

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
88th General Assembly
Fiscal Session, 2012

As Engrossed: H2/29/12
A Bill

HOUSE BILL 1060

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE FISCAL YEAR ENDING JUNE 30, 2013; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY APPROPRIATION FOR THE 2012-2013 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas Department of Environmental Quality for the 2012-2013 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
(1)	U015U	ADEQ DIRECTOR	1	\$126,431
(2)	U075U	ADEQ CHIEF DEPUTY DIRECTOR	1	\$104,250
(3)	N067N	ADEQ DEPUTY DIR - LAND RESOURCES	1	GRADE N908
(4)	X004C	ADEQ AIR DIVISION MANAGER	1	GRADE C129
(5)	G005C	ADEQ WATER DIVISION MANAGER	1	GRADE C129
(6)	G004C	MANAGING ATTORNEY	1	GRADE C129



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

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

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Department of Environmental Quality for the 2012-2013 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: sixty-six (66) 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, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Arkansas Department of Environmental Quality Fund Account, for personal services and operating expenses of the Arkansas Department of Environmental Quality - State Operations for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$3,672,684

(02) EXTRA HELP	25,674
(03) PERSONAL SERVICES MATCHING	1,080,930
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	353,183
(B) CONF. & TRAVEL	32,115
(C) PROF. FEES	4,100
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$5,168,686</u></u>

SECTION 4. APPROPRIATION - FEDERAL OPERATIONS. 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 personal services and operating expenses of the Arkansas Department of Environmental Quality - Federal Operations for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$5,202,619
(02) EXTRA HELP	148,585
(03) PERSONAL SERVICES MATCHING	1,557,492
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	4,284,060
(B) CONF. & TRAVEL	271,126
(C) PROF. FEES	2,045,401
(D) CAP. OUTLAY	998,000
(E) DATA PROC.	0
(05) CONTRACTUAL SERVICES	<u>2,565,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$17,072,283</u></u>

SECTION 5. APPROPRIATION - WASTE WATER LICENSING. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Wastewater Licensing Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Waste Water Licensing for the fiscal year ending June 30, 2013, the

following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$101,646
(02) PERSONAL SERVICES MATCHING	33,556
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	26,632
(B) CONF. & TRAVEL	5,089
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$166,923</u></u>

SECTION 6. APPROPRIATION - LAND RECLAMATION. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Land Reclamation Fund, for land reclamation contracts of the Arkansas Department of Environmental Quality - Land Reclamation for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) RECLAMATION CONTRACTS	<u><u>\$950,000</u></u>

SECTION 7. APPROPRIATION - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Hazardous Waste Permit Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Hazardous Waste Permit Program for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$1,001,989
(02) EXTRA HELP	15,795
(03) PERSONAL SERVICES MATCHING	296,974

(04) OVERTIME	1,250
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	197,304
(B) CONF. & TRAVEL	47,700
(C) PROF. FEES	53,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,614,012</u></u>

SECTION 8. APPROPRIATION - RECLAMATION OF ABANDONED MINES. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Abandoned Mine Reclamation Fund, for contractual services of the Arkansas Department of Environmental Quality - Reclamation of Abandoned Mines for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) ABANDONED MINE RECLAMATION	
CONTRACTUAL SERVICES	<u><u>\$5,700,000</u></u>

SECTION 9. APPROPRIATION - SURFACE COAL MINING. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Surface Coal Mining Operation Fund, for operating expenses of the Arkansas Department of Environmental Quality - Surface Coal Mining for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$15,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$15,000</u></u>

SECTION 10. APPROPRIATION - MINING RECLAMATION. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Mine Reclamation Trust Fund, for contractual services of the Arkansas Department of Environmental Quality - Mining Reclamation for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) MINING RECLAMATION CONTRACTUAL SERVICES	<u>\$1,520,000</u>

SECTION 11. APPROPRIATION - FEE ADMINISTRATION. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Arkansas Department of Environmental Quality Fee Trust Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Fee Administration for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$7,680,413
(02) EXTRA HELP	45,000
(03) PERSONAL SERVICES MATCHING	2,322,992
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,698,170
(B) CONF. & TRAVEL	152,389
(C) PROF. FEES	1,598,519
(D) CAP. OUTLAY	1,075,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$14,572,483</u>

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

2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) SOLID WASTE PERFORMANCE BONDS	
CONTRACTUAL SERVICES	<u>\$500,000</u>

SECTION 13. 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 fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$135,938
(02) PERSONAL SERVICES MATCHING	41,636
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	401,358
(B) CONF. & TRAVEL	33,960
(C) PROF. FEES	250,000
(D) CAP. OUTLAY	262,000
(E) DATA PROC.	0
(04) CONTRACTUAL SERVICES	6,194,000
(05) DATA PROCESSING PURCHASES	<u>453,937</u>
TOTAL AMOUNT APPROPRIATED	<u>\$7,772,829</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, 2013, the following:

ITEM	FISCAL YEAR
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<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$91,778
(02) PERSONAL SERVICES MATCHING	27,807
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	3,833
(B) CONF. & TRAVEL	2,000
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) CONTRACTUAL SERVICES	<u>372,655</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$498,073</u></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, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$166,942
(02) PERSONAL SERVICES MATCHING	52,346
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	29,452
(B) CONF. & TRAVEL	4,090
(C) PROF. FEES	2,100
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$254,930</u></u>

SECTION 16. APPROPRIATION - SOLID WASTE MANAGEMENT AND RECYCLING PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Solid Waste Management Recycling Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Solid Waste Management and Recycling Program for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$883,975
(02) PERSONAL SERVICES MATCHING	269,779
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	126,529
(B) CONF. & TRAVEL	15,668
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) RECYCLING GRANTS	4,650,000
(05) ELECTRONIC WASTE RECYCLING INFRASTRUCTURE	<u>2,500,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$8,445,951</u></u>

SECTION 17. 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 fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$717,944
(02) PERSONAL SERVICES MATCHING	228,176
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	71,128
(B) CONF. & TRAVEL	5,005
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,022,253</u></u>

SECTION 18. 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 Trust Fund for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$216,141
(02) PERSONAL SERVICES MATCHING	61,830
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	18,999,800
(B) CONF. & TRAVEL	3,005
(C) PROF. FEES	2,500,156
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$21,780,932</u></u>

SECTION 19. 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 fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULATED STORAGE TANK & CONTRACTUAL SERVICES	<u><u>\$3,925,000</u></u>

SECTION 20. 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 fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$311,225
(02) PERSONAL SERVICES MATCHING	90,488
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	30,923
(B) CONF. & TRAVEL	6,000
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) CONTRACTUAL SERVICES	<u>7,433,373</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$7,872,009</u></u>

SECTION 21. APPROPRIATION - WASTE TIRE RECYCLING PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Waste Tire Grant Fund, for waste tire recycling grants of the Arkansas Department of Environmental Quality - Waste Tire Recycling Program for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) WASTE TIRE RECYCLING GRANTS	<u><u>\$6,425,000</u></u>

SECTION 22. APPROPRIATION - STATE MARKETING BOARD FOR RECYCLABLES PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Marketing Board Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - State Marketing Board for Recyclables Program for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$1,500
(02) PERSONAL SERVICES MATCHING	115
(03) MAINT. & GEN. OPERATION	

(A) OPER. EXPENSE	13,846
(B) CONF. & TRAVEL	6,415
(C) PROF. FEES	7,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$28,876</u></u>

SECTION 23. APPROPRIATION - ENVIRONMENTAL EDUCATION PROGRAM. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Environmental Education Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Environmental Education Program for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$50,823
(02) PERSONAL SERVICES MATCHING	14,814
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	152,961
(B) CONF. & TRAVEL	8,000
(C) PROF. FEES	94,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$320,598</u></u>

SECTION 24. APPROPRIATION - SMALL BUSINESS LOANS. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Small Business Revolving Loan Fund, for providing loans to small businesses for projects to meet regulatory mandates in pollution control and prevention technologies of the Arkansas Department of Environmental Quality for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>

(01) SMALL BUSINESS LOANS \$550,000

SECTION 25. APPROPRIATION - SMALL BUSINESS REVOLVING LOAN PROGRAM.

There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Small Business Revolving Loan Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Small Business Revolving Loan Program for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$27,375
(02) PERSONAL SERVICES MATCHING	10,237
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	11,010
(B) CONF. & TRAVEL	3,650
(C) PROF. FEES	5,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$57,272</u>

SECTION 26. APPROPRIATION - PERFORMANCE PARTNERSHIP SYSTEM EXPENSES.

There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Performance Partnership Trust Fund, for expenses of designing and establishing a management organization of the Arkansas Department of Environmental Quality for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) PERFORMANCE INTEGRATED INFORMATION SYSTEM EXPENSES	<u>\$600,000</u>

SECTION 27. APPROPRIATION - ENVIRONMENTAL SETTLEMENT TRUST. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the ADEQ Environmental Settlement Trust Fund, for expenses as

authorized through various settlement agreements benefiting the State of Arkansas as administered through the Arkansas Department of Environmental Quality for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) ENVIRONMENTAL SETTLEMENT TRUST EXPENSES	<u>\$750,000</u>

SECTION 28. APPROPRIATION - COMPUTER AND ELECTRONIC RECYCLING. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Computer and Electronic Recycling Fund, for grants and expenses of the Arkansas Department of Environmental Quality - Computer and Electronic Recycling for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) COMPUTER AND ELECTRONICS RECYCLING MANAGEMENT EXPENSES OR GRANTS	<u>\$250,000</u>

SECTION 29. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION - ADMINISTRATIVE HEARING OFFICER. There is hereby established for the Arkansas Department of Environmental Quality for the 2012-2013 fiscal year, the following maximum number of regular employees.

Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
(1)	G024C	DEPARTMENT ADMINISTRATIVE LAW JUDGE	1	GRADE C127
(2)	G179C	LEGAL SERVICES SPECIALIST	<u>1</u>	GRADE C117
		MAX. NO. OF EMPLOYEES	2	

SECTION 30. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION - ADMINISTRATIVE HEARING OFFICER. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Arkansas

Department of Environmental Quality Fee Trust Fund, for personal services and operating expenses of the Arkansas Department of Environmental Quality - Pollution Control and Ecology Commission - Administrative Hearing Officer for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$132,747
(02) PERSONAL SERVICES MATCHING	34,801
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	87,217
(B) CONF. & TRAVEL	6,922
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$261,687</u></u>

SECTION 31. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION - EXPENSES. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Miscellaneous Agencies Fund Account, for expenses of the Pollution Control and Ecology Commission of the Arkansas Department of Environmental Quality for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) PC&E COMMISSION EXPENSES	<u><u>\$3,977</u></u>

SECTION 32. APPROPRIATION - NON HAZARDOUS SITE CLEANUP. There is hereby appropriated, to the Arkansas Department of Environmental Quality, to be payable from the Arkansas Department of Environmental Quality Fee Trust Fund, for the cleanup of non hazardous sites which pose a threat to the environment for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
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(01) CONTRACTUAL SERVICES \$750,000

SECTION 33. 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 ~~2011-2012~~ 2012-2013 fiscal year, 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, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 34. 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, as appropriated in Section 13, 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, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement Trust Fund for information technology needs may be made without prior approval of the Chief Fiscal Officer of the State, after seeking review of the Arkansas Legislative Council. Further, utilization of this appropriation

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

SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5) shall be used by the department to fund operational expenses and to provide and train personnel to administer an asbestos program, as funding is available, including:

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

SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING REQUIREMENTS. The Department shall present the following data to Legislative Council quarterly, due by the 15th day of the month following the quarter, beginning July 15, ~~2011~~ 2012:

- a) Number and type of environmental permits currently authorized by the Department and the Pollution Control and Ecology Commission in each environmental permit category;
- b) Total funds collected from permit fees for each permit category and the

percent increase or decrease in permit fees annually;

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

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

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

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State, the Arkansas Department of Environmental Quality may transfer from various department funds to the Arkansas Department of Environmental Quality Fund Account, the sum of \$1,500,000 in fiscal year ~~2011-2012~~ 2012-2013, for the exclusive purpose of supplementing funding for the appropriation provided in Section 3. Appropriation - State Operations. The funds shall be used for personal services and operating expenses of the Arkansas Department of Environmental Quality - State Operations. Funds which remain in the Arkansas Department of Environmental Quality Fund Account at the close of the fiscal year shall be carried forward and made available for the same purpose for the following fiscal year. These funds shall be used for the purpose stated above.

SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING REQUIREMENTS. For the purposes of the fund transfers provided for in Section 38 - Fund Transfer Provision, the amounts transferred shall not be considered as part of any statutory limitation on the use of funds for administration of programs of the Department.

SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LANDFILL POST-CLOSURE CLEAN UP RESTRICTIONS. Any expenditures in excess of \$50,000 per site from the Landfill Post-Closure Trust Fund, as appropriated in Section 20, Item (04) for corrective action to remedy environmental impacts of closed disposal sites previously operated as a landfill pursuant to state law will be prioritized and authorized by the Commission after addressing corrective actions needed to address environmental impacts from permitted landfills closed properly. The total of the said expenditures shall not exceed \$2,000,000 per fiscal year.

SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NON HAZARDOUS SITE CLEAN UP RESTRICTIONS. Expenditures from the Arkansas Department of Environmental Quality Fee Trust Fund for the cleanup of non hazardous sites which pose a threat to the environment, as appropriated in Section 32, shall be funded only through interest earnings from the Arkansas Department of Environmental Quality Fee Trust Fund. The Arkansas Department of Environmental Quality shall seek cost recovery from parties responsible for damages to the environment that dictate the use of appropriation authorized in Section 32 of this act, as well as, any other funds spent by a governmental entity to remediate such non hazardous sites.

SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FAYETTEVILLE SHALE QUARTERLY REPORTING. The Arkansas Department of Environmental Quality shall report on a quarterly basis to the Arkansas Legislative Council or the Joint Budget Committee the number of inspections, any hearings, findings, orders, fines, or other agency regulatory or enforcement actions or activities involving the Fayetteville Shale. The quarterly reports shall be provided no later than the 15th day of the month immediately following the end of each quarter.

The provisions of this section shall be in effect only from July 1, ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

SECTION 43. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES PROGRAM. The Arkansas Department of Environmental Quality shall adopt policies before September 1, 2012 to ensure its cooperation regarding provision to the Division of Public School Academic Facilities and Transportation copies of the reports of inspections required under Arkansas Code § 6-21-813 (d) through (f) for the Arkansas Public School Academic Facilities Program Act.

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

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

SECTION 46. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2012 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2012 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act

being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2012.

/s/Joint Budget Committee