

DEPARTMENT OF ENVIRONMENTAL QUALITY

Enabling Laws

Act 213 of 2010

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 statues 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.

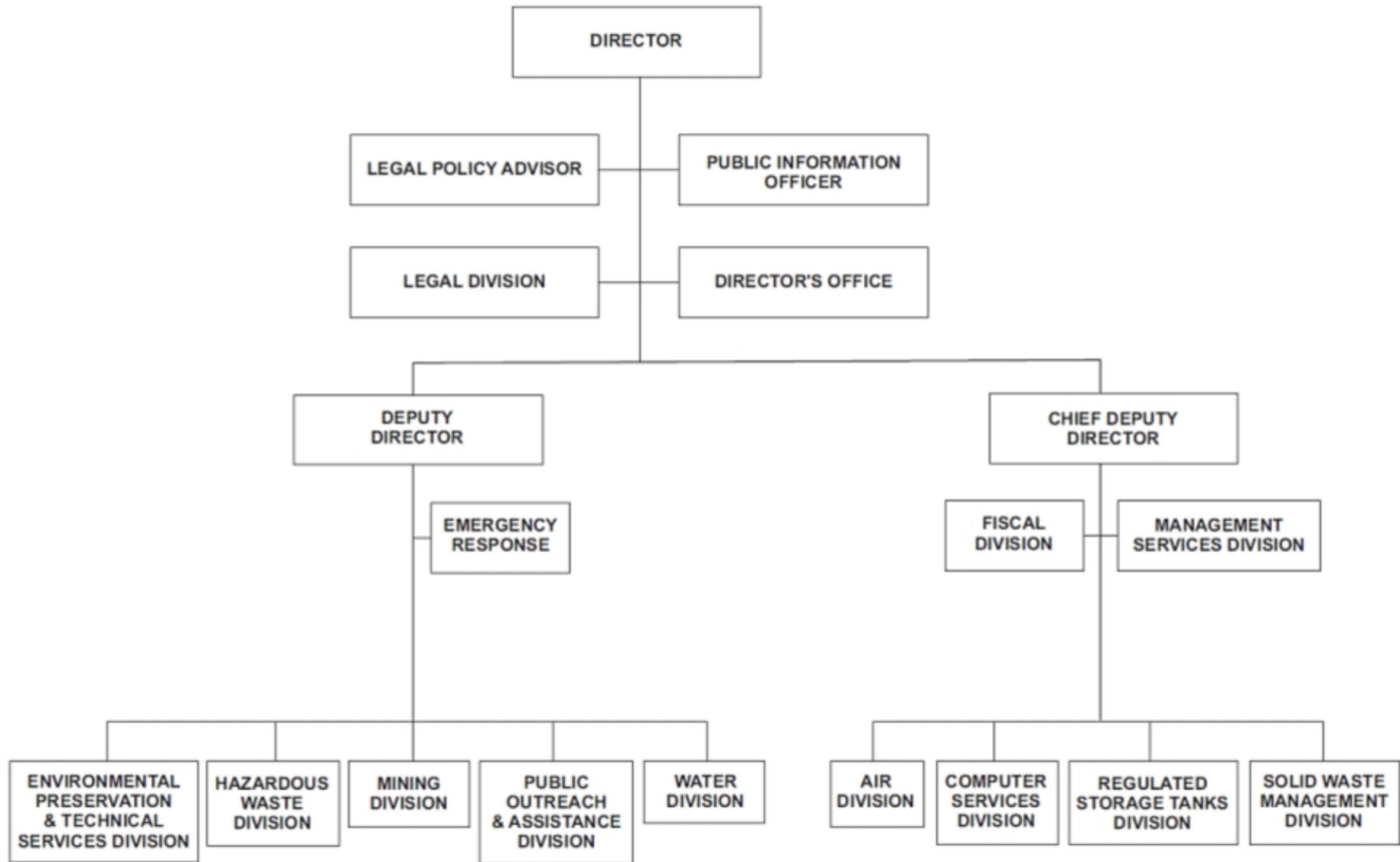
The Arkansas Department of Environmental Quality is the primary environmental regulatory agency for the State of Arkansas. The Agency is responsible for implementing the State's environmental laws and regulations as established by the Arkansas legislature and the Arkansas Pollution Control and Ecology Commission. In large part, the programs implemented by ADEQ are either authorized, or approved by 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 pro-active, 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 handles FOI requests; 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.



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.

During the 2009-11 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	\$1,003,114
Ambient Air Monitoring	350,000
Abandoned Mine Program (Admin)	474,235
RCRA Hazardous Waste	905,000
Permanent Mining Program	156,704
604 (b) Water Quality Planning	100,000
Underground Injection Control	84,990
106 Water Pollution Control	1,972,200
Superfund Program	700,000
Abandoned Mine Reclamation	1,832,944
Underground Storage Tanks	1,182,644
Pine Bluff Arsenal	300,000
Small, Various Grants	825,000
ARRA Funds Underground Storage Tanks	750,000
TOTAL	\$10,636,831

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 management activities, 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	\$4,400,000	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	2,000,000	Solid Waste & Recycling Program (Electronic Waste Recycling Infrastructure) (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	Hazardous Waste 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	\$36,160,000	

The following paragraphs briefly describe the program's needs requested as changes over the Base Level budget, including reclassifications as a result of DF&A definitional changes in capital outlay and professional fees.

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 the 1997 8-hour Ozone NAAQS issues related to Crittenden County, which is located in the Memphis Metropolitan Statistical Area. Re-attainment for Crittenden County was accomplished and the area was officially re-designated as in attainment and is currently subject to maintenance requirements.

The Division is also planning for probable future 8-hour ozone non-attainment designations which will be based on Ozone NAAQS revisions to be finalized in August 2010. Several areas of the State including the Little Rock-North Little Rock Metropolitan Statistical Area, Crittenden, Newton, Polk and Sebastian Counties may face being designated as Non-Attainment under the 2010 Ozone NAAQS. 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 Capital Outlay appropriation to replace one high mileage fleet vehicle each year out of (2TX) and (2TQ). These vehicles will be used by the department inspectors to conduct facility inspections and investigate complaints statewide. The Division is requesting (2TQ) Capital Outlay appropriation to purchase an Infrared Camera in fiscal year 2012 and 2013. This device provides rapid non-intrusive inspection capabilities of equipment and processes potentially emitting Volatile Organic Compounds (VOCs). Imaging capabilities of this instrument provide visual evidence of emission leaks/releases that are otherwise invisible to the naked eye and enables the tracking of the leak directly to the source. It also provides the capability to verify that leaks have been repaired.

Continuing and new programs consist of Planning Branch ICF contract funding for future ozone modeling projects, modeling for non-attainment areas and ePermitting contracted with Windsor Solutions.

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 only shown a slight increase. Although reserve pit authorization requests appear to be decreasing over recent years to 1,256 in 2008, 801 in 2009 and 420 by mid 2010; requests for authorization for multiple wells using the same drill pad and reserve pit have increased. Therefore, the number of reserve pit permits is not a direct reflection of the number of wells drilled. The Arkoma basin and south Arkansas continue to be explored and we believe the drilling presence in central Arkansas will continue to develop the Arkoma Basin 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 reallocation of the Federal Operations (2TQ) appropriation from Operating Expenses to Capital Outlay to utilize existing funds to replace equipment as it becomes inoperable, i.e., samplers, multiprobe monitoring devices, incubators, sterilizers, etc.

The Water Division is requesting appropriation to purchase a vehicle for the Wastewater Licensing section from (2TR). This will allow replacement of an older, high mileage, less fuel efficient fleet vehicle. We are requesting appropriation to conduct on-site specialty classes that will assist Class 3 and 4 wastewater license operators to manage their treatment systems more efficiently. These classes will be geared toward advanced operators and will not compete with the classes currently offered by SAU.

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. ADEQ has recently submitted the 2010 list of impaired stream segments to EPA for their review and approval. There are currently 225 proposed impaired stream segments in Arkansas which is a reduction from the 2008 list of 258.

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. During the next biennium, EPA will continue to require ADEQ to develop TMDLs for impaired stream segments at a cost which could exceed \$500,000 per year. To date, ADEQ has primarily been using ARRA monies to hire contractors for TMDL development.

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.

The Water Division also requests Regular Salaries appropriation (2TP - State Operations) for restoration of the seven (7) previously budgeted positions and related matching expenses, for inspectors relating to the Fayetteville Shale Play natural gas drilling and production activities funded by a grant from the Arkansas Game and Fish Commission for the fiscal year ending June 30, 2012 and, at this time, contingency appropriation to address Fayetteville Shale issues as needed for the fiscal year ending June 30, 2013.

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 overnight inspections of contractors, performing reclamation under the Abandoned Mine Land Program and investigations of future reclamation projects.

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, trains and certifies UST operators, 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 one fleet vehicle each year. These vehicles will be used by RST inspectors to conduct facility inspections statewide.

The Division also requests American Recovery and Reinvestment Act (ARRA) appropriation for corrective action and oversight activities relating to leaking underground storage tanks for several state lead sites which are scheduled for the last three months of the federal grant period which ends September 30, 2011.

SOLID WASTE MANAGEMENT DIVISION

This Division is responsible for programs necessary to provide for the siting, permitting and inspections of existing and proposed solid waste management facilities in Arkansas as well as waste tires grants, recycling grants, regional solid waste planning, solid waste operator licensing, landfill post-closure activities, tax credit program, 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, conduct 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 purchase a survey grade GPS unit that will be utilized in collecting elevations and slide slope data at the landfills. This unit will be utilized by the inspection and technical branch staff.

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.

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.

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.

PUBLIC OUTREACH AND ASSISTANCE DIVISION

The Public Outreach and Assistance Division provide 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.

COMPUTER SERVICES DIVISION

This Division is responsible for designing, developing, and maintaining ADEQ's information technology infrastructure. The Division 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 will continue utilizing the Performance Partnership Trust fund (2UQ) balance to complete the .NET application upgrade and development of the integrated information system (PDS), which plays 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.

The Division is requesting reallocation of the Fee Fund (2TX) appropriation from Professional and Administrative Fees to Operating Expenses for support of Title V technical service projects.

ENVIRONMENTAL PRESERVATION AND TECHNICAL SERVICES DIVISION

The Environmental Preservation and Technical Services Division is responsible for testing Arkansas' environment and providing 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, sulfur dioxide, nitrogen oxides, and carbon monoxide analyzers. The request is also to add new monitoring sites required by EPA. Trust fund (2TZ) Capital Outlay appropriation is requested to purchase replacement lab and field equipment, global positioning systems (GPS), and sample collection equipment.

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 Agency requests to reclassify the Department Administrative Law Judge (C127) to an Administrative Hearing Officer (N906).

Employment Summary

	Male	Female	Total	%	
White Employees	190	161	351	90 %	
Black Employees	9	26	35	9 %	
Other Racial Minorities	0	2	2	1 %	
			Total Minorities	37	10 %
			Total Employees	388	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

Department Appropriation Summary

Historical Data

Agency Request and Executive Recommendation

Appropriation	2009-2010		2010-2011		2010-2011		2011-2012					2012-2013						
	Actual	Pos	Budget	Pos	Authorized	Pos	Base Level	Pos	Agency	Pos	Executive	Pos	Base Level	Pos	Agency	Pos	Executive	Pos
2TP ADEQ - State Operations	4,149,970	64	4,679,153	66	4,706,729	73	4,599,102	66	4,934,136	73	4,934,136	73	4,599,102	66	4,934,136	73	4,934,136	73
2TQ ADEQ - Federal Operations	8,803,328	91	19,631,864	107	16,895,457	88	16,210,074	107	17,491,074	107	17,491,074	107	16,210,074	107	16,683,074	107	16,683,074	107
2TR Waste Water Licensing	91,265	2	160,677	3	151,542	2	160,708	3	188,208	3	180,708	3	160,708	3	168,208	3	160,708	3
2TS Land Reclamation	6,600	0	950,000	0	950,000	0	950,000	0	950,000	0	950,000	0	950,000	0	950,000	0	950,000	0
2TT Hazardous Waste Permit Program	1,520,827	23	1,547,571	20	1,463,630	23	1,534,904	20	1,534,904	20	1,534,904	20	1,534,904	20	1,534,904	20	1,534,904	20
2TU Reclamation of Abandoned Mines - State	1,218,122	0	5,700,000	0	5,700,000	0	5,700,000	0	5,700,000	0	5,700,000	0	5,700,000	0	5,700,000	0	5,700,000	0
2TV Surface Coal Mining	7,742	0	15,000	0	15,000	0	15,000	0	15,000	0	15,000	0	15,000	0	15,000	0	15,000	0
2TW Mining Reclamation	0	0	1,520,000	0	1,520,000	0	1,520,000	0	1,520,000	0	1,520,000	0	1,520,000	0	1,520,000	0	1,520,000	0
2TX Fee Administration	11,044,522	177	14,179,152	166	14,184,752	180	14,121,645	166	14,015,645	166	14,015,645	166	14,121,645	166	14,003,645	166	14,003,645	166
2TY Solid Waste Performance Bonds	14,357	0	500,000	0	500,000	0	500,000	0	500,000	0	500,000	0	500,000	0	500,000	0	500,000	0
2TZ Hazardous Waste Cleanup	3,085,627	3	7,763,042	3	7,750,567	1	7,501,040	3	7,724,040	3	7,724,040	3	7,501,040	3	7,763,040	3	7,763,040	3
2UA Emergency Response Program	124,444	2	491,689	2	489,854	2	490,633	2	490,633	2	490,633	2	490,633	2	490,633	2	490,633	2
2UB Asbestos Control Program	194,837	4	248,135	4	248,472	4	244,139	4	244,139	4	244,139	4	244,139	4	244,139	4	244,139	4
2UC Solid Waste Mgmt/Recycling Prog	5,039,919	20	8,408,725	20	8,392,947	20	8,383,209	20	8,383,209	20	8,383,209	20	8,383,209	20	8,383,209	20	8,383,209	20
2UD Reg. Substance Storage Tank	1,114,373	22	973,171	18	1,013,216	22	963,870	18	963,870	18	963,870	18	963,870	18	963,870	18	963,870	18
2UE Petroleum Storage Tank Trust	8,154,873	4	21,770,193	4	21,805,610	4	21,767,367	4	21,767,367	4	21,767,367	4	21,767,367	4	21,767,367	4	21,767,367	4
2UF Regulated Storage Tank Program	289,462	0	3,925,000	0	3,925,000	0	3,925,000	0	3,925,000	0	3,925,000	0	3,925,000	0	3,925,000	0	3,925,000	0
2UG Landfill Post Closure Program	538,749	6	7,852,660	6	7,853,176	6	7,848,179	6	7,848,179	6	7,848,179	6	7,848,179	6	7,848,179	6	7,848,179	6
2UH Waste Tire Recycling Program	4,203,125	0	6,425,000	0	6,425,000	0	6,425,000	0	6,425,000	0	6,425,000	0	6,425,000	0	6,425,000	0	6,425,000	0
2UJ St Mktg Brd for Recyclables Prog	5,774	0	32,376	0	32,376	0	28,876	0	28,876	0	28,876	0	28,876	0	28,876	0	28,876	0
2UK Environmental Education Program	135,424	1	324,052	1	321,922	1	316,104	1	316,104	1	316,104	1	316,104	1	316,104	1	316,104	1
2UM Lead Based Paint Hazard Prog	3,584	0	18,250	0	18,250	0	18,250	0	18,250	0	18,250	0	18,250	0	18,250	0	18,250	0
2UN Small Business Loans	51,667	0	550,000	0	550,000	0	550,000	0	550,000	0	550,000	0	550,000	0	550,000	0	550,000	0
2UP Sm Bus Revolving Loan Prog Exp	35,137	1	55,294	1	58,272	1	55,302	1	55,302	1	55,302	1	55,302	1	55,302	1	55,302	1
2UQ Performance Partnership Syst Exp	67,143	0	600,000	0	600,000	0	600,000	0	600,000	0	600,000	0	600,000	0	600,000	0	600,000	0
2UR Environmental Settlement Trust	21,279	0	750,000	0	750,000	0	750,000	0	750,000	0	750,000	0	750,000	0	750,000	0	750,000	0
2US Computer/Electronic Recycling	52,549	0	250,000	0	250,000	0	250,000	0	250,000	0	250,000	0	250,000	0	250,000	0	250,000	0
344 PCE Comm Admn Hearing Officer	215,914	2	259,450	2	298,757	3	257,561	2	257,561	2	257,561	2	257,561	2	257,561	2	257,561	2
36A Fee Administration Non-Haz Clean Up	0	0	750,000	0	750,000	0	750,000	0	750,000	0	750,000	0	750,000	0	750,000	0	750,000	0
467 PCE Commission Expenses	3,977	0	3,977	0	3,977	0	3,977	0	3,977	0	3,977	0	3,977	0	3,977	0	3,977	0
Total	50,194,590	421	110,334,431	422	107,624,506	430	106,439,940	422	108,200,474	429	108,192,974	429	106,439,940	422	107,399,474	429	107,391,974	429
Funding Sources		%		%				%										

Funding Sources		%		%		%		%		%		%		%		%	
Fund Balance	4000005	91,007,837	63.8	92,396,948	54.7	58,461,706	44.0	58,461,706	43.4	58,461,706	43.4	38,384,103	33.7	38,384,103	33.6	38,391,603	33.6
General Revenue	4000010	4,012,396	2.8	4,214,610	2.5	4,214,610	3.2	4,214,610	3.1	4,214,610	3.1	4,214,610	3.7	4,214,610	3.7	4,214,610	3.7
Federal Revenue	4000020	9,221,876	6.5	25,951,864	15.4	25,835,074	19.4	26,366,074	19.6	26,366,074	19.6	25,835,074	22.7	26,308,074	23.0	26,308,074	23.0
Special Revenue	4000030	27,051,735	19.0	26,961,576	16.0	28,587,743	21.5	28,509,243	21.2	28,509,243	21.2	29,348,171	25.8	29,237,671	25.6	29,237,671	25.6
Non-Revenue Receipts	4000040	214,736	0.2	438,539	0.3	440,000	0.3	440,000	0.3	440,000	0.3	440,000	0.4	440,000	0.4	440,000	0.4
Trust Fund	4000050	1,740,736	1.2	3,691,689	2.2	3,467,633	2.6	3,690,633	2.7	3,690,633	2.7	3,428,633	3.0	3,690,633	3.2	3,690,633	3.2
Bond Forfeitures	4000120	20,957	0.0	2,970,000	1.8	2,970,000	2.2	2,970,000	2.2	2,970,000	2.2	2,970,000	2.6	2,970,000	2.6	2,970,000	2.6
Federal Funds-ARRA	4000244	1,089,036	0.8	3,305,000	2.0	0	0.0	750,000	0.6	750,000	0.6	0	0.0	0	0.0	0	0.0
Interest	4000300	276,920	0.2	298,132	0.2	291,302	0.2	291,302	0.2	291,302	0.2	285,302	0.3	285,302	0.2	285,302	0.2
Loan Repayment	4000330	51,667	0.0	550,000	0.3	550,000	0.4	550,000	0.4	550,000	0.4	550,000	0.5	550,000	0.5	550,000	0.5
M & R Sales	4000340	110,701	0.1	97,753	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	7,792,941	5.5	7,920,026	4.7	7,930,447	6.0	7,930,447	5.9	7,930,447	5.9	8,149,818	7.2	8,149,818	7.1	8,149,818	7.1
Transfer to ADEQ	4000604	0	0.0	0	0.0	0	0.0	335,034	0.2	335,034	0.2	0	0.0	0	0.0	0	0.0
Total Funds		142,591,538	100.0	168,796,137	100.0	132,883,515	100.0	134,644,049	100.0	134,644,049	100.0	113,740,711	100.0	114,365,211	100.0	114,372,711	100.0
Excess Appropriation/(Funding)		(92,396,948)		(58,461,706)		(26,443,575)		(26,443,575)		(26,451,075)		(7,300,771)		(6,965,737)		(6,980,737)	
Grand Total		50,194,590		110,334,431		106,439,940		108,200,474		108,192,974		106,439,940		107,399,474		107,391,974	

The FY11 Budget exceeds Authorized in appropriation 2TQ due to a transfer from the Miscellaneous Federal Grant Holding Account.
Budget Number of Positions exceeds the Authorized Number in appropriations 2TQ, 2TR, and 2TZ, due to the flexibility inherent in the authorization of all positions through a single salary section in the appropriation act.
Variances in the fund balances are due to unfunded/contingency appropriations in 2TP, 2TZ, 2UE, 2UH, 2UQ, and 2US.

Agency Position Usage Report

FY2008 - 2009						FY2009 - 2010						FY2010 - 2011					
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			Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total	
423	401	22	423	0	5.20 %	430	396	34	430	0	7.91 %	430	389	33	422	8	9.53 %

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. This appropriation is funded by General Revenue, and other non-revenue receipt deposits along with contributions from other agencies.

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 responds to citizen complaints.

Drilling and production activities in the Fayetteville Shale Gas Play have increased the department activities. During the 87th General Assembly, the Agency received seven (7) unfunded positions with supporting costs to address these needs. Due to the lack of funding these positions were not budgeted FY11; however, the Agency anticipates funding these positions in FY12 with a grant provided by the Arkansas Game and Fish Commission (AGFC). The Arkoma basin and south Arkansas continue to be explored and the drilling presence in central Arkansas will continue to develop. In order to oversee gas exploration activities, it is important for the Agency to have adequate staff.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level salary of unclassified positions reflects the FY11 line item maximum.

In addition to Base Level of \$4,599,102 each year, the Agency is requesting Regular Salaries and Personal Services Matching of \$335,034 each year and the restoration of seven (7) positions: one (1) ADEQ Inspector Supervisor, two (2) ADEQ Enforcement Coordinators, and four (4) ADEQ Inspectors. These positions will provide inspections and monitoring of natural gas drilling and production activities on public and private lands within the Fayetteville Shale Play Area and statewide. The appropriation will be funded by an AGFC grant in FY12 and contingency appropriation is requested for FY13 to allow the Agency to address Fayetteville Shale Gas Play issues as needed. No additional general revenue will be requested to fund these positions.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 2TP - ADEQ - State Operations

Funding Sources: HMA - ADEQ Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			2011-2012			2012-2013		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	3,078,543	3,228,205	3,231,711	3,220,575	3,471,842	3,471,842	3,220,575	3,471,842	3,471,842
#Positions		64	66	73	66	73	73	66	73	73
Extra Help	5010001	9,873	25,674	25,674	25,674	25,674	25,674	25,674	25,674	25,674
#Extra Help		1	2	2	2	2	2	2	2	2
Personal Services Matching	5010003	838,109	925,876	949,946	963,455	1,047,222	1,047,222	963,455	1,047,222	1,047,222
Operating Expenses	5020002	214,763	353,183	353,183	353,183	353,183	353,183	353,183	353,183	353,183
Conference & Travel Expenses	5050009	8,682	32,115	32,115	32,115	32,115	32,115	32,115	32,115	32,115
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	0	110,000	110,000	0	0	0	0	0	0
Total		4,149,970	4,679,153	4,706,729	4,599,102	4,934,136	4,934,136	4,599,102	4,934,136	4,934,136

Funding Sources										
Fund Balance	4000005	73,082	146,267		116,286	116,286	116,286	167,817	167,817	167,817
General Revenue	4000010	4,008,419	4,210,633		4,210,633	4,210,633	4,210,633	4,210,633	4,210,633	4,210,633
Non-Revenue Receipts	4000040	214,736	438,539		440,000	440,000	440,000	440,000	440,000	440,000
Transfer to ADEQ	4000604	0	0		0	335,034	335,034	0	0	0
Total Funding		4,296,237	4,795,439		4,766,919	5,101,953	5,101,953	4,818,450	4,818,450	4,818,450
Excess Appropriation/(Funding)		(146,267)	(116,286)		(167,817)	(167,817)	(167,817)	(219,348)	115,686	115,686
Grand Total		4,149,970	4,679,153		4,599,102	4,934,136	4,934,136	4,599,102	4,934,136	4,934,136

Transfer to ADEQ is comprised of an Arkansas Game and Fish Grant.

Change Level by Appropriation

Appropriation: 2TP - ADEQ - State Operations
Funding Sources: HMA - ADEQ Fund

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	4,599,102	66	4,599,102	100.0	4,599,102	66	4,599,102	100.0
C01	Existing Program	335,034	7	4,934,136	107.3	335,034	7	4,934,136	107.3

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	4,599,102	66	4,599,102	100.0	4,599,102	66	4,599,102	100.0
C01	Existing Program	335,034	7	4,934,136	107.3	335,034	7	4,934,136	107.3

Justification

C01	Requesting restoration of (7) positions for salaries and related matching expenses, including four (4) ADEQ Inspectors, one (1) ADEQ Inspector Supervisor and two (2) ADEQ Enforcement Coordinators or Enforcement Analysts the purpose of which are to provide for frequent inspection and monitoring of natural gas drilling and production activities that take place on public and private lands within the Fayetteville Shale Play Area and statewide.
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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 (EPA) and the US Department of Interior. The Agency operates under the grants with varying amounts of state matching requirements.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

In addition to Base Level of \$16,210,074 each year, the Agency requests the following:

- Discontinue Federal funded ARRA appropriation of \$2,555,000 in FY12 and \$3,305,000 in FY13 in accordance with federal disbursement guidelines. Authorized ARRA appropriation for the 2009-2011 biennium totaled \$3,305,000 each year.
- A reallocation of \$20,000 in FY12 and \$25,000 in FY13 from Operating Expenses to Capital Outlay to replace obsolete equipment (samplers, multi-probe monitoring devices, incubators and sterilizers).
- An increase in Capital Outlay of \$551,000 in FY12 and \$498,000 in FY13 for the following: replace vehicles as needed two (2) in FY12 and three (3) in FY13 to conduct compliance inspections, monitor projects and investigate complaints statewide; purchase one (1) infrared camera each year to detect and provide visual evidence of hazardous emission leaks and releases; purchase new/replacement air monitoring equipment to monitor required EPA ozone sites; and replace obsolete testing and field equipment (data loggers and calibrators). A reallocation of \$118,000 each year from appropriation (2TX) Professional Fees is requested to partially offset this request.
- Federal funded ARRA appropriation totaling \$750,000 in FY12 to complete corrective action and oversight activities related to leaking underground storage tanks.

The Executive Recommendation provides for the Agency Request with Capital Outlay to replace aging, high mileage vehicles each year in accordance with A.C.A. §22-8-201 et seq., Automobile and Pickup Truck Acquisition Act, which establishes guidelines for automobile replacement.

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			Agency Request and Executive Recommendation		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	3,944,038	4,891,822	5,315,451	4,871,849	4,871,849	4,871,849	4,871,849	4,871,849	4,871,849
#Positions		91	107	88	107	107	107	107	107	107
Extra Help	5010001	37,467	148,585	148,585	148,585	148,585	148,585	148,585	148,585	148,585
#Extra Help		13	62	62	62	62	62	62	62	62
Personal Services Matching	5010003	1,156,921	1,463,570	1,608,534	1,499,053	1,499,053	1,499,053	1,499,053	1,499,053	1,499,053
Operating Expenses	5020002	1,429,107	4,309,060	4,309,060	4,309,060	4,289,060	4,289,060	4,309,060	4,284,060	4,284,060
Conference & Travel Expenses	5050009	61,540	271,126	271,126	271,126	271,126	271,126	271,126	271,126	271,126
Professional Fees	5060010	53,845	2,045,401	2,045,401	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	725,011	632,300	632,300	500,000	1,051,000	1,051,000	500,000	998,000	998,000
Contractual Services	5900043	306,363	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000	2,565,000
ARRA of 2009	5900052	1,089,036	3,305,000	0	0	750,000	750,000	0	0	0
Total		8,803,328	19,631,864	16,895,457	16,210,074	17,491,074	17,491,074	16,210,074	16,683,074	16,683,074
Funding Sources										
Federal Revenue	4000020	7,714,292	16,326,864		16,210,074	16,741,074	16,741,074	16,210,074	16,683,074	16,683,074
Federal Funds-ARRA	4000244	1,089,036	3,305,000		0	750,000	750,000	0	0	0
Total Funding		8,803,328	19,631,864		16,210,074	17,491,074	17,491,074	16,210,074	16,683,074	16,683,074
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		8,803,328	19,631,864		16,210,074	17,491,074	17,491,074	16,210,074	16,683,074	16,683,074

The FY11 Budget exceeds Authorized for the ARRA of 2009 line item due to a transfer from the Miscellaneous Federal Grant Holding Account.

Budget Number of Positions exceeds the Authorized Number due to the flexibility inherent in the authorization of all positions through a single 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		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	16,210,074	107	16,210,074	100.0	16,210,074	107	16,210,074	100.0
C01	Existing Program	413,000	0	16,623,074	102.5	355,000	0	16,565,074	102.2
C03	Discontinue Program	(2,555,000)	0	14,068,074	86.8	(3,305,000)	0	13,260,074	81.8
C04	Reallocation	118,000	0	14,186,074	87.5	118,000	0	13,378,074	82.5
C16	ARRA	3,305,000	0	17,491,074	107.9	3,305,000	0	16,683,074	102.9

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	16,210,074	107	16,210,074	100.0	16,210,074	107	16,210,074	100.0
C01	Existing Program	413,000	0	16,623,074	102.5	355,000	0	16,565,074	102.2
C03	Discontinue Program	(2,555,000)	0	14,068,074	86.8	(3,305,000)	0	13,260,074	81.8
C04	Reallocation	118,000	0	14,186,074	87.5	118,000	0	13,378,074	82.5
C16	ARRA	3,305,000	0	17,491,074	107.9	3,305,000	0	16,683,074	102.9

Justification

C01	The mining division is requesting \$30,000 federally funded (2TQ) Capital Outlay appropriation to replace one vehicle, a 1999 GMC Crew Cab in the Russellville Field Office, which will have over 100,000 miles on it by FY12-13. The vehicle will be used to conduct overnight inspections of contractors, performing reclamation under the Abandoned Mine Land Program and investigations of future reclamations projects. The regulated storage tanks division is requesting federally funded (2TQ) \$22,000 Capital Outlay appropriation to replace one vehicle each year. The vehicles will be used to travel to regulated petroleum storage tank sites for compliance inspections, response to petroleum releases and to observe installation and closures of tank systems. The environmental preservation and technical services division is requesting \$391,000 and \$303,000 for the fiscal years ending June 30, 2012 and 2013, respectively for federally funded (2TQ) Capital Outlay appropriation to add air monitoring sites as required by the Environmental Protection Agency (EPA) as well as replacement equipment. Equipment for the 3 ozone sites in FY 2012 and 2 ozone sites in FY 2013 include sulfur dioxide monitors and shelters. Replacement equipment includes data loggers, a microbalance, calibrators and other equipment.
C03	Federal stimulus funding and related expenditures from the American Recovery and Reinvestment Act (ARRA) will expire during the fiscal year ended June 30, 2011 with the exception of \$750,000 relating to corrective action and oversight activities relating to leaking underground storage tanks for several state lead sites which are scheduled for the last three months of the federal grant period which ends on September 30, 2011.
C04	The air division is requesting \$25,000 federally funded (2TQ) Capital Outlay reallocation appropriation to replace one vehicle each year. These vehicles will be used by the department inspectors to conduct facility inspections and investigate complaints statewide. The air division is also requesting federally funded (2TQ) Capital Outlay appropriation to acquire one infrared camera (\$93,000) each year. Many areas in the state will face being classified as Non-Attainment under the revised National Ambient Air Quality Standard for Ozone to be finalized in August 2010. This device provides rapid non-intrusive inspection capabilities of equipment and processes potentially emitting Volatile Organic Compounds (VOCs). Imaging capabilities of this instrument provide visual evidence of emission leaks/releases that are otherwise invisible to the naked eye and enables the tracking of a leak directly to the source. It also provides the capability to verify that leaks have been repaired. VOC emissions are a major contributor to the formation of ground level ozone. The above \$118,000 total requested capital appropriation reallocation from a reduction in the fee fund (2TX), Professional Fees. The water division requests the reallocation of \$20,000 and \$25,000 FY12 and FY13, respectively from Operating Expenses to Capital Outlay. Reallocation of this appropriation would allow flexibility to utilize existing funds to replace equipment which has exceeded its useful life.
C16	Federal stimulus funding and related expenditures from the American Recovery and Reinvestment Act (ARRA) will expire during the fiscal year ended June 30, 2011 with the exception of \$750,000 relating to corrective action and oversight activities relating to leaking underground storage tanks for several state lead sites which are scheduled for the last three months of the federal grant period which ends on September 30, 2011.

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.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level request for Regular Salaries includes board member stipend payments.

In addition to Base Level of \$160,708 each year, the Agency is requesting the following increases:

- Operating Expenses of \$7,500 each year to provide specialized on-site training classes for wastewater license holders.
- Capital Outlay of \$20,000 in FY12 to replace one vehicle for traveling to test sites to administer wastewater licensing exams.

The Executive Recommendation provides for Base Level and Capital Outlay to replace an aging, high mileage vehicle in FY12 in accordance with A.C.A. §22-8-201 et seq., Automobile and Pickup Truck Acquisition Act, which establishes guidelines for automobile replacement.

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			2011-2012			2012-2013		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	55,483	96,479	92,308	96,479	96,479	96,479	96,479	96,479	96,479
#Positions		2	3	2	3	3	3	3	3	3
Personal Services Matching	5010003	21,942	32,477	27,513	32,508	32,508	32,508	32,508	32,508	32,508
Operating Expenses	5020002	11,060	26,632	26,632	26,632	34,132	26,632	26,632	34,132	26,632
Conference & Travel Expenses	5050009	2,780	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	20,000	20,000	0	0	0
Total		91,265	160,677	151,542	160,708	188,208	180,708	160,708	168,208	160,708
Funding Sources										
Fund Balance	4000005	462,043	515,803		475,126	475,126	475,126	431,918	431,918	439,418
Special Revenue	4000030	145,025	120,000		117,500	145,000	145,000	137,500	145,000	145,000
Total Funding		607,068	635,803		592,626	620,126	620,126	569,418	576,918	584,418
Excess Appropriation/(Funding)		(515,803)	(475,126)		(431,918)	(431,918)	(439,418)	(408,710)	(408,710)	(423,710)
Grand Total		91,265	160,677		160,708	188,208	180,708	160,708	168,208	160,708

The FY11 Budget amount in Regular Salaries and Personal Services Matching exceeds the authorized amount due to salary and matching rate adjustments during the 2009-2011 biennium. Budget Number of Positions exceeds the Authorized Number due to the flexibility inherent in the authorization of all positions through a single salary section in the appropriation act.

Change Level by Appropriation

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

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	160,708	3	160,708	100.0	160,708	3	160,708	100.0
C01	Existing Program	27,500	0	188,208	117.1	7,500	0	168,208	104.7

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	160,708	3	160,708	100.0	160,708	3	160,708	100.0
C01	Existing Program	20,000	0	180,708	112.4	0	0	160,708	100.0

Justification

C01	The water division requests a \$20,000 capital appropriation to purchase a vehicle to replace an agency fleet vehicle to be used for traveling to test sites to administer wastewater licensing examinations. A replacement vehicle would be more fuel efficient than the fleet vehicles that are being utilized for this function currently. The water division is also requesting \$7,500 in appropriation each year for specialized on-site training classes for wastewater license holders.
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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			2011-2012			2012-2013		
	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Reclamation Contracts 5900043	6,600	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000
Total	6,600	950,000	950,000	950,000	950,000	950,000	950,000	950,000	950,000
Funding Sources									
Bond Forfeitures 4000120	6,600	950,000		950,000	950,000	950,000	950,000	950,000	950,000
Total Funding	6,600	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	6,600	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 to operate 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).

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

The Agency Request is for Base Level of \$1,534,904 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			Agency Request and Executive Recommendation		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	1,034,493	932,488	856,634	934,964	934,964	934,964	934,964	934,964	934,964
#Positions		23	20	23	20	20	20	20	20	20
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	294,914	270,034	261,947	284,891	284,891	284,891	284,891	284,891	284,891
Overtime	5010006	0	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250
Operating Expenses	5020002	181,894	197,304	197,304	197,304	197,304	197,304	197,304	197,304	197,304
Conference & Travel Expenses	5050009	4,314	47,700	47,700	47,700	47,700	47,700	47,700	47,700	47,700
Professional Fees	5060010	0	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	5,212	30,000	30,000	0	0	0	0	0	0
Total		1,520,827	1,547,571	1,463,630	1,534,904	1,534,904	1,534,904	1,534,904	1,534,904	1,534,904
Funding Sources										
Fund Balance	4000005	4,519,412	4,547,936		4,383,649	4,383,649	4,383,649	4,403,745	4,403,745	4,403,745
Special Revenue	4000030	1,404,840	1,233,284		1,405,000	1,405,000	1,405,000	1,405,000	1,405,000	1,405,000
Other	4000370	144,511	150,000		150,000	150,000	150,000	150,000	150,000	150,000
Total Funding		6,068,763	5,931,220		5,938,649	5,938,649	5,938,649	5,958,745	5,958,745	5,958,745
Excess Appropriation/(Funding)		(4,547,936)	(4,383,649)		(4,403,745)	(4,403,745)	(4,403,745)	(4,423,841)	(4,423,841)	(4,423,841)
Grand Total		1,520,827	1,547,571		1,534,904	1,534,904	1,534,904	1,534,904	1,534,904	1,534,904

The FY11 Budget amount in Regular Salaries and Personal Services Matching exceeds the authorized amount due to salary and matching rate adjustments during the 2009-2011 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.

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			2011-2012			2012-2013		
	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Abandoned Mine Reclamation Cor 5900043	1,218,122	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	1,218,122	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	1,218,122	5,700,000		5,700,000	5,700,000	5,700,000	5,700,000	5,700,000	5,700,000
Total Funding	1,218,122	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	1,218,122	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 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		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses	5020002	7,742	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	0	0	0	0	0	0	0	0	0
Total		7,742	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Funding Sources										
Fund Balance	4000005	35,064	34,567		21,067	21,067	21,067	13,367	13,367	13,367
Other	4000370	7,245	1,500		7,300	7,300	7,300	7,750	7,750	7,750
Total Funding		42,309	36,067		28,367	28,367	28,367	21,117	21,117	21,117
Excess Appropriation/(Funding)		(34,567)	(21,067)		(13,367)	(13,367)	(13,367)	(6,117)	(6,117)	(6,117)
Grand Total		7,742	15,000		15,000	15,000	15,000	15,000	15,000	15,000

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		
	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
				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.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level request for Regular Salaries includes board member stipend payments. Base Level appropriation is \$14,121,645 each year and includes 166 regular positions and 5 extra help positions.

The Agency requests the following Change Levels:

- A reallocation of \$314,702 each year from Professional Fees to Operating Expenses to provide appropriation for Title V technical service contracts.
- A reallocation of \$25,000 each year from Professional Fees to Capital Outlay to replace one (1) vehicle as needed each year to conduct compliance inspections, monitor projects and investigate complaints statewide.
- A reallocation of \$118,000 each year from Professional Fees is requested to offset Capital Outlay request in appropriation (2TQ) Federal Operations.
- An increase in Capital Outlay of \$12,000 in FY12 to purchase a survey grade global position satellite (GPS) unit to collect accurate elevations and slide slope data at landfill sites

The Executive Recommendation provides for the Agency Request with Capital Outlay to replace an aging, high mileage vehicle each year in accordance with A.C.A. §22-8-201 et seq., Automobile and Pickup Truck Acquisition Act, which establishes guidelines for automobile replacement.

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			Agency Request and Executive Recommendation		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	7,320,169	7,236,368	7,220,319	7,194,218	7,194,218	7,194,218	7,194,218	7,194,218	7,194,218
#Positions		177	166	180	166	166	166	166	166	166
Extra Help	5010001	0	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000
#Extra Help		0	5	5	5	5	5	5	5	5
Personal Services Matching	5010003	2,137,241	2,201,406	2,223,055	2,240,349	2,240,349	2,240,349	2,240,349	2,240,349	2,240,349
Operating Expenses	5020002	633,300	1,383,468	1,383,468	1,383,468	1,698,170	1,698,170	1,383,468	1,698,170	1,698,170
Conference & Travel Expenses	5050009	38,358	152,389	152,389	152,389	152,389	152,389	152,389	152,389	152,389
Professional Fees	5060010	27,275	2,056,221	2,056,221	2,056,221	1,598,519	1,598,519	2,056,221	1,598,519	1,598,519
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	888,179	1,104,300	1,104,300	1,050,000	1,087,000	1,087,000	1,050,000	1,075,000	1,075,000
Total		11,044,522	14,179,152	14,184,752	14,121,645	14,015,645	14,015,645	14,121,645	14,003,645	14,003,645

Funding Sources										
Fund Balance	4000005	14,475,491	14,717,759		11,898,524	11,898,524	11,898,524	9,350,479	9,350,479	9,350,479
Special Revenue	4000030	11,286,790	11,359,917		11,573,600	11,467,600	11,467,600	11,573,600	11,455,600	11,455,600
Total Funding		25,762,281	26,077,676		23,472,124	23,366,124	23,366,124	20,924,079	20,806,079	20,806,079
Excess Appropriation/(Funding)		(14,717,759)	(11,898,524)		(9,350,479)	(9,350,479)	(9,350,479)	(6,802,434)	(6,802,434)	(6,802,434)
Grand Total		11,044,522	14,179,152		14,121,645	14,015,645	14,015,645	14,121,645	14,003,645	14,003,645

The FY11 Budget amount in Regular Salaries exceeds the authorized amount due to salary rate adjustments during the 2009-2011 biennium. Capital Outlay in the amount of \$1,050,000 is included in Base Level to provide for the Agency's capital lease.

Change Level by Appropriation

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

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	14,121,645	166	14,121,645	100.0	14,121,645	166	14,121,645	100.0
C01	Existing Program	12,000	0	14,133,645	100.1	0	0	14,121,645	100.0
C04	Reallocation	(118,000)	0	14,015,645	99.2	(118,000)	0	14,003,645	99.2

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	14,121,645	166	14,121,645	100.0	14,121,645	166	14,121,645	100.0
C01	Existing Program	12,000	0	14,133,645	100.1	0	0	14,121,645	100.0
C04	Reallocation	(118,000)	0	14,015,645	99.2	(118,000)	0	14,003,645	99.2

Justification

C01	The solid waste management division requests a \$12,000 capital appropriation to purchase a survey grade GPS unit that will be utilized in collecting elevations and slide slope data at landfill sites. This unit will be utilized by the inspection and technical branch staff.
C04	The air division is requesting \$25,000 fee fund (2TX) Capital Outlay reallocation appropriation to replace one fleet vehicle each year. These vehicles will be used by department inspectors to conduct facility inspections and investigate complaints statewide. The above \$25,000 total requested capital appropriation reallocation is offset from a reduction in the same fund, Professional Fees. The air division also requests \$118,000 appropriation reallocations from (2TX), Professional Fees to (2TQ), Capital Outlay for the purchase of a replacement fleet vehicle (\$25,000) and infrared camera (\$93,000) each year as described in greater detail in the (2TQ) (C04) justification. The computer services division requests a \$314,702 miscellaneous technical services fees reallocation by reducing professional and administrative fees during both years of the 2011-2013 biennium. Funds are to be used to support Title V technical service projects.

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; however, 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	Historical Data			2011-2012			2012-2013		
	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Solid Waste Performance Bonds C 5900043	14,357	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Total	14,357	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Funding Sources									
Bond Forfeitures 4000120	14,357	500,000		500,000	500,000	500,000	500,000	500,000	500,000
Total Funding	14,357	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	14,357	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 and funded for corrective actions.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

In addition to Base Level of \$7,501,040 each year, the Agency is requesting Capital Outlay of \$223,000 in FY12 and \$262,000 in FY13 to replace a gas chromatograph/mass spectrometer, which provides capability to analyze environmental samples for organic contaminants like pesticides and solvents, a microwave digester for preparing tissues and soil samples for metal testing, and analytical balances for residue testing.

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		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	91,262	127,802	117,535	127,802	127,802	127,802	127,802	127,802	127,802
#Positions		3	3	1	3	3	3	3	3	3
Personal Services Matching	5010003	31,179	39,945	37,737	39,983	39,983	39,983	39,983	39,983	39,983
Operating Expenses	5020002	102,411	401,358	401,358	401,358	401,358	401,358	401,358	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	58,176	262,040	262,040	0	223,000	223,000	0	262,000	262,000
Contractual Services	5900043	2,501,284	6,194,000	6,194,000	6,194,000	6,194,000	6,194,000	6,194,000	6,194,000	6,194,000
DP Operating Expense	5900044	301,315	453,937	453,937	453,937	453,937	453,937	453,937	453,937	453,937
Total		3,085,627	7,763,042	7,750,567	7,501,040	7,724,040	7,724,040	7,501,040	7,763,040	7,763,040

Funding Sources										
Fund Balance	4000005	12,520,541	11,029,927		4,966,885	4,966,885	4,966,885	0	0	0
Trust Fund	4000050	1,595,013	1,700,000		1,477,000	1,700,000	1,700,000	1,438,000	1,700,000	1,700,000
Total Funding		14,115,554	12,729,927		6,443,885	6,666,885	6,666,885	1,438,000	1,700,000	1,700,000
Excess Appropriation/(Funding)		(11,029,927)	(4,966,885)		1,057,155	1,057,155	1,057,155	6,063,040	6,063,040	6,063,040
Grand Total		3,085,627	7,763,042		7,501,040	7,724,040	7,724,040	7,501,040	7,763,040	7,763,040

The FY11 Budget amount in Regular Salaries and Personal Services Matching exceeds the authorized amount due to salary and matching rate adjustments during the 2009-2011 biennium. Budget Number of Positions exceeds the Authorized Number due to the flexibility inherent in the authorization of all positions through a single salary section in the appropriation act. The excess appropriation in FY12 and FY13 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		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	7,501,040	3	7,501,040	100.0	7,501,040	3	7,501,040	100.0
C01	Existing Program	223,000	0	7,724,040	103.0	262,000	0	7,763,040	103.5

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	7,501,040	3	7,501,040	100.0	7,501,040	3	7,501,040	100.0
C01	Existing Program	223,000	0	7,724,040	103.0	262,000	0	7,763,040	103.5

Justification

C01	The environmental preservation and technical services division is requesting \$223,000 and \$262,000 for the fiscal years ending June 30, 2012 and 2013, respectively for Capital Outlay appropriation to replace a gas chromatograph/mass spectrometer, microwave digester for metals, analytical balances, and a total organic carbon analyzer.
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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 emergency 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.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

The Agency Request is for Base Level of \$490,633 each year.

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	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	85,816	86,340	84,949	85,440	85,440	85,440	85,440	85,440	85,440
#Positions	2	2	2	2	2	2	2	2	2
Personal Services Matching 5010003	25,495	26,861	26,417	26,705	26,705	26,705	26,705	26,705	26,705
Operating Expenses 5020002	3,428	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	0	0	0	0	0
Contractual Services 5900043	9,705	372,655	372,655	372,655	372,655	372,655	372,655	372,655	372,655
Total	124,444	491,689	489,854	490,633	490,633	490,633	490,633	490,633	490,633
Funding Sources									
Trust Fund 4000050	124,444	491,689		490,633	490,633	490,633	490,633	490,633	490,633
Total Funding	124,444	491,689		490,633	490,633	490,633	490,633	490,633	490,633
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	124,444	491,689		490,633	490,633	490,633	490,633	490,633	490,633

The FY11 Budget amount in Regular Salaries and Personal Services Matching exceeds the authorized amount due to salary and matching rate adjustments during the 2009-2011 biennium.

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 a fee of \$35 for asbestos removal workers to cover program costs.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

The Agency Request is for Base Level of \$244,139 each year.

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		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	143,538	158,454	158,896	157,754	157,754	157,754	157,754	157,754	157,754
#Positions		4	4	4	4	4	4	4	4	4
Personal Services Matching	5010003	45,720	50,839	50,734	50,743	50,743	50,743	50,743	50,743	50,743
Operating Expenses	5020002	3,497	29,452	29,452	29,452	29,452	29,452	29,452	29,452	29,452
Conference & Travel Expenses	5050009	2,082	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	0	0
Total		194,837	248,135	248,472	244,139	244,139	244,139	244,139	244,139	244,139
Funding Sources										
Fund Balance	4000005	1,284,045	1,458,174		1,446,126	1,446,126	1,446,126	1,458,987	1,458,987	1,458,987
Special Revenue	4000030	368,966	236,087		257,000	257,000	257,000	257,000	257,000	257,000
Total Funding		1,653,011	1,694,261		1,703,126	1,703,126	1,703,126	1,715,987	1,715,987	1,715,987
Excess Appropriation/(Funding)		(1,458,174)	(1,446,126)		(1,458,987)	(1,458,987)	(1,458,987)	(1,471,848)	(1,471,848)	(1,471,848)
Grand Total		194,837	248,135		244,139	244,139	244,139	244,139	244,139	244,139

The FY11 Budget amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2009-2011 biennium.

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, additional legislation was adopted strengthening the recycling aspect of solid waste management. Funding is derived from landfill disposal fees collected pursuant to legislative enactments.

This appropriation contains unfunded contingency appropriation for Electronic Waste Recycling Infrastructure. Pursuant to A.C.A. §8-6-614, funding is derived from landfill disposal fees.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

The Agency Request is for Base Level of \$8,383,209 each year.

The Executive Recommendation provides for the Agency Request.

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	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	777,893	838,874	821,859	830,074	830,074	830,074	830,074	830,074	830,074
#Positions	20	20	20	20	20	20	20	20	20
Personal Services Matching 5010003	235,164	257,654	258,891	260,938	260,938	260,938	260,938	260,938	260,938
Operating Expenses 5020002	106,084	126,529	126,529	126,529	126,529	126,529	126,529	126,529	126,529
Conference & Travel Expenses 5050009	5,325	15,668	15,668	15,668	15,668	15,668	15,668	15,668	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	3,910,051	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	5,402	20,000	20,000	0	0	0	0	0	0
Electronic Waste Recycling Infrast 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	5,039,919	8,408,725	8,392,947	8,383,209	8,383,209	8,383,209	8,383,209	8,383,209	8,383,209
Funding Sources									
Fund Balance 4000005	9,166,352	11,862,527		11,243,867	11,243,867	11,243,867	10,660,658	10,660,658	10,660,658
Special Revenue 4000030	7,736,094	7,790,065		7,800,000	7,800,000	7,800,000	7,800,000	7,800,000	7,800,000
Total Funding	16,902,446	19,652,592		19,043,867	19,043,867	19,043,867	18,460,658	18,460,658	18,460,658
Excess Appropriation/(Funding)	(11,862,527)	(11,243,867)		(10,660,658)	(10,660,658)	(10,660,658)	(10,077,449)	(10,077,449)	(10,077,449)
Grand Total	5,039,919	8,408,725		8,383,209	8,383,209	8,383,209	8,383,209	8,383,209	8,383,209

The FY11 Budget amount in Regular Salaries exceeds the authorized amount due to salary rate adjustments during the 2009-2011 biennium.

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 Environmental Quality 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.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

The Agency Request is for Base Level of \$963,870 each year.

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		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	806,950	675,811	705,503	667,911	667,911	667,911	667,911	667,911	667,911
#Positions		22	18	22	18	18	18	18	18	18
Personal Services Matching	5010003	250,668	221,227	231,580	219,826	219,826	219,826	219,826	219,826	219,826
Operating Expenses	5020002	56,705	71,128	71,128	71,128	71,128	71,128	71,128	71,128	71,128
Conference & Travel Expenses	5050009	50	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		1,114,373	973,171	1,013,216	963,870	963,870	963,870	963,870	963,870	963,870
Funding Sources										
Fund Balance	4000005	1,149,654	1,089,781		1,222,610	1,222,610	1,222,610	1,301,922	1,301,922	1,301,922
Special Revenue	4000030	1,054,500	1,106,000		1,043,182	1,043,182	1,043,182	983,765	983,765	983,765
Total Funding		2,204,154	2,195,781		2,265,792	2,265,792	2,265,792	2,285,687	2,285,687	2,285,687
Excess Appropriation/(Funding)		(1,089,781)	(1,222,610)		(1,301,922)	(1,301,922)	(1,301,922)	(1,321,817)	(1,321,817)	(1,321,817)
Grand Total		1,114,373	973,171		963,870	963,870	963,870	963,870	963,870	963,870

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 pay reimbursements to owner operators for taking corrective action or to pay third parties for compensatory damages caused by accidental releases from qualified storage tanks, and to pay reasonable and necessary costs and expenses of the department for taking corrective action caused by 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.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level request for Regular Salaries includes board member stipend payments.

The Agency request is for Base level of \$21,767,367 each year.

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			Agency Request and Executive Recommendation		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	205,261	206,859	237,216	204,459	204,459	204,459	204,459	204,459	204,459
#Positions		4	4	4	4	4	4	4	4	4
Personal Services Matching	5010003	56,865	60,373	65,433	59,947	59,947	59,947	59,947	59,947	59,947
Operating Expenses	5020002	7,848,067	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	40	3,005	3,005	3,005	3,005	3,005	3,005	3,005	3,005
Professional Fees	5060010	44,640	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	0	0	0	0	0	0	0	0	0
Total		8,154,873	21,770,193	21,805,610	21,767,367	21,767,367	21,767,367	21,767,367	21,767,367	21,767,367
Funding Sources										
Fund Balance	4000005	19,291,539	18,639,917		4,503,250	4,503,250	4,503,250	0	0	0
Other	4000370	7,503,251	7,633,526		7,498,147	7,498,147	7,498,147	7,717,068	7,717,068	7,717,068
Total Funding		26,794,790	26,273,443		12,001,397	12,001,397	12,001,397	7,717,068	7,717,068	7,717,068
Excess Appropriation/(Funding)		(18,639,917)	(4,503,250)		9,765,970	9,765,970	9,765,970	14,050,299	14,050,299	14,050,299
Grand Total		8,154,873	21,770,193		21,767,367	21,767,367	21,767,367	21,767,367	21,767,367	21,767,367

The excess appropriation in FY12 and FY13 assumes full expenditure of the contingency appropriation (Petroleum Storage Tank Remediation Program) in the Operating Expenses line item. Other funding is comprised of environmental assurance fees collected pursuant to A.C.A. §8-7-906.

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 a 90/10 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			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regulated Storage Tank & Contra 5900043	289,462	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	289,462	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	289,462	3,925,000		3,925,000	3,925,000	3,925,000	3,925,000	3,925,000	3,925,000
Total Funding	289,462	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	289,462	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.

Pursuant to Act 938 of 1997 (A.C.A. §8-6-1002), funding for all programs is capped at \$25,000,000, with no additional funds collected for the Landfill Post Closure Trust Fund 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%. During FY09 the fund balance was capped at \$25,000,000; therefore, no additional funds will be collected for the Landfill Post Closure Trust Fund until the fund balance diminishes to \$15,000,000. Current funding is derived from interest earned on the monies in the Landfill Post Closure Trust Fund.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

In addition to Base Level of \$7,848,179 each year, the Agency is requesting a reallocation in FY12 of \$35,000 from Contractual Services to Capital Outlay to replace one (1) vehicle to conduct site inspections and monitor landfill post closure facilities.

The Executive Recommendation provides for the Agency Request with Capital Outlay to replace an aging, high mileage vehicle in FY12 in accordance with A.C.A. §22-8-201 et seq., Automobile and Pickup Truck Acquisition Act, which establishes guidelines for automobile replacement.

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		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	272,241	294,574	295,810	290,774	290,774	290,774	290,774	290,774	290,774
#Positions		6	6	6	6	6	6	6	6	6
Personal Services Matching	5010003	81,577	87,790	87,070	87,109	87,109	87,109	87,109	87,109	87,109
Operating Expenses	5020002	0	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	0	0	0	0	35,000	35,000	0	0	0
Contractual Services	5900043	184,931	7,433,373	7,433,373	7,433,373	7,398,373	7,398,373	7,433,373	7,433,373	7,433,373
Total		538,749	7,852,660	7,853,176	7,848,179	7,848,179	7,848,179	7,848,179	7,848,179	7,848,179

Funding Sources										
Fund Balance	4000005	24,564,941	24,259,210		16,640,568	16,640,568	16,640,568	10,224,389	10,224,389	10,224,389
Special Revenue	4000030	0	0		1,200,000	1,200,000	1,200,000	2,000,000	2,000,000	2,000,000
Interest	4000300	233,018	234,018		232,000	232,000	232,000	230,000	230,000	230,000
Total Funding		24,797,959	24,493,228		18,072,568	18,072,568	18,072,568	12,454,389	12,454,389	12,454,389
Excess Appropriation/(Funding)		(24,259,210)	(16,640,568)		(10,224,389)	(10,224,389)	(10,224,389)	(4,606,210)	(4,606,210)	(4,606,210)
Grand Total		538,749	7,852,660		7,848,179	7,848,179	7,848,179	7,848,179	7,848,179	7,848,179

The FY11 Budget amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2009-2011 biennium.

Change Level by Appropriation

Appropriation: 2UG - Landfill Post Closure Program
Funding Sources: TLP - Landfill Post Closure Trust Fund

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	7,848,179	6	7,848,179	100.0	7,848,179	6	7,848,179	100.0
C04	Reallocation	0	0	7,848,179	100.0	0	0	7,848,179	100.0

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	7,848,179	6	7,848,179	100.0	7,848,179	6	7,848,179	100.0
C04	Reallocation	0	0	7,848,179	100.0	0	0	7,848,179	100.0

Justification

C04	The solid waste management division requests a \$35,000 capital appropriation reallocation to purchase a replacement vehicle by reducing Contractual Services during the first year of the 2011-2013 biennium only. This vehicle will be used by department personnel for site visits and monitoring of landfill post closure facilities.
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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 disbursed when funds are available.

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

The Executive Recommendation provides for the 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			2011-2012			2012-2013		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Grants and Aid	5100004	4,203,125	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		4,203,125	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	1,766,506	2,369,554		773,518	773,518	773,518	0	0	0
Special Revenue	4000030	4,806,173	4,828,964		4,900,000	4,900,000	4,900,000	4,900,000	4,900,000	4,900,000
Total Funding		6,572,679	7,198,518		5,673,518	5,673,518	5,673,518	4,900,000	4,900,000	4,900,000
Excess Appropriation/(Funding)		(2,369,554)	(773,518)		751,482	751,482	751,482	1,525,000	1,525,000	1,525,000
Grand Total		4,203,125	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 FY12 and FY13 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 includes 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 (2UC).

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

The Agency Request is for Base Level of \$28,876 each year.

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			2011-2012			2012-2013		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	780	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	60	115	115	115	115	115	115	115	115
Operating Expenses	5020002	3,943	13,846	13,846	13,846	13,846	13,846	13,846	13,846	13,846
Conference & Travel Expenses	5050009	991	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	3,500	3,500	0	0	0	0	0	0
Total		5,774	32,376	32,376	28,876	28,876	28,876	28,876	28,876	28,876
Funding Sources										
Fund Balance	4000005	155,369	166,619		152,547	152,547	152,547	140,781	140,781	140,781
Special Revenue	4000030	17,024	18,304		17,110	17,110	17,110	16,378	16,378	16,378
Total Funding		172,393	184,923		169,657	169,657	169,657	157,159	157,159	157,159
Excess Appropriation/(Funding)		(166,619)	(152,547)		(140,781)	(140,781)	(140,781)	(128,283)	(128,283)	(128,283)
Grand Total		5,774	32,376		28,876	28,876	28,876	28,876	28,876	28,876

Regular Salaries and Personal Services Matching are comprised of board member stipend payments.

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)).

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

The Agency Request is for Base Level of \$316,104 each year.

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		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	47,467	47,735	46,067	46,935	46,935	46,935	46,935	46,935	46,935
#Positions		1	1	1	1	1	1	1	1	1
Personal Services Matching	5010003	13,606	14,356	13,894	14,208	14,208	14,208	14,208	14,208	14,208
Operating Expenses	5020002	68,502	151,961	151,961	152,961	152,961	152,961	152,961	152,961	152,961
Conference & Travel Expenses	5050009	2,760	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000
Professional Fees	5060010	0	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	3,089	8,000	8,000	0	0	0	0	0	0
Total		135,424	324,052	321,922	316,104	316,104	316,104	316,104	316,104	316,104
Funding Sources										
Fund Balance	4000005	276,054	278,564		89,512	89,512	89,512	48,408	48,408	48,408
Other	4000370	137,934	135,000		275,000	275,000	275,000	275,000	275,000	275,000
Total Funding		413,988	413,564		364,512	364,512	364,512	323,408	323,408	323,408
Excess Appropriation/(Funding)		(278,564)	(89,512)		(48,408)	(48,408)	(48,408)	(7,304)	(7,304)	(7,304)
Grand Total		135,424	324,052		316,104	316,104	316,104	316,104	316,104	316,104

The FY11 Budget amount in Regular Salaries and Personal Services Matching exceeds the authorized amount due to salary and matching rate adjustments during the 2009-2011 biennium.

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 seq.). 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		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses	5020002	3,044	16,825	16,825	16,825	16,825	16,825	16,825	16,825	16,825
Conference & Travel Expenses	5050009	540	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		3,584	18,250	18,250	18,250	18,250	18,250	18,250	18,250	18,250
Funding Sources										
Fund Balance	4000005	179,012	191,837		183,092	183,092	183,092	181,632	181,632	181,632
Special Revenue	4000030	16,409	9,505		16,790	16,790	16,790	17,367	17,367	17,367
Total Funding		195,421	201,342		199,882	199,882	199,882	198,999	198,999	198,999
Excess Appropriation/(Funding)		(191,837)	(183,092)		(181,632)	(181,632)	(181,632)	(180,749)	(180,749)	(180,749)
Grand Total		3,584	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 loans. The personal services and operating expenses of the Small Business Revolving Loan Program are found in appropriation (2UP) Small Business Revolving Loan Program Expenses. The Agency utilizes this appropriation to issue small business loans.

The Agency Request is for Base Level of \$550,000 each year.

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	2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Loans 5120029	51,667	550,000	550,000	550,000	550,000	550,000	550,000	550,000	550,000
Total	51,667	550,000	550,000	550,000	550,000	550,000	550,000	550,000	550,000
Funding Sources									
Loan Repayment 4000330	51,667	550,000		550,000	550,000	550,000	550,000	550,000	550,000
Total Funding	51,667	550,000		550,000	550,000	550,000	550,000	550,000	550,000
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	51,667	550,000		550,000	550,000	550,000	550,000	550,000	550,000

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. Funding for this program is derived from interest earned on the monies in Small Business Revolving Loan Fund. The loan expenses of the Small Business Revolving Loan Program are found in appropriation (2UN) Small Business Loans.

This appropriation provides for the personal services and operating expenses of the Small Business Revolving Loan Program.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments.

The Agency Request is for Base Level of \$55,302 each year.

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	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	22,307	25,737	28,140	25,737	25,737	25,737	25,737	25,737	25,737
#Positions	1	1	1	1	1	1	1	1	1
Personal Services Matching 5010003	10,168	9,897	10,472	9,905	9,905	9,905	9,905	9,905	9,905
Operating Expenses 5020002	2,157	11,010	11,010	11,010	11,010	11,010	11,010	11,010	11,010
Conference & Travel Expenses 5050009	505	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	35,137	55,294	58,272	55,302	55,302	55,302	55,302	55,302	55,302
Funding Sources									
Interest 4000300	35,137	55,294		55,302	55,302	55,302	55,302	55,302	55,302
Total Funding	35,137	55,294		55,302	55,302	55,302	55,302	55,302	55,302
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	35,137	55,294		55,302	55,302	55,302	55,302	55,302	55,302

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.

Initial funding was derived from fund transfers beginning in FY00 of \$500,000 each fiscal year from the Landfill Post Closure Trust Fund. The transfers were authorized for five (5) years, with the cessation of the fund transfers occurring in FY04. Current funding is derived from interest earned on the monies in the Performance Partnership Trust Fund. This program will cease when the fund balance is depleted.

The Agency Request is for Base Level of \$600,000 each 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	2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Performance Integrated Syst 5900046	67,143	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000
Total	67,143	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000
Funding Sources									
Fund Balance 4000005	994,637	936,259		345,079	345,079	345,079	0	0	0
Interest 4000300	8,765	8,820		4,000	4,000	4,000	0	0	0
Total Funding	1,003,402	945,079		349,079	349,079	349,079	0	0	0
Excess Appropriation/(Funding)	(936,259)	(345,079)		250,921	250,921	250,921	600,000	600,000	600,000
Grand Total	67,143	600,000		600,000	600,000	600,000	600,000	600,000	600,000

The excess appropriation in FY12 and FY13 assumes full expenditure of the appropriation in the Performance Integrated System line item. This program will cease when the fund balance is depleted.

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 is for Base Level of \$750,000 each year.

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	Historical Data			2011-2012			2012-2013		
	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Environmental Settlement Trust 5900046	21,279	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000
Total	21,279	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000
Funding Sources									
Trust Fund 4000050	21,279	750,000		750,000	750,000	750,000	750,000	750,000	750,000
Total Funding	21,279	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	21,279	750,000		750,000	750,000	750,000	750,000	750,000	750,000

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 development 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 or electronic equipment 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			2011-2012			2012-2013		
	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Computer & Electronics Recycling 5900046	52,549	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000
Total	52,549	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000
Funding Sources									
Fund Balance 4000005	94,095	152,247		0	0	0	0	0	0
M & R Sales 4000340	110,701	97,753		135,000	135,000	135,000	135,000	135,000	135,000
Total Funding	204,796	250,000		135,000	135,000	135,000	135,000	135,000	135,000
Excess Appropriation/(Funding)	(152,247)	0		115,000	115,000	115,000	115,000	115,000	115,000
Grand Total	52,549	250,000		250,000	250,000	250,000	250,000	250,000	250,000

The excess appropriation in FY12 and FY13 assumes full expenditure of the appropriation in the Computer & Electronic Recycling Management Exp or Grants line item.

**CARRY FORWARD OF ANY REMAINING FUND BALANCES
FROM FISCAL YEAR 2010 TO FISCAL YEAR 2011**

Agency: Environmental Quality Department

Program: Computer/Electronic Recycling

Act #: 213 Section(s) #: 29 & 41

Estimated Carry Forward Amount \$ 0.00 Funding Source: Other

Accounting Information:

Business Area: 0930 Funds Center: 2US Fund: MER Functional Area: COMM

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward funding for a program or a specific line item within a program remaining on June 30th of a fiscal year.

Justification for carry forward of fund balance:

Funds will be expensed by June 30, 2010, therefore no carry forward is needed for FY11.

Actual Funding Carry Forward Amount \$ 0.00

Current status of carry forward funding:

All funds were spent in FY10.

Note from DFA – Office of Budget: Funds remaining at the end of any fiscal year from this fund must, by law, remain in the fund regardless of the future status of any project, contract or purpose. The Special Language that requires this report is no longer necessary.

Teresa Marks

Director

08-26-2010

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. Funding for this appropriation is derived from special revenues transferred from the Agency's Fee Fund. (A.C.A §8-1-204)

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level request for Regular Salaries includes board member stipend payments.

In addition to Base Level of \$257,561 each year, the Agency is requesting a reclassification of the Department Administrative Law Judge (C127) to an Administrative Hearing Officer (N906).

The Executive Recommendation provides for Base Level.

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		
		2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	130,471	130,648	159,869	129,048	129,048	129,048	129,048	129,048	129,048
#Positions		2	2	3	2	2	2	2	2	2
Personal Services Matching	5010003	37,876	34,663	44,749	34,374	34,374	34,374	34,374	34,374	34,374
Operating Expenses	5020002	46,568	87,217	87,217	87,217	87,217	87,217	87,217	87,217	87,217
Conference & Travel Expenses	5050009	999	6,922	6,922	6,922	6,922	6,922	6,922	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		215,914	259,450	298,757	257,561	257,561	257,561	257,561	257,561	257,561
Funding Sources										
Special Revenue	4000030	215,914	259,450		257,561	257,561	257,561	257,561	257,561	257,561
Total Funding		215,914	259,450		257,561	257,561	257,561	257,561	257,561	257,561
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		215,914	259,450		257,561	257,561	257,561	257,561	257,561	257,561

Change Level by Appropriation

Appropriation: 344 - PCE Comm Admn Hearing Officer
Funding Sources: TPE - ADEQ Fee Trust Fund

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	257,561	2	257,561	100.0	257,561	2	257,561	100.0
C10	Reclass	0	0	257,561	100.0	0	0	257,561	100.0

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	257,561	2	257,561	100.0	257,561	2	257,561	100.0
C10	Reclass	0	0	257,561	100.0	0	0	257,561	100.0

Justification

C10	1 position, #22090847, Administrative Hearing Officer, is being requested for a title/grade change to N906.
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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 cleanup 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; however, funding is restricted to interest earnings only from the ADEQ Fee Trust Fund.

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			2011-2012			2012-2013		
	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Contractual Services 5900043	0	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000
Total	0	750,000	750,000	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	2009-2010	2010-2011	2010-2011	2011-2012			2012-2013		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
PC&E Commission Expenses 5900046	3,977	3,977	3,977	3,977	3,977	3,977	3,977	3,977	3,977
Total	3,977	3,977	3,977	3,977	3,977	3,977	3,977	3,977	3,977
Funding Sources									
General Revenue 4000010	3,977	3,977		3,977	3,977	3,977	3,977	3,977	3,977
Total Funding	3,977	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	3,977	3,977		3,977	3,977	3,977	3,977	3,977	3,977