

RESOLUTION 2010- ~~27~~ 27**A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR THE MS4 JURISDICTIONS OF NORTHWEST ARKANSAS AND THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION.**

WHEREAS, twelve 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, has established February 1, 2009 as the latest date 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 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 subsequently 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 BY THE CITY COUNCIL OF ELKINS, ARKANSAS, That:

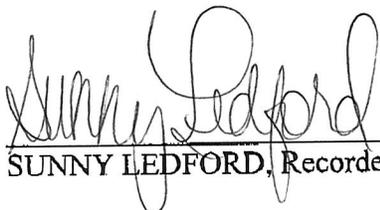
Section 1: Elkins shall participate in year 3 of the attached 3-Year Regional Stormwater Education and Coordination Program, to be carried out by the University of Arkansas Cooperative Extension Service through an engagement with the Northwest Arkansas Regional Planning Commission, it being understood that said services to be provided shall satisfy requirements for the federally mandated minimum control measures identified above. Commitments for participation in said program in future years will require City Council 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 City of Elkins due to the failure of other MS4 jurisdictions to participate shall be subject to the approval of the Elkins' City Council.

Section 3: That all funds received by NWARPC from MS4s for this specific project shall be utilized in their entirety for services in connection with the 3-Year Regional Stormwater Education and Coordination Program, and shall be accounted for separately from all other commission funds.

PASSED AND APPROVED this _____ day of _____, 2010.

JACK LADYMAN, Mayor



SUNNY LEDFORD, Recorder-Treasurer