

MINUTE ORDER NO. 86-21

PAGE 1 OF 1

By this Minute Order, the Commission on Pollution Control and Ecology hereby adopts the Draft FY'86 Priority System and List as amended based on public comments received during the forty-five (45) day comment period.

One comment was received which resulted in amendments to the original draft. This comment was in regard to the provision not to allot FY'87 funds for the "Governor's Set-aside" account to provide for the funding of collector lines in unsewered communities. An amount equal to the ratio of the new collector needs for unsewered communities to the total eligible needs as shown on both the large and small communities lists will be set-aside for this purpose contingent on the approval of the Governor.

A comment received with regard to the possible deletion of the June 1, 1987, deadline for application certification for projects shown as fundable did result in the following amendment:

Projects shown as fundable in FY'87 with existing consulting engineering contracts not containing the damages clause required by Paragraph 3 of this section, must have their grant application certified as being complete according to the provisions of 40 CFR 35.2040 by the Arkansas Department of Pollution Control and Ecology Construction Grants Division by June 1, 1987. This includes completion and certification of Facility Plans and Plans and Specifications. If the application is not certified by that date, the project becomes unfundable and the next project ready to proceed on that respective list will become eligible to receive the funds.

Projects shown as fundable in FY'87 with consulting engineering contracts containing an approved damages clause in accordance with Paragraph 3 of this section may be granted a modification of the June 1, 1987, deadline from the Director, Pollution Control and Ecology in cases where the Director determines that extraordinary circumstances warrant an extension. The maximum extension of the June 1 deadline will be 30 days. The granting of such a time extension by the Director shall not be construed in any way of relieving the responsibility of the respective consulting engineering firm in complying with contractual dates.

[Handwritten signatures and initials]

Another comment received with regard to the possible deletion of the requirement for a penalty clause in consulting engineering contracts for planning and design did not result in an amendment due to past experience showing the need for such a provision.

[Signature of Jerry Hill]
CHAIRMAN

SUBMITTED BY: Larry Wilson DATE PASSED: 7-25-86