

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 35

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~EXTRA HELP — HAZARDOUS WASTE PERMIT PROGRAM. There is hereby authorized, for the Arkansas Department of Environmental Quality — Hazardous Waste Permit Program for the 2016-2017 2017-2018 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: Four (4) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification. These four positions are utilized for a specific project and are specifically exempt from the limitations, either by act or regulation, of hours worked. — The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 36

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EQUIPMENT PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial Action Trust Fund for the purchase of departmental laboratory equipment, including maintenance contracts, and data processing equipment and mission-critical software, including maintenance contracts, as appropriated in Section 13, in Items (03)(D) and (05) shall be funded ~~only~~ through interest earnings and investment earnings from the Hazardous Substance Remedial Action Trust Fund and additional funding from the Hazardous Substance Remedial Action Trust Fund on July 1, 2017. Further, the Department shall report biennially to the Legislative Council all expenditures from interest earnings for these purchases.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 37

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

APPROPRIATIONS RESTRICTIONS. No expenditure from the Environmental Settlement Trust Fund for information technology needs may be made without prior approval of the Chief Fiscal Officer of the State, after seeking review of the Arkansas Legislative Council. Further, utilization of this appropriation for information technology needs of the Arkansas Department of Environmental Quality must also be approved by the Executive Chief Information Officer after the project is evaluated on the methodology recommended by the Chief Information Officer and the CIO Council, including an analysis of the return on investment and linkage to the Department's business objectives. Any approved projects and expenditures for information technology from the Environmental Settlement Trust Fund shall be reported annually to the Joint Committee on Advanced Communications and Information Technology.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 38

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~ADEQ ASBESTOS PROGRAM. The fees collected pursuant to Arkansas Code 20-27-1004(5) shall be used by the department to fund operational expenses and to provide and train personnel to administer an asbestos program, as funding is available, including:~~

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

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

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

~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 39

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~REPORTING REQUIREMENTS. The Department shall present the following data to Legislative Council quarterly, due by the 15th day of the month following the quarter:~~

- ~~a) Number and type of environmental permits currently authorized by the Department and the Pollution Control and Ecology Commission in each environmental permit category;~~
 - ~~b) Total funds collected from permit fees for each permit category and the percent increase or decrease in permit fees annually;~~
 - ~~c) Description of each environmental permit application pending in each environmental permit category, the number of days each permit has been pending, and the reasons for delays in issuing permits for each permit that has been pending for more than 45 days;~~
 - ~~d) Number and type of enforcement actions initiated by the Department, the geographic location of each violation and the total fines and collections from Supplemental Environmental Projects, the percent increase or decrease in fines levied annually and~~
 - ~~e) Description of all pending rulemaking activities and justifications thereof, including economic impact and environmental benefit analysis.~~
- ~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 40

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUND TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State, the Arkansas Department of Environmental Quality may transfer from various department funds to the Arkansas Department of Environmental Quality Fund Account, the sum of \$1,500,000 in fiscal year ~~2016-2017~~ 2017-2018, for the exclusive purpose of supplementing funding for the appropriation provided in Section 3. Appropriation - State Operations. The funds shall be used for personal services and operating expenses of the Arkansas Department of Environmental Quality - State Operations. Funds which remain in the Arkansas Department of Environmental Quality Fund Account at the close of the fiscal year shall be carried forward and made available for the same purpose for the following fiscal year. These funds shall be used for the purpose stated above.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 41

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

REPORTING REQUIREMENTS. For the purposes of the fund transfers provided for in Section 40 - Fund Transfer Provision, the amounts transferred shall not be considered as part of any statutory limitation on the use of funds for administration of programs of the Department.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 42

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

LANDFILL POST-CLOSURE CLEAN UP RESTRICTIONS. Any expenditures in excess of \$50,000 per site from the Landfill Post-Closure Trust Fund, as appropriated in Section 20, Item (04) for corrective action to remedy environmental impacts of closed disposal sites previously operated as a landfill pursuant to state law will be prioritized and authorized by the Commission after addressing corrective actions needed to address environmental impacts from permitted landfills closed properly. Expenditures exceeding \$2,000,000 per fiscal year must be approved by the Arkansas Pollution Control and Ecology Commission.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 43

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~NON HAZARDOUS SITE CLEAN UP RESTRICTIONS. Expenditures from the Arkansas Department of Environmental Quality Fee Trust Fund for the cleanup of non hazardous sites which pose a threat to the environment, as appropriated in Section 32, shall be funded only through interest earnings from the Arkansas Department of Environmental Quality Fee Trust Fund. The Arkansas Department of Environmental Quality shall seek cost recovery from parties responsible for damages to the environment that dictate the use of appropriation authorized in Section 32 of this act, as well as, any other funds spent by a governmental entity to remediate such non hazardous sites.~~

~~The provisions of this section shall be in effect only from July 1, 2016 2017 through June 30, 2017 2018.~~

AGENCY REQUEST

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 44

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

LANDFILL POST-CLOSURE TRUST FUND.

AGENCY REQUEST

(a) The General Assembly finds that:

(1) A growing number of regional solid waste management districts within the state are facing difficulty in funding the necessary costs of closure and post-closure care of landfills owned by the districts; and

(2) Without closure and post-closure care of landfills, irreparable harm to human health and the environment will occur.

(b) Notwithstanding Arkansas Code § 8-6-1001 et seq. and any Landfill Post-Closure Trust Fund cleanup restrictions enumerated in this Act, the Arkansas Department of Environmental Quality also may:

(1) Expend monies from the Landfill Post-Closure Trust Fund to a state-approved contractor or the regional solid waste management district to complete all actions necessary to achieve the final closure and post-closure care of a landfill owned by a regional solid waste management district if the department determines that the regional solid waste management district:

(A) Has filed for protection under federal bankruptcy law;

(B) Is unable to meet its debt obligations in the ordinary course of its operations; or

(C) Is otherwise insolvent; and

(2) Institute a civil action against the regional solid waste management district and all of the entities composing the regional solid waste management district to seek the recovery of any funds expended from the Landfill Post-Closure Trust Fund under subdivision (b)(1) of this

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 44

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

section, unless satisfactory repayment arrangements are reached and agreed upon by the department with the district and the bondholders.

(c) This section is in effect only from July 1, ~~2016~~2017 through June 30, ~~2017~~2018.

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: 249

SECTION#: 45

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SUSPENSION OF LANDFILL DISPOSAL FEES TO SUPPORT A COMPUTER AND ELECTRONIC EQUIPMENT RECYCLING PROGRAM.

AGENCY REQUEST

(a) The landfill disposal fee to support a computer and electronic equipment recycling program levied under Arkansas Code § 8-6-612(a) shall not be levied from the effective date of this act through June 30, 2018.

(b) Any landfill disposal fees collected under Arkansas Code § 8-6-612(a) before the effective date of this act shall be:

(1) Collected as provided under Arkansas Code § 8-6-612(c);

and

(2) Distributed as provided under Arkansas Code § 8-6-616 and this Act.

The provision of this section shall be in effect only from July 1, ~~2016~~2017 through June 30, ~~2017~~2018.

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 Environmental Quality, Department of

ACT#: NEW

SECTION#: NEW1

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

INVESTMENTS. All funds that are held at any time in the Landfill Post-Closure Trust Fund, Hazardous Substances Remedial Action Trust Fund, and Petroleum Storage Tank Trust Fund shall be invested and reinvested to the extent feasible, and all investments as authorized for use by the Office of the Treasurer shall be available to the listed funds. The movement of these funds into and out of investments shall be by fund transfers as directed by the Director of the Arkansas Department of Environmental Quality. The provisions of this section shall be in effect only from July 1, 2017 through June 30, 2018.

AGENCY REQUEST