

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 DEE - Environmental Quality Division

ACT#: 191

SECTION#: 45

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

EQUIPMENT PURCHASE RESTRICTIONS. Expenditures from the Hazardous Substance Remedial Action Trust Fund for the purchase of 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~~ may be funded through interest earnings, ~~and~~ investment earnings, and no more than three percent (3%) of the corpus of ~~from~~ the Hazardous Substance Remedial Action Trust Fund and additional funding from the Hazardous Substance Remedial Action Trust Fund on July 1, ~~2022~~ 2023. Further, the 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, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 DEE - Environmental Quality Division

ACT#: 191

SECTION#: 46

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 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 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, 2022 through June 30, 2023-2024.~~

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 DEE - Environmental Quality Division

ACT#: 191

SECTION#: 47

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

FUND TRANSFER PROVISION. Upon approval of the Chief Fiscal Officer of the State, the Arkansas 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 ~~2022-2023~~ 2023-2024 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 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 amounts transferred shall not be considered as part of any statutory limitation on the use of funds for administration of programs of the Division.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 DEE - Environmental Quality Division

ACT#: 191

SECTION#: 48

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 Division.
The provisions of this section shall be in effect only from July 1, 2023 through June 30, 2024.~~

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 DEE - Environmental Quality Division

ACT#: 191

SECTION#: 49

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

LANDFILL POST-CLOSURE CLEAN UP RESTRICTIONS. Any expenditures in excess of \$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, shall be subject to review and approval by the Arkansas Pollution Control and Ecology Commission after addressing corrective actions needed to address environmental impacts from permitted landfills closed properly.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 DEE - Environmental Quality Division

ACT#: 191

SECTION#: 50

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 8-1-105, concerning the Division of Environmental Quality Fee Trust Fund, is amended to add an additional subsection and to codify special language in appropriation acts to read as follows:

(d)(1) Expenditures from the fund for the cleanup of a nonhazardous site that poses a threat to the environment, as appropriated for that purpose, shall be funded only through interest earnings from the fund.

(2) The division shall seek cost recovery from the party responsible for damages to the environment requiring the use of appropriated funds and other funds spent by a governmental entity for nonhazardous site cleanup and remediation.

AGENCY REQUEST

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 DEE - Environmental Quality Division

ACT#: 191

SECTION#: 51

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 8-6-1002, concerning the creation of the Landfill Post-Closure Trust Fund, is amended to add an additional subsection and to codify special language in appropriation acts to read as follows:

(f) The division may expend moneys from the fund to pay a state-approved contractor or a regional solid waste management district to complete all actions necessary to achieve the post-closure care of a landfill owned by the regional solid waste management district if the division determines that the regional solid waste management district:

- (1) Has filed for protection under federal bankruptcy law;
- (2) Is unable to meet its debt obligations in the ordinary course of its operations; or
- (3) Is otherwise insolvent.

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 8, Chapter 6, Subchapter 10, is amended to add an additional section to read as follows:

8-6-1006. Findings.

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

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SECTION#: 51

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

This section is in effect only from July 1, 2023 through June 30, 2024.

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0930 DEE - Environmental Quality Division

ACT#: 191

SECTION#: 52

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code Title 8, Chapter 1, Subchapter 1, is amended to add an additional section and to codify special language in appropriation acts to read as follows:

8-1-108. Investments.

(a) All funds that are held in a trust fund administered by the Division of Environmental Quality may be invested and reinvested subject to the written approval of the Treasurer of State.

(b) All investments as authorized for use by the Treasurer of State may be available for the funds held in a trust fund administered by the division.

(c) The movement of funds into and out of investments under this section shall be by fund transfers as directed by the Director of the Division of Environmental Quality or the director's designee.

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SECTION#: 55

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

ELECTRIC VEHICLE INFRASTRUCTURE FUND EXPENDITURES. Any expenditure with funds from the Electric Vehicle Infrastructure Fund by the Department of Energy and Environment shall be approved by Legislative Council, or by the Joint Budget Committee if in legislative session, prior to any expenditure of funds.

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

AGENCY REQUEST