

DEPARTMENT OF ENVIRONMENTAL QUALITY

Enabling Laws

The Arkansas Department of Environmental Quality ("ADEQ") is organized into six regulatory divisions that focus on specific elements of the environment. Listed below are those divisions together with their controlling laws as are codified in The Arkansas Code of 1987 Annotated.

AIR - A.C.A. §§ 8-3-101 et seq., 8-4-301 et seq., 8-4-401 et seq.

WATER - A.C.A. §§ 8-4-101 , et seq., 8-4-201 et seq., 8-5-201 et seq.

MINING - A.C.A. §§ 15-57-101 et seq., 15-58-101 et seq.

SOLID WASTE - A.C.A. §§ 8-6-201 et seq., 8-6-601 et seq., 8-6-901 et seq., 8-6-1001 et seq., 8-6-1201 et seq., 8-6-1601 et seq., 8-9-101 et seq., 8-9-201 et seq., 8-9-301 et seq., 8-9-401 et seq.

HAZARDOUS WASTE - A.C.A. §§ 8-7-201 et seq., 8-7-501 et seq., 8-7-1101 et seq.

REGULATED STORAGE TANKS - A.C.A. §§ 8-7-801 et seq., 8-7-901 et seq.

Other statutes covering the organization and administration of ADEQ include: A.C.A. §§ 8-1-101 et seq., 8-1-201 et seq., 8-2-201 et seq., 8-6-1501 et seq.

History and Organization

The Arkansas Department of Environmental Quality (formerly the Department of Pollution Control and Ecology) was officially established in 1971. As part of the overall reorganization of state government, Act 38 established the Arkansas Department of Pollution Control and Ecology as a cabinet-level unit of state government, changed the name of the Commission to the Arkansas Pollution Control and Ecology Commission, and designated the Commission as the environmental policy-making body for the state.

With the passage of Acts 744 and 1230 in 1991, the Agency was officially renamed to the Department of Environmental Quality (ADEQ), the Pollution Control and Ecology Commission was restructured and the powers and duties of the Commission and the Agency were clarified. The Commission is now composed of the directors of six state agencies--Health Department, Forestry Commission, Game and Fish Commission, Geological Survey, Oil and Gas Commission, and Natural Resources Commission--as well as seven private citizens appointed by the Governor and confirmed by the Senate. Each of the four congressional districts existing at the time of the 1991 law must be represented by at least one private-sector appointee on the Commission, with no congressional district having more than two Commissioners.

The Arkansas Department of Environmental Quality is the primary environmental regulatory agency for the State of Arkansas. The Agency is responsible for implementing the State's environmental laws and regulations as established by the Arkansas legislature and the Arkansas Pollution Control and Ecology Commission. In large part, the programs implemented by ADEQ are either authorized, approved or delegated authority from our federal counterparts, primarily the Environmental Protection Agency and the Office of Surface Mining.

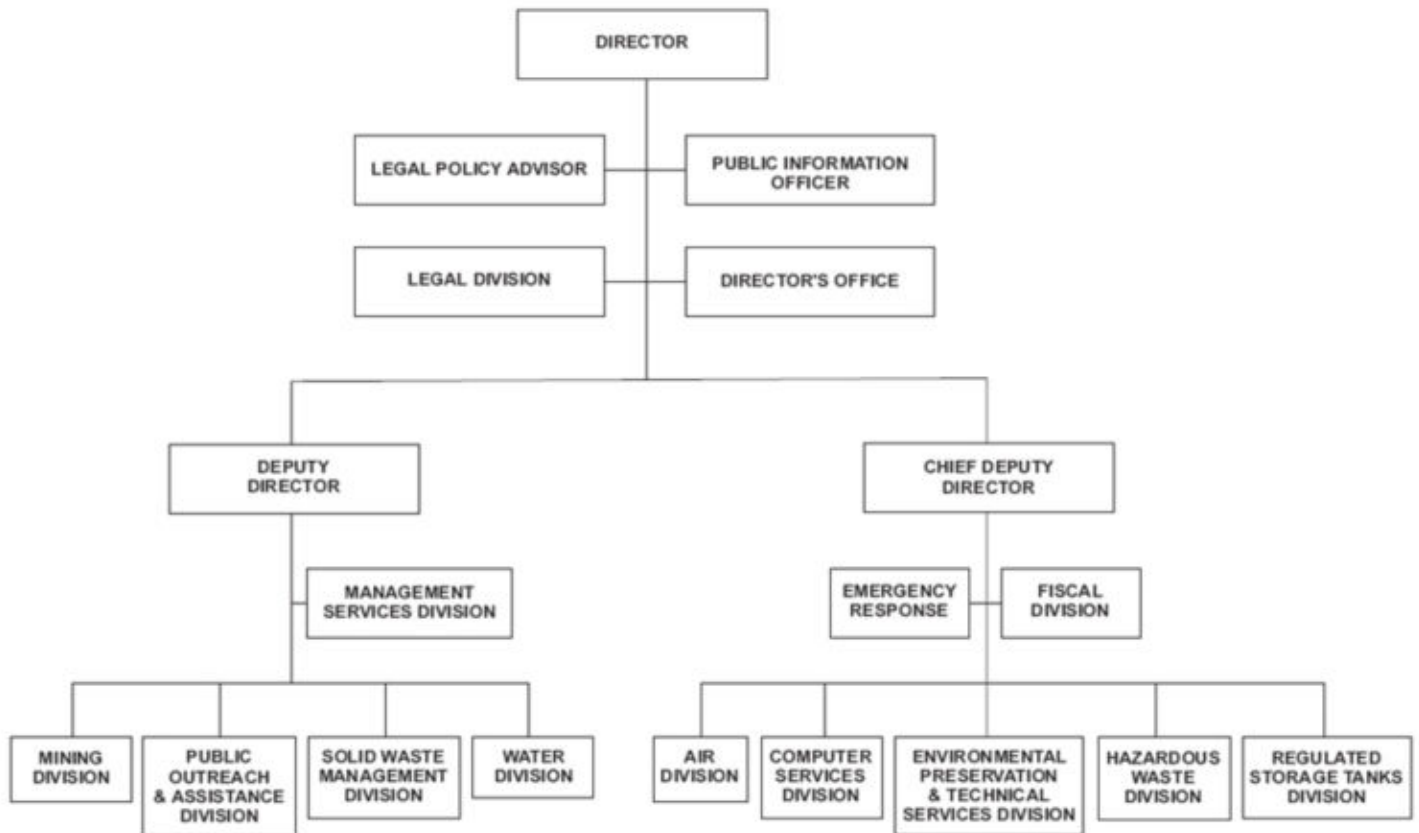
The mission of the Arkansas Department of Environmental Quality is: "To protect, enhance and restore the natural environment for the well-being of all Arkansans." The Agency has a two-part vision of the

future--“We envision Arkansas with clean air, water and land, where all Arkansans strive to conserve and protect these assets for the benefit and enjoyment of this and future generations” and “We envision the Arkansas Department of Environmental Quality as a respected steward of the environment, where proactive, results-oriented staff, operating in a professional atmosphere, inspire Arkansans to conserve and protect our natural resources”.

The Agency’s programs are comprised of four distinct program areas: Air, Water, Land and Environmental Management. The Air Program is responsible for ensuring that the air is clean and healthy. The Water Program is responsible for ensuring that the physical, chemical and biological integrity of all Arkansas’ waters are protected and enhanced. The Land Program, which consists of the regulatory divisions of Solid Waste, Mining, Hazardous Waste, and Regulated Storage Tanks, is responsible for ensuring that land-based activities achieve, maintain and enhance a healthy environment.

The ADEQ Environmental Management Program includes a number of other divisions which are involved in specific environmental activities or which provide general support for other Agency divisions. Program area divisions include the Environmental Preservation and Technical Services Division which provides assistance on environmental impact analyses and restoration activities which are not generally subject to regulation as well as Geographic Information Systems support for program activities. The Public Outreach and Assistance Division assists industries and other regulated entities in understanding and following their statutory and regulatory requirements and ADEQ’s processes for obtaining permits, licenses and registrations. The Emergency Response Program serves as the Agency’s coordinator for overseeing and assisting in the response to environmental emergencies, spills, releases and other conditions that pose an immediate threat to human health and the environment.

The Agency’s support groups consist of the Technical Services Division, which performs environmental sample analyses; the Public Outreach and Assistance Division which maintains the Agency’s official records and interacts with the press; the Computer Services Division, which maintains the Agency’s data network and information processing systems; the Legal Division, which represents the Agency regarding all legal issues and litigation involving permit appeals and enforcement actions, and assists Agency administration in legislative and regulatory matters; the Fiscal Division which is responsible for tracking state appropriations and federal grants, collection and disbursement of various permit fees, other general bookkeeping activities, and permit fee administration. The support group is rounded out by the Management Services Division, which provides support services for such areas as human resource management; telecommunications; and building and fleet operation and maintenance. The Environmental Management Program efficiently and effectively applies its resources and authorities to achieve the highest standards of agency and environmental management.



THIS PAGE LAST UPDATED: 07/14/08

Agency Commentary

The Arkansas Department of Environmental Quality (ADEQ) works to protect and enhance the State's environment through regulatory programs, outreach and educational activities. The Agency consists of four major program areas: Air, Water, Land, and Environmental Management. Our budget request applies the principles of strategic planning to accomplish state and federal mandates.

During the 2007-09 biennium, ADEQ maintained or increased its efforts in the program areas of air, water, land, and environmental management. The budget request found in the following pages continues current mandated programs and addresses emerging environmental issues. Special emphasis is placed on covering projected needs for the biennium through reallocation of base level funding and appropriation.

Estimated federal monies available to the Agency for this biennium are listed below. Full utilization of these funds is contingent on actual Congressional appropriation, availability of matching funds, if required, and specific grant requirements.

PROGRAM	ANNUAL AMOUNT
105 Air Program	\$1,317,480
Ambient Air Monitoring	\$437,002
Abandoned Mine Program (Admin)	\$383,026
RCRA Hazardous Waste	\$905,000
Permanent Mining Program	\$282,246
604 (b) Water Quality Planning	\$100,000
Underground Injection Control	\$89,000
106 Water Pollution Control	\$2,441,955
Superfund Program	\$4,950,000
Abandoned Mine Reclamation	\$1,515,000
Underground Storage Tanks	\$1,182,644
Asbestos/Lead Programs	\$116,234
Pine Bluff Arsenal	\$300,000
Small, Various Grants	\$605,000
Watershed Programs	\$290,208
TOTAL	\$14,914,795

The Agency's budget includes contingency appropriations, which are considered non-operating expenses and are utilized for specific purposes, as needed and funded. These appropriations are utilized for various purposes such as cleanup, remediation and closure activities, reclamation work, and funding of grants for solid waste, recycling, and waste tires collection and handling efforts. Even though some currently reflect appropriation in excess of estimated funding, we are requesting approval of the total amount shown on the Biennial Budget Request forms as monies may become available during the biennium from existing or alternate sources to fully fund any or all of these. The following chart reflects contingency appropriation and bond forfeitures:

APPROP	TOTAL REQUESTED	CONTINGENCY	PURPOSE
2UG	\$7,433,373	\$5,000,000	Landfill Post-Closure Program (Contractual Services) (TLP)
2UC	\$4,650,000	\$1,000,000	Solid Waste & Recycling Program (Recycling grants) (TWS)
2UC	\$2,500,000	\$2,500,000	Solid Waste & Recycling Program (Electronic Waste Recycling Infrastructue) (TWS)
2UA	\$372,655	\$300,000	Emergency Response (Contractual Services) (THS)
2UH	\$6,425,000	\$1,000,000	Waste Tire Recycling Program (Grants) (TTG)
2TU	\$5,700,000	\$4,000,000	State Abandoned Mine Reclamation (Contractual Services) (MAE)
2TW	\$1,520,000	\$1,520,000	Mine Reclamation-Bond Forfeitures (Contractual Services) (TMA)
2TZ	\$6,194,000	\$4,000,000	HazardousWaste Clean Up (Contractual Services) (THS)
2TY	\$500,000	\$500,000	Landfill Closure-Bond Forfeiture (Contractual Services) (MWP)
2TQ	\$2,565,000	\$2,565,000	Federal Operations-Hazardous Waste Clean Up (Contractual Services) (FYP)
2TS	\$950,000	\$950,000	Non-Coal Reclamation-Bond Forfeiture (Contractual Services) (TLR)
2UE	\$18,999,800	\$10,000,000	Petroleum Storage Tank Remediation (Operating Expenses) (TPT)
2UF	\$3,925,000	\$3,925,000	Regulated Storage Tank Remediation (Contractual Services) (FYP)
TOTAL	\$61,734,828	\$37,260,000	

The following paragraphs briefly describe the program's needs requested as changes over the Base Level budget.

The Agency's General Revenue funded appropriation plays a vital role in supporting Agency operations and demonstrating the State's commitment to protecting and enhancing our natural environment, as well as providing match requirements for numerous federal grants. During the 2005-07 biennium, the Agency's General Revenue allocation was reduced to \$2.5 million. Cost of living adjustments increased the allocation to \$2.6 million for the 2007-09 biennium. To offset the loss of General Revenue in the 2005-07 and 2007-09 biennia, funds were transferred from various Agency fee funds. These transfers have significantly reduced balances in these funds to the point of potentially impairing ADEQ's ability to provide state match funds for federal grants and impairing our ability to financially cover the increases we

anticipate experiencing in operating expenses, utilities, and fuel costs in the 2009-11 biennium. Without a modest increase in General Revenue funding, the Agency will have to consider increasing our remaining funding source - fees on the Arkansas businesses we regulate. For the 2009-11 biennium, we are requesting an increase of \$1.5 million each year in the Agency's General Revenue allotment.

AIR DIVISION

The Air Division is responsible for enhancing and protecting human health and the environment by protecting the air we breathe. This is accomplished through the safe management of air pollutants emitted into the air.

Responsibilities of this Division involve maintenance of the National Ambient Air Quality Standards (NAAQS), provisions for air quality monitoring, modeling, and development of emission standards. The Division continues to address 8-hour ozone non-attainment for Crittenden County, which is located in the Memphis Ozone Non-attainment Area. Re-attainment for Crittenden County was not demonstrated in 2007; therefore, the Environmental Protection Agency issued an ozone non-attainment re-designation for this area from "marginal to moderate."

The Division is also planning for a potential future 8-hour ozone non-attainment designation for the Little Rock-North Little Rock Metropolitan Statistical Area. Revisions to existing state regulations will be required to deal with the development of new pollution control strategies for non-attainment areas and proposed changes to the NAAQS.

Legislative and regulatory movement at both the federal and state level to deal with the impact of greenhouse gas emissions on global warming will undoubtedly trigger action by ADEQ during this biennium. These issues will impact several regulatory Divisions within the Agency, but primarily the Air Division. These workload impacts cannot be estimated at this time.

The Division is requesting trust fund (2TX) Capital Outlay appropriation to replace one fleet vehicle each year with a hybrid vehicle. These vehicles will be used by department inspectors to conduct facility inspections and investigate complaints statewide. Additional Capital Outlay is requested to purchase tablet computers for field personnel. Federal (2TQ) Capital Outlay appropriation is requested to purchase tablet computers for field personnel. Special revenue (2UB) Capital Outlay appropriation is requested to purchase tablet computers for field personnel.

WATER DIVISION

The Water Division is responsible for water quality related programs such as: 106 water pollution control, saltwater disposal, water quality planning/standards, groundwater quality protection, clean lakes, concentrated animal feeding operations, and the National Pollutant Discharge Elimination System (NPDES), which includes storm water permitting.

Additionally, the Division is responsible for the Watershed Planning and Environmental Education programs aimed at protecting water quality. The Division coordinates these efforts internally and with other state and federal natural resource and health agencies, as well as local citizens.

Because the Division is funded largely through federal EPA grants (2TQ), program work plans are developed internally and approved in cooperation with EPA Region 6. Environmental education efforts are developed through cooperative partnerships with national partners and state schools.

Recent drilling activities in the Fayetteville Shale Gas Play have substantially increased. Reserve pit authorization requests, an indicator of drilling activity, have increased from an average of 182 in years

1997-2003 to 1,024 in 2007 and 815 by mid-2008. The Arkoma basin and south Arkansas continue to be explored and we believe the drilling presence in central Arkansas will likely cause presently undeveloped areas of the Arkoma basin to be developed, further increasing drilling activities in the coming years.

Under the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended A.C.A. § 8-4-203, et seq) the Agency is charged with the duty to issue permits to prevent the discharge of wastes into waters of the state. In conjunction with drilling activities, the Agency issues permits for land application activities, reserve pits, and storage facilities associated with salt water injection wells. We also perform site inspections and respond to citizen complaints. In order to carry out its charge in overseeing oil and gas exploration activities, it is important for the Agency to have adequate staff.

To address these needs the Division is requesting General Revenue (2TP) appropriation with associated supporting costs for two inspector positions, one inspector supervisor position, and one enforcement administrator position.

Under Section 303(d) of the federal Clean Water Act, states are to develop lists of impaired waterbodies or stream segments. This list is developed every two years after reviewing water quality data collected from streams throughout the State and evaluating the data against assessment criteria. The number of impaired stream segments in Arkansas has risen from 189 in 2004 to 344 in 2006 and an expected 442 in 2008.

In order to address the pollutant impairing a given waterbody, the Clean Water Act requires states to develop a Total Maximum Daily Load (TMDL). A TMDL is a calculation of the amount of a pollutant that an impaired waterbody can receive and still meet water quality standards. In 2000, EPA agreed to establish TMDLs for certain impaired stream segments in Arkansas covered under the terms of a Consent Decree. Over the next biennium, EPA will begin to require ADEQ to develop at least 26 TMDLs for impaired stream segments each year which is expected to cost the Agency in excess of an additional \$500,000 per year.

The Water Division's mission is to restore and maintain water quality in all waters of the State consistent with the economic well being of all its citizens. The requests above will enhance our ability to fulfill that mission as well as meet state and federal mandated performance targets.

LAND PROGRAM

The Land Program encompasses programs administered through the Agency's Divisions of Hazardous Waste, Surface Mining and Reclamation, Regulated Storage Tanks, and Solid Waste. Each of these divisions has specific statutory authority governing their respective programs, which enhances and protects health and the environment through rulemaking, permitting, compliance monitoring, enforcement, site remediation, while encouraging waste minimization, pollution prevention activities, and clean-up/remediation.

---HAZARDOUS WASTE DIVISION

The Hazardous Waste Division implements two distinctly different programs; the first deals principally with active manufacturing and waste management facilities, the second deals with the investigation and cleanup of hazardous substance sites which are either abandoned or inactive.

The Hazardous Waste Division's Active Sites Branch implements the federal and state hazardous waste

management program goals through a state program authorized by the U.S. Environmental Protection Agency. Specific performance measures include establishing appropriate controls (permits, enforcement orders, or remedial action plans) at targeted waste management facilities, monitoring compliance, providing increased compliance assistance and outreach to industry, small businesses, and the public, and implementing timely, fair, and effective enforcement against violators.

The Division's remedial action program includes hazardous substance site cleanup programs implemented under the federal CERCLA statute (known as "Superfund") and State law, specifically the 1985 Remedial Action Trust Fund Act (RATFA) and the 1997 Voluntary Cleanup Act. These programs are funded by federal grants and State trust funds. Chief among these programs is the implementation and expansion of the State's Voluntary Cleanup and Brownfields Redevelopment programs. The Division will continue to improve and enhance its use of risk management techniques, and will stress strong integration of the technical requirements of all voluntary programs.

The Arkansas Remedial Action Trust Fund Hazardous Substance Site Priority List identifies hazardous sites for which expenditures are authorized from the Hazardous Substance Remedial Action Trust Fund. The site priority list includes (8) National Priority sites, (27) State Priority investigative sites and (24) State Priority remediation sites. State funds supplement federal funds during the investigative and site remediation phase. Upon completion of the site remediation phase, the state assumes 100% of the operations and maintenance costs. During the 2009-11 biennium, many of these sites will progress from the cleanup phase to the operations and maintenance phase. Additional Trust fund (2TZ) Operating Expense appropriation is requested to procure technical services, as required, to maintain remedies undertaken at priority sites. To offset this request the Division is requesting to reallocate (2TZ) Contractual Services appropriation to Operating Expense. Special revenue (2TT) Capital Outlay appropriation is requested to replace one vehicle each year, to replace obsolete tablet computers, printers and purchase high-speed scanners to support ADEQ's document management system.

---SURFACE MINING AND RECLAMATION DIVISION

This Division is responsible for all permitting, inspection, and enforcement activities necessary to ensure compliance with the state law concerning various surface mining regulations. These responsibilities include a State program authorized under Public Law 95-87 to regulate all surface coal-mining operations in Arkansas. This includes the Abandoned Mine Lands Program that receives federal grant monies to reclaim dangerous, abandoned pre-law coal mines. The Non-Coal section is responsible for ensuring compliance with the Arkansas Open-Cut Land Reclamation Act, the Arkansas Quarry Operation, and the Reclamation and Safe Closure Act. The Open Cut Land Reclamation Act also includes responsibilities in permitting, inspection, and enforcement of mining operations within the channel of streams in Arkansas.

This Division is responsible for protecting society and the environment from the adverse effects of surface mining activities by ensuring that the reclamation and restoration of affected lands results in future productive use. Performance of these measures can be gauged by determining the acres of known environmentally impacted land returned to productive use.

Federally funded (2TQ) Capital Outlay appropriation is requested to replace one vehicle. This vehicle will be used to conduct facility inspections and investigate complaints statewide.

---REGULATED STORAGE TANK DIVISION

This Division is responsible for the implementation of State and federal laws and regulations concerning

the installation, repair, upgrading, and closure of regulated underground storage tanks in Arkansas, as well as registering, collecting fees and responding to environmental concerns associated with certain aboveground petroleum storage tanks. The Division performs compliance inspections, leak and complaint investigations, emergency responses, oversees and conducts clean-up activities to correct environmental problems at leaking tank sites, conducts trust fund certification and financial assurance reviews for regulated tanks, licenses UST contractors and individuals, and reimburses qualified tank owners for trust fund-eligible corrective actions and third-party claims resulting from leaking tanks.

The Division's performance objectives are to enforce all environmental standards and ensure timely, fair, and effective enforcement for violators of these standards, to expeditiously assess and implement appropriate cleanup of leaking underground storage tanks and certain noted above ground storage tanks, to continue developing outreach materials and conduct compliance workshops to educate the regulated community, to maintain the solvency of the Petroleum Storage Tank Trust Fund, and to provide efficient and timely processing of new/amended notification forms and tank fee collections.

Federally funded (2TQ) Capital Outlay appropriation is requested to replace three fleet vehicles each year with a flex-fuel vehicle. These vehicles will be used by Agency inspectors to conduct facility inspections statewide. Additional Capital Outlay is requested to purchase a laser printer and scanner.

---SOLID WASTE MANAGEMENT DIVISION

This Division is responsible for programs necessary to provide for the siting, permitting, and inspection of existing and proposed solid waste management facilities in Arkansas as well as process waste tire and recycling grant disbursements and program management, solid waste operator licensing, landfill post-closure activities, and engineering standards. The Solid Waste Division provides technical assistance to landfill owners/operators, provides a solid waste liaison service to the Regional Solid Waste Management Districts, conducts recycling workshops that educate and assist the public, industry, local governments, and also offers compliance assistance through regular inspections and audits of permitted facilities.

Special revenue (2TX) Capital Outlay appropriation is requested to replace obsolete Global Positioning System (GPS) units, tablet computers, laptop computers, and purchase high-speed scanners to support ADEQ's document management system.

Special revenue (2UJ) Capital Outlay appropriation is requested to purchase a laptop computer, and replace audiovisual equipment to enhance the Marketing Board's efforts to develop and provide electronic presentations for use in school and public outreach programs.

Trust fund (2UC) Operating Expenses and Capital Outlay appropriation is requested to purchase materials and supplies for inspectors, replace obsolete Global Positioning System (GPS) units, laptop computers, tablet computers, and high-speed scanners to maintain our electronic filing system. The GPS units are used by field personnel to locate illegal dumps and for inspection purposes.

ENVIRONMENTAL MANAGEMENT PROGRAM

The Environmental Management Program encompasses a broad array of activities administered through the Agency's Divisions of Administration, Legal, Computer Service, Public Outreach, and Environmental Preservation and Technical Services.

---ADMINISTRATION

This group is composed of the Office of the Director, Fiscal Division, and the Management Services Office comprising the Human Resources Section, Operations Section, the Public Information Officer and the Emergency Response Section. This group performs the Agency's administrative functions and is responsible for responding to environmental emergencies such as spills from tanker trucks and railcars. During FY08, the Agency requested a supplemental attorney position whose primary focus was to provide advice to the Director on strategies and public policy positions needed to be more proactive, responsive to federal statutory and regulatory actions, case law at the federal and state level and actions by other states that may have an impact on Arkansas. The Agency requests to restore the Legal Policy Advisor position. Salary and Personal Services Matching appropriation (2TX) is requested to support this position.

The Emergency Section is requesting trust fund (2UA) Capital Outlay appropriation to replace the emergency response vehicle.

---SHARED RESOURCES

This area reflects the Agency's overhead costs, such as utilities, phone services, vehicle maintenance, field office leases and other costs that are necessary for all the programs to operate. These costs are shared by funding sources allocated through General Revenue distribution, trust funds, federal programs and special revenue generating programs. General Revenues, special revenues, and federal funding have historically supported department overhead costs.

Special revenue (2TX) Operating Expenses appropriations are requested to address increases in utility and fuel costs and support ongoing operations.

---LEGAL SERVICES DIVISION

This Division is responsible for all legal aspects of the Agency. The Legal Division represents the Agency in all administrative enforcement actions, including the negotiation and review of all final agreements. The Division also represents the Agency in all permit appeals initiated by the regulated entities and/or citizens in communities in which regulated facilities are located. Additionally, the Division advises the Agency on personnel issues and other internal matters, represents ADEQ in fee collection and cost recovery actions, tracks penalties collected in enforcement actions, maintains original signed orders, represents the Agency in civil litigation seeking enforcement of the State's environmental laws and regulations, and drafts regulations and legislation. The Division's efforts also enable each and every Division of the Agency to meet their specific Division goals. Federal (2TQ) Capital Outlay appropriation is requested to replace a tablet computer, and high-speed printer.

---PUBLIC OUTREACH AND ASSISTANCE DIVISION

The Public Outreach and Assistance Division provides non-regulatory environmental assistance and education to communities, businesses, and individuals. The Public Outreach and Assistance Division provides small-businesses technical and regulatory assistance, manages public input regarding ADEQ's permitting and regulatory decisions, and develops informational materials for ADEQ's environmental programs. The Division will continue to utilize revolving loan fund (2UN) appropriation for the Small Business Compliance Assistance and Pollution Prevention Loan Program, providing low interest loans to small businesses, assisting small businesses to comply with environmental requirements, or institute

pollution prevention measures in their business.

Capital Outlay appropriation is requested to upgrade existing equipment, replace tablet computers, scanners and audio-visual equipment in the Environmental Education Fund (2UK) and special revenue fund (2TX), respectively.

---COMPUTER SERVICES DIVISION

This Division is responsible for designing, developing, and maintaining ADEQ's information technology infrastructure. It is a service oriented support arm of the Agency, which encompasses a wide array of duties ranging from designing and maintaining the Agency's computer network, to developing mission critical software, and providing desktop user assistance to the Agency's approximately four hundred staff members.

The Division plans to continue utilizing the Performance Partnership Trust fund (2UQ) balance to complete the development and implementation of the integrated information system, which will play an integral part in consolidating data from multiple environmental areas by facility or incident.

The Environmental Protection Agency (EPA) designed the National Environmental Information Exchange Network to facilitate the electronic transmission of environmental data between entities. The Agency is working with EPA and other states to develop and implement data exchange templates across all of our delegated programs to eliminate duplicate data entry into both state and federal systems as well as improve data quality. The EPA is providing grant funds to ADEQ to accomplish some of this work.

---ENVIRONMENTAL PRESERVATION AND TECHNICAL SERVICES DIVISION

The Environmental Preservation and Technical Services Division is responsible for testing Arkansas' environment and provide input in environmental projects. This includes air, water, soil, hazardous waste, solid waste, and biological samples. The Division also certifies environmental labs, collects fish and other biological samples, and provides assistance for stream restoration and wastewater plant operation.

The Division provides scientific advice to the Director's office concerning a myriad of projects related to federal environmental protection laws that could potentially affect the environment and offers technical services to citizens to effectively manage non-point source pollution. Because the Division is funded largely through federal EPA grants (2TQ), program work plans are developed internally and approved in cooperation with EPA Region 6.

The federal Particulate Matter (PM) 2.5 Air regulations, which are related to non-attainment issues, continue to increase the demand for analytical testing materials and supplies, training and analytical equipment. To address these needs, the Division is requesting increases in federal (2TQ), and trust fund (2TZ) appropriations, respectively.

Federal (2TQ) Capital Outlay appropriation is requested to replace obsolete equipment, such as data loggers, which capture data from continuous monitors, particle matter air monitors and ozone analyzers. Trust fund (2TZ) Capital Outlay appropriation is requested to purchase replacement computers, global position systems (GPS), mobile geographic information workstations, and printers.

POLLUTION CONTROL AND ECOLOGY COMMISSION HEARING OFFICER

This office was created by Act 921 of 1993, which authorized the Pollution Control and Ecology

Commission to hire a full-time, independent administrative hearing officer. The Hearing Officer conducts adjudicatory proceedings initiated by an applicant, violator, or third party on permitting, enforcement, and other decisions rendered by the Arkansas Department of Environmental Quality. The Hearing Officer manages the Commission's office and its staff, and serves as legal counsel (along with the Attorney General's office) to the Commission. The Act also transferred the Commission Secretary from the Agency to this office. Act 1077 of 1993 provided that appropriations for this office are payable from the ADEQ Trust Fee Fund (344), and designates the Agency as disbursing officer for funds appropriated by this Act.

The Commission consists of thirteen commissioners, who attend at least one environmental seminar or conference annually. Additional Conference Fees and Travel appropriation is requested to address increases in travel costs related to fuel, lodging and conference registration. The Commission is requesting to reallocate appropriation from Operating Expenses to offset this request.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

FOR THE YEAR ENDED JUNE 30, 2007

Findings	Recommendations
None	None

Performance Audit Findings

Regulated Storage Tanks – Arkansas Department of Environmental Quality
(July 1, 2005 – June 30, 2006) - Issued 04-11-2008

Findings and Conclusions:

- Late fees were not always assessed in a timely manner.
- Tank owners are allowed to continue business without payment of registration fees. However, non-payment prevents tank owners from receiving Trust Fund assistance if a spill occurs. (Note: Beginning in October 2007, ADEQ was given authority to place a "red tag" on tanks for which the owner has failed to pay registration fees. The red tag indicates the tank is ineligible to receive deliveries of regulated substances.)
- Follow-up inspections were not always performed for non-compliant tanks.
- The federal Environmental Protection Agency snapshot for the Arkansas Underground Storage Tank Trust Fund for fiscal year 2006 projected the fund balance would be sufficient to cover all short and long term liabilities.

Recommendations:

- Late fees be applied to accounts after 30 days and notification be sent immediately to non-compliant tank owners.
- Establish procedures to ensure follow-up inspections are conducted.

Employment Summary

	Male	Female	Total	%
White Employees	188	154	342	90 %
Black Employees	11	22	33	9 %
Other Racial Minorities	1	2	3	1 %
	Total Minorities		36	10 %
	Total Employees		378	100 %

Publications

A.C.A. 25-1-204

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution
		Governor	General Assembly		
None	N/A	N	N	0	N/A

Funding Sources		%		%		%		%		%		%		%		%	
Fund Balance	4000005	66,972,867	50.7	86,133,633	54.3	53,914,885	42.7	53,914,885	41.9	53,914,885	41.9	33,047,799	31.7	33,047,799	31.1	33,047,799	31.1
General Revenue	4000010	2,569,742	1.9	2,636,848	1.7	2,833,730	2.2	4,333,730	3.4	4,333,730	3.4	2,886,809	2.8	4,386,809	4.1	4,386,809	4.1
Federal Revenue	4000020	10,437,266	7.9	26,732,284	16.9	26,262,085	20.8	26,490,185	20.6	26,490,185	20.6	26,388,157	25.3	26,520,457	25.0	26,520,457	25.0
Special Revenue	4000030	27,144,325	20.5	29,183,327	18.4	27,219,797	21.5	27,460,218	21.4	27,460,218	21.4	27,746,720	26.7	27,972,432	26.3	27,972,432	26.3
Trust Fund	4000050	1,795,007	1.4	2,477,348	1.6	3,350,315	2.7	3,643,513	2.8	3,643,513	2.8	2,402,390	2.3	2,664,430	2.5	2,664,430	2.5
Merit Adjustment Fund	4000055	0	0.0	31,194	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Bond Forfeitures	4000120	5,004	0.0	2,970,000	1.9	2,970,000	2.4	2,970,000	2.3	2,970,000	2.3	2,970,000	2.9	2,970,000	2.8	2,970,000	2.8
Interest	4000300	548,378	0.4	554,466	0.3	557,419	0.4	557,419	0.4	557,419	0.4	558,272	0.5	558,272	0.5	558,272	0.5
Investments	4000315	878,535	0.7	342,203	0.2	672,344	0.5	672,344	0.5	672,344	0.5	669,574	0.6	669,574	0.6	669,574	0.6
Loan Repayment	4000330	50,230	0.0	0	0.0	1,100,000	0.9	1,100,000	0.9	1,100,000	0.9	0	0.0	0	0.0	0	0.0
M & R Sales	4000340	82,995	0.1	135,141	0.1	135,000	0.1	135,000	0.1	135,000	0.1	135,000	0.1	135,000	0.1	135,000	0.1
Other	4000370	8,085,649	6.1	7,358,772	4.6	7,319,895	5.8	7,327,895	5.7	7,327,895	5.7	7,301,265	7.0	7,309,265	6.9	7,309,265	6.9
Transfer from Special Revenue	4000565	13,581,950	10.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Transfers / Adjustments	4000683	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total Funds		132,151,948	100.0	158,555,216	100.0	126,335,470	100.0	128,605,189	100.0	128,605,189	100.0	104,105,986	100.0	106,234,038	100.0	106,234,038	100.0
Excess Appropriation/(Funding)		(86,133,633)		(53,914,885)		(19,034,703)		(20,214,978)		(20,215,978)		1,037,345		(232,429)		(233,429)	
Grand Total		46,018,315		104,640,331		107,300,767		108,390,211		108,389,211		105,143,331		106,001,609		106,000,609	

The Budget amounts in Appropriations 2TR, 2TT,2TZ, 2UA, 2UB, 2UC, and 2UK exceed the Authorized amounts due to salary and matching rate adjustments during the 2007-2009 biennium.

The Actual amounts exceed Authorized amounts in appropriations 2UN and 2UR because they are biennial appropriations.

A one time transfer from Special Revenue was made in appropriation 2TX to move a Special Revenue fund balance of \$13,581,950 into a Trust fund.

Transfers/Adjustments - Special Language allows an annual transfer from various departments into appropriation 2TP if General Revenue funding is unable to cover expenditures.

The fund balances do not flow from FY10 to FY11 due unfunded/contingency appropriation (2TP, 2TZ, 2UC, 2UE, 2UG, 2UH, 2UK, 2UQ, 2US).

Agency Position Usage Report

FY2006 - 2007						FY2007 - 2008						FY2008 - 2009					
Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused
	Filled	Unfilled	Total	Total			Total	Total	Filled	Unfilled			Total	Total	Filled	Unfilled	
420	382	32	414	6	9.05 %	423	377	46	423	0	10.87 %	423	378	45	423	0	10.64 %

Analysis of Budget Request

Appropriation: 2TP - ADEQ - State Operations

Funding Sources: HMA - ADEQ Fund

The Agency utilizes this appropriation for the general operations of various programs and for matching of federal grants. Historically, this appropriation was funded by General Revenue, and other non-revenue receipt deposits along with contributions from other agencies. The 86th General Assembly provided for partial funding be provided through General Revenue and for special language allowing for transfers from various funds within the Agency. In FY08 transfers amounting to \$909,353 were made from appropriations 2TT (\$300,000), 2TX (\$409,353), and 2UE (\$200,000).

A Base Level position was changed from unclassified to classified to reflect the recommendation of the Pay Plan Study and the salary was adjusted accordingly. Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study and unclassified positions reflect similar adjustments in line item salaries. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

Due to recent drilling activities in the Fayetteville Shale, the reserve pit authorization requests (an indicator of drilling activity) have increased substantially from an average of 182 in years 1997-2003 to 1,024 in 2007 and 815 by mid-2008. The Arkoma basin and south Arkansas continue to be explored and the drilling presence in central Arkansas will likely cause presently undeveloped areas of the Arkoma basin to be developed, further increasing drilling activities in the coming years.

ADEQ is charged with the duty to issue permits to prevent the discharge of wastes into waters of the state. In conjunction with drilling activities, the Agency issues permits for land application activities, reserve pits, and storage facilities associated with salt-water injection wells. The Agency also performs site inspections and respond to citizen complaints.

In order to oversee oil and gas exploration activities, it is important for the Agency to have adequate staff. The request for this appropriation includes a Base level of \$4,085,444 in FY10 and \$4,152,606 in FY11 and the following:

- To address needs in relation to the regulatory impact of the recent growth in activity regarding the Fayetteville Shale, ADEQ is requesting four positions with associated supporting costs. These positions are: one (1) ADEQ Inspector Supervisor, one (1) ADEQ Enforcement Coordinator, and two (2) ADEQ Inspectors. The total change in Regular Salaries is \$146,213 in FY10 and \$149,573 in FY11 along with associated matching.
- Increases of \$45,500 in FY10 and \$23,000 in FY11 are requested in Operating Expenses to accommodate the new positions through the purchasing of office furniture, supplies, travel costs, meals and lodging.
- Existing program increase for Capital Outlay \$57,500 in FY10 to purchase new equipment to support the new positions and to replace obsolete equipment that will be used by the Water Division for analytical testing.

- Technology increase for Capital Outlay \$13,500 for FY10 will be used by the Water Division to purchase four (4) computers and software that will be used by the requested positions for support of permitting, compliance monitoring, inspections, and other enforcement activities.
- Increase in General Revenue funding \$1,180,275 for FY10 and \$1,269,774 for FY11. The increase would return the Agency to previous levels of General Revenue funding.

The Executive Recommendation provides for the Agency Request, which includes an increase in General Revenue funding in the amount of \$1,180,275 for FY10 and \$1,269,774 for FY11.

Appropriation Summary

Appropriation: 2TP - ADEQ - State Operations

Funding Sources: HMA - ADEQ Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			2010-2011		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010 Base Level	2009-2010 Agency	2009-2010 Executive	2010-2011 Base Level	2010-2011 Agency	2010-2011 Executive
Regular Salaries	5010000	2,618,188	2,831,141	2,852,968	2,918,414	3,064,627	3,064,627	2,974,670	3,124,243	3,124,243
#Positions		59	59	59	58	62	62	58	62	62
Extra Help	5010001	14,392	25,674	25,674	25,674	25,674	25,674	25,674	25,674	25,674
#Extra Help		1	1	1	1	1	1	1	1	1
Personal Services Matching	5010003	736,029	766,357	824,280	854,272	902,584	902,584	865,178	914,131	914,131
Operating Expenses	5020002	215,108	268,269	268,269	268,269	313,769	313,769	268,269	291,269	291,269
Conference & Travel Expenses	5050009	10,553	14,715	14,715	14,715	23,415	23,415	14,715	23,415	23,415
Professional Fees	5060010	0	4,100	4,100	4,100	4,100	4,100	4,100	4,100	4,100
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	6,202	9,500	9,500	0	71,000	71,000	0	0	0
Total		3,600,472	3,919,756	3,999,506	4,085,444	4,405,169	4,405,169	4,152,606	4,382,832	4,382,832

Funding Sources										
Fund Balance	4000005	254,748	286,463		0	0	0	0	0	0
General Revenue	4000010	2,565,776	2,632,871		2,829,753	4,329,753	4,329,753	2,882,832	4,382,832	4,382,832
Merit Adjustment Fund	4000055	0	31,194		0	0	0	0	0	0
Other	4000370	157,058	59,875		75,416	75,416	75,416	0	0	0
Transfers / Adjustments	4000683	909,353	909,353		0	0	0	0	0	0
Total Funding		3,886,935	3,919,756		2,905,169	4,405,169	4,405,169	2,882,832	4,382,832	4,382,832
Excess Appropriation/(Funding)		(286,463)	0		1,180,275	0	0	1,269,774	0	0
Grand Total		3,600,472	3,919,756		4,085,444	4,405,169	4,405,169	4,152,606	4,382,832	4,382,832

Authorized number of positions exceeds the Base Level number due to the flexibility inherent in the authorization of all positions through one salary section in the appropriation act.

Other Revenue is comprised of miscellaneous administrative fees collected by the Agency.

Transfers/Adjustments - Special Language allows a transfer from various departments into appropriation 2TP if General Revenue funding is unable to cover the expenditures. In the 2007-09 biennium, transfers were made from appropriations 2TT, 2TX and 2UE.

Change Level by Appropriation

Appropriation: 2TP - ADEQ - State Operations

Funding Sources: HMA - ADEQ Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	4,085,444	58	4,085,444	100.0	4,152,606	58	4,152,606	100.0
C01	Existing Program	306,225	4	4,391,669	107.5	230,226	4	4,382,832	105.5
C08	Technology	13,500	0	4,405,169	107.8	0	0	4,382,832	105.5

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	4,085,444	58	4,085,444	100.0	4,152,606	58	4,152,606	100.0
C01	Existing Program	306,225	4	4,391,669	107.5	230,226	4	4,382,832	105.5
C08	Technology	13,500	0	4,405,169	107.8	0	0	4,382,832	105.5

Justification

C01	To address needs in relation to the regulatory impact of the recent escalation of activity regarding the Fayetteville Shale, ADEQ is requesting four positions with associated supporting costs. These positions are: one (1) ADEQ Inspector Supervisor, one (1) ADEQ Enforcement Coordinator, and two (2) ADEQ Inspectors. The total change in Regular Salaries is \$146,213 in FY10 and \$149,573 in FY11 along with associated matching. Increases of \$45,500 in FY10 and \$23,000 in FY11 are requested in Operating Expenses to accommodate these new positions through the purchasing of office furniture, supplies, travel costs, meals and lodging.
C08	The Agency is requesting \$13,500 in Capital Outlay appropriation to purchase tablet personal computers for the four (4) requested positions. The tablet computers allow field personnel to access agency files and records from remote locations. This request is in compliance with the Agency's Information Technology (IT) Plan (IT Support Costs/Hardware and Software).

Analysis of Budget Request

Appropriation: 2TQ - ADEQ - Federal Operations

Funding Sources: FYP - Federal Funds

ADEQ utilizes this appropriation for the federal portion of program activities. Federal funding is received from the Environmental Protection Agency and the US Department of Interior. Currently, the Agency operates under the grants with varying amounts of state matching requirements.

Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency's requests above Base Level of \$16,637,085 in FY10 and \$16,763,157 in FY11 are as follows:

- An increase in Capital Outlay of \$219,350 for FY10 and \$120,350 for FY11 will provide for replacement of fleet vehicles in both the Mining and Regulated Storage Tank Divisions. The average age of vehicles in these departments is over 6 years and the mileage averages above 100,000. In addition, increases will be utilized to replace obsolete equipment (data loggers, particle matter air monitors, and ozone analyzers) in the Environmental Preservation and Technical Services Division.
- Technology related Capital Outlay increase of \$8,750 in FY10 and \$11,950 in FY11 for the purpose of replacing obsolete laptops and software, a scanner, and a printer that will support ADEQ's electronic filing system and maintain an electronic database in order to support Agency missions.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2TQ - ADEQ - Federal Operations

Funding Sources: FYP - Federal Funds

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			2010-2011		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010 Base Level	2009-2010 Agency	2009-2010 Executive	2010-2011 Base Level	2010-2011 Agency	2010-2011 Executive
Regular Salaries	5010000	4,350,351	4,950,980	5,064,693	5,209,403	5,209,403	5,209,403	5,315,451	5,315,451	5,315,451
#Positions		115	117	117	116	116	116	116	116	116
Extra Help	5010001	64,934	148,585	148,585	148,585	148,585	148,585	148,585	148,585	148,585
#Extra Help		22	62	62	62	62	62	62	62	62
Personal Services Matching	5010003	1,348,116	1,422,947	1,528,348	1,588,510	1,588,510	1,588,510	1,608,534	1,608,534	1,608,534
Operating Expenses	5020002	2,855,825	4,309,060	4,667,447	4,309,060	4,309,060	4,309,060	4,309,060	4,309,060	4,309,060
Conference & Travel Expenses	5050009	109,614	271,126	329,812	271,126	271,126	271,126	271,126	271,126	271,126
Professional Fees	5060010	128,229	2,045,401	2,394,105	2,045,401	2,045,401	2,045,401	2,045,401	2,045,401	2,045,401
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	617,637	1,394,185	1,755,333	500,000	728,100	728,100	500,000	632,300	632,300
Contractual Services	5900043	276,325	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000
Total		9,751,031	17,107,284	18,453,323	16,637,085	16,865,185	16,865,185	16,763,157	16,895,457	16,895,457

Funding Sources										
Federal Revenue	4000020	9,751,031	17,107,284		16,637,085	16,865,185	16,865,185	16,763,157	16,895,457	16,895,457
Total Funding		9,751,031	17,107,284		16,637,085	16,865,185	16,865,185	16,763,157	16,895,457	16,895,457
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		9,751,031	17,107,284		16,637,085	16,865,185	16,865,185	16,763,157	16,895,457	16,895,457

Authorized number of Positions exceeds the Base Level number due to the flexibility inherent in the authorization of all positions through one salary section in the appropriation act.

Capital Outlay in the amount of \$500,000 is included in Base Level to provide for the Agency's capital lease.

Change Level by Appropriation

Appropriation: 2TQ - ADEQ - Federal Operations

Funding Sources: FYP - Federal Funds

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	16,637,085	116	16,637,085	100.0	16,763,157	116	16,763,157	100.0
C01	Existing Program	219,350	0	16,856,435	101.3	120,350	0	16,883,507	100.7
C08	Technology	8,750	0	16,865,185	101.4	11,950	0	16,895,457	100.8

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	16,637,085	116	16,637,085	100.0	16,763,157	116	16,763,157	100.0
C01	Existing Program	219,350	0	16,856,435	101.3	120,350	0	16,883,507	100.7
C08	Technology	8,750	0	16,865,185	101.4	11,950	0	16,895,457	100.8

Justification

C01	The Agency is requesting a total of \$219,350 in FY10 and \$120,350 in FY11 in Existing Program Capital Outlay increases. Various fleet vehicles in both the Mining and Regulated Storage Tank Divisions need to be replaced. The average vehicle in each Division is approximately six years old with mileage exceeding 100,000 miles. The Environmental Preservation & Technical Services Division is requesting Capital Outlay appropriation to replace obsolete equipment including data loggers (which capture data from continuous monitors) particle matter air monitors and ozone analyzers.
C08	The Air Division is requesting Capital Outlay appropriation to replace a tablet personal computer for a field inspector. The tablet computer allows field personnel to access agency files and records from remote locations. The Regulated Storage Tank Division is requesting Capital Outlay to replace a printer and scanner. This change is necessary to provide operational support to address permitting, compliance monitoring, inspection, and enforcement activities. The Legal Division is requesting Capital Outlay to replace a tablet computer, and high-speed printer. This change is necessary to support department operations and in compliance with the Agency's Information Technology (IT) Plan (IT Support Costs/Hardware and Software).

Analysis of Budget Request

Appropriation: 2TR - Waste Water Licensing

Funding Sources: MWW - Waste Water Licensing Fund

This appropriation is utilized to operate the Waste Water Licensing Program. Pursuant to A.C.A. §8-5-209, funding is derived from licensing fees collected from wastewater treatment plant operations.

The Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Services payments for eligible employees. Personal Services Matching includes a \$75 increase in monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency Request is for Base Level of \$149,073 in FY10 and \$151,542 in FY11.

The Executive Recommendation provides for Agency Request.

Appropriation Summary

Appropriation: 2TR - Waste Water Licensing
Funding Sources: MWW - Waste Water Licensing Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	36,887	39,435	37,087	90,235	90,235	90,235	92,308	92,308	92,308
#Positions		1	1	1	2	2	2	2	2	2
Personal Services Matching	5010003	11,513	11,409	11,388	27,117	27,117	27,117	27,513	27,513	27,513
Operating Expenses	5020002	11,594	26,632	26,632	26,632	26,632	26,632	26,632	26,632	26,632
Conference & Travel Expenses	5050009	2,409	5,089	5,089	5,089	5,089	5,089	5,089	5,089	5,089
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		62,403	82,565	80,196	149,073	149,073	149,073	151,542	151,542	151,542
Funding Sources										
Fund Balance	4000005	367,912	444,984		499,919	499,919	499,919	465,507	465,507	465,507
Special Revenue	4000030	139,475	137,500		114,661	114,661	114,661	117,527	117,527	117,527
Total Funding		507,387	582,484		614,580	614,580	614,580	583,034	583,034	583,034
Excess Appropriation/(Funding)		(444,984)	(499,919)		(465,507)	(465,507)	(465,507)	(431,492)	(431,492)	(431,492)
Grand Total		62,403	82,565		149,073	149,073	149,073	151,542	151,542	151,542

The Budget amount in Regular Salaries and Personal Services Matching exceeds the Authorized amount due to salary and matching rate adjustments during the 2007-2009 biennium.

Base Level number of Positions exceeds the Authorized number due to the flexibility inherent in the authorization of all positions through one salary section in appropriation acts.

Analysis of Budget Request

Appropriation: 2TS - Land Reclamation

Funding Sources: TLR - Land Reclamation Fund

The Agency utilizes this appropriation for Reclamation Projects, which would be funded by bond forfeitures on non-coal activities, such as sand and gravel (A.C.A. §15-57-319). Bonds are required on land to be mined in the event the land is not reclaimed to the specifications of the Department of Environmental Quality.

The Agency Request is for Base Level of \$950,000 each year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2TS - Land Reclamation

Funding Sources: TLR - Land Reclamation Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Reclamation Contracts 5900043	0	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000
Total	0	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000
Funding Sources									
Bond Forfeitures 4000120	0	950,000		950,000	950,000	950,000	950,000	950,000	950,000
Total Funding	0	950,000		950,000	950,000	950,000	950,000	950,000	950,000
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	0	950,000		950,000	950,000	950,000	950,000	950,000	950,000

Analysis of Budget Request

Appropriation: 2TT - Hazardous Waste Permit Program

Funding Sources: SHW - Hazardous Waste Permit Fund

This appropriation is used for operation of the Hazardous Waste Permit Program. Fees were established to recover the costs of processing permit applications and permit renewal proceedings; on-site inspections and monitoring; the certification of personnel to operate hazardous waste treatment, storage, or disposal facilities; and other departmental activities to assure that generators of hazardous waste and facilities are complying with current law (A.C.A. §19-6-434).

The Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Services payments for eligible employees. Personal Services Matching includes a \$75 increase in monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

In addition to Base Level of \$1,410,053 in FY10 and \$1,433,630 in FY11, the Agency is requesting an increase in Capital Outlay of \$30,000 each year to replace one vehicle each year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2TT - Hazardous Waste Permit Program

Funding Sources: SHW - Hazardous Waste Permit Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			2010-2011		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010 Base Level	2009-2010 Agency	2009-2010 Executive	2010-2011 Base Level	2010-2011 Agency	2010-2011 Executive
Regular Salaries	5010000	726,393	801,500	739,320	836,835	836,835	836,835	856,634	856,634	856,634
#Positions		19	19	19	19	19	19	19	19	19
Extra Help	5010001	0	15,795	15,795	15,795	15,795	15,795	15,795	15,795	15,795
#Extra Help		0	1	1	1	1	1	1	1	1
Personal Services Matching	5010003	222,592	234,074	221,766	258,169	258,169	258,169	261,947	261,947	261,947
Overtime	5010006	0	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250
Operating Expenses	5020002	151,642	197,304	197,304	197,304	197,304	197,304	197,304	197,304	197,304
Conference & Travel Expenses	5050009	12,773	47,700	47,700	47,700	47,700	47,700	47,700	47,700	47,700
Professional Fees	5060010	234	53,000	53,000	53,000	53,000	53,000	53,000	53,000	53,000
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	13,000	13,000	0	30,000	30,000	0	30,000	30,000
Total		1,113,634	1,363,623	1,289,135	1,410,053	1,440,053	1,440,053	1,433,630	1,463,630	1,463,630

Funding Sources										
Fund Balance	4000005	4,742,839	4,611,323		4,651,061	4,651,061	4,651,061	4,700,892	4,700,892	4,700,892
Special Revenue	4000030	1,132,199	1,568,361		1,317,479	1,347,479	1,347,479	1,351,166	1,381,166	1,381,166
Other	4000370	149,919	135,000		142,405	142,405	142,405	145,965	145,965	145,965
Transfers / Adjustments	4000683	(300,000)	(300,000)		0	0	0	0	0	0
Total Funding		5,724,957	6,014,684		6,110,945	6,140,945	6,140,945	6,198,023	6,228,023	6,228,023
Excess Appropriation/(Funding)		(4,611,323)	(4,651,061)		(4,700,892)	(4,700,892)	(4,700,892)	(4,764,393)	(4,764,393)	(4,764,393)
Grand Total		1,113,634	1,363,623		1,410,053	1,440,053	1,440,053	1,433,630	1,463,630	1,463,630

The Actual and/or Budget amounts in Regular Salaries and Personal Services Matching exceed the Authorized amount due to salary and matching rate adjustments during the 2007-2009 biennium.

Other funding is comprised of fees collected from two Arkansas companies which use an extraordinary amount of regulatory manpower and compensate the Agency accordingly.

Transfers/Adjustments - Special Language allows an annual transfer from various departments into State Operations (appropriation 2TP) if General Revenue funding is unable to cover expenditures.

Change Level by Appropriation

Appropriation: 2TT - Hazardous Waste Permit Program

Funding Sources: SHW - Hazardous Waste Permit Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	1,410,053	19	1,410,053	100.0	1,433,630	19	1,433,630	100.0
C01	Existing Program	22,000	0	1,432,053	101.6	22,000	0	1,455,630	101.5
C08	Technology	8,000	0	1,440,053	102.1	8,000	0	1,463,630	102.1

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	1,410,053	19	1,410,053	100.0	1,433,630	19	1,433,630	100.0
C01	Existing Program	22,000	0	1,432,053	101.6	22,000	0	1,455,630	101.5
C08	Technology	8,000	0	1,440,053	102.1	8,000	0	1,463,630	102.1

Justification

C01	The Hazardous Waste Division is requesting Capital Outlay to replace one vehicle each year. These vehicles will be used by department inspectors to conduct facility inspections and investigate complaints statewide. The average department vehicle is approximately six years old with mileage exceeding 100,000 miles.
C08	The Hazardous Waste Division is requesting Capital Outlay to replace obsolete tablet computers; printers and purchase high-speed scanners to support the department's electronic filing system. This change is necessary to provide operational support to address permitting, compliance monitoring, inspections, and enforcement activities. This request is in compliance with the Agency's Information Technology (IT) Plan (IT Support Costs/Hardware and Software).

Analysis of Budget Request

Appropriation: 2TU - Reclamation of Abandoned Mines - State

Funding Sources: MAE - Abandoned Mine Reclamation Fund

The Agency utilizes the Reclamation of Abandoned Mines appropriation to expend funds received from the U.S. Department of Interior - Office of Surface Mining for reclamation of land that was mined prior to the adoption of mining regulations in 1977.

The Agency Request is for Base Level of \$5,700,000 each year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2TU - Reclamation of Abandoned Mines - State

Funding Sources: MAE - Abandoned Mine Reclamation Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Abandoned Mine Reclamation Cor 5900043	337,021	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000
Total	337,021	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000
Funding Sources									
Federal Revenue 4000020	337,021	5,700,000		5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000
Total Funding	337,021	5,700,000		5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	337,021	5,700,000		5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000

Analysis of Budget Request

Appropriation: 2TV - Surface Coal Mining

Funding Sources: MAF - Surface Coal Mining Operation Fund

The Agency utilizes this appropriation to administer and enforce the Arkansas Surface Coal Mining Reclamation Code. Pursuant to A.C.A. §15-58-508, permit fees collected from coal and lignite-mining operations fund the appropriation.

The Agency Request is for Base Level in the amount of \$15,000 for each year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2TV - Surface Coal Mining
Funding Sources: MAF - Surface Coal Mining Operation Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses	5020002	3,781	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Conference & Travel Expenses	5050009	0	0	0	0	0	0	0	0	0
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	3,959	5,000	5,000	0	0	0	0	0	0
Total		7,740	20,000	20,000	15,000	15,000	15,000	15,000	15,000	15,000
Funding Sources										
Fund Balance	4000005	36,465	35,335		18,435	18,435	18,435	6,713	6,713	6,713
Other	4000370	6,610	3,100		3,278	3,278	3,278	3,300	3,300	3,300
Total Funding		43,075	38,435		21,713	21,713	21,713	10,013	10,013	10,013
Excess Appropriation/(Funding)		(35,335)	(18,435)		(6,713)	(6,713)	(6,713)	4,987	4,987	4,987
Grand Total		7,740	20,000		15,000	15,000	15,000	15,000	15,000	15,000

Other funding is comprised of Coal Permit Fees collected pursuant to A.C.A. §15-58-508.

Analysis of Budget Request

Appropriation: 2TW - Mining Reclamation

Funding Sources: TMA - Mine Reclamation Trust Fund

The Agency utilizes this appropriation for bond forfeitures on coal or lignite mined lands. When mine land in Arkansas is cut for coal or lignite, a bond must be put up in the amount agreed upon by the Agency for reclamation of the area. In the event reclamation efforts fail, the bond is forfeited and the Agency is responsible for contracting for the reclamation work. The Mining Reclamation Fund may only be used to accomplish reclamation of land covered by forfeitures of performance bonds.

The Agency Request is for Base Level of \$1,520,000 each year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2TW - Mining Reclamation

Funding Sources: TMA - Mine Reclamation Trust Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Mining Reclamation Contractual S 5900043	0	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000
Total	0	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000
Funding Sources									
Bond Forfeitures 4000120	0	1,520,000		1,520,000	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000
Total Funding	0	1,520,000		1,520,000	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	0	1,520,000		1,520,000	1,520,000	1,520,000	1,520,000	1,520,000	1,520,000

Analysis of Budget Request

Appropriation: 2TX - Fee Administration

Funding Sources: TPE - ADEQ Fee Trust Fund

Act 817 of 1983 (A.C.A. §8-1-103), as amended, authorized the Agency to establish and collect permit fees for Air, Water, and Solid Waste permitting, monitoring and inspecting activities. During the 79th General Assembly, various limits on permits were included, with the Agency revising the rate structures. The fees, as established by the Agency in accordance with stipulations set out in the Act, were increased effective in October of 1993. Further, the Federal Clean Air Act has required a permit fee system to cover the costs of compliance with this law.

In FY08 there was a onetime transfer of the fund balance of \$13,581,950 from Special Revenue to reflect the change of fund type to a Trust fund which was approved by the 86th General Assembly. Special Language allows for transfers from various funds to supplement the funding in ADEQ State Operations (appropriation 2TP). The Agency transferred \$409,353 in each year of the 2007-09 biennium.

Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency requests the following in addition to Base Level of \$13,852,980 in FY10 and \$14,022,740 in FY11:

- Increase in Capital Outlay \$74,500 for FY10 and \$54,300 for FY11 to provide one (1) hybrid vehicle to the Air Division each year, along with one (1) large format laminator and replacement of obsolete office equipment in the Public Outreach Division.
- Continuation of a currently authorized supplemental position (Legal Policy Advisor) as a regular position for the purpose of advising the Director on public policy decisions, to better respond to federal statutory and regulatory actions, and to focus on changes in federal case law. The Agency surrendered an unfilled chemist position in exchange for this position in FY09, the Regular Salaries line item for this position is \$81,240 in FY10 and \$86,163 in FY11 along with associated matching.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2TX - Fee Administration
Funding Sources: TPE - ADEQ Fee Trust Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			2010-2011		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010 Base Level	2009-2010 Agency	2009-2010 Executive	2010-2011 Base Level	2010-2011 Agency	2010-2011 Executive
Regular Salaries	5010000	5,944,366	6,629,030	6,621,979	6,991,604	7,075,844	7,075,844	7,134,156	7,220,319	7,220,319
#Positions		162	163	163	164	165	165	164	165	165
Extra Help	5010001	29,341	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000
#Extra Help		6	6	6	6	6	6	6	6	6
Personal Services Matching	5010003	1,853,247	1,951,775	2,040,272	2,174,298	2,195,479	2,195,479	2,201,506	2,223,055	2,223,055
Supplemental Emerg Positions	5010007	0	81,600	0	0	0	0	0	0	0
Operating Expenses	5020002	888,084	1,383,468	1,383,468	1,383,468	1,383,468	1,383,468	1,383,468	1,383,468	1,383,468
Conference & Travel Expenses	5050009	96,397	152,389	152,389	152,389	152,389	152,389	152,389	152,389	152,389
Professional Fees	5060010	910,349	2,056,221	2,137,821	2,056,221	2,056,221	2,056,221	2,056,221	2,056,221	2,056,221
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	1,091,266	1,181,450	1,181,450	1,050,000	1,124,500	1,124,500	1,050,000	1,104,300	1,104,300
Total		10,813,050	13,480,933	13,562,379	13,852,980	14,032,901	14,032,901	14,022,740	14,184,752	14,184,752

Funding Sources										
Fund Balance	4000005	0	13,710,692		11,599,403	11,599,403	11,599,403	9,316,904	9,316,904	9,316,904
Special Revenue	4000030	11,351,145	11,778,997		11,570,481	11,750,402	11,750,402	11,876,858	12,038,870	12,038,870
Transfer from Special Revenue	4000565	13,581,950	0		0	0	0	0	0	0
Transfers / Adjustments	4000683	(409,353)	(409,353)		0	0	0	0	0	0
Total Funding		24,523,742	25,080,336		23,169,884	23,349,805	23,349,805	21,193,762	21,355,774	21,355,774
Excess Appropriation/(Funding)		(13,710,692)	(11,599,403)		(9,316,904)	(9,316,904)	(9,316,904)	(7,171,022)	(7,171,022)	(7,171,022)
Grand Total		10,813,050	13,480,933		13,852,980	14,032,901	14,032,901	14,022,740	14,184,752	14,184,752

The Budget amount in Regular Salaries exceeds the Authorized amount due to salary adjustments during the 2007-2009 biennium.

Base Level number of Positions exceeds the Authorized number due to the flexibility inherent in the authorization of all positions through one salary section in the appropriation act.

The one time transfer from Special Revenue in FY08 is a balance transfer within in this appropriation due to the change of fund type to a trust fund during the last biennium.

Transfers/Adjustments - Special Language allows an annual transfer from various departments into State Operations (appropriation 2TP) if General Revenue funding is unable to cover expenditures.

Change Level by Appropriation

Appropriation: 2TX - Fee Administration
Funding Sources: TPE - ADEQ Fee Trust Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	13,852,980	164	13,852,980	100.0	14,022,740	164	14,022,740	100.0
C01	Existing Program	31,500	0	13,884,480	100.2	25,000	0	14,047,740	100.2
C06	Restore Position/Approp	105,421	1	13,989,901	101.0	107,712	1	14,155,452	100.9
C08	Technology	43,000	0	14,032,901	101.3	29,300	0	14,184,752	101.2

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	13,852,980	164	13,852,980	100.0	14,022,740	164	14,022,740	100.0
C01	Existing Program	31,500	0	13,884,480	100.2	25,000	0	14,047,740	100.2
C06	Restore Position/Approp	105,421	1	13,989,901	101.0	107,712	1	14,155,452	100.9
C08	Technology	43,000	0	14,032,901	101.3	29,300	0	14,184,752	101.2

Justification

C01	Air Division - Capital Outlay appropriation is requested to replace as required, one fleet vehicle each year with a hybrid vehicle. These vehicles will be used by Agency inspectors to conduct facility inspections and investigate complaints statewide. The average vehicle is approximately six years old with mileage exceeding 100,000 miles. The Public Outreach Division is requesting Capital Outlay to replace a large format laminator and existing office equipment. This change is necessary to support Agency operations and provide environmental education presentations for use in schools and public outreach programs.
C06	Administration - During FY08, ADEQ requested a supplemental attorney position whose primary focus was to provide advice to the Director on strategies and public policy positions needed to be more proactive, responsive to federal statutory and regulatory actions, case law at the federal and state level and actions by other states that may have an impact on Arkansas. The Agency requests to restore the Legal Policy Advisor position.
C08	Air Division - Capital Outlay appropriation is requested to replace tablet personal computers for field inspectors. The tablet computers allow field personnel to access agency files and records from remote locations. The Solid Waste Division is requesting Capital Outlay to purchase replacement computers, scanners, and global positioning system (GPS) units. This change is necessary to provide operational support to address permitting, compliance monitoring, inspection, and enforcement activities. The Public Outreach Division is requesting Capital Outlay to replace a tablet computer and audio-visual equipment used for public outreach presentations. This change is necessary to support Agency operations. All requests are in compliance with the Agency Information Technology (IT) Plan (IT Support Costs/Hardware & Software).

Analysis of Budget Request

Appropriation: 2TY - Solid Waste Performance Bonds

Funding Sources: MWP - Solid Waste Performance Bond Fund

The Agency utilizes this appropriation for payment to contractors for the proper closure of solid waste facilities. If a city, county, or individual in Arkansas were to open a landfill, a performance bond would be put up to insure proper closure of the site once it is complete if the site does not meet requirements of the Pollution Control and Ecology Commission, the bond is forfeited and the Agency contracts the remediation work.

The Agency Request is for Base Level of \$500,000 each year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2TY - Solid Waste Performance Bonds
Funding Sources: MWP - Solid Waste Performance Bond Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2007-2008	2008-2009	2008-2009	2009-2010			2010-2011		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Solid Waste Performance Bonds C 5900043	5,004	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Total	5,004	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Funding Sources									
Bond Forfeitures 4000120	5,004	500,000		500,000	500,000	500,000	500,000	500,000	500,000
Total Funding	5,004	500,000		500,000	500,000	500,000	500,000	500,000	500,000
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	5,004	500,000		500,000	500,000	500,000	500,000	500,000	500,000

Analysis of Budget Request

Appropriation: 2TZ - Hazardous Waste Cleanup

Funding Sources: THS - Hazardous Substance Remedial Action Trust Fund

The Hazardous Substance Remedial Action Trust Fund was established by Act 479 of 1985 (A.C.A. §8-7-509). Funding is derived from fees, donations, damages, and any other monies legally designated for the fund. The Agency utilizes this appropriation for administrative costs and expenses of providing for inspection, identification, containment, abatement, treatment, and control of hazardous substance sites. In addition, ten percent (10%) of the monies collected for the Hazardous Substance Remedial Action Trust Fund are deposited into the Environmental Education Fund up to \$275,000 per fiscal year. This appropriation contains \$4,000,000 of unfunded contingency appropriation that is utilized when necessary for corrective actions. This contingency is for Hazardous Waste Cleanup (Contractual Services).

Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The request for this appropriation includes Base Level of \$7,485,407 in FY10 and \$7,488,527 in FY11. In addition, the Agency is requesting an increase in Capital Outlay of \$263,198 for FY10 and \$262,040 for FY11 to purchase equipment that will be utilized to perform accurate and reliable analysis of air, water, soil, hazardous waste, solid waste, and biological samples. The equipment will include global position satellite (GPS) units, mobile geographic information workstations, computers, printers, and software and is in compliance with the Agency's Information Technology Plan.

A \$308,000 reallocation from Contractual Services to Operating Expenses is also requested by the Agency. The Arkansas Remedial Action Trust Fund Hazardous Substance Site Priority List identifies hazardous sites for which expenditures are authorized from the Hazardous Substance Remedial Action Trust Fund. The site priority list includes (8) National Priority sites, (27) State Priority investigative sites and (24) State Priority remediation sites. State funds supplement federal funds during the investigative and site remediation phase. Upon completion the site remediation phase, the state assumes 100% of the operations and maintenance costs. During the 2009-11 biennium, many of these sites will progress from the cleanup phase to the operations and maintenance phase, the State is required to assume all operations and maintenance costs.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2TZ - Hazardous Waste Cleanup

Funding Sources: THS - Hazardous Substance Remedial Action Trust Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	90,393	111,793	104,952	114,915	114,915	114,915	117,535	117,535	117,535
#Positions	3	3	3	3	3	3	3	3	3
Personal Services Matching 5010003	30,933	33,907	33,905	37,237	37,237	37,237	37,737	37,737	37,737
Operating Expenses 5020002	43,745	93,358	93,358	93,358	401,358	401,358	93,358	401,358	401,358
Conference & Travel Expenses 5050009	0	33,960	33,960	33,960	33,960	33,960	33,960	33,960	33,960
Professional Fees 5060010	0	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	140,688	275,000	275,000	0	263,198	263,198	0	262,040	262,040
Contractual Services 5900043	908,653	6,502,000	6,502,000	6,502,000	6,194,000	6,194,000	6,502,000	6,194,000	6,194,000
Data Processing Purchases 5900044	329,929	453,937	453,937	453,937	453,937	453,937	453,937	453,937	453,937
Total	1,544,341	7,753,955	7,747,112	7,485,407	7,748,605	7,748,605	7,488,527	7,750,567	7,750,567
Funding Sources									
Fund Balance 4000005	12,141,867	12,271,147		5,764,565	5,764,565	5,764,565	0	0	0
Trust Fund 4000050	1,673,621	1,247,373		1,126,633	1,389,831	1,389,831	1,162,536	1,424,576	1,424,576
Total Funding	13,815,488	13,518,520		6,891,198	7,154,396	7,154,396	1,162,536	1,424,576	1,424,576
Excess Appropriation/(Funding)	(12,271,147)	(5,764,565)		594,209	594,209	594,209	6,325,991	6,325,991	6,325,991
Grand Total	1,544,341	7,753,955		7,485,407	7,748,605	7,748,605	7,488,527	7,750,567	7,750,567

The Budget amount in Regular Salaries and Personal Services Matching exceeds the Authorized amount due to salary and matching rate adjustments during the 2007-2009 biennium.

The excess appropriation in FY10 and FY11 assumes full expenditure of contingency appropriation in the Contractual Services line item.

Change Level by Appropriation

Appropriation: 2TZ - Hazardous Waste Cleanup

Funding Sources: THS - Hazardous Substance Remedial Action Trust Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	7,485,407	3	7,485,407	100.0	7,488,527	3	7,488,527	100.0
C01	Existing Program	225,000	0	7,710,407	103.0	250,000	0	7,738,527	103.3
C04	Reallocation	0	0	7,710,407	103.0	0	0	7,738,527	103.3
C08	Technology	38,198	0	7,748,605	103.5	12,040	0	7,750,567	103.5

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	7,485,407	3	7,485,407	100.0	7,488,527	3	7,488,527	100.0
C01	Existing Program	225,000	0	7,710,407	103.0	250,000	0	7,738,527	103.3
C04	Reallocation	0	0	7,710,407	103.0	0	0	7,738,527	103.3
C08	Technology	38,198	0	7,748,605	103.5	12,040	0	7,750,567	103.5

Justification

C01	The Environmental Preservation and Technical Services Division is responsible for testing Arkansas' environment. This includes air, water, soil, hazardous waste, solid waste, and biological samples. To protect the environment, it is imperative the Agency updates its equipment to perform accurate and reliable analysis. Capital Outlay is requested to replace obsolete equipment.
C04	The Hazardous Waste Division is requesting a reallocation of \$308,000 from Contractual Services into Operating Expense to procure technical services as required to maintain priority sites.
C08	The Environmental Preservation and Technical Services Division is requesting Capital Outlay to purchase replacement computers, global position systems (GPS), mobile geographic information workstations, and printers. This change is necessary to support Agency operations and is in compliance with the Agency's Information Technology (IT) Plan (IT Support Costs/Hardware and Software).

CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Environmental Quality Department

Program: Hazardous Waste Cleanup

Act #: 1281 of 2007

Section(s) #: 15 & 39

Estimated Carry Forward Amount \$ 0.00

Appropriation

Funds

Funding Source: Other

Accounting Information:

Business Area: 0930

Funds Center: 2TZ

Fund: THS

Functional Area: COMM

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Total		\$ 0.00	\$ 0.00

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

The Arkansas Department of Environmental Quality is appropriated \$6,502,000 for fiscal year 2009. Fiscal Year 2009 appropriation is sufficient to address agency needs. No carry forward will be needed.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward appropriation/funding:

No carry forward appropriation is needed.

Teresa Marks

Director

08-14-2008

Date

Analysis of Budget Request

Appropriation: 2UA - Emergency Response Program

Funding Sources: THS - Hazardous Substance Remedial Action Trust Fund

This appropriation was created by Act 452 of 1985 (A.C.A. §8-7-401) in order to give spending authorization to the Emergency Response Program. Act 1824 of 2005 repealed A.C.A. §8-7-401 and provided for funds collected as civil penalties to be deposited in the Hazardous Substance Remedial Action Trust Fund (A.C.A. §8-4-103), and provided for the Emergency Response Program to be funded from the Hazardous Substance Remedial Action Trust. Funds are used for the purchase/reimbursement of any commodities and/or services necessary in taking response actions in connection with a release or a threatened release of hazardous substances. Further, the Director is not authorized to spend in excess of \$250,000 on any single response action without the Pollution Control & Ecology Commission approval.

The Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Services payments for eligible employees. Personal Services Matching includes a \$75 increase in monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency requests Base Level of \$487,604 for FY10 and \$489,854 for FY11 and an additional \$30,000 in Capital Outlay in FY10 for replacement of an emergency response vehicle.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UA - Emergency Response Program

Funding Sources: THS - Hazardous Substance Remedial Action Trust Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	75,672	78,185	74,049	83,060	83,060	83,060	84,949	84,949	84,949
#Positions		2	2	2	2	2	2	2	2	2
Personal Services Matching	5010003	23,745	23,302	23,431	26,056	26,056	26,056	26,417	26,417	26,417
Operating Expenses	5020002	2,623	3,833	3,833	3,833	3,833	3,833	3,833	3,833	3,833
Conference & Travel Expenses	5050009	0	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	30,000	30,000	0	0	0
Contractual Services	5900043	19,346	372,655	372,655	372,655	372,655	372,655	372,655	372,655	372,655
Total		121,386	479,975	475,968	487,604	517,604	517,604	489,854	489,854	489,854
Funding Sources										
Trust Fund	4000050	121,386	479,975		487,604	517,604	517,604	489,854	489,854	489,854
Total Funding		121,386	479,975		487,604	517,604	517,604	489,854	489,854	489,854
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		121,386	479,975		487,604	517,604	517,604	489,854	489,854	489,854

The Actual and/or Budget amount in Regular Salaries and/or Personal Services Matching exceeds the Authorized amount due to salary and matching rate adjustments during the 2007-2009 biennium.

Change Level by Appropriation

Appropriation: 2UA - Emergency Response Program

Funding Sources: THS - Hazardous Substance Remedial Action Trust Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	487,604	2	487,604	100.0	489,854	2	489,854	100.0
C01	Existing Program	30,000	0	517,604	106.2	0	0	489,854	100.0

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	487,604	2	487,604	100.0	489,854	2	489,854	100.0
C01	Existing Program	30,000	0	517,604	106.2	0	0	489,854	100.0

Justification

C01	The Emergency Section is requesting Capital Outlay appropriation in FY10 to replace the emergency response vehicle. The vehicle is necessary to provide a response vehicle equipped with warning devices, emergency communication equipment and chemical identification devices.
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Analysis of Budget Request

Appropriation: 2UB - Asbestos Control Program

Funding Sources: SAC - Asbestos Control Fund

The Asbestos Control Program utilizes this appropriation to provide spending authority for responsibilities placed on the Agency through Act 394 of 1985 (A.C.A. §20-27-1001). This Act called for the Agency to adopt, administer, and enforce a program for licensing contractors engaged in the removal of asbestos materials from facilities. Pursuant to A.C.A. §19-6-452, funding is derived from an annual contractor's license fee of \$500 and fee of \$35 for asbestos removal workers to cover program costs.

The Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Services payments for eligible employees. Personal Services Matching includes a \$75 increase in monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency requests Base Level of \$242,823 for FY10 and \$245,272 in FY11 along with an increase of \$3,200 in Capital Outlay for each year. The increase will be used to purchase a tablet computer for a field inspector to increase efficiency of the document management system utilized by this appropriation and is in line with the Agency's Information Technology Plan.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UB - Asbestos Control Program

Funding Sources: SAC - Asbestos Control Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	112,072	145,684	115,577	156,841	156,841	156,841	158,896	158,896	158,896
#Positions		4	4	4	4	4	4	4	4	4
Personal Services Matching	5010003	39,520	44,568	40,262	50,340	50,340	50,340	50,734	50,734	50,734
Operating Expenses	5020002	3,591	29,452	29,452	29,452	29,452	29,452	29,452	29,452	29,452
Conference & Travel Expenses	5050009	940	4,090	4,090	4,090	4,090	4,090	4,090	4,090	4,090
Professional Fees	5060010	0	2,100	2,100	2,100	2,100	2,100	2,100	2,100	2,100
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	3,200	3,200	0	0	0	0	3,200	3,200
Total		156,123	229,094	194,681	242,823	242,823	242,823	245,272	248,472	248,472
Funding Sources										
Fund Balance	4000005	969,848	1,142,651		1,189,707	1,189,707	1,189,707	1,220,710	1,220,710	1,220,710
Special Revenue	4000030	328,926	276,150		273,826	273,826	273,826	277,472	280,672	280,672
Total Funding		1,298,774	1,418,801		1,463,533	1,463,533	1,463,533	1,498,182	1,501,382	1,501,382
Excess Appropriation/(Funding)		(1,142,651)	(1,189,707)		(1,220,710)	(1,220,710)	(1,220,710)	(1,252,910)	(1,252,910)	(1,252,910)
Grand Total		156,123	229,094		242,823	242,823	242,823	245,272	248,472	248,472

The Budget amount in Regular Salaries and Personal Services Matching exceeds the Authorized amount due to salary and matching rate adjustments during the 2007-2009 biennium.

Change Level by Appropriation

Appropriation: 2UB - Asbestos Control Program

Funding Sources: SAC - Asbestos Control Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	242,823	4	242,823	100.0	245,272	4	245,272	100.0
C08	Technology	0	0	242,823	100.0	3,200	0	248,472	101.3

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	242,823	4	242,823	100.0	245,272	4	245,272	100.0
C08	Technology	0	0	242,823	100.0	3,200	0	248,472	101.3

Justification

C08	Air Division - Capital Outlay appropriation is requested in FY11 to replace a tablet personal computer for a field inspector. The tablet computer allows field personnel to access agency files and records from remote locations. This request is in compliance with the Agency's Information Technology (IT) Plan (IT Support Costs/Hardware and Software).
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Analysis of Budget Request

Appropriation: 2UC - Solid Waste Mgmt/Recycling Prog

Funding Sources: TWS - Solid Waste Management Recycling Fund

Act 849 of 1989 (A.C.A. §8-6-605) established a Solid Waste Management and Recycling Fund to assist counties, cities, and solid waste authorities in the development of solid waste management plans, programs, and facilities that integrate recycling as a functional part of the solid waste management system. During the 79th General Assembly, further legislation was adopted strengthening the recycling aspect of solid waste management. Funding for this program is from landfill disposal fees collected pursuant to legislative enactments. This appropriation contains unfunded contingency appropriation. This contingency appropriation was created by Act 512 of 2007 as a funding mechanism for building electronic waste recycling infrastructure throughout the State in the event that funds become available.

Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency requests Base Level of \$8,348,653 in FY10 and \$8,366,947 in FY11 plus a total increase of \$27,000 each year as follows:

- \$20,000 in Capital Outlay each year will be used to replace obsolete computers, software, and purchase global positioning satellite (GPS) units. This will aid the Agency by increasing the efficiency in compliance monitoring, inspections, enforcement activities and address permitting. All this will be accomplished through the use of the Agency's electronic filing system and by allowing Inspectors to access GPS units. The equipment is in compliance with the Agency's Information Technology Plan.
- \$6,000 in Operating Expenses to provide for increased costs of supplies and inspections.
- \$1,000 for Conference and Travel Expenses.

The Executive Recommendation provides for the Agency Request except for \$1,000 in Conference and Travel Expenses.

Appropriation Summary

Appropriation: 2UC - Solid Waste Mgmt/Recycling Prog
Funding Sources: TWS - Solid Waste Management Recycling Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			2010-2011		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010 Base Level	2009-2010 Agency	2009-2010 Executive	2010-2011 Base Level	2010-2011 Agency	2010-2011 Executive
Regular Salaries	5010000	691,964	782,097	759,606	806,496	806,496	806,496	821,859	821,859	821,859
#Positions		20	20	20	20	20	20	20	20	20
Personal Services Matching	5010003	223,645	233,067	238,201	255,960	255,960	255,960	258,891	258,891	258,891
Operating Expenses	5020002	120,337	120,529	120,529	120,529	126,529	126,529	120,529	126,529	126,529
Conference & Travel Expenses	5050009	11,964	15,668	15,668	15,668	16,668	15,668	15,668	16,668	15,668
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Grants and Aid	5100004	3,507,936	4,650,000	4,650,000	4,650,000	4,650,000	4,650,000	4,650,000	4,650,000	4,650,000
Capital Outlay	5120011	8,310	20,000	20,000	0	20,000	20,000	0	20,000	20,000
Electronic Waste Recycling Infras	5900046	0	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000
Total		4,564,156	8,321,361	8,304,004	8,348,653	8,375,653	8,374,653	8,366,947	8,393,947	8,392,947

Funding Sources										
Fund Balance	4000005	6,267,608	6,880,894		3,239,082	3,239,082	3,239,082	0	0	0
Special Revenue	4000030	5,025,457	4,526,336		4,784,122	4,811,122	4,811,122	4,858,510	4,885,510	4,885,510
Investments	4000315	151,985	153,213		151,984	151,984	151,984	152,000	152,000	152,000
Total Funding		11,445,050	11,560,443		8,175,188	8,202,188	8,202,188	5,010,510	5,037,510	5,037,510
Excess Appropriation/(Funding)		(6,880,894)	(3,239,082)		173,465	173,465	172,465	3,356,437	3,356,437	3,355,437
Grand Total		4,564,156	8,321,361		8,348,653	8,375,653	8,374,653	8,366,947	8,393,947	8,392,947

The Budget amount in Regular Salaries exceeds the Authorized amount due to salary adjustments during the 2007-2009 biennium.

The excess appropriation in FY10 and FY11 assumes full expenditure of the contingency appropriation in the Electronic Waste Recycling Infrastructure line item.

Change Level by Appropriation

Appropriation: 2UC - Solid Waste Mgmt/Recycling Prog
Funding Sources: TWS - Solid Waste Management Recycling Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	8,348,653	20	8,348,653	100.0	8,366,947	20	8,366,947	100.0
C01	Existing Program	7,000	0	8,355,653	100.1	7,000	0	8,373,947	100.1
C08	Technology	20,000	0	8,375,653	100.3	20,000	0	8,393,947	100.3

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	8,348,653	20	8,348,653	100.0	8,366,947	20	8,366,947	100.0
C01	Existing Program	6,000	0	8,354,653	100.1	6,000	0	8,372,947	100.1
C08	Technology	20,000	0	8,374,653	100.3	20,000	0	8,392,947	100.3

Justification

C01	The Solid Waste Division is requesting \$7,000 in Operating Expenses appropriation in each year to provide operational support, to purchase materials and supplies for inspectors and provide additional appropriation for inspection related travels costs.
C08	The Solid Waste Division is requesting \$20,000 in Capital Outlay in each year to replace tablet computers and GPS units. The tablet computers allow field personnel to access Agency files and records from remote locations. This change is necessary to provide operational support to address permitting, compliance monitoring, inspections, and enforcement activities. This request is in compliance with the Agency's Information Technology (IT) Plan (IT Support Costs/Hardware and Software).

Analysis of Budget Request

Appropriation: 2UD - Reg. Substance Storage Tank

Funding Sources: SRS - Regulated Substance Storage Tank Program Fund

Acts 172 and 173 of 1989, as amended, designated the Department of Pollution Control and Ecology as the implementing agency for the Regulated Storage Tank Program. Pursuant to A.C.A. §8-7-808, this appropriation is funded by fees collected from the annual registration of underground and above ground storage tanks and from the licensure of installers of storage tanks.

The Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Services payments for eligible employees. Personal Services Matching includes a \$75 increase in monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency Request is for Base Level of \$998,639 in FY10 and \$1,013,216 in FY11.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UD - Reg. Substance Storage Tank

Funding Sources: SRS - Regulated Substance Storage Tank Program Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	541,518	650,891	677,310	693,262	693,262	693,262	705,503	705,503	705,503
#Positions		19	19	19	19	19	19	19	19	19
Personal Services Matching	5010003	181,371	198,429	216,240	229,244	229,244	229,244	231,580	231,580	231,580
Operating Expenses	5020002	42,952	71,128	71,128	71,128	71,128	71,128	71,128	71,128	71,128
Conference & Travel Expenses	5050009	4,466	5,005	5,005	5,005	5,005	5,005	5,005	5,005	5,005
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		770,307	925,453	969,683	998,639	998,639	998,639	1,013,216	1,013,216	1,013,216
Funding Sources										
Fund Balance	4000005	944,673	1,102,171		1,401,718	1,401,718	1,401,718	1,304,641	1,304,641	1,304,641
Special Revenue	4000030	927,805	1,225,000		901,562	901,562	901,562	907,500	907,500	907,500
Total Funding		1,872,478	2,327,171		2,303,280	2,303,280	2,303,280	2,212,141	2,212,141	2,212,141
Excess Appropriation/(Funding)		(1,102,171)	(1,401,718)		(1,304,641)	(1,304,641)	(1,304,641)	(1,198,925)	(1,198,925)	(1,198,925)
Grand Total		770,307	925,453		998,639	998,639	998,639	1,013,216	1,013,216	1,013,216

Analysis of Budget Request

Appropriation: 2UE - Petroleum Storage Tank Trust

Funding Sources: TPT - Petroleum Storage Tank Trust Fund

The Petroleum Storage Tank Trust Fund was established by Act 173 of 1989, as amended (A.C.A. §8-7-901). This fund provides a procedure for reimbursement of remediation costs or damages as a result of leaking tanks. Funding for the program is derived from an environmental assurance fee which is assessed at a rate not to exceed three-tenths of one cent for each gallon of motor fuel or distillate special fuel purchased or imported into Arkansas (A.C.A. §8-7-906). The environmental assurance fee is paid by the first distributor or supplier receiving fuel from a terminal in Arkansas or, if the fuel will never be stored in a terminal in this State, then by the distributor or supplier who first imports the fuel into the State by truck.

The Agency utilizes this appropriation to take corrective action as needed because of accidental releases from a storage tank of unknown ownership or when corrective action is not taken by the owner or operator in a timely manner. This appropriation contains \$10,000,000 of unfunded contingency appropriation that is utilized when necessary for corrective actions. Special Language allows for a transfer from various Agency funds into appropriation 2TP (State Operations) to alleviate funding shortfalls. A transfer of \$200,000 was made each year of the 2007-09 biennium.

Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency request is for Base level of \$21,802,660 in FY10 and \$21,805,610 in FY11.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UE - Petroleum Storage Tank Trust
Funding Sources: TPT - Petroleum Storage Tank Trust Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			2010-2011		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010 Base Level	2009-2010 Agency	2009-2010 Executive	2010-2011 Base Level	2010-2011 Agency	2010-2011 Executive
Regular Salaries	5010000	217,492	233,454	418,855	234,739	234,739	234,739	237,216	237,216	237,216
#Positions		4	4	4	4	4	4	4	4	4
Personal Services Matching	5010003	59,026	61,045	122,088	64,960	64,960	64,960	65,433	65,433	65,433
Operating Expenses	5020002	5,798,584	18,999,800	18,999,800	18,999,800	18,999,800	18,999,800	18,999,800	18,999,800	18,999,800
Conference & Travel Expenses	5050009	1,725	3,005	3,005	3,005	3,005	3,005	3,005	3,005	3,005
Professional Fees	5060010	129,081	2,500,156	2,500,156	2,500,156	2,500,156	2,500,156	2,500,156	2,500,156	2,500,156
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	7,455	0	0	0	0	0	0	0	0
Total		6,213,363	21,797,460	22,043,904	21,802,660	21,802,660	21,802,660	21,805,610	21,805,610	21,805,610
Funding Sources										
Fund Balance	4000005	16,631,102	18,364,917		3,934,079	3,934,079	3,934,079	0	0	0
Interest	4000300	515,244	500,000		500,000	500,000	500,000	500,000	500,000	500,000
Other	4000370	7,631,934	7,066,622		7,001,796	7,001,796	7,001,796	7,050,000	7,050,000	7,050,000
Transfers / Adjustments	4000683	(200,000)	(200,000)		0	0	0	0	0	0
Total Funding		24,578,280	25,731,539		11,435,875	11,435,875	11,435,875	7,550,000	7,550,000	7,550,000
Excess Appropriation/(Funding)		(18,364,917)	(3,934,079)		10,366,785	10,366,785	10,366,785	14,255,610	14,255,610	14,255,610
Grand Total		6,213,363	21,797,460		21,802,660	21,802,660	21,802,660	21,805,610	21,805,610	21,805,610

Actual amount exceeds Authorized in Capital Outlay due to an authorized appropriation of \$40,000 in Capital Outlay in FY08.

Other funding is comprised of environmental fees collected pursuant to A.C.A. §8-7-906.

Transfers/Adjustments - Special Language allows an annual transfer from various departments into State Operations (appropriation 2TP) if General Revenue funding is unable to cover expenditures.

The excess appropriation in FY10 and FY11 assumes full expenditure of the contingency appropriation (Petroleum Storage Tank Remediation Program) in the Operation Expenses line item.

Analysis of Budget Request

Appropriation: 2UF - Regulated Storage Tank Program

Funding Sources: FYP - Federal Funds

Acts 172 and 173 of 1989 created the Regulated Storage Tank Program and placed the responsibilities of the program under the direction of the Department of Environmental Quality. The Agency utilizes this appropriation for contractual services on corrective actions with federal funding derived from the Environmental Protection Agency. This funding requires an 80/20 federal/state match ratio.

The Agency Request is for Base Level of \$3,925,000 each year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UF - Regulated Storage Tank Program

Funding Sources: FYP - Federal Funds

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regulated Storage Tank & Contra 5900043	349,214	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000
Total	349,214	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000
Funding Sources									
Federal Revenue 4000020	349,214	3,925,000		3,925,000	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000
Total Funding	349,214	3,925,000		3,925,000	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	349,214	3,925,000		3,925,000	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000

Analysis of Budget Request

Appropriation: 2UG - Landfill Post Closure Program

Funding Sources: TLP - Landfill Post Closure Trust Fund

The Landfill Post-Closure Program was created by Act 747 of 1991 (A.C.A. §8-6-1001) to address corrective actions, which may be necessary to properly clean up a previously closed landfill, so that no harm is caused to the public health or the environment. Funding is derived from landfill disposal fees and transportation fees, as well as fees imposed on solid waste generated in the State but not disposed of in a solid waste facility within the State.

The Illegal Dump Eradication and Corrective Action Program was created by Act 938 of 1997 (A.C.A. §8-6-504) to set forth a state policy to eliminate illegal dumping of solid waste and to provide a means to fund the program up to \$1,000,000 each year for five years. Pursuant to Act 938 of 1997, funding for all programs is capped at \$25,000,000, with no additional funds collected once this level is reached; however, collections are reinstated once the fund diminishes to \$15,000,000. In addition, for administrative purposes, the Agency may utilize these funds at a level not exceeding \$300,000 annually, with an annual escalator not exceeding 3%. An additional \$100,000 may be budgeted for administrative expenses of the Illegal Dump Eradication and Corrective Action Program.

The Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Services payments for eligible employees. Personal Services Matching includes a \$75 increase in monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency Request is for Base Level of \$7,846,293 in FY10 and \$7,853,176 in FY11.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UG - Landfill Post Closure Program

Funding Sources: TLP - Landfill Post Closure Trust Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	265,594	278,428	284,489	290,031	290,031	290,031	295,810	295,810	295,810
#Positions	6	6	6	6	6	6	6	6	6
Personal Services Matching 5010003	79,057	78,269	82,952	85,966	85,966	85,966	87,070	87,070	87,070
Operating Expenses 5020002	206	30,923	30,923	30,923	30,923	30,923	30,923	30,923	30,923
Conference & Travel Expenses 5050009	0	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Professional Fees 5060010	0	0	0	0	0	0	0	0	0
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	4,093	5,000	5,000	0	0	0	0	0	0
Contractual Services 5900043	237,373	7,433,373	7,433,373	7,433,373	7,433,373	7,433,373	7,433,373	7,433,373	7,433,373
Total	586,323	7,831,993	7,842,737	7,846,293	7,846,293	7,846,293	7,853,176	7,853,176	7,853,176
Funding Sources									
Fund Balance 4000005	19,967,159	23,132,077		19,979,635	19,979,635	19,979,635	15,749,444	15,749,444	15,749,444
Special Revenue 4000030	3,084,264	4,526,336		3,131,233	3,131,233	3,131,233	3,209,514	3,209,514	3,209,514
Investments 4000315	666,977	153,215		484,869	484,869	484,869	484,869	484,869	484,869
Total Funding	23,718,400	27,811,628		23,595,737	23,595,737	23,595,737	19,443,827	19,443,827	19,443,827
Excess Appropriation/(Funding)	(23,132,077)	(19,979,635)		(15,749,444)	(15,749,444)	(15,749,444)	(11,590,651)	(11,590,651)	(11,590,651)
Grand Total	586,323	7,831,993		7,846,293	7,846,293	7,846,293	7,853,176	7,853,176	7,853,176

Analysis of Budget Request

Appropriation: 2UH - Waste Tire Recycling Program

Funding Sources: TTG - Waste Tire Grant Fund

The Waste Tire Recycling Program was created by Act 749 of 1991, as amended by Act 1292 of 1997 (A.C.A. §8-9-404). Funding for this program is derived from a fee imposed on the sale of each automobile and truck tire sold at retail at a rate of \$2.00 per tire, and an additional \$3.00 per truck tire. The fee imposed, less 5% retained by the tire retailer, is used for grants to the State's regional solid waste districts. Of the total funds collected, 8% is transferred to the Agency's Permit Fee Fund for administrative program support. In addition to the fee imposed on new tires, a \$1.00 fee is imposed on all waste tires imported into Arkansas.

This appropriation is used to disburse Tire Recycling Grant Funds to the Regional Solid Waste Management Districts and contains unfunded contingency appropriation in the amount of \$1,000,000 that is utilized when necessary for corrective actions.

The Agency Request is for Base Level of \$6,425,000 each year.

The Executive Recommendation provides for Agency Request.

Appropriation Summary

Appropriation: 2UH - Waste Tire Recycling Program

Funding Sources: TTG - Waste Tire Grant Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Grants and Aid	5100004	4,739,529	6,425,000	6,425,000	6,425,000	6,425,000	6,425,000	6,425,000	6,425,000	6,425,000
Total		4,739,529	6,425,000	6,425,000	6,425,000	6,425,000	6,425,000	6,425,000	6,425,000	6,425,000
Funding Sources										
Fund Balance	4000005	1,681,593	1,853,136		264,127	264,127	264,127	0	0	0
Special Revenue	4000030	4,911,072	4,835,991		4,800,000	4,800,000	4,800,000	4,820,000	4,820,000	4,820,000
Total Funding		6,592,665	6,689,127		5,064,127	5,064,127	5,064,127	4,820,000	4,820,000	4,820,000
Excess Appropriation/(Funding)		(1,853,136)	(264,127)		1,360,873	1,360,873	1,360,873	1,605,000	1,605,000	1,605,000
Grand Total		4,739,529	6,425,000		6,425,000	6,425,000	6,425,000	6,425,000	6,425,000	6,425,000

The excess appropriation in FY10 and FY11 assumes full expenditure of the contingency appropriation in the Grants and Aid line item.

Analysis of Budget Request

Appropriation: 2UJ - St Mktg Brd for Recyclables Prog

Funding Sources: SMB - State Marketing Board Fund

The State Marketing Board for Recyclables Program was created by the 78th General Assembly through Act 749 of 1991 (A.C.A. §8-9-201 and §8-6-607). The Board's responsibilities include development of a program coordinating all existing marketing programs for recyclables as well as an overall marketing plan for Arkansas recyclables; establishment of an inventory of markets for recyclables in Arkansas and surrounding states with maintenance of current market prices and trends; working with new and existing industries to encourage the use of recyclables in the manufacturing processes; and advising and assisting of state and local officials in all areas of recyclables marketing.

Act 755 of 1991 (A.C.A. §8-6-607), as amended, provides the Board's funding from 25% of the disposal fees collected from landfills where a private industry bears the expense of operating and maintaining the landfill solely for the disposal of wastes generated by the industry. The remaining 75% of the disposal fees, which fund the Solid Waste Management and Recycling Program, are found in appropriation 2UB (Asbestos Control Program).

The Base Level request for Regular Salaries includes board member Stipend payments and corresponding Personal Services Matching.

The request for this appropriation includes Base Level of \$28,876 each year with an increase in Capital Outlay of \$3,500 each year. The increase will allow for the purchase of computer equipment which will be utilized for electronic presentations in schools and other public outreach programs. The equipment purchase is in line with the Agency's Information Technology Plan.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UJ - St Mktg Brd for Recyclables Prog

Funding Sources: SMB - State Marketing Board Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	540	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
#Positions		0	0	0	0	0	0	0	0	0
Personal Services Matching	5010003	41	115	115	115	115	115	115	115	115
Operating Expenses	5020002	5,925	13,846	13,846	13,846	13,846	13,846	13,846	13,846	13,846
Conference & Travel Expenses	5050009	3,163	6,415	6,415	6,415	6,415	6,415	6,415	6,415	6,415
Professional Fees	5060010	0	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	3,125	3,125	0	3,500	3,500	0	3,500	3,500
Total		9,669	32,001	32,001	28,876	32,376	32,376	28,876	32,376	32,376
Funding Sources										
Fund Balance	4000005	145,895	153,203		139,414	139,414	139,414	124,006	124,006	124,006
Special Revenue	4000030	16,977	18,212		13,468	16,968	16,968	13,892	17,392	17,392
Total Funding		162,872	171,415		152,882	156,382	156,382	137,898	141,398	141,398
Excess Appropriation/(Funding)		(153,203)	(139,414)		(124,006)	(124,006)	(124,006)	(109,022)	(109,022)	(109,022)
Grand Total		9,669	32,001		28,876	32,376	32,376	28,876	32,376	32,376

Change Level by Appropriation

Appropriation: 2UJ - St Mktg Brd for Recyclables Prog

Funding Sources: SMB - State Marketing Board Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	28,876	0	28,876	100.0	28,876	0	28,876	100.0
C01	Existing Program	0	0	28,876	100.0	3,500	0	32,376	112.1
C08	Technology	3,500	0	32,376	112.1	0	0	32,376	112.1

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	28,876	0	28,876	100.0	28,876	0	28,876	100.0
C01	Existing Program	0	0	28,876	100.0	3,500	0	32,376	112.1
C08	Technology	3,500	0	32,376	112.1	0	0	32,376	112.1

Justification

C01	The Solid Waste Division is requesting \$3,500 in Capital Outlay in FY11 to replace audio-visual equipment used for recycling presentations at workshops and conferences.
C08	The Solid Waste Division is requesting \$3,500 in Capital Outlay in FY10 to purchase computer equipment to enhance the Marketing Boards' efforts to develop and provide electronic presentations for use in schools and public outreach programs. This request is in compliance with the Agency's Information Technology (IT) Plan (IT Support Costs/Hardware and Software).

Analysis of Budget Request

Appropriation: 2UK - Environmental Education Program

Funding Sources: MEE - Environmental Education Fund

The appropriation for the Environmental Education Program was created by the 78th General Assembly to provide environmental education materials and training. Funding is derived from 10% of the revenue collected for the Hazardous Substance Remedial Action Trust Fund up to \$275,000 per fiscal year (A.C.A. §8-7-509(d)).

The Base Level salary for the classified position reflects the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Services payments for eligible employees. Personal Services Matching includes a \$75 increase in monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The request for this appropriation includes Base level of \$312,711 in FY10 and \$313,922 in FY11 and an increase in Capital Outlay of \$8,000 for each year. This increase would allow the Agency to purchase new computer equipment to develop and provide electronic environmental education presentations for use in schools and other public outreach programs. The request is in line with the Agency's Information Technology Plan.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UK - Environmental Education Program

Funding Sources: MEE - Environmental Education Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2007-2008	2008-2009	2008-2009	2009-2010			2010-2011		
		Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	42,165	43,554	40,912	45,050	45,050	45,050	46,067	46,067	46,067
#Positions		1	1	1	1	1	1	1	1	1
Personal Services Matching	5010003	12,749	12,501	12,505	13,700	13,700	13,700	13,894	13,894	13,894
Operating Expenses	5020002	31,426	151,961	151,961	151,961	151,961	151,961	151,961	151,961	151,961
Conference & Travel Expenses	5050009	3,036	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000
Professional Fees	5060010	20,000	94,000	94,000	94,000	94,000	94,000	94,000	94,000	94,000
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	6,395	11,000	11,000	0	8,000	8,000	0	8,000	8,000
Total		115,771	321,016	318,378	312,711	320,711	320,711	313,922	321,922	321,922
Funding Sources										
Fund Balance	4000005	277,312	301,669		74,828	74,828	74,828	0	0	0
Other	4000370	140,128	94,175		97,000	105,000	105,000	102,000	110,000	110,000
Total Funding		417,440	395,844		171,828	179,828	179,828	102,000	110,000	110,000
Excess Appropriation/(Funding)		(301,669)	(74,828)		140,883	140,883	140,883	211,922	211,922	211,922
Grand Total		115,771	321,016		312,711	320,711	320,711	313,922	321,922	321,922

The Actual and Budget amounts in Regular Salaries and Personal Services Matching exceed the Authorized amounts due to salary and matching rate adjustments during the 2007-2009 biennium.

Change Level by Appropriation

Appropriation: 2UK - Environmental Education Program

Funding Sources: MEE - Environmental Education Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	312,711	1	312,711	100.0	313,922	1	313,922	100.0
C08	Technology	8,000	0	320,711	102.6	8,000	0	321,922	102.5

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	312,711	1	312,711	100.0	313,922	1	313,922	100.0
C08	Technology	8,000	0	320,711	102.6	8,000	0	321,922	102.5

Justification

C08	The Public Outreach Division is requesting \$8,000 per year in Capital Outlay to replace computers, printers, and one high-speed scanner. This change is necessary to support Agency operations and provide environmental education presentations for use in schools and public outreach programs. This request is in compliance with the Agency's Information Technology (IT) Plan (IT Support Costs/Hardware and Software).
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Analysis of Budget Request

Appropriation: 2UM - Lead Based Paint Hazard Prog

Funding Sources: MPL - Lead Based Paint Hazard Fund

The Lead-Based Paint Hazard Program was created by the 81st General Assembly through Act 309 of 1997 (A.C.A. §8-4-409 et esq.). This Act authorized the Agency to establish, administer, and enforce a program for training and licensing individuals and firms engaged in lead-based paint activities. Funding is derived from fees charged to consultants, contractors, and trainers conducting lead-based paint activities.

The Agency Request is for Base Level of \$18,250 each year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UM - Lead Based Paint Hazard Prog

Funding Sources: MPL - Lead Based Paint Hazard Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses	5020002	2,064	16,825	16,825	16,825	16,825	16,825	16,825	16,825	16,825
Conference & Travel Expenses	5050009	1,133	1,425	1,425	1,425	1,425	1,425	1,425	1,425	1,425
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		3,197	18,250	18,250	18,250	18,250	18,250	18,250	18,250	18,250
Funding Sources										
Fund Balance	4000005	153,124	167,062		162,087	162,087	162,087	158,982	158,982	158,982
Special Revenue	4000030	17,135	13,275		15,145	15,145	15,145	15,524	15,524	15,524
Total Funding		170,259	180,337		177,232	177,232	177,232	174,506	174,506	174,506
Excess Appropriation/(Funding)		(167,062)	(162,087)		(158,982)	(158,982)	(158,982)	(156,256)	(156,256)	(156,256)
Grand Total		3,197	18,250		18,250	18,250	18,250	18,250	18,250	18,250

Analysis of Budget Request

Appropriation: 2UN - Small Business Loans

Funding Sources: TBL - Small Business Revolving Loan Fund

The Small Business Revolving Loan Program was created by the 81st General Assembly through Act 691 of 1997 (A.C.A. §8-5-801 et seq.). This Act authorized the Agency to establish and administer the Small Business Revolving Loan Fund to encourage the investment in pollution control and prevention technologies. Funding for this program is derived from interest earnings and repayment streams of the Small Business Revolving Loan Program (appropriation 2UP).

The Agency Request for this biennial appropriation is Base Level in the amount of \$1,100,000.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UN - Small Business Loans

Funding Sources: TBL - Small Business Revolving Loan Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2007-2008	2008-2009	2008-2009	2009-2010			2010-2011		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Loans 5120029	50,230	0	0	1,100,000	1,100,000	1,100,000	0	0	0
Total	50,230	0	0	1,100,000	1,100,000	1,100,000	0	0	0
Funding Sources									
Loan Repayment 4000330	50,230	0		1,100,000	1,100,000	1,100,000	0	0	0
Total Funding	50,230	0		1,100,000	1,100,000	1,100,000	0	0	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	50,230	0		1,100,000	1,100,000	1,100,000	0	0	0

This is a Biennial Appropriation.

Base Level was restored to the Biennial Authorized amount.

Analysis of Budget Request

Appropriation: 2UP - Sm Bus Revolving Loan Prog Exp

Funding Sources: TBL - Small Business Revolving Loan Fund

The Small Business Revolving Loan Program was created by the 81st General Assembly through Act 691 of 1997 (A.C.A. §8-5-801 et seq.). This Act authorized the Agency to establish and administer the Small Business Revolving Loan Fund to encourage the investment in pollution control and prevention technologies. This appropriation provides for the personal services and operating expenses of the Small Business Revolving Loan Program.

The Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Services payments for eligible employees. Personal Services Matching includes a \$75 increase in monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency Request for this appropriation is for Base Level in the amount of \$57,419 in FY10 and \$58,272 in FY11.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UP - Sm Bus Revolving Loan Prog Exp

Funding Sources: TBL - Small Business Revolving Loan Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	16,296	25,706	28,552	27,424	27,424	27,424	28,140	28,140	28,140
#Positions		1	1	1	1	1	1	1	1	1
Personal Services Matching	5010003	7,016	9,100	9,996	10,335	10,335	10,335	10,472	10,472	10,472
Operating Expenses	5020002	9,822	11,010	11,010	11,010	11,010	11,010	11,010	11,010	11,010
Conference & Travel Expenses	5050009	0	3,650	3,650	3,650	3,650	3,650	3,650	3,650	3,650
Professional Fees	5060010	0	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		33,134	54,466	58,208	57,419	57,419	57,419	58,272	58,272	58,272
Funding Sources										
Interest	4000300	33,134	54,466		57,419	57,419	57,419	58,272	58,272	58,272
Total Funding		33,134	54,466		57,419	57,419	57,419	58,272	58,272	58,272
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		33,134	54,466		57,419	57,419	57,419	58,272	58,272	58,272

Analysis of Budget Request

Appropriation: 2UQ - Performance Partnership Syst Exp

Funding Sources: TPP - Performance Partnership Trust Fund

This appropriation was created by Act 1210 of 1999 (A.C.A. §19-5-1102) to provide for expenses of designing and establishing a management organization utilizing the principles of the National Environmental Performance Partnership System advocated by the U.S. Environmental Protection Agency which integrates environmental indicators, management information, along with performance-based budgeting and accounting to measure Agency performance. The fund enables the Agency to examine infrastructure, develop integrated approaches to environmental management, and implement a multi-year redesign of the Agency's regulatory databases. Funding is derived from an apportionment of the interest earned on monies in the Landfill Post Closure Trust Fund. Fund transfers shall not exceed \$500,000 per fiscal year.

The Agency Request is for Base Level of \$600,000 in each fiscal year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UQ - Performance Partnership Syst Exp
Funding Sources: TPP - Performance Partnership Trust Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2007-2008	2008-2009	2008-2009	2009-2010			2010-2011		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Performance Integrated Syst 5900046	184,547	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000
Total	184,547	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000
Funding Sources									
Fund Balance 4000005	1,196,185	1,047,128		482,903	482,903	482,903	0	0	0
Investments 4000315	35,490	35,775		35,491	35,491	35,491	32,705	32,705	32,705
Total Funding	1,231,675	1,082,903		518,394	518,394	518,394	32,705	32,705	32,705
Excess Appropriation/(Funding)	(1,047,128)	(482,903)		81,606	81,606	81,606	567,295	567,295	567,295
Grand Total	184,547	600,000		600,000	600,000	600,000	600,000	600,000	600,000

CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Environmental Quality Department

Program: Performance Partnership Syst Exp

Act #: 1281 of 2007

Section(s) #: 29 & 40

Estimated Carry Forward Amount \$ 0.00

Appropriation

Funds

Funding Source: Other

Accounting Information:

Business Area: 0930

Funds Center: 2UQ

Fund: TPP

Functional Area: COMM

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Total		\$ 0.00	\$ 0.00

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

The Arkansas Department of Environmental Quality is appropriated \$600,000 for fiscal year 2009. Fiscal Year 2009 appropriation is sufficient to address agency needs. No carry forward will be needed in FY09.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward appropriation/funding:

No carry forward is needed in FY09.

Teresa Marks
Director

08-14-2008
Date

Analysis of Budget Request

Appropriation: 2UR - Environmental Settlement Trust

Funding Sources: TET - ADEQ Environmental Settlement Trust Fund

The ADEQ Environmental Settlement Trust Fund was created by Act 1416 of 2001 (A.C.A. §19-5-1111) for expenses authorized through various settlement agreements benefiting the State of Arkansas as administered through the ADEQ. The fund consists of income received by the State of Arkansas pursuant to settlement agreements for environmental or natural resource damages, interest earnings, and other designated revenue.

The Agency Request for this biennial appropriation is Base Level of \$1,500,000.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2UR - Environmental Settlement Trust

Funding Sources: TET - ADEQ Environmental Settlement Trust Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2007-2008	2008-2009	2008-2009	2009-2010			2010-2011		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Environmental Settlement Trust 5900046	519,842	0	0	1,500,000	1,500,000	1,500,000	0	0	0
Total	519,842	0	0	1,500,000	1,500,000	1,500,000	0	0	0
Funding Sources									
Fund Balance 4000005	1,009,681	513,922		513,922	513,922	513,922	0	0	0
Trust Fund 4000050	0	0		986,078	986,078	986,078	0	0	0
Investments 4000315	24,083	0		0	0	0	0	0	0
Total Funding	1,033,764	513,922		1,500,000	1,500,000	1,500,000	0	0	0
Excess Appropriation/(Funding)	(513,922)	(513,922)		0	0	0	0	0	0
Grand Total	519,842	0		1,500,000	1,500,000	1,500,000	0	0	0

This is a Biennial Appropriation.

Base Level was restored to the Biennial Authorized amount.

Analysis of Budget Request

Appropriation: 2US - Computer/Electronic Recycling

Funding Sources: MER - Computer and Electronic Recycling Fund

The Computer and Electronic Recycling Fund was created by Act 1410 of 2001 (A.C.A. § 19-5-1217). This appropriation is used to promote market research and develop grants to determine the most efficient process for collecting, transporting, and processing various scrap electronic equipment. This appropriation is funded through Marketing and Redistribution proceeds from computer sales throughout the state.

The Agency Request is for Base Level of \$250,000 each year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2US - Computer/Electronic Recycling
Funding Sources: MER - Computer and Electronic Recycling Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Computer & Electronics Recycling I 5900046	152,992	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000
Total	152,992	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000
Funding Sources									
Fund Balance 4000005	184,856	114,859		0	0	0	0	0	0
M & R Sales 4000340	82,995	135,141		135,000	135,000	135,000	135,000	135,000	135,000
Total Funding	267,851	250,000		135,000	135,000	135,000	135,000	135,000	135,000
Excess Appropriation/(Funding)	(114,859)	0		115,000	115,000	115,000	115,000	115,000	115,000
Grand Total	152,992	250,000		250,000	250,000	250,000	250,000	250,000	250,000

M & R Sales are expected to grow due to projected increases in statewide computer sales.

CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Environmental Quality Department

Program: Computer/Electronic Recycling

Act #: 1281 of 2007

Section(s) #: 31 & 46

Estimated Carry Forward Amount \$ 0.00

Appropriation

Funds

Funding Source: Other

Accounting Information:

Business Area: 0930

Funds Center: 2US

Fund: MER

Functional Area: COMM

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Total		\$ 0.00	\$ 0.00

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

The Arkansas Department of Environmental Quality is appropriated \$250,000 for fiscal year 2009. Fiscal Year 2009 appropriation is sufficient to address agency needs. No carry forward is needed in FY09.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward appropriation/funding:

No carry forward is needed in FY09.

Teresa Marks
Director

09-08-2008
Date

Analysis of Budget Request

Appropriation: 344 - PCE Comm Admn Hearing Officer

Funding Sources: TPE - ADEQ Fee Trust Fund

The Hearing Officer Division was created by Act 921 of 1993 (A.C.A. §8-1-203), which authorized the Pollution Control and Ecology Commission to hire a full-time, independent administrative hearing officer for the purposes of adjudicatory review of Agency decisions concerning permit issuance or revocation, and assessment of civil penalties. Act 1077 of 1993 provided appropriations for this Division payable from the Agency's Fee Fund. Pursuant to A.C.A. §8-1-204, funding for this appropriation is derived from special revenues transferred from the Agency's Fee Fund.

The Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Services payments for eligible employees. Personal Services Matching includes a \$75 increase in monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency's request is for Base Level of \$297,820 in FY10 and \$298,757 in FY11 and a reallocation of \$1,000 each year from Operating Expenses to Conference & Travel Expenses. This reallocation will cover increases in fuel, lodging, and seminar registration costs for the thirteen (13) commissioners who attend at least one environmental seminar or conference annually.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 344 - PCE Comm Admn Hearing Officer

Funding Sources: TPE - ADEQ Fee Trust Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	115,784	144,042	143,744	159,082	159,082	159,082	159,869	159,869	159,869
#Positions		2	3	3	3	3	3	3	3	3
Personal Services Matching	5010003	35,358	38,988	40,597	44,599	44,599	44,599	44,749	44,749	44,749
Operating Expenses	5020002	56,613	88,217	88,217	88,217	87,217	87,217	88,217	87,217	87,217
Conference & Travel Expenses	5050009	2,115	5,922	5,922	5,922	6,922	6,922	5,922	6,922	6,922
Professional Fees	5060010	0	0	0	0	0	0	0	0	0
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		209,870	277,169	278,480	297,820	297,820	297,820	298,757	298,757	298,757
Funding Sources										
Special Revenue	4000030	209,870	277,169		297,820	297,820	297,820	298,757	298,757	298,757
Total Funding		209,870	277,169		297,820	297,820	297,820	298,757	298,757	298,757
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		209,870	277,169		297,820	297,820	297,820	298,757	298,757	298,757

The Budget amount in Regular Salaries exceeds the Authorized amount due to salary adjustments during the 2007-2009 biennium.

Change Level by Appropriation

Appropriation: 344 - PCE Comm Admn Hearing Officer

Funding Sources: TPE - ADEQ Fee Trust Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	297,820	3	297,820	100.0	298,757	3	298,757	100.0
C04	Reallocation	0	0	297,820	100.0	0	0	298,757	100.0

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	297,820	3	297,820	100.0	298,757	3	298,757	100.0
C04	Reallocation	0	0	297,820	100.0	0	0	298,757	100.0

Justification

C04	Reallocation: The Commission consists of thirteen commissioners, who attend at least one environmental seminar or conference annually. Conference Fees and Travel appropriation in the amount of \$1,000 is requested to address increases in travel costs related to fuel, lodging and conference registration. The Commission is requesting to reallocate \$1,000 from Operating Expenses appropriation to Conference Fees and Travel.
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Analysis of Budget Request

Appropriation: 36A - Fee Administration Non-Haz Clean Up

Funding Sources: TPE - ADEQ Fee Trust Fund

This appropriation was created by the 86th General Assembly in Act 1281 of 2007. This appropriation gives ADEQ the ability to clean up non-hazardous sites which pose a threat to the environment of the State of Arkansas. The ADEQ Fee Trust Fund provides the funding for the appropriation. The ADEQ Fee Trust Fund was created by Act 817 of 1983 (A.C.A. §8-1-103). This Act authorized the Agency to establish and collect permit fees for air, water, and solid waste permitting, monitoring and inspecting activities.

The Agency Request is for Base Level of \$750,000 in each year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 36A - Fee Administration Non-Haz Clean Up

Funding Sources: TPE - ADEQ Fee Trust Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Contractual Services 5900043	0	750,000	1,000,000	750,000	750,000	750,000	750,000	750,000	750,000
Total	0	750,000	1,000,000	750,000	750,000	750,000	750,000	750,000	750,000
Funding Sources									
Trust Fund 4000050	0	750,000		750,000	750,000	750,000	750,000	750,000	750,000
Total Funding	0	750,000		750,000	750,000	750,000	750,000	750,000	750,000
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	0	750,000		750,000	750,000	750,000	750,000	750,000	750,000

Analysis of Budget Request

Appropriation: 467 - PCE Commission Expenses

Funding Sources: HUA - Miscellaneous Agencies Fund

The Pollution Control and Ecology Commission utilizes this appropriation for Commission training expenses and is funded by General Revenue.

The Agency Request is for Base Level of \$3,977 each year.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 467 - PCE Commission Expenses
Funding Sources: HUA - Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2007-2008	2008-2009	2008-2009	2009-2010			2010-2011		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
PC&E Commission Expenses 5900046	3,966	3,977	3,977	3,977	3,977	3,977	3,977	3,977	3,977
Total	3,966	3,977	3,977	3,977	3,977	3,977	3,977	3,977	3,977
Funding Sources									
General Revenue 4000010	3,966	3,977		3,977	3,977	3,977	3,977	3,977	3,977
Total Funding	3,966	3,977		3,977	3,977	3,977	3,977	3,977	3,977
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	3,966	3,977		3,977	3,977	3,977	3,977	3,977	3,977