

The following file contains two documents:

- A memorandum to the Joint Budget Committee dated March 11, 2011, describing the Department of Public Health and Environment's request for the replacement of vehicles associated with the environmental divisions. The memo includes staff's recommendation for replacing the vehicles.
- The FY 2011-12 Joint Budget Committee Staff figure setting document for the environmental divisions, which was presented to the Joint Budget Committee on March 11, 2011.

MEMORANDUM

TO: Joint Budget Committee

FROM: Craig Harper, JBC Staff

SUBJECT: CDPHE Environmental Divisions Vehicle Replacements for FY 2011-12

DATE: March 11, 2011

The Department is requesting the replacement of ten vehicles associated with the environmental divisions, including five associated with the Air Pollution Control Division, one with the Water Quality Control Division, one with the Hazardous Materials and Waste Management Division, and three with the Consumer Protection Division.

Based on common policy instructions, staff's recommendation is based on estimated mileage as of March 1, 2012, with replacement approved for vehicles anticipated to exceed 100,000 miles by that date.

Staff recommends the replacement of all of the requested vehicles. Based on prior usage, all of the vehicles except one are expected to exceed 100,000 miles by March 1, 2012. The one exception is estimated to have 94,308 miles by that time but is a high maintenance cost vehicle.

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



**FY 2011-12 STAFF FIGURE SETTING
DEPARTMENT OF PUBLIC HEALTH AND
ENVIRONMENT**

(Environmental Divisions Only)

**JBC Working Document - Subject to Change
Staff Recommendation Does Not Represent Committee Decision**

**Prepared By:
Craig Harper, JBC Staff
March 11, 2011**

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**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
ENVIRONMENTAL DIVISIONS ONLY
FY 2011-12 FIGURE SETTING**

JBC WORKING DOCUMENT
Staff Recommendation Does Not Represent Committee Decision

TABLE OF CONTENTS

Numbers Pages	1
Figure-setting by Division	
Administration and Support	17
Decision Item #4 - Legal Services	17
(B) Special Environmental Programs	19
Air Quality Control Division	26
(A) Administration	26
(B) Technical Services	27
(C) Mobile Sources	30
(D) Stationary Sources	34
Water Quality Control Division	38
(A) Administration	38
(B) Clean Water Program	40
(C) Drinking Water	44
Hazardous Materials and Waste Management Division	47
(A) Administration	47
(B) Hazardous Waste Control Program	48
(C) Solid Waste Control Program	50
(D) Uranium Mill Tailings Remedial Action Program (UMTRA)	53
(E) Contaminated Site Cleanups (CERCLA/Superfund)	54
(F) Rocky Flats Agreement	57
(G) Radiation Management	59
Consumer Protection	60
Long Bill Footnotes and Requests for Information	64

**FY 2011-12 Joint Budget Committee Staff Figure Setting
Department of Public Health and Environment
(Environmental Divisions Only)**

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT						
Executive Director: Christopher E. Urbina						
(1) ADMINISTRATION AND SUPPORT						
(D) Special Environmental Programs						
This subdivision houses the appropriations for environmental programs involving multiple divisions.						
Program Costs (formerly Environmental Leadership and Pollution Prevention)	1,300,067	1,076,277	945,479	947,363	936,147	DI NP-6 (PERA)
FTE	8.2	8.8	7.8	7.8	7.8	
Cash Funds	87,729	162,941	255,824	256,348	255,705	
FTE	0.9	1.0	0.8	0.8	0.8	
RF/CFE	0	0	0	0	0	
Federal Funds	1,212,338	913,336	689,655	691,015	680,442	
FTE	7.3	7.8	7.0	7.0	7.0	
Animal Feeding Operations (formerly Housed Commercial Swine Feeding Operations (HCSFO))	<u>53,880</u>	<u>442,596</u>	<u>474,339</u>	<u>468,739</u>	<u>464,498</u>	DI NP-6 (PERA); BA NP-16 (1% Cut)
General Fund	0	100,000	100,000	99,538	99,538	
Cash Funds	53,880	342,596	374,339	369,201	364,960	
FTE	0.5	3.2	3.5	3.5	3.5	
Recycling Resources Economic Opportunity Program - CF	2,047,005	1,864,726	2,640,716	1,853,846	1,852,324	DI NP-6 (PERA)
FTE	1.6	1.6	1.6	1.6	1.6	
Advanced Technology Research Grants	<u>551,515</u>	<u>1,082,107</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Cash Funds	551,515	1,082,107	0	0	0	
RF/CFE	0	0	0	0	0	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
Oil and Gas Consultation, Personal Services [New Line] - CF	0	128,219	110,904	108,208	108,208	DI NP-6 (PERA)
FTE	0.0	1.4	1.0	1.0	1.0	
Oil and Gas Consultation, Operating Expenses [New Line] - CF	0	1,214	9,789	9,789	9,789	
Innovative Higher Education Research Fund - CF	0	0	0	0	0	
Waste Tire Program - CF	0	0	3,052,850	3,367,663	3,366,509	
FTE	0.0	0.0	0.8	1.0	1.0	
SUBTOTAL - Special Environmental						Request vs. Approp
Programs	3,952,467	4,365,706	7,234,077	6,755,608	6,737,475	-6.6%
FTE	<u>10.3</u>	<u>13.6</u>	<u>14.7</u>	<u>14.9</u>	<u>14.9</u>	<u>0.2</u>
General Fund	0	100,000	100,000	99,538	99,538	-0.5%
Cash Funds	2,740,129	3,452,370	6,444,422	5,965,055	5,957,495	-7.4%
FTE	3.0	5.8	7.7	7.9	7.9	0.2
RF/CFE	0	0	0	0	0	0.0%
Federal Funds	1,212,338	913,336	689,655	691,015	680,442	0.2%
FTE	7.3	7.8	7.0	7.0	7.0	0.0

(4) AIR POLLUTION CONTROL DIVISION

The Division enforces air quality regulations adopted by the Air Quality Control Commission and is responsible for providing air quality management services that contribute to the protection and improvement of public health, ecosystem integrity, and aesthetic values for odor and visibility. The sources of cash funds are the Stationary Sources Control Fund, the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund, the Lead Hazard Reduction Fund, and some fee and tuition revenue.

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
(A) Administration						
Personal Services	358,644	373,077	375,788	375,901	370,124	DI NP-6 (PERA)
FTE	<u>4.3</u>	<u>4.4</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>	
Cash Funds	271,746	285,608	287,314	287,225	282,804	
FTE	3.1	3.1	3.1	3.1	3.1	
RF/CFE	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Federal Funds	86,898	87,469	88,474	88,676	87,320	
FTE	1.2	1.3	1.4	1.4	1.4	
Operating Expenses - FF	9,187	8,781	9,187	9,187	9,187	
Capital Outlay - CF	0	0	0	0	0	
Indirect Cost Assessment	<u>2,062,754</u>	<u>2,740,245</u>	<u>2,865,296</u>	<u>2,865,296</u>	<u>Pending</u>	
Cash Funds	1,589,216	2,380,794	2,459,761	2,459,761		
RF/CFE	0	0	0	0		
Federal Funds	473,538	359,451	405,535	405,535		
SUBTOTAL - Administration	2,430,585	3,122,103	3,250,271	3,250,384	379,311	
FTE	<u>4.3</u>	<u>4.4</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>	
Cash Funds	1,860,962	2,666,402	2,747,075	2,746,986	282,804	
FTE	3.1	3.1	3.1	3.1	3.1	
RF/CFE	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Federal Funds	569,623	455,701	503,196	503,398	96,507	
FTE	1.2	1.3	1.4	1.4	1.4	
(B) Technical Services						
Personal Services	2,672,898	2,666,414	2,723,614	2,719,731	2,678,055	DI NP-6 (PERA)
FTE	<u>30.7</u>	<u>29.1</u>	<u>34.1</u>	<u>34.1</u>	<u>34.1</u>	
Cash Funds	1,762,617	1,837,513	1,838,324	1,833,748	1,805,626	
FTE	20.5	21.1	21.8	21.8	21.8	
Federal Funds	910,281	828,901	885,290	885,983	872,429	
FTE	10.2	8.0	12.3	12.3	12.3	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
Operating Expenses	<u>376,892</u>	<u>373,660</u>	<u>400,802</u>	<u>400,802</u>	<u>400,802</u>	
Cash Funds	303,502	288,310	316,241	316,241	316,241	
Federal Funds	73,390	85,350	84,561	84,561	84,561	
Local Contracts	<u>557,865</u>	<u>787,824</u>	<u>730,368</u>	<u>730,368</u>	<u>730,368</u>	
Cash Funds	447,705	479,905	636,121	636,121	636,121	
Federal Funds	110,160	307,919	94,247	94,247	94,247	
SUBTOTAL - Technical Services	3,607,655	3,827,898	3,854,784	3,850,901	3,809,225	
FTE	<u>30.7</u>	<u>29.1</u>	<u>34.1</u>	<u>34.1</u>	<u>34.1</u>	
Cash Funds	2,513,824	2,605,728	2,790,686	2,786,110	2,757,988	
FTE	20.5	21.1	21.8	21.8	21.8	
Federal Funds	1,093,831	1,222,170	1,064,098	1,064,791	1,051,237	
FTE	10.2	8.0	12.3	12.3	12.3	
(C) Mobile Sources						
Personal Services	2,326,826	2,419,065	2,503,028	2,501,075	2,462,769	DI NP-6 (PERA)
FTE	<u>27.5</u>	<u>28.8</u>	<u>32.1</u>	<u>32.1</u>	<u>32.1</u>	
Cash Funds	2,161,952	2,293,425	2,342,731	2,339,888	2,304,040	
FTE	25.6	27.2	29.6	29.6	29.6	
Federal Funds	164,874	125,640	160,297	161,187	158,729	
FTE	1.9	1.6	2.5	2.5	2.5	
Operating Expenses	<u>141,905</u>	<u>261,083</u>	<u>368,392</u>	<u>345,577</u>	<u>345,577</u>	
Cash Funds	119,513	243,241	350,142	327,327	327,327	
Federal Funds	22,392	17,842	18,250	18,250	18,250	
Diesel Inspection/Maintenance Program - CF	647,742	636,394	639,240	638,415	629,663	DI NP-6 (PERA)
FTE	6.6	6.4	6.6	6.6	6.6	
Mechanic Certification Program - CF	5,180	2,832	7,000	7,000	7,000	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
Local Grants - CF	97,669	350,800	45,299	45,299	45,299	
SUBTOTAL - Mobile Sources	3,219,322	3,670,174	3,562,959	3,537,366	3,490,308	
FTE	<u>34.1</u>	<u>35.2</u>	<u>38.7</u>	<u>38.7</u>	<u>38.7</u>	
Cash Funds	3,032,056	3,526,692	3,384,412	3,357,929	3,313,329	
FTE	32.2	33.6	36.2	36.2	36.2	
Federal Funds	187,266	143,482	178,547	179,437	176,979	
FTE	1.9	1.6	2.5	2.5	2.5	
(D) Stationary Sources						
Personal Services	6,462,004	5,958,426	6,126,493	6,128,105	6,034,061	DI NP-6 (PERA)
FTE	<u>80.8</u>	<u>75.8</u>	<u>81.8</u>	<u>81.8</u>	<u>81.8</u>	
Cash Funds	5,238,053	5,065,083	4,939,170	4,935,437	4,859,564	
FTE	66.7	65.6	64.0	64.0	64.0	
Federal Funds	1,223,951	893,343	1,187,323	1,192,668	1,174,497	
FTE	14.1	10.2	17.8	17.8	17.8	
Operating Expenses	<u>404,140</u>	<u>342,937</u>	<u>389,477</u>	<u>389,477</u>	<u>389,477</u>	
Cash Funds	401,412	340,454	388,147	388,147	388,147	
Federal Funds	2,728	2,483	1,330	1,330	1,330	
Local Contracts	<u>764,140</u>	<u>870,318</u>	<u>837,147</u>	<u>837,147</u>	<u>837,147</u>	
Cash Funds	662,523	702,124	722,067	722,067	722,067	
Federal Funds	101,617	168,194	115,080	115,080	115,080	
Preservation of the Ozone Layer - CF	213,155	262,064	228,828	227,066	224,500	
FTE	2.0	2.0	2.0	2.0	2.0	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
SUBTOTAL - Stationary Sources	7,843,439	7,433,745	7,581,945	7,581,795	7,485,185	
FTE	<u>82.8</u>	<u>77.8</u>	<u>83.8</u>	<u>83.8</u>	<u>83.8</u>	
Cash Funds	6,515,143	6,369,725	6,278,212	6,272,717	6,194,278	
FTE	68.7	67.6	66.0	66.0	66.0	
Federal Funds	1,328,296	1,064,020	1,303,733	1,309,078	1,290,907	
FTE	14.1	10.2	17.8	17.8	17.8	
TOTAL - (4) AIR QUALITY CONTROL DIVISION	17,101,001	18,053,920	18,249,959	18,220,446	15,164,029	Request vs. Approp
FTE	<u>151.9</u>	<u>146.5</u>	<u>161.1</u>	<u>161.1</u>	<u>161.1</u>	-0.2%
Cash Funds	13,921,985	15,168,547	15,200,385	15,163,742	12,548,399	-0.2%
FTE	124.5	125.4	127.1	127.1	127.1	0.0
Federal Funds	3,179,016	2,885,373	3,049,574	3,056,704	2,615,630	0.2%
FTE	27.4	21.1	34.0	34.0	34.0	0.0

(5) WATER QUALITY CONTROL DIVISION

The Division enforces water quality regulations adopted by the Water Quality Control Commission and the State Board of Health through stream classifications and standards, discharge permits, site application reviews, technical assistance, and drinking water surveillance. Cash fund sources include the Water Quality Control Fund, the Sludge Management Program Fund, the Industrial Pretreatment Fund, and the Drinking Water Fund. Reappropriated funds come from transfers from the Department of Agriculture and the Department of Local Affairs.

(A) Administration

Personal Services	940,349	870,932	1,140,105 S/	1,131,534	1,125,686	DI NP-2 (2% Cut);
FTE	<u>13.2</u>	<u>11.8</u>	<u>17.7</u>	<u>17.7</u>	<u>17.7</u>	DI NP-6 (PERA);
General Fund	506,837	515,630	562,770	555,644	558,548	BA NP-16 (1% Cut)
FTE	7.5	7.6	8.8	8.8	8.8	
Cash Funds	183,346	189,335	190,364	190,367	187,445	
FTE	2.6	2.6	2.7	2.7	2.7	
Federal Funds	250,166	165,967	386,971	385,523	379,693	
FTE	3.1	1.6	6.2	6.2	6.2	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
Operating Expenses	47,831	25,480	52,356	52,269	52,269	BA NP-16 (1% Cut)
General Fund	18,834	18,834	18,834	18,747	18,747	
Cash Funds	3,459	3,459	3,459	3,459	3,459	
Federal Funds	25,538	3,187	30,063	30,063	30,063	
Capital Outlay	0	0	0	0	0	
General Fund	0	0	0	0	0	
Cash Funds	0	0	0	0	0	
RF/CFE	0	0	0	0	0	
Indirect Cost Assessment	2,041,517	2,166,272	2,013,088 S/	1,958,088	Pending	
Cash Funds	672,027	897,028	961,888	906,888		
RF/CFE	0	0	0	0		
Federal Funds	1,369,490	1,269,244	1,051,200	1,051,200		
SUBTOTAL - Administration	3,029,697	3,062,684	3,205,549	3,141,891	1,177,955	
FTE	<u>13.2</u>	<u>11.8</u>	<u>17.7</u>	<u>17.7</u>	<u>17.7</u>	
General Fund	525,671	534,464	581,604	574,391	577,295	
FTE	7.5	7.6	8.8	8.8	8.8	
Cash Funds	858,832	1,089,822	1,155,711	1,100,714	190,904	
FTE	2.6	2.6	2.7	2.7	2.7	
RF/CFE	0	0	0	0	0	
Federal Funds	1,645,194	1,438,398	1,468,234	1,466,786	409,756	
FTE	3.1	1.6	6.2	6.2	6.2	
(B) Clean Water Program [Created in FY 2010-11]						
Personal Services	6,854,683	6,467,165	6,326,321 S/	6,314,329	6,503,378	DI NP-2 (2% Cut);
FTE	<u>78.9</u>	<u>75.9</u>	<u>80.0</u>	<u>80.0</u>	<u>80.0</u>	DI NP-6 (PERA);
General Fund	484,255	537,869	535,571	528,475	531,247	BA NP-16 (1% Cut)
FTE	8.4	7.1	8.4	8.4	8.4	
Cash Funds	3,303,067	3,172,430	3,381,954	3,379,309	3,327,538	
FTE	38.9	39.1	40.2	40.2	40.2	
RF/CFE	41,767	38,957	38,957	38,255	37,671	
FTE	0.5	0.4	0.5	0.5	0.5	
Federal Funds	3,025,594	2,717,909	2,369,839	2,368,290	2,606,922	
FTE	31.1	29.3	30.9	30.9	30.9	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
Operating Expenses	<u>1,010,784</u>	<u>1,107,751</u>	<u>796,985</u>	<u>794,657</u>	<u>1,144,657</u>	BA NP-16 (1% Cut)
General Fund	557,727	503,913	503,913	501,585	501,585	
Cash Funds	125,996	113,347	113,347	113,347	113,347	
RF/CFE	1,675	1,675	1,675	1,675	1,675	
Federal Funds	325,386	488,816	178,050	178,050	528,050	
Local Grants and Contracts - FF	1,755,721	2,164,196	2,136,456	2,136,456	2,136,456	
Water Quality Improvement - CF	102,232	38,781	117,196	117,196	117,196	
SUBTOTAL - Clean Water Program	9,723,420	9,777,893	9,376,958	9,362,638	9,901,687	
FTE	<u>78.9</u>	<u>75.9</u>	<u>80.0</u>	<u>80.0</u>	<u>80.0</u>	
General Fund	1,041,982	1,041,782	1,039,484	1,030,060	1,032,832	
FTE	8.4	7.1	8.4	8.4	8.4	
Cash Funds	3,531,295	3,324,558	3,612,497	3,609,852	3,558,081	
FTE	38.9	39.1	40.2	40.2	40.2	
RF/CFE	43,442	40,632	40,632	39,930	39,346	
FTE	0.5	0.4	0.5	0.5	0.5	
Federal Funds	5,106,701	5,370,921	4,684,345	4,682,796	5,271,428	
FTE	31.1	29.3	30.9	30.9	30.9	
(D) Drinking Water Program						
Personal Services	5,419,954	5,661,026	2,587,109 S/	2,571,017	5,047,183	DI NP-2 (2% Cut);
FTE	<u>55.9</u>	<u>59.1</u>	<u>36.2</u>	<u>36.2</u>	<u>57.6</u>	DI NP-6 (PERA);
General Fund	853,748	864,438	810,567	797,399	801,586	BA NP-16 (1% Cut)
FTE	12.7	12.1	14.1	14.1	14.1	
Cash Funds	313,281	338,823	340,521	340,215	334,997	
FTE	3.5	3.2	3.5	3.5	3.5	
Federal Funds	4,252,925	4,457,765	1,436,021	1,433,403	3,910,600	
FTE	39.7	43.8	18.6	18.6	40.0	
Operating Expenses	<u>1,131,378</u>	<u>1,666,725</u>	<u>213,583</u>	<u>213,145</u>	<u>1,613,145</u>	BA NP-16 (1% Cut)
General Fund	75,873	94,887	94,887	94,449	94,449	
Cash Funds	1,750	1,750	1,750	1,750	1,750	
Federal Funds	1,053,755	1,570,088	116,946	116,946	1,516,946	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
SUBTOTAL - Drinking Water Program	6,551,332	7,327,751	2,800,692	2,784,162	6,660,328	
FTE	<u>55.9</u>	<u>59.1</u>	<u>36.2</u>	<u>36.2</u>	<u>57.6</u>	
General Fund	929,621	959,325	905,454	891,848	896,035	
FTE	12.7	12.1	14.1	14.1	14.1	
Cash Funds	315,031	340,573	342,271	341,965	336,747	
FTE	3.5	3.2	3.5	3.5	3.5	
Federal Funds	5,306,680	6,027,853	1,552,967	1,550,349	5,427,546	
FTE	39.7	43.8	18.6	18.6	40.0	
TOTAL - (5) WATER QUALITY CONTROL						Request vs. Approp
DIVISION	19,304,449	20,168,328	15,383,199	15,288,691	17,739,969	-0.6%
FTE	<u>148.0</u>	<u>146.8</u>	<u>133.9</u>	<u>133.9</u>	<u>155.3</u>	<u>0.0</u>
General Fund	2,497,274	2,535,571	2,526,542	2,496,299	2,506,162	-1.2%
FTE	28.6	26.8	31.3	31.3	31.3	0.0
Cash Funds	4,705,158	4,754,953	5,110,479	5,052,531	4,085,731	-1.1%
FTE	45.0	44.9	46.4	46.4	46.4	0.0
RF/CFE	43,442	40,632	40,632	39,930	39,346	-1.7%
FTE	0.5	0.4	0.5	0.5	0.5	0.0
Federal Funds	12,058,575	12,837,172	7,705,546	7,699,931	11,108,731	-0.1%
FTE	73.9	74.7	55.7	55.7	77.1	0.0

(6) HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

The Division enforces the solid and hazardous waste regulations adopted by the Hazardous Waste Commission, providing for cradle-to-grave management of hazardous waste in Colorado to ensure that it does not contaminate the environment or endanger public health. The primary sources of cash funds are the Hazardous Waste Service Fund, the Hazardous Waste Commission Fund, the Hazardous Substance Response Fund, the Radiation Control Fund, the Solid Waste Management Fund, and the Waste Tire Recycling Development Cash Fund. Reappropriated funds come from transfers from the Department of Transportation and the Department of Local Affairs.

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
(A) Administration						
Program Costs	160,910	146,080	316,965	318,772	314,477	DI NP-6 (PERA)
FTE	<u>1.4</u>	<u>1.2</u>	<u>3.4</u>	<u>3.4</u>	<u>3.4</u>	
Cash Funds	160,910	145,499	254,499	256,306	252,939	
FTE	1.4	1.2	3.1	3.1	3.1	
RF/CFE	0	0	40,000	40,000	39,400	
Federal Funds	0	581	22,466	22,466	22,138	
FTE	0.0	0.0	0.3	0.3	0.3	
Legal Services	405,597	207,461	458,397	454,628	454,628	
hours	<u>5,401</u>	<u>2,752</u>	<u>6,145</u>	<u>6,145</u>	<u>6,145</u>	
Cash Funds	269,310	63,754	296,555	292,786	292,786	
RF/CFE	354	525	525	525	525	
Federal Funds	135,933	143,182	161,317	161,317	161,317	
Capital Outlay - CF	0	0	0	0	0	
Indirect Cost Assessment	<u>1,722,847</u>	<u>1,957,075</u>	<u>2,107,931</u> S/	<u>2,053,931</u>	<u>Pending</u>	
Cash Funds	808,835	1,227,232	1,304,596	1,250,596		
RF/CFE	30,234	33,995	36,000	36,000		
Federal Funds	883,778	695,848	767,335	767,335		
SUBTOTAL - Administration	2,289,354	2,310,616	2,883,293	2,827,331	769,105	
FTE	<u>1.4</u>	<u>1.2</u>	<u>3.4</u>	<u>3.4</u>	<u>3.4</u>	
Cash Funds	1,239,055	1,436,485	1,855,650	1,799,688	545,725	
FTE	1.4	1.2	3.1	3.1	3.1	
RF/CFE	30,588	34,520	76,525	76,525	39,925	
Federal Funds	1,019,711	839,611	951,118	951,118	183,455	
FTE	0.0	0.0	0.3	0.3	0.3	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
(B) Hazardous Waste Control Program						
Personal Services	3,542,618	3,539,680	3,740,323	3,738,754	3,681,632	DI NP-6 (PERA)
FTE	34.7	35.8	42.0	42.0	42.0	
Cash Funds	1,716,790	1,838,187	2,156,703	2,154,340	2,121,454	
FTE	17.6	20.4	21.8	21.8	21.8	
Federal Funds	1,825,828	1,701,493	1,583,620	1,584,414	1,560,178	
FTE	17.1	15.4	20.2	20.2	20.2	
Operating Expenses	204,573	159,993	229,006	229,006	229,006	
Cash Funds	78,132	66,808	78,948	78,948	78,948	
Federal Funds	126,441	93,185	150,058	150,058	150,058	
SUBTOTAL - Hazardous Waste Control						
FTE	34.7	35.8	42.0	42.0	42.0	
Cash Funds	1,794,922	1,904,995	2,235,651	2,233,288	2,200,402	
FTE	17.6	20.4	21.8	21.8	21.8	
Federal Funds	1,952,269	1,794,678	1,733,678	1,734,472	1,710,236	
FTE	17.1	15.4	20.2	20.2	20.2	
(C) Solid Waste Control Program						
Program Costs - CF	1,555,260	1,616,661	2,391,825	2,385,521	2,350,951	DI NP-6 (PERA)
FTE	15.8	15.9	20.8	20.8	20.8	
Waste Tire Management Program - CF	0	0	543,679	1,015,663	1,013,621	
FTE	0.0	0.0	2.1	2.1	2.1	
SUBTOTAL - Solid Waste Control Program -CF						
FTE	15.8	15.9	22.9	22.9	22.9	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
(D) Uranium Mill Tailings Remedial Action Program						
Program Costs	207,500	211,389	233,489	233,290	229,992	DI NP-6 (PERA)
FTE	<u>2.5</u>	<u>2.3</u>	<u>3.1</u>	<u>3.1</u>	<u>3.1</u>	
RF/CFE	184,492	184,552	189,078	189,104	186,441	
FTE	2.3	2.1	2.6	2.6	2.6	
Federal Funds	23,008	26,837	44,411	44,186	43,551	
FTE	0.2	0.2	0.5	0.5	0.5	
(E) Contaminated Site Cleanups						
Personal Services	3,598,275	3,676,852	4,474,507	4,475,006	4,407,124	DI NP-6 (PERA)
FTE	<u>29.1</u>	<u>23.0</u>	<u>37.8</u>	<u>37.8</u>	<u>37.8</u>	
Cash Funds	715,358	590,342	1,182,523	1,182,022	1,164,113	
FTE	6.7	5.5	13.4	13.4	13.4	
RF/CFE	0	0	0	0	0	
Federal Funds	2,882,917	3,086,510	3,291,984	3,292,984	3,243,011	
FTE	22.4	17.5	24.4	24.4	24.4	
Operating Expenses	<u>637,847</u>	<u>571,282</u>	<u>222,991</u>	<u>222,991</u>	<u>222,991</u>	
Cash Funds	28,048	22,046	53,382	53,382	53,382	
RF/CFE	0	0	0	0	0	
Federal Funds	609,799	549,236	169,609	169,609	169,609	
Contaminated Sites Operation & Maintenance	<u>1,285,107</u>	<u>1,215,343</u>	<u>2,022,864</u>	<u>2,022,864</u>	<u>2,022,864</u>	
Cash Funds	152,984	834,871	1,559,186	1,559,186	1,559,186	
Federal Funds	1,132,123	380,472	463,678	463,678	463,678	
Legal Services for CERCLA						
Contract Oversight-Related Costs	<u>425,000</u>	<u>473,000</u>	<u>936,159</u>	<u>936,159</u>	<u>936,159</u>	
Cash Funds	425,000	473,000	936,159	936,159	936,159	
Federal Funds	0	0	0	0	0	
Hours	N/A	N/A	N/A	N/A	N/A	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
SUBTOTAL - Contaminated Site Cleanups	5,946,229	5,936,477	7,656,521	7,657,020	7,589,138	
FTE	<u>29.1</u>	<u>23.0</u>	<u>37.8</u>	<u>37.8</u>	<u>37.8</u>	
Cash Funds	1,321,390	1,920,259	3,731,250	3,730,749	3,712,840	
FTE	6.7	5.5	13.4	13.4	13.4	
RF/CFE	0.0	0	0	0	0	
Federal Funds	4,624,839	4,016,218	3,925,271	3,926,271	3,876,298	
FTE	22.4	17.5	24.4	24.4	24.4	
(F) Rocky Flats Agreement						
Program Costs - FF	181,687	152,531	240,490	240,537	237,510	DI NP-6 (PERA)
FTE	1.2	0.9	2.3	2.3	2.3	
Legal Services - FF	18,771	10,478	10,198	10,198	10,198	
Hours	250	139	139	139	139	
SUBTOTAL - Rocky Flats Agreement - FF	200,458	163,009	250,688	250,735	247,708	
FTE	1.2	0.9	2.3	2.3	2.3	
(G) Radiation Management						
Personal Services	1,878,940	2,049,997	1,940,738	1,935,699	1,905,979	DI NP-6 (PERA)
FTE	<u>21.5</u>	<u>24.0</u>	<u>23.1</u>	<u>23.1</u>	<u>23.1</u>	
Cash Funds	1,625,527	1,781,493	1,768,605	1,763,193	1,736,144	
FTE	18.7	21.0	20.9	20.9	20.9	
RF/CFE	0	0	0	0	0	
Federal Funds	253,413	268,504	172,133	172,506	169,835	
FTE	2.8	3.0	2.2	2.2	2.2	
Operating Expenses	<u>260,032</u>	<u>228,501</u>	<u>255,525</u>	<u>255,525</u>	<u>255,525</u>	
Cash Funds	69,360	71,870	98,039	98,039	98,039	
Federal Funds	190,672	156,631	157,486	157,486	157,486	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
SUBTOTAL - Radiation Management	2,138,972	2,278,498	2,196,263	2,191,224	2,161,504	
FTE	<u>21.5</u>	<u>24.0</u>	<u>23.1</u>	<u>23.1</u>	<u>23.1</u>	
Cash Funds	1,694,887	1,853,363	1,866,644	1,861,232	1,834,183	
FTE	18.7	21.0	20.9	20.9	20.9	
RF/CFE	0	0	0	0	0	
Federal Funds	444,085	425,135	329,619	329,992	327,321	
FTE	2.8	3.0	2.2	2.2	2.2	
SUBTOTAL - (6) HAZARDOUS MATERIALS						
WASTE MANAGEMENT DIVISION	16,084,964	16,216,323	20,125,087	20,528,544	18,272,657	Request vs. Approp
FTE	<u>106.2</u>	<u>103.1</u>	<u>134.6</u>	<u>134.6</u>	<u>134.6</u>	2.0%
Cash Funds	7,605,514	8,731,763	12,624,699	13,026,141	11,657,722	3.2%
FTE	60.2	64.0	82.1	82.1	82.1	0.0
RF/CFE	215,080	219,072	265,603	265,629	226,366	0.0%
FTE	2.3	2.1	2.6	2.6	2.6	0.0
Federal Funds	8,264,370	7,265,488	7,234,785	7,236,774	6,388,569	0.0%
FTE	43.7	37.0	49.9	49.9	49.9	0.0

(7) CONSUMER PROTECTION

The Consumer Protection Division is responsible for programs designed to protect the public from disease and injury through identification and control of environmental factors in food, drugs, medical devices, institutions, consumer products, and insect and rodent vectors affecting public health. The primary sources of cash funds are the Food Protection Cash Fund, the Wholesale Food Manufacturing and Storage Protection Fund, and the Artificial Tanning Device Education Fund. Reappropriated funds come from transfers from the Department of Corrections and the Department of Human Services.

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
Personal Services	1,983,959	2,206,610	2,320,877	S/ 2,300,748	2,288,323	DI NP-2 (2% Cut);
FTE	<u>23.5</u>	<u>25.1</u>	<u>30.5</u>	<u>30.5</u>	<u>30.5</u>	DI NP-6 (PERA);
General Fund	1,104,549	1,132,935	1,126,429	1,107,819	1,113,613	BA NP-16 (1% Cut)
FTE	12.7	12.6	16.2	16.2	16.2	
Cash Funds	587,633	676,049	846,404	844,317	831,447	
FTE	7.1	7.7	9.9	9.9	9.9	
RF/CFE	78,751	79,510	79,860	79,527	78,306	
FTE	1.1	1.1	2.0	2.0	2.0	
Federal Funds	213,026	318,116	268,184	269,085	264,957	
FTE	2.6	3.7	2.4	2.4	2.4	
Operating Expenses	<u>132,402</u>	<u>204,889</u>	<u>166,055</u>	<u>165,918</u>	<u>165,918</u>	BA NP-16 (1% Cut)
General Fund	29,637	29,637	29,637	29,500	29,500	
Cash Funds	56,459	109,427	98,158	98,158	98,158	
RF/CFE	8,903	7,546	9,708	9,708	9,708	
Federal Funds	37,403	58,279	28,552	28,552	28,552	
Capital Outlay - GF	0	0	0	0	0	
Indirect Cost Assessment	<u>137,145</u>	<u>221,135</u>	<u>230,882</u>	S/ <u>193,882</u>	<u>Pending</u>	
Cash Funds	91,379	151,168	182,168	145,168		
RF/CFE	45,766	7,000	7,000	7,000		
Federal Funds	0	62,967	41,714	41,714		
TOTAL - (7) CONSUMER PROTECTION						Request vs. Approp
DIVISION	2,253,506	2,632,634	2,717,814	2,660,548	2,454,241	-2.1%
FTE	<u>23.5</u>	<u>25.1</u>	<u>30.5</u>	<u>30.5</u>	<u>30.5</u>	<u>0.0</u>
General Fund	1,134,186	1,162,572	1,156,066	1,137,319	1,143,113	-1.6%
FTE	12.7	12.6	16.2	16.2	16.2	0.0
Cash Funds	735,471	936,644	1,126,730	1,087,643	929,605	-3.5%
FTE	7.1	7.7	9.9	9.9	9.9	0.0
RF/CFE	133,420	94,056	96,568	96,235	88,014	-0.3%
FTE	1.1	1.1	2.0	2.0	2.0	0.0
Federal Funds	250,429	439,362	338,450	339,351	293,509	0.3%
FTE	2.6	3.7	2.4	2.4	2.4	0.0

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	
	Actual	Actual	Approp.	Request	Staff Rec.	Change Requests
TOTAL -						Request vs. Approp
ENVIRONMENTAL DIVISIONS	58,696,387	61,436,911	63,710,136	63,453,837	60,368,372	-0.4%
FTE	<u>439.9</u>	<u>435.1</u>	<u>474.8</u>	<u>475.0</u>	<u>496.4</u>	<u>0.2</u>
General Fund	3,631,460	3,698,143	3,782,608	3,733,156	3,748,813	-1.3%
FTE	41.3	39.4	47.5	47.5	47.5	0.0
Cash Funds	29,708,257	33,044,277	40,506,715	40,295,112	35,178,953	-0.5%
FTE	239.8	247.8	273.2	273.4	273.4	0.2
RF/CFE	391,942	353,760	402,803	401,794	353,726	-0.3%
FTE	3.9	3.6	5.1	5.1	5.1	0.0
Federal Funds	24,964,728	24,340,731	19,018,010	19,023,775	21,086,881	0.0%
FTE	154.9	144.3	149.0	149.0	170.4	0.0

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
ENVIRONMENTAL DIVISIONS ONLY
FY 2011-12 FIGURE SETTING**

JBC WORKING DOCUMENT
Staff Recommendation Does Not Represent Committee Decision

(1) ADMINISTRATION AND SUPPORT

DI #4: LEGAL SERVICES

Request: Under decision item #4, The Department requests an increase of \$132,066 reappropriated funds (above the FY 2010-11 Long Bill amount) from indirect cost recoveries to purchase additional legal services for the Air Pollution Control Division (APCD) and the Water Quality Control Division (WQCD) from the Department of Law. The request continues funding approved as part of the FY 2010-11 supplemental appropriation for the Department of Public Health and Environment (S.B. 11-149). The request would continue to support 1.0 additional FTE and associated operating and litigation expenses at the Department of Law to meet an increased legal services workload associated with changes in federal and state law and regulations affecting the APCD and WQCD.

Note: Funding for legal services for the APCD and WQCD is appropriated through the legal services line item within Administration and Support but the request is included in this presentation because the environmental divisions are driving the request for additional funding.

Staff Analysis and Recommendations: Legal services expenses for the APCD and WQCD have increased in recent years (see table below). The request is based on projected increases in expenses from FY 2009-10 to FY 2010-11 and FY 2011-12, with the APCD accounting for the majority of the increase (\$104,048 out of a total increase of \$133,285). The requested increase of \$132,066 is based on the necessary costs to hire an additional attorney at the Department of Law and is slightly lower than the anticipated additional billing relative to FY 2009-10.

Historic Legal Services Expenses for APCD and WQCD

	FY 2005- 06	FY 006- 07	FY 2007- 08	FY 2008- 09	FY 2009- 10	FY 2010- 11 (Est.)	FY 2011- 12 (Est.)	Change from FY 2009-10
APCD	\$346,118	\$408,342	\$435,309	\$399,591	\$471,131	\$575,179	\$575,179	\$104,048
WQCD	<u>345,630</u>	<u>327,496</u>	<u>368,680</u>	<u>494,459</u>	<u>466,005</u>	<u>495,242</u>	<u>495,242</u>	<u>29,237</u>
Total	\$691,748	\$735,838	\$803,989	\$894,050	\$937,136	\$1,070,421	\$1,070,421	\$133,285

As shown in the table, legal services costs increased relatively steadily for the divisions in question from FY 2004-05 through FY 2009-10. However, the Department has experienced a larger increase thus far in FY 2010-11 and expects the increased need to continue. The projected increase of

roughly \$133,000 from FY 2009-10 to FY 2010-11 represents an increase of 14.2 percent in the cost of legal services provided to the APCD and WQCD. The projected costs are increasing relative to FY 2009-10 even though the blended legal services rate decreased from \$75.38 per hour in FY 2009-10 to \$73.37 in FY 2010-11, a 2.7 percent decrease (the rate for FY 2011-12 has not been set). According to the Department of Law, as of the end of December (half way through FY 2010-11) the APCD had already used 72.9 percent of its anticipated legal services budget for the entire year. The two departments do not expect any decrease in utilization for the remainder of the year or in FY 2011-12.

The Department reports that the following factors are driving the increased need for legal services:

1. *Changes to federal (E.P.A.) legislation and regulations for air and water quality.* The E.P.A. has promulgated new standards for air and water quality that impact the Department's workload and the amount of legal services time required for the two impacted divisions. For example, new ambient air quality standards (promulgated for nitrogen in April 2010 and for sulphur dioxide in August 2010 and anticipated for ozone in 2011) will impact the State Implementation Plan and the APCD permitting programs, driving a need for additional legal assistance. The E.P.A. is also considering new standards for additional pollutants that would affect future years, and the Department does not expect the need for legal services to decline. For water, new nutrient criteria, revised and more stringent stormwater rules, a court ruling requiring the issuance of permits for pesticide applications in or near water, and revised drinking water rules are also driving a need for additional legal services.
2. *Increasing caseload of appeals of permits and enforcement actions and citizen petitions to E.P.A. regarding state determinations.* According to the Department, the APCD has seen an increase in the number of conservation stakeholders' petitions to the E.P.A. challenging permitting and enforcement actions on matters such as oil and gas permitting and power plant permitting. The Department also reports that the WQCD has experienced an increase in appeals of enforcement and permitting actions requiring legal assistance.
3. *House Bill 10-1365 (APCD).* Neither the Department nor the Public Utilities Commission anticipated significant legal services costs as a result of H.B. 10-1365, and the Department expected any costs to be absorbed within existing resources. However, as discussed at the Department's FY 2011-12 hearing with the Joint Budget Committee, opponents of the legislation are taking a variety of actions to challenge agency decisions. The Department's response has included: multiple filings before the Public Utilities Commission (PUC), explanation of the APCD's role under the bill relative to the PUC in a variety of administrative and legal settings, response to a Colorado Open Records Act request and defense of the Department's response in district court, and managing unexpected requests for emergency rule making by the Air Quality Control Commission with respect to the Department's role under the bill.

4. *Regional Haze (APCD).* The APCD and the Air Quality Control Commission are completing the State Implementation Plan for the EPA's Regional Haze regulation. The EPA finalized regional haze requirements and timelines in Spring 2010, resulting in significant costs in FY 2010-11 that the Department expects to continue. The Department has reported that Regional Haze accounts for roughly 50 percent of the APCD's portion of the additional legal services need in FY 2010-11.

5. *WQCD Disinfection Waivers.* The WQCD has withdrawn disinfection waivers from 25 public drinking water systems, requiring ongoing legal support for enforcement efforts. On an ongoing basis, the Department is aware of approximately 70 additional drinking water systems with disinfection treatment problems that will require legal services.

Recommendation: Staff recommends approval of Decision Item #4 to continue the increased appropriations for legal services approved in the FY 2010-11 supplemental to allow the Department to continue to respond to legal issues and challenges.

(B) Special Environmental Programs

Program Costs (formerly Environmental Leadership and Pollution Prevention)

This line item supports three programs: 1) the Environmental Leadership Program provides financial incentives for companies that demonstrate a commitment to the use of pollution prevention strategies and compliance with environmental regulations; 2) the Pollution Prevention Program issues grants to entities attempting to reduce pollution created by hazardous substances, operates a technical library, provides consumer education on pollution prevention for schools and industry, and offers a variety of training programs for both state and local inspectors (the FTE in the Pollution Prevention Program are entirely federally funded); and 3) the Air Ombudsman Program assists business owners with compliance with air permitting requirements and evaluates the Air Quality Control Division's work with - and impact on - small businesses.

Staffing levels for this program are summarized in the table below.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Administrative Support Staff	1.0	1.0	1.0	1.0
Environ. Protection Specialist	5.3	5.0	5.0	5.0
Management	0.2	0.2	0.2	0.2
Physical Scientist	1.2	1.1	1.1	1.1
Staff / General Professional	1.1	0.5	0.5	0.5
TOTAL	8.8	7.8	7.8	7.8

Request: The Department requests continuation level funding according to OSPB's common policies. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Recommendation: **Staff recommends continuation level funding calculated according to the JBC's common policies with adjustments for the statewide request.** Staff's recommendation is \$11,216 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The table below shows the components of staff's recommendation.

Summary of (I) Administration and Support, (D) Special Environmental Programs Program Costs Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Personal Services						
FY 2010-11 Long Bill	\$728,853	\$0	\$39,198	\$0	\$689,655	7.8
Restore FY 2010-11 PERA Reduction	18,859	0	3,655	0	15,204	
Decision Item NP-4 - FY 2011-12 PERA Reduction	(16,975)	0	(3,131)	0	(13,844)	
Base Reduction (1.5%)	<u>(11,216)</u>	<u>0</u>	<u>(643)</u>	<u>0</u>	<u>(10,573)</u>	
Subtotal, Personal Services	719,521	0	39,079	0	680,442	7.8
Operating Expenses						
FY 2010-11 Long Bill	216,626	0	216,626	0	0	
(No change)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Subtotal, Operating Expenses	216,626	0	216,626	0	0	
Total Recommendation	\$936,147	\$0	\$255,705	\$0	\$680,442	7.8

Animal Feeding Operations (AFO) Program (formerly Housed Commercial Swine Feeding Operations (HCSFO) Program)

This line item supports the Department's regulatory programs affecting animal feeding operations, including the Housed Commercial Swine Feeding Operations Program (begun in FY 2006-07 with the passage of S.B. 06-117 (Kester/Gardner)) and confined animal feeding operations (CAFO) staff formerly funded through the Water Quality Control Division. Senate Bill 06-117 allowed wastewater vessels and impoundments used in a housed commercial swine operation to be operated with technologies or practices to minimize the emission of odorous gases so long as those technologies are at least as effective as covers. Previously, waste vessels were required be covered. The bill also established an annual fee for housed commercial swine feeding operations to offset the direct and indirect costs of enforcement, compliance, and regulation of air quality controls, as well

as legal services and payments to local health departments for enforcement activities. In FY 2010-11, the General Assembly combined the HCSFO and CAFO programs within this line item to consolidate swine feeding operations monitoring and confined feeding operations permits and assistance work into a single program.

Staffing levels for this program are summarized in the table below.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Environ. Protection Specialist	3.2	3.5	3.5	3.5
TOTAL	3.2	3.5	3.5	3.5

Request: The Department requests continuation level funding according to OSPB's common policies. The following statewide requests impact this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11; and
- a General Fund reduction associated with BA NP-16.

Recommendation: **Staff recommends continuation level funding calculated according to the JBC's common policies with adjustments for the statewide requests.** Staff's recommendation is \$4,241 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The table below shows the components of staff's recommendation.

Summary of (1) Administration and Support, (D) Special Environmental Programs Animal Feeding Operations Program Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Personal Services						
FY 2010-11 Long Bill	\$282,067	\$0	\$282,067	\$0	\$0	3.5
Restore FY 2010-11 PERA Reduction	652	0	652	0	0	
Decision Item NP-4 - FY 2011-12 PERA Reduction	(5,790)	0	(5,790)	0	0	
Base Reduction (1.5%)	<u>(4,241)</u>	<u>0</u>	<u>(4,241)</u>	<u>0</u>	<u>0</u>	
Subtotal, Personal Services	272,688	0	272,688	0	0	3.5
Operating Expenses						
FY 2010-11 Long Bill	192,272	100,000	92,272	0	0	
BA NP-16 (1% Reduction)	<u>(462)</u>	<u>(462)</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Subtotal, Operating Expenses	191,810	99,538	92,272	0	0	

Summary of (1) Administration and Support, (D) Special Environmental Programs Animal Feeding Operations Program Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Total Recommendation	\$464,498	\$99,538	\$364,960	\$0	\$0	3.5

Recycling Resources Economic Opportunity Program

This program is a pollution prevention effort that is administered and overseen by the Pollution Prevention Advisory Board and the Pollution Prevention staff, which resides in the Long Bill under Special Programs, Environmental Leadership and Pollution Prevention. The program was created by H.B. 07-1288 (Solano/Shaffer), the "Recycling Resources Economic Opportunity Act" which increased existing solid waste disposal and waste tire fees to fund recycling incentives and waste management programs in the Department of Public Health and Environment and the Department of Local Affairs. The enactment of H.B. 1018 (Looper/Gibbs) eliminated waste tire fee allocations to this program beginning in FY 2011-12.

Pollution prevention efforts cross division lines and involve all media (air, water and waste); thus, the program resides in the Administration and Support Division. Cash funds are from the Recycling Resources Economic Opportunity Fund.

Staffing levels for this program are summarized in the table below.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Staff / General Professional	1.6	1.6	1.6	1.6
TOTAL	1.6	1.6	1.6	1.6

Request: The Department requests continuation level funding according to OSPB's common policies. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Recommendation: **Staff recommends continuation level funding calculated according to the JBC's common policies with adjustments for the statewide requests.** Staff's recommendation is \$1,522 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of the staff recommendation for the line item are summarized in the table below.

Summary of (1) Administration and Support, (D) Special Environmental Programs Recycling Resources Economic Opportunity Program Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Personal Services						
FY 2010-11 Long Bill	\$886,169	\$0	\$886,169	\$0	\$0	1.6
Restore FY 2010-11 PERA Reduction	2,082	0	2,082	0	0	
Decision Item NP-4 - FY 2011-12 PERA Reduction	(2,155)	0	(2,155)	0	0	
Base Reduction (1.5%)	<u>(1,522)</u>	<u>0</u>	<u>(1,522)</u>	<u>0</u>	<u>0</u>	
Subtotal, Personal Services	884,574	0	884,574	0	0	1.6
Operating Expenses						
FY 2010-11 Long Bill	1,741,110	0	1,741,110	0	0	
H.B. 10-1018	13,437	0	13,437	0	0	
FY 2010-11 Appropriation	1,754,547	0	1,754,547	0	0	
Annualize H.B. 10-1018	<u>(786,797)</u>	<u>0</u>	<u>(786,797)</u>	<u>0</u>	<u>0</u>	
Subtotal, Operating Expenses	967,750	0	967,750	0	0	
Total Recommendation	\$1,852,324	\$0	\$1,852,324	\$0	\$0	1.6

Advanced Technology Research Grants

This program was a pollution prevention effort that was administered and overseen by the Pollution Prevention Advisory Board and the Pollution Prevention staff, which resides in the long bill under Special Environmental Programs, Environmental Leadership and Pollution Prevention. The program was created by S.B. 07-182 (Bacon/Pommer), regarding the Innovative Higher Education Research Fund and the Advanced Technology Research Fund. Part of this bill specified that the Advanced Technology Fund would be administered by the Pollution Prevention Advisory Board within the Department of Public Health and Environment.

House Bill 10-1018 repealed the Advanced Technology Research Fund for FY 2011-12 and beyond as part of a consolidation and reorganization of waste tire programs. As a result, there is no request or staff recommendation for this line item in FY 2011-12.

Oil and Gas Consultation, Personal Services (Created in FY 2010-11)

In FY 2010-11, the General Assembly created two new line items within the Special Environmental Programs to support the Department's consultation work with the Oil and Gas Conservation Commission (OGCC) within the Department of Natural Resources. The appropriations are housed within Administration and Support because of the cross-divisional nature of the consultation work.

Cash funds are from the Oil and Gas Conservation and Environmental Response Fund, which is managed by the OGCC. Staffing levels for the requested line item are summarized below.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Environmental Protection Specialist	1.4	1.0	1.0	1.0
TOTAL	1.4	1.0	1.0	1.0

Request: The Department requests a continuation appropriation according to OSPB's common policies to support the 1.0 FTE coordinating and conducting the Department's consultations. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Recommendation: **Staff recommends continuation level funding with adjustments for the statewide request. Staff recommends deviation from the 1.5 percent JBC common policy base reduction. Because this is a personal services line with only 1.0 FTE and no anticipated vacancy, staff does not recommend applying the base reduction to this line item.** The components of the staff recommendation for the line item are summarized in the table below.

Summary of (1) Administration and Support, (D) Special Environmental Programs Oil and Gas Consultation, Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$110,904	\$0	\$110,904	\$0	\$0	1.0
DI NP-4 - FY 2011-12 PERA Reduction	(2,696)	0	(2,696)	0	0	
Base reduction (0.0%)	0	0	0	0	0	
Total Recommendation	\$108,208	\$0	\$108,208	\$0	\$0	1.0

Oil and Gas Consultation, Operating Expenses (Created in FY 2010-11)

The General Assembly created this line item in FY 2010-11 to support operating expenses associated with the personal services line item above. Cash funds are from the Oil and Gas Conservation and Environmental Response Fund, which is managed by the Oil and Gas Conservation Commission within the Department of Natural Resources.

Request: The Department requests continuation level funding, calculated according to OSPB's common policies.

Recommendation: **Staff recommends the request.**

Waste Tire Program (New line item requested)

The Department requests the creation of this line item in FY 2011-12 because of a consolidation of waste tire programs formerly housed within the Department of Local Affairs within the Department of Public Health and Environment under H.B. 10-1018. Cash funds are from a \$1.50 per tire fee on the sale of new tires, revenues from which are deposited into a variety of cash funds according to statutory formula. The proposed line item will fund the following programs pursuant to H.B. 10-1018:

- The Waste Tire Incentives Program awards grants for projects that reuse waste tires in applications such as building new artificial turf fields and installing new surfaces for playgrounds.
- The Illegal Waste Tire Grant Program awards grants to assist in the clean-up of waste tires that are illegally dumped on county-owned properties.
- The Processors and End Users Fund distributes rebates to companies in Colorado for processing waste tires or using waste tires in an end use.
- Starting in FY 2011-12, the Department will also manage the Waste Tire Market Development Fund to encourage the development of markets for waste tires based on a market development plan created by the Waste Tire Advisory Committee.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
General Professional Staff	0.0	0.8	1.0	1.0
TOTAL	0.0	0.8	1.0	1.0

Request: The Department requests continuation level funding calculated according to OSPB's common policies. The request includes an increase of \$314,813 cash funds and 0.2 FTE to annualize H.B. 10-1018.

Recommendation: **Staff recommends continuation level funding calculated according to the JBC's common policies.** Staff's recommendation is \$1,154 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of the staff recommendation for the line item are summarized in the table below.

Summary of (1) Administration and Support, (D) Special Environmental Programs Waste Tire Program Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Personal Services						
FY 2010-11 Long Bill	\$0	\$0	\$0	\$0	\$0	0.0

Summary of (1) Administration and Support, (D) Special Environmental Programs Waste Tire Program Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
H.B. 10-1018	63,568	0	63,568	0	0	0.8
FY 2010-11 Approp.	63,568	0	63,568	0	0	0.8
Annualize H.B. 10-1018	13,392	0	13,392	0	0	0.2
Base Reduction (1.5%)	(1,154)	0	(1,154)	0	0	
Subtotal, Personal Services	75,806	0	75,806	0	0	1.0
Operating Expenses						
FY 2010-11 Long Bill	0	0	0	0	0	
H.B. 10-1018	2,989,282	0	2,989,282	0	0	
FY 2010-11 Approp.	2,989,282	0	2,989,282	0	0	
Annualize H.B. 10-1018	301,421	0	301,421	0	0	
Subtotal, Operating Expenses	3,290,703	0	3,290,703	0	0	
Total Recommendation	\$3,366,509	\$0	\$3,366,509	\$0	\$0	1.0

(4) AIR POLLUTION CONTROL DIVISION

(A) Administration

This section provides administrative support to the Air Quality Control Commission (AQCC) and manages the operations of the Division and the implementation of air programs.

Personal Services

This line item provides for personnel-related expenses for the Division's administration.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Administrative Support Staff	0.3	0.5	0.5	0.5
Management	1.9	2.0	2.0	2.0
Staff / General Professionals	1.9	2.0	2.0	2.0
TOTAL	4.1	4.5	4.5	4.5

Request: The Department requests continuation funding according to OSPB's common policies. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Recommendation: **Staff recommends continuation level funding calculated according to the JBC's common policies, with adjustments for the statewide requests.** Staff's recommendation is \$5,777 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of the staff recommendation for the line item are summarized in the table below.

Summary of Recommendation – (4) Air Pollution Control Division, (A) Administration, Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$375,788	\$0	\$287,314	\$0	\$88,474	4.5
Restore FY 2010-11 PERA Reduction	9,325	0	7,390	0	1,935	
DI NP-4 - FY 2011-12 PERA Reduction	(9,212)	0	(7,479)	0	(1,733)	
Base reduction (1.5%)	(5,777)	0	(4,421)	0	(1,356)	
Total Recommendation	\$370,124	\$0	\$282,804	\$0	\$87,320	4.5

Operating Expenses

This line item provides for the Administration subdivision’s operating expenses.

Request: The Department requests a continuation appropriation, unchanged from FY 2010-11.

Recommendation: **Staff recommends the request.**

Indirect Cost Assessment

This line reflects the amount of indirect cost assessments made against cash and federal funding sources within the division. The funds collected here are used to offset General Fund that would otherwise be required in the Administration and Support Division.

Request: The Department's request reflects the statewide and departmental indirect cost plan.

Recommendation: **Staff requests permission to work with the Department to finalize the indirect cost amount once the Committee has taken final action on all line items.**

(B) Technical Services

The Technical Services subdivision was created in FY 2008-09 as a consolidation of what had been three separate programs/sub-subdivisions: Air Quality Monitoring; Modeling and Analysis; and Visibility and Risk Assessment. The three programs are described below. The Technical Services subdivision's cash funds are from the Stationary Sources Control Fund, the Ozone Protection Fund, and the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund.

- Air Quality Monitoring measures air quality along the Front Range. The state must meet federal monitoring regulations for data to be considered acceptable for use in State Implementation Plans (SIPs), area redesignations, permit compliance, and other activities.
- Modeling and Analysis is responsible for providing technical support for the State Implementation Plan (SIP) and the state's stationary source permitting program. The program is responsible for emission inventory development and air quality modeling that serves as the basis for evaluating the effectiveness of various control strategies and demonstrating that strategies adopted by the state will be sufficient to attain the National Ambient Air Quality Standards. The Modeling and Analysis program also includes ozone modeling work related to the front range area's designation as an ozone non-attainment area in 2007.
- Visibility and Risk Assessment is responsible for three programs: the Class I Area Program (national parks and wilderness areas), the urban visibility program, and the smoke management program, including issuing permits for prescribed burns.

Technical Services, Personal Services

This line item houses the appropriation for all Technical Services FTE, including those involved with air quality monitoring, modeling and analysis, and visibility and risk assessment, which had been separate line items prior to FY 2008-09. The sources of cash funds are the Stationary Sources Control Fund, the Ozone Protection Fund, and the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Administrative Support Staff	1.0	1.0	1.0	1.0
Accountants	0.1	0.3	0.3	0.3
Electronics Specialist	1.7	2.5	2.5	2.5
Engineers	2.9	4.0	4.0	4.0
Environmental Protection Specialist	6.1	10.0	10.0	10.0
Information Systems Staff	1.8	0.0	0.0	0.0
Management	1.0	1.0	1.0	1.0
Physical Scientist	10.6	11.3	11.3	11.3
Staff / General Professionals	3.9	4.0	4.0	4.0
TOTAL	29.1	34.1	34.1	34.1

Request: The Department requests continuation level funding calculated pursuant to OSPB's budget instructions. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Staff Recommendation: **Staff recommends continuation level funding calculated pursuant to the JBC's common policies with adjustments for the statewide requests.** Staff's recommendation is \$41,676 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of staff's recommendation are shown in the following table.

Summary of Recommendation – (4) Air Pollution Control Division, (B) Technical Services, Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$2,723,614	\$0	\$1,838,324	\$0	\$885,290	34.1
Restore FY 2010-11 PERA Reduction	54,805	0	36,476	0	18,329	
DI NP-4 - FY 2011-12 PERA Reduction	(58,688)	0	(41,052)	0	(17,636)	
Base reduction (1.5%)	(41,676)	0	(28,122)	0	(13,554)	
Total Recommendation	\$2,678,055	\$0	\$1,805,626	\$0	\$872,429	34.1

Technical Services, Operating Expenses

This line item houses the operating expenses appropriations associated with all of the Technical Services programs. The sources of cash funds are the Stationary Sources Control Fund and the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund.

Request: The Department requests a continuation appropriation according to OSPB's common policies, unchanged from FY 2010-11.

Recommendation: **Staff recommends the request**, summarized in the table below.

Summary of Recommendation – (4) Air Pollution Control Division, (B) Technical Services, Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2010-11 Long Bill	\$400,802	\$0	\$316,241	\$0	\$84,561
(No change)	0	0	0	0	0
Total Recommendation	\$400,802	\$0	\$316,241	\$0	\$84,561

Technical Services, Local Contracts

The Department uses this line item to contract with local health agencies to collect air quality data and for ozone modeling related to the front range area's designation as a non-attainment area in 2007. The sources of cash funds are the Stationary Sources Control Fund, the Ozone Protection Fund, and the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund.

Request: The Department requests a continuation appropriation, unchanged from FY 2010-11, according to OSPB’s common policies.

Recommendation: **Staff recommends the request**, as summarized in following table.

Summary of Recommendation – (4) Air Pollution Control Division, (B) Technical Services, Local Contracts Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2010-11 Long Bill	\$730,368	\$0	\$636,121	\$0	\$94,247
(No change)	0	0	0	0	0
Total Recommendation	\$730,368	\$0	\$636,121	\$0	\$94,247

(C) Mobile Sources

The Mobile Sources subdivision contains two programs: (1) Research and Support and (2) Inspection and Maintenance. Prior to an FY 2008-09 Long Bill reorganization, the subdivision had included two sub-subdivisions and a total of eight line items. In FY 2008-09, the Long Bill line items were consolidated into five line items under the Mobile Sources subdivision. Descriptions of the two programs are below.

- Research and Support is responsible for three programs: (1) the High Altitude Testing Program, (2) the Oxygenated Fuel Program, and (3) the Clean Fuel Fleet Program. The High Altitude Testing Program provides data to develop vehicle emissions factors that accurately represent Denver's vehicle population and emissions. The Oxygenated Fuels program is required under the federal 1990 Clean Air Act Amendments; its purpose is to reduce wintertime carbon monoxide emissions from automobiles through the use of cleaner burning gasoline. The Clean Fuel Fleet Program is designed to reduce motor vehicle emissions through the introduction of cleaner burning engines and fuels into the marketplace.
- Inspection and Maintenance seeks to reduce motor vehicle-related pollution through the inspection and emissions-related repair of motor vehicles. Emissions testing of gas and diesel powered vehicles is required when registering, renewing registrations, or selling vehicles within the program areas along Colorado's Front Range.

Mobile Sources, Personal Services

This line item houses most of the Personal Services appropriation for the Mobile Sources program, including research and support activities as well as inspection and maintenance. The source of cash funds is the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Administrative Support Staff	1.7	1.0	1.0	1.0
Accountants	0.8	0.5	0.5	0.5
Air Environmental Systems Technicians	5.6	5.5	5.5	5.5
Engineers	1.0	2.0	2.0	2.0
Environmental Protection Specialist	9.2	12.0	12.0	12.0
Information Systems Staff	0.5	0.0	0.0	0.0
Management	1.4	1.5	1.5	1.5
Physical Scientist	2.0	2.5	2.5	2.5
Staff / General Professionals	6.6	7.1	7.1	7.1
TOTAL	28.8	32.1	32.1	32.1

Request: The Department requests continuation funding according to OSPB's common policies. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Recommendation: **Staff recommends continuation level funding calculated according to the JBC's common policies, with adjustments for the statewide requests.** Staff's recommendation is \$38,306 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of the staff recommendation for the line item are summarized in the table below.

Summary of Recommendation – (4) Air Pollution Control Division, (C) Mobile Sources, Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$2,503,028	\$0	\$2,342,731	\$0	\$160,297	32.1
Restore FY 2010-11 PERA Reduction	50,704	0	47,150	0	3,554	
DI NP-4 - FY 2011-12 PERA Reduction	(52,657)	0	(49,993)	0	(2,664)	
Base reduction (1.5%)	(38,306)	0	(35,848)	0	(2,458)	
Total Recommendation	\$2,462,769	\$0	\$2,304,040	\$0	\$158,729	32.1

Mobile Sources, Operating Expenses

This line item houses the appropriation for all operating expenses associated with the research and support activities and inspection and maintenance services provided by the Mobile Sources Program. The source of cash funds is the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund.

Request: The Department requests continuation funding according to OSPB’s common policies.

Recommendation: **Staff recommends the requested continuation level funding**, as shown in the following table.

Summary of Recommendation – (4) Air Pollution Control Division, (C) Mobile Sources, Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2010-11 Long Bill	\$368,392	\$0	\$350,142	\$0	\$18,250
Annualize Prior Year Decision Item	(22,815)	0	(22,815)	0	0
Total Recommendation	\$345,577	\$0	\$327,327	\$0	\$18,250

Mobile Sources, Diesel Inspection/Maintenance Program

This line provides for all aspects of the diesel program, including inspector certification and training, data collection, fleet self-certification, and technical assistance. Diesel self-certification is a program available to commercial operations with diesel fleets of nine or more vehicles. Cash funds are from diesel inspection and mechanic certification fees and from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Administrative Support Staff	0.2	0.2	0.2	0.2
Environmental Protection Specialist	2.5	2.5	1.8	1.8
Physical Scientist	1.4	1.4	0.8	0.8
Air Environmental Systems Technicians	1.5	1.5	3.0	3.0
Staff / General Professionals	0.8	1.0	0.8	0.8
TOTAL	6.4	6.6	6.6	6.6

Request: The Department requests continuation funding according to OSPB’s common policies, as adjusted by statewide requests. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Recommendation: Staff recommends continuation level funding calculated according to the JBC's common policies with adjustments for the statewide requests. Staff's recommendation is \$8,752 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of the staff recommendation for the line item are summarized in the table below.

Summary of (4) Air Pollution Control Division, (C) Mobile Sources Diesel Inspection/Maintenance Program Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Personal Services						
FY 2010-11 Long Bill	\$571,153	\$0	\$571,153	\$0	\$0	6.6
Restore FY 2010-11 PERA Reduction	12,329	0	12,329	0	0	
Decision Item NP-4 - FY 2011-12 PERA Reduction	(13,154)	0	(13,154)	0	0	
Base Reduction (1.5%)	<u>(8,752)</u>	<u>0</u>	<u>(8,752)</u>	<u>0</u>	<u>0</u>	
Subtotal, Personal Services	561,576	0	561,576	0	0	6.6
Operating Expenses						
FY 2010-11 Long Bill	68,087	0	68,087	0	0	
(No change)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Subtotal, Operating Expenses	68,087	0	68,087	0	0	
Total Recommendation	\$629,663	\$0	\$629,663	\$0	\$0	6.6

Mobile Sources, Mechanic Certification Program

This line item funds the development of course curricula and training materials, and includes the training and certification of instructors. The source of cash funds is tuition for the program.

Request: The Department requests a continuation appropriation, unchanged from FY 2010-11, according to OSPB's common policies.

Recommendation: Staff recommends the request.

Mobile Sources, Local Grants

This line supports the development and implementation of the inspection and maintenance program in the form of grants to local governments to conduct research on issues pertaining to air quality attainment strategies. The source of cash funds is the AIR Account of the Highway Users Tax fund.

Request: The Department requests a continuation appropriation of \$45,299 cash funds, unchanged from FY 2010-11, according to OSPB's common policies.

Recommendation: **Staff recommends the request.**

(D) Stationary Sources

The Stationary Sources Section is responsible for controlling and reducing air pollutants from stationary sources (i.e., factories, power plants, wood stoves, etc.). The staff permit, monitor, and inspect stationary source air pollution emitters. Prior to FY 2008-09, the Section contained four programs/sub-subdivisions: (1) Inventory and Support Services; (2) Permits and Compliance Assurance; (3) Hazardous and Toxic Control; and (4) the Housed Commercial Swine Feeding Operation Program. The four programs included a total of nine line items. Under an FY 2008-09 reorganization, the Inventory and Support Services, Permits and Compliance Assurance, and Hazardous and Toxic Control programs were combined to form one Stationary Sources subdivision and those programs' eight line items were consolidated into four new line items. The reorganization moved the appropriation for the Housed Commercial Swine Feeding Operation Program to the Administration Division, Special Environmental Programs Subdivision.

Descriptions of the remaining programs within the Stationary Sources Section are below.

- Inventory and Support Services is responsible for developing an inventory of pollution emissions from stationary sources. It is responsible for regulation development and maintenance, small business assistance, and permit fee invoicing.
- Permits and Compliance Assurance is responsible for informing industry, through the permitting process, of which regulations apply to them; helping small businesses understand complex rules; encouraging compliance with air quality regulations by conducting periodic inspections of air pollutant sources; and pursuing enforcement actions, as necessary.
- Hazardous and Toxic Control implements the federal Clean Air Act Amendments of 1990 which created a new and expanded program to control hazardous air pollutants. The same federal amendments required the control of ozone depleting compounds. The State's program develops standards for hazardous air pollutants, trains and certifies asbestos technicians, and controls chlorofluorocarbons (CFCs).

Stationary Sources, Personal Services

This line item houses the appropriation for most of the Stationary Sources Program FTE, including those involved with inventory and support services, permits and compliance assurance, and hazardous and toxics emissions control. The sources of cash funds are the Stationary Sources Control Fund and the Lead Hazard Reduction Cash Fund.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Administrative Support Staff	5.1	6.0	6.0	6.0
Engineers	18.0	22.0	22.0	22.0
Environmental Protection Specialist	37.9	39.4	39.4	39.4
Information Systems Staff	1.7	0.0	0.0	0.0
Management	1.3	1.5	1.5	1.5
Physical Scientist	3.4	3.5	3.5	3.5
Program Assistant	1.0	1.2	1.2	1.2
Staff / General Professionals	7.4	8.2	8.2	8.2
TOTAL	75.8	81.8	81.8	81.8

Request: The Department requests continuation funding according to OSPB's common policies, as adjusted by statewide requests. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Recommendation: Staff recommends continuation level funding calculated according to the JBC's common policies with adjustments for the statewide requests. Staff's recommendation is \$94,044 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of the staff recommendation for the line item are summarized in the table below.

Summary of (4) Air Pollution Control Division, (D) Stationary Sources Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$6,126,493	\$0	\$4,939,170	\$0	\$1,187,323	81.8
Restore FY 2010-11 PERA Reduction	143,116	0	119,028	0	24,088	
DI NP-4 - FY 2011-12 PERA Reduction	(141,504)	0	(122,761)	0	(18,743)	
Base reduction (1.5%)	(94,044)	0	(75,873)	0	(18,171)	
Total Recommendation	\$6,034,061	\$0	\$4,859,564	\$0	\$1,174,497	81.8

Stationary Sources, Operating Expenses

This line item houses the appropriation for all operating expenses associated with the inventory and support services, permits and compliance assurance, and hazardous and toxics emissions control efforts of the Stationary Sources Program. The sources of cash funds are the Stationary Sources Control Fund and the Lead Hazard Reduction Cash Fund.

Request: The Department requests continuation funding according to OSPB’s common policies.

Recommendation: **Staff recommends the request, calculated pursuant to JBC common policies.**
The table below shows staff’s calculations for the recommendation.

Summary of (4) Air Pollution Control Division, (D) Stationary Sources Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2010-11 Long Bill	\$389,477	\$0	\$388,147	\$0	\$1,330
(No change)	0	0	0	0	0
Total Recommendation	\$389,477	\$0	\$388,147	\$0	\$1,330

Stationary Sources, Local Contracts

This line item funds contract costs with local health departments for assistance with the stationary source permitting and inspection process. The source of cash funds is the Stationary Sources Control Fund.

Request: The Department requests a continuation appropriation of \$45,299 cash funds, unchanged from FY 2010-11, according to OSPB’s common policies.

Recommendation: **Staff recommends the request.** Staff’s calculations for the recommendation are shown in the following table.

Summary of (4) Air Pollution Control Division, (D) Stationary Sources Local Contracts Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2010-11 Long Bill	\$837,147	\$0	\$722,067	\$0	\$115,080
(No change)	0	0	0	0	0
Total Recommendation	\$837,147	\$0	\$722,067	\$0	\$115,080

Preservation of the Ozone Layer

The purpose of this program is to reduce emissions of ozone depleting compounds (chlorofluorocarbons and hydro-fluorocarbons) by regulating the practices and procedures employed by the air conditioning and refrigeration service facilities in both automotive and stationary source industries. The program is self-supporting through fees and it regulates all air conditioning and refrigeration sources throughout the state of Colorado. The sources of cash funds are the Ozone Protection Fund, the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund, and the Stationary Sources Control Fund.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Staff / General Professionals	0.1	0.1	0.1	0.1
Environmental Protection Specialist	1.9	1.9	1.9	1.9
TOTAL	2.0	2.0	2.0	2.0

Request: The Department requests continuation funding according to OSPB's common policies. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Recommendation: **Staff recommends continuation level funding calculated according to the JBC's common policies with adjustments for the statewide requests.** Staff recommends implementing the 1.5 percent JBC common policy base reduction even with the low number of FTE because this is a program line item and the program should be able to absorb the reduction. Because of the inclusion of the 1.5 percent base reduction, staff's recommendation is \$2,566 below the request. The components of the staff recommendation for the line item are summarized in the table below.

Summary of (4) Air Pollution Control Division, (D) Stationary Sources Preservation of the Ozone Layer Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Personal Services						
FY 2010-11 Long Bill	\$168,563	\$0	\$168,563	\$0	\$0	2.0
Restore FY 2010-11 PERA Reduction	2,477	0	2,477	0	0	
Decision Item NP-4 - FY 2011-12 PERA Reduction	(4,239)	0	(4,239)	0	0	
Base Reduction (1.5%)	<u>(2,566)</u>	<u>0</u>	<u>(2,566)</u>	<u>0</u>	<u>0</u>	
Subtotal, Personal Services	164,235	0	164,235	0	0	2.0
Operating Expenses						
FY 2010-11 Long Bill	60,265	0	60,265	0	0	
(No change)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Subtotal, Operating Expenses	60,265	0	60,265	0	0	
Total Recommendation	\$224,500	\$0	\$224,500	\$0	\$0	2.0

(5) WATER QUALITY CONTROL DIVISION

The Water Quality Control Division (WQCD) is responsible for maintaining the quality of the state's water resources so that they are safe to drink, support a diversity and abundance of aquatic life, and are suitable for recreation, irrigation, and commercial use. The Division is the final authority in the State's administration of water pollution prevention, abatement, and control. The Division has programs designed to prevent water pollution; protect, restore, and enhance the quality of surface and groundwater; and assure that all public water systems provide safe drinking water.

(A) Administration

The Administration Section contains the management and support staff for the Water Quality Control Commission, provides clerical support for other units and sections, as needed, and maintains a centralized records system for the Division. Administration is also responsible for training and certifying the operators of all water and wastewater treatment facilities in the State.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Accounting	0.7	0.7	0.7	0.7
Administrative Support Staff	3.1	4.4	4.4	4.4
Envir. Protection Specialist	2.3	4.1	4.1	4.1
Management	0.7	1.5	1.5	1.5
Information Systems Staff	2.3	0.0	0.0	0.0
Program Assistant	2.2	3.0	3.0	3.0
Staff / General Professionals	0.5	4.0	4.0	4.0
TOTAL	11.8	17.7	17.7	17.7

Personal Services

This line item funds the personnel-related costs for the Administration subdivision.

Request: The Department requests continuation level funding calculated pursuant to OSPB's common policies. The following statewide requests impact this line item:

- restoring one-time savings associated with a 1.0 percent General Fund personal services reduction in FY 2010-11 (achieved through the supplemental appropriation);
- continuation and recalculation of the PERA reduction implemented in FY 2010-11;
- a 2.0 percent General Fund personal services reduction (DI NP-2); and
- a 1.0 percent General Fund personal services reduction (BA NP-16).

Staff Recommendation: **Staff recommends continuation level funding calculated pursuant to the JBC's common policies with adjustments for the statewide requests.** Pursuant to JBC common policy, staff's recommendation denies the requested 2.0 percent General Fund reduction and instead

includes a 1.5 percent base reduction for all fund sources. As a result, staff's recommendation is \$2,904 General Fund above the request but \$5,848 total funds below the request. The components of staff's recommendation are summarized in the table below. The source of cash funds is the Water Quality Control Fund.

Summary of (5) Water Quality Control Division, (A) Administration Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$1,145,790	\$568,455	\$190,364	\$0	\$386,971	17.7
FY 2010-11 Supplemental (1.0 percent GF reduction)	(5,685)	(5,685)	0	0	0	
FY 2010-11 Appropriation	1,140,105	562,770	190,364	0	386,971	17.7
Restore FY 2010-11 PERA Reduction	18,371	12,244	4,460	0	1,667	
Reverse FY 2010-11 Supplemental	5,685	5,685	0	0	0	
DI NP-2 - 2.0 percent GF reduction	0	0	0	0	0	
DI NP-4 - FY 2011-12 PERA Reduction	(18,435)	(10,863)	(4,457)	0	(3,115)	
Base reduction (1.5%)	(17,462)	(8,710)	(2,922)	0	(5,830)	
BA NP-16 (1% Reduction)	(2,578)	(2,578)	0	0	0	
Total Recommendation	\$1,125,686	\$558,548	\$187,445	\$0	\$379,693	17.7

Operating Expenses

This line item funds non-personnel operating costs for the Administration subdivision.

Request: The Department requests a continuation appropriation according to OSPB's common policies, including a General Fund reduction associated with BA NP-16 (Statewide 1% General Fund Reduction to Personal Services/Operating).

Recommendation: **Staff recommends the request, calculated pursuant to JBC common policies and including the requested General Fund reduction.** The components of staff's recommendation are summarized in the table below.

Summary of (5) Water Quality Control Division, (A) Administration Operating Expenses Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$52,356	\$18,834	\$3,459	\$0	\$30,063	0.0

Summary of (5) Water Quality Control Division, (A) Administration Operating Expenses Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
BA NP-16 (1% Reduction)	(87)	(87)	0	0	0	
Total Recommendation	\$52,269	\$18,747	\$3,459	\$0	\$30,063	0.0

Indirect Cost Assessment

This line reflects the amount of indirect cost assessments made against cash and federal funding sources within the division. The funds collected here are used to offset General Fund that would otherwise be required in Administration and Support.

Request: The Department requests a continuation appropriation for indirect costs.

Staff Recommendation: **Staff requests permission to work with the Department to finalize the indirect cost amount once the Committee has taken final action on all line items.**

(B) Clean Water Program (Subdivision Created in FY 2010-11)

The General Assembly created this subdivision in FY 2010-11 by consolidating two subdivisions: Watershed Assessment, Outreach and Assistance; and Permitting and Compliance Assurance.

- The Watershed Assessment, Outreach, and Assistance program is responsible for monitoring, assessment, and outreach activities. The Monitoring Program is developing an inventory of water quality for Colorado's water bodies; collects water samples to summarize chemical, physical, and biological conditions; and analyzes the data to establish Total Maximum Daily Loads which are used to establish new or revised standards and classifications for state waters. The Assessment Program is responsible for evaluating the status of surface and ground waters and for recommending water quality standards. The Outreach Program is responsible for financial assistance programs for domestic wastewater facilities, drinking water providers, and a wide variety of storm water and nonpoint sources.
- The Permitting and Compliance Assurance program is responsible for issuing discharge permits, monitoring compliance with permits, conducting inspections, providing technical assistance, and pursuing enforcement actions, as necessary.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Accounting	0.2	1.0	1.0	1.0
Administrative Support Staff	3.4	4.0	4.0	4.0
Engineer/Physical Science Technicians	3.9	5.0	5.0	5.0

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Envir. Protection Specialist	32.2	33.0	33.0	33.0
Information Systems Staff	1.2	0.0	0.0	0.0
Management	2.4	2.5	2.5	2.5
Physical Scientist	14.4	14.5	14.5	14.5
Professional Engineer	10.8	11.0	11.0	11.0
Program Assistant	1.6	1.5	1.5	1.5
Staff / General Professionals	5.8	7.5	7.5	7.5
TOTAL	75.9	80.0	80.0	80.0

STAFF INITIATED FEDERAL FUNDS ADJUSTMENT

The Water Quality Control Division receives significant federal funding from the U.S. Environmental Protection Agency (federal funds made up approximately 63.7 percent of the Division's actual expenditures in FY 2009-10). Although the federal funds are not appropriated by the General Assembly, the funds are shown in the Long Bill for informational purposes.

Recent years' Long Bill appropriations have underestimated the Division's federal revenues. For example, the FY 2008-09 Long Bill reflected a total estimate of \$8.1 million in federal funds for the Water Quality Control Division but the Division received \$12.1 million for activities included in the Long Bill. Similarly, the FY 2009-10 Long Bill included \$8.1 million but the Division actually received \$12.8 million.

Staff Recommendation: **Staff recommends that the Committee increase federal funding estimates for the Clean Water Program and the Drinking Water Program in the FY 2011-12 Long Bill. The recommendation includes an associated increase in FTE for the Drinking Water Program. The recommended increases do not reflect increases in actual funding or FTE relative to FY 2010-11 but would more accurately reflect the funding and staff already within the Water Quality Control Division.** Staff has worked with the Department to better estimate likely federal revenues for FY 2011-12 based on prior years' funding levels. The following table shows the FY 2010-11 Long Bill federal funds appropriation for each impacted line item, the continuation estimate based on the JBC's common policies, the recommended increase, and staff's recommendation for FY 2011-12.

Summary of Recommended Federal Funds Adjustments for the Water Quality Control Division				
	FY 2010-11 FF Appropriation	FY 2011-12 FF Continuation	Recommended Adjustment	FY 2011-12 FF Recommend
Clean Water Program, Personal Services	\$2,369,839	\$2,331,922	\$275,000	\$2,606,922
Clean Water Program FF FTE	30.9	30.9	0.0	30.9
Clean Water Program, Operating Expenses	178,050	178,050	350,000	528,050
Drinking Water Program, Personal Services	1,436,021	1,410,600	2,500,000	3,910,600
Drinking Water Program FTE	18.6	18.6	21.4	40.0
Drinking Water Program, Operating Expenses	116,946	116,946	1,400,000	1,516,946

Personal Services

This line item was created in FY 2010-11 and funds the personnel-related costs for the Clean Water Program subdivision. The line item consolidated funds and FTE previously appropriated to the following line items: Watershed Assessment, Outreach, and Assistance, Personal Services; and Permitting and Compliance Assurance, Personal Services. Cash funds are from the Water Quality Control Fund, the Biosolids Management Program Fund, fees collected by the Industrial Pretreatment Program, and various other sources.

Request: The Department requests continuation level funding calculated pursuant to OSPB's common policies. The following statewide requests impact this line item:

- restoring one-time savings associated with a 1.0 percent General Fund personal services reduction in FY 2010-11 (supplemental);
- continuation and recalculation of the PERA reduction implemented in FY 2010-11;
- a 2.0 percent General Fund personal services reduction (DI NP-2); and
- a 1.0 percent General Fund personal services reduction (BA NP-16).

Staff Recommendation: **Staff recommends continuation level funding calculated pursuant to the JBC's common policies for all state funding sources (General Fund, cash funds, and reappropriated funds), with adjustments for the statewide requests. For federal funds, staff recommends an increase of \$275,000 to more accurately reflect anticipated federal funding (as discussed above).** Pursuant to JBC common policy, staff's recommendation denies the requested 2.0 percent General Fund reduction and instead includes a 1.5 percent base reduction for all fund sources. As a result, staff's recommendation is \$2,772 General Fund above the request. The components of staff's recommendation are summarized in the table below.

Summary of (5) Water Quality Control Division, (B) Clean Water Program Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$6,331,731	\$540,981	\$3,381,954	\$38,957	\$2,369,839	80.0
FY 2010-11 Supplemental (1.0 percent GF reduction)	(5,410)	(5,410)	0	0	0	
FY 2010-11 Appropriation	6,326,321	535,571	3,381,954	38,957	2,369,839	80.0
Federal Funds Adjustment	275,000	0	0	0	275,000	
Restore FY 2010-11 PERA Reduction	137,626	13,487	69,466	0	54,673	
Reverse FY 2010-11 Supplemental	5,410	5,410	0	0	0	
DI NP-2 - 2.0 percent GF reduction	0	0	0	0	0	
DI NP-4 - FY 2011-12 PERA Reduction	(141,487)	(12,452)	(72,111)	(702)	(56,222)	
Base reduction (1.5%)	(97,040)	(8,317)	(51,771)	(584)	(36,368)	
BA NP-16 (1% Reduction)	(2,452)	(2,452)	0	0	0	
Total Recommendation	\$6,503,378	\$531,247	\$3,327,538	\$37,671	\$2,606,922	80.0

Operating Expenses

This line item funds the non-personnel operating costs for the Clean Water Program. The line item includes funds previously appropriated to the following line items: Watershed Assessment, Outreach, and Assistance, Operating Expenses; and Permitting and Compliance Assurance, Operating Expenses. Cash funds are from the Water Quality Control Fund, the Biosolids Management Program Fund, fees collected by the Industrial Pretreatment Program, and various other sources.

Request: The Department requests a continuation appropriation according to OSPB's common policies, including a General Fund reduction associated with BA NP-16 (Statewide 1% General Fund Reduction to Personal Services/Operating).

Staff Recommendation: **Staff recommends the request for all state fund sources, including the requested General Fund reduction. For federal funds, staff recommends an increase of \$350,000 to better align the informational appropriation with anticipated revenues (as discussed above).** The components of staff's recommendation are summarized in the table below.

Summary of (5) Water Quality Control Division, (B) Clean Water Program Operating Expenses Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$796,985	\$503,913	\$113,347	\$1,675	\$178,050	0.0
Federal Funds Adjustment	350,000	0	0	0	350,000	
BA NP-16 (1% Reduction)	(2,328)	(2,328)	0	0	0	
Total Recommendation	\$1,144,657	\$501,585	\$113,347	\$1,675	\$528,050	0.0

Local Grants and Contracts

This line item is used to provide grants to local entities for Section 604(b) Area-wide Water Quality Management Planning and Non-point Source Control Demonstration Grants. Both of these activities are driven by the federal Clean Water Act and are funded with federal funds provided by the EPA. Activities supported by these grants include area-wide water quality planning; population projections and analysis of the impact on construction permits and water facility capacity; and sampling, lab analysis, and triennial review of water basins in the state.

Request: The Department requests a continuation appropriation of \$2,136,456 federal funds, unchanged from FY 2010-11.

Recommendation: **Staff recommends the requested continuation level funding.**

Water Quality Improvement

This program began in FY 2006-07 with the passage of H.B. 06-1337, Water Quality Improvement Fund Penalties (Butcher/Entz). The bill specifies the factors on which to base penalties for violations of water quality control provisions and requires the Department to spend collected civil penalties on improving the water quality in impacted communities by awarding grants or providing matching funds for certain federal programs. The bill provides for five percent of the penalties to cover administrative costs of the Department. The source of cash funds is the Water Quality Improvement Fund.

Request: The Department requests a continuation appropriation of \$117,196 cash funds, unchanged from FY 2010-11.

Recommendation: **Staff recommends the requested continuation level funding pursuant to the JBC's common policies.**

(D) Drinking Water Program

The Drinking Water Program is established under the Federal Safe Drinking Water Act; it implements measures to ensure that public water systems throughout the state provide safe drinking water.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Accounting	0.1	0.1	0.1	0.1
Administrative Support Staff	6.7	2.5	2.5	6.7
Environ. Protection Specialists	22.4	15.0	15.0	22.6
Information Systems Staff	1.7	0.0	0.0	0.0
Management	1.7	1.0	1.0	1.7
Physical Scientists	5.5	2.0	2.0	5.5
Professional Engineers	17.2	12.3	12.3	17.2
Staff / General Professionals	3.8	3.3	3.3	3.8
TOTAL	59.1	36.2	36.2	57.6

Personal Services

This line item funds personnel-related costs for the Drinking Water Program. Cash funds are from the Drinking Water Cash Fund.

Request: The Department requests continuation level funding calculated pursuant to OSPB's common policies. The following statewide requests impact this line item:

- restoring one-time savings associated with a 1.0 percent General Fund personal services reduction in FY 2010-11 (achieved through the supplemental appropriation);
- continuation and recalculation of the PERA reduction implemented in FY 2010-11;
- a 2.0 percent General Fund personal services reduction (DI NP-2); and
- a 1.0 percent General Fund personal services reduction (BA NP-16).

Staff Recommendation: **Staff recommends continuation level funding for all state fund sources, pursuant to the JBC's common policies, with adjustments for the statewide requests. For federal funds, staff recommends an increase of \$2.5 million and 21.4 FTE to more accurately reflect anticipated federal funding (as discussed above).** Pursuant to JBC common policy, staff's recommendation denies the requested 2.0 percent General Fund reduction and instead includes a 1.5 percent base reduction for all fund sources. As a result, staff's recommendation is \$4,187 General Fund above the request. The components of staff's recommendation are shown in the following table.

Summary of (5) Water Quality Control Division, (C) Drinking Water Program Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$2,595,297	\$818,755	\$340,521	\$0	\$1,436,021	36.2
FY 2010-11 Supplemental (1.0 percent GF reduction)	<u>(8,188)</u>	<u>(8,188)</u>	<u>0</u>	<u>0</u>	<u>0</u>	

Summary of (5) Water Quality Control Division, (C) Drinking Water Program Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Appropriation	2,587,109	810,567	340,521	0	1,436,021	36.2
Federal Funds Adjustment	2,500,000	0	0	0	2,500,000	21.4
Restore FY 2010-11 PERA Reduction	110,232	18,710	7,359	0	84,163	
Reverse FY 2010-11 Supplemental	8,188	8,188	0	0	0	
DI NP-2 - 2.0 percent GF reduction	0	0	0	0	0	
DI NP-4 - FY 2011-12 PERA Reduction	(114,063)	(19,617)	(7,665)	0	(86,781)	
Base reduction (1.5%)	(40,583)	(12,562)	(5,218)	0	(22,803)	
BA NP-16 (1% Reduction)	(3,700)	(3,700)	0	0	0	
Total Recommendation	\$5,047,183	\$801,586	\$334,997	\$0	\$3,910,600	57.6

Operating Expenses

This line item funds non-personnel costs in the Drinking Water Program.

Request: The Department requests a continuation appropriation according to OSPB's common policies, including a General Fund reduction associated with BA NP-16 (Statewide 1% General Fund Reduction to Personal Services/Operating).

Recommendation: **Staff recommends the request for all state fund sources calculated pursuant to JBC common policy and including the requested General Fund reduction. For federal funds, staff recommends an increase of \$1.4 million to more accurately reflect anticipated federal funding (as discussed above).** The components of staff's recommendation are shown in the following table.

Summary of (5) Water Quality Control Division, (C) Drinking Water Program Operating Expenses Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$213,583	\$94,887	\$1,750	\$0	\$116,946	0.0
Federal Funds Adjustment	1,400,000	0	0	0	1,400,000	
BA NP-16 (1% Reduction)	(438)	(438)	0	0	0	
Total Recommendation	\$1,613,145	\$94,449	\$1,750	\$0	\$1,516,946	0.0

(6) HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

The Hazardous Materials and Waste Management Division is responsible for the development and implementation of the state's hazardous and nonhazardous waste management and remediation programs. It operates the Hazardous Waste Control Program, Solid Waste Control Program, Uranium Mill Tailing Remedial Action (UMTRA) Program, and the Radiation Management Program, and is responsible for the administration and oversight of a number of contaminated sites throughout the State.

(A) Administration

This Office provides division-wide administrative and management support services.

Program Costs

This program line item funds personal services and operating expenses for Administration. Cash funds are from the Radiation Control Fund, the Solid Waste Management Fund, the Hazardous Waste Commission Fund, the Hazardous Substance Response Fund, the Hazardous Waste Service Fund, and various other sources.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Program Assistant	0.1	0.2	0.2	0.2
Staff / General Professionals	1.1	3.2	3.2	3.2
TOTAL	1.2	3.4	3.4	3.4

Request: The Department requests continuation level funding calculated pursuant to OSPB's common policies. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Staff Recommendation: **Staff recommends continuation level funding calculated pursuant to the JBC's common policies with adjustments for the statewide requests.** Staff's recommendation is \$4,295 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of staff's recommendation are summarized below.

Summary of (6) Hazardous Materials and Waste Management Division, (A) Administration Program Costs Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Personal Services						
FY 2010-11 Long Bill	\$282,112	\$0	\$220,227	\$40,000	\$21,885	3.4

Summary of (6) Hazardous Materials and Waste Management Division, (A) Administration Program Costs Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Restore FY 2010-11 PERA Reduction	4,221	0	4,221	0	0	
Base Reduction (1.5%)	(4,295)	0	(3,367)	(600)	(328)	
Decision Item NP-4 - FY 2011-12 PERA Reduction	<u>(2,414)</u>	<u>0</u>	<u>(2,414)</u>	<u>0</u>	<u>0</u>	
Subtotal, Personal Services	279,624	0	218,667	39,400	21,557	3.4
Operating Expenses						
FY 2010-11 Long Bill	34,853	0	34,272	0	581	
(No change)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Subtotal, Operating Expenses	34,853	0	34,272	0	581	
Total Recommendation	\$314,477	\$0	\$252,939	\$39,400	\$22,138	3.4

Legal Services

This line item provides for legal services provided by the Department of Law for the Hazardous Materials and Waste Management Division.

Request: The Department requests a continuation appropriation for 6,145 hours of legal services, equal to the FY 2010-11 appropriation.

Staff Recommendation: **Staff recommends the requested appropriation of 6,145 hours, with the dollar amount pending Committee common policy decision making.**

Indirect Cost Assessment

This line reflects the amount of indirect cost assessments made against cash and federal funding sources within the division. The funds collected here are used to offset General Fund that would otherwise be required in the Administration and Support Division.

Request: The Department's request reflects the statewide and departmental indirect cost plan.

Recommendation: **Staff requests permission to work with the Department to finalize the indirect cost amount once the Committee has taken final action on all line items.**

(B) Hazardous Waste Control Program

The Hazardous Waste Control Program is responsible for four primary program activities: permitting, compliance assurance, corrective action, and compliance assistance. This program monitors

compliance and enforces hazardous waste regulations over 500 large-quantity hazardous waste generators, 3,000 small generators, hazardous waste transporters, and over 50 hazardous waste treatment, storage and disposal facilities.

Personal Services

This line item funds personnel-related costs for the Hazardous Waste Control Program. Cash funds are from the Hazardous Waste Service Fund.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Administrative Support Staff	1.1	1.1	1.1	1.1
Budget & Policy Analyst	0.3	0.3	0.3	0.3
Environ. Protection Specialists	20.9	15.0	15.0	15.0
Information Systems Staff	1.2	0.0	0.0	0.0
Management	0.4	0.4	0.4	0.4
Physical Scientists	0.0	4.0	4.0	4.0
Engineers	4.4	7.5	7.5	7.5
Program Assistants	2.6	2.7	2.7	2.7
Staff / General Professionals	4.9	11.0	11.0	11.0
TOTAL	35.8	42.0	42.0	42.0

Request: The Department requests continuation level funding calculated pursuant to OSPB's common policies. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Staff Recommendation: **Staff recommends continuation level funding pursuant to the JBC's common policies with adjustments for the statewide requests.** Staff's recommendation is \$57,122 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of staff's recommendation are summarized in the table below.

Summary of (6) Hazardous Materials and Waste Management Division, (B) Hazardous Waste Control Program, Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$3,740,323	\$0	\$2,156,703	\$0	\$1,583,620	42.0
Restore FY 2010-11 PERA Reduction	67,795	0	35,698	0	32,097	

Summary of (6) Hazardous Materials and Waste Management Division, (B) Hazardous Waste Control Program, Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
DI NP-4 - FY 2011-12						
PERA Reduction	(69,364)	0	(38,061)	0	(31,303)	
Base reduction (1.5%)	(57,122)	0	(32,886)	0	(24,236)	
Total Recommendation	\$3,681,632	\$0	\$2,121,454	\$0	\$1,560,178	42.0

Operating Expenses

This line item funds non-personnel costs for the Hazardous Waste Control Program. Cash funds are from the Hazardous Waste Service Fund.

Request: The Department requests a continuation appropriation, unchanged from FY 2010-11, according to OSPB's common policies.

Recommendation: **Staff recommends the request.**

(C) Solid Waste Control Program

This program is responsible for all solid waste management facilities in Colorado, including landfills, composting facilities, recycling facilities, transfer facilities, certain types of waste surface impoundments, asbestos waste facilities, solid waste incinerators, medical waste facilities, and scrap tire haulers and disposal facilities. Duties include a permitting and review process for opening, closing, and expansion of facilities.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Administrative Support Staff	0.2	0.2	0.2	0.2
Budget & Policy Analyst	0.1	0.1	0.1	0.1
Environ. Protection Specialists	11.1	15.6	15.6	15.6
Information Systems Staff	0.4	0.0	0.0	0.0
Management	0.2	0.2	0.2	0.2
Professional Engineers	1.2	1.1	1.1	1.1
Staff / General Professionals	2.7	3.6	3.6	3.6
TOTAL	15.9	20.8	20.8	20.8

Program Costs

This line item funds personal services and operating expenses for the Solid Waste Control Program. Cash funds are from the Solid Waste Management Fund, the Hazardous Substance Response Fund, the Waste Tire Development Cash Fund, and cost recoveries for the review of permits and documents.

Request: The Department requests continuation level funding calculated pursuant to OSPB's budget instructions. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Staff Recommendation: **Staff recommends continuation level funding pursuant to the JBC's common policies, with adjustments for the statewide requests.** Staff's recommendation is \$34,570 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of staff's recommendation are summarized in the table below.

Summary of (6) Hazardous Materials and Waste Management Division, (C) Solid Waste Control Program, Program Costs Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Personal Services						
FY 2010-11 Long Bill	\$2,232,944	\$0	\$2,232,944	\$0	\$0	20.1
HB 10-1125	<u>41,242</u>	<u>0</u>	<u>41,242</u>	<u>0</u>	<u>0</u>	<u>0.7</u>
FY 2010-11 Appropriation	2,274,186	0	2,274,186	0	0	20.8
Restore FY 2010-11 PERA Reduction	29,891	0	29,891	0	0	
Base Reduction (1.5%)	(34,570)	0	(34,570)	0	0	
Decision Item NP-4 - FY 2011-12 PERA Reduction	<u>(31,391)</u>	<u>0</u>	<u>(31,391)</u>	<u>0</u>	<u>0</u>	
Subtotal, Personal Services	2,238,116	0	2,238,116	0	0	20.8
Operating Expenses						
FY 2010-11 Long Bill	104,455	0	104,455	0	0	
HB 10-1125	<u>13,184</u>	<u>0</u>	<u>13,184</u>	<u>0</u>	<u>0</u>	
FY 2010-11 Appropriation	117,639	0	117,639	0	0	
Annualize HB 10-1125	<u>(4,804)</u>	<u>0</u>	<u>(4,804)</u>	<u>0</u>	<u>0</u>	
Subtotal, Operating Expenses	112,835	0	112,835	0	0	
Total Recommendation	\$2,350,951	\$0	\$2,350,951	\$0	\$0	20.8

Waste Tire Management Program (New Line Item Requested)

The proposed line item will fund personal services and operating expenses for the waste tire regulatory program, consolidated within the Department by H.B. 10-1018. Under regulations promulgated in February 2011, the Department will establish a comprehensive "cradle-to-grave" management system to track tires from the moment they are removed from a vehicle until they are appropriately disposed of or recycled. The line item will also support the Waste Tire Advisory Committee established by H.B. 10-1018, including the preparation of an annual report to the General Assembly on waste tire activities. Cash funds are from the Waste Tire Cleanup Fund and the Waste Tire Fire Prevention Fund, both of which are supported by waste tire disposal fees.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Environ. Protection Specialists	0.0	2.1	2.1	2.1
TOTAL	0.0	2.1	2.1	2.1

Request: The Department requests continuation level funding calculated pursuant to OSPB's budget instructions, including the annualization of H.B. 10-1018.

Staff Recommendation: **Staff recommends continuation level funding pursuant to the JBC's common policies.** Staff's recommendation is \$2,042 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of staff's recommendation are summarized in the table below.

Summary of (6) Hazardous Materials and Waste Management Division, (C) Solid Waste Control Program Waste Tire Management Program Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Personal Services						
FY 2010-11 Long Bill	\$0	\$0	\$0	\$0	\$0	0.0
HB 10-1018	<u>136,124</u>	<u>0</u>	<u>136,124</u>	<u>0</u>	<u>0</u>	<u>2.1</u>
FY 2010-11 Appropriation	136,124	0	136,124	0	0	2.1
Base Reduction (1.5%)	<u>(2,042)</u>	<u>0</u>	<u>(2,042)</u>	<u>0</u>	<u>0</u>	
Subtotal, Personal Services	134,082	0	134,082	0	0	2.1
Operating Expenses						
FY 2010-11 Long Bill	0	0	0	0	0	
HB 10-1018	<u>407,555</u>	<u>0</u>	<u>407,555</u>	<u>0</u>	<u>0</u>	
FY 2010-11 Appropriation	407,555	0	407,555	0	0	
Annualize HB 10-1018	<u>471,984</u>	<u>0</u>	<u>471,984</u>	<u>0</u>	<u>0</u>	

Summary of (6) Hazardous Materials and Waste Management Division, (C) Solid Waste Control Program Waste Tire Management Program Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Subtotal, Operating Expenses	879,539	0	879,539	0	0	
Total Recommendation	\$1,013,621	\$0	\$1,013,621	\$0	\$0	2.1

(D) Uranium Mill Tailings Remedial Action Program

This program provided for radioactive waste cleanup of nine uranium mill sites from 1991 to 1998. Now the program assists local governments in managing mill tailings that were not removed but which are disturbed during road work or other renewal or building activities.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Environ. Protection Specialists	1.0	1.7	1.7	1.7
Professional Engineer	0.2	0.1	0.1	0.1
Program Assistant	1.0	0.3	0.3	0.3
Staff / General Professionals	0.1	1.0	1.0	1.0
TOTAL	2.3	3.1	3.1	3.1

Program Costs

This line item funds personal services and operating expenses for the Uranium Mill Tailings Remedial Action Program. Reappropriated funds are from the Local Government Severance Tax Fund, transferred from the Department of Local Affairs.

Request: The Department requests continuation level funding calculated pursuant to OSPB's common policies. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Staff Recommendation: **Staff recommends continuation level funding pursuant to the JBC's common policies, with adjustments for the statewide requests.** Staff's recommendation is \$3,298 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of staff's recommendation are summarized in the table below.

Summary of (6) Hazardous Materials and Waste Management Division, (D) Uranium Mill Tailings Remedial Action Program, Program Costs Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Personal Services						

Summary of (6) Hazardous Materials and Waste Management Division, (D) Uranium Mill Tailings Remedial Action Program, Program Costs Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$215,451	\$0	\$0	\$173,741	\$41,710	3.1
Restore FY 2010-11 PERA Reduction	4,380	0	0	3,790	590	
Decision Item NP-4 - FY 2011-12 PERA Reduction	(4,579)	0	0	(3,764)	(815)	
Base Reduction (1.5%)	<u>(3,298)</u>	<u>0</u>	<u>0</u>	<u>(2,663)</u>	<u>(635)</u>	
Subtotal, Personal Services	211,954	0	0	171,104	40,850	3.1
Operating Expenses						
FY 2010-11 Long Bill	18,038	0	0	15,337	2,701	
(No change)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Subtotal, Operating Expenses	18,038	0	0	15,337	2,701	
Total Recommendation	\$229,992	\$0	\$0	\$186,441	\$43,551	3.1

(E) Contaminated Site Cleanups

The Contaminated Site Cleanups Program includes administration and oversight of cleanup at superfund sites; Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) litigation at the Rocky Mountain Arsenal; and CERCLA technical support to the Department of Law, the Natural Resource Damage Recovery Program, and the Hazardous Substance Response Fund. Funding provides for site assessments and review, compliance investigation, enforcement activities, data reporting, laboratory services, community relations, engineering design, groundwater modeling, disposal handling techniques, construction management and rule making coordination.

Personal Services

This line item funds personnel-related costs for the Contaminated Site Cleanups Program. Cash funds are from the Hazardous Substance Response Fund and from fees collected pursuant to the Colorado Open Records Act.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Administrative Support Staff	0.4	0.4	0.4	0.4
Budget & Policy Analyst	0.2	0.3	0.3	0.3
Environ. Protection Specialists	10.8	17.6	17.6	17.6

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Information Systems Staff	0.9	0.0	0.0	0.0
Management	0.3	0.4	0.4	0.4
Physical Scientists	2.8	5.0	5.0	5.0
Professional Engineers	3.4	6.0	6.0	6.0
Statistical Analyst	0.0	0.1	0.1	0.1
Staff / General Professionals	4.2	8.0	8.0	8.0
TOTAL	23.0	37.8	37.8	37.8

Request: The Department requests continuation level funding calculated pursuant to OSPB's common policies. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Staff Recommendation: **Staff recommends continuation level funding pursuant to the JBC's common policies with adjustments for the statewide requests.** Staff's recommendation is \$67,882 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of staff's recommendation are summarized in the table below.

Summary of (6) Hazardous Materials and Waste Management Division, (E) Contaminated Site Cleanups, Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$4,474,507	\$0	\$1,182,523	\$0	\$3,291,984	37.8
Restore FY 2010-11 PERA Reduction	50,998	0	11,440	0	39,558	
Base Reduction (1.5%)	(67,882)	0	(17,909)	0	(49,973)	
DI NP-4 - FY 2011-12 PERA Reduction	(50,499)	0	(11,941)	0	(38,558)	
Total Recommendation	\$4,407,124	\$0	\$1,164,113	\$0	\$3,243,011	37.8

Operating Expenses

This line item funds non-personnel operating expenses for the Contaminated Site Cleanups Program. Cash funds are from the Hazardous Substance Response Fund and from fees collected pursuant to the Colorado Open Records Act.

Request: The Department requests a continuation appropriation, unchanged from FY 2010-11, according to OSPB's common policies.

Recommendation: **Staff recommends the request**, calculated pursuant to JBC common policy. The components of staff's recommendation are summarized in the following table.

Summary of (6) Hazardous Materials and Waste Management Division, (E) Contaminated Site Cleanups Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2010-11 Long Bill	\$222,991	\$0	\$52,082	\$0	\$170,909
(No Change)	0	0	0	0	0
Total Recommendation	\$222,991	\$0	\$52,082	\$0	\$170,909

Contaminated Sites Operation and Maintenance

This line item funds the long-term operation and maintenance of Superfund sites upon completion of remedies when there is no responsible party that can assume the costs. The line funds contractual services and does not support staff within the Department. Cash funds are from the Hazardous Substance Response Fund and from fees collected pursuant to the Colorado Open Records Act.

Request: The Department requests a continuation appropriation according to OSPB's common policies, with funding unchanged from the FY 2010-11 appropriation.

Recommendation: **Staff recommends the request**, calculated pursuant to JBC common policy. The components of staff's recommendation are summarized in the following table.

Summary of (6) Hazardous Materials and Waste Management Division, (E) Contaminated Site Cleanups Contaminated Sites Operation and Maintenance Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2010-11 Long Bill	\$2,022,864	\$0	\$1,559,186	\$0	\$463,678
(No change)	0	0	0	0	0
Total Recommendation	\$2,022,864	\$0	\$1,559,186	\$0	\$463,678

Transfer to the Department of Law for CERCLA-Related Costs

This line item provides funding transferred to the Department of Law for oversight of contracts for contaminated sites cleanup under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The program in the Department of Law has specific authority over ten sites around the state as a result of litigation. Cash funds are from the Hazardous Substance Response Fund and from fees collected pursuant to the Colorado Open Records Act.

Request: The Department requests a continuation appropriation calculated according to OSPB's common policies, with funding unchanged from the final FY 2010-11 appropriation (including H.B. 10-1329).

Recommendation: Staff recommends the request, calculated pursuant to JBC common policy, for a continuation of FY 2010-11 funding levels. The components of staff's recommendation are summarized in the following table.

Summary of (6) Hazardous Materials and Waste Management Division, (E) Contaminated Site Cleanups Transfer to the Department of Law for CERCLA-Related Costs Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2010-11 Long Bill	\$425,000	\$0	\$425,000	\$0	\$0
HB 10-1329	<u>511,159</u>	<u>0</u>	<u>511,159</u>	<u>0</u>	<u>0</u>
FY 2010-11 Appropriation	936,159	0	936,159	0	0
(No change)	0	0	0	0	0
Total Recommendation	\$936,159	\$0	\$936,159	\$0	\$0

(F) Rocky Flats Agreement

This federally-funded section historically was used to pay for oversight of the cleanup at the Rocky Flats Environmental Technology Site (formerly the Rocky Flats Plant). All physical remedial activities at Rocky Flats were completed in October of 2005. The Comprehensive Risk Assessment and Remediation Feasibility Study was completed and approved on July 5, 2006. All hazardous waste units (tanks, storage pads, etc.) were closed and the Hazardous Waste Permit was terminated on July 26, 2006.

The Record of Decision (ROD) was signed by EPA, DOE, and CDPHE on September 29, 2006. The Record of Decision requires no further remedial action. The post-closure agreement implementing the requirements of the ROD is the Rocky Flats Legacy Management Agreement (RFLMA). The ROD identified two main areas on the site: one is completely clean and will be managed by U.S. Fish and Wildlife Service as a Wildlife Refuge, the other will be retained by the Department of Energy and managed by its Office of Legacy Management.

The Division continues to have a regulatory oversight role in the implementation of the RFLMA and in coordination with local communities and the EPA. The Division is responsible for monitoring long-term operations and maintenance of continuing remedy components (i.e., ground water cleanups, landfill caps), and closing out the administrative aspects of the regulatory process for site remediation.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Staff/General Professional	0.1	1.0	1.0	1.0
Environ. Protection Specialists	0.8	1.3	1.3	1.3
TOTAL	0.9	2.3	2.3	2.3

Rocky Flats Program Costs

This line item funds personal services and operating expenses for the Rocky Flats Agreement.

Request: The Department requests continuation level funding calculated pursuant to OSPB's common policies. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Staff Recommendation: **Staff recommends continuation level funding pursuant to the JBC's common policies, with adjustments for the statewide requests.** Staff's recommendation is \$3,027 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of staff's recommendation are summarized in the table below.

Summary of (8) Hazardous Materials and Waste Management Division, (F) Rocky Flats Agreement, Program Costs Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Personal Services						
FY 2010-11 Long Bill	\$199,154	\$0	\$0	\$0	\$199,154	2.3
Restore FY 2010-11 PERA Reduction	2,662	0	0	0	2,662	
Base Reduction (1.5%)	(3,027)	0	0	0	(3,027)	
Decision Item NP-4 - FY 2011-12 PERA Reduction	<u>(2,615)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(2,615)</u>	
Subtotal, Personal Services	196,174	0	0	0	196,174	2.3
Operating Expenses						
FY 2010-11 Long Bill	41,336	0	0	0	41,336	
(No change)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Subtotal, Operating Expenses	41,336	0	0	0	41,336	
Total Recommendation	\$237,510	\$0	\$0	\$0	\$237,510	2.3

Legal Services

This line item supports legal services expenses for the Rocky Flats Agreement.

Request: The Department requests a continuation appropriation for 139 hours of legal services, equal to the FY 2010-11 appropriation.

Staff Recommendation: **Staff recommends the requested appropriation of 139 hours, with the dollar amount pending Committee common policy decision making.** Even though site cleanup

is essentially complete, there remain site-closing activities requiring some level of legal services support. The exact dollar appropriation will be determined after the statewide Legal Services rate for FY 2011-12 is established by the Committee.

(G) Radiation Management

The Radiation Management Program provides regulatory services for radioactive materials through review of license applications and inspections; contract services with local public health agencies for indoor radon testing, prevention, and education; and monitoring of low-level radioactive waste producers by ensuring proper and economically sound disposal.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Administrative Support Staff	1.3	1.4	1.4	1.4
Budget and Policy Analyst	0.2	0.2	0.2	0.2
Environ. Protection Specialists	15.7	16.3	16.3	16.3
Professional Engineers	0.3	0.0	0.0	0.0
Information Systems Staff	0.8	0.0	0.0	0.0
Management	0.3	0.2	0.2	0.2
Staff / General Professionals	5.4	5.0	5.0	5.0
TOTAL	24.0	23.1	23.1	23.1

Personal Services

This line item funds personnel-related costs for the Radiation Management program.

Request: The Department requests continuation level funding calculated pursuant to OSPB's common policies. The following statewide request impacts this line item:

- continuation and recalculation of the PERA reduction implemented in FY 2010-11.

Staff Recommendation: **Staff recommends continuation level funding pursuant to the JBC's common policies with adjustments for the statewide requests.** Staff's recommendation is \$29,720 total funds below the request because of the 1.5 percent common policy base reduction applied to personal services appropriations from all fund sources. The components of staff's recommendation are summarized in the table below.

Summary of (6) Hazardous Materials and Waste Management Division, (G) Radiation Management, Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	\$1,940,738	\$0	\$1,768,605	\$0	\$172,133	23.1

Summary of (6) Hazardous Materials and Waste Management Division, (G) Radiation Management, Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Restore FY 2010-11 PERA Reduction	40,599	0	34,682	0	5,917	
DI NP-4 - FY 2011-12 PERA Reduction	(45,638)	0	(40,094)	0	(5,544)	
Base Reduction (1.5%)	(29,720)	0	(27,049)	0	(2,671)	
Total Recommendation	\$1,905,979	\$0	\$1,736,144	\$0	\$169,835	23.1

Operating Expenses

This line item funds the non-personnel expenses for the Radiation Management program.

Request: The Department requests a continuation appropriation according to OSPB's common policies, with funding unchanged from FY 2010-11.

Recommendation: **Staff recommends the request**, calculated pursuant to JBC common policy. The components of staff's recommendation are summarized in the following table.

Summary of (6) Hazardous Materials and Waste Management Division, (G) Radiation Management Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2010-11 Long Bill	\$255,525	\$0	\$98,039	\$0	\$157,486
(No change)	0	0	0	0	0
Total Recommendation	\$255,525	\$0	\$98,039	\$0	\$157,486

(7) CONSUMER PROTECTION

The Consumer Protection Division is responsible for programs designed to protect the public from disease and injury through identification and control of environmental factors in food, drugs, medical devices, institutions, consumer products, and insect and rodent vectors affecting public health. The Division has responsibility for the following programs:

- a. **The Dairy Inspection Program**, which inspects dairy farms; milk haulers, tankers and receivers; milk cooperatives; milk processing plants; and manufactured dairy product plants;
- b. **The Retail Food Service Inspection Program**, which inspects restaurants, grocery stores, school cafeterias, and food programs for the elderly;
- c. **The Wholesale Food Manufacturing and Storage Program**, which inspects food storage and warehouse facilities, food manufacturers, and shellfish dealers;

- d. **The Insect/Vector Control Program**, which monitors diseases that are spread by insects and rodents, such as encephalitis, the plague, and West Nile Virus;
- e. **The Environmental Institutions Program**, which inspects child care centers, summer camps, public and private schools, and private correctional facilities;
- f. **The Health Fraud Program**, which prepares and disseminates information related to potentially harmful and/or recalled products;
- g. **The Drug/Medical Device Program**, which inspects body art facilities, drug manufacturers, and medical device manufacturers; and
- h. **Other regulatory responsibilities**, such as inspecting tanning facilities and responding to complaints about hotels, motels, mobile home park operators, and camp ground operators.

Personal Services

This line item funds personnel-related costs for all of the Consumer Protection Division's programs. The sources of cash funds are the Food Protection Cash Fund, the Wholesale Food Manufacturing and Storage Protection Cash Fund, the Artificial Tanning Device Education Fund, and various other sources of cash funds. The sources of reappropriated funds are transfers from the Department of Corrections and the Department of Human Services.

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recomm.
Administrative Support Staff	2.0	2.0	2.0	2.0
Environ. Protection Specialists	19.2	22.5	22.5	22.5
Management	0.9	1.0	1.0	1.0
Program Assistant	0.0	1.0	1.0	1.0
Staff /General Professionals	3.0	4.0	4.0	4.0
TOTAL	25.1	30.5	30.5	30.5

Request: The Department requests continuation level funding calculated pursuant to OSPB's budget instructions. The following statewide requests impact this line item:

- restoring one-time savings associated with a 1.0 percent General Fund personal services reduction in FY 2010-11 (achieved through the supplemental appropriation);
- continuation and recalculation of the PERA reduction implemented in FY 2010-11;
- a 2.0 percent General Fund personal services reduction (DI NP-2); and
- a 1.0 percent General Fund personal services reduction (BA NP-16).

Staff Recommendation: **Staff recommends continuation level funding pursuant to the JBC's common policies, with adjustments for the statewide requests.** Pursuant to JBC common policy, staff's recommendation denies the requested 2.0 percent General Fund reduction and instead includes a 1.5 percent base reduction for all fund sources. As a result, staff's recommendation is \$5,794 General Fund above the request but \$12,425 total funds below the request. The components of staff's recommendation are summarized in the table below.

Summary of (7) Consumer Protection Division Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2010-11 Long Bill	2,332,255	1,137,807	846,404	79,860	268,184	30.5
FY 2010-11 Supplemental	(11,378)	(11,378)	0	0	0	
FY 2010-11 Appropriation	2,320,877	1,126,429	846,404	79,860	268,184	30.5
Restore FY 2010-11 PERA Reduction	41,270	21,109	11,627	1,513	7,021	
Reverse FY 2010-11 Supplemental	11,378	11,378	0	0	0	
DI NP-4 - FY 2011-12 PERA Reduction	(44,458)	(22,778)	(13,714)	(1,846)	(6,120)	
Base Reduction (1.5%)	(35,603)	(17,384)	(12,870)	(1,221)	(4,128)	
BA NP-16 (1% Reduction)	(5,141)	(5,141)	0	0	0	
Total Recommendation	\$2,288,323	\$1,113,613	\$831,447	\$78,306	\$264,957	30.5

Operating Expenses

This line item funds all non-personnel operating costs for the Consumer Protection Division's various programs.

Request: The Department requests a continuation appropriation according to OSPB's common policies. The following statewide request impacts this line item:

- a 1.0 percent General Fund personal services reduction (BA NP-16).

Recommendation: **Staff recommends the request**, including the requested General Fund reduction associated with BA NP-16 pursuant to JBC common policy. The components of staff's recommendation are summarized in the following table.

Summary of (7) Consumer Protection Division Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2010-11 Long Bill	\$166,055	\$29,637	\$98,158	\$9,708	\$28,552
BA NP-16 (1% Reduction)	(137)	(137)	0	0	0
Total Recommendation	\$165,918	\$29,500	\$98,158	\$9,708	\$28,552

Indirect Cost Assessment

This line reflects the amount of indirect cost assessments made against cash and federal funding sources within the division. The funds collected here are used to offset General Fund that would otherwise be required in the Administration and Support Division.

Request: The Department's request reflects the statewide and departmental indirect cost plan.

Recommendation: **Staff requests permission to work with the Department to finalize the indirect cost amount once the Committee has taken final action on all line items.**

LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

Long Bill Footnotes

Staff recommends that the following footnote be continued, if it still reflects the Committee's priorities for the use of funds in the Recycling Resources Economic Opportunity Program.

Staff notes that H.B. 10-1018 eliminated waste tire fee revenue for this program, leaving solid waste disposal fees as the only fund source. As a result, there is no longer a direct link to waste tire disposal issues, and the General Assembly may wish to reconsider priorities for the program.

- 42 Department of Public Health and Environment, Administration and Support, Special Environmental Programs, Recycling Resources Economic Opportunity Program** -- It is the intent of the General Assembly that the Pollution Prevention Advisory Board prioritize the use of these funds in awarding grants pursuant to Section 25-16.5-106.7 (4) (j), C.R.S., for the reduction of waste tire stockpiles in Colorado.

Comment: The Department indicates that it is complying with the footnote and is prioritizing the use of funds for the reduction of waste tire stockpiles but is not limiting the use of funds to such activities.

Staff recommends that the following footnote be eliminated, as the Advanced Technology Research Grants program was eliminated by H.B. 10-1018.

- ~~**43 Department of Public Health and Environment, Administration and Support, Special Environmental Programs, Advanced Technology Research Grants**~~ -- It is the intent of the General Assembly that the Pollution Prevention Advisory Board prioritize the use of these funds in awarding grants pursuant to Section 25-16.5-105 (2) (b), C.R.S., for the reduction of waste tire stockpiles in Colorado.

Requests for Information

Staff recommends that the Committee continue the following requests for information as adjusted below. Each of the requested reports has proven useful in analysis of the needs of the relevant programs.

- 44 Department of Public Health and Environment, Air Quality Control Division** -- The Department is requested to submit a report on the Air Quality Control Division. This report is requested to include a summary of the Division's current and anticipated workload, including the impact of existing and proposed federal and state program requirements, as well as the associated funding and staffing needs. This report is requested to include information on the upcoming fiscal year and out-years. The Department is requested to submit this report to the Joint Budget Committee by November 1, 2010 2011.

Comment: The Department has complied with this request. The report indicates that the Department anticipates a need for 15.0 additional FTE over the next three years. The table below shows the distribution of identified FTE needs.

Summary of Resource Needs for the Air Quality Control Division

Program Area	FY 11-12		FY 12-13		FY 13-14		Total	
	FTE	\$	FTE	\$	FTE	\$	FTE	\$
Mobile Sources	0.0	0	0.0	0	0.0	0	0.0	0
Technical Services	3.0	284,729	1.0	102,276	1.0	102,276	5.0	489,281
Stationary Sources	7.0	683,930	3.0	297,255	0.0	0	10.0	981,185
Total	10.0	968,659	4.0	399,531	1.0	102,276	15.0	1,470,466

Current and future Air Quality Control Division programmatic and resources needs were outlined in this report. This information is useful because this division has seen a significant workload increase in recent years, and the report provides an outline for how the Department anticipates the Division will need to grow in response to those needs. Therefore, staff recommends that the Legislature continue to request this report.

- 45 Department of Public Health and Environment, Water Quality Control Division --** The Department is requested to submit a report on the Water Quality Control Division. This report is requested to include a summary of the Division's current and anticipated workload, including the impact of existing and proposed federal and state program requirements, as well as the associated funding and staffing needs. This report is requested to include information on the upcoming fiscal year and out-years. The Department is requested to submit this report to the Joint Budget Committee by November 1, ~~2010~~ 2011.

Comment: The Department complied with this request. As shown in the following table, the report indicates that the Water Quality Control Division needs an additional 66.3 FTE over the next three years, with the bulk of positions in the Clean Water Program (42.3 FTE over three years and 28.3 FTE in FY 2011-12 alone). The increased needs are driven by current workload as well as anticipated increases in workload associated with new standards and regulations, population growth, and growth in the number of sources requiring permitting and inspection activities.

Summary of Resource Needs for the Water Quality Control Division

Program Area	FY 11-12		FY 12-13		FY 13-14		Total	
	FTE	\$	FTE	\$	FTE	\$	FTE	\$
Drinking Water	3.5	204,516	6.0	362,649	9.0	608,412	18.5	1,175,577
Clean Water	28.3	1,787,509	9.0	598,997	5.0	331,720	42.3	2,718,226

Administration	0.0	0	1.5	57,010	4.0	155,628	5.5	212,638
Total	31.8	1,992,025	16.5	1,018,656	18.0	1,095,760	66.3	4,106,441

Notes:

- a. FTE costs are based upon FY 2009-10 Department of Personnel compensation plan.
- b. The data for this table is from the Department's November 1, 2010 request for information 45 report and has not been independently evaluated by staff.

Current and future Water Quality Control Division programmatic and resources needs were outlined in this report. This information is useful because this division has seen a significant workload increase in recent years, and the report provides an outline for how the Department anticipates the Division will need to grow in response to those needs. Staff recommends that the Legislature continue to request this report.

- 46 Department of Public Health and Environment, Hazardous Materials and Waste Management Division, Contaminated Site Cleanups** -- The Department is requested to submit a report on its CERCLA program. This report is requested to include detailed expenditures for the program, including out-year estimates by project and associated project financing. The report should also include an analysis of long-term funding needs of the State in responding to, litigating, and cleaning up CERCLA sites, including estimated long-term maintenance costs for these sites. The report should also provide information on the Hazardous Substance Response Fund balance and out-year fiscal estimates. The Department is requested to submit this report to the Joint Budget Committee by November 1, ~~2010~~ 2011.

Comment: The Department complied with this request for information. Beginning in 2002, there were concerns about the Hazardous Substance Response Fund's (HSRF) long-term solvency after the Legislature transferred \$30.0 million of the fund balance to the General Fund. That transfer was repaid to the HSRF in January 2006. Facing the current economic downturn, the General Assembly transferred a total of \$32.5 million of the fund balance to the General Fund during the 2009 Session, with no repayment provision.

During the 2010 Session, the General Assembly enacted H.B. 10-1329 which: 1) transferred fee setting authority for "tipping fees" that fund the HSRF to the Solid and Hazardous Waste Commission; 2) capped the fee at no more than \$0.50 per cubic yard; and 3) limited the HSRF balance to no more than \$10.0 million over several years. Prior to the enactment of H.B. 10-1329, the Department's goal had been to maintain an HSRF balance equal to the net present value of all current and future Superfund obligations, which was why the fund had accumulated large balances enabling transfers to the General Fund. The enactment of H.B. 10-1329 converts the HSRF to more of a "pay-as-you-go" system which will require higher fees to support operations in the future but avoids the accumulation of larger fund balances. While the factors driving the need for the report have changed from concerns about HSRF solvency to questions about the timing of necessary fee increases in light of future expenditures, the

information will still be valuable. Thus, staff recommends that the General Assembly continue to request the report.