

COLORADO GENERAL ASSEMBLY

JOINT BUDGET COMMITTEE



FY 2008-09 FIGURE SETTING: DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT - ENVIRONMENTAL DIVISIONS ONLY

JBC Working Document - Subject to Change

Staff Recommendation Does Not Represent Committee Decision

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**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
ENVIRONMENTAL DIVISIONS ONLY
FY 2008-09 FIGURE SETTING**

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	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT								
Executive Director: James Martin								

For FY 2008-09, the JBC approved eliminating the cash funds exempt category of appropriations and replacing it with reappropriated funds. Reappropriated funds are those moneys that are appropriated for a second or more time in the same fiscal year. The JBC staff recommendation for FY 2008-09 is expressed in both the old format and the new format. Moneys that were previously categorized as cash funds exempt that are not reappropriated funds are characterized in the new budget a cash funds, regardless of the TABOR status of the funds.

(1) ADMINISTRATION AND SUPPORT
(C) Special Environmental Programs

This subdivision houses the appropriations for environmental programs involving multiple divisions.

Environmental Leadership and Pollution Prevention	840,988	1,363,805	879,035	879,035	879,035	879,035	879,035
FTE	<u>7.0</u>	<u>6.9</u>	<u>7.0</u>	<u>7.0</u>	<u>7.0</u>	<u>7.0</u>	<u>7.0</u>
Cash Funds	87,221	64,790	124,912	174,176	174,176	174,176	174,176
FTE	0.5	0.1	0.0	0.0	0.0	0.0	0.0
RF/CFE	49,264	135,000	49,264	0	0	0	0
Federal Funds	704,503	1,164,015	704,859	704,859	704,859	704,859	704,859
FTE	6.5	6.8	7.0	7.0	7.0	7.0	7.0
Housed Commercial Swine Feeding Operations (HCSFO) Program - CF					0	0	58,316
FTE					0.0	0.0	0.5
Recycling Resources Economic Opportunity Program - CF			2,482,565	2,629,361	2,629,361	2,629,361	2,629,361
FTE			0.6	0.6	0.6	0.6	0.6
Advanced Technology Research Grants			<u>495,000</u>	<u>495,000</u>	<u>495,000</u>	<u>495,000</u>	<u>495,000</u>
Cash Funds			0	495,000	495,000	495,000	495,000
RF/CFE			495,000	0	0	0	0

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
SUBTOTAL - Special Environmental								Recomd vs. Approp.
Programs	840,988	1,363,805	3,856,600	4,003,396	4,003,396	4,003,396	4,061,712	5.3%
FTE	<u>7.0</u>	<u>6.9</u>	<u>7.6</u>	<u>7.6</u>	<u>7.6</u>	<u>7.6</u>	<u>8.1</u>	6.6%
Cash Funds	87,221	64,790	2,607,477	3,298,537	3,298,537	3,298,537	3,356,853	28.7%
FTE	0.5	0.1	0.6	0.6	0.6	0.6	1.1	83.3%
RF/CFE	49,264	135,000	544,264	0	0	0	0	-100.0%
Federal Funds	704,503	1,164,015	704,859	704,859	704,859	704,859	704,859	0.0%
FTE	6.5	6.8	7.0	7.0	7.0	7.0	7.0	0.0%

(5) AIR QUALITY 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 and cash fund exempt 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.

(A) Administration

Personal Services	339,560	352,212	346,758	362,922	362,156	362,156	362,156
FTE	<u>4.5</u>	<u>4.4</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>
Cash Funds	121,427	125,205	125,254	134,185	133,891	271,747	271,747
FTE	1.6	1.6	1.6	1.6	1.6	3.1	3.1
RF/CFE	130,618	140,958	131,095	138,328	137,856	0	0
FTE	1.5	1.5	1.5	1.5	1.5	0.0	0.0
Federal Funds	87,515	86,049	90,409	90,409	90,409	90,409	90,409
FTE	1.4	1.3	1.4	1.4	1.4	1.4	1.4
Operating Expenses - FF	8,197	8,609	9,187	9,187	9,187	9,187	9,187
Capital Outlay - CF	0	0	173,875	0	0	0	0

	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09			Change Requests	
	Actual	Actual	Approp.	Request	Staff Rec. Old Format	Staff Rec. New RF		Staff Rec. LB Reorg.
Indirect Cost Assessment	<u>2,262,250</u>	<u>2,095,791</u>	<u>2,544,396</u>	<u>2,531,439</u>	0	0	0	pending
Cash Funds	1,050,056	978,124	1,265,843	a/ 1,271,843	0	0	0	
RF/CFE	752,571	659,316	858,732	858,732	0	0	0	
Federal Funds	459,623	458,351	419,821	400,864	0	0	0	
								Recomd vs. Approp
SUBTOTAL - Administration	2,610,007	2,456,612	3,074,216	2,903,548	371,343	371,343	371,343	-87.9%
FTE	<u>4.5</u>	<u>4.4</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>	0.0%
Cash Funds	1,171,483	1,103,329	1,564,972	1,406,028	133,891	271,747	271,747	-82.6%
FTE	1.6	1.6	1.6	1.6	1.6	3.1	3.1	93.8%
RF/CFE	883,189	800,274	989,827	997,060	137,856	0	0	-100.0%
FTE	1.5	1.5	1.5	1.5	1.5	0.0	0.0	-100.0%
Federal Funds	555,335	553,009	519,417	500,460	99,596	99,596	99,596	-80.8%
FTE	1.4	1.3	1.4	1.4	1.4	1.4	1.4	0.0%

a/ Per H.B. 07-1341, this appropriation includes an increase of \$17,355 cash funds from the Oil and Gas Conservation and Environmental Response Fund, for costs associated with new requirements to provide support for the Oil and Gas Conservation Commission rulemaking and permitting.

(B) Technical Services

Personal Services	Beginning FY 2008-09, the Department requested reorganizing this subdivision. Historically, there were three	0	0	2,747,272
FTE	sub-subdivisions: Air Quality Monitoring, Modeling	<u>0.0</u>	<u>0.0</u>	<u>35.1</u>
Cash Funds	and Analysis, and Visibility and Risk Assessment.	0	0	1,762,618
FTE	For FY 2008-09, the Department requested, and staff	0.0	0.0	21.8
Federal Funds	is recommending, that the appropriations for these	0	0	984,654
FTE	sub-subdivisions be combined into three line items:	0.0	0.0	13.3
	Personal Services, Operating Expenses, and Local Contracts.			
Operating Expenses		<u>0</u>	<u>0</u>	<u>320,319</u>
Cash Funds		0	0	235,758
Federal Funds		0	0	84,561
Local Contracts		<u>0</u>	<u>0</u>	<u>650,551</u>
Cash Funds		0	0	556,304
Federal Funds		0	0	94,247

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
(1) Air Quality Monitoring								
Personal Services	1,336,405	1,345,607	1,379,876	1,428,327	1,426,072	1,426,072	0	
FTE	<u>17.1</u>	<u>17.2</u>	<u>18.6</u>	<u>18.6</u>	<u>18.6</u>	<u>18.6</u>	<u>0.0</u>	
Cash Funds	57,295	57,616	60,075	60,711	60,703	1,118,318	0	
FTE	1.3	1.5	1.7	1.7	1.7	14.2	0.0	
RF/CFE	988,763	995,493	1,012,047	1,059,862	1,057,615	0	0	
FTE	12.8	12.5	12.5	12.5	12.5	0.0	0.0	
Federal Funds	290,347	292,498	307,754	307,754	307,754	307,754	0	
FTE	3.0	3.2	4.4	4.4	4.4	4.4	0.0	
Operating Expenses	<u>112,814</u>	<u>112,393</u>	<u>112,815</u>	<u>112,815</u>	<u>112,815</u>	<u>112,815</u>	<u>0</u>	
Cash Funds	0	0	0	0	0	96,458	0	
RF/CFE	96,458	96,458	96,458	96,458	96,458	0	0	
Federal Funds	16,356	15,935	16,357	16,357	16,357	16,357	0	
Local Contracts	<u>254,673</u>	<u>252,976</u>	<u>634,674</u>	<u>570,898</u>	<u>570,898</u>	<u>570,898</u>	<u>0</u>	
Cash Funds	84,270	84,270	84,270	84,270	84,270	556,304	0	
RF/CFE	92,034	92,034	472,034	472,034	472,034	0	0	
Federal Funds	78,369	76,672	78,370	14,594	14,594	14,594	0	

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests Recomd vs. Approp
	Actual	Actual	Approp.		Staff Rec.	Staff Rec.	Staff Rec.	
					Old Format	New RF	LB Reorg.	
Subtotal - Air Quality Monitoring	1,703,892	1,710,976	2,127,365	2,112,040	2,109,785	2,109,785	0	-100.0%
FTE	<u>17.1</u>	<u>17.2</u>	<u>18.6</u>	<u>18.6</u>	<u>18.6</u>	<u>18.6</u>	<u>0.0</u>	-100.0%
Cash Funds	141,565	141,886	144,345	144,981	144,973	1,771,080	0	-100.0%
FTE	1.3	1.5	1.7	1.7	1.7	14.2	0.0	-100.0%
RF/CFE	1,177,255	1,183,985	1,580,539	1,628,354	1,626,107	0	0	-100.0%
FTE	12.8	12.5	12.5	12.5	12.5	0.0	0.0	-100.0%
Federal Funds	385,072	385,105	402,481	338,705	338,705	338,705	0	-100.0%
FTE	3.0	3.2	4.4	4.4	4.4	4.4	0.0	-100.0%
(2) Modeling and Analysis								
Personal Services	731,424	774,530	845,095	857,354	856,776	856,776	0	
FTE	<u>9.3</u>	<u>9.8</u>	<u>11.1</u>	<u>11.1</u>	<u>11.1</u>	<u>11.1</u>	<u>0.0</u>	
Cash Funds	79,846	81,969	83,786	87,945	87,838	286,075	0	
FTE	1.4	1.4	1.4	1.4	1.4	3.8	0.0	
RF/CFE	181,572	200,541	190,608	198,708	198,237	0	0	
FTE	2.4	2.4	2.4	2.4	2.4	0.0	0.0	
Federal Funds	470,006	492,020	570,701	570,701	570,701	570,701	0	
FTE	5.5	6.0	7.3	7.3	7.3	7.3	0.0	
Operating Expenses	<u>550,061</u>	<u>332,050</u>	<u>248,370</u>	<u>180,870</u>	<u>180,870</u>	<u>180,870</u>	<u>0</u>	
Cash Funds	15,005	15,005	15,005	15,005	15,005	139,300	0	
RF/CFE	124,294	124,295	124,295	124,295	124,295	0	0	
Federal Funds	410,762	192,750	109,070	41,570	41,570	41,570	0	
Ozone Modeling Contracts			<u>220,184</u>	<u>79,653</u>	<u>79,653</u>	<u>79,653</u>	<u>0</u>	
RF/CFE			99,837 a/	0	0	0	0	
Federal Funds			120,347 a/	79,653	79,653	79,653	0	

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests Recomd vs. Approp
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
Subtotal - Modeling and Analysis	1,281,485	1,106,580	1,313,649	1,117,877	1,117,299	1,117,299	0	-100.0%
FTE	<u>9.3</u>	<u>9.8</u>	<u>11.1</u>	<u>11.1</u>	<u>11.1</u>	<u>11.1</u>	<u>0.0</u>	-100.0%
Cash Funds	94,851	96,974	98,791	102,950	102,843	425,375	0	-100.0%
FTE	1.4	1.4	1.4	1.4	1.4	3.8	0.0	-100.0%
RF/CFE	305,866	324,836	414,740	323,003	322,532	0	0	-100.0%
FTE	2.4	2.4	2.4	2.4	2.4	0.0	0.0	-100.0%
Federal Funds	880,768	684,770	800,118	691,924	691,924	691,924	0	-100.0%
FTE	5.5	6.0	7.3	7.3	7.3	7.3	0.0	-100.0%
a/ This line item contains an appropriation for ozone modeling contract costs for work that is required due to the ozone non-attainment designation for the Denver Metro area.								
(3) Visibility and Risk Assessment								
Personal Services	431,776	446,913	446,159	465,336	464,424	464,424	0	
FTE	<u>4.9</u>	<u>4.8</u>	<u>5.4</u>	<u>5.4</u>	<u>5.4</u>	<u>5.4</u>	<u>0.0</u>	
Cash Funds	245,098	265,521	260,884	275,383	274,807	358,225	0	
FTE	2.8	2.8	2.8	2.8	2.8	3.8	0.0	
RF/CFE	75,875	97,517	79,076	83,754	83,418	0	0	
FTE	1.0	1.0	1.0	1.0	1.0	0.0	0.0	
Federal Funds	110,803	83,875	106,199	106,199	106,199	106,199	0	
FTE	1.1	1.0	1.6	1.6	1.6	1.6	0.0	
Operating Expenses - FF	39,141	35,175	39,142	26,634	26,634	26,634	0	
Recomd vs. Approp								
Subtotal - Visibility and Risk Assesmt	470,917	482,088	485,301	491,970	491,058	491,058	0	-100.0%
FTE	<u>4.9</u>	<u>4.8</u>	<u>5.4</u>	<u>5.4</u>	<u>5.4</u>	<u>5.4</u>	<u>0.0</u>	-100.0%
Cash Funds	245,098	265,521	260,884	275,383	274,807	358,225	0	-100.0%
FTE	2.8	2.8	2.8	2.8	2.8	3.8	0.0	-100.0%
RF/CFE	75,875	97,517	79,076	83,754	83,418	0	0	-100.0%
FTE	1.0	1.0	1.0	1.0	1.0	0.0	0.0	-100.0%
Federal Funds	149,944	119,050	145,341	132,833	132,833	132,833	0	-100.0%
FTE	1.1	1.0	1.6	1.6	1.6	1.6	0.0	-100.0%

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests Recomd vs. Approp
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
SUBTOTAL - Technical Services	3,456,294	3,299,644	3,926,315	3,721,887	3,718,142	3,718,142	3,718,142	-5.3%
FTE	<u>31.3</u>	<u>31.8</u>	<u>35.1</u>	<u>35.1</u>	<u>35.1</u>	<u>35.1</u>	<u>35.1</u>	0.0%
Cash Funds	481,514	504,381	504,020	523,314	522,623	2,554,680	2,554,680	406.9%
FTE	5.5	5.7	5.9	5.9	5.9	21.8	21.8	269.5%
RF/CFE	1,558,996	1,606,338	2,074,355	2,035,111	2,032,057	0	0	-100.0%
FTE	16.2	15.9	15.9	15.9	15.9	0.0	0.0	-100.0%
Federal Funds	1,415,784	1,188,925	1,347,940	1,163,462	1,163,462	1,163,462	1,163,462	-13.7%
FTE	9.6	10.2	13.3	13.3	13.3	13.3	13.3	0.0%

(C) Mobile Sources

Personal Services	Beginning FY 2008-09, the Department requested reorganizing this subdivision. Historically, there were two sub-subdivisions: Research and Support, and Inspection and Maintenance. For FY 2008-09, the Department requested, and staff is recommending, that the appropriations for these sub-subdivisions be combined into six line items: Personal Services, Operating Expenses, Diesel Inspection/Maintenance, Clean Screen/High Emitter Program, Mechanic Certification, and Local Contacts.	0	0	2,312,484
FTE		<u>0.0</u>	<u>0.0</u>	<u>29.2</u>
Cash Funds		0	0	2,115,510
FTE		0.0	0.0	26.3
Federal Funds		0	0	196,974
FTE		0.0	0.0	2.9
Operating Expenses		<u>0</u>	<u>0</u>	<u>334,827</u>
Cash Funds		0	0	316,577
Federal Funds		0	0	18,250
Diesel Inspection/Maintenance Program - CF		0	0	647,743
FTE	0.0	0.0	6.6	
Mechanic Certification Program - CF	0	0	7,000	
Local Grants - CF	0	0	45,299	

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
(1) Research and Support								
Personal Services	1,506,112	1,494,458	1,555,067	1,599,828	1,581,773	1,581,773	0	
FTE	<u>19.6</u>	<u>18.4</u>	<u>20.0</u>	<u>20.0</u>	<u>20.0</u>	<u>20.0</u>	<u>0.0</u>	
Cash Funds	0	0	0	0	0	1,384,799	0	
FTE	0.0	0.0	0.0	0.0	0.0	17.1	0.0	
RF/CFE	1,314,958	1,305,101	1,356,103	1,400,864	1,384,799	0	0	
FTE	17.1	16.0	17.1	17.1	17.1	0.0	0.0	
Federal Funds	191,154	189,357	198,964	198,964	196,974	196,974	0	
FTE	2.5	2.4	2.9	2.9	2.9	2.9	0.0	
Operating Expenses	<u>306,377</u>	<u>301,919</u>	<u>306,377</u>	<u>306,377</u>	<u>306,377</u>	<u>306,377</u>	<u>0</u>	
Cash Funds	0	0	0	0	0	288,127	0	
RF/CFE	288,127	288,127	288,127	288,127	288,127	0	0	
Federal Funds	18,250	13,792	18,250	18,250	18,250	18,250	0	
								Recomd vs. Approp
Subtotal - Research and Support	1,812,489	1,796,377	1,861,444	1,906,205	1,888,150	1,888,150	0	-100.0%
FTE	<u>19.6</u>	<u>18.4</u>	<u>20.0</u>	<u>20.0</u>	<u>20.0</u>	<u>20.0</u>	<u>0.0</u>	-100.0%
Cash Funds	0	0	0	0	0	1,672,926	0	n/a
FTE	0.0	0.0	0.0	0.0	0.0	17.1	0.0	n/a
RF/CFE	1,603,085	1,593,228	1,644,230	1,688,991	1,672,926	0	0	-100.0%
FTE	17.1	16.0	17.1	17.1	17.1	0.0	0.0	-100.0%
Federal Funds	209,404	203,149	217,214	217,214	215,224	215,224	0	-100.0%
FTE	2.5	2.4	2.9	2.9	2.9	2.9	0.0	-100.0%

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
(2) Inspection and Maintenance								
Personal Services	694,042	715,239	694,239	732,491	730,711	730,711	0	
FTE	<u>9.3</u>	<u>7.2</u>	<u>9.2</u>	<u>9.2</u>	<u>9.2</u>	<u>9.2</u>	<u>0.0</u>	
Cash Funds	0	0	0	0	0	730,711	0	
FTE	0.0	0.0	0.0	0.0	0.0	9.2	0.0	
RF/CFE	694,042	715,239	694,239	732,491	730,711	0	0	
FTE	9.3	7.2	9.2	9.2	9.2	0.0	0.0	
Operating Expenses	<u>36,407</u>	<u>27,184</u>	<u>28,450</u>	<u>28,450</u>	<u>28,450</u>	<u>28,450</u>	<u>0</u>	
Cash Funds	0	0	0	0	0	28,450	0	
RF/CFE	36,407	27,184	28,450	28,450	28,450	0	0	
Diesel Inspection/Maintenance Program	608,167	641,935	638,318	648,203	647,743	647,743	0	
FTE	<u>6.3</u>	<u>6.4</u>	<u>6.6</u>	<u>6.6</u>	<u>6.6</u>	<u>6.6</u>	<u>0.0</u>	
Cash Funds	152,589	139,749	174,277	174,277	174,277	647,743	0	
FTE	1.5	1.6	1.8	1.8	1.8	6.6	0.0	
RF/CFE	455,578	502,186	464,041	473,926	473,466	0	0	
FTE	4.8	4.8	4.8	4.8	4.8	0.0	0.0	
Clean Screen and High Emitter Programs - RF/CFE		125,716	190,000	0	0	0	0	
FTE		1.5	1.5	0.0	0.0	0.0	0.0	
Mechanic Certification Program - CF	2,150	3,182	7,000	7,000	7,000	7,000	0	
FTE	0.0	0.0	0.1	0.0	0.0	0.0	0.0	
Local Grants	<u>45,176</u>	<u>45,229</u>	<u>45,299</u>	<u>45,299</u>	<u>45,299</u>	<u>45,299</u>	<u>0</u>	
Cash Funds	0	0	0	0	0	45,299	0	
RF/CFE	45,176	45,229	45,299	45,299	45,299	0	0	

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests Recomd vs. Approp
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
Subtotal - Inspection and Maintenance	1,385,942	1,558,485	1,603,306	1,461,443	1,459,203	1,459,203	0	-100.0%
FTE	<u>15.6</u>	<u>15.1</u>	<u>17.4</u>	<u>15.8</u>	<u>15.8</u>	<u>15.8</u>	<u>0.0</u>	-100.0%
Cash Funds	154,739	142,931	181,277	181,277	181,277	1,459,203	0	-100.0%
FTE	1.5	1.6	1.9	1.8	1.8	15.8	0.0	-100.0%
RF/CFE	1,231,203	1,415,554	1,422,029	1,280,166	1,277,926	0	0	-100.0%
FTE	14.1	13.5	15.5	14.0	14.0	0.0	0.0	-100.0%
SUBTOTAL - Mobile Sources	3,198,431	3,354,862	3,464,750	3,367,648	3,347,353	3,347,353	3,347,353	-3.4%
FTE	<u>35.2</u>	<u>33.5</u>	<u>37.4</u>	<u>35.8</u>	<u>35.8</u>	<u>35.8</u>	<u>35.8</u>	-4.3%
Cash Funds	154,739	142,931	181,277	181,277	181,277	3,132,129	3,132,129	1627.8%
FTE	1.5	1.6	1.9	1.8	1.8	32.9	32.9	1631.6%
RF/CFE	2,834,288	3,008,782	3,066,259	2,969,157	2,950,852	0	0	-100.0%
FTE	31.2	29.5	32.6	31.1	31.1	0.0	0.0	-100.0%
Federal Funds	209,404	203,149	217,214	217,214	215,224	215,224	215,224	-0.9%
FTE	2.5	2.4	2.9	2.9	2.9	2.9	2.9	0.0%

(D) Stationary Sources

Personal Services	Beginning FY 2008-09, the Department requested reorganizing this subdivision. Historically, there were four sub-subdivisions: Inventory and Support Services, Permits and Compliance Assurance, Hazardous and Toxics Control, and Housed Commercial Swine Feeding Operation (HCSFO) Program. The Department requested, and staff recommends, that the appropriations for the first three of these sub-subdivisions be combined into four line items: Personal Services, Operating Expenses, Local Contracts, and Preservation of the Ozone Layer. The Department also requests, and staff also recommends, that the appropriation for the fourth sub-subprogram, the HCSFO Program, be moved to the Administration Division under Special Environmental Programs, as this is an interdisciplinary program administered by that group.	0	0	6,216,941
FTE		<u>0.0</u>	<u>0.0</u>	<u>83.2</u>
Cash Funds		0	0	4,854,360
FTE		0.0	0.0	63.5
Federal Funds		0	0	1,362,581
FTE		0.0	0.0	19.7
Operating Expenses		0	0	<u>374,321</u>
Cash Funds		0	0	372,991
Federal Funds		0	0	1,330
Local Contracts		0	0	<u>685,257</u>
Cash Funds	0	0	570,177	
Federal Funds	0	0	115,080	

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
Preservation of the Ozone Layer - CF					0	0	219,827	
FTE					0.0	0.0	2.0	
(1) Inventory and Support Services								
Personal Services	1,477,053	1,538,044	1,680,854	1,720,536	1,704,699	1,704,699	0	
FTE	<u>19.6</u>	<u>20.8</u>	<u>23.1</u>	<u>23.1</u>	<u>23.1</u>	<u>23.1</u>	<u>0.0</u>	
Cash Funds	942,543	1,025,220	1,098,933	1,139,779	1,128,597	1,128,597	0	
FTE	12.1	14.2	14.2	14.2	14.2	14.2	0.0	
Federal Funds	534,510	512,824	581,921	580,757	576,102	576,102	0	
FTE	7.5	6.6	8.9	8.9	8.9	8.9	0.0	
Operating Expenses - CF	263,189	258,661	258,661	258,661	258,661	258,661	0	
								Recomd vs. Approp
Subtotal - Inventory and Support Service	1,740,242	1,796,705	1,939,515	1,979,197	1,963,360	1,963,360	0	-100.0%
FTE	<u>19.6</u>	<u>20.8</u>	<u>23.1</u>	<u>23.1</u>	<u>23.1</u>	<u>23.1</u>	<u>0.0</u>	-100.0%
Cash Funds	1,205,732	1,283,881	1,357,594	1,398,440	1,387,258	1,387,258	0	-100.0%
FTE	12.1	14.2	14.2	14.2	14.2	14.2	0.0	-100.0%
Federal Funds	534,510	512,824	581,921	580,757	576,102	576,102	0	-100.0%
FTE	7.5	6.6	8.9	8.9	8.9	8.9	0.0	-100.0%

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
(2) Permits and Compliance Assurance								
Personal Services	2,729,860	2,854,706	3,531,028	3,644,115	3,610,456	3,610,456	0	
FTE	<u>36.3</u>	<u>35.2</u>	<u>47.1</u>	<u>48.1</u>	<u>48.1</u>	<u>48.1</u>	<u>0.0</u>	
Cash Funds	2,131,312	2,219,010	2,826,072	a/ 2,940,371	2,912,549	3,010,604	0	
FTE	30.5	30.5	38.5	a/ 39.5	39.5	39.5	0.0	
RF/CFE	99,243	99,045	99,045	99,045	98,055	0	0	
Federal Funds	499,305	536,651	605,911	604,699	599,852	599,852	0	
FTE	5.8	4.7	8.6	8.6	8.6	8.6	0.0	
Operating Expenses	<u>46,916</u>	<u>38,099</u>	<u>56,397</u>	<u>51,897</u>	<u>51,897</u>	<u>51,897</u>	<u>0</u>	
Cash Funds	31,762	31,762	50,067	a/ 50,567	50,567	50,567	0	
Federal Funds	15,154	6,337	6,330	1,330	1,330	1,330	0	
Local Contracts	<u>608,119</u>	<u>558,054</u>	<u>814,555</u>	<u>685,257</u>	<u>685,257</u>	<u>685,257</u>	<u>0</u>	
Cash Funds	319,114	319,114	570,177	570,177	570,177	570,177	0	
Federal Funds	289,005	238,940	244,378	115,080	115,080	115,080	0	
								Recomd vs. Approp
Subtotal - Permits and Compliance								
Assurance	3,384,895	3,450,859	4,401,980	4,381,269	4,347,610	4,347,610	0	-100.0%
FTE	<u>36.3</u>	<u>35.2</u>	<u>47.1</u>	<u>48.1</u>	<u>48.1</u>	<u>48.1</u>	<u>0.0</u>	-100.0%
Cash Funds	2,482,188	2,569,886	3,446,316	3,561,115	3,533,293	3,631,348	0	-100.0%
FTE	30.5	30.5	38.5	39.5	39.5	39.5	0.0	-100.0%
RF/CFE	99,243	99,045	99,045	99,045	98,055	0	0	-100.0%
Federal Funds	803,464	781,928	856,619	721,109	716,262	716,262	0	-100.0%
FTE	5.8	4.7	8.6	8.6	8.6	8.6	0.0	-100.0%

a/ Per H.B. 07-1341, these appropriations include increases of \$79,140 cash funds and 1.0 FTE for Personal Services, and \$3,505 for Operating Expenses, for costs associated with new requirements to provide support to the Oil and Gas Conservation Commission for rulemaking and permitting. The source of funds is the Oil and Gas Conservation and Environmental Response Fund.

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
(3) Hazardous and Toxic Control								
Personal Services	767,365	789,186	870,774	903,345	901,786	901,786	0	
FTE	<u>11.4</u>	<u>9.8</u>	<u>12.0</u>	<u>12.0</u>	<u>12.0</u>	<u>12.0</u>	<u>0.0</u>	
Cash Funds	654,719	654,056	684,147	716,718	715,159	715,159	0	
FTE	9.8	8.2	9.8	9.8	9.8	9.8	0.0	
Federal Funds	112,646	135,130	186,627	186,627	186,627	186,627	0	
FTE	1.6	1.6	2.2	2.2	2.2	2.2	0.0	
Operating Expenses - CF	63,762	57,223	63,763	63,763	63,763	63,763	0	
Preservation of the Ozone Layer	129,374	187,579	210,661	220,287	219,827	219,827	0	
FTE	<u>2.0</u>	<u>1.3</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>0.0</u>	
Cash Funds	103,257	128,462	149,229	158,855	158,395	219,827	0	
FTE	2.0	1.3	2.0	2.0	2.0	2.0	0.0	
RF/CFE	26,117	59,117	61,432	61,432	61,432	0	0	
								Recomd vs. Approp
Subtotal - Hazardous and Toxic Control	960,501	1,033,988	1,145,198	1,187,395	1,185,376	1,185,376	0	-100.0%
FTE	<u>13.4</u>	<u>11.1</u>	<u>14.0</u>	<u>14.0</u>	<u>14.0</u>	<u>14.0</u>	<u>0.0</u>	-100.0%
Cash Funds	821,738	839,741	897,139	939,336	937,317	998,749	0	-100.0%
FTE	11.8	9.5	11.8	11.8	11.8	11.8	0.0	-100.0%
RF/CFE	26,117	59,117	61,432	61,432	61,432	0	0	-100.0%
Federal Funds	112,646	135,130	186,627	186,627	186,627	186,627	0	-100.0%
FTE	1.6	1.6	2.2	2.2	2.2	2.2	0.0	-100.0%
(4) Housed Commercial Swine Feeding Operation (HCSFO) Program								
				For FY 2008-09, the Department requested, and staff recommends, that the appropriation for this program be moved to the Administration & Support Division under Special Environmental Programs.				
Program Costs - CF	n/a	22,097	58,316	58,316	58,316	58,316	0	Recomd vs. Approp.
FTE		0.1	0.5	0.5	0.5	0.5	0.0	-100.0%

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests Recomd vs. Approp
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
SUBTOTAL - Stationary Sources	6,085,638	6,303,649	7,545,009	7,606,177	7,554,662	7,554,662	7,496,346	-0.6%
FTE	<u>69.3</u>	<u>67.2</u>	<u>84.7</u>	<u>85.7</u>	<u>85.7</u>	<u>85.7</u>	<u>85.2</u>	0.6%
Cash Funds	4,509,658	4,715,605	5,759,365	5,957,207	5,916,184	6,075,671	6,017,355	4.5%
FTE	54.4	54.3	65.0	66.0	66.0	66.0	65.5	0.8%
RF/CFE	125,360	158,162	160,477	160,477	159,487	0	0	-100.0%
Federal Funds	1,450,620	1,429,882	1,625,167	1,488,493	1,478,991	1,478,991	1,478,991	-9.0%
FTE	14.9	12.9	19.7	19.7	19.7	19.7	19.7	0.0%
								Recomd vs. Approp
TOTAL - (5) AIR QUALITY CONTROL								
DIVISION	15,350,370	15,414,767	18,010,290	17,599,260	14,991,500	14,991,500	14,933,184	-17.1%
FTE	<u>140.3</u>	<u>136.9</u>	<u>161.7</u>	<u>161.1</u>	<u>161.1</u>	<u>161.1</u>	<u>160.6</u>	-0.7%
Cash Funds	6,317,394	6,466,246	8,009,634	8,067,826	6,753,975	12,034,227	11,975,911	49.5%
FTE	63.0	63.2	74.4	75.3	75.3	123.8	123.3	65.7%
RF/CFE	5,401,833	5,573,556	6,290,918	6,161,805	5,280,252	0	0	-100.0%
FTE	48.9	46.9	50.0	48.5	48.5	0.0	0.0	-100.0%
Federal Funds	3,631,143	3,374,965	3,709,738	3,369,629	2,957,273	2,957,273	2,957,273	-20.3%
FTE	28.4	26.8	37.3	37.3	37.3	37.3	37.3	0.0%

FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
				Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
Actual	Actual	Approp.					

(6) 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 the drinking water surveillance. Cash fund and cash exempt sources include the Water Quality Control Fund, the Sludge Management Program Fund, the Industrial Pretreatment Fund, the Drinking Water Fund, and the Groundwater Protection Fund.

(A) Administration

Personal Services	897,584	861,036	853,678	904,723	902,689	902,689	902,689	
FTE	<u>13.7</u>	<u>13.7</u>	<u>13.8</u>	<u>13.8</u>	<u>13.8</u>	<u>13.8</u>	<u>13.8</u>	
General Fund	526,122	460,529	467,328	508,314	506,837	506,837	506,837	
FTE	7.8	7.8	7.8	7.8	7.8	7.8	7.8	
Cash Funds	167,802	186,933	173,844	183,903	183,346	183,346	183,346	
FTE	2.7	2.7	2.7	2.7	2.7	2.7	2.7	
Federal Funds	203,660	213,574	212,506	212,506	212,506	212,506	212,506	
FTE	3.2	3.2	3.3	3.3	3.3	3.3	3.3	
Operating Expenses	<u>51,230</u>	<u>52,356</u>	<u>52,356</u>	<u>52,356</u>	<u>52,356</u>	<u>52,356</u>	<u>52,356</u>	
General Fund	18,834	18,834	18,834	18,834	18,834	18,834	18,834	
Cash Funds	3,459	3,459	3,459	3,459	3,459	3,459	3,459	
Federal Funds	28,937	30,063	30,063	30,063	30,063	30,063	30,063	
Capital Outlay	<u>0</u>	<u>30,051</u>	<u>44,970</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	27,046	0	0	0	0	0	
Cash Funds	0	3,005	33,525 a/	0	0	0	0	
RF/CFE	0	0	11,445	0	0	0	0	
Indirect Cost Assessment	<u>1,505,166</u>	<u>1,704,660</u>	<u>1,774,043</u>	<u>1,774,043</u>	<u>0</u>	<u>0</u>	<u>0</u>	Pending
Cash Funds	522,610	484,113	847,857	847,857	0	0	0	
RF/CFE	26,189	30,469	41,189	41,189	0	0	0	
Federal Funds	956,367	1,190,078	884,997	884,997	0	0	0	

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests Recomd vs. Approp
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
SUBTOTAL - Administration	2,453,980	2,648,103	2,725,047	2,731,122	955,045	955,045	955,045	-65.0%
FTE	<u>13.7</u>	<u>13.7</u>	<u>13.8</u>	<u>13.8</u>	<u>13.8</u>	<u>13.8</u>	<u>13.8</u>	0.0%
General Fund	544,956	506,409	486,162	527,148	525,671	525,671	525,671	8.1%
FTE	7.8	7.8	7.8	7.8	7.8	7.8	7.8	0.0%
Cash Funds	693,871	677,510	1,058,685	1,035,219	186,805	186,805	186,805	-82.4%
FTE	2.7	2.7	2.7	2.7	2.7	2.7	2.7	0.0%
RF/CFE	26,189	30,469	52,634	41,189	0	0	0	-100.0%
Federal Funds	1,188,964	1,433,715	1,127,566	1,127,566	242,569	242,569	242,569	-78.5%
FTE	3.2	3.2	3.3	3.3	3.3	3.3	3.3	0.0%

a/ Per H.B. 07-1329, this appropriation includes \$15,260 cash funds from the Water Quality Control Fund and the Drinking Water Cash Fund to provide the Division additional resources from new and adjusted wastewater discharge permit and drinking water system fees.

(B) Watershed Assessment, Outreach, and Assistance

Personal Services	2,601,982	3,044,810	2,863,202	2,903,010	2,877,874	2,877,874	2,877,874
FTE	<u>25.0</u>	<u>27.8</u>	<u>39.6</u>	<u>39.6</u>	<u>39.6</u>	<u>39.6</u>	<u>39.6</u>
General Fund	228,036	325,052	293,047	322,615	318,992	318,992	318,992
FTE	4.4	5.4	5.4	5.4	5.4	5.4	5.4
Cash Funds	299,722	283,428	298,087	437,273	432,941	432,941	432,941
FTE	3.3	3.3	3.3	3.3	3.3	3.3	3.3
RF/CFE	32,936	32,870	164,003	39,273	38,957	38,957	38,957
FTE	0.0	0.4	2.6	2.6	2.6	2.6	2.6
Federal Funds	2,041,288	2,403,460	2,108,065	2,103,849	2,086,984	2,086,984	2,086,984
FTE	17.3	18.7	28.3	28.3	28.3	28.3	28.3
Operating Expenses	<u>529,750</u>	<u>602,479</u>	<u>525,768</u>	<u>525,768</u>	<u>525,768</u>	<u>525,768</u>	<u>525,768</u>
General Fund	374,207	376,207	376,207	376,207	376,207	376,207	376,207
Cash Funds	0	0	0	1,000	1,000	1,000	1,000
RF/CFE	360	685	2,675	1,675	1,675	1,675	1,675
Federal Funds	155,183	225,587	146,886	146,886	146,886	146,886	146,886
Local Grants and Contracts - FF	1,845,276	1,631,087	2,136,456	2,136,456	2,136,456	2,136,456	2,136,456

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
Water Quality Improvement - CF			117,196	117,196	117,196	117,196	117,196	
								Recomd vs. Approp
SUBTOTAL - Watershed Assessment, Outreach,								
and Assistance	4,977,008	5,278,376	5,642,622	5,682,430	5,657,294	5,657,294	5,657,294	0.3%
FTE	25.0	27.8	39.6	39.6	39.6	39.6	39.6	0.0%
General Fund	602,243	701,259	669,254	698,822	695,199	695,199	695,199	3.9%
FTE	4.4	5.4	5.4	5.4	5.4	5.4	5.4	0.0%
Cash Funds	299,722	283,428	415,283	555,469	551,137	551,137	551,137	32.7%
FTE	3.3	3.3	3.3	3.3	3.3	3.3	3.3	0.0%
RF/CFE	33,296	33,555	166,678	40,948	40,632	40,632	40,632	-75.6%
FTE	0.0	0.4	2.6	2.6	2.6	2.6	2.6	0.0%
Federal Funds	4,041,747	4,260,134	4,391,407	4,387,191	4,370,326	4,370,326	4,370,326	-0.5%
FTE	17.3	18.7	28.3	28.3	28.3	28.3	28.3	0.0%
(C) Permitting and Compliance Assurance								
Personal Services	2,740,482	3,194,529	3,534,132	3,627,484	3,593,697	3,593,697	3,593,697	
FTE	39.9	37.5	44.5	44.5	44.5	44.5	44.5	
General Fund	98,432	190,761	174,917	a/ 181,125	179,485	179,485	179,485	
FTE	1.5	3.0	3.0	3.0	3.0	3.0	3.0	
Cash Funds	2,065,081	2,200,595	2,689,178	a/ 2,850,247	2,822,879	2,981,236	2,981,236	
FTE	27.9	28.6	34.6	a/ 34.6	34.6	37.8	37.8	
RF/CFE	153,469	261,438	232,687	159,637	158,357	0	0	
FTE	2.2	2.2	3.2	3.2	3.2	0.0	0.0	
Federal Funds	423,500	541,735	437,350	436,475	432,976	432,976	432,976	
FTE	8.3	3.7	3.7	3.7	3.7	3.7	3.7	
Operating Expenses	<u>251,259</u>	<u>411,188</u>	<u>383,866</u>	<u>383,866</u>	<u>383,866</u>	<u>383,866</u>	<u>383,866</u>	
General Fund	39,706	227,706	227,706	227,706	227,706	227,706	227,706	
Cash Funds	105,149	107,149	113,769	a/ 114,269	114,269	124,996	124,996	
RF/CFE	10,727	10,727	11,227	10,727	10,727	0	0	
Federal Funds	95,677	65,606	31,164	31,164	31,164	31,164	31,164	

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests Recomd vs. Approp
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
SUBTOTAL - Permitting and Compliance								
Assurance	2,991,741	3,605,717	3,917,998	4,011,350	3,977,563	3,977,563	3,977,563	1.5%
FTE	<u>39.9</u>	<u>37.5</u>	<u>44.5</u>	<u>44.5</u>	<u>44.5</u>	<u>44.5</u>	<u>44.5</u>	0.0%
General Fund	138,138	418,467	402,623	408,831	407,191	407,191	407,191	1.1%
FTE	1.5	3.0	3.0	3.0	3.0	3.0	3.0	0.0%
Cash Funds	2,170,230	2,307,744	2,802,947	2,964,516	2,937,148	3,106,232	3,106,232	10.8%
FTE	27.9	28.6	34.6	34.6	34.6	37.8	37.8	9.2%
RF/CFE	164,196	272,165	243,914	170,364	169,084	0	0	-100.0%
FTE	2.2	2.2	3.2	3.2	3.2	0.0	0.0	-100.0%
Federal Funds	519,177	607,341	468,514	467,639	464,140	464,140	464,140	-0.9%
FTE	8.3	3.7	3.7	3.7	3.7	3.7	3.7	0.0%

a/ H.B. 07-1329 modified the Personal Services appropriation (including an \$18,260 General Fund reduction, a \$151,164 cash funds increase, and 1.0 FTE) and the Operating Expenses appropriation (including a \$250 cash funds increase). The sources of cash funds are the Water Quality Control Fund and the Drinking Water Fund. The appropriation is to provide the Division additional resources from new and adjusted wastewater discharge permit and drinking water system fees, and to refinance a General Fund FTE for on-site wastewater management.

(D) Drinking Water Program

Personal Services	2,928,718	3,728,194	3,278,237	3,306,089	3,274,282	3,274,282	3,274,282	
FTE	<u>40.4</u>	<u>46.5</u>	<u>44.9</u>	<u>44.9</u>	<u>44.9</u>	<u>44.9</u>	<u>44.9</u>	
General Fund	505,318	658,562	838,531	867,059	858,973	858,973	858,973	
FTE	8.6	15.1	15.1	15.1	15.1	15.1	15.1	
Cash Funds	0	0	337,867	a/ 337,191	334,488	334,488	334,488	
FTE	0.0	0.0	3.5	a/ 3.5	3.5	3.5	3.5	
Federal Funds	2,423,400	3,069,632	2,101,839	2,101,839	2,080,821	2,080,821	2,080,821	
FTE	31.8	31.4	26.3	26.3	26.3	26.3	26.3	
Operating Expenses	<u>155,900</u>	<u>282,332</u>	<u>213,583</u>	<u>213,583</u>	<u>213,583</u>	<u>213,583</u>	<u>213,583</u>	
General Fund	31,888	94,887	94,887	94,887	94,887	94,887	94,887	
Cash Funds	0	0	1,750	a/ 1,750	1,750	1,750	1,750	
Federal Funds	124,012	187,445	116,946	116,946	116,946	116,946	116,946	

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests Recomd vs. Approp
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
SUBTOTAL - Drinking Water Program	3,084,618	4,010,526	3,491,820	3,519,672	3,487,865	3,487,865	3,487,865	-0.1%
FTE	<u>40.4</u>	<u>46.5</u>	<u>44.9</u>	<u>44.9</u>	<u>44.9</u>	<u>44.9</u>	<u>44.9</u>	0.0%
General Fund	537,206	753,449	933,418	961,946	953,860	953,860	953,860	2.2%
FTE	8.6	15.1	15.1	15.1	15.1	15.1	15.1	0.0%
Cash Funds	0	0	339,617	338,941	336,238	336,238	336,238	-1.0%
FTE	0.0	0.0	3.5	3.5	3.5	3.5	3.5	0.0%
Federal Funds	2,547,412	3,257,077	2,218,785	2,218,785	2,197,767	2,197,767	2,197,767	-0.9%
FTE	31.8	31.4	26.3	26.3	26.3	26.3	26.3	0.0%

a/ H.B. 07-1329 modified the Personal Services appropriation (including a \$337,867 cash funds increase and 3.5 FTE) and the Operating Expenses appropriation (including a \$1,750 cash funds increase). The sources of cash funds are the Water Quality Control Fund and the Drinking Water Fund. The appropriation is to provide the Division additional resources from new and adjusted wastewater discharge permit and drinking water system fees.

	Recomd vs. Approp							
TOTAL - (6) WATER QUALITY CONTROL								
DIVISION	13,507,347	15,542,722	15,777,487	15,944,574	14,077,767	14,077,767	14,077,767	-10.8%
FTE	<u>118.9</u>	<u>125.5</u>	<u>142.8</u>	<u>142.8</u>	<u>142.8</u>	<u>142.8</u>	<u>142.8</u>	0.0%
General Fund	1,822,543	2,379,584	2,491,457	2,596,747	2,581,921	2,581,921	2,581,921	3.6%
FTE	22.3	31.3	31.3	31.3	31.3	31.3	31.3	0.0%
Cash Funds	3,163,823	3,268,682	4,616,532	4,894,145	4,011,328	4,180,412	4,180,412	-9.4%
FTE	33.9	34.6	44.1	44.1	44.1	47.3	47.3	7.3%
RF/CFE	223,681	336,189	463,226	252,501	209,716	40,632	40,632	-91.2%
FTE	2.2	2.6	5.8	5.8	5.8	2.6	2.6	-55.2%
Federal Funds	8,297,300	9,558,267	8,206,272	8,201,181	7,274,802	7,274,802	7,274,802	-11.4%
FTE	60.6	57.0	61.6	61.6	61.6	61.6	61.6	0.0%

FY 2005-06	FY 2006-07	FY 2007-08		FY 2008-09			
Actual	Actual	Approp.	Request	Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	Change Requests

(7) 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 and cash funds exempt 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. Additional cash funds exempt comes from transfers from the Department of Transportation and the Department of Local Affairs.

(A) Administration

Program Costs	166,640	196,851	294,195	314,093	313,151	313,151	313,151	
FTE	<u>3.4</u>	<u>2.7</u>	<u>3.4</u>	<u>3.4</u>	<u>3.4</u>	<u>3.4</u>	<u>3.4</u>	
Cash Funds	166,640	188,108	197,502	209,364	208,958	290,685	290,685	
FTE	3.4	2.7	3.1	3.1	3.1	3.1	3.1	
RF/CFE	0	8,743	74,227	82,263	81,727	0	0	
Federal Funds	0	0	22,466	22,466	22,466	22,466	22,466	
FTE	0.0	0.0	0.3	0.3	0.3	0.3	0.3	
Legal Services	392,978	377,504	442,624	442,624	0	0	0	Pending
hours	<u>6,202</u>	<u>6,183</u>	<u>6,145</u>	<u>6,145</u>	<u>6,145</u>	<u>6,145</u>	<u>6,145</u>	
Cash Funds	229,522	235,608	256,991	271,991	0	0	0	DI #11
RF/CFE	1,849	243	4,882	4,882	0	0	0	
Federal Funds	161,607	141,653	180,751	165,751	0	0	0	DI #11
Capital Outlay - CF	0	0	3,205	0	0	0	0	
Indirect Cost Assessment	<u>1,812,596</u>	<u>1,756,168</u>	<u>1,955,488</u>	<u>1,955,488</u>	<u>0</u>	<u>0</u>	<u>0</u>	Pending
Cash Funds	899,486	867,213	1,041,072	1,258,014	0	0	0	DI #11
RF/CFE	30,087	32,964	53,416	53,416	0	0	0	
Federal Funds	883,023	855,991	861,000	644,058	0	0	0	DI #11

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests Recomd vs. Approp
	Actual	Actual	Approp.		Staff Rec.	Staff Rec.	Staff Rec.	
					Old Format	New RF	LB Reorg.	
SUBTOTAL - Administration	2,372,214	2,330,523	2,695,512	2,712,205	313,151	313,151	313,151	-88.4%
FTE	<u>3.4</u>	<u>2.7</u>	<u>3.4</u>	<u>3.4</u>	<u>3.4</u>	<u>3.4</u>	<u>3.4</u>	0.0%
Cash Funds	1,295,648	1,290,929	1,498,770	1,739,369	208,958	290,685	290,685	-80.6%
FTE	3.4	2.7	3.1	3.1	3.1	3.1	3.1	0.0%
RF/CFE	31,936	41,950	132,525	140,561	81,727	0	0	-100.0%
Federal Funds	1,044,630	997,644	1,064,217	832,275	22,466	22,466	22,466	-97.9%
FTE	0.0	0.0	0.3	0.3	0.3	0.3	0.3	0.0%
(B) Hazardous Waste Control Program								
Personal Services	2,797,630	2,922,987	2,945,726	3,373,362	3,842,807	3,842,807	3,842,807	
FTE	<u>34.1</u>	<u>34.6</u>	<u>38.2</u>	<u>42.7</u>	<u>42.7</u>	<u>42.7</u>	<u>42.7</u>	
Cash Funds	1,099,628	1,280,657	1,284,302	2,216,620	2,206,346	2,206,346	2,206,346	DI #11
FTE	13.5	15.6	17.6	22.1	22.1	22.1	22.1	DI #11
Federal Funds	1,698,002	1,642,330	1,661,424	1,156,742	1,636,461	1,636,461	1,636,461	DI #11
FTE	20.6	19.0	20.6	20.6	20.6	20.6	20.6	
Operating Expenses	<u>177,033</u>	<u>169,572</u>	<u>213,571</u>	<u>229,006</u>	<u>229,006</u>	<u>229,006</u>	<u>229,006</u>	
Cash Funds	45,393	42,601	45,663	78,948	78,948	78,948	78,948	DI #11
Federal Funds	131,640	126,971	167,908	150,058	150,058	150,058	150,058	DI #11
SUBTOTAL - Hazardous Waste Control	2,974,663	3,092,559	3,159,297	3,602,368	4,071,813	4,071,813	4,071,813	28.9%
FTE	<u>34.1</u>	<u>34.6</u>	<u>38.2</u>	<u>42.7</u>	<u>42.7</u>	<u>42.7</u>	<u>42.7</u>	11.8%
Cash Funds	1,145,021	1,323,258	1,329,965	2,295,568	2,285,294	2,285,294	2,285,294	71.8%
FTE	13.5	15.6	17.6	22.1	22.1	22.1	22.1	25.6%
Federal Funds	1,829,642	1,769,301	1,829,332	1,306,800	1,786,519	1,786,519	1,786,519	-2.3%
FTE	20.6	19.0	20.6	20.6	20.6	20.6	20.6	0.0%

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests	
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.		
(C) Solid Waste Control Program									
Program Costs - CF	1,060,455	1,062,196	2,221,302	a/	2,388,667	2,385,661	2,385,661	2,385,661	DI #11
FTE	13.5	11.5	16.7	a/	17.0	17.0	17.0	17.0	DI #11
a/ Per H.B. 07-1288, these appropriations include increases of \$319,005 cash funds from the Solid Waste Management Fund, and 4.8 FTE, for recycling incentives and waste management programs. The remainder of the bill's appropriation (\$2,482,565 cash funds from the Resources Economic Opportunity Fund, and 0.6 FTE) were allocated to the Administrative Services Division to be distributed as grants, loans, and rebates.									
(D) Uranium Mill Tailings Remedial Action Program									
									Recomd vs. Approp
Program Costs	195,479	192,229	230,779		236,438	236,175	236,175	236,175	2.3%
FTE	<u>2.8</u>	<u>2.7</u>	<u>3.1</u>		<u>3.1</u>	<u>3.1</u>	<u>3.1</u>	<u>3.1</u>	0.0%
RF/CFE	173,838	176,628	185,508		191,167	190,904	190,904	190,904	2.9%
FTE	2.4	2.5	2.6		2.6	2.6	2.6	2.6	0.0%
Federal Funds	21,641	15,601	45,271		45,271	45,271	45,271	45,271	0.0%
FTE	0.4	0.2	0.5		0.5	0.5	0.5	0.5	0.0%
(E) Contaminated Site Cleanups									
Personal Services	5,139,525	5,275,449	5,039,512		4,558,146	4,515,558	4,515,558	4,515,558	
FTE	<u>36.5</u>	<u>34.0</u>	<u>43.4</u>		<u>38.4</u>	<u>38.4</u>	<u>38.4</u>	<u>38.4</u>	
Cash Funds	762,209	885,225	1,070,657		1,114,566	1,103,443	1,103,443	1,103,443	
FTE	8.8	11.2	13.0		13.0	13.0	13.0	13.0	
RF/CFE	0	20,474	35,711		0	0	0	0	
Federal Funds	4,377,316	4,369,750	3,933,144		3,443,580	3,412,115	3,412,115	3,412,115	DI #11
FTE	27.7	22.8	30.4		25.4	25.4	25.4	25.4	DI #11
Operating Expenses	<u>252,598</u>	<u>577,648</u>	<u>241,270</u>		<u>222,991</u>	<u>222,991</u>	<u>222,991</u>	<u>222,991</u>	
Cash Funds	45,991	36,404	48,082		48,082	48,082	48,082	48,082	
RF/CFE	0	277	1,129		0	0	0	0	
Federal Funds	206,607	540,967	192,059		174,909	174,909	174,909	174,909	DI #11

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
Contaminated Sites Operation & Maintenance	936,238	961,134	2,088,864	2,088,864	2,088,864	2,088,864	2,088,864	
Cash Funds	136,902	102,674	260,186	260,186	260,186	260,186	260,186	
Federal Funds	799,336	858,460	1,828,678	1,828,678	1,828,678	1,828,678	1,828,678	
Legal Services for CERCLA Contract Oversight-Related Costs - CF	1,069,825	425,000	425,000	425,000	0	0	0	Pending
Hours			6,271	6,271	6,271	6,271	6,271	
								Recomd vs. Approp
SUBTOTAL - Contaminated Site Clean	7,398,186	7,239,231	7,794,646	7,295,001	6,827,413	6,827,413	6,827,413	-12.4%
FTE	36.5	34.0	43.4	38.4	38.4	38.4	38.4	-11.5%
Cash Funds	2,014,927	1,449,303	1,803,925	1,847,834	1,411,711	1,411,711	1,411,711	-21.7%
FTE	8.8	11.2	13.0	13.0	13.0	13.0	13.0	0.0%
RF/CFE	0	20,751	36,840.0	0	0	0	0	-100.0%
Federal Funds	5,383,259	5,769,177	5,953,881	5,447,167	5,415,702	5,415,702	5,415,702	-9.0%
FTE	27.7	22.8	30.4	25.4	25.4	25.4	25.4	-16.4%
(F) Rocky Flats Agreement								
Program Costs - FF	691,421	253,479	244,781	244,781	244,781	244,781	244,781	
FTE	8.0	2.3	2.3	2.3	2.3	2.3	2.3	
Legal Services - FF	25,780	22,227	10,012	10,012	0	0	0	Pending
Hours	400	315	139	139	139	139	139	
								Recomd vs. Approp
SUBTOTAL - Rocky Flats Agreement -	717,201	275,706	254,793	254,793	244,781	244,781	244,781	-3.9%
FTE	8.0	2.3	2.3	2.3	2.3	2.3	2.3	0.0%

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
(G) Radiation Management								
Personal Services	2,313,230	1,802,291	1,762,863	1,824,312	1,806,600	1,806,600	1,806,600	
FTE	<u>19.4</u>	<u>20.3</u>	<u>21.5</u>	<u>21.5</u>	<u>21.5</u>	<u>21.5</u>	<u>21.5</u>	
Cash Funds	1,410,885	1,472,877	1,556,311	1,618,173	1,602,114	1,625,528	1,625,528	
FTE	17.1	18.2	19.2	19.2	19.2	19.2	19.2	
RF/CFE	0	23,770	23,651	23,604	23,414	0	0	
Federal Funds	902,345	305,644	182,901	182,535	181,072	181,072	181,072	
FTE	2.3	2.1	2.3	2.3	2.3	2.3	2.3	
Operating Expenses	<u>289,758</u>	<u>261,758</u>	<u>229,625</u>	<u>229,625</u>	<u>229,625</u>	<u>229,625</u>	<u>229,625</u>	
Cash Funds	63,309	63,659	72,139	72,139	72,139	72,139	72,139	
Federal Funds	226,449	198,099	157,486	157,486	157,486	157,486	157,486	
								Recomd vs. Approp
SUBTOTAL - Radiation Management	2,602,988	2,064,049	1,992,488	2,053,937	2,036,225	2,036,225	2,036,225	2.2%
FTE	<u>19.4</u>	<u>20.3</u>	<u>21.5</u>	<u>21.5</u>	<u>21.5</u>	<u>21.5</u>	<u>21.5</u>	0.0%
Cash Funds	1,474,194	1,536,536	1,628,450	1,690,312	1,674,253	1,697,667	1,697,667	4.3%
FTE	17.1	18.2	19.2	19.2	19.2	19.2	19.2	0.0%
RF/CFE	0	23,770	23,651	23,604	23,414	0	0	-100.0%
Federal Funds	1,128,794	503,743	340,387	340,021	338,558	338,558	338,558	-0.5%
FTE	2.3	2.1	2.3	2.3	2.3	2.3	2.3	0.0%
								Recomd vs. Approp
SUBTOTAL - (7) HAZARDOUS MATERIALS								
WASTE MANAGEMENT DIVISION	17,321,186	16,256,493	18,348,817	18,543,409	16,115,219	16,115,219	16,115,219	-12.2%
FTE	<u>117.7</u>	<u>108.1</u>	<u>128.6</u>	<u>128.4</u>	<u>128.4</u>	<u>128.4</u>	<u>128.4</u>	-0.2%
Cash Funds	6,990,245	6,662,222	8,482,412	9,961,750	7,965,877	8,071,018	8,071,018	-4.8%
FTE	56.3	59.2	69.6	74.4	74.4	74.4	74.4	6.9%
RF/CFE	205,774	263,099	378,524	355,332	296,045	190,904	190,904	-49.6%
FTE	2.4	2.5	2.6	2.6	2.6	2.6	2.6	0.0%
Federal Funds	10,125,167	9,331,172	9,487,881	8,226,327	7,853,297	7,853,297	7,853,297	-17.2%
FTE	59.0	46.4	56.4	51.4	51.4	51.4	51.4	-8.9%

FY 2005-06	FY 2006-07	FY 2007-08		FY 2008-09			
Actual	Actual	Approp.	Request	Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	Change Requests

(8) 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 and cash funds exempt are the Food Protection Cash Fund, the Wholesale Food Manufacturing and Storage Protection Fund, and the Artificial Tanning Device Education Fund. Additional cash funds exempt comes from transfers from the Department of Corrections and the Department of Human Services.

Personal Services	1,911,376	1,933,014	2,073,988	2,150,618	2,130,176	2,130,176	2,130,176	
FTE	<u>24.6</u>	<u>26.1</u>	<u>28.1</u>	<u>28.1</u>	<u>28.1</u>	<u>28.1</u>	<u>28.1</u>	
General Fund	961,220	1,062,655	1,087,301	1,131,046	1,120,808	1,120,808	1,120,808	
FTE	13.0	15.2	16.2	16.2	16.2	16.2	16.2	
Cash Funds	587,093	604,860	637,514	a/ 661,874	655,276	655,276	655,276	
FTE	7.5	7.5	7.5	a/ 7.5	7.5	7.5	7.5	
RF/CFE	123,452	68,157	71,188	80,269	78,887	78,887	78,887	
FTE	1.0	2.0	2.0	2.0	2.0	2.0	2.0	
Federal Funds	239,611	197,342	277,985	277,429	275,205	275,205	275,205	
FTE	3.1	1.4	2.4	2.4	2.4	2.4	2.4	
Operating Expenses	<u>135,307</u>	<u>118,929</u>	<u>118,599</u>	<u>119,407</u>	<u>119,407</u>	<u>119,407</u>	<u>119,407</u>	
General Fund	17,121	20,508	29,637	29,637	29,637	29,637	29,637	
Cash Funds	51,510	51,510	51,510	a/ 51,510	51,510	51,510	51,510	
RF/CFE	8,900	8,900	8,900	9,708	9,708	9,708	9,708	DI #10
Federal Funds	57,776	38,011	28,552	28,552	28,552	28,552	28,552	
Capital Outlay - GF	0	0	64,872	0	0	0	0	
Indirect Cost Assessment	<u>180,564</u>	<u>163,423</u>	<u>244,482</u>	<u>244,482</u>	<u>0</u>	<u>0</u>	<u>0</u>	Pending
Cash Funds	132,327	117,860	156,215	156,215	0	0	0	
RF/CFE	0	0	11,457	11,457	0	0	0	
Federal Funds	48,237	45,563	76,810	76,810	0	0	0	

	FY 2005-06	FY 2006-07	FY 2007-08	Request	FY 2008-09			Change Requests Recomd vs. Approp
	Actual	Actual	Approp.		Staff Rec. Old Format	Staff Rec. New RF	Staff Rec. LB Reorg.	
TOTAL - (8) CONSUMER PROTECTION								
DIVISION	2,227,247	2,215,366	2,501,941	2,514,507	2,249,583	2,249,583	2,249,583	-10.1%
FTE	<u>24.6</u>	<u>26.1</u>	<u>28.1</u>	<u>28.1</u>	<u>28.1</u>	<u>28.1</u>	<u>28.1</u>	0.0%
General Fund	978,341	1,083,163	1,181,810	1,160,683	1,150,445	1,150,445	1,150,445	-2.7%
FTE	13.0	15.2	16.2	16.2	16.2	16.2	16.2	0.0%
Cash Funds	770,930	774,230	845,239	869,599	706,786	706,786	706,786	-16.4%
FTE	7.5	7.5	7.5	7.5	7.5	7.5	7.5	0.0%
RF/CFE	132,352	77,057	91,545	101,434	88,595	88,595	88,595	-3.2%
FTE	1.0	2.0	2.0	2.0	2.0	2.0	2.0	0.0%
Federal Funds	345,624	280,916	383,347	382,791	303,757	303,757	303,757	-20.8%
FTE	3.1	1.4	2.4	2.4	2.4	2.4	2.4	0.0%

a/ Per H.B. 07-1321, these appropriations include increases of \$174,932 cash fund from the Wholesale Food Manufacturing and Storage Protection Cash Fund (\$148,851 Personal Services and \$199 Operating Expenses), and 1.5 FTE, to fund the Wholesale Food Manufacturing and Storage Facility Registration Program.

TOTAL - ENVIRONMENTAL DIVISIONS	49,247,138	50,793,153	58,495,135	58,605,146	51,437,465	51,437,465	51,437,465	-12.1%
FTE	<u>408.5</u>	<u>403.5</u>	<u>468.8</u>	<u>468.0</u>	<u>468.0</u>	<u>468.0</u>	<u>468.0</u>	-0.2%
General Fund	2,800,884	3,462,747	3,673,267	3,757,430	3,732,366	3,732,366	3,732,366	1.6%
FTE	35.3	46.5	47.5	47.5	47.5	47.5	47.5	0.0%
Cash Funds	17,329,613	17,236,170	24,561,294	27,091,857	22,736,503	28,290,980	28,290,980	15.2%
FTE	161.2	164.6	196.2	201.9	201.9	253.6	253.6	29.3%
RF/CFE	6,012,904	6,384,901	7,768,477	6,871,072	5,874,608	320,131	320,131	-95.9%
FTE	54.5	54.0	60.4	58.9	58.9	7.2	7.2	-88.1%
Federal Funds	23,103,737	23,709,335	22,492,097	20,884,787	19,093,988	19,093,988	19,093,988	-15.1%
FTE	157.6	138.4	164.7	159.7	159.7	159.7	159.7	-3.0%

**DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
ENVIRONMENTAL DIVISIONS ONLY
FY 2008-09 FIGURE SETTING**

JBC WORKING DOCUMENT
Staff Recommendation Does Not Represent Committee Decision

DI #12: LONG BILL REORGANIZATION

The Department requested a consolidation of several line items in the Long Bill in order to simplify its appropriation. Over time, the Department's Long Bill appropriation has grown significantly as new programs have been added, each one often receiving a new line item.

This packet contains the requested and recommended reorganization for the environmental divisions only. The reorganization for the Health and Administrative Divisions will be presented in that figure-setting document. The requested reorganization affects two environmental divisions: the Air Quality Control Division and the Hazardous Materials/Waste Management Division. Staff will discuss each below.

Air Quality Control Division (AQCD) Requested Reorganization

The current appropriation for this Division is structured with four subdivisions, three of which have two to four sub-subdivisions. Staff agrees with the Department that taking the appropriation to the sub-subdivision level is an unnecessary level of detail. These sub-subdivisions range in size from 0.5 FTE to 47.1 FTE; the average size is 17.5 FTE. The sub-subdivisions should be merged because there is extensive overlap in the work they conduct. For example, individuals in the Division often conduct their work, then are forced to bill their time to the various sub-subdivisions. Staff had been considering this type of consolidating before the request was submitted, and **recommends the requested line item consolidation for this division.**

The three tables below show the current Long Bill format and the proposed reorganization for the three affected AQCD subdivisions.

Current Long Bill Format	Proposed Long Bill Reorganization
(5) AIR QUALITY CONTROL DIVISION	(5) AIR QUALITY CONTROL DIVISION
(B) Technical Services	(B) Technical Services
(1) Air Quality Monitoring Personal Services Operating Expenses Local Contracts	Personal Services Operating Expenses Local Contracts
(2) Modeling and Analysis Personal Services Operating Expenses Ozone Modeling Contracts	
(3) Visibility and Risk Assessment Personal Services Operating Expenses	
(C) Mobile Sources	(C) Mobile Sources
(1) Research and Support Personal Services Operating Expenses Local Contracts	Personal Services Operating Expenses Diesel Inspection/Mnt Program Mechanic Certification Program Local Grants
(2) Inspection and Maintenance Personal Services Operating Expenses Diesel Inspection/Mnt Program Mechanic Certification Program Local Grants	

Current Long Bill Format	Proposed Long Bill Reorganization
(5) AIR QUALITY CONTROL DIVISION	(5) AIR QUALITY CONTROL DIVISION
(D) Stationary Sources	(D) Stationary Sources
(1) Inventory and Support Services Personal Services Operating Expenses	Personal Services Operating Expenses Local Contracts
(2) Permits and Compliance Assurance Personal Services Operating Expenses Local Contracts	Preservation of the Ozone Layer
(3) Hazardous and Toxic Control Personal Services Operating Expenses Preservation of the Ozone Layer	
(4) Housed Commercial Swine Feeding Operations (HCSFO) Program Program Costs	(see below for recommended HCSFO location)

Housed Commercial Swine Feeding Operations (HCSFO) Program

Currently the appropriation for the Housed Commercial Swine Feeding Operations (HCSFO) Program is in the Stationary Sources subdivision (outlined in the table above). However, the HCSFO program is administered and overseen by the Pollution Prevention staff, which are appropriated in the Long Bill under Special Programs, Environmental Leadership and Pollution Prevention. These staff administer all aspects of the HCSFO program related to air and water inspections, enforcement, and compliance.

Given the HCSFO Program's interdisciplinary nature and the actual location of its staff, the appropriation for it would more appropriately be located in the Administration and Support Division. Within Administration and Support, there is a subdivision entitled, "Special Programs". This subdivision now houses two unique programs: the Environmental Leadership and Pollution Prevention Program, and the Health Disparities Grant Program. **Staff recommends reorganizing this Division so that there are "Special Environmental Programs" and "Special Health Programs" subdivisions.**

The Special Environmental Programs subdivision would house the appropriations for interdisciplinary environmental programs, including the Environmental Leadership and Pollution Prevention Program, the HCSFO Program, and two programs created by special bill last year: the Recycling Resources Economic Opportunity Program, and the Advanced Technology Research Grant Program (see table below).

Current Long Bill Format	Proposed Long Bill Reorganization	Notes
(1) ADMINISTRATION AND SUPPORT	(1) ADMINISTRATION AND SUPPORT	
(B) Special Programs	(B) Special Environmental Programs	
(1) Environmental Leadership and Pollution Prevention	Environmental Leadership and Pollution Prevention	
	Housed Commercial Swine Feeding Operations (HCSFO) Program	Moved from AQCD
	Recycling Resources Economic Opportunity Program	New line per H.B. 07-1288
	Advanced Technology Research Grants	New line per S.B. 07-182
	(C) Special Health Programs	
(2) Health Disparities Grant Program	(1) Health Disparities Grant Program	

Based on this proposed reorganization, JBC staff for the CDPHE Environmental Divisions would also be responsible for the Special Environmental Programs subdivision in the Administration and Support Division.

Hazardous Materials/Waste Management Division (HMWMD) Requested Reorganization

The Department is also requesting a reorganization in the HMWMD. This Division has seven subdivisions. Currently, four subdivisions have program lines (with a blended appropriation for personal services and operating expenses), and three subdivisions have separate Personal Services and Operating Expenses line items. The Department requested that the separate Personal Services and Operating Expenses line items be merged into program lines for each affected subdivision.

Staff does not recommend the requested HMWMD reorganization. Typically, the reason for providing a program line is to provide a program with few FTE flexibility in how it uses its appropriation, such as when there is staff turnover or the need for an expensive purchase. The downside to a program line is a reduction in the amount of control the Legislature has over the appropriation. Three of the HMWMD programs that now have program lines have less than 4.0 FTE; the fourth has 17.0 FTE. The programs for which the Department is requesting program lines have 21.5 to 43.4 FTE. These programs are large enough to manage their appropriations without a program line item.

(1) ADMINISTRATION AND SUPPORT

(B) Special Environmental Programs

As described above, this proposed new subdivision would house the appropriations for specialized and interdisciplinary environmental programs.

Environmental Leadership and Pollution Prevention

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. The Pollution Prevention Program issues grants to entities attempting to reduce pollution created by hazardous substances. The program also 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.

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

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	1.0	1.0	1.0	1.0
Environ. Protection Specialist	3.2	2.9	2.9	2.9
Management	0.7	1.0	1.0	1.0
Physical Scientist	1.0	1.0	1.0	1.0
Staff / General Professional	1.0	1.1	1.1	1.1
TOTAL	6.9	7.0	7.0	7.0

The FTE in this program are entirely federally funded. The Department requests and **staff recommends a continuing appropriation of \$879,035 and 7.0 FTE.** Previously, part of this appropriation was cash funds exempt reserves from various cash funds. Since those monies are not appropriated elsewhere, that funding should now be classified as cash funds. Therefore, the total appropriation should be comprised of \$174,176 cash funds and \$704,859 federal funds. Staff did not apply the 1.0 percent personal services base reduction because the FTE are all federally funded.

Housed Commercial Swine Feeding Operations (HCSFO) Program

This program began in FY 2006-07 with the passage of S.B. 06-117, Housed Commercial Swine Feeding Operations (Kester/Gardner). The bill 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.

As discussed above, the appropriation for this program is now located in the Air Quality Control Division. However, because of the interdisciplinary nature of the program, it is actually administered by Pollution Prevention staff, whose appropriation is located in Administration, Special Programs. **Staff recommends that the appropriation for this program be moved to a new line item: Administration and Support, Administration, Special Environmental Programs, Housed Commercial Swine Feeding Operations (HCSFO) Program.**

Staff recommends a total appropriation of \$58,316 cash funds from the Housed Commercial Swine Feeding Operation Fund, and 0.5 FTE. The funding for this line item was calculated in accordance with JBC common policies and is summarized below in the Air Quality Control Division.

Recycling Resources Economic Opportunity Program

This program was created by H.B. 07-1288 (Solano/Shaffer), the "Recycling Resources Economic Opportunity Act". The bill 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 Recycling Resources Economic Opportunity 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. Pollution prevention efforts cross division lines and involve all media (air, water and waste). Consequently, the Department has requested that this appropriation reside here.

For FY 2007-08, the bill appropriated \$3,307,565 cash funds and 4.8 FTE to the Department of Public Health and Environment; of that appropriation, \$2,482,565 and 0.6 FTE belong in this line item, and the remainder in the Hazardous Materials/Waste Management Division. For FY 2008-09, the fiscal note indicates that the Department should receive an increase in its cash funds spending authority, part of which should be appropriated to this line item and part in the Hazardous Materials/Waste Management Division. Based on the Department's allocation of those funds, **staff recommends the requested appropriation of \$2,629,361 cash funds and 0.6 FTE.** The source of cash funds is the Recycling Resources Economic Opportunity Fund.

Advanced Technology Research Grants

This 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. Moneys in the fund shall be used to finance research that will increase or improve recycling techniques or create marketable uses for solid waste, including waste tires but excluding waste-to-energy projects, and address problems with

solid waste disposal. The criteria for awarding grants shall be developed in consultation with the Pollution Prevention Advisory Board Assistance Committee.

The Advanced Technology Research Grant 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. Pollution prevention efforts cross division lines and involve all media (air, water and waste). Consequently, the Department has requested that this appropriation reside here.

Beginning in FY 2007-08, the bill specified that monies in the Advanced Technology Fund are continuously appropriated to the Department of Public Health and Environment. Historically, the Department of Higher Education administered the fund and had a line item with \$495,000 cash funds exempt spending authority, shown for informational purposes only. For the purposes of continuity in the Long Bill, the Department requested a new line item showing that it now has spending authority from that fund. The monies came from cash fund reserves that are not otherwise appropriated, and thus they should now be classified as cash funds. Therefore, **staff recommends the requested appropriation of \$495,000 cash funds** from the Advanced Technology Fund, noting that this appropriation is for informational purposes only.

(5) AIR QUALITY 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.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	0.5	0.6	0.6	0.6
Management	2.0	2.0	2.0	2.0
Staff / General Professionals	1.9	1.9	1.9	1.9
TOTAL	4.4	4.5	4.5	4.5

Personal Services

Staff recommends an appropriation of \$362,156 and 4.5 FTE. The recommended funding breakdown is \$271,747 cash funds and \$90,409 federal funds. The 1.0 percent base reduction was not applied as this program has less than 20.0 FTE. The source of cash funds is the Stationary Sources Control Fund. The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Administration Personal Services Recommendation						
	GF	CF	RF/CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$125,254	\$131,095	\$90,409	\$346,758	4.5
FY 2007-08 Salary Survey	\$0	\$6,504	\$5,091	\$0	\$11,595	0.0
80% of FY 2007-08 PBP	\$0	\$2,133	\$1,670	\$0	\$3,803	0.0
Reappropriated Funds Adjustment	\$0	\$137,856	(\$137,856)	\$0	\$0	0.0
Staff Recommendation	\$0	\$271,747	\$0	\$90,409	\$362,156	4.5

Operating Expenses

Staff recommends the requested continuing appropriation of \$9,187 federal funds.

Indirect Cost Assessment

Pending. Once Committee action on all line items is final, staff will work with the Department to obtain the final indirect cost assessments.

(5) Air Quality Control Division - Reorganization

To determine the correct appropriation for each new line item in the three subdivisions affected by the proposed reorganization, staff figure set the line items in the old format, made any adjustments necessary for reappropriated funds, then determined the line items into which those appropriations should be transferred. The tables below show the proposed appropriations for the three new Technical Services line items. Following those table is the figure setting information in the old format and an explanation of where staff recommends each appropriation now be located.

Because staff figure set the individual lines before compiling them into the new lines, many lines were below the 20.0 FTE threshold for applying the 1.0 percent personal services base reduction. However, once consolidated, the new Personal Services lines would exceed the 20.0 threshold. Nonetheless, **staff recommends not applying the base reduction to these line items.** These programs are all funded with cash funds and federal funds, so there is no need to cut the appropriations as part of a budget balancing measure.

(B) Technical Services - Proposed Reorganization

The Technical Services subdivision contains three programs/sub-subdivisions: Air Quality Monitoring; Modeling and Analysis; and Visibility and Risk Assessment. Under the proposed reorganization, the appropriations for the three programs would be rolled into three line items, as outlined below.

Current Format	Proposed Reorganization
(5) AIR QUALITY CONTROL DIVISION	(5) AIR QUALITY CONTROL DIVISION
(B) Technical Services	(B) Technical Services
(1) Air Quality Monitoring Personal Services Operating Expenses Local Contracts	Personal Services Operating Expenses Local Contracts
(2) Modeling and Analysis Personal Services Operating Expenses Ozone Modeling Contracts	
(3) Visibility and Risk Assessment Personal Services Operating Expenses	

Technical Services, Personal Services

This new line item would house the appropriation for all Technical Services FTE, including those Air involved with air quality monitoring, modeling and analysis, visibility, and risk assessment. **Staff recommends a total appropriation of \$2,747,272, comprised of \$1,762,618 cash funds and \$984,654 federal funds, and 35.1 FTE.** The table below shows how this appropriation was arrived at; detailed figure setting for each of the line items contributing to this line item is provided in the pages that follow.

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.

Summary of APCD, Technical Services, Personal Services Recommendation						
	GF	CF	RF	FF	TOTAL	FTE
From Air Quality Monitoring, PS	\$0	\$1,118,318	\$0	\$307,754	\$1,426,072	18.6
From Air Quality Modeling, PS	\$0	\$286,075	\$0	\$570,701	\$856,776	11.1
From Visibility & Risk Assmt, PS	\$0	\$358,225	\$0	\$106,199	\$464,424	5.4
Staff Recommendation	\$0	\$1,762,618	\$0	\$984,654	\$2,747,272	35.1

Technical Services, Operating Expenses

This new line item would house the operating expenses appropriation associated with all of the Technical Services programs, including air quality monitoring, modeling and analysis, visibility, and risk assessment. **Staff recommends an appropriation of \$320,319, comprised of \$235,758 cash funds and \$84,561 federal funds.** 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.

Summary of APCD, Technical Services, Operating Expenses Recommendation					
	GF	CF	RF	FF	TOTAL
From Air Quality Monitoring, OE	\$0	\$96,458	\$0	\$16,357	\$112,815
From Air Quality Modeling, OE	\$0	\$139,300	\$0	\$41,570	\$180,870
From Visibility & Risk Assmt, OE	\$0	\$0	\$0	\$26,634	\$26,634
Staff Recommendation	\$0	\$235,758	\$0	\$84,561	\$320,319

Technical Services, Local Contracts

Under the proposed Division reorganization, this would be a new line item. **Staff recommends an appropriation of \$650,551,** comprised of \$556,304 cash funds and \$94,247 federal funds. 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.

Summary of APCD, Technical Services, Local Contracts Recommendation					
	GF	CF	RF	FF	TOTAL
From Air Quality Monitoring, Local Contracts	\$0	\$556,304	\$0	\$14,594	\$570,898
From Air Quality Modeling, Ozone Modeling Contracts	\$0	\$0	\$0	\$79,653	\$79,653
Staff Recommendation	\$0	\$556,304	\$0	\$94,247	\$650,551

(B) Technical Services - Existing Format

Below, for each of the three Technical Services sub-subdivisions, staff provides the appropriations calculations for each of the current line items, the cash funds exempt/reappropriated funds adjustment (if applicable), and the recommended change in the appropriation based on the proposed reorganization.

(1) Air Quality Monitoring

The monitoring program 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.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	1.4	1.5	1.5	1.5
Electronics Specialists	2.0	2.0	2.0	2.0
Engineers	2.6	3.0	3.0	3.0
Envir. Protection Specialist	4.1	4.5	4.5	4.5
Information Systems Staff	0.4	1.3	1.3	1.3
Management	1.1	1.0	1.0	1.0
Physical Scientists	3.8	3.6	3.6	3.6
Staff / General Professionals	1.8	1.7	1.7	1.7
TOTAL	17.2	18.6	18.6	18.6

Personal Services

Funding for this line item is used for air quality monitoring staff. **Staff recommends that this line item be eliminated and the appropriation be moved to the new Technical Services, Personal Services line item described above.** The base funding for this line item was calculated in accordance with JBC common policies and is summarized below.

- The 1.0 percent base reduction was not applied as this program has less than 20.0 FTE.
- The sources of cash funds are the Stationary Sources Control Fund and the Ozone Protection Fund.
- The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Technical Services, Air Quality Monitoring Personal Services Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$60,075	\$1,012,047	\$307,754	\$1,379,876	18.6
FY 2007-08 Salary Survey	\$0	\$473	\$34,328	\$0	\$34,801	0.0
80% of FY 2007-08 PBP	\$0	\$155	\$11,240	\$0	\$11,395	0.0
Reappropriated Funds Adjustment	\$0	\$1,057,615	(\$1,057,615)	\$0	\$0	0.0
Division Reorganization	\$0	(\$1,118,318)	\$0	(\$307,754)	(\$1,426,072)	(18.6)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

Operating Expenses

This line item is used for operating expenses associated with air quality monitoring. **Staff recommends the requested continuing appropriation of \$112,815 be moved to the new Technical Services, Operating Expenses line item described above.** The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Technical Services, Air Quality Monitoring Operating Expenses Recommendation					
	GF	CF	CFE/RF	FF	TOTAL
2007 Long Bill Approp.	\$0	\$0	\$96,458	\$16,357	\$112,815
Reappropriated Funds Adjustment	\$0	\$96,458	(\$96,458)	\$0	\$0
Division Reorganization	\$0	(\$96,458)	\$0	(\$16,357)	(\$112,815)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0

Local Contracts

The Department uses this line item to contract with local health agencies to collect air quality data. **Staff recommends the requested appropriation of \$570,898 be moved to the new Technical Services, Local Contracts line item described above and that this line item be eliminated.** The sources of cash funds are the Stationary Sources Control Fund and the Ozone Protection Fund. The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund, and reserves from the Stationary Sources Cash Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Technical Services, Air Quality Monitoring Local Contracts Recommendation					
	GF	CF	CFE/RF	FF	TOTAL
2007 Long Bill Appro.	\$0	\$84,270	\$472,034	\$78,370	\$634,674
Federal Fund Reduction	\$0	\$0	\$0	(\$63,776)	(\$63,776)
Reappropriated Funds Adjustment	\$0	\$472,034	(\$472,034)	\$0	\$0
Division Reorganization	\$0	(\$556,304)	\$0	(\$14,594)	(\$570,898)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0

(5) Air Quality Control Division

(B) Technical Services; (2) Modeling and Analysis

This program 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.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	0.4	0.6	0.6	0.6
Electronics Specialists	0.0	0.2	0.2	0.2
Engineers	1.5	2.1	2.1	2.1
Environ. Protection Specialists	3.4	3.0	3.0	3.0
Information Systems Staff	1.1	1.2	1.2	1.2
Management	0.1	0.2	0.2	0.2
Physical Scientists	2.8	3.3	3.3	3.3
Staff / General Professional	0.5	0.5	0.5	0.5
TOTAL	9.8	11.1	11.1	11.1

Personal Services

Funding for this line item is used for air quality modeling staff. **Staff recommends that this line item be eliminated and the appropriation be moved to the new Technical Services, Personal Services line item described above.** The base funding for this line item was calculated in accordance with JBC common policies and is summarized below.

- The 1.0 percent base reduction was not applied as this program has less than 20.0 FTE.
- The source of cash funds is the Stationary Sources Control Fund.
- The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Technical Services, Modeling & Analysis Personal Services Recommendation						
	GF	CF	CFE/RF	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$83,786	\$190,608	\$570,701	\$845,095	11.1
FY 2007-08 Salary Survey	\$0	\$3,052	\$5,746	\$0	\$8,798	0.0
80% of FY 2007-08 PBP	\$0	\$1,000	\$1,883	\$0	\$2,883	0.0
Reappropriated Funds Adjustment	\$0	\$198,237	(\$198,237)	\$0	\$0	0.0
Division Reorganization	\$0	(\$286,075)	\$0	(\$570,701)	(\$856,776)	(11.1)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

Operating Expenses

This line item is used for operating expenses associated with air quality modeling. **Staff recommends the requested appropriation of \$180,870 be moved to the new Technical Services, Operating Expenses line item described above.** The source of cash funds is the Stationary Sources Control Fund. The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Technical Services, Air Quality Monitoring Operating Expenses Recommendation					
	GF	CF	CFE/RF	FF	TOTAL
2007 Long Bill Approp.	\$0	\$15,005	\$124,295	\$109,070	\$248,370
Federal Funds Reduction	\$0	\$0	\$0	(\$67,500)	(\$67,500)
Reappropriated Funds Adjustment	\$0	\$124,295	(\$124,295)	\$0	\$0
Division Reorganization	\$0	(\$139,300)	\$0	(\$41,570)	(\$180,870)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0

Ozone Modeling Contracts

In October 2007, the JBC approved a 1331 supplemental increase for \$220,184 (\$99,837 cash funds exempt spending authority from the AIR subaccount in the HUTF and \$120,347 in federal funding), for costs related to ozone modeling.

During the summer of 2007, ozone monitors in the Front Range's Ozone Early Action Compact Area recorded sufficient readings above the federal 8-hour ozone standard that the U.S. EPA designated the Area as non-attainment for this pollutant. The Department has until next fall to work with stakeholders to develop a State Implementation Plan (SIP) amendment for this standard that will meet the EPA's approval. Part of the SIP development process is photochemical dispersion modeling and meteorology modeling which will be paid for, in part, with this appropriation.

The FY 2008-09 portion of the supplemental request was \$79,653 federal funds. **Staff recommends the requested appropriation be moved to the new Technical Services, Local Contracts line item and that this line item be eliminated.**

(5) Air Quality Control Division

(B) Technical Services; (3) Visibility and Risk Assessment

This section is responsible for two programs, the Class I Area Program (national parks and wilderness areas) and the urban visibility program.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	0.1	0.2	0.2	0.2
Environ. Protection Specialists	1.6	2.0	2.0	2.0
Physical Scientists	2.5	3.0	3.0	3.0
Information Systems	0.1	0.0	0.0	0.0
Management	0.1	0.0	0.0	0.0
Staff / General Professional	0.4	0.2	0.2	0.2
TOTAL	4.8	5.4	5.4	5.4

Personal Services

Funding for this line item is used for staff involved with visibility and risk assessment. **Staff recommends that this line item be eliminated and the appropriation be moved to the new Technical Services, Personal Services line item described above.** The base funding for this line item was calculated in accordance with JBC common policies and is summarized below.

- The 1.0 percent base reduction was not applied as this program has less than 20.0 FTE.
- The source of cash funds is the Stationary Sources Control Fund.
- The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Technical Services, Visibility & Risk Assessment Personal Services Recommendation						
	GF	CF	CFE/RF	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$260,884	\$79,076	\$106,199	\$446,159	5.4
FY 2007-08 Salary Survey	\$0	\$10,483	\$3,269	\$0	\$13,752	0.0
80% of FY 2007-08 PBP	\$0	\$3,440	\$1,073	\$0	\$4,513	0.0
Reappropriated Funds Adjustment	\$0	\$83,418	(\$83,418)	\$0	\$0	0.0
Division Reorganization	\$0	(\$358,225)	\$0	(\$106,199)	(\$464,424)	(5.4)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

Operating Expenses

This line item is used for operating expenses associated with visibility and risk assessment. **Staff recommends the requested appropriation of \$26,634 be moved to the new Technical Services, Operating Expenses line item described above.**

Summary of APCD, Technical Services, Air Quality Monitoring Operating Expenses Recommendation					
	GF	CF	CFE/RF	FF	TOTAL
2007 Long Bill Approp.	\$0	\$0	\$0	\$39,142	\$39,142
Federal Funds Reduction	\$0	\$0	\$0	(\$12,508)	(\$12,508)
Division Reorganization	\$0	\$0	\$0	(\$26,634)	(\$26,634)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0

(5) AIR QUALITY CONTROL DIVISION

(C) Mobile Sources - Proposed Reorganization

The Mobile Sources subdivision contains two programs/sub-subdivisions: Research and Support, and Inspection and Maintenance. Under the proposed reorganization, the appropriations for these two programs would be rolled into five line items, as described below.

Current Format	Proposed Reorganization
(5) AIR QUALITY CONTROL DIVISION	(5) AIR QUALITY CONTROL DIVISION
(C) Mobile Sources	(C) Mobile Sources
(1) Research and Support Personal Services Operating Expenses Local Contracts	Personal Services Operating Expenses Diesel Inspection/Mnt Program Mechanic Certification Program Local Grants
(2) Inspection and Maintenance Personal Services Operating Expenses Diesel Inspection/Mnt Program Mechanic Certification Program Local Grants	

Mobile Sources, Personal Services

This proposed new line item would house most of the Personal Services appropriation for the Mobile Sources program including research and support activities, and inspection and maintenance. **Staff recommends a total appropriation of \$2,312,484, comprised of \$2,115,510 cash funds and \$196,484 federal funds, and 29.2 FTE.** The table below shows how this appropriation was arrived at; detailed figure setting for each of the line items contributing to this line item is provided in the pages that follow.

The source of cash funds is the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund.

Summary of APCD, Mobile Sources, Personal Services Recommendation						
	GF	CF	RF	FF	TOTAL	FTE
From Research & Support, PS	\$0	\$1,384,799	\$0	\$196,974	\$1,581,773	20.0
From Inspection & Maintenance, PS	\$0	\$730,711	\$0	\$0	\$730,711	9.2
Staff Recommendation	\$0	\$2,115,510	\$0	\$196,974	\$2,312,484	29.2

Mobile Sources, Operating Expenses

This new line item would house the appropriation for all operating expenses associated with the research and support activities, and inspection and maintenance services provided by the Mobile Sources Program. **Staff recommends an appropriation of \$334,827** comprised of \$316,577 cash funds and \$18,250 federal funds. The source of cash funds is the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund.

Summary of APCD, Mobile Sources, Operating Expenses Recommendation					
	GF	CF	RF	FF	TOTAL
From Research & Support, OE	\$0	\$288,127	\$0	\$18,250	\$306,377
From Inspection & Maintenance, OE	\$0	\$28,450	\$0	\$0	\$28,450
Staff Recommendation	\$0	\$316,577	\$0	\$18,250	\$334,827

Mobile Sources, Diesel Inspection/Maintenance Program

Under the proposed Division reorganization, this would be a new line item. **Staff recommends an appropriation of \$647,743 cash funds and 6.6 FTE.** Previously, this funding would have been appropriated to the Mobile Sources, Inspection and Maintenance, Diesel Inspection/Maintenance Program line item (see below for details). The source of cash funds is diesel inspection and mechanic certification fees.

Mobile Sources, Mechanic Certification Program

Under the proposed Division reorganization, this would be a new line item. **Staff recommends an appropriation of \$7,000 cash funds.** Previously, this funding would have been appropriated to the Mobile Sources, Inspection and Maintenance, Mechanic Certification Program line item (see below for details). The source of cash funds is diesel inspection and mechanic certification fees.

Mobile Sources, Local Grants

Under the proposed Division reorganization, this would be a new line item. **Staff recommends an appropriation of \$45,299 cash funds.** Previously, this funding would have been appropriated to the Mobile Sources, Inspection and Maintenance, Local Grants line item (see below for details). The source of cash funds is the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund.

(C) Mobile Sources - Existing Format

(1) Research and Support

This program/sub-subdivision is responsible for three programs: the High Altitude Testing Program, the Oxygenated Fuel Program, and 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 Program is designed to reduce motor vehicle emissions through the introduction of cleaner burning engines and fuels into the marketplace.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	2.0	2.5	2.5	2.5
Air Environmental Specialist	2.3	2.5	2.5	2.5
Environ. Protection Specialists	6.4	7.5	7.5	7.5
Information Systems Staff	0.3	0.4	0.4	0.4
Management	0.7	1.0	1.0	1.0
Physical Scientists	4.1	3.9	3.9	3.9
Program Assistant	0.8	0.7	0.7	0.7
Staff / General Professional	1.8	1.5	1.5	1.5
TOTAL	18.4	20.0	20.0	20.0

Personal Services

Funding for this line item is used for research and support staff. **Staff recommends that this line item be eliminated and the appropriation be moved to the new Mobile Sources, Personal Services line item described above.** The base funding for this line item was calculated in accordance with JBC common policies and is summarized below. The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Mobile Sources, Research & Support Personal Services Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$0	\$1,356,109	\$198,964	\$1,555,073	20.0
FY 2007-08 Salary Survey	\$0	\$0	\$32,151	\$0	\$32,151	0.0
80% of FY 2007-08 PBP	\$0	\$0	\$10,527	\$0	\$10,527	0.0
1.0 % PS Base Reduction	\$0	\$0	(\$13,988)	(\$1,990)	(\$15,978)	0.0
Reappropriated Funds Adjustment	\$0	\$1,384,799	(\$1,384,799)	\$0	\$0	0.0
Division Reorganization	\$0	(\$1,384,799)	\$0	(\$196,974)	(\$1,581,773)	(20.0)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

Operating Expenses

This line item is used for operating expenses associated with mobile sources research and support. **Staff recommends the requested continuing appropriation of \$306,377 be moved to the new Mobile Sources, Operating Expenses line item described above.** The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Mobile Sources, Research & Support Operating Expenses Recommendation					
	GF	CF	CFE/RF	FF	TOTAL
2007 Long Bill Approp.	\$0	\$0	\$288,127	\$18,250	\$306,377
Reappropriated Funds Adjustment	\$0	\$288,127	(\$288,127)	\$0	\$0
Division Reorganization	\$0	(\$288,127)	\$0	(\$18,250)	(\$306,377)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0

(5) Air Quality Control Division

(C) Mobile Sources; (2) Inspection and Maintenance

The purpose of the Vehicle Inspection and Maintenance Program is 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 in nine counties along Colorado's Front Range.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	1.1	1.0	1.0	1.0
Air Environmental Specialist	3.1	3.9	3.9	3.9
Environ. Protection Specialists	1.4	2.6	2.6	2.6
Information Systems Staff	0.2	0.2	0.2	0.2
Management	0.1	0.0	0.0	0.0
Physical Scientist	0.3	0.4	0.4	0.4
Program Assistant	0.2	0.2	0.2	0.2
Staff / General Professionals	0.8	0.9	0.9	0.9
TOTAL	7.2	9.2	9.2	9.2

Personal Services

Funding for this line item is used for inspection and maintenance staff. **Staff recommends that this line item be eliminated and the appropriation be moved to the new Mobile Sources, Personal Services line item described above.** The base funding for this line item was calculated in accordance with JBC common policies and is summarized below. The 1.0 percent base reduction was not applied as this program has less than 20.0 FTE. The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Mobile Sources, Inspection & Maintenance Personal Services Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$0	\$694,239	\$0	\$694,239	9.2
FY 2007-08 Salary Survey	\$0	\$0	\$27,476	\$0	\$27,476	0.0
80% of FY 2007-08 PBP	\$0	\$0	\$8,996	\$0	\$8,996	0.0
Reappropriated Funds Adjustment	\$0	\$730,711	(\$730,711)	\$0	\$0	0.0
Division Reorganization	\$0	(\$730,711)	\$0	\$0	(\$730,711)	(9.2)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

Operating Expenses

This line item is used for operating expenses associated with mobile source inspections and maintenance. **Staff recommends the requested continuing appropriation of \$28,450 be moved to the new Mobile Sources, Operating Expenses line item described above.** The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Technical Services, Air Quality Monitoring Operating Expenses Recommendation					
	GF	CF	CFE/RF	FF	TOTAL
2007 Long Bill Approp.	\$0	\$0	\$28,450	\$0	\$28,450
Reappropriated Funds Adjustment	\$0	\$28,450	(\$28,450)	\$0	\$0
Division Reorganization	\$0	(\$28,450)	\$0	\$0	(\$28,450)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0

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.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Assistant	0.4	0.6	0.6	0.6
Air Environmental Specialist	2.2	1.8	1.8	1.8
Environ. Protection Specialists	1.9	3.0	3.0	3.0
Management	0.2	0.2	0.2	0.2
Physical Scientist	0.6	0.5	0.5	0.5
Staff / General Professional	1.1	0.5	0.5	0.5
TOTAL	6.4	6.6	6.6	6.6

Staff recommends that this line item be eliminated and the appropriation be moved to the new Mobile Sources, Diesel Inspection/Maintenance Program line item described above. The base funding for this line item was calculated in accordance with JBC common policies and is summarized below. The 1.0 percent base reduction was not applied as this program has less than 20.0 FTE. The sources of cash funds are diesel inspection and mechanic certification fees. The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Mobile Sources, Inspection & Maintenance, Diesel Inspection/Maintenance Program Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$174,277	\$464,041	\$0	\$638,318	6.6
FY 07-08 Salary Survey	\$0	\$0	\$7,100	\$0	\$7,100	0.0
80% of FY 2007-08 PBP	\$0	\$0	\$2,325	\$0	\$2,325	0.0
Reappropriated Funds Adjustment	\$0	\$473,466	(\$473,466)	\$0	\$0	0.0
Division Reorganization	\$0	(\$647,743)	\$0	\$0	(\$647,743)	(6.6)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

Mechanic Certification Program

This line item course curricula and training materials, and includes the training and certification of instructors. **Staff recommends the requested appropriation of \$7,000 cash funds and no FTE. Staff recommends that this line item be eliminated and the appropriation be moved to the new Mobile Sources, Mechanic Certification line item described above.** This recommendation includes a reduction of 0.1 FTE. For the past three years, this FTE appropriation has not been utilized and the Department has indicated that it can be eliminated. The source of cash funds is tuition for the program.

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. **Staff recommends the requested continuing appropriation of \$45,299. Staff recommends that this line item be eliminated and the appropriation be moved to the new Mobile Sources, Local Grants line item described above.** Previously, the source of source of cash funds exempt was the AIR Account. However, since those monies are not otherwise appropriated, that appropriation will now be identified as cash funds.

(5) Air Quality Control Division

(D) Stationary Sources - Proposed Reorganization

The Stationary Sources Section is responsible for controlling and reducing air pollutants from stationary sources (i.e., factories, power plants, wood stoves, and housed commercial swine feeding operations). The staff permit, monitor, and inspect stationary source air pollution emitters. The Section contains 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. Under the proposed reorganization, the appropriations for the first three programs/sub-subdivisions would be rolled into four line items, as described below. Staff recommends that the appropriation for the Housed Commercial Swine Feeding Operation Program be moved to the Administration Division, Special Environmental Programs subdivision.

Current Format	Proposed Reorganization
(5) AIR QUALITY CONTROL DIVISION	(5) AIR QUALITY CONTROL DIVISION
(D) Stationary Sources	(D) Stationary Sources
(1) Inventory and Support Services Personal Services Operating Expenses	Personal Services Operating Expenses Local Contracts
(2) Permits and Compliance Assurance Personal Services Operating Expenses Local Contracts	Preservation of the Ozone Layer
(3) Hazardous and Toxic Control Personal Services Operating Expenses Preservation of the Ozone Layer	
(4) Housed Commercial Swine Feeding Operations (HCSFO) Program Program Costs	(as discussed above, staff recommends moving the appropriation for the HCSFO program to the new Special Environmental Program subdivision in the Administration and Support Division.)

Stationary Sources, Personal Services

This new line item would house 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. **Staff recommends a total appropriation of \$6,216,941** comprised of \$4,854,360 cash funds and \$1,362,581 federal funds, and 83.2 FTE. The table below shows how this appropriation was arrived at; detailed figure setting for each of the line items contributing to this line item is provided in the pages that follow. The sources of cash funds are the Stationary Sources Control Fund and the Lead Hazard Reduction Cash Fund.

Summary of APCD, Stationary Sources, Personal Services Recommendation						
	GF	CF	RF	FF	TOTAL	FTE
From Inventory & Support Services, PS	\$0	\$1,128,597	\$0	\$576,102	\$1,704,699	23.1
From Permits & Compliance Assurance, PS	\$0	\$3,010,604	\$0	\$599,852	\$3,610,456	48.1
From Hazardous & Toxic Control, PS	\$0	\$715,159	\$0	\$186,627	\$901,786	12.0
Staff Recommendation	\$0	\$4,854,360	\$0	\$1,362,581	\$6,216,941	83.2

Stationary Sources, Operating Expenses

This new line item would house 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. **Staff recommends an appropriation of \$374,321** comprised of \$372,991 cash funds and \$1,330 federal funds. The sources of cash funds are the Stationary Sources Control Fund and the Lead Hazard Reduction Cash Fund.

Summary of APCD, Stationary Sources, Operating Expenses Recommendation					
	GF	CF	RF	FF	TOTAL
From Inventory & Support Services, OE	\$0	\$258,661		\$0	\$258,661
From Permits & Compliance Assurance, OE	\$0	\$50,567		\$1,330	\$51,897
From Hazardous & Toxic Control, OE	\$0	\$63,763		\$0	\$63,763
Staff Recommendation	\$0	\$372,991		\$1,330	\$374,321

Stationary Sources, Local Contracts

Under the proposed Division reorganization, this would be a new line item. **Staff recommends an appropriation of \$685,257** comprised of \$570,177 cash funds and \$115,080 federal funds. Previously, this funding would have been appropriated to the Stationary Sources, Permits and Compliance Assurance, Local Contracts line item (see below for details). The source of cash funds is the Stationary Sources Control Fund.

Preservation of the Ozone Layer

Under the proposed Division reorganization, this would be a new line item. **Staff recommends an appropriation of \$219,827 cash funds and 2.0 FTE.** Previously, this funding would have been appropriated to the Stationary Sources, Permits and Compliance Assurance, Preservation of the Ozone Layer line item (see below for details). 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.

(D) Stationary Sources - Existing Format

(1) Inventory and Support Services

This program 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.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	0.2	1.0	1.0	1.0
Engineer	4.8	5.8	5.8	5.8
Environ. Protection Specialists	11.5	12.0	12.0	12.0
Information Systems Staff	0.5	0.7	0.7	0.7
Management	1.1	0.5	0.5	0.5
Physical Scientist	0.9	1.2	1.2	1.2
Staff / General Professionals	1.8	1.9	1.9	1.9
TOTAL	20.8	23.1	23.1	23.1

Personal Services

Funding for this line item is used for stationary sources inventory and support staff. **Staff recommends that this line item be eliminated and the appropriation be moved to the new Stationary Sources, Personal Services line item described above.** The base funding for this line item was calculated in accordance with JBC common policies and is summarized below. The source of cash funds is the Stationary Sources Control Fund.

Summary of APCD, Stationary Sources, Inventory & Support Services Personal Services Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$1,098,933	\$0	\$581,921	\$1,680,854	23.1
FY 2007-08 Salary Survey	\$0	\$30,914	\$0	\$0	\$30,914	0.0
80% of FY 2007-08 PBP	\$0	\$10,150	\$0	\$0	\$10,150	0.0
1.0 % PS Base Reduction	\$0	(\$11,400)	\$0	(\$5,819)	(\$17,219)	0.0
Division Reorganization	\$0	(\$1,128,597)	\$0	(\$576,102)	(\$1,704,699)	(23.1)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

Operating Expenses

This line item is used for operating expenses associated with stationary sources inventory and support. **Staff recommends the requested continuing appropriation of \$258,661 cash funds be moved to the new Stationary Sources, Operating Expenses line item described above.** The source of cash funds is the Stationary Sources Control Fund.

(5) Air Quality Control Division

(D) Stationary Sources; (2) Permits and Compliance Assurance

This section 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.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	2.8	4.0	4.0	4.0
Environ. Protection Specialist	16.3	22.7	23.7	23.7
Engineer	9.1	11.5	11.5	11.5
Information Systems Staff	1.8	1.0	1.0	1.0
Management	0.2	0.3	0.3	0.3
Physical Scientists	1.6	3.0	3.0	3.0
Staff / General Professionals	3.4	4.6	4.6	4.6
TOTAL	35.2	47.1	48.1	48.1

Personal Services

Funding for this line item is used for permits and compliance assurance staff. **Staff recommends that this line item be eliminated and the appropriation be moved to the new Stationary Sources, Personal Services line item described above.** The base funding for this line item was calculated in accordance with JBC common policies and is summarized below. The source of cash funds is the Stationary Sources Control Fund. The source of cash funds exempt was reserves in the Stationary Sources Control Fund. Since these funds are not otherwise appropriated, they should now be classified as cash funds.

Summary of APCD, Stationary Sources, Permits & Compliance Assurance Personal Services Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$2,746,932	\$99,045	\$605,911	\$3,451,888	46.1
H.B. 07-1341 Oil & Gas Conservation Commission Membership	\$0	\$79,140	\$0	\$0	\$79,140	1.0
Annualize H.B. 07-1341	\$0	\$27,741	\$0	\$0	\$27,741	1.0
FY 2007-08 Salary Survey	\$0	\$66,366	\$0	\$0	\$66,366	0.0
80% of FY 2007-08 PBP	\$0	\$21,790	\$0	\$0	\$21,790	0.0
1.0 % PS Base Reduction	\$0	(\$29,420)	(\$990)	(\$6,059)	(\$36,469)	0.0
Reappropriated Funds Adjustment	\$0	\$98,055	(\$98,055)	\$0	\$0	0.0
Division Reorganization	\$0	(\$3,010,604)	\$0	(\$599,852)	(\$3,610,456)	(48.1)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

Operating Expenses

This line item is used for operating expenses associated with permits and compliance assurance. **Staff recommends the requested appropriation of \$51,897 be moved to the new Stationary Sources, Operating Expenses line item described above.** The source of cash funds is the Stationary Sources Control Fund.

Summary of APCD, Stationary Sources, Permits & Compliance Assurance Operating Expenses Recommendation					
	GF	CF	CFE/RF	FF	TOTAL
2007 Long Bill Approp.	\$0	\$46,562	\$0	\$6,330	\$52,892
H.B. 07-1341 Oil & Gas Conservation Commission Membership	\$0	\$3,505	\$0	\$0	\$3,505
Annualize H.B. 07-1341	\$0	\$500	\$0	\$0	\$500
Federal Funds Reduction	\$0	\$0	\$0	(\$5,000)	(\$5,000)
Division Reorganization	\$0	(\$50,567)	\$0	(\$1,330)	(\$51,897)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0

Local Contracts

This line item funds contract costs with local health departments for assistance with the stationary source permitting and inspection process. **Staff recommends the requested appropriation of \$685,257. Staff recommends that this line item be eliminated and the appropriation be moved to the new Stationary Sources, Local Contracts line item described above.** The source of cash funds is the Stationary Sources Control Fund.

Summary of APCD, Stationary Sources, Permits & Compliance Assurance Local Contracts Recommendation					
	GF	CF	CFE/RF	FF	TOTAL
2007 Long Bill Approp.	\$0	\$570,177	\$0	\$244,378	\$814,555
Federal Funds Reduction	\$0	\$0	\$0	(\$129,298)	(\$129,298)
Division Reorganization	\$0	(\$570,177)	\$0	(\$115,080)	(\$685,257)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0

(5) Air Quality Control Division

(D) Stationary Sources; (3) Hazardous and Toxic Control

The Clean Air Act Amendments 1990 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).

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	1.0	1.0	1.0	1.0
Envir. Protection Specialist	6.4	9.7	9.7	9.7
Information Systems Staff	0.3	0.2	0.2	0.2
Management	0.1	0.2	0.2	0.2
Program Assistant	0.2	0.0	0.0	0.0
Staff / General Professionals	1.8	0.9	0.9	0.9
TOTAL	9.8	12.0	12.0	12.0

Personal Services

Funding for this line item is used for hazardous emissions and toxics control staff. **Staff recommends that this line item be eliminated and the appropriation be moved to the new Stationary Sources, Personal Services line item described above.** The base funding for this line item was calculated in accordance with JBC common policies and is summarized below. The 1.0 percent base reduction was not applied as this program has less than 20.0 FTE. The sources of cash funds are the Stationary Sources Control Fund and the Lead Hazard Reduction Cash Fund.

Summary of APCD, Stationary Sources, Hazardous & Toxic Control Personal Services Recommendation						
	GF	CF	CFE/RF	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$684,147	\$0	\$186,627	\$870,774	12.0
FY 2007-08 Salary Survey	\$0	\$23,346	\$0	\$0	\$23,346	0.0
80% of FY 2007-08 PBP	\$0	\$7,666	\$0	\$0	\$7,666	0.0
Division Reorganization	\$0	(\$715,159)	\$0	(\$186,627)	(\$901,786)	(12.0)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

Operating Expenses

This line item is used for operating expenses associated with hazardous emissions and toxics control. **Staff recommends the requested continuing appropriation of \$63,763 cash funds be moved to the new Stationary Sources, Operating Expenses line item described above.** The sources of the cash funds are the Stationary Sources Control Fund and the Lead Hazard Reduction Cash Fund.

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.

Staff recommends that this line item be eliminated and the appropriation be moved to the new Stationary Sources, Preservation of the Ozone Layer line item described above. The base funding for this line item was calculated in accordance with JBC common policies and is summarized below. The 1.0 percent base reduction was not applied as this program has less than 20.0 FTE. The source of cash funds is the Ozone Protection Fund. The cash funds exempt appropriation was funding received from the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund and reserves from the Stationary Sources Control Fund. Since those monies are not otherwise appropriated, that appropriation is now identified as cash funds.

Summary of APCD, Stationary Sources, Preservation of the Ozone Layer Program Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$149,229	\$61,432	\$0	\$210,661	2.0
FY 2007-08 Salary Survey	\$0	\$6,900	\$0	\$0	\$6,900	0.0
80% of FY 2007-08 PBP	\$0	\$2,266	\$0	\$0	\$2,266	0.0
Reappropriated Funds Adjustment	\$0	\$61,432	(\$61,432)	\$0	\$0	0.0
Division Reorganization	\$0	(\$219,827)	\$0	\$0	(\$219,827)	(2.0)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(5) Air Quality Control Division

(D) Stationary Sources; (4) Housed Commercial Swine Feeding Operation (HCSFO) Program

This program began in FY 2006-07 with the passage of S.B. 06-117, Housed Commercial Swine Feeding Operations (Kester/Gardner). The bill allows 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.

In addition, the bill 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.

Program Costs

Staff recommends that this line item be eliminated and the appropriation be moved to the new Administration and Support, Administration, Special Environmental Programs, Housed Commercial Swine Feeding Operations (HCSFO) Program line item described above. The base funding for this line item was calculated in accordance with JBC common policies and is summarized below. The 1.0 percent base reduction was not applied as this program has less than 20.0 FTE. The source of cash funds is the Housed Commercial Swine Feeding Operation Fund.

**Summary of APCD, Stationary Sources, HSCFO Program
Program Costs Recommendation**

	GF	CF	CFE/RF	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$46,302	\$0	\$0	\$46,302	0.5
H.B. 08-1296 Supplemental to implement S.B. 06-114	\$0	\$12,014	\$0	\$0	\$12,014	0.0
Division Reorganization	\$0	(\$58,316)	\$0	\$0	(\$58,316)	(0.5)
Staff Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(6) 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 safe drinking water is provided from all public water systems.

(A) Administration

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

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Accounting	0.7	0.6	0.6	0.6
Administrative Support Staff	3.5	3.6	3.6	3.6
Envir. Protection Specialist	1.3	0.7	0.7	0.7
Management	1.9	1.8	1.8	1.8
Physical Scientist	1.3	3.1	3.1	3.1
Professional Engineer	0.4	0.0	0.0	0.0
Staff / General Professionals	4.6	4.0	4.0	4.0
TOTAL	13.7	13.8	13.8	13.8

Personal Services

Staff recommends an appropriation of \$902,689 and 13.8 FTE. The recommended fund mix is \$506,387 General Fund, \$183,346 cash funds and \$212,506 federal funds. The recommendation was calculated in accordance with Committee common policy and is summarized below. Staff did not apply the 1.0 percent Personal Services base reduction as this program has less than 20.0 FTE. The source of the cash funds is the Water Quality Control Fund.

Summary of WQCD, Administration Personal Services Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$467,328	\$173,844	\$0	\$212,506	\$853,678	13.8
FY 2007-08 Salary Survey	\$29,783	\$7,163	\$0	\$0	\$36,946	0.0
80% of FY 2007-08 PBP	\$9,726	\$2,339	\$0	\$0	\$12,065	0.0
Staff Recommendation	\$506,837	\$183,346	\$0	\$212,506	\$902,689	13.8

Operating Expenses

Staff recommends a continuing appropriation of \$52,356, comprised of \$18,834 General Fund, \$3,459 cash funds, and \$30,063 federal funds.

Indirect Cost Assessment

Pending. Once Committee action on all line items is final, staff will work with the Department to obtain the final indirect cost assessments.

(6) WATER QUALITY CONTROL DIVISION

(B) Watershed Assessment, Outreach, and Assistance

This section 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.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Accounting	0.0	2.0	2.0	2.0
Administrative Support Staff	0.8	2.0	2.0	2.0
Engineer/Physical Science Tech.	3.0	5.4	5.4	5.4
Environ. Protection Specialists	5.5	9.6	9.6	9.6
Information Systems Staff	1.4	1.0	1.0	1.0
Management	0.9	1.0	1.0	1.0
Physical Scientists	11.2	10.6	10.6	10.6
Professional Engineers	2.0	2.2	2.2	2.2
Staff / General Professionals	3.0	5.8	5.8	5.8
TOTAL	27.8	39.6	39.6	39.6

Personal Services

Staff recommends an appropriation of \$2,877,874 and 39.6 FTE. The recommended fund mix is \$318,992 General Fund, \$432,941 cash funds, \$38,957 reappropriated funds, and \$2,086,874 federal funds. The recommendation was calculated in accordance with Committee common policy and is summarized below. The source of the cash funds is the Water Quality Control Fund. The source of reappropriated funds is cash funds transferred from the Department of Agriculture.

Summary of WQCD, Watershed Assessment, Outreach, and Assistance Personal Services Recommendation						
	GF	CF	CFE/RF	FF	TOTAL	FTE
2007 Long Bill Approp.	\$293,047	\$298,087	\$164,003	\$2,108,065	\$2,863,202	39.6
2nd Year Impact of FY 06-07 Decision Item	\$0	\$124,652	(\$124,652)	\$0	\$0	0.0
FY 07-08 Salary Survey	\$21,982	\$10,985	\$0	\$0	\$32,967	0.0
80% of FY 2007-08 PBP	\$7,185	\$3,590	\$0	\$0	\$10,775	0.0
1.0 % Personal Services Base Reduction	(\$3,222)	(\$4,373)	(\$394)	(\$21,081)	(\$29,070)	0.0
Staff Recommendation	\$318,992	\$432,941	\$38,957	\$2,086,984	\$2,877,874	39.6

Operating Expenses

Staff recommends the requested continuing appropriation of \$525,768, comprised of \$376,207 General Fund, \$1,000 cash funds, \$1,675 reappropriated funds, and \$146,886 federal funds. The source of cash fund is the Water Quality Control Fund. The source of reappropriated funds is cash funds transferred from the Department of Agriculture.

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. 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. **Staff recommends the requested continuing appropriation of \$2,136,456 federal funds** provided by the EPA.

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 by 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.

Staff recommends the requested continuing appropriation of \$117,196 cash funds. The source of cash funds is Water Quality Improvement Fund

(6) WATER QUALITY CONTROL DIVISION

(C) Permitting and Compliance Assurance

This section is responsible for issuing discharge permits, monitoring compliance with permits, conducting inspections, providing technical assistance, and pursuing enforcement actions, as necessary.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	3.3	2.8	2.8	2.8
Environ. Protection Specialists	21.4	26.0	26.0	26.0
Information Systems Staff	0.6	0.5	0.5	0.5
Management	0.9	1.0	1.0	1.0
Physical Scientists	2.7	2.4	2.4	2.4
Professional Engineers	6.7	10.6	10.6	10.6
Staff / General Professionals	1.9	1.2	1.2	1.2
TOTAL	37.5	44.5	44.5	44.5

Personal Services

Staff recommends an appropriation of \$3,593,697 and 44.5 FTE. The recommended fund mix is \$179,485 General Fund, \$2,981,236 cash funds, and \$432,976 federal funds. The recommendation was calculated in accordance with Committee common policy and is summarized below.

The former cash funds exempt appropriation was from revenues from Housed Commercial Swine Feeding Operation inspection fees (per Amendment 14) and reserves in the Water Quality Control Fund. Since these monies are not appropriated elsewhere, this appropriation is now cash fund. Other sources of cash funds are the Water Quality Control Fund, the Sludge Management Program Fund, and fees collected by the Industrial Pretreatment Program.

Summary of WQCD, Permitting & Compliance Assurance Personal Services Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$193,177	\$2,538,014	\$232,687	\$437,350	\$3,401,228	44.0
H.B. 07-1329 Water Fees	(\$18,260)	\$151,164	\$0	\$0	\$132,904	0.5
2nd Year Impact of FY 2006-07 Decision Item	\$0	\$72,730	(\$72,730)	\$0	\$0	0.0
FY 2007-08 Salary Survey	\$4,804	\$67,374	\$0	\$0	\$72,178	0.0
80% of FY 2007-08 PBP	\$1,577	\$22,111	\$0	\$0	\$23,688	0.0
1.0 % Base Reduction	(\$1,813)	(\$28,514)	(\$1,600)	(\$4,374)	(\$36,301)	0.0
Reappropriated Funds Adjustment	\$0	\$158,357	(\$158,357)	\$0	\$0	0.0
Staff Recommendation	\$179,485	\$2,981,236	\$0	\$432,976	\$3,593,697	44.5

Operating Expenses

Staff recommends the requested continuing appropriation of \$383,866 comprised of \$227,706 General Fund, \$124,996 cash funds, and \$31,164 federal funds. The former cash funds exempt appropriation was from revenues from Housed Commercial Swine Feeding Operation inspection fees (per Amendment 14) and reserves in the Water Quality Control Fund. Since these monies are not appropriated elsewhere, this appropriation is now cash fund. Other sources of cash funds are the Water Quality Control Fund, the Sludge Management Program Fund, and fees collected by the Industrial Pretreatment Program.

Summary of WQCD, Permitting & Compliance Assurance Operating Expenses Recommendation					
	GF	CF	CFE/RF	FF	TOTAL
2007 Long Bill Approp.	\$227,706	\$113,519	\$11,227	\$31,164	\$383,616
H.B. 07-1329 Water Fees	\$0	\$250	\$0	\$0	\$250
2nd Year Impact of FY 2006-07 Decision Item	\$0	\$500	(\$500)	\$0	\$0
Reappropriated Funds Adjustment	\$0	\$10,727	(\$10,727)	\$0	\$0
Staff Recommendation	\$227,706	\$124,996	\$0	\$31,164	\$383,866

(6) WATER QUALITY CONTROL DIVISION

(D) Drinking Water Program

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

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Accounting	0.2	0.3	0.3	0.3
Administrative Support Staff	3.9	5.4	5.4	5.4
Environ. Protection Specialists	15.3	15.8	15.8	15.8
Information Systems Staff	0.9	0.5	0.5	0.5
Management	1.5	0.7	0.7	0.7
Physical Scientists	4.3	3.4	3.4	3.4
Professional Engineers	14.7	13.5	13.5	13.5
Staff / General Professionals	5.7	5.3	5.3	5.3
TOTAL	46.5	44.9	44.9	44.9

Personal Services

Staff recommends an appropriation of \$3,274,282 and 44.9 FTE. The recommended fund mix is \$858,973 General Fund, \$334,488 cash funds, and \$2,080,821 federal funds. The recommendation was calculated in accordance with Committee common policy and is summarized below. The source of cash funds is the Drinking Water Cash Fund.

Summary of WQCD, Drinking Water Program Personal Services Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$838,531	\$0	\$0	\$2,101,839	\$2,940,370	41.4
H.B. 07-1329 Water Fees	\$0	\$337,867	\$0	\$0	\$337,867	3.5
FY 2007-08 Salary Survey	\$21,957	\$0	\$0	\$0	\$21,957	0.0
80% of FY 2007-08 PBP	\$7,161	\$0	\$0	\$0	\$7,161	0.0
1.0 % Base Reduction	(\$8,676)	(\$3,379)	\$0	(\$21,018)	(\$33,073)	0.0
Staff Recommendation	\$858,973	\$334,488	\$0	\$2,080,821	\$3,274,282	44.9

Operating Expenses

Staff recommends the requested continuing appropriation of \$213,383 comprised of \$94,887 General Fund, \$1,750 cash funds, and \$116,946 federal funds. The source of cash funds is the Drinking Water Cash Fund and the sources of federal funds are EPA grants.

(7) 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.

DI #11: DSMOA REFINANCE

What is DSMOA? Through the federal Defense State Memorandum of Agreement (DSMOA) Program, the Department receives a federal grant to provide state services pertaining to the clean-up of hazardous waste sites on Department of Defense (DOD) installations. These services include: (1) providing technical reviews and recommendations on all documents and data required to be submitted to the Department under the Superfund Program; (2) identifying and explaining applicable state requirements related to clean-up of DOD installations; (3) overseeing installation to ensure consistency with appropriate state requirements; and (4) conducting public education and participation activities.

What is the concern? In the past two years, the DOD (through the Army Corps of Engineers [ACOE] which administers the DSMOA program) has used DSMOA reimbursement ineligibility to reduce or eliminate many of the state's oversight responsibilities. For example, at the time this decision item was submitted, the Department was in dispute with the ACOE over approximately \$49,000 in questioned costs. After a lengthy appeal process that began in January 2006, the Department prevailed and has since been reimbursed. In addition, the DOD no longer allows the Department to use its enforcement capabilities when there are technical or legal disagreements between the two parties associated with these state services without jeopardizing the funding provided by DOD. The Department reports that these actions by the ACOE limit its ability to provide oversight and to take necessary enforcement actions at DOD sites, and therefore render it unable to adequately perform its statutory responsibilities.

What is the request? As a result of these obstacles, the Department would like to discontinue its participation in the DSMOA Program as much as possible, while still providing oversight to these sites. To make this change, the Department needs a change in its funding mix.

The Department receives a grant under the DSMOA program and must seek reimbursement from that grant for the costs of services provided. Because the funding comes from a grant, it is classified as federal funds. The Department is in the process of negotiating direct MOU's with the Air Force and Navy for the provision of these state services at their facilities. These military branches appear willing to enter into direct financial MOU's with the Department. These MOU's would be negotiated

and administered by the Department and that branch, not Army Corps of Engineers. The Department's goal is to continue negotiations with the Air Force and Navy and have these MOU's in place by June 2008. If the Department is successful in negotiating these MOUs, it would receive federal awards from those branches from which to draw on. For these cases, no appropriations change is needed.

Since the Army administers the DSMOA program, those sites present another obstacle. The Army will likely require the Department to stay in DSMOA for at least some of its sites. However, where possible, the Department would like to begin billing the Army for services provided, thus circumventing the DSMOA reimbursement process. To make this change, the Department requires part of its federally funded appropriation converted to cash funds.

Staff recommends this funding change to enable the Department to fully perform its statutory responsibilities. The net funding change is zero. Funding and FTE are moving between line items because the current DSMOA appropriation is split between three programs, and the Division wants to consolidate those activities within two programs. Potted line items (such as Health, Life, and Dental and Salary Survey) are affected because 10.5 FTE that were formerly federal funded will now be cash funded. The line items affected by this request are outlined in the table below.

Summary of DSMOA Refinance						
	GF	CF	RF	FF	TOTAL	FTE ^a
Admin, Health, Life, and Dental	\$0	\$33,420	\$0	(\$33,420)	\$0	0.0
Admin, Short-term Disability	\$0	\$504	\$0	(\$504)	\$0	0.0
Admin, AED	\$0	\$6,206	\$0	(\$6,206)	\$0	0.0
Admin, SAED	\$0	\$1,975	\$0	(\$1,975)	\$0	0.0
Admin, Salary Survey	\$0	\$10,084	\$0	(\$10,084)	\$0	0.0
Admin, Performance-based Pay	\$0	\$5,976	\$0	(\$5,976)	\$0	0.0
HMWMD, Admin, Legal Services	\$0	\$15,000	\$0	(\$15,000)	\$0	0.0
HMWMD, Admin, Indirect Cost Assessment	\$0	\$216,942	\$0	(\$216,942)	\$0	0.0
HMWMD, Haz Waste Control, PS	\$0	\$934,887	\$0	(\$501,359)	\$433,528	4.5
HMWMD, Haz Waste Control, OE	\$0	\$33,285	\$0	(\$17,850)	\$15,435	0.0
HMWMD, Solid Waste Control, Program Costs	\$0	\$49,885	\$0	\$0	\$49,885	0.5
HMWMD, Contaminated Sites Cleanup, PS	\$0	\$0	\$0	(\$481,698)	(\$481,698)	(5.0)
HMWMD, Contaminated Sites Cleanup, OE	\$0	\$0	\$0	(\$17,150)	(\$17,150)	0.0
Staff Recommendation	\$0	\$1,308,164	\$0	(\$1,308,164)	\$0	0.0

^a In addition to the FTE changes shown in this column, 5.5 federally funded FTE in the Hazardous Waste Control line item will be converted to cash funding.

(A) Administration

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

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	0.0	0.9	0.9	0.9
Management	0.5	0.5	0.5	0.5
Program Assistant	2.0	2.0	2.0	2.0
Staff / General Professionals	0.2	0.0	0.0	0.0
TOTAL	2.7	3.4	3.4	3.4

Program Costs

Staff recommends an appropriation of \$313,151 and a continuation of 3.4 FTE. The recommended fund mix is \$290,685 cash funds and \$22,466 federal funds. The former cash funds exempt appropriation was from reserves in the Hazardous Waste Commission Fund. Since this funding is not otherwise appropriated, it should now be classified as cash funds.

The recommendation was calculated in accordance with Committee policy and is summarized below. Staff did not apply the 1.0 percent personal services base reduction since this program has fewer than 20.0 FTE. The sources of the cash funds are 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 of cash funds.

Summary of HMWM, Administration Program Recommendation						
	GF	CF	CFE/RF	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$197,502	\$74,227	\$22,466	\$294,195	3.4
FY 07-08 Salary Survey	\$0	\$8,627	\$5,648	\$0	\$14,275	0.0
80% of FY 2007-08 PBP	\$0	\$2,829	\$1,852	\$0	\$4,681	0.0
Reappropriated Funds Adjustment	\$0	\$81,727	(\$81,727)	\$0	\$0	0.0
Staff Recommendation	\$0	\$290,685	\$0	\$22,466	\$313,151	3.4

Legal Services

The request is for \$442,624 to support a continuation of 6,145 hours of legal services. **Staff recommends an appropriation of 6,145 hours, with the dollar amount pending Committee common policy decision making.**

Indirect Cost Assessment

Pending. Once Committee action on all line items is final, staff will work with the Department to obtain the final indirect cost assessments.

(7) HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

(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.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	0.9	1.9	1.9	1.9
Budget & Policy Analyst	0.3	0.3	0.3	0.3
Environ. Protection Specialists	19.3	22.9	22.9	22.9
Information Systems Staff	1.1	1.1	1.1	1.1
Management	0.3	0.0	0.0	0.0
Physical Scientists	0.2	0.2	0.2	0.2
Engineers	4.4	4.3	4.3	4.3
Program Assistants	2.4	2.5	2.5	2.5
Staff / General Professionals	5.7	5.0	5.0	5.0
DSMOA Staff	0.0	0.0	4.5	4.5
TOTAL	34.6	38.2	42.7	42.7

Personal Services

Staff recommends an appropriation of \$3,842,807 and 42.7 FTE. The recommended fund mix is \$2,206,346 cash funds and \$1,636,461 federal funds, and includes changes due to the DSMOA decision item discussed above. The recommendation was calculated in accordance with Committee policy and is summarized below. The source of cash funds is the Hazardous Waste Service Fund and cost recoveries.

Summary of HMWM, Hazardous Waste Control Program Personal Services Recommendation						
	GF	CF	CFE/RF	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$1,284,302	\$0	\$1,661,424	\$2,945,726	38.2
1.0 % Personal Services Base Reduction	\$0	(\$12,843)	\$0	(\$16,614)	(\$29,457)	0.0
DI #11: DSMOA	\$0	\$934,887	\$0	(\$8,349)	\$926,538	4.5
Staff Recommendation	\$0	\$2,206,346	\$0	\$1,636,461	\$3,842,807	42.7

Operating Expenses

Staff recommends the requested appropriation of \$229,006 comprised of \$78,948 cash funds and \$150,058 federal funds. The recommendation includes funding changes due to the DSMOA decision item discussed above. The source of cash funds is the Hazardous Waste Service Fund and cost recoveries.

(7) HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

(C) Solid Waste Control Program

This program is responsible for inspection of solid waste facilities through a permitting and review process for opening, closing, and expansion of facilities.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	0.3	0.5	0.5	0.5
Environ. Protection Specialists	7.8	14.0	13.8	13.8
Information Systems Staff	0.4	0.3	0.3	0.3
Management	0.1	0.1	0.1	0.1
Professional Engineers	1.0	1.0	1.0	1.0
Program Assistant	0.3	0.3	0.3	0.3
Staff / General Professionals	1.6	0.5	0.5	0.5
DSMOA Staff	0.0	0.0	0.5	0.5
TOTAL	11.5	16.7	17.0	17.0

Program Costs

Staff recommends an appropriation of \$2,385,661 cash funds and 17.0 FTE. The recommendation was calculated in accordance with JBC common policy and is summarized below. The recommendation includes funding and FTE changes due to the DSMOA decision item discussed above. The sources of cash funds are the Solid Waste Management Fund, the Hazardous Substance Response Fund, the Waste Tire Development Cash Fund, and cost recoveries.

Summary of HMWM, Solid Waste Control Program, Program Recommendation						
	GF	CF	CFE/RF	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$1,396,302	\$0	\$0	\$1,396,302	12.5
H.B. 07-1288 Recycling Resources	\$0	\$825,000	\$0	\$0	\$825,000	4.2
2nd Year Impact of H.B. 07-1288	\$0	\$54,750	\$0	\$0	\$54,750	(0.2)
FY 07-08 Salary Survey	\$0	\$44,962	\$0	\$0	\$44,962	0.0
80% of FY 2007-08 PBP	\$0	\$14,762	\$0	\$0	\$14,762	0.0
DI #11: DSMOA	\$0	\$49,885	\$0	\$0	\$49,885	0.5
Staff Recommendation	\$0	\$2,385,661	\$0	\$0	\$2,385,661	17.0

(7) HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

(D) Uranium Mill Tailings Remedial Action Program

This program provided for radioactive waste cleanup of seven Western Slope 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 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Environ. Protection Specialists	1.3	1.3	1.3	1.3
Professional Engineer	0.1	0.3	0.3	0.3
Program Assistant	1.2	1.4	1.4	1.4
Staff / General Professionals	0.1	0.1	0.1	0.1
TOTAL	2.7	3.1	3.1	3.1

Program Costs

Staff recommends an appropriation of \$236,175 and 3.1 FTE. The recommended fund mix is \$190,904 reappropriated funds and \$45,271 federal funds. The source of reappropriated funds (formerly cash funds exempt) is funding from the Local Government Severance Tax Fund transferred from the Department of Local Affairs. Staff did not apply the 1.0 percent personal services base reduction since the program has fewer than 20.0 FTE.

Summary of HMWM, Uranium Mill Tailings Remedial Action Program						
	GF	CF	CFE/RF	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$0	\$185,508	\$45,271	\$230,779	3.1
FY 07-08 Salary Survey	\$0	\$0	\$4,065	\$0	\$4,065	0.0
80% of FY 2007-08 PBP	\$0	\$0	\$1,331	\$0	\$1,331	0.0
Staff Recommendation	\$0	\$0	\$190,904	\$45,271	\$236,175	3.1

(7) HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

(E) Contaminated Sites 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.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	0.6	1.0	1.0	1.0
Budget & Policy Analyst	0.3	0.5	0.5	0.5
Environ. Protection Specialists	15.6	20.0	20.0	20.0
Information Systems Staff	1.5	1.8	1.8	1.8
Management	0.3	0.3	0.3	0.3
Physical Scientists	4.1	4.4	4.4	4.4
Professional Engineers	5.2	7.5	7.5	7.5
Program Assistant	1.3	1.5	1.5	1.5
Staff / General Professionals	5.1	6.4	6.4	6.4
DSMOA Staff	0.0	0.0	(5.0)	(5.0)
TOTAL	34.0	43.4	38.4	38.4

Personal Services

Staff recommends an appropriation of \$4,515,558 and 38.4 FTE. The recommended fund mix is \$1,103,443 cash funds and \$3,412,115 federal funds. The recommendation includes an adjustment due to the DSMOA decision item discussed above, and the second year impact of a FY 2007-08 decision item that allowed the Program to accept funding from the Department of Law to perform services related to the Rocky Mountain Arsenal litigation. The sources of the cash funds are the Hazardous Substance Response Fund and from fees collected pursuant to the Colorado Open Records Act.

Summary of HMWM, Contaminated Sites Cleanups Personal Services Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$1,070,657	\$35,711	\$3,933,144	\$5,039,512	43.4
2nd Year Impact of FY 07-08 DI	\$0	\$0	(\$35,711)	\$0	(\$35,711)	0.0
FY 07-08 Salary Survey	\$0	\$33,073	\$0	\$0	\$33,073	0.0
80% of FY 2007-08 PBP	\$0	\$10,859	\$0	\$0	\$10,859	0.0
1.0% Base Reduction	\$0	(\$11,146)	\$0	(\$39,331)	(\$50,477)	0.0
DI #11: DSMOA	\$0	\$0	\$0	(\$481,698)	(\$481,698)	(5.0)
Staff Recommendation	\$0	\$1,103,443	\$0	\$3,412,115	\$4,515,558	38.4

Operating Expenses

Staff recommends an appropriation of \$222,991. The funding is comprised of \$48,082 cash funds and \$174,909 federal funds. The recommendation includes an adjustment due to the DSMOA decision item discussed above, and the second year impact of a FY 2007-08 decision item that allowed the Program to accept funding from the Department of Law to perform services related to the Rocky Mountain Arsenal litigation. The source of the cash funds is the Hazardous Substance Response Fund and from fees collected pursuant to the Colorado Open Records Act.

Summary of HMWM, Contaminated Sites Cleanups Operating Expenses Recommendation					
	GF	CF	CFE/RF	FF	TOTAL
2007 Long Bill Approp.	\$0	\$48,082	\$1,129	\$192,059	\$241,270
2nd Year Impact of FY 07-08 DI	\$0	\$0	(\$1,129)	\$0	(\$1,129)
DI #11: DSMOA	\$0	\$0	\$0	(\$17,150)	(\$17,150)
Staff Recommendation	\$0	\$48,082	\$0	\$174,909	\$222,991

Contaminated Sites Operation and Maintenance

This line item funds the long-term operation and maintenance at Superfund sites upon completion of remedies when there is no responsible party that can assume the costs. The line funds contractual services. **Staff recommends the requested continuing appropriation of \$2,088,864** comprised of \$260,186 cash funds and \$1,828,678 federal funds. The sources of the cash funds are the Hazardous Substance Response Fund and from fees collected pursuant to the Colorado Open Records Act.

Transfer to the Department of Law for CERCLA Contract Oversight-Related Costs

Staff recommends changing the name of this line item so it is more consistent with other Legal Services line items. Staff recommends the line item be called **Legal Services for CERCLA Contract Oversight-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.

The request is for an appropriation of \$425,000 cash funds for 6,271 hours of service. **Staff recommends an appropriation for 6,271 hours of service, with the dollar amount pending common policy decision making on the Department of Law's hourly rate.** The source of the cash funds is the Hazardous Substance Response Fund and from fees collected pursuant to the Colorado Open Records Act.

(7) HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

(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 were 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 the 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 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	0.1	0.1	0.1	0.1
Environ. Protection Specialists	1.9	1.9	1.9	1.9
Program Assistant	0.1	0.1	0.1	0.1
Staff / General Professionals	0.2	0.2	0.2	0.2
TOTAL	2.3	2.3	2.3	2.3

Rocky Flats Program Costs

Staff recommends the requested continuing appropriation of \$244,781 federal funds and 2.3 FTE. Staff did not apply the 0.5 percent base reduction because the program has fewer than 20.0 FTE.

Legal Services

Staff recommends the requested appropriation of 139 hours of Legal Services. 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 2008-09 is established by the Committee.

(7) HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

(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 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	1.3	1.4	1.4	1.4
Environ. Protection Specialists	13.8	14.9	14.9	14.9
Information Systems Staff	0.7	0.7	0.7	0.7
Management	0.2	0.2	0.2	0.2
Program Assistant	1.0	1.0	1.0	1.0
Staff / General Professionals	3.3	3.3	3.3	3.3
TOTAL	20.3	21.5	21.5	21.5

Personal Services

Staff recommends an appropriation of \$1,806,600 and 21.5 FTE. The recommended fund mix is \$1,625,528 cash funds and \$181,072 federal funds. The source of the cash funds is the Radiation Control Fund. The funding that was cash funds exempt came from reserves in the Radiation Control Fund; since those monies are not appropriated elsewhere, they should be reclassified as cash funds.

Summary of HMWM, Radiation Management Personal Services Recommendation						
	GF	CF	CFE	FF	TOTAL	FTE
2007 Long Bill Approp.	\$0	\$1,556,311	\$23,651	\$182,901	\$1,762,863	21.5
FY 07-08 Salary Survey	\$0	\$46,664	\$0	\$0	\$46,664	0.0
80% of FY 2007-08 PBP	\$0	\$15,322	\$0	\$0	\$15,322	0.0
1.0 % Personal Services Base Reduction	\$0	(\$16,183)	(\$237)	(\$1,829)	(\$18,249)	0.0
Reappropriated Funds Adjustment	\$0	\$23,414	(\$23,414)	\$0	\$0	0.0
Staff Recommendation	\$0	\$1,625,528	\$0	\$181,072	\$1,806,600	21.5

Operating Expenses

Staff recommends the requested continuing appropriation of \$229,625. The recommended appropriation is comprised of 72,139 cash funds and 157,486 federal funds. The source of the cash funds is the Radiation Control Fund.

(8) 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.

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp	FY 2008-09 Request	FY 2008-09 Recomm.
Administrative Support Staff	1.1	1.5	1.5	1.5
Environ. Protection Specialists	19.3	20.3	20.3	20.3
Information Systems Staff	0.9	1.2	1.2	1.2
Management	1.1	1.0	1.0	1.0
Program Assistant	0.8	1.0	1.0	1.0
Staff /General Professionals	2.9	3.1	3.1	3.1
TOTAL	26.1	28.1	28.1	28.1

Personal Services

Staff recommends an appropriation of \$2,130,176 and 28.1 FTE. The recommended fund mix is \$1,120,808 General Fund, \$655,276 cash funds, \$78,887 reappropriated funds, and \$275,205 federal funds. The recommendation was calculated in accordance with JBC common policies. It includes annualizing a FY 2007-08 supplemental related to costs for inspecting remote oil and gas camps, and the 1.0 percent personal services base reduction. The recommendation is summarized in the table below.

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 (formerly cash funds exempt) are transfers from the Department of Corrections and the Department of Human Services.

Summary of Consumer Protection Division Personal Services Recommendation						
	GF	CF	CFE/RF	FF	TOTAL	FTE
2007 Long Bill Approp.	\$1,079,213	\$485,806	\$71,188	\$277,985	\$1,914,192	26.3
H.B. 07-1321 Wholesale Food Program	\$0	\$148,851	\$0	\$0	\$148,851	1.5
FY 2007-08 Supplemental	\$8,088	\$2,857	\$0	\$0	\$10,945	0.3
Annualize FY 07-08 supplemental	\$6,524	(\$970)	\$0	\$0	\$5,554	0.0
FY 2007-08 Salary Survey	\$28,864	\$19,103	\$6,402	\$0	\$54,369	0.0
80% of FY 2007-08 PBP	\$9,440	\$6,248	\$2,094	\$0	\$17,782	0.0
1.0% Personal Services base reduction	(\$11,321)	(\$6,619)	(\$797)	(\$2,780)	(\$21,517)	0.0
Staff Recommendation	\$1,120,808	\$655,276	\$78,887	\$275,205	\$2,130,176	28.1

**DI #10: FUNDING FOR ADDITIONAL DOC INSPECTIONS
\$808 reappropriated funds**

The Consumer Protection Division inspects 33 Department of Corrections (DOC) prison kitchens for compliance with retail food regulations and sanitary standards. Additionally, it inspects the facilities' vocational programs, buildings and grounds, water supply, plumbing system, sewage disposal, solid waste and refuse disposal, insect and rodent controls, housing, industries, environmental conditions, toilets, lavatories, showers, and flammable and toxic material controls for compliance with state

standards. These inspections are part of the DOC facilities' accreditation by the American Correctional Association's standards on sanitation, hygiene, work, health, and safety.

In FY 2008-09, DOC will be expanding its Kit Carson County and Bent County facilities, which will result in an increase in CPD's inspection workload. The combined inmates at these facilities, now at 1,520, will increase by 1,440 to 2,960. Additional housing facilities are being built, to include cells, common showers and bathroom areas, janitorial, laundry, personal procurement disbursement rooms, control centers and storage and mechanical rooms. Housing facility inspections consist of evaluating the condition of bedding, adequate pest control, plumbing maintenance, temperature and pressure of water at fixtures, lighting levels, ambient air temperatures, restroom maintenance and supplies, and evaluation of structural surfaces associated with floors, walls, ceilings and furnishings in the areas indicated above.

The original request was for a total of \$3,157 cash funds exempt (\$2,349 for Personal Services and \$808 for Operating Expenses) to be transferred from DOC. However, the Division has been reverting part of its Personal Services appropriation. Therefore, the Department has agreed that the Division can absorb the Personal Services impact, but still needs the increase in spending authority for Operating Expenses in order to conduct the additional inspections. **Therefore, staff recommends an Operating Expenses increase of \$808 reappropriated funds.**

Operating Expenses

Staff recommends an appropriation of \$119,407 comprised of \$29,637 General Fund, \$51,510 cash funds, \$9,708 reappropriated funds, and \$28,552 federal funds. 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 (formerly cash funds exempt) are transfers from the Department of Corrections and the Department of Human Services.

Summary of Consumer Protection Division Operating Expenses Recommendation					
	GF	CF	CFE/RF	FF	TOTAL
2007 Long Bill Approp.	\$20,508	\$51,311	\$8,900	\$28,552	\$109,271
H.B. 07-1321 Wholesale Food Program	\$0	\$199	\$0	\$0	\$199
FY 2007-08 Supplemental	\$9,129	\$0	\$0	\$0	\$9,129
DI #10: DOC Inspections	\$0	\$0	\$808	\$0	\$808
Staff Recommendation	\$29,637	\$51,510	\$9,708	\$28,552	\$119,407

Indirect Cost Assessment

Pending. Once Committee action on all line items is final, staff will work with the Department to obtain the final indirect cost assessments.

Long Bill Footnotes and Requests for Information

Staff recommends the following footnotes be **eliminated and replaced with a written request for information**. Staff recommends that the written request for information include the modifications shown in struck type and small capitals.

108 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 ~~with its budget request.~~ BY NOVEMBER 1, 2008.

Comment: *This footnote was vetoed by the Governor* on the grounds that: (1) it violates the separation of powers by attempting to administer the appropriation; (2) it constitutes substantive legislation; and (3) it violates the separation of powers by dictating the format of the executive budget submission. However, the Department was directed to comply with the footnote to the extent feasible. Subsequently, the General Assembly overrode all Long Bill vetoes.

The Department complied with this footnote. 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.

109 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 ~~with its budget request.~~ BY NOVEMBER 1, 2008.

Comment: *This footnote was vetoed by the Governor* on the grounds that: (1) it violates the separation of powers by attempting to administer the appropriation; (2) it constitutes substantive legislation; and (3) it violates the separation of powers by dictating the format of the executive budget submission. However, the Department was directed to comply with the footnote to the extent feasible. Subsequently, the General Assembly overrode all Long Bill vetoes.

The Department complied with this footnote. 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.

- 110 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 ~~with its budget request.~~ BY NOVEMBER 1, 2008.

Comment: *This footnote was vetoed by the Governor on the grounds that: (1) it violates the separation of powers by attempting to administer the appropriation; (2) it constitutes substantive legislation; and (3) it violates the separation of powers by dictating the format of the executive budget submission. However, the Department was directed to comply with the footnote to the extent feasible. Subsequently, the General Assembly overrode all Long Bill vetoes.*

The Department complied with this footnote. Beginning in 2002, there were concerns about the fund's long-term solvency after the Legislature transferred \$30.0 million of the fund balance to the General Fund. However, that transfer was repaid in January 2006. At present, the Department estimates that the balance will remain solvent through FY 2024-25. However, several factors could change the state's costs and result in the need for more resources more quickly, including: (1) the identification of additional Superfund sites; (2) changes in the estimated remediation and on-going maintenance costs at existing sites; (3) changes in federal policies; and (4) changes in the ability of responsible parties to pay their share of costs. Therefore, staff recommends that the Legislature continue to request this report so that the General Assembly will be aware of any changes to the State's on-going fiscal responsibilities under this program.

Staff recommends the following footnote be **eliminated**.

108a Department of Public Health and Environment, Air Quality Control Division, Technical Services, Air Quality Monitoring, Local Contracts -- It is the intent of the General Assembly that at least \$380,000 of this appropriation be used for the collection and evaluation of air quality data on the Western Slope of Colorado.

Comment: *This footnote was vetoed by the Governor on the grounds that: (1) it violates the separation of powers by attempting to administer the appropriation; and (2) it violates the separation of powers by dictating the format of the executive budget submission. However, the Department was directed to comply with the footnote to the extent feasible. Subsequently, the General Assembly overrode all Long Bill vetoes. However, the Director of the Office of State Planning and Budgeting directed the Department not to comply with this footnote in an August 16, 2007 letter to the leadership of the General Assembly. According to this letter, "the Department is complying with the intent of the footnote, but must be allowed the flexibility to use its resources as determined to be most appropriate."*

According to the Department, it is in the process of complying with the footnote. Funds from the footnoted appropriation will be used to support particulate sampling in a number of Western Slope communities. In addition, discussions with local agencies on the Western Slope have been taking place over the last few months to assess new monitoring priorities, and several on-site evaluations are taking place this month. The Department anticipates that a significant amount of work on the new monitoring projects will be implemented via local agency contracts by the end of the fiscal year, which will result in most, if not all, of the footnoted appropriation being spent. Therefore, staff recommends that this footnote be discontinued.