

2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 DEE - Environmental Quality Division

ACT#: 0089

SECTION#: 041

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~~ division laboratory equipment, including maintenance contracts, data processing equipment and mission-critical software, including maintenance contracts, as appropriated in the Capital Outlay and Data Processing Purchases line items of the Hazardous Waste Cleanup appropriation section, shall be funded 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, ~~2020~~ 2021. Further, the ~~Department~~ Division shall report annually to the Arkansas Legislative Council or Joint Budget Committee all expenditures for these purchases.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

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SECTION#: 042

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 or Joint Budget Committee. Further, utilization of this appropriation for information technology needs of the Arkansas ~~Department~~-Division 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~~-Division'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, ~~2020~~ 2021 through June 30, ~~2021-2022~~.

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SECTION#: 043

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUND TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State, the Arkansas ~~Department~~ Division of Environmental Quality may transfer from various department funds to the Division of Environmental Quality Fund Account the sum of \$1,500,000 in fiscal year ~~2019-2020~~ 2022 for the exclusive purpose of supplementing funding for the appropriation provided in the State Operations appropriation section. The funds shall be used for personal services and operating expenses of the Arkansas ~~Department~~ Division of Environmental Quality - State Operations. Funds which remain in the Division 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

REPORTING REQUIREMENTS. For the purposes of the fund transfers provided for in the preceding Fund Transfer Provision special language section, 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~~ Division.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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SECTION#: 045

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

LANDFILL POST-CLOSURE CLEAN UP RESTRICTIONS. Any expenditures in excess of ~~\$50,000~~ \$2,000,000 per site from the Landfill Post-Closure Trust Fund, as appropriated in the Contractual Services line item of the Landfill Post-Closure Program appropriation section, 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~~ approved by the Arkansas Pollution Control and Ecology 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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SECTION#: 046

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

NON HAZARDOUS SITE CLEAN UP RESTRICTIONS. Expenditures from the Division of Environmental Quality Fee Trust Fund for the cleanup of non hazardous sites which pose a threat to the environment, as appropriated in the Non Hazardous Site Cleanup appropriation section, shall be funded only through interest earnings from the Division of Environmental Quality Fee Trust Fund. The Arkansas ~~Department~~ Division of Environmental Quality shall seek cost recovery from parties responsible for damages to the environment that dictate the use of appropriation authorized in the Non Hazardous Site Cleanup appropriation section 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, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

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ACT#: 0089

SECTION#: 047

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~~ Division 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~~ division 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

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EXECUTIVE RECOMMENDATION

operations; or

(C) Is otherwise insolvent.

(c) This section is in effect only from July 1, ~~2020-2021~~ through ~~June 30,~~
~~2021~~ December 31, 2021.

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SECTION#: 048

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, 2020 2021.~~

~~—— (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, 2020 2021 through June 30, 2021 2022.~~

Please Delete Language; § 8-6-612 is now § 8-6-613 and is Codified.

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EXECUTIVE RECOMMENDATION

INVESTMENTS. All funds that are held in any trust fund administered by the Arkansas ~~Department~~Division of Environmental Quality may be invested and reinvested, subject to the written approval of the Officer of the Treasurer, and all investments as authorized for use by the Office of the Treasurer may 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~~Division of Environmental Quality or the Director's designee.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

AGENCY REQUEST

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0930 DEE - Environmental Quality Division

ACT#: 0089

SECTION#: 050

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

AGENCY REQUESTS THAT THIS LANGUAGE BE CODIFIED.

AGENCY REQUEST

TRUST FUND CONTRIBUTION FEES.

(a) For purposes of collecting trust fund contribution fees under § 8-4-203(b), the Arkansas Department Division of Environmental Quality shall treat a public facilities boards and public water authorities as municipal systems.

~~(b) This section expires on June 30, 2021.~~

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SECTION#: 051

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EXECUTIVE RECOMMENDATION

~~LOAN. Notwithstanding the provisions of Arkansas Code Annotated § 19-5-501(b)(1)(C)(ii) and (D)(i), immediately upon the effective date of this act, the director of the Arkansas Department of Environmental Quality is authorized to request the Chief Fiscal Officer of the State to make a loan on his or her books in the amount not to exceed ten million dollars (\$10,000,000) from the Budget Stabilization Trust Fund to the Hazardous Substance Remedial Action Trust Fund. Loan repayments shall be made from time to time from any legal fund of the Arkansas Department of Environmental Quality and the entire amount of the loan shall be repaid to the Budget Stabilization Trust Fund by June 30, 2023.~~

~~By October 15, January 15, April 15, and July 15 of each fiscal year the Arkansas Department of Environmental Quality shall report to Arkansas Legislative Council or Joint Budget Committee the status of hazardous waste cleanup efforts at the Trafalgar Road site in Bella Vista, Arkansas. The report shall include:~~

- ~~_____ (a) all funds expended by each quarter of the fiscal year~~
- ~~_____ (b) source of funds expended~~
- ~~_____ (c) estimated total of funds to be expended~~
- ~~_____ (d) expected date for completion of cleanup~~
- ~~_____ (e) all efforts of cost recovery from responsible parties~~

AGENCY REQUEST