

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.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

*As Engrossed: H3/17/05 H4/5/05 H4/7/05*

# A Bill

HOUSE BILL 1320

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 BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR  
13 OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE ARKANSAS DEPARTMENT OF  
17 ENVIRONMENTAL QUALITY APPROPRIATION FOR  
18 THE 2005-2007 BIENNIUM.  
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 2005-2007 biennium, the following  
26 maximum number of regular employees whose salaries shall be governed by the  
27 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
28 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
29 Provided, however, that any position to which a specific maximum annual  
30 salary is set out herein in dollars, shall be exempt from the provisions of  
31 said Uniform Classification and Compensation Act. All persons occupying  
32 positions authorized herein are hereby governed by the provisions of the  
33 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
34 or its successor.  
35  
36

Maximum Annual



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2005-2006	2006-2007
4	(1)	9976	ADEQ DIRECTOR	1	\$105,988	\$108,487
5	(2)	9135	ADEQ CHIEF DEPUTY DIRECTOR	1	\$87,248	\$89,455
6	(3)	8709	ADEQ DEP DIR - LAND RESOURCES	1	\$83,384	\$85,518
7	(4)	593Z	CHIEF WATER MANAGEMENT	1	GRADE	26
8	(5)	594Z	DEQ CHIEF AIR DIVISION	1	GRADE	26
9	(6)	R038	ATTORNEY SUPERVISOR	1	GRADE	26
10	(7)	R170	ATTORNEY SPECIALIST	8	GRADE	25
11	(8)	595Z	DEQ CHIEF HAZARDOUS WASTE DIV	1	GRADE	25
12	(9)	596Z	DEQ CHIEF SOLID WASTE DIVISION	1	GRADE	25
13	(10)	597Z	DEQ CHIEF TECHNICAL SVCS DIV	1	GRADE	25
14	(11)	586Z	DEQ ADMINISTRATOR MANAGEMENT SVCS	1	GRADE	25
15	(12)	592Z	DEQ CHIEF MINING DIVISION	1	GRADE	25
16	(13)	915Z	ADEQ PROGRAM CHIEF	5	GRADE	25
17	(14)	903Z	TECHNICAL ASSISTANCE MANAGER	9	GRADE	24
18	(15)	297Z	GENERAL BUSINESS MANAGER	1	GRADE	24
19	(16)	591Z	DEQ DIVISION CHIEF	5	GRADE	24
20	(17)	X328	DEQ ASST CHIEF WATER POLLUTION	1	GRADE	24
21	(18)	X339	ENGINEER SUPERVISOR	15	GRADE	24
22	(19)	Q020	HAZARDOUS WASTE INSPECTOR SUPV	2	GRADE	23
23	(20)	B012	CHEMIST SUPERVISOR	3	GRADE	23
24	(21)	B106	GEOLOGY SUPERVISOR	4	GRADE	23
25	(22)	D046	SYSTEMS APPLICATIONS SUPERVISOR	2	GRADE	23
26	(23)	D080	APPLICATIONS & SYSTEMS MANAGER	1	GRADE	23
27	(24)	D066	SYSTEMS COORDINATION ANALYST II	1	GRADE	22
28	(25)	D124	LEAD PROGRAMMER/ANALYST	7	GRADE	22
29	(26)	B099	ENVIRONMENTAL PROGRAM MANAGER	1	GRADE	22
30	(27)	D012	NETWORK PLANNING PROJECT LDR	1	GRADE	22
31	(28)	B014	PROFESSIONAL GEOLOGIST	18	GRADE	22
32	(29)	B023	DEQ CHIEF ECOLOGIST	1	GRADE	22
33	(30)	909Z	PROGRAM SUPPORT MANAGER	18	GRADE	22
34	(31)	B006	SR EPIDEMIOLOGIST	4	GRADE	22
35	(32)	Q120	POL C INSPECTOR SUPV	7	GRADE	22
36	(33)	Q006	DEQ PERMIT SUPERVISOR	1	GRADE	22

1	(34)	X338	ENGINEER, PE	57	GRADE 22
2	(35)	X341	ENGINEER II	2	GRADE 21
3	(36)	Q108	POL C HAZARDOUS WASTE INSPECTOR	12	GRADE 21
4	(37)	D123	APPLICATIONS & SYSTEMS ANALYST	1	GRADE 21
5	(38)	R298	AGENCY PROGRAM COORDINATOR	2	GRADE 21
6	(39)	R376	DEQ ENFORCEMENT ADMINISTRATOR	13	GRADE 21
7	(40)	R460	ENVIRONMENTAL PLANNING SECTION MGR	2	GRADE 21
8	(41)	R462	DEQ PROGRAM COORD SECTION MGR	6	GRADE 21
9	(42)	R488	GRANTS ADMIN SUPV	1	GRADE 21
10	(43)	B126	WATER USE & RESOURCE SPECIALIST	2	GRADE 21
11	(44)	D010	DATA BASE ANALYST	1	GRADE 21
12	(45)	B080	DEQ ECOLOGIST II	11	GRADE 20
13	(46)	D121	USER SUPPORT ANALYST	1	GRADE 20
14	(47)	B010	CHEMIST II	11	GRADE 20
15	(48)	Q061	POL C INSPECTOR	58	GRADE 20
16	(49)	X314	DEQ AIR COMPLIANCE MONITOR	2	GRADE 20
17	(50)	R266	MANAGEMENT PROJECT ANALYST II	22	GRADE 20
18	(51)	R280	ENVIRONMENTAL PROGRAM COORDINATOR	12	GRADE 19
19	(52)	R066	EMERG SVCS OPERATIONS OFFICER	1	GRADE 19
20	(53)	R134	PLANNING SPECIALIST II	2	GRADE 18
21	(54)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18
22	(55)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
23	(56)	N328	INFORMATION OFFICER II	1	GRADE 18
24	(57)	A111	ACCOUNTANT	2	GRADE 18
25	(58)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	1	GRADE 17
26	(59)	R010	ADMINISTRATIVE ASSISTANT II	37	GRADE 17
27	(60)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
28	(61)	K117	MEDICAL OR LEGAL SECRETARY	3	GRADE 14
29	(62)	K153	SECRETARY II	22	GRADE 13
30	(63)	K039	DOCUMENT EXAMINER II	<u>1</u>	GRADE 12
31			MAX. NO. OF EMPLOYEES	417	

32

33 SECTION 2. *EXTRA HELP - STATE OPERATIONS*. There is hereby authorized, for  
 34 the Arkansas Department of Environmental *Quality - State Operations* for the  
 35 2005-2007 biennium, the following maximum number of part-time or temporary  
 36 employees, to be known as "Extra Help", payable from funds appropriated

1 herein for such purposes: six (6) temporary or part-time employees, when  
 2 needed, at rates of pay not to exceed those provided in the Uniform  
 3 Classification and Compensation Act, or its successor, or this act for the  
 4 appropriate classification.

5  
 6 *SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,*  
 7 *to the Arkansas Department of Environmental Quality, to be payable from the*  
 8 *Arkansas Department of Environmental Quality Fund Account, for personal*  
 9 *services and operating expenses of the Arkansas Department of Environmental*  
 10 *Quality - State Operations for the biennial period ending June 30, 2007, the*  
 11 *following:*

<i>ITEM</i>	<i>FISCAL YEARS</i>	
<u><i>NO.</i></u>	<u><i>2005-2006</i></u>	<u><i>2006-2007</i></u>
15 (01) <i>REGULAR SALARIES</i>	\$ 2,782,561	\$ 2,861,906
16 (02) <i>EXTRA HELP</i>	25,674	25,674
17 (03) <i>PERSONAL SERVICES MATCHING</i>	769,299	784,701
18 (04) <i>MAINT. &amp; GEN. OPERATION</i>		
19 (A) <i>OPER. EXPENSE</i>	277,678	268,269
20 (B) <i>CONF. &amp; TRAVEL</i>	14,715	14,715
21 (C) <i>PROF. FEES</i>	4,100	4,100
22 (D) <i>CAP. OUTLAY</i>	9,500	9,500
23 (E) <i>DATA PROC.</i>	<u>0</u>	<u>0</u>
24 <i>TOTAL AMOUNT APPROPRIATED</i>	<u>\$ 3,883,527</u>	<u>\$ 3,968,865</u>

25  
 26 *SECTION 4. EXTRA HELP - FEDERAL OPERATIONS. There is hereby authorized,*  
 27 *for the Department of Environmental Quality - Federal Operations for the*  
 28 *2005-2007 biennium, the following maximum number of part-time or temporary*  
 29 *employees, to be known as "Extra Help", payable from funds appropriated*  
 30 *herein for such purposes: thirty-seven (37) temporary or part-time*  
 31 *employees, when needed, at rates of pay not to exceed those provided in the*  
 32 *Uniform Classification and Compensation Act, or its successor, or this act*  
 33 *for the appropriate classification.*

34  
 35 *SECTION 5. APPROPRIATION - FEDERAL OPERATIONS. There is hereby*  
 36 *appropriated, to the Arkansas Department of Environmental Quality, to be*

1 payable from the federal funds as designated by the Chief Fiscal Officer of  
 2 the State, for personal services and operating expenses of the Arkansas  
 3 Department of Environmental Quality - Federal Operations for the biennial  
 4 period ending June 30, 2007, the following:

6	ITEM	FISCAL YEARS	
7	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
8	(01) REGULAR SALARIES	\$ 4,583,713	\$ 4,718,862
9	(02) EXTRA HELP	148,585	148,585
10	(03) PERSONAL SERVICES MATCHING	1,346,496	1,372,813
11	(04) MAINT. & GEN. OPERATION		
12	(A) OPER. EXPENSE	3,155,047	4,455,047
13	(B) CONF. & TRAVEL	300,312	300,312
14	(C) PROF. FEES	2,164,105	2,164,105
15	(D) CAP. OUTLAY	513,133	2,013,133
16	(E) DATA PROC.	0	0
17	(05) CONTRACTUAL SERVICES	<u>3,830,000</u>	<u>2,565,000</u>
18	TOTAL AMOUNT APPROPRIATED	<u>\$ 16,041,391</u>	<u>\$ 17,737,857</u>

19  
 20 SECTION 6. APPROPRIATION - WASTE WATER LICENSING. There is hereby  
 21 appropriated, to the Arkansas Department of Environmental Quality, to be  
 22 payable from the Wastewater Licensing Fund, for personal services and  
 23 operating expenses of the Arkansas Department of Environmental Quality -  
 24 Waste Water Licensing for the biennial period ending June 30, 2007, the  
 25 following:

27	ITEM	FISCAL YEARS	
28	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
29	(01) REGULAR SALARIES	\$ 32,088	\$ 33,051
30	(02) PERSONAL SERVICES MATCHING	10,088	10,274
31	(03) MAINT. & GEN. OPERATION		
32	(A) OPER. EXPENSE	26,632	26,632
33	(B) CONF. & TRAVEL	5,089	5,089
34	(C) PROF. FEES	0	0
35	(D) CAP. OUTLAY	0	0
36	(E) DATA PROC.	<u>0</u>	<u>0</u>

1 TOTAL AMOUNT APPROPRIATED \$ 73,897 \$ 75,046

2

3 SECTION 7. APPROPRIATION - LAND RECLAMATION. There is hereby appropriated,  
 4 to the Arkansas Department of Environmental Quality, to be payable from the  
 5 Land Reclamation Fund, for land reclamation contracts of the Arkansas  
 6 Department of Environmental Quality - Land Reclamation for the biennial  
 7 period ending June 30, 2007, the following:

8

9

10 ITEM	FISCAL YEARS	
11 NO.	2005-2006	2006-2007
12 (01) RECLAMATION CONTRACTS	\$ <u>950,000</u>	\$ <u>950,000</u>

13

14 SECTION 8. APPROPRIATION - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby  
 15 appropriated, to the Arkansas Department of Environmental Quality, to be  
 16 payable from the Hazardous Waste Permit Fund, for personal services and  
 17 operating expenses of the Arkansas Department of Environmental Quality -  
 18 Hazardous Waste Permit Program for the biennial period ending June 30, 2007,  
 19 the following:

20

21 ITEM	FISCAL YEARS	
22 NO.	2005-2006	2006-2007
23 (01) REGULAR SALARIES	\$ 743,194	\$ 764,840
24 (02) EXTRA HELP	15,795	15,795
25 (03) PERSONAL SERVICES MATCHING	211,548	215,759
26 (04) OVERTIME	1,250	1,250
27 (05) MAINT. & GEN. OPERATION		
28 (A) OPER. EXPENSE	190,804	190,804
29 (B) CONF. & TRAVEL	44,700	44,700
30 (C) PROF. FEES	53,000	53,000
31 (D) CAP. OUTLAY	10,000	10,000
32 (E) DATA PROC.	<u>0</u>	<u>0</u>
33 TOTAL AMOUNT APPROPRIATED	\$ <u>1,270,291</u>	\$ <u>1,296,148</u>

34

35 SECTION 9. APPROPRIATION - RECLAMATION OF ABANDONED MINES. There is hereby  
 36 appropriated, to the Arkansas Department of Environmental Quality, to be

1 payable from the Abandoned Mine Reclamation Fund, for contractual services of  
 2 the Arkansas Department of Environmental Quality - Reclamation of Abandoned  
 3 Mines for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) ABANDONED MINE RECLAMATION CONTRACTUAL SERVICES	<u>\$ 5,700,000</u>	<u>\$ 5,700,000</u>

10 SECTION 10. APPROPRIATION - SURFACE COAL MINING. There is hereby  
 11 appropriated, to the Arkansas Department of Environmental Quality, to be  
 12 payable from the Surface Coal Mining Operation Fund, for operating expenses  
 13 of the Arkansas Department of Environmental Quality - Surface Coal Mining for  
 14 the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 5,653	\$ 5,653
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 5,653</u>	<u>\$ 5,653</u>

26 SECTION 11. APPROPRIATION - MINING RECLAMATION. There is hereby  
 27 appropriated, to the Arkansas Department of Environmental Quality, to be  
 28 payable from the Mine Reclamation Trust Fund, for contractual services of the  
 29 Arkansas Department of Environmental Quality - Mining Reclamation for the  
 30 biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) MINING RECLAMATION CONTRACTUAL SERVICES	<u>\$ 1,520,000</u>	<u>\$ 1,520,000</u>

1 SECTION 12. EXTRA HELP - FEE ADMINISTRATION. There is hereby authorized,  
 2 for the Department of Environmental Quality - Fee Administration for the  
 3 2005-2007 biennium, the following maximum number of part-time or temporary  
 4 employees, to be known as "Extra Help", payable from funds appropriated  
 5 herein for such purposes: twenty-three (23) temporary or part-time  
 6 employees, when needed, at rates of pay not to exceed those provided in the  
 7 Uniform Classification and Compensation Act, or its successor, or this act  
 8 for the appropriate classification.

9  
 10 SECTION 13. APPROPRIATION - FEE ADMINISTRATION. There is hereby  
 11 appropriated, to the Arkansas Department of Environmental Quality, to be  
 12 payable from the Arkansas Department of Environmental Quality Fee Fund, for  
 13 personal services and operating expenses of the Arkansas Department of  
 14 Environmental Quality - Fee Administration for the biennial period ending  
 15 June 30, 2007, the following:

17 ITEM	FISCAL YEARS	
18 <u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
19 (01) REGULAR SALARIES	\$ 6,370,766	\$ 6,559,455
20 (02) EXTRA HELP	45,000	45,000
21 (03) PERSONAL SERVICES MATCHING	1,881,598	1,918,339
22 (04) MAINT. & GEN. OPERATION		
23 (A) OPER. EXPENSE	2,066,629	2,076,038
24 (B) CONF. & TRAVEL	150,789	150,789
25 (C) PROF. FEES	1,863,221	1,828,221
26 (D) CAP. OUTLAY	109,850	109,850
27 (E) DATA PROC.	<u>0</u>	<u>0</u>
28 TOTAL AMOUNT APPROPRIATED	<u>\$ 12,487,853</u>	<u>\$ 12,687,692</u>

29  
 30 SECTION 14. APPROPRIATION - SOLID WASTE PERFORMANCE BONDS PROGRAM. There  
 31 is hereby appropriated, to the Arkansas Department of Environmental Quality,  
 32 to be payable from the Solid Waste Performance Bond Fund, for contractual  
 33 services of the Arkansas Department of Environmental Quality - Solid Waste  
 34 Performance Bonds Program for the biennial period ending June 30, 2007, the  
 35 following:



ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) SOLID WASTE PERFORMANCE BONDS		
CONTRACTUAL SERVICES	\$ 500,000	\$ 500,000

SECTION 15. APPROPRIATION - HAZARDOUS WASTE CLEANUP. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Hazardous Substance Remedial Action Trust Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Hazardous Waste Cleanup for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 90,144	\$ 92,846
(02) PERSONAL SERVICES MATCHING	29,071	29,597
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	67,358	67,358
(B) CONF. & TRAVEL	33,960	33,960
(C) PROF. FEES	250,000	250,000
(D) CAP. OUTLAY	230,000	230,000
(E) DATA PROC.	0	0
(04) CONTRACTUAL SERVICES	6,502,000	6,502,000
(05) DATA PROCESSING PURCHASES	<u>453,937</u>	<u>453,937</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 7,656,470</u>	<u>\$ 7,659,698</u>

SECTION 16. APPROPRIATION - EMERGENCY RESPONSE PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Emergency Response Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Emergency Response Program for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 103,876	\$ 106,906
(02) PERSONAL SERVICES MATCHING	27,905	28,494

1	(03) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	3,833	3,833
3	(B) CONF. & TRAVEL	2,000	2,000
4	(C) PROF. FEES	0	0
5	(D) CAP. OUTLAY	0	0
6	(E) DATA PROC.	0	0
7	(04) CONTRACTUAL SERVICES	<u>372,655</u>	<u>372,655</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 510,269</u>	<u>\$ 513,888</u>

9

10 SECTION 17. APPROPRIATION - ASBESTOS CONTROL PROGRAM. There is hereby

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

12 payable from the Asbestos Control Fund, for personal services and operating

13 expenses of the Arkansas Department of Environmental Quality - Asbestos

14 Control Program for the biennial period ending June 30, 2007, the following:

16	ITEM	FISCAL YEARS	
17	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
18	(01) REGULAR SALARIES	\$ 110,857	\$ 114,181
19	(02) PERSONAL SERVICES MATCHING	36,945	37,592
20	(03) MAINT. & GEN. OPERATION		
21	(A) OPER. EXPENSE	29,452	29,452
22	(B) CONF. & TRAVEL	4,090	4,090
23	(C) PROF. FEES	2,100	2,100
24	(D) CAP. OUTLAY	0	0
25	(E) DATA PROC.	<u>0</u>	<u>0</u>
26	TOTAL AMOUNT APPROPRIATED	<u>\$ 183,444</u>	<u>\$ 187,415</u>

27

28 SECTION 18. APPROPRIATION - SOLID WASTE MANAGEMENT AND RECYCLING PROGRAM.

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

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

31 personal services and operating expenses of the Arkansas Department of

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

33 biennial period ending June 30, 2007, the following:

35	ITEM	FISCAL YEARS	
36	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>

1	(01) REGULAR SALARIES	\$ 737,503	\$ 759,491
2	(02) PERSONAL SERVICES MATCHING	220,392	224,674
3	(03) MAINT. & GEN. OPERATION		
4	(A) OPER. EXPENSE	120,529	120,529
5	(B) CONF. & TRAVEL	15,668	15,668
6	(C) PROF. FEES	0	0
7	(D) CAP. OUTLAY	20,000	20,000
8	(E) DATA PROC.	0	0
9	(04) RECYCLING GRANTS	<u>4,650,000</u>	<u>4,650,000</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 5,764,092</u>	<u>\$ 5,790,362</u>

SECTION 19. APPROPRIATION - REGULATED SUBSTANCE STORAGE TANK PROGRAM.

There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Regulated Substance Storage Tank Program Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Regulated Substance Storage Tank Program for the biennial period ending June 30, 2007, the following:

19	ITEM	FISCAL YEARS	
20	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
21	(01) REGULAR SALARIES	\$ 593,324	\$ 610,904
22	(02) PERSONAL SERVICES MATCHING	184,641	188,064
23	(03) MAINT. & GEN. OPERATION		
24	(A) OPER. EXPENSE	71,028	71,028
25	(B) CONF. & TRAVEL	5,005	5,005
26	(C) PROF. FEES	0	0
27	(D) CAP. OUTLAY	0	0
28	(E) DATA PROC.	<u>0</u>	<u>0</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$ 853,998</u>	<u>\$ 875,001</u>

SECTION 20. APPROPRIATION - PETROLEUM STORAGE TANK TRUST FUND. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Petroleum Storage Tank Trust Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Petroleum Storage Tank Program for the biennial period ending June 30, 2007, the following:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

<i>ITEM</i>	<i>FISCAL YEARS</i>	
<u><i>NO.</i></u>	<u><i>2005-2006</i></u>	<u><i>2006-2007</i></u>
<i>(01) REGULAR SALARIES</i>	\$ 155,728	\$ 160,275
<i>(02) PERSONAL SERVICES MATCHING</i>	41,841	42,725
<i>(03) MAINT. &amp; GEN. OPERATION</i>		
<i>(A) OPER. EXPENSE</i>	18,997,000	18,997,000
<i>(B) CONF. &amp; TRAVEL</i>	3,005	3,005
<i>(C) PROF. FEES</i>	2,500,156	2,500,156
<i>(D) CAP. OUTLAY</i>	0	0
<i>(E) DATA PROC.</i>	<u>0</u>	<u>0</u>
<i>TOTAL AMOUNT APPROPRIATED</i>	<u>\$ 21,697,730</u>	<u>\$ 21,703,161</u>

*SECTION 21. APPROPRIATION - REGULATED STORAGE TANK PROGRAM - FEDERAL.*  
*There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for contractual services of the Arkansas Department of Environmental Quality - Regulated Storage Tank Program - Federal for the biennial period ending June 30, 2007, the following:*

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

<i>ITEM</i>	<i>FISCAL YEARS</i>	
<u><i>NO.</i></u>	<u><i>2005-2006</i></u>	<u><i>2006-2007</i></u>
<i>(01) REGULATED STORAGE TANK CONTRACTUAL SERVICES</i>	<u>\$ 3,925,000</u>	<u>\$ 3,925,000</u>

*SECTION 22. APPROPRIATION - LANDFILL POST-CLOSURE PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Landfill Post-Closure Trust Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Landfill Post-Closure Program for the biennial period ending June 30, 2007, the following:*

26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

<i>ITEM</i>	<i>FISCAL YEARS</i>	
<u><i>NO.</i></u>	<u><i>2005-2006</i></u>	<u><i>2006-2007</i></u>
<i>(01) REGULAR SALARIES</i>	\$ 266,417	\$ 274,394
<i>(02) PERSONAL SERVICES MATCHING</i>	78,752	80,302

1	(03) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	30,923	30,923
3	(B) CONF. & TRAVEL	6,000	6,000
4	(C) PROF. FEES	0	0
5	(D) CAP. OUTLAY	0	0
6	(E) DATA PROC.	0	0
7	(04) CONTRACTUAL SERVICES	<u>7,758,373</u>	<u>7,433,373</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 8,140,465</u>	<u>\$ 7,824,992</u>

9

10 SECTION 23. APPROPRIATION - WASTE TIRE RECYCLING PROGRAM. There is hereby

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

12 payable from the Waste Tire Grant Fund, for waste tire recycling grants of

13 the Arkansas Department of Environmental Quality - Waste Tire Recycling

14 Program for the biennial period ending June 30, 2007, the following:

16	ITEM	FISCAL YEARS	
17	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
18	(01) WASTE TIRE RECYCLING GRANTS	<u>\$ 6,100,000</u>	<u>\$ 6,425,000</u>

19

20 SECTION 24. APPROPRIATION - STATE MARKETING BOARD FOR RECYCLABLES PROGRAM.

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

22 Quality, to be payable from the Marketing Board Fund, for operating expenses

23 of the Arkansas Department of Environmental Quality - State Marketing Board

24 for Recyclables Program for the biennial period ending June 30, 2007, the

25 following:

27	ITEM	FISCAL YEARS	
28	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
29	(01) MAINT. & GEN. OPERATION		
30	(A) OPER. EXPENSE	\$ 13,846	\$ 13,846
31	(B) CONF. & TRAVEL	6,415	6,415
32	(C) PROF. FEES	10,125	10,125
33	(D) CAP. OUTLAY	0	0
34	(E) DATA PROC.	<u>0</u>	<u>0</u>
35	TOTAL AMOUNT APPROPRIATED	<u>\$ 30,386</u>	<u>\$ 30,386</u>

36

1        *SECTION 25. APPROPRIATION - ENVIRONMENTAL EDUCATION PROGRAM. There is*  
 2 *hereby appropriated, to the Arkansas Department of Environmental Quality, to*  
 3 *be payable from the Environmental Education Fund, for personal services and*  
 4 *operating expenses of the Arkansas Department of Environmental Quality -*  
 5 *Environmental Education Program for the biennial period ending June 30, 2007,*  
 6 *the following:*

<i>ITEM</i>	<i>FISCAL YEARS</i>	
<i>NO.</i>	<i>2005-2006</i>	<i>2006-2007</i>
<i>(01) REGULAR SALARIES</i>	\$ 38,179	\$ 39,324
<i>(02) PERSONAL SERVICES MATCHING</i>	11,274	11,496
<i>(03) MAINT. &amp; GEN. OPERATION</i>		
<i>(A) OPER. EXPENSE</i>	151,961	151,961
<i>(B) CONF. &amp; TRAVEL</i>	8,000	8,000
<i>(C) PROF. FEES</i>	94,000	94,000
<i>(D) CAP. OUTLAY</i>	8,000	8,000
<i>(E) DATA PROC.</i>	<u>0</u>	<u>0</u>
<i>TOTAL AMOUNT APPROPRIATED</i>	<u>\$ 311,414</u>	<u>\$ 312,781</u>

19  
 20        *SECTION 26. APPROPRIATION - LEAD-BASED PAINT HAZARD PROGRAM. There is*  
 21 *hereby appropriated, to the Arkansas Department of Environmental Quality, to*  
 22 *be payable from the Lead-Based Paint Hazard Fund, for operating expenses of*  
 23 *the Lead-Based Paint Hazard Program of the Arkansas Department of*  
 24 *Environmental Quality for the biennial period ending June 30, 2007, the*  
 25 *following:*

<i>ITEM</i>	<i>FISCAL YEARS</i>	
<i>NO.</i>	<i>2005-2006</i>	<i>2006-2007</i>
<i>(01) MAINT. &amp; GEN. OPERATION</i>		
<i>(A) OPER. EXPENSE</i>	\$ 16,825	\$ 16,825
<i>(B) CONF. &amp; TRAVEL</i>	1,425	1,425
<i>(C) PROF. FEES</i>	0	0
<i>(D) CAP. OUTLAY</i>	0	0
<i>(E) DATA PROC.</i>	<u>0</u>	<u>0</u>
<i>TOTAL AMOUNT APPROPRIATED</i>	<u>\$ 18,250</u>	<u>\$ 18,250</u>

36

1 SECTION 27. APPROPRIATION - SMALL BUSINESS LOANS. There is hereby  
 2 appropriated, to the Arkansas Department of Environmental Quality, to be  
 3 payable from the Small Business Revolving Loan Fund, for providing loans to  
 4 small businesses for projects to meet regulatory mandates in pollution  
 5 control and prevention technologies for the biennial period ending June 30,  
 6 2007, the sum of . . . . . \$1,100,000.

8 SECTION 28. APPROPRIATION - SMALL BUSINESS REVOLVING LOAN PROGRAM. There  
 9 is hereby appropriated, to the Arkansas Department of Environmental Quality,  
 10 to be payable from the Small Business Revolving Loan Fund, for personal  
 11 services and operating expenses of the Arkansas Department of Environmental  
 12 Quality - Small Business Revolving Loan Program for the biennial period  
 13 ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 26,646	\$ 27,445
(02) PERSONAL SERVICES MATCHING	9,028	9,184
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	11,010	11,010
(B) CONF. & TRAVEL	3,650	3,650
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 50,334</u>	<u>\$ 51,289</u>

27 SECTION 29. APPROPRIATION - PERFORMANCE PARTNERSHIP SYSTEM EXPENSES. There  
 28 is hereby appropriated, to the Arkansas Department of Environmental Quality,  
 29 to be payable from the Performance Partnership Trust Fund, for expenses of  
 30 designing and establishing a management organization of the Arkansas  
 31 Department of Environmental Quality for the biennial period ending June 30,  
 32 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) PERFORMANCE INTEGRATED INFORMATION		





1		Maximum	Salary Rate
2	Item Class	No. of	Fiscal Years
3	No. Code Title	Employees	2005-2006 2006-2007
4	(1) R007 POL C ADMIN HEARING OFFICER	1	GRADE 26
5	(2) R264 MANAGEMENT PROJECT ANALYST I	1	GRADE 18
6	(3) K117 MEDICAL OR LEGAL SECRETARY	<u>1</u>	GRADE 14
7	MAX. NO. OF EMPLOYEES	3	

8

9 SECTION 33. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -  
 10 ADMINISTRATIVE HEARING OFFICER. There is hereby appropriated, to the Arkansas  
 11 Department of Environmental Quality, to be payable from the Arkansas  
 12 Department of Environmental Quality Fee Fund, for personal services and  
 13 operating expenses of the Arkansas Department of Environmental Quality -  
 14 Administrative Hearing Officer for the biennial period ending June 30, 2007,  
 15 the following:

17	ITEM	FISCAL YEARS	
18	NO.	2005-2006	2006-2007
19	(01) REGULAR SALARIES	\$ 122,015	\$ 125,397
20	(02) PERSONAL SERVICES MATCHING	35,276	35,935
21	(03) MAINT. & GEN. OPERATION		
22	(A) OPER. EXPENSE	90,217	90,217
23	(B) CONF. & TRAVEL	3,922	3,922
24	(C) PROF. FEES	0	0
25	(D) CAP. OUTLAY	0	0
26	(E) DATA PROC.	<u>0</u>	<u>0</u>
27	TOTAL AMOUNT APPROPRIATED	<u>\$ 251,430</u>	<u>\$ 255,471</u>

28

29 SECTION 34. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -  
 30 EXPENSES. There is hereby appropriated, to the Arkansas Department of  
 31 Environmental Quality, to be payable from the Miscellaneous Agencies Fund  
 32 Account, for expenses of the Pollution Control and Ecology Commission of the  
 33 Arkansas Department of Environmental Quality for the biennial period ending  
 34 June 30, 2007, the following:

35

36 ITEM FISCAL YEARS

NO.	2005-2006	2006-2007
(01) PC & E COMMISSION	<u>\$ 3,977</u>	<u>\$ 3,977</u>

SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA HELP - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the Arkansas Department of Environmental Quality - Hazardous Waste Permit Program for the, ~~2003-2005~~ 2005-2007 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: Four (4) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification. These four positions are utilized for a specific project and are specifically exempt from the limitations, either by act or regulation, of hours worked. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. *EQUIPMENT PURCHASE RESTRICTIONS.* Expenditures from the Hazardous Substance Remedial Action Trust Fund for the purchase of departmental laboratory equipment, including maintenance contracts, and data processing equipment and mission-critical software, including maintenance contracts, ~~all of which are paid from the appropriation for the Land Program as appropriated in Section 15, in Items (03)(D) and (05)~~ shall be funded only through interest earnings from the Hazardous Substance Remedial Action Trust Fund. Further, the Department shall report biennially to the Legislative Council all expenditures from interest earnings for these purchases. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. *HAZARDOUS WASTE CLEANUP APPROPRIATION.* ~~Up to \$6,500,000 of the appropriation authorized for the Land Program and funded from the Hazardous Waste Remedial Action Trust Fund during the fiscal year ending June 30, 2004 may be carried forward and made available for Contractual Services in the Land Program and funded~~

1 ~~from the Hazardous Waste Remedial Action Trust Fund for the fiscal year~~  
2 ~~ending June 30, 2005. Any unexpended balance in Section 15 hereof, of item~~  
3 ~~(04) Contractual Services which remains at the close of the fiscal year~~  
4 ~~ending June 30, 2006 shall be carried forward and made available for the same~~  
5 ~~purpose for the fiscal year ending June 30, 2007.~~

6 The provisions of this section shall be in effect only from July 1, 2003  
7 2005 through June 30, ~~2005~~ 2007.

8  
9 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

11 PERFORMANCE PARTNERSHIP SYSTEMS EXPENSES APPROPRIATION. Any unexpended  
12 balance of the appropriation authorized in ~~the Environmental Management~~  
13 ~~Program, used for Performance Integrated Information System Expenses, not to~~  
14 ~~exceed \$2,100,000, and funded from the Performance Partnership Trust Fund~~  
15 Section 29 hereof, of item (01) PERFORMANCE INTEGRATED INFORMATION SYSTEM  
16 EXPENSES which remains at the close of the fiscal year ending June 30, 2004  
17 2006 shall be carried forward and made available for the same purpose for the  
18 fiscal year ending June 30, ~~2005~~ 2007.

19 The provisions of this section shall be in effect only from July 1, 2003  
20 2005 through June 30, ~~2005~~ 2007.

21  
22 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

24 APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement  
25 Trust Fund for information technology needs may be made without prior  
26 approval of the Chief Fiscal Officer of the State, after seeking review of  
27 the Arkansas Legislative Council. Further, utilization of this appropriation  
28 for information technology needs of the Arkansas Department of Environmental  
29 Quality must also be approved by the Executive Chief Information Officer  
30 after the project is evaluated on the methodology recommended by the Chief  
31 Information Officer and the CIO Council, including an analysis of the return  
32 on investment and linkage to the Department's business objectives. Any  
33 approved projects and expenditures for information technology from the  
34 Environmental Settlement Trust Fund shall be reported annually to the Joint  
35 Committee on Advanced Communications and Information Technology.

36

1 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ  
3 ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5)  
4 shall be used by the department to fund operational expenses and to provide  
5 and train personnel to administer an asbestos program, as funding is  
6 available, including:

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

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

17 (c) Other personnel as necessary to administer the asbestos program.  
18

19 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING  
21 REQUIREMENTS. The Department shall present the following data to Legislative  
22 Council quarterly, due by the 15<sup>th</sup> day of the month following the quarter,  
23 beginning July 15, 2005:

24 a) Number and type of environmental permits currently authorized by the  
25 Department and the Pollution Control and Ecology Commission in each  
26 environmental permit category;

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

29 c) Description of each environmental permit application pending in each  
30 environmental permit category, the number of days each permit has been  
31 pending, and the reasons for delays in issuing permits for each permit that  
32 has been pending for more than 45 days;

33 d) Number and type of enforcement actions initiated by the Department, the  
34 geographic location of each violation and the total fines and collections  
35 from Supplemental Environmental Projects, the percent increase or decrease in  
36 fines levied annually and

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

3 The provisions of this section shall be in effect only from July 1, 2005  
4 through June 30, 2007.

5  
6 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
8 TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State,  
9 for each fiscal year of the 2005-2007 biennium, the Arkansas Department of  
10 Environmental Quality may transfer from various department funds to the  
11 Arkansas Department of Environmental Quality Fund Account, the sum of  
12 \$3,731,371 in fiscal year 2005-2006 and \$3,816,614 in fiscal year 2006-2007,  
13 for the exclusive purpose of supplementing funding for the appropriation  
14 provided in SECTION 3. APPROPRIATION - STATE OPERATIONS. The funds shall be  
15 used for personal services and operating expenses of the Arkansas Department  
16 of Environmental Quality - State Operations. Funds which remain in the  
17 Arkansas Department of Environmental Quality Fund Account at the close of  
18 each fiscal year of the 2005-2007 biennium shall be carried forward and made  
19 available for the same purpose for the following fiscal year. These funds  
20 shall be used for the purpose stated above.

21  
22 SECTION 43. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING  
24 REQUIREMENTS. For the purposes of the fund transfers provided for in SECTION  
25 42 - FUND TRANSFER PROVISION, the amounts transferred shall not be considered  
26 as part of any statutory limitation on the use of funds for administration of  
27 programs of the Department.

28  
29 SECTION 44. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
30 by this act shall be limited to the appropriation for such agency and funds  
31 made available by law for the support of such appropriations; and the  
32 restrictions of the State Procurement Law, the General Accounting and  
33 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
34 Procedures and Restrictions Act, or their successors, and other fiscal  
35 control laws of this State, where applicable, and regulations promulgated by  
36 the Department of Finance and Administration, as authorized by law, shall be

1 strictly complied with in disbursement of said funds.

2  
3 SECTION 45. LEGISLATIVE INTENT. It is the intent of the General Assembly  
4 that any funds disbursed under the authority of the appropriations contained  
5 in this act shall be in compliance with the stated reasons for which this act  
6 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
7 and Legislative Recommendations contained in the budget manuals prepared by  
8 the Department of Finance and Administration, letters, or summarized oral  
9 testimony in the official minutes of the Arkansas Legislative Council or  
10 Joint Budget Committee which relate to its passage and adoption.

11  
12 SECTION 46. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
14 TRANSFER. If House Bill 2431 is enacted by the 85<sup>th</sup> General Assembly, the  
15 Chief Fiscal Officer of the State may transfer \$2,500,000 from the Public  
16 Health Fund to the Department of Environmental Quality Fund Account for each  
17 fiscal year of the biennium ending June 30, 2007.

18  
19 SECTION 47. EMERGENCY CLAUSE. It is found and determined by the General  
20 Assembly, that the Constitution of the State of Arkansas prohibits the  
21 appropriation of funds for more than a two (2) year period; that the  
22 effectiveness of this Act on July 1, 2005 is essential to the operation of  
23 the agency for which the appropriations in this Act are provided, and that in  
24 the event of an extension of the Regular Session, the delay in the effective  
25 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
26 proper administration and provision of essential governmental programs.  
27 Therefore, an emergency is hereby declared to exist and this Act being  
28 necessary for the immediate preservation of the public peace, health and  
29 safety shall be in full force and effect from and after July 1, 2005.

30  
31 /s/ Joint Budget Committee  
32  
33  
34  
35  
36