

Resolution NO 2014-11-487R

**MEMORANDUM OF UNDERSTANDING FOR THE MS4
JURISDICTIONS OF NORTHWEST ARKANSAS AND
THE NORTHWEST ARKANSAS REGIONAL PLANNING
COMMISSION**

WHEREAS, eighteen cities in Benton and Washington Counties, the counties themselves, and the University of Arkansas meet the U.S. Environmental Protection Agency's "small" urbanized area municipal separate storm sewer (MS4) criteria, and must comply with national Phase II Stormwater Regulations; and

WHEREAS, the Arkansas Department of Environmental Quality (ADEQ), the state agency authorized by EPA to issue National Pollutant Discharge Elimination System (NPDES) permits requiring and ensuring compliance, will establish dates for affected entities to be covered under Arkansas' general permit for MS4s; and

WHEREAS, said permit requires development, implementation, and evaluation of a stormwater management plan, that addresses each of the six minimum control measures identified in the Phase II Storm Water Regulations contained in 40 CFR 122.26 and outlined in Part I.B.; and

WHEREAS, the Northwest Arkansas Regional Planning Commission (NWARPC) has coordinated meetings between representatives of affected jurisdictions in an effort to determine, in the interest of economy and efficiency, whether certain stormwater permit components could be addressed collectively, rather than individually; and

WHEREAS, it has been determined that a cost effective, regional approach to certain minimum control measures required as part of the permit – namely Public Education and Outreach, Public Involvement and Participation, and the education component of Pollution Prevention/Good Housekeeping – is both logical and appropriate; and

WHEREAS, the NWARPC previously requested and received statements of qualifications from interested institutions and firms with demonstrated water quality educational expertise, and has, in cooperation with representatives of affected MS4 jurisdictions, endorsed the attached proposal from the University of Arkansas Cooperative Extension Service; and

WHEREAS, the ADEQ has endorsed the regional concept and proposal for addressing said minimum control measures; and

WHEREAS, said representatives of affected MS4s have also endorsed the distribution of costs associated with the proposal as shown on the attached cost allocation plan; and

WHEREAS, the Board of Directors of the NWARPC have authorized the Commission to act as the financial clearinghouse and primary contractor, on behalf of said MS4s, in connection with said proposal.

NOW, THEREFORE BE IT RESOLVED THAT WE, THE UNDERSIGNED MS4 JURISDICTION, AND THE BOARD OF DIRECTORS OF THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION, AGREE AS FOLLOWS:

SECTION 1. To participate in a 1-Year Regional Stormwater Education and Coordination Program (January 1, 2015 – December 31, 2015), to be carried out by the University of Arkansas Cooperative Extension Service through an engagement with the Northwest Arkansas Regional Planning Commission, with costs based on a Base cost and each jurisdiction's pro-rated share of the region's 2010 urbanized area population; it being understood that said services to be provided shall satisfy requirements for the federally-mandated minimum control measures referenced herein. Commitments for participation in said program in future years will require governing body approval on a year-to-year basis.

SECTION 2. To participate financially in accordance with the attached cost allocation plan. Any increases in the costs allocated to the undersigned MS4 due to the failure of other MS4 jurisdictions to participate shall be subject to the approval of the undersigned MS4.

SECTION. 3. That all funds received by NWARPC from MS4s shall be utilized in their entirety for stormwater management program services and coordination activities in connection with EPA Phase II Stormwater Program requirements, and shall be accounted for separately from all other Commission funds.

Dated this 4 day of July, 2014.

 TONTITOWN


Jeff Hawkins NWARPC

**Cost Allocation* of U of A Cooperative Extension Service Regional Stormwater Education and NWA Regional Planning
Commission Stormwater Coordination for NWA MS4 Jurisdictions**

**MS4 Cost = \$2,000 Base cost + (Remaining Program Cost x % NWA Urbanized Area Population)
Using 2010 US Census Urban Block Data for the 21 MS4 Collaborating Jurisdictions**

Jurisdiction	Urbanized Area Population	Total Population	% Urbanized Area Population	\$2,000 Base with % Urbanized Area
Greenland	721	1,294	0.24%	\$2,418.76
Elm Springs	973	1,535	0.33%	\$2,565.12
Cave Springs	969	1,931	0.33%	\$2,562.80
Bethel Heights	2,359	2,372	0.80%	\$3,370.12
Tontitown	71	2,460	0.02%	\$2,041.24
Little Flock	1,742	2,585	0.59%	\$3,011.77
Elkins	1,991	2,648	0.67%	\$3,156.39
Johnson	3,123	3,354	1.06%	\$3,813.86
Prairie Grove	69	4,380	0.02%	\$2,040.08
Pea Ridge	4,298	4,794	1.46%	\$4,496.31
Farmington	4,964	5,974	1.68%	\$4,883.12
Lowell	6,574	7,327	2.23%	\$5,818.22
Centerton	9,135	9,515	3.10%	\$7,305.67
Bella Vista	22,841	26,461	7.74%	\$15,266.20
U of A	5,801	27,503	1.97%	\$5,369.26
Bentonville	33,801	35,301	11.45%	\$21,631.84
Washington County [‡]	1,868	203,065	0.63%	\$3,084.95
Benton County [‡]	5,339	221,339	1.81%	\$5,100.93
Rogers	54,897	58,895	18.60%	\$33,884.54
Springdale	68,088	70,747	23.07%	\$41,545.96
Fayetteville	65,457	73,580	22.18%	\$40,017.86
Program Totals	295,081		100.00%	\$213,385.00

Note: Budget year runs from January 1 through December 31 of each calendar year
 * These dollar breakouts assume all jurisdictions participate
 ‡ Total population reflects the total county population including all incorporated areas