

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012
4

A Bill

HOUSE BILL 1060

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS
10 DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE
11 FISCAL YEAR ENDING JUNE 30, 2013; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ARKANSAS DEPARTMENT OF
16 ENVIRONMENTAL QUALITY APPROPRIATION FOR THE
17 2012-2013 FISCAL YEAR.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. REGULAR SALARIES. There is hereby established for the
24 Arkansas Department of Environmental Quality for the 2012-2013 fiscal year,
25 the following maximum number of regular employees.
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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2012-2013
31	(1) U015U	ADEQ DIRECTOR	1	\$126,431
32	(2) U075U	ADEQ CHIEF DEPUTY DIRECTOR	1	\$104,250
33	(3) N067N	ADEQ DEPUTY DIR - LAND RESOURCES	1	GRADE N908
34	(4) X004C	ADEQ AIR DIVISION MANAGER	1	GRADE C129
35	(5) G005C	ADEQ WATER DIVISION MANAGER	1	GRADE C129
36	(6) G004C	MANAGING ATTORNEY	1	GRADE C129



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

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

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19 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas
 20 Department of Environmental Quality for the 2012-2013 fiscal year, the
 21 following maximum number of part-time or temporary employees, to be known as
 22 "Extra Help", payable from funds appropriated herein for such purposes:
 23 sixty-six (66) temporary or part-time employees, when needed, at rates of pay
 24 not to exceed those provided in the Uniform Classification and Compensation
 25 Act, or its successor, or this act for the appropriate classification.

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27 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
 28 appropriated, to the Arkansas Department of Environmental Quality, to be
 29 payable from the Arkansas Department of Environmental Quality Fund Account,
 30 for personal services and operating expenses of the Arkansas Department of
 31 Environmental Quality - State Operations for the fiscal year ending June 30,
 32 2013, the following:

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

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

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11 SECTION 4. APPROPRIATION - FEDERAL OPERATIONS. There is hereby
 12 appropriated, to the Arkansas Department of Environmental Quality, to be
 13 payable from the federal funds as designated by the Chief Fiscal Officer of
 14 the State, for personal services and operating expenses of the Arkansas
 15 Department of Environmental Quality - Federal Operations for the fiscal year
 16 ending June 30, 2013, the following:

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

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

1 following:

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

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

20

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

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

31

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

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

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

15

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

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

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

36

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	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(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	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(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,

1 2013, the following:

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

7

8 SECTION 13. APPROPRIATION - HAZARDOUS WASTE CLEANUP. There is hereby
 9 appropriated, to the Arkansas Department of Environmental Quality, to be
 10 payable from the Hazardous Substance Remedial Action Trust Fund, for personal
 11 services and operating expenses of the Arkansas Department of Environmental
 12 Quality - Hazardous Waste Cleanup for the fiscal year ending June 30, 2013,
 13 the following:

14

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

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29 SECTION 14. APPROPRIATION - EMERGENCY RESPONSE PROGRAM. There is
 30 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 31 be payable from the Hazardous Substance Remedial Action Trust Fund, for
 32 personal services and operating expenses of the Arkansas Department of
 33 Environmental Quality - Emergency Response Program for the fiscal year ending
 34 June 30, 2013, the following:

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

12

13 SECTION 15. APPROPRIATION - ASBESTOS CONTROL PROGRAM. There is hereby
 14 appropriated, to the Arkansas Department of Environmental Quality, to be
 15 payable from the Asbestos Control Fund, for personal services and operating
 16 expenses of the Arkansas Department of Environmental Quality - Asbestos
 17 Control Program for the fiscal year ending June 30, 2013, the following:

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

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

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

1 is hereby appropriated, to the Arkansas Department of Environmental Quality,
 2 to be payable from the Petroleum Storage Tank Trust Fund, for personal
 3 services and operating expenses of the Arkansas Department of Environmental
 4 Quality - Petroleum Storage Tank Trust Fund for the fiscal year ending June
 5 30, 2013, the following:

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

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 19 SECTION 19. APPROPRIATION - REGULATED STORAGE TANK PROGRAM - FEDERAL.
 20 There is hereby appropriated, to the Arkansas Department of Environmental
 21 Quality, to be payable from the federal funds as designated by the Chief
 22 Fiscal Officer of the State, for contractual services of the Arkansas
 23 Department of Environmental Quality - Regulated Storage Tank Program -
 24 Federal for the fiscal year ending June 30, 2013, the following:

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

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 31 SECTION 20. APPROPRIATION - LANDFILL POST-CLOSURE PROGRAM. There is
 32 hereby appropriated, to the Arkansas Department of Environmental Quality, to
 33 be payable from the Landfill Post-Closure Trust Fund, for personal services
 34 and operating expenses of the Arkansas Department of Environmental Quality -
 35 Landfill Post-Closure Program for the fiscal year ending June 30, 2013, the
 36 following:

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

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

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8 SECTION 23. APPROPRIATION - ENVIRONMENTAL EDUCATION PROGRAM. There is

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

10 be payable from the Environmental Education Fund, for personal services and

11 operating expenses of the Arkansas Department of Environmental Quality -

12 Environmental Education Program for the fiscal year ending June 30, 2013, the

13 following:

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

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27 SECTION 24. APPROPRIATION - SMALL BUSINESS LOANS. There is hereby

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

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

30 small businesses for projects to meet regulatory mandates in pollution

31 control and prevention technologies of the Arkansas Department of

32 Environmental Quality for the fiscal year ending June 30, 2013, the

33 following:

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

1 (01) SMALL BUSINESS LOANS \$550,000

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3 SECTION 25. APPROPRIATION - SMALL BUSINESS REVOLVING LOAN PROGRAM.

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

9

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

21

22 SECTION 26. APPROPRIATION - PERFORMANCE PARTNERSHIP SYSTEM EXPENSES.

23 There is hereby appropriated, to the Arkansas Department of Environmental
 24 Quality, to be payable from the Performance Partnership Trust Fund, for
 25 expenses of designing and establishing a management organization of the
 26 Arkansas Department of Environmental Quality for the fiscal year ending June
 27 30, 2013, the following:

28

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

33

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

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

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

9
 10 SECTION 28. APPROPRIATION - COMPUTER AND ELECTRONIC RECYCLING. There
 11 is hereby appropriated, to the Arkansas Department of Environmental Quality,
 12 to be payable from the Computer and Electronic Recycling Fund, for grants and
 13 expenses of the Arkansas Department of Environmental Quality - Computer and
 14 Electronic Recycling for the fiscal year ending June 30, 2013, the following:

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

20
 21 SECTION 29. REGULAR SALARIES - POLLUTION CONTROL AND ECOLOGY COMMISSION
 22 - ADMINISTRATIVE HEARING OFFICER. There is hereby established for the
 23 Arkansas Department of Environmental Quality for the 2012-2013 fiscal year,
 24 the following maximum number of regular employees.

26				Maximum Annual
27				Salary Rate
28	Item	Class	Maximum	Fiscal Year
29	<u>No.</u>	<u>Code</u>	<u>Title</u>	<u>2012-2013</u>
30	(1)	G024C	DEPARTMENT ADMINISTRATIVE LAW JUDGE	1 GRADE C127
31	(2)	G179C	LEGAL SERVICES SPECIALIST	<u>1</u> GRADE C117
32			MAX. NO. OF EMPLOYEES	2

33
 34 SECTION 30. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -
 35 ADMINISTRATIVE HEARING OFFICER. There is hereby appropriated, to the
 36 Arkansas Department of Environmental Quality, to be payable from the Arkansas

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

5

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

17

18 SECTION 31. APPROPRIATION - POLLUTION CONTROL AND ECOLOGY COMMISSION -
 19 EXPENSES. There is hereby appropriated, to the Arkansas Department of
 20 Environmental Quality, to be payable from the Miscellaneous Agencies Fund
 21 Account, for expenses of the Pollution Control and Ecology Commission of the
 22 Arkansas Department of Environmental Quality for the fiscal year ending June
 23 30, 2013, the following:

24

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

28

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

34

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

1 (01) CONTRACTUAL SERVICES \$750,000

2

3 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
 5 HELP - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the
 6 Arkansas Department of Environmental Quality - Hazardous Waste Permit Program
 7 for the ~~2011-2012~~ 2012-2013 fiscal year, the following maximum number of
 8 part-time or temporary employees, to be known as "Extra Help", payable from
 9 funds appropriated herein for such purposes: Four (4) temporary or part-time
 10 employees, when needed, at rates of pay not to exceed those provided in the
 11 Uniform Classification and Compensation Act, or its successor, for the
 12 appropriate classification. These four positions are utilized for a specific
 13 project and are specifically exempt from the limitations, either by act or
 14 regulation, of hours worked.

15 The provisions of this section shall be in effect only from July 1, ~~2010~~
 16 2012 through June 30, ~~2011~~ 2013.

17

18 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EQUIPMENT
 20 PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial
 21 Action Trust Fund for the purchase of departmental laboratory equipment,
 22 including maintenance contracts, and data processing equipment and mission-
 23 critical software, including maintenance contracts, as appropriated in
 24 Section 13, in Items (03)(D) and (05) shall be funded only through interest
 25 earnings from the Hazardous Substance Remedial Action Trust Fund. Further,
 26 the Department shall report biennially to the Legislative Council all
 27 expenditures from interest earnings for these purchases.

28 The provisions of this section shall be in effect only from July 1, ~~2010~~
 29 2012 through June 30, ~~2011~~ 2013.

30

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

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

9
10 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADEQ
12 ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5)
13 shall be used by the department to fund operational expenses and to provide
14 and train personnel to administer an asbestos program, as funding is
15 available, including:

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

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

26 (c) Other personnel as necessary to administer the asbestos program.
27

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

33 a) Number and type of environmental permits currently authorized by the
34 Department and the Pollution Control and Ecology Commission in each
35 environmental permit category;

36 b) Total funds collected from permit fees for each permit category and the

1 percent increase or decrease in permit fees annually;

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

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

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

12 The provisions of this section shall be in effect only from July 1,
13 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

14
15 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
17 TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State,
18 the Arkansas Department of Environmental Quality may transfer from various
19 department funds to the Arkansas Department of Environmental Quality Fund
20 Account, the sum of \$1,500,000 in fiscal year ~~2011-2012~~ 2012-2013, for the
21 exclusive purpose of supplementing funding for the appropriation provided in
22 Section 3. Appropriation - State Operations. The funds shall be used for
23 personal services and operating expenses of the Arkansas Department of
24 Environmental Quality - State Operations. Funds which remain in the Arkansas
25 Department of Environmental Quality Fund Account at the close of the fiscal
26 year shall be carried forward and made available for the same purpose for the
27 following fiscal year. These funds shall be used for the purpose stated
28 above.

29
30 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING
32 REQUIREMENTS. For the purposes of the fund transfers provided for in Section
33 38 - Fund Transfer Provision, the amounts transferred shall not be considered
34 as part of any statutory limitation on the use of funds for administration of
35 programs of the Department.

36

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

11
12 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NON
14 HAZARDOUS SITE CLEAN UP RESTRICTIONS. Expenditures from the Arkansas
15 Department of Environmental Quality Fee Trust Fund for the cleanup of non
16 hazardous sites which pose a threat to the environment, as appropriated in
17 Section 32, shall be funded only through interest earnings from the Arkansas
18 Department of Environmental Quality Fee Trust Fund. The Arkansas Department
19 of Environmental Quality shall seek cost recovery from parties responsible
20 for damages to the environment that dictate the use of appropriation
21 authorized in Section 32 of this act, as well as, any other funds spent by a
22 governmental entity to remediate such non hazardous sites.

23
24 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
26 FAYETTEVILLE SHALE QUARTERLY REPORTING. The Arkansas Department of
27 Environmental Quality shall report on a quarterly basis to the Arkansas
28 Legislative Council or the Joint Budget Committee the number of inspections,
29 any hearings, findings, orders, fines, or other agency regulatory or
30 enforcement actions or activities involving the Fayetteville Shale. The
31 quarterly reports shall be provided no later than the 15th day of the month
32 immediately following the end of each quarter.

33 The provisions of this section shall be in effect only from July 1,
34 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

35
36 SECTION 43. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

1 authorized by this act shall be limited to the appropriation for such agency
2 and funds made available by law for the support of such appropriations; and
3 the restrictions of the State Procurement Law, the General Accounting and
4 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
5 Procedures and Restrictions Act, or their successors, and other fiscal
6 control laws of this State, where applicable, and regulations promulgated by
7 the Department of Finance and Administration, as authorized by law, shall be
8 strictly complied with in disbursement of said funds.

9
10 SECTION 44. LEGISLATIVE INTENT. It is the intent of the General
11 Assembly that any funds disbursed under the authority of the appropriations
12 contained in this act shall be in compliance with the stated reasons for
13 which this act was adopted, as evidenced by the Agency Requests, Executive
14 Recommendations and Legislative Recommendations contained in the budget
15 manuals prepared by the Department of Finance and Administration, letters, or
16 summarized oral testimony in the official minutes of the Arkansas Legislative
17 Council or Joint Budget Committee which relate to its passage and adoption.

18
19 SECTION 45. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly, that the Constitution of the State of Arkansas prohibits
21 the appropriation of funds for more than a one (1) year period; that the
22 effectiveness of this Act on July 1, 2012 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 legislative session, the delay in the
25 effective date of this Act beyond July 1, 2012 could work irreparable harm
26 upon the proper administration and provision of essential governmental
27 programs. Therefore, an emergency is hereby declared to exist and this Act
28 being necessary for the immediate preservation of the public peace, health
29 and safety shall be in full force and effect from and after July 1, 2012.