

**City of Fayetteville Staff Review Form**

**2020-0064**

**Legistar File ID**

**2/4/2020**

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Alan Pugh

1/17/2020

ENGINEERING (621)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

Waiving competitive bidding and approving of an agreement in the amount of \$42,591.06 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements

**Budget Impact:**

4470.621.8810-5817.00

Sales Tax Capital Improvements

Account Number

Fund

02097.1

Stormwater Quality Management (Stormwater Quality Mgmt/Nutrient Reduct)

Project Number

Project Title

**Budgeted Item?** Yes

Current Budget \$ 160,000.00

Funds Obligated \$ -

Current Balance **\$ 160,000.00**

**Does item have a cost?** Yes

Item Cost \$ 42,591.06

**Budget Adjustment Attached?** No

Budget Adjustment \$ -

Remaining Budget **\$ 117,408.94**

V20180321

**Purchase Order Number:** \_\_\_\_\_

**Previous Ordinance or Resolution #** \_\_\_\_\_

**Change Order Number:** \_\_\_\_\_

**Approval Date:** \_\_\_\_\_

**Original Contract Number:** \_\_\_\_\_

**Comments:**



**MEETING OF FEBRUARY 4, 2020**

**TO:** Mayor and City Council

**THRU:** Susan Norton, Chief of Staff  
Garner Stoll, Development Services Director  
Chris Brown, City Engineer

**FROM:** Alan Pugh, Staff Engineer

**DATE:** January 17, 2020

**SUBJECT:** Waiving competitive bidding and approving of an agreement in the amount of \$42,591.06 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements

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**RECOMMENDATION:**

Staff recommends waiving competitive bidding and approving of an agreement in the amount of \$42,591.06 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

**BACKGROUND:**

The City of Fayetteville has participated in the educational program provided by the University of Arkansas Cooperative Extension since its inception. This program has been very successful and a valuable asset to the public as well as the city.

**DISCUSSION:**

Since 2003, the cities of Bentonville, Bethel Heights, Elkins, Elm Springs, Farmington, Fayetteville, Greenland, Johnson, Little Flock, Lowell, Springdale and Rogers along with Benton and Washington Counties and the University of Arkansas have been operating under the Environmental Protection Agency's (EPA) federally mandated Phase II Stormwater regulations as Municipal Separate Storm Sewer Systems (MS4s). While the participating jurisdictions obtain separate National Pollutant Discharge Elimination System (NPDES) permits, they jointly contract with Cooperative Extension Service (CES) through the Northwest Arkansas Regional Planning Commission (NWARPC) as a successful and cost-effective means of implementing the following minimum control measures required in their Phase II permits as well as ensure uniformity in the message presented to residents of Northwest Arkansas:

- 1) Public Education and Outreach
- 2) Public Involvement and Participation
- 6) Pollution Prevention and Good Housekeeping (training for municipal employees)

Positive feedback from the Arkansas Department of Environmental Quality (ADEQ) and participating MS4s has led to the CES and the NWARPC continuing their partnership as the urban stormwater education program support arm of the MS4s' new 2020-2024 stormwater management permits. This agreement is for participation in a 1-Year Regional Stormwater Education and Coordination Program.

This agreement is for participation in a 1-Year Regional Stormwater Education and Coordination Program, however, the intent is to waive competitive bidding until the end of the permit period which is 2024. Please note that due to the fact the cost will fluctuate, City Council will still have the opportunity to review and approve the new agreement and fee each year by resolution. The agreement will not automatically renew.

**BUDGET/STAFF IMPACT:**

Funding for the program is available in the Stormwater Quality Management and Nutrient Reduction Plan Budget. These funds are proposed to be utilized to satisfy the terms of the agreement.

**Attachments:**

Memorandum of Understanding

Cost Allocation Summary

Urban Stormwater Education Program 2020-2024 Summary



## NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

1311 Clayton St., Springdale, Arkansas, 72762

• (479) 751 7125

• <http://nwarpc.org>

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September 24, 2019

Alan Pugh,

I am enclosing an original of your jurisdiction's 2020 Memorandum of Understanding (MOU) for the Regional Stormwater Education Program. It has been signed by Jeff Hawkins, Executive Director, NWARPC.

Please deliver the MOU to the appropriate person in your jurisdiction to sign and date.

You may return the MOU either by the US Postal Service, or through email. If at all possible the MOU should be returned by the end of the year.

NWARPC will invoice in January 2020.

If you have any questions, please let me know. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads 'Celia Scott-Silkwood'.

Celia Scott-Silkwood, AICP

Regional Planner

[cscott-silkwood@nwarpc.org](mailto:cscott-silkwood@nwarpc.org)

479-751-7125 ext. 106

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

**WHEREAS**, 21 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, 2020 – December 31, 2020), 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 \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_ FAYETTEVILLE

  
\_\_\_\_\_ NWARPC  
Jeff Hawkins

**2020 Cost Allocation\* of U of A Cooperative Extension Service Regional Stormwater Education Planning and NWA  
Regional 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 + % Urbanized Area
Bella Vista	22,841	26,461	7.74%	\$16,164.11
Benton County	5,339	221,339	1.81%	\$5,310.81
Bentonville	33,801	35,301	11.45%	\$22,960.60
Bethel Heights	2,359	2,372	0.80%	\$3,462.86
Cave Springs	969	1,931	0.33%	\$2,600.89
Centerton	9,135	9,515	3.10%	\$7,664.78
Little Flock	1,742	2,585	0.59%	\$3,080.25
Lowell	6,574	7,327	2.23%	\$6,076.65
Pea Ridge	4,298	4,794	1.46%	\$4,665.27
Rogers	54,897	58,895	18.60%	\$36,042.61
Elkins	1,991	2,648	0.67%	\$3,234.65
Elm Springs	973	1,535	0.33%	\$2,603.37
Farmington	4,964	5,974	1.68%	\$5,078.27
Fayetteville	65,457	73,580	22.18%	\$42,591.06
Greenland	721	1,294	0.24%	\$2,447.10
Johnson	3,123	3,354	1.06%	\$3,936.63
Prairie Grove	69	4,380	0.02%	\$2,042.79
Springdale	68,088	70,747	23.07%	\$44,222.59
Tontitown	71	2,460	0.02%	\$2,044.03
U of A	5,801	27,503	1.97%	\$5,597.30
Washington County	1,868	203,065	0.63%	\$3,158.38
<b>Program Totals</b>	<b>295,081</b>		<b>100.00%</b>	<b>\$224,985.00</b>

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

## **Minimum Control Measure #1: Public Education and Outreach on Stormwater Impacts**

### **Decision Process**

The NWA Stormwater Compliance Group meets to discuss stormwater pollution prevention and provide input on education activities. The NWA Stormwater Education Steering committee (public membership comprised of diverse backgrounds/interests) convenes at least once each year to review and evaluate program accomplishments and plan next steps. Both groups provide the localized input used to identify critical stormwater pollutants, education needs, target audiences, program methods, and public relations strategies.

### **Public Education/Outreach BMPs**

#### *Develop and distribute educational materials*

Input from both the MS4 Stormwater Compliance Group and Education Steering Committee guides the emphases of electronic and printed educational materials. Once topics are identified, materials will be developed, adapted, and/or gathered for distribution at public meetings, in support of presentations, and with educational displays. Examples may include fact sheets, videos, social media content, website content, newsletters, press releases, and PSAs.

#### *Measureable Goals:*

Mechanism types and numbers of educational materials will be documented.

Develop 5 educational materials across the permit term.

Attendance of MS4 Stormwater Compliance Group and Education Steering Committee meetings will be documented.

#### *Conduct stormwater education activities*

Educational presentations will be given to illustrate stormwater dynamics, identify potential pollutants and pathways, describe techniques to reduce stormwater pollution and encourage voluntary BMP implementation according to the annual topic/audience emphases outlined in the following table.

#### *Measureable Goal:*

Stormwater education programs will be conducted and documented.

### **Responsible Party**

The Northwest Arkansas Regional Planning Commission and the University of Arkansas Cooperative Extension Service have contracted with the municipality to be responsible for the development and implementation of the public education efforts. A copy of that agreement is included in this plan.

### **Performance Standard:**

Urban stormwater outreach/education programs will reach at least 50% of the urbanized area population.



**Minimum Control Measure #1:  
5 Year Implementation Schedule**

<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
<i>Topic Emphases:</i> Storm drain awareness/dumping	<i>Topic Emphasis:</i> Litter	<i>Topic Emphasis:</i> Sediment control	<i>Topic Emphasis:</i> Yard waste	<i>Topic Emphasis:</i> Automotive maintenance and Household Hazardous Waste (HHW)
<i>Target Audience:</i> General public	<i>Target Audience:</i> General public	<i>Target Audience:</i> Land development community	<i>Target Audience:</i> General public and green industry	<i>Target Audience:</i> General public and vehicle owners
<i>Rationale:</i> Pollutants entering the storm drain system degrade water quality	<i>Rationale:</i> Improper handling and disposal of litter can allow it to enter the storm drain system and degrade water quality	<i>Rationale:</i> Sediment leaving construction sites can enter the storm drain system and degrade water quality	<i>Rationale:</i> Improper yard waste disposal can clog drainage ways and excess fertilizer and pesticide applications can enter the storm drain system and degrade water quality	<i>Rationale:</i> Improper vehicle maintenance and HHW disposal can allow pollutants to enter the storm drain system and degrade water quality

## **Minimum Control Measure #2:**

### **Public Involvement/Participation**

#### **Decision Process**

The NWA Stormwater Compliance Group meets to discuss stormwater pollution prevention and provide input on education activities. The NWA Stormwater Education Steering committee (public membership comprised of diverse backgrounds/interests) convenes at least once each year to review and evaluate program accomplishments and plan next steps. Both groups provide the localized input used to identify critical stormwater pollutants, education needs, target audiences, program methods, and public relations strategies.

#### **Target Audience**

The audience for public involvement programs and activities will be the general public and may include businesses, trade associations, environmental groups, homeowners, and civic organizations.

#### **Public Involvement/Participation BMPs**

##### *Engage Residents in Public Participation/Involvement Activities*

Input from both the MS4 Stormwater Compliance Group and Education Steering Committee guides the emphases of educational materials, educational programs, and public involvement efforts. Residents will participate in public involvement activities. Examples may include stormwater compliance meetings, stormwater steering meetings, clean ups, etc.

##### *Measureable Goal:*

Public participation activities will be documented.

#### **Responsible Party**

The Northwest Arkansas Regional Planning Commission and the University of Arkansas Cooperative Extension Service have contracted with the municipality to be responsible for the development and implementation of the public involvement efforts. A copy of that agreement is included in this plan.

#### **Performance Standard**

At least 5 public participation and involvement activities will be coordinated over the permit term.