |
| 16 | (22) | B023C | ENGINEER, P.E.                     | 20 | GRADE C124 |
| 17 | (23) | D030C | INFORMATION SYSTEMS COORDINATOR    | 3  | GRADE C124 |
| 18 | (24) | D039C | NETWORK SUPPORT SPECIALIST         | 1  | GRADE C123 |
| 19 | (25) | X036C | ADEQ INSPECTOR SUPERVISOR          | 11 | GRADE C122 |
| 20 | (26) | B037C | CHEMIST SUPERVISOR                 | 3  | GRADE C122 |
| 21 | (27) | L028C | EPIDEMIOLOGIST                     | 6  | GRADE C122 |
| 22 | (28) | B035C | GEOLOGY SUPERVISOR                 | 5  | GRADE C122 |
| 23 | (29) | A052C | ACCOUNTING COORDINATOR             | 1  | GRADE C121 |
| 24 | (30) | B042C | ENGINEER                           | 28 | GRADE C121 |
| 25 | (31) | R014C | PERSONNEL MANAGER                  | 1  | GRADE C121 |
| 26 | (32) | B043C | PROFESSIONAL GEOLOGIST             | 18 | GRADE C121 |
| 27 | (33) | D052C | SOFTWARE SUPPORT ANALYST           | 7  | GRADE C121 |
| 28 | (34) | X059C | ADEQ ENFORCEMENT COORDINATOR       | 9  | GRADE C120 |
| 29 | (35) | G139C | ADEQ FACILITY SUPPORT SVCS MANAGER | 1  | GRADE C120 |
| 30 | (36) | B055C | ECOLOGIST COORDINATOR              | 2  | GRADE C120 |
| 31 | (37) | X054C | ENVIRONMENTAL PROGRAM COORDINATOR  | 30 | GRADE C120 |
| 32 | (38) | P013C | PUBLIC INFORMATION COORDINATOR     | 2  | GRADE C120 |
| 33 | (39) | X075C | ADEQ ENFORCEMENT ANALYST           | 13 | GRADE C119 |
| 34 | (40) | D063C | COMPUTER SUPPORT SPECIALIST        | 1  | GRADE C119 |
| 35 | (41) | B065C | ECOLOGIST                          | 13 | GRADE C119 |
| 36 | (42) | X186C | ADEQ AIR COMPLIANCE MONITOR        | 2  | GRADE C118 |

|    |      |       |                               |           |            |
|----|------|-------|-------------------------------|-----------|------------|
| 1  | (43) | X093C | ADEQ INSPECTOR                | 80        | GRADE C118 |
| 2  | (44) | D065C | NETWORK SUPPORT ANALYST       | 1         | GRADE C118 |
| 3  | (45) | D064C | WEBSITE DEVELOPER             | 1         | GRADE C118 |
| 4  | (46) | B081C | CHEMIST                       | 10        | GRADE C117 |
| 5  | (47) | G180C | GRANTS ANALYST                | 3         | GRADE C117 |
| 6  | (48) | R025C | HUMAN RESOURCES ANALYST       | 1         | GRADE C117 |
| 7  | (49) | D068C | INFORMATION SYSTEMS ANALYST   | 1         | GRADE C117 |
| 8  | (50) | G179C | LEGAL SERVICES SPECIALIST     | 6         | GRADE C117 |
| 9  | (51) | S017C | MAINTENANCE COORDINATOR       | 1         | GRADE C117 |
| 10 | (52) | A089C | ACCOUNTANT I                  | 2         | GRADE C116 |
| 11 | (53) | P027C | PUBLIC INFORMATION SPECIALIST | 4         | GRADE C116 |
| 12 | (54) | C037C | ADMINISTRATIVE ANALYST        | 24        | GRADE C115 |
| 13 | (55) | A091C | FISCAL SUPPORT ANALYST        | 1         | GRADE C115 |
| 14 | (56) | R036C | HUMAN RESOURCES SPECIALIST    | 1         | GRADE C113 |
| 15 | (57) | C056C | ADMINISTRATIVE SPECIALIST III | 38        | GRADE C112 |
| 16 | (58) | C073C | ADMINISTRATIVE SPECIALIST II  | <u>22</u> | GRADE C109 |
| 17 |      |       | MAX. NO. OF EMPLOYEES         | 427       |            |

18

19 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas  
 20 Department of Environmental Quality for the 2011-2012 fiscal year, the  
 21 following maximum number of part-time or temporary employees, to be known as  
 22 "Extra Help", payable from funds appropriated herein for such purposes:  
 23 sixty-six (66) temporary or part-time employees, when needed, at rates of pay  
 24 not to exceed those provided in the Uniform Classification and Compensation  
 25 Act, or its successor, or this act for the appropriate classification.

26

27 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby  
 28 appropriated, to the Arkansas Department of Environmental Quality, to be  
 29 payable from the Arkansas Department of Environmental Quality Fund Account,  
 30 for personal services and operating expenses of the Arkansas Department of  
 31 Environmental Quality - State Operations for the fiscal year ending June 30,  
 32 2012, the following:

33

| 34 | ITEM                  | FISCAL YEAR      |
|----|-----------------------|------------------|
| 35 | <u>NO.</u>            | <u>2011-2012</u> |
| 36 | (01) REGULAR SALARIES | \$3,606,769      |

|   |                                 |                           |
|---|---------------------------------|---------------------------|
| 1 | (02) EXTRA HELP                 | 25,674                    |
| 2 | (03) PERSONAL SERVICES MATCHING | 1,068,079                 |
| 3 | (04) MAINT. & GEN. OPERATION    |                           |
| 4 | (A) OPER. EXPENSE               | 353,183                   |
| 5 | (B) CONF. & TRAVEL              | 32,115                    |
| 6 | (C) PROF. FEES                  | 4,100                     |
| 7 | (D) CAP. OUTLAY                 | 0                         |
| 8 | (E) DATA PROC.                  | <u>0</u>                  |
| 9 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$5,089,920</u></u> |

10

11 SECTION 4. APPROPRIATION - FEDERAL OPERATIONS. There is hereby  
 12 appropriated, to the Arkansas Department of Environmental Quality, to be  
 13 payable from the federal funds as designated by the Chief Fiscal Officer of  
 14 the State, for personal services and operating expenses of the Arkansas  
 15 Department of Environmental Quality - Federal Operations for the fiscal year  
 16 ending June 30, 2012, the following:

17

| 18 | ITEM                            | FISCAL YEAR                |
|----|---------------------------------|----------------------------|
| 19 | <u>NO.</u>                      | <u>2011-2012</u>           |
| 20 | (01) REGULAR SALARIES           | \$5,091,841                |
| 21 | (02) EXTRA HELP                 | 148,585                    |
| 22 | (03) PERSONAL SERVICES MATCHING | 1,535,246                  |
| 23 | (04) MAINT. & GEN. OPERATION    |                            |
| 24 | (A) OPER. EXPENSE               | 4,289,060                  |
| 25 | (B) CONF. & TRAVEL              | 271,126                    |
| 26 | (C) PROF. FEES                  | 2,045,401                  |
| 27 | (D) CAP. OUTLAY                 | 1,051,000                  |
| 28 | (E) DATA PROC.                  | 0                          |
| 29 | (05) CONTRACTUAL SERVICES       | 2,565,000                  |
| 30 | (06) ARRA OF 2009               | <u>750,000</u>             |
| 31 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$17,747,259</u></u> |

32

33 SECTION 5. APPROPRIATION - WASTE WATER LICENSING. There is hereby  
 34 appropriated, to the Arkansas Department of Environmental Quality, to be  
 35 payable from the Wastewater Licensing Fund, for personal services and  
 36 operating expenses of the Arkansas Department of Environmental Quality -

1 Waste Water Licensing for the fiscal year ending June 30, 2012, the  
2 following:

| 3  |                                 |                         |
|----|---------------------------------|-------------------------|
| 4  | ITEM                            | FISCAL YEAR             |
| 5  | <u>NO.</u>                      | <u>2011-2012</u>        |
| 6  | (01) REGULAR SALARIES           | \$99,640                |
| 7  | (02) PERSONAL SERVICES MATCHING | 33,148                  |
| 8  | (03) MAINT. & GEN. OPERATION    |                         |
| 9  | (A) OPER. EXPENSE               | 26,632                  |
| 10 | (B) CONF. & TRAVEL              | 5,089                   |
| 11 | (C) PROF. FEES                  | 0                       |
| 12 | (D) CAP. OUTLAY                 | 20,000                  |
| 13 | (E) DATA PROC.                  | <u>0</u>                |
| 14 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$184,509</u></u> |

15

16 SECTION 6. APPROPRIATION - LAND RECLAMATION. There is hereby  
17 appropriated, to the Arkansas Department of Environmental Quality, to be  
18 payable from the Land Reclamation Fund, for land reclamation contracts of the  
19 Arkansas Department of Environmental Quality - Land Reclamation for the  
20 fiscal year ending June 30, 2012, the following:

21

| 22 | ITEM                       | FISCAL YEAR             |
|----|----------------------------|-------------------------|
| 23 | <u>NO.</u>                 | <u>2011-2012</u>        |
| 24 | (01) RECLAMATION CONTRACTS | <u><u>\$950,000</u></u> |

25

26 SECTION 7. APPROPRIATION - HAZARDOUS WASTE PERMIT PROGRAM. There is  
27 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
28 be payable from the Hazardous Waste Permit Fund, for personal services and  
29 operating expenses of the Arkansas Department of Environmental Quality -  
30 Hazardous Waste Permit Program for the fiscal year ending June 30, 2012, the  
31 following:

32

| 33 | ITEM                  | FISCAL YEAR      |
|----|-----------------------|------------------|
| 34 | <u>NO.</u>            | <u>2011-2012</u> |
| 35 | (01) REGULAR SALARIES | \$977,978        |
| 36 | (02) EXTRA HELP       | 15,795           |

|   |                                 |                           |
|---|---------------------------------|---------------------------|
| 1 | (03) PERSONAL SERVICES MATCHING | 292,281                   |
| 2 | (04) OVERTIME                   | 1,250                     |
| 3 | (05) MAINT. & GEN. OPERATION    |                           |
| 4 | (A) OPER. EXPENSE               | 197,304                   |
| 5 | (B) CONF. & TRAVEL              | 47,700                    |
| 6 | (C) PROF. FEES                  | 53,000                    |
| 7 | (D) CAP. OUTLAY                 | 0                         |
| 8 | (E) DATA PROC.                  | <u>0</u>                  |
| 9 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$1,585,308</u></u> |

10

11 SECTION 8. APPROPRIATION - RECLAMATION OF ABANDONED MINES. There is  
 12 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
 13 be payable from the Abandoned Mine Reclamation Fund, for contractual services  
 14 of the Arkansas Department of Environmental Quality - Reclamation of  
 15 Abandoned Mines for the fiscal year ending June 30, 2012, the following:

16

| 17 | ITEM                            | FISCAL YEAR               |
|----|---------------------------------|---------------------------|
| 18 | <u>NO.</u>                      | <u>2011-2012</u>          |
| 19 | (01) ABANDONED MINE RECLAMATION |                           |
| 20 | CONTRACTUAL SERVICES            | <u><u>\$5,700,000</u></u> |

21

22 SECTION 9. APPROPRIATION - SURFACE COAL MINING. There is hereby  
 23 appropriated, to the Arkansas Department of Environmental Quality, to be  
 24 payable from the Surface Coal Mining Operation Fund, for operating expenses  
 25 of the Arkansas Department of Environmental Quality - Surface Coal Mining for  
 26 the fiscal year ending June 30, 2012, the following:

27

| 28 | ITEM                         | FISCAL YEAR            |
|----|------------------------------|------------------------|
| 29 | <u>NO.</u>                   | <u>2011-2012</u>       |
| 30 | (01) MAINT. & GEN. OPERATION |                        |
| 31 | (A) OPER. EXPENSE            | \$15,000               |
| 32 | (B) CONF. & TRAVEL           | 0                      |
| 33 | (C) PROF. FEES               | 0                      |
| 34 | (D) CAP. OUTLAY              | 0                      |
| 35 | (E) DATA PROC.               | <u>0</u>               |
| 36 | TOTAL AMOUNT APPROPRIATED    | <u><u>\$15,000</u></u> |

1  
2 SECTION 10. APPROPRIATION - MINING RECLAMATION. There is hereby  
3 appropriated, to the Arkansas Department of Environmental Quality, to be  
4 payable from the Mine Reclamation Trust Fund, for contractual services of the  
5 Arkansas Department of Environmental Quality - Mining Reclamation for the  
6 fiscal year ending June 30, 2012, the following:

| 8 ITEM                                 | FISCAL YEAR        |
|--|--------------------|
| 9 NO.                                  | 2011-2012          |
| 10 (01) MINING RECLAMATION CONTRACTUAL |                    |
| 11 SERVICES                            | <u>\$1,520,000</u> |

12  
13 SECTION 11. APPROPRIATION - FEE ADMINISTRATION. There is hereby  
14 appropriated, to the Arkansas Department of Environmental Quality, to be  
15 payable from the Arkansas Department of Environmental Quality Fee Trust Fund,  
16 for personal services and operating expenses of the Arkansas Department of  
17 Environmental Quality - Fee Administration for the fiscal year ending June  
18 30, 2012, the following:

| 20 ITEM                            | FISCAL YEAR         |
|------------------------------------|---------------------|
| 21 NO.                             | 2011-2012           |
| 22 (01) REGULAR SALARIES           | \$7,520,622         |
| 23 (02) EXTRA HELP                 | 45,000              |
| 24 (03) PERSONAL SERVICES MATCHING | 2,292,052           |
| 25 (04) MAINT. & GEN. OPERATION    |                     |
| 26 (A) OPER. EXPENSE               | 1,698,170           |
| 27 (B) CONF. & TRAVEL              | 152,389             |
| 28 (C) PROF. FEES                  | 1,598,519           |
| 29 (D) CAP. OUTLAY                 | 1,087,000           |
| 30 (E) DATA PROC.                  | <u>0</u>            |
| 31 TOTAL AMOUNT APPROPRIATED       | <u>\$14,393,752</u> |

32  
33 SECTION 12. APPROPRIATION - SOLID WASTE PERFORMANCE BONDS PROGRAM.  
34 There is hereby appropriated, to the Arkansas Department of Environmental  
35 Quality, to be payable from the Solid Waste Performance Bond Fund, for  
36 contractual services of the Arkansas Department of Environmental Quality -

1 Solid Waste Performance Bonds Program for the fiscal year ending June 30,  
2 2012, the following:

| 3 | 4 ITEM                             | FISCAL YEAR      |
|---|------------------------------------|------------------|
| 5 | <u>NO.</u>                         | <u>2011-2012</u> |
| 6 | (01) SOLID WASTE PERFORMANCE BONDS |                  |
| 7 | CONTRACTUAL SERVICES               | <u>\$500,000</u> |

8  
9 SECTION 13. APPROPRIATION - HAZARDOUS WASTE CLEANUP. There is hereby  
10 appropriated, to the Arkansas Department of Environmental Quality, to be  
11 payable from the Hazardous Substance Remedial Action Trust Fund, for personal  
12 services and operating expenses of the Arkansas Department of Environmental  
13 Quality - Hazardous Waste Cleanup for the fiscal year ending June 30, 2012,  
14 the following:

| 15 | 16 ITEM                         | FISCAL YEAR        |
|----|---------------------------------|--------------------|
| 17 | <u>NO.</u>                      | <u>2011-2012</u>   |
| 18 | (01) REGULAR SALARIES           | \$132,779          |
| 19 | (02) PERSONAL SERVICES MATCHING | 40,994             |
| 20 | (03) MAINT. & GEN. OPERATION    |                    |
| 21 | (A) OPER. EXPENSE               | 401,358            |
| 22 | (B) CONF. & TRAVEL              | 33,960             |
| 23 | (C) PROF. FEES                  | 250,000            |
| 24 | (D) CAP. OUTLAY                 | 223,000            |
| 25 | (E) DATA PROC.                  | 0                  |
| 26 | (04) CONTRACTUAL SERVICES       | 6,194,000          |
| 27 | (05) DATA PROCESSING PURCHASES  | <u>453,937</u>     |
| 28 | TOTAL AMOUNT APPROPRIATED       | <u>\$7,730,028</u> |

29  
30 SECTION 14. APPROPRIATION - EMERGENCY RESPONSE PROGRAM. There is  
31 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
32 be payable from the Hazardous Substance Remedial Action Trust Fund, for  
33 personal services and operating expenses of the Arkansas Department of  
34 Environmental Quality - Emergency Response Program for the fiscal year ending  
35 June 30, 2012, the following:

36

| 1  | ITEM                            | FISCAL YEAR             |
|----|---------------------------------|-------------------------|
| 2  | <u>NO.</u>                      | <u>2011-2012</u>        |
| 3  | (01) REGULAR SALARIES           | \$89,667                |
| 4  | (02) PERSONAL SERVICES MATCHING | 27,380                  |
| 5  | (03) MAINT. & GEN. OPERATION    |                         |
| 6  | (A) OPER. EXPENSE               | 3,833                   |
| 7  | (B) CONF. & TRAVEL              | 2,000                   |
| 8  | (C) PROF. FEES                  | 0                       |
| 9  | (D) CAP. OUTLAY                 | 0                       |
| 10 | (E) DATA PROC.                  | 0                       |
| 11 | (04) CONTRACTUAL SERVICES       | <u>372,655</u>          |
| 12 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$495,535</u></u> |

13

14 SECTION 15. APPROPRIATION - ASBESTOS CONTROL PROGRAM. There is hereby  
 15 appropriated, to the Arkansas Department of Environmental Quality, to be  
 16 payable from the Asbestos Control Fund, for personal services and operating  
 17 expenses of the Arkansas Department of Environmental Quality - Asbestos  
 18 Control Program for the fiscal year ending June 30, 2012, the following:

19

| 20 | ITEM                            | FISCAL YEAR             |
|----|---------------------------------|-------------------------|
| 21 | <u>NO.</u>                      | <u>2011-2012</u>        |
| 22 | (01) REGULAR SALARIES           | \$163,280               |
| 23 | (02) PERSONAL SERVICES MATCHING | 51,723                  |
| 24 | (03) MAINT. & GEN. OPERATION    |                         |
| 25 | (A) OPER. EXPENSE               | 29,452                  |
| 26 | (B) CONF. & TRAVEL              | 4,090                   |
| 27 | (C) PROF. FEES                  | 2,100                   |
| 28 | (D) CAP. OUTLAY                 | 0                       |
| 29 | (E) DATA PROC.                  | <u>0</u>                |
| 30 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$250,645</u></u> |

31

32 SECTION 16. APPROPRIATION - SOLID WASTE MANAGEMENT AND RECYCLING  
 33 PROGRAM. There is hereby appropriated, to the Arkansas Department of  
 34 Environmental Quality, to be payable from the Solid Waste Management  
 35 Recycling Fund, for personal services and operating expenses of the Arkansas  
 36 Department of Environmental Quality - Solid Waste Management and Recycling

1 Program for the fiscal year ending June 30, 2012, the following:

| 2  |                                 |                           |
|----|---------------------------------|---------------------------|
| 3  | ITEM                            | FISCAL YEAR               |
| 4  | <u>NO.</u>                      | <u>2011-2012</u>          |
| 5  | (01) REGULAR SALARIES           | \$866,568                 |
| 6  | (02) PERSONAL SERVICES MATCHING | 266,409                   |
| 7  | (03) MAINT. & GEN. OPERATION    |                           |
| 8  | (A) OPER. EXPENSE               | 126,529                   |
| 9  | (B) CONF. & TRAVEL              | 15,668                    |
| 10 | (C) PROF. FEES                  | 0                         |
| 11 | (D) CAP. OUTLAY                 | 0                         |
| 12 | (E) DATA PROC.                  | 0                         |
| 13 | (04) RECYCLING GRANTS           | 4,650,000                 |
| 14 | (05) ELECTRONIC WASTE RECYCLING |                           |
| 15 | INFRASTRUCTURE                  | <u>2,500,000</u>          |
| 16 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$8,425,174</u></u> |

17

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

19 There is hereby appropriated, to the Arkansas Department of Environmental  
 20 Quality, to be payable from the Regulated Substance Storage Tank Program  
 21 Fund, for personal services and operating expenses of the Arkansas Department  
 22 of Environmental Quality - Regulated Substance Storage Tank Program for the  
 23 fiscal year ending June 30, 2012, the following:

24

| 25 | ITEM                            | FISCAL YEAR               |
|----|---------------------------------|---------------------------|
| 26 | <u>NO.</u>                      | <u>2011-2012</u>          |
| 27 | (01) REGULAR SALARIES           | \$701,178                 |
| 28 | (02) PERSONAL SERVICES MATCHING | 224,935                   |
| 29 | (03) MAINT. & GEN. OPERATION    |                           |
| 30 | (A) OPER. EXPENSE               | 71,128                    |
| 31 | (B) CONF. & TRAVEL              | 5,005                     |
| 32 | (C) PROF. FEES                  | 0                         |
| 33 | (D) CAP. OUTLAY                 | 0                         |
| 34 | (E) DATA PROC.                  | <u>0</u>                  |
| 35 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$1,002,246</u></u> |

36

1 SECTION 18. APPROPRIATION - PETROLEUM STORAGE TANK TRUST FUND. There  
 2 is hereby appropriated, to the Arkansas Department of Environmental Quality,  
 3 to be payable from the Petroleum Storage Tank Trust Fund, for personal  
 4 services and operating expenses of the Arkansas Department of Environmental  
 5 Quality - Petroleum Storage Tank Trust Fund for the fiscal year ending June  
 6 30, 2012, the following:

| 8  | ITEM                            | FISCAL YEAR                |
|----|---------------------------------|----------------------------|
| 9  | <u>NO.</u>                      | <u>2011-2012</u>           |
| 10 | (01) REGULAR SALARIES           | \$212,797                  |
| 11 | (02) PERSONAL SERVICES MATCHING | 61,151                     |
| 12 | (03) MAINT. & GEN. OPERATION    |                            |
| 13 | (A) OPER. EXPENSE               | 18,999,800                 |
| 14 | (B) CONF. & TRAVEL              | 3,005                      |
| 15 | (C) PROF. FEES                  | 2,500,156                  |
| 16 | (D) CAP. OUTLAY                 | 0                          |
| 17 | (E) DATA PROC.                  | <u>0</u>                   |
| 18 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$21,776,909</u></u> |

19  
 20 SECTION 19. APPROPRIATION - REGULATED STORAGE TANK PROGRAM - FEDERAL.  
 21 There is hereby appropriated, to the Arkansas Department of Environmental  
 22 Quality, to be payable from the federal funds as designated by the Chief  
 23 Fiscal Officer of the State, for contractual services of the Arkansas  
 24 Department of Environmental Quality - Regulated Storage Tank Program -  
 25 Federal for the fiscal year ending June 30, 2012, the following:

| 27 | ITEM                                      | FISCAL YEAR               |
|----|---|---------------------------|
| 28 | <u>NO.</u>                                | <u>2011-2012</u>          |
| 29 | (01) REGULATED STORAGE TANK & CONTRACTUAL |                           |
| 30 | SERVICES                                  | <u><u>\$3,925,000</u></u> |

31  
 32 SECTION 20. APPROPRIATION - LANDFILL POST-CLOSURE PROGRAM. There is  
 33 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
 34 be payable from the Landfill Post-Closure Trust Fund, for personal services  
 35 and operating expenses of the Arkansas Department of Environmental Quality -  
 36 Landfill Post-Closure Program for the fiscal year ending June 30, 2012, the

1 following:

2

| 3 ITEM                            | FISCAL YEAR               |
|-----------------------------------|---------------------------|
| 4 <u>NO.</u>                      | <u>2011-2012</u>          |
| 5 (01) REGULAR SALARIES           | \$304,762                 |
| 6 (02) PERSONAL SERVICES MATCHING | 89,177                    |
| 7 (03) MAINT. & GEN. OPERATION    |                           |
| 8 (A) OPER. EXPENSE               | 30,923                    |
| 9 (B) CONF. & TRAVEL              | 6,000                     |
| 10 (C) PROF. FEES                 | 0                         |
| 11 (D) CAP. OUTLAY                | 35,000                    |
| 12 (E) DATA PROC.                 | 0                         |
| 13 (04) CONTRACTUAL SERVICES      | <u>7,398,373</u>          |
| 14 TOTAL AMOUNT APPROPRIATED      | <u><u>\$7,864,235</u></u> |

15

16 SECTION 21. APPROPRIATION - WASTE TIRE RECYCLING PROGRAM. There is  
 17 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
 18 be payable from the Waste Tire Grant Fund, for waste tire recycling grants of  
 19 the Arkansas Department of Environmental Quality - Waste Tire Recycling  
 20 Program for the fiscal year ending June 30, 2012, the following:

21

| 22 ITEM                             | FISCAL YEAR        |
|-------------------------------------|--------------------|
| 23 <u>NO.</u>                       | <u>2011-2012</u>   |
| 24 (01) WASTE TIRE RECYCLING GRANTS | <u>\$6,425,000</u> |

25

26 SECTION 22. APPROPRIATION - STATE MARKETING BOARD FOR RECYCLABLES  
 27 PROGRAM. There is hereby appropriated, to the Arkansas Department of  
 28 Environmental Quality, to be payable from the Marketing Board Fund, for  
 29 personal services and operating expenses of the Arkansas Department of  
 30 Environmental Quality - State Marketing Board for Recyclables Program for the  
 31 fiscal year ending June 30, 2012, the following:

32

| 33 ITEM                            | FISCAL YEAR      |
|------------------------------------|------------------|
| 34 <u>NO.</u>                      | <u>2011-2012</u> |
| 35 (01) REGULAR SALARIES           | \$1,500          |
| 36 (02) PERSONAL SERVICES MATCHING | 115              |

|   |                              |                        |
|---|------------------------------|------------------------|
| 1 | (03) MAINT. & GEN. OPERATION |                        |
| 2 | (A) OPER. EXPENSE            | 13,846                 |
| 3 | (B) CONF. & TRAVEL           | 6,415                  |
| 4 | (C) PROF. FEES               | 7,000                  |
| 5 | (D) CAP. OUTLAY              | 0                      |
| 6 | (E) DATA PROC.               | <u>0</u>               |
| 7 | TOTAL AMOUNT APPROPRIATED    | <u><u>\$28,876</u></u> |

8

9 SECTION 23. APPROPRIATION - ENVIRONMENTAL EDUCATION PROGRAM. There is  
 10 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
 11 be payable from the Environmental Education Fund, for personal services and  
 12 operating expenses of the Arkansas Department of Environmental Quality -  
 13 Environmental Education Program for the fiscal year ending June 30, 2012, the  
 14 following:

15

| 16 | ITEM                            | FISCAL YEAR             |
|----|---------------------------------|-------------------------|
| 17 | <u>NO.</u>                      | <u>2011-2012</u>        |
| 18 | (01) REGULAR SALARIES           | \$49,563                |
| 19 | (02) PERSONAL SERVICES MATCHING | 14,579                  |
| 20 | (03) MAINT. & GEN. OPERATION    |                         |
| 21 | (A) OPER. EXPENSE               | 152,961                 |
| 22 | (B) CONF. & TRAVEL              | 8,000                   |
| 23 | (C) PROF. FEES                  | 94,000                  |
| 24 | (D) CAP. OUTLAY                 | 0                       |
| 25 | (E) DATA PROC.                  | <u>0</u>                |
| 26 | TOTAL AMOUNT APPROPRIATED       | <u><u>\$319,103</u></u> |

27

28 SECTION 24. APPROPRIATION - LEAD-BASED PAINT HAZARD PROGRAM. There is  
 29 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
 30 be payable from the Lead-Based Paint Hazard Fund, for operating expenses of  
 31 the Lead-Based Paint Program of the Arkansas Department of Environmental  
 32 Quality for the fiscal year ending June 30, 2012, the following:

33

| 34 | ITEM                         | FISCAL YEAR      |
|----|------------------------------|------------------|
| 35 | <u>NO.</u>                   | <u>2011-2012</u> |
| 36 | (01) MAINT. & GEN. OPERATION |                  |

|   |                           |                        |
|---|---------------------------|------------------------|
| 1 | (A) OPER. EXPENSE         | \$16,825               |
| 2 | (B) CONF. & TRAVEL        | 1,425                  |
| 3 | (C) PROF. FEES            | 0                      |
| 4 | (D) CAP. OUTLAY           | 0                      |
| 5 | (E) DATA PROC.            | <u>0</u>               |
| 6 | TOTAL AMOUNT APPROPRIATED | <u><u>\$18,250</u></u> |

7

8 SECTION 25. APPROPRIATION - SMALL BUSINESS LOANS. There is hereby

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

10 payable from the Small Business Revolving Loan Fund, for providing loans to

11 small businesses for projects to meet regulatory mandates in pollution

12 control and prevention technologies of the Arkansas Department of

13 Environmental Quality for the fiscal year ending June 30, 2012, the

14 following:

| 16 | ITEM                      | FISCAL YEAR             |
|----|---------------------------|-------------------------|
| 17 | <u>NO.</u>                | <u>2011-2012</u>        |
| 18 | (01) SMALL BUSINESS LOANS | <u><u>\$550,000</u></u> |

19

20 SECTION 26. APPROPRIATION - SMALL BUSINESS REVOLVING LOAN PROGRAM.

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

22 Quality, to be payable from the Small Business Revolving Loan Fund, for

23 personal services and operating expenses of the Arkansas Department of

24 Environmental Quality - Small Business Revolving Loan Program for the fiscal

25 year ending June 30, 2012, the following:

| 27 | ITEM                            | FISCAL YEAR      |
|----|---------------------------------|------------------|
| 28 | <u>NO.</u>                      | <u>2011-2012</u> |
| 29 | (01) REGULAR SALARIES           | \$26,739         |
| 30 | (02) PERSONAL SERVICES MATCHING | 10,109           |
| 31 | (03) MAINT. & GEN. OPERATION    |                  |
| 32 | (A) OPER. EXPENSE               | 11,010           |
| 33 | (B) CONF. & TRAVEL              | 3,650            |
| 34 | (C) PROF. FEES                  | 5,000            |
| 35 | (D) CAP. OUTLAY                 | 0                |
| 36 | (E) DATA PROC.                  | <u>0</u>         |

1 TOTAL AMOUNT APPROPRIATED \$56,508

2

3 SECTION 27. APPROPRIATION - PERFORMANCE PARTNERSHIP SYSTEM EXPENSES.

4 There is hereby appropriated, to the Arkansas Department of Environmental  
 5 Quality, to be payable from the Performance Partnership Trust Fund, for  
 6 expenses of designing and establishing a management organization of the  
 7 Arkansas Department of Environmental Quality for the fiscal year ending June  
 8 30, 2012, the following:

9

|    |            |                  |
|----|------------|------------------|
| 10 | ITEM       | FISCAL YEAR      |
| 11 | <u>NO.</u> | <u>2011-2012</u> |

|    |   |                  |
|----|---|------------------|
| 12 | (01) PERFORMANCE INTEGRATED INFORMATION |                  |
| 13 | SYSTEM EXPENSES                         | <u>\$600,000</u> |

14

15 SECTION 28. APPROPRIATION - ENVIRONMENTAL SETTLEMENT TRUST. There is  
 16 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
 17 be payable from the ADEQ Environmental Settlement Trust Fund, for expenses as  
 18 authorized through various settlement agreements benefiting the State of  
 19 Arkansas as administered through the Arkansas Department of Environmental  
 20 Quality for the fiscal year ending June 30, 2012, the following:

21

|    |            |                  |
|----|------------|------------------|
| 22 | ITEM       | FISCAL YEAR      |
| 23 | <u>NO.</u> | <u>2011-2012</u> |

|    |                                     |                  |
|----|-------------------------------------|------------------|
| 24 | (01) ENVIRONMENTAL SETTLEMENT TRUST |                  |
| 25 | EXPENSES                            | <u>\$750,000</u> |

26

27 SECTION 29. APPROPRIATION - COMPUTER AND ELECTRONIC RECYCLING. There  
 28 is hereby appropriated, to the Arkansas Department of Environmental Quality,  
 29 to be payable from the Computer and Electronic Recycling Fund, for grants and  
 30 expenses of the Arkansas Department of Environmental Quality - Computer and  
 31 Electronic Recycling for the fiscal year ending June 30, 2012, the following:

32

|    |            |                  |
|----|------------|------------------|
| 33 | ITEM       | FISCAL YEAR      |
| 34 | <u>NO.</u> | <u>2011-2012</u> |

|    |   |                  |
|----|---|------------------|
| 35 | (01) COMPUTER AND ELECTRONICS RECYCLING |                  |
| 36 | MANAGEMENT EXPENSES OR GRANTS           | <u>\$250,000</u> |

1  
 2 SECTION 30. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION  
 3 - ADMINISTRATIVE HEARING OFFICER. There is hereby established for the  
 4 Arkansas Department of Environmental Quality for the 2011-2012 fiscal year,  
 5 the following maximum number of regular employees.

| Item No. | Class Code | Title                               | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2011-2012 |
|----------|------------|-------------------------------------|--------------------------|--|
| 11       | (1) G024C  | DEPARTMENT ADMINISTRATIVE LAW JUDGE | 1                        | GRADE C127                                       |
| 12       | (2) G179C  | LEGAL SERVICES SPECIALIST           | <u>1</u>                 | GRADE C117                                       |
| 13       |            | MAX. NO. OF EMPLOYEES               | 2                        |  |

14  
 15 SECTION 31. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -  
 16 ADMINISTRATIVE HEARING OFFICER. There is hereby appropriated, to the  
 17 Arkansas Department of Environmental Quality, to be payable from the Arkansas  
 18 Department of Environmental Quality Fee Trust Fund, for personal services and  
 19 operating expenses of the Arkansas Department of Environmental Quality -  
 20 Pollution Control and Ecology Commission - Administrative Hearing Officer for  
 21 the fiscal year ending June 30, 2012, the following:

| ITEM NO.                           | FISCAL YEAR 2011-2012 |
|------------------------------------|-----------------------|
| 25 (01) REGULAR SALARIES           | \$131,932             |
| 26 (02) PERSONAL SERVICES MATCHING | 34,634                |
| 27 (03) MAINT. & GEN. OPERATION    |                       |
| 28 (A) OPER. EXPENSE               | 87,217                |
| 29 (B) CONF. & TRAVEL              | 6,922                 |
| 30 (C) PROF. FEES                  | 0                     |
| 31 (D) CAP. OUTLAY                 | 0                     |
| 32 (E) DATA PROC.                  | <u>0</u>              |
| 33 TOTAL AMOUNT APPROPRIATED       | <u>\$260,705</u>      |

34  
 35 SECTION 32. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -  
 36 EXPENSES. There is hereby appropriated, to the Arkansas Department of

1 Environmental Quality, to be payable from the Miscellaneous Agencies Fund  
2 Account, for expenses of the Pollution Control and Ecology Commission of the  
3 Arkansas Department of Environmental Quality for the fiscal year ending June  
4 30, 2012, the following:

| 6 ITEM                          | FISCAL YEAR      |
|---------------------------------|------------------|
| 7 <u>NO.</u>                    | <u>2011-2012</u> |
| 8 (01) PC&E COMMISSION EXPENSES | <u>\$3,977</u>   |

9  
10 SECTION 33. APPROPRIATION - NON HAZARDOUS SITE CLEANUP. There is  
11 hereby appropriated, to the Arkansas Department of Environmental Quality, to  
12 be payable from the Arkansas Department of Environmental Quality Fee Trust  
13 Fund, for the cleanup of non hazardous sites which pose a threat to the  
14 environment for the fiscal year ending June 30, 2012, the following:

| 16 ITEM                      | FISCAL YEAR      |
|------------------------------|------------------|
| 17 <u>NO.</u>                | <u>2011-2012</u> |
| 18 (01) CONTRACTUAL SERVICES | <u>\$750,000</u> |

19  
20 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA  
22 HELP - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the  
23 Arkansas Department of Environmental Quality - Hazardous Waste Permit Program  
24 for the ~~2010-2011~~ 2011-2012 fiscal year, the following maximum number of  
25 part-time or temporary employees, to be known as "Extra Help", payable from  
26 funds appropriated herein for such purposes: Four (4) temporary or part-time  
27 employees, when needed, at rates of pay not to exceed those provided in the  
28 Uniform Classification and Compensation Act, or its successor, for the  
29 appropriate classification. These four positions are utilized for a specific  
30 project and are specifically exempt from the limitations, either by act or  
31 regulation, of hours worked.

32 The provisions of this section shall be in effect only from July 1, ~~2010~~  
33 2011 through June 30, ~~2011~~ 2012.

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

1 PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial  
2 Action Trust Fund for the purchase of departmental laboratory equipment,  
3 including maintenance contracts, and data processing equipment and mission-  
4 critical software, including maintenance contracts, as appropriated in  
5 Section 13, in Items (03)(D) and (05) shall be funded only through interest  
6 earnings from the Hazardous Substance Remedial Action Trust Fund. Further,  
7 the Department shall report biennially to the Legislative Council all  
8 expenditures from interest earnings for these purchases.

9 The provisions of this section shall be in effect only from July 1, ~~2010~~  
10 2011 through June 30, ~~2011~~ 2012.

11  
12 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

14 APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement  
15 Trust Fund for information technology needs may be made without prior  
16 approval of the Chief Fiscal Officer of the State, after seeking review of  
17 the Arkansas Legislative Council. Further, utilization of this appropriation  
18 for information technology needs of the Arkansas Department of Environmental  
19 Quality must also be approved by the Executive Chief Information Officer  
20 after the project is evaluated on the methodology recommended by the Chief  
21 Information Officer and the CIO Council, including an analysis of the return  
22 on investment and linkage to the Department's business objectives. Any  
23 approved projects and expenditures for information technology from the  
24 Environmental Settlement Trust Fund shall be reported annually to the Joint  
25 Committee on Advanced Communications and Information Technology.

26  
27 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ  
29 ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5)  
30 shall be used by the department to fund operational expenses and to provide  
31 and train personnel to administer an asbestos program, as funding is  
32 available, including:

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

36 (b) Personnel who are trained as asbestos supervisors as defined by Arkansas

1 Code 20-27-1003 and Arkansas Pollution Control and Ecology Commission  
2 Regulation No.21 to approve asbestos Notices of Intent, perform and  
3 coordinate asbestos inspections, conduct enforcement actions, and provide  
4 regulatory compliance information to assist the regulated community. Asbestos  
5 inspectors shall have personal protective equipment when needed to enter a  
6 regulated area; and  
7 (c) Other personnel as necessary to administer the asbestos program.

8  
9 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING  
11 REQUIREMENTS. The Department shall present the following data to Legislative  
12 Council quarterly, due by the 15th day of the month following the quarter,  
13 beginning July 15, ~~2010~~ 2011:

- 14 a) Number and type of environmental permits currently authorized by the  
15 Department and the Pollution Control and Ecology Commission in each  
16 environmental permit category;  
17 b) Total funds collected from permit fees for each permit category and the  
18 percent increase or decrease in permit fees annually;  
19 c) Description of each environmental permit application pending in each  
20 environmental permit category, the number of days each permit has been  
21 pending, and the reasons for delays in issuing permits for each permit that  
22 has been pending for more than 45 days;  
23 d) Number and type of enforcement actions initiated by the Department, the  
24 geographic location of each violation and the total fines and collections  
25 from Supplemental Environmental Projects, the percent increase or decrease in  
26 fines levied annually and  
27 e) Description of all pending rulemaking activities and justifications  
28 thereof, including economic impact and environmental benefit analysis.

29 The provisions of this section shall be in effect only from July 1,  
30 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

31

32 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
34 TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State,  
35 the Arkansas Department of Environmental Quality may transfer from various  
36 department funds to the Arkansas Department of Environmental Quality Fund

1 Account, the sum of \$1,500,000 in fiscal year ~~2010-2011~~ 2011-2012, for the  
2 exclusive purpose of supplementing funding for the appropriation provided in  
3 Section 3. Appropriation - State Operations. The funds shall be used for  
4 personal services and operating expenses of the Arkansas Department of  
5 Environmental Quality - State Operations. Funds which remain in the Arkansas  
6 Department of Environmental Quality Fund Account at the close of the fiscal  
7 year shall be carried forward and made available for the same purpose for the  
8 following fiscal year. These funds shall be used for the purpose stated  
9 above.

10  
11 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING  
13 REQUIREMENTS. For the purposes of the fund transfers provided for in Section  
14 39 - Fund Transfer Provision, the amounts transferred shall not be considered  
15 as part of any statutory limitation on the use of funds for administration of  
16 programs of the Department.

17  
18 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LANDFILL  
20 POST-CLOSURE CLEAN UP RESTRICTIONS. Any expenditures in excess of \$50,000  
21 per site from the Landfill Post-Closure Trust Fund, as appropriated in  
22 Section 20, Item (04) for corrective action to remedy environmental impacts  
23 of closed disposal sites previously operated as a landfill pursuant to state  
24 law will be prioritized and authorized by the Commission after addressing  
25 corrective actions needed to address environmental impacts from permitted  
26 landfills closed properly. The total of the said expenditures shall not  
27 exceed ~~five percent (5%)~~ \$2,000,000 per fiscal year. ~~of the fund balance as~~  
28 ~~of July 1, 2009.~~

29  
30 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NON  
32 HAZARDOUS SITE CLEAN UP RESTRICTIONS. Expenditures from the Arkansas  
33 Department of Environmental Quality Fee Trust Fund for the cleanup of non  
34 hazardous sites which pose a threat to the environment, as appropriated in  
35 Section 33, shall be funded only through interest earnings from the Arkansas  
36 Department of Environmental Quality Fee Trust Fund. The Arkansas Department

1 of Environmental Quality shall seek cost recovery from parties responsible  
2 for damages to the environment that dictate the use of appropriation  
3 authorized in Section 33 of this act, as well as, any other funds spent by a  
4 governmental entity to remediate such non hazardous sites.

5

6 SECTION 43. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LANDFILL  
8 DISPOSAL FEES. (a)(1) The collection of all landfill disposal fees that are  
9 or were to be collected under § 8-6-612 shall be suspended until July 1, ~~2011~~  
10 2012, and collection of the following landfill disposal fees shall be  
11 substituted until that date:

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

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

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

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

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

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

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

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

27 (2); and

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

31 (d) Solid waste collected during the annual Keep Arkansas Beautiful  
32 and Keep America Beautiful campaigns that are sponsored by the Keep Arkansas  
33 Beautiful Commission is exempt from the fees under subsection (a) of this  
34 section.

35

36 SECTION 44. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*  
2 *FAYETTEVILLE SHALE QUARTERLY REPORTING. The Arkansas Department of*  
3 *Environmental Quality shall report on a quarterly basis to the Arkansas*  
4 *Legislative Council or the Joint Budget Committee the number of inspections,*  
5 *any hearings, findings, orders, fines, or other agency regulatory or*  
6 *enforcement actions or activities involving the Fayetteville Shale. The*  
7 *quarterly reports shall be provided no later than the 15th day of the month*  
8 *immediately following the end of each quarter.*

9 *The provisions of this section shall be in effect only from July 1,*  
10 *2011 through June 30, 2012.*

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

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

30  
31 *SECTION 47. EMERGENCY CLAUSE.* It is found and determined by the  
32 *General Assembly, that the Constitution of the State of Arkansas prohibits*  
33 *the appropriation of funds for more than a one (1) year period; that the*  
34 *effectiveness of this Act on July 1, 2011 is essential to the operation of*  
35 *the agency for which the appropriations in this Act are provided, and that in*  
36 *the event of an extension of the legislative session, the delay in the*

1 effective date of this Act beyond July 1, 2011 could work irreparable harm  
2 upon the proper administration and provision of essential governmental  
3 programs. Therefore, an emergency is hereby declared to exist and this Act  
4 being necessary for the immediate preservation of the public peace, health  
5 and safety shall be in full force and effect from and after July 1, 2011.

6  
7 */s/Joint Budget Committee*

8  
9  
10 **APPROVED: 04/01/2011**  
11  
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