

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



FY 2009-10 STAFF FIGURE SETTING

**DEPARTMENT OF PUBLIC HEALTH AND
ENVIRONMENT**

(Environmental Divisions Only)

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

**Prepared By:
Craig Harper, JBC Staff
March 11, 2009**

For Further Information Contact:

Joint Budget Committee Staff
200 E. 14th Avenue, 3rd Floor
Denver, Colorado 80203
Telephone: (303) 866-2061
TDD: (303) 866-3472

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

JBC WORKING DOCUMENT
Staff Recommendation Does Not Represent Committee Decision

TABLE OF CONTENTS

Numbers Pages	1
Figure-setting by Division	
Administration and Support	25
(B) Special Environmental Programs.	25
Air Quality Control Division	28
(A) Administration.	28
(B) Technical Services.	29
(C) Mobile Sources.	32
(D) Stationary Sources.	35
Water Quality Control Division	48
(A) Administration.	48
(B) Watershed Assessment, Outreach, and Assistance.....	49
(C) Permitting and Compliance Assurance.....	52
(D) Drinking Water.....	53
Hazardous Materials and Waste Management Division	55
(A) Administration.	55
(B) Hazardous Waste Control Program.	56
(C) Solid Waste Control Program.....	57
(D) Uranium Mill Tailings Remedial Action Program (UMTRA).....	60
(E) Contaminated Site Cleanups (CERCLA/Superfund).	61
(F) Rocky Flats Agreement.....	65
(G) Radiation Management.....	66
Consumer Protection	72
Long Bill Footnotes and Requests for Information	75
Budget Balancing Options	78

**FY 2009-10 Joint Budget Committee Staff Figure Setting
Department of Public Health and Environment
(Environmental Divisions Only)**

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT						
Executive Director: James Martin						
(1) ADMINISTRATION AND SUPPORT						
(C) Special Environmental Programs						
This subdivision houses the appropriations for environmental programs involving multiple divisions.						
Environmental Leadership and Pollution Prevention	1,363,805	978,837	879,035	879,035	879,035	
FTE	<u>6.9</u>	<u>7.2</u>	<u>7.0</u>	<u>7.0</u>	<u>7.0</u>	
Cash Funds	64,790	82,003	174,176	174,176	174,176	
FTE	0.1	0.7	0.0	0.0	0.0	
RF/CFE	135,000	37,177	0	0	0	
Federal Funds	1,164,015	859,657	704,859	704,859	704,859	
FTE	6.8	6.5	7.0	7.0	7.0	
Housed Commercial Swine Feeding Operations (HCSFO) Program - CF	22,999	58,220	58,316	59,378	59,378	
FTE	0.1	0.5	0.5	0.5	0.5	
Recycling Resources Economic Opportunity Program - CF	0	326,589	2,629,361	2,629,361	2,629,361	
FTE	0.0	0.6	0.6	1.6	1.6	
Advanced Technology Research Grants	<u>0</u>	<u>77,393</u>	495,000	<u>495,000</u>	<u>495,000</u>	
Cash Funds	0	0	495,000	495,000	495,000	
RF/CFE	0	77,393	0	0	0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
SUBTOTAL - Special Environmental Programs	1,363,805	1,441,039	4,061,712	4,062,774	4,062,774	Req. vs. App. 0.0%
FTE	<u>6.9</u>	<u>8.3</u>	<u>8.1</u>	<u>9.1</u>	<u>9.1</u>	12.3%
Cash Funds	64,790	466,812	3,356,853	3,357,915	3,357,915	0.0%
FTE	0.1	1.8	1.1	2.1	2.1	90.9%
RF/CFE	135,000	114,570	0	0	0	n/a
Federal Funds	1,164,015	859,657	704,859	704,859	704,859	0.0%
FTE	6.8	6.5	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 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	352,212	346,735	362,156.0	385,113	385,113
FTE	<u>4.4</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>
Cash Funds	125,205	125,249	271,747	294,704	294,704
FTE	1.6	1.6	3.1	3.1	3.1
RF/CFE	140,958	131,090	0	0	0
FTE	1.5	1.5	0.0	0.0	0.0
Federal Funds	86,049	90,396	90,409.0	90,409	90,409
FTE	1.3	1.4	1.4	1.4	1.4
Operating Expenses - FF	8,609	3,487	9,187	9,187	9,187
Capital Outlay - CF	0	150,351	0	0	0

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
Indirect Cost Assessment	<u>2,095,791</u>	<u>2,199,239</u>	<u>2,480,681</u> S/	<u>2,667,609</u>	<u>2,624,843</u>	DI #14, BA #1,
Cash Funds	978,124	1,067,781	2,169,402	2,356,330	2,313,564	BA #1a
RF/CFE	659,316	668,914	0	0	0	
Federal Funds	458,351	462,544	311,279	311,279	311,279	
						Req. vs. App.
SUBTOTAL - Administration	2,456,612	2,699,812	2,852,024	3,061,909	3,019,143	7.4%
FTE	<u>4.4</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>	<u>4.5</u>	0.0%
Cash Funds	1,103,329	1,343,381	2,441,149	2,651,034	2,608,268	8.6%
FTE	1.6	1.6	3.1	3.1	3.1	0.0%
RF/CFE	800,274	800,004	0	0	0	n/a
FTE	1.5	1.5	0.0	0.0	0.0	n/a
Federal Funds	553,009	556,427	410,875	410,875	410,875	0.0%
FTE	1.3	1.4	1.4	1.4	1.4	0.0%
(B) Technical Services						
Personal Services	0	0	2,747,272	2,869,283	2,869,283	
FTE	<u>0.0</u>	<u>0.0</u>	<u>35.1</u>	<u>35.1</u>	<u>35.1</u>	
Cash Funds a/	0	0	1,762,618	1,884,629	1,884,629	
FTE	0.0	0.0	21.8	21.8	21.8	
Federal Funds	0	0	984,654	984,654	984,654	
FTE	0.0	0.0	13.3	13.3	13.3	
Operating Expenses	<u>0</u>	<u>0</u>	<u>400,327</u>	<u>400,327</u>	<u>400,327</u>	DI NP-1,
Cash Funds	0	0	315,766	315,766	315,766	BA NP-19
Federal Funds	0	0	84,561	84,561	84,561	
Local Contracts	<u>0</u>	<u>0</u>	<u>730,368</u>	<u>730,368</u>	<u>730,368</u>	
Cash Funds b/	0	0	636,121	636,121	636,121	
Federal Funds	0	0	94,247	94,247	94,247	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
(1) Air Quality Monitoring						
Personal Services	1,345,607	1,299,849	0	0	0	
FTE	<u>17.2</u>	<u>16.5</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Cash Funds	57,616	58,797	0	0	0	
FTE	1.5	1.6	0.0	0.0	0.0	
RF/CFE	995,493	1,010,883	0	0	0	
FTE	12.5	12.3	0.0	0.0	0.0	
Federal Funds	292,498	230,169	0	0	0	
FTE	3.2	2.6	0.0	0.0	0.0	
Operating Expenses	<u>112,393</u>	<u>108,211</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Cash Funds	0	0	0	0	0	
RF/CFE	96,458	91,854	0	0	0	
Federal Funds	15,935	16,357	0	0	0	
Local Contracts	<u>252,976</u>	<u>627,120</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Cash Funds	84,270	430,676	0	0	0	
RF/CFE	92,034	84,270	0	0	0	
Federal Funds	76,672	112,174	0	0	0	
						Req. vs. App.
Subtotal - Air Quality Monitoring	1,710,976	2,035,180	0	0	0	n/a
FTE	<u>17.2</u>	<u>16.5</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	n/a
Cash Funds	141,886	489,473	0	0	0	n/a
FTE	1.5	1.6	0.0	0.0	0.0	n/a
RF/CFE	1,183,985	1,187,007	0	0	0	n/a
FTE	12.5	12.3	0.0	0.0	0.0	n/a
Federal Funds	385,105	358,700	0	0	0	n/a
FTE	3.2	2.6	0.0	0.0	0.0	n/a

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
(2) Modeling and Analysis						
Personal Services	774,530	765,959	0	0	0	
FTE	<u>9.8</u>	<u>8.6</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Cash Funds	81,969	81,039	0	0	0	
FTE	1.4	1.3	0.0	0.0	0.0	
RF/CFE	200,541	182,471	0	0	0	
FTE	2.4	2.2	0.0	0.0	0.0	
Federal Funds	492,020	502,449	0	0	0	
FTE	6.0	5.1	0.0	0.0	0.0	
Operating Expenses	<u>332,050</u>	<u>216,494</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Cash Funds	15,005	15,005	0	0	0	
RF/CFE	124,295	112,307	0	0	0	
Federal Funds	192,750	89,182	0	0	0	
Ozone Modeling Contracts	<u>0</u>	<u>199,079</u>	<u>0</u>	<u>0</u>	<u>0</u>	
RF/CFE	0	99,837	0	0	0	
Federal Funds	0	99,242	0	0	0	
						Req. vs. App.
Subtotal - Modeling and Analysis	1,106,580	1,181,532	0	0	0	n/a
FTE	<u>9.8</u>	<u>8.6</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	n/a
Cash Funds	96,974	96,044	0	0	0	n/a
FTE	1.4	1.3	0.0	0.0	0.0	n/a
RF/CFE	324,836	394,615	0	0	0	n/a
FTE	2.4	2.2	0.0	0.0	0.0	n/a
Federal Funds	684,770	690,873	0	0	0	n/a
FTE	6.0	5.1	0.0	0.0	0.0	n/a

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
(3) Visibility and Risk Assessment						
Personal Services	446,913	377,448	0	0	0	
FTE	<u>4.8</u>	<u>4.1</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Cash Funds	265,521	254,895	0	0	0	
FTE	2.8	2.4	0.0	0.0	0.0	
RF/CFE	97,517	64,144	0	0	0	
FTE	1.0	0.8	0.0	0.0	0.0	
Federal Funds	83,875	58,409	0	0	0	
FTE	1.0	0.9	0.0	0.0	0.0	
Operating Expenses - FF	35,175	835	0	0	0	
						Req. vs. App.
Subtotal - Visibility and Risk Assessmt	482,088	378,283	0	0	0	n/a
FTE	<u>4.8</u>	<u>4.1</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	n/a
Cash Funds	265,521	254,895	0	0	0	n/a
FTE	2.8	2.4	0.0	0.0	0.0	n/a
RF/CFE	97,517	64,144	0	0	0	n/a
FTE	1.0	0.8	0.0	0.0	0.0	n/a
Federal Funds	119,050	59,244	0	0	0	n/a
FTE	1.0	0.9	0.0	0.0	0.0	n/a
						Req. vs. App.
SUBTOTAL - Technical Services	3,299,644	3,594,995	3,877,967	3,999,978	3,999,978	3.1%
FTE	<u>31.8</u>	<u>29.2</u>	<u>35.1</u>	<u>35.1</u>	<u>35.1</u>	0.0%
Cash Funds	504,381	840,412	2,714,505	2,836,516	2,836,516	4.5%
FTE	5.7	5.3	21.8	21.8	21.8	0.0%
RF/CFE	1,606,338	1,645,766	0	0	0	n/a
FTE	15.9	15.3	0.0	0.0	0.0	n/a
Federal Funds	1,188,925	1,108,817	1,163,462	1,163,462	1,163,462	0.0%
FTE	10.2	8.6	13.3	13.3	13.3	0.0%

a/ For FY 2008-09, includes an increase of \$80,008 pursuant to S.B. 08-055.

b/ For FY 2008-09, includes an increase of \$79,187 pursuant to S.B. 08-055.

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
(C) Mobile Sources						
Personal Services	0	0	2,358,927 S/	2,461,278	2,461,278	
FTE	<u>0.0</u>	<u>0.0</u>	<u>30.2</u>	<u>30.2</u>	<u>30.2</u>	
Cash Funds /c	0	0	2,161,953	2,264,304	2,264,304	
FTE /c	0.0	0.0	27.3	27.3	27.3	
Federal Funds	0	0	196,974	196,974	196,974	
FTE	0.0	0.0	2.9	2.9	2.9	
Operating Expenses	<u>0</u>	<u>0</u>	<u>338,782</u>	<u>335,327</u>	<u>335,327</u>	DI NP-1,
Cash Funds d/	0	0	320,532	317,077	317,077	BA NP-19
Federal Funds	0	0	18,250	18,250	18,250	
Diesel Inspection/Maintenance Program - CF	0	0	647,743	651,569	651,569	
FTE	0.0	0.0	6.6	6.6	6.6	
Mechanic Certification Program - CF	0	0	7,000	7,000	7,000	
Local Grants - CF	0	0	45,299	45,299	45,299	
(1) Research and Support						
Personal Services	1,494,458	1,522,501	0	0	0	
FTE	<u>18.4</u>	<u>16.7</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Cash Funds	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
RF/CFE	1,305,101	1,356,103	0	0	0	
FTE	16.0	16.3	0.0	0.0	0.0	
Federal Funds	189,357	166,398	0	0	0	
FTE	2.4	0.4	0.0	0.0	0.0	
Operating Expenses	<u>301,919</u>	<u>306,377</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Cash Funds	0	0	0	0	0	
RF/CFE	288,127	288,127	0	0	0	
Federal Funds	13,792	18,250	0	0	0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
						Req. vs. App.
Subtotal - Research and Support	1,796,377	1,828,878	0	0	0	n/a
FTE	<u>18.4</u>	<u>16.7</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	n/a
Cash Funds	0	0	0	0	0	n/a
FTE	0.0	0.0	0.0	0.0	0.0	n/a
RF/CFE	1,593,228	1,644,230	0	0	0	n/a
FTE	16.0	16.3	0.0	0.0	0.0	n/a
Federal Funds	203,149	184,648	0	0	0	n/a
FTE	2.4	0.4	0.0	0.0	0.0	n/a
(2) Inspection and Maintenance						
Personal Services	715,239	677,917	0	0	0	
FTE	<u>7.2</u>	<u>8.4</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Cash Funds	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
RF/CFE	715,239	677,917	0	0	0	
FTE	7.2	8.4	0.0	0.0	0.0	
Operating Expenses	<u>27,184</u>	<u>27,189</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Cash Funds	0	0	0	0	0	
RF/CFE	27,184	27,189	0	0	0	
Diesel Inspection/Maintenance Program	641,935	624,135	0	0	0	
FTE	<u>6.4</u>	<u>5.5</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Cash Funds	139,749	162,752	0	0	0	
FTE	1.6	1.3	0.0	0.0	0.0	
RF/CFE	502,186	461,383	0	0	0	
FTE	4.8	4.2	0.0	0.0	0.0	
Clean Screen and High Emitter Programs - RF/CFE	125,716	156,700	0	0	0	
FTE	1.5	1.4	0.0	0.0	0.0	
Mechanic Certification Program - CF	3,182	2,355	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Local Grants	<u>45,229</u>	<u>45,299</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Cash Funds	0	0	0	0	0	
RF/CFE	45,229	45,299	0	0	0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
						Req. vs. App.
Subtotal - Inspection and Maintenance	1,558,485	1,533,595	0	0	0	n/a
FTE	<u>15.1</u>	<u>15.3</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	n/a
Cash Funds	142,931	165,107	0	0	0	n/a
FTE	1.6	1.3	0.0	0.0	0.0	n/a
RF/CFE	1,415,554	1,368,488	0	0	0	n/a
FTE	13.5	14.0	0.0	0.0	0.0	n/a
SUBTOTAL - Mobile Sources	3,354,862	3,362,473	3,397,751	3,500,473	3,500,473	3.0%
FTE	<u>33.5</u>	<u>32.0</u>	<u>36.8</u>	<u>36.8</u>	<u>36.8</u>	0.0%
Cash Funds	142,931	165,107	3,182,527	3,285,249	3,285,249	3.2%
FTE	1.6	1.3	33.9	33.9	33.9	0.0%
RF/CFE	3,008,782	3,012,718	0	0	0	n/a
FTE	29.5	30.3	0.0	0.0	0.0	n/a
Federal Funds	203,149	184,648	215,224	215,224	215,224	0.0%
FTE	2.4	0.4	2.9	2.9	2.9	0.0%

c/ For FY 2008-08, includes an increase of \$64,620 and 1.0 FTE pursuant to S.B. 08-055.

d/ For FY 2008-09, includes an increase of \$3,955 pursuant to S.B. 08-055.

(D) Stationary Sources

Personal Services	0	0	6,603,553 S/	6,862,210	6,710,612	DI #14, BA #1
FTE	<u>0.0</u>	<u>0.0</u>	<u>87.5</u>	<u>88.7</u>	<u>87.2</u>	BA #1a
Cash Funds e/	0	0	5,240,972	5,499,629	5,348,051	
FTE e/	0.0	0.0	67.8	69.0	67.5	
Federal Funds	0	0	1,362,581	1,362,581	1,362,561	
FTE	0.0	0.0	19.7	19.7	19.7	
Operating Expenses	<u>0</u>	<u>0</u>	<u>409,763</u> S/	<u>417,704</u>	<u>409,054</u>	DI NP-1, BA #1
Cash Funds f/	0	0	408,433	416,374	407,724	BA NP-19
Federal Funds	0	0	1,330	1,330	1,330	
Local Contracts	<u>0</u>	<u>0</u>	<u>837,147</u>	<u>837,147</u>	<u>837,147</u>	
Cash Funds g/	0	0	722,067	722,067	722,067	
Federal Funds	0	0	115,080	115,080	115,080	
Preservation of the Ozone Layer - CF	0	0	219,827	231,305	231,305	
FTE	0.0	0.0	2.0	2.0	2.0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
(1) Inventory and Support Services						
Personal Services	1,538,044	1,630,208	0	0	0	
FTE	<u>20.8</u>	<u>20.2</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Cash Funds	1,025,220	1,098,932	0	0	0	
FTE	14.2	14.0	0.0	0.0	0.0	
Federal Funds	512,824	531,276	0	0	0	
FTE	6.6	6.2	0.0	0.0	0.0	
Operating Expenses - CF	258,661	256,551	0	0	0	
						Req. vs. App.
Subtotal - Inventory and Support Services	1,796,705	1,886,759	0	0	0	n/a
FTE	<u>20.8</u>	<u>20.2</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	n/a
Cash Funds	1,283,881	1,355,483	0	0	0	n/a
FTE	14.2	14.0	0.0	0.0	0.0	n/a
Federal Funds	512,824	531,276	0	0	0	n/a
FTE	6.6	6.2	0.0	0.0	0.0	n/a
(2) Permits and Compliance Assurance						
Personal Services	2,854,706	3,490,740	0	0	0	
FTE	<u>35.2</u>	<u>44.4</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Cash Funds	2,219,010	2,826,073	0	0	0	
FTE	30.5	37.1	0.0	0.0	0.0	
RF/CFE	99,045	83,726	0	0	0	
Federal Funds	536,651	580,941	0	0	0	
FTE	4.7	7.3	0.0	0.0	0.0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
Operating Expenses	<u>38,099</u>	<u>99,815</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Cash Funds	31,762	45,942	0	0	0	
Federal Funds	6,337	53,873	0	0	0	
Local Contracts	<u>558,054</u>	<u>674,096</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Cash Funds	319,114	557,710	0	0	0	
Federal Funds	238,940	116,386	0	0	0	
						Req. vs. App.
Subtotal - Permits and Compliance						
Assurance	3,450,859	4,264,651	0	0	0	n/a
FTE	<u>35.2</u>	<u>44.4</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	n/a
Cash Funds	2,569,886	3,429,725	0	0	0	n/a
FTE	30.5	37.1	0.0	0.0	0.0	n/a
RF/CFE	99,045	83,726	0	0	0	n/a
Federal Funds	781,928	751,200	0	0	0	n/a
FTE	4.7	7.3	0.0	0.0	0.0	n/a
(3) Hazardous and Toxic Control						
Personal Services	789,186	869,468	0	0	0	
FTE	<u>9.8</u>	<u>11.2</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Cash Funds	654,056	684,147	0	0	0	
FTE	8.2	9.0	0.0	0.0	0.0	
Federal Funds	135,130	185,321	0	0	0	
FTE	1.6	2.2	0.0	0.0	0.0	
Operating Expenses - CF	57,223	58,845	0	0	0	
Preservation of the Ozone Layer	187,579	199,206	0	0	0	
FTE	<u>1.3</u>	<u>2.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Cash Funds	128,462	144,553	0	0	0	
FTE	1.3	2.0	0.0	0.0	0.0	
RF/CFE	59,117	54,653	0	0	0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
						Req. vs. App.
Subtotal - Hazardous and Toxic Control	1,033,988	1,127,519	0	0	0	n/a
FTE	<u>11.1</u>	<u>13.2</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	n/a
Cash Funds	839,741	887,545	0	0	0	n/a
FTE	9.5	11.0	0.0	0.0	0.0	n/a
RF/CFE	59,117	54,653	0	0	0	n/a
Federal Funds	135,130	185,321	0	0	0	n/a
FTE	1.6	2.2	0.0	0.0	0.0	n/a
(4) Housed Commercial Swine Feeding Operation (HCSFO) Program						
Program Costs - CF	22,097	58,220	0	0	0	Req. vs. App. n/a
FTE	0.1	0.5	0.0	0.0	0.0	n/a
SUBTOTAL - Stationary Sources	6,303,649	7,337,149	8,070,290	8,348,366	8,188,118	Req. vs. App. 3.4%
FTE	<u>67.2</u>	<u>78.3</u>	<u>89.5</u>	<u>90.7</u>	<u>89.2</u>	1.3%
Cash Funds	4,715,605	5,730,973	6,591,299	6,869,375	6,709,147	4.2%
FTE	54.3	62.6	69.8	71.0	69.5	1.7%
RF/CFE	158,162	138,379	0	0	0	n/a
Federal Funds	1,429,882	1,467,797	1,478,991	1,478,991	1,478,971	0.0%
FTE	12.9	15.7	19.7	19.7	19.7	0.0%

e/ For FY 2008-09, includes an increase of \$315,237 and 4.0 FTE pursuant to S.B. 08-055.

f/ For FY 2008-09, includes an increase of \$29,976 pursuant to S.B. 08-055.

g/ For FY 2008-09, includes and increase of \$151,890 pursuant to S.B. 08-055.

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
						Req. vs. App.
TOTAL - (5) AIR QUALITY CONTROL DIVISION	15,414,767	16,994,429	18,198,032	18,910,726	18,707,712	3.9%
FTE	<u>136.9</u>	<u>144.0</u>	<u>165.9</u>	<u>167.1</u>	<u>165.6</u>	0.7%
Cash Funds	6,466,246	8,079,873	14,929,480	15,642,174	15,439,180	4.8%
FTE	63.2	70.8	128.6	129.8	128.3	0.9%
RF/CFE	5,573,556	5,596,867	0	0	0	n/a
FTE	46.9	47.1	0.0	0.0	0.0	n/a
Federal Funds	3,374,965	3,317,689	3,268,552	3,268,552	3,268,532	0.0%
FTE	26.8	26.1	37.3	37.3	37.3	0.0%

(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 drinking water surveillance. Cash fund sources include the Water Quality Control Fund, the Sludge Management Program Fund, the Industrial Pretreatment Fund, and the Drinking Water Fund. Reappropriated funds come from transfers from the Department of Agriculture and the Department of Local Affairs.

(A) Administration

Personal Services	861,036	853,149	902,689	938,029	938,029
FTE	<u>13.7</u>	<u>13.8</u>	<u>13.8</u>	<u>13.8</u>	<u>13.8</u>
General Fund	460,529	467,328	506,837	530,699	530,699
FTE	7.8	7.8	7.8	7.8	7.8
Cash Funds	186,933	173,844	183,346	194,824	194,824
FTE	2.7	2.7	2.7	2.7	2.7
Federal Funds	213,574	211,977	212,506	212,506	212,506
FTE	3.2	3.3	3.3	3.3	3.3
Operating Expenses	<u>52,356</u>	<u>50,709</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
Cash Funds	3,459	3,459	3,459	3,459	3,459
Federal Funds	30,063	28,416	30,063	30,063	30,063

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
Capital Outlay	30,051	44,970	0	0	0	
General Fund	27,046	0	0	0	0	
Cash Funds	3,005	33,525	0	0	0	
RF/CFE	0	11,445	0	0	0	
Indirect Cost Assessment	1,704,660	1,861,796	1,727,536 S/	1,844,340	1,844,340	
Cash Funds	484,113	607,778	980,000	994,180	994,180	
RF/CFE	30,469	22,231	0	0	0	
Federal Funds	1,190,078	1,231,787	747,536	850,160	850,160	
						Req. vs. App.
SUBTOTAL - Administration	2,648,103	2,810,624	2,682,581	2,834,725	2,834,725	5.7%
FTE	13.7	13.8	13.8	13.8	13.8	0.0%
General Fund	506,409	486,162	525,671	549,533	549,533	4.5%
FTE	7.8	7.8	7.8	7.8	7.8	0.0%
Cash Funds	677,510	818,606	1,166,805	1,192,463	1,192,463	2.2%
FTE	2.7	2.7	2.7	2.7	2.7	0.0%
RF/CFE	30,469	33,676	0	0	0	n/a
Federal Funds	1,433,715	1,472,180	990,105	1,092,729	1,092,729	10.4%
FTE	3.2	3.3	3.3	3.3	3.3	0.0%
(B) Watershed Assessment, Outreach, and Assistance						
Personal Services	3,044,810	2,539,193	2,872,739 S/	2,930,730	2,930,730	
FTE	27.8	26.5	39.6	39.6	39.6	
General Fund	325,052	293,047	313,857	355,395	355,395	
FTE	5.4	5.4	5.4	5.4	5.4	
Cash Funds	283,428	298,087	432,941	449,394	449,394	
FTE	3.3	3.3	5.4	3.3	3.3	
RF/CFE	32,870	149,831	38,957	38,957	38,957	
FTE	0.4	2.6	0.5	2.6	2.6	
Federal Funds	2,403,460	1,798,228	2,086,984	2,086,984	2,086,984	
FTE	18.7	15.2	28.3	28.3	28.3	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
Operating Expenses	531,750	663,275	507,945	S/ 525,768	525,768	DI NP-1,
General Fund	376,207	376,207	358,384	376,207	376,207	BA NP-19
Cash Funds	0	0	1,000	1,000	1,000	
RF/CFE	360	1,625	1,675	1,675	1,675	
Federal Funds	155,183	285,443	146,886	146,886	146,886	
Local Grants and Contracts - FF	1,631,087	1,821,460	2,136,456	2,136,456	2,136,456	
Water Quality Improvement - CF	0	54,348	117,196	117,196	117,196	
						Req. vs. App.
SUBTOTAL - Watershed Assessment, Outreach,						
and Assistance	5,207,647	5,078,276	5,634,336	5,710,150	5,710,150	1.3%
FTE	27.8	26.5	39.6	39.6	39.6	0.0%
General Fund	701,259	669,254	672,241	731,602	731,602	8.8%
FTE	5.4	5.4	5.4	5.4	5.4	0.0%
Cash Funds	283,428	352,435	551,137	567,590	567,590	3.0%
FTE	3.3	3.3	5.4	3.3	3.3	-38.9%
RF/CFE	33,230	151,456	40,632	40,632	40,632	0.0%
FTE	0.4	2.6	0.5	2.6	2.6	420.0%
Federal Funds	4,189,730	3,905,131	4,370,326	4,370,326	4,370,326	0.0%
FTE	18.7	15.2	28.3	28.3	28.3	0.0%
(C) Permitting and Compliance Assurance						
Personal Services	3,194,529	3,877,809	3,473,230	S/ 3,712,613	3,712,613	
FTE	37.5	44.2	44.5	44.5	44.5	
General Fund	190,761	174,917	170,398	199,073	199,073	
FTE	3.0	3.0	3.0	3.0	3.0	
Cash Funds	2,200,595	2,689,178	2,869,856	3,080,564	3,080,564	
FTE	28.6	34.3	37.8	37.8	37.8	
RF/CFE	261,438	232,687	0	0	0	
FTE	2.2	3.0	0.0	0.0	0.0	
Federal Funds	541,735	781,027	432,976	432,976	432,976	
FTE	3.7	3.9	3.7	3.7	3.7	
Operating Expenses	411,188	423,818	355,503	S/ 383,866	383,866	DI NP-1,
General Fund	227,706	227,706	199,343	227,706	227,706	BA NP-19
Cash Funds	107,149	113,769	124,996	124,996	124,996	
RF/CFE	10,727	11,227	0	0	0	
Federal Funds	65,606	71,116	31,164	31,164	31,164	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
						Req. vs. App.
SUBTOTAL - Permitting and Compliance						
Assurance	3,605,717	4,301,627	3,828,733	4,096,479	4,096,479	7.0%
FTE	<u>37.5</u>	<u>44.2</u>	<u>44.5</u>	<u>44.5</u>	<u>44.5</u>	0.0%
General Fund	418,467	402,623	369,741	426,779	426,779	15.4%
FTE	3.0	3.0	3.0	3.0	3.0	0.0%
Cash Funds	2,307,744	2,802,947	2,994,852	3,205,560	3,205,560	7.0%
FTE	28.6	34.3	37.8	37.8	37.8	0.0%
RF/CFE	272,165	243,914	0	0	0	n/a
FTE	2.2	3.0	0.0	0.0	0.0	n/a
Federal Funds	607,341	852,143	464,140	464,140	464,140	0.0%
FTE	3.7	3.9	3.7	3.7	3.7	0.0%
(D) Drinking Water Program						
Personal Services	3,728,194	4,787,416	3,247,851 S/	3,316,166	3,316,166	
FTE	<u>46.5</u>	<u>53.4</u>	<u>44.9</u>	<u>44.9</u>	<u>44.9</u>	
General Fund	658,562	838,531	853,748	887,465	887,465	
FTE	15.1	15.1	15.1	15.1	15.1	
Cash Funds	0	337,867	313,282	347,880	347,880	
FTE	0.0	3.5	3.5	3.5	3.5	
Federal Funds	3,069,632	3,611,018	2,080,821	2,080,821	2,080,821	
FTE	31.4	34.8	26.3	26.3	26.3	
Operating Expenses	<u>282,332</u>	<u>275,809</u>	<u>194,569</u> S/	<u>213,583</u>	<u>213,583</u>	DI NP-1, BA NP-19
General Fund	94,887	94,887	75,873	94,887	94,887	
Cash Funds	0	1,750	1,750	1,750	1,750	
Federal Funds	187,445	179,172	116,946	116,946	116,946	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
						Req. vs. App.
SUBTOTAL - Drinking Water Program	4,010,526	5,063,225	3,442,420	3,529,749	3,529,749	2.5%
FTE	<u>46.5</u>	<u>53.4</u>	<u>44.9</u>	<u>44.9</u>	<u>44.9</u>	0.0%
General Fund	753,449	933,418	929,621	982,352	982,352	5.7%
FTE	15.1	15.1	15.1	15.1	15.1	0.0%
Cash Funds	0	339,617	315,032	349,630	349,630	11.0%
FTE	0.0	3.5	3.5	3.5	3.5	0.0%
Federal Funds	3,257,077	3,790,190	2,197,767	2,197,767	2,197,767	0.0%
FTE	31.4	34.8	26.3	26.3	26.3	0.0%
						Req. vs. App.
TOTAL - (6) WATER QUALITY CONTROL DIVISION	15,471,993	17,253,752	15,588,070	16,171,103	16,171,103	3.7%
FTE	<u>125.5</u>	<u>137.9</u>	<u>142.8</u>	<u>142.8</u>	<u>142.8</u>	0.0%
General Fund	2,379,584	2,491,457	2,497,274	2,690,266	2,690,266	7.7%
FTE	31.3	31.3	31.3	31.3	31.3	0.0%
Cash Funds	3,268,682	4,313,605	5,027,826	5,315,243	5,315,243	5.7%
FTE	34.6	43.8	49.4	47.3	47.3	-4.3%
RF/CFE	335,864	429,046	40,632	40,632	40,632	0.0%
FTE	2.6	5.6	0.5	2.6	2.6	420.0%
Federal Funds	9,487,863	10,019,644	8,022,338	8,124,962	8,124,962	1.3%
FTE	57.0	57.2	61.6	61.6	61.6	0.0%

(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 are the Hazardous Waste Service Fund, the Hazardous Waste Commission Fund, the Hazardous Substance Response Fund, the Radiation Control Fund, the Solid Waste Management Fund, and the Waste Tire Recycling Development Cash Fund. Reappropriated funds come from transfers from the Department of Transportation and the Department of Local Affairs.

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
(A) Administration						
Program Costs	196,851	179,093	313,151	321,186	321,186	DI NP-1, BA NP-19
FTE	<u>2.7</u>	<u>1.2</u>	<u>3.4</u>	<u>3.4</u>	<u>3.4</u>	
Cash Funds	188,108	179,093	290,685	298,720	298,720	
FTE	2.7	1.2	3.1	3.1	3.1	
RF/CFE	8,743	0	0	0	0	
Federal Funds	0	0	22,466.0	22,466	22,466	
FTE	0.0	0.0	0.3	0.3	0.3	
Legal Services	377,504	1,230,439	461,490	461,490	Pending	
hours	<u>6,183</u>	<u>6,145</u>	<u>6,145</u>	<u>6,145</u>	<u>6,145</u>	
Cash Funds	235,608	1,074,410	295,239	295,239		
RF/CFE	243	65	500	500		
Federal Funds	141,653	155,964	165,751	165,751		
Capital Outlay - CF	0	0	0	0	0	
Indirect Cost Assessment	<u>1,756,168</u>	<u>1,747,412</u>	<u>1,846,000</u> S/	<u>2,050,621</u>	<u>2,050,621</u>	DI #5
Cash Funds	867,213	826,141	1,160,000	1,379,776	1,379,776	
RF/CFE	32,964	34,890	36,000	43,045	43,045	
Federal Funds	855,991	886,381	650,000	627,800	627,800	
						Req. vs. App.
SUBTOTAL - Administration	2,330,523	3,156,944	2,620,641	2,833,297	2,371,807	8.1%
FTE	<u>2.7</u>	<u>1.2</u>	<u>3.4</u>	<u>3.4</u>	<u>3.4</u>	0.0%
Cash Funds	1,290,929	2,079,644	1,745,924	1,973,735	1,678,496	13.0%
FTE	2.7	1.2	3.1	3.1	3.1	0.0%
RF/CFE	41,950	34,955	36,500	43,545	43,045	19.3%
Federal Funds	997,644	1,042,345	838,217	816,017	650,266	-2.6%
FTE	0.0	0.0	0.3	0.3	0.3	0.0%

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change Requests
	Actual	Actual	Approp.	Request	Staff Rec.	
(B) Hazardous Waste Control Program						
Personal Services	2,922,987	3,258,539	3,842,807	3,850,842	3,850,842	
FTE	<u>34.6</u>	<u>34.6</u>	<u>42.7</u>	<u>42.7</u>	<u>42.7</u>	
Cash Funds	1,280,657	1,238,637	2,206,346	2,214,381	2,214,381	
FTE	15.6	15.3	22.1	22.1	22.1	
Federal Funds	1,642,330	2,019,902	1,636,461	1,636,461	1,636,461	
FTE	19.0	19.3	20.6	20.6	20.6	
Operating Expenses	<u>169,572</u>	<u>144,703</u>	<u>229,006</u>	<u>229,006</u>	<u>229,006</u>	DI NP-1,
Cash Funds	42,601	45,663	78,948	78,948	78,948	BA NP-19
Federal Funds	126,971	99,040	150,058	150,058	150,058	
						Req. vs. App.
SUBTOTAL - Hazardous Waste Control	3,092,559	3,403,242	4,071,813	4,079,848	4,079,848	0.2%
FTE	<u>34.6</u>	<u>34.6</u>	<u>42.7</u>	<u>42.7</u>	<u>42.7</u>	0.0%
Cash Funds	1,323,258	1,284,300	2,285,294	2,293,329	2,293,329	0.4%
FTE	15.6	15.3	22.1	22.1	22.1	0.0%
Federal Funds	1,769,301	2,118,942	1,786,519	1,786,519	1,786,519	0.0%
FTE	19.0	19.3	20.6	20.6	20.6	0.0%
(C) Solid Waste Control Program						
Program Costs - CF	1,062,196	1,351,494	2,385,661	2,385,661	2,385,661	DI #7, DI NP-1,
FTE	11.5	12.5	17.0	20.4	20.4	BA NP-19
(D) Uranium Mill Tailings Remedial Action Program						
Program Costs	192,229	210,008	236,175	240,594	240,594	DI NP-1,
FTE	<u>2.7</u>	<u>2.7</u>	<u>3.1</u>	<u>3.1</u>	<u>3.1</u>	BA NP-19
RF/CFE	176,628	185,224	190,904	195,323	195,323	
FTE	2.5	2.5	2.6	2.6	2.6	
Federal Funds	15,601	24,784	45,271	45,271	45,271	
FTE	0.2	0.2	0.5	0.5	0.5	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
(E) Contaminated Site Cleanups						
Personal Services	5,275,449	3,916,566	4,515,558	4,563,385	4,563,385	DI #5
FTE	<u>34.0</u>	<u>30.5</u>	<u>38.4</u>	<u>38.4</u>	<u>38.4</u>	
Cash Funds	885,225	679,816	1,103,443	1,188,270	1,188,270	
FTE	11.2	8.0	13.0	13.5	13.5	
RF/CFE	20,474	27,127	0	0	0	
Federal Funds	4,369,750	3,209,623	3,412,115.0	3,375,115	3,375,115	
FTE	22.8	22.5	25.4	24.9	24.9	
Operating Expenses	<u>577,648</u>	<u>298,789</u>	<u>222,991</u>	<u>222,991</u>	<u>222,991</u>	DI #5
Cash Funds	36,404	32,202	48,082	52,082	52,082	
RF/CFE	277	930	0	0	0	
Federal Funds	540,967	265,657	174,909	170,909	170,909	
Contaminated Sites Operation & Maintenance	<u>961,134</u>	<u>1,058,219</u>	<u>2,088,864</u>	<u>2,088,864</u>	<u>2,088,864</u>	DI #5
Cash Funds	102,674	117,516	260,186	1,191,186	1,191,186	
Federal Funds	858,460	940,703	1,828,678	897,678	897,678	
Legal Services for CERCLA Contract Oversight-Related Costs - CF	425,000	425,000	425,000	425,000	425,000	
Hours	N/A	N/A	N/A	N/A	N/A	
						Req. vs. App.
SUBTOTAL - Contaminated Site Cleanups	7,239,231	5,698,574	7,252,413	7,300,240	7,300,240	0.7%
FTE	<u>34.0</u>	<u>30.5</u>	<u>38.4</u>	<u>38.4</u>	<u>38.4</u>	0.0%
Cash Funds	1,449,303	1,254,534	1,836,711	2,856,538	2,856,538	55.5%
FTE	11.2	8.0	13.0	13.5	13.5	3.8%
RF/CFE	20,751	28,057.0	0	0	0	n/a
Federal Funds	5,769,177	4,415,983	5,415,702	4,443,702	4,443,702	-17.9%
FTE	22.8	22.5	25.4	24.9	24.9	-2.0%

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
(F) Rocky Flats Agreement						
Program Costs - FF	253,479	129,087	244,781	244,781	244,781	
FTE	2.3	1.0	2.3	2.3	2.3	
Legal Services - FF	22,227	10,012	41,305 S/	10,439	Pending	
Hours	315	139	550	139	139	
						Req. vs. App.
SUBTOTAL - Rocky Flats Agreement - FF	275,706	139,099	286,086	255,220	244,781	-10.8%
FTE	2.3	1.0	2.3	2.3	2.3	0.0%
(G) Radiation Management						
Personal Services	1,802,291	1,760,669	1,806,600	2,006,519	2,006,519	DI #8
FTE	<u>20.3</u>	<u>21.5</u>	<u>21.5</u>	<u>23.5</u>	<u>23.5</u>	
Cash Funds	1,472,877	1,553,580	1,625,528	1,825,447	1,825,447	
FTE	18.2	19.0	19.2	21.2	21.2	
RF/CFE	23,770	0	0	0	0	
Federal Funds	305,644	207,089	181,072	181,072	181,072	
FTE	2.1	2.5	2.3	2.3	2.3	
Operating Expenses	<u>261,758</u>	<u>267,965</u>	<u>229,625</u>	<u>265,981</u>	<u>265,981</u>	DI #6, 8, NP-1, BA NP-19
Cash Funds	63,659	71,766	72,139	108,495	108,495	
Federal Funds	198,099	196,199	157,486	157,486	157,486	
						Req. vs. App.
SUBTOTAL - Radiation Management	2,064,049	2,028,634	2,036,225	2,272,500	2,272,500	11.6%
FTE	<u>20.3</u>	<u>21.5</u>	<u>21.5</u>	<u>23.5</u>	<u>23.5</u>	9.3%
Cash Funds	1,536,536	1,625,346	1,697,667	1,933,942	1,933,942	13.9%
FTE	18.2	19.0	19.2	21.2	21.2	10.4%
RF/CFE	23,770	0	0	0	0	n/a
Federal Funds	503,743	403,288	338,558	338,558	338,558	0.0%
FTE	2.1	2.5	2.3	2.3	2.3	0.0%

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
						Req. vs. App.
SUBTOTAL - (7) HAZARDOUS MATERIALS						
WASTE MANAGEMENT DIVISION	16,256,493	15,987,995	18,889,014	19,367,360	18,895,431	2.5%
FTE	<u>108.1</u>	<u>104.0</u>	<u>128.4</u>	<u>133.8</u>	<u>133.8</u>	4.2%
Cash Funds	6,662,222	7,595,318	9,951,257	11,443,205	11,147,966	15.0%
FTE	59.2	56.0	74.4	80.3	80.3	7.9%
RF/CFE	263,099	248,236	227,404	238,868	238,368	5.0%
FTE	2.5	2.5	2.6	2.6	2.6	0.0%
Federal Funds	9,331,172	8,144,441	8,710,353	7,685,287	7,509,097	-11.8%
FTE	46.4	45.5	51.4	50.9	50.9	-1.0%

(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 are the Food Protection Cash Fund, the Wholesale Food Manufacturing and Storage Protection Fund, and the Artificial Tanning Device Education Fund. Reappropriated funds come from transfers from the Department of Corrections and the Department of Human Services

Personal Services	1,933,014	2,006,460	2,115,589 S/	2,221,900	2,221,900	
FTE	<u>26.1</u>	<u>21.2</u>	<u>28.4</u>	<u>28.4</u>	<u>28.4</u>	
General Fund	1,062,655	1,087,037	1,104,549	1,158,916	1,158,916	
FTE	15.2	13.0	16.2	16.2	16.2	
Cash Funds h/	604,860	575,701	656,948	706,406	706,406	
FTE h/	7.5	5.0	7.8	7.8	7.8	
RF/CFE	68,157	64,360	78,887.0	81,373	81,373	
FTE	2.0	1.2	2.0	2.0	2.0	
Federal Funds	197,342	279,362	275,205	275,205	275,205	
FTE	1.4	2.0	2.4	2.4	2.4	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
Operating Expenses	118,929	130,939	124,367	121,907	121,907	DI NP-1, BA NP-19
General Fund	20,508	29,637	29,637	29,637	29,637	
Cash Funds i/	51,510	50,278	56,470	54,010	54,010	
RF/CFE	8,900	7,415	9,708	9,708	9,708	
Federal Funds	38,011	43,609	28,552	28,552	28,552	
Capital Outlay - GF	0	0	0	0	0	
Indirect Cost Assessment	163,423	152,835	207,823	222,281	222,281	
Cash Funds	117,860	102,221	150,000	164,458	164,458	
RF/CFE	0	0	7,000	7,000	7,000	
Federal Funds	45,563	50,614	50,823	50,823	50,823	
						Req. vs. App.
TOTAL - (8) CONSUMER PROTECTION						
DIVISION	2,215,366	2,290,234	2,447,779	2,566,088	2,566,088	4.8%
FTE	26.1	21.2	28.4	28.4	28.4	0.0%
General Fund	1,083,163	1,116,674	1,134,186	1,188,553	1,188,553	4.8%
FTE	15.2	13.0	16.2	16.2	16.2	0.0%
Cash Funds	774,230	728,200	863,418	924,874	924,874	7.1%
FTE	7.5	5.0	7.8	7.8	7.8	0.0%
RF/CFE	77,057	71,775	95,595	98,081	98,081	2.6%
FTE	2.0	1.2	2.0	2.0	2.0	0.0%
Federal Funds	280,916	373,585	354,580	354,580	354,580	0.0%
FTE	1.4	2.0	2.4	2.4	2.4	0.0%

h/ For FY 2008-09, includes increases of \$22,434 and 0.3 FTE pursuant to H.B. 08-1054.

i/ For FY 2008-09, includes an increase of \$4,960 pursuant to H.B. 08-1054.

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2009-10	Change
	Actual	Actual	Approp.	Request	Staff Rec.	Requests
						Req. vs. App.
TOTAL -						
ENVIRONMENTAL DIVISIONS	50,722,424	53,967,449	59,184,607	61,078,051	60,403,108	3.2%
FTE	<u>403.5</u>	<u>415.4</u>	<u>473.6</u>	<u>481.2</u>	<u>479.7</u>	1.6%
General Fund	3,462,747	3,608,131	3,631,460	3,878,819	3,878,819	6.8%
FTE	46.5	44.3	47.5	47.5	47.5	0.0%
Cash Funds	17,236,170	21,183,808	34,128,834	36,683,411	36,185,178	7.5%
FTE	164.6	177.4	261.3	267.3	265.8	2.3%
RF/CFE	6,384,576	6,460,494	363,631	377,581	377,081	3.8%
FTE	54.0	56.4	5.1	7.2	7.2	41.2%
Federal Funds	23,638,931	22,715,016	21,060,682	20,138,240	19,962,030	-4.4%
FTE	138.4	137.3	159.7	159.2	159.2	-0.3%

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

JBC WORKING DOCUMENT
Staff Recommendation Does Not Represent Committee Decision

(1) ADMINISTRATION AND SUPPORT

(B) Special 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. The FTE in this program are entirely federally funded.

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Administrative Support Staff	1.0	1.0	1.0	1.0
Environ. Protection Specialist	3.9	4.0	4.0	4.0
Physical Scientist	1.0	1.0	1.0	1.0
Staff / General Professional	1.3	1.0	1.0	1.0
TOTAL	7.2	7.0	7.0	7.0

The Department requests and **staff recommends a continuing appropriation of \$879,035 and 7.0 FTE**, consisting of comprised of \$174,176 cash funds and \$704,859 federal funds.

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. The source of cash funds is the Housed Commercial Swine Feeding Operation Fund.

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Environ. Protection Specialist	0.5	0.5	0.5	0.5
TOTAL	0.5	0.5	0.5	0.5

The Department requests and **staff recommends a continuation appropriation of \$59,378 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 in the table below.

Summary of (I) Administration and Support, (C) Special Environmental Programs HCSFO Program Cost Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$58,316	\$0	\$58,316	\$0	\$0	0.5
FY 2008-09 Salary Survey	771	0	771	0	0	0.0
Base-building Performance Pay	291	0	291	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$59,378	\$0	\$59,378	\$0	\$0	0.5

Recycling Resources Economic Opportunity Program

This program is a pollution prevention effort that is administered and overseen by the Pollution Prevention Advisory Board and the Pollution Prevention staff, which resides in the long bill under Special Programs, Environmental Leadership and Pollution Prevention. The program was created by H.B. 07-1288 (Solano/Shaffer), the "Recycling Resources Economic Opportunity Act" which increased existing solid waste disposal and waste tire fees to fund recycling incentives and waste management programs in the Department of Public Health and Environment and the Department of Local Affairs. Pollution prevention efforts cross division lines and involve all media (air, water and waste); thus, the program resides in the Administration and Support Division.

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Environ. Protection Specialist	0.0	1.0	1.0	1.0
Staff / General Professional	0.6	0.6	0.6	0.6
TOTAL	0.6	1.6	1.6	1.6

The Department requests and **staff recommends a continuing appropriation of \$2,629,361 cash funds and 0.6 FTE.** Cash funds are from the Recycling Resources Economic Opportunity Fund.

Advanced Technology Research Grants

This program is a pollution prevention effort that is administered and overseen by the Pollution Prevention Advisory Board and the Pollution Prevention staff, which resides in the long bill under Special Programs, Environmental Leadership and Pollution Prevention. The program was created by 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.

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 although the funds are now 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.

Personal Services

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Administrative Support Staff	0.5	0.5	0.5	0.5
Management	2.0	2.0	2.0	2.0
Staff / General Professionals	2.0	2.0	2.0	2.0
TOTAL	4.5	4.5	4.5	4.5

The Department requests and **staff recommends an appropriation of \$385,113 and 4.5 FTE**. The recommended funding breakdown is \$294,704 cash funds and \$90,409 federal funds. Cash funds are from the Stationary Sources Control Fund and the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund. The funding for this line item was calculated in accordance with JBC common policies and is summarized in the table below.

Summary of (5) Air Quality Control Division, (A) Administration Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$362,156	\$0	\$271,747	\$0	\$90,409	4.5
FY 2008-09 Salary Survey	16,663	0	16,663	0	0	0.0
Base-building Performance Pay	6,294	0	6,294	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$385,113	\$0	\$294,704	\$0	\$90,409	4.5

Operating Expenses

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

Indirect Cost Assessment

The Department requests a total of \$2,667,609, consisting of \$2,356,330 cash funds and \$311,279 federal funds, which reflects the statewide and departmental indirect cost plan. The request includes

increases of \$42,595 cash funds associated with Budget Amendment #1 and \$271 cash funds associated with Decision Item #14 and Budget Amendment #1a.

Staff recommends a total of \$2,624,843, consisting of \$2,313,564 cash funds and \$311,279 federal funds, to capture the division's share of statewide and departmental indirect costs. The recommendation does not include the requested increases associated with Budget Amendment #1, Decision Item #14, and Budget Amendment #1a (all of which are discussed in the Stationary Sources section of this document). **Staff requests permission to work with the Department to finalize the indirect cost amount once Committee has taken final action on all line items.**

(B) Technical Services

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

- Air Quality Monitoring. This 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.
- 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. The Modeling and Analysis program also includes ozone modeling work related to the front range area's designation as an ozone non-attainment area in 2007.
- Visibility and Risk Assessment. This program is responsible for two programs: the Class I Area Program (national parks and wilderness areas) and the urban visibility program.

Technical Services, Personal Services

This line item houses the appropriation for all Technical Services FTE, including those involved with air quality monitoring, modeling and analysis, visibility, and risk assessment, which had been separate line items prior to FY 2008-09.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Administrative Support Staff	1.0	1.0	1.0	1.0

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Electronics Specialist	2.6	2.6	2.6	2.6
Engineers	2.8	2.8	2.8	2.8
Environmental Protection Specialist	9.0	14.0	14.0	14.0
Information Systems Staff	1.3	1.3	1.3	1.3
Management	1.1	1.1	1.1	1.1
Physical Scientist	7.9	8.9	8.9	8.9
Staff / General Professionals	3.4	3.4	3.4	3.4
TOTAL	29.1	35.1	35.1	35.1

The Department requests and **staff recommends a continuation appropriation of \$2,869,283, comprised of \$1,884,629 cash funds and \$984,654 federal funds, and 35.1 FTE.** The table below shows staff's calculations for this appropriation. 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. The funding for this line item was calculated in accordance with JBC common policies and is summarized in the table below.

Summary of (5) Air Quality Control Division, (B) Technical Services Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$2,747,272	\$0	\$1,762,618	\$0	\$984,654	35.1
FY 2008-09 Salary Survey	88,559	0	88,559	0	0	0.0
Base-building Performance Pay	33,452	0	33,452	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$2,869,283	\$0	\$1,884,629	\$0	\$984,654	35.1

Technical Services, Operating Expenses

This line item houses the operating expenses appropriations associated with all of the Technical Services programs.

The Department requests and **staff recommends a continuation appropriation of \$400,327, comprised of \$315,766 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. The funding for this line item was calculated in accordance with JBC common policies and is summarized in the table below.

Summary of (5) Air Quality Control Division, (B) Technical Services Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2008-09 Long Bill (H.B. 08-1375)	\$320,319	\$0	\$235,758	\$0	\$84,561
S.B. 08-55	80,008	0	80,008	0	0
FY 2008-09 Total Appropriation	400,327	0	315,766	0	84,561
Total Recommendation	\$400,327	\$0	\$315,766	\$0	\$84,561

Technical Services, Local Contracts

The Department uses this line item to contract with local health agencies to collect air quality data and for ozone modeling related to the front range area's designation as a non-attainment area in 2007. The Department has until the fall of 2009 to work with stakeholders to develop a State Implementation Plan (SIP) amendment for the federal 8-hour ozone 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 Department requests and **staff recommends a continuation appropriation of \$730,368**, comprised of \$636,121 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. The funding for this line item was calculated in accordance with JBC common policies and is summarized in the table below.

Summary of (5) Air Quality Control Division, (B) Technical Services Local Contracts Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2008-09 Long Bill (H.B. 08-1375)	\$650,551	\$0	\$556,304	\$0	\$94,247
S.B. 08-55	79,817	0	79,817	0	0
FY 2008-09 Total Appropriation	730,368	0	636,121	0	94,247
Total Recommendation	\$730,368	\$0	\$636,121	\$0	\$94,247

(C) Mobile Sources

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

- **Research and Support.** 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.
- **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.

Mobile Sources, Personal Services

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Administrative Support Staff	2.1	2.1	2.1	2.1
Engineers	1.2	1.2	1.2	1.2
Environmental Protection Specialist	13.3	17.0	17.0	17.0
Information Systems Staff	0.3	0.3	0.3	0.3
Management	0.2	0.2	0.2	0.2
Physical Scientist	3.5	3.5	3.5	3.5
Staff / General Professionals	5.9	5.9	5.9	5.9
TOTAL	26.5	30.2	30.2	30.2

The Department requests and **staff recommends a continuation appropriation of \$2,461,278, comprised of \$2,264,304 cash funds and \$196,974 federal funds, and 30.2 FTE.** The funding for this line item was calculated in accordance with JBC common policies and is summarized in the table below.

Summary of (5) Air Quality Control Division, (C) Mobile Sources Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$2,312,484	\$0	\$2,115,510	\$0	\$196,974	29.2
S.B. 08-55	64,620	0	64,620	0	0	1.0
FY 2008-09 Supplemental Appropriation	(18,177)	0	(18,177)	0	0	0.0
FY 2008-09 Appropriation	2,358,927	0	2,161,953	0	196,974	30.2
Restore FY 2008-09 Supplemental Reduction	18,177	0	18,177	0	0	0.0
FY 2008-09 Salary Survey	61,096	0	61,096	0	0	0.0
Base-building Performance Pay	23,078	0	23,078	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$2,461,278	\$0	\$2,264,304	\$0	\$196,974	30.2

Mobile Sources, Operating Expenses

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

The Department requests and **staff recommends a continuation appropriation of \$335,327 comprised of \$317,077 cash funds and \$18,250 federal funds.** The funding for this line item was calculated in accordance with JBC common policies and is summarized in the table below.

Summary of (5) Air Quality Control Division, (C) Mobile Sources Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2008-09 Long Bill (H.B. 08-1375)	\$334,827	\$0	\$316,577	\$0	\$18,250
S.B. 08-55	3,955	0	3,955	0	0

Summary of (5) Air Quality Control Division, (C) Mobile Sources Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2008-09 Appropriation	338,782	0	320,532	0	18,250
Annualize S.B. 08-55	(3,455)	0	(3,455)	0	0
Total Recommendation	\$335,327	\$0	\$317,077	\$0	\$18,250

Mobile Sources, Diesel Inspection/Maintenance Program

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Administrative Support Staff	0.6	0.6	0.6	0.6
Environmental Protection Specialist	4.3	5.3	5.3	5.3
Physical Scientist	0.1	0.2	0.2	0.2
Information Systems	0.1	0.1	0.1	0.1
Staff / General Professionals	0.4	0.4	0.4	0.4
TOTAL	5.5	6.6	6.6	6.6

The Department requests and **staff recommends a continuation appropriation of \$651,569 cash funds and 6.6 FTE**. The funding for this line item was calculated in accordance with JBC common policies and is summarized in the table below.

Summary of (5) Air Quality Control Division, (C) Mobile Sources Diesel Inspection/Maintenance Program Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$647,743	\$0	\$647,743	\$0	\$0	6.6
FY 2008-09 Salary Survey	2,777	0	2,777	0	0	0.0
Base-building Performance Pay	1,049	0	1,049	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0

Summary of (5) Air Quality Control Division, (C) Mobile Sources Diesel Inspection/Maintenance Program Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Total Recommendation	\$651,569	\$0	\$651,569	\$0	\$0	6.6

Impact of the American Recovery and Reinvestment Act (The Federal Stimulus Bill)

The Department may receive stimulus funding for diesel emission reductions. The Department anticipates receiving up to \$1.75 million in non-competitive funding to provide grants to local governments, quasi-government entities, and non-profits that apply for grants for projects to reduce diesel emissions. The bill also allows for a competitive program to award funding to the states; the Department may apply for such funding but cannot estimate a likely amount of funding.

Mobile Sources, Mechanic Certification Program

This line item funds the development of course curricula and training materials, and includes the training and certification of instructors.

Staff recommends the requested appropriation of \$7,000 cash funds and no FTE. The source of cash funds is tuition for the program.

Mobile Sources, Local Grants

This line supports the development and implementation of the inspection and maintenance program in the form of grants to local governments to conduct research on issues pertaining to air quality attainment strategies. **Staff recommends the requested continuing appropriation of \$45,299.** The source of cash funds exempt is the AIR Account of the Highway Users Tax fund.

(D) Stationary Sources

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

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

- Inventory and Support Services. 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.
- Permits and Compliance Assurance. This program is responsible for informing industry, through the permitting process, of which regulations apply to them; helping small businesses understand complex rules; encouraging compliance with air quality regulations by conducting periodic inspections of air pollutant sources; and pursuing enforcement actions, as necessary.
- Hazardous and Toxic Control. The Clean Air Act Amendments of 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).

Stationary Sources, Personal Services

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Administrative Support Staff	6.6	6.6	6.6	6.6
Engineers	17.5	17.5	17.5	17.5
Environmental Protection Specialist	35.1	44.4	45.1	44.1
Information Systems Staff	4.0	4.0	4.5	4.0
Management	2.0	2.0	2.0	2.0
Physical Scientist	1.1	1.1	1.1	1.1
Program Assistant	1.4	1.9	1.9	1.9
Staff / General Professionals	7.0	9.0	9.0	9.0
State Service Professional Trainee	1.0	1.0	1.0	1.0
TOTAL	75.7	87.5	88.7	87.2

The Department requests a total appropriation of \$6,862,210, comprised of \$5,499,629 cash funds and \$1,362,581 federal funds, and 88.7 FTE. The request includes increases of \$180,490 cash funds for new oil and gas related staff associated with the implementation of H.B. 07-1341 (Budget

Amendment #1) and \$18,431 cash funds for contract services to maintain software systems associated with implementation of H.B. 07-1341 (Decision Item #14 and Budget Amendment #1a). The relevant decision item and budget amendments are discussed below.

Staff recommends a total appropriation of \$6,710,762 comprised of \$5,348,051 cash funds and \$1,362,561 federal funds, and 87.2 FTE. The table below shows staff's calculations for the recommendation.

Summary of (5) Air Quality Control Division, (D) Stationary Sources Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$6,216,921	\$0	\$4,854,360	\$0	\$1,362,561	83.2
S.B. 08-55	315,237	0	315,237	0	0	4.0
FY 2008-09 Supplemental Appropriation	71,375	0	71,375	0	0	0.3
FY 2008-09 Appropriation	6,603,533	0	5,240,972	0	1,362,561	87.5
Eliminate one-time funding in FY 2008-09 supplemental	(64,600)	0	(64,600)	0	0	0.0
Restore FY 2008-09 supplemental reduction (hiring freeze)	18,177	0	18,177	0	0	0.0
FY 2008-09 Salary Survey	95,436	0	95,436	0	0	0.0
Base-building Performance Pay	36,050	0	36,050	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
BA #1	4,616	0	4,616	0	0	(0.3)
DI #14/BA #1a	17,400	0	17,400	0	0	0.0
Total Recommendation	\$6,710,612	\$0	\$5,348,051	\$0	\$1,362,561	87.2

BA #1: COLORADO OIL AND GAS COMMISSION

The Department requests a total increase of \$255,568 cash funds and 1.5 FTE above the November 1, 2008 request to assist with Colorado Oil and Gas Conservation Commission (COGCC) rules implementing H.B. 07-1341. The request, largely annualizing an FY 2008-09 supplemental request which the Committee partially approved, would provide additional FTE and funding to facilitate the Department's consultation role pursuant to H.B. 07-1341. The cash funds are from the Oil and Gas

Conservation and Environmental Response Fund created in Section 34-60-122, C.R.S. and controlled by the COGCC. Funds in the Oil and Gas Conservation and Environmental Response Fund are from the mill levy assessed on oil and natural gas extracted in the State.

In addition to annualizing the FY 2008-09 supplemental request, the budget amendment seeks funds to increase salaries for 2.0 FTE appropriated through H.B. 07-1341. The Department has only hired one of the FTE because they are paying the employee at 30 percent above the range minimum and do not have sufficient resources to hire the second FTE.

Background. H.B. 07-1341 requires the COGCC to promulgate rules and establish a procedure for the timely review of applications for permits to drill (APDs) and applications for an order establishing or amending a drilling and spacing unit (see Section 34-60-106, C.R.S.). The bill required the COGCC to consult the Department in the development of those rules and procedures and to allow the Department to provide comments during the COGCC's decision-making process on such permits.

The COGCC finalized the rules in December 2008, with an effective date of April 1, 2009 for non-federal lands and May 1, 2009 for federal lands. The rules limit CDPHE's consultation role to four potential situations: 1) an operator seeks a variance from rules designed to protect public health or the environment; 2) a local government requests consultation by the Department; 3) COGCC develops an area-wide comprehensive plan for development of oil and gas in a given area; and 4) an operator seeks COGCC approval of an increase in well density. The Department estimates that approximately 10 percent of the permits the COGCC's receives will require consultation, resulting in approximately 700 consultations per year if the COGCC receives 7,000 permit applications (the COGCC received more than 8,000 in 2008).

Staff Analysis. The following table outlines the appropriations history for the Department related to H.B. 07-1341, from the special bill appropriation through the FY 2009-10 budget amendment.

Appropriation History for CDPHE Activities Directly Related to H.B. 07-1341*

	JBC Action/ Staff Rec.		Department Request		Difference	
	Cash Funds	FTE	Cash Funds	FTE	Cash Funds	FTE
FY 2007-08 Appropriation (H.B. 07-1341)	\$100,000	1.0	\$100,000	1.0	\$0	0.0
Annualize H.B. 07-1341	<u>79,640</u>	<u>1.0</u>	<u>79,640</u>	<u>1.0</u>	<u>0</u>	<u>0.0</u>
FY 2008-09 Long Bill (Annualizing H.B. 07-1341)	179,640	2.0	179,640	2.0	0	0.0
FY 2008-09 Supplemental	<u>33,046</u>	<u>0.3</u>	<u>61,608</u>	<u>0.4</u>	<u>(28,562)</u>	<u>(0.1)</u>
FY 2008-09 Revised Appropriation/Request	212,686	2.3	241,248	2.4	(28,562)	(0.1)

	JBC Action/ Staff Rec.		Department Request		Difference	
	Cash Funds	FTE	Cash Funds	FTE	Cash Funds	FTE
FY 2009-10 Budget Amendment #1	17,727	(0.3)	193,960	1.1	(176,233)	(1.4)
FY 2009-10 Recommendation/Request	\$230,413	2.0	\$435,208	3.5	(\$204,795)	(1.5)
Change from FY 2008-09 Long Bill	\$50,773	0.0	\$255,568	1.5	(\$204,795)	(1.5)

*Amounts shown include personal services, operating, and indirect costs but do not include software programming costs associated with rule implementation and awarded through supplemental appropriations. Legal Services costs are not included in the FY 2009-10 recommendation because the hourly rate for legal services is pending a common policy decision.

FY 2008-09 Supplemental Decisions. As shown in the table, the Committee-approved supplemental appropriation provided \$33,406 cash funds, a reduction of \$28,562 from the request. The major changes from the FY 2008-09 supplemental request to the supplemental appropriation are explained below:

- *Personal Services.* The Committee denied a request for \$8,835 and 0.1 FTE for an information technology employee in FY 2008-09 (which would have annualized to \$35,340 and 0.5 FTE in FY 2009-10).
- *Operating.* The Committee denied a request for \$5,701 in operating expenses for travel and field trips in FY 2008-09 (which would have annualized to \$25,802 in FY 2009-10).
- *Indirect Costs.* The Committee denied the request for \$10,268 for indirect costs in FY 2008-09 (which would have annualized to \$42,595 in FY 2009-10).

FY 2009-10 Budget Amendment. As discussed above, the request for FY 2009-10 largely annualizes the request for FY 2008-09, with an addition of \$42,595 to increase the salaries for the 2.0 FTE authorized through H.B. 07-1341 to 30 percent above the range minimum for those positions. The appropriation in H.B. 07-1341 assumed that the Department would fill each position at the minimum salary. However, according to the Department, when the positions were advertised as statewide promotional opportunities, the qualified applicants all required salaries well above the range minimum to make a transfer possible. As a result, the Department filled one of the two authorized positions by increasing the salary to 30 percent above the range minimum. Doing so left insufficient resources to fill the remaining position, and the Department says that filling both will not be possible without additional salary resources.

In light of newly available information, **staff recommends that the Committee revisit the decisions from the FY 2008-09 supplemental process as they apply to FY 2009-10 rather than simply annualizing the supplemental.** Staff's recommendation is based on two factors.

- The Department's workload calculations, and those used in the FY 2008-09 supplemental approved by the Committee, assume that the COGCC will receive at least 7,000 applications for permits to drill (APDs) in FY 2009-10.

- The COGCC is now projecting receipt of a total of 5,030 APDs in FY 2009-10, a reduction of nearly 2,000 (28 percent) from the Department's assumptions.

Below is an explanation of staff's recommendation regarding each line item affected by the budget amendment, in the order that they appear in the Long Bill.

Administration and Support, Legal Services

The Department estimates that implementation of the new rules will require an additional 70 hours of legal services in FY 2009-10 (35 hours above the FY 2008-09 appropriation as adjusted by the supplemental bill). The Department is anticipating a need for legal advice concerning the interpretation of the new rules and implementation of the Department's consultation responsibilities. According to the request, the estimate is based on previous consultations with the Attorney General's Office for other programs. The General Assembly approved the request for 35 additional hours in FY 2008-09 as part of the supplemental appropriation.

Staff recommends that the Committee approve the Department's request for 70 additional hours of legal services provided by the Attorney General's Office in FY 2009-10 (an increase of 35 hours above the FY 2008-09 level as adjusted by the supplemental bill). Given the complex and contentious nature of the new rules, staff agrees that additional legal services are likely to be necessary at least in the near term.

Air Quality Control Division, Administration, Indirect Cost Assessment

The Department is requesting \$42,595 cash funds for indirect costs related to the FY 2009-10 budget amendment. The indirect cost request reflects 20 percent of the direct costs requested. Under fiscal note policies, no indirect costs were provided for in the fiscal note for H.B. 07-1341. The Department is requesting an increase to account for indirect costs associated with the supplemental/budget amendment requests, including lease costs, utilities, copying, etc. The Department requested \$10,268 for indirect costs associated with the FY 2008-09 supplemental but the Committee denied that request.

As staff is now recommending the elimination of the FTE approved through the FY 2008-09 supplemental and not adding any other FTE, **staff recommends that the Committee deny the request for additional indirect costs.**

Air Quality Control Division, Stationary Sources, Personal Services

The Department is requesting \$139,250 and 1.5 FTE in FY 2009-10 to provide additional personnel to implement the new COGCC rules. The Department is also requesting \$42,595 cash funds to pay the 2.0 FTE appropriated through H.B. 07-1341 at 30 percent above the range minimum. The request includes:

- \$99,811 (including PERA and Medicare) and 1.0 FTE for an Environmental Protection Specialist (EPS) III position approved in the FY 2008-09 supplemental. The position would supervise the 2.0 EPS II FTE appropriated in H.B. 07-1341 as well as assist with the anticipated consultation workload. The General Assembly approved this position in the FY

2008-09 supplemental appropriation, providing \$24,952 and 0.3 FTE for the last three months of FY 2008-09. **Based on the new information regarding the projected number of APDs, staff recommends that the Committee eliminate this FTE and the associated personal services resources in FY 2009-10.** The position has not been hired and could be eliminated without impacting current program operations.

- \$39,439 and 0.5 FTE in FY 2009-10 for an Information Technology Professional II to assist with information technology needs associated with the new rules. As noted above, the Department is seeking to pay both positions at 30 percent above the respective range minimums to attract applicants. The Committee denied the request for this position in the FY 2008-09 supplemental. **Staff recommends that the Committee deny this request.**
- \$42,595 to pay the 2.0 FTE authorized by H.B. 07-1341 at 30 percent above the range minimum. As discussed above, the Department has already hired 1.0 FTE at 30 percent above the range minimum and is asking to for sufficient resources to hire the second FTE at that level. However, the Department only advertised the previous position to State employees and did not attempt to hire externally. As a result, industry employees did not have the option to apply for the position. Given the current economic climate and the employment situation in the industry, staff argues that the Department should be able to hire the second FTE at the range minimum by searching outside the State system. **Staff recommends that the Committee provide sufficient resources to fund the second FTE authorized in H.B. 07-1341 at the range minimum (an additional \$29,568 for salary and benefits).** Staff is concerned about the Department's hiring process for the first FTE but does believe that the second position will be necessary to successfully implement the bill.

The table below summarizes staff's recommended changes to the personal services appropriation related to H.B. 07-1341.

	JBC Action/ Staff Rec.	
	Cash Funds	FTE
FY 2007-08 Personal Services Appropriation (H.B. 07-1341)	\$53,776	1.0
Annualize H.B. 07-1341 Personal Services	<u>73,455</u>	<u>1.0</u>
FY 2008-09 Long Bill Personal Services (Annualizing H.B. 07-1341)	127,231	2.0
FY 2008-09 Supplemental	<u>24,952</u>	<u>0.3</u>
FY 2008-09 Revised Personal Services Appropriation	152,183	2.3
Eliminate position approved in FY 2008-09 supplemental	(24,952)	(0.3)
Provide funding to pay existing FTE at range minimum	<u>29,568</u>	<u>0.0</u>

	JBC Action/ Staff Rec.	
	Cash Funds	FTE
Total, Budget Amendment #1 Personal Services	4,616	(0.3)
FY 2009-10 Recommendation	\$156,799	2.0

Air Quality Control Division, Stationary Sources, Operating Expenses

The following separates the request and recommendation for operating expenses into costs directly associated with the requested FTE and those that are not directly related to the new FTE.

Costs Associated with New FTE. The Department is requesting \$1,425 cash funds in FY 2009-10 (above the November 1, 2008 request) for operating expenses directly associated with the new FTE. The request represents a reduction of \$6,773 below the FY 2008-09 supplemental request and \$4,041 cash funds below the FY 2008-09 appropriation as adjusted by the supplemental bill. The request includes funds for computers, supplies, telephone bases, and other resources needed for new FTE. Because the majority are one-time costs, the expenses decline in the second year. **Because staff is recommending the elimination of the additional FTE provided in the FY 2008-09 supplemental, staff recommends elimination of all operating costs associated with that FTE in FY 2009-10 (a reduction of \$5,466 below the FY 2008-09 appropriation as adjusted by the supplemental bill).**

Costs Not Associated with New FTE. The Department is also requesting \$25,802 cash funds for additional operating expenses that the Department argues will be needed to implement the new regulations *regardless of the number of FTE appropriated to implement the bill*. The fiscal note for H.B. 07-1341 provided \$1,000 per year for the Department's operating expenses related to the bill. The Department estimates that it will need a total of \$26,802 in FY 2009-10 for travel related to consultations under the new rules, resulting in a need for an additional \$25,802 above the \$1,000 provided by H.B. 07-1341. The Department requested \$5,701 for such operating expenses in the FY 2008-09 supplemental but the Committee rejected that request.

The request is based on anticipated staff travel for permit consultations. The request assumes that 10 percent of the 700 to 800 anticipated CDPHE consultations would require a site visit and/or local government meeting. Half of the 70 to 80 trips per year are assumed to be to the Western Slope and require overnight stays. Each trip would require two staff members, at least during the training period (one subject matter expert and one coordinator). The request assumes three overnight trips per month to the Western Slope and three one-day trips per month elsewhere in the State, totaling 72 trips in FY 2009-10. The following table explains the assumptions and calculations behind the operating request.

	FY 2009-10 Request (Cash Funds)
Meals for W. Slope Travel (3 two-day trips per month for 2.0 FTE at \$36.75 per day)	\$5,292
Lodging (3 overnight trips per month for 2.0 FTE at \$100 per night per FTE)	7,200
Mileage payments for W. Slope trips (3 trips per month, 500 miles per trip at \$0.53 per mile for one vehicle)	9,540
Mileage for other trips (3 trips per month, 250 miles per trip at \$0.53 per mile)	4,770
Minus operating expenses provided in H.B. 07-1341	(1,000)
Total	\$25,802

Staff has had difficulty analyzing the Department's assumptions regarding the necessary number consultations and therefore the necessary number of field trips. Because the consultation responsibility is new and the rules have not yet taken effect, the Department does not have relevant data. That said, staff does agree that the consultation staff will have to be able to get into the field and will incur operating expenses.

Based on the COGCC's new projections for the number of APDs to be submitted in FY 2009-10 (a 28 percent reduction from the Department's assumed level of 7,000 APDs), **staff recommends reducing the request by 28 percent to \$18,577 cash funds.**

The following table summarizes staff's recommended changes to the operating expenses line item.

	JBC Action/ Staff Rec.
FY 2007-08 Operating Expenses Appropriation (H.B. 07-1341)	\$400
Annualize H.B. 07-1341 Operating Expenses	<u>600</u>
FY 2008-09 Long Bill Operating Expenses (Annualizing H.B. 07-1341)	1,000
FY 2008-09 Supplemental	<u>5,466</u>
FY 2008-09 Revised Operating Expenses Appropriation	6,466
Eliminate costs associated with position approved in FY 2008-09 supplemental	(5,466)
Provide Operating Expenses for Travel	<u>18,577</u>
Total, Budget Amendment #1 Operating Expenses	13,111
FY 2009-10 Recommendation	\$19,577

Summary of Recommendations Associated with Budget Amendment #1

The following table displays the request and recommendation for each line item affected by Budget Amendment #1 in relation to the revised FY 2008-09 appropriation as adjusted by the supplemental bill.

	FY 2009-10 Department Request		FY 2009-10 Staff Recommendation	
	Cash Funds	FTE	Cash Funds	FTE
(1) Administration and Support, (A) Administration, Legal Services (for 35 Hours)	\$2,628	N/A	Pending (Rec. 35 hours)	N/A
(5) Air Quality Control Division, (A) Administration, Indirect Cost Assessment	42,595	N/A	0	N/A
(5) Air Quality Control Division, (D) Stationary Sources, Personal services	155,538	1.5	4,616	(0.3)
(5) Air Quality Control Division, (D) Stationary Sources, Operating Expenses	21,761	N/A	13,111	N/A
Total	\$222,522	1.5	\$17,727	(0.3)

DI #14/BA #1A: COLORADO OIL AND GAS COMMISSION COMPUTER SYSTEM UPDATE

The Department requests an increase of \$18,431 cash funds from the Oil and Gas Conservation and Environmental Response Fund (managed by the Department of Natural Resources) for the maintenance of a software system designed to facilitate the Department's consultation role in the oil and gas permitting process pursuant to H.B. 07-1341. The system will track individual permit applications through the Department's consultation process. The General Assembly has approved a FY 2008-09 supplemental appropriation funding the development of the system. The request would provide for the system's ongoing maintenance.

Staff Analysis

The original decision item (DI#14) requested a total of \$25,375 cash funds to maintain two computer systems approved by the JBC as an interim supplemental in September 2008. However, after the Committee's approval of the interim supplemental, it became apparent that one of the requested systems would be redundant with a system developed by the Colorado Oil and Gas Conservation Commission (COGCC) and was no longer necessary. Funding for that system was eliminated in the FY 2008-09 supplemental, and the Department submitted BA #1a to reduce the request for system maintenance funding by \$7,048, the amount associated with the unnecessary system, resulting in a total request of \$18,327 (\$18,056 for personal services contracts and \$271 for indirect costs). The Department is making the request as an ongoing appropriation.

The request was based on a contract services cost of \$100 per hour and an estimate of approximately 184 hours to maintain and “debug” the tracking system in FY 2009-10. However, based on more current information, the Department is now expecting total costs for system maintenance to be \$17,400 in FY 2009-10, broken down as shown in the following table.

Activity	Anticipated Cost in FY 2009-10
Routine Maintenance and Upgrades	\$2,000
Annualized Hardware Replacement Costs	1,000
Contract Support (160 hours at \$90 per hour)	<u>14,400</u>
Total FY 2009-10 Cost	\$17,400

Staff recommends that the Committee approve an appropriation of \$17,400 cash funds from the Colorado Oil and Gas Conservation and Environmental Response Fund for maintenance of the Department's permit tracking system. Staff does not recommend additional funding for indirect costs associated with the request. The reduction from the request reflects updated cost estimates provided by the Department.

Stationary Sources, Operating Expenses

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

The Department requests \$417,704, consisting of \$416,374 cash funds and \$1,330 federal funds. The request includes an increase of \$21,761 above the FY 2008-09 appropriation pursuant to Budget Amendment #1.

Staff recommends an appropriation of \$409,054, comprised of \$407,724 cash funds and \$1,330 federal funds. The recommendation includes an increase of \$13,111 cash funds associated with Budget Amendment #1, discussed above. The table below shows staff's calculations for the recommendation.

Summary of (5) Air Quality Control Division, (D) Stationary Sources Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2008-09 Long Bill (H.B. 08-1375)	\$374,321	\$0	\$372,991	\$0	\$1,330
S.B. 08-55	29,976	0	29,976	0	0
FY 2008-09 Supplemental	5,466	0	5,466	0	0

Summary of (5) Air Quality Control Division, (D) Stationary Sources Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2008-09 Appropriation	409,763	0	408,433	0	1,330
Annualize S.B. 08-55	(13,820)	0	(13,820)	0	0
FY 2009-10 BA #1	13,111	0	13,111	0	0
Total Recommendation	\$409,054	\$0	\$407,724	\$0	\$1,330

Stationary Sources, Local Contracts

This line item houses funding that, prior to FY 2008-09, would have been appropriated to the Stationary Sources, Permits and Compliance Assurance, Local Contracts line item. The source of cash funds is the Stationary Sources Control Fund.

The Department requests and **staff recommends an appropriation of \$837,147**, comprised of \$722,067 cash funds and \$115,080 federal funds. Staff's calculations for the recommendation are shown in the following table.

Summary of (5) Air Quality Control Division, (D) Stationary Sources Local Contracts Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2008-09 Long Bill (H.B. 08-1375)	\$685,257	\$0	\$570,177	\$0	\$115,080
S.B. 08-55	151,890	0	151,890	0	0
FY 2008-09 Appropriation	837,147	0	722,067	0	115,080
Total Recommendation	\$837,147	\$0	\$722,067	\$0	\$115,080

Preservation of the Ozone Layer

This line item houses funding that, prior to FY 2008-09, would have been appropriated to the Stationary Sources, Permits and Compliance Assurance, Preservation of the Ozone Layer line item. The purpose of this program is to reduce emissions of ozone depleting compounds (chlorofluorocarbons and hydro-fluorocarbons) by regulating the practices and procedures employed by the air conditioning and refrigeration service facilities in both automotive and stationary source industries. The program is self-supporting through fees and it regulates all air conditioning and refrigeration sources throughout the state of Colorado. The sources of cash funds are the Ozone Protection Fund, the Automobile Inspection and Readjustment (AIR) Account of the Highway Users Tax Fund, and the Stationary Sources Control Fund.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Environmental Protection Specialist	2. 0	2. 0	2. 0	2. 0
TOTAL	2. 0	2. 0	2. 0	2. 0

The Department requests and **staff recommends a continuation appropriation of \$231,305 cash funds and 2.0 FTE**. The recommendation was calculated in accordance with Committee policy and is summarized in the following table.

Summary of (5) Air Quality Control Division, (D) Stationary Sources Preservation of the Ozone Layer Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$219,827	\$0	\$219,827	\$0	\$0	2.0
FY 2008-09 Salary Survey	8,331	0	8,331	0	0	0.0
Base-building Performance Pay	3,147	0	3,147	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$231,305	\$0	\$231,305	\$0	\$0	2.0

(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.

Impact of the American Recovery and Reinvestment Act (The Federal Stimulus Bill)

The Department is anticipating that the State will receive an estimated \$34.6 million for the Drinking Water State Revolving Fund and \$31.8 million for the Clean Water State Revolving Fund. Both programs provide low interest loans to local entities for the development of water infrastructure projects. The Water Quality Control Division will have a role in the use of this funding in that the Division provides administrative and technical project management for projects receiving funds. However, the Colorado Water Resources and Power Development Authority is the actual grant recipient, manages the funding, and pays the costs of construction. Thus, the Department of Public Health and Environment's budget will be largely unaffected by the funds in question.

(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 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Accounting	0.4	0.4	0.4	0.4
Administrative Support Staff	3.7	3.7	3.7	3.7
Envir. Protection Specialist	1.0	1.0	1.0	1.0
Management	1.4	1.4	1.4	1.4
Information Systems Staff	1.1	1.1	1.1	1.1
Physical Scientist	0.9	0.9	0.9	0.9
Professional Engineer	0.6	0.6	0.6	0.6
Staff / General Professionals	4.7	4.7	4.7	4.7
TOTAL	13.8	13.8	13.8	13.8

Personal Services

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

The Department requests and **staff recommends a continuation appropriation of \$938,029 and 13.8 FTE.** The recommended fund mix is \$530,699 General Fund, \$194,824 cash funds, and \$212,506 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.

Summary of (6) Water Quality Control Division, (A) Administration Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$902,689	\$506,837	\$183,346	\$0	\$212,506	13.8
FY 2008-09 Salary Survey	25,782	17,451	8,331	0	0	0.0
Base-building Performance Pay	9,558	6,411	3,147	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$938,029	\$530,699	\$194,824	\$0	\$212,506	13.8

Operating Expenses

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

The Department requests and **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

The Department requests a total of \$1,844,340, consisting of \$994,180 cash funds and \$850,160 federal funds.

Staff recommends the requested amount, to capture the division's share of statewide and departmental indirect costs. **Staff requests permission to work with the Department to finalize the indirect cost amount once the Committee has taken final action on all line items.**

(B) 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.

Personal Services

This line item funds personnel-related costs for the Watershed Assessment, Outreach, and Assistance subdivision.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Accounting	0.5	0.5	0.5	0.5
Administrative Support Staff	0.4	0.4	0.4	0.4
Engineer/Physical Science Tech.	2.6	3.7	3.7	3.7
Environ. Protection Specialists	8.5	13.5	13.5	13.5
Information Systems Staff	1.2	1.2	1.2	1.2
Management	1.1	1.1	1.1	1.1
Physical Scientists	10.2	15.2	15.2	15.2
Staff / General Professionals	2.0	4.0	4.0	4.0
TOTAL	26.5	39.6	39.6	39.6

The Department requests and **staff recommends a continuation appropriation of \$2,930,730 and 39.6 FTE**. The recommended fund mix is \$355,395 General Fund, \$449,394 cash funds, \$38,957 reappropriated funds, and \$2,086,984 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 (6) Water Quality Control Division, (B) Watershed Assessment, Outreach, and Assistance Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$2,877,874	\$318,992	\$432,941	\$38,957	\$2,086,984	39.6
FY 2008-09 Supplemental Appropriation	(5,135)	(5,135)	0	0	0	0.0
FY 2008-09 Appropriation	2,872,739	313,857	432,941	38,957	2,086,984	39.6
Reverse one-time reductions from FY 2008-09 supplemental	5,135	5,135	0	0	0	0.0

Summary of (6) Water Quality Control Division, (B) Watershed Assessment, Outreach, and Assistance Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Salary Survey	38,564	26,622	11,942	0	0	0.0
Base-building Performance Pay	14,292	9,781	4,511	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$2,930,730	\$355,395	\$449,394	\$38,957	\$2,086,984	39.6

Operating Expenses

This line item funds non-personnel costs for the Watershed Assessment, Outreach, and Assistance subdivision.

The Department requests and **staff recommends a continuation appropriation of \$525,768**, comprised of \$376,207 General Fund, \$1,000 cash funds, \$1,675 reappropriated funds, and \$146,886 federal funds. The recommendation restores one-time funding reductions from the FY 2008-09 supplemental. The source of cash funds 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 on which to base penalties for violations of water quality control provisions and requires the Department to spend collected civil penalties on improving the water quality in impacted communities by awarding grants or providing matching funds for certain federal programs. The bill provides for five percent of the penalties to cover administrative costs of the Department.

The Department requests and **staff recommends a continuation appropriation of \$117,196 cash funds.** The source of cash funds is the Water Quality Improvement Fund.

(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 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Administrative Support Staff	2.0	2.0	2.0	2.0
Accounting	1.0	1.0	1.0	1.0
Environ. Protection Specialists	22.7	22.7	22.7	22.7
Information Systems Staff	1.4	1.4	1.4	1.4
Management	1.1	1.1	1.1	1.1
Physical Scientists	0.4	0.4	0.4	0.4
Professional Engineers	13.5	13.8	13.8	13.8
Staff / General Professionals	2.1	2.1	2.1	2.1
TOTAL	44.2	44.5	44.5	44.5

Personal Services

This line item funds personnel-related costs for the Permitting and Compliance Assurance subdivision. Cash funds are from the Water Quality Control Fund, the Biosolids Management Program Fund, fees collected by the Industrial Pretreatment Program, and various other sources.

The Department requests and **staff recommends a continuation appropriation of \$3,712,613 and 44.5 FTE.** The recommended fund mix is \$199,073 General Fund, \$3,080,564 cash funds, and \$432,976 federal funds. The recommendation was calculated in accordance with Committee common policy and is summarized below.

Summary of (6) Water Quality Control Division, (C) Permitting and Compliance Assurance Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$3,593,697	\$179,485	\$2,981,236	\$0	\$432,976	44.5
FY 2008-09 Supplemental Appropriation	(120,467)	(9,087)	(111,380)	0	0	0.0
FY 2008-09 Appropriation	3,473,230	170,398	2,869,856	0	432,976	44.5

Summary of (6) Water Quality Control Division, (C) Permitting and Compliance Assurance Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Reverse one-time reductions from FY 2008-09 supplemental	120,467	9,087	111,380	0	0	0.0
FY 2008-09 Salary Survey	86,420	14,325	72,095	0	0	0.0
Base-building Performance Pay	32,496	5,263	27,233	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$3,712,613	\$199,073	\$3,080,564	\$0	\$432,976	44.5

Operating Expenses

This line item funds non-personnel related costs for the Permitting and Compliance Assurance subdivision. Cash funds are from the Water Quality Control Fund, the Biosolids Management Program Fund, fees collected by the Industrial Pretreatment Program, and various other sources.

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 recommendation restores \$28,363 General Fund from one-time funding reductions in the FY 2008-09 supplemental bill.

(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 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Accounting	1.8	1.8	1.8	1.8
Administrative Support Staff	3.0	3.0	3.0	3.0
Environ. Protection Specialists	18.9	14.4	14.4	14.4
Information Systems Staff	1.2	1.2	1.2	1.2
Management	1.8	1.8	1.8	1.8
Physical Scientists	1.6	1.6	1.6	1.6
Professional Engineers	19.3	15.3	15.3	15.3
Staff / General Professionals	5.8	5.8	5.8	5.8
TOTAL	53.4	44.9	44.9	44.9

Personal Services

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

The Department requests and **staff recommends a continuation appropriation of \$3,316,166 and 44.9 FTE.** The recommended fund mix is \$887,465 General Fund, \$347,880 cash funds, and \$2,080,821 federal funds. The recommendation was calculated in accordance with Committee common policy and is summarized below.

Summary of (6) Water Quality Control Division, (D) Drinking Water Program Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$3,274,282	\$858,973	\$334,488	\$0	\$2,080,821	44.9
FY 2008-09 Supplemental Appropriation	(26,431)	(5,225)	(21,206)	0	0	0.0
FY 2008-09 Appropriation	3,247,851	853,748	313,282	0	2,080,821	44.9
Reverse one-time reductions from FY 2008-09 supplemental	26,431	5,225	21,206	0	0	0.0
FY 2008-09 Salary Survey	30,557	20,837	9,720	0	0	0.0
Base-building Performance Pay	11,327	7,655	3,672	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$3,316,166	\$887,465	\$347,880	\$0	\$2,080,821	44.9

Operating Expenses

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

The Department requests and **staff recommends the requested continuing appropriation of \$213,583** comprised of \$94,887 General Fund, \$1,750 cash funds, and \$116,946 federal funds. The recommendation restores \$19,014 General Fund taken as a one-time reduction in the FY 2008-09 supplemental bill. 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.

(A) Administration

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

Program Costs

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Management	0.5	1.0	1.0	1.0
Program Assistant	0.5	1.5	1.5	1.5
Staff / General Professionals	0.2	0.9	0.9	0.9
TOTAL	1.2	3.4	3.4	3.4

The Department requests and **staff recommends a continuation appropriation of \$321,186 and 3.4 FTE.** The recommended fund mix is \$298,720 cash funds and \$22,466 federal funds. The recommendation was calculated in accordance with Committee policy and is summarized below.

Summary of (8) Hazardous Materials and Waste Management Division, (A) Administration Program Costs Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$313,151	\$0	\$290,685	\$0	\$22,466	3.4
FY 2008-09 Salary Survey	5,832	0	5,832	0	0	0.0
Base-building Performance Pay	2,203	0	2,203	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0

Summary of (8) Hazardous Materials and Waste Management Division, (A) Administration Program Costs Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
Total Recommendation	\$321,186	\$0	\$298,720	\$0	\$22,466	3.4

Legal Services

The request is for \$461,490 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

The Department requests a total of \$2,050,621, consisting of \$1,379,776 cash funds, \$43,045 reappropriated funds, and \$627,800 federal funds.

Staff recommends the requested amount, to capture the division's share of statewide and departmental indirect costs. Staff requests permission to work with the Department to finalize the indirect cost amount once Committee has taken final action on all line items.

(B) Hazardous Waste Control Program

The Hazardous Waste Control Program is responsible for four primary program activities: permitting, compliance assurance, corrective action, and compliance assistance. This program monitors compliance and enforces hazardous waste regulations over 500 large-quantity hazardous waste generators, 3,000 small generators, hazardous waste transporters, and over 50 hazardous waste treatment, storage and disposal facilities.

Personal Services

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Administrative Support Staff	0.7	0.7	0.7	0.7
Budget & Policy Analyst	1.0	1.0	1.0	1.0
Environ. Protection Specialists	18.8	24.8	24.8	24.8
Information Systems Staff	1.1	1.1	1.1	1.1
Management	0.4	0.4	0.4	0.4
Physical Scientists	0.1	0.1	0.1	0.1
Engineers	4.3	6.4	6.4	6.4

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Program Assistants	2.5	2.5	2.5	2.5
Staff / General Professionals	5.7	5.7	5.7	5.7
TOTAL	34.6	42.7	42.7	42.7

The Department requests and **staff recommends an appropriation of \$3,850,842 and 42.7 FTE.** The recommended fund mix is \$2,214,381 cash funds and \$1,636,461 federal funds. The recommendation was calculated in accordance with Committee policy and is summarized below.

Summary of (8) Hazardous Materials and Waste Management Division, (B) Hazardous Waste Control Program, Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$3,842,807	\$0	\$2,206,346	\$0	\$1,636,461	42.7
FY 2008-09 Salary Survey	5,832	0	5,832	0	0	0.0
Base-building Performance Pay	2,203	0	2,203	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$3,850,842	\$0	\$2,214,381	\$0	\$1,636,461	42.7

Operating Expenses

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

The Department requests and **staff recommends a continuing appropriation of \$229,006** comprised of \$78,948 cash funds and \$150,058 federal funds.

(C) Solid Waste Control Program

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Administrative Support Staff	0.2	0.2	0.2	0.2

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Budget & Policy Analyst	0.1	0.1	0.1	0.1
Environ. Protection Specialists	8.7	10.6	13.6	13.6
Information Systems Staff	0.4	0.4	0.4	0.4
Management	0.1	0.1	0.1	0.1
Professional Engineers	1.0	3.6	3.6	3.6
Program Assistant	0.6	0.6	1.0	1.0
Staff / General Professionals	1.4	1.4	1.4	1.4
TOTAL	12.5	17.0	20.4	20.4

Program Costs

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

The Department requests and **staff recommends an appropriation of \$2,385,661 cash funds and 20.4 FTE**. The recommendation was calculated in accordance with JBC common policy and is summarized below. The recommendation includes approval of the request to add 3.4 FTE, to be funded within existing resources, as requested in Decision Item #7 and discussed below.

Summary of (8) Hazardous Materials and Waste Management Division, (C) Solid Waste Control Program Program Costs Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$2,385,661	\$0	\$2,385,661	\$0	\$0	17.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
DI #7 (Solid Waste Program FTE)	0	0	0	0	0	3.4
Total Recommendation	\$2,385,661	\$0	\$2,385,661	\$0	\$0	20.4

DI #7: SOLID WASTE PROGRAM ADDITIONAL FTE

The Department requests 3.4 additional FTE to address continuing workload increases in the Solid Waste Management Program. The FTE would be funded within the program's existing spending authority.

Staff Analysis

H.B. 07-1288 increased "tipping fees" for solid waste disposal and appropriated \$825,000 cash funds and 4.2 FTE to the solid waste program in FY 2007-08 as an ongoing appropriation. The Department is requesting authority for 3.4 additional FTE within the program's existing spending authority. The requested FTE include:

- 2.1 FTE to address continuing licensing and inspection workload increases. The Department reports that the number of solid waste facilities under the program's jurisdiction has increased significantly since the passage of H.B. 07-1288. Rule changes by the Hazardous Materials and Waste Management Division and the Department of Agriculture have given the program oversight responsibilities for 30 agricultural compost facilities that were previously exempt from regulation (a 35 percent increase over the 80 composting facilities currently regulated by the program). The program is also inheriting oversight responsibility for 75 additional solid waste surface impoundments, primarily at water treatment plants (a 750 percent increase because the program currently regulates only 10 such impoundments).
- 1.0 FTE for "special program initiatives," including: developing and implementing a self-certification program for solid waste facilities; hosting of quarterly solid waste training events and outreach meetings for the regulated community (based on a model from the hazardous waste program); rewriting the program's regulations which have not been updated in years; and expansion of the program's ability to evaluate solid waste generation and material re-use in Colorado.
- 0.3 FTE to provide administrative services in support of the program's increased workload.

The request represents a 20 percent increase above the FY 2008-09 appropriation of 17.0 FTE. According to the Department, the program regulates a total of approximately 400 facilities. The new workload (a total of 105 facilities) would represent an increase of roughly 25 percent in terms of the number of facilities under the program's oversight. The program's workload undoubtedly varies considerably based on facility type and size, but staff agrees that the program's increase in workload is significant.

Cash Fund Status. The decision item is based on the fact that the Department can hire the requested FTE within the program's current spending authority of \$2.4 million per year. That is accurate; the Department has thus far been unable to spend its appropriated spending authority (FY 2007-08 actual expenditures were \$1.4 million out of the \$2.2 million appropriated that year).

However, staff notes that the current revenue streams for the Solid Waste Management Fund would not support ongoing expenditures at the appropriated level. The Department expects the Solid Waste

Management Fund to generate \$2.1 million in revenues each year from FY 2008-09 through FY 2010-11. Spending at the appropriated level would exceed the revenues and deplete the fund's balance. It is not clear that the fund can support the requested level of FTE on an ongoing basis without an increase in fees. Using authority provided by H.B. 07-1288, the Solid and Hazardous Waste Commission could raise fees on certain entities without legislation. Depending on the program's other expenditures, hiring the additional 3.4 FTE may force them to do so sooner than would otherwise be necessary.

According to the Department, the request represents “phase 2” of a likely three-phase plan to increase the program’s staffing to meet an increasing workload. Staff can find no mention of later phases in any of the materials related to H.B. 07-1288, and the Department does not appear to have communicated that more staff would be necessary when the bill passed in 2007.

Staff recommends that the Committee approve the decision item to provide 3.4 additional FTE to the Solid Waste Control Program, to be funded within the program's existing spending authority. The program's workload has increased significantly in recent years, and adding cash funded staff appears to be warranted.

(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 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Administrative Support Staff	0.2	0.2	0.2	0.2
Environ. Protection Specialists	1.1	1.1	1.1	1.1
Professional Engineer	0.2	0.2	0.2	0.2
Program Assistant	1.0	1.4	1.4	1.4
Staff / General Professionals	0.2	0.2	0.2	0.2
TOTAL	2.7	3.1	3.1	3.1

Program Costs

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

The Department requests and **staff recommends a continuation appropriation of \$240,594 and 3.1 FTE.** The recommended fund mix is \$195,323 reappropriated funds and \$45,271 federal funds.

Summary of (8) Hazardous Materials and Waste Management Division, (D) Uranium Mill Tailings Remedial Action Program, Program Costs Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$236,175	\$0	\$0	\$190,904	\$45,271	3.1
FY 2008-09 Salary Survey	3,298	0	0	3,298	0	0.0
Base-building Performance Pay	1,121	0	0	1,121	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$240,594	\$0	\$0	\$195,323	\$45,271	3.1

(E) Contaminated Site Cleanups

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

Impact of the American Recovery and Reinvestment Act (The Federal Stimulus Bill)

According to the Department's data, the stimulus bill includes \$600 million for Superfund cleanup projects, and the Department is eligible for a share of this funding. The department anticipates possible funding for cleanup efforts at the Summitville mine (up to \$15 million) for the construction of a new water treatment plant and at the Clear Creek site (up to \$3 million). The State would still be obligated to pay a 10 percent match for any monies received, and the matching funds would be requested through the Capital Construction process.

Personal Services

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Administrative Support Staff	0.5	0.5	0.5	0.5
Budget & Policy Analyst	0.3	0.3	0.3	0.3
Environ. Protection Specialists	13.9	17.9	17.9	17.9
Information Systems Staff	1.1	1.1	1.1	1.1
Management	0.4	0.4	0.4	0.4
Physical Scientists	3.7	3.7	3.7	3.7
Professional Engineers	5.1	9.0	9.0	9.0
Program Assistant	1.6	1.6	1.6	1.6
Staff / General Professionals	3.9	3.9	3.9	3.9
TOTAL	30.5	38.4	38.4	38.4

The Department requests and **staff recommends an appropriation of \$4,563,385 and 38.4 FTE.** The recommended fund mix is \$1,188,270 cash funds and \$3,375,115 federal funds. The recommendation includes an increase of \$37,000 cash funds and decrease of a like amount of federal funds associated with Decision Item #5, discussed below. The recommendation was calculated in accordance with Committee policy and is summarized in the following table.

Summary of (8) Hazardous Materials and Waste Management Division, (E) Contaminated Site Cleanups, Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$4,515,558	\$0	\$1,103,443	\$0	\$3,412,115	38.4
FY 2008-09 Salary Survey	34,714	0	34,714	0	0	0.0
Base-building Performance Pay	13,113	0	13,113	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Decision Item #5	0	0	37,000	0	(37,000)	0.0
Total Recommendation	\$4,563,385	\$0	\$1,188,270	\$0	\$3,375,115	38.4

DI #5: OPERATION AND MAINTENANCE OF THE ARGO TUNNEL WATER TREATMENT PLANT

The Department is requesting \$994,200 cash funds from the Hazardous Substance Response Fund (funded by solid waste disposal tipping fees) to offset an equal decrease in federal funds as the EPA discontinues payment for the Argo Tunnel Water Treatment Plant's operation. The costs will be ongoing indefinitely. The Department is also requesting an increase of 0.5 cash funded FTE to offset the reduction of 0.5 federally funded FTE for the plant manager.

Staff Analysis

The Clear Creek/Central City Superfund Site is located in Clear Creek and Gilpin Counties. The site was placed on the federal Superfund list in 1983 as a result of acid mine pollution in the Clear Creek basin and the associated impacts on fish and water quality. The Clear Creek basin serves as the water source for 300,000 front range residents, and the basin is also a popular destination for recreation and tourism. The heavy metal pollution resulting from old mines in the area had significantly impacted the basin's fishery and other aquatic life, with potential human health impacts as well.

The remediation program for the Clear Creek/Central City site includes capping mine waste piles (effectively covering them with rock and/or soil to prevent erosion into waterways) and other measures. A key project in the overall remediation, however, was the construction of the Argo Tunnel Water Treatment Plant, which treats water draining out of the Argo Tunnel before the water reaches Clear Creek. The plant treats up to 700 gallons per minute and, according to the Department, prevents approximately 800 pounds of heavy metals from entering Clear Creek each day.

Under federal Superfund statute (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Secs. 9601 to 9675), the U.S. EPA *may* pay 90 percent of operating and maintenance costs for infrastructure constructed to restore groundwater quality for the first 10 years of the infrastructure's operation. The EPA has considered the Argo plant to be a groundwater restoration remedy and has paid 90 percent of the plant's operating costs since it was built. However, the 10 year window will expire in 2009. The State will become responsible for 100 percent of the plant's operating and maintenance costs as of October 1, 2009.

FY 2009-10 Request

The bulk of the requested funds are for the Contaminated Sites Operation and Maintenance line to pay for a contract with a private company to operate the plant. The Department uses 0.5 FTE permanent staff to oversee the operation of the plant but contracts the rest of the work out. The decision item assumes a 10 percent per year increase in operating and maintenance costs, based on trends from prior years.

Because the EPA will no longer pay any of the plant's costs after October 1, 2009, continuing to operate the plant will require the State to assume all of these costs. Shutting down the plant would result in all of the heavy metals currently removed by the plant going directly into Clear Creek, again

impacting fisheries and aquatic life that according to the Department have experienced some significant recovery since the plant became operational.

Staff recommends that the Committee approve the decision item, resulting in a total increase of \$994,200 cash funds and a decrease of a like amount of federal funds for the operation and maintenance of the Argo Tunnel Water Treatment Plant. The following table summarizes the request and recommendation for each affected line item.

Summary of FY 2009-10 Argo Tunnel Water Treatment Plan Request and Recommendation				
Long Bill Line Item	Cash Funds	FTE	Federal Funds	FTE
HMWMD, Administration - Indirect Cost Assessment	\$22,200	0.0	(\$22,200)	0.0
Contaminated Site Cleanups - Personal Services	37,000	0.5	(37,000)	(0.5)
Contaminated Site Cleanups - Operating Expenses	4,000	0.0	(4,000)	0.0
Contaminated Sites Operation and Maintenance	931,000	0.0	(931,000)	0.0
Total	\$994,200	0.5	(\$994,200)	(0.5)

Operating Expenses

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

The Department requests and **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 associated with the Argo Tunnel Water Treatment Plant decision item (DI #5), discussed above. The recommendation was calculated in accordance with Committee policy and is summarized below.

Summary of (8) Hazardous Materials and Waste Management Division, (E) Contaminated Site Cleanups Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2008-09 Long Bill (H.B. 08-1375)	\$222,991	\$0	\$48,082	\$0	\$174,909
Decision Item #5	0	0	4,000	0	(4,000)
Total Recommendation	\$222,991	\$0	\$52,082	\$0	\$170,909

Contaminated Sites Operation and Maintenance

This line item funds the long-term operation and maintenance at Superfund sites upon completion of remedies when there is no responsible party that can assume the costs. The line funds contractual

services. Cash funds are from the Hazardous Substance Response Fund and from fees collected pursuant to the Colorado Open Records Act.

Staff recommends the requested continuing appropriation of \$2,088,864 comprised of \$1,191,186 cash funds and \$897,678 federal funds. The recommendation includes an adjustment associated with the Argo Tunnel Water Treatment Plant decision item (DI #5), discussed above. The recommendation was calculated in accordance with Committee policy and is summarized below.

Summary of (8) Hazardous Materials and Waste Management Division, (E) Contaminated Site Cleanups Contaminated Sites Operation and Maintenance Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2008-09 Long Bill (H.B. 08-1375)	\$2,088,864	\$0	\$260,186	\$0	\$1,828,678
Decision Item #5	0	0	931,000	0	(931,000)
Total Recommendation	\$2,088,864	\$0	\$1,191,186	\$0	\$897,678

Transfer to the Department of Law 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. Cash funds are from the Hazardous Substance Response Fund and from fees collected pursuant to the Colorado Open Records Act.

The Department requests and **staff recommends a continuing appropriation of \$425,000 cash funds.**

(F) Rocky Flats Agreement

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

The Record of Decision (ROD) was signed by EPA, DOE, and CDPHE on September 29, 2006. The Record of Decision requires no further remedial action. The post-closure agreement implementing the requirements of the ROD is the Rocky Flats Legacy Management Agreement (RFLMA). The ROD identified two main areas on the site: one is completely clean and will be managed by U.S. Fish and Wildlife Service as a Wildlife Refuge, the other will be retained by the Department of Energy and managed by 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 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Environ. Protection Specialists	1.0	2.3	2.3	2.3
TOTAL	1.0	2.3	2.3	2.3

Rocky Flats Program Costs

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

Staff recommends the requested continuing appropriation of \$244,781 federal funds and 2.3 FTE.

Legal Services

Staff recommends the requested appropriation of 139 hours of Legal Services. The dollar amount is pending. 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 2009-10 is established by the Committee.

(G) Radiation Management

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Administrative Support Staff	1.5	1.5	1.5	1.5
Environ. Protection Specialists	14.5	14.5	16.5	16.5
Information Systems Staff	0.7	0.7	0.7	0.7
Management	0.2	0.2	0.2	0.2
Program Assistant	1.9	1.9	1.9	1.9
Staff / General Professionals	2.7	2.7	2.7	2.7
TOTAL	21.5	21.5	23.5	23.5

Personal Services

The Department requests and **staff recommends an appropriation of \$2,006,519 and 23.5 FTE.** The recommended fund mix is \$1,825,447 cash funds and \$181,072 federal funds. The recommendation includes an increase of \$132,688 cash funds and 2.0 FTE associated with decision item #8 (discussed below). The source of the cash funds is the Radiation Control Fund, which is funded by license application fees, annual licensing fees, and hourly radiation services fees.

Summary of (8) Hazardous Materials and Waste Management Division, (G) Radiation Management Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$1,806,600	\$0	\$1,625,528	\$0	\$181,072	21.5
FY 2008-09 Salary Survey	48,798	0	48,798	0	0	0.0
Base-building Performance Pay	18,433	0	18,433	0	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Decision Item #8	132,688	0	132,688	0	0	2.0
Total Recommendation	\$2,006,519	\$0	\$1,825,447	\$0	\$181,072	23.5

DI #8: RADIATION CONTROL PROGRAM URANIUM LICENSING AND INSPECTION

The Department requests \$145,044 cash funds and 2.0 FTE to address an increase in the demand for uranium recovery facility licenses and inspections. The Department is anticipating a significant increase in the workload to license and inspect uranium facilities in FY 2009-10. Specifically, the Department expects to be reviewing five new uranium license applications at the start of FY 2009-10, including two uranium mill applications anticipated for submission in 2009. The requested funds are from the radiation control fund and would be paid as hourly fees for the Department's work on license applications and annual licensing fees for approved facilities.

Staff Analysis

The Radiation Control Program is responsible for licensing uranium processing facilities in Colorado, including conventional uranium mills and in-situ uranium recovery projects. The Department of Natural Resources regulates the mining, while the Department of Public Health and Environment regulates and licenses the milling of uranium (the conversion to "yellowcake") which then goes into nuclear fuel cycle. For certain facilities, so-called "in situ" facilities (where the uranium is effectively milled underground before being extracted), the two Departments share regulatory oversight. Once

the uranium has been milled and is ready for conversion, the U.S. Nuclear Regulatory Commission (NRC) regulates all of the later stages of the fuel cycle.

The Department has not received a license application for a new uranium processing facility in years (it has been 25 years since the last mill was constructed in the United States). However, the Department has been in consultation with two companies about proposed uranium processing facilities: Energy Fuels plans to open a conventional uranium mill near Naturita and PowerTech is planning an in-situ facility in Western Weld County. According to the Department and both companies' websites, both companies intend to submit license applications in either late FY 2008-09 or early FY 2009-10. Under statute (Section 25-11-203 (3) (c) (V)), the Department has approximately 16 months from the time of receipt to review an application and issue findings.

Staff and the Committee had expressed skepticism about the likelihood of companies going forward with applications in the current economic climate. The Department cites several factors driving companies' interest in additional uranium mining/processing facilities.

- The price of uranium has increased significantly. Although the price has fluctuated recently, it is still high relative to the past 25 years.
- The NRC is forecasting significant increases in demand for uranium and nuclear power. According to the Department, the NRC has received more than 20 applications for new nuclear reactors in recent years, which would represent significant growth over the current fleet of reactors (there are currently 104 reactors in 31 states, none of which are in Colorado).
- The NRC is anticipating permitting 27 milling sites between 2007 and 2012.
- The companies have already invested significant resources in the proposed projects (for planning, land and mineral rights acquisition, and research). Furthermore, the companies would not expect to have functional facilities for years, regardless of the economic climate. The combination of large investments (sunk costs) and a long time horizon should decrease the influence of the immediate economic situation on company decisions.

It appears likely that the companies in question will submit the license applications for review in FY 2009-10.

Workload. Based on the program's prior experiences with license audits for the Cotter Mill (a currently non-functioning mill in Colorado), the Department estimates that the review of each license will require approximately 2,000 staff hours. The two anticipated licenses, along with other expected increases in workload due to both existing facilities and potential additional facilities generate the Department's estimated need for 2.0 additional FTE. Given the statutory deadlines to review applications and the level of work involved, the Department's workload estimates appear to be reasonable.

In response to staff concerns about the need for the FTE in the long-term (beyond the review of applications), the Department has indicated that the workload for program staff would not decrease once the application is approved. Facility construction lasts from one to three years, and the program's oversight of construction requires staff time comparable to the license review process. As

a result, the work related to the proposed facilities will be ongoing if the licenses are submitted and approved.

Revenues. The Department charges \$152 per hour for work reviewing license applications and related materials. Although not all staff time related to a given project is billable to the applicant, the Department should have adequate revenue to fund the 2.0 requested FTE if the companies in question submit the applications. Once licenses are approved, processing facilities pay annual license fees currently set at \$94,300 per year for conventional mills and \$79,005 per year for in-situ facilities, in addition to inspection and review fees for any work outside of routine oversight.

Because the Department would not have sufficient revenue to fund the requested positions if the applications are not submitted, the Department has committed to wait to hire additional FTE until it is certain that the applications will be submitted. If the licenses were submitted but not approved and additional projects would not fund the FTE, then the Department would have to let the requested staff go. Since the submission of the decision item, the Department has learned that there will be a significant license revision for the Cotter Mill, which would generate additional revenue and require additional staff time. Thus, the Department has expressed certainty that the program will have sufficient revenues and sufficient workload to justify additional FTE in FY 2009-10.

Staff recommends that the Committee approve the requested increase of \$145,044 cash funds spending authority and 2.0 FTE for the Radiation Control Program. Based on the available information, it appears that the companies in question will submit license applications and that the applications (and eventually the facilities) will generate sufficient workload to warrant additional FTE as well as sufficient revenue to support the additional FTE. The following table summarizes the Department's request and staff's recommendation by line item.

Summary of Request and Recommendation for Decision Item #8

Long Bill Line Item	Cash Funds	FTE
HMWMD, Radiation Management - Personal Services	\$132,688	2.0
HMWMD, Radiation Management - Operating Expenses	12,356	0.0
Total	\$145,044	2.0

Operating Expenses

The Department requests and **staff recommends an appropriation of \$265,981**, consisting of 108,495 cash funds and 157,486 federal funds. The recommendation includes \$12,356 cash funds associated with decision item #8, discussed above, and \$24,000 cash funds associated with decision item #6, discussed below. The source of the cash funds is the Radiation Control Fund.

Summary of (8) Hazardous Materials and Waste Management Division, (G) Radiation Management Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2008-09 Long Bill (H.B. 08-1375)	\$229,625	\$0	\$72,139	\$0	\$157,486
Decision Item #6	24,000	0	24,000	0	0
Decision Item #8	12,356	0	12,356	0	0
Total Recommendation	\$265,981	\$0	\$108,495	\$0	\$157,486

DI #6: RADIATION CONTROL PROGRAM OPERATING AUTHORITY

The Department requests \$24,000 cash funds spending authority for operating expenses in the Radiation Control Program to fund training and travel required for radioactive materials inspectors. As a result of staff turnover in the past three years, the program's need for training and travel funds to certify new inspectors has increased. Cash funds are from the Radiation Control Fund, which is funded with radioactive material licensing fees, hourly document review fees, and X-ray machine licensing fees.

Staff Analysis

According to the request, the Radiation Control Program has lost three experienced inspectors in the past three years to planned retirements and other turnover. The three employees represent more than one-fourth of the program's 11 positions with inspection responsibilities.

In order to maintain a delegation of inspection and licensing authority from the Nuclear Regulatory Commission (NRC), all of the program's inspectors must complete the required NRC training. According to the Department, the process takes between three and five years for a new inspector to become fully trained and certified in the various categories of radioactive materials licensing and inspection.

The Department anticipates that new hires will have to attend a total of 12 training events (4 per inspector) in FY 2009-10 and again in FY 2010-11, with a cost of \$2,000 per training event, as outlined in the following table.

	Cost per Event Per Employee	Total Cost (12 Events)
Length of stay per training	5 days	60 days
Airfare per trip	\$600	\$7,200
Registration fee per course	600	7,200
Lodging (\$100 per day per employee)	500	6,000

	Cost per Event Per Employee	Total Cost (12 Events)
Per Diem (\$60 per day per employee)	300	3,600
Total Cost	\$2,000	\$24,000

According to the Department, the Radiation Control Program staff have attended an average of 10 training events per year from FY 2004-05 through FY 2008-09 (see table below). Based on staff turnover, the Department is anticipating a need for a total of 27 training events in FY 2009-10. While the average cost per event has fluctuated significantly over that period, the estimate of \$2,000 per event appears to be reasonable based on the data from prior years.

	Total Staff Trainings Attended/Projected	Estimated Annual Cost for Training	Average Cost Per Event
FY 2004-05	10	\$20,721	\$2,072
FY 2005-06	13	\$20,772	\$1,598
FY 2006-07	8	\$20,996	\$2,625
FY 2007-08	9	\$20,099	\$2,233
FY 2008-09	13	\$9,766	\$751
FY 2009-10	27	\$54,000	\$2,000

Impact of Not Funding the Request. The Department has indicated that without additional training resources, they will be unable to adequately train the new inspectors, which will likely delay the licensing process and may also result in errors. If inspectors are inadequately trained, then the NRC may revoke the State's delegation to license and inspect radioactive materials facilities, and the Department has indicated that doing so would increase costs to the regulated entities.

Staff recommends that the Committee approve decision item #6 and appropriate an additional \$24,000 cash funds for Radiation Control Program operating expenses.

(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.

Personal Services

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

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Approp	FY 2009-10 Request	FY 2009-10 Recomm.
Administrative Support Staff	0.5	1.0	1.0	1.0
Environ. Protection Specialists	16.4	21.9	21.9	21.9
Information Systems Staff	0.0	1.0	1.0	1.0
Management	1.1	1.0	1.0	1.0
Program Assistant	0.8	1.0	1.0	1.0
Staff /General Professionals	2.4	2.5	2.5	2.5
TOTAL	21.2	28.4	28.4	28.4

The Department requests and **staff recommends a continuation appropriation of \$2,221,900 and 28.4 FTE**. The recommended fund mix is \$1,158,916 General Fund, \$706,406 cash funds, \$83,373 reappropriated funds, and \$275,205 federal funds. The recommendation was calculated in accordance with JBC common policies and is summarized in the table below.

Summary of (8) Consumer Protection Personal Services Recommendation						
	TOTAL	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	\$2,130,176	\$1,120,808	\$655,276	\$78,887	\$275,205	28.1
H.B. 08-1054	22,434	0	22,434	0	0	0.3
FY 2008-09 Supplemental Appropriation	(37,021)	(16,259)	(20,762)	0	0	0.0
FY 2008-09 Appropriation	2,115,589	1,104,549	656,948	78,887	275,205	28.4
Restore FY 2008-09 Supplemental Reduction	37,021	16,259	20,762	0	0	0.0
FY 2008-09 Salary Survey	50,552	27,869	20,828	1,855	0	0.0
Base-building Performance Pay	18,738	10,239	7,868	631	0	0.0
Common Policy Base Reduction (eliminated per Committee decision)	0	0	0	0	0	0.0
Total Recommendation	\$2,221,900	\$1,158,916	\$706,406	\$81,373	\$275,205	28.4

Operating Expenses

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

The Department requests and **staff recommends a continuation appropriation of \$121,907** comprised of \$29,637 General Fund, \$54,010 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 are transfers from the Department of Corrections and the Department of Human Services. The recommendation is summarized in the table below.

Summary of (5) Air Quality Control Division, (D) Stationary Sources Operating Expenses Recommendation					
	TOTAL	GF	CF	RF	FF
FY 2008-09 Long Bill (H.B. 08-1375)	\$119,407	\$29,637	\$51,510	\$9,708	\$28,552
H.B. 08-1054	4,960	0	4,960	0	0
FY 2008-09 Appropriation	124,367	29,637	56,470	9,708	28,552
Annualize H.B. 08-1054	(2,460)	0	(2,460)	0	0
Total Recommendation	\$121,907	\$29,637	\$54,010	\$9,708	\$28,552

Indirect Cost Assessment

The Department requests a total appropriation of \$222,281, consisting of \$164,458 cash funds, \$7,000 reappropriated funds, and \$50,823 federal funds, based on the statewide and departmental indirect cost plans.

Staff recommends the requested amount to capture the division's share of statewide and departmental indirect costs. **Staff requests permission to work with the Department to finalize the indirect cost amount once Committee has taken final action on all line items.**

LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

Long Bill Footnotes

Staff recommends that the following footnotes be continued, if they still reflect the Committee's priorities for the use of funds in the Recycling Resources Economic Opportunity Program and the Advanced Technology Research Grants.

52a Department of Public Health and Environment, Administration and Support, Special Environmental Programs, Recycling Resources Economic Opportunity Program -- It is the intent of the General Assembly that the Pollution Prevention Advisory Board prioritize the use of these funds in awarding grants pursuant to Section 25-16.5-106.7 (4) (j), C.R.S., for the reduction of waste tire stockpiles in Colorado.

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

52b Department of Public Health and Environment, Administration and Support, Special Environmental Programs, Advanced Technology Research Grants -- It is the intent of the General Assembly that the Pollution Prevention Advisory Board prioritize the use of these funds in awarding grants pursuant to Section 25-16.5-105 (2) (b), C.R.S., for the reduction of waste tire stockpiles in Colorado.

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

Requests for Information

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

55 Department of Public Health and Environment, Air Quality Control Division -- The Department is requested to submit a report on the Air Quality Control Division. This report is requested to include a summary of the Division's current and anticipated workload, including the impact of existing and proposed federal and state program requirements, as well as the associated funding and staffing needs. This report is requested to include information on the upcoming fiscal year and out-years. The Department is requested to submit this report to the Joint Budget Committee by November 1, 2009.

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

Summary of Resource Needs for the Air Quality Control Division

Program Area	FY 09-10		FY 10-11		FY 11-12		Total	
	FTE	\$	FTE	\$	FTE	\$	FTE	\$
Mobile Sources	2.0	204,385	2.0	178,839	0.0	0	4.0	383,224
Technical Services	0.0	0	6.0	772,515	0.0	0	6.0	772,515
Stationary Sources	0.0	0	2.0	178,964	3.0	281,152	5.0	460,116
Total	2.0	204,385	10.0	1,130,318	3.0	281,152	15.0	1,615,855

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.

- 56 Department of Public Health and Environment, Water Quality Control Division --** The Department is requested to submit a report on the Water Quality Control Division. This report is requested to include a summary of the Division's current and anticipated workload, including the impact of existing and proposed federal and state program requirements, as well as the associated funding and staffing needs. This report is requested to include information on the upcoming fiscal year and out-years. The Department is requested to submit this report to the Joint Budget Committee by November 1, 2009.

Comment: The Department complied with this request. 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.

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

Hazardous Substance Response Fund balance and out-year fiscal estimates. The Department is requested to submit this report to the Joint Budget Committee by November 1, 2009.

Comment: The Department complied with this request for information. 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 fund will remain solvent through FY 2024-25, although that date will depend on the total amount transferred to the General Fund during the current downturn and whether that funding is repaid. Other factors that could change the state's costs and result in the need for more resources more quickly include: (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.

BUDGET BALANCING OPTIONS

These options are presented without staff recommendation in order to maximize the Committee's choices. The Committee may wish to consider these options now or in the future.

Numbering does not indicate priority.

Options with <i>Appropriation</i> Impacts	GF	CF	RF	FF	Total	FTE
1	(675,000)	675,000			0	
<p>Refinance the Consumer Protection Division Dairy Program for FY 2009-10</p> <p>The Dairy Program is entirely funded with General Fund (approximately \$675,000 per year, including laboratory expenses) and could be cash funded through fees on the dairy industry. The Committee could consider partial or complete cash funding of the program. Doing so would require legislation. Staff is aware of a proposal to increase the program's overall funding by charging a fee that would not supplant any of the existing General Fund. Staff has not received an official request from the Department.</p>						
2	(2,690,266)	2,690,266			0	
<p>Refinance Water Quality Control Division General Fund and Increase Fees for FY 2009-10</p> <p>The Department is requesting and staff has recommended a General Fund appropriation of \$2.7 million to the Water Quality Control Division. However, during the last downturn the General Assembly enacted S.B. 03-276 to cash fund the entire division and eliminate the General Fund appropriation. The Committee could consider doing so again for FY 2009-10 and going forward.</p>						

Options with <i>Revenue</i> Impacts	GF	CF	RF	FF	Total	FTE
1	(675,000)	675,000			0	
<p>Refinance the Consumer Protection Division Dairy Program for FY 2009-10</p> <p>See Option #1 above.</p>						
2						
<p>Refinance Water Quality Control Division General Fund and Increase Fees for FY 2009-10</p> <p>See Option #2 above.</p>						