

**DEPARTMENT OF ENVIRONMENTAL QUALITY (930)**  
**FISCAL YEAR 2019**  
**As Enacted by Act 254 of 2018**

**I) AGENCY SUMMARY & REVENUE SOURCES**

**MISSION**

The Arkansas Department of Environmental Quality's (ADEQ) purpose is to safeguard the air, water, and land resources of Arkansas by controlling or abating existing pollution, preventing new pollution through the adoption of regulations, and enforce existing state and federal regulations concerning pollution. The Pollution Control and Ecology Commission promulgates rules and regulations for the Department and provides an appeal of permitting or grants decisions rendered by the director or his/her delegate, or of administrative enforcement or emergency actions.

**TOTAL APPROPRIATION**

The total appropriation for the Arkansas Department of Environmental Quality (ADEQ) for FY2019 is \$136,238,549.

**FUNDING SOURCE**

The appropriations for ADEQ are funded by Fund Balances, General Revenues, Federal Funds, Special Revenue and Trust Funds from various fees and penalties, and Bond Forfeitures.

**II) CHANGE LEVEL REQUESTS**

**Federal Operations (Appropriation 2TQ)**

This appropriation utilizes funds from the EPA and US Dept. of the Interior to execute the federal portion of program activities. The total appropriation for for FY2019 is \$9,395,421, which includes an increase of \$10,000 to the Capital Outlay line item for replacement of equipment and vehicles.

**Hazardous Waste Permit Program (Appropriation 2TT)**

This appropriation is funded by fees, permits and refunds and assures that generators of hazardous waste are complying with law. The total appropriation for FY2019 is \$1,556,133, which includes the following change levels:

**Operating Expenses** - increase of \$15,000 in FY2019 to return to base level of funding. Funding was reallocated to Capital Outlay in FY2018 to aid in purchase of vehicles.

**Capital Outlay** - decrease of \$15,000 in FY2019 due to purchases of vehicles in FY2018 that are not necessary for purchase in FY2019.

**Fee Administration (Appropriation 2TX)**

This appropriation allows the agency to establish and collect permit fees for Air, Water, and Solid Waste permitting, and provides for monitoring and inspecting activities. The total appropriation for FY2019 is \$13,235,624, which includes the following change levels:

**Professional Fees** - decrease of \$25,000 in FY2019 due to reallocation of

funds from Professional Fees to Capital Outlay to aid in purchase of a scanner.

**Capital Outlay** - decrease of \$25,000 in FY2019 due to purchase of a scanner in FY2018 that is not necessary for purchase in FY2019.

**Arkansas Energy Office**

The Arkansas Energy Office transferred from the Arkansas Department of Economic Development to ADEQ as a result of Act 271 of 2017. The following appropriation sections do not contain change levels from FY2018 but are new appropriations to ADEQ as result of the transfer:

State Operations-Energy Office

State Energy Plan-Federal

Energy Efficiency Arkansas-Cash

Clean Cities Coalition-Cash

Federal Operations-Energy Office

**III) ADDITIONAL POSITIONS**

Total Authorized Positions FY2019: 416

Total Authorized Positions FY2018: 405

Increase / (Decrease): 11

Changes include an increase of 11 positions due to the transfer of the Arkansas Energy Office from the Arkansas Department of Economic Development to ADEQ.

Extra Help Positions FY2019: 70 (Total FY2018 Authorized Extra Help: 70)

**IV) SPECIAL LANGUAGE**

**EQUIPMENT PURCHASE RESTRICTIONS:** Provides that capital outlay and data processing purchases for the Hazardous Waste Clean Up appropriation be used for the purchase of departmental laboratory equipment and data processing equipment and funded through interest earnings, investment earnings, and any additional funding to the trust fund, with annual reporting of these expenditures.

**APPROPRIATION RESTRICTIONS:** Determines that no expenditure from the Environmental Settlement Trust Fund for Information Technology needs may be made without prior approval of Chief Fiscal Officer of the State and review by Arkansas Legislative Council or Joint Budget Committee. Also, utilization of appropriation for information technology needs must be approved by Exec. Chief Information Officer and approved projects and expenditures must be reported annually to the Joint Committee on Advanced Communications and Information Technology.

**Fund Transfer Provision:** Allows agency to transfer \$1,500,000 from various funds to the Arkansas Department of Environmental Quality Fund Account to supplement personal services and operating expenses described in State Operations Appropriation. Remaining funds are allowed to carry forward to next fiscal year.

**Reporting Requirements:** Determines that funds transferred to supplement personal services and operating expenses, as described in Section 40,

are not considered part of any statutory limitation on the use of funds for administration of programs.

**LANDFILL POST-CLOSURE CLEAN UP RESTRICTIONS:** Expenditures over \$50,000 in the Landfill Post-Closure Clean Up program will be prioritized and expenditures over \$2,000,000 must be approved by the Arkansas Pollution Control and Ecology Commission.

**NON HAZARDOUS SITE CLEAN UP RESTRICTIONS:** Expenditures shall be funded only through interest earnings from the ADEQ Fee Trust Fund. The agency shall seek cost recovery from parties responsible for damage to the environment.

**Landfill Post-Closure Trust Fund:** Allows agency to use the Landfill Post-Closure Trust Fund to pay contractors or a regional solid waste management district to complete closure and post-closure of a landfill when the solid waste management district files for bankruptcy, is unable to meet debts, or is otherwise insolvent. The agency may take civil action to recoup these funds.

**SUSPENSION OF LANDFILL DISPOSAL FEES TO SUPPORT A COMPUTER AND ELECTRONIC EQUIPMENT RECYCLING PROGRAM:** Suspends landfill disposal fee that will be replaced by a separate fee in the future. Language allows the distribution of revenues already collected.

**INVESTMENTS:** Directs funds in Landfill Post-Closure Trust Fund, Hazardous Substances Remedial Trust Fund, and Petroleum Storage Tank Trust Fund to be invested by Office of Treasurer. ADEQ Director determines fund transfers out of investments.

**\*NEW LANGUAGE\* TRUST FUND CONTRIBUTION FEES:** Exempts Public Facilities Boards and Public Water Authorities from contribution fees paid to the Nonmunicipal Domestic Sewage Treatment Works Trust Fund.