

ARKANSAS DEPARTMENT OF POLLUTION
CONTROL AND ECOLOGY

LOCATION - SUBJECT 208 RFP's and
Contracts

MINUTE ORDER NO. 78-41

PAGE 1 OF 1 PAGES

The Commission on Pollution Control and Ecology hereby authorizes the Department, in coordination with the office of the Attorney General, to issue Requests for Proposals and to negotiate and execute contracts (not to exceed \$40,000 in total) for the purpose of completing work objectives outlined in Tasks 221, 222, 223, 231, 322 and 331 as outlined in The State of Arkansas Detailed Work Program for 208 Water Quality Management (November 1, 1978, or as later amended in accordance with federal requirements).

COMMISSIONERS

[Handwritten signatures and initials]
R.C.R. Ly 9/2

Ralph A. Dumas
Chairman

Submitted by H.G. Hannah Date Passed 6/30/78

REQUEST FOR PROPOSAL
Pertaining to
Regulatory Programs and Management Agencies

I. PROPOSAL BACKGROUND

As a result of Section 208 of Public Law 92-500, entitled Federal Water Pollution Control Act Amendments of 1972, the Arkansas Department of Pollution Control and Ecology has been designated the state agency responsible for preparing the Water Quality Management Plan for all undesignated areas in the State of Arkansas. The approach, planning responsibilities, and level of detail have been outlined in two documents: The State of Arkansas Continuing Planning Process for 208 Water Quality Management (1976), and The State of Arkansas Detailed Work Program for 208 Water Quality Management (November, 1976). In accordance with the detailed work program, the Department is requesting a proposal for the preparation of a description of the existing state and local regulatory programs which are being used or can be used to implement the State Water Quality Management Plan. Also, the development of a format and methodology that can be used to identify those agencies that the Department may recommend for designation by the Governor to carry out each of the provisions of the water quality management plan.

II. WORK OBJECTIVES

To establish a format for organizing information that will permit the Department to make proper recommendations concerning regulations and the selection of management agencies. The work objectives encompassed by this request should include all or part of Tasks 221, 222, 223, 231, 322 and 331 as outlined in The State of Arkansas Detailed Work Program for 208 Water Quality Management (November 1, 1976).

The product should be developed after consultation with the staff of the Department. It should include all pertinent data and information needed to develop a program that can be used by the Department, consulting firms, planning agencies, and the general public. An updating process and a user oriented training program should be considered.

III. SCOPE OF WORK

A. Regulatory Program

1. Prepare a description of existing state/local regulatory programs which are being or can be utilized to implement the State Water Quality Management Plan. The description shall include the regulatory approach to be employed, the statutory basis for the program, and relevant administrative and financial program aspects.
2. Prepare a description of necessary additional state/local programs to be established in order to implement the State Water Quality Management Plan. The description shall include the proposed regulatory approach, the necessary legislation, and the anticipated administrative and financial capabilities.
3. The regulatory programs described in 1 and 2 above, should generally take full advantage of existing legislative authorities and administrative capabilities. However, such programs shall assure that:
 - (a) To the extent practicable, waste treatment management including point and nonpoint sources management shall be on a statewide and/or areawide basis and provide for the control or abatement of all sources of pollution including existing or potential deposits of materials subject to the provision of PL 94-580;
 - (b) the location, modification, and construction of any facilities, activities, or substantive change in the use of lands within the approved planning area, which might result in any new or deleterious discharge directly or indirectly into waters of the state which include all surface and subsurface waters within the meaning of Section 82-1902 subdivision 9(a) Arkansas Act 472 of 1949 as amended; and
 - (c) any industrial or commercial waste discharged into any publicly owned treatment works must be applicable to the provisions of Section(s) 101, 301, 302, 304, 306, 307, 311, 401, 402, and 405 of PL 92-500 and Section 82-1908 of Arkansas Act 472 of 1949, as amended.

B. Management Agencies

1. Identify those agencies which the Department may recommend for designation by the Governor to carry out each of the provisions of the water quality management plan. The identification shall include those agencies necessary to construct, operate and maintain all treatment works identified in the plan and those agencies necessary to implement the regulatory programs described in III A, above.
2. Depending upon an agency's assigned responsibilities under the plan, the agency must have adequate authority and potential capability:
 - (a) To carry out its assigned portion of an approved State Water Quality Management Plan (including the plans developed for designated areawide planning areas);
 - (b) to effectively manage waste treatment works and related point and nonpoint source facilities and practices serving such area in conformance with the approved plan;
 - (c) directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by an approved water quality management plan;
 - (d) to accept and utilize grants or other funds from any source for waste treatment management or nonpoint source control purposes;
 - (e) to raise revenues, including as a minimum the assessment of user charges and/or ad volorem taxes;
 - (f) to incur short and long term indebtedness;
 - (g) to assure, in implementation of an approved (or amended) water quality management plan, that each participating community pays its proportionate share of related costs;
 - (h) refuse to receive any wastes from a municipality or subdivision thereof, which does not comply with any provision of an approved (or amended) water quality management plan applicable to such an area; and
 - (i) to accept and adequately dispose of any industrial process wastes.

IV. CRITERIA FOR MEETING REQUIREMENTS

A. Regulatory Programs

1. For III A, 1 and 2 above, demonstrate that water quality management agency(s) recommended to implement the plan have authority and potential capability specified in Section 208 (c)(2); PL 92-500 to provide for waste treatment management on an areawide basis.
 - a. For each category of pollutant sources identified in the planning process (including nonpoint sources), identify corresponding controls included in the initial plan.
 - b. Demonstrate that an adequate regulatory program for each category of pollutant sources identified in the planning process is included in the plan by documenting:
 - (i) Conditions and situations in which regulation applies, including abatement requirements;
 - (ii) timing of regulations, notice, and hearings;
 - (iii) legal form of regulation e.g., activity permits, land use controls, zoning, building codes, licensing of pollutant generating activities, conservation plans, etc.; and
 - (iv) legal authority for regulation, adequacy of existing law or proposed new regulation.
2. For A 3, a-c, under Scope of Work, provide same documentation as 1 above. Demonstrate that, to the extent practicable, waste treatment management is on an areawide and/or statewide basis.
3. Demonstrate that pretreatment requirements of Section 307 of PL 92-500 will be met. Demonstrate that implementation of Section 307 requirements and other requirements proposed in the plan will allow proper functioning of proposed facilities.

B. Management Agencies

1. For each planning area and for each category of sources identified in the plan, identify agency(s) responsible for construction, operation, and maintenance of treatment works, and for carrying out the regulatory programs specified in IIIA.
2. For each requirement, (2)(a-i) above, relating to authority of management agencies to carry out various functions indicate the source of authority, specific legislation or regulation specifying how such authority may be exercised by the appropriate agency, and the budget authority to implement each element of the plan.

V. MATERIAL AND ASSISTANCE FURNISHED BY ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

- A. The Department will provide contact with other agencies.
- B. The Department will provide access to its files, reports, and documents that it has that will assist in accomplishing this task.

VI. BUDGET RANGE

- A. The budget range for this project is \$35,000 to \$41,000.

VII. REPORTS

Progress reporting will be monthly and should indicate progress being made in the specified areas. The initial report should identify format and specific outputs as agreed to. Reports will be made to the State 208 Project Manager.

Reporting of progress to the State Policy Advisory Committee may be necessary during the contract period. Details for this reporting will be made by the State 208 Project Manager.

VIII. TIME FRAME

It is estimated this task should be accomplished within four to six months.

IX. CONSULTANT STAFF AND RESOURCES

The administering agency should have or secure all personnel and resources required to perform the services stated in this RFP in order that the tasks can be accomplished in an expedient manner.

The administering agency should submit staff qualifications with their proposal to ADPC&E. All subcontracting carried out by the administering agency must be approved in advance by ADPC&E and identified at the RFP submittal.

X. EVALUATION OF PROPOSALS

Evaluation of proposals will be by an in-house technical review committee within the Arkansas Department of Pollution Control and Ecology. The proposals will be evaluated upon approach, ability to complete, available resources, and cost.

XI. DUE DATE FOR PROPOSAL

All proposals must be received by the ADPC&E no later than _____.

XII.

OTHER

Questions concerning this proposal should be submitted in writing; all questions will be answered in writing. The ADPC&E will not be held responsible for oral interpretations of questions arising from the issuance of this proposal.