

FY 2002 STATE AND TRIBAL ENFORCEMENT GRANT PROGRAM GUIDANCE

I. OVERVIEW

The goal of the State and Tribal Enforcement Grant Program is to enhance the effectiveness of state and tribal enforcement and compliance assurance programs. Funds will be distributed through: grants offered to each state and trust territory to provide a base amount of funds; a set-aside of funds to provide grants to tribes; and grants for which states, trust territories, and tribes will compete for funds.

II. CONTACT INFORMATION

- Headquarters Contact - name, mailing and delivery address, phone, and email address for one person for the program overall
- Regional Contact - See Appendix A for a list of regional contacts.
- Web site information (provided with the final guidance)

III. AUTHORITY & APPLICABLE REGULATIONS

- Identify statutory authorities for the grant (e.g. Appropriations Bill)
- Cite the delegation and Catalog of Federal Domestic Assistance (CFDA)
- In accordance with 40 CFR 35.101(b); 40 CFR 35, Subpart A and Subpart B will apply to this grant program.

IV. ELIGIBILITY

States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands (referred to as states from here on), and federally recognized Indian Tribes are eligible to apply for and receive funds.

Eligible entities must designate a single lead agency that will have overall responsibility for developing the grant proposal, submitting the grant application, and managing grant funds. For states, the lead agency would be responsible for both the base-share and competitive components of the grant. For tribes, the lead agency would be responsible for both the tribal set-aside and the competitive components of the program. The lead agency may award sub-grants, and establish intra-governmental agreements as necessary with other agencies (e.g., local air pollution control boards, state attorneys general) to implement their work plan.

Any state agency that has responsibility for implementing a federally delegated program may be designated as the lead agency. For example, if a state's grant application focuses on pesticide issues it may designate the state agriculture agency as the lead, if it focuses on air or water quality issues the state environmental protection agency may be the designated lead.

States and tribes may change the lead agency from one grant cycle to the next. However, the lead

agency designated for a particular grant cycle must continue to report on the projects funded in that cycle until they are completed.

V. BACKGROUND AND PURPOSE

A. Overview

The President's FY 2002 budget includes \$25 million in grants for "media specific and multi-media funding to states and tribes for compliance assurance activities including compliance assistance and incentives, inspections and enforcement activities." During the month of May, 2001, EPA gathered feedback about options for design of the proposed State and Tribal Enforcement Grant Program. EPA regions solicited comments from their states and tribes through meetings, presentations, mailings, and conference calls. Comments were gathered from 46 states; 15 tribes; and summaries of meetings with tribes in Regions 1, 4, and 5. Comments were also collected from the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. EPA headquarters solicited comments from national associations representing state and tribal interests. For example, comments were gathered from the Environmental Council of the States, the National Governors Association, the National Association of Attorneys General, the National Tribal Operations Caucus, and media specific associations. This guidance reflects comments received from these parties.

The goal of the grant program is to enhance the effectiveness of state and tribal enforcement and compliance assurance programs. This goal will be achieved by using grant funds to address environmental problems (i.e., risks and noncompliance patterns) using enforcement and compliance assurance tools. These tools include: providing information and assistance to regulated facilities about how to comply; offering incentives and programs to encourage self-auditing by regulated facilities; conducting compliance monitoring inspections and investigations to identify instances or patterns of noncompliance; and taking enforcement actions to correct identified violations and deter future violations.

The State and Tribal Enforcement Grant Program is intended to supplement, not replace, funds already available through the Clean Air Act (over \$200 million); the Clean Water Act (approximately \$170 million); the Resource Conservation and Recovery Act (over \$100 million); and funds expressly for enforcement under the Federal Insecticide, Fungicide, and Rodenticide Act (approximately \$20 million); and the Toxic Substances Control Act (approximately \$5 million). These grants for state operating programs have always been available to support permitting, inspection, and enforcement work. In addition, states are expressly authorized to finance their programs, including inspection and enforcement activities, through permit fees under the Title V of the Clean Air Act. Many states are also able to reinvest penalty dollars in program activities. These various sources provide substantial funding for base inspection and enforcement activities in states.

Grant funds awarded under this program can be used for two purposes. Funds can be used to

DRAFT - 08/02/01

implement problem-based strategies designed to address environmental risks and noncompliance patterns. Funds can also be used for program improvements that will contribute to addressing environmental risks and noncompliance patterns. (See the section on Use of Funds for a more detailed description of problem-based strategies and program improvements.)

The grant program has three components. First, all states and trust territories will be eligible to receive a base share grant of \$200,000 that can be used for either problem-based strategies or program improvements. Second, all states, trust territories, and tribes can apply for competitive grants up to \$1,000,000 for problem-based strategies. Third, there will be a set-aside of funds for tribal grants for either problem-based strategies or program improvements.

B. Use of Funds

States can only use funds in areas that they currently have delegated authority for a federal environmental program. As described above, grant funds may be used for problem-based strategies or program improvements.

Whether an eligible entity may use grant funds for problem-based strategies or program improvements depends on the grant component. The following table summarizes the acceptable use of funds under each grant component.

Eligible Entities	Grant Component		
	<u>Base-Share</u>	<u>Competitive</u>	<u>Tribal Set-Aside</u>
States, the District of Columbia, and U.S. Trust Territories	Program Improvement Problem-based Strategies	Problem-based Strategies	
Federally Recognized Tribes		Problem-based Strategies	Program Improvement Problem-based Strategies

A more detailed description of problem-based strategies and program improvements follows:

1. Problem-Based Strategies. Proposals of this type should include:
 - a. A description of the problem selected by the state or tribe. Problems should be either environmental risks or noncompliance patterns that can be addressed using enforcement and compliance assurance tools. Problems can be media-specific or multi-media in nature, based in an industrial sector or some other grouping of regulated entities, targeted toward single or multiple pollutants, or focused on a geographic area or community. Summary examples of problems include, but are not limited to:
 - i. a specific, defined pattern of noncompliance with particular regulatory

DRAFT - 08/02/01

- requirements in a particular industry or sector;
 - ii. a newly promulgated or adopted, complex, environmentally significant Clean Air Act regulation that affected industries may not be prepared to comply with;
 - iii. an impaired watershed that is significantly impacted by minor sources of water pollution that may be out of compliance with the Clean Water Act.
- b. A statement of the goal(s) of the strategy and a description of the outcome measures (i.e., changes in behavior of regulated entities, or improvements in environmental conditions) that will be used to measure performance. The goal(s) should be stated in terms of impact on the problem, and the measures should emphasize results and outcomes to be achieved rather than activities or outputs produced. Summary examples of goals and measures include, but are not limited to:
- i. measured improvements in compliance in the particular sector or industry over an established baseline year;
 - ii. reductions in emissions of air pollutants or improvements in the ambient air levels of specific air pollutants associated with compliance with the new air regulation;
 - iii. improvements in compliance rates among minor sources of water pollution and improvement in the overall water quality in the impaired watershed.
- c. A plan that describes the tools or actions that will be employed to address the problem. The plan should specify the tools or actions (e.g., assistance, incentives, inspections, enforcement) to be used, the schedule for implementing the tools or actions, the agencies/entities involved in implementing the strategies and their respective roles, and whether other resources will be leveraged to address the problem. Summary examples of the plans include, but are not limited to:
- i. an integrated strategy of compliance assistance, compliance incentives, and enforcement actions in a particular industry or sector;
 - ii. an integrated approach of compliance assistance followed by compliance incentives and then compliance monitoring and enforcement to implement a new Clean Air Act rules;
 - iii. an initiative to inspect all minor sources of water pollution potentially affecting an impaired watershed.
2. Program Improvements. Proposals of this type should include:
- a. A description of the problem selected by the state or tribe. (See description above)
 - b. A description of the program improvement and how it will address the problem. Improvements could be directed at a functional area (e.g., assistance, inspections, enforcement), a program area (e.g., air, water, waste, toxics, pesticides), and can involve adding personnel, obtaining specialized training or expertise, or other steps

DRAFT - 08/02/01

designed to address the problem selected by the state or tribe. Summary examples include, but are not limited to:

- i. development of specialized expertise in a given industry (e.g., mining) or with a particular regulation (e.g., CAA leak detection and repair);
 - ii. purchase of, and training on, necessary equipment (e.g., VOC detection monitors) to perform in depth investigations into potential noncompliance in a sector, or with a specific requirement.
- c. A description of how the results of the improvement will be measured. The description should include the output or outcome measures that will be used to assess how the improvement contributed to addressing the problem.

C. Base-Share Grant Component

The base-share grant component of the program is designed to offer a set amount of funds to each state. These funds can be used within broad parameters for problem-based strategies or program improvements, but there are also requirements for measurement and accountability. The base share grant component addresses needs and preferences identified in state comments, namely: a predictable funding source around which states can plan activities and programs; a program that supports state efforts to address important environmental risks and noncompliance patterns; and, a commitment to measure results and outcomes achieved with the funds.

Base share grant funds will be offered to all states as individual grants of \$200,000. States will be required to submit a proposal to receive the funds, and the proposals will be reviewed by the EPA regional office corresponding to the region within which the state is located. Proposals should indicate whether funds are being requested for problem-based strategies or program improvements.

D. Competitive Grant Component

These grants will be available to states, trust territories, or tribes that wish to submit a competitive proposal for funds. Individual grants will be awarded in amounts up to \$1,000,000. All grant proposals will be reviewed by a panel of EPA headquarters and regional personnel. Competitive grant proposals will only be accepted for problem-based strategies. (See description above)

E. Tribal Grant Set-Aside

These grants will be available for tribes that wish to submit a proposal for funds. Individual grants will be awarded in amounts up to \$100,000. Tribal grants can be used for either problem-based strategies or program improvements. Grant proposals will be reviewed and ranked by a panel comprised of EPA Regional Tribal Program Managers and headquarters personnel.

F. Available Funding

Approximately \$11,000,000 will be available for base share grants, and \$12,000,000 for competitive grants. The tribal set-aside will total \$2,000,000.

If a state does not apply for, or ultimately qualify for, funds under the base share grant component, it is expected that these funds will be made available through the competitive grant component of the program. If sufficient funds become available during the current grant cycle additional eligible projects may be funded. Otherwise, funds will be made available through the competitive grant program in the following year.

EPA reserves the right to reject any application, pre-proposal, or proposal.

G. Matching Requirements

There are no matching requirements for the competitive, base-share, or tribal set-aside components of the grant program.

H. The Enforcement Grant Program in Future Years

The proposed appropriation bill language only funds the State and Tribal Enforcement Grant Program for the 2002 fiscal year. In order for the program to continue in future years the President must request, and Congress must approve, additional funding for the grant program. States and tribes have expressed the concern that uncertainty regarding the continuation of the enforcement grant program makes it difficult to integrate the program into their planning processes, or to take on longer term projects. In order to partially address these concerns, EPA is committed to running the enforcement grant program in substantially the same manner, if funds are appropriated, for the first three years (FY 2002 - 2004). That is, the program will consist of the same three grant components: base-share, tribal set-aside, and competitive. Some modifications may be required to address changes in funding levels, or to enhance the administration of the program.

VI. PROPOSAL REQUIREMENTS

This section describes the application process for each component of the grant program. The first subsection describes general requirements that apply to each component of the grant program; and resources available for pre-application assistance. The following subsections describe the particular requirements for applying for base-share, competitive, and tribal set-aside grant funds.

A. General Requirements and Assistance

1. Federal Grant Forms - along with their grant proposals applicants must also submit Federal

DRAFT - 08/02/01

Standard Forms 424 and 424A. SF 424: *Application for Federal Assistance*, the official form required for all federal grants, requests basic information about the grantee and the proposed project. SF 424A requests budget information on the proposed project.

2. Confidential Information - applicants should clearly mark information in their grant proposals that they consider to be confidential. EPA will make final confidentiality decisions in accordance with 40 CFR 2, Subpart B.
3. Pre-application Assistance - applicants seeking assistance on developing base-share proposals, competitive pre-proposals, or tribal set-aside proposals, should contact the appropriate regional office (see Appendix A for a list of regional contacts).
4. Submission of Multiple Grant Proposals - States submitting both a base-share and a competitive proposal, and tribes that are submitting both a tribal set-aside and a competitive proposal, may submit both proposals at the same time.

B. Base Share Grants

For FY 2002 \$200,000 will be made available to each state; including the District of Columbia, Puerto Rico, U.S. Virgin Islands, Guam, and the Northern Mariana Islands; for problem-based program improvements, or problem-based strategies. In order to receive the base share grant, applicants must submit a proposal that explains the environmental problem, and the program improvement or strategy to address the problem.

The lead agency designated by the eligible entity must submit a single base-share grant proposal. The lead agency may submit a proposal that has a single state agency addressing an environmental problem. The lead agency may also submit an integrated proposal or a consolidated proposal as described below.

Integrated Proposals: If a state's proposal focuses on a single environmental problem or pattern of noncompliance, and the strategy to address the problem involves the coordinated efforts of multiple state agencies, this is considered an integrated proposal. For example, a state's environmental agency, the state attorney general's office, and local air pollution control agencies could propose an integrated approach to addressing a difficult air pollution problem.

Consolidated Proposals: If a state's proposal focuses on several different environmental risks or patterns of noncompliance, with one or more state agencies addressing each, this is considered a consolidated proposal. For example, a consolidated proposal could include separate sub-proposals from the state's agriculture and environmental agencies working together to address a pesticide problem, one from the state department of health to address lead poisoning, etc. When submitting a consolidated proposal, each sub-proposal must address all of the proposal requirements outlined below.

DRAFT - 08/02/01

States may work together to submit individual proposals that have been coordinated to focus on the same or related environmental risks or patterns of noncompliance; or on the same or related program improvements. Though a set of states may collaborate on addressing a specific environmental problem or program improvement, it will still be necessary for each state to submit a separate proposal.

Program improvement proposal requirements are outlined below, for problem-based strategy proposal requirements please refer to section VI.(C)(1).

1. Program Improvement Proposal Requirements

- a. A description of the environmental problem or pattern of noncompliance that can be addressed using enforcement and compliance assurance tools. Problems can be media-specific or multi-media in nature, based in an industrial sector or some other grouping of regulated entities, targeted toward single or multiple pollutants, or focused on a geographic area or community. The problem description should include pollutants of concern, activities of concern, and population or geographic area affected. Information on the magnitude and persistence (how long has the problem existed) should also be included.
- b. An explanation of why the problem or pattern of noncompliance is important. Explain the potential for environmental improvements, or increased compliance. The applicant should also explain why the problem is a high priority for use of these funds.
- c. A clear and detailed description of the problem-based program improvement. Clearly describe the program improvement and how it will address the problem identified. Improvements could be directed at a functional area (e.g., assistance, inspections, enforcement), a program area (e.g., air, water, waste, toxics, pesticides), and can involve adding personnel, obtaining specialized training or expertise, or other steps designed to address the problem selected by the state or tribe. The description should include a cost estimate, implementation schedule, a description of the agencies/entities responsible for implementation (and their respective roles), other resources leveraged to address the problem, and any other additional information needed to fully describe the program improvement. If other attempts have been made to address the same problem, briefly describe them and their level of success.
- d. A clear definition of project goals and measures. Clearly describe the goal(s) of the project, describe in detail the measures used to evaluate the success of the project, and the plan for reporting results based on the measures. Outline the procedures for collecting data required to produce the measures, and describe any baseline data to be used. Grant recipients must develop a quality assurance plan, as described at 40 CFR 31.45, to ensure that data is of sufficient quality to meet project objectives.

DRAFT - 08/02/01

1. Funding Vehicle Preference

The grant proposal should indicate whether the applicant prefers receiving grant funds as part of an existing Performance Partnership Grant (PPG), or as a separate grant. If a grant recipient chooses to add funds to a PPG, the enforcement grant work plan commitments should be included in the PPG work plan.

2. Page Limitations

Base Share Grant Proposals should be approximately 5-10 pages in length, though applicants should ensure that they adequately describe the project. Proposals must use a 12 point font or larger.

3. Submission Requirements and Schedule

Eligible entities must submit two copies of the Base Share Grant Proposals to the appropriate regional contact, and two copies to the EPA headquarters contact. Paper copies of the proposal can be mailed, and electronic versions sent via email. Proposals must be received, or postmarked, no later than (date provide with the final guidance).

C. **Competitive Grants**

For FY 2002 \$12,000,000 (48% of the total) will be awarded competitively to implement problem-based strategies. States and Federally recognized tribes are eligible to receive competitive grants. In order to be considered for a competitive grant eligible entities' designated lead agency must submit a pre-proposal that explains the environmental problem, and the strategy to address the problem. Problem-based strategy pre-proposal requirements are outlined below.

The lead agency for the state or tribe must submit a single competitive pre-proposal for the state or tribe. The lead agency may submit either an integrated pre-proposal or a consolidated pre-proposal:

Integrated Pre-Proposals: If a state or tribal proposal focuses on a single environmental problem or pattern of noncompliance, and the strategy to address the problem involves the coordinated efforts of multiple state or tribal agencies, this is considered an integrated proposal. For example, a state's environmental agency, the state attorney general's office, and local air pollution control agencies could propose an integrated approach to addressing a difficult air pollution problem. Note, proposals that have a single state or tribal agency addressing an environmental problem are also acceptable.

Consolidated Pre-Proposals: If a state or tribal proposal focuses on several different environmental risks or patterns of noncompliance, with one or more state or tribal agencies addressing each, this is considered a consolidated proposal. For example, a consolidated proposal could include separate sub-proposals from a state's agriculture and environmental agencies working together to address a pesticide problem, one from a state department of health to address lead poisoning, etc. When submitting a consolidated pre-proposal, each sub-proposal must address all of the pre-proposal requirements outlined below.

DRAFT - 08/02/01

Additionally, eligible entities should indicate the relative priority of sub-proposals.

1. Problem-Based Strategy Pre-Proposal Requirements

Eligible entities are invited to apply for competitive grants by submitting a problem-based strategy pre-proposal that includes the following:

- a. A description of the environmental problem or pattern of noncompliance that can be addressed using enforcement and compliance assurance tools. Problems can be media-specific or multi-media in nature, based in an industrial sector or some other grouping of regulated entities, targeted toward single or multiple pollutants, or focused on a geographic area or community. The problem description should include pollutants of concern, activities of concern, and population or geographic area affected. Information on the magnitude and persistence (how long has the problem existed) should also be included.
- b. An explanation of why the problem or pattern of noncompliance is important. Explain the potential for environmental improvements, or increased compliance. The applicant should also explain why the problem is a high priority for use of these funds.
- c. A clear definition of project goals and measures. Clearly describe the goal(s) of the project, describe in detail the measures used to evaluate the success of the project, and the plan for reporting results based on the measures. The goal(s) should be stated in terms of impact on the problem, and the measures should emphasize results and outcomes to be achieved, not just activities or outputs produced. Outline the procedures for collecting data required to support the measures, and describe any baseline data to be used. Grant recipients must develop a quality assurance plan, as described at 40 CFR 31.45, to ensure that data is of sufficient quality to meet project objectives.
- d. A clear and detailed description of the problem-based strategy. Clearly describe the strategy and how it will address the problem identified. The description should specify the tools or actions (e.g., assistance, incentives, inspections, enforcement) to be used, the schedule for implementing the tools or actions, the agencies/entities involved in implementing the strategies and their respective roles, other resources leveraged to address the problem, and any other additional information needed to fully describe the strategy. The description should also include a cost estimate for implementing the strategy. If other attempts have been made to address the same problem, briefly describe them and their level of success.

2. Funding Vehicle Preference

The grant proposal should indicate whether the applicant prefers receiving grant funds as part of an existing Performance Partnership Grant (PPG), or as a separate grant. If a grant recipient chooses to add funds to a PPG, the enforcement grant work plan commitments must

DRAFT - 08/02/01

be included in the PPG work plan.

3. Page Limitations

Competitive Grant Pre-Proposals should be approximately 5-10 pages in length, though applicants should ensure that they adequately describe the project. The page limitation applies to each sub-proposal in a consolidated application. Pre-Proposals must use a 12 point font or larger.

4. Submission Requirements and Schedule

Eligible entities must submit two copies of the Competitive Grant Pre-Proposal to the appropriate regional contact, and two copies to the EPA headquarters contact. Paper copies of the pre-proposal can be mailed, and electronic versions sent via email. Pre-proposals must be received, or postmarked, no later than (date provided with the final guidance).

D. Tribal Set-Aside Grants

For FY 2002 \$2,000,000 (8% of the total) has been set aside exclusively for use by federally recognized tribes for problem-based program improvements, or problem-based strategies. Federally recognized tribes are invited to apply for grant funds by submitting a brief proposal that explains the environmental problem, and the program improvement or strategy to address the problem.

Tribes may work together to submit individual proposals that have been coordinated to focus on the same or related environmental risks or patterns of noncompliance; or on the same or related program improvements. Though a set of tribes may collaborate on addressing a specific environmental problem or program improvement, it will still be necessary to for each tribe to submit a separate proposal.

1. Tribal Set-Aside Grant Proposal Requirements

For program improvement proposal requirements please refer to section VI.(B)(1). For problem-based strategy proposal requirements please refer to section VI.(C)(1).

2. Funding Vehicle Preference

The grant proposal should indicate whether the applicant prefers receiving grant funds as part of an existing Performance Partnership Grant (PPG), or as a separate grant. If a grant recipient chooses to add funds to a PPG, the enforcement grant work plan commitments must be included in the PPG work plan.

3. Page Limitations

Grant Proposals should be approximately 5-10 pages in length, though applicants should ensure that they adequately describe the project. Proposals must use a 12 point font or larger.

4. Submission Requirements and Schedule

Tribes must submit two copies of the grant proposals to the appropriate regional contact, and

DRAFT - 08/02/01

two copies to the EPA headquarters contact. Paper copies of the proposal can be mailed, and electronic versions sent via email. Proposals must be received, or postmarked, no later than (date provided with the final guidance).

VII. REVIEW AND SELECTION PROCESS

A. Review of Base Share Grant Proposals (Problem-Based Strategies or Program Improvements)

1. Criteria for Evaluating Program Improvement Proposals

The following criteria will be used to evaluate program improvement proposals.

- a. Clear and detailed description of the program improvement to be undertaken – does the proposal clearly describe the program improvement to be implemented?
- b. Linkage between the program improvement and the environmental risk or pattern of noncompliance to be addressed – will the program improvement have a positive impact on the environmental risk or pattern of noncompliance?
- c. Clear description of project goals and expected results (outputs and outcomes)

2. Criteria for Evaluating Problem-Based Strategy Proposals

The following criteria will be used to evaluate problem-based strategies.

- a. Clear and specific identification of the problem to be addressed – does the problem description identify the sector, media, or geographic area of concern; the pollutants and/or activity of concern; and the magnitude and persistence of the problem?
- b. Significance of the problem to be addressed – is the significance of the problem clearly defined, and does the project provide an opportunity to achieve significant environmental results?
- c. Clear and objective definition of project goals and measures – are goals stated in terms of their impact on the problem? Are measures based on environmental outcomes, versus outputs such as activity counts? Reviewers will give preference to those projects that employ meaningful outcome measures.
- d. Clear and detailed description of the strategy to address the problem – does the strategy clearly identify the tools and actions, and how they will be used to address the environmental risk or pattern of noncompliance?
- e. Ability of the strategy to meaningfully address the problem & achieve stated goals – does the strategy have the potential to positively impact the environmental risk or pattern of noncompliance?

DRAFT - 08/02/01

3. Review Process for Base Share Grants

Base Share grant proposals will be reviewed by the appropriate regional office (see Appendix A for a list of regional contacts). Regional offices will evaluate proposals based on the criteria outlined above, and work with states to ensure that an acceptable proposal is developed. Once the Region provides comments to the state on their proposal, Regions and states have 30 days to agree on a final proposal.

B. Review of Competitive Grants Pre-Proposals (Problem-Based Strategies)

1. Criteria for Evaluating Competitive Grant Pre-Proposals

See section VII(A)(2) for the problem-based strategy evaluation criteria.

2. Competitive Grant Review Panel

EPA headquarters will form a competitive grant review panel consisting of: three regional representatives, two people from EPA's Office of Compliance, and two from EPA's Office of Regulatory Enforcement. The panel will review competitive grant pre-proposals based on the process outlined below.

3. Selection Process for Competitive Grants

Each panel member will separately review and score each pre-proposal based on the criteria for evaluating problem-based strategies. Reviewers will assign a value from one to ten to each of the criterion, for each pre-proposal reviewed, for a maximum score of 50. Panel members' scoring of the pre-proposals will be tallied and the pre-proposals ranked based on their cumulative scores.

Panel members will then meet to discuss the pre-proposals and make final selections based on individual project rankings, and the following additional criteria: feedback on project pre-proposals from EPA regional offices, diversity of projects selected (i.e. a mix of compliance assistance, incentives, compliance monitoring, and enforcement projects), and geographic distribution of projects.

Once final selections are made, grant recipients will have 60 days to work with the appropriate region to develop a final grant proposal.

C. Review of Tribal Set-Aside Grant Proposals (Problem-Based Strategies or Program Improvements)

1. Criteria for Evaluating Tribal Set-Aside Grant Proposals

See section VII(A)(1) for the program improvement evaluation criteria, and section VII(A)(2) for the problem-based strategy evaluation criteria.

2. Tribal Set-Aside Grant Review Panel

EPA headquarters will form a tribal grant review panel consisting of: three EPA Regional

DRAFT - 08/02/01

Tribal Program Managers, one person from EPA's American Indian Environmental Office, one person from EPA's Office of Regulatory Enforcement, and one person from EPA's Office of Compliance. The panel will review tribal grant proposals based on the process outlined below.

3. Selection Process for Tribal Set-Aside Grants

Each panel member will separately review each proposal based on the criteria outlined in the beginning of this section. Panel members will use their reviews to put all of the proposals in rank order, the first being most preferred, and so on.

Panel members will then meet to discuss the proposals and make final selections based on individual panel member rankings, and the following additional criteria: feedback on project proposals from EPA regional offices, diversity of projects selected (i.e. a mix of compliance assistance, incentives, compliance monitoring, and enforcement projects), and geographic distribution of projects.

Tribes that have a project selected for funding will have 60 days to work with the appropriate region to develop a final grant proposal.

VIII. AWARDING OF GRANTS

A. States and Tribes Receiving Multiple Grants

States that are selected to receive both a base-share and a competitive grant, and tribes that are selected to receive both a tribal set-aside and a competitive grant, will receive the combined grant funds in a single award. Thus, states that apply for both a base-share grant and a competitive grant will have to wait until the competitive grant selections are made to be awarded funds for an acceptable base-share proposal, or the combined award. Those states that only apply for the base-share funds will likely be awarded funds for an acceptable proposal sooner. Similarly, tribes that apply for both tribal set-aside funds and a competitive grant will have to wait until the competitive grant selections are made to be awarded funds for an acceptable tribal set-aside proposal, or the combined award. Those tribes that only apply for the tribal set-aside grants, and are selected to receive funds, will likely be awarded funds for an acceptable proposal sooner.

B. Questions Concerning Grant Award Decisions

For questions concerning grant award decisions please refer to the contact information in Section II.

IX. POST AWARD REQUIREMENTS

Grant recipients must submit a copy of the semiannual program report to the regional grant manager and the headquarters contact. At a minimum, program reports should include:

- an update on the schedule and status of the implementation of the program improvement or problem-based strategy, including any implementation problems encountered and suggestions to overcome them;
- an explanation of expenditures to date, with expenditures linked to project results;
- an assessment of progress in meeting project goals, including output and outcome measures when available.

X. CONGRESSIONAL REVIEW ACT

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the Federal Register. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

APPENDIX A - REGIONAL CONTACT LIST

To be provided with the final guidance.