

**AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**TITLE: Community-Scale Air Toxics Ambient Monitoring**

**ACTION: Request for Proposals (RFP)**

**RFP: EPA-OAR-OAQPS-11-05**

**CFDA: 66.034**

**SUMMARY: Formal Agency responses to questions regarding the subject RFP**

**DATE: May 6, 2011**

**Q1.** Are there any restrictions on the amount of money that can be used to support a community group's involvement in the grant?

**A1.** Due to the very general nature of the question, we cannot comment further except to state that applicants must follow the cost principles in 2 CFR Part 230 (non profits) or 2 CFR Part 225 (states, local governments and Tribes) as applicable.

**Q2.** Are there any restrictions on the type of work that the community group can do to support the project?

**A2.** Again, due to the very general nature of the question, we cannot comment further except to state that applicants must follow the uniform grant administrative requirements in 2 CFR Part 215 (non profits) or OMB Circular A-102 (states, local governments and Tribes) as applicable.

**Q3.** On page 16 of the RFP, there is a stipulation that applicant must compete contracts for services and projects. Does this mean that the state agency cannot award a contract based on the ability of the contractor to perform? i.e., we may need to sole source to a state university or a community group because they have the particular expertise to perform the work, would that be allowed?

**A3.** Applicants that plan to issue subawards (either a subcontract or subgrant) will need to follow the federal competitive procurement guidelines as stated 40 CFR Part 30 for non-profits or 40 CFR Part 31.36 for states, local governments and Tribes.

**Q4.** Would a proposal that includes an indoor air monitoring component be eligible under this grant program? If eligible, we would like to examine the impact of an air toxics control strategy on both indoor and outdoor concentrations. We believe that the control strategy we are examining will have very substantial impacts on indoor air quality. From a public health perspective, the indoor impacts of the control strategy may be more important than the ambient impacts. Examining the indoor and outdoor impacts concurrently would add considerable value to the study.

**A4.** The grant funding is limited to ambient sampling. If concurrent outdoor / ambient and indoor sampling is proposed, the latter must be funded separately. Additionally, EPA cannot comment on a specific applicant's proposed project. Please see on page 18, section IV. Part H. Pre-Application Assistance and Communication, for more information.

**Q5.** Are universities eligible to apply?

**A5.** Universities are not eligible to apply. Universities can, however, partner with an eligible organization; for further information see Section IV.D of the subject RFP.

**Q6.** I am interested in finding out more about this grant program. Can you please tell me how many applications your office received in the last round of funding, and of those, how many were awarded? This will help me gauge the relative competitiveness of the program.

**A6.** The last such grant competition was in 2007. Of the sixty (60) eligible proposals received, seventeen (17) grants were awarded.

**Q7.** Previous RFPs in this category have had guidance or constraints regarding the % of total award funds that the lead agency can sub-contract. For example, data analysis projects could contract out up to 80% of the award, while other project categories were limited to 40%. For this RFP, could you provide guidance regarding subcontract limits to non-profit multi-state organizations such as NESCAUM, MARAMA, and LADCO?

**A7.** There are no subcontract or subaward limits for this grant competition. However, each grant applicant is at the very least responsible for direct and substantive involvement, management and oversight of all aspects of the proposed project; this role must be thoroughly described and clearly evident in the project proposal and associated budget.

**Q8.** Are federally recognized tribes eligible entities under this RFP, EPA-OAR-OAQPS-11-05?

**A8.** Yes

**Q9.** Are intertribal consortia eligible entities under this RFP, EPA-OAR-OAQPS-11-05?

**A9.** Yes, intertribal consortia are eligible for assistance under RFP EPA-OAR-OAQPS-11-05, *as long as the following stipulations are adequately met:* All member tribes of the intertribal consortium must be federally recognized tribal governments. An intertribal consortium must submit to EPA adequate documentation of: (1) The existence of the partnership between federally recognized Indian Tribal governments, and (2) Authorization of the consortium by all of its members to apply for and receive the grant(s) for which the consortium has applied. Under this RFP, intertribal consortia with non-profit status would have to apply for assistance as a governmental entity, not as a non-profit organization. The burden will be on the applicant to demonstrate that it is a intertribal consortia composed of all federally recognized tribal

governments and that those governments have authorized the consortia to apply for and receive the grant. Documentation should be submitted to the Agency contact in section VII. of the RFP.

**Q10.** We are interested in applying but wanted to make sure our agency is eligible under the rules of the RFP. Among its responsibilities for public health surveillance The XX City Department of Health and Mental Hygiene was tasked as part of the City's sustainability plan with conducting the a XX Community Air Survey, a local air monitoring network collecting criteria pollutant and fine PM constituent samples at 100 sites throughout the city. The results are used to guide our Mayor's Office of Long Term Planning and Sustainability's air quality policy development efforts including measures in the city's sustainability plan when it is updated as required every four years. Results have already been influential in spurring local measures to reduce the use of residual fuel oil for heating large buildings in the city. The Survey's data are also being applied to develop exposure estimates for air pollution health effects studies. Our response to this RFP would involve leveraging the strength of the monitoring network to add air toxics measurements at sites throughout the City. The results will help further develop local environmental policy in the City while providing important data on fine scale intra-urban gradients of important air toxics in a densely populated city. While the city's Department of Health is not a traditional air pollution regulatory agency, our efforts are instrumental in developing local air quality policy. As such, we are not entirely clear whether our agency fits under the requirements defined by Section 302 of the Clean Air Act.

**A10.** There are two separate and distinct criteria for determining eligibility: 1) whether or not your agency qualifies as an Air Pollution Control Agency (APCA), and 2) whether or not your agency is eligible to receive Section 105 funding.

Regarding the first criterion, Section 302(b) defines the term "air pollution control agency" as any of the following:

- (1) A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of this Act.
- (2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution.
- (3) A city, county, or other local government health authority, or, in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency.
- (4) An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.
- (5) An agency of an Indian tribe.

Regarding the second criterion, APCAs are eligible to receive a section 105 grant if they have substantial responsibility for carrying out an applicable state implementation plan per section 105(a)(1)(C) of the Clean Air Act. Substantial responsibility is determined according to state, territorial, or tribal laws, and, pursuant to the applicable laws, conferred on Clean Air Act section 302(b) air pollution control agencies.

At any level of government, an official agency (and their responsibilities and duties) are established by statute. For an agency to be considered eligible, its duties and responsibilities, as described in the appropriate statute(s), must be consistent with one of the five particular definitions of an air

pollution control agency under Clean Air Act section 302(b), and having substantial responsibilities for carrying out the applicable State Implementation Plan.

We recommend that you work with your agency's legal department to determine whether or not your agency meets both eligibility criteria; if yes, recommend you briefly address eligibility in the narrative workplan (per Section IV.C.2 of the RFP which states "The narrative proposal workplan must explicitly describe how the proposed project meets the guidelines established in Sections I-III of this announcement (including the threshold eligibility criteria in Section III.C)...") to include citing the particular statutes your agency feels support their eligibility determination. Note that if your agency is determined to be ineligible, you may appeal this finding per Section VI.E of the RFP.

**Q11.** Given what now looks like severe cuts to the EPA budget for the remainder of the current federal government fiscal year, is there any possibility that the amount of funds available for this RFP may be reduced or eliminated? Or are these funds already allocated in a manner that they cannot be re-directed?

**A11.** Though EPA anticipates that the funds for this grant competition will remain allocated for said purpose, we cannot dismiss the possibility that the amount of funds available for this RFP may be reduced or eliminated.

**Q12.** Can the grant be used for ambient air toxics monitoring projects that cover 2 years of sample collection and analyses?

**A12.** There is no specified duration (or limitation thereof) for ambient air monitoring conducted under these grants. However, the duration must be consistent with the particular project goals and objectives, and allow for all aspects of the project (from start through both interim final and final reports) to be accomplished in not more than the maximum allowable proposed project period of 3.5 years.

**Q13.** Project leverage is part of the RFP scoring. Can work that is already planned and funded under existing S/L work plans be counted as leverage if it reduces the cost of the proposed project? For example: a state/local agency has to put in a new site and related infrastructure to comply with one of the recent NAAQS monitoring requirements. This site would also be used for the proposed project. Can the \$ amount the state/local agency is already committed to spending on site infrastructure be fully counted as leverage? Or partially, to the extent that state/local agency 105 matching funds are used in this context? Or not at all?

**A13.** Site infrastructure costs can indeed be counted as a leveraged resource. Regarding the source of funding used to establish the site infrastructure, there is no preclusion to citing both the STAG 105 funds as well as any applicable recipient agency match. See Section III.B of the RFP for further discussion on leveraging.

**Q14.** Have local governments applied for funding through this program in the past? If so have they ever been selected for a grant?

**A14.** First, please review the eligibility criteria as stated in Section III.A of the RFP; also, see Question and Answer #10. That said, eligible local government air pollution control agencies have successfully applied for, been selected, and have received grants under this program.

**Q15.** Do you encourage local government applicants, and are local governments more competitive with non-profit partners or as primary applicants?

**A15.** We neither encourage nor discourage one group of eligible applicants over another. Regarding whether or not local government air pollution control agencies are more competitive with non-profit partners or as primary applicants, recommend you review the evaluation criteria (Section V.A of the RFP); whether or not an applicant has partners is inconsequential to how a proposal will be evaluated and scored.

**Q16.** Are there any relevant examples of good projects for local governments to be involved with regarding this program?

**A16.** Examples of successful projects (i.e., those selected for award) are available at <http://www.epa.gov/ttn/amtic/local.html>. Prior Community-Scale Air Toxics Ambient Monitoring RFPs, successful project proposals, and final reports (where applicable) are posted there.

**Q17.** If you could give one tip to a prospective local government applicant, what would that tip be?

**A17.** Carefully review the RFP, comply with all requirements, and thoughtfully consider all relevant information therein.

**Q18.** Can you give clarification to the term “develop performance measures” (page 8 C-4)? Does this refer to quality checks on the monitoring protocol, the cataloguing of data, and the matching of air data levels to NAAQS and HAPS limits?

**A18.** Performance measures can be thought of as achieving milestones directly related to the project's desired output and outcomes. For example, let's say a key output from a project is to assess exposure and risk from hazardous air pollutants x, y, and z in a given community. To do so requires sufficient quantity and quality of ambient air data, hence one performance measure for this output might be the collection of 60 samples over one year at a one in six day sampling frequency (this is a performance measure of sufficient data quantity). Data quality could be another performance measure for this particular output, and so forth. For further insight suggest you carefully read all of the information provided in Section I.C of the RFP as it provides the context for understanding and developing performance measures.