

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 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1322

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
11 DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE
12 FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE ARKANSAS DEPARTMENT OF
17 ENVIRONMENTAL QUALITY APPROPRIATION FOR
18 THE 2009-2010 FISCAL YEAR.
19
20
21

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

24 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas
25 Department of Environmental Quality for the 2009-2010 fiscal year, the
26 following maximum number of regular employees whose salaries shall be
27 governed by the provisions of the Uniform Classification and Compensation Act
28 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
29 thereto. Provided, however, that any position to which a specific maximum
30 annual salary is set out herein in dollars, shall be exempt from the
31 provisions of said Uniform Classification and Compensation Act. All persons
32 occupying positions authorized herein are hereby governed by the provisions
33 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
34 101), or its successor.
35
36

Maximum Annual



1			Maximum	Salary Rate
2	Item	Class	No. of	Fiscal Year
3	No.	Code Title	Employees	2009-2010
4	(1)	U015U ADEQ DIRECTOR	1	\$118,512
5	(2)	U075U ADEQ CHIEF DEPUTY DIRECTOR	1	\$97,721
6	(3)	N067N ADEQ DEPUTY DIR - LAND RESOURCES	1	GRADE N908
7	(4)	X004C ADEQ AIR DIVISION MANAGER	1	GRADE C129
8	(5)	G005C ADEQ WATER DIVISION MANAGER	1	GRADE C129
9	(6)	G004C MANAGING ATTORNEY	1	GRADE C129
10	(7)	D007C INFORMATION SYSTEMS MANAGER	1	GRADE C128
11	(8)	G035C ADEQ ADMINISTRATION DIV MANAGER	1	GRADE C127
12	(9)	G034C ADEQ ASST AIR/WATER DIV MANAGER	2	GRADE C127
13	(10)	B012C ADEQ ENGINEER P.E. BRANCH MANAGER	2	GRADE C127
14	(11)	G033C ADEQ HAZARDOUS WASTE DIV MANAGER	1	GRADE C127
15	(12)	G032C ADEQ MINING DIVISION MANAGER	1	GRADE C127
16	(13)	G031C ADEQ PUBLIC OUTREACH DIV MANAGER	1	GRADE C127
17	(14)	G030C ADEQ REGULATED STORAGE TANK DIV MGR	1	GRADE C127
18	(15)	G029C ADEQ SOLID WASTE DIVISION MANAGER	1	GRADE C127
19	(16)	G028C ADEQ TECHNICAL SERVICES DIV MANAGER	1	GRADE C127
20	(17)	A014C FISCAL DIVISION MANAGER	1	GRADE C127
21	(18)	G019C GENERAL COUNSEL	1	GRADE C127
22	(19)	G047C ATTORNEY SPECIALIST	8	GRADE C126
23	(20)	B015C ENGINEER SUPERVISOR	12	GRADE C126
24	(21)	G063C ADEQ BRANCH MANAGER	16	GRADE C125
25	(22)	B023C ENGINEER, P.E.	21	GRADE C124
26	(23)	D030C INFORMATION SYSTEMS COORDINATOR	3	GRADE C124
27	(24)	D039C NETWORK SUPPORT SPECIALIST	1	GRADE C123
28	(25)	X036C ADEQ INSPECTOR SUPERVISOR	11	GRADE C122
29	(26)	B037C CHEMIST SUPERVISOR	3	GRADE C122
30	(27)	L028C EPIDEMIOLOGIST	6	GRADE C122
31	(28)	B035C GEOLOGY SUPERVISOR	5	GRADE C122
32	(29)	A052C ACCOUNTING COORDINATOR	1	GRADE C121
33	(30)	B042C ENGINEER	28	GRADE C121
34	(31)	R014C PERSONNEL MANAGER	1	GRADE C121
35	(32)	B043C PROFESSIONAL GEOLOGIST	18	GRADE C121
36	(33)	D052C SOFTWARE SUPPORT ANALYST	7	GRADE C121

1	(34)	X059C	ADEQ ENFORCEMENT COORDINATOR	7	GRADE C120
2	(35)	G139C	ADEQ FACILITY SUPPORT SVCS MANAGER	1	GRADE C120
3	(36)	B055C	ECOLOGIST COORDINATOR	2	GRADE C120
4	(37)	X054C	ENVIRONMENTAL PROGRAM COORDINATOR	31	GRADE C120
5	(38)	P013C	PUBLIC INFORMATION COORDINATOR	1	GRADE C120
6	(39)	X075C	ADEQ ENFORCEMENT ANALYST	12	GRADE C119
7	(40)	D063C	COMPUTER SUPPORT SPECIALIST	1	GRADE C119
8	(41)	B065C	ECOLOGIST	13	GRADE C119
9	(42)	X186C	ADEQ AIR COMPLIANCE MONITOR	2	GRADE C118
10	(43)	X093C	ADEQ INSPECTOR	78	GRADE C118
11	(44)	D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
12	(45)	D064C	WEBSITE DEVELOPER	1	GRADE C118
13	(46)	B081C	CHEMIST	10	GRADE C117
14	(47)	G180C	GRANTS ANALYST	3	GRADE C117
15	(48)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
16	(49)	D068C	INFORMATION SYSTEMS ANALYST	1	GRADE C117
17	(50)	G179C	LEGAL SERVICES SPECIALIST	6	GRADE C117
18	(51)	S017C	MAINTENANCE COORDINATOR	1	GRADE C117
19	(52)	A089C	ACCOUNTANT I	2	GRADE C116
20	(53)	P027C	PUBLIC INFORMATION SPECIALIST	4	GRADE C116
21	(54)	C037C	ADMINISTRATIVE ANALYST	23	GRADE C115
22	(55)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
23	(56)	R036C	HUMAN RESOURCES SPECIALIST	1	GRADE C113
24	(57)	C056C	ADMINISTRATIVE SPECIALIST III	38	GRADE C112
25	(58)	C073C	ADMINISTRATIVE SPECIALIST II	<u>22</u>	GRADE C109
26			MAX. NO. OF EMPLOYEES	424	

27

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

35

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

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

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2009-2010</u>
9 (01) REGULAR SALARIES	\$ 3,064,627
10 (02) EXTRA HELP	25,674
11 (03) PERSONAL SERVICES MATCHING	902,584
12 (04) MAINT. & GEN. OPERATION	
13 (A) OPER. EXPENSE	313,769
14 (B) CONF. & TRAVEL	23,415
15 (C) PROF. FEES	4,100
16 (D) CAP. OUTLAY	71,000
17 (E) DATA PROC.	<u>0</u>
18 TOTAL AMOUNT APPROPRIATED	<u>\$ 4,405,169</u>

19
 20 SECTION 4. APPROPRIATION - FEDERAL OPERATIONS. There is hereby
 21 appropriated, to the Arkansas Department of Environmental Quality, to be
 22 payable from the federal funds as designated by the Chief Fiscal Officer of
 23 the State, for personal services and operating expenses of the Arkansas
 24 Department of Environmental Quality - Federal Operations for the fiscal year
 25 ending June 30, 2010, the following:

27 ITEM	FISCAL YEAR
28 <u>NO.</u>	<u>2009-2010</u>
29 (01) REGULAR SALARIES	\$ 5,209,403
30 (02) EXTRA HELP	148,585
31 (03) PERSONAL SERVICES MATCHING	1,588,510
32 (04) MAINT. & GEN. OPERATION	
33 (A) OPER. EXPENSE	4,309,060
34 (B) CONF. & TRAVEL	271,126
35 (C) PROF. FEES	2,045,401
36 (D) CAP. OUTLAY	728,100

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

4
 5 SECTION 5. APPROPRIATION - WASTE WATER LICENSING. There is hereby
 6 appropriated, to the Arkansas Department of Environmental Quality, to be
 7 payable from the Wastewater Licensing Fund, for personal services and
 8 operating expenses of the Arkansas Department of Environmental Quality -
 9 Waste Water Licensing for the fiscal year ending June 30, 2010, the
 10 following:

11	ITEM	FISCAL YEAR
12		
13	<u>NO.</u>	<u>2009-2010</u>
14	(01) REGULAR SALARIES	\$ 90,235
15	(02) PERSONAL SERVICES MATCHING	27,117
16	(03) MAINT. & GEN. OPERATION	
17	(A) OPER. EXPENSE	26,632
18	(B) CONF. & TRAVEL	5,089
19	(C) PROF. FEES	0
20	(D) CAP. OUTLAY	0
21	(E) DATA PROC.	<u>0</u>
22	TOTAL AMOUNT APPROPRIATED	<u>\$ 149,073</u>

23
 24 SECTION 6. APPROPRIATION - LAND RECLAMATION. There is hereby appropriated,
 25 to the Arkansas Department of Environmental Quality, to be payable from the
 26 Land Reclamation Fund, for land reclamation contracts of the Arkansas
 27 Department of Environmental Quality - Land Reclamation for the fiscal year
 28 ending June 30, 2010, the following:

29	ITEM	FISCAL YEAR
30		
31	<u>NO.</u>	<u>2009-2010</u>
32	(01) RECLAMATION CONTRACTS	<u>\$ 950,000</u>

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

1 operating expenses of the Arkansas Department of Environmental Quality -
 2 Hazardous Waste Permit Program for the fiscal year ending June 30, 2010, the
 3 following:

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

18
 19 SECTION 8. APPROPRIATION - RECLAMATION OF ABANDONED MINES. There is hereby
 20 appropriated, to the Arkansas Department of Environmental Quality, to be
 21 payable from the Abandoned Mine Reclamation Fund, for contractual services of
 22 the Arkansas Department of Environmental Quality - Reclamation of Abandoned
 23 Mines for the fiscal year ending June 30, 2010, the following:

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

29
 30 SECTION 9. APPROPRIATION - SURFACE COAL MINING. There is hereby
 31 appropriated, to the Arkansas Department of Environmental Quality, to be
 32 payable from the Surface Coal Mining Operation Fund, for operating expenses
 33 of the Arkansas Department of Environmental Quality - Surface Coal Mining for
 34 the fiscal year ending June 30, 2010, the following:

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

9

10 SECTION 10. APPROPRIATION - MINING RECLAMATION. There is hereby

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

12 payable from the Mine Reclamation Trust Fund, for contractual services of the

13 Arkansas Department of Environmental Quality - Mining Reclamation for the

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

15		
16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2009-2010</u>
18	(01) MINING RECLAMATION CONTRACTUAL	
19	SERVICES	<u>\$ 1,520,000</u>

20

21 SECTION 11. APPROPRIATION - FEE ADMINISTRATION. There is hereby

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

23 payable from the Arkansas Department of Environmental Quality Fee Trust Fund,

24 for personal services and operating expenses of the Arkansas Department of

25 Environmental Quality - Fee Administration for the fiscal year ending June

26 30, 2010, the following:

27		
28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2009-2010</u>
30	(01) REGULAR SALARIES	\$ 7,075,844
31	(02) EXTRA HELP	45,000
32	(03) PERSONAL SERVICES MATCHING	2,195,479
33	(04) MAINT. & GEN. OPERATION	
34	(A) OPER. EXPENSE	1,383,468
35	(B) CONF. & TRAVEL	152,389
36	(C) PROF. FEES	2,056,221

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

4
 5 SECTION 12. APPROPRIATION - SOLID WASTE PERFORMANCE BONDS PROGRAM. There
 6 is hereby appropriated, to the Arkansas Department of Environmental Quality,
 7 to be payable from the Solid Waste Performance Bond Fund, for contractual
 8 services of the Arkansas Department of Environmental Quality - Solid Waste
 9 Performance Bonds Program for the fiscal year ending June 30, 2010, the
 10 following:

11		
12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2009-2010</u>
14	(01) SOLID WASTE PERFORMANCE BONDS	
15	CONTRACTUAL SERVICES	<u>\$ 500,000</u>

16
 17 SECTION 13. APPROPRIATION - HAZARDOUS WASTE CLEANUP. There is hereby
 18 appropriated, to the Arkansas Department of Environmental Quality, to be
 19 payable from the Hazardous Substance Remedial Action Trust Fund, for personal
 20 services and operating expenses of the Arkansas Department of Environmental
 21 Quality - Hazardous Waste Cleanup for the fiscal year ending June 30, 2010,
 22 the following:

23		
24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2009-2010</u>
26	(01) REGULAR SALARIES	\$ 114,915
27	(02) PERSONAL SERVICES MATCHING	37,237
28	(03) MAINT. & GEN. OPERATION	
29	(A) OPER. EXPENSE	401,358
30	(B) CONF. & TRAVEL	33,960
31	(C) PROF. FEES	250,000
32	(D) CAP. OUTLAY	263,198
33	(E) DATA PROC.	0
34	(04) CONTRACTUAL SERVICES	6,194,000
35	(05) DATA PROCESSING PURCHASES	<u>453,937</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 7,748,605</u>

SECTION 14. APPROPRIATION - EMERGENCY RESPONSE PROGRAM. 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 - Emergency Response Program for the fiscal year ending June 30, 2010, the following:

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

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

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) REGULAR SALARIES	\$ 156,841
(02) PERSONAL SERVICES MATCHING	50,340
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	29,452
(B) CONF. & TRAVEL	4,090
(C) PROF. FEES	2,100
(D) CAP. OUTLAY	0

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

3

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

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

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

7 personal services and operating expenses of the Arkansas Department of

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

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

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

25

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

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

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

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

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

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

33	ITEM	FISCAL YEAR
34	<u>NO.</u>	<u>2009-2010</u>
35	(01) REGULAR SALARIES	\$ 693,262
36	(02) PERSONAL SERVICES MATCHING	229,244

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

8

9 SECTION 18. APPROPRIATION - PETROLEUM STORAGE TANK TRUST FUND. There is

10 hereby appropriated, to the Arkansas Department of Environmental Quality, to

11 be payable from the Petroleum Storage Tank Trust Fund, for personal services

12 and operating expenses of the Arkansas Department of Environmental Quality -

13 Petroleum Storage Tank Trust Fund for the fiscal year ending June 30, 2010,

14 the following:

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

27

28 SECTION 19. APPROPRIATION - REGULATED STORAGE TANK PROGRAM - FEDERAL.

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

30 Quality, to be payable from the federal funds as designated by the Chief

31 Fiscal Officer of the State, for contractual services of the Arkansas

32 Department of Environmental Quality - Regulated Storage Tank Program -

33 Federal for the fiscal year ending June 30, 2010, the following:

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

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

3
 4 SECTION 20. APPROPRIATION - LANDFILL POST-CLOSURE PROGRAM. There is hereby
 5 appropriated, to the Arkansas Department of Environmental Quality, to be
 6 payable from the Landfill Post-Closure Trust Fund, for personal services and
 7 operating expenses of the Arkansas Department of Environmental Quality -
 8 Landfill Post-Closure Program for the fiscal year ending June 30, 2010, the
 9 following:

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

23
 24 SECTION 21. APPROPRIATION - WASTE TIRE RECYCLING PROGRAM. There is hereby
 25 appropriated, to the Arkansas Department of Environmental Quality, to be
 26 payable from the Waste Tire Grant Fund, for waste tire recycling grants of
 27 the Arkansas Department of Environmental Quality - Waste Tire Recycling
 28 Program for the fiscal year ending June 30, 2010, the following:

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

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

1 and operating expenses of the Arkansas Department of Environmental Quality -
 2 State Marketing Board for Recyclables Program for the fiscal year ending June
 3 30, 2010, the following:

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

16
 17 SECTION 23. APPROPRIATION - ENVIRONMENTAL EDUCATION PROGRAM. There is
 18 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 19 be payable from the Environmental Education Fund, for personal services and
 20 operating expenses of the Arkansas Department of Environmental Quality -
 21 Environmental Education Program for the fiscal year ending June 30, 2010, the
 22 following:

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

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

1 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 2 be payable from the Lead-Based Paint Hazard Fund, for operating expenses of
 3 the Lead-Based Paint Program of the Arkansas Department of Environmental
 4 Quality for the fiscal year ending June 30, 2010, the following:

5

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2009-2010</u>
8 (01) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	\$ 16,825
10 (B) CONF. & TRAVEL	1,425
11 (C) PROF. FEES	0
12 (D) CAP. OUTLAY	0
13 (E) DATA PROC.	<u>0</u>
14 TOTAL AMOUNT APPROPRIATED	<u>\$ 18,250</u>

15

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

23

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

27

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

34

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

1	(01) REGULAR SALARIES	\$	27,424
2	(02) PERSONAL SERVICES MATCHING		10,335
3	(03) MAINT. & GEN. OPERATION		
4	(A) OPER. EXPENSE		11,010
5	(B) CONF. & TRAVEL		3,650
6	(C) PROF. FEES		5,000
7	(D) CAP. OUTLAY		0
8	(E) DATA PROC.		<u>0</u>
9	TOTAL AMOUNT APPROPRIATED	\$	<u>57,419</u>

10

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

17

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

22

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

29

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

33

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

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

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

8
 9 SECTION 30. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION -
 10 ADMINISTRATIVE HEARING OFFICER. There is hereby established for the Arkansas
 11 Department of Environmental Quality for the 2009-2010 fiscal year, the
 12 following maximum number of regular employees whose salaries shall be
 13 governed by the provisions of the Uniform Classification and Compensation Act
 14 (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory
 15 thereto. Provided, however, that any position to which a specific maximum
 16 annual salary is set out herein in dollars, shall be exempt from the
 17 provisions of said Uniform Classification and Compensation Act. All persons
 18 occupying positions authorized herein are hereby governed by the provisions
 19 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
 20 101), or its successor.

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

30
 31 SECTION 31. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -
 32 ADMINISTRATIVE HEARING OFFICER. There is hereby appropriated, to the Arkansas
 33 Department of Environmental Quality, to be payable from the Arkansas
 34 Department of Environmental Quality Fee Trust Fund, for personal services and
 35 operating expenses of the Arkansas Department of Environmental Quality -
 36 Pollution Control and Ecology Commission - Administrative Hearing Officer for

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

2

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

14

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

21

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

25

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

31

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

35

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

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

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

14
 15 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EQUIPMENT
 17 PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial
 18 Action Trust Fund for the purchase of departmental laboratory equipment,
 19 including maintenance contracts, and data processing equipment and mission-
 20 critical software, including maintenance contracts, as appropriated in
 21 Section 13, in Items (03)(D) and (05) shall be funded only through interest
 22 earnings from the Hazardous Substance Remedial Action Trust Fund. Further,
 23 the Department shall report biennially to the Legislative Council all
 24 expenditures from interest earnings for these purchases.

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

27
 28 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 30 APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement
 31 Trust Fund for information technology needs may be made without prior
 32 approval of the Chief Fiscal Officer of the State, after seeking review of
 33 the Arkansas Legislative Council. Further, utilization of this appropriation
 34 for information technology needs of the Arkansas Department of Environmental
 35 Quality must also be approved by the Executive Chief Information Officer
 36 after the project is evaluated on the methodology recommended by the Chief

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

6
 7 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ
 9 ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5)
 10 shall be used by the department to fund operational expenses and to provide
 11 and train personnel to administer an asbestos program, as funding is
 12 available, including:

- 13 (a) Personnel dedicated to issue certificates and licenses to qualified
 14 persons/companies, to perform audit of trainers, and to regularly update the
 15 ADEQ web page providing a listing of asbestos licensed parties;
- 16 (b) Personnel who are trained as asbestos supervisors as defined by Arkansas
 17 Code 20-27-1003 and Arkansas Pollution Control and Ecology Commission
 18 Regulation No.21 to approve asbestos Notices of Intent, perform and
 19 coordinate asbestos inspections, conduct enforcement actions, and provide
 20 regulatory compliance information to assist the regulated community. Asbestos
 21 inspectors shall have personal protective equipment when needed to enter a
 22 regulated area; and
- 23 (c) Other personnel as necessary to administer the asbestos program.

24
 25 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING
 27 REQUIREMENTS. The Department shall present the following data to Legislative
 28 Council quarterly, due by the 15th day of the month following the quarter,
 29 beginning July 15, ~~2007~~ 2009:

- 30 a) Number and type of environmental permits currently authorized by the
 31 Department and the Pollution Control and Ecology Commission in each
 32 environmental permit category;
- 33 b) Total funds collected from permit fees for each permit category and the
 34 percent increase or decrease in permit fees annually;
- 35 c) Description of each environmental permit application pending in each
 36 environmental permit category, the number of days each permit has been

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

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

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

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

11
12 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
14 TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State,
15 the Arkansas Department of Environmental Quality may transfer from various
16 department funds to the Arkansas Department of Environmental Quality Fund
17 Account, the sum of \$3,866,298 in fiscal year ~~2007-2008~~ 2009-2010, for the
18 exclusive purpose of supplementing funding for the appropriation provided in
19 Section 3. Appropriation - State Operations. The funds shall be used for
20 personal services and operating expenses of the Arkansas Department of
21 Environmental Quality - State Operations. Funds which remain in the Arkansas
22 Department of Environmental Quality Fund Account at the close of ~~each the~~
23 fiscal year ~~of the 2007-2009 2009-2011 biennium~~ shall be carried forward and
24 made available for the same purpose for the following fiscal year. These
25 funds shall be used for the purpose stated above.

26
27 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING
29 REQUIREMENTS. For the purposes of the fund transfers provided for in Section
30 39 - Fund Transfer Provision, the amounts transferred shall not be considered
31 as part of any statutory limitation on the use of funds for administration of
32 programs of the Department.

33
34 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
36 FORWARD. Any unexpended balances of ~~appropriation and~~ funds authorized in

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

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

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

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

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

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

32
 33 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LANDFILL
 35 POST-CLOSURE CLEAN UP RESTRICTIONS. Any expenditures in excess of \$50,000
 36 per site from the Landfill Post-Closure Trust Fund, as appropriated in

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

8

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

20

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

30

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

1 testimony in the official minutes of the Arkansas Legislative Council or
2 Joint Budget Committee which relate to its passage and adoption.

3
4 SECTION 46. EMERGENCY CLAUSE. It is found and determined by the General
5 Assembly, that the Constitution of the State of Arkansas prohibits the
6 appropriation of funds for more than a one (1) year period; that the
7 effectiveness of this Act on July 1, 2009 is essential to the operation of
8 the agency for which the appropriations in this Act are provided, and that in
9 the event of an extension of the Regular Session, the delay in the effective
10 date of this Act beyond July 1, 2009 could work irreparable harm upon the
11 proper administration and provision of essential governmental programs.
12 Therefore, an emergency is hereby declared to exist and this Act being
13 necessary for the immediate preservation of the public peace, health and
14 safety shall be in full force and effect from and after July 1, 2009.

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