



State Review of Oil and Natural Gas Environmental Regulations, Inc.
STRONGER, Inc.

Notification of intent to submit a proposal due by: September 9, 2016

Proposals due by: October 14, 2016

PURPOSE

State Review of Oil and Natural Gas Environmental Regulations, Inc. (STRONGER) seeks a consultant to conduct an evaluation of the organization that will help guide its planning for the future.

The purpose of the evaluation is to engage internal (Board of Directors, Administrative Support Staff) and external (state and federal environmental regulators, the oil and gas industry, the environmental public advocacy community) stakeholders to explore their perceptions of STRONGER and its administration of the State Review process in order to identify challenges to the organization's growth and success. The evaluation will initially focus within STRONGER's current scope of work as defined in the organization's Articles of Incorporation. After exhausting options that fall within that scope, the evaluation will explore new areas of opportunity for STRONGER beyond the scope of its current and past work.

BACKGROUND

STRONGER was incorporated in 1999 to administer the State Review process born out of the Council on Regulatory Needs formed jointly by the Interstate Oil and Gas Compact Commission (IOGCC) and the U.S. Environmental Protection Agency (EPA) in 1989. STRONGER's purpose is to educate state regulators with recommendations to improve state oil and gas environmental regulatory programs.

The Council was formed as a result of EPA's study of E&P wastes under the Resource Conservation and Recovery Act (RCRA) of 1976, and EPA's determination not to regulate E&P wastes as hazardous under Subtitle C of RCRA. Two primary reasons for formation of the Council were EPA's findings in 1988 that, "Existing state and federal programs are generally adequate, and regulatory gaps could be addressed under non-hazardous portions of RCRA, and by working with the states," and, "Regulation under Subtitle C would disrupt and, in some cases duplicate, existing state programs."

The purpose of the Council was to develop minimum acceptable Guidelines for state E&P waste regulatory programs. These Guidelines would subsequently be used in voluntary State Reviews to identify gaps in state regulation, and provide recommendations for improvement. The State Review process was multi-stakeholder, involving representatives from the oil and gas industry, state regulators, and the environmental public advocacy community. IOGCC managed the State Review process until 1997.

Although initially successful, and recognized by a Presidential Task Force in 1995 as a model of state/federal interaction, the State Review process effectively ended in 1997 after a decrease in funding from EPA, and breakdowns in communication between the stakeholder groups.

At the same time the State Review process was experiencing difficulty, environmental advocates had been pressuring EPA to revisit the E&P RCRA exemption, as ten years had passed since the exemption determination had been made. In 1998 EPA called a meeting of the stakeholders in an attempt to restart the State Review process. Through those discussions and subsequent meetings, the stakeholders agreed to restart the State Review process under a new governing body- STRONGER. This new governing body would be led not by IOGCC, but by a multi-stakeholder Board of Directors, comprised of three

each representatives from the oil and gas industry, state regulators, and the environmental public advocacy community.

The State Review process has been a success. Twenty-two states have volunteered for reviews, many of them volunteering multiple times for follow-up reviews. These states represent the majority of domestic onshore oil and natural gas production. The Guidelines originally developed by the Council on Regulatory Needs have expanded in scope from waste management criteria to include topics such as Hydraulic Fracturing, Reused and Recycled Fluids, and Air Quality. States continue to volunteer for reviews, albeit at a slow pace.

Today, everything old is new again. Federal funding for the State Review process has decreased, and EPA is once again facing pressure from environmental groups to reevaluate E&P waste exemptions under RCRA. STRONGER needs to evaluate its perception of efficacy, and chart a path forward that will ensure the organization's relevance in the ongoing national conversation about oil and gas development and effective environmental regulation.

KEY EVALUATION QUESTIONS

1. How is STRONGER perceived by external stakeholders?
2. What barriers exist that prevent states from volunteering for State Reviews?
3. How can STRONGER secure a steady source of funding?
4. What partners can STRONGER work more closely with?
5. Should STRONGER expand the scope of its work beyond developing Guidelines and conducting State Reviews?

DATA AND METHODS

The consultant is expected to become deeply familiar with STRONGER and the State Review process through reviewing key documents and interviewing internal and external stakeholders. STRONGER will provide the consultant access to documents and materials and contact information for internal and

external stakeholders. The consultant will be expected to make contact beyond the external stakeholders provided by STRONGER in their respective stakeholder groups. The data collection strategy should be geared toward capturing multiple perspectives and using varied sources, allowing for triangulation across sources to inform the findings.

EVALUATION PRODUCTS

The following deliverables constitute the minimum feedback from the evaluation we desire in order to inform the Board and staff. We welcome suggestions from the consultant on ways to provide regular feedback.

1. Written evaluation design and presentation of that design structured to elicit feedback, including development of methods to gain information from stakeholders.
2. Regular conference calls with Board members and/or staff to report on progress, obstacles, and interim findings.
3. Final written report of not more than 20 pages and up to 3 pages for the executive summary, which includes the following elements:
 - a. Written synthesis of interviews with internal stakeholders.
 - b. Written synthesis of interviews with external stakeholders.
 - c. Comparison and contrast of written synthesis.
 - d. Recommendation for financial support.
 - e. Recommendation for future work.
 - f. Findings from stakeholders about the impact to-date of the State Review process.
4. Presentation of the final evaluation at an in-person meeting of the Board of Directors.

ROLE OF CONSULTANT

State Review of Oil and Natural Gas Environmental Regulations, Inc. (STRONGER) is the client for this project. Ryan Steadley, Executive Director, will

be the primary contact at STRONGER and will have regular check-in calls with the consultant. STRONGER's Board of Directors is the primary audience for the final evaluation report.

The Board of Directors will create an advisory group of three individuals for this evaluation, which will include one representative from each stakeholder group. The advisory group will review proposals, provide feedback on the evaluation design and draft report, help address obstacles, and be engaged in check-in calls as necessary. The consultants will prepare agendas for calls with the advisory group and meeting follow up notes/materials as needed.

The final report is confidential to STRONGER and will not be shared outside of the Board of Directors and staff.

RESPONSE TO RFP

Please submit a proposal of no more than ten pages that describes your thoughts on how you would structure this evaluation. The proposal should include the following elements:

1. Evaluation design, methods and process for conducting the above mentioned activities.
2. What will be your approach to interviews with Board members? How will you manage communications, scheduling, and various levels of response from the Board?
3. What information will you seek from the Board to develop a list of measurable indicators of success that represent a consensus of the Board?
4. What, if any, potential challenges do you foresee in the evaluation design and methodology and what mitigating strategies do you propose? What is your fallback plan if you do not receive adequate external stakeholder input?

5. What are the most appropriate methods for data/information collection to address each of the evaluation questions? What qualitative and/or quantitative methods will be used and why?
6. What is your experience working with oil and gas environmental regulation? How well do you understand the dynamics of the organizations and individuals involved with STRONGER's work?
7. Timeline
8. Detailed budget of not more than \$75,000
9. Names, qualifications and organizational chart of the evaluation team. Indicate percentage time of each staff member dedicated to the project. What level of involvement will senior staff have in the project?
10. Experience with multi-stakeholder organizations, or other organizations with a similar profile to STRONGER
11. Discussion of relevant past projects
12. Three references from current or past clients

Finalists will have one hour to present their proposal to the advisory group.

Applicants must contact Ryan Steadley (rsteadley.stronger@gmail.com) no later than September 9, 2016 to express interest in submitting a proposal. Proposals should be submitted electronically to Ryan Steadley.